SUMMARY OF SUBMISSIONS TO JOINT COMMITTEE ON INDIAN AFFAIRS 1959 - 1960
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ON
INDIAN AFFAIRS
1959-60

Prepared at request of Joint Committee
by Indian Affairs Branch
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1.1 Introduction

The purpose of this paper is to summarize briefly the main points which have been raised in the Minutes of Proceedings and Evidence of the Joint Committee on Indian Affairs in 1959 and 1960. It is not intended to be an exhaustive or complete treatment of every subject mentioned, but rather is an attempt to bring together in a few pages the main stream of views and suggestions that are recorded in over 1,650 pages covering two Sessions.

1.2 Naturally, in a short summary many matters of local concern have had to be omitted. In addition, no reference is made to two important matters which were brought to the attention of the Committee frequently—the federal vote for Indians and removal of compulsory enfranchisement provisions of the Indian Act—as Parliament has already taken action on the first and a Bill is to be presented in 1961 on the second.

1.3 The material has been arranged on the basis of subject matter rather than on the individual brief or presentation of a particular group. One reason is that similar views on the same general subject were repeated in a number of submissions and thus lent itself to this type of treatment. In addition, it may facilitate consideration by focusing attention on each general area of concern.

2.1 General Observations

It seems to be the consensus that the ultimate goal and central purpose of Indian administration should be to help the Indians move into the main stream of Canadian economic, social and political life with privileges and responsibilities enjoyed and accepted by other Canadians without loss of special Indian or Treaty rights. The pace at which individual Indians or Indian communities do this must be of their own choosing and will vary from region to region and within regions. However, there should be no legislative or other bar to them becoming fully participating members of the wider Canadian community.

2.2 The economic position of most Indian bands is substandard arising from dependence upon a few primary industries, differing cultural attitudes and motivations, inadequacy of resources to support a rapidly growing population and a general lack of training and saleable skills required in a largely urban industrial society.

2.3 The Indians generally demand a greater voice in the direction of their affairs through a transfer of authority and responsibility to band councils and a lessening of the control and authority of the Governor in Council, Minister and administrative staff.

2.4 The building up of the reserves into healthy communities was seen as an essential need in the advancement of the Indian people. In this regard, more attention should be given in future to community development so that the reserves may be developed on a sound basis, incorporating the best features of community planning with provision of all necessary services.
Integration into Canadian society requires greater recognition and understanding of the Indians' history, culture and contribution to the development of Canada by the public at large and to this end there should be authoritative factual information about the Indian disseminated widely among the non-Indian population both in and out of schools.

Band Councils

In almost all cases the briefs emphasize the need for increasing the responsibility of the band council for local administration by broadening its powers and transferring more authority to it. It was pointed out that the band councils were increasingly able to deal with their own affairs and, moreover, the only way they could learn was by accepting responsibility and profiting by any mistakes they might make. In order that council members might be in a better position to carry on their functions, leadership training for Indian leaders was stressed. It was thought that courses in bookkeeping, sanitation, community planning and welfare matters, among others, would be beneficial.

With respect to increasing the authority of the council, it was suggested that the powers of the council should be broadened to be more comparable to those exercised by municipal authorities in the various provinces. It was also noted that there should be agreement with the provinces so that Indian reserves could be registered under the municipal acts as municipalities and receive any benefits that may be given to municipalities of the province in which the reserve was situated. Certain specific powers should be given to the council such as authority to make by-laws to purchase, lease or otherwise acquire property within or without a reserve; authority to unite with other councils or municipal authorities in joint projects of mutual benefit; and in addition the power to seize an Indian's real assets when such Indian defaults on a loan from band funds. Underlying the recommendations for greater band autonomy was the expressed desire that band councils should be relied upon more in decision making and in executive responsibility such as making contracts with outside parties and in the administration of band funds deposited in local banks.

Another major area of concern which was brought to the fore in briefs submitted by Indian bands and organizations was the growing need for some assistance to members of council so as to enable them to carry out the functions of their office. It was pointed out that the chief and councillors were expected to play an increasing role in the administration of band affairs and had, in fact, taken over functions which previously had been carried out by the Indian agency staff. However, many chiefs and councillors were not in a financial position to carry out the duties of office without great sacrifice and indeed loss of ability to earn their own living. Moreover, in many cases the band funds were insufficient to pay remuneration of any kind to the members of the council. It was suggested in this respect that the band council should receive some financial consideration from government either by way of salaries, honorarium or through administrative grants.

There were a few suggestions regarding the composition and tenure of office of band councils. It was stated by some that the present term of office of two years was too short for members of council to
gain sufficient experience to carry on their duties properly and that the term should be extended to either 3 or 4 years and in addition the minimum number of members on a council should be increased from three to five. It was also suggested that for continuity of experience it might be desirable that the election for councillors be staggered. Another recommendation was that members of council and band officers should be required to take an oath of office.

4.1 Band Funds

The administration of band funds was dealt with in a number of briefs and in the discussions arising out of them. It was the consensus that the band councils ought to be given greater encouragement and opportunity for administration of band funds and that they should be allowed to make mistakes for only in that way can real experience and responsibility be developed. It was recognized that the recent transfer of authority to manage revenue moneys under Section 68 of the Act to Indian bands was a step in the right direction and it was urged that greater use be made of this Section. It was also evident that some band councils had a greater understanding and knowledge of the administration of their band funds and the financial statements made available to them than members of some other councils. Knowledge of band funds and expenditures therefrom seemed to be directly related to the amount of band funds available and the degree to which they are used to finance welfare and other programs of benefit to the band.

4.2 A number of specific recommendations were made with respect to band fund administration or existing provisions of the Indian Act. One of these had to do with approval of band budgets. The view was taken that the band council should not be the deciding authority but rather members of the band should be invited to a budget meeting and that they should be allowed to vote on the budget, and, moreover, they must be permitted to vote on the budget whenever proposed expenditures are more than 10% of the funds of the band. It was also recommended that Section 64(h) of the Act which permits loans to be made to band members with double security, should be amended to permit loans to be given to those beginning in farming without any security. In all other cases loans could be given up to the value of the chattels of the borrower. The view was also taken that Section 64(h)(ii) with respect to Certificates of Possession should be deleted as the bands making this suggestion believed that land should be held in common. A change was recommended in Section 67 so that the band council would replace the Minister wherever the Section read "where the Minister is satisfied."

5.1 Band Membership

A considerable number of the briefs included recommendations for changes in the band membership provisions of the Indian Act as it was contended that the present provisions were so rigid as to cause hardship, particularly with respect to those who for one reason or another had lost their Indian status and could not be re-admitted to membership. It was stated that the present provisions did not meet present day needs and, moreover, more local control should be permitted in determining eligibility for membership in a band. Most of the points raised
on membership arise in one way or another out of the enfranchisement provisions of the Act and accordingly should be read in conjunction with the summary on that subject.

5.2 Suggestions which affect band membership in some way are grouped in the following categories:

(a) Indian women who lose their Indian status by reason of marriage and subsequently become widowed or are deserted should be permitted to regain membership in the band along with their children. In this respect it was suggested that there might be a time limitation of say 5 years after the death of the husband in which the widow could take up her right to re-enter the band.

(b) Another view was that Indian women enfranchised by reason of marriage should not be given any band funds for a period of 5 years and if in the meantime they were widowed, divorced or separated they could be put back on the band list but the children would not automatically be put on.

(c) Indians who become enfranchised should be allowed to return to their respective bands on repayment of band funds received by them on being enfranchised. Re-admittance to be done with the consent of the Council of the Band.

(d) A non-Indian child adopted by Indians should be put on the band list and adoption of an Indian child by a non-Indian should mean complete separation from Indian status. Adoption and status should go together and be applicable to both Indian and non-Indian cases.

(e) Where paternity can be established illegitimate children should be put on band list of father's band and that that band be responsible for any assistance required.

(f) Indian women who marry non-Indians should be able to retain certain property rights within the reserve. At present, they must dispose of property within a certain time and not always at a suitable price. The problem is accentuated by the increasing number of Indian girls marrying out.

(g) Indian band councils should have the right to reject or admit persons to membership.

(h) Section 17 relating to the constitution of new bands, should not be applied without consent of band council.
6.1 Consultation

The need for a greater degree of consultation in all phases of Indian affairs was emphasized. There should be increased consultation between governmental agencies at the national, provincial and municipal level, voluntary organizations, churches and above all, Indian band councils and band members generally. It is no longer realistic to view the Indian and his reserve in isolation from the rest of the community in which he lives. Only through the mobilization of all available resources and the active participation of the Indians and the rest of the community in a common effort can the progress of the Indian be accelerated. Accordingly, problems facing Indians, if they are to be solved, require the concerted effort of government at all levels, specialized agencies and the Indians themselves. Through consultation the need can be more clearly defined, available resources explored, the role of government delineated, the contribution that voluntary organizations might make established, and Indian participation encouraged. It was generally recognized that there had been an increasing degree of consultation in recent years which was a good thing but this practice ought to be extended, and in particular no major changes in policy or legislation should be made without an opportunity being given the Indians concerned to discuss it thoroughly.

7.1 Dissemination of Information

It was the general consensus that there ought to be more information about Indians made available to the people of Canada. In the first place, it was considered there is a general lack of knowledge about the way of life, history and contribution of the Indian people among the population at large. A number of suggestions were made as to the way in which better appreciation of the background and cultural contribution of the Indian could be made known and a more informed public developed.

7.2 Suggestions for accomplishing the above purposes may be grouped as follows:

(a) Governments should pay particular attention to the way of life, history and cultural expressions of the Indian people in all Canadian schools and ought to provide information to the publishers of school texts so as to assist in the compilation of authentic material.

(b) A special effort should be made to inform the general public by undertaking a program of public education to develop an attitude of understanding in non-Indian communities toward Indians, by holding conferences between federal, provincial and voluntary agencies concerned with the well being of Indians; and, by publicizing problems of Indians and policies and programs of Government and the progress of Indians at local, provincial and national levels.

(c) Special informational pamphlets describing the welfare services, community services, health services, educational and placement services which are available
to Indians both on and off the reserve should be prepared so that the Indians themselves will know exactly what is available and from what source and will be able to turn to these resources when in need.

8.1 Discretionary Authority & Appeals

One of the major contentions noted in the briefs is that the present Indian Act gives too much discretionary authority to the Minister and Governor in Council and that this ought to be reduced and authority transferred to the Indian band councils. It was pointed out that in almost every aspect of Indian administration, but particularly with respect to management of land and band funds, the approval of the Minister or Governor in Council is required with its consequent overriding power of veto. Indian band councils and band members generally find the need for approval by the Department of almost every action irritating and not in keeping with developing self-reliance and a sense of responsibility.

8.2 At the same time it was suggested that the Indian Act ought to be more flexible in its provisions to take account of the varying stages of development and requirements of Indians in the different regions and provinces. It was generally recognized that there were certain protective features in the present legislation which should be retained for the benefit of the more primitive Indian groups but that these in turn were no longer required for a good number of Indians who had made considerable progress. Some protective features are now unnecessary and more of a hindrance than a help to Indian advancement.

8.3 In addition, the view was expressed in a number of briefs that there ought to be a right of appeal to the courts where the Minister or the Governor in Council exercise discretionary authority in any manner which an Indian or band believes inequitable. The thought was expressed that there should be more provisions providing for appeal along the lines of Section 47 of the Act, but not necessarily limited to the Exchequer Court.

9.1 Economic Development

Concern with the present economic position and problems of Indians was expressed by both Indian and non-Indian groups. Reserve resources were considered to be inadequate in many cases to support the existing and rapidly growing population. Where agricultural land is adequate, lack of capital to carry on mechanized farming together with disinclination to farm on the part of many Indians results in relatively few Indians being engaged in successful farming operations. A considerable number of Indians still depend a great deal upon their traditional pursuits of hunting, trapping and fishing for a livelihood, but this is becoming more uncertain with the encroachment of civilization, wide fluctuations in catch and price and a rising spread between the cost of commodities and returns.

9.2 An increasing number of Indians will of necessity have to move away from their present reserve or community for employment. But, generally speaking, they have not yet attained the academic level or skills which will enable them to obtain and retain jobs which will
provide them with a decent standard of living. While individual Indians have attained a high degree of success the bulk of them have not succeeded in achieving an adequate level of income through self or wage employment and depend for a livelihood on casual seasonal jobs in a few primary fields.

9.3 It was felt that study should be made of the human and natural resources of the reserves and local areas with a view to greater use and productivity of existing resources. Particular concern was expressed about the position of Indians engaged in trapping and fishing, living on marginal agricultural land and in those areas where resources were inadequate to support the population. It was suggested that alternative means of employment should be sought and financial assistance extended to Indians to promote enterprises of their own.

9.4 A long term policy to encourage Indians in farming was advocated. This would be related to a survey of reserve resources to ascertain the potential, provision of more adequate credit facilities, increased training in farm management and practices by utilizing provincial agricultural representatives and other specialized agencies, discouraging leasing of farm land, and exploring co-operative or community farming enterprises. In addition, the need to promote industry, tourist attractions, businesses, Indian handicrafts, and in general the industrial development of reserves as a means of providing alternative employment was stressed. It was suggested that the "community development" approach be taken in planning economic programs and that available information in respect of similar programs developed under United Nations auspices be used where applicable.

9.5 Credit facilities for Indians was of major concern. It was generally recognized that credit facilities available to Indians living on reserves are seriously limited because of the tenure of reserve land and the protective provisions of Section 88 of the Indian Act which prohibits Indians from pledging real or personal property and any non-Indian seizing property on a reserve. Except for those individuals who had established themselves as a good credit risk on a personal basis, and accordingly could obtain bank loans, the bulk of the Indians were limited to obtaining loans from band funds where these were sufficient for the purpose, or from the Revolving Fund established under Section 69 of the Indian Act.

9.6 Two basic suggestions were advanced to provide for the credit needs of Indians. First, and this seemed a preferable course to some, Indians should have more direct means of securing loans from ordinary financial institutions such as the local banks. Secondly, the Revolving Loan Fund under the Indian Act should be extended in amount and purpose and made more flexible in operation.

9.7 It was felt by some that an Indian ought to be able to go to his local bank and obtain necessary credit to finance his operations. In this respect it was held that the present provisions of the Act — notably Section 88 — were too restrictive and while such "protection" it provided might have been necessary at one time it was now seriously hampering the advancement of the progressive Indian. Therefore, some means ought to be provided which would enable an Indian to get loans and pledge his chattels and even land as security. One suggestion was that
Section 88 of the Act be amended to make it possible for an Indian who wished to do so to waive the protection afforded under the Section on an individual basis.

9.8 There were a number of suggestions with respect to the Revolving Loan Fund. First, the purposes for which loans could be made should be broadened to include the establishment of businesses both on and off reserves, the purchase of land for farming and housing on the reserve or in towns and cities, home improvements, and community services such as electric power plants, water systems, community halls and so on. Secondly, the amount of the Revolving Fund should be increased and figures ranging up to $5,000,000 were mentioned. Thirdly, the repayment terms should be made more flexible and extended over a longer period of time particularly for farm machinery, cattle, land and community services. Fourth, the present down payment required to qualify for a loan was considered to be too high and should be reduced to 5% to 10% of the total. Fifthly, it was suggested that loan applications should be reviewed by an Indian Advisory Committee.

9.9 Another approach was that the credit problems of Indians might be overcome in part by having the band guarantee loans made to individual members of the band by lending institutions. It was also suggested that rather than use band funds for loans that the consolidated revenue fund (revolving fund) be used as a first source and only if an Indian were turned down from that source should consideration be given by the band council to a loan from band funds.

9.10 The placement of Indians in jobs was considered to be of the utmost importance and general appreciation was expressed of the steps that had already been taken in this field. The main point emphasized was that the placement program should be extended and accelerated. More publicity should be given to the program among Indians and prospective employers, more placement officers located in areas of Indian population and more assistance given in training for jobs, counselling and follow up services. Where necessary families should be assisted to move as a group to areas where permanent employment is available and a concerted effort should be made to search out existing employment opportunities and to develop new ones.

9.11 Other suggestions had to do with expanding the size of reserves where they were too small to support the population, exchanging marginal land for good, obtaining timber limits and grazing land by purchase or lease, and planning irrigation and other long range economic development projects on the basis of economic surveys.

10.1 Education

The importance of education as a means of improving the economic and social status of the Indians runs as a thread throughout the Minutes. Statistical information presented indicates that there has been a great expansion in the number of Indian children going to school in the past decade particularly in the elementary grades but that there are still too few going on to higher education although the number is increasing. The record discloses that educational facilities are being made available to an increasing number of Indian children and no Indian child is denied
an opportunity to take secondary or a higher education solely because of financial need as governmental assistance is available.

10.2 It was suggested that there ought to be a comprehensive review of Indian education, opportunities available, evaluation of educational needs and after school achievements. One suggestion was that a complete examination of the school system be made by a Royal Commission.

10.3 Various facets of education were touched upon—viz, academic and vocational education, adult education and leadership training, promotion of interest in education through school committees and home and school associations, integration, provincial administration of the education system and provision of more assistance to students, additional facilities and better qualified competent teachers.

10.4 Vocational and technical training to fit Indians for employment was considered by a number of groups to be one of the most urgent needs of the Indian people. Raising the academic level of Indian pupils was stressed, particularly as the present average level of attainment was too low to permit many Indians from taking vocational or trades training as they did not meet the academic standards set by the provincial authorities to enter schools where such training is given. To meet this problem, it was suggested that there be a further extension and acceleration of "up-grading" courses being held to enable young people to enter technical and vocational schools. Particular concern was expressed about the young boys and girls who are unlikely to pursue academic courses and would be leaving school with less than a grade 9 level of education. It was suggested that for this group there should be terminal classes in which special emphasis might be given to vocational training based on the demand for jobs. In this respect also, it was considered that there might be an expansion of the short job training courses which have been held with considerable success in various centres across Canada.

10.5 The need for promoting leadership and opportunities of the adult population was also considered to be an integral part of the educational program for Indians. It was explained that adult education courses to develop leadership and responsibility, increase literacy and provide some measure of vocational training was available to Indian groups who were interested in taking advantage of such a program. A suggestion was made that greater use might be made of existing adult education and extension services and capabilities of the provincial departments of education, universities, local school authorities and the churches.

10.6 There was evidence of an increasing interest and awareness among the Indians of the advantages of a good education and a number of suggestions were made on the way in which education could be promoted. In the first place, local interest might be aroused and maintained through the further development of local school committees which are being encouraged by the Indian Affairs Branch. These school committees should act much like a local school board and be concerned with local school policy and practice. In addition, encouragement should be given to promoting home and school or parent-teacher associations so that the parents might be better informed as to the educational program and progress of their children and thus take a keener interest in seeing that attendance is regular and that they be encouraged to continue with
their studies. Also greater extension of the scholarship program might stimulate interest and achievement.

10.7

It was generally agreed that the policy of having Indian children educated wherever possible in association with non-Indian children was a most desirable development and should be continued and accelerated as much as possible. It was emphasized that Indian children attending integrated schools in the elementary grades found it easier to adjust and mix in with non-Indian pupils in high schools. It was suggested that an endeavour should be made to have Indian children attend non-Indian schools at an early age as in this way the problems of adjustment would be minimized. On the same general theme the suggestion was made that education of Indian children should be transferred to provincial administration and also that schools should be operated on a non-denominational basis. There were some expressions of opinion, however, which did not agree with this view and for that reason there was a desire to continue on with exclusive Indian schools. Residential schools were seen as playing a continuing role for some time to provide educational facilities for orphans and neglected children, children of nomadic parents and others living in remote areas where day schools are not feasible. It was suggested, however, that the residential school should be increasingly used as a hostel with the children attending nearby non-Indian schools.

10.8

The problem of providing accommodation for Indian children, particularly those going on to high school, was discussed at some length. Two methods of providing accommodation were suggested; first and preferably, Indian children should be boarded in private homes, and secondly, hostels be used to provide accommodation where private homes do not meet the requirements. Requests were made for greater assistance to pupils, especially those going to non-Indian schools, for clothing grants in order that they might maintain an acceptable standard, and also personal allowances in keeping with their needs. There were requests also for provision of a hot noon-day meal for children attending day schools as the parents in many cases were unable to afford an adequate lunch. Transportation of children to school was noted as being a problem on some reserves and required attention.

10.9

While gratification was expressed with respect to the improvements that have been effected in the quality of teachers in Indian schools, it was pointed out in a number of briefs that problems still exist in obtaining qualified teaching personnel for some of the isolated and more remote reserves and that special attention should be given to recruiting and retaining qualified and competent teachers in Indian schools.

10.10

The view was taken that teachers in Indian schools should not only be highly qualified academically but should have a general knowledge of Indian culture and especially of the group with whom they would be working and living. To this end, it was suggested that courses in Indian anthropology and culture be given and be a requirement for employment in Indian schools. Teachers should be compensated for taking these courses.

10.11

A number of suggestions were advanced on how to attract competent and qualified teachers to Indian schools such as paying a bonus over the provincial average; providing suitable accommodation; and, offering teachers bursaries to take special courses and compensating them accordingly. Another way to obtain teachers in some of the remote areas
would be to seek out promising Indian children and help them to become teachers.

10.12 It was suggested by one group that the religious affiliation of the teacher should not be the primary qualification for teaching in an Indian school and teachers should not be required to give religious instruction in any particular faith.

11.1 Enfranchisement

The policy and effect of enfranchisement was discussed in a number of briefs and although the compulsory enfranchisement provisions received most frequent comment it is sufficient to say there was overwhelming support for removal. The following should be read in conjunction with the section on Band Membership as it relates directly to that subject.

11.2 With respect to voluntary enfranchisements the opinion was advanced that this was wrong in that the Indian was being bribed with his own money to sever his connection with the reserve and Indian band to which he belonged. It was contended that Sections 108-111 of the Indian Act should be repealed and replaced by provisions which would enable an Indian to have all the rights and privileges of a Canadian citizen and retain such benefits and privileges as may be available to him under treaty or the Indian Act.

11.3 On the other hand, if voluntary enfranchisement were retained it was suggested that there should be a probationary period of enfranchisement of say five years and that if before the end of that time an Indian found that he could not make a go of it off the reserve in the general community then he could always return to his reserve and would not lose his Indian status. There were those who believed that an Indian should be able to seek and obtain enfranchisement on their own volition.

11.4 The view was advanced also that all Indians under 21 years of age should not be enfranchised on the application of their parents but should remain on the band list until they are 21 years of age and can make their own decision as to whether or not they wish to retain or give up their Indian status.

11.5 There was some concern expressed over the fact that enfranchisement tends to separate an Indian from his own people and that this was particularly true with respect to Indian women who marry non-Indians and are subsequently widowed, divorced, deserted or for some other reason they are separated from their husband. In this regard it was suggested that Indian women ought to be able to return to their band along with their children, although it was felt that they should not be able to share twice in any enfranchisement payments from band funds. The view was also expressed by one delegation that Section 15 and 16 of the Act should be repealed as no Indian on enfranchisement should be allowed to take any part of the funds of the band.

11.6 The view was expressed that enfranchisement does not act as a door to integration which it is intended to be and that it should be replaced with provisions permitting Indians to acquire rights and obligations of citizenship when they are away from the reserve but may regain Indian
status if they return to their reserve. It was also suggested that there should be a comprehensive study of enfranchisement, its meaning, purpose and consequences so as to improve existing regulations and practices.

12.1 Extension of Provincial Services

The opinion was expressed on a number of occasions that Indians should be able to enjoy the same rights and privileges as other Canadians. In line with this view, it was held that there should be equality of treatment in the provision of services available to residents of a province and consequently there should be a gradual extension of such services and facilities enjoyed by citizens of a province generally to Indians of the same province whether living on or off a reserve.

12.2 There was commendation for action already taken to utilize provincial services on behalf of Indians such as in the provision of educational facilities, and the general view seemed to be that this development should be extended and accelerated.

12.3 There were four main fields mentioned in which it was considered there should be an extension of provincial services to Indians and Indian reserves and gradual transfer of jurisdiction to provincial administration subject generally to some cost-sharing or reimbursement by the federal government. These fields were ones which normally come under provincial administration for the general population and in which all provinces have departments of government established to deal exclusively with them. The four fields are:

(a) Education
(b) Economic or resource development (including market roads, telephone and power lines)
(c) Health
(d) Welfare services.

12.4 In most cases it was felt there should be federal-provincial conferences to discuss the foregoing matters and to work out plans whereby provincial facilities and administration in the above fields could be extended to Indians on reserves and satisfactory arrangements made for financing the services provided.

13.1 Health

Appreciation was expressed for the great strides made in recent years in reducing the incidence of T.B. among the Indian people and for the general improvement in health services now being provided to them.

13.2 Three general areas of concern were voiced in the briefs and in the discussions arising out of them. These had to do first with the extension of health services generally and requests for additional personnel and facilities; secondly, the need for clarification of policy with respect to provision of health services with particular reference to loss of assistance to Indians who leave their reserves for employment; and thirdly, the eventual transfer of the administration of the complete health program for Indians to the provinces under a cost-sharing plan.
13.3 In the first case the requests for additional health services to Indians covered a wide range such as dispensary services, more home visits by nurses and the establishment of nursing stations on remote reserves, more adequate dental care for adults and children in Indian communities, provision for hospital care, freedom to select doctor of choice and the contention that Indians were entitled to free medical and health services by virtue of Treaty No. 6. The existing schedule of fees permitted doctors was cited as being inadequate in some areas and consequently Indians were not receiving the same degree of attention they would otherwise obtain if the fees were comparable to that prevalent in the area. It was claimed that hospital and health services were cut off from Indians who had left the reserve for a period of 6 months, although it was explained that policy was based on a 12 month rule. However, in a number of cases witnesses contended that the 6 month rule was, in fact, in effect in their area.

13.4 It was suggested that there should be clarification of policy with respect to the quality and quantity of services which Indians might be entitled to get and in case of controversy there should be a right of appeal. It was also claimed that the curtailing and loss of health services to Indians who move off the reserve was acting as a deterrent to Indians seeking employment away from their reserves. The suggestion was also made that health services available to Indians should be defined and put in statutory form and not left to administrative discretion.

13.5 In the third field of concern it was suggested that Indians should be eligible to receive all the health and medical services available to non-Indians and that there should be eventual integration of all health services to Indians under provincial administration with some form of reimbursement.

14.1 Housing

The majority of briefs presented commented in one way or another on the need for improving housing for Indians. While it was noted that much had been done in recent years by government, Indian bands, with funds and through personal contributions, to raise the standard of housing, there was still an urgent need for continued government support and individual effort to improve housing conditions. Better housing together with an adequate supply of good water, sanitary facilities and electrification were seen as necessary developments in order that Indian reserves might become healthy communities and standards of living among Indians brought up to that comparable for neighbouring areas.

14.2 A number of suggestions were put forward to achieve an improvement in housing for Indians both on and off reserves. These may be enumerated as follows:

(a) It was generally agreed that there should be subsidized housing for Indians who could not be expected to meet the cost themselves because of low incomes. In other words, it would be necessary to continue the present system of welfare housing for those in need. 
A system of grants and loans was required for those Indians who could bear a proportion of the cost of housing but who could not be expected, because of family responsibilities and level of income, to meet the total cost of housing for themselves.

A loan fund operated on a similar basis to the National Housing Act, which would be available to Indians who could be expected to pay for their own housing over a long term of 20 to 25 years. It was pointed out that Indians could not now borrow from lending institutions for housing on reserves because of restrictive provisions of Section 88 of the Indian Act which prohibits the pledging or mortgaging of real or personal property held on a reserve.

A loan fund should be available which could be used to repair homes and install necessary services such as electricity and sanitary facilities.

It was pointed out in a number of briefs that there ought to be more attention given to building standards and better supervision and inspection carried out during the course of construction. Proper sanitation, insulation, window space, arrangement of rooms, proper chimneys and other features in house construction were all considered to be important needs requiring more technical assistance and help to individual Indians, band councils and Indian Superintendents in planning housing programmes.

It was also suggested that housing on reserves should be developed with a view to community planning so that provision of services might be more easily obtained. Band councils also ought to take more responsibility in the allocation of housing to needy persons; Indian construction crews should be used wherever possible and Indians trained on the job in carpentry. Houses should be related to the size of family units as generally existing houses were too small, especially with insufficient bedroom space.

Another general area of concern was that of ownership. It was felt that many of the Indians at present did not feel that the houses constructed for them by the government belonged to them and, therefore, they did not have the pride of ownership which is essential for proper upkeep and maintenance. The view was expressed that Indians should be made to feel that they own the houses even though a large part or even the whole cost is being met by the government.

It was considered in a number of briefs that Indians who move off the reserve or who plan to move off should be assisted in some way to obtain housing. If this were done it was contended that Indians would more readily leave the reserves in search of employment and establish themselves permanently in a non-Indian community. The view was expressed that the Indians require some assistance during the initial period of transition and to meet this need it was suggested that there should be grants and loans for off reserve house construction and also consideration might be given to a subsidized or guaranteed rental program.
15.1 **Hunting, Trapping and Fishing**

There were a few briefs which touched on hunting, fishing and trapping among the Indians and the suggestion made that Indians should have the first chance to remain in these fields especially as they become more limited by reason of encroachment of industrial activity into the Indians traditional hunting grounds. To this end, it was thought that trap lines should be obtained for and operated by Indians. Also commercial fishing regulations should be changed to encourage rather than restrict Indian participation. It was considered, however, that the government should look into the whole question of hunting, trapping and fishing by Indians with particular reference to Indian treaties, economic dependence upon these occupations, and restrictions in federal and provincial legislation.

15.2 The Migratory Birds Convention Act and regulations thereunder came in for particular attention in a number of briefs and, in the discussion arising therefrom. It was contended that the migratory bird regulations should be suspended within the Indian reserves as these regulations were contrary to treaty obligations and had, in fact, been imposed after the Indian treaties had been entered into.

15.3 There were suggestions that Indians should have their aboriginal right to take salmon on the Fraser and Thompson Rivers in British Columbia restored to them and that restrictions should be placed in the Federal Fisheries Act with respect to driving logs down these rivers and providing proper compensation to be paid for any damages to Indian nets.

15.4 There were other suggestions, such as, including in any leases with respect to Indian reserve or Crown lands, a provision which would enable Indians to continue to hunt for food on such leased land; and, that hunting privileges generally should be given to the Indians without payment of a provincial license. Another suggestion was that there should be a cost-sharing agreement with respect to commercial fishing similar to that which exists on wild life and the further suggestion that floor prices should be established for furs in order to help the trapper stabilize his income inasmuch as other primary producers are subsidized. There was a request for improvements in marketing administration and accounting with respect to beaver pelts. Evidence indicated that figures on marketing costs and returns were available but misunderstanding of existing administration by the Indians concerned was apparent.

16.1 **Indian Land Question - British Columbia**

Three Indian groups from British Columbia in their briefs and oral presentation asserted their aboriginal title to all but a small part of the lands and resources of British Columbia. It was claimed that no mutually satisfactory settlement had been made to extinguish the Indian interest in the soil and as the Crown did not obtain the land within the Province by right of conquest, nor by Treaty as had been done east of the Rockies, the Indians, therefore, were still the legal owners.
16.2 It was stressed that the dispute was of long-standing and so long as it was not settled it would continue to fester as a source of grievance and re-enforce the feeling of injustice done them which now exists among the Indians. The grant of $100,000 a year in lieu of treaty annuity recommended by a Joint Committee in 1927 was unacceptable to the Indians as it was never approved by them. It was claimed that the Indian title should be recognized and compensation paid for it; and that this be determined either through negotiation or by a committee, tribunal or court. Assistance was requested in getting the matter settled.

16.3 Another cause of complaint had to do with the original allocation of reserves, which were alleged to be inferior in some cases for agriculture, and the subsequent arbitrary cut-off of reserve lands in the interior by the Royal Commission established under the McKenna-McBride agreement of 1912. It was requested that the allocation of reserve lands be reviewed as the Indians had not been properly consulted nor had they ratified the allocations. In any event a great deal more assistance was necessary to properly irrigate existing land and to farm it.

17.1 Organization and Personnel

There were a number of suggestions regarding the organization of Indian Affairs and the kind of personnel required to staff it. It was generally recognized that the administration of Indian affairs was becoming more complex and required an increasing amount of ministerial attention if the interests of the Indians were to be advanced. It was contended that there should be a separate Department of Indian Affairs with a Minister solely responsible for it so that all matters pertaining to the Indians could be dealt with to advantage by one responsible authority.

17.2 There was commendation for the action taken in recent years to establish regional offices and to decentralize a considerable amount of authority and responsibility to them. It was suggested, however, that there should be a further decentralization of administrative authority and responsibility to the field and that the regional office should be strengthened in number and kind of personnel.

17.3 The personnel required in Indian Affairs also came in for some comment. It was suggested that;

(1) The recommendation of the previous Joint Committee that the Director be made a Commissioner with the rank of Deputy Minister, and that one of his assistants be of Indian descent be carried out.

(2) The job of the Superintendent should be defined in new terms, that he should be relieved of routine administration and also the Superintendent should receive special training, particularly in anthropology, sociology and psychology. It was stressed that the Superintendent's role should be primarily educational rather than managerial and that he should have an understanding of the nature of Indian people, a knowledge of the Indian community, and skill in community development techniques.
(3) The present policy of the Indian Affairs Branch of employing qualified Indians should be continued and Indians encouraged to join the staff as teachers, field officers and in senior administrative positions.

17.4 There were a number of suggestions regarding additional personnel required for effective work among the Indians such as nurses, sanitation officers, counsellors, social workers, sociologists and anthropologists. It was suggested by one organization that assistant agents should be removed from all reserves and the functions taken over by the chief who would be paid accordingly.

18.1 Reserve Land

It was considered by one group that the definition of reserve should be changed to read the same as in the Indian Act of 1927 and, also by another, that the words "Legal title vested in her Majesty" be changed to read "Legal title vested in her Majesty in trust for the band."

18.2 There were a number of suggestions with respect to the possession of reserve land as set out in Section 20 of the Indian Act. The comments may be grouped under two main headings: (a) Band vs. individual interest and, (b) control over land within a reserve. Under the first heading two divergent views were expressed. First, that individual Indians should not be granted possession of reserve land but that such land should be held in common and any Certificates of Possession that have been granted should be cancelled; and secondly, that the individual Indian should be able to obtain outright possession of land on a reserve and that he ought to be able to pledge his property as security for a loan. Under the second heading, the view was expressed in a number of presentations and briefs that the administration of land should be more and more vested in the Indians themselves and to this end the authority of the Minister ought to be reduced and the band council given more responsibility for the disposition of land within a reserve. In particular, exception was taken to the need to have the Minister approve all land transactions as now required. It was felt that the band council in many instances was quite capable of handling this matter.

18.3 A number of Indian bands and organizations expressed concern about the expropriation of Indian reserve land under the provision of Section 35 of the Indian Act. It was suggested that Section 35 should be deleted unless the band councils have power to negotiate the terms of payment of compensation for the lands which are taken. It was suggested also that land be obtained in exchange for land which is expropriated and one group wanted to have lands which have been expropriated in the past returned to their reserve. Another suggestion was that land should not be taken without the procedure of a surrender.

18.4 There were a number of other suggestions having to do with the protection and retention of reserves, action to overcome the neglect of unused land, suggestions that leasing of land to non-Indians should be discouraged, desire for more accurate description of internal boundaries within reserves and on the other hand opposition by some to internal surveys. There were requests for more land for reserves, as well as opposition to establishing a reserve of any kind, and also the suggestion that band councils should have the right to tax cottagers leasing land within a reserve.
19.1 Research

The need for a more extended program of research into the cultural and social life of Indians was stressed in a number of briefs. It was suggested that research should be mainly of two kinds, (a) relating to the origin and evolution of various Indian groups and their historical contribution to the development of Canada which would be primarily concerned with completing the collection of scientific data such as that compiled by the National Museum of Canada; and (b) research similar to that conducted by Hawthorn, Belshaw and Jamieson in British Columbia under sponsorship of the Department and that conducted by the Government of Manitoba on the people of Indian ancestry in Manitoba. This type of research would be designed to cover those fields which would provide a body of information which could be used in assessing the value of existing programs and policies and also planning new short and long-term programs for the advancement of the Indian people.

20.1 Social Welfare

The Indians stand in need of welfare services more particularly as their living standards are generally below that of non-Indians because of poorer housing, lack of modern facilities, and a lower educational level with resultant lack of employment and income. It was pointed out that in recent years Indians have been eligible to participate in the ordinary welfare benefits provided by the federal government such as Family Allowances and Old Age Security and also in the shared cost programs of Old Age Assistance and Blind and Disabled Persons Allowances and Hospital Insurance. Indians receive some other welfare services but these vary between provinces. However, Indians do not yet have access to all the welfare services normally available to non-Indians. In this regard, the view was expressed that there should be no differentiation between Indians and other citizens and accordingly Indians ought to be eligible to receive the same welfare benefits and treatment accorded residents of the province in which they reside.

20.2 It was pointed out that the provision of welfare and related services was primarily concerned with local problems and should be dealt with by local authority. Therefore, it was not desirable for Indian Affairs to attempt to develop parallel services to those already in the provinces but should utilize existing services for the benefit of Indians. To this end, it was suggested that there was need for federal-provincial consultation and study to clarify and define areas of responsibility as between federal, provincial and municipal authorities; work out agreements with respect to the consolidation and extension of provincial and municipal services to Indians; and to arrive at some financial arrangement for the payment of services rendered. Any programs that might be developed by the Indian Affairs Branch should be designed to facilitate the transferral of services to provincial administration. In providing welfare services the Indians should know the quantity and quality to which they might be entitled and rather than assistance being a matter of administrative discretion it should be a matter of law. In the event of dispute there should be provision for an appeal.
In a considerable number of briefs it was pointed out that there was a continuing need to obtain more social workers who could provide essential guidance and help with respect to family counselling, individual problems and referral work. The suggestion was advanced that a social worker should be attached to each Indian agency office or at least made available to a group of agencies. Related to the field of general counselling was the recommendation that community centres or half-way houses be organized in the larger centres of the population to provide assistance, guidance, recreation, briefing on job opportunities and placements, legal aid and counselling services generally. These referral or counselling centres would assist Indians who are moving off the reserves into urban areas for employment by providing individual advice on management of money, city services, housing, medical and educational services available in the urban centre to which they have come. Training and advice in these fields was considered necessary to help Indians make a successful adjustment from reserve to urban life.

It was suggested also that the Indians themselves should take a more active part in assuming responsibility for the administration of social welfare on the reserves. In this respect there should be welfare committees established on the reserves which would review individual needs and work with band or community organizations to sponsor recreation and generally improve community life. The welfare committees might also oversee work programs designed to provide work instead of relief as well as to act in referral cases. Indian community organizations should be encouraged to develop and play an active role in promoting welfare and recreation among band members.

It was claimed that Indian bands with funds should not be expected to pay for the cost of assistance for needy members but that this should be the responsibility of government and band funds should be used for other purposes. It was recommended that Section 66(2) of the Indian Act be amended by deleting therefrom the authority to make expenditures out of band revenue funds to "assist sick, disabled, aged or destitute Indians of the band."

There were other areas of concern such as the need for old folk homes, greater emphasis on rehabilitation of Indian prisoners rather than on punishment, special guidance for young Indian women and homemakers, and increased facilities for children requiring specialized help.

Miscellaneous

Advisory Boards, Commissions and Committees

On-going study of various aspects of Indian affairs was advocated, using advisory boards or committees at the local, regional and national levels, and by the establishment of Royal Commissions and use of Standing Committees of Parliament. Advisory boards or councils comprised of specialists in education, social welfare, health, agriculture and industry and representatives of Indians, government and other interested agencies would meet to plan and assess programs. The status of Indians was considered to require clarification particularly in its social,
economic, political and judicial aspects. For this reason, it was suggested that there should be established a National Commission which would undertake a full assessment of the Indian situation over a five year period. There were also other suggestions for Royal Commissions to study the educational system and Indian affairs generally in one or more provinces. Then too, in order to deal adequately with Indian grievances based on alleged past wrong doing, the recommendation of the previous Joint Committee should be implemented—that a Claims Commission be set up to assess and settle in a just and equitable matter claims and grievances arising out of treaty obligations.

21.2 Blackfoot Band

The Blackfoot Band presentation to the Committee was mainly a series of grievances arising out of alleged disposal of reserve land without full approval or compensation, expenditure of band funds without consent, and non-fulfillment of certain treaty stipulations. (Note: Since the brief was presented an action has been lodged in the Exchequer Court with respect to the matters brought before the Committee)

21.3 Estates

There were a number of points raised with regard to Indian estates and related matters. First, it was felt by one group that the band councils should have authority to determine the principles of inheritance best suited to the community and traditions of the Indians and Sections 42-51 of the Indian Act should be changed to take into account Indian custom and remove the authority of the Minister to review wills. Another suggestion was that 'examiners of inheritance' should be appointed as is done among some tribes in the United States. A further suggestion was that Sections 42 to 50 of the Act should be repealed and all jurisdiction and authority vested exclusively in the Surrogate Courts on the assumption that Indians should be dealt with on the same basis as any other citizen.

21.4 Jay Treaty

Article 3 of the Jay Treaty signed by the United States and Great Britain in 1794 provides as follows:

"No Duty on Entry shall ever be levied by either Party on Peltries brought by Land, or Inland Navigation into the said Territories respectively, nor shall the Indians passing or repassing with their own proper Goods and Effects of whatever nature, pay for the same any Impost or Duty whatever. But Goods in Bales or other large Packages unusual among Indians shall not be considered as Goods belonging bona fide to Indians."

It was pointed out by the St. Regis Indian delegation that Article 3 of the Jay Treaty had been held by the Supreme Court of Canada to be not in force because it had not been given effect by legislation. It was requested that Parliament give effect to the provision of Article 3 by legislation so that the intent of the Treaty could be carried out.
21.5 Law enforcement

Law enforcement on reserves was raised in a few briefs. It was pointed out that policing the reserve presented a special problem and this was particularly the case with regard to proper enforcement of traffic laws, curfew by-laws, liquor provisions, and those regulations having to do with fire prevention, health and sanitation. On the other hand, some Indians resent indiscriminate patrolling of the reserves by the police. It was suggested that the Indian Act be changed to provide more jurisdiction to band councils in relation to policing and enforcement of law and order on reserves. One view was that Indian constables be appointed and trained by the R.C.M. Police to carry out law enforcement on reserves with the cost being met by the band and federal government.

21.6 Legal Aid

The view was expressed that most Indians are not in a position to obtain legal advice on their own account and that the Government of Canada ought to extend the present legal assistance which is now restricted to providing defence counsel in murder cases to a wider range of cases both civil and criminal. The suggestion was made that the Government to meet this need might engage or retain lawyers in the major centres of population to advise Indians in legal matters. Some types of cases in which aid would be given would be in adoption and divorce proceedings and in the more serious criminal offences.

21.7 Legal Entities

The recommendation was advanced that Indian bands and reserves should be made corporate bodies with the power to own land, make contracts and carry out contractual obligations. In another context it was suggested that Indian bands should be made legal entities in order that they might be able to exercise a greater degree of local control over their affairs, as for example, in negotiating and authorizing contracts for purchasing materials and services and in general carrying on local governmental activities in their own name.

21.8 Liquor

A number of briefs mainly from Indian bands and organizations from British Columbia and Quebec, commented on the right of Indians to have liquor both on and off reserves. The general consensus of those who submitted evidence seemed to be that Indians should be granted the same liquor privileges as non-Indians and to this end all liquor provisions of the Indian Act should be abolished. There were a few bands who were opposed to Indians having liquor on their reserves and, therefore, they wanted to retain the liquor prohibition.

21.9 Roads, Power lines and Telephones

The need for extending services, generally found in non-Indian communities, to Indian reserves was stressed. It was noted that good market roads tied into the road grid system of the surrounding community was an essential need for development of the reserve and its people.
In addition, there is a growing demand among Indians for electrification of the reserves and the installation of telephones. Moreover, the need for a safe and adequate water supply and proper sanitary facilities is being increasingly recognized as essential for the development of a healthy community. In all the foregoing extension of utilities and services to reserves it was requested that assistance be provided to the Indians. At the same time it was the view of some Indian bands and organizations that Section 34 of the Act should be amended to transfer authority over roads and bridges to the Band Council rather than leave it with the Superintendent and Minister.

21.10 Simplified Version of Indian Act

It was contended that the present Indian Act and regulations were difficult to understand and, therefore, a simplified version should be prepared and distributed to the Indians and the public. It was considered that this would do much to eliminate misunderstanding.

21.11 Status of Six Nations

The delegation representing the Six Nations Confederacy declared that they were allies of the British Crown, and not subjects of Canada, and, therefore, Parliament had no authority over them and the Indian Act did not apply to them. In support of this view historical information was supplied orally, as well as a document, which traced the relationship between the Six Nations and the Crown from an early period. Closely related to the question of sovereignty the main area of immediate concern had to do with action taken in 1924 to establish an elected council in place of the hereditary traditional council and this action was considered to be an unwarranted intervention in their affairs. Conflicting views were expressed by representatives of the Confederacy and elected council as to which side had majority support among the band members.

21.12 Taxation

A number of briefs commented on taxation of Indians and suggested that the present exemption should be extended to Indians living off reserves. This was the main contention of the Native Brotherhood of British Columbia who relied on the provisions of Article 13 of the Terms of Union between British Columbia and Canada as the basis for their claim. It was pointed out in another brief that the Indians who make their living by farming on their reserves paid no taxes on their income whereas Indian fishermen living on the coast of necessity had to earn their living from the sea. It was pointed out also in another brief that Indians do pay practically all taxes except direct taxes on land and that the question of taxation on reserves by the Indians themselves for their own purposes had not been advanced in a proper way. It was contended that with adequate explanation the Indians would probably look upon taxation of themselves, for their own purposes, more favourably.

21.13 Trading with Indians—Section 32

The present restrictions on the sale of produce in the three prairie provinces was considered by some groups to have outlived its usefulness and the time had now come for Indians to be freed of all trading prohibitions. It was felt that the Indians had now
acquired sufficient business experience that they did not require the consent of the Superintendent before selling any of their produce and that the only way they could learn would be by making mistakes and profiting by experience. Therefore, the protective trading clauses should be removed from the Indian Act.

21.14 Trespass

It was the view of a number of groups that trespass on reserves as set out in Section 30 of the Indian Act should be clarified. It was pointed out that there is a tendency for individual non-Indians and non-Indian voluntary organizations to be overly cautious in going on to an Indian reserve without first having obtained permission because of fear of being in trespass. It was contended that the present trespass provisions perpetuates separateness and isolation of Indians. It was also contended that trespass should be clearly defined in Section 30 or that consideration be given to taking Section 30 out of the Act altogether. It was also suggested that Sections 30 and 80(P) should be examined by legal advisors to see if there is any conflict between these two sections and whether there is authority for a band council to prescribe what constitutes trespass. One group believed that "residence" should be delineated more clearly as was the case in Section 34 of the old Indian Act. Another group was of the opinion that no one, Indian or non-Indian, should be allowed to encroach on a reserve.

21.15 United Nations--Technical Assistance

A number of briefs expressed the importance of taking advantage of the techniques that had been developed by United Nations agencies in dealing with under-developed countries and applying these techniques to reserve situations. In addition, it was considered that Canada might be able to obtain technical advice by calling on those who had gained experience in developing successful programs elsewhere.