# FEDERAL-PROVINCIAL IMPLICATIONS OF VARIOUS CONCEPTS OF INDIAN SELF-GOVERNMENT

by David C. Nahwegahbow

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* NOTE: IN THE INTEREST OF BREVITY AND CLARITY THE ABOVE SECTION OF THE REPORT DOES NOT CONTAIN FOOTNOTES TO IDENTIFY SOURCES OF INFORMATION. IT SHOULD BE NOTED THAT THE RESPECTIVE FOOTNOTES ARE AVAILABLE UPON REQUEST.

APPENDIX 'A' PHASE 2B: DESCRIPTION OF FEDERAL AND PROVINCIAL PROGRAM AND FINANCIAL ARRANGEMENTS IN EACH OF THE PRIMARY AND SECONDARY SECTORS OF JURISDICTION (ON ONTARIO)

# I. INTRODUCTION

## 1. SCOPE OF THE PROJECT

This project was undertaken to examine the potential federal-provincial implications of various concepts of Indian self-government in Canada, primarily in the context of the process of "Constitutional Renewal".

It must be stressed at the onset that the study does not presume the adoption of any one concept of Indian self-government. The concept which may ultimately be adopted in Canada will depend upon a number of factors beyond the scope of this study, i.e., the outcome of the constitutional renewal process, and the outcome of the proposed Indian government legislation, among other things. This study - a strictly legal analysis - investigates some of the implications of adopting a number of different concepts of Indian self-government. It should, therefore, be useful which ever concept is eventually adopted.

The project was conceived, originally, to be undertaken in three phases. Each is outlined separately, as follows:

PHASE 1

Phase 1 was intended to describe the full range of potential sectors of jurisdiction that may ultimately be impacted in the recognition and implementation of Indian self-government. This entails the identification of primary sectors of jurisdiction with appropriate secondary and tertiary level breakdowns. The end-product was to provide the framework for the completion of phase 2.

PHASE 2

This phase was intended to identify existing interfaces between the federal and provincial governments in the various jurisdictional sectors, defined in phase 1, as they relate to Indians.

It was divided into two components:

Phase 2 A provides a description of the federal and provincial constitutional jurisdictions in each of the primary sectors; and,

Phase 2 B is intended to provide a description of the federal and provincial program and financial arrangements in each of the primary and secondary sectors of jurisdiction. In this phase the ultimate objective originally was do a by-province description. However due to the incompatibility of data available on programming in each province and the varience of program delivery from province to province the province examined in this phase was Ontario. While this decision recognized that the data base on this province was the most complete and consistant with the Federal data, the province also serves as a "typical" model of Federal-Provincial interfaces on Indian issues.

PHASE 3

The final phase of this project is intended, first of all, to identify the types of modifications that would have to be made to the existing arrangements, described in the second phase, in order to accommodate various concepts of Indian self-government in Canada. Secondly, it would outline the implications - legal; political; constitutional; administrative; fiscal; practical and otherwise - of such modifications. And, finally, it is intended to comment on how such modifications could be negotiated with the federal and provincial governments and departments involved.

This later phase of the project has not been completed. However we recommend that work begin in this area, after the substance of Phase I and II (a) and (b) are reviewed and analysed by senior management and other agencies. The executive summary to this report includes specific recommendations on how the work can be carried out.

2. OBJECT OF THE PROJECT

Although this project does not assume the adoption of any one self-government concept, it does assume that some form of Indian self-government will eventually be extensively recognized and implemented in Canada. The object of this study, therefore, was to facilitate that implementation. Phases 1, 2 and 3 will constitute the planning framework for this process by:

A. Posing a model - of the full range of potential jurisdictional sectors - that may be adopted, in

whole or in part by Indian governments, depending on their degree of autonomy. (c.f. Phase 1).

B. Identifying the governments, who by virtue of their constitutional jurisdiction in the various sectors defined in phase 1, must be involved in that process, and the exact jurisdictional points at which they must become involved. (c.f. Phase 2 A).

C. Identifying the governments and departments, who by virtue of their administrative program arrangements in the various sectors defined in phase 2, must be involved in the process, the exact administrative points (programs) at which they will become involved, and the financial implications of their involvement. (c.f. Phase 2 B).

D. Finally, identifying the types of modifications that would have to be made in order to accommodate the various concepts of self-government, the implications of such modifications, and the ways in which such modifications can be negotiated with the federal and provincial departments involved. (c.f. Phase 3).

## 3. PRACTICAL APPLICATIONS OF THE PROJECT

This study should have numerous applications within the Department of Indian Affairs and Northern Development, and the federal government in general. Its most immediate use, of course, will be with respect to the constitutional renewal process. It was proposed by Prime Minister Trudeau, in an address to the First Nations Assembly in Ottawa on April 29, 1980, that "internal native self-government" be one of the agenda items that should be dealt within that process. The development of the proposed "Local Indian Government Legislation" is another area in which this work may be useful. It too is directed toward a form of Indian self-government. Besides these two specific applications, the study will undoubtedly be useful as an analytical base to many federal processes of policy and program development.

The project will also be useful outside the federal government. Provincial governments, who are beginning to recognize the importance of the native factor in the constitutional renewal process, will probably find it helpful. Perhaps, most importantly, evolving Indian

governments will find the work invaluable as they begin to build their own institutions and focus on the practical implications of Indian self-government.

## 4. CONCLUSION

This study details the potential federal-provincial implications of Indian self-government in Canada. A study of this scope has not been undertaken in Canada before. But in view of the activity over Indian self-government, vis à vis the Constitution, and vis à vis the proposed Local Indian Government Legislation, it is certainly timely that it is done now.

As was stated above, the work was intended to be completed in three phases. Unfortunately, because of time, data, and resource limitations, the project is not as fully complete as it might be.

The first phase, which describes the potential sectors of jurisdiction that may ultimately be involved in the recognition and implementation of Indian self-government, is complete. Phase 2, the two component phase, is partly finished. The first component - the description of the federal and provincial constitutional jurisdictions in each of the primary sectors - is complete. However, Phase 2 B - which was to describe the federal-provincial program interface in each of the primary and secondary sectors, on a national and by-province basis - because of data limitations, could only be completed for the province of Ontario. Consideration could be given to an analysis covering the remaining provinces as data becomes available. Finally, the last phase directed toward the specific identification of the federal-provincial implications of Indian self-government, phase 3, has not commenced. The commencement of that phase is dependent upon a review of the utility of the project design.

The material in this report is organized into three parts: I. Introduction; II. a description of phase 1; III. a description of phase 2 A.

The phase 2 B, national and by-province, analyses of federal-provincial program interface will comprise appendices to the report. Interfaces, as reflected in Ontario, is contained in Appendix I.

## II. PHASE 1: DESCRIPTION OF THE POTENTIAL SECTORS OF JURISDICTION THAT MAY ULTIMATELY BE INVOLVED IN THE RECOGNITION AND IMPLEMENTATION OF INDIAN SELF-GOVERNMENT

### 1. INTRODUCTION

The purpose of Phase 1 of the study was to develop a framework within which potential Federal-Provincial implications of Indian self-government could be detailed.

The following sections of this report, 2, 3, and 4, respectively, discuss phase 1 in relation to its scope, object and methodology. The phase 1 framework is presented in Section 5. Finally, Section 6 examines each of the individual sectors in a greater level of detail.

### 2. SCOPE OF PHASE I

Phase 1 is intended to provide a description of the potential sectors of jurisdiction that may ultimately be involved in the recognition and implementation of Indian self-government.

The description sets-out the full range of jurisdictional sectors with which Indian governments may become involved. It represents an attempt to develop a single framework that has potential for application by any Indian government anywhere in Canada. A myriad of variables were taken into account during its development. These variables are represented by the five considerations (outlined in section 4, the methodology) according to which the model was developed. What was yielded by these considerations theoretically should fulfill the requirement acceptability and of universal acceptability and applicability. Of course, it is only a conceptual framework and in practical application it will undoubtedly have some limitations.

The phase 1 description involved the identification of sectors at a primary, secondary, and tertiary level of detail. For the purpose of this study, "primary sectors" represent potential areas of legislative jurisdiction that may eventually be assumed by Indian governments. "Secondary sectors" are simply substantive sub-categories

of primary sectors. And "tertiary sectors" are key operational and administrative activities related to the primary and secondary sectors of jurisdiction.

A further system of classification was employed, as well. Although it is not part of the sectoral description per se, it will be mentioned briefly now because it lends to the understanding of the description. The system of classification does not breakdown areas of legislative jurisdiction in the same way the primary, secondary and tertiary sectors do. Instead, it groups areas of legislative jurisdiction into broad categories called "environments". These represent major areas of human ecology. There are five "environments" identified in the phase 1 description. These will be outlined and discussed in the methodology, below.

## 3. OBJECT OF PHASE 1

Phase 1 has one main purpose: it provides a framework for the completion of phase 2 of this study.

But it has another incidental purpose, as well. It provides a model - of the full range of potential jurisdictional sectors that may be adopted, in whole or in part, by Indian governments, depending on their degree of autonomy.

## 4. METHODOLOGY

The procedure employed in the development of the sectoral description proposed in section 5 below, was not what might be termed traditionally scientific. This work did not lend itself to such analysis. Thus, the term "methodology", within the context of this study, simply refers to the general methods or procedures employed in deriving the finished product.

### A. Factors taken into consideration in developing the sectoral description

The phase 1 description is a product of the author's synthesis of a number of considerations. As noted above, these reflect certain variables in Canadian society which are important to the development of an Indian government. In order of importance, they are as follows:

a) The perspective of an Indian Collectively: The description reflects the perspective of an Indian collectively. That is, in deriving the various primary, secondary and tertiary sectors,



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the following questions were addressed: what are the various sectors involved in the daily operation of an Indian collectively, i.e., band, tribe. etc.

b) Review of Indian Association Position Papers: Sectoral descriptions have, to some extent, already been developed by Canadian Indian Organizations. The sectors identified in the present work are as consistent as possible with those already identified in position papers of Indian Organizations.

c) The Diversity of Indian Collectivities: Indian collectivities, and their lands, across Canada differ quite drastically in geography, demography, economics, and resources. The sectors identified here would be broad and flexible enough to accommodate these differences.

d) The Experience of Other Countries: Different countries of the world, notably the United States and Greenland (Denmark), have functioning aboriginal governments of various types in place. The sectors of jurisdiction accorded aboriginal governments in those countries were examined.

e) Reconcilable with the Canadian Reality: The sectoral description to some extent, are reconcilable with conventional Canadian constitutional law, and the current federal-provincial constitutional and administrative arrangement.

B. Application of the considerations

The application and interplay of the above considerations is difficult to depict with exactitude. However, an attempt will be made to generally do so here. It is important to point out that, although, it will appear from this discussion on methodology, that the considerations were applied in a systematic step-by-step fashion, this was not necessarily so. In fact, the interplay of the considerations was more or less simultaneous.

a) The Perspective of an Indian Collectivity: The first consideration - that the sectoral description reflect the perspective of an Indian collectivity - directed that a holistic approach to sectoral classification be adopted. In other

words, natural, whole sectoral classifications were adopted, and emphasis was placed on the interaction and inter-relation between those classifications. This is diametrically opposed to conventional Canadian constitutional law, which tends to take a linear view of jurisdiction.

The holistic approach employed led to identification of five "environments". These are the most basic of holistic classifications. They represent broad areas of human ecology. The following are the spheres of influence, and a definition of each:

(i) Natural Environment: everything that is within the setting of the collectivity, naturally, and the impact of individual and collective activities on that natural setting, i.e., land, water, natural resources and conservation, etc..

(ii) Socio-cultural Environment: everything that a collectivity does that is related to the social interaction of its people, i.e., domestic relations, communications, etc.

(iii) Economic Environment: everything that a collectivity does in relation to life support or wealth creation, i.e., resource development and manufacturing, etc.

(iv) Physical Environment: everything that is man-made within the setting of the collectivity, i.e., houses, roads and sewers, etc.

(v) Government Environment: everything that is related to the governing of a collectivity, i.e., public finance and administration, etc.

The spheres of influence provided a point of departure for the development of a description of the potential sectors of jurisdiction. Each sphere breaks down into related primary, secondary, and tertiary sectors. This was actually done in conjunction with the second, third, fourth and fifth considerations.



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b) Review of Indian Association Position Papers: The second consideration provides that the sectoral description developed should be as consistent as possible with those that have already been developed by Indian organizations. Application of this consideration involved the collection and consolidation of relevent information from organizations. Such information was gleaned from position papers, and drawn from meetings with National Indian Brotherhood program representatives.

The primary sources of information were the Association position papers. It was the intention of the writer to consult papers from every Canadian Indian organization, but not every organization had developed a position on potential Indian government sectors of jurisdiction. Those that had, had done so to varying degrees of detail. Generally speaking, however, none of them went beyond a secondary level breakdown (the sources accessed are listed in an appendix to section 6 of this part).

After all the relevent information was gleaned from Indian association position papers, it was consolidated. Primary, secondary and tertiary sectors were placed into the appropriate environments. The product was a draft description of potential Indian government jurisdictional sectors as outlined, in average, by the various associations. This draft was largely incomplete, especially at the tertiary level, because most association papers yielded just primary and secondary level breakdowns.

Information from association position papers was supplemented by information from meetings with National Indian Brotherhood program representatives.

The program representatives were asked to pose potential jurisdictional classifications for sectors within their fields of expertise. They were apprised of the holistic approach being adopted to sectoral classification, in this study. Accordingly, the representatives provided holistic sectoral breakdowns in areas which corresponded to their respective program areas. More often than not, they were able to provide such information because of their expertise in the field; the information was not

usually drawn from preconceived sectoral descriptions. Where the program representatives could not personally provide sectoral breakdowns, they directed the writer to the working documents in their program areas. The detail gleaned from these, along with the information provided by the program representatives directly, was integrated into the draft.

c) The Diversity of Indian Collectivities: The third consideration speaks for itself: "Indian collectivities, and their lands, across Canada differ quite drastically in geography, demography, economics and resources. The sectors identified should be broad and flexible enough to accommodate these differences". The effect of the consideration can best be illustrated by going through its application to one sector. For example, certain reserves in Canada may have the natural resource capacity for agriculture; others may have the capacity for fishing or forestry. Instead of enumerating these specific forms of economic activity as jurisdictional sectors within the phase 1 description, the classification, "resource development" was adopted. This sectoral title is wide enough to include agriculture, fishing, forestry, mining, and every conceivable form of resource development. The classification is readily applicable to any reserve in Canada with any type of resource base. Consideration three was applied to all the sectors of jurisdiction in this same fashion.

d) The Experience of Other Countries: Consideration four involved an examination of aboriginal governments in other parts of the world. For the purposes of this study, particular attention was paid to the situations in Greenland and the United States. The concept of aboriginal self-government has reached an advanced level of practical implementation in both these places. Information respecting the jurisdiction and administration of aboriginal governments in these two places was taken from legislation, textbooks and reports (the sources are listed in an appendix to section 6). It was used primarily, to supplement Canadian Indian association sources in the development of a tertiary level sectoral breakdown. But the United States' Indian government models and the

Greenland Homerule model were also used as a general guide for the development of a Canadian model. This added an element of practicability to the phase 1 description because the United States and Greenland models are governments that are in place and working.

e) Reconcilable with the Canadian Reality: The final consideration provides: "the sectoral description, to some extent, should be reconcilable with conventional Canadian constitutional law, and the current federal-provincial constitutional and administrative arrangement". This simply meant, first of all, that, in the development of a description of Indian government jurisdictional sectors, the framework of Canadian consitutional law could not be ignored. This aspect of consideration five was applied throughout the construction of the sectoral description, despite the apparent conflict with the holistic approach to sectoral classification. The second aspect of consideration five directed that - for reasons of necessity or convenience - the phase 1 description should conform, to some extent, with the current federal-provincial system of constitutional and administrative sectoral classification, especially as it relates to Indians. This came into play primarily when deriving the tertiary level breakdown. Information in this regard was collected from Department of Indian Affairs and Northern Development program reports, and meetings with departmental program officials. It too was accordingly integrated into the description of Indian government jurisdictional sectors.

In conclusion, the above five considerations all contributed to the development of the phase 1 framework. The most important consideration provided that the framework should reflect the perspective of an Indian collectivity. This directed that an holistic approach to sectoral classification be maintained. Accordingly, five environments were identified. Consideration two dictated that the present model be as consistent as possible with models developed by Indian organizations in Canada. Therefore, a consolidated model of jurisdictional and administrative sectors was overlaid upon the five environments. The three other less

significant considerations were applied, and the phase framework was complete. This is presented in section 5, following.

It should be pointed out that the five environments identified in this study are not the only way of depicting the various dimensions of human ecology. They were set out because according to the writer's analysis, human ecology could be characterized as having those five basic orientations. And the environments are not watertight compartments; in fact, there is considerable overlap between them. Sectors falling into one environment may have aspects which belong in another. Likewise, there is considerable overlap between the individual sectors, too. These are depicted clearly in the phase 1 description. The interplay of the considerations in respect to the development of the individual sectors, and the overlap and linkages between the sectors, will be specifically discussed in section 6.

5. A DESCRIPTION OF THE POTENTIAL SECTORS OF JURISDICTION THAT MAY ULTIMATELY BE INVOLVED IN THE RECOGNITION AND IMPLEMENTATION OF INDIAN SELF-GOVERNMENT

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| I. NATURAL ENVIRONMENT | 1. PROPERTY | A. Land | (i) Property Authority |
| | | B. Water | (ii) Protection and Preservation |
| | | C. Air Space | (iii) Use and Management |
| | | | (iv) Planning and Zoning |
| | | | (v) Improvement and Development |
| | | | (vi) Enhancement |
| | | | (vii) Inheritance |
| | | | (viii) Sale, Disposition, Lease, Other Encumbrances, and Royalties |
| | | | (ix) Registration |
| | 2. NATURAL RESOURCES | A. Renewable Natural Resources | (i) Natural Resource Authority |
| | | | (ii) Protection and Preservation |
| | | B. Non-renewable Natural Resources | (iii) Enhancement |
| | | | (iv) Exploration |
| | | | (v) Use and Management |
| | | | (vi) Development and Improvement |
| | | | (vii) Sale, Disposition, Lease, Other Encumbrances, and Royalties |
| | | | (viii) Registration |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| NATURAL ENVIRONMENT (CONT'D) | 3. ENVIRONMENT | A. Environmental Protection<br>B. Conservation<br>C. Fire Protection<br>D. Parks and Preserves | (i) Environment Authority<br>(ii) Policy and Planning<br>(iii) Education<br>(iv) Research<br>(v) Environmental Standards<br>(vi) Resource Extraction Regulation<br>(vii) Industrial Emission Regulation<br>(viii) Sanitation<br>(ix) Hunting, Fishing, Trapping and Gathering Regulation<br>(x) Enhancement<br>(xi) Enforcement<br>(xii) Programs<br>(xiii) Finance and Personnel Administration |
| II. SOCIO-CULTURAL ENVIRONMENT | 4. CITIZENSHIP | A. Citizenship Criteria<br>B. Transfer and Adoption<br>C. Incidence of Citizenship | (i) Citizenship Authority<br>(ii) Planning and Policy<br>(iii) Review<br>(iv) Investigation<br>(v) Court |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| SOCIO CULTURAL ENVIRONMENT (CONT'D) | CITIZENSHIP (CONT'D) | | (vi) Procedure<br>(vii) Registration<br>(viii) Appeals<br>(ix) Enforcement<br>(x) Finance and Personnel Administration |
| | 5. COMMUNICATIONS | A. Newspapers<br>B. Radio<br>C. Television<br>D. Telephone<br>E. Telecommunications | (i) Communications Authority<br>(ii) Policy and Planning<br>(iii) Licencing<br>(iv) Review<br>(v) Appeals<br>(vi) Content Regulation<br>(vii) Broadcast Regulation<br>(viii) Programs<br>(ix) Finance and Personnel Administration |
| | 6. TRANSPORTATION | A. Roads and Highways<br>B. Railways<br>C. Marine Transportation<br>D. Air Transportation | (i) Transportation Authority<br>(ii) Policy and Planning<br>(iii) Traffic Regulation<br>(iv) Public Health and Safety<br>(v) Licencing |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| SOCIO-CULTURAL ENVIRONMENT (CONT'D) | TRANSPORTATION (CONT'D) | | (vi) Review<br>(vii) Enforcement<br>(viii) Programs<br>(ix) Facilities<br>(x) Finance and Personnel Administration |
| | 7. EDUCATION | A. Pre-School Education<br>B. Elementary and Secondary Education<br>C. Post-Secondary Education<br>D. Adult Education<br>E. Special Education | (i) Education Authority<br>(ii) Curriculum<br>(iii) Curriculum Development<br>(iv) Teaching Methodology<br>(v) Student Maintenance<br>(vi) Scholarships<br>(vii) Counselling<br>(viii) Facilities<br>(ix) Finance and Personnel Administration |
| | 8. CULTURAL DEVELOPMENT | A. Arts<br>B. History<br>C. Communications<br>D. Religion | (i) Cultural Development Authority<br>(ii) Policy and Planning<br>(iii) Research<br>(iv) Training<br>(v) Arts and Crafts |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| SOCIO-CULTURAL ENVIRONMENT (CONT'D) | CULTURAL DEVELOPMENT (CONT'D) | | (vi) Language Development<br>(vii) Curriculum Development<br>(viii) Protection of Sacred Places<br>(x) Programs<br>(xi) Facilities<br>(xii) Finance and Personnel Administration |
| | 9. HEALTH | A. Preventive Health<br>B. Curative Health<br>C. Environmental Health<br>D. Rehabilitative Health | (i) Health Authority<br>(ii) Policy and Planning<br>(iii) Education<br>(iv) Nutrition<br>(v) Sanitation<br>(vi) Health and Safety Standards<br>(vii) Primary Health Care<br>(viii) Secondary Health Care<br>(ix) Dental, Optical and Medical Specialties<br>(x) Hospitals, Clinics and Mobile Units<br>(xi) Medical, Supplies, Pharmaceuticals and other Therapeutic Suppliers<br>(xii) Research |

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| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| SOCIO-CULTURAL ENVIRONMENT (CONT'D) | 9. HEALTH (CONT'D) | | (xiii) Counselling<br>(xiv) Programs<br>(xv) Finance and Personnel Administration |
| | 10. SOCIAL DEVELOPMENT | A. Community Care<br>B. Recreation<br>C. Income Support<br>D. Housing | (i) Social Development Authority<br>(ii) Policy and Planning<br>(iii) Care of Children<br>(iv) Care of Elders<br>(v) Care of Mental Incompetents<br>(vi) Counselling<br>(vii) Programs<br>(viii) Finance and Personnel Administration |
| | 11. DOMESTIC RELATIONS | A. Marriage and Divorce<br>B. Elders<br>C. Children<br>D. Mental Incompetents<br>E. Inheritance | (i) Domestic Relations Authority<br>(ii) Policy and Planning<br>(iii) Adoption<br>(iv) Custody<br>(v) Support<br>(vi) Guardianship<br>(vii) Community Care<br>(viii) Counselling |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| SOCIO-CULTURAL ENVIRONMENT (CONT'D) | 11. DOMESTIC RELATIONS (CONT'D) | | (ix) Investigation<br>(x) Review<br>(xi) Appeal<br>(xii) Enforcement<br>(xiii) Programs<br>(xiv) Finance and Personnel Administration |
| | 12. JUSTICE | A. Civil<br>B. Criminal | (i) Justice Authority<br>(ii) Policy and Planning<br>(iii) Prevention<br>(iv) Procedure<br>(v) Evidence<br>(vi) Courts<br>(vii) Prosecution<br>(viii) Legal Assistance<br>(ix) Law Enforcement<br>(x) Imposition of Fines and Penalties<br>(xi) Diversion and Corrections<br>(xii) Probation and Parole |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| SOCIO-CULTURAL ENVIRONMENT (CONT'D) | 12. JUSTICE (CONT'D) | | (xiii) Rehabilitation<br>(xiv) Programs<br>(xv) Finance and Personnel Administration |
| III. ECONOMIC ENVIRONMENT | 13. ECONOMIC DEVELOPMENT | A. Resource Development<br>B. Industry and Manufacturing<br>C. Services/Business | (i) Economic Development Authority<br>(ii) Policy and Planning<br>(iii) Use and Management<br>(iv) Exploration<br>(v) Improvement and Development<br>(vi) Protection and Preservation<br>(vii) Enhancement<br>(viii) Environmental Protection<br>(ix) Health and Safety<br>(x) Licensing<br>(xi) Consumer Protection<br>(xii) Labour<br>(xiii) Trade<br>(xiv) Taxation<br>(xv) Royalties<br>(xvi) Programs |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| ECONOMIC ENVIRONMENT (CONT'D) | 14. ENERGY | A. Renewable Energy<br>B. Non-Renewable Energy | (i) Energy Development Authority<br>(ii) Policy and Planning<br>(iii) Use and Management<br>(iv) Exploration<br>(v) Improvement and Development<br>(vi) Protection and Preservation<br>(vii) Environmental Protection<br>(viii) Labour<br>(ix) Trade<br>(x) Taxation<br>(xi) Royalties<br>(xii) Programs |
| ECONOMIC ENVIRONMENT (CONT'D) | 15. LABOUR | A. Employment<br>B. Labour Relations<br>C. Professions and Occupations | (i) Labour Authority<br>(ii) Policy and Planning<br>(iii) Regulation of Professions and Occupations<br>(iv) Affirmative Action<br>(v) Training<br>(vi) Health and Safety |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| ECONOMIC ENVIRONMENT (CONT'D) | 15. LABOUR (CONT'D) | | (vii) Workman's Compensation<br>(viii) Unemployment Insurance<br>(ix) Wages<br>(x) Unions<br>(xi) Collective Bargaining<br>(xii) Contracts<br>(xiii) Review<br>(xiv) Appeal<br>(xv) Taxation<br>(xvi) Programs |
| ECONOMIC ENVIRONMENT (CONT'D) | 16. TRADE | A. Intra-reserve Trade<br>B. Inter-reserve Trade<br>C. Extra-reserve Trade | (i) Trade Authority<br>(ii) Policy and Planning<br>(iii) Trade Regulation<br>(iv) Marketing<br>(v) Distribution<br>(vi) Competitions Regulation<br>(vii) Contracts<br>(viii) Taxation<br>(ix) Royalties<br>(x) Programs |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| ECONOMIC ENVIRONMENT (CONT'D) | 17. COMPANIES | A. Profit Companies<br>B. Non-Profit Companies | (i) Companies Authority<br>(ii) Policy and Planning<br>(iii) Incorporation<br>(iv) Registration<br>(v) Securities Regulation<br>(vi) Competitions Regulation<br>(vii) Liquidation and Dissolution<br>(viii) Taxation |
| | 18. TAXATION | A. Direct Taxation<br>B. Indirect Taxation | (i) Taxation Authority<br>(ii) Policy and Planning<br>(iii) Property Tax<br>(iv) Income Tax<br>(v) Sales Tax<br>(vi) Capital Gains Tax<br>(vii) Exemptions<br>(viii) Deductions<br>(ix) Incentives<br>(x) Collection<br>(xi) Investigation |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| ECONOMIC ENVIRONMENT (CONT'D) | TAXATION (CONT'D) | | (xii) Review<br>(xiii) Appeal<br>(xiv) Enforcement |
| IV. PHYSICAL ENVIRONMENT | 19. PRIVATE WORKS | A. Private Residences<br>B. Private Communication Facilities<br>C. Private Transportation Facilities<br>D. Private Education Facilities<br>E. Private Cultural Development Facilities<br>F. Private Health Facilities<br>G. Private Economic Development Facilities<br>H. Private Energy Facilities | (i) Private Works Authority<br>(ii) Policy and Planning<br>(iii) Health and Safety<br>(iv) Programs |
| | 20. PUBLIC WORKS | A. Community Works<br>B. Infrastructure<br>C. Public Communication Facilities | (i) Public Works Authority<br>(ii) Policy and Planning<br>(iii) Health and Safety<br>(iv) Maintenance and Repair<br>(v) Programs |

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| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| PHYSICAL ENVIRONMENT (CONT'D) | PUBLIC WORKS (CONT'D) | D. Public Transportation Facilities<br>E. Public Education Facilities<br>F. Public Cultural Development Facilities<br>G. Public Health Facilities<br>H. Social Development Facilities<br>I. Public Economic Development Facilities<br>J. Public Energy Facilities<br>K. Public Administration Facilities | |
| V. GOVERNMENT ENVIRONMENT | 21. PUBLIC ADMINISTRATION | A. Public Officers<br>B. Public Authorities<br>C. Public Service<br>D. General Administrator | (i) Public Administration Authority<br>(ii) Policy and Planning<br>(iii) Elections<br>(iv) Appointments<br>(v) Removal<br>(vi) Term |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| V. GOVERNMENT ENVIRONMENT (CONT'D) | PUBLIC ADMINISTRATION (CONT'D) | | (vii) Remuneration<br>(viii) Duties<br>(ix) Meetings<br>(x) Expenses<br>(xi) Programs |
| | 22. FINANCE | A. Revenue<br>B. Expenditure<br>C. Public Debt<br>D. Interest<br>E. Equalization | (i) Finance Authority<br>(ii) Policy and Planning<br>(iii) Central Band<br>(iv) Interest<br>(v) Taxation<br>(vi) Bonds and Securities<br>(vii) Revenue Collection<br>(viii) Audit<br>(ix) Grants and Contributions<br>(x) Trust Funds<br>(xi) Programs |
| | 23. INTER-GOVERNMENTAL RELATIONS | A. Inter-Indian Government Relations<br>B. Indian-Provincial, Government Relations | (i) Inter-governmental Relations Authority<br>(ii) Policy and Planning |

| ENVIRONMENTS | PRIMARY SECTORS | SECONDARY SECTORS | TERTIARY SECTORS |
|---|---|---|---|
| GOVERNMENT ENVIRONMENT (CONT'D) | 23. INTER-GOVERNMENTAL RELATIONS (CONT'D) | C. Indian-Federal, Government Relations | (iii) Citizenship<br>(iv) Trade<br>(v) Inter-governmental Agreements |

## 6. DISCUSSION OF THE INDIVIDUAL SECTORS

This section gives a detailed discussion of the individual sectors, identified in the preceding section, in relation to their scope, derivation, and overlap.

Before commencing to discuss the actual sectors, some initial comments should be made about the three lines of discussion in this part.

Scope: The scope of each individual primary sector will be outlined. This will basically involve a definition of what is included within the meaning of a sectoral title, for the purposes of this project. In most cases a simple restatement of the secondary sectors will be given; in some cases, further definition may be required. In any case, though, the scope will not attempt to provide a precise legal definition of a primary sectoral title in the context of Canadian constitutional law.

Derivation: The manner in which the individual primary sectors, and to some extent the secondary sectors, were derived will also be described. This will involve an examination of the factors taken into consideration in developing the individual sectors. By and large, this will be a consolidation of Indian Association position papers.

The derivation of tertiary sectors will not be discussed. Suffice to say, here, that the tertiary sectors were generally derived from the following sources: meetings with National Indian Brotherhood program representatives; Indian Association working papers; meetings with Department of Indian Affairs officials; Department of Indian Affairs program reports; and American and Greenlandic sources.

Overlap: Lastly, the individual primary sectors will be discussed in relation to their overlap with other primary sectors. This will simply involve a listing of sectors with which a given sector overlaps. There will be no attempt to explain or precisely define the overlaps.

The ensuing discussion focuses on primary sectors, and to a limited extent, secondary sectors. It would be much too involving to undertake a review of each of the tertiary sectors, therefore they are not discussed.

Primary and secondary sectors are discussed according to the order in which they appear in the description in section 5 Reports and position papers - cited extensively throughout this discussion - are listed in an appendix at the end of this section.

1) Property

Scope:

Property includes land, water, and airspace. It excludes personal property.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Resolution No. 2, and the UBCIC Paper list, separately, "Land", "Water", and "Airspace". The Dene Paper couples "Land" and "Water"; it does not mention "Airspace". The FSI Paper lists only "Property", coupled with "Civil Rights"; "Water" and "Airspace" are not listed. UOI's Paper lists "Land" with "Water" and "Resources"; it does not list "Airspace". IAA's Paper lists only "Land"; not "Airspace" or "Water". The UNSI Figleaf Paper would accord Indian Bands the same power as Provincial Governments, i.e., "Property management and sale of public lands ... and timber and wood thereon", and "Property and Civil Rights". And UNSI's More Figleaf Paper provides the following: "The assignment, management, use, and disposition of reserve lands and resources, and Band hunting and fishing rights wherever they might be enjoyed". NIB's Paper on Indian Government Areas of Jurisdiction lists "Land" and "Airspace" separately; it does not list "Water"; and NIB's Paper on Elements of an Indian Government Constitution list the following, as two separate heads of jurisdiction: "To legislate for the protection and preservation of the natural environment for the physical, social and cultural well being of the people: a) Land, b) Water, c) Air, d) Wildlife", and "To legislate for preservation

and protection of the existing land base and any purchased or acquired land ... and to increase the land base or regulate interests in the land..." None of the sources list Personal Property as a separate head of jurisdiction.

The Perspective of an Indian Collectivity: Personal property is excluded because it is not part of the natural environment.

Conclusion: This examination indicates that the three substantive subject matters, land, water, and airspace are given prominance in Indian Association papers. Therefore, they are enumerated as secondary sectors. Property is chosen as the primary sector because it is comprehensive enough to include land, water, and airspace. Personal property is excluded because it is not part of the "natural environment".

Overlap:

Property overlaps with: natural resources; environment; justice; economic development (resource development); energy; taxation; public administration; and finance.

2) Natural Resources

Scope:

Natural resources includes renewable natural resources and non-renewable natural resources. Renewable natural resources includes, among other things, wildlife, fowl, fish and marinelife (inland and offshore), and timber and plantlife. Non-renewable natural resources includes, among other things, sand, gravel, minerals (surface, subsurface and offshore), oil and gas.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Paper: The Dene Paper, NIB's Paper on Indian Government Areas of Jurisdiction, and NIB's Paper on Elements of an Indian Government Constitution, list "Natural Resources" as a separate area of jurisidiction. Resolution No. 2 and the UBCIC



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Paper break the natural resource subject down even further into: "Minerals..."; "Oil and Gas..."; "Migratory Birds..."; "Wildlife..."; and "Forestry..." These latter two sources, also specifically and separately list "Land", "Water", and "Airspace". The UOI Paper refers to the "Right to control our lands and ... resources". UNSI's More Figleaf Paper provides the following as an area of jurisdiction: "The assignment, management, use, and disposition of reserve lands and resources..." The FSI Paper and the IAA Paper do not specifically list natural resources.

The Diversity of Indian Collectivities: Specific resource forms like - oil, gas, coal, fowl, fish, etc. - could have been listed as primary or secondary sectors. But the list would have been endless, and many of the sectors would be inapplicable to many reserves. For example, "oil" may be relevent to an Alberta reserve, but irrelevent to a southern Ontario reserve. The objective was to develop simple sectoral arrangements that are broad and flexible enough to accommodate the vast differences in resource capacity between the various reserves in Canada. Therefore, "natural resources" was listed as the primary sector, and "renewable" and "renewable", as its secondary sectors.

Conclusion:

"Natural Resources" is probably subsumed under "Property", the previous primary sector; therefore, there should be no need to list it separately here. But it is given such prominance in Indian Association papers that it is separately listed.

The sectoral arrangement - "natural resources": "renewable" and "non-renewable" was selected because it is broad and flexible enough to accommodate the differences in resource capacity between the various reserves in Canada.

Overlap:

Natural resources overlaps with: property; environment; justice; ecomonic development (resource development); energy; taxation; public administration; and finance.

3) Environment

Scope:

Environment includes environmental protection, conservation, fire protection, and parks and preserves.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Resolution No. 2, UBCIC's Paper, and both NIB Papers enumerate "Conservation" and "Environment". IAA's Paper refers to "The preservation and protection of fish, plant, and wildlife". The Dene Paper lists "Environment" only.

The Experience of Other Countries: The Navajo Tribal Code lists "Conservation and Wildlife" as a separate title, and the Constitution of the Northern Cheyenne gives the following as an area of jurisdiction: "To protect and preserve property, Wildlife, and Natural Resources...". And the Greenland Homerule Act lists "Protection of Environment" and "Conservation".

Conclusion:

"Environment" is probably subsumed under "property", the previous primary sector; therefore, there should be no need to list it separately here. But many Indian Association position papers list one or more sectors which are directed toward environmental protection. And the same seems to be so in other countries. Therefore, "Environment" is separately enumerated here.

Overlap:

"Environment" overlaps with: property; natural resources; health (environmental); justice; economic development (resource development, and Industry and Manufacturing); energy; private works; public works; public administration; and finance.



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4) Citizenship

Scope:

Citizenship includes citizenship criteria; transfer and adoption; and incidence of citizenship. "Citizenship criteria" refers to the conditions that must be met before a person qualifies for citizenship within a Indian collectivity. "Transfer and adoption" refers to movement between Indian collectivities. And "incidence of citizenship" means the rights, duties and privileges related to citizenship.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Some of the Indian Association position papers accessed, stressed that Indians should have the "right to determine their citizenship". However, only the following sources said that "citizenship" should be a sector of jurisdiction: Resolution No. 2; the UBCIC Paper; the IAA Paper; the FSI Paper; and the two NIB Papers. The Dene Paper refers to "Immigration", not citizenship; the UNSI Figleaf Paper refers to "Citizenship and Immigration".

The Experience of Other Countries: The three American Tribal Constitutions examined do not list citizenship as an area of legislative jurisdiction, they list it as a separate article. But the Blackfeet Constitution enpowers the Council to make ordinances not inconsistent with the citizenship (membership) article of the constitution.

Conclusion:

The distinction between "rights" and "legislative jurisdiction" should be noted. "Rights" are fundamental to the sovereignty concept of Indian self-government. "Sectors of legislative jurisdiction are subject areas, in respect to which, governments have the authority to pass laws; that authority may, but does not necessarily, derive from the inherent sovereignty of that government.

Some of the subject matters of "rights" are normally beyond the ambit of ordinary legislative jurisdiction in democratic societies: for example, the "right to determine the form of government (or develop a constitution)". This is usually subject to special ratification procedures. The "right to determine citizenship" may or may not be one of those rights whose subject matters in inappropriate to enumerate as a sector of legislative jurisdiction.

The three American Tribal Constitutions examined place "citizenship" beyond the powers of the government. However, an examination of Canadian Indian Association position papers directs that "citizenship" be enumerated as an area of jurisdiction here.

Overlap:

"Citizenship" overlaps with: justice, public administration; finance; and intergovernmental relations.

5) Communications

Scope:

Communications include newspapers, radio, television, telephone, and telecomunications.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: The Dene Paper; Resolution No. 2; UBCIC's Paper; and both NIB Papers enumerate "Communication" as an area of jurisdiction.

Reconcilable with the Canadian Reality: The secondary breakdown is simply based upon the various modes of communication within Canadian society.

Conclusion: "Communication" is listed as an area of jurisdiction.

Overlap:

"Communication" overlaps with: transportation; cultural development; justice; economic development; taxation; private works; public administration; and finance.

6) Transportation

Scope:

Transportation includes roads and highways, railways, marine transportation, and air transportation.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sector:

Review of Indian Association Position Papers: Only the Dene Paper lists "Transportation" as an area of jurisdiction.

The Experience of Other Countries: The Navajo Tribal Code lists "Highways and Traffic". And the Greenland Homerule Act, lists "Internal Transport of Passengers and Goods", as a sector of jurisdiction.

Reconcilable with the Canadian Reality: The secondary breakdown is simply based upon the various modes of transportation within Canadian society.

Conclusion: "Transportation" is only expressly listed in one position paper. But as noted "communication" is listed in a number of papers. Communications - a comprehensive term - was - probably intended to include "transportation" in those sources where it is not expressly listed. It is expressly listed as a separate primary sector of jurisdiction here. Other jurisdictions in the world enumerate it separately.

Overlap:

Transportation overlaps with: communications; justice; economic development; taxation; private works; public works; public administration; and finance.

7) Education

Scope:

Education includes pre-school education, elementary and secondary education, post-secondary education, adult education, and special education. Pre-school education is nursery school and day care. Elementary and secondary education includes kindergarden to grade 13. Adult education refers to community and occupational training. And special education refers to rehabilative training, etc.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Virtually all the papers accessed list "Education" as an area of jurisdiction.

Reconcilable with the Canadian Reality: The secondary breakdown is simply based upon the various levels of education in Canadian society.

Conclusion: "Education" is listed as a primary sector of jurisdiction.

Overlap:

"Education" overlaps with cultural development; social development; justice; labour; private works; public works; public administration; and finance.

8) Cultural Development

Scope:

Cultural development includes arts, history, communication, and religion. Arts includes arts and crafts, dance, etc. History includes oral and written history, artifacts and museums, etc. Communication includes language, radio and television programming, etc. And religion includes spiritual ceremonies, burial, and sacred places, etc.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Virtually all the papers accessed listed "Culture" or "Cultural Development" as an area of jurisdiction. The FSI Paper couples "Culture" with "Education" and "Language". NIB's Paper on Elements of Indian Government Constitutions provides as follows: "To legislate for the spiritual, mental and physical health of the members of the community". The UNSI Papers do not specifically list "Cultural Development" as an area of jurisdiction. All other sources specifically list "Cultural Development".

The Experience of Other Countries: The three Tribal Constitutions consulted give "Culture" as an area of jurisdiction. And in the Schedule to the Greenland Honerule Act, "Education" is coupled with "Cultural Affairs".

Conclusion: "Cultural Development" is listed as an area of jurisdiction.

Overlap:

"Cultural Development" overlaps with: communication; education; justice; economic development; private works; public works; public administration; and finance.

9) Health

Scope:

Health includes preventive health, curative health, environmental health, and rehabilitative health. Preventive health includes education, and nutrition, etc. Curative health refers to treatment and health care. Environmental health refers to environmental protection and sanitation. Finally, rehabilitative health includes care and treatment of alcoholics, care and treatment of the mentally ill, etc.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: The IAA Paper and both NIB Papers list "Health" as a separate area of jurisdiction. The Dene Paper, Resolution No. 2, and the UBCIC Paper couple it with Welfare. UNSI's More Figleaf Paper enumerates "Health" with Marriage, Divorce...Safety, etc.

The Experience of Other Countries: The Navajo Tribal Code couples "Health" with "Welfare". The Three Constitutions examined contain general provisions respecting "Charity, Health and Welfare". And the Greenland Homerule Act lists "Health Service" as an area of jurisdiction, in the Schedule to the Act.

The Perspective of an Indian Collectivity: The secondary sectors are based upon an holistic breakdown of health.

Conclusion: A review of Indian Association position papers, and the experience in other countries, directs that there should be a sector of jurisdiction related to health. Some of the sources accessed coupled health with another related matter (i.e. welfare), however, it is listed separately here.

Overlap:

"Health" overlaps with: environment; social development; justice; private works; public works; public administration; and finance.

10) Social Development

Scope:

Social development includes community care, recreation, income support, and housing. Community care refers to all forms of community care, i.e., elders, children, mental incompetents, etc. Recreation includes all forms of sports and recreation. Income support includes pensions, family allowance, and social assistance, etc. And housing simply refers to public housing.

Derivation:

The following factors were taken into consideration in developing this primary sector and its tertiary sectors:

Review of Indian Association Position Papers: "Social Development" is given a separate and specific head of jurisdiction in NIB's Paper on Indian Government Areas of Jurisdiction, Resolution No. 2, and UBCIC's Paper. Note that Resolution No. 2 and UBCIC's Paper also lists "Health and Welfare" as an area of jurisdiction. The Dene Paper lists "Health and Welfare" as well. IAA's Paper separately enumerates "Welfare". NIB's Paper on Elements of an Indian Government Constitution gives the following as an area of jurisdiction: "To legislate for the development of housing, infrastructure, and community facilities".

The Experience of Other Countries: The Navajo Tribal Code lists "Health and Welfare". And the Greenland Honerule Act, in the Schedule to the Act, lists "Social Welfare" as a jurisdictional sector.

Conclusion: A considerable number of Indian Association position papers examined enumerated at least one sector respecting social development or welfare. Sources from other countries tended to do so as well. Therefore social development is listed as a primary sector here.

"Welfare" is taken to be synonymous with "social development" for the purposes of this discussion. The latter term is listed here however instead of "welfare" because of the socio-pathological connotations of "welfare".

Overlap:

"Social Development" overlaps with: education; health; domestic relations; justice; private works; public works; public administration; and finance.

11) Domestic Relations

Scope:

Domestic relations refer to inheritance, marriage and divorce, and relations respecting, elders, children and mental incompetents. Inheritance includes devolution by will or intestacy. Marriage and divorce includes everything incidental to marriage and divorce, i.e., separation, support, custody, etc. Relations respecting elders relate primarily to care and support. Relations respecting children includes foster care, adoption, guardianship, and juvenile delinquency, etc. Finally, relations regarding mental incompetents relate primarily to guardianship, care and support.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sector:

Review of Indian Association Position Papers: The Dene Paper, and NIB's Paper on Elements of an Indian Government Constitution, list "Domestic Relations" (Family Relations) as an area of jurisdiction. Resolution No. 2 and UBCIC's Paper specifically list only "Marriage". UNSI's More Figleaf Paper gives the following as an area of jurisdiction: "Marriage, divorce, inheritance, guardianship of minors and incompetents, and the protection of life, safety, health and property within reserves...". And FSI's Paper enumerates the following: "Family law including marriage, divorce, custody, maintenance and adoption".

The Perspective of an Indian Collectivity: The secondary sectors represent holistic component of a family and its relations.

Conclusion: "Domestic Relations" is listed as a primary sector.

Overlap:

"Domestic Relations" overlaps with: social development; justice; private works; public works; public administration; and finance.

12) Justice

Scope:

Justice includes criminal law and civil law. Criminal law includes substantive criminal law, procedural criminal law, the law of evidence in criminal courts, and the administration of criminal justice, etc. Civil law includes the law of torts, the law of contracts, the law of personal property, the law of real property, family law, and the administration of civil law, etc.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Resolution No. 2, UBCIC's Paper and NIB's two Papers list the general term "Justice" as an area of jurisdiction. Resolution No. 2 and UBCIC's Paper also list "Indian Law Enforcement" separately, NIB's Paper on Elements of an Indian Government Constitution also enumerates "Law and Order" as an area of jurisdiction. The FSI Paper lists the following three separate heads: "Criminal Law and Procedure"; "Administration of Justice and the Establishment of Indian Courts"; and "The Appointment of Indian Judges...". UNSI, in their Fig Leaf Paper, accord Indian Governments jurisdiction over "The Administration of Justice"; IAA and the Dene do the same in their papers.

Reconcilable with the Canadian Reality: The secondary sectors are based upon the breakdown of "Justice" in Canadian society.

Conclusion: Justice is listed as a primary sector of jurisdiction.

Overlap:

"Justice (Criminal)" overlaps with social development; domestic relations; public works; public administration; and finance. "Justice (Civil)" overlaps with almost every other primary sector: almost every sector has a justice aspect.

13) Economic Development

Scope:

Economic development includes resource development, industry and manufacturing, and services/business. Resource development includes, among other things, mining, agriculture, forestry, hunting, fishing, and gathering, etc. Industry and manufacturing includes arts and crafts, mineral processing, the textile industry, and the automobile industry, etc. Services/business includes, financial institutions, insurance, tourism and construction, etc.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Resolution No. 2, the UBCIC Paper, both NIB Papers, and the Dene Paper list "Economic Development" as an area of jurisdiction. But Resolution No. 2 and UBCIC's Paper also list "Fisheries" and "Trade and Commerce"; and the Dene Paper lists "Agriculture", "Trade and Commerce" and "Fisheries" separately. The NIB Paper on Areas of Indian Government Jurisdiction also enumerates "Fisheries" and "Trade and Commerce"; and the NIB Paper on Elements of Indian Government Constitutions separately lists "Trade and Commerce" as an area of jurisdiction. FSI's Paper does not list "Economic Development", but it enumerates "Trade and Commerce" and "Incorporation of Companies" and "Labour". The IAA Paper also does not give "Economic Developent" as a general head of jurisdiction, but it does list "Incorporation". UNSI's More Fig Leaf Paper enumerates "The Licencing and Regualtion of Businesses Operating within Reserves".

The Diversity of Indian Collectivities:

The secondary sectors basically represent the three levels of production in the economy, i.e., primary production, secondary production, and tertiary production. They are broad and flexible enough to accommodate the vast differences between the economies of the various

Indian collectivities in Canada. First of all, "resource development" is listed instead of the numerous forms of resource development, such as mining, forestry, etc. Likewise, "industry and manufacturing" is enumerated rather than arts and crafts, textiles, etc. Finally, instead of listing various tertiary production activities like - financial institutions, insurance, tourism, etc. - "service/business" is simply listed as a secondary sector.

Conclusion: Indian Association position papers are varied. Five of the papers examined list "economic development" as an area of jurisdiction. But those papers also list other economic sectors like - "Fisheries", "Agriculture", and "Trade and Commerce" - separately. Other papers that do not list "economic development", do enumerate other economic sectors such as - "Trade and Commerce", "Labour", and "Incorporation".

"Economic Development" is listed here as the primary sector. It is comprehensive enough to encompass most of those other sectors mentioned by position papers. And those sectors that are extremely prominent in the papers of Indian Associations are listed, as separate primary sectors, below.

The secondary sectors basically represent the three levels of production in the economy.

Overlap:

"Economic Development" overlaps with: property; natural resources; environment; communication; transportation; cultural development; justice; energy; labour; trade; companies; taxation; private works; public works; public administration and finance.

14) Energy

Scope:

Energy includes renewable energy, and non-renewable energy. Renewable energy includes solar energy, hydro electric energy, wind energy, etc. And non-renewable energy includes coal energy, oil and gas energy, and nuclear energy, etc.

Derivation:

The following factors were taken into consideration in developing the primary sector and its secondary sectors.

Review of Indian Association Position Papers: Resolution No. 2 and the UBCIC Paper list "Oil and Gas" as an area of jurisdiction.

The Experience of Other Countries: The Blackfeet Constitution gives the following as an area of jurisdiction: "To manage all economic affairs and interprises of the Blackfeet Reservation, including all oil leases on tribal lands and the disposition of all oil royalties from tribal lands..." And the Northern Cheyenne Constitution makes similar provision: "To approve or prevent any sale, disposition, lease or encumbrance of tribal lands, interests in land or other tribal assets, including minerals, gas and oil. In the Navajo Tribal Code, "Coal", and "Oil and Gas", are listed as subtitles to the main title "Mines and Minerals".

The Diversity of Indian Collectivities: Specific energy forms like - coal, oil, gas, solar, etc. - could have been listed as primary or secondary sectors. But the list would be lengthy, and many of the sectors would be inapplicable to many reserves. For example, "oil" may be relevent to an Alberta reserve, but irrelevent to a northern Ontario reserve, where hydro electricity is the major source of energy. The objective was to develop simple sectoral arrangements that are broad and flexible enough to accommodate the vast differences in energy resource capacity between the various reserves in Canada. Therefore, "energy" was listed as the primary sector, and "renewable" and "non-renewable", as the secondary sectors.

Conclusion: Only two of all the Association position papers accessed, listed energy resources (oil and gas) separately. However, most American sources, in recognition of the economic significance of energy resources, generally listed them separately. "Energy" is enumerated separately here.

The sectoral arrangement - "energy": "renewable" and non-renewable" - was selected because it is broad and flexible enough to accommodate the differences in energy resource capacity between the various reserves in Canada.

Overlap:

"Energy" overlaps with: property; natural resources; environment; justice; economic development; labour; trade; companies; taxation; private works; public works; public administration; and finance.

15) Labour

Scope:

Labour includes employment, labour relations, and professions and occupations. Employment includes employment programs, affirmative action, and unemployment insurance, etc. Labour relations includes collective bargaining, unions, and wages, etc. And professions and occupations refers to the licencing and regulation of professions and occupations.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Both NIB Papers, the Dene Paper, IAA's Paper, and FSI's Paper specifically enumerate "Labour" as an area of jurisdiction.

The Experience of Other Countries: The Navajo Tribal Code lists "Labour" as Title 15. And the Greenland Honerule Act, in the Schedule, lists "Labour market affairs" as an area of jurisdiction.

Conclusion: "Labour" is listed as a primary sector of jurisdiction.

Overlap:

"Labour" overlaps with: education; justice; economic development; energy; taxation; public administration; and finance.

16) Trade

Scope:

Trade includes intra-reserve trade, inter-reserve trade, and extra-reserve trade.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Resolution No. 2, the UBCIC Paper, the Dene Paper, both NIB Papers, and the FSI Paper, list "Trade and Commerce" as an area of jurisdiction.

The Experience of Other Countries: The Navajo Tribal Code enumerates "Trade and Commerce". And the Schedule of the Greenland Honerule Act gives the following as an area of jurisdiction: "Other matters relating to Trade..."

Conclusion: "Trade" is listed as a primary sector of jurisdiction.

Overlap:

"Trade" overlaps with: justice; economic development; energy; companies; taxation; private works; public works; public administration; finance; and intergovernmental relations.

17) Companies

Scope:

Companies includes profit companies, and non-profit companies.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: The IAA Paper lists "Incorporation" as an area of jurisdiction; and the FSI Paper lists "Incorporation of Companies". UNSI's Figleaf

Paper enumerates the following as an area of jurisdiction: "The incorporation of companies with band objects".

Conclusion: "Companies" is listed as a primary sector of jurisdiction.

Overlap:

"Companies" overlaps with: justice, economic development; energy; trade; taxation; public administration; and finance.

18) Taxation

Scope:

Taxation includes direct and indirect taxation.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Virtually every Canadian source consulted listed "Taxation" (either direct, indirect or simple "Taxation") as a separate area of jurisdiction. Except UOI's Paper. Note also that UBCIC and Resolution No. 2 list "Revenue" but not "Taxation".

Reconcilable with the Canadian Reality:

The secondary breakdown adopted here is the one employed in Canadian constitutional law.

Conclusion:

"Taxation" is probably subsumed under one or a number of the other sectors enumerated here. But it is specifically listed because of its prominence in Indian Association position papers.

Overlap:

"Taxation" overlaps with: property; natural resources; communications; transportation; justice; economic development; energy; labour; trade;

companies; private works; public works; public administration; finance; and intergovernmental relations

19) Private Works

Scope:

Private works refers to the planning, building, safety, lease, and sale, etc., of private works or facilities related to the various primary sectors of jurisdiction listed here.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

The Perspective of an Indian Collectivity: "Private works" is an holistic component of the "physical environment". The secondary sectors reflect the inter-relation between the "physical environment" and the other "environments".

Conclusion: None of the Indian Association Position papers accessed listed "Private Works" as an area of jurisdiction. That sector was developed entirely as a result of the holistic approach taken to sectoral classification. "Private Works" is a logical part of the "physical environment".

Overlap:

"Private Works" overlaps with almost every other primary sector: almost every sector has a "private works" aspect.

20) Public Works

Scope:

Public works refers to the planning, building, safety, lease, and sale, etc., of public works or facilities related to the various primary sectors of jurisdiction listed here.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: The NIB Paper on Elements of an Indian Government Constitution lists the following as an area of jurisdiction: To legislate for the development of housing, infrastructure, and community facilities". UNSI's More Figleaf paper lists "the establishment of schools, hospitals, roads, and other public works and institutions". An the Dene Paper enumerates "Local Community Developments" as a sector of jurisdiction.

The Perspective of an Indian Collectivity: "Public Works" is the other holistic component of the "physical environment". The secondary sectors reflect the inter-relation between the "physical enviroment" and the other "environments".

Conclusion: Three Indian Association Papers mention "public works" or subject matters that can be classified as "public works". Further, "public works" is a logical component of the "physical environment", according to the holistic approach taken to sectoral classification. Therefore, "public works" is listed as a primary sector.

Overlap:

"Public Works" overlaps with almost every other primary sector, almost every sector has a "public works" aspect.

21) Public Administration

Scope:

Public administration relates to the administration of every primary sector of jurisdiction, i.e., property, natural resources, environment, etc. The various components of the public administration are public officers, public authorities, public service, and general administration.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Virtually all the position papers accessed listed "Administration of Justice" as a sector of jurisdiction. UNSI's More Figleaf Paper gives the following as an area of jurisdiction: "the employment, compensation, and duties of band officers and other agents of band government".

The Experience of Other Countries: The Navajo Tribal Code lists, as Title 2, "Administration of Tribal Affairs". And the other American sources accessed generally had a two provision respecting public administration.

Conclusion: "Administration" is not generally listed as an area of jurisdiction in the Indian Association papers accessed. The "administration of justice" is an exception, which is usually listed. The authority to administer a particular legislative jurisdiction is understood - in Canadian constitutional law - to follow the legislative power. It is probably for this reason that "administration" is not usually specifically listed.

It listed here, however, because it is an holistic part of the "government environment". The American sources examined tend to list a general administration sector as well.

Overlap:

"Public Administration" overlaps with virtually every primary sector enumerated here: virtually every jurisdictional area must be publically administered.

22) Finance

Scope:

"Finance" includes revenue, expenditure, public debt, interest, and equalization.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: Virtually every position paper enumerates "Taxation" as an area of jurisdiction. Resolution No. 2, and UBCIC's Paper refer to "Revenue". And IAA's Paper lists "Revenue Sharing" as an area of jurisdiction.

The Experience of Other Countries: The Navajo Tribal Code refers simply to "Fiscal Matters". The Agua Caliente Constitution contains the following areas of jurisdiction: "To recommend... the expenditure of any tribal funds..."; To obtain financial reports..." and the other Tribal Constitutions examined contain similar provisions.

The Perspective of an Indian Collectivity: "Finance" is another holistic component of the "government environment". It is inter-related with virtually every primary sector listed here.

Conclusion: "Finance" is listed primarily because it is an holistic part of the "government environment". Further some of the Association papers list subject matters that can be classified under the sectoral title, "finance". Finally, American sources tend to enumerate a sector related to finance or fiscal matters.

Overlap:

"Finance" overlaps with virtually every primary sector enumerated here: virtually every sector has a public revenue or public expenditure aspect.

23) Inter-governmental Relations

Scope:

Intergovernmental relations includes inter-Indian government relations, Indian-Provincial government relations, and Indian-Federal government relations.

Derivation:

The following factors were taken into consideration in developing this primary sector and its secondary sectors:

Review of Indian Association Position Papers: The Dene Paper lists "Relations with Other Aboriginal Peoples", and External Jurisdiction", as two separate areas of jurisdiction. IAA's Paper enumerates "inter-governmental taxation and revenue sharing agreements". Finally, NIB's Paper on Element of an Indian Government Constitution enumerates the following: "To negotiate with other governments on behalf of the community in order to provide the resources necessary to fulfill the requirements of this constitution".

The Perspective of an Indian Collectivity: "Inter-governmental Relations" is the third holistic component of the "government environment". It is inter-related with many of the primary sectors enumerated here.

Conclusion: "Inter-governmental Relations" is listed primarily because it is an holistic part of the "government environment". Further, some of the Association papers list subject matters that can be classified under the sectoral title, "inter-governmental relations".

Overlap:

"Intergovernmental Relations" overlaps with many of the primary sectors enumerated here: many of the sectors have an intergovernmental aspect, especially, citizenship and trade.

## 7. INFORMATION SOURCES CONSULTED

### Indian Association Position Papers

1. First Nations Constitutional Conference, April 28 - May 1, 1980, Resolution No. 2 (Hereinafter referred to as "Resolution No. 2").

2. Aboriginal Rights Position Paper, Union of British Columbia Indian Chiefs (Hereinafter referred to as "UBCIC Paper").

3. Recognition of the Dene Nation through Dene Government (Hereinafter referred to as "Dene Paper").

4. From the Anishinabek (The Obibway, Ottawa, Potowatomi, Deleware and Algonquin Nations) to the Parliament of the Dominion of Canada, Union of Ontario Indians submission (Hereinafter referred to as "UOI Paper").

5. Maple Lef or Fig Leaf? What is Canada Trying to Hide? Union of Nova Scotia Indians resonding to C-60 (Hereinafter referred to as "UNSI Fig Leaf Paper").

6. More Fig Leaf, response of the Union of Nova Scotia Indians to the Indian Act Revision process (Hereinafter referred to as "UNSI More Fig Leaf Paper")**

7. Native Women's Association of Canada, Declaration of Principles and Beliefs, submission to the Joint Parliamentary Committee on the Constitution (Hereinafter referred to as "N.W.A. Paper")*

8. Presentation by the Indian Association of Alberta to the Special Joint Committee of the Senate and House of Commons on Patriation of the Canadian Constitution (Hereinafter referred to as "IAA Paper").

9. Indian Government Areas of Jurisdiction, Indian Government; The Land...The People...and the Resources, Report by the Indian Government Program, National Indian Brotherhood, 1979. (Hereinafter referred to as "NIB Paper on Indian Government Areas of Jurisdiction").

10. Elements of An Indian Government Constitution, Indian Government: The Land...The People...The Resource, Report by the Indian Government Program, National Indian Brotherhood, 1979. (Hereinafter referred to as "NIB Paper on Elements of An Indian Government Constitution").

11. Recognition and Entrenchment of Treaty and Aboriginal Rights and Indian Government within the Canadian Confederation, Federation of Saskatchewan Indians submission to the Joint Parliamentary Committee on the Constitution (Hereinafter referred to as "FSI Paper").

The Experience of Other Countries

12. Constitution and By-Laws of the Agua Caliente Band of Mission Indians, California (Hereinafter referred to as the "Agua Caliente Constitution").

13. Navajo Tribal Code.

14. Constitution and By-Laws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana (Hereinafter referred to as the "Blackfeet Constitution").

15. Constitution and By-Laws of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (Hereinafter referred to as the "Northern Cheyenne Constitution).

16. The Greenland Home Rule Act.

3. Special Notes

Although "legislative jurisdiction" and "rights" are different in principle, for the purposes of this study, the difference does not affect the utility of those papers that simply list "rights". As noted in the introduction to this report, this study is not predicated upon the adoption of a single concept of Indian self-government. In fact, it will investigate the implications of adopting a number of different concepts. Therefore, even those sources that simply listed "rights" were utilized. However, they were only used for purposes of establishing sectoral classifications.

* This distinction between "legislative jurisdiction" and "rights" should be noted. Many of the sources accessed enumerated "rights of Indian nations", for example, the "right to determine the form of government", and the "right to determine citizenship". These are distinguishable from the jurisdictional sectors this study concerns itself with. "Rights" are fundamental to the sovereignty concept of Indian self-government. Jurisdictional sectors are subject areas, in respect to which, governments have the authority to pass laws; that authority may, but does not necessarily, derive from the inherent sovereignty of that government.

** Similarily, some sources developed sectoral descriptions within the context of proposed Indian act legislation. In other words, the sectoral descriptions were based on the delegated concept of Indian self-government. Since this is not relevent to this project, these sources were also utilized for the purposes of establishing sectoral classifications.

## III. PHASE 2A: DESCRIPTION OF THE FEDERAL AND PROVINCIAL CONSTITUTIONAL JURISDICTIONS IN EACH OF THE PRIMARY SECTORS

This phase provides a description of the federal and provincial constitutional jurisdiction in each of the primary sectors identified in phase 1.

The description is not intended to be a definitive legal opinion. It is just a brief indication of the federal-provincial constitutional interface.

Before beginning the analysis of the individual sectors, the general constitutional principles respecting the operation of sections 91 (24) of the British North America Act, will be outlined.

### A. Indians and Lands Reserved for the Indians

#### a) Federal Jurisdiction

Section 91 (24) of the BNA Act gives the Parliament of Canada authority to legislate in relation to "Indians, and lands reserved for the Indians". It will be noted that this section accords legislative jurisdiction over two subject matters: "Indians", and "lands reserved for the Indians".

Under the first head, Parliament is empowered to make laws in relation to "Indians". This authority extends to Indians on or off lands reserved for the Indians. Further, it is likely that Parliament may legislate for Indians on matters which otherwise lie outside its legislative competence, i.e., property and civil right. However, the laws - in pith and substance - must be related to "Indians".

Parliament is empowered to make laws in relation to "lands reserved for the Indians", under the second head of s. 91 (24). This jurisdiction is not limited to present day Indian reserves. It may extend to the tracts of land reserved for Indians under the Royal Proclamation of 1763 and probably to other lands established as reserves before Confederation. Section 91 (24) does not confer proprietary rights over these lands. It was established early that the beneficial title to Indian lands is held by the Crown in right of

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the province, and not the Crown in right of the Dominion (subject, of course to the proprietary rights of Indians). Section 91 (24) merely authorizes Parliament to administer and control Indian lands. Pursuant to this jurisdiction, it may pass laws which affect Indians and non-Indians alike. However, the laws - in pith and substance - must be related to "lands reserved for the Indians".

b) Provincial Jurisdiction

Do provincial laws apply to "Indians", and "lands reserved for the Indians"?

It is clear that provincial laws, enacted pursuant to a valid provincial head of power, apply to "Indians", the subject matter of the first branch of S. 91 (24). There are two qualifications to this proposition:

(1) the legislation must not single out Indians or relate to Indians as Indians, and,

(2) the field must be free of conflicting federal legislation or else the provincial law will fall by virtue of the doctrine of paramountcy.

There has been some debate about the applicability of provincial laws to "lands reserved for the Indians", the subject matter of the second branch of S. 91 (24). One school of thought - whose most notable proponent is Chief Justice Bora Laskin - maintains that reserves are federal enclaves, immune from provincial law. This view has not received much support in legal and academic circles. And the preponderance of judicial opinion is opposed to it: the Supreme Court of Canada rejected the enclave theory in two recent judgements. It is, therefore, now fairly settled that provincial laws enacted pursuant to a valid provincial head of power apply to "Indians" and "lands reserved for the Indians". The major qualification to this proposition is that the legislation must not be related to the use of land: this is an area belonging exclusively to Parliament. The other qualification, of course, is that there must be

no federal law in the field. Where both these qualifications are satisfied, provincial laws will be applicable to both Indians and non-Indians on "lands reserved for the Indians".

c) Indian Act, Section 88

This examination does not generally concern itself with legislation, but s. 88 of the Indian Act is mentioned briefly here, because of its quasi-constitutional nature. Section 88 provides:

> Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any other, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter of which provision is made by or under this Act.

This provision makes it absolutely certain that provincial laws "of general application" apply to Indians, whether on or off the reserve. However, opinion is divided as to the effect of the section. Does it simply restate existing law, or does it referentially incorporate certain provincial laws which would not otherwise apply to Indians? The courts have been unable to adequately deal with this question.

There are two further points that should be noted about section 88. First of all, it relates only to the first branch of s. 91 (24), "Indians"; it is not concerned with the applicability of provincial laws to "lands reserved for the Indians". Secondly, s. 88 occupies a certain portion of the "Indian" legislative field - primarily in the area of hunting and fishing - by saying that provincial laws are "subject to the terms of any treaty". This has the peculiar effect of giving treaties the status of federal legislation.

## B. Federal-Provincial Constitutional Interface in Each of the Primary Sectors

Analysis of the primary sectors will follow the basic phase 1 framework. The exercise will direct itself to answering one simple question: who has jurisdiction over this particular sector? This will inevitably involve some juggling because the phase 1 sectors do not always coincide with those in the BNA Act. Each primary sector will be examined individually: first in relation to jurisdiction over the sector generally; and secondly, in relation to jurisdiction over the sector, vis à vis "Indians and lands reserved for the Indians". The latter part of this analysis will be brief because the general principles relating to S. 91 (24) of the BNA Act have already been stated above. Only the nuances relating to the individual sectors will be expanded in the following inquiry.

### 1. Property

The secondary sectors must be individually examined under this primary sector: i.e. (1A) land; (1B) water; and (1C) airspace.

#### 1A Land

a) Generally

There are two aspects to jurisdiction over land that must be examined: (i) public property; and (ii) property and civil rights.

(i) Public Property

Public property, under Canadian constitutional law, refers to the various, real and personal property holdings of the federal Parliament and the Provinces. It is not generally within the scope of this study to examine ownership questions, as was said above, this part is directed to determining who has legislative jurisdiction over the various sectors. However, the BNA Act accords Parliament, and the Legislatures of the Provinces, the authority to make laws in relation to their respective property holdings.

The provincial jurisdiction derives from two heads. Section 92 (5) of the BNA Act authorizes the Legislatures of the Provinces to make laws in relation to "the management and sale of the public lands belonging to the province and of the timber and wood thereon". And s. 92 (13) empowers the Legislatures to legislate in relation to "property and civil rights in the province". These powers generally enable Parliament and the Provinces to pass laws governing the use and sale of properties they respectively own. In doing so they may venture into legislative fields over which they do not otherwise have jurisdiction. The only limitations to these powers are constitutional restrictions relating to a particular property holding.

The jurisdiction over public property extends to all holdings no matter how they were acquired. Therefore, it extends to all properties acquired under the property, distribution provisions of the BNA Act and also to any other properties acquired by purchase, expropriation, or otherwise. It is not within the scope of this study to precisely identify the property holdings of the federal Parliament and the provinces in Canada, suffice to say they are fairly extensive. However, there will be a brief examination of the major principles governing property distribution under the Canadian Constitution.

What is the distribution of public property in Canada? This is governed by various provisions of the Constitution.

Federal Properties

Section 108 of the BNA Act, at the time of Confederation, allocated certain properties to the Parliament of Canada. It provides: "The Public Works and Property of each Province, enumerated in the Third Schedule to this

Act, shall be the Property of Canada". And the third schedule lists the following properties:

1. Canals with Lands and Water Power connected therewith.
2. Public Harbours.
3. Lighthouse and Piers, and Sable Island.
4. Steamboats, Dredges and Public Vessels.
5. Rivers and lake Improvements.
6. Railways and Railway Stocks, Mortgages and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices and all other Public Buildings, except such as the Government of Canada appropriate for the Use of the Provincial Legislature and Governments.
9. Property transferred by the Imperial Government and known as Ordinance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.

This provision applied only to the four original provinces of Ontario, Quebec, New Brunswick, and Nova Scotia. Its application was later extended to Prince Edward Island and British Columbia. And a provision similar to s. 108 is contained in the Newfoundland Terms of Union.

Property distribution in the prairie provinces was strikingly different. Unlike the other provinces, Manitoba, Saskatchewan and Alberta, did not originally have title to properties and natural resources, within their respective boundries, when they joined Canada. In these provinces, the properties and natural resources belonged to the Dominion. And the Dominion retained ownership even after admission of the provinces into the Union. This did not change until 1930, when the Natural Resource Transfer Agreements were concluded. These Agreements now govern property distribution between the Dominion and each of the prairie provinces.

Provincial Properties

Sections 109 and 117 of the BNA Act, at the time of confederation, allocated certain properties to the Provinces. First of all, s. 109 provides:

> All Lands, Mines, Minerals and Royalties belonging to the several provinces of Canada, Nova Scotia, and New Brunswick at the time of Union, and all sums then due or payable for such Lands, Minerals or

> Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any interest other than that of the Province of the same.

And S, 117, a residuary provision, added:

> The several Provinces shall retain all their respective Public Property not otherwise disposed of in this Act, subject to the Right of Canada to assume any lands or Public Property required for Fortifications or for the Defence of the Country.

These provisions also only applied to the four original provinces of Ontario, Quebec, New Brunswick and Nova Scotia. Their application was later extended to Prince Edward Island and British Columbia, when these provinces were admitted into the Union. And the Newfoundland Terms of Union contains provisions similar to ss 109 and 117.

As was said above, the distribution of public property in the prairie provinces is governed by the Natural Resource Transfer Agreements. Concluded in 1930, these Agreements transferred title to certain properties and natural resources from the Dominion to the respective Provinces of Manitoba, Saskatchewan and Alberta. They were subsequently confirmed and given constitutional effect under the BNA Act, 1930.

The Agreements, almost indentical for the three provinces, contain various property provisions, the most important of which is the following, taken from the Manitoba Agreement:

> 1. In order that the Province may be in the same position as the original Provinces of Confederation are in virtue of section one hundred and nine of the British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this agreement, and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province

for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payments received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this agreement shall continue to belong to Canada whether paid in advance or otherwise, it being the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals or royalties before the coming into force of this agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

(ii) Property and Civil Rights

Pursuant to S. 92 (13) of the BNA Act, provinces have jurisdiction to make laws in relation to the general law of property. The general law of property refers to property rights: their creation, transfer, and attributes. "Thus, the law of real and personal property and all its various derivatives, such as landlord and tenant, trusts and wills, succession on intestacy, conveyancing and land use planning, are within provincial power".

b) Indians and Lands Reserved for the Indians

The two aspects to jurisdiction over land, above examined (i) public property; and (ii) property and civil rights - must now be examined, vis à vis Indians and lands reserved for the Indians.

(i) Public Property

Who holds the beneficial title to Indian Lands? This is an extremely complicated question that cannot be adequately answered within the limited scope of this examination. Only the general principles will be outlined here.

The general rule, established in 1888, is that the Crown in right of the province, and not the crown in right of the Dominion, holds the underlying title to Indian lands. Indian lands are not transferred to the Dominion under s. 108 of the BNA Act. Nor did legislative jurisdiction over "lands reserved for the Indians", under s. 91 (24), carry with it any beneficial interest in those lands: it merely authorized Parliament to administer and control Indian lands. The provincial interest was subject, of course, to the proprietary rights of the Indians. But once Indian title was surrendered, full title went to the province, and Parliament lost its legislative jurisdiction.

The 1888 rule made the administration of Indian lands awkward. The federal government lost control of the land the instant it was surrendered. To correct this situation, Canada has since concluded agreements, respecting Indian reserves, with various of the provinces. Thus, in most provinces now, with the exception of Prince Edward Island and Newfoundland, the federal Parliament does have beneficial title to, or the right to dispose of, Indian reserve lands. Each agreement should be examined in detail to determine the extent, if any, to which the province continues to retain an interest in reserve lands.

The above general rule did not apply to Manitoba, Saskatchewan and Alberta, because the Dominion retained ownership of properties and natural resources in these provinces until 1930. And the Dominion continued to retain ownership in Indian reserve lands after 1930, when the Natural Resources Transfer Agreements were signed. Property distribution, in respect to Indian reserves, in the Prairies, is



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governed by the following provision, taken from the Manitoba Agreement, but identical for all three provinces:

11. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time, upon the request of the Superintendent General of Indian Affairs set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the Minister of Mines and Natural Resources of the Province, select as necessary to enable Canada to fulfill its obligations under the treaties within the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all aspects as if they had never passed to the Province under the provisions hereof.

In view of the above property distribution, what is the distribution of legislative power in respect to lands reserved for the Indians? Generally speaking, any interest that provinces might have in Indian lands would also carry with it, in absence of any other provisions, legislative jurisdiction over such lands, pursuant to the public property powers of the provinces, under S. 92 (5) and (13) of the BNA Act. However, S. 91 (24) of the BNA Act empowers the federal Parliament to make laws in relation to "lands reserved for the Indians". This has the effect of limiting any provincial, public property jurisdiction to a very narrow area. "A province has power to legislate respecting its underlying title, but is perhaps limited to legislation that transfers title or is based on the assumption of surrender of title".

(ii) Property and Civil Rights

As was said above, the provinces have legislative jurisdiction over the general law of property by virtue of S. 92 (13) of the BNA Act. Does this jurisdiction extend to "lands reserved for the Indians"? This is primarily an area of federal jurisdiction. But provincial laws of general application, in relation to "property and civil rights" are applicable to Indian lands so long as they do not directly effect land use, and there are no federal laws in the field. Examples of legislation in relation to land use are health and zoning by-laws. The British Columbia Court of Appeal held such legislative ultra vires in a 1970 case.

1B Water

a) Generally

Water is not an area of jurisdiction, per se, in Canadian constitutional law. But there are many functional subject matters, related to water - for example, water supply, sewage disposal, navigation, fishing, pollution, irrigation, power development and flood control, among other things - which fall variously within the legislative powers of Parliament and the provinces. Because of the time and space limitations of this study, only the major legislative powers will be examined. They will be discussed under the following topics: (i) public property; (ii) navigation and shipping; and (iii) property and civil rights/matters of a local or private nature.

(i) Public Property

As noted above, Parliament and the provinces are empowered, by the BNA Act, to legislate in relation to their respective property holdings. Pursuant to this jurisdiction, they can make laws respecting any lands they own, or any water connected with those lands.

Property in water does not refer to ownership of the water: water is a common resource which is not susceptible of ownership. It refers

instead to the ownership of lands lying beneath or adjacent to bodies of water. The owner of such lands acquires certain rights in the water, by virture of his ownership.

Ownership of the bank or lands abounding on waters carries with it riparian rights, ie., the right of access to the water; the right of drainage; rights relating to the flow of water; rights relating to the quality of the water; rights relating to the use of the water; and, the right of accretion. It is established that water rights such as these, incidental to the land, went with the distribution of lands to the Dominion and the provinces, according to the BNA Act. Therefore, the ownership of public lands adjacent to waters entitles the federal or provincial owner to legislate, not only in relation to the lands, but also the riparian rights incidental thereto. The main principles governing the distribution of public land (including lands adjacent to bodies of water) in Canada was outlined above, thus no more need to be said about this aspect of public property in water.

Property in the bed of a body of water is on what the remainder of this examination into public property will concentrate. Ownership of the bed entitles the owner to the same rights as any landowner, that is, he has the right to exploit surface and subsoil resources, and the right to build thereon. But the owner of the bed is also entitled to use and develop the water resources above his land, and in certain instances, the exclusive right to fish in those waters. However, ownership of the bed, and the rights incidental thereto, are subject to the public rights of navigation and fishing, where applicable.

The distribution of public property in the beds of waters in Canada, is generally governed by the constitutional principles outlined above under the examination of public property in lands. However, the subject is sufficiently different to warrant further examination.

Under Canadian constitutional laws, there are basically three categories of public property

in waters: (i.a) inland waters; (i.b) territorial waters; and (i.c) the continental shelf.

(i.a) Inland Waters

Inland waters refers to ports, harbours, bays, gulfs, straits, and lakes and rivers. Who has the beneficial interest in the property of such waters in Canada? In order to examine this question, it will be convenient to split inland waters into coastal inland waters, and lakes and rivers.

Lakes and Rivers

Public property in the beds of lakes and rivers, like other public lands, was distributed as per the BNA Act. And the incidents of the bed, including the exclusive right to fish, followed the scheme of distribution set out in the Act.

The bulk of ungranted public property in lakes and rivers was allocated to the provinces. Thus they have a wide authority to use and develop such waters. Section 92 of the BNA Act empowers provinces to legislate in relation to their lands; this extends to the incidents of those lands. Therefore, they are also authorized to make laws in relation to the waters, and fisheries connected with the beds of lakes and rivers. It should be noted, however, that provincial jurisdiction is subject to the public rights of navigation in navigable waters (in provinces where this public right obtains), and fishing in tidal rivers or tidal portions of rivers.

An exception to the general distribution of public property in lakes and rivers, may be international and interprovincial rivers. It has been suggested that such waters must surely be outside the domain of the provinces. If so, the source of federal jurisdiction over such properties derives from Parliament, "peace order, and good government" power.

Coastal Inland Waters

Coastal inland waters includes ports, harbours, bays, gulfs and straits. Public property in the beds of such waters - including surface and subsoil resources was also distributed as per the BNA Act.

Generally speaking, provinces, under the BNA Act distribution scheme, were entitled to such property in inland waters as belonged to them before the union. And this was dependent on principles of common law and historical title. Without going into the detailed application of the principles, it is sufficient to say that the provinces had extensive holdings in such waters.

Dominion ownership of coastal inland waters is also fairly extensive. It extends to those inland waters over which provinces could not establish ownership under common law and historical title; and also includes inland waters that were expressly transferred to the Dominion, i.e., public harbours under S. 108 of the BNA Act. Furthermore, any inland waters newly acquired by Canada are also federal property.

The ownership and jurisdiction of the Dominion and the provinces, in coastal inland waters, is subject to the public rights of navigation and fishing.

(i.b) Territorial Waters

A country's territorial waters stretches from the low-water mark and the outer edge of the inland waters, outward for three to twelve miles. Public property in such waters is owned by the Dominion by virtue of its extra-territorial sovereignty at international law. Ownership carries with it the right to exploit surface and subsoil resources. And legislative jurisdiction over territorial waters lies with the federal Parliament under S. 91 (1A), or under the general peace order and good government power of Parliament.

(i.c) The Continental Shelf

The continental shelf stretches out for some 200 miles. Public property in such waters is owned by the Dominion by virtue of its extra-territorial sovereignty. Ownership carries with it the right to exploit surface and subsoil resources. And legislative jurisdiction over territorial waters lies with the federal Parliament under S. 91 (1A), or under the general peace order and good government power of Parliament.

(ii) Navigation and Shipping

Under S. 91 (10) of the BNA Act, the federal Parliament has jurisdiction to legislate in relation to "navigation and shipping". This provision authorizes Parliament not only to regulate the public right of navigation, but also "to improve the navigability of water and to prevent the erection of works that might impede navigation either absolutely or on condition of obtaining a license or permit". This jurisdiction is a constitutional restriction on provincial jurisdiction over public property in inland waters.

(iii) Property and Civil Rights/Matters of a Local or Private Nature

Sections 92 (13) and (16), respectively, authorize provinces to legislate in relation to "property and civil rights in the province" and "generally all matters of a merely local or private nature in the province". Under these powers "a province may, in relation to water development, exercise, inter alia, jurisdiction over water supply, power development, water conservation, flood control, pollution and recreation".

(b) Indians and Lands Reserved for the Indians

(i) Public Property

"Public property" - the first subject matter examined above - need only be further examined in relation to "inland waters". Neither "territorial waters", nor "the continental shelf" has to be further examined, vis à vis Indians and lands reserved for the Indians, they do not involve federal-provincial interface. They are both exclusively federal, generally, and for all the more reason, they must be exclusively federal, vis à vis Indians and lands reserved for the Indians. Who has jurisdiction over inland waters, vis à vis Indian lands? There is no case law directly or point, but it can be assumed that public property, in water should be no different from public property in land. In other words, provincial jurisdiction over its public property in inland water vis à vis Indian lands is necessarily restricted to a very narrow compass by S. 91 (24) of the BNA Act.

(ii) Navigation and Shipping

The second aspect of the jurisdiction over water need not be further examined either "Navigation and Shipping" is an exclusively federal area: it does not involve a federal-provincial interface.

(iii) Property and Civil Rights/Matters of a Local or Private Nature

The extent to which the provinces can legislate in relation to water development, vis à vis

Indian lands, pursuant to the jurisdiction conferred by S. 91 (13) and (16) of the BNA Act, is uncertain. But it is clear that federal legislative power over Indian lands is very broad. On the basis of recent case law, examined above, provincial laws of general application in relation to "property and civil rights" or matters of a local or private nature", are probably applicable to Indian lands (including waters connected thereto) so long as they do not directly affect land use, and there are no federal laws in the field.

1.C. Airspace

The airspace - or more appropriately, the air medium - is not susceptible of jurisdiction, either as "public property" or as the air medium, per se. In Canada, the accepted principle is that of complete freedom of the air. It was established in 1953 that the air medium could be neither owned nor appropriated: it fell within the category of res omnium communis, or a common property. The owner of land had a limited right by what he could occupy for his use and enjoyment. Nor has the notion of sovereignty over the air medium been accepted in Canada. "At the public, as at the private level - and substituting the concept of ownership with that of sovereignty - the situation is the same; the air medium...is common property, for the peaceful use of all mankind".

Although the air medium is not susceptible of jurisdiction, there are aspects of definite areas of legislative jurisdiction that touch on the air medium, i.e., aeronautics, and communications. See "transportation" and "communications" below.

2. Natural Resources

This subject is generally covered above, under the discussion on property. It will be further discussed here under the following headings: (1A) game and hunting; (1B) fishing; (1C) forestry and gathering; (1D) agriculture; and (1E) minerals and mining.

1A. Game and Hunting

(a) Generally

Game, including birds and animals, cannot be owned until appropriated. However, the

property owner has the exclusive right to hunt over his lands. This goes for governmental property owners as well. Therefore, Parliament has a wide authority to legislate in relation to hunting over its properties even though "hunting" is otherwise outside its jurisdiction. The hunting of game is otherwise within the legislative jurisdiction of the provinces, pursuant to S. 92 (13) jurisdiction of the provinces, pursuant to S. 92 (13) property and civil rights, and S. 92 (16) matters of a local or private nature. However, the federal Parliament is empowered to legislate in relation to migratory birds. It exercises this jurisdiction pursuant S. 132 of the BNA Act which provides that the Federal Parliament will have all powers relating to the proper performance of obligations of Canada under a treaty of the British Empire. Such a treaty was concluded respecting migratory birds.

(b) Indians and Lands Reserved for the Indians

The subject of public property jurisdiction was discussed above, under "property". Therefore, "hunting" as a function of this jurisdiction, need not be further examined here.

And the subject of "migratory birds" need not be discussed here either because it does not involve a federal-provincial interface.

However, the general provincial jurisdiction over hunting should be discussed, vis à vis Indians and lands reserved for the Indians. It is fairly clear that provincial hunting laws do not apply to Indians on reserve. A recent case characterized such laws as being in relation to land use and, therefore, inapplicable. However, Indians off Indian lands are a different matter. It is generally established that provincial game laws apply to Indians in such instances. But this is subject to two exceptions:

Indian hunting rights guaranteed in the prairies by the Natural Resource Transfer Agreements; and treaty hunting rights protected by S. 88 of the Indian Act.

Indian Hunting Rights Guaranteed by the Natural Resource Transfer Agreements

The following provision, which limits provincial authority to make laws respecting Indians, is found in the Natural Resource Transfer Agreements entered into between Canada and the prairie Provinces:

> 13. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistance, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

This provision along with the rest of the provisions of th Agreements were given constitutional effect by the BNA Act, 1930.

Treaty Hunting Rights Protected by Section 88 of the Indian Act

Section 88 of the Indian Act discussed above, makes provincial laws of general application applicable to Indians. But it also provides that this is "subject to the terms of any treaty". In other words, provincial hunting laws are made subject to treaty hunting rights.

## 1.B. Fishing

### (a) Generally

Generally speaking, fishing is a federal responsibility under S. 91 (12) of the BNA Act, "seacoast and inland fisheries". But the subject is slightly more complicated than this. It must also be examined as a function of public property jurisdiction. And in this regard it must be examined in two separate contexts: fishing in non-tidal waters; and, fishing in tidal waters.

Fish, like game, cannot be owned, either, until appropriated. However, the owner of the bed in non-tidal waters has the exclusive right to fish in the waters above his land. Provincial holdings in such waters are quite vast. Therefore, provincial jurisdiction in respect to fisheries is fairly extensive. This jurisdiction, vis à vis federal jurisdiction over fisheries, generally, has been defined as follows:

> The vesting of power over fisheries in the federal Parliament divests the provinces of authority to legislate on fisheries in a general sense. An unqualified provincial Act dealing with fisheries would be ultra vires. But the Provinces, nonetheless, have some scope. Provincially owned land, like privately owned land, carries with it the right to fish in any waters thereon. Subject to complying with federal laws respecting fishing, therefore, a province may exercise these rights and permit individuals either by lease or permit to use the right subject to such terms and conditions as it sees fit to impose. It may also do this by legislation, for Section 92 (5) authorizes the provinces to legislate respecting the management of their lands. Accordingly, provinces may enact legislation regulating fishing on their lands, including the establishment of licensing schemes, closed seasons and other fishery regulations. The federal and provincial legislation may exist concurrently, but where there is conflict, federal legislation will prevail.

Fishing in tidal waters is a different matter completely. In such waters there is a public right of fishing which is paramount to any private right. Therefore, Parliament's power over "fisheries" may be exercised without regard to any provincial property rights. It should be noted, however, that the public right is limited to ordinary fishing. Fishing with instruments requiring use of the bed, ie., oyster fishing, still requires the permission of the owner. Thus, provinces may make laws in relation to this kind of fishing in coastal inland waters where they own the bed.

(b) Indians and Lands Reserved for the Indians

Jurisdiction over fishing, vis à vis Indians and lands reserved for the Indians, need not be discussed too extensively. Generally speaking, both "fishing", and "Indians and lands reserved for the Indians", are areas of federal jurisdiction.

What about provincial jurisdiction over fishing pursuant their public property power? Such jurisdiction over Indian lands, in which the province has an underlying title, as noted above, would be extremely limited. However, Indians off reserve are generally subject to provincial fishing laws. The two exceptions to this are in regard to Indian fishing rights guaranteed in the prairies by the Natural Resource Transfer Agreements; and treaty fishing rights protected by s. 88 of the Indian Act. These are discussed above, under game and hunting.

2.C. Forest and Plant-life Resources: Forestry and Gathering

(a) Generally

Forest and plant-life resources, and their use and management (i.e. forestry and gathering), are matters either of "public property", or "property and civil rights".

Unlike game and fish, forest and plant-life resources are susceptible of ownerhip: they are considered part of the land. Therefore, both Parliament and the Legislatures of the provinces can make laws in relation to the

use and management of such resources in lands they own, pursuant to their respective public property powers. This is particularly important to the provinces because of their vast land holdings.

Beyond the public property regime, the use and management of forest and plant-life resources falls within the legislative jurisdiction of the provinces as a matter of property and civil rights.

(b) Indians and Lands Reserved for the Indians

The jurisdiction over forest and plant-life resources, on Indian lands, lies mainly with parliament by virtue of . 91 (24) of the BNA Act.

What is the extent to which provinces are authorized to legislate in relation to forest and plant-life resources, by virtue of their public property power, in instances where they have some title to Indian lands? As was said above, that authority is so limited it is practically non-existent.

But beyond the public property regime, as a matter of "property and civil rights", it would seem that provincial laws of general application are applicable to forest and plant-life resources on Indian lands so long as (1) there are no federal laws in the field; and (2) the laws do not affect land use.

2.D Minerals: Mining

(a) Generally

Mineral resources, and their exploitation and development, are matters either of "public property", or "property and civil rights".

Minerals were distributed between the provinces and the Dominion as per the property distribution provisions of the BNA Act. Therefore, both Parliament and the Legislatures of the provinces can make laws in relation to the development of such resources in the lands

they own, pursuant to their respective public property powers: s. 91 (1A) for the federal Parliament, and ss. 92 (5) and (13) for the provinces.

Beyond the public property regime, minerals and mining falls within the legislative jurisdictional the provinces as a matter of property and civil rights: s. 92 (13).

(b) Indians and Lands Reserved for the Indians

Legislative jurisdiction over mineral development on Indian lands lies mainly with the federal Parliament, by virtue of S. 91 (24) of the BNA Act. However, there may be limited provincial jurisdiction in the area.

What is the extent of this jurisdiction pursuant to the provincial public property power? In order to determine this, it is first necessary to determine the extent of provincial interest in Indian lands. "A province has power to legislate respecting its (interest)...but is perhaps limited to legislation that transfers title or is based on the assumption of surrender of title".

Beyond the public property regime, as a matter of "property and civil rights", it would seem that provincial laws of general application are applicable to minerals resource development on Indian lands so long as (1) there are no federal laws in the field, and (2) the laws do not affect land use.

2.E Argiculture

(a) Generally

The authority to legislate in relation to agriculture, no doubt, exists by virtue of the ownership of public property. However, specific provision is made for agriculture of the public property power, at least in as far as it relates to agriculture.

Section 95 of the BNA Act provides:

> In each Province the Legislature may make laws in relation to Agriculture in the Province...; and it is hereby declared that

> the Parliament of Canada may from time to time make laws in relation to Agriculture in all or any of the Provinces...; and any law of the legislature of the Province relative to Agriculture...shall have effect in and for the Province as long as for only as it not repugnant to any Act of the Parliament of Canada.

(b) Indians and Lands Reserved for the Indians

Legislative jurisdiction over agriculture on Indian land lies with the Federal Parliament by virtue of S. 91 (24) or S. 95, of the BNA Act.

However, it would seem that provincial laws of general application, relating to agriculture, would also be applicable to Indian lands provided (1) there are no federal laws in the field, and (2) the laws do not affect land use.

3. Environment

See number 1 "property" and number 2 "natural resources", above.

4. Citizenship

In the context of this study "citizenship" will take two slightly different meanings. The first part of this analysis - under the sub-heading "generally" - will refer to citizenship as it is commonly understood in Canadian laws, i.e., the status of being a citizen of Canada and the right and privileges accruing therefrom. But in the second part of this analysis - under the subheading "Indians and lands reserved for the Indians" - citizenship will refer to the status of being an Indian and the rights and privileges accruing therefrom.

(a) Generally

The Federal Parliament is vested with the jurisdiction to legislate in relation to "aliens and naturalization" by S. 91 (25) of the BNA Act. This jurisdiction empowers Parliament to make laws in relation to

citizenship, and the rights and privileges flowing therefrom. It also enables Parliament to expel or restrict the entry of aliens, into Canada."

Both the Parliament of Canada and the Legislatures of the provinces are authorized to legislate in relation to immigration, but the federal authority is paramount. Section 95 of the BNA Act provides:

> In each Province the Legislature may make laws in relation to..., Immigration into the province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to..., Immigration into all or any of the Provinces; and any law of the Legislature of a Province relative to...Immigration shall have effect in and for the Province as long and as far as it is not repugnant to any Act of the Parliament of Canada.

(b) Indians and Lands Reserved for the Indians

The subject of Indian status and the rights and privileges accruing therefrom, falls within the exclusive legislature jurisdiction of the federal Parliament under S 91 (24) of the BNA Act. Provinces have no competence whatsoever to legislate in this field.

5. Communications

Communications will be examined uner the following headings: (5A) Newspapers; (5B) Works and Undertakings: SS. 92 (10) and 91 (29); (5C) Radio and Television.

5A. Newspapers

(a) Generally

Generally speaking, "the publication, distribution and sale of all...forms of literature (including newspapers) may be regulated by the province within which publication, distribution or sale occurs", pursuant to the authority over property and civil rights: S. 9 (13). It should be noted,

however, that provinces are not competent to enact legislation that would have the effect of curtailing the public rights of speech and press.

(b) Indians and Lands Reserved for the Indians

The subject "Indians and lands reserved for the Indians" is assigned to the legislative jurisdiction of Parliament by s. 91 (24) of the BNA Act. It is unclear how far Parliament can venture into otherwise provincial fields of legislative jurisdiction pursuant to s. 91 (24). However federal Indian legislation respecting inheritance - which otherwise falls within the provincial power over property and civil rights - has been held to be competent to the Parliament of Canada. It would seem, therefore, that Parliament should also have the competence to make laws respecting newspapers, pursuant to their jurisdiction over Indians and lands reserved for the Indians, because newspapers are also a matter of property and civil rights.

The provincial power to make laws respecting newspapers, would, no doubt, extend to Indians and Indian lands. This would be subject, however, to the paramount powers of Parliament.

5B. Works and Undertakings: SS. 92 (10) and 91 (29)

(a) Generally

Communications is not specifically provided for in the BNA Act; however, there are provisions in the Act that touch upon communications. The most important of these is Section 92 (10). This section empowers the Legislatures of the provinces to make laws in relation to:

> Local Works and Undertakings other than such as are of the following classes:
>
> (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs and other Works and Undertakings connecting the Province with any other or others of Provinces, or extending beyond the Limits of the Province;

(b) Lines of Steam Ships between the Province and any British or Foreign Country.

This provision must be read in conjunction with Section 91 (29) which authorizes Parliament legislate in relation to:

> Such classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

These provisions are not directed solely at communications. They are also directed at, among other things, "transportation"; this subject will be examined below.

The combined effect of ss. 92 (10) (a) and 91 (29), is to allocate to Parliament the authority to legislate in relation to international and interprovincial telegraphs and other modes of communication; and to allocate to the provinces the authority to legislate in relation to intra-provincial telegraphs and other modes of communication.

It has been held that legislative jurisdiction in relation to telephone systems is governed by ss. 92 (10) and 91 (29). International or interprovincial telephone systems fall within the jurisdiction of Parliament, and local telephone systems fall within the jurisdiction of the provinces.

(b) <u>Indians and Lands Reserved for the Indians</u>

The authority to legislate in relation to Indians and lands reserved for the Indians belongs to the Federal Parliament according to s. 91 (24) of the BNA Act. Can the Canadian Parliament pursuant to this authority, make laws respecting local works and undertakings on Indian lands? This question has not been dealt with by the courts. However, it would seem that such federal laws would be found constitutional as long as they related, in pith and substance, to Indians, or lands reserved for the Indians.

The applicability of provincial laws, in relation to local works and undertakings, vis à vis Indian lands, has not been specifically considered by the courts either. But the trend has been to hold that provincial laws of general application do apply to Indians and Indian lands, provided there are no conflicting Federal laws in the field.

5C. Radio and Television

It was established in 1932 that radio broadcasting (the transmitting and receiving of radio signals) was a matter of federal competence, pursuant to the general power to make laws for the peace, order and good government of Canada. Federal jurisdiction, it was later established, included the power to make laws governing the content of radio programs.

The situation is the same for television: both television broadcasting and content regulation are federal. This includes cable television, and probably pay television as well.

It should be noted that the legislative field is exclusively Federal, Provincial laws are totally inapplicable.

6. Transportation

Transportation will be examined under the following headings: (6A) Land and Water Transportation; (6B) Air Transportation.

6A. Land and Water Transportation

(a) Generally

Like communications, transportation is not mentioned in the BNA Act as a specific area of jurisdiction either. However, ss. 92 (10) and 91 (29), outlined above, touch on the subject of transportation.

These provisions have the effect of distributing jurisdiction over land and water transportations between the Federal Parliament and the provinces. Parliament is allocated the authority to legislate in relation to interprovincial and international shipping

lines, railways, canals, and other forms of transportation. And the provinces are empowered to legislate in relation to local shipping lines, railways, canals and other forms of transportation. Therefore, "jurisdiction over trains, buses, trucks, taxis, limousines, and pipelines depends primarily on whether they are operated as part of an inter-provincial (or international) undertaking..., or whether they are operated as part of an intra-provincial undertaking..."

There are also other provisions of the BNA Act which authorize Parliament to make laws in relation to various aspects of water transportation:

91 (9) Beacons, Buoys, Lighthouses, and Sable Island.

91 (10) Navigation and Shipping

91 (13) Ferries between a Province and any British or Foreign Country or between Two Provinces.

(b) Indians and Lands Reserved for the Indians

The above discussion under "communications" (5B Works and Undertakings, vis à vis Indians and lands reserved for the Indians) applies equally here. Parliament is empowered to legislate in relation to Indians and lands reserved for the Indians, and pursuant to this authority, can probably also pass laws which affect local land and water transportation. However, the laws must, in pith and substance, be in relation to either "Indians" or "Indian lands".

Provincial laws of general application, in relation to local transportation, are probably applicable to Indians lands, provided there are no conflicting federal laws in the field.

6B. Air Transportation (Aeronautics)

Aeronautics is not specifically mentioned in the BNA Act. But case law has established that it is a matter of exclusive federal jurisdiction. This jurisdiction derives from either of the following two sources: (1) s. 132 which authorizes Parliament to implement

British Empire treaties; or (2) the general peace, order and good government power of Parliament.

7. Education

(a) Generally

The BNA Act assigns the jurisdiction over education to the provinces. Section 93 provides:

> 93. In and for each Province the Legislature may exclusively make laws in relation to Education, subject and according to the following Provisions:
>
> (1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to denomination - at Schools which any Class of Persons have by Law in the Province at the Union.
>
> (2) All the Powers, Privileges and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec.
>
> (3) Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education.

(4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Education of the Provisions of this Section is not made, or in case any Division of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section, and of any Decision of the Governor General in Council under this Section (43).

Parliament has a very limited authority to legislate in relation to education. Its authority is limited perhaps to laws which incidentally affect education, enacted pursuant to some valid head of federal power, i.e., the federal spending power, Indians and lands reserved for the Indians, and the federal employment/labour power (this latter power would be important in the establishment of training programs).

(b) Indians and Lands Reserved for the Indians

The Federal Parliament is empowered to legislate in relation to Indians and lands reserved for the Indians. Pursuant to this authority, it has passed laws respecting the education of Indians. The constitutionality of these laws has never been questioned.

Are the provinces empowered to make laws respecting education, *vis à vis* Indians and Indians lands? They are probably so empowered; but this is subject to three qualifications: (1) the laws must not single out Indians, or affect Indians as Indians; (2) the laws must not affect land use; and (3) there must be no conflicting federal laws in the field.

8. Cultural Development

Cultural development is not mentioned in the BNA Act. It is a rather large subject which essentially straddles "communications" and "education", discussed above. Legislative jurisdiction over cultural development is, therefore, primarily provincial. And provincial jurisdiction probably extends to the power to make laws respecting cultural development, vis à vis Indians and lands reserved for the Indians. The Federal Parliament clearly has authority to make laws in relation to radio and television vis à vis Indians and lands reserved for the Indians. And federal authority under s. 91 (24) of the BNA Act probably entitles Parliament to legislate in relation to other areas of cultural development, too.

9. Health

(a) Generally

There is no specific provision for health in the BNA Act. But there are different heads of legislative jurisdiction, in ss. 91 and 92 of that Act, which cover various aspects of the subject.

Health is primarily a provincial matter. Provincial jurisdiction derives from the following provisions of s. 92:

92 (7) The Establishment, Maintenance and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.

92 (8) Municipal Institutions in the Province.

92 (13) Property and Civil Rights in the Province.

92 (16) Generally all Matters of a merely local or private Nature in the Province.

The Federal Parliament also has jurisdiction to legislate respecting health, pursuant to the following heads of s. 91:

91 (6) The Census and Statistics.

91 (11) Quarantine and the Establishment and Maintenance of Marine Hospitals.

91 (24) Indians and Lands Reserved for the Indians.

91 (27) The Criminal Law...

It should be noted that pursuant to the criminal law power, Parliament is only authorized to make laws which serve a criminal public purpose. For example, it can prohibit the sale of injurious foods or drugs. But the criminal law power is not a regulatory power.

(b) Indians and Lands Reserved for the Indians

Indians and lands reserved for the Indians are matters of federal jurisdiction. There is very little doubt that Parliament can legislate in relation to the health of Indians pursuant to this jurisdiction.

Provincial laws respecting health will be applicable to Indians and Indian lands as long as three conditions are met: (1) the laws do not single out Indians or relate to Indians as Indians; (2) the laws do not affect land use; and (3) there are no conflicting federal laws in the field.

10. Social Development

(a) Generally

Social development is not a term recognized in Canadian constitutional law. In the context of this study, it refers to community care, recreation, housing and income support. These subjects are covered by various provisions of the BNA Act.

The provinces have extensive jurisdiction in the field of social development. This jurisdiction derives from the following provisions of the BNA Act:

92 (8) Municipal Institutions in the Province.

92 (13) Property and Civil Rights in the Province.

92 (16) Generally all Matters of a merely local or private Nature in the Province.

The Parliament of Canada also has extensive powers in the field of social development. It obtains this jurisdiction from the following heads of s. 91:

91 (2A) Unemployment Insurance.

91 (6) The Census and Statistics.

91 (24) Indians and Lands Reserved for the Indians.

91 (26) Marriage and Divorce.

91 (27) The Criminal Law...

Section 94A, of the BNA Act, is also important. It provides:

94A The Parliament of Canada may make laws in relation to old age pensions and supplementary benefits, including survivors' and disability benefits irrespective of age, but no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter.

(b) <u>Indians and Lands Reserved for the Indians</u>

Section 91 (24) of the BNA Act, confers on Parliament, the legislative jurisdiction over Indians and lands reserved for the Indians. Pursuant to this power, and the federal social

development powers outlined above, it is safe to say that Parliament has comprehensive legislative authority in relation to Indian social development.

Provincial social development laws of general application would appear to be applicable to Indians and Indian lands. However, those laws must not single out or relate to Inians as Indians, and they must not affect land use. A final qualification is that there must be no conflicting federal laws in the field.

11. Domestic Relations

(a) Generally

Domestic relations is a very broad, encompassing term. It includes all matters related to family interaction, i.e., marriage, divorce, separation, adoption, child welfare, maintenance, custody and juvenile delinquency, etc. Jurisdiction over this field is divided between the federal Parliament and the provinces.

However, the lion's share of jurisdiction lies with the provinces. This jurisdiction derives from two sources: s. 92 (12) "The Solemnization of Marriage in the Province"; and s. 92 (13) "Property and Civil Rights in the Province".

Section 92 (12) empowers the provinces to legislate in relation to "conditions as to solemnization which may affect the validity of the (marriage) contract". It is established that a province has authority to stipulate the pre-ceremonial requirements of a licence or the publication of banns, and to stipulate the qualifications of the person performing the marriage. Provincial authority even extends to the requirement of parental consent to the marriage of a minor.

Section 92 (13) (property and civil rights), empowers the provinces to make laws in relation to virtually every aspect of family law, except divorce. Pursuant to this provision, it is clear that provinces can make laws respecting,

the maintenance and support of wives and dependant children, adoption, custody, legitimacy, child welfare, guardianship and inheritance.

The federal jurisdiction over family law derives primarily from s. 91 (26) "Marriage and Divorce". This provision contains two heads of power. The scope of power afforded by the first head "marriage", is largely undetermined. But it is clear that it does not extend to matters within provincial jurisdiction under s. 92 (12). The second head of s. 91 (26) gives Parliament the exclusive jurisdiction to legislate in relation to divorce. Pursuant to this authority, Parliament passed the Divorce Act. There is no doubt that the divorce provisions of this Act are constitutional. But the Act also provides for custody and maintenance for the wife and children by way of corollary relief. It has been held that these provisions are constitutionally valid. Query whether Parliament would be competent to legislate respecting matrimonial property, by virtue of its divorce power. This is considered to be a strictly provincial field. Federal jurisdiction, in the field of family law, also extends to juvenile delinquency, or young offenders. This power is conferred by the BNA Act, s. 91 (27) "The Criminal Law...".

(b) Indians and Lands Reserved for the Indians

"Indians and lands reserved for the Indians", is an area of jurisdiction assigned to the Parliament of Canada under s. 91 (24) of the BNA Act. There is very little doubt that Parliament is competent to make laws respecting domestic relations, *vis à vis* Indians and lands reserved for the Indians.

It is also settled that provinces may legislate in relation to the family related matters of Indians: a recent Supreme Court of Canada case held general provincial adoption laws applicable to Indians. However, there is a restriction on this provincial jurisdiction, which was recently expressed by the Ontario Court of Appeal:

In our opinion, the Family Law Reform Act, 1978 (Ont.) c.2, is within the constitutional competence of the Province but is inoperative to the extent only that it affects lands occupied on a reserve by an Indian with the approval of the band and the approval of the Department of Indian Affairs.

12. Justice

Justice will be examined under the following three headings: (12A) Criminal Law; (12B) Civil Law; and, (12C) the administration of justice.

12A. Criminal Law

(a) Generally

A criminal law is a prohibition - directed toward, among other things, the public peace, order, security, health and morality - the violation of which carries penal consequences.

Section 91 (27) of the BNA Act, assigns the legislative jurisdiction over criminal law to the Parliament of Canada:

> 91 (27) The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.

It should be noted that S. 91 (27) expressly extends the federal criminal law power to include criminal procedure.

The constitutionally accepted definition of "criminal law", as can be seen above, is fairly wide. Thus, by virtue of its criminal law power, Parliament can enter fields of legislative activity over which it does not otherwise have jurisdiction. For example, it can enact competition laws (anti-combines legislation), even though they might affect intra-provincial trade; and it can also enact food and drug laws, even though they might affect health, and intra-provincial trade. However, in every case the laws must have some criminal public purpose: they must be directed toward the prohibition of conduct that might cause public injury.

Section 92 (15) authorizes a limited provincial involvement in the field of criminal law. That provision empowers provinces to legislate in relation to:

> 92 (15) The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.

It should be noted that this section only entitles provinces to legislate in those areas over which they already have jurisdiction.

(b) Indians and Lands Reserved for the Indians

Legislative jurisdiction over criminal law, vis à vis Indians and lands reserved for the Indians is almost totally federal. Provinces, however, have some limited authority to legislate in the field, provided (1) the legislation is enacted pursuant to a valid head of provincial power, (2) the legislation does not single out or relate to Indians as Indians, (3) the legislation does not affect land use, and (4) there are no conflicting federal laws in the field.

12B. Civil Law

(a) Generally

Civil law refers to private law; it includes the whole body of law governing relationships between individuals, i.e., the law of torts, the law of contracts, family law, etc.

The term "civil law" is not used in the BNA Act. However, the phrase "property and civil rights" - which was historically used to signify civil or private law - is used in the Act. Section 92 (13) confers, the legislative jurisdiction over property and civil rights, upon the provinces. In otherwords, provinces are empowered to legislate in the broad field of civil or private law. However, there are certain express exceptions to this, for

example, Parliament is given express authority over marriage and divorce, trade and commerce, bankruptcy, and interest, etc. These subjects are discussed elsewhere in this study.

(b) Indians and Lands Reserved for the Indians

It is fairly clear that Parliament, pursuant to s. 91 (24), is empowered to make laws governing the relationships between individual Indians, i.e. civil law.

It is also fairly settled that the provinces, pursuant to s. 92 (13), can legislate in relation to property and civil rights, *vis à vis* Indians and lands reserved for the Indians. However, the legislation must not single out Indians, or relate to Indians as Indians; and it must not affect the use of Indian land. Finally, there must be no conflicting federal laws in the field if the provincial laws are to apply.

12C. Administration of Justice

The "administration of justice" refers to the whole process of administering and enforcing civil and criminal laws. To be more specific, it includes, among other things, the establishment and maintenance of a police force, a court system, a criminal prosecution system, and a system of prisons and reformatories.

The BNA Act expressly confers the jurisdiction over administration of justice on the provinces. Section 92 (14) empowers Legislatures of the provinces to make laws in relation to:

> 92 (14) The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.

The provision clearly embraces both civil and criminal justice. However, the provincial power does not include criminal procedure:

this matter is expressly allocated to Parliament under s. 91 (27).

It should be noted that it is an established principle of Canadian constitutional law that any legislative power carries with it a matching power of administration and enforcement. Therefore, Parliament has a concurrent jurisdiction over the administration of justice in respect to criminal matters, and in respect to civil matters over which it otherwise has competence, i.e., trade and commerce, marriage and divorce, etc.

Specific provision is made for prisons, reformatories, and penitentiaries under the BNA Act. Section 92 (6) authorizes provinces to legislate in relation to:

> 92 (6) The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.

And s. 91 (28) empowers Parliament to make laws in relation to:

> 91 (28) The Establishment, Maintenance, and Management of Penitentiaries.

One final provision will be mentioned in this discussion of administration of justice. Section 101, of the BNA Act - a provision of some importance - provides:

> 101 The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada.

The Supreme Court of Canada, and the Federal Court (Trial and Appeal Divisions) were established pursuant to this section.

(b) Indians and Lands Reserved for the Indians

What is the distribution of power, between Parliament and the provinces, over the administration of justice, vis à vis Indians and lands reserved for the Indians? The answer to this question can be found in a judgment of the Quebec Superior Court, delivered in 1937. Basically, the Court held that this was a field in which Parliament could legislate, even though the administration of justice was generally a subject within provincial jurisdiction. The judgment provides:

> Considering that, in virtue of section 91 of the British North America Act, the power to legislate with regard to Indians and lands reserved for the Indians was given exclusively to the Parliament of Canada and that consequently the Parliament of Canada had the exclusive right to legislate regarding Indians and lands reserved for Indians, not only as regards administration but also judicially;
>
> Considering that, by the Indian Act, Chapter 98 of the Revised Statutes of Canada (1927), it was provided not only for the administration of the moneys and of the lands reserved for the Indians but also for judicial power to which there would be recourse, if necessary, in any litigation concerning Indians and lands reserved for the Indians...

The Court went on to say that as a result of the provisions in the Indian Act the jurisdiction of the Superior Court of the Province was ousted.

13. Economic Development

Economic development, in the context of this study, includes the three major sectors of the economy, i.e., the primary (resource development), secondary (industry and manufacturing), and tertiary (services/business) sectors. The term "economic development" is not recognized in Canadian constitutional law, nor are the three economic divisions into which it is divided. Understandably, therefore, it is difficult to

project the jurisdictional interface between the federal Parliament and the provinces with respect to "economic development".

Canadian constitutional law recognizes certain legislative powers as being most important in relation to the economy. They include the powers related to public property, property and civil rights, trade and commerce, and taxation. Essentially, these cover the entire field of economic development, as it is defined here. The powers will be mentioned briefly here - under the headings: (13A) Resource Development; (13B) Industry and Manufacturing; and (13C) Services/Business but they are discussed in more detail elsewhere in the study.

13A. Resource Development

This topic is generally covered above under "property" and "natural resources".

Resource development includes hunting, fishing, forestry and gathering, agriculture, and mining. The legislative powers most relevent to the subject of resource development are those relating to public property, inland fisheries, property and civil rights, peace, order and good government, and agriculture.

It should be noted that resource development, here, refers to jurisdiction over the development of resources in the strictest sense. It does not include the regulation of resources as articles of trade. This aspect of economic development is discussed below and elsewhere.

13B. Industry and Manufacturing

Legislative jurisdiction over industry and manufacturing is divided between Parliament and the provinces. The primary sources of power are the public property power, property and civil rights power, and trade and commerce power. The taxation power is important too, in this regard, although it does not authorize the regulation of industry and manufacturing. All of these powers are discussed elsewhere in the study.

Insurance

It was established very early that the business of insurance fell within the legislative jurisdiction of the provinces. In a case reported in 1881, the Privy Council held that regulation of the terms of contracts (in this case, insurance contracts) came within property and civil rights in the province (92 (13)), and not within trade and commerce (91 (2)). And in a later case, it was said that it did not matter whether that business went beyond provincial bounds. The court said:

> It must now be taken that the authority to legislate for the regulation of trade and commerce does not extend to the regulation by a licencing system of a particular trade in which Canadians would otherwise be free to engage in the provinces.

However, there is some federal competence in the insurance business. This derives from the jurisdiction over, aliens and naturalization (91 (25)) (this affords jurisdiction over foreign companies), federal companies, and bankruptcy and insolvency (91 (21)).

Corporate Securities

It is also established that the provinces, by virtue of 92 (13), property and civil rights, have authority to regulate the trade in corporate securities. Pursuant to this jurisdiction they may set-up "regulatory regimes which establish securities commissions, and which provide for the licencing of brokers and the regulation of the market for corporate securities.

There is a very limited federal competence in the business of corporate securities. "The federal incorporation power authorizes the regulation of the issue of securities by federally-incorporated companies, and authorizes some degree of regulation of trading in those securities". Further, the criminal law power authorizes some federal legislation in the field.

## 13C. Services/Business

### (a) Generally

As was noted above, "services/business" refers to tertiary sector economic activities, i.e., insurance, banking, etc.

Business is not specifically mentioned in the BNA Act. However, the courts have gone some distance in recognizing it as a proper subject of legislative jurisdiction. In doing so, they have focused primarily on the contractual nature of business to determine whether it should be within federal or provincial legislative authority. Of course, the regulation of the terms of contracts comes within property and civil rights in the province: 92 (13). As a general rule, therefore, business is a matter of provincial jurisdiction. But the matter is by no means this uncomplicated. There are numerous exceptions and qualifications to this general rule. Some businesses are clearly within federal jurisdiction, i.e., navigation and shipping (91) (10); banking (91) (15); and interprovincial and international transportation and communications (92) (10) and (91) (29). And there are some businesses which fall within federal jurisdiction by virtue of the peace, order and good government power, i.e., radio, television, aeronautics, and the production of atomic energy. Then there are federal powers that may affect business, i.e., bankruptcy and insolvency (91 (21)); taxation (91 (3)); interest (91 (19)); and, criminal law (91 (27)). However, the most difficult problem arises from attempting to reconcile the subject of "business" with "trade" in general, and accordingly, the provincial property and civil rights power (92 (13)), with the federal trade and commerce power (91 (2)). It is by no means clear how these subjects and powers inter-relate. The general rules respecting "trade" are set-out below.

With these general comments, the remainder of this part will examine four specific types of business activity, with respect to which the constitutional jurisdiction is fairly clear. They are: insurance; corporate securities; professions and trades; and banking.

reserved for the Indians? It would seem so although the question has not been specifically addressed.

It should be noted that businesses which are incorporated are incapable of having the status of being Indian. Therefore, there is no question of federal jurisdiction deriving by virtue of the business being Indian.

14. Energy

"Energy", in the context of this study, refers not only to strict, energy resource development, it also includes the processing and selling of the energy or energy resource.

This subject is not specifically mentioned as an area of jurisdiction in the BNA Act. Nor have the courts held "energy" to be a proper subject of legislative jurisdiction. Different aspects of the subject - as it is defined here - are governed by various of the federal and provincial legislative powers. "Energy" is generally covered in the discussions under "property", "natural resources", "economic development", "trade", and "taxation".

15. Labour

(a) Generally

The subject "labour" or labour relations, includes among other things, wages labour standards, working hours, unions, collective bargaining, strikes, lockouts, and unemployment insurance.

Although it is not specifically mentioned in the BNA Act, labour, as an area of jurisdiction, is assigned according to the provisions of that Act. Generally speaking, almost the entire field of labour relations lies within the exclusive legislative jurisdiction of the provincial legislatures, by virtue of s. 92 (13), property and civil rights. But there is some federal competence in the area. Parliament has authority to regulate the labour relations connected with any work, undertaking, or business that is otherwise within its legislative jurisdiction. For example, the Supreme Court of Canada has

Professional and Trades

Jurisdiction over professions and trades also belongs with the provinces by virtue of S. 92 (13), property and civil rights. Pursuant to this authority, provinces are entitled to regulate, among other things, the entry, conduct and fees related to a trade or a profession.

Banking

Banking is a major exception to the general rule of provincial jurisdiction over business. Section 91 (15) specifically assigns the jurisdiction over this subject to the parliament of Canada. The section specifically authorizes Parliament to legislate in relation to "banking, incorporation of banks, and the issue of paper money". This is a very broad authority which covers every conceivable aspect of the banking business.

Provincial jurisdiction is not totally absent from the field of banking. It is clear that provinces can incorporate and regulate the activities of near banks, i.e., trust companies, credit unions, and caisses populaires. And it is established that such companies may do almost anything that a bank can do, i.e., accept money on deposit from the public, and provide chequing facilities to the depositors.

(b) Indians and Lands Reserved for the Indians

Who has jurisdiction over business, vis à vis Indians and lands reserved for the Indians? Those businesses with respect to which Parliament otherwise has jurisdiction are not in question, i.e., banking, navigation and shipping, etc. It is only those businesses which are otherwise provincial that are in question. It would seem that provincial jurisdiction would extend to Indians and lands reserved for the Indians provided, (1) the legislation did not single out Indians, or relate to Indians as Indians; and, (2) the legislation did not affect land use. Can Parliament legislate in respect to businesses which are otherwise provincial, by virtue of its jurisdiction over Indians and lands

held that labour relations respecting stevedores is a matter of navigation and shipping, and, therefore, by S. 91 (10), within the power of Parliament. The federal Parliament also has authority to regulate labour relations in the public sector, i.e., federal departments and agencies. It should be noted that to the extent that Parliament does have jurisdiction over labour relations, that jurisdiction is exclusive.

Unemployment insurance, as was noted above, is also a part of the subject "labour relations". However, it is specifically listed in the BNA Act. Section 91 (2A), makes "unemployment insurance" a matter of federal jurisdiction.

In the context of this study, labour is also taken to include professions and occupations. But under Canadian constitutional law this is not the case. They are considered business, and are, therefore, within the jurisdiction of the provinces, by virtue of S. 92 (13), property and civil rights.

(b) Indians and Lands Reserved for the Indians

The Supreme Court of Canada recently dealt with the question of jurisdiction over labour relations, vis à vis Indians and lands reserved for the Indians. The business with which the labour relations were connected in that case was not one within the legislative jurisdiction of Parliament. Therefore, there was no question that the province had jurisdiction except for the fact that Indians and Indian lands were involved. The court concluded "that the power to regulate the labour relations in issue (did) not form an integral part of primary federal jurisdiction over Indians and lands reserved for the Indians". Accordingly, it held that the provincial labour laws applied.

The Supreme Court refused to deal with issue of whether Parliament had authority to legislate in the circumstances by virtue of its jurisdiction over Indians and lands reserved for the Indians. It said: "Whether Parliament could regulate them (the labour relations) in

the exercise of its ancillary powers is a question we do not have to resolve any more than it is desirable to determine in the abstract the ultimate reach of potential federal paramountcy".

16. Trade

(a) Generally

Legislative jurisdiction over "trade" is governed by the operation of s. 91 (2) "trade and commerce", and s. 92 (13) "property and civil rights in the province". The Privy Council, in an early case, read these provisions as affording, to the provinces, jurisdiction over intra-provincial trade, and to Parliament, jurisdiction over inter-provincial and international trade. But the law in this respect is by no means crystal clear: when is trade inter-provincial and international? As was noted above, the major problem has been to reconcile the subject "trade" with the subject "business". However, it appears that the case law is getting clearer. It is established, for example, that commodities, such as grain and oil, which flow across provincial lines, are within federal jurisdiction. And it is also established that provincial marketing schemes which in pith and substance, are directed at inter-provincial and international trade are incompetent to the provinces.

(b) Indians and Lands Reserved for the Indians

Who has jurisdiction over trade in the following three circumstances: (1) intra-reserve trade; inter-reserve trade; and (3) trade between businesses or individuals on reserve, and businesses or individuals off reserve? In either of the three situations, federal authority will be clear if the nature of the trade is interprovincial or international. But if the trade is intra-provincial, it is a different matter. In such a case, both Parliament and the provinces will probably have jurisdiction to legislate, with respect to either of the above three situations.

## 17. Companies

### (a) Generally

Company law concerns, among other things, the conferral of a legal personality on, and the organization, management, and powers of, a company.

In Canada, legislative juridiction over companies is divided between Parliament and the provinces. Section 92 (11) of the BNA Act authorizes the legislatures of the provinces to make laws in relation to "the incorporation of companies with provincial objects". There is no parallel federal power expressly set-out in the Act, but the Privy Council established, in an early case, that one existed by virtue of the peace, order and good government power. Parliament, therefore, has jurisdiction t legislate in relation to "the incorporation of companies with federal objects". It should be noted that the words "with provincial objects", in s. 92 (11), carry a territorial limitation. In other words, a province cannot empower a company incorporated within its bounds to exercise rights outside the province (although it can confer upon its companies the capacity to receive powers and rights in another province). Likewise, there is also a territorial limitation on the federal incorporation power: Parliament can only incorporate companies with objects going beyond the limits of any one province.

The incorporation power does not include the authority to regulate the activities of a company. These will be regulated by whatever jurisdiction possesses and exercises the power to regulate that kind of activity under the BNA Act. Therefore, the trade of corporate securities - even though closely tied to the status and operation of companies - is not necessarily within the legislative competence of the incorporating jurisdiction. The regulation of this activity, like most business activities, falls within the property and civil rights jurisdiction of the provinces. And this, generally speaking, includes the trade of federal corporate securities.

Banks are an exception to the general rules respecting incorporation. This topic is discussed under the sector "economic development (services/business)".

(b) Indians and Lands Reserved for the Indians

Who has legislative jurisdiction over incorporation, vis à vis Indians and lands reserved for the Indians? It appears that there can be no such situations. The courts have refused to accept the notions that a company may have the status of an Indian.

But the regulations of activities of companies, on Indian lands is an entirely different matter. Generally speaking, the activities of a company will be regulated by whatever jurisdiction otherwise possesses and exercises the power to regulate that kind of activity in the circumstances.

18. Taxation

(a) Generally

Generally speaking, jurisdiction over taxation relates to the authority of a government to make laws imposing obligatory levies, for public purposes. This is an extremely significant power. It is the primary means through which governments are able to finance their operations.

In Canada, legislative jurisdiction over taxation is divided between Parliament and the provinces. Section 91 (3) of the BNA Act empowers Parliament to legislate in relation to "the raising of money by any mode of system of taxation". And s. 92 (2) authorizes the provinces to make laws in relation to "direct taxation within the province in order to the raising of revenue for provincial purposes".

The provincial power differs from the federal in two key respects. First of all, it is limited to taxation "within the province"; the federal power has no such parallel, territorial restriction. Secondly, and most importantly, the provinces can only legislate in relation to

direct taxation, whereas, Parliament can legislate in relation to direct or indirect taxation. The distinction between direct and indirect taxes has been defined as follows:

> A direct tax is one which is demanded from the very person who it is intended or desired should pay it. Indirect taxes are those which are demanded from one person in the expectation and intention that he should indemnify himself at the expense of another.

Examples of direct taxes are, income tax, land tax and sales tax (on the consumer directly). And examples of indirect taxes are, customs and excise duties, export tax, and sales tax (unless levied on the consumer directly).

The exercise of the taxation power involves some penetration into other fields of legislative activity. Pursuant to this power, for example, the provinces and Parliament can pass tax laws which affect "communications", "transportation", "property and civil rights", "trade and commerce", and "public property", etc. It follows, therefore, that either one can even venture into legislative fields over which it does not otherwise have jurisdiction. But it is important to remember that the taxing power is not a regulatory power.

There is one other source of provincial taxing power, in the BNA Act, that should be mentioned. Section 92 (9) authorizes the legislatures of the provinces to make laws in relation to:

> 92 (9) Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of a Revenue for Provincial Local, or Municipal Purposes.

The exact effect of this provision has not been settled by the courts.

(b) <u>Indians and Lands Reserved for the Indians</u>

There is little doubt that the provincial tax jurisdiction extends to Indians whether on the reserve or off. And it is also clear that the jurisdiction extends to non-Indians on-reserve. However, the application of

provincial laws in such instances is subject to the occupation of the field by federal legislation.

Although provincial tax jurisdictions extends to Indian persons, it does not extend to Indian lands. However, there are cases that have ruled "that a province can tax the non-Indian occupier of reserve land and can base the amount of the tax on the value of the property occupied. The tax is classified as tax on the person of the occupier, not on the property..."

19. Private Works

Private works refers to works, buildings, and facilities, which are owned privately by individuals or businesses.

Generally speaking, legislative jurisdictions over this subject belongs to the provinces by virtue of s. 92 (13) of the BNA Act. Under this head, the provinces are vested with jurisdiction over the general law of real and personal property. However, jurisdiction over private works may also, to some extent, depend upon who has jurisdiction over the business or undertaking with which the works are connected. For example, a privately owned bank may be subject to the federal jurisdiction over banking.

20. Public Works

Public works refers to works, buildings, and facilities, which are owned by governments.

Parliament and the provinces may acquire works by purchase or expropriation; or they may have acquired works under the property distribution provisions of the BNA Act. Whatever the case, both Parliament and the provinces are empowered, by the BNA Act (s. 91 (1A)) for Parliament, and ss. 92 (5), (13) for the provinces), to legislate in relation to their respective property holdings. However, jurisdiction over public works may also, to some extent, depend upon who has jurisdiction over the business or undertaking with which the

91 (4) The borrowing of Money on the Public Credit.

91 (14) Currency and Coinage.

91 (15) Banking, Incorporation of Banks, and the Issue of Paper Money.

91 (16) Savings Banks.

91 (18) Bills of Exchange and Promissory Notes.

91 (19) Interest.

91 (20) Legal Tender.

The following provisions, of the BNA Act, establish a federal consolidated revenue fund, and authorize Parliament to appropriate that fund from time to time:

102 All Duties and Revenues over which the respective legislatures of Canada, Nova Scotia and New Brunswick before and at the Union had and have Power of Appropriation, except such Portions thereof as are by this Act reserved to the respective legislatures of the Provinces, or are raised by them in accordance with the special Powers conferred on them by this Act, shall form One Consolidated Revenue Fund to be appropriated for the Public Service of Canada in the Manner and subject to the Changes in this Act provided.

106 Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the Public Service.

Two final sourcs of federal financial authority are the spending and lending powers of Parliament. The spending and lending powers refer to federal spending and lending to promote policies that fall within the legislative jurisdiction of the provinces. Parliament can achieve this by attaching conditions on its grants and loans to provinces, or municipalities and other

works are connected. For example, a provincially owned radio communications facility may be subject to federal jurisdiction.

21. Public Administration

It is a well established principle of Canadian constitutional law that, unless otherwise expressly provided, legislative jurisdiction carries with it a matching executive or administrative authority. Therefore, the provinces have authority to administer all those matters which fall within their legislative jurisdiction; and likewise, Parliament is empowered to administer all those matters falling within its legislative jurisdiction.

There are two provisions in the BNA Act which make specific provision for public officers. Section 91 (8) empowers Parliament to make laws in relation to "the fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada". And Section 92 (4) authorizes the provincial legislatures to legislate in relation to "the establishment and tenure of provincial offices and the appointment and payment of provincial officers".

With respect to the authority to pay for public administration, see "finance", below.

22. Finance

Parliament and the provinces, under the BNA Act, each have certain powers relating to finance. The powers may be either on the revenue side or the expenditure side. These financial powers will be examined briefly here.

Federal Powers

Under S. 91, Parliament has the following specific financial powers:

91 (1A) The Public Debt and Property

91 (3) The raising of Money by any Mode or System of Taxation.

The provinces, like Parliament, also have spending and lending powers. They have the same effect, and operate the same way, as the federal lending and spending powers. The constitutional justification for them lies in s. 126 and s. 92 (13).

23. Intergovernmental Relations

See generally: "citizenship", "trade", and "finances".

organizations engaged in activities otherwise within the provincial legislative sphere. It is obvious that Parliament can exercise a large measure of authority in provincial fields by virtue of its spending and lending powers.

> The most common constitutional justification for (these powers) is this. The federal Parliament has a virtually unlimited power to tax under Secion 91 (3) of the BNA Act and when money is raised it may be appropriated as public property for whatever purposes Parliament deems fit (ss. 91 (1A), 102), short of regulating a provincial area.

Provincial Powers

Under s. 92, the legislature of the provinces have the following specific financial powers:

92 (2) Direct Taxation within the Province in order to the raising of Revenue for Provincial Purposes.

92 (3) The borrowing of Money on the Sole Credit of the Province.

92 (9) Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of Revenue for Provincial, Local, or Municipal Purposes.

92 (13) Property and Civil Rights in the Province.

Section 126, of the BNA Act, sets up a consolidated revenue fund for the provinces:

> 126 Such Portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union Power of Appropriation as are by this act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special Powers conferred upon them by this Act, shall in each Province form One Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

REGION: ONTARIO 1978-79 ($000) #1

| JURISDICTION | | ADMINISTRATION | | | | | | | |
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| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 1. PROPERTY | A. LAND | 1 | RES. & TRUSTS: LAND TRANSACTIONS<br>DBR 331 | | . DIAND (H.Q. /REG/DIST)<br>. ON-RES. | | . DIAND<br>. 771.2 | | |
| | | 2 | RES. & TRUSTS: RESEARCH<br>DBR 333 | | . DIAND (H.Q. /REG/DIST)<br>. ON-RES. | | . DIAND<br>. - | | |
| | | 3 | RES. & TRUSTS: SURRENDERS<br>DBR 335 | | . DIAND (H.Q. /REG/DIST)<br>. ON-RES. | | . DIAND<br>. - | | |
| | | 4 | RES. & TRUSTS: FED. CROWN LANDS<br>DBR 337 | | . DIAND<br>. NON-RES. LANDS | | . DIAND<br>. - | | |

REGION: ONTARIO 1978-79 ($000) #18

| JURISDICTION | | ADMINISTRATION | | | | | | | |
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| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| CULTURAL DEVELOPMENT (CONT'D) | B. HISTORY | 3 | | CULTURAL IDENTITY: MUSEUM GRANTS<br>DBR 473 | | . MINISTRY OF CULTURAL & RECREATION<br>. ON-RES. | | | .MINISTRY OF CULTURAL & RECRE-ATION<br>.5.5 |
| | C. COMMUNICATIONS | 4 | | CULTURAL IDENTITY: SPECIAL GRANT TO WALPOLE ISLAND LANG-UAGE CENTRE<br>DBR 475 | | . MINISTRY OF EDUCATION<br>. ON-RES | | .DIAND/SOS | .MINISTRY OF EDU-CATION<br>.6.0 |
| | D. RELIGION | | | | | | | | |
| | | 5 | EDUCATION: CULTURAL/ EDUCATIONAL CENTRES<br>DBR 183 | | . DIAND (HQ)<br>. - | | . DIAND<br>. 49.6 | | |

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| JURISDICTION | | ADMINISTRATION | | | | | | | |
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| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| CULTURAL DEVELOPMENT (CONT'D) | | 6 | CULTURAL * IDENTITY: NATIVE SOCIAL & CULTURAL DEVELOPMENT<br>DBR 458 | | . SOS (HQ & REG)<br>. - | | . SOS<br>. - | | |
| | | 7 | | CULTURAL * IDENTITY: CITIZENSHIP (NONCAPITAL)<br>DBR 468 | | . MINISTRY OF CULTURE & RECREATION | | | .MINISTRY OF CULTURE & REC-REATION<br>.13.6 |
| | | 8 | | CULTURAL * IDENTITY: WINTARIO CITIZENSHIP (CAPITAL)<br>DBR 470 | | . MINISTRY OF CULTURE & RECREATION | | | .MINISTRY OF CULTURE & REC-REATION |
| | | 9 | | BAND GOV'T: WINTARIO - LIBRARIES<br>DBR 81 | | . MINISTRY OF CULTURE & RECREATION<br>. ON-RES. | | | .MINISTRY OF CULTURE & REC-REATION<br>.3.6 |

* THESE PROGRAMS ARE NOT DIRECTED SOLELY AT STATUS INDIANS, AND THE COST FIGURES HAVE NOT BEEN ADJUSTED TO REFLECT THE STATUS INDIAN FACTOR HERE.

REGION: ONTARIO 1978-79 ($000) #20

| JURISDICTION | | ADMINISTRATION | | | | | | | |
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| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| CULTURAL DEVELOPMENT (CONT'D) | | 10 | | BAND GOV'T: PROVINCIAL LIBRARY SERVICES BASE GRANTS<br>DBR 83 | | . MINISTRY OF CULTURE & RECREATION<br>. ON-RES | | | .MINISTRY OF CULTURE & REC-REATION<br>. 50.5 |
| | | 11 | | BAND GOV'T REGIONAL LIBRARY SYSTEM<br>DBR 84 | | .MINISTRY OF CULT. & REC.<br>. - | | | .MINISTRY OF CULT&REC.<br>.23.6 |
| | | 12 | | CULT.IDENTITY SPECIAL GRANT TO TREATY 9: CULTURAL CENTRE<br>DBR 472 | | .MINISTRY OF EDUCATION<br>. - | | | .MINISTRY OF EDUCATION<br>. 6.5 |
| 9. HEALTH | A. PREVENTIVE HEALTH | 1 | HEALTH: PUBLIC HEALTH<br>DBR 368 | | . NH&W(DIRECT/ MED SERVICES BRANCH)<br>. ON/OFF RES. | | .NH&W<br>. * | | |

* NATIONAL HEALTH AND WELFARE HAS 4 PROGRAMS RESPECTING INDIANS. THE DATA BASE REPORT GIVES A GLOBAL FINANCIAL FIGURE FOR ALL 4 PROGRAMS. IT IS: $19,568.2

REGION: ONTARIO 1978-79 ($000) #21

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | PROV. TRANSFER | PROV. DIRECT |
| HEALTH (CONT'D) | PREVENTIVE HEALTH (CONT'D) | 2 | HEALTH: INDIAN/NATIVE INVOLVEMENT<br>DBR 369 | | . NH&W(DIRECT/ MED SERVICES BRANCH)<br>. ON/OFF RES. | | . NH&W<br>. * | | |
| | | 3 | | HEALTH: FISH FOR FOOD ON RESERVES<br>DBR 372 | | . MNR<br>. ON RES. | | | .MNR<br>.40.0 |
| | B. CURATIVE HEALTH | 4 | HEALTH: TREATMENT<br>DBR 366 | HEALTH: FED. HOSPITALS & NURSING STATIONS<br>DBR 376 | . NH&W(DIRECT/ MED SERVICES BRANCH)<br>. ON/OFF RES. | | . NH&W<br>. * | .MINISTRY OF HEALTH<br>.3,496.0<br>** | |
| | | 5 | | HEALTH: AMBULANCE SERVICES<br>DBR 380 | | .MINISTRY OF HEALTH<br>.ON RES. | | | .MINISTRY OF HEALTH<br>.570.4 |

* NH&W HAS 4 PROGRAMS RESPECTING INDIANS. THE D.B.R. GIVES A GLOBAL FINANCIAL FIGURE FOR ALL 4 PROGRAMS. IT IS: $19,568.2.
** THIS IS THE ONLY SITUATION IN WHICH THE PROVINCE MAKES A TRANSFER PAYMENT TO THE FEDERAL GOVERNMENT.

REGION: ONTARIO 1978-79 ($000) #22

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| HEALTH (CONT'D) | CURATIVE HEALTH (CONT'D) | 6 | | HEALTH: INSURED HOSPITAL & MEDICAL SERVICES<br>DBR 384 | | .MINISTRY OF HEALTH (OHIP)<br>. - | | * | .MINISTRY OF HEALTH<br>.21,050.4 |
| | | 7 | | HEALTH: FREE MED. SERVICES TO TREATY INDIANS NOT UNDER OHIP<br>DBR 386 | | .MINISTRY OF HEALTH<br>. - | | | .MINISTRY OF HEALTH<br>.173.8 |
| | | 8 | | HEALTH: LOSS OF PREMIUM DUE TO FREE OHIP COVERAGE<br>DBR 387 | | .MINISTRY OF HEALTH<br>. - | | | .MINISTRY OF HEALTH<br>.4,974.0 |
| | C. ENVIRONMENTAL HEALTH | | | | | | | | |

* THERE ARE EPF TRANSFER PAYMENTS MADE TO THE PROVINCE FOR HEALTH CARE, GENERALLY. HOWEVER, THERE ARE NOT PRESENTED HERE BECAUSE IT WAS NOT POSSIBLE TO DETERMINE THE PORTION OF THESE PAYMENTS THAT WERE MADE IN RESPECT TO INDIANS.

REGION: ONTARIO 1978-79 #23

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| HEALTH (CONT'D) | D. REHABILITATIVE HEALTH | 9 | SOCIAL SERVICES: REHABILITATION<br>DBR 11 | | . NH&W/DIAND (NAT. & REG. BANDS)<br>. ON-RES. | | . NH&W (50%) 465.8<br>. DIAND (50%) 0.6 | | |
| | | 10 | | SOCIAL SERVICES: REHABILI-TATION<br>DBR 34 | | .COMSOC (REHAB CENTRES)<br>.- | | | .COMSOC .129.6 |
| | | 11 | | SOCIAL SERVICES: ADDICTION RESEARCH FOUNDATION<br>DBR 35 | | . MINISTRY OF HEALTH<br>. - | | | .MINISTRY OF HEALTH .115.0 |
| | | 12 | | SOCIAL SERVICES: DETOX CENTRES<br>DBR 42 | | .MINISTRY OF HEALTH<br>. - | | | .MINISTRY OF HEALTH .267.2 |

* DIAND & NH&W ARE SUPPOSED TO COST SHARE THIS PROGRAM 50/50. HOWEVER THE COST FIGURES DO NOT REFLECT THIS. THE REASON FOR THIS IS NOT KNOWN.

REGION: ONTARIO 1978-79 ($000) #24

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. | TRANSFER | PROV. |
| HEALTH (CONT'D) | REHABILITATIVE HEALTH (CONT'D) | 13 | | HEALTH: COMMUNITY MENTAL HEALTH<br>DBR 375 | | .COMSOC<br>.ON-RES. | | | .COMSOC<br>.885.7 |
| | | 14 | | HEALTH: ADULT MENTAL HEALTH SERVICES<br>DBR 382 | | .MINISTRY OF HEALTH<br>. - | | | .MINISTRY OF HEALTH<br>.1,347.9 |
| | | 15 | HEALTH: HEALTH SUPPORT<br>DBR 370 | | . NH&W(DIRECT/ MED SERVICES BRANCH)<br>. ON/OFF RES. | | . NH&W<br>. * | | |
| | | 16 | | HEALTH: UNDER SERVICED AREA PROGRAM<br>DBR 373 | | .MINISTRY OF HEALTH<br>.- | | | .MINISTRY OF HEALTH<br>.202.2 |

* NH&W HAS 4 PROGRAMS RESPECTING INDIANS. THE D.B.R. GIVES A GLOBAL FINANCIAL FIGURE FOR ALL 4 PROGRAMS. IT IS $19,568.2.

REGION: ONTARIO 1978-79 ($000) #25

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| HEALTH (CONT'D) | | 17 | | HEALTH: GRANT IN AIDS<br>DBR 374 | | .MINISTRY OF HEALTH<br>.- | | | .MINISTRY OF HEALTH<br>. 86.9 |
| | | 18 | | HEALTH: NORTH ONTARIO PUBLIC HEALTH SERVICES<br>DBR 383 | | .MINISTRY OF HEALTH<br>.- | | | .MINISTRY OF HEALTH<br>.126.0 |
| 10. SOCIAL DEVELOPMENT | A. COMMUNITY CARE | 1 | SOCIAL SERVICES: CARE OF ADULTS<br>DBR 18 | | . DIAND(BAND/ MUN/ PRIVATE)<br>. ON/OFF RES. | .PROV.<br>.OFF-RES. | . DIAND<br>. 809.0 | . DIAND<br>. * | |
| | | 2 | | SOCIAL SERVICES: HOMEMAKERS & NURSES<br>DBR 41 | | .COMSOC<br>.ON-RES. | | | .COMSOC<br>.- |

* THE PROVINCE OF ONTARIO ASKS 100% REIMBURSEMENT, FOR INDIANS RECEIVING SERVICES FROM NURSING HOMES FINANCIALLY ASSISTED BY THE PROVINCE. HOWEVER, THE AMOUNT OF REIMBURSEMENT IS NOT AVAILABLE. IT COULD VERY WELL BE THAT IT CONSTITUTES PART OF THE TOTAL DIAND EXPENDITURE UNDER ITS PROGRAM.

REGION: ONTARIO 1978-79 ($000) #26

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| SOCIAL DEVELOPMENT (CONT'D) | COMMUNITY CARE (CONT'D) | 3 | | SOCIAL SERVICES: CHILDREN & YOUTH INSTI-TUTIONS<br>DBR 46 | | . COMSOC<br>. ON/OFF | | | .COMSOC<br>.23.2 |
| | | 4 | | SOCIAL SERVICES: HOMECARE<br>DBR 47 | | .MINISTRY OF HEALTH<br>. - | | | .MINISTRY OF HEALTH<br>.18.3 |
| | | 5 | CULTURAL * IDENTITY: MIGRATING NATIVE PEOPLES<br>DBR 444 | | . SOS<br>. OFF-RES. | | . SOS<br>. 1,115.6 | | |
| | B. RECREATION | 6 | BAND GOV'T: RECREATION<br>DBR 59 | | . DIAND (BANDS)<br>. ON-RES. | | . DIAND<br>. 304.7 | | |

* THIS PROGRAM IS NOT DIRECTED SOLELY AT STATUS INDIANS, AND THE COST FIGURE HAS NOT BEEN ADJUSTED TO REFLECT THE STATUS INDIAN FACTOR HERE.

REGION: ONTARIO 1978-79 ($000) #27

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| SOCIAL DEVELOPMENT (CONT'D) | RECREATION (CONT'D) | 7 | BAND GOV'T: NATIVE SPORT & RECREATION<br>DBR 70 | | .LABOUR CAN. (FIT & AMATEUR SPORT - ASS'NS)<br>.- | | .LABOUR CAN. (FIT & AMATEUR SPORT)<br>.361.8 | | |
| | | 8 | | BAND GOV'T: REGULATION 200-PROGRAMS OF RECREATION<br>DBR 74 | | .MINISTRY OF CULT & REC. (BANDS)<br>. ON-RES. | | | .MINISTRY OF CULT & REC.<br>.55.6 |
| | | 9 | | BAND GOV'T: INDIAN GAMES<br>DBR 79 | | .MINISTRY OF CULT & REC.<br>.- | | | .MINISTRY OF CULT & REC.<br>.13.0 |
| | | 10 | | BAND GOV'T: COM. REC. CENTRE GRANTS<br>DBR 86 | | .MINISTRY OF CULT & REC. (BANDS)<br>.ON-RES | | | .MINISTRY OF CULT & REC.<br>.335.0 |

REGION: ONTARIO 1978-79 #28

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| SOCIAL DEVELOPMENT (CONT'D) | RECREATION (CONT'D) | 11 | | BAND GOV'T: RECREATION & LEADERSHIP<br>DBR 89 | | .MINISTRY OF CULT & REC.<br>. - | | | .MINISTRY OF CULT & REC.<br>.6.0 |
| | | 12 | | BAND GOV'T: SPORT & FITNESS DIVISION, SPORTS TRAVELCADE<br>DBR 91 | | .MINISTRY OF CULT & REC.<br>. - | | | .MINISTRY OF CULT & REC.<br>.3.0 |
| | C. INCOME SUPPORT | 13 | SOCIAL SERVICES: SOCIAL ASSISTANCE<br>DBR 7 | SOCIAL SERVICES: GEN. WELFARE ASSISTANCE<br>DBR 30 | . DIAND (DISTRICTS)<br>. ON-RES. | .COMSOC (BAND/MUN)<br>.OFF-RES. | . DIAND<br>. 90.5 MIL | . DIAND<br>. 90.5 MIL | .COMSOC<br>.90.5 MIL |
| | | 14 | | SOCIAL SERVICES: FAMILY BENEFITS<br>DBR 43 | | .COMSOC<br>.ON-RES. | | . NH&W *<br>. 4,455.3 | .COMSOC<br>.4,455.3 |

* THIS REPRESENTS A 50% REIMBURSEMENT UNDER CAP. THIS PROGRAM IS NOT PART OF THE IWSA.

REGION: ONTARIO 1978-79 ($000) #29

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| SOCIAL DEVELOPMENT (CONT'D) | INCOME (CONT'D) | 15 | | ADMIN. OVER-HEAD: TRANSFER OF PAYMENTS, GAINS<br>DBR 510 | | .MINISTRY OF REV.<br>.- | | | .MINISTRY OF REV.<br>.1,500.0 |
| | C. HOUSING | 16 | HOUS. & COM. SERVICES: ON-RES. HOUSING<br>DBR 96 | | .DIAND/CMHC/ DREE/NH&W (DAND/HOUSING GROUP)<br>.ON-RES. | | .DIAND 5,257.4<br>.CMHC 1,060.8* | | |
| | | 17 | HOUS. & COM. SERVICES: OFF-RES. HOUSING<br>DBR 102 | | .DIAND/CMHC<br>.OFF-RES. | | .DIAND<br>-<br>.CMHC<br>- | | |
| | | 18 | | HOUS. & COM. SERVICES: GEN. HOUSING PROGRAM<br>DBR 120 | | .MINISTRY OF HOUSING<br>.- | | | .MINISTRY OF HOUSING<br>.- |

LOANS

REGION: ONTARIO 1978-79 ($000) #30

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| SOCIAL DEVELOPMENT (CONT'D) | HOUSING (CONT'D) | 19 | | HOUS. & COM. SERVICES: RURAL & NATIVE HOUSING DBR 122 | | .MINISTRY OF HOUSING . - | | | .MINISTRY OF HOUSING .- |
| | | 20 | | HOUS. & COM. SERVICES: WIGWAMEN INC. -CONST. SENIOR CITIZEN UNITS DBR 123 | | .MINISTRY OF HOUSING .OFF-RES. | | | .MINISTRY OF HOUSING .- |
| | | 21 | | HOUS. & COM. SERVICES: WIGWAMEN-RENT SUPPLEMENT ON SENIOR CITIZEN UNITS DBR 125 | | .MINISTRY OF HOUSING .OFF-RES. | | . ** . | .MINISTRY OF HOUSING .65.2 |
| | | 22 | | HOUS. & COM.* SERVICES: NATIVE PEOPLE OF THUNDER BAY DEV. CORP.(CAPITAL GRANT) DBR 150 | | .MINISTRY OF HOUSING .OFF-RES. | | | .MINISTRY OF HOUSING .1.4 |

* THESE PROGRAMS ARE NOT DIRECTED SOLELY AT STATUS INDIANS, AND IT IS UNCERTAIN WHETHER THE COST FIGURES HAVE BEEN ADJUSTED TO REFLECT THE STATUS INDIAN FACTOR.

** THE FED. GOV'T CONTRIBUTES TO 58½% OF THE TOTAL COST OF THIS PROGRAM. THE ACTUAL AMOUNT IS NOT ASCERTAINABLE.

YORK UNIVERSITY LAW LIBRARY

REGION: ONTARIO 1978-79 ($000) #31

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| SOCIAL DEVELOPMENT (CONT'D) | HOUSING (CONT'D) | 23 | | HOUS. & COM. SERVICES: NATIVE PEOPLE OF THUNDER BAY DEV. CORP. (RENT SUPPLEMENT) DBR 152 | | .MINISTRY OF HOUSING .OFF-RES. | | | .MINISTRY OF HOUSING .19.0 |
| | | 24 | SOCIAL SERVICES: PREVENTIVE & OTHER SOCIAL SERVICES DBR 26 | | . DIAND (DIRECT/ BAND) . ON-RES | | . DIAND . 926.7 | | |
| | | 25 | REG. PLANNING: SOCIAL DEV. PLANNING DBR 479 | | . DIAND (DISTRICT) . ON-RES | | . DIAND .- | | |
| | | 26 | BAND GOV'T: COMMUNITY DEV. DBR 67 | | . DIAND (INDIAN ASS'NS) . ON-RES. | | . DIAND . 696.9 | | |

REGION: ONTARIO 1978-79 ($000) #32

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| SOCIAL DEVELOPMENT (CONT'D) | | 27 | | SOCIAL SERVICES: SPECIAL PROGRAMS ON RES'S<br><br>DBR 52 | | . COMSOC<br>. ON-RES. | | | . COMSOC<br>. 50.3 |
| | | 28 | | HOUS. & COM. SERVICES: NORTH COM. ASSISTANCE PROGRAM<br><br>DBR 127 | | . MNA<br>. - | | | . MNA<br>. 2,379.3 |
| | | 29 | | HOUS. & COM. SERVICES: ISOLATED COM'S ASSISTANCE<br><br>DBR 145 | | . MNA<br>. OFF-RES. | | | . MNA<br>. 340.0 |
| 11. DOMESTIC RELATIONS | A. MARRIAGE & DIVORCE | | | | | | | | |

REGION: ONTARIO 1978-79 ($000) #33

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| DOMESTIC RELATIONS (CONT'D) | B. ELDERS | | | | | | | | |
| | C. CHILDREN | 1 | SOCIAL SERVICES: CHILD WELFARE<br>DBR 15 | SOCIAL SERVICES: CHILD WELFARE COSTS<br>DBR 37 | | .COMSOC(CAS)<br>.- | | . DIAND<br>. - ? | .COMSOC<br>. - ? |
| | | 2 | M'SHIP & STATUTORY: FUNDS-INDIAN CHILDREN ADOPTED BY NON INDIANS<br>DBR 350 | | . DIAND<br>. OFF-RES. | | . DIAND<br>.- | | |
| | | 3 | | JUSTICE: JUVENILES IN CORRECT. INSTIT/ DETENTION<br>DBR 421 | | .COMSOC<br>.- | | . FED **<br>. 456.0 | .COMSOC *<br>.2,946.0 |

* IT IS UNCERTAIN AS TO WHETHER THIS INCLUDES THE TRANSFER PAYMENT
** THE DEPARTMENT PAYING IS UNKNOWN.

REGION: ONTARIO 1978-79 ($000) #34

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| DOMESTIC RELATIONS (CONT'D) | D. MENTAL INCOMPETENTS | | | | | | | | |
| | E. INHERITANCE | 4 | RES. & TRUSTS: ESTATES<br>DBR 329 | | . DIAND (HQ/ REG/ DISTRICT)<br>. ON-RES. | . | . DIAND<br>. - | | |
| 12. JUSTICE | A. CIVIL | 1 | MEMBERSHIP & STATUTORY: COURT APPEALS<br>DBR 341 | | .DIAND/JUSTICE<br>. - | | . DIAND<br>. - | | |
| | B. CRIMINAL | 2 | JUSTICE: NATIVE COURT WORKER<br>DBR 393 | JUSTICE: NATIVE COURT WORKER PROGRAM<br>DBR 427 | .JUSTICE<br>. - | . ATTORNEY-GENERAL<br>. - | . JUSTICE<br>. 231.0 | | .ATTORNEY GENERAL<br>.231.0 |
| | | 3 | JUSTICE: POLICING<br>DBR 399 | JUSTICE: SPECIAL CONSTABLE PROGRAM<br>DBR 403 | | . SOLICITOR-GENERAL (OPP)<br>. ON-RES. | | . DIAND<br>. - | SOLICITOR GENERAL<br>.- |

REGION: ONTARIO 1978-79 ($000) #35

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| JUSTICE (CONT'D) | CRIMINAL (CONT'D) | 4 | | JUSTICE: KENORA COMMUNITY CO-ORDINATOR<br>DBR 402 | | . MNA<br>. OFF-RES. | | . SOS *<br>. - | .MNA<br>.15.0 |
| | | 5 | | SOCIAL SERVICES: PROBATION & AFTER-CARE ON-RES.<br>DBR 48 | | . COMSOC<br>. ON-RES. | | | .COMSOC<br>.177.0 |
| | | 6 | | SOCIAL SERVICES: PROBATION & AFTER-CARE OFF-RES.<br>DBR 49 | | . COMSOC<br>. OFF-RES. | | | .COMSOC<br>.384.5 |
| | | 7 | | JUSTICE: NORTHWEST FLYING PATROL (SIOUX LOOK OUT)<br>DBR 406 | | . SOL.-GEN.<br>. ON-RES. | | | .SOL.-GEN<br>.263.4 |

* PROGRAM IS COST-SHARED 50/50. IT IS UNCERTAIN WHETHER THE PROV. COST FIGURE INCLUDES THE FED PORTION.

REGION: ONTARIO 1978-79 ($000) #36

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| JUSTICE (CONT'D) | CRIMINAL (CONT'D) | 8 | | JUSTICE: COST FOR SERVICES OF 17 ONT. PROV. POLICE DISTRICTS<br>DBR 408 | | . SOL.-GEN.<br>. ON-RES. | | | .SOL.-GEN<br>.1,531.9 |
| | | 9 | | JUSTICE: NORTH EASTERN FLYING PATROL (SOUTH PORCUPINE)<br>DBR 410 | | . SOL.-GEN.<br>. ON-RES. | | | .SOL.-GEN<br>.265.8 |
| | | 10 | | JUSTICE: POLICING SERVICES OFF-RESERVE<br>DBR 412 | | . SOL.-GEN.<br>. OFF-RES. | | | .SOL.-GEN<br>.7,146.1 |
| | | 11 | | JUSTICE: NATIVE VOLUNTEER PROJECT<br>DBR 420 | | .MINISTRY OF CORRECTIONAL SERVICES<br>. - | | | .MINISTRY OF CORR. SERVICES<br>.184.5 |

REGION: ONTARIO 1978-79 ($000) #37

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| JUSTICE (CONT'D) | CRIMINAL (CONT'D) | 12 | | JUSTICE: ADULTS IN CORRECTIONAL INSTITUTIONS<br>DBR 423 | | .MINISTRY OF CORRECTIONAL SERVICES<br>.OFF-RES. | | | .MINISTRY OF CORR. SERVICES<br>.7,840.9 |
| | | 13 | | JUSTICE: PROBATION/ PAROLE SERVICES<br>DBR 425 | | .MINISTRY OF CORRECTIONAL SERVICES<br>. - | | | .MINISTRY OF CORR. SERVICES<br>.247.5 |
| | | 14 | | JUSTICE: LEGAL AID SERVICES<br>DBR 430 | | .ATTORNEY-GENERAL<br>. - | | . FEDS *<br>. 246.0 | .ATT-GEN<br>.546.0 |
| | | 15 | | JUSTICE: LIFE SKILLS PROGRAM IN NORTHERN JAILS<br>DBR 433 | | .MINISTRY OF CORRECTIONAL SERVICES<br>. - | | | .MINISTRY OF CORR. SERVICES<br>.12.5 |

* THIS COST FIGURE REPRESENTS 3% OF THE TOTAL FEDERAL REIMBURSEMENT TO THE PROV. FOR LEGAL AID IN GENERAL. 3% IS A PROV. ESTIMATE OF THE AMOUNT SPENT ON STATUS INDIANS.

REGION: ONTARIO 1978-79 ($000) #38

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 13. ECONOMIC DEVELOPMENT | A. RESOURCE DEVELOPMENT | 1 | | EC. DEV.: FUR & TRAP-LINE MANAGE-MENT<br>DBR 243 | | . MNR<br>. - | | | .MNR<br>.80.0 |
| | | 2 | | EC. DEV.: COMMERCIAL FISH MANAGE-MENT<br>DBR 244 | | .MNR<br>.- | | | .MNR<br>.19.6 |
| | | 3 | | EC. DEV.: WILD RICE MANAGEMENT<br>DBR 247 | | .MNR<br>.ON-RES. | | | .MNR<br>.26.4 |
| | | 4 | | EC. DEV: RESOURCE DEVELOPMENT AGREEMENT<br>DBR 253 | | .MNR<br>. - | | . FED (50%)<br>. 200.0 | .MNA(50%)<br>.200.0 |

REGION: ONTARIO 1978-79 ($000) #39

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. | TRANSFER | PROV. |
| ECONOMIC DEVELOPMENT (CONT'D) | RESOURCE DEVELOPMENT (CONT'D) | 5 | | EC. DEV.: ENGLISH WABIGOON AREA EC. DEV. PROJECTS<br>DBR 254 | | . MNA<br>. - | | | .MNA<br>.143.0 |
| | | 6 | | EC. DEV.: ON-RESERVE ASSISTANCE TO FARMERS&FARM ORGANIZATIONS<br>DBR 260 | | .MINISTRY OF AGRICULTURE & FOOD<br>.ON-RES. | | | .MIN. AG. & FOOD<br>.112.0 |
| | | 7 | | EC. DEV.:OFF-RES. ASST. TO FARMERS&FARM ORGAN'S<br>DBR 261 | | .MINISTRY OF AGRICULTURE & FOOD<br>.OFF-RES. | | | .MIN. AG. & FOOD<br>.466.0 |
| | | 8 | | REGIONAL PLANNING: AERIAL TRAP-LINE SURVEY<br>DBR 482 | | .MNR<br>. - | | | .MNA<br>.60.0 |

REGION: ONTARIO 1978/79 ($000) 840

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 14. ECONOMIC DEVELOPMENT | A. RESOURCE DEVELOPMENT (CONT'D) | 9 | | REG PLANNING: WILD RICE SURVEY<br>DBR 483 | | . MNR<br>. ON-RES. | | | .MNA<br>.100.0 |
| | | 10 | | EC. DEV.:**<br>ARDA PROGRAMS<br>DBR 259 | | . MIN OF AG. FOOD<br>. OFF-RES. | | | .MIN OF* AG. FOOD<br>.17.5 |
| | B. INDUSTRY AND MANUFACTURING | 11 | EC. DEV.:<br>ARTS & CRAFTS<br>DBR 240 | | . DIAND (NIACC)<br>.- | | . DIAND<br>. 50.5 | | |

* DREE GENERALLY REIMBURSES THE PROVINCE 100% IN THIS PROGRAM. THE COST FIGURE SHOWN HERE IS AN EXCEPTION.
** THIS PROGRAM IS NOT DIRECTED SOLELY AT STATUS INDIANS, AND IT IS UNCERTAIN AS TO WHETHER THE COST FIGURE SHOWN REFLECTS ONLY THE STATUS INDIAN COMPONENT.

REGION: ONTARIO 1978-79 ($000) #41

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| ECONOMIC DEVELOPMENT (CONT'D) | C. SERVICES/ BUSINESS | 12 | EC. DEV.: I.E.D.F.<br>DBR 224 | | . DIAND<br>. - | | . DIAND<br>. 3358.0<br>. 494.1* | | |
| | | 13 | EC. DEV: CESO ADVISORY SERVICES<br>DBR 227 | | . DIAND<br>. - | | . DIAND<br>. 28.3 | | |
| | | 14 | EC. DEV.: UWO INDIAN BUSINESS ASSISTANCE<br>DBR 230 | | . DIAND<br>. - | | . DIAND<br>. - | | |
| | | 15 | EC. DEV: EC. DEV. ADVISORY<br>DBR 232 | | . DIAND (REG/ DIST)<br>. - | | . DIAND<br>. - | | |

* LOANS.

REGION: ONTARIO 1978-79 ($000) #42

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| ECONOMIC DEVELOPMENT (CONT'D) | SERVICES/BUSINESS (CONT'D) | 16 | EC. DEV: OCDA-BUSINESS MNGT. ASSISTANCE PROGRAM<br>DBR 238 | | . DIAND<br>. - | | . DIAND<br>. - | | . MIN. OF CULT & REC |
| | | 17 | | EC. DEV: ONT DEV. CORP. LOAN TO OJIBWAY RESORT<br>DBR 250 | | . MIN. INDUSTRY & TOURISM<br>. - | | | .MIN. INDUSTRY & TOURISM .49.7 |
| | | 18 | | EC. DEV.: MINAKI LODGE PROJECT<br>DBR 252 | | . MIN. INDUSTRY & TOURISM<br>. - | | | .MIN. INDUSTRY & TOURISM .94.6 |
| | | 19 | | EC. DEV.: ONT. DEV. CORP. GUARANTEE TO BIG CANOE ENTREPRISES<br>DBR 251 | | .MIN. INDUSTRY & TOURISM<br>. - | | | .MIN. OF INDUSTRY &TOURISM .35.0 |

REGION: ONTARIO 1978-79 ($000) 143

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 14. ENERGY | A. RENEWABLE ENERGY | | | | | | | | |
| | B. NONRENEWABLE ENERGY | | | | | | | | |
| 15. LABOUR | A. EMPLOYMENT | | EMPLOYMENT: SUMMER YOUTH EMP. PROGRAM<br>DBR 265 | | . CEIC/ OTHER DEPT.<br>. - | | .CEIC<br>.1000.0 | | |
| | | 2 | EMPLOYMENT: BAND WORK PROCESS<br>DBR 268 | | . DIAND(BAND)<br>. ON-RES. | | .DIAND<br>.342.5 | | |
| | | 3 | EMPLOYMENT: EMP. SERVICES<br>DBR 271 | | . DIAND(REG/ DIST/BAND<br>. ON-OFF RES. | | .DIAND<br>.1,040.5 | | |

REGION: ONTARIO 1978-79 ($000) 144

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| LABOUR (CONT'D) | EMPLOYMENT (CONT'D) | 4 | EMP.: IIRD PROGRAM<br>DBR 274 | | . DIAND<br>. OFF-RES. | | .DIAND(HQ)<br>.128.6 | | |
| | | 5 | EMP.: CANADA MANPOWER INDUSTRIAL TRAINING<br>DBR 283 | | . CEIC<br>. ON-RES. | | .CEIC<br>.143.3 | | |
| | | 6 | EMP.: LEAP<br>DBR 286 | | . CEIC<br>. - | | .CEIC<br>.1095.9 | | |
| | | 7 | EMP.: OUTREACH<br>DBR 290 | | . CEIC<br>. - | | .CEIC<br>.40.8 | | |

REGION: ONTARIO 1978-79 ($000) #45

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| LABOUR (CONT'D) | EMPLOYMENT (CONT'D) | 8 | EMP.: CANADA WORKS PROGRAM<br>DBR 293 | | . CEIC<br>. - | | .CEIC<br>.3,951.6 | | |
| | | 9 | EMP.: YOUNG CAN. WORKS<br>DBR 297 | | . CEIC<br>. - | | .CEIC<br>.652.6 | | |
| | | 10 | EMP.: JOB * EXPERIENCE TRAINING<br>DBR 300 | | . CEIC<br>. - | | .CEIC<br>.1.6 | | |
| | | 11 | EMP.: YOUTH * JOB CORPS - YR. ROUND & SUMMER COMPONENTS<br>DBR 303, 306 | | . CEIC(SOS/ DREE)<br>. - | | .CEIC<br>.200.5 | | |

* THESE PROGRAMS ARE NOT DIRECTED SOLELY AT STATUS INDIANS, AND THE COST FIGURES HAVE NOT BEEN ADJUSTED TO REFLECT JUST THE STATUS INDIAN COMPONENT.

REGION: ONTARIO 1978-79 ($000) 146

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| LABOUR (CONT'D) | EMPLOYMENT (CONT'D) | 12 | EMP.: NATIVE EMP. PROGRAM: TRAINING&DEV.- PROGRAM MNGT. & DEV.<br>DBR 310 | | .PARKS CAN.<br>. - | | .PARKS CAN<br>. - | | |
| | | 13 | EMP.: FLIP *<br>DBR 312 | | .CEIC/NH&W BAND/ASS'N)<br>.ON/OFF RES. | | .TREAS.BD.<br>.809.2 | | |
| | | 14 | RES. & TRUSTS: RES. & TRUSTS TRAINING & EMP<br>DBR 357 | | .DIAND<br>. - | | .DIAND<br>. - | | |
| | | 15 | | EMP.: CAMPUS* EMP. FOR NATIVE STUDENTS PROGRAM<br>DBR 318 | | .MINISTRY OF COLLEGES & UNIVERSITIES<br>.OFF-RES. | | | .MINISTRY OF COLLEGES& UNIVERS.<br>.110.0 |

* THESE PROGRAMS ARE NOT DIRECTED SOLELY AT STATUS INDIANS, AND THE COST FIGURES HAVE NOT BEEN ADJUSTED TO REFLECT JUST THE STATUS INDIAN COMPONENT.

REGION: ONTARIO 1978-79 ($000) 147

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| LABOUR (CONT'D) | B. LABOUR RELATIONS | | | | | | | | |
| | C. PROFESSIONS AND OCCUPATIONS | | | | | | | | |

REGION: ONTARIO 1978-79 ($000) 148

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 16. TRADE | A. INTRA-RESERVE TRADE | | | | | | | | |
| | B. INTER-RESERVE TRADE | | | | | | | | |
| | C. EXTRA-RESERVE TRADE | | | | | | | | |
| | | 1 | | EC. DEV.: FREIGHT EQUALIZATION ASSISTANCE PROGRAM<br>DBR 245 | | .MNR<br>. - | | | MNR<br>25.0 |

REGION: ONTARIO 1978-79 ($000) #49

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 17. COMPANIES | A. PROFIT COMPANIES | | | | | | | | |
| | B. NON-PROFIT COMPANIES | | | | | | | | |

REGION: ONTARIO 1978-79 ($000) #50

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 18. TAXATION | A. DIRECT | 1 | | ADMIN. OVERHEAD: TRANSFER PAYMENTS PROPERTY TAX CREDIT DBR 502 | | .MIN.REVENUE . - | | | .MINISTRY OF REVENUE .1,800.0 |
| | | 2 | | ADMIN. OVERHEAD: ONT. TAX CREDITS SALES TAX CREDITS DBR 504 | | .MIN.REVENUE . - | | | .MINISTRY OF REVENUE .360.0 |
| | | 3 | | ADMIN. OVERHEAD: ONT. TAX CREDITS PENSIONER TAX CREDIT DBR 506 | | .MIN.REVENUE . | | | .MINISTRY OF REVENUE .823.0 |
| | | 4 | | ADMIN. OVERHEAD: TAX EXEMPT. GAS TAX ACT DBR 508 | | .MIN.REVENUE .ON-RES. | | | .MINISTRY OF REVENUE .823.0 |

REGION: ONTARIO 1978-79 ($000) #51

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| TAXATION (CONT'D) | DIRECT (CONT'D) | 5 | | ADMIN. OVERHEAD: TOBACCO TAX ACT | | .MIN.REVENUE .ON-RES. | | | .MINISTRY OF REVENUE .2,311.0 |
| | | 6 | | ADMIN. OVERHEAD: ONT. PSL. INCOME TAX | | .MIN.REVENUE .ON-RES. | | | .MINISTRY OF REVENUE .2,500.0 |
| | B. INDIRECT | | | | | | | | |

REGION: ONTARIO 1978-79 ($000) 152

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 19. PRIVATE WORKS | A. PRIVATE RESIDENCES | | | | | | | | |
| | B. PRIVATE COMMUNICATION FACILITIES | | | | | | | | |
| | C. PRIVATE TRANSPORTATION FACILITIES | | | | | | | | |
| | D. PRIVATE EDUCATION FACILITIES | | | | | | | | |

REGION: ONTARIO 1978-79 ($000) #53

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PRIVATE WORKS (CONT'D) | E. PRIVATE CULTURAL DEVELOPMENT FACILITIES | | | | | | | | |
| | F. PRIVATE HEALTH FACILITIES | | | | | | | | |
| | G. PRIVATE ECONOMIC DEVELOPMENT FACILITIES | | | | | | | | |
| | H. PRIVATE ENERGY FACILITIES | | | | | | | | |

REGION: ONTARIO 1978-79 ($000) #54

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 20. PUBLIC WORKS | A. COMMUNITY WORKS | | | | | | | | |
| | B. INFRASTRUCTURE | 1 | HOUS. & COM. SERVICES: INFRASTRUCTURE & OTHER COM. IMPROVEMENTS DBR 105 | | . DIAND/BAND (DREE/NH&W) . ON-RES. | | . DIAND * . 10.861.0 | | |
| | | 2 | | HOUS. & COM. SERVICES: WATER & SEWAGE SERVICES DBR 129 | | . MIN. OF ENVIRON. . OFF-RES. | | . DIAND ** . 616.0 | . MNA . 70.0 |
| | | 3 | | HOUS. & COM. SERVICES: NORTH SERVICES ELECTRI-FICATION DBR 147 | | . MNA | | | . MAN . 481.0 |

* THIS AMOUNT INCLUDES OTHER PROGRAM COSTS, I.E., "HOUS. & COM. SERVICES: FOREST FIRE PROTECTION", UNDER PRIMARY SECTOR, "ENVIRONMENT".

** THIS PROGRAM MIGHT ALSO BE INCLUDED UNDER THE PROGRAM IMMEDIATELY ABOVE.

REGION: ONTARIO 1978-79 ($000) #55

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PUBLIC WORKS (CONT'D) | C. PUBLIC COMMUNICATIONS | | | | | | | | |
| | D. PUBLIC TRANSPORTATION FACILITIES | | | | | | | | |
| | E. PUBLIC EDUCATION FACILITIES | | | | | | | | |
| | F. PUBLIC CULTURAL DEVELOPMENT FACILITIES | | | | | | | | |

REGION: ONTARIO 1978-79 ($000) #56

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PUBLIC WORKS (CONT'D) | G. PUBLIC HEALTH FACILITIES | | | | | | | | |
| | H. SOCIAL DEVELOPMENT FACILITIES | | | | | | | | |
| | I. PUBLIC ECONOMIC DEVELOPMENT FACILITIES | | | | | | | | |
| | J. PUBLIC ENERGY FACILITIES | | | | | | | | |

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REGION: ONTARIO 1978-79 ($000) 157

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| JBLIC WORKS ONT'D | K. PUBLIC ADMINISTRATION FACILITIES | | | | | | | | |
| | | 1 | REGIONAL PLANNING: PHYSICAL PLANNING<br>DBR 478 | | . DIAND(DIST/BAND)<br>. ON-RES. | | . DIAND<br>. - | | |
| | | 2 | ENGINEERING & ARCHITECTURE: ENG. & ARCH.<br>DBR 490 | | . DIAND<br>. ON-RES. | | . DIAND<br>. 1,139.6 | | |

REGION: ONTARIO 1978-79 ($000) #58

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 25. PUBLIC ADMIN-ISTRATION | A. PUBLIC OFFICERS | 1 | BAND GOV'T: CORE FUNDING<br>DBR 56 | | . DIAND/BAND<br>. ON-RES. | | . DIAND (DIST)<br>. 2,338.7 | | |
| | B. PUBLIC AUTHORITIES | 2 | EC. DEV.: BED COMMITTEES<br>DBR 234 | | . DIAND/BAND<br>. ON-RES. | | . DIAND<br>. 186.0 | | |
| | | 3 | | ED.: ONT. * NATIVE EDUCATION COUNCIL<br>DBR 213 | | .MINISTRY OF EDUCATION<br>.ON/OFF RESERVE | | . DIAND<br>. ** | .MINISTRY EDUCATION<br>.16.4 |

* THIS PROGRAM IS NOT DIRECTED SOLELY AT STATUS INDIANS, AND IT IS UNCERTAIN WHETHER THE COST FIGURES HAVE BEEN ADJUSTED TO REFLECT JUST THE STATUS COMPONENT.

** DIAND CONTRIBUTES 50%, HOWEVER IT IS NOT POSSIBLE TO ASCERTAIN THE AMOUNT.

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REGION: ONTARIO 1978-79 ($000) #59

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PUBLIC ADMIN-ISTRATION (CONT'D) | PUBLIC AUTHORITIES (CONT'D) | 4 | | JUSTICE: ONT. NATIVE COUNCIL ON JUSTICE<br>DBR 429 | | .ATTORNEY-GENERAL/MNA<br>. - | | | .ATT-GEN/MNA<br>.3.0 |
| | | 5 | | JUSTICE: NAT. REP. TO ONT. ADVISORY COMM ON NATIVE PEOPLE & CRIMINAL JUSTICE SYSTEM<br>DBR 436 | | .MIN. CORR. SERVICES<br>. - | | | .MINISTRY OF CORR. SERVICES<br>.6.1 |
| | C. PUBLIC SERVICE | 6 | BAND GOV'T: OVERHEAD FUNDING<br>DBR 62 | | . DIAND/BAND<br>. ON-RES. | | . DIAND<br>. 2,522.1 | | |
| | | 7 | BAND GOV'T: PROGRAM DEVELOPMENT<br>DBR 65 | | . DIAND (INTERNAL)<br>. N/A | | . DIAND<br>. - | | |

REGION: ONTARIO 1978-79 ($000) #60

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PUBLIC ADMIN-ISTRATION (CONT'D) | PUBLIC SERVICE (CONT'D) | 8 | EMPLOYMENT: O.N.E.<br>DBR 308 | | PUBLIC SERVICE COMMISSION<br>.OFF-RES. | | . PSC<br>. - | | |
| | | 9 | MEMBERSHIP & STATUTORY: ADMIN. TRAINING<br>DBR 343 | | . DIAND<br>. - | | . DIAND<br>. - | | |
| | | 10 | | SOCIAL SERVICES: ADMINISTRA-TOR'S COURSE<br>DBR 33 | | . COMSOC<br>. - | | . DIAND<br>. - ? | .COMSOC<br>.- ? |
| | | 11 | | BAND GOV'T:* NATIVE COM. BRANCH DIRECT EXPENDITURES<br>DBR 78 | | .MINISTRY OF CULT.&REC.<br>.ON-RES. | | . FEDS<br>. 275.0 | .MINISTRY CULT.&REC<br>.212.0 |

* THIS PROGRAM IS COST-SHARED 50/50 UNDER CAP.

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REGION: ONTARIO 1978-79 ($000) #61

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PUBLIC ADMIN-ISTRATION (CONT'D) | PUBLIC SERVICE (CONT'D) | 12 | | JUSTICE: INDIAN POLICING SERVICES BRANCH<br>DBR 405 | | .SOL.-GEN. (INTERNAL)<br>.N/A | | | .SOL.-GEN<br>.133.9 |
| | D. GENERAL ADMINISTRATION | 13 | BAND GOV'T: ACTIVITY ADMIN.<br>DBR 33 | | . DIAND (INTERNAL)<br>. N/A | | . DIAND<br>. 618.5 | | |
| | | 14 | EDUCATION: BAND TRAINING<br>DBR 194 | | . DIAND/BAND PRIVATE OR PUBLIC AGENCY<br>. ON-RES. | | . DIAND<br>. 366.9 | | |
| | | 15 | MEMBERSHIP & STATUTORY: INDIAN ACT PROVISIONS<br>DBR 343 | | . DIAND<br>. ON-RES. | | . DIAND<br>. - | | |

REGION: ONTARIO 1978-79 ($000) #62

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PUBLIC ADMIN-ISTRATION (CONT'D) | GENERAL ADMINISTRATION (CONT'D) | 16 | CULT. IDENTITY CORE FUNDING<br>DBR 439 | | . SOS (NATIVE) CITIZENS DIRECTORATE)<br>. ON-RES. | | . SOS<br>. 487.6 | | |
| | | 17 | CULT. IDENTITY NATIVE WOMEN<br>DBR 460 | | . SOS (NATIVE) CITIZENS DIRECTORATE)<br>. ON-RES. | | . SOS<br>. 50.5 | | |
| | | 18 | | SOCIAL SERVICES: ADMIN. COSTS (CORR. SERVICES)<br>DBR 50 | | . MIN. CORR. SERVICES<br>. - | | | .MINISTRY OF CORR. SERVICES<br>.501.0 |
| | | 19 | | SOCIAL SERVICES: ADMIN. COSTS (GENERAL WELFARE)<br>DBR 51 | | . COMSOC<br>. - | | | .COMSOC<br>.226.8 |

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REGION: ONTARIO 1978-79 ($000) #63

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| PUBLIC ADMIN. (CONT'D) | GENERAL ADMINISTRATION (CONT'D) | 20 | | BAND GOV'T: NATIVE COM. BRANCH GRANTS<br>DBR 75 | | .MINISTRY OF CULT.&REC. .ON-RES. | | | .MINISTRY CULT&REC .467.7 |
| | | 21 | | EC. DEV.:* ARDA PROGRAM ADMIN.<br>DBR 257 | | .MINISTRY OF AGRICULTURE & FOOD | | | .MINISTRY AG.&FOOD .22.0 |
| 26. FINANCE | A. REVENUE | | | | | | | | |
| | B. EXPENDITURE | | | | | | | | |

* THIS PROGRAM IS NOT DIRECTED SOLELY AT STATUS INDIANS, AND IT IS UNCERTAIN WHETHER THE COST FIGURE HAS BEEN ADJUSTED TO REFLECT JUST THE STATUS COMPONENT.

REGION: ONTARIO 1978-79 ($000) #64

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| FINANCE (CONT'D) | C. PUBLIC DEBT | | | | | | | | |
| | D. INTEREST | | | | | | | | |
| | E. EQUALIZATION | | | | | | | | |
| | | 1 | MEMBERSHIP & STATUTORY: TRUST FUNDS/ TREATY PAYMENTS<br>DBR 338 | | . DIAND<br>. - | | . DIAND<br>. - | | |
| | | 2 | | LANDS & MEMBERSHIP: TREATY PAYMENTS<br>DBR 362 | | . MNR<br>. - | | | . MNR<br>. 50.0 |

REGION: ONTARIO 1978-79 ($000) #65

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 27. INTER-GOVERNMENTAL RELATIONS | A. INTER-INDIAN GOVERNMENT RELATIONS | 1 | MEMBERSHIP & STATUTORY: BAND AMALGAMATION/DIVISION<br><br>DBR 340 | | . DIAND<br>. ON-RES. | | . DIAND<br>. - | | |
| | B. INDIAN-PROVINCIAL GOVERNMENT RELATIONS | | | | | | | | |
| | C. INDIAN-FEDERAL GOVERNMENT RELATIONS | | | | | | | | |

## ABBREVIATIONS USED IN THE REPORT

| | |
|---|---|
| RES: | Reserve |
| DIAND: | Department of Indian Affairs and Northern Development |
| H.Q.: | Headquarters |
| REG: | Region |
| DIST: | District |
| FED: | Federal |
| DBR: | Data Base Report |
| PROV: | Provincial |
| MNR: | Ministry of Natural Resources |
| MNA: | Ministry of Northern Affairs |
| DEV: | Development |
| HOUS: | Housing |
| COM: | Community |
| PROTECT: | Protection |
| SOS: | Secretary of State |
| BELL: | Bell Canada Telephone Company |
| MTC: | Ministry of Transportation and Communication |
| ONTC: | *(DBR 135) |
| MUN: | Municipal |
| CEIC: | Canadian Employment and Immigration |
| TRANS CAN: | Transport Canada Ministry |
| COMSOC: | Community and Social Services |
| ENG & ARCH: | Engineering and Architecture |
| DPW: | Department of Public Works |
| MIN OF ED: | Ministry of Education |
| CAATS: | Collegs of AA Tech |
| POST SEC: | Post Secondary |
| UNIV: | Universities |
| UWO: | University of Western Ontario |
| ED: | Education |
| PARKS CAN: | Parks Canada |
| NH&W | National Health and Welfare |
| MED: | Medical |
| MINISTRY OF CULT & REC: | Ministry of Culture and Recreation |
| NAT: | National |
| REHAB: | Rehabilitation |
| LABOUR CANADA (FITNESS AND AMATEUR SPORT) | |
| REC: | Recreation |
| GOV'T: | Government |
| ASSN'S: | Associations |
| IWSA: | Indian Welfare Services Agreement |
| ADMIN: | Administration |
| MINISTRY OF REV: | Ministry of Revenue |
| CMHC: | Central Mortgage and Housing Corporation |

| | |
|---|---|
| CONST: | Construction |
| DEV: | Development |
| CORP: | Corporation |
| CAS: | Childrens Aid Society |
| M'SHIP: | Membership |
| CORRECT. INSTIT: | |
| OPP: | Ontario Provincial Police |
| SOL GEN: | Solicitor General |
| ONT: | Ontario |
| MINISTRY OF CORR SERVICES: | |
| EC DEV: | Economic Development |
| ASST: | Assistance |
| ORGAN'S: | Organizations |
| MINISTY OF AG & FOOD: | Agriculture and Food |
| NIACC: | National Indian Arts and Crafts Corporation |
| IEDF: | Indian Economic Development Fund |
| CESO: | *(DBR 227) |
| OCDA: | *(DBR 238) |
| MIN: | Ministry |
| EMP: | Employment |
| IIRD: | *(DBR 274) |
| CEAP: | *(DBR 286) |
| CAN: | Canadian |
| YR: | Year |
| MNGT: | Management |
| PARKS CAN: | |
| FLIP | *(DBR 312) |
| TREAS BD: | Treasury Board |
| PSL: | Personnel |
| BED COMMITTEES: | |
| ONE: | Office of _____ _____ |
| PSC: | |
| CULT: | Cultural |
| ARDA | *(DBR 257) |

THE UNIVERSITY OF WESTERN ONTARIO

REGION: ONTARIO 1978-79 #2

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 1. PROPERTY (CONT'D) | A. LAND (CONT'D) | 5 | | LANDS & MEMBERSHIP: OFFICE OF INDIAN RESOURCE POLICY<br><br>DBR 360 | | . MNR<br>. ON-RES. | | | . MNR<br>. 183.0 |
| | B. WATER | | | | | | | | |
| | C. AIRSPACE | | | | | | | | |
| | | 6 | | REG. PLANNING: REG. PRIORITIES & DEV. PROGRAM<br><br>DBR 484 | | . MNA<br>. - | | | . MNA<br>. - |

YORK UNIVERSITY LAW LIBRARY

| REGION: ONTARIO 1978-79 | | | | | | | | | ($000) | #3 |
|---|---|---|---|---|---|---|---|---|---|---|
| JURISDICTION | | ADMINISTRATION | | | | | | | | |
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 2. NATURAL RESOURCES | A. RENEWABLE NATURAL RESOURCES | | | | | | | | |
| | B. NON RENEWABLE NATURAL RESOURCES | 1 | RES. & TRUSTS: MINERAL DEVELOPEMENT<br>DBR 355 | | . DIAND (REG)<br>. - | | . DIAND (HQ)<br>. - | | |
| | | 2 | RES. & TRUSTS: MINERAL MANAGEMENT<br>DBR 356 | | . DIAND (REG)<br>. - | | . DIAND (HQ)<br>. - | | |
| | | 3 | RES. & TRUSTS: POLICY, PLANNING AND RESEARCH<br>DBR 358 | | . DIAND (REG)<br>. - | | . DIAND (HQ)<br>. - | | |

REGION: ONTARIO 1978-79 ($000) #4

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| NATURAL RESOURCES (CONT'D) | | 4 | RES. & TRUSTS: INDIAN MINERAL RESOURCES<br>DBR 325 | | . DIAND (HQ/ REG/DIST)<br>. ON-RES. | | . DIAND<br>. - | | |
| 3. ENVIRONMENT | A. ENVIRONMENTAL PROTECTION | 1 | HOUSING & COMMUNITY SERVICES: FED. ACTIVITIES CLEAN-UP<br>DBR 117 | | . ENVIRONMENT CANADA<br>. ON-RES. | | .ENVIRON-MENT CANADA .10.0 | | |
| | | 2 | REGIONAL PLANNING: ENVIRONMENTAL PLANNING<br>DBR 480 | | . -<br>. - | | . -<br>. - | | |
| | | 3 | | HOUSING & COMMUNITY SERVICES: LABORATORY SERVICES BRANCH<br>DBR 143 | | . MINISTRY OF ENVIRONMENT<br>. ON-RES. | | | .MINISTRY OF ENVIRON-MENT .90.5 |

YORK UNIVERSITY LAW LIBRARY

REGION: ONTARIO 1978-79 ($000) 15

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| ENVIRONMENT (CONT'D) | B. CONSERVATION | 4 | | JUSTICE: ENFORCEMENT OF GAME & FISH ACT<br>DBR 435 | | . MNR<br>. - | | | . MNR<br>. 56.7 |
| | C. FIRE PROTECTION | 5 | HOUS. & COM. SERVICES: FOREST FIRE PROTECT.<br>DBR 110 | HOUS. & COM SERVICES: FOREST FIRE PROTECT./ CONTROL ON-RES.<br>DBR 155 | | . MNR<br>. ON-RES. | | . DIAND<br>. * | . MNR<br>. 10.0 |
| | D. PARKS & PRESERVES | 6 | | BAND GOV'T: PARKS ASSISTANCE<br>DBR 88 | | . MNR<br>. ON-RES. | | | . MNR<br>. 6.0 |
| 4.CITIZENSHIP | A. CITIZENSHIP CRITERIA | | | | | | | | |
| | B. TRANSFER & ADOPTION | 1 | MEMBERSHIP & STATUTORY: ENFRANCHI-MENT PROVISIONS<br>DBR 347 | | . DIAND<br>. - | | . DIAND<br>. - | | |

* THIS AMOUNT IS INCLUDED IN THE EXPENDITURE FOR THE FEDERAL PROGRAM "HOUSING & COMMUNITY SERVICES: INFRASTRUCTURE & OTHER [illegible]" PROGRAM NO. [illegible], UNDER PRIMARY SECTOR, "PUBLIC WORKS"

REGION: ONTARIO 1978-79 ($000) #6

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| CITIZENSHIP (CONT'D) | TRANSFER & ADOPTION (CONT'D) | 2 | MEMBERSHIP & STATUTORY: TRUST FUNDS-MINORS<br>DBR 348 | | . DIAND(PUBLIC TRUSTEE/ OFFICIAL GUARDIAN)<br>. OFF-RES. | | . DIAND<br>. - | | |
| | C. INCIDENCE OF CITIZENSHIP | | | | | | | | |
| | | 3 | MEMBERSHIP & STATUTORY: MEMBERSHIP PROVISIONS & INDIAN REGISTER MAINTENANCE<br>DBR 345 | | . DIAND<br>. - | | . DIAND<br>. - | | |

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REGION: ONTARIO 1978-79 ($000) #7

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| 5.COMMUNI-TIONS | A. NEWSPAPERS | 1 | CULTURAL IDENTITY: NATIVE COMMUNICATIONS: NATIVE ORGANIZATION NEWSPAPER DBR 455 | | . SOS (HQ & REG.)<br>. ON/OFF RES. | | . SOS<br>. 25.0 | | |
| | B. RADIO | | | | | | | | |
| | C. TELEVISION | | | | | | | | |
| | D. TELEPHONE | 2 | | HOUSING & COMMUNITY SERVICES: SACHIGO LAKE TELEPHONE EXCHANGE DBR 149 | | . MNA/BELL<br>. - | | | . MNA<br>. 20.0 |

REGION: ONTARIO 1978-79 ($000) #8

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| COMMUNICATIONS (CONT'D) | E. TELECOMMUNICATIONS | 3 | | HOUSING & COMMUNITY SERVICES: TELECOMMUNICATIONS NETWORK DBR 135 | | . MTC/BELL/ ONTC | | | .MTC/MNA/ BELL .1.5 |
| | | 4 | | HOUSING & COMMUNITY SERVICES: REMOTE NORTH TELECOMMUNICATIONS PROJECT DBR 137 | | . MTC . - | | | . MTC . 100.0 |
| | | 5 | | HOUSING & COMMUNITY SERVICES; REMOTE NORTHEASTERN TELECOMMUNICATIONS PROJECT DBR 148 | | . MNA . - | | | . MNA . 1,150.0 |
| | | 6 | | HOUSING & COMMUNITY SERVICES: REMOTE NORTHWESTERN TELECOMMUNICATIONS PROJECT DBR 154 | | . MNA/BELL . ON-RES. | | | .MNA/BELL 50/50 . - |

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REGION: ONTARIO 1978-79 ($000) #9

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| COMMUNICATIONS (CONT'D) | TELECOMMUNICATIONS (CONT'D) | 7 | | REGIONAL PLANNING: TELECOMMUNICATIONS NETWORK DBR 486 | | . MTC<br>. - | | | .MTC<br>.1.5 |
| | | 8 | CULTURAL * IDENTITY: NATIVE COMMUNICATIONS RESOURCE ORGANIZATIONS DBR 451 | | . SOS<br>. ON/OFF RES. | | .SOS<br>.175.3 | | |
| 6.TRANSPORTATION | A. ROADS & HIGHWAYS | 1 | DIAND "COMMUNITY & INFRASTRUCTURE IMPROVEMENTS PROGRAMS" | HOUS. & COM. SERVICES: MUN. ROAD MAINTENANCE & CONSTRUCTION (NEAR NORTH) DBR 131 | DIAND ON-RES. | . MTC<br>. ON-RES. | DIAND 50% | | .MTC<br>.1,881.7 |
| | | 2 | DIAND "COMMUNITY & INFRASTRUCTURE IMPROVEMENTS PROGRAMS" | HOUS. & COM. SERVICES: MUN. ROAD MAINTENANCE & CONSTRUCTION (FAR NORTH) DBR 133 | DIAND ON-RES | . MTC<br>. ON-RES. | DIAND 50% | . DIAND<br>. - | .MTC:(50 - 80%)<br>.806.6 |

* THIS PROGRAM IS NOT DIRECTED SOLELY AT STATUS INDIANS, AND THE COST FIGURE HAS NOT BEEN ADJUSTED TO REFLECT THE STATUS INDIAN FACTOR HERE.

REGION: ONTARIO 1978-79 ($000) #10

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| TRANSPORTA-TION (CONT'D) | ROADS & HIGHWAYS (CONT'D) | 3 | DIAND "COMMUNITY & INFRASTRUCTURE IMPROVEMENTS PROGRAMS" | HOUS. & COM. SERVICES: NORT PROGRAM -WINTER ROADS DBR 139 | DIAND ON-RES. | . MTC . - | DIAND 50% | | .MTC .100.0 |
| | | 4 | DIAND "COMMUNITY & INFRASTRUCTURE IMPROVEMENTS PROGRAMS" | HOUS. & COM. SERVICES: NORT PROGRAM -OTHER ROADS DBR 140 | DIAND ON-RES. | . MTC . - | DIAND 50% | | .MTC .1,210.0 |
| | | 5 | | HOUS. & COM. SERVICES: NORT PROGRAM -SNOW MOBILE TRAILS DBR 141 | | . MTC . - | | | .MTC .30.0 |
| | | 6 | | HOUS. & COM. SERVICES: NORT PROGRAM -SPECIAL MAINTENANCE DBR 142 | | . MTC . ON RES. | | | .MTC .123.0 |

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REGION: ONTARIO 1978-79 ($000) #11

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | PROGRAMS | | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| TRANSPORT-ATION (CONT'D) | B. RAILWAYS | | | | | | | | |
| | C. MARINE TRANSPORTATION | | | | | | | | |
| | D. AIR TRANSPORTATION | 7 | MOT REMOTE AIRPORT PROGRAM | ECONOMIC DEVELOPMENT: BIG TROUT LAKE TRANS-PORTATION STUDY DBR 249 | MOT | . MNA<br>. ON-RES. | | .DIAND/CEIC<br>.MOT | .MNA<br>.10.0 |
| | | 8 | MOT REMOTE AIRPORT PROGRAM | ENGINEERING & ARCHITECTURE: REMOTE AIRPORT DEV-ELOPMENT (MAINTENANCE) DBR 496 | MOT | . MTC<br>. - | | .MOT | .MNA<br>.1,101.7 |

REGION: ONTARIO 1978-79 ($000) #12

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| TRANSPORT-ATION (CONT'D) | AIR TRANSPORTATION (CONT'D) | 9 | MOT | ENG. & ARCH.: REMOTE AIRPORT CONSTRUCTION DBR 498 | MOT | . MTC<br>. - | MOT | . TRANS CAN<br>. 10.0 | .MNA<br>.3,313.7 |
| 7. EDUCATION | A. PRE-SCHOOL EDUCATION | 1 | SOCIAL SERVICES: DAY CARE DBR 22 | SOCIAL SERVICES: DAY NURSERIES DBR 40 | | . COMSOC/ BAND<br>. ON-RES. | DIAND<br>1148.7 | . COMSOC<br>. 851.8 | |
| | | 2 | | SOCIAL SERVICES: DAY NURSERIES (CAPITAL) DBR 38 | | . COMSOC<br>. ON-RES. | | | .COMSOC<br>.25.4 |
| | B. ELEMENTARY & SECONDARY EDUCATION | 3 | EDUCATION:* ELEMENTARY & SECONDARY<br>DBR 160, 167 | EDUCATION:** ELEMENTARY & SECONDARY<br>DBR 199, 202, 204 | . DIAND (DIRECT/ BAND/ PRIVATE)<br>. OFF-RES. | .MINISTRY OF EDUCATION (PROV. SCHOOLS) ***<br>. OFF-RES. | .DIAND<br>.2,520.0 | . DIAND<br>. 28,446.9 | .MINISTRY OF EDUC.<br>.15,589.0 |

* THIS INCLUDES THE FOLLOWING 2 SEPARATE FEDERAL PROGRAMS: 1. "EDUCATION: ELEMENTARY & SECONDARY EDUCATION" AND 2. EDUCATION: NON FEDERAL SCHOOLS INSTRUCTION".

** THIS INCLUDES THE FOLLOWING 3 SEPARATE PROVINCIAL PROGRAMS: 1. "EDUCATION: OFF-RES. INDIANS IN PROV. SCHOOLS: STUDENTS AGE 5-14 IN K TO GRADE 9" 2. "EDUCATION: OFF-RES. INDIANS IN PROV SCHOOLS: STUDENTS AGE 15-19 IN GRADES 10-13" 3. "EDUCATION: OFF-RES. INDIANS IN PROV. SCHOOLS: STUDENTS AGE 15-19 IN K TO GRADE 9".

*** "OFF-RES" HERE REFERS TO THE LOCATION OF THE FACILITY, AND NOT NECESSARILY THE RESIDENCE OF THE STUDENTS.

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REGION: ONTARIO 1978-79 ($000) #13

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| EDUCATION (CONT'D) | ELEMENTARY & SECONDARY EDUCATION (CONT'D) | 4 | EDUCATION: GUIDANCE<br>DBR 164 | | . DIAND (DIRECT/ BAND/ PRIVATE)<br>. ON/OFF RES. | .MINISTRY OF EDUCATION PROV. SCHOOL<br>. OFF-RES. | . DIAND<br>. 1808.6 | . DIAND<br>. * | |
| | | 5 | EDUCATION: CURRICULUM ENRICHMENT<br>DBR 170 | | . DIAND (DIRECT/ BAND)<br>. ON/OFF RES. | .MINISTRY OF EDUCATION (PROV. SCHOOL)<br>.OFF-RES. | . DIAND<br>. 104.3 | . DIAND<br>. * | |
| | | 6 | EDUCATION: SCHOOL CONSTRUCTION<br>DBR 190 | | . DIAND/DPW<br>. ON-RES. | | . DIAND<br>. - | | |
| | | 7 | EDUCATION: STUDENT RES-IDENCE & GROUP HOMES SERVICE<br>DBR 191 | | . DIAND<br>. ON/OFF RES. | | . DIAND<br>. 2,316.2 | | |

* THESE AMOUNTS CAN NOT BE DETERMINED. THEY DEFINITELY CONSTITUTE PART OF THE FEDERAL EXPENDITURE UNDER THIS PROGRAM. HOWEVER, THEY MAY ALSO CONSTITUTE PART OF THE FEDERAL TRANSFER PAYMENT TO THE MIN. OF ED. UNDER PROGRAM NO. 3 "EDUCATION: ELEMENTARY AND SECONDARY EDUCATION".

REGION: ONTARIO 1978-79 ($000) #14

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| EDUCATION (CONT'D) | C. POST-SECONDARY | 8 | EDUCATION: POST-SECONDARY EDUCATION (UNIVERSITY & CAATS) DBR 176 | EDUCATION:* POST-SEC. EDUCATION (UNIVERSITY & CAATS) DBR 214, 218 | . DIAND . OFF-RES. | .MINISTRY OF COLLEGES & UNIVERSITIES .OFF-RES. | .DIAND** .1,783.4 | . DIAND* . 748.3 | .MINISTRY OF COLLEGES & UNIV. .4,035.0 |
| | | 9 | | *** EDUCATION: NATIVE TEACHER ED. PROGRAM AT LAKEHEAD UNIV & UWO. DBR 209 | | .MINISTRY OF EDUCATION .OFF-RES. | | | .MINISTRY OF EDUCATION .0.5 |
| | | 10 | | *** EDUCATION: NATIVE COUNSELLORS PROGRAM DBR 212 | | .MINISTRY OF EDUCATION . - | | | .MINISTRY OF EDUCATION .7.5 |
| | | 11 | | *** EDUCATION: NATIVE SCHOLARSHIP PROGRAM DBR 220 | | .MINISTRY OF CORRECTIONAL SERVICES . - | | | .MINISTRY OF CORRECTIONAL SERVICES .39.4 |

* THIS INCLUDES THE FOLLOWING 2 SEPARATE PROGRAMS: 1. "EDUCATION: INDIANS IN POST-SECONDARY INSTITUTIONS: UNIVERSITY" 2. "EDUCATION: INDIANS IN POST-SECONDARY INSTITUTIONS: CAATS"

** THERE ARE ALSO EPF TRANSFER PAYMENTS MADE TO THE PROVINCE FOR POST-SECONDARY EDUCATION, GENERALLY. HOWEVER THESE ARE NOT REPRESENTED HERE BECAUSE IT WAS NOT POSSIBLE TO DETERMINE THE AMOUNT OF THESE PAYMENTS THAT WERE MADE IN RESPECT TO INDIANS.

*** THESE PROGRAMS ARE NOT DIRECTED SOLELY AT STATUS INDIANS, AND THE COST FIGURES HAVE NOT BEEN ADJUSTED TO REFLECT THE STATUS INDIAN FACTOR HERE.

YORK UNIVERSITY LAW LIBRARY

REGION: ONTARIO 1978-79 ($000) #15

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| EDUCATION (CONT'D) | POST-SECONDARY EDUCATION (CONT'D) | 12 | JUSTICE: NATIVE LAW STUDENTS<br>DBR 396 | | . JUSTICE<br>. OFF-RES. | | .JUSTICE<br>. - | | |
| | D. ADULT EDUCATION | 13 | EDUCATION: OCCUPATIONAL SKILLS DEVELOPMENT<br>DBR 173 | | . DIAND<br>. OFF/ON RES. | | .DIAND<br>.618.7 | | |
| | | 14 | EDUCATION: COMMUNITY ADULT EDUCATION<br>DBR 179 | | . DIAND (DIRECT/ BAND/ PRIVATE)<br>. ON-RES. | | .DIAND<br>.206.9 | | |
| | | 15 | | MNA ECONOMIC DEVELOPMENT: TRAPPER ED. WORKSHOPS<br>DBR 256 | | . MNA<br>. - | | | .MNA<br>.50.0 |

REGION: ONTARIO 1978-79 ($000) #16

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| EDUCATION (CONT'D) | ADULT EDUCATION (CONT'D) | 16 | EMPLOYMENT: CANADA MANPOWER TRAINING<br>DBR 280 | EMPLOYMENT: MANPOWER PROGRAMS<br>DBR 320 | . CEIC<br>. ON-RES.* | .MINISTRY OF COLLEGES & UNIVERSITIES<br>. ON-RES* | .CEIC<br>.1,602.3 | .CEIC<br>.1,296.4 | .MINISTRY OF COLLEGES & UNIV.<br>.1,296.4 |
| | E. REHABILITATIVE EDUCATION | 17 | | SOCIAL SERVICES: MR. FACILITY SERVICES<br>DBR 45 | | .COMSOC<br>.OFF-RES. | | | .COMSOC<br>.1,336.8 |
| | | 18 | EDUCATION: DAILY&SEASONAL TRANSPORTATION<br>DBR 187 | | . DIAND (BAND)<br>. ON/OFF RES. | | .DIAND<br>.2,519.3 | | |

* "ON-RES". HERE REFERS TO THE RESIDENCE OF THE INDIVIDUALS, AND NOT THE LOCATION OF THE SCHOOL.

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REGION: ONTARIO 1978-79 ($000) #17

| JURISDICTION | | ADMINISTRATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| PRIMARY SECTORS | SECONDARY SECTORS | | PROGRAMS | | DELIVERY | | FINANCE | | |
| | | | FED. | PROV. | FED. | PROV. | FED. DIRECT | FED. TRANSFER | PROV. DIRECT |
| EDUCATION (CONT'D) | | 19 | | EDUCATION: SPECIAL PROJECTS JAMES BAY ED. CENTRE PROGRAM DBR 206 | | .MINISTRY OF EDUCATION . - | | | .MINISTRY OF EDUCATION .40.0 |
| | | 20 | | EDUCATION: SPECIAL ED. AT 6 NATIONS RES. DBR 208 | | .MINISTRY OF EDUCATION .ON-RES. | | | .MINISTRY OF EDUCATION .0.5 |
| 8. CULTURAL DEVELOPMENT | A. ARTS | 1 | CULTURAL * IDENTITY: INVOLVEMENT PROGRAM DBR 465 | | . PARKS CAN. . - | | . PARKS CANADA | | |
| | | 2 | CULTURAL IDENTITY: CULTURAL GRANTS PROGRAM DBR 466 | | . DIAND . - | | . DIAND . - | | |

* THESE PROGRAMS ARE NOT DIRECTED SOLELY AT STATUS INDIANS, AND THE COST FIGURES HAVE NOT BEEN ADJUSTED TO REFLECT THE STATUS INDIAN FACTOR HERE.