

**THE IMPACTS OF THE 1985 AMENDMENTS TO  
THE INDIAN ACT (BILL C-31)**

**\* \* \* \* \***

**IMPACTS ON INDIAN BANDS:  
INDIVIDUAL CASE STUDY REPORTS  
(WORKING PAPERS FOR MODULE 3)**

**DECEMBER 1990**

**VOLUME II**

**Prepared for**

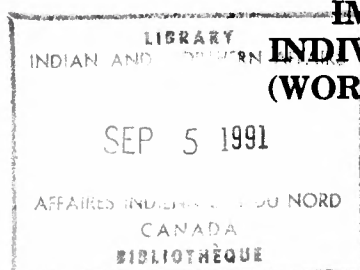
**Evaluation Directorate  
Indian and Northern Affairs Canada**



E92  
I67  
V/IIIa  
V.2

**THE IMPACTS OF THE 1985 AMENDMENTS TO  
THE INDIAN ACT (BILL C-31)**

\* \* \* \* \*



**IMPACTS ON INDIAN BANDS:  
INDIVIDUAL CASE STUDY REPORTS  
(WORKING PAPERS FOR MODULE 3)**

**DECEMBER 1990**

**VOLUME II**

**Prepared for**

**Evaluation Directorate  
Indian and Northern Affairs Canada**

**THE IMPACTS OF THE 1985 AMENDMENTS TO  
THE INDIAN ACT (BILL C-31)**

\* \* \* \* \*

**IMPACTS ON INDIAN BANDS:  
INDIVIDUAL CASE STUDY REPORTS  
(WORKING PAPERS FOR MODULE 3)**

In June 1985, Parliament enacted a series of amendments to the Indian Act, contained in what has come to be known as Bill C-31. Bill C-31 required that a follow-up progress report on the implementation of the 1985 amendments be submitted to Parliament in 1987. The report submitted at that time noted that only a small number of individuals had returned to reserves and that it was too early to measure adequately the impacts of Bill C-31. The Minister at the time promised that a detailed study would be undertaken and a new report presented to Parliament in 1990.

The second study was subdivided into four research modules. Module 3 identifies the impacts attributable to Bill C-31 at the band and community level. It presents a mix of qualitative and quantitative information on the experiences and perceptions of representatives of 137 bands, 11 tribal councils and 10 off-reserve communities. Ninety-two bands and all the tribal councils were interviewed by a telephone survey. In-depth case studies were conducted at the remaining 45 bands and at the off-reserve communities.

Information on the study as a whole is contained in the Minister's report entitled Report to Parliament on the Impacts of the 1985 Amendments to the Indian Act (Bill C-31). The impacts on Indian bands, tribal councils and off-reserve communities are presented in the report entitled The Impacts of the 1985 Amendments to the Indian Act (Bill C-31), Impacts on Indian Bands, Tribal Councils and Off-Reserve Communities (Module 3). This report is part of the Minister's Report to Parliament.

The reports contained here are the in-depth case studies conducted at the 45 bands. These, together with the results of the telephone survey and case studies of the off-reserve communities form the research base for the Module 3 report.

The sample of bands to be included in the study was drawn from the 593 bands recognized by the federal government at December 31, 1988. To ensure that each band had an equal chance of being selected, and that the sample would include bands with small, medium and large populations, the sampling frame was stratified by DIAND region, and within each region, by total band population, from smallest to largest. The number of bands selected from each region was weighted for two variables: the total status Indian population of

each region, as a percentage of the total status Indian population in Canada, and the total number of bands in each region as a percentage of the total number of bands in Canada. The bands were selected randomly. The replacement criterion established for the study required a non-completing band to be replaced by the band closest in size within the region.

The case studies sought to assemble data on the impact of Bill C-31 on all aspects of band life, ranging from the political (policy and decision-making functions), to the operational aspects (program delivery), to the concerns of individuals living on the reserves. A total of 17 questionnaires was prepared that took between one and five days to administer on site, depending on the size of the on-reserve population.

Data collection for the case studies was carried out under contract. Upon completion of the research, each contractor submitted the draft case study report to the respective chief and band manager for review for factual error, and approval.

A serious concern throughout the study has been confidentiality of information and the protection of anonymity of respondents. The survey explored many sensitive and personal topics. There was a need to assure respondents that what they said could not be traced back to them. To this end, all identifiers have been removed from the case study reports and each case study is referred to simply by a randomly selected number. The studies number from 1 to 48; there are no studies numbered 11, 16 or 31.

For further information the reader is referred to the Module 3 report.



***Band Case Study #1***

## **METHODOLOGY**

The approach taken in the case study of this Band conforms to the standard methodology for the the project, with the following exceptions:

1. one interview was conducted at a Tribal Council Office. They provide certain services to the Band;
2. the Senior Family Worker for a Family Services organization was interviewed on the reserve. They provide the Child and Family Care services on the reserve;
3. a provincial police officer was interviewed. The Band constable indicated he would be the best source for statistical information; and,
4. only two Bill C-31 registrants were interviewed. Other Bill C-31 registrants were not readily available.

The information on the community was obtained from 15 interviews, 10 with band officials and 5 community residents (of whom 3 were regular band members and 2 were Bill C-31 registrants). Information from the Department's Community Profile Management System is also included.



## **BAND PROFILE**

### ***Location***

This Indian Band has three reserves with the main portion of the population resident on a reserve consisting of approx. 1,035 acres land mass. It is accessible for the most part by road. It has one other reserve and a third one which is jointly owned with another Band. The Band has a population of 418, 280 of whom live on the reserve. The three reserves can be described briefly as follows.

1. First Reserve. This reserve consists of approx. 1,035 acres of which 71% are forested and the balance are swampy. The Band Office and school are located on this reserve and most of the residents live here.
2. Second Reserve. This reserve consists of approx. 8,400 acres of which 70% are forested and the balance are swampy. This reserve is located some distance south of the main reserve and is not inhabited.
3. Third Reserve. This reserve, consisting of approx. 1,050 acres is held in common with another Indian Band. It has inhabitants from both bands. It is 51% forested and the balance is swampy. This reserve does not have road access except by ice road in winter,

The first two reserves came under Treaty but the latter was purchased in 1937 by the two bands.

The reserves all have water frontage.

This Indian Band is within a numbered treaty.

**Band Profile (con't)*****Demographics***

The Band's on-and off-reserve population is shown in Table 1.

Table 1  
Band Population On- and Off-Reserve

<u>Year</u>	<u>Band Population</u>		<u>Total</u>	<u>%Increase</u>
	<u>On-Reserve</u>	<u>Off-Reserve</u>		
1989	280	138	418	6.4

Since passage of Bill C-31 there have been 50 registrants. The registration is based largely on the loss of status through marriage of Indian women to non-Indian men.

There are 3 Bill C-31 families resident at this reserve and 1 family at the adjoining one for a total of 17 people. Two of the families (7 persons) were resident on the reserve at time of registration. Two families (10 persons) moved to the reserve after registration.

The total population increase from 1985 to 1989 was approx. 90 given that there have been 50 registrants, the "normal" population growth was approx. 40.

There are also 10 non-status Indian families (30 people) resident on the reserve and two teachers. The total on-reserve population is 312.

The Band does not have a Membership Clerk and records are maintained by DIAND.



## **Band Profile (con't)**

### ***Political Process***

The Band Council consists of a Chief and 3 Councillors who are elected by on-reserve band members at elections held every 2 years. The Chief has served five years in total, two in the current term. The number of Councillors will increase to 4 in the coming year because of the increase in population. The increase is a result of both regular band members and Bill C-31 registrants.

The Band meets once a month and more frequently should a need arise. Meetings are open to band members. The workload of the Chief and Council has increased significantly by inquiries from Bill C-31 registrants .

The Band has not adopted its own membership code. There were some preliminary discussions of a code by the previous Chief and Council but this has not been pursued by the current Council.

There have been no discussions about a residency by-law.

### ***Lands, Revenues and Treaty Entitlements***

Lands, revenues and treaty entitlements administration is done by DIAND.

## **Band Administration and Organizational Structure**

### ***Band Administration***

The band administration is comprised of a Band Manager (who is also a Band Councillor), 17 program administrators/professional staff, 10 support staff and 3 construction/janitorial staff. This is an increase of 2 since 1985, the Band now provides Medical Transportation and Home Support. Program Managers report through the Band Manager, a School Education Authority and a Family Services unit to Chief and Council. The Band Manager has been in his position for 4 years.

Excluded from the above totals are 16 seasonal construction workers, compared to 12 in 1985, who build all of the Band's houses.

The Band is adequately staffed to administer the programs effectively but is planning to add staff gradually based on workload demand. For example there is a person in training in the economic development area, a priority with the Band. With one or two exceptions, program managers have been in their positions for several years and are quite experienced.

The demands for information from Bill C-31 registrants has been handled by existing staff. To date the Band has not considered the increased workload to be sufficient to warrant additional staff.

### ***Tribal Council***

The band is affiliated with a Tribal Council. The Tribal Council operates under a Board of Directors made up of a representative from each of the 9 member nations. It provides advisory services in five areas: Economic Development; First Nation Government; Technical Services; Financial Management; and, Community and Capital Planning.



***Tribal Council (con't)***

It has a staff of 8 including an engineer, an economist and specialists in finance and Indian Government. The Council responds to requests from bands and at this Band they are assisting with planning for school expansion. The Council operates under a Contribution Agreement with DIAND.

There is no local DIAND Office in the area and the Tribal Council is receiving an increasing number of inquiries "off-the-street" that normally would have been handled by a DIAND Agency or District Office. The Tribal Council responds to all inquiries but notes that this is outside their mandate and that they receive no compensation for the extra work.

***Tribal Family Services (TFS))***

There are 14 bands that are united to support families and children in their communities. There is a central office and services are provided at each band. The services provided are described under the Child and Family Care section of the report.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov/ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓									DIAND
Education K & Elem	✓									DIAND
Education Secondary	✓									DIAND
Education Post-Second.			✓							DIAND
Social Development	✓									DIAND / PROU.
Child/Family Care							TRIBAL FAMILY SERVICE			DIAND / PROU.
Seniors Care	✓									NHW
Housing	✓									DIAND
Community Infrastruct.	✓									DIAND
Policing	✓									PROU.
Fire Protection	✓									DIAND
Health Services					BAND/ NHW					NHW
Drug & Alc. Abuse	✓									NHW
Suicide Other Prevention										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement



### Program Administration and Funding

As noted in Table 2 below the Band administers virtually all of its programs. The nurse is on NH & W staff. The Band receives funding from DIAND, NH & W and the province. The arrangements between the Band and DIAND appear to be working satisfactorily.

Table 2  
Program Administration and Funding

<u>Program</u>	<u>Administration</u>		<u>Funding Source</u>
	<u>Band</u>	<u>Other</u>	
Lands, Revenues, Treaty Entitlements		•DIAND	•DIAND
Economic Development	•		• "
Education	•		• "
Social Assistance	•		• "/Province
Child and Family Care		•TFS	• " / "
Senior Citizens Care	•		•NH & W
Housing	•		•DIAND
Community Infrastructure	•		• "
Policing	•		• Prov.Pol.
Fire Protection	•		•Volunteers
Health Care			
Comm.Health Worker	•		•NH & W
Nurse		•NH & W	• "
Medical Transport	•		• "
Alcohol, Drug and Substance Abuse	•		•NH & W
Capital			
Health Centre	•		•NH & W
Other	•		•DIAND

## **Economic Development**

An Economic Development Officer (who is also a Band Councillor) administers the Band's economic development program. The incumbent has been in the position for four years and is supported by a trainee. The economic development work is generated by existing band members. Very few Bill C-31 members have approached the Band asking for employment because they already know the unemployment situation on the reserve.

The Band has or is planning the following activities.

- Cottage lot leases. The Band is subdividing waterfront and 39 lots will be available for leasing this summer. The lessee will put in all services except the access road.
- Marina. This is at the proposal stage.
- Wild rice. There is wild rice but it does not always produce because of fluctuating water levels. A feasibility study is planned to examine the possibility of stabilizing the water level. The wild rice is harvested by private individuals when it is available. There was a complete crop failure last year.
- Construction on the reserve is primarily housing. There are 16 seasonal workers.

The following private enterprises are located on the reserve.

- Video rental store.
- Grocery store/gas bar (operated by a non-Indian resident off-reserve.
- One person is developing some dock and marina space.

There are no employers near the reserve.



### **Economic Development (con't)**

The following table provides an approximation of the employment/unemployment profile for the band labour force.

**Table 3**

<u>Age</u>	<u>Band Employment/Unemployment</u>		
	<u>Labour Force</u>	<u>Employed</u>	<u>Unemployed</u>
Regular			
Band Members	137	46	91
Bill C-31	<u>3</u>	<u>1</u>	<u>2</u>
Total	140	47	93

The current unemployment rate is approximately 66%. There is housing construction currently underway and once this is finished the rate will go up.

Accurate records of the education levels of members of the labour force were not readily available. Of the labour force approximately 7% have no formal education, 75% have some primary education, 15% have some secondary education and 3% have some post-secondary education. Bill C-31 registrants have some secondary education.

Bill C-31 registrants have not had any significant impact on the Economic Development Activity. There is no immediate expectation of changes in the high unemployment rate.

## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members	137	46	91
Bill C-31 Registrants	3	1	2
Total	140	47	93

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members	NA	NA	NA	NA	137
Bill C-31 Registrants	NA	NA	NA	NA	3
Total	0/0	0/05	0/21	0/4	140

## **Education**

The Band has been operating a K5 to Grade 8 school on the reserve for 6 years. The main school consists of 3 classrooms (the kindergarten is located in partitioned space in a large central hallway) and one portable classroom which was put up 3 years ago. The Band has had a proposal for school expansion with DIAND for about 4 years.

The school is operated under the following organizational structure:

- Education Authority. This body, consisting of 5 representatives appointed by the Chief and Council, provides policy direction.

- A Director of Education, who has been in his position for about 6 months, is responsible for overall educational operations. He reports to the Education Authority. He is supported by an Education Counsellor who has also been in his position for about 8 months. His primary responsibilities are the secondary students who live off the reserve to attend secondary school. (This work was done until recently by one person but when he left the job was split. This was a result of a general increase in volume of work and not because of Bill C-31 registrants).

- A School Principal/teacher reports to the Director of Education. There are 3 other teachers, a teacher aide, a Native Language Teacher, a secretary and a janitor for a total classroom staff of 8.

There has been an increase in staff of 2 since 1984, the split of a position referred to above and the addition of a Native Language Teacher.

The portable classroom has one teacher with 28 Grade 5-6 students. There is 1 Bill C-31 student in the school now and 3 additional are expected as soon as a house on the reserve is completed for the family. Two of these are expected to go into the Grade 5/6 class and it is a major concern to the Band. There is also the concern that more families will be returning to the reserve and that this will place even greater stress on the educational system. If there are more than 5 Bill C-31 students next fall they will be requesting an additional teacher aide.

### Education (con't)

The following table shows school enrollments for 1984 and 1989 by level of education.

**Table 4**  
**Student Enrollment for 1984 and 1989**

	<u>Kindergarten</u>			<u>Primary</u>			<u>Secondary</u>			<u>Post-Secondary</u>		
	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>

	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>
Regular	7	8	1	54	62	8	22	74	52	NA	7	NA
Bill C-31 Students	-	-	-	-	1	1	-	1	1	-	NA	NA
Total	7	8	1	54	63	9	22	75	53	-	-	-

The large increase in secondary school enrollment looks very encouraging.

Two students wanting entrance into the Post-Secondary Assistance Program have been deferred. These were regular band members. The Post-Secondary Program is administered by DIAND.



# EDUCATION PROFILE

## ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	6	0	6	7
Elementary * School	62	1	63	54
Secondary * School	74	1	75	22

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

## BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	7	
Number Bill C-31 Students Receiving Funding	0	Not Applicable
Total	7	NA

### **Social Assistance and Social Development**

The Band has been administering the Social Assistance Program since 1978. The Social Services Administrator has been in the position for 12 years and is responsible for the General Welfare Assistance Program, the Homemaker Program (1 part-time employee serving one client) and Home Support (1 full-time employee serving 3 senior citizen's and 3 disabled people). There have been only 2 or 3 instances of Bill C-31 registrants applying for assistance and the impact on the program has been minimal.

At December 1989 there were 47 families (67 people) in receipt of primarily continuous welfare. The costs are shared 80/20 by the provincial/federal governments as are the costs of the Homemaker Program. The Home Support workers salaries are covered entirely by the province but the Band does have to provide the fringe benefits.

In 1989 there were 16 welfare recipients employed through the Social Assistance Transfer Program and this is about the same number as in 1884. The purpose of the program is to reduce the number of people dependent on social assistance. The program is designed to increase the participant's skills and abilities, enabling them to become more marketable in today's workforce and to make them more self-reliant.

#### ***Day Care***

There is a day care facility located on the jointly owned reserve which is operated by the neighbouring band. At one time the Band provided transportation to this facility but it no longer does so. Any member from this band can access the facility at no charge but has to provide the transportation.

#### ***Care for Senior Citizens***

Senior citizens are cared for primarily by their families. There is one full-time Home Support person that provides services to 3 senior citizens and to 3 (younger) disabled persons. There are 2 senior citizens in a nursing home off the reserve. Bill C-31 registrants have not had a significant impact on this program.

### *Child and Family Care*

There are 14 bands that have formed a Tribal Family Service. A representative from each of the bands forms a Board of Directors which provides overall policy direction. This organization has a central office and locates staff at each of the 14 reserves. It's purpose is to oversee the well-being of children of the community, to assist families and when needed to place children from troubled families elsewhere. There are 9 children currently placed with other families on this same reserve primarily because of alcohol problems within the families.

It is understood by Children's Aid Societies that any children apprehended must be referred to this organization and the band involved.

This Band's service group is headed by a Senior Family Worker, who has been in the position for 3 years, plus two other workers. On occasion they have been able to obtain a student to help. The group has been administering this program since 1986. While the organization provides the general direction the Band plays a major role in staff recruitment.

Table 5 shows the client workload since Tribal Family Services undertook the program.

<u>No. of Clients</u>	Table 5 Child and Family Care		
	<u>1987</u>	<u>1988</u>	<u>1989</u>
Regular Band Members	80	80	80
Bill C-31 registrants	-	-	-

It should be noted that the same regular band family most likely appears in each year shown in the table.

The Bill C-31 registrant workload currently is different from that for band members. It consists primarily of advocacy for registrants who have lost their children through adoption or the repatriation of adopted children wanting to come back. They are able to handle this workload with existing staff.

## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total
	67	67			DK			DK

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
Social Assistance Transfer Program	DK	DK	16	16



# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members				80	80	80
Bill C-31 Registrants	Not Applicable			0	0	0
Total	ND	ND	ND	80	80	80

## **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	DK	DK	DK	DK	DK	DK

## **Housing and "Municipal-type" Services**

### ***Housing***

Administration of the housing program is done by the Chief and Council. There was a Housing Committee about 3 years ago which has been discontinued. Allocation of houses is based on need.

The Band used to get 3 to 5 new houses a year. This year 5 houses are being built for regular band members and 4 for Bill C-31 registrants. Two of the Bill C-31 registrants are living on the reserve and 2 will be coming back. The houses are all built by band employees. The housing grant is \$29,600. and with Social Assistance Transfers, the total final value of the house ranges from \$35,000. to \$37,000.

There are no certificates of possession and no deeds to the land. The house and property stay with the family.

The Band does not use the CMHC Program.

There are 78 houses on the reserve of which 43 or 55% are considered to be satisfactory, 15 houses need replacement and the balance need upgrading/renovation. All the houses are single dwellings. A person putting his name on a waiting list could wait for about 2 years for a house depending on urgency of need. There currently are some 10 real needs and about 30 units are desired, about 10 of which would be for Bill C-31 registrants.

The village subdivision lots have all been taken up. A new subdivision is in their Capital Plan.

### ***Fire Protection***

The Band has a volunteer Fire Chief who has been in his position for 1 year and 10 volunteer firemen. The Band has a portable fire pump and about 20% of the houses in the subdivision have access to fire hydrants. Two years ago a house burned, 1 adult and 2 children died.

Bill C-31 registrants have had no impact on fire protection.

### *Community Infrastructure*

The following summarizes the communities facilities.

- Water. The village portion of the reserve (20% of the houses) has a pumphouse and water distribution network. About 5 homes have their own water system and the balance get their water by hand from the lake.

- Heating. About 90% of the homes are wood heated and the balance use electricity.

- Electricity. With only one exception all homes have electrical service. The one exception has propane generated electricity.

- Sanitation and Garbage Collection. There are some septic tanks in the subdivision, all others use outdoor facilities. There is no garbage collection.

- Roads and Transportation Systems. There is a Ministry of Transportation road through the reserve.

- Community Buildings. The band owns the following community buildings: Medical Building; School (including a portable classroom); 3 teacherages; and, a Band Office with an attached community hall.

One Bill C-31 registrant went into the subdivision and there are no further lots left.

### *Policing*

There are two Indian Special Constables located on the reserve, the senior constable has been in his position for 7 years. They have 1 police cruiser, a boat, 2 snowmobiles and provincial police type radio equipment

Most of the incidents are alcohol related, e.g. domestic assaults, drunkenness, and impaired driving. There were some 20 break-and-enter cases and some vandalism (primarily small kids where charges were not laid). There has been a marked reduction in alcoholism and problems relating to it over the past 5 years. Bill C-31 registrants have had no impact on policing services.

## **Health**

### ***Health Care Services***

The Medical Services Building is a relatively new building. It is staffed by a Community Health Representative (CHR), a NNADAP worker, a nurse who comes in once or twice a week and one person in training. The CHR who has been in her position for two years has the primary responsibility of promoting health on the reserve. The nurses work includes services such as vaccinations, pre-natal and post-natal care, home visits, etc.

Alcoholism, while the situation is improving, tends to be the major concern. A survey showed that about 12% of the families have some alcohol related problems and that 13% of the families are high risk. Seventy five per cent of the population does not drink. The high risk families take up a lot of the worker's time.

Bill C-31 registrants have a Band Number but no provincial health number (apparently a new number has to be issued after registration). Medical Services refuse to pay unless there is a health number. Members have to apply to the nearest office and apparently there is a big backlog of applications. A lesser problem with new members is simply not knowing who they are and it will be a while before files are built up for them.

### ***Alcohol, Drug and Substance Abuse Program***

The Native Alcohol and Drug Co-ordinator has been in his position for 9 years. He does prevention sessions and helps families with alcohol related problems in any way he can. There used to be some substance inhalance problems on the reserve but this is virtually non-existent now.

Bill C-31 registrants have had no impact on the program.



# HEALTH SERVICES PROFILE

## BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Appli- cable					
Total	NA	NA	NA	NA	NA	NA

## **Other Programs**

### ***Suicide Prevention***

In 1988 and in 1989 there were two suicides and countless unsuccessful attempts. The Tribal Family Services organization has a multidisciplinary team consisting of a Psychologist, an Elder and two Community Workers to address and try to alleviate this problem. The services consist of providing:

- counselling and crisis support;
  - strength to natural support systems;
  - community education;
  - local development of "self esteem building" activities for youth,
- and,
- co-ordination and strengthening ties between Native and non-Native healing systems."

### **Other Bill C-31 Impacts**

A Bill C-31 registrant commented that becoming registered was like "winning a lottery." They now have many additional free services like dental care, glasses, access to housing, etc. The registrants have relatives on-reserve and there does not seem to have been any adjustment problems.

Regular band members are concerned mostly about housing and that Bill C-31 registrants would get housing before more needy regular band members.

There is some indication that not all returning Bill C-31 registrants will stay on the reserve permanently. The city does offer certain amenities that are not available on the reserve and this may lure them back.

### **Conclusions**

To date there have been 50 Bill C-31 registrants for this Band. Two families were already resident on the reserve, two families have returned and two more families will return once houses currently under construction are completed. Approximately one-half of the new registrants will be back shortly on the reserve.

#### ***Areas Most Affected By Bill C-31***

The major impact is on the education system. A portable classroom was added prior to Bill C-31 and one Grades 5 and 6 classroom already has 28 pupils. Four years ago the Band requested expansion of the school. The Band most likely will also be asking for additional teacher support because of increased enrollment.

The Band is building 4 houses for Bill C-31 registrants. There have been additional inquiries for houses and there is a need as well for houses for regular band members. The subdivision lots are taken up and a new subdivision is in the Band's Capital Plan.

There is a very high unemployment rate on the reserve. There are no major new job opportunities in sight on the reserve for either regular band members or the newly arriving Bill C-31 registrants.

#### ***Areas Less Affected by Bill C-31***

The additional membership has added workload to all programs areas and to the political process. The band administrative staff and program managers appear to be capably handling this workload.

#### ***A Special Situation***

Apparently Bill C-31 registrants require a new provincial health number from the provincial ministry. Because of a backlog in their District Office these have very slowly forthcoming.



***Band Case Study #2***

## **Methodology**

This study conforms to the given methodology, with the following exceptions:

1. Opinions of one of three Band Councillors are not included as the individual declined an interview.
2. Questions concerning housing, community infrastructure, post-secondary education, and, lands, revenues and trusts had to be directed to the Band Administrator, who could not volunteer that amount of time after his program specific questionnaire was completed, therefore, they were conducted over the telephone at a more convenient time. The questionnaire for the Chief was also conducted over the telephone as he was unavailable during the field work period.

**Total number of persons interviewed: 16**

- a) 12 Band representatives
- b) 2 regular band members
- c) 2 Bill C-31 registrants

## BAND PROFILE

### Location

This single urban/rural reserve, is located on the southern shore of a major river system and is divided by a provincial highway. It is adjacent on one side to a small town of 10,000 people and on the other, a large government establishment. The Band's on-reserve population of 180 people share a landbase of approx. 48 acres of which about 5 acres are used for sports purposes and the remainder for residential purposes. Due to its enclosed location there is limited areas for expansion of its land base thus making it extremely difficult for the Band to accomodate the land and housing needs of an additional 140 Bill C-31 registrants. The only expansion option available, is to purchase about 500 acres of vacant Crown land fronting the river and located 25 km. to the east of the community. Though there have been discussions about this and there have been monies set aside for that purpose, the Band is awaiting studies as there is a strong possibility that the land is located on a floodplain.

### Demographics

In the span of 5 years, from 1984 to 1989, the Band's population increased by 78 %. The population growth rate since 1986, when the majority of people began registering, is approximately 2%, double the Canadian population growth rate since 1986.

Total Band membership	320
Total on-reserve	180
On-reserve: Band Members	172
Non-Status Indian	2
Other (non-native women)	6
 Total Band members who are Bill C-31	140
Bill C-31 Registrants currently on-reserve	4 families (17 people)
Bill C-31 Registrants residing prior to registration	2 families
Bill C-31 Registrants who moved after registration	4 families moving into new homes.

### Political Process

**Treaties:** This Band is not signatory to any treaties.

**Tribal Affiliations:** This Band along with two other Bands, have formed a regional tribal council that does not administer Federal or Provincial program dollars at the band level. Its operates strictly as a political advisory affiliation of the Bands. Its Board, which is not incorporated, is comprised of the three elected Chiefs representing each

Band.

**Chief-in-Council:** As per the Indian Act, Chief and Council are elected by majority vote of those Band members, 18 years and older, living on-reserve only. Elections for Chief and Council are held every two years. This Band's political structure is fairly stable, however, political representation in the community is unclear because of the dichotomous effects of C-31 legislation coupled with election clauses in the Indian Act. For example, under Section 74 (2) of the Indian Act, "...the council of a band shall consist of one chief, and one councillor for every one hundred members of the band...", However, by virtue of Sections 74 (1) and (2), and 75(1), respectively, all status members of the Band, 18 years and older, are not allowed to vote or be nominated for public office because of their off-reserve resident status. Therefore while they account for an addition to council, of one more political representative, they are not politically represented on Council.

**Community Participation:** Community meetings for the purpose of referendums and discussion on specific land claim issues are held once or twice per year. All on-reserve Band members are may attend meetings and usually, half of the majority of members actually do.

**Membership Rules:** In a Band Council Resolution dated June, 1985, the Band proposed to adopt legislative power to control membership. Membership rules were drafted by a committee of Band members and staff, a general meeting was called, a referendum held and the Resolution passed. The Band is now working on drafting comprehensive Membership rules. It is unclear as to who was allowed to vote on the referendum. Band Manager informs us that women reinstated under s. 12.2.b were allowed to vote and non-status residents on-reserve allowed to participate. Presently, no working committee to develop membership rules is in place. Last group experienced disagreement on issues, especially over what criteria to use for membership eg. blood-line vs. all status members.

**Residency:** The Band does not have a residency by-law, however, there has been discussion of developing one. Their plan is to strike up a committee of members and staff and one key author to draft a by-law for presentation and discussion to the community. If 75% of the residents approve, the the Band will approve and pass the by-law with required amendments, if any. In the meantime, the Band is allowing some registrants to move onto the reserve. Their priorities are on a worst-first basis therefore they have fulfilled requests and built four houses in which they've placed widows and young single-parent families.

Residency is a major problem with C-31 registrants of this Band because the community does not have a sufficient land base, nor the housing and infrastructure dollars to construct them. C-31 registrants however, unfamiliar with the obstacles faced by the Band see this as a convenient way for the Band to renege on granting C-31 registrants full repatriation which includes land, housing, and therefore access to services available to other family and Band members. Moreover, it has been five

years since the legislation passed and they are still unaware of whether they will ever be allowed membership and residency as there are no by-laws in place and this is not seen, by them, to be a Band priority. C-31 registrants claim that despite being re-granted their status, discrimination continues to exist except that now it is based on residency. Their anger and frustrations are directed at the Band level, because in most cases, they do not understand the legislative regulations that disallow them equal access to services while they are awaiting residency. The legislation's forced requirement of status before membership and residency rights disentitles C-31 registrants to services enjoyed by their fellow Band members, services to which they feel they are entitled despite their place of residence and in consideration of their longstanding rejection by the community that resulted from the discriminatory clauses.

There are no liquor by-laws in place on this reserve, nor has there been discussion of developing any.

### **Lands, Revenues and Treaty Entitlements**

In the 1950's INAC transacted an improper surrender of approx. 155 acres of Band land to the federal government. The specific land claim, settled in 1983 for a total of \$2.5 million, was divided amongst both on and off reserve Band members on a per capita basis. In 1989, the balance of the settlement, including about 20 acres of land were granted. Again, revenues were distributed on a per capita basis but only amongst the Band members that had originally shared in the 1983 disbursements as per a Band by-law passed at the time. C-31 registrants have been completely excluded from the settlement and are complaining about it. The current land base of approx. 48 acres includes the additional lands acquired in 1989.



## **Band Administration and Organizational Structure**

The Band Council staff operate as a team therefore employees' roles and responsibilities sometimes overlap depending on situation need. Structure of the organization is generally hierarchical with Chief and Council having decision and policy making responsibilities. The Band Manager who has been in this position for 4 years is the officer to whom all Band staff report. He also ensures Chief and Council decisions are delegated to program administrators, that program budget allocations are properly managed, and that program progress is regularly monitored and evaluated. Directors are not charged with managing their program dollars as this is the responsibility of the Band Manager. The Band Manager with the aid of his assistant is generally responsible for all staff training and direction and is credited as the person responsible for the increased management, administrative and employment development activity of the Band.

Other than the Band Administrator, there are six program administrators, twelve support staff, seven seasonal construction labourers and three janitorial staff. This is in contrast to 3 program directors, 4 support staff and one janitorial staff employed by the Band in 1985. This 30% increase in Band employees however is not due to an increased workload resulting from the implementation of Bill C-31. Rather, it is a manifestation of Band Council efforts to implement staff training initiatives and to take on more program management from INAC. Except for 3 staff respondents, all Band staff have been employed with the Band for less than five years and more than 1-2 years. Therefore, though most employees have few years of experience, they are competent and capable in their program service delivery however, Chief and Council and the Band administrator are still heavily relied upon to make important management and expenditure decisions.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov./ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓							BAND / DIAND		
Education K & Elem	✓									TUITION AGREES BAND / DIAND / PROV.
Education Secondary	✓									TUITION AGREES BAND / DIAND / PROV.
Education Post-Second.	✓							BAND / DIAND		
Social Development	✓							BAND / DIAND		
Child/Family Care	✓							BAND / DIAND / PROV.		
Seniors Care	✓							BAND / DIAND		
Housing	✓							BAND / DIAND		CHHC / CEIC
Community Infrastruct.	✓							BAND / DIAND		NHW
Policing	✓							BAND / DIAND		
Fire Protection							MUNICIPAL	BAND / DIAND		
Health Services	✓							BAND / NHW		
Drug & Alc. Abuse	✓							BAND / NHW		
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

## **PROGRAMS/SERVICES/BENEFITS**

### **Program Administration and Funding**

All programs currently delivered in the community are administered by the Band Council.

Tripartite agreements between the Band, the Federal government and the Provincial government are in existence for the provision of in-school education of the Band's primary and secondary school registrants.

The licensed pre-school program is managed by the Band's Child and Family Care Services program as part of an annual tripartite agreement with the provincial Family and Social Services Department and INAC.

The Band has also entered into a municipal agreement with the closest town for the provision of water, fire protection and ambulatory care and road maintenance services.

In contract with the Band, sanitation and garbage collection services are delivered by an independent off-reserve contractor.

See Program administration and funding profiles attached at the end of this report.

## **Economic Development**

The Program provides advisory and referral services to Band members requiring job skills training, career counselling, and business advisory services. The program is administered by the Band whose target group is on-reserve Band members. There is only one employee in the program who also works as a special assistant to the Band manager on all economic and Band programs. This individual has been employed with the Band for the four year since the Band began administering the program, indicating that staff turnover is low.

Present economic activity is largely in the area of providing vocational and trades training through CEIC's Skills Development Program and INAC's Employability Development Program (ICHRS). Concentration on job placement is off-reserve. Other services include job counselling and counselling for students and prospective entrepreneurs. The Band along with two others bands in the tribal area, are currently developing an Economic Development Corporation that will administer the INAC Economic Development Fund.

The only current on-reserve business enterprise that is being planned is a traditional craft store for which prospective crafts and sales personnel are being trained and capital and operational dollars being sought.

Most employment opportunities other than those offered through the band office's program delivery services are off-reserve. Jobs off-reserve include administrative and secretarial and general labour employment in the provincial and federal public service as well as in the goods and service businesses in the local towns.

Of those on-reserve residents in the labour force, there is a minimal number of individuals unemployed.

Effects of Bill C-31 in this area of program delivery is minimal as very few new registrants are able to live on-reserve because of the unavailability of land that is serviceable. Since Band economic development services are not available to off-reserve Band members, the program staff are not feeling any negative effects on their workload. However, even if the 140 new registrants were able to return to the reserve, respondents noted that there would not be a problem in finding employment for returnees because there is sufficient economic activity outside the community to generate work opportunities for the increased population that is a result of Bill C-31.

Both C-31 registrants interviewed have never tried to access employment development opportunities on reserve therefore no comments were volunteered.

Labour force population stats, participation rates, industries involved are forthcoming as is the Economic and Employment Development Profile.

## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members			
Bill C-31 Registrants			
Total	NA	NA	NA

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members					
Bill C-31 Registrants					
Total	NA	NA	NA	NA	NA



## **Education: Kindergarten, Elementary, Secondary**

For Kindergarten level education, please refer to section included under Child and Family Care Services Program.

The Education Program delivered by the Band Council is in accordance with standard education program delivery outlined in the Indian Act. There are no schools on the reserve therefore, a tripartite in-school education agreement between the Band, the province and INAC enables the Bands' service delivery of education services for twenty-two students living on-reserve. The Band assumed administration of the program in 1980 and employs two full time education counsellors that work in these schools which Band members' children attend. The grade school counsellor has been employed for the past 12 years and the senior level counsellor, for the past 4 years. Service delivery includes payment of provincial fees per student, purchase of school supplies, group and individual tutoring in-school, and bus transportation. These employees are competent and dedicated individuals that are committed to their roles and responsibilities, especially as guidance counsellors and tutors for the children (C-31 or otherwise) attending their schools.

For program delivery, the band enforces regulations set out in INAC Education policy as per Section 4(3) of the Indian Act. Section 4(3) denies in-school Education Program service delivery to "any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province". Therefore the Band does not service those Bill C-31 registrants living off-reserve. For this reason there is minimal impact on enrollment numbers, staff workload, or facilities of the Band's in-school education program.

However, the level of need for this service by Bill C-31 registrants increased by 44%. In addition to the 22 on-reserve children serviced by the Band, there is 1 C-31 Band registrant attending primary school, 8 attending Junior high school and 7 in secondary school. All three schools are party to Band tripartite education agreements. However, due to their off-reserve status, they do not receive any of the services that their peers receive. At the discretion of the in-school counsellor, they do however receive in-school tutoring services but cannot and do not receive tuition fee payments, book and school supplies, or transportation. The counsellors therefore are experiencing extra pressures because group tutoring classes have increased and because they must deny requested services to those children who automatically lose entitlement because of their off-reserve resident status. The Band's deficient land base further exacerbates the situation because neither the student's family, nor the Band, can do anything to immediately address the situation need for more land and housing. In essence, C-31 registrants wishing to move to the reserve, by no choice of their own, or of the Band, are still discriminated against by virtue of their residency.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	0	0	0	3
Elementary * School	17	1	18	20
Secondary * School	5	15	20	8

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	29	
Number Bill C-31 Students Receiving Funding	17	Not Applicable
Total	46	NA

## **Education: Post-Secondary**

The Band has been administering the Post Secondary Educational Assistance program since September, 1988 and employs no personnel, other than the Band Manager and his assistant who are responsible for its administration under INAC guidelines. Target group are those individuals that qualify as per the priority list established by the Department.

There are 29 regular Band members and 17 C-31 registrants attending universities and community colleges. Data on programs of study, average length of attendance and completion rates are not available as the data must be compiled. May be forwarded at a later date. No members are on waiting lists and the band has not expressed any positive or negative effects as a result of the increase in status population growth. Providing information on rights and benefits, addressing requests and problems, and program administration are areas totally unaffected by the increase. All applicants are treated with equality and fairness. The only problem is with C-31 registrants residing outside of Canada and who cannot be considered until a 6-month Canadian residency requirement is completed. Overall, the Band states that it has been able to deal effectively with any additional pressures placed on this program by Bill C-31.

Bill C-31 registrants interviewed had never accessed the program or intend to access the program therefore no opinions or comments are available except that they felt that they and their status children had the same access as regular Band members. One respondent whose grandson does not have equal access intends legal adoption of the child to remove any obstacles to any education benefits.

## **Social Assistance and Social Development**

The Social Assistance and Social Development program of the Band appears to be a loosely-knit group of individuals who in the course of their regular jobs, co-ordinate social development activities and attend to any social crises, interventions or counselling situations that must be addressed in the ordinary course of a given day. One of the Band councillors is the youth worker, while the membership clerk also does some youth counselling and is responsible for truancy, and the health program director provides social counselling to her client group both on and off-reserve. The on-reserve social worker in the child and family care services program calls upon these individuals on a regular basis in the course of her work, as does the social assistance administrator.

Social assistance and adult care financial services delivery is the responsibility of the social assistance administrator who has for the past nine years been responsible for counselling Band members on available benefits, for issuance of bi-monthly social assistance benefits and provision of special welfare services as required. There are no additional staff working with the administrator, who does however have a pool of social counselling personnel to which individuals are referred. Social assistance has been accessed by seven C-31 registrants and all have been financial requests which are available only to C-31 registrants living on-reserve. Off-reserve registrants are referred to provincial offices for aid. The demand for services is negligible and no additional pressures or comments reported indicate any negative impact on the administrator's workload. One C-31 registrant interviewed had never used the service and therefore offered no comments, the other respondent had and does use the service for continuous welfare payments and for enrollment in work opportunity programs. This individual offered no comments on program services.

**Child and Family Care Services** is the social services agency for the province on-reserve. The program is funded by INAC and the provincial department of Health and Social Services and has been administered by the Band for the past three years.

The program employs seven Band members: one on-reserve social worker who also acts as the agency supervisor of the service's 6 other staff members: the program secretary, youth worker and 4 pre-school staff members. The social worker has been employed for three years and is also responsible for all on-reserve client case loads, foster care services, and child protection services. As well as working closely with the in-school guidance counsellors and the truant officer/youth counsellor, the social worker is on-call for any family intervention situations that may arise at the pre-school program on the reserve. All staff in this program are qualified social and day-care workers whose dedication to their jobs is evident by the program that they have established.

Information on case load was not available during the field work as cumulative listing of case loads are not kept. Any off-reserve C-31 requests are referred to off-reserve agencies however the social worker does provide initial and follow-up services.

Though not required to do so because of their off-reserve residency status, the situations usually do not allow the worker freedom to deny an essential human service because of the existence of reserve boundaries. Additional case load as a result of C-31 legislation does not adversely affect the service delivery because of the C-31 registrants' barrier to residence and therefore, services on-reserve. Worker believes that as Band members, they should be entitled to the service. "Politics should not get in the way of social work", she stated.

The pre-school on the reserve, opened in September, 1987, is a licensed daycare facility for a maximum of 17 children with plans to increase that maximum to 34. The facility employs one co-ordinator who has been in this position for 2.5 years since the program was developed to address the needs of children that were usually unprepared for school. It began and continues to be a bridging program for the reserves 3-5 year old children. The co-ordinator ensures the smooth operation of the facility, supervises 3 full-time pre-school workers and planning of a daycare program that concentrates on teaching life skills that will prepare the child for primary school.

There are presently no C-31 registrants using the facility as most live off the reserve therefore it is not available to them as a service which is paid by the Band. There have however been two C-31 requests for registration but off-reserve residency imposes obstacles to using the service as these parents, are responsible for fee payments and transportation. In these cases, it is more feasible to use such facilities in their own communities, i.e. there is no added benefit to using services on-reserve for lack of access to the financial assistance accorded on-reserve Band members. Effectiveness of this service delivery is not at all affected by increased population because those new registrants that want service have barriers to access which cannot be removed except by relocation to the community, which, as stated throughout this report, is currently impossible because of serious land and housing deficiencies.

The **Elderly Care program** of Child and Family Care services is strictly oriented to organizing activities for the elderly population, leaving elderly health responsibilities to the health director and social assistance requirements to the social assistance administrator. This responsibility is shared by all staff in CFCS. Case load stats for C-31 registrants and otherwise were not available.



# **SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS**

## **BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE**

Regular Band Members			Bill C-31 Registrants			Overall		
Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total
		NA		1	1			NA

## **SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS**

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
NA				

# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA

# **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA

## Housing and Community Services

### a. Housing:

The housing program is a standard Band administered program taken over from the Department 5 years ago. Housing construction is financed by INAC and CMHC, while labour dollars are accessed through CEIC job training programs. The Band housing program, in addition to the Band Administrator and his special assistant, employs five construction workers through a construction workers training program on-reserve.

There are currently 45 single family dwellings on the reserve including 4 newly built log homes that have been assigned to C-31 registrants. Residential conditions are described as 75 % satisfactory, 20 %requiring upgrading/renovation and 5% requiring replacement.

Since 1987 there have been at least 70 calls and verbal requests from registrants seeking information on housing in the community. The membership clerk indicated that the Band has, on file, approximately 50 letters from C-31 registrants indicating intent to settle on reserve lands. In addition, there are 44 regular Band members currently on the Band's housing list.

To deal with their land and housing crisis, the band is planning construction of a subdivision on the lands to which they regained possession. Researching infrastructure requirements for the construction of 20-25 units is on-going. This fiscal year the Band, using C-31 funding from INAC, built 5 log houses. In 1990-91 the Band is forecasting the renovation/conversion of the old Band Hall into a duplex for C-31 registrants and the construction of two single family dwellings for regular band members. Their five-year forecast for housing is construction of an additional 40 units.

By the fall of 1990, they'll have reduced the current demand from 94 units to 90 units. By 1995, should their 5-year forecast become a reality, the demand for band housing and infrastructure would be reduced to 50 units. If they could maintain that minimum of 8 units per year and, if all costs remain stable, the Band will have fully addressed today's needs by the year 2001. Since, demographics according to age group are not available, future housing needs of today's youth cannot be determined. However, it can be noted that Band members currently attending area junior and senior highschoools, alone, account for 38 individuals that will be between the ages of 21-26 by the year 2000 and possibly looking for housing on the reserve.

With regard to availability of lands, the Band, recently acquired 8.5 hectares of land as a result of their land claim settlement with the federal government. If they can allocate all of this land for residential purposes for a total of fifty quarter hectare or half acre lots, they will still require an additional 4-5 hectares to meet only the

current demand. The Band has not yet determined other alternatives should they find that the only land expansion option currently available does in fact lie on a floodplain.

**b. Community Infrastructure:**

This program, administered by the Band Council's administrator and his assistant, is funded through INAC and Health and Welfare Canada. Existing facilities include a newly constructed Band building with a gymnasium and community hall, health clinic, and office space for all Band programs except Headstart, which has its own building. The only outdoor sport facility is a baseball diamond. All of these Band buildings are less than 2-5 years old, except for the old Band office building which is slated to be converted into a housing duplex for C-31 registrants.

Installation, repairs and maintenance of water and sewer systems as well as provision of water and sewage services is the responsibility of the nearest municipality who have entered into a five year agreement (87-92) with the Band. Maintenance staff and technical advice on provision of services are also worked into the agreement. The water system on the reserve is less than thirty years old and up to the municipality's standards. New fire hydrants were installed in last three years and last year 7 lots were serviced for water hook-up. There have also been discussions with the municipality on servicing 8.5 acres of land recently acquired under a land claim. The Band also contracts the municipality to provide road maintenance services on the reserve. Sanitation and garbage collection services are delivered by an independent off-reserve contractor who is paid on a per household basis. Social assistance recipients on-reserve are given supplementary aid to pay for these services. Overall condition of facilities and infrastructure are at par with municipality standards.

**c. Policing:**

The Indian Special Constable Program of INAC is administered by the Band. One Super-Numerary Special Constable and Peace Officer has provided policing services to the on-reserve population of 130 for the past 9 years. He is also called upon by the local RCMP detachment to assist with incidents involving Band members living on the periphery of the reserve.

Additional C-31 registrants that have recently moved to the reserve have not posed any serious threat to policing services in the community. The respondent noted two incidents in the past two years involving C-31 registrant families--showed some concern about the possibility of additional alcohol-related family violence incidents and "kids in crime", specifically, theft and alcohol use by more of the reserve's youth. The officer was also concerned about effects on police workload if the remainder of the C-31 registrants were able to return to the community. At least one more officer and additional cars and equipment would be required.

**d. Fire protection:**

Fire protection and ambulatory services are also provided by the local municipality who receive on average, 20-30 calls per year for ambulance service and 20-25 calls for grass fires. In the past five years there have only been two runs for structural fires on the reserve. The station is located 2 km. away from the community. There are 2 alarm system installations in the pre-school facility and Band Hall/Office building, however they are not hooked up into the station's monitoring system. The ratio of fire fighters to population in the station's service area is 2:1000. The station's assistant fire chief notes that even if the Band's on-reserve population were to triple as a result of Bill C-31, there would not be a problem in providing the services. However, this is based on the assumption that they were all to live in single family dwellings. If the Band began building multi-family dwellings to address the increased housing needs of the population increase, then there would be a problem that he did not wish to address. He did state that, if need be, the station could also make use of other fire protection service stations in the area, which would, in the long term, substantially increase service costs for the Band. Given the Band's minimal land base, it is likely that they will be building multi-family dwellings in the future. As stated earlier, they are already planning to convert the old Band office building into a duplex to house two more C-31 families that have requested housing.



## Health:

The Health Program administered by the Band Council for the past 5 years is delivered by their Community Health Representative. The program is funded by Health and Welfare Canada, Medical Services Branch. 175 individuals of all age groups in the community have access to the CHR services which include preventive health and dental care education and instruction, pre and post natal education workshops, home health aid, paid non-insured health benefits and application assistance and issuance of Indian Health Cards. The community health nurse from a neighbouring community is available once a week to provide public health care services such as immunization, curative and chronic health care.

The respondent indicated that since 1987, there has been a dramatic increase in the level of demand for services and a parallel increase in an already maximum capacity work-load for one person to manage effectively. From 1986 to present, there have been increased requests for services from an estimated 96 C-31 registrants living off-reserve and 4 living on-reserve. Though most of the services offered are not available to them, the CHR must still address emergencies and requests for Medical cards and information on rights and benefits, thus reducing the time that must be spent with the on-reserve caseload.

A specific problem the CHR has with off-reserve C-31 registrants is with payment of non-insured health services, medical transportation services, and applications for these services and for Indian health cards. In most cases, registrants live closer to the reserve's health services than they do to the nearest MSB zone office, making it more feasible for the Band to service their medical needs. In addition, most registrants who have lived off-reserve and have never accessed these services, know little about zone offices and rules of procedure and the only source of information for them, no matter how far away they live, is the Band office.

However, the pro forma agreement with MSB stipulates that the CHR program is reserve based and therefore confined to their boundaries. It does not however deny the C-31 registrants the rights to make inquiries about services and benefits and to request that applications be filed for Indian health cards, and for payment of non-insured health benefits. Therefore, the CHR becomes the liaison between the off-reserve residents and the zone office. The result: time spent explaining and assisting accounts for 75% of the job that would be done at the area zone office level. However, no additional monies have been made available for another staff member to work with the CHR, despite the increased demand for information and assistance with application processes. In interviews with community members, C-31 and otherwise, there were absolutely no complaints because the CHR has managed to sufficiently handle all inquiries, requests and services. However, these administrative and consultative demands, better left to support staff are taking valuable time and quality away from the preventative and educational programs that she has implemented in the community.



# HEALTH SERVICES PROFILE

## BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

		Number of Patients					
		1984	1985	1986	1987	1988	1989
Regular Band Members			30	30	0	0	175
Bill C-31 Registrants	Not Applicable		0	≈15-20	35	50	4
Total		NA	30	≈45-50	35	50	179

The **Drug and Alcohol program** on the reserve has been Band administered with funding from NNADAP for the past 6 years. Managed by the drug and alcohol counsellor, its aim is to promote substance-free lifestyles for the community's youth, and make referrals to rehabilitation centres off the reserve. The respondent reported no impact as a result of Bill C-31 and had no comments on future impacts.

#### 8. Other Programs

There are no other programs in existence other than those outline above.

## CONCLUSIONS

Bill C-31 has had tremendous impact in some areas of program service delivery and because of certain Indian Act regulations and INAC policy with respect to off-reserve members, it has had negligible impact in other areas. Overall however, the act and the process of removing discriminatory clauses from the Indian Act is causing other types of discrimination. This is so because neither the legislation, nor the parallel funding arrangements, adequately address the losses incurred by those individuals who were discriminated against. Losing status once had a direct relation to losing rights associated with the status that was lost. Automatic loss of the right to possess land on the reserve resulted in the automatic loss of the right to vote for Chief and Council, the right to run for public office on-reserve, and the right to receive all benefits accorded other Band members. It also meant that these losses would be passed on to future generations.

While these rights are still existant under federal status granted Bill C-31 registrants, they are not necessarily guaranteed as they are dependent on membership and residency requirements not yet established by the Band. Therefore all Band administered programs, other than PSEAP, are not available to all off-reserve status members of the Band (C-31 and otherwise). Un-insured health benefits and Indian Health cards are however, available to off-reserve residents but by regulation, can only be accessed through MSB zone offices. Services of the community CHR are not available but as outlined in the Health program of this report, C-31 registrants off-reserve are provided with application assistance and some services in case of emergency, thereby causing stress on the caseload of the CHR program on the reserve.

Due to the residency obstacle, the least significant or non-existant impacts are in the program areas not available to off-reserve C-31 registrants while the most significant impacts are in program areas related to residency.

### a) Program areas with most significant impacts resulting from C-31:

Lands, housing and therefore, community infrastructure are the program areas most affected by this Band's population increase resulting from Bill C-31.

Given their inadequate land base, the need to service what little is available, and INAC's insufficient funding to service land and build homes is affecting both the Band and those C-31 registrants who want to move back to their home community. Yet, bands were promised that they would have adequate funding to address the higher demand for services.

In his statement to the Standing Committee, respecting to Bill C-31 (Minutes of Proceedings and Evidence of the Standing Committee, respecting to Bill C-31:First Session of the Thirty-third Parliament, 1984-85, Issue #12, 7-3-85), the Minister of Indian Affairs, Honourable David Crombie stated that "the government is fully

committed to ensuring that bands have adequate funding to enable new band members to be integrated with a minimum of disruption to community life." He admitted, "the magnitude of the return to reserves is difficult to estimate....". The formula used by the Department in targeting financial requirements for C-31 supplementary funding was based on "the assumption that 70% to 80% would seek status and out of those about 10% to 20% would seek residency or band membership". In the case of this band, at least 36% of registrants are seeking residency. The Department to date has only allocated funds to house 3% of those seeking residency. In the 5 years since implementing Bill C-31, the government has not yet recognized its own estimated forecast in C-31 supplementary allocations for this Band. In addition, most respondents indicated that Bill C-31 has effectively disrupted community life because it has created rifts amongst family members and amongst community members. Those regular band members on the housing waiting don't understand the fairness of a situation that allows C-31 registrants who recently gained status to suddenly be given a home before they are. Reciprocally, C-31 registrants don't understand why it is unfair for them to get a house considering the discrimination they have suffered. Whether this can be classified as "integration with a minimum disruption to community life" is debateable. The Band manager noted that there is much bitterness in the community, especially with regard to housing. The Chief noted that it has been forced on the Band and they are dealing with it the best they can but that without the dollars to address housing needs, the feuding will continue.

Inavailability of servicable lands for future housing construction is also a major impact resulting from C-31. As stated earlier, the Band recently acquired 8.5 hectares of land as a result of their land claim settlement. If they allocate all of this land for residential purposes for a total of fifty quarter-hectare or half-acre lots, they will still require an additional 4-5 hectares to meet the current demand for C-31 housing. Though funds are available for the purpose of expanding their land base, the only location available is 25 miles east of the community, which may result in more costly infrastructure and residential service expenses. Moreover the Band has not yet determined other alternatives should this land expansion option prove to be inadequate for residential use. Whether the increased land base is accessed, the Band is still faced with at least a 10 year waiting period before all current land and housing needs are addressed.

Effectively, and until residency obstacles are remedied, Bill C-31 removes discrimination and grants status back to those who lost, but it does so **outside** of the context of the original meaning of the term "status Indian". That is, rights that went along with **Indian** status when it was lost are not the same as rights that go along with the **federal** status gained by Bill C-31. Between the pre-1985 Indian Act and the Act to amend it, the term "status" was subjected to a second interpretation that is misleading. This is so because the type of status granted under Bill C-31 denies a certain relation once held between rights and status in the Indian Act. This equivocation on the meaning of the term "status" is indicated by the new Band authority to enact membership and residency by-laws. The Band was not the

was not the government that wrote discriminatory clauses into the Indian Act but they are the government that must now assert whether or not that certain relation once held between rights and status is still existant in their community. This appears to be the underlying factor that is causing C-31 residency obstacles, and therefore, present and future band housing, land and infrastructure impacts.

b) Program areas with least significant or non-existant impacts resulting from C-31:

As stated earlier Bill C-31 has had negligible impact in all other areas of the Band's administration. The primary reason for this negligible impact is due to residency obstacles faced by C-31 registrants. Indian Act regulations and INAC policy with respect to off-reserve members, disentitles them to services available to on-reserve residents. Therefore, workload for Band program directors has risen only slightly as there are so few C-31 registrants living on the reserve. However, the volume of inquiries about services and the concomittant volume of refusals of service delivery is frustrating Band employees dealing with fellow Band members.

In human caring-oriented program areas such as health, child and family care services and in-school education, the impacts are greater because off-reserve members in nearby communities often request service delivery in time of need and service is difficult to refuse because of emergency circumstances. For example, assistance is granted to off-reserve members who require application and referral assistance for health cards and services; social counselling is granted off-reserve residents in times of dire need; in-school tutoring is provided to students not eligible for financial services. Therefore, while the budgets are unaffected by these extra pressures, the quality and quantity of time the employees devote to their service delivery is affected. Yet there are no additional personnel available to assist in the counselling or assistance that is required.

In conclusion, the Band's limited land base, limited regular and C-31 housing dollars and therefore infrastructure dollars, are prevailing circumstances that lead to residency obstacles faced by Bill C-31 registrants. Residency obstacles, in turn, effectively deny full repatriation of rights lost when status was lost. Therefore, Band program delivery on-reserve is affected mostly be the increased demand for information on services and benefits available to C-31 registrants, thus placing demands and time and quality of service delivery for existing Band membership.

## **ADDITIONAL COMMENTS:**

In the methodology section of this report, it was not reported that one of the C-31 registrants interviewed, lived off-reserve at the federal government facility and was about to move back on-reserve. This is so because it would have identified her to the Band as one of the respondents. Therefore I chose not to mention this fact for she had some comments that may have adversely affected her move back to the community. She had indicated that she had lived off the reserve for at least 20 years and had registered in 1985, immediately after the legislation was passed. She had also requested housing for herself and intended to bring her non-Indian husband who was ill and bed-ridden, to live with her. She stated that "they don't want white men" and that "they waited until my husband died, and then they rolled out the red carpet and welcomed her back as a widow". This is the reason, she stated, that she did not feel she has the same access to housing as regular band members: because she was a "C-31 with a white man". She stated that she feels unwelcome in the community because she married out and that C-31 registrants were receiving sub-standard housing. At the time she was angry that the Band was refusing to finance kitchen cupboards for her new home and did not believe that there was insufficient funding available. In her final comment, she addressed the problem of not being allowed to vote when it was C-31 registrants who were responsible for the addition of one counsellor to the Band government. And finally, she said that the Band should help all women and treat them equally, even if they are off-reserve.

Another C-31 woman on-reserve was asked to be interviewed but feared repercussions as she was already having a difficult time taking care of her sick father and being ridiculed for bringing her non-Indian husband to live in her father's house on the reserve.

The second C-31 respondent interviewed, the Chief's housekeeper, was one of the people getting a new home even though she had no children living with her. This was a complaint voiced by some respondents who felt that C-31 housing allocations are made without strict adherence to written and enacted policy. The general feeling during this interview was that the respondent was afraid to say anything against the Band Council.

I have included these additional notes and respondent remarks under separate cover from the draft report because I feel these are valid opinions and realities of C-31 registrants of this Band. They cannot be overlooked, yet they cannot be made available to the Band as the respondents fear repercussions.



***Band Case Study #3***

Methodology

This study conforms with the methodology prescribed by the Department of Indian and Northern Affairs except for the following points:

- \* The demographic statistics come from the Department of Indian Affairs and from the provincial government. The statistics regarding C-31 registrants are incomplete, as the organizations we asked were not able to give them to us.
- \* The table dealing with education could not be entirely completed, as the statistics are kept by the school board and the data are regional. For this reason, it was impossible to complete the data forms as requested. As Bill C-31 had no impact on the student population, the data provided by the school principal do not take C-31 registrants into account.
- \* Certain statistics related to child and family care and care for the elderly were not available since, for reasons of confidentiality, they were regional rather than by community, and the forms were not always filled out by the staff in place. As Bill C-31 had no impact on the recipients of these services, it was impossible to determine the number of C-31 registrants using these two services.
- \* As Bill C-31 has had no effect on recipients of health services, the statistics do not provide the number of C-31 registrants having turned to these services.

The total number of persons questioned is twenty (20), including

- the band chief;
- a councillor from the band council;
- The band general manager;
- nine (9) program managers;
- four (4) regular band members;
- four (4) band members registered under Bill C-31;

The band is part of three major treaties:

## Band profile

### Location

Access to the community is possible only by airplane. A winter road is cleared for the transportation of certain goods and machinery. In summer, goods are brought in on a barge using the sea route.

Under a territorial agreement, the community lands are of three categories:

- \* the first category lands with an area of approx. 200,000 acres including approx. 3,000 acres for the non-status members of the community;
- \* the second category lands with an area of approx. 3,000,000 acres
- \* the third category lands, which are all the lands of the territory that do not belong to the other categories.

It has not been possible to get the exact makeup of these lands. On the other hand, Bill C-31 has had no impact on the area or use of these lands. These lands are adequate to the demand for housing and could absorb an increase due to Bill C-31.

### Demographics

The band population is difficult to define, for there are two lists. The first is the list of beneficiaries of the territorial agreement and the second is that of the Department of Indian Affairs which includes the C-31 registrants. Someone living in the community may be on the list of beneficiaries of the territorial agreement and not be listed by the Department of Indian Affairs. The same situation applies for people living outside the community. It is hard in this context to describe the actual population living inside and outside of the community.

Statistics relating to registration under Bill C-31 from 1984 to 1988 were not available at the time of the study.

For 1989-90, the interviews enabled us to collect the following information:

- \* The total number of members on the Department of Indian Affairs list as of December 31, 1989 was 1,572.
- \* Of this number, 1,276 live in the community and 296 are outside the community.
- \* The differentiation between status and non-status members and other residents was not available.
- \* The total of registrant members is 116.
- \* The number of C-31 registrants living in the community is 12. The interviews do not enable us to know exactly why this number is so low, but we may infer that since Bill C-31 has no impact on individuals, they do not see the use of registering.
- \* The number of C-31 registrants living in the community at the time they registered is 12.
- \* No C-31 member came to settle in the community after registration and no member wanting to return to the community following his registration under Bill C-31 has been identified.

The information collected from the list of beneficiaries of the territorial agreement is as follows:

<u>Year</u>	<u>Total number</u>	<u>In the community</u>	<u>Outside</u>
1990	1868	1326	542

It should be noted that people very often register their children a number of years after birth. This may skew the statistics a little from one year to another.

About four or five hundred band members live in another community located in another province. These people have formed an association that represents all members of the nation who live outside the community and are beneficiaries of the territorial agreement. This organization was founded in 1980 and currently has 900 members. Membership in this organization is determined, not by the Indian Act, but by eligibility under the territorial agreement. Bill C-31 has no impact on individuals. Its sole identifiable impact is that the number of status members went from 33% to 90% after it came into effect. Which has given the organization more negotiating power with the federal government.

#### Political process

The band is a member of a treaty which we term the territorial agreement. Passed between the Grand Council of the nation, the provincial government and the Government of Canada, this agreement took effect in 1975 and has conferred on the band the right to self-management and land procurement. This territorial agreement has created beneficiaries. To be eligible for registration as a beneficiary under the terms of the territorial agreement and be entitled to the advantages that come from it, a person must have been, on November 15, 1974:

- a) in the terms of the Indian Act, a member or had the right to be a member of one of the bands of the nation;
- b) of the ancestry of the nation customarily living in the territory;
- c) of the ancestry of the nation or Indian ancestry and recognized by one of the communities of the nation as having been one of its members;
- d) the adopted child of a person as defined in paragraphs a, b or c.

Since November 16, 1974 anyone is eligible for registration as a beneficiary under the terms of the territorial agreement and is



entitled to the advantages that come from it as a member of one of the communities of the nation, who is:

- A) the issue, legitimate or illegitimate, through the paternal or maternal line, of any person eligible for registration under paragraphs a, b, c and d above;
- B) the adopted child of any person as defined in paragraphs a, b, c, d and A above on condition that he is a minor at the time of adoption.

Here is the essence of the rules that apply to become a beneficiary of the territorial agreement.

Another law has recently joined this agreement. It has to do with various territorial agreement provisions that deal essentially with local administration of the community and the first-category land system. The legislation was approved in 1994. The provisions of this act prevail over incompatible provisions of any other federal act and provincial acts of general application. The Indian Act applies to the bands of the nation or lands only in order to determine which of the nation's beneficiaries are Indians in the meaning of that Act.

The band is affiliated with two councils of the nation. The first is responsible for the political side and the second for the administrative side. The affiliation is in terms of the administration of certain programs and of politics. The Grand Council is in charge of the Board of Health and the School Board of the nation created under the territorial agreement.

The band chief is elected by universal suffrage. The present chief has been in his position for three years. The band council is made up of 11 councillors, including the chief. This number has not been changed with the passage of Bill C-31. Elections are held every three years to elect a new chief, a new deputy chief, and 50% of the council members. The council's political structure is stable. The band council responsibilities are: to promote and develop the projects of the community, protect the rights of the First Nations, make representations to other governments, watch over the welfare of the community, oversee the application of the territorial agreement.

The band council meetings take place every two weeks. Meetings are behind closed doors when the agenda is made up only of day-to-day administrative items. Meetings are public when the agenda includes items of a public nature. On average, ten people attend the meetings. Bill C-31 has had no effect on the number of members, the rules, responsibilities, or the content of band council meetings.

General meetings are held every two or three months depending on the subjects on the agenda, and an annual general meeting is also held. Bill C-31 has had no effect on these meetings, whether in terms of content or the holding of them.



The band does not control its own membership, since this is assured under the territorial agreement and the Indian Act. The band has two membership lists, the first under the territorial agreement and the second under the Indian Act. Discussions are in progress about membership under the territorial agreement but there are none concerning the Indian Act. The discussion process is regional and must be approved by all communities of the nation. For example, the general manager mentions the discussions that were opened concerning the list of members used to subsidize trapping. Trapping is subsidized by the federal government, which bases itself on the Indian Act membership list. Now beneficiaries of the territorial agreement who are not registered on this list do not have access to these subsidies and they are sent back to the people in charge of the territorial agreement, who send them back to the federal government. The situation places these people in a vicious circle and produces a shortage of funds for the band and causes a problem of interpretation in membership terms.

Given that the registered C-31 members in and outside the community were already on the list of beneficiaries of the territorial agreement, Bill C-31 has had no impact on the number on this list. Only the list of members under the Indian Act has been amended following Bill C-31.

The band has no administrative regulation to deal with residence. This aspect is governed by the territorial agreement.

There is no discussion in this band about developing an administrative regulation concerning residence.

#### Land, revenue and rights under treaties

Land and income are managed under the territorial agreement by two regional organizations. These two organizations administer the services and the band administers lands, buildings and rents. Bill C-31 has had no effect on land and income administration by these bodies.

Under the territorial agreement, the nation's communities have their local administrations and regional organizations carry out public functions (education and health). By the terms of this agreement, 21 new municipalities emerged, including the community that we visited.

Under this agreement, three categories of land have been assigned to the nation:

First category lands are lands assigned to the community for its exclusive use. They are located in and around the collectivities where the Native populations usually live. The province has kept the right to use these lands for public purposes. Acquired rights,

private and public, are protected. If public activities on these lands are harmful to the use that the Natives are making of them, these lands will be replaced for them. These lands represent only a tiny proportion of the whole territory.

Second category lands are lands on which the Natives have exclusive hunting, fishing and trapping rights, though without having any special right of occupation. The provincial government may designate second category lands for the purposes of development, but on condition that they are replaced. It can also, without being forced to compensate the Natives, impose charges for public purposes on these second category lands.

The third category lands are lands where the nation's people receive neither privileges nor exclusive rights. All year round, they can pursue their hunting, fishing and trapping activities. For this purposes, certain animal species are reserved for them. In general, however, the third category lands are accessible to the entire population, which can use them in conformity with the provincial laws and regulations governing Crown lands.

The general manager mentioned that lands administration should be operating under the system of land registry enshrined in the territorial agreement. The government has always provided the funds, but the system has never been implemented. At present, property is collective rather than individual, and traplines are allotted in the traditional manner. Discussions are in progress to implement and apply the system provided for in the territorial agreement.

Bill C-31 has had no impact on land area or use by the community.

The main band revenue comes from federal subsidies, the collection of charges (school board, board of health, private business) on the use of goods belonging to the community, and compensation funds. Policies with respect to revenue are decided collectively and unanimously in band meetings.

The general manager mentioned that the sections contained in Bill C-31 were inspired by the three treaties to which the band is subject. The C-31 registrants were already enjoying all the rights and services that Bill C-31 claimed to be giving them back at the time of registration. Bill C-31 has therefore had no impact on the community, because it administers its lands and treaties under the territorial agreement.

### Band administration and organizational structure

The members' meeting is the base of band structure. The members elect the band council whose chief is responsible for running the local government, making political representations and playing the role of top executive officer. The band council and chief have a political function. Under the chief' authority comes the general manager, assisted by the treasurer, to take care of the administrative functions. There are six officers under the general manager: the general manager for maintenance, the head of accounting, the recreation director, the public security officer, the environment administrator and the counsellor in charge of economic development. The number of employees in the band office is eight program administrators, 16 office workers and 15 maintenance and construction employees. In season, the number of construction workers climbs as high as 80. These numbers do not include those employed at the school and the health service, who are hired by regional organizations. The increase in the number of employees in the band office can be attributed to the coming into effect of the territorial agreement. Bill C-31 has not caused any change in band administrative structure, operations, or employee strength.

The arrival of the territorial agreement has enabled the band to amass solid experience in program administration. They have been able to develop programs that are adjusted to their needs, and most of the administrators have lengthy experience in administrative positions. The staff is stable and competent.

According to the chief, the main change in band administration after the 1985 amendments to the Indian Act is in accounting (reports, expenses, budgets, etc.).

Requests from C-31 registrants come mainly from outside the community. The main areas affected by these requests are: (1) education, (2) housing, and (3) health and social services.

One impact of Bill C-31 on the council is that many C-31 registrant members come back on the reserve only to hunt and fish. This situation makes for overpopulation in the community during that period. No solution has yet been put forward to resolve this problem.

The chief thinks that the band council is in a position to deal with the added pressure owing to Bill C-31 that is coming from inside the community, but as far as the outside people go, the band has no control and no power to provide the assistance that these people ask for.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov/ Territ Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓									Regional Board
Education K & Elem							Regional Sch. Bd			PROV.
Education Secondary							Regional Sch. Bd			PROV.
Education Post-Second.							Regional Sch. Bd			PROV.
Social Development					BAND/ PROV.			DK		
Child/Family Care							Regional Board	DK		
Seniors Care							Regional Board			Regional Board
Housing	✓									DIAND / CHHC
Community Infrastruct.	✓							DK		
Policing					BAND/ PROV.					PROV.
Fire Protection	✓									Regional Board
Health Services							Regional Board	DK		
Drug & Alc. Abuse							Regional Board	DK		
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement



## Programs/Services/Compensation

### Program administration and funding

The economic development programs are administered by the band and funded by an independent regional board.

The education programs (kindergarten, primary, secondary and post-secondary) are administered by a regional school board and funded by the provincial government.

The social development programs are administered jointly with the provincial government.

Child and family care is administered by the regional board of health, which provides the funding.

Care for the elderly is administered jointly with the regional board of health, which provides the funding.

Housing is administered by the band and funding is provided by the Central Mortgage and Housing Commission.

Community infrastructures are administered by the band, and it was impossible to know what the source of the funds was.

The police service is operated jointly with the provincial police, who supply the funds.

The fire brigade is operated by the band and the funding comes from the regional board.

Health and drug and alcohol abuse prevention services are operated by the regional board of health, which supplies the funds.

Capital comes from "A base" federal funds.

## 1 -- Economic development

Under the territorial agreement, the band has been responsible for its own economic development since 1985. A commission that is independent of politics has been created to deal with the following aspects: assisting and participating in the implementation of new developments, managing an economic trust (savings, financing, loans, subsidies), participating in project evaluations, handling land management, and providing financial advice. Some six people are assigned to economic development, and the head of economic development has been in his position for five years. In 1984, there was one employee. The staff increase can be attributed to the increase in economic activity with the territorial agreement. Bill C-31 has had no impact on the number of employees, activities or structure of the commission in charge of economic activities.

The band's main economic activities are: trapping (fur trade), crafts, boatbuilding, maritime transportation, and graphic arts. Bill C-31 has had no effect on the type of economic activities pursued by the band.

The level of unemployment is 80%. The main problem is lack of job opportunities. Bill C-31 has had no effect on employment levels, and the respondent thinks that the band is in a position to deal with an eventual rise in employment requests which would be due to Bill C-31.

The reserve's labour force numbers 656. Of this number, six are C-31 registrants. The population that is normally employed numbers 180, and five of these are C-31 registrants. The population that is normally unemployed numbers 475, and one of these is a C-31 registrant. These figures are approximations. Jobs are handed out in terms of a person's competence for the position being offered. The band makes no distinction between the C-31s and regular members when it comes to giving out jobs. The level of education in the labour force is provided in the tables.



## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members	≈ 650	≈ 175	≈ 475
Bill C-31 Registrants	6	5	1
Total	≈ 656	≈ 180	≈ 476

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members	200	150	200	100	650
Bill C-31 Registrants	0	2	2	1	5
Total	≈ 200	≈ 152	≈ 202	≈ 101	≈ 655

## 2 -- Education: kindergarten, primary, secondary

The grades offered by the community school go from play-school to the fifth secondary year. The employees are hired by the regional school board. The total number of employees is 56, and the head of education has been in his position for six years. In 1984, there were 40 employees. The employee increase is due to the rise in population and the fact that in 1984, the courses available went from play-school to the second secondary year. Bill C-31 has had no effect on the changes in numbers of students and school employees since it came into force.

The primary school has 340 pupils from play-school to the sixth grade. Eight teachers are in charge of the instruction. Two sectors are available to pupils from the first to the sixth grade, French and English. The play-school and kindergarten are given in the nation's traditional language.

Secondary I to V are also offered in French and English. Some 95 students are enrolled in the secondary grades of this school. A computer service, two gymnasias, science laboratories, a photography dark room and a library form part of the school infrastructure.

The facilities and programs provided on the reserve are administered by the regional school board created under the territorial agreement.

As the services are provided to beneficiaries of the territorial agreement and C-31 registrants are already beneficiaries when they register, Bill C-31 has had no impact on the service, facilities and demand for primary and secondary education in this community.

The statistics are kept by the school board and data are regional. For this reason, it has been impossible to fill out the data forms as requested. As Bill C-31 has had no impact on the student population, the data provided by the school principal do not take the C-31 registrants into account.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten				NA
Elementary *	340 (includes Kindergarten)	NA	340	NA
Secondary *	95	NA	95	NA

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	17	NA
Number Bill C-31 Students Receiving Funding	NA	Not Applicable
Total	17	NA

### 3 -- Post-secondary education

The administration of post-secondary programs is part of the responsibility of the regional school board created under the territorial agreement. The beneficiaries of these programs are free to choose the institution where they want to pursue their studies. The most popular courses chosen are: commerce, law, and arts. The rate of students completing their programs is 40%. Some 17 students from the reserve are enrolled in these programs.

No Bill C-31 impact was identified in relation to the post-secondary programs that benefit members living in the community. On the other hand, the chief mentioned that the rules of the regional school board providing the services (coming from the territorial agreement) run counter to those of the band, and this situation was causing discrimination against non-status members living outside the community. The school principal told us that, beginning this year, the regional school board is no longer recognizing the territorial agreement beneficiary numbers of people who live outside the communities and make requests for assistance with post-secondary studies. These individuals are referred to the Department of Indian Affairs. This may cause problems, especially if these persons are not C-31 registrants. Recently, therefore, the council passed a regulation to eliminate this discrimination; unfortunately, the text and details of this regulation are not yet available. This is the only possible impact of Bill C-31 on post-secondary studies that we were able to identify.

#### 4 -- Social assistance and social development

##### Social services

The social services fall under provincial government responsibility. One person is assigned to these services, and the head we questioned has been in the position for two years. There has been no change in staff or services since Bill C-31 came into effect.

The total number of band members receiving social assistance is 87. All are continuous recipients and no C-31 registrant was identified in this group.

The programs available in the community are: education, with 12 clients participating, and a training program with six client-participants.

The person in charge of social services was unable to identify a single request for social assistance attributable to a C-31 registrant. Bill C-31 has had no impact on social services programs or the number of people requesting them.

##### Child and family care

The child and family care services are administered by a board of health created under the territorial agreement. This board is regional, and its offices are located outside the community. Two employees are assigned to these services and the head has been in the position for four years. In 1984, the service had a single employee. This increase is due to an increased workload. Bill C-31 had no effect on this increase. People with a beneficiary number under the territorial agreement receive the services, and C-31 registrants already had this number before Bill C-31 came into effect. For this reason, Bill C-31 has had no impact on the clientele or the services offered in the community by the board of health.

The child and family care service dealt with 95 cases in 1989. These services were provided under the youth protection and juvenile delinquent programs.

##### Care for the elderly

The care services for the elderly are administered by a board of health created under the territorial agreement. This board is regional, and its offices are located outside the community. Two employees are assigned to these services and the head has been in the position for four years. In 1984, the service had a single employee. This increase is due to an increased workload. Bill C-31 had no effect on this increase. People with a beneficiary number under the territorial agreement receive the services, and

C-31 registrants already had this number before Bill C-31 came into effect. For this reason, Bill C-31 has had no impact on the clientele or the services offered in the community by the board of health. At the time of the interviews, three elderly people were living in the residence arranged for this purpose in the community.

Certain statistics related to child and family care and care for the elderly were not available since, for reasons of confidentiality, they were regional rather than by community, and the forms were not always filled out by the staff in place. As Bill C-31 had no impact on the recipients of these services, it was impossible to determine the number of C-31 registrant users in these two services.



# **SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS**

## **BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE**

Regular Band Members			Bill C-31 Registrants			Overall		
Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total
0	87	87	0	0	0	0	87	87

## **SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS**

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
WOP	6	0	6	NA
EDUCATION	12	0	12	NA

# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members	NA	NA	NA	119	81	95
Bill C-31 Registrants	Not Applicable	NA	NA	NA	NA	NA
Total	NA	NA	NA	119	81	95

# **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members				4		
Bill C-31 Registrants	Not Applicable			NA		
Total	NA	NA	NA	NA	NA	NA

## 5 -- Housing and community services

### A) Housing

Six persons are assigned to the housing administration, and the coordinator has been in the position for six years. In season, this number rises to 60 employees. The number of employees has not changed since 1984, and Bill C-31 has had no impact on this number. The number of houses is 230, 12 of them duplexes and 238 single houses with three bedrooms. The coordinator could not provide the number of houses occupied by C-31 registrants. The general condition of the houses is 60% satisfactory and 40% needed repairs, especially inside. This evaluation was done by the housing coordinator and checked informally by questioning a contractor in charge of a renovation who was present in the community at the time of the interviews.

The waiting list consists of 60 families living in the community and 30 families living outside the community. The coordinator is unable to identify the requests coming from C-31 registrants. Waiting time is one year after enrolling on the waiting list and a points system has been implemented to determine the priorities of each person enrolled. To have access to the points system, an individual must have spent at least one year in the community. The band builds the same houses for everyone, and people's expectations and needs in houses make no difference in the layout provided. If there are special needs, people make the alterations themselves. On the other hand, if there are social problems, the band undertakes to alter the house plans in terms of needs. No difference was mentioned between regular band members and C-31 registrants with respect to house allocation and waiting time. One C-31 respondent, saying that he owned his home, revealed that the process had taken four years in his case, but he does not attribute this wait to the fact that he was C-31.

Regarding housing, the chief mentioned that the federal A-base fund and the CMHC housing unit have not been modified to take the needs due to Bill C-31 into account.

Under the territorial agreement, the band makes no distinction between C-31 registrants and its regular members. No increased needs related to Bill C-31 can be identified. The shortage of houses is the only negative impact that Bill C-31 may produce if demand rises, but the respondent thinks that the community will be able to deal with this increase.

## B) Community infrastructures

Three persons are assigned to community infrastructures, and the coordinator has been in the position for six years. The number of employees has not changed since 1984, and Bill C-31 has had no impact on this number. The community has an infrastructure: an arena, gymnasium, library, school, community centre, fire station, police station, mini-shopping centre, medical clinic and band office. The services offered to the community are: water, firefighting, police, garbage collection, electricity, roads and school bus.

The general condition of the infrastructures is good except the community roads, which need repair.

Bill C-31' impact on the number and services of the community infrastructures is nil. On the other hand, a future increase in the clientele due to Bill C-31 might create added demand and the infrastructures might have to be altered to meet the new demand.

It was impossible to know the exact number of lots available for housing, but the coordinator mentioned that the community planned to build 15 new units for December, 1990, and that the territory is big enough to supply added demand. On the other hand, no increase in demand is due to Bill C-31.

## C) Police

Police service is provided by the provincial government. The service has three policemen and two assistants who are called as needed. The police officer we questioned had ten years of experience in his position. In 1984, there was two policemen. The increase is due to a surplus of work and Bill C-31 has had no impact on this increase. These policemen are assigned solely to band territory. They are considering hiring a fourth person due to the workload. The staff are qualified and come from specialist schools.

The increase in the policeman/population ratio cannot be attributed to the consequences of Bill C-31. The policeman we questioned could not identify any real impact of Bill C-31 on the police service and the increase in offences.

## D) Fire

There is a head assigned to firefighting, assisted by volunteer firemen. The head has been in his position for two years. This figure has not changed since 1984 and Bill C-31 has had no impact on staff. According to the respondent, under the territorial agreement the government should provide the facilities and training

for firefighters. Reality wills it that it is the band that provides the capital needed for firefighting. They have a fire station, a truck with fire pump and a 4X4 truck, all in good condition. No impact from Bill C-31 was noted on the infrastructures of the fire service or on the number of fire calls in this community.

## 6 -- Health

The community health services are administered by the board of health created under the territorial agreement. This board is regional, and its offices are located outside the community. People who have a beneficiary number under the territorial agreement receive the services and C-31 registrants already had this number before Bill C-31 came into effect. For this reason, Bill C-31 has had no impact on the services provided by the board of health in the community.

The community has a well-equipped hospital that hires seven people full-time. These persons are hired by the regional board of health. The head has been in the position for seven months. In 1984, there were five employees. The increase in staff is due to increased population, and Bill C-31 has had no effect on this increase. The services offered by the clinic are: curative care, prevention (prevention visits are made regularly to the school), public health, dental care, chronic care and prenatal care. Bill C-31 has had no impact on the number of hospital employees or the frequency of care provided to the community' people.

The respondent has seen no change in the use of non-insured health benefits that would be ascribable to Bill C-31.

As Bill C-31 has had no effect on the beneficiaries of the health services, the statistics do not provide the number of C-31 registrants who have used these services.

### Drug and alcohol abuse prevention

The prevention service against drugs and alcohol abuse are administered by the board of health created under the territorial agreement. This board is regional and its offices are located outside the community. There is a person in this position with 2 1/2 years of experience. In 1984, the service also had a staff member and Bill C-31 has had no impact on the number of staff. People who have a beneficiary number under the territorial agreement receive the services and C-31 registrants already had this number before Bill C-31 came into effect. For this reason, Bill C-31 has had no impact on the services offered by the board of health in the community.

The services offered by the anti-drug and anti-alcohol prevention centre are: providing information and finding alternatives to drugs and alcohol. The reserve has a community centre (video games, pool, etc.). Activities are organized in the gymnasium. The centre's offices are small and not very functional. Bill C-31 has had no effect on the size of the clientele and the services offered by the centre.



## HEALTH SERVICES PROFILE

### BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members	NA	7052	7700	8254	6959	8093
Bill C-31 Registrants	Not Applicable	NA	NA	NA	NA	NA
Total	NA	7052	7700	8254	6959	8093

## 7 -- Other programs

No program other than those covered in this study was identified during the interviews or from written information provided by the band.

## 8 -- Other impacts of Bill C-31

### Social impacts

The general manager mentioned that the positive contribution of Bill C-31 is that it attracts educated people to the community, which it certainly needs.

All C-31 registrant respondents affirmed that their registration was a good thing for them and that it would benefit their family in the long term, especially in terms of education.

### Political impacts

People applying for C-31 registration complain that the process is too long. We saw a letter dated January 10, 1990 in reply to a request dated January 4, 1988.

One C-31 registrant presented her case. She adopted four children prior to her C-31 registration. The adoption law that makes confidentiality obligatory prevents her from finding out whether her children are registered. The rule requires children reaching age 18 to choose which band they want to join. This woman does not know whether she should register her children and how she should proceed to register them, for the adoption law refuses her access to information on the lineage of her children.

### Legal impacts

The game wardens are not informed about the changes brought about by C-31. A number of C-31 registrant members have received tickets and been obliged to go and defend their status before the court.

### Economic impacts

The chief mentioned that a cost analysis should have been done before Bill C-31 was applied. Discussing Bill C-31's effects on all the Native populations of Canada, the chief thinks that the C-31 registrants are often poor people and when they come back into the community, they are poorer than before Bill C-31 came into effect, at the bottom of the community's social ladder. The

federal budget should in his opinion be changed to takes the needs of the C-31 registrants into account. "They increase the burden but they don't increase the budget."

One C-31 registrant remarked that after Bill C-31, the government did not reimburse the sums paid in taxes during the period when he was without status. Tax exemption is the sole impact that Bill C-31 has had on him.

### Conclusions

After our study, we can draw the following conclusions:

Those in charge of politics, those in charge of administration in positions that are high in the hierarchy and the C-31 registrants themselves are the best informed on the ins and outs of Bill C-31. The middle managers and regular band members we questioned had very little knowledge of Bill C-31. This is due to the fact that Bill C-31 has no impact on their daily lives. C-31 registrants admit that Bill C-31 has not had a great impact on their condition, except in terms of tax exemptions from which they did not benefit prior to the law coming into effect.

In community terms, Bill C-31 has had no impact on its areas of activity. The only visible impact is in the list of members under the Indian Act. This may affect discussion about the list of members to use when subsidies are to be granted.

The advantages and rights that Bill C-31 is supposed to return to Natives were already enshrined in the territorial agreement from 1974 on. In addition, this territorial agreement takes precedence over all federal laws, and under this agreement, the only effect of the Indian Act is to determine eligible members under the Act. Thus, amendment C-31 to the Indian Act cannot have had a major impact on the life of this community.

***Band Case Study #4***

## METHODOLOGY

This case study conforms with the stated methodology. The following exceptions and methodological considerations are noted.

\*The Band does not maintain and/or does not have ready access to current and historical statistics on most of its programs. Quantitative data provided in this study are often "best estimates".

\*Historical data are most often available only for the period the current program manager has been with the program.

\*Statistical data were gathered on-site except for employment, and education which were provided over the telephone (due to research time required of the program manger).

\*Toward the completion of this case study, a total of 25 on-site interviews were conducted. Interviews were conducted with 4 regular band members, 4 Bill C-31 registrants, 16 band employees and elected officials, and 1 representative of the Tribal Council.



# **BAND PROFILE**

## **LOCATION**

Lands used and occupied by the Band border a major urban centre. The reserve is located between two suburban communities with populations of 4,000 and 12,000 and is about 20 km from each. Reserve lands are contained in one parcel about 20 square miles (12,500 - 13,000 acres) in size. At the turn of the century the Band's land mass was roughly twice what it is today. Lands sold in the early 1900's are the subject of an outstanding land claim, the status of which is unknown.

The Dept. of Indian Affairs and Northern Development (DIAND) puts the Band's population at 1159 of which 800 (69%) live on the reserve. The ratio of reserve land to band population is approximately 11 (acres) to 1 (each individual). However reserve lands are not distributed among individual members. The Band farms 5,000 acres either collectively or under individual lease agreements. Agricultural lands account for about 45% of reserve lands, forest and swamp for 30%, residential, commercial and/or industrial for 10%, water for 10%, and other/unclassified for 5%. The Band currently has only one five acre parcel identified for residential development but is clearing land in the village for housing. Land development in the village should render 20-25 lots that can be easily serviced. The distribution and use of reserve lands is very much influenced by the Band's economic circumstances and priorities because it's economy is dependent on the extraction of natural resources, farming and tourism/recreation activities.

## **DEMOGRAPHICS**

There is consensus among Band representatives that it's total population is about 1100 but there is no agreement on the composition or number of people who live on or off the reserve. Band education and labour force estimates indicate that the on-reserve population may be 850-900, of which 800 may be band members, 70 may be C-31's, and 30 may be non-native and non-band treaty people (i.e. people from other reserves) living with band members.

DIAND's figures show an overall increase of 31% over the past five years. But the rate of population increase has not been consistent among those living on and off the reserve. The number of people living off the reserve has more than doubled over the past 5 years while the number of reserve residents has grown by only 11.5% over the same period. In

1988, 42% of the Band's population was 14 years of age or younger and less than 2% was 65 years of age and over. Working age people accounted for 56% of the population.

Band representatives estimate that 68 Bill C-31 registrants may reside on the reserve of which 15 (20%-25%) may be new residents (i.e. since 1985 or since being reinstated). Most reserve residents say the number of C-31's who have returned home and stayed can be "counted on two hands". The regional DIAND office says the number of Bill C-31 registrants identifying an affiliation with the Band in 1989 was 149, 13% of the overall Band population, double that of three years earlier. The distribution of C-31 registrants on and off the reserve, by age and by sex is unavailable.

## **POLITICAL PROCESS**

The Band is a member of a treaty. Under the treaty, reserve lands used and occupied by the Band were allocated based on one square mile for each family of five. Nominal annuities are paid to individual members, and to the chiefs and councils of the treaty area. The treaty provides for maintenance of schools on reserves and for medical care of treaty members. The treaty to which the Band belongs makes no reference to control or use of resources on reserves. Treaty members retain the right to hunt and fish subject to federal 'regulation' and except on tracts of land taken up for mining, farming, settlement or other purposes. The Band participates in provincial and national organizations in order to strengthen the interpretation and delivery of the Band's treaty rights.

The Band is an active member of a Tribal Council. The Tribal Council represents five bands as "a limited form of regional government". It provides: a forum for discussion and problem resolution, opportunities for liaison with other bands and governments, and programs and services which improve the quality of life for member bands. Such programs and services include the administration and delivery of post-secondary education, aspects of child and family care, and fire protection liaison.

On the reserve local government is provided by a 10 member council, elected every two years by the Band's membership 18 years of age and over residing on and off the reserve. The current Chief and 9 Councillors were elected in the summer of 1989. Four Councillors elected were incumbent candidates. The Chief while not an incumbent, was Chief in the early 1980's. While in office there is virtually no turn-over among elected officials. The Chief and Council play an active role in the day to day affairs of the reserve. Each is paid a full-time salary and is responsible for the management of various programs. A matter currently under discussion is the frequency of elections. There is suggestion that elections should take place every four years to allow each administration sufficient time to develop and implement policies and programs. Others argue that such prestigious, highly coveted and well-paid positions should be voted on every two years to avoid any abuse of office.

Over the decade, the number of elected members on Council has increased. In 1983, the Band Council was comprised of the Chief and 7 Councillors. Growth in elected representatives is tied to population increase as one elected representative is required for every 100 people. Size is perhaps the only thing that has changed about the Chief and Council. Most people believe that the same individuals are attracted to Council term after term or as one said - "If they don't get in (elected), they try again next time or else they get a job in the Council administration - either way it has been the same people running the show for the past 10 years". Most if not all of the main families on the reserve are represented on Council.

Residents of the reserve are active political observers but not necessarily active participants in the political process. Public participation varies with the issue, and its immediacy or perceived relevancy. Public participation in the political process is seen to be greatest just prior to elections. Public Band Council meetings are held monthly but are poorly attended. Special or emergency Council meetings are also held from time to time and the public may be invited to participate in these. An Executive Assistant to the Chief and Council is responsible for taking complaints and concerns from band members and setting up meetings or other

processes to resolve concerns. Despite the avenues available for public participation, band staff, Councillors and reserve residents alike say "they do not know the current Chief and Council's position" on such important issues as housing, economic development and band membership. Others complain that communications on the reserve are generally inadequate.

On matters of import, joint Council/public Committees or Task Forces may be struck and involve public meetings, house to house visits and plebiscites. Such a process was established to develop the Band's membership code. The Membership Committee sought legal advice, staged a series of public meetings, conducted house to house surveys and finally held a public vote on the membership code. The Band assumed control of its membership effective June 25, 1987 however, this was not formally recognized by the DIAND Minister until September 17, 1987.

Membership in this Band entitles the individual to vote (if over 18 years), to housing and to a share of resource revenues. The payment of resource revenues to individual band members is, however, being phased out. There are two categories of membership: 1) entitlement to membership as a right, and 2) entitlement to membership by application. Persons entitled by right to membership are being admitted to the band. These persons are:

- all those persons who are members or were entitled to membership in the Band prior to April 17, 1985;
- all children born of parents where both parents are band members at the date of birth of the child; and
- adopted children where the adoptive parents are members of the band and the adopted child is an Indian and descendant of a person who was at one time a member of the band.

The right to membership is interpreted as 'first generation' members, meaning children of band members, enfranchised band members, and women who were once band members and lost their status as a result of marriage. These people are being admitted to the band at this time. Sons and daughters of reinstated members and off-spring of parents who are not both members of the Band must make application for membership. No applications for band membership have been processed whether as a result of lack of resources to hire a Membership Clerk or for fear of unknown impacts.

Politicians within the Band admit that initially they were opposed to Bill C-31, then accepted it because the Bill was passed into law. Now the Band is uncertain



about the legislation and does not have a clear position on how and if they should implement their membership rules. The Band has not had the time or resources to study the implications of implementing its membership code and band officials note that they "do not have the resources to fight legal battles with applicants, the government or other organizations". Still lack of clarity and inaction on implementing the membership rules have created some hard feelings not to mention confusion.

Although the Band implemented a public process to arrive at its membership code, the process was hurried and last minute changes were made in order to meet the Minister's deadline. As a result, the level of local understanding and acceptance of the code is poor or inadequate. Beyond the one time grant available from DIAND for the development of membership rules, other financial and human resources have not been forthcoming to promote, clarify, publish or distribute the Band's membership rules.

Reserve residents have varying degrees of understanding about band membership. They say the Band "sort of has control", "does not have control" or "has control only when it is convenient". Some say control of membership is meaningless because "DIAND over-rides decisions anyway" and there is no appeal process in place which recognizes the Band's authority. Two cases were cited where individuals claimed a right of membership as the offspring of deceased band members. Apparently they had fraudulently secured affidavits from older people "who did not know what they were signing". While band officials knew the parents in question were not both band members and sent appeal letters to DIAND, nothing has happened and these individuals still claim a right to membership.

Some believe that the Band's membership rules permit people who have been denied status to become band members, others say they don't. Among some there is the perception that to gain treaty status also brings automatic band membership. This erroneous assumption has caused conflict among some reserve residents, because many equate a decline in resource royalties with increased population brought about by Bill C-31. (A slump in resources prices occurred concurrent to the passing of Bill C-31.)

The Band has an understanding that to fully accept and implement its membership rules means to also "buy into" the principles of Indian self-government. This Band is not sure it wants to make such a commitment

# MEMBERSHIP RULES AND RESIDENCY BY-LAWS

Three questionnaires (those directed to the Chief, the Band Manager and the Membership Clerk) contained questions relating to membership rules and residency by-laws. The following questions have been extracted from those questionnaires to show the precise responses of the band.

## MEMBERSHIP RULES

20. Do (will) your membership rules permit all Bill C-31 registrants to be Band members, some Bill C-31 registrants to be Band members, or no Bill C-31 registrants to be Band members?

ALL BILL C-31 REGISTRANTS .....	1	→	GO TO Q.22
SOME BILL C-31 REGISTRANTS .....	2	→	GO TO Q.21
NO BILL C-31 REGISTRANTS .....	3	→	GO TO Q.22
DK/NA .....	9		

21. Which Bill C-31 registrants are (will be) permitted to be Band members under your membership rules, and which are not (will not be) permitted?

RECORD ALL ANSWERS USING CATEGORIES BELOW. WHERE RESPONDENT'S ANSWERS DO NOT COVER CATEGORIES BELOW, RECORD VERBATIM AND USE ANSWER CATEGORIES AS PROBES FOR SPECIFIC RESPONSES.

How about (category), would your membership rules allow such a person to become a member?

YES NO DK/NA

AN INDIAN WOMAN MARRIED TO A NON-INDIAN MAN.....(1) 2 9

THE CHILD OF A NON-INDIAN MAN\* AND AN INDIAN WOMAN...1 (2) 9  
\* i.e. not Indian within the meaning of the Indian Act

THE DESCENDANT OF SOMEONE WHO HAD LOST STATUS FOR  
SOME OTHER REASON SUCH AS SERVING IN THE ARMED  
FORCES, OR RECEIVING LAND IN EXCHANGE FOR STATUS .....(1) (2) (9) (opinions vary)

AN INDIAN CHILD ADOPTED BY A NON-INDIAN FAMILY .....(1) 2 9

OTHER (record verbatim) .....1 2 9

22. Do (will) your membership rules permit people who have been denied status under Bill C-31 to become Band members?

YES .....	1
NO .....	2
DK/NA .....	9

Some believe that the band's membership rules permit people who have been denied status to become band members, others say they don't.



23. Could you give me some examples of people who might be denied status under Bill C-31, but who could be admitted to Band membership under your Band membership rules?

(Info. not available)

---

PROBE: o what about the grandchild of a woman who lost status because of a marriage to a non-Indian? Under Bill C-31 the grandchild would only be eligible for status if both his or her parents were eligible. Would this grandchild be admitted to Band membership under your Band membership rules?

YES .....1  
NO .....2  
DK/NA ..... 9

given the poor state of it's economy. For the Band, Bill C-31 is "just one piece of a bigger picture and no one is sure what that bigger picture is".

### Perceptions on Who Can Become a Band Member

	Yes	No	DK/NA
*An Indian Woman Married to a Non-Indian Man	x		
*The Child of a Non-Indian Man and an Indian Woman		x	
*The Descendant of Someone who had Lost Status for Some Other Reasons	x	x	x
*An Indian Child Adopted by a Non-Indian Family	x		

Within the province there are strong and often opposing positions on Bill C-31. This Band has been fairly neutral and wishes to remain so, noting that it does not have the financial or human resources to become embroiled in litigation resulting from the implementation of Bill C-31. This concern has encouraged the Band to move slowly on the implementation of it's membership rules.

Government commitment to implementing Bill C-31 is also a concern . "If the Government is not prepared to assist the Band to better understand the implications of Bill C-31 and assist in the costs of administering and providing for increased membership then the Band will likely continue to stall and defer". The Band would like to strike a local Task Force to study the impact of Bill C-31 on such matters as outstanding land claims, treaty rights, taxation, and self-government.

The Band developed residency by-laws in the early 1980's but they were never passed. Due to a critical housing shortage, discussions are taking place to revive, rework and implement residency by-laws. Non-band members, non-treaty and non-native people currently live on the reserve and are generally accepted as long as they reside with a band member. The only formal residency provisions in existence for the reserve are contained within the Band's membership code.

## **LANDS, REVENUES AND TREATY ENTITLEMENTS**

The Band does not have staff specifically dedicated to the administration of lands, revenues and treaty entitlements. Rather these matters are functions of other departments. A Councillor is generally responsible for these issues and has had this portfolio for almost a year.

The Band is working on a land use plan. Because many reserve residents do not want to work off the reserve, the priority for land use on the reserve must be revenue generation. This would mean that housing development and other non-revenue generating land use would be addressed within this framework. Recognizing a severe housing shortage, the Band faces a possible impasse in its planning. A Task Force on economic development will likely be struck to discuss this dilemma with the membership.

Perhaps the most controversial issue on this reserve is resource royalties. Non-renewable resources were discovered on the reserve in 1947 and developed in the 1950's but it was not until the early 1970's that the Band took over the administration of its resources. DIAND managed reserve lands and resources on behalf of the Band for 20 years during the 1950's and 1960's and band officials suggest that revenues from this period were never transferred to the Band. Legal action is being pursued in this regard.

The Band has instituted a system of royalty distribution which include monthly payments to band members living on the reserve, trust funds for members living off the reserve, a lump sum pay-out for members who gave up their membership (i.e. when they married outside the Band) and a number of collective investments. The 1970's and early 1980's were "wealthfare days" but by 1985 revenues had declined but individual and Band expectations of royalties had not. Today there is some "bitterness about the tap being turned off". "Without being able or willing to understand world prices, some people are looking for someone or something to blame". Conveniently, Bill C-31 has provided that scapegoat both because of timing and the perception that people who willingly gave up their status and moved away from their home, are self-interested, greedy people "who would come home just for the resource money". Yet "everyone knows the Band is poor now so there is nothing here to attract Bill C-31's. If we still had resource royalties and could build houses we'd be swamped with C-31 people coming back".

As a member of a treaty, entitlements ensure access to education and medical care. Since the treaty makes no reference to the use and control of resources and states that reserve lands cannot be sold, leased or disposed of unless agree to by the Indians, matters related to lands surrendered and revenues from reserve resources not transferred are now before the courts. There is a perception that Bill C-31 may fuel the fire needed to resolve these matters, as demands on reserve lands and resources increase.

In recognition of fiscal constraint in government, there is some concern that increased treaty-status populations and demand for treaty entitlements resulting from Bill C-31 may dilute the quality and level of service available to regular band members. There is no evidence of this occurring but 'bottlenecks' in medical and education systems have caused some frustration among C-31 registrants. For example, C-31's using other than approved dentists and/or optometrists have had difficulty and delays getting reimbursed for costs. Similarly, C-31's trying to access post-secondary education support get caught between DIAND and the Tribal Council, with neither clear who is responsible for administration. Finally, there is concern in light of provincial debates about treaties that if Bands in a treaty area refuse to accept C-31's, registrants kept on a general list may not receive all his/her treaty entitlements because treaties are with Bands not individuals.

## **BAND ADMINISTRATION AND ORGANIZATIONAL STRUCTURE**

The Chief and Councillors are elected decision makers who provide direction and policy for the day to day operations of the Band. They are also involved in day to day management and administration. Each has at least one program responsibility and is involved in the delivery of the program. The Chief and Council is then, both a Board of Directors as well as a senior management team, a situation viewed by some as effective and appropriate, and by others as a direct conflict. The Chief and each of the 9 Councillors are paid a full-time salary, estimated at \$30,000 to \$36,000 a year, about 60% of the level paid during the height of resource development on the reserve.

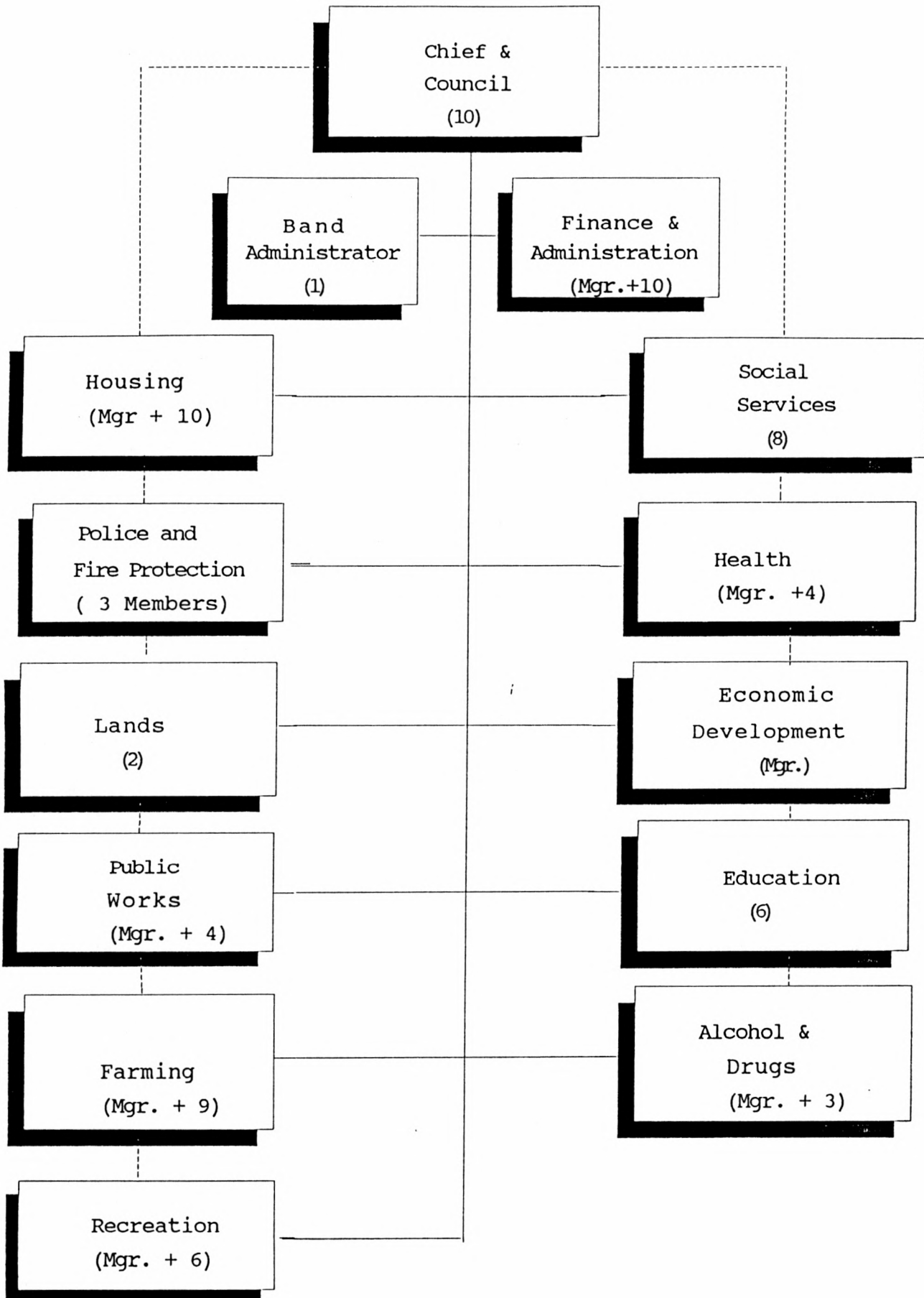
There are 12 main responsibility areas or departments within the Band's administrative structure (see organizational chart). Most program areas are headed by a manager who has a direct reporting relationship to the Councillor responsible and a functional relationship with the Band Administrator and/or the Manager of Finance and Administration. Most programs have officer, administrative and clerical staff, and some retain general labourers and skilled trades people. Depending on the season and the level of funds available it is estimated that the Band may employ up to 130 people. Currently, it has 107 people on payroll of which 85 work in the administration and delivery of Band services. Since 1985, the number of Band administrative and program delivery staff is thought to have decreased by 38%, from 117 employees in 1985 to 85 in 1989. Today, the distribution of all Band employees is:

- \* 24 in Management (including Chief and Council)
- \* 38 support staff
- \* 23 in general labour, trades and janitorial
- \* 10 in Band owned businesses
- \* 12 employed under the Alternative Work Program

In the past five years officials estimate an overall decrease in staff in economic development, housing, finance and administration, and fire and policing services. In finance and administration the number of secretarial and computer operators has decreased by about 50%. Officials say that increases in staff have been in social programs. Staff decreases are attributed to a dramatic decline in operating revenues and increases to greater unemployment on the reserve. Bill C-31 is not seen as having an impact on staff levels.

Figure 1: Band Organizational Chart

----- Reporting Relationship





Over 90% of the Band's staff are band members. The Band Administrator, a past Councillor, has been in the position for less than a year and the Director of Finance and Administration has held her position for at least 7 years. The average length of time program managers have been employed in their current positions is 4 years, the range of time in management is from 6 months to 11 years. There is some movement between people in elected and in program management positions, providing some consistency in Band administration and program delivery. The involvement of band members in Band administration is an indicator of the quality of the Band's human resources. Members of the Band have university degrees in education, experience and training in the legal profession, business management education and experience, trades certification, experience in resource industries, and accounting backgrounds to name a few.

The Band has been delivering programs for over 15 years and continues to expand its responsibilities. This year it is expected that the Band will take on greater responsibility in both its child care and health services programs. While the Band has demonstrated an ability to deliver programs, the Band has not demonstrated a capacity to plan, manage fiscal restraint or to ensure that operational policies are relevant to current circumstances. These perceptions have evolved from the fact that the Band, five years after a down-turn in its economy, is still "complaining about lost revenues and working under policies developed in 1983 when the Band was wealthy".

The Band's overall administration has not been noticeably affected by Bill C-31. Some programs have experienced increases in demand as a result of the Bill but have not warranted increases in staff or other program resources. However because the Band has not fully responded to Bill C-31 in terms of its membership, the full impact of the legislation perhaps has not been felt. Further, because Bill C-31 and a decline in resource revenues occurred concurrently, there is some confusion and perhaps mixed perceptions as to the relationship of these factors on the two main issues of concern on the reserve - lack of available housing, and loss of individual and Band revenues.

# PROGRAMS/SERVICES/BENEFITS

## PROGRAM ADMINISTRATION AND FUNDING

Over the past five years the Band's annual operations budget has decreased from over \$18 million to less than \$2 million. The Band has also moved from virtual independence of government funding to almost total dependence on it. The shift in the level and source of resources has put the Band at a disadvantage because it hasn't "nurtured government contacts", "doesn't know how to play the bureaucratic game" and "hasn't developed a government negotiations style". Therefore, the Band is perceived to fair poorly when competing for scarce public funds. Others say the Band has difficulty accessing government funding because of government attitudes that "the Band had it (resource revenues) and blew it - so why should they get any support now". Still others say that the Band philosophically has not moved from being resource rich and independent, meaning that the Band is not doing anything about securing other sources of revenues or that "the Band is still operating like it was the 1960's", a comment on both the Band's management and administrative style. On the brighter side, this Band is seriously considering entering into an Alternative Funding Agreement with the Federal Government, which will give the Band financial control and security for up to a five year period, perhaps the best compromise for a Band used to private sector independence but dependent on public sector funding.

Most program administration policies and procedures were established when the Band had resource revenues, when "annual operating budgets were developed but not necessarily followed". Today, the Band is conscious of maximizing existing scarce resources, and is slowly coming to terms with the need to monitor programs and maintain data on expenditures and program results, requirements of most government funded programs. Most programs available on the reserve are administered by the Band and funded through Contribution Agreements. Tri-partite agreements involving the Band, Tribal Council and the Federal or Provincial Government are in place for education and child and family care.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov./ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓							BAND / DIAND		
Education K & Elem					BAND / DIAND / PROU.			BAND / DIAND		
Education Secondary						✓		BAND / PROU.		
Education Post-Second.		✓						TRIBAL COUNCIL / DIAND		
Social Development	✓							BAND / DIAND		
Child/Family Care					TRIBAL COUNCIL / BAND / PROU. / DIAND			BAND / Tribal Council / DIAND / PROU.		
Seniors Care	ND									
Housing	✓							BAND / DIAND		
Community Infrastruct.	✓							BAND / DIAND		
Policing					BAND / RCMP			BAND / RCMP		
Fire Protection	✓							BAND / DIAND		
Health Services	✓							BAND / NHW		
Drug & Alc. Abuse	✓							BAND / NHW		
Other Recreation	✓							BAND / DIAND		
Farming	✓									Direct Band Subsidy

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

## **1. ECONOMIC DEVELOPMENT**

The Band employs a Director of Economic Development who provides developmental and planning advice to the Chief and Council and to residents of the reserve on business opportunities. The Director also monitors and develops specific business projects for the Band and its membership. The current Director has worked in the position for about a year and a half. While this program area has lost two-thirds of its staff over the past five years, the reduction is attributed to lack of support from DIAND and a decline in operating revenues rather than a lack of economic development opportunities or impacts from Bill C-31.

The Band has been administering an economic development program on the reserve since about 1974. Relative to economic development programs in surrounding jurisdictions, the Band's 16 year old program is still in its infancy. There is not a "broad understanding of what economic development means" and "people are unaccustomed to dealing with poverty or the need to find alternatives sources of income".

The Band's main revenue generating activities are a construction business and a Band-owned golf course. The main source of employment on the reserve and for band members is in Band administration and the Band-owned farming venture. The Band has a number of economic proposals in the developmental phase which focus on maximizing the use of reserve lands and resources and generating employment on the reserve. They include: a joint venture resource recovery program, an industrial park, the development of a second golf course, and RV park/campground/cultural village/beach development. Economic development activities are being developed to attract dollars from the near-by urban centre.

The success of proposed economic development programs very much depend on the ability of the Band to garner government support. Having been independent of government funding for almost two decades, the Band has experienced difficulty and lengthy delays trying to get financial support. A proposal for financing for the development of a race track was stymied for 6 months and then finally turned-back and it has take a year for an application related to the development of a golf course to come before a review board. Small projects such as accessing \$5,000 under DIAND's entrepreneurial programs "seem to take almost as long and as much paper-work as a capital project worth \$.5 million".

The Band's economic development activities have not been impacted directly by Bill C-31. The tax exempt status of reserves is attractive to entrepreneurs of all kinds but there has been no noticeable increase in the uptake of economic development programs as a result of Bill C-31.

The Band estimates its labour force at 450 and its unemployment rate at 62%. It is thought that unemployment drops to about 50% during the summer when a greater number of seasonal jobs are available. There is a perception that unemployment on the reserve has declined in the past two years but is still high and double that of five years. The Band estimates that of the some 70 C-31's living on the reserve 12 are in the labour force and of these only 2 are employed. There is no way of verifying these data but it is suggested that Band estimates refer only to those C-31's who are 'new' residents. This seems to follow C-31 and regular band member perceptions. C-31's are perceived as generally able to get the jobs they want on or off the reserve because they have a stronger work ethic and a broader range of skills, having had greater exposure to and experience in the labour market. Many C-31's work off the reserve and seek summer employment at the Band's golf course which serves a broad native and non-native market, indicating an interest in contributing their skills to Band interests. As a result of Bill C-31 the Band has broadened its skill base, and more role models and a more competitive labour force are available. Combined, these factors have helped encourage adult band members to go back to school.

Assuming no great influx of C-31's, there should be no increased burden to the Band's current employment situation and economic activity. Proximity to a city and a range of job opportunities cause some to say that C-31's and regular band members alike have "no excuse for being out of work". The constraint for many regular Band members is fear/intimidation of employment off the reserve and for others "unwillingness to work because they have been spoiled by years of resource royalties".

While officials say all job applicants have an equal opportunity for available jobs, there is some resentment that C-31's appear to be getting jobs on the reserve. This resentment is revealed in comments that C-31's are "pushy" and "expect too much from the Band". There is also some concern that badly needed business ideas which C-31's may bring may be discouraged because the Band is reluctant to make decisions quickly because it is not "the Indian way".



## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members	437	170	267
Bill C-31 Registrants	12	2	10
Total	449	172	277

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members					
Bill C-31 Registrants					
Total	NA	NA	NA	NA	NA



## **2. EDUCATION: KINDERGARTEN, ELEMENTARY, SECONDARY**

A primary school serving both the reserve and the surrounding county is located on the reserve. The school is attended by approximately 500 students of which up to 300 students are from the reserve and some 200 are non-Band, off-reserve children. The Band estimates only 2 C-31's enrolled in each of the elementary and secondary schools. It is suggested that these data refer to 'new' C-31 residents. In 1989, the enrolment of regular band students and C-31 students in elementary and secondary school had increased by over 50% from 1985. Increases in student enrolment cannot be attributed to overall population growth or to C-31 impacts. Band officials can offer no explanation for these increases other than to suggest that 1984/85 data may be inaccurate.

Kindergarten to Grade 9 is offered at the school. The school is administered by a county school board under a tri-partite agreement with the Band and DIAND. This arrangement has been in place since 1976. The Band is a member of the county school board along with representatives of surrounding counties and municipalities. The Band currently has one representative on the seven-person board and is seeking greater representation. A playschool built to serve the general public is also located on the reserve.

The President of the Band's Education Committee has been in her position for the past year. The Band employs six people at the primary school and the play school. This number and the people holding these positions, has generally not changed in the past five years. The primary school offers the standard provincial curriculum as well as Indian language instruction, a staff position funded by DIAND. Indian language courses are optional for all grades but representatives of the Band would like to see it compulsory for kindergarten through to Grade 6. In addition, the Band would like to see the development and integration of a cultural based curriculum in the school. The playschool operates as a "babysitting service" and while built for 95, serves 12 children per day.

Secondary school students attend school off the reserve in the city or a nearby suburban community. Schools are operated by the province, and administered by local school boards. The Band employed school counsellor works with secondary school students attending school off the reserve. Students from the reserve are attending a number of different secondary institutions and transportation has become an issue which has in part been resolved by car-pools and increase parental responsibility in the transportation of their children to high school.

There has not been any noticeable impact from Bill C-31 registrants on primary or secondary education. This perception arises from the feeling that the children of most registrants were already resident on the reserve and attending primary and secondary school "along with everyone else". Because the primary school has always involved native and non-native people and "kids from the reserve are used to mixing with the kids of lawyers and doctors", little potential exists for emotional, attitudinal or social problems arising from the off-spring of C-31 registrants new to the reserve.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	DK	DK	39	36
Elementary * School	258	2	260	146
Secondary * School	99	2	101	66

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	39	21
Number Bill C-31 Students Receiving Funding	4	Not Applicable
Total	43	21

### 3. EDUCATION: POST-SECONDARY

Post-secondary education available to treaty people and band members is administered by the Tribal Council. The Tribal Council administers student allowances, housing allowances, orders books and other course materials, registers students in programs and provides follow-up support as required. The Tribal Council estimates that the support required for each student is about \$900-\$1,000. per month as most students have dependents. With a total adult student population of about 150, the Tribal Council estimates that some 10% of these are Bill C-31's.

A down-turn in the Band's economy and greater competition for limited jobs, has sparked a renewed interest in adult and post-secondary education. This is confirmed by the Tribal Council who reports that the Band was the last to participate in the post-secondary education services offered by the Tribal Council. The Council estimates that 20-25% of its student population (38 students) are from the reserve but that there may be only "1 or 2" Bill C-31's. The Band estimates that 43 students (39 regular band members and 4 C-31's) are receiving post-secondary assistance.

The Tribal Council offers at its facility, a full complement of university transfer programs including a one year Administration Certificate Program, a Health Development Administration Program (CHR Program), a two year Social Services Program, and a University/College Preparation Program (upgrading). Other programs including a Bachelor of Social Work program are under development. The Tribal Council also sponsors students to programs on college and university campuses elsewhere in the province and country.

The Band itself has not experienced any increased pressures related to post-secondary education as a result of Bill C-31. Band representatives say that C-31's like everyone else are looking for information on upgrading and post-secondary programs and particularly about funding support. The Band does receive the occasional phone call from band members living off the reserve for information. Band representatives say they encourage everyone regardless of status, to improve themselves. The Band refers requests to the Tribal Council and is not aware that the Tribal Council is having any problems meeting demand. Because the administration of education for C-31 registrants remains with DIAND, C-31 students and the Tribal Council have been frustrated in their efforts to access services. Quite often C-31's are "caught in-between DIAND and the Tribal Council", with neither clear who is responsible for the administration of

PSEAP for C-31's. To this end, there is the perception that C-31's may not have the same access to education as regular band members.

Some reserve residents say if there has been any impact from C-31 it is in a greater awareness among regular band members of the need to get an education in order to compete for jobs.

#### **4. SOCIAL ASSISTANCE AND SOCIAL DEVELOPMENT**

##### **a) Income Security Programs**

The Band administers an income security program for reserve residents and has done so since the late 1970's. The income security program has five elements: Social Assistance (basic income needs-food, shelter and clothing), Child Out-Of-Parental Home, In-Home (care) program (generally for elders), Alternative Employment Program (work for welfare), and Special Needs (catch-all temporary need). The In-Home Program and Alternative Employment Program are developing programs. Three Band employees currently administer and deliver these programs. Program staff have tripled in the past 2.5 years as a result more programs becoming available. The Co-ordinator of income security programs has worked in her position for 2.5 years.

The demand for income security programs varies with the season. In the summer demand decreases with availability of seasonal jobs in construction and at the golf course. Basic Needs (financial assistance) is used the most but overall demand has declined over the past three years. In 1989 the estimated average monthly case load was 88 compared to 105 cases in 1987. Data for 1984 is unavailable. The demand for income security programs has generally been high since the downturn in the reserve's economy. For the some 20 years resource royalties were paid to the membership, individuals came to expect \$500 per month in royalty payments. Over the past 5 years royalties to band members have steadily declined to \$300. then \$75. and now \$20. per month. A loss of individual and family royalty income has not been replaced with employment income but with welfare.

Bill C-31 registrants have not placed an inordinate demand on income security programs. Most C-31 registrants receiving income support are not new to the reserve. "C-31's on welfare in the city who might come back to the reserve will also likely be on welfare but they won't stay long because it is easier to get welfare in the city". This is not to say that C-31's are serviced differently than regular Band members, they aren't, "it is just the way the system works".

If C-31 registrants have increased pressures on the Band's income security programs, it is as a result of "their attitudes and not their numbers". Some are perceived as "pushy" and unprepared to wait like everyone else. There is a feeling among some band members that C-31's think that "the Band owes them something". An aggressive attitude will, in the opinion of some officials only cause alienation in the longer term and in the short term, be disruptive to



program people who are trying to deliver programs to everyone in need on the reserve.

#### **b) Child and Family Care**

The Tribal Council administers child protection services on the reserve through a joint agreement involving the province, the county, DIAND and the Band. Through this agreement, the Band and Tribal Council receive financial support from DIAND and the province. The province employs a case worker to work on the reserve who is responsible for apprehensions. The three Band employees focus on child protection and prevention. The senior child care worker has been in her position for 2.5 years. Programs include a Foster Care Maintenance Program, Counselling, Child Protection and Community Development. The joint agreement for child protection has been in place for almost five years. Prior to that child care services were provided by the county.

Child abuse intervention, information, counselling and financial assistance are the types of services most frequently sought. There have been no changes in demand or type of services being sought as a result of C-31 because many of the registrants were already residents of the reserve. However as a result of C-31, awareness and an increase in inquiries and concerns about children living off the reserve has arisen. In this regard, child protection workers have experienced increasing involvement in investigations related to the registration of children who may be permanent wards or children of negligent parents. With a large off-reserve population and proximity to the city, there are cases where the children of band members have been apprehended at birth and adopted without the Band's permission (which is required for the children of band members) and, cases where the off-spring of band members have been raised off the reserve without any knowledge of their heritage.

There is "fear for the children" who are not being registered either on a general list or on the Band list and the fact that the Band is not implementing its membership rules means that the second generation may be denied both treaty and the band membership rights. If the second generation is not "caught now, the problem and confusion will escalate resulting in an incredible mess when this second generation begins to have children".

### **c) Care for Senior Citizens**

The Band provides no special programs per se for seniors. Services to seniors are available through income security programs (i.e. such as In-home Program and Basic or Special Needs), housing programs (i.e. such as housing repair) and through the Band's Community Health Representative Program.

Senior citizens are well-cared for by family members. No old age home/facility exists on the reserve. The number of elders in the community is estimated at 20 of which one is a C-31 registrant. Bill C-31 is perceived to have had no effect on the programs and support available to elders on the reserve.

## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total
7 fam.	18 fam. 17 sgl.	25 fam. 17 sgl.	1 fam.	5 fam. 1 sgl.	6 fam. 1 sgl.	8 fam.	23 fam. 18 sgl.	31 families 18 singles

Estimated Take-up of Basic Needs and Special Needs Programs, 1989 (Monthly Averages)

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
Basic Needs	42	5	47	NA
Child out of Parental Home	10	0	10	NA
Special Needs	7	3	10	NA
In-Home Program	8	1	9	NA
Alternative Employment Prog.	12	0	12	NA

# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members				20	15	15
Bill C-31 Registrants	Not Applicable			0	0	0
Total	NA	NA	NA	20	15	15

The above figures indicate family groups using Child Care Services.  
The average family group size is 3-4 children.

## **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	ND	ND	ND	ND	ND	ND

## **5. HOUSING AND "MUNICIPAL-TYPE" SERVICES**

### **a) Housing**

Since the 1970's the Band has administered the development and maintenance of all residential units on the reserve. The current Councillor responsible for housing has worked in this area for less than a year. Until the mid-1980's the Band had the resources to develop new homes and many were developed on acreages. Since the Band's economy went flat five years ago, there have been no new housing starts. Funding available for housing and community infrastructure has been inadequate for both maintenance and new house construction. Over the past five years a decline in Band revenues has also resulted in a reduction of housing maintenance staff by about 50% to 11 people.

The policies in place for housing were developed in 1983/84 when the Band was "resource rich". These policies are no longer considered appropriate. Housing on the reserve while all owned by the Band do fall into two categories: Certificates of Occupancy (CO's) give the Band full authority and Certificates of Possession (CP's) which are issued after a lengthy period of occupancy, give the occupant the ability to rent out his/her house if it is vacated. The Band has an application process in place for housing units and endeavours to accord available housing to band members on a "waiting list" basis. C-31 registrants not on the band list are ineligible for housing. There are approximately 200 housing units on the reserve of which approximately 10% are apartments and duplexes, 20% single trailer units and 70% single family dwellings. The units are divided almost evenly between the village and country acreages scattered throughout the reserve. About 70% of the units are in good condition and 30% require upgrading and repair. It is estimated that a small number of C-31's reside in Band housing either with band members or in homes unofficially rented out by band members. The number of C-31's in Band housing is thought not to exceed 12.

The Band estimates a shortage of 30 units and a need for 100 additional units over the next five years. The greatest demand is among young adults 19 to 25 years of age and newly-weds. To address housing shortages the Band is reviewing its policies and the organizational structure for housing on the reserve. Residency by-laws and user/rental fees are being considered. An option for organizational development is a profit-oriented housing corporation. The Band is planning to strike a task force to address housing concerns in the near future. In

the interim, the Band is restricting the common practice of CP and lately of CO holders, of leasing out their houses if they vacate for other than for educational or medical reasons. Rather the Band will allocate all unoccupied homes.

"If people on the reserve wanted to live like city people, the reserve could accommodate lots of people but it is not our way to live on top of each other in apartments or so close to each other." The land available for housing is limited, only one five acre parcel has been identified. Planning for residential development is hamstrung by economic pressures to allocate land for revenue generation rather than housing. The Band is clearing an area in the village for housing and the area should render about 25 lots that can be easily serviced. Housing demands by the membership are for homes in the country. In addition to concerns about parcelling land and potential alienation from commercial pursuits, the Band is concerned about the high cost of developing and maintaining the infrastructure associated with rural housing. The estimated cost of digging a well is \$3,000.

Initially, the Band pursued the one time grant for housing renovations for C-31's and during 1988 and 1989 the Band received approximately \$19,000. The Band did not pursue the \$19,000 available for new house construction due to a lack of developable land, a lack of commitment from the government for ongoing funds for maintenance and infrastructure (i.e. water and sewage), and an awareness that the Band would have to subsidize new home construction because "\$19,000. is hardly enough to build a teepee".

A general confusion about membership rules and eligibility for housing has many reserve residents feeling that Bill C-31 has complicated an already tense housing situation. It was suggested that one of the reasons the Band has not implemented its membership code is because "there just isn't enough housing to go around for regular band members let alone C-31's". At the same time, there are perceptions that because housing renovation grants were made available for C-31's that these reserve residents are getting priority treatment.

In general the Band's approach to C-31 and housing has been one of "deferment to the Federal Government". It is clear that the Band sees a lack of commitment on the government's part toward the implementation of the Bill especially in terms of new house construction and ongoing maintenance costs. "The Band didn't bring this Bill into law and it is not going to get left holding the bag- we just can't afford the cost".



## **b) Municipal Infrastructure**

The Band maintains a Public Works unit responsible for basic community infrastructure. The unit is staffed by 5 people, approximately two-thirds of the staff complement five years ago, again due to a reduction in Band revenues. The Councillor responsible for housing also looks after infrastructure development and has done so since the last election less than one year ago.

The Band is responsible for maintaining water and sewage systems. Residences, Band offices and community facilities located in the village receive water from a main reservoir and sewage is drained into a lagoon. Country residences use wells (which the Band is responsible for digging) and sewage seepage beds. The Band is currently building a new lagoon to augment the existing facility which was originally designed to accommodate only 20 units. Natural gas is commonly used for heating and transmission lines bring electricity to the reserve. These services are user pay.

A provincially maintained highway bypassing the city runs through the reserve and discussions are underway to widen this highway, a proposal which will bring some revenues to the reserve. The reserve also has a range of community facilities which include a two storey Band office (opened in 1983), school, health clinic, day care facility (for 95 children), recreation complex (gym, arena and community centre), Roman Catholic church and hall, community garage and firehall. The Band is experiencing some difficulty funding the ongoing maintenance of community facilities.

Bill C-31 is not perceived as having a direct impact on the availability or condition of community infrastructure because some facilities, such as the recreation complex and day care centre, were built to serve the Band as well as the general public on a user pay basis. In cases where water and sewage systems have been upgraded/renovated for C-31's, the Band has had to absorb some of the costs due to inadequate capital and maintenance funding. The actual cost of these is unknown.

## **c) Policing**

The Band has responsibility for enforcing provincial statutes on the reserve under an agreement with the Solicitor General. Offences under the Criminal Code are handled by the RCMP. The Band provides administration and is

responsible for hiring Band police staff, upon recommendation from the Solicitor General. The Band has been administering policing on the reserve for 15 to 20 years. Currently the Band employs one officer, one-fifth the staff of five years ago. The current officer has worked with the Band for 10 years. A reduction in police staff is attributed directly to availability of funds. Equipment available has also been reduced from five to one vehicles and the Band is having difficulty funding current maintenance costs.

The RCMP renders the services of a special constable to conduct regular public liaison with band members but the work load of the Band's officer is enormous, ranging between 285 and 350 hours per month. Policing time is spent on patrol, call-outs and liaison. In addition the officer also handles an average of 65 phone calls each month related to insurance, vehicle licencing, family abuse, etc. inquiries. Approximately 3 complaints are handled daily. The nature of call-outs range from drunk driving to family disputes to trespassing to alcohol and solvent abuse to attempted suicide. Last year there was a murder on the reserve. 99% of criminal activity on the reserve is solvent or alcohol related.

Over the past five years, the reserve's crime rate has decreased mainly because of less money (and therefore less gambling, drinking and parties) and a different style of policing (greater effort in public relations). At the same time, the type of criminal activity on the reserve is changing. Today more serious and violent crimes are being committed, murder and attempted murder. Bill C-31 is perceived as having no direct impact on policing services. However, the proximity of the reserve to the city, the transient nature of some reserve residents, many of whom are C-31's, and the flow of people from other reserves and non-native people from the city to the reserve are perceived to be at the root of many disturbances. "Druggies" and solvent abusers who traditionally hang around malls in the city are coming in increasing number to the reserve. For some residents, the increasing number of strangers is linked to those C-31's who have lived off the reserve, come home and brought with them "the dregs of the city".

The flow of strangers onto the reserve, the demand for regular patrols of the Band's busy commercial and recreational facilities and the number of disturbances and unlawful activity suggests a need for 4 or 5 officers to provide 24 hour service to the reserve. One officer handling in excess of 1200 incidents in 1988 exclusive of daily telephone inquiries and the regular visits from the RCMP, is inadequate. The Band has lobbied unsuccessfully for additional funds and as a result is barely able to maintain its one officer (currently paid \$18,500 annually) let alone secure much needed additional staff and equipment.

#### **d) Fire Protection**

The Band's fire protection service focuses primarily on fire fighting and prevention. The Band retains two staff members in fire protection and has a complement of about 7 volunteer fire fighters. The current Fire Chief has been in his position for the past 5 years. While fire protection staff have doubled in the past five years, the number of volunteer fire fighters has decreased by half. Like all other services on the reserve, a reduction in resource revenues and therefore the per diem rate paid to volunteers, accounts for the lower number of volunteers. Five years ago volunteers may have been paid a stand-by fee of about \$200./month. Today, volunteers are paid the minimum call out fee paid by DIAND, of \$10.

The Band started its own fire protection service in 1973/74 and since 1982 has had a mutual aid agreement with the surrounding county. The Tribal Council employs a fire control officer who works with the Band in the area of prevention and liaison with the Federal Government. The Band's fire protection service is equipped with a fire truck and 1,000 gallon pumper, (three) breathing apparatus, 1300-1400 ft. of hose, and a small fire hall. Only 2 buildings on the reserve are tied into the county's alarm system. The current fire hall offers no opportunity for expansion of staff or equipment and the Band is negotiating with DIAND and the county for the development of a fully operational fire hall on the reserve.

The number of fires is greatest in spring (grass fires) and may number 2-3 each day. In 1989 there were 3-4 house fires but this was high. On average there may be 1-2 house fires each year. Since 1974, 1 person has been killed in a fire on the reserve. No distinction is made between services to Bill C-31's and regular band members.

There is the perception that Bill C-31 has had no direct effect on the Band's fire protection services. However an ever increasing reserve population and housing shortage, situations which are both complicated by Bill C-31, have caused some overcrowding, creating greater opportunities for fire and casualties. With Band and C-31 people moving out from the city, a flow of strangers come with them which often creates a climate for parties and conflict, and an environment where fires can start. Of late there have been complaints of vandalism and trespassing in the community, causing people to board up windows, reducing the ability of individuals to escape in the case of a fire. The Band has been running fire awareness and prevention programs to try to counter these situations.

## 6. HEALTH

For the past 11 years the Band has administered a Community Health Representative Program (CHR) on the reserve under a contribution agreement with Medical Services (NHW). The current CHR has been with the program since its inception. The CHR Program is a preventive program providing referrals, some treatment, immunizations and work with the handicapped and aged. The Band employs five people under the CHR program including a registered CHR, a CHR trainee, a clerk, driver and janitor. The trainee and janitor positions have been created in the last five years as a result of an increase level of funding through Medical Services. National Health and Welfare also funds visits by a nurse (twice a week), doctor (three time a week) and a dental therapist. It is anticipated that the reserve may receive the services of a full time nurse later this year.

80% of the work done through the CHR is field work. CHR services are available to all reserve residents and to band members residing off the reserve. It is not unusual for band members residing in the city to bring their children to the reserve for immunization. Bill C-31 registrants have had no impact on services provided and are not identified separately. Data on changes to non-insured health benefits attributed to C-31 are unavailable. The average monthly client load for the CHR program is 40-50 clients, distributed evenly among youth, adults, and seniors and among pre-natal, at risk, special needs, mental health, communicable diseases and TB. C-31's report some frustration with health care services and administrative systems. For example, C-31's using other than approved services (i.e. dentists and optometrists) have had difficulty or experienced delays getting reimbursed for costs.

NNADAP funds an alcohol, drug and substance abuse program on the reserve. It is administered by the Band and operated by four staff members, an increase of one over five years ago. The Band has been running this program for over 10 years but the current co-ordinator, an past Band Councillor, has worked with the program for less than a year. The program provides aftercare (counselling) and prepares people for rehabilitation. Services are available to all reserve residents native and non-native as well as to band members residing off the reserve. Because the service is provided to everyone, no distinction is made among those clients who are regular Band members and those who are Bill C-31.

Over the past five years, there has been an increase in demand for program services but the relationship of increasing demand to Bill C-31 has not been

assessed. Solvent and drug abuse has increased substantially and the program is dealing with some 26 referrals. There have been three deaths in the last three months and each has been alcohol related. Overall, it is estimated that perhaps 84% of all deaths on the reserve are alcohol related.

## HEALTH SERVICES PROFILE

### BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Appli- cable					
Total	NA	NA	NA	NA	NA	NA



## OTHER BILL C-31 IMPACTS

### a) Attitudinal

"They knew what they were giving up why should they be given a second chance?"

Most Indian people are raised to believe in and respect family and community, and to understand the importance of heritage and of being an aboriginal person and recognized as one. Most Indian people young and old have been taught that to consciously give up one's treaty status is to demonstrate disrespect for family, community and heritage. For those women who consciously gave up their treaty rights by marrying outside and leaving the community, reserve residents show little tolerance and acceptance of them. While perceived as small in number, it is this segment of Bill C-31 registrants who are the brunt of most criticism. Persons who have always lived on the reserve and who are accepted as part of the community "and did not have status as a result of an Indian agent not registering them" or some other such reason, are generally seen as deserving of treaty and band rights.

For the most part C-31's are pleased to be recognized as treaty people and accorded treaty rights and most have made use of these entitlements. Whether they are accepted as band members is for many, not an issue. Most say they have always had to look after themselves and they are not looking for any "hand-outs from the Band" now. Most feel they are treated no differently than other reserve residents and they prefer to keep it that way.

## CONCLUSIONS

The main issue for the Band is its economy which has gone from a state of "wealthfare" to one of welfare. It is unfortunate that the timing of economic depression coincided with Bill C-31 because both issues have become inextricably bound together, making a fair assessment of the impacts of C-31 virtually impossible. Yet it seems fair to say that overall the Bill has had no real impact on the quality or type of programs and services available, mainly because most are delivered to all reserve residents and most C-31's have always lived on the reserve.

The main impact that Bill C-31 has had on the Band is to heighten awareness of those programs and services that are deficient whether as a result of lack of funds, staff and/or appropriate policies. Heightening awareness should not be confused with cause. It is the opinion of the author that program deficiencies would still have existed without C-31 coming into law. Bill C-31 has helped bring housing shortages, inadequacies in police staff and fire protection services to the forefront and while unsuccessful to date, the Band clearly recognizes that these deficiencies must be dealt with.

A second impact of Bill C-31 is one of having "backed the Chief and Council into a corner". Reeling from a lost economic base and continued high expectations of its membership, the Band has been inconsistent in its stand on the Bill whether as a result of external pressures or lack of time and resources. Initially opposing the Bill, then responding to the legislation, then seeking approval of its membership rules and securing C-31 housing funding and, now stalling and deferring on applications for membership, the Chief and Council have perpetuated confusion and heighten emotions over the Bill. As a result, the leadership has lost some credibility in the eyes of its membership. Yet the question remains how can the Band now accept applications for membership when it can't afford to provide housing for regular band members?

Having been relatively independent from government and somewhat self-sufficient, Bill C-31 has helped create an awareness of modern day aboriginal issues and the role that governments and bands are playing in them. The Bill C-31 experience has demonstrated to this Band that it should not "charge ahead and try to abide by the law" without first assessing the implications of one piece of legislation on other government initiatives. The Band now realizes that Bill C-31 is just "one piece of a bigger picture" and that bigger picture may include self-government, taxation, treaty rights and land claims.

The Bill has had other impacts, of relatively minor importance compared to those mentioned above.

- \*Improved the skilled human resources of the Band,
- \*Created positive role models in the community, and
- \*Created an awareness of the plight of children living off the reserve.

***Band Case Study #5***

## METHODOLOGY

In total, 18 individuals were interviewed. Nine band officials were interviewed. The on-reserve doctor and the nurse in charge of the clinic were interviewed on health (neither the doctor nor the nurse are employees of the band). Three Bill C-31 and four regular band members were also interviewed. The Director of Operations (Band Manager) completed the administration, policing, and community infrastructure questionnaires. The director of social services provided information in response to the questions on care for seniors, child and family care services, and social assistance and social development.

This study conforms to the given methodology, with the following exceptions:

- The information for a number of data collection sheets was unavailable. In some cases, respondents gave estimates. No information was provided for unemployment among labour force and education of labour force.
- The interview for fire protection services has not been completed.
- Only three Bill C-31 respondents were available to be interviewed during the field work and subsequent attempts to contact another by telephone were unsuccessful.

## BAND PROFILE

### Location

This band is the amalgamation of two reserves located in the northern half of the prairies. The closest urban settlement is a small city about 60 kilometres south of the reserve. A paved highway leads from the reserve to the city. Daily flights are available from the city to major urban centre in two provinces. As well, there is good highway access to other large cities.

The reserve is bounded by agricultural land to the south and forest to the north. About one-third (28.3%) of the reserve is forest and bush, 60 percent (59.3%) is agricultural, nine percent (8.9%) water, and four percent (3.6%) is classified as other. Little of the land is used for agricultural purposes, although some is leased out to non-reserve farmers.

The total size of the reserves is about 50-60,000 acres. There are approximately 15 acres per individual on the reserve. However, large sections of the reserve are not serviced by roads. Housing is limited to serviced land, most of which is along roadways. It was estimated that five percent of the land is suitable for housing (ie, could be serviced and was near roads.) Space for housing was seen as the main problem because currently most land is tied up in "ancestral rights." However, it would appear that this simply means the same families have lived on or near particular pieces of land for a long time. From the interviews, there does not appear to be any "legal" title of ownership to the land.

### Demographics

In 1989, the total on-reserve population was 1474. This included approximately 60 nurses, teachers, or other non-Indian residents, as well as a number of non-status Indians. The band membership on-reserve in 1989 was about 1344. In 1989 the total off-reserve population was about 1020.

Forty-eight Bill C-31 registrants are considered members, 16 of whom live on the reserve. These are all first generation registrants. Only two Bill C-31 registrants have moved back to the reserve. The other 14 had lived on the reserve most of their lives or lived there when they regained their status.



## Political Process

The band is treaty. The treaty provides a small annuity for members, schooling, medical care and describes the amount of land to be provided on a per family basis (one square mile per family of five).

The band is affiliated with a tribal council. The main purpose of this relationship is political, but the council does provide services as well. For example, it provides economic development advice and housing inspection services. The on-reserve Health Clinic is staffed and administered by the tribal council's health services department.

The Chief-in-Council is elected by band members every two years. There are currently nine councillors including the Chief. The Chief sees his role as 'jack-of-all-trades' and acts to ensure policy initiatives are carried out. He liaises with other governments and other Indian organizations. He is the president of the band-owned corporation.

The Chief-in-Council is the governing body of the reserve. "We are the local government." It sets policy for employment, capital ventures, training, and the like. The council meets on a weekly basis. The meetings are usually closed, but individuals may appear before the council with problems or grievances.

Community meetings are held every second month, but they are not well attended ("very few people come out"). The council provides information on policy and problems that face the band. Band members can use these meetings to express their views, voice their concerns, or raise any dissatisfaction. A number of these meetings were used to discuss membership codes for the band.

According to all band officials asked, the band has taken control of its membership rules, but has not yet finalized them. They were received in Ottawa on June 27, 1987. The membership rules were discussed by Chief-in-Council and elders. Workshops were held and a petition to take control was circulated among all on-reserve band members. The membership rules must be voted on by the band membership before it comes into effect. According to the membership clerk, the band is responsible for the up-keep of its membership list.

Under the band's membership rules, non-status Indians are not allowed to be members. All first generation Bill C-31 registrants are automatically conferred membership. According to the Chief and director of operations, the band's membership rules would permit all Bill C-31 registrants to be band members. According to the membership clerk, some Bill C-31 registrants would be permitted, but in response to question 21 stated that she did not know and that it would depend. In each case, she said, the individual could apply and the band would decide. Second generation Bill C-31, if they apply, would have to be voted on by the membership.

The band does not have residency bylaws. However, the Chief-in-Council have had discussions on this matter. Currently, there is an understanding that non-members can live on the reserve (with members) as long as they do not cause problems. No one indicated that non-members had every been turned off the reserve.

### Lands, Revenues and Treaty Entitlements

Revenues are still the responsibility of INAC, while the band has responsibility for the lands and treaty entitlements. The band began administering these two aspects about seven years ago.

The band sources of revenue include leased land to on-reserve farmers in the area and gas exploration permits. The band also has an economic development corporation which owns a construction company, service station and tire and automotive centre franchise in the town nearby.

There are not a lot of revenues, but the band is expecting to increase revenues substantially. Gas exploration and a joint venture with an oil and gas company may result in major income for the band. It was felt if revenues did increase, "then the problems (with Bill C-31 registrants) will begin."

## Band Administration and Organizational Structure

The organization of band administration shows the Chief as the head of the local government. Reporting to the Chief-in-Council is the director of operations, and through him the directors of the various band services. Financial services report through the director of operations or through committees or boards established by the Chief-in-Council. An Elder's Advisory council liaises directly with the council or Chief.

The band employs (including other activities such as construction, teaching, etc.) about 135 persons (author's estimate). There are six program administrators and 15 support staff. In the last five years, the number of employees increased by 50. The increase in staff was mainly due to the band taking over more responsibility in education. Bill C-31 had no impact on this increase in staff.

### Number of Band Employees

	1990	1985
Program Administrators	6	6
Support Staff (Clerical)	15	8
Construction, Janitorial		
Education	<u>115</u>	<u>66</u>
	136	80

The band manager has been in the position for over seven years and adds continuity to the administration. Most of the other administrators have been in the positions from two to five years.

There has been no increase in population from Bill C-31. In fact, the only Bill C-31 registrants who have returned to the reserve are an elderly couple who came back to retire.

## PROGRAMS/SERVICES/BENEFITS

### Program Administration and Funding

Most of the band's operating funds come through contribution agreements. The health care services are at the band level, but the band health clinic is run and staffed by a native health organization representing a number of bands. The native health organization runs the health services on the reserve. Health staff on the reserve are employees of the native health organization.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov./ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓							BAND/ DIAND		
Education K & Elem	✓							BAND/ DIAND		
Education Secondary	✓							BAND/ DIAND		
Education Post-Second.	✓							BAND/ DIAND		
Social Development	✓							BAND/ DIAND		
Child/Family Care						✓				PROV.
Seniors Care	✓							BAND/ DIAND		
Housing	✓							BAND/ DIAND		
Community Infrastruct.	✓							BAND/ DIAND		
Policing							RCMP			RCMP
Fire Protection	✓							BAND/ DIAND		
Health Services					BAND/ HEALTH ORG.					NHW
Drug & Alc. Abuse					BAND/ HEALTH ORG.					NHW
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

## 1. Economic Development

The band has created an economic development corporation which provides the reserve with economic development planning and business development planning. The corporation is separate from the Chief-in-Council. It has its own Board of Directors and is considered apolitical. The corporation develops business plans, and does market research and feasibility studies. The general manager of the development corporation has held the position for the last five years. There are no other economic development staff. The band has been administering its economic development for seven years.

The areas of present economic activity include on-reserve construction, (mainly housing) and a corporation which owns and operates a service station, tire store and automotive centre in the city near the reserve, as well as runs a construction company there. The development company is in the final stages of planning the construction of a retail mall on the reserve.

The major source of employment for band members are the band offices, including construction of on-reserve housing. There is also some small subsistence farming done on the reserve. The nearby town provides jobs of all sorts in trades (mechanics, welders, carpenters) and service (retail clerks). The businesses owned by the development company provide 10 to 25 jobs, depending on the season (construction jobs are seasonal). The retail mall on the reserve will create 12 to 15 permanent jobs. The philosophy of the development corporation is to give native workers priority in hiring, but qualifications are the main criteria for employment.

The corporation provides training in a variety of trades from pipe fitting and welding to automotive mechanics. With the construction of the mall, training will be offered in service industry jobs such as clerk, cashier, and management.

Neither the reserve nor the neighbouring non-Indian communities have sufficient economic activity to generate work opportunities for the current reserve population. The area is resource based, and currently there is a market slump. Unemployment was estimated to be 85 percent of the labour force.

Bill C-31 has had no major impact on the employment situation. There has been no big influx of people back to the reserve, nor any great demand from people waiting to move back to the reserve. Because a great deal of the development corporation's activities are off-reserve, Bill C-31 registrants have certain advantages. Since Bill C-31 registrants often have lived away from the reserve in urban centres, "they are more urbanized and better able to work in an urban setting." The corporation has hired Bill C-31 registrants in the past because they had retail experience. "They knew how to deal with the public."

There was the perception that Bill C-31 registrants are more likely to have job skills, a work background, and generally have more experience in the work force than on-reserve Indians.

One Bill C-31 registrant who was interviewed had a job on the reserve, and all three respondents felt that their employment opportunities were similar to regular band members.



## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members			
Bill C-31 Registrants			
Total	NA	NA	NA

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members					
Bill C-31 Registrants					
Total	NA	NA	NA	NA	NA

## 2. Education: Kindergarten, Elementary, Secondary

The band is responsible for primary and secondary schools. The band began the administration of education in 1981. The Superintendent of education has been in the position for four years. This is an apolitical position that deals with school programming and teacher evaluation. The on-reserve schools employ 100 staff: 65 teachers, 10 maintenance workers, 16 bus drivers, and there are about 10 other positions such as educational psychologist and executive assistant. In 1985, it was estimated that the total educational staff was about 50. The increase results from increased enrolment and program develop.

Children on the reserve attend the reserve's schools. Currently two small elementary schools (nursery school to grade 3 - approximately 160 students in each) and one large school (grades 4 to 12 - 450 students) exist on the reserve. A high school is in the planning stages.

	Number in Kindergarten	Number in Elementary	Number in Secondary
REGULAR	140	349	307
BILL C-31	15	7	3
TOTAL	155	352	310

1986/87\*

REGULAR	109	322	288
---------	-----	-----	-----

\* 1984/85 not available

All children on the reserve, whether or not they are band members, can attend these schools. No distinction is made between Bill C-31 children and regular band members. The real difference is whether they reside on or off the reserve.

There has been no additional pressure on the primary and secondary education caused by Bill C-31. In fact, larger enrolments were seen as beneficial by the school superintendent. Increases in the number of students means that the on-reserve schools get more money and more money means more and better programs can be offered.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1986-87 <del>1984-85</del> Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	140	15	155	109
Elementary * School	345	7	352	322
Secondary * School	307	3	310	288

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	82	37
Number Bill C-31 Students Receiving Funding	3	Not Applicable
Total	85	37

### 3. Education: Post Secondary

The post-secondary education assistance program (PSEAP) has been administered by the band since 1985. In 1985 it was estimated that 37 students received funding, while in 1989-90, 85 were receiving such funds. Three of these were Bill C-31.

It was reported that the band has not been able to meet the needs of all applicants. There is a waiting list, and currently the resources are distributed on a first come, first served basis. The application procedure is straight forward. If the applicant has been accepted by an institution and funds are available, they are supported. Bill C-31 applicants are treated no differently, "as long as they were band members before they were reinstated" (that is, first generation Bill C-31). It does not matter if they are on or off reserve, as long as they are band members.

The main problem was with the children of Bill C-31 registrants (second generation). The children are not members and pending a membership policy, they are not eligible for funding. They are sent directly to INAC. However, to date this has not been a major problem, mainly because there have not been many Bill C-31 registrants returning to the reserve.

#### 4. Social Assistance and Social Development

The current administrator had been in her position for 13 months. The band has four full-time and one-part time staff dealing with social assistance and social development. It was estimated that in 1985 there were two staff. The doubling of staff was attributed an increase in population and more administrative duties ("the office takes care of billings now. There is more paperwork").

Most band members are on continuous social assistance. Of the on-reserve population, 1267 band members (all members of a household are counted, if the head received assistance) were on social assistance. This represents 86 percent of the on-reserve population. It was estimated that about 20 of these were Bill C-31 registrants. "Whether they are white, status, non-status, or C-31 we have to assist anyone in the community. If an individual, whether regular band member or not, lives off the reserve he/she is not entitled to social assistance."

There were 33 regular band members participating in work opportunity programs in 1989 (no Bill C-31).

The province is responsible for child and family services on the reserve. The band employs two people to provide support services, such as counselling. There were no staff in these positions in 1985, because there were no programs back then.

It is the province that takes the children into care. However, if a youth is to be apprehended, it is done jointly (province and band). The province consults with the band to place children (both those taken into care on the reserve and those taken into care from band members living off reserve.)

The two employees are Family Services Workers who visit about 500 clients (about 15 of them Bill C-31). These services have always been available to anyone living on the reserve. The band does not provide these services to anyone living off-reserve, whether Bill C-31 registrants or regular band members.

The band has a senior citizens home (Elder's Lodge) on the reserve. The Elder's lodge houses 27 people, two of whom are Bill C-31. There is no waiting list for space in this home. "A Bill C-31 registrant wanting to move into the Elder's Lodge could do so now." One Bill C-31 couple has moved from off-reserve into the Lodge. The band also provides home care for seniors. About two dozen (24) clients are receiving care (2 of whom are Bill C-31).

There has been no impact from Bill C-31 on social assistance or social development programs.

## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total
	1247	1247		20	20		1267	1267

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
WOP	33	0	33	0



# BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						485
Bill C-31 Registrants	Not Applicable					15
Total	NA	NA	NA	NA	NA	500

# BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members			3-10	3-10	3-10	25
Bill C-31 Registrants	Not Applicable			2	2	2
Total	NA	NA	3-10	5-10	5-10	27

## 5. Housing and "Municipal-type" Services

### a. Housing

The band has been administering its housing program for 20 years. As well as the director of capital projects, the housing staff consists of a clerk and two maintenance people. The current director of housing had been in his position for about three months.

There are just over 300 dwellings on the reserve. It was estimated by the housing manager that 30 percent of these dwellings were in satisfactory condition, 50 percent were in need of upgrading or renovation and 20 percent needed to be replaced. With the exception of the Elder's Lodge, which is a multi-unit dwelling, all houses are single family units.

In 1989, 18 single houses were built. The same number are planned for this year. Last year they had 100 applications for these new houses. Although the band does not keep a waiting list, all things being equal, an applicant may have to wait about five years to get a new house.

Recently the band developed an application and selection process for new housing. A Housing Committee has been established and is responsible for, among other things, the awarding of new houses. The committee is made up of seven members: one representative from Chief-in-Council and six elected by the membership at band meetings.

Since the band does not keep a waiting list, members who wish a new house must apply each year. If unsuccessful, band members must re-apply the following year to be considered. Theoretically, the most needy applicants should be awarded houses. The Committee awards points based on condition of current house, age of current house, time since last house, size of family, and length of time on the reserve. At the Committee's discretion, points are awarded on "stability" - that is the committee's assessment of the individual's ability to keep the house in good repair and make the payments. The top 40 applicants are then interviewed by the committee and the houses are awarded. Although the criteria exist, the Housing Committee may award a new house to any of these 40 applicants.

Priority for new housing is given to regular band members. The band's policy is that it will NOT apply for funds allocated for Bill C-31 registrant housing. Therefore, no Bill C-31 housing has been built on this reserve. The chief was quite explicit: "We are not going to apply for any Bill C-31 money, at least, not while I'm chief." Further, the screening form for new housing states "Bill C-31 applicants will be referred to the Department of Indian and Northern Affairs Canada." The band fears that by accessing funds for one Bill C-31 registrant, it will create expectations and encourage a large number of registrants to return to the reserve demanding housing. By not accessing the funds, registrants both on and off the reserve are treated equally and no one can be accused of favouritism. This way the band has greater control over who comes back to the reserve and why.

The fact the band has not accessed these funds bothers some Bill C-31 respondents and other band members. One Bill C-31 registrant said that she has applied for a new house every year, but "they screen me because of Bill C-31". Another registrant was given an old house when a family moved out. She was told when she applied for a new house last year, that "as soon as the Bill C-31 money comes in" she would get a house. She knew that regular band members have priority for housing. At least one of the regular band members who was interviewed felt that Bill C-31 registrants should be considered for housing. Others, however, wondered why people who move back should be given priority for a house, when people on the reserve are in need.

b. Community Infrastructure

The existing facilities include band offices, health clinic, schools (three), band hall, a drug and alcohol treatment centre, and two group homes. The main water source is ground water. There is a main well servicing band buildings. Most homes have a well, although some receive water by truck. Almost all housing is electrified.

The band buildings are heated with propane. Houses are heated by wood, propane, oil, electricity or some combination. There is weekly garbage collection from all houses. Band buildings have a sewage lagoon, while most houses have septic tanks. The roads are gravel and in need of "re-capping." The band grades the roads and in the winter sands and ploughs them.

There has been no real impact of Bill C-31 on any of the reserve infrastructure. However, a concern that was expressed was that Bill C-31 registrants who return in the future may make more demands because "their expectations may be higher, having come from urban centres."

c. Policing

There is an R.C.M.P. detachment on the reserve. There are four constables, one of whom is native. The police have two vehicles. While no statistics were available with regard to the number of incidents on the reserve involving the police, the feeling was that there had been no impact on policing because of Bill C-31.

d. Fire Protection

The information about fire protection was unavailable. However it is unlikely that there has been any impact due to Bill C-31.

## 6. Health

A health clinic is on the reserve. It is administered by a central Indian-run agency which represents several bands. It is run locally by a nurse who has been in her present position for eight years. An independent doctor works out of the clinic. The clinic has six staff: two nurses, two CHRs, 1 part-time CNA, and a receptionist. The clinic provides curative care, preventive health, public health, and pre-natal classes. The central agency provides dental services to the schools on the reserve as well. As far as can be determined, the clinic serves only this band, however, it does not turn people away because they are not band members, or do not live on the reserve.

There is a heavy demand on the clinic, but this is not the result of Bill C-31. Anyone living on the reserve is eligible for use of the health clinic's personnel, facilities and programs.

Also on the reserve is a drug and alcohol rehabilitation treatment centre. The centre opened about two years ago and has a staff of 10. The treatment centre offers a four or five week residence program in drug/alcohol rehabilitation and does follow-up with individuals and the community. The centre has experienced no impacts from Bill C-31.

# HEALTH SERVICES PROFILE

## BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA

7. Other Programs

No other programs.



## 8. Other Bill C-31 Impacts

Bill C-31 has had little impact on this reserve. The only Bill C-31 registrants who have moved back are a retired couple and they were given an apartment in the Elder's Lodge. However, there are concerns about the future impacts of the Bill.

Bill C-31 registrants who had lived all their lives on the reserve were generally accepted and no one questioned their right to a place in the community. The fear is of those who may return.

### Attitudes to Bill C-31

The attitudes of band members, both regular and band officials was diverse. As one official said, there is "a mixed response" among the band members. Individual's attitudes did not appear to have much to do with their age or gender. One respondent stated that those people who have relatives who are Bill C-31, generally are concerned that they get their due, while others feel it is not the band's responsibility to provide anything to these people.

One regular band member stated that originally she thought the these "people knew what they were getting themselves into when they married out," but Bill C-31 has "made me aware of the discrimination against woman...Bill C-31 deals with the discrimination in part." She concluded that unfortunately most people on the reserve still hold her original view.

Another regular band member also said she changed her mind. Originally she thought, "They leave the reserve and they know what they were getting into." Now she realized that "they didn't know. My sister-in-law isn't sorry to have married a non-member, but is sorry she lost her rights." She concluded, "I'm glad to see women get their rights back." However, this same respondent saw difficulties resulting from the Bill. For example, "there would be resentment if a Bill C-31 got a house first. Those living here all their lives on-reserve deserve first chance."

Others were more critical of Bill C-31: "They wanted to move out, they should stay out." "We have enough people here as it is."

Another regular member stated he knew what it was like. "People who have left and lost rights should be allowed back. When you leave the reserve you don't have a home. I know what it is like to leave the reserve and then come back." "Bill C-31 corrected an injustice, or I hope so." "My point of view is completely different from most on the reserve."

Among the Bill C-31 respondents interviewed, they all felt welcome, but one, while generally feeling that she was not discriminated against by services provided by the Band, felt, "If I understood more (about Bill C-31) I would be better able to get what is my due." Primarily, this registrant was referring to her rights to a new house.

### Cultural Problems

There were fears that the large influx of Bill C-31 registrants and their families would destroy Indian culture. "I'm scared that Bill C-31 will lead to the destruction of the reserves." One band official said, "I don't want these people on the reserve." ("These" people were non-Indians.)

"Being an indian is a state of mind - its cultural. Living off the reserve for many years, they lose this. They come back to the reserve different. They don't fully fit in with the community."

Another band administrator felt that Bill C-31 was "a scheme to assimilate the Indian people." The assimilation would result from large numbers of non-Indians moving back to the reserve. He said, "I'm scared of it myself."

### Social Problems

A number of people argued that Bill C-31 had the potential for social problems. One problem was touched on earlier. There was concern that the issue of Bill C-31 registrants might split the membership. Those who have relatives who are Bill C-31 will agitate on their behalf, while those who do not have relatives will protest any benefits to these people. Thus Bill C-31 will split the band and cause resentment among its members.

Bill C-31 registrants were often seen as 'outsiders' and not part of the community. One respondent referred to them as, "an influx of strangers." It would be difficult for Bill C-31 registrants to find acceptance, especially if they had lived off the reserve for a long period of time. "I understand why they want to come back. I was gone for 12 years. I was an outsider for a long time. It took two or three years before I was accepted even though I had my status. My parents still lived here."

There were other social problems predicted with the return of Bill C-31 registrants. A couple of respondents thought that Bill C-31 registrants would bring the "bad habits" of urban centres back with them to the reserve. Such things as drugs were mentioned. One regular member felt that kids who lived in urban settings would "have a hard time in a new environment (the reserve)", simply because there is not much to do. But he did not think these children would cause any additional problems. "Kids on reserve are no different than kids in the city" each looking to be accepted by peers.

### Housing Problems

The band's adopted strategy is that no Bill C-31 funds for housing will be applied for. There is a concern that such funding, even if accessed only once, would lead to a flood of Bill C-31 registrants returning to the reserve and demanding homes. The main purpose of this strategy was to discourage "outsiders" from returning to the reserve. Certainly the policy is not primarily aimed at Bill C-31 registrant who have always lived on the reserve. They are simply a casualty of the policy.

Other housing concerns that were mentioned included respondents who did not think it fair that someone returning to the reserve should get a house immediately and others who thought that there was not enough land to accommodate these people.

"Why should a Bill C-31 get a house right away?", said one respondent, "It is hard for others who have been waiting to accept this." This was mentioned in three separate interviews.

"Why give a house to someone who is just moving back, when there are people here who are in need." It was suggested that: "If they are truly interested they would move into an old house first. Then eventually they would qualify for a new house."

"If a large number of Bill C-31 people came back, the reserve would be cut up like a housing subdivision taking away land from the original band members." "People are reluctant to give up their space to people returning." Space for housing was seen as the main problem because currently most land is tied up in "ancestral rights."

#### Economic Problems

Bill C-31 was seen as having three potential impacts on the reserve's economic development.

- 1) "If someone was to move back and get a job right away" it would cause bad feelings. However, there were a couple of suggestions that Bill C-31 registrants, because they have lived away from the reserve, were better suited to undertake employment. One respondent described Bill C-31 registrants who lived off reserve as "more educated, more experienced and able to maintain a work schedule. These people know how to look after themselves." Therefore, the impact would be positive, if socially disruptive.
- 2) Two of those interviewed felt that the economic situation on the reserve prevented registrants from returning. "I don't think they'd want to come back. There's nothing here (for them), no work." Therefore, there would be no impact.
- 3) The return of Bill C-31 registrants will result in loss of control of the land base. This fear results from the following scenario (mentioned in slightly different versions, four separate times): a white farmer having married a woman who is a member, will want to move on to the reserve, and demands land for his cattle and crops. Thus the result would be disastrous, because "the band loses control of the land base."

## CONCLUSIONS

The impacts of Bill C-31 appear to be limited. The most significant practical impact on the band appears to be the fact that the band has taken control of its membership list. Future impacts that the band foresees as significant are in housing (increased demand, without availability), social (bring urban problems to reserve), cultural (Bill C-31 threatens the Indian culture), and economic (limited jobs and revenues from the reserve have to be shared). Currently, the band is not accessing any Bill C-31 housing money and this appears to have an impact mainly on the Bill C-31 registrants living on the reserve, but who are not eligible for new housing.

The impacts of Bill C-31 on this reserve are almost non-existent, in the sense of placing additional demands on band delivered services. The impact on Bill C-31 registrants has been very positive. Those interviewed were happy they had regained their status and many spoke enthusiastically of the benefits it has brought them.

***Band Case Study #6***

## 1.0 METHODOLOGY

The approach taken in the case study of this band conforms to the standard methodology for the project, with the following exceptions:

1. no interviews on band treaty entitlements and care for senior citizens were conducted;
2. only partial information was obtained in interviews on community infrastructure and fire protection services; and
3. one community resident was interviewed (by telephone) *after* the completion of the field work.

The information on the community was obtained from interviews with 16 band officials and four community residents (three of whom were regular band members and one of whom was a Bill C-31 registrant), and from the Department's Community Profiles Management System (CPMS).



## 2.0 PROFILE OF THE BAND

### 2.1 Location

The community is located not far from a mid-sized urban centre with a population of approximately 60,000. The band has two reserves totalling about 2,200 - 2,500 acres, one of which is uninhabited. It also shares a third reserve of some 400 acres, also uninhabited, with two other bands. All land on the uninhabited reserves is "band-controlled" or public.

In the 1920s, much of the land on the inhabited reserve was parcelled into "village" and "farm" lots, one for each head of household. Although called "farm" lots, the land is not used for farming. As a result of this parcelling, over 80 per cent of this reserve is held by individuals through Certificates of Possession (CP); the amount of "band controlled" or public land is relatively small and almost all of it is already occupied (band office, community property, school property, landfill site, designated parks, etc.). A new subdivision with 65 to 70 housing lots was recently carved out of the public land; of these only 30 to 32 lots are still available. The only public land not developed is two small sections near the boundary. Land held through Certificates of Possession could become available for housing; however, although the band would be involved in any transfer, arrangements concerning CPs are essentially private deals between private individuals and are not controlled by the band. Band officials are concerned that there will be a shortage of land in years to come due to Bill C-31 registrants wanting to live on the reserve. INAC classifies the inhabited reserve as "40 per cent agriculture, 60 per cent forest"; the band disagrees with the classification of "agriculture", noting that it probably stems from the "farm lot" parcelling of the 1920s.

### 2.2 Demographic Profile

The band's on- and off-reserve population from 1984 to 1989 is presented in Table 1. Since 1985, the band's total population has increased 52 per cent. This population growth seems to be almost entirely due to Bill C-31. Although precise figures were not obtained in the field work, the Membership Clerk estimated that 398 of the band's members have been registered under Bill C-31 to date, and that there are many more who would like to become registered. Therefore, of the 52 per cent population increase, approximately 49 per cent is attributable to Bill C-31 registrants and roughly three per cent to regular band members. Of the registrants, approximately 60 people have returned to live on the reserve. About half of the 60 returnees were known to people on the reserve (usually because they had lived there in the past) and half were new to the reserve.

Regarding the characteristics of the returnees, band officials reported that most are women or married people with children. In terms of age, most of them are in their 40's or younger. The returnees come from varying socioeconomic backgrounds and, among the mixed married couples, the husbands of Native women come from a variety of ethnic backgrounds (e.g., Polish and Italian).

## 2.3

### Political Process

The Band Council consists of the Chief and eight Councillors, who are elected to their positions by the on-reserve band members at elections held every two years.

There have been minor changes in the band's political processes since 1984, before Bill C-31 was passed. The frequency of Council meetings has increased from once a month to once every two weeks, and the number of Councillors has increased from six to eight. It would appear that these changes are partly attributable to Bill C-31. The increased number of Councillors is a function of the increased band population, and the increased frequency of meetings is due to the fact that there are more issues to discuss (some of which pertain to Bill C-31). In addition, there have been some undesirable side effects of the 1985 legislation on the band's political processes. The fact that two Councillors were known to give relatives who had been affected by Bill C-31 preferential treatment (e.g., better access to services) caused some friction on the Band Council.

The band has not adopted its own membership code. Although three community meetings were held to discuss this issue and an application was made, the band missed the deadline. In any case, there was apparently a reluctance among band members to proceed with establishing their own membership rules. As noted by the Membership Clerk, many people did not believe the band was ready to be self-controlled. The band has not adopted any residency bylaws either.

#### *Lands, Revenues and Treaty Entitlements*

The band started administering its own lands, revenues and trusts in 1989. The manager trainee provided some basic information on the administration of the band's land. She is responsible for administering the allocation of land and for the band's role regarding private leases between CP (Certificate of Possession) locatees and local residents for seasonal residences. More than 80 per cent of the occupied reserve is held by individual band members through Certificates of Possession. There is relatively little "band-controlled" or public land and most of what there is, is already occupied. The manager trainee did not feel that Bill C-31 has had any effect on the band's lands to this point in time, in that the band has been able to accommodate requests for land for housing. However, she did speculate that the increased population resulting from Bill C-31 registrants may cause a shortage of land in the years to come.

The band is a treaty band, No information on the implications of Bill C-31 for band treaty entitlements was obtained in this case study.

## 2.4 Band Administration and Organizational Structure

The band administration, which is comprised of approximately 40 administrative and support staff, reports to the Band Council. The organization of the band administration is illustrated in Table 2. Under the direction of the Band Manager, the administration is responsible for seven program areas or functions:

- Public Works, which includes the housing program, carpenters, labourers and maintenance staff;
- Lands, Revenues and Trusts;
- Social Development, which includes social assistance, child care, alcohol, drug and substance abuse counselling, and health services;
- Education and Economic Development;
- the Daycare Program;
- the Senior Citizens' Centre; and
- Band Support, including clerical staff to support Band Membership, Education and Economic Development, and Finance.

There is an administrator or coordinator in each of the major program areas, and most persons have been in their position for at least two years. This suggests that the administrative staff is reasonably experienced and stable.

The major effect of the 1985 legislation on administrative staff has been an increase in workload. This additional work includes completing the paper work associated with the legislation and responding to a great number of inquiries from Bill C-31 registrants. Some administrative staff who were interviewed expressed frustration with the registrants, who can at times be quite demanding in seeking the services to which they believe they are entitled. In addition, interviewees indicated a need for additional staff to handle the increased workload. To date, the band administration has attempted to cope with the extra demands by reallocating some of its resources and hiring some staff.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov./ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓								✓	
Education K & Elem	✓								✓	
Education Secondary	✓								✓	
Education Post-Second.	✓								✓	
Social Development	✓								✓	PROV.
Child/Family Care	✓								✓	
Seniors Care	✓								✓	
Housing	✓								✓	
Community Infrastruct.	✓								✓	
Policing						✓				PROV/RCMP
Fire Protection							MUNICIPAL		✓	
Health Services	✓							BAND / NHW		
Drug & Alc. Abuse	✓							BAND / NHW		
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

## 2.5

## Program Administration and Funding

As indicated in Table 3, the band administers all of its own programs, with the exception of policing which is handled under a contractual agreement with the provincial police. The funding for each of the programs the band administers is handled through an Alternative Funding Arrangement (AFA) which it recently signed with the federal government. The Band Manager feels that these agreements will help to improve program administration because of their flexibility and minimal reporting requirements to INAC.

TABLE 3  
Program Administration and Funding

<u>Program</u>	<u>Administration</u>		<u>Funding Mechanism</u>
	<u>Band</u>	<u>Other</u>	<u>Alternative Funding Arrangement</u>
Lands, Revenues and Treaty Entitlements	•		•
Economic Development	•		•
Education	•		•
Social Assistance and Social Development	•		•
Day Care	•		•
Child and Family Care	•		•
Senior Citizens' Care	•		•
Housing	•		•
Community Infrastructure (Public Works)	•		•
Policing		• (provincial police)	N/A
Fire Protection		• (nearby community)	N/A
Health Care	•		•
Alcohol, Drug and Substance Abuse	•		•



## 2.5.1 Economic Development

The economic development program is currently administered by a Director and an Economic Development Officer (each of whom are also involved in the education program). The Economic Development Officer, who is university educated, has been in her position for one and a half years.

The program is comprised of the following activities and services: long-term economic development planning, employment counselling and referrals, job creation, staff training, preparing job descriptions, small business assistance, and support for preparing the band's capital plan. With its current annual budget of \$46,000, the program funds two key services:

- Employment projects and training, for example, a plumbing apprenticeship and training to be a health services clerk or floral shop assistant, are available and usually subsidized by Employment and Immigration Canada or INAC.
- Small business assistance provides band members with financial assistance to start their own business. To date, there has not been much interest in this program because people regard it as risky to start their own business, the Chief does not support band-owned businesses, and there is a shortage of funds to assist would-be entrepreneurs.

The core economic activities of the band are associated with the tourism and construction industries. The businesses currently run by band members are as follows:

- four masonries (one of which is new);
- two groceries/variety stores;
- two bus companies;
- two seasonal eateries (one of which is new);
- two construction companies;
- two marinas;
- one new gift shop/gallery;
- one new video outlet (part of grocery store);
- one steel reinforcing company; and
- some private landowners (locatees) lease to locals for seasonal residences.

Regarding future areas of economic development, a feasibility study is currently being conducted to determine if a mini mall would be a productive venture on the reserve.

INAC funding for economic development does not distinguish between Bill C-31 and A-base (regular) band members; consequently separate statistics are not maintained by the band. In addition, band officers often do not distinguish between Bill C-31 and A-base members. Consequently, it is not possible to provide accurate figures for the Bill C-31 labour force and employment levels.

The total unemployment rate for all on-reserve band members (C-31 and non C-31) is estimated at 14 per cent.

Records of the education level of members of the labour force, broken down by C-31 and non-C-31 members, were also not available. The information that was provided is summarized here:

- of the 67 regular band members in the 15-19 age category, 52.2 per cent have a primary education and 43.3 per cent have a secondary education (information was unavailable for two persons in this category);
- of the 86 regular band members in the 20-24 age group, 40.7 per cent have a primary education, 54.7 per cent have a secondary education, and 4.7 per cent have post-secondary education; and



- of the 335 regular band members in the 25-44 age category, 29.9 per cent have primary education, 57.0 per cent have secondary education, and 12.2 per cent have post-secondary education (information was unavailable for three persons in this group).

Most of the employed regular band members work in trades, service industries or clerical jobs. Most of the employed Bill C-31 registrants also work in trades and service industries. In the opinion of the Economic Development Officer, the reserve and the neighbouring communities do have enough economic activity to provide employment for the increased on-reserve population resulting from Bill C-31. A great variety of work is available for band members in the nearby mid-sized city, including work with construction companies, the Parks department, Employment and Immigration Canada, and other private employers.

The Economic Development Officer attributed only positive effects to Bill C-31. In her opinion, Bill C-31 registrants are bringing useful business ideas to the community. The increased population due to Bill C-31 is forcing the community to become more organized and to plan more carefully for long-term economic development, both beneficial side effects. The fact that most band members have to go off the reserve to find work is not a result of Bill C-31; it has always been this way for the band. In her work, the Economic Development Officer responds as quickly as the budget allows to the needs and requests of Bill C-31 registrants, just as she does for regular band members. She did note that more economic development funds are needed to accommodate the increased population, however.

## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members			
Bill C-31 Registrants			
Total	NA	NA	NA

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members					
Bill C-31 Registrants					
Total	NA	NA	NA	NA	NA

## 2.5.2 Education

The band has been administering its own education since April 1972. Students attend a band school for kindergarten and grades 1 to 3. The rest of their primary and secondary education takes place in provincial schools in a nearby town. The band also administers the Post-Secondary Education Assistance Program (PSEAP). The band currently has seven educational staff: a Director, two educational counsellors, a Native Studies coordinator, a teacher's aide, an education clerk and a school custodian. This represents an increase of two staff since 1984 (when there was no Director or education clerk), which is probably attributable to the increased administrative burden associated with Bill C-31.

Student enrolment figures for 1984 and 1989 at the kindergarten, primary, secondary and post-secondary levels are presented in Table 6. Each of the post-secondary students noted here received PSEAP funding for their education. The largest increases in enrolment since 1984 (at which time Bill C-31 had not yet been passed) have occurred at the primary and post-secondary levels, with increases of 11 and 23 students, respectively. These increases in enrolment are attributable more to Bill C-31 students (seven at the primary level and 13 at the post-secondary level) than to regular students (four primary and 10 post-secondary students).

TABLE 6  
Student Enrolment for 1984 and 1989

	<u>Kindergarten</u>			<u>Primary</u>			<u>Secondary</u>			<u>Post-Secondary</u>		
	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>	<u>1984</u>	<u>1989</u>	<u>Change</u>
Regular Students	16	22	+6	62	66	+4	42	39	-3	24	34	+10
Bill C-31 Students	<u>2</u>	<u>1</u>	<u>-1</u>	<u>3</u>	<u>10</u>	<u>+7</u>	<u>4</u>	<u>8</u>	<u>+4</u>	<u>1</u>	<u>14</u>	<u>+13</u>
Total	18	23	+5	65	76	+11	46	47	+1	25	48	+23

The education counsellor who was interviewed did not feel that Bill C-31 has had any effect on the band's educational system. This opinion is compatible with the modest increases in student enrolment due to Bill C-31 registrants (see Table 6). However, the Director felt that a substantial increase in paper work in the administration of education has resulted from Bill C-31.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	22	1	23	18
Elementary * School	66	10	76	65
Secondary * School	39	8	47	46

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	34	25
Number Bill C-31 Students Receiving Funding	14	Not Applicable
Total	48	25

### 2.5.3 Social Assistance and Social Development

The band currently has an Administrator and a part-time assistant for its social assistance program. For registered band members on welfare, 80 per cent of the funds are provided by the province and 20 per cent by INAC. For persons still in the process of becoming registered under Bill C-31 (who do not yet have their registration card), 100 per cent of the social assistance funds come from the province. Bill C-31 has had virtually no effect on the social assistance program; only two Bill C-31 registrants are currently receiving social assistance.

The band also offers some work opportunity programs, for example, a homemakers program, a home support program (in which workers help the disabled and elderly), training on the job, and other assistance for people trying to enter the work force. As with social assistance, Bill C-31 registrants have had no effect to date on the work opportunity programs.

#### *Daycare*

The day care centre has been operating on the reserve since 1972. The six staff consist of the Supervisor (who has been there since 1972), an Assistant Coordinator, two teachers, an Ojibwa Language Instructor and the cook/housekeeper. In addition to the usual day care functions, the centre offers a Native Language and Culture Program. The centre is licensed to take care of 31 children ranging in age from 18 months to nine years. It currently cares for an average of 27 children a day, six or seven of whom are Bill C-31 registrants. The centre operates in accord with provincial regulations and receives 80 per cent of its funding from the province.

The band's policies regarding priorities for access to day care are as follows:

- a) band members of working (or going to school) one-parent families are accepted first;
- b) band members of working two-parent families are accepted second;
- c) band members of one-parent families not working are accepted third;
- d) band members of two-parent families not working are accepted fourth;
- e) children living with band family members (as in a, b, c and d above) are accepted fifth; and
- f) non-band members are accepted sixth, given approval by consensus of the Chief and Council.

According to the Supervisor, Bill C-31 has had no significant effect on the day care program to date. The centre's policies have remained unchanged since before the 1985 amendments to the Indian Act. Although there are a few more children resulting from Bill C-31, they have not displaced regular band children in day care. The supervisor claimed that she and her staff are not even aware of which children at the day care are Bill C-31 registrants, thereby precluding any possibility of discriminatory treatment.

#### *Child and Family Care*

The child care program, currently staffed with one child care worker and one prevention worker, has been operating since 1982. The program provides services similar to those of the Children's Aid Society, for example, child support and protection, family counselling, foster homes on the reserve, Boy Scouts, Girl Guides, and a mothers' support group. Most of the client children come from families in which alcohol abuse, low income and child neglect are problems. The child care program is funded by the provincial government.

The child care worker who was interviewed currently works with 20 Bill C-31 families, all but one of whom live off the reserve. Most of her clients are young children of single mothers who come from a low income background. The goal of the program is to bring these children in trouble back to the reserve to get the support and protection they need. She noted that Bill C-31 has increased her off-reserve workload substantially, and that an additional child worker is needed to meet this demand. Her increased off-reserve workload also has effects on the reserve: fewer services are available because she is travelling off reserve so much of the time and more foster homes have been needed to accommodate the children coming from off reserve.

*Care For Senior Citizens*

On the reserve, there is a senior citizens' centre, currently staffed with a Coordinator, Financial Controller and health care aides. Very little information is available on this program because none of these staff were interviewed in the case study. However, given that most of the band's Bill C-31 registrants who return to the reserve are apparently in their 40's or younger, it seems unlikely that they will have any impact on the senior citizens' centre in the near future.



## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Season- al	Conti- nuous	Total	Season- al	Conti- nuous	Total	Season- al	Conti- nuous	Total
		NA			NA			NA

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
DAY CARE PROGRAM	20	7	27	NA

# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						NA
Bill C-31 Registrants	Not Applicable					20 families
Total	NA	NA	NA	NA	NA	NA

# **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA

## 2.5.4 Housing and Community Services

### *Housing*

The Housing Program is staffed with a Coordinator, Foreman, two journeyman carpenters, two apprentice carpenters and three labourers. The Coordinator is responsible for all aspects of the band's housing and has been involved in the management of the program for one and a half years (half a year as Coordinator and one year as Manager). He described how all band members, including Bill C-31 registrants, can apply for a house on either a mortgage or rent-to-own basis. He noted that the program policies are the same for regular band members and Bill C-31 registrants.

The key policies for applying for a loan to buy a house are as follows:

- band members must complete an application for a loan which is assessed by the Chief and Council;
- an analysis of house construction costs is also completed;
- if the application is approved, the band member will receive a loan for house construction and improvements *on the reserve*;
- the borrower must transfer the land on which the house is or is to be located as security to the band; if loan payments fall in arrears for more than three months, the property may be sold by the band and the proceeds up to the total amount owing may be applied against the loan;
- all house designs and specifications must be in compliance with the minimum standards determined by Canada Mortgage and Housing Corporation and the Indian Housing Inspection Unit;
- monthly mortgage payments (with a five-year limit on the amortization period) are calculated based on the total cost of the house less a 10 per cent down payment and less any funding available from the Department of Indian and Northern Affairs;
- all of the mortgage payments go toward paying for the house, with the band acting as banker; and
- if public land is made available for housing, the building must be completed within one year, regardless of whether the house is for a C-31 or non C-31 band member; Certificate of Possession land acquired privately for housing is not subject to this rule.

In the case of renting-to-own, a deposit of \$500. is required by the band for any damages and monthly rent is calculated based on \$5. per \$1000. house cost (which is determined in a cost analysis of the house). Half of the rent goes toward paying for the house and half goes to the band. Band members buying a house on a rent-to-own basis are given the choice of colour for siding and shingles.

Casual observations of the researcher (of housing near the Administration building and in a nearby subdivision where many new houses are being built) and the opinions of the Coordinator indicate that the housing in the community is in reasonably good condition.

The Coordinator did not feel that Bill C-31 registrants are creating any problems in the housing area. He noted that they are treated the same as regular band members, and that the band has been receiving sufficient funding from the government to meet the housing needs of Bill C-31 registrants. However, several other administrative staff including the Band Manager identified housing as an area of concern. Funding for housing for Bill C-31 registrants comes from a different budget than that for regular band members. One result of this is that some Bill C-31 registrants do not have to wait as long to get their housing as regular band

members. In the opinion of several administrative staff, this state of affairs is causing some bitterness and resentment toward Bill C-31 registrants.

### *Community Infrastructure*

The Public Works department maintains the community's facilities and infrastructure. In addition to the Housing Program staff described in the previous section, Public Works is staffed with a dump caretaker, a community centre caretaker and a school caretaker. Public Works receives 50 per cent of its funding from the provincial government. The community facilities include the Administration Building, the Daycare Centre, the Senior Citizens' Centre, the Police building, the primary school, the Community Centre, the baseball diamond and the church.

Although a detailed assessment of community infrastructure was not completed in this case study, the Housing Program Coordinator did note that the community's facilities and infrastructure (e.g., roads, electricity, water, and sewage system) are in adequate condition and have not been affected by Bill C-31 registrants.

### *Policing*

Policing services have been provided to the community through the Indian Special Constable Program since May 1976. This program is funded by the federal Ministry of the Solicitor General and the provincial police, which also supervises the two special constables on the reserve. The ratio of special constables to the on-reserve population is currently 2:672, or one policeman for every 336 citizens. In 1984, when there were also two constables, the ratio was somewhat higher at 2:595, or one policeman for every 298 citizens.

The special constable who was interviewed provided figures on the number of "incidents" over the years, incidents being any situation or event requiring police intervention. As can be seen in Table 7, the number of incidents (most of which were very minor) has fluctuated over the six-year period from 1984 to 1989, with the highest number in 1987 (287) and the lowest in 1984 (155). One might be tempted to conclude that the number of incidents increases dramatically in 1985 as a result of the 1985 amendments to the Indian Act. However, in the opinion of the police constable, the number of incidents in the community has no relationship to the Bill C-31 registrants. He perceived the Bill C-31 registrants to be good citizens. He speculated that the incidence of crime in the community is mostly a function of the degree of pride in the citizens, which is affected by the adequacy of their housing and employment.

TABLE 7  
Number of Law Enforcement Incidents: 1984 to 1989

<u>Year</u>	<u>Number of Incidents</u>
1984	155
1985	235
1986	241
1987	287
1988	230
1989	222

### *Fire Protection*

Fire protection for the community is handled by a nearby volunteer fire department from off the reserve. Bill C-31 has apparently had no effect on this service.

## 2.5.5 Health Care

### *Health Care Services*

The health care program is funded by Health and Welfare Canada and staffed with a Community Health Representative and a Public Health Nurse who makes weekly visits to the reserve. The Community Health Representative, who has university training in her field and has been in her position since 1980, provides a variety of health services, including the following:

- ensures that all registered band members, both on and off reserve, receive the health services to which they are entitled;
- assists the public health nurse, hospital doctors, the public health inspector and environmental health officials;
- teaches and provides first aid;
- provides health care for single mothers and the elderly, as well as palliative care;
- visits patients in the hospital;
- refers patients to health care professionals;
- does rapid health checks of students in the band school;
- provides transportation for patients requiring health care; and
- monitors pharmacy accounts and non-insured health benefits.

In the opinion of the Community Health Representative, the health care needs of Bill C-31 registrants have increased her workload, particularly in areas such as non-insured health benefits and medical transportation. During the twelve months prior to August of 1989, 1148 band members received health services, 839 of whom were regular band members and 309 of whom were Bill C-31 registrants. Although she feels that she has been able to meet the health care needs of these Bill C-31 registrants very effectively to date, she did express concern that no additional government funding has been provided to assist in meeting the extra demands resulting from Bill C-31.

### *Alcohol, Drug and Substance Abuse Program*

The Coordinator of the National Native Alcohol and Drug Abuse Program (NNADAP), which is funded by Health and Welfare Canada, was briefly interviewed. She perceived no noticeable impacts of Bill C-31 on the number and types of problems in her caseload for this community.



# HEALTH SERVICES PROFILE

## BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

		Number of Patients					
		1984	1985	1986	1987	1988	1989
Regular Band Members							839
Bill C-31 Registrants	Not Applicable						309
Total		NA	NA	NA	NA	NA	1148



## 2.6 Other Observations

The following observations and perceptions of band officials and community residents demonstrate the range of experiences felt in the community.

### *Social Impacts*

- Bill C-31 has been positive in that band members have more relatives living on the reserve;
- the return of Bill C-31 registrants is forcing the community to open up to other people;
- the legislation has generated a great deal of discussion among administrative staff;
- according to a community resident, Bill C-31 registrants are having a negative effect on the community because they are like "caterpillars slowly eating all the leaves off the tree";
- Bill C-31 registrants who are long-time residents of the reserve, friends or relatives are given a warmer reception and a quicker response by administrative staff than those who are strangers;
- according to the Chief, Bill C-31 registrants "want too much" and he would like to "send them away";
- some people fear that Bill C-31 registrants will bring "city values" to the reserve, e.g., children will want the best things in life fast;
- apparently, the Bill C-31 registrants are much more of an issue for administrative staff (who must listen to their requests for services) than for community residents;
- there is a fear that in the long term, Bill C-31 registrants ("non-Natives") may get into positions of power, start telling Natives what to do, and eventually change the cultural identity or tone of the community;

### *Political Impacts*

- the increased band population due to Bill C-31 is giving the band a greater voice in government and more funding;
- Bill C-31 is forcing the band to become more organized, which is positive;
- there is much confusion about the legislation among members of the Band Council;
- according to the Chief, the band would never have accepted the 1985 amendments to the Indian Act which were made by the "foolish government"; the legislation has made things worse for the band;

### *Economic Impacts*

- Bill C-31 is creating more jobs in the band administration; and
- it may be difficult for Bill C-31 registrants who are not well known on the reserve to get employment because they are not members of existing cliques.

## 3.0

## CONCLUSIONS

The band has grown by 52 per cent since 1985, almost all of which is due to the registration of new members under Bill C-31. About 60 of the 398 registrants currently live on reserve; of these about half already lived on reserve at the time of registering and half have moved to the reserve since registering. To date, the band has been able to accommodate the increased pressures arising from Bill C-31 registrants. However, a need for additional funding and staff has been felt in some program areas. In addition, there have been some negative reactions among administrative staff to the increased paper work associated with the legislation and to the fact that Bill C-31 registrants are now asking for land, housing and various other services on the reserve.

The impacts of Bill C-31 on the various programs in this community are summarized below. Impacts on the band's treaty entitlements and care for senior citizens are excluded from the summary because conclusive information was not obtained in the case study.

*Areas Most Affected By Bill C-31*

- Demographic Profile: The band's population has increased and become more diverse.
- Band Administration: Substantial paper burden has been imposed on administrative staff in program areas such as education, membership and housing.
- Housing: There is some resentment stemming from the perception that Bill C-31 registrants do not have to wait as long for their housing as regular band members.
- Land: Although there is not currently a land shortage, there is concern that there will be a shortage in the years to come.

*Areas Somewhat Affected By Bill C-31*

- Political Process: The Band Council has more members as a result of the increased band population and meets more frequently partly because of issues concerning Bill C-31.
- Economic Development: Bill C-31 registrants are bringing creative business ideas to the community. There is, however, a need for more economic development funds.
- Education: Enrollment in schools has increased somewhat due to Bill C-31.
- Child and Family Care: The workload of the child care worker has increased due to Bill C-31; however, all of her Bill C-31 clients are off reserve.
- Health Care: The workload of the community health representative has also increased due to Bill C-31. Although she has been able to meet the increased demands on her time to date, she feels that additional funding will be needed.

*Areas Not Affected By Bill C-31*

- Social Assistance and Social Development
- Daycare
- Community Infrastructure
- Policing
- Fire Protection
- Alcohol, Drug and Substance Abuse Program

***Band Case Study #7***

## **Methodology**

This study conforms to the given methodology, with the following exceptions:

1. During the field work period, the Membership Director employed by the Confederacy of Mainland Micmacs was on holidays for two weeks and was unavailable until April 10th, 1990 and was therefore interviewed by telephone on that date.
2. The Child and Family Care Services Director, who is employed by the provincial aboriginal Agency, was also out of town and was therefore interviewed by telephone on Monday, April 2, 1990.
3. One of the C-31 registrants interviewed was not granted membership with this Band under the referendum procedure established by the Band. Her case is extremely unique and has been included separately under the Membership rules section of "Political Process"

### **Total number of persons interviewed: 21**

- a) 15 Band representatives
- b) 3 regular band members
- c) 3 Bill C-31 registrants

## BAND PROFILE

### Location

This urban reserve is comprised of 7 separate reserves on a total land base of approx. 1,100 acres.

The majority of the Band's on-reserve population of 370 people share the main residential land base of approximately 740 acres. The main reserve is adjacent on one side to a small city and on the other by the Trans-Canada highway. It is approximately 45 kilometers from a major city. One of the other communities is located near a major city and has approximately 10 families residing on the approx. 50 acre reserve. Two other communities are located 100 kilometres from the main community and comprise approx. 200 acres. The remainder of the Band's land holdings is approx. 100 acres of forest land on three additional and separate reserves near the main community.

### Demographics

In the span of 5 years, from 1984 to 1989, the Band's population increased by 57 % to a total of 721 persons. The population growth rate is approximately 1.5%, half a percentage point higher than the Canadian population growth rate since 1986.

### As at March 31, 1990

Total Band membership	721
Total on-reserve	370
On-reserve: Band Members	370
Non-Status Indian	0
Other (non-native members)	20
 Total Band members who are Bill C-31	 156
Bill C-31 Registrants currently on-reserve	48
Bill C-31 Registrants residing prior to registration	7
Bill C-31 Registrants who moved after registration	41

### Political Process

**Treaties:** Band is signatory to a treaty that is not a land cession treaty.

**Tribal Affiliations:** This Band along with four other Bands, have formed a regional tribal council with a Board of Directors comprised of the elected chiefs of member Bands. This non-profit organization was incorporated provincially in 1987. The Tribal Council administers the Membership and PSEAP programs for the member Bands. It also acts as an advisory service to the Bands in the following areas of community

endeavours: economic development and financial advisory services; Band self-government advice and support; housing inspection; health transfer co-ordination; and land claims research and legal assistance. They maintain an open-door policy with member bands, assisting only when requested to do so.

**Chief-in-Council:** As per the Indian Act, Chief and Council are elected by majority vote of those Band members, 18 years and older, living on-reserve only. Elections for Chief and Council are held every two years. This Band's political structure is fairly stable as the present Chief has been in that elected position for 6 years, while half of the Council members have at least 6 years of experience on Council. Chief and Council meetings are held at least once per month.

However, political representation in the community is unclear. In 1985, this Band's Council consisted of 4 Councillors and the Chief. In 1990, however, there are a total of 6 Councillors, this resulting from an addition of 156 Band members under the C-31 legislation. However, not all of these Band members are politically represented in their home communities as only 48 of them reside on the reserve. By virtue of Sections 74 (1) and (2), and 75(1), off-reserve status members of the Band, are not allowed to vote or be nominated for public office because of their residency. Therefore while they and the on-reserve C-31 registrants account for an addition to Council of 2 more political representatives, they (the off-reserve residents) are not politically represented.

Since the recent Band election, the Chief and Council have initiated a portfolio system for the Band Councillors. There are 6 portfolios: Education and Employment, Welfare and Social Development, Operation and Maintenance, Housing, Administration and Health and Drugs and Alcohol. Each Councillor is the designated liaison, for his portfolio, between Band members & committees and the Band's program officers.

**Community Participation:** Community meetings are held at least once per year, or at the request of Band members, or when Council must bring an issue to the people. All on-reserve Band members may attend meetings and usually, half of the majority of the population do in fact attend community meetings. Topics usually discussed are Certificates of Possession and Housing, land claims, Economic Development and Social Assistance. There are also the following Band Members' Representative Committees in existence: Education, Child Welfare, Conservation, Seniors, Women's Club and Recreation.

**Membership Rules:** There are no existing membership rules in this community as the Band does not believe they should enact by-laws that may result in legal action against them on the basis of discrimination. There are no funds available under C-31 for litigation, therefore they feel that by not enacting membership rules and operating under Indian Act rules, the onus will be on the federal government to pay the costs for defending their legislation.

The Band has however adopted a referendum procedure for Band members to decide



on the granting of membership to aboriginal people from other Bands. Every five years the Band puts a petition to the people to decide if they want people from other Bands to be members, for example, through marriage.

One of the C-31 registrants interviewed has been affected so much by the referendum procedures, the C-31 legislation and the pre-1985 Indian Act that she has lodged a complaint of discrimination with the Human Rights Commission. Her charges of discrimination are against this Band and the federal government. Her case is very unique and complex and requires some explanation.

First of all, it must be clearly noted that there are 4 Bands involved: this Band, which is her mother's Band and the Band to which two sisters and one brother have been granted membership through the referendum procedure; her father's Band which is in another province; her second husband's Band which is again, in another province; and finally, another Band which records her whole family as Band members in 1951, four years before she lost her status at the age of 19 years. This however may have been a result of the Department's centralization program of the time in the province, as the majority of this Band's members were also recorded in the other Band's 1951 list. Until she married out in 1955, her whole family including her father had lived on the reserve which is part of the case study. At that time, she moved to a home 37 feet off the reserve and has lived there since then.

She claims that Departmental officials coerced her into signing enfranchisement documents and that she was not of legal age to do so at the time. Regardless, under Section 12 (1) (b) and 109(2) of the Indian Act she lost status. She divorced her non-Indian husband in 1973 and married a member of another Band in 1983. In 1987, she divorced her second husband and on July 3, of that year received reinstatement to her father's Band under Section 6 (1) (c), and her 14 year old son and five daughters under Section 6(2). However, in 1989, she and her son were taken off her father's Band list and are currently registered members of her previous husband's Band. Her other five children from her first husband remain registered members of her father's Band.

What she wants is to be a member of her mother's Band along with her brother and sisters. The referendum procedure for her membership in her mother's Band, she claims, is questionable. The Band, on the other hand, have established that she cannot be a member of their Band because the referendum decision is final, the people have decided.

At the time of the interview, this C-31 registrant was preparing to proceed with legal action against the Department and the Band and was awaiting the Band's response to a preliminary inquiry notice sent to the Band by the Canadian Human Rights Commission.

**Residency:** The Band does not have a residency by-law and there has been no discussion of developing one. They are of the view that a Residency by-law enacted

by the Band should be held off for as long as it takes to examine the effects and full impact of Bill C-31. The basis for this view is the assumption that if discrimination lawsuits based on residency by-laws are to be a reality of the future, then the federal government should be held responsible. In the meantime, the Band is allowing some registrants to move onto the reserve as long as there are funds available for housing and special needs. Their priorities are on a worst-first basis.

Residency is a problem for C-31 registrants of this Band because the community is not given sufficient housing and infrastructure dollars. C-31 registrants however, unfamiliar with funding obstacles faced by the Band see this as a convenient way for the Band to discriminate against them by not granting them equal treatment in the allocation of housing dollars, and therefore residency. Of the three C-31 registrants interviewed, only one responded positively to the question on equal access to housing, and therefore residency on the reserve. Each individual case will be discussed in the housing section of this report.

A liquor plebiscite passed on this reserve in 1971 restricts the sale of liquor on the reserve unless it is for community fundraising purposes. However, the Band is unsure of whether or not the it is enforceable, nor has it ever tested, as community groups apply for such licenses from the province as per Section 88 of the Indian Act.

### **Lands, Revenues and Treaty Entitlements**

Due to the fact that the Band has not taken over responsibility for this program, two individuals were interviewed for this portion of the case study: the land claims researcher who has been employed with the tribal council for two years and a Departmental official with Lands, Revenues and Trusts.

With regard to lands, this Band has reached an administrative settlement with the provincial utilities authority as a result of a disputed right of way agreement signed in 1958. They are also expecting to settle one other dispute of this nature in the near future. Specific land claims pending are joint claims with three other reserves for the 1919 illegal surrender of approximately 3700-7700 acres of land. The claim was filed in August, 1988. Finally, the tribal council is currently researching a comprehensive claim for the improper granting of licenses of occupation in 1783 for lands in their traditional district.

Any revenues arising from such settlements are deposited in the Band Revenue fund which is managed by INAC. For the Band to withdraw these funds, they must get the approval of at least 51% of the on-reserve population and they must use the funds for a purpose that will benefit the community as a whole. For example, the building for the Senior Citizens Club on the reserve was built with monies from the Band Revenue Account.

Other sources of funds for the account are derived from Band owned or leased enterprises such as the Community store (leased), the Senior Citizens Home (leased),

the trailer park, and the Tobacco store.

With regard to policies and management practices regarding lands, the Band has enacted a by-law restricting residential use of lands on a portion of one of the satellite communities. These lands are situated in the northern suburbs of a nearby city and are reserved for future economic development initiatives.

Any lands, revenues, or trust policies of the Band are those of the Department. All policies apply equally to both regular and C-31 Band members.

## **Band Administration and Organizational Structure**

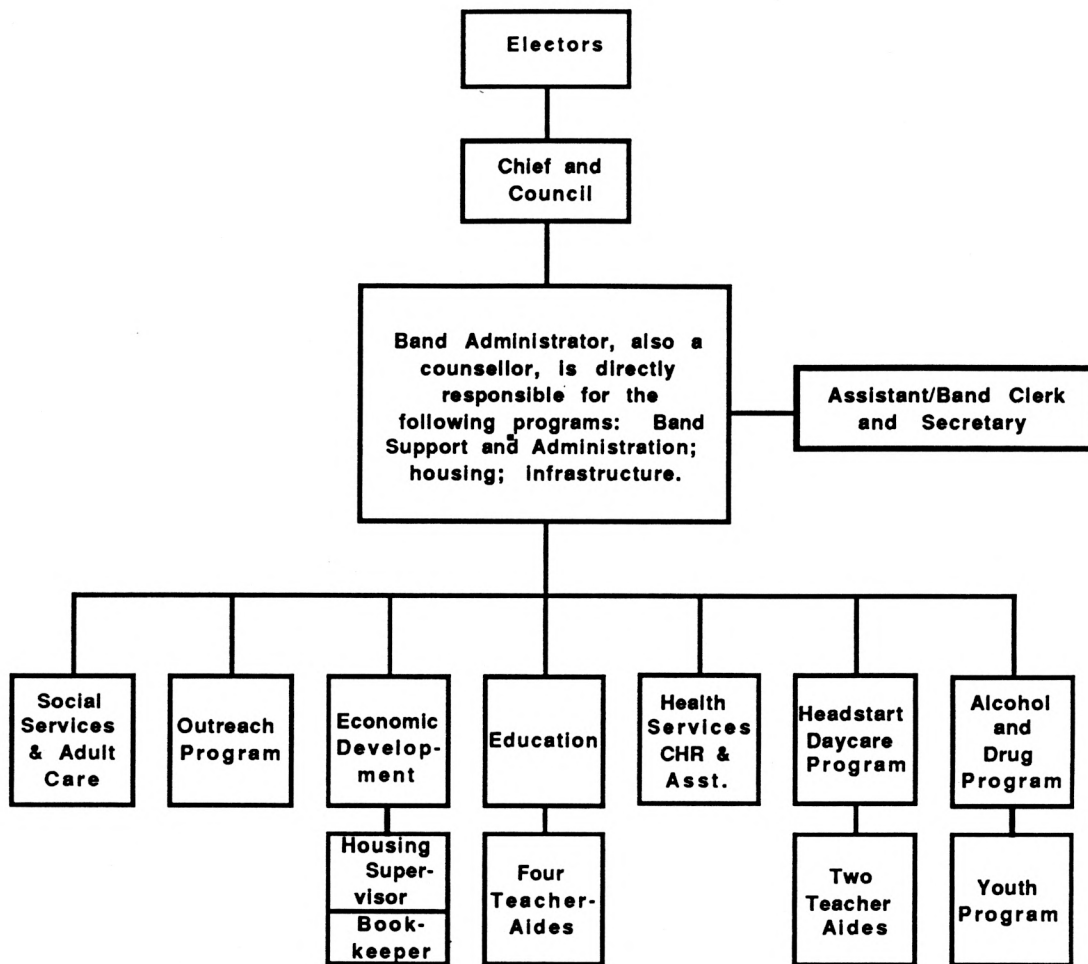
Structure of the organization is hierarchical with Chief and Council having decision and policy making responsibilities. The Band Manager who is also a counsellor, has been employed by the Band for 18 years and is the officer to whom all Band staff report. She also ensures Chief and Council decisions are delegated to program officers, that program budget allocations are properly managed, and that program progress is regularly monitored and evaluated. Each of the 7 Program officers are charged with managing program funds and reporting to the Band Manager on a regular basis as per contribution arrangement requirements.

All activities of the Band are managed as one program with the Band Administrator acting as the Program Director. There are 7 Program Officers reporting directly to the Band Administrator and additional staff include 10 program support employees, eight elderly care workers and one janitor. In 1990, the Band employs a total of twenty-seven full-time staff. This is in contrast to a total of 16 staff employed by the Band in 1985. This 60% increase in Band staff however is not due to an increased workload resulting from the implementation of Bill C-31. Rather, it is a manifestation of successive local government efforts to assume more responsibility for Band program management. The majority of Band staff have been employed with the Band for 9-15 years and are highly competent and capable in their program service delivery.

The Membership and Post-Secondary Education Assistance Program are managed by the Tribal Council whose head office is situated on this reserve. Due to limited funding for program support and staff, the five member bands of the tribal council deemed it more economical to centralize these functions and did so three years ago. The Tribal Council employs one staff member in Membership and two staff members in PSEAP.

Child and Family Care Service Delivery is also managed by an independent regional service agency through a master agreement between the agency, INAC, Health and Welfare and the province. This Band is one of 12 Bands signatory to the master agreement.

# ORGANIZATIONAL CHART



## **PROGRAMS/SERVICES/BENEFITS**

### **Program Administration and Funding**

All programs currently delivered in the community are administered by the Band Council.

A master agreement between the Band and the Federal government is in existence for the provision of in-school education of the Band's primary and secondary school registrants. The Band then enters into independent tuition agreements with school boards for education services.

The preschool program is managed by the Band Council as funded by the provincial Family and Social Services Department and INAC.

The Band has also entered into a municipal agreement with the closest town for the provision of water, fire protection and ambulatory care and road maintenance services.

In contract with the Band, sanitation and garbage collection services are delivered by an independent off-reserve contractor.

See Program administration and funding profiles.



# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov./ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓							BAND / DIAND		
Education K & Elem	✓							BAND / DIAND		
Education Secondary	✓							BAND / DIAND		
Education Post-Second.		✓						TRIBAL COUNCIL / DIAND		
Social Development	✓							BAND / DIAND		
Child/Family Care							INDEPENDENT AGENCY	DIAND / NHW / PROV. / AGENCY		
Seniors Care	✓							BAND / DIAND		
Housing	✓							BAND / DIAND		CHHC
Community Infrastruct.					BAND / MUNICIPAL			BAND / DIAND		
Policing							MUNICIPAL			DIAND
Fire Protection							MUNICIPAL	BAND / DIAND		
Health Services	✓							BAND / NHW		
Drug & Alc. Abuse	✓							BAND / NHW		
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

## **Economic Activities and Employment**

The Program's Economic Development Officer has been employed by the Band for 14 years and provides business advisory services to the Band and to all Band members requesting services. The program has been administered by the Band since 1970 and has been responsible for developing all Band owned enterprises. Other than the Program Officer, a Bookkeeper is employed to maintain program accounting and all Band owned business accounting. There have been no increases in program staff since 1985 when Bill C-31 was implemented.

The major employers in this community are the Band Council and the Tribal Council. Most economic activities generated in the community are a result of Band-owned enterprises which include the following: senior citizens home, trailer court, community store, and a tobacco shop. The senior citizens home was once a community owned hotel which was leased to a non-Indian and converted. However, there are no reserve residents currently employed by the establishment. The community store was also managed by the Band but was later leased to a non-Indian. The trailer court and tobacco shop are Band enterprises which employ two full-time and one part-time staff.

Enterprises privately owned by Band members include a local convenience store, a car dealership, taxi service, carpentry, cabinetmaking, and drywall contractors. Other types of employment by Band members are in the areas of steelwork, hairdressing, transportation-bus drivers, and daycare workers. Traditional and subsistence ways of life are being practised by only three families who live in one of the more isolated communities.

Currently, there are two major on-reserve Band enterprises being planned and operational within a 5-8 year period:

1. A waste incinerator project is in the very early planning stages and will create a total of six jobs.
2. A major \$12 million highway overpass project on Band land is now being developed and will probably not become a reality for at least another eight years. If negotiations are positive, the Band will own and operate a service station, restaurant and craft centres along the highway. The drawing card in this project is the construction and opening of 40 factory outlets. Construction and operations are estimated to create at least one hundred jobs for Band members.

**Employment:** The Band's employment development program is separate from the Economic Development program and is directed by an Outreach Counsellor. The program has been administered by the Band for the past two years as part of a Band agreement with CEIC. The counsellor is employed to carry out the employment development programs of CEIC by providing assistance and advice on all federal employment programs available. Current employment activities include apprenticeship training for twelve construction workers.

The unemployment rate on the reserve is estimated to be in the 60-65 % range. Reasons cited for this are: skills shortage - 60 to 70 % of reserve residents do not have high school education; a dependency attitude has been established as a result of past government strategies; the only work available is in the minimum wage bracket and welfare payments are oftentimes higher than minimum wage; unemployment is greatest in the female population because most jobs created are in traditionally male dominated fields.

Effects of Bill C-31 in these areas of program delivery is minimal as very few new registrants have accessed the service, therefore, program staff are not feeling any negative effects on their workload. However, one respondent indicated that with regard to employment opportunities on the reserve, residency is a requirement and that C-31 registrants will likely get any available jobs before regular Band members because they've been off the reserve and are likely to have more work experience and are comfortable in the labour force. As well, a future negative impact anticipated is the possibility of regular Band members getting "bumped" off incumbency lists to make way for those "ladies who come back and get the jobs".

One of the C-31 registrants interviewed never tried to access economic and employment development opportunities on reserve, therefore no comments were volunteered. The two other respondents were both waiting to be interviewed for the same job. One offered no comment while the other stated that she did not believe she had the same employment opportunities as regular Band members because of nepotism in hiring practices.

Regular Band members did not feel that C-31 registrants were taking economic or employment development program services or funding from them and that, generally, they felt no negative or positive effects resulting from their residency on the reserve.

Economic and Employment Development Profile data was unavailable.

## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members			
Bill C-31 Registrants			
Total	NA	NA	NA

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members					
Bill C-31 Registrants					
Total	NA	NA	NA	NA	NA

## **Education: Kindergarten, Elementary, Secondary**

The Education Program delivered by the Band Council is in accordance with standard education program delivery outlined in the Indian Act. The Band however does not enter into tripartite agreements. Rather, they negotiate a global tuition and education services agreement with INAC. Since there are no schools on-reserve, the Band then signs service agreements with local school boards for the provision of provincial education services for its in-school population of 144 students attending eight different schools in nearby towns. The in-school Education profile is as follows (enrolment data for previous years are unavailable):

	Elementary (Primary - 6)	Junior High (7-9) High School (10-12)	Vocational School
Regular Band members	58	54	7
C-31 Registrants	19	6	0
Total	77	60	7

The Band has administered their Education Program for at least 15 years and employs one full time education counsellor at the Band office as well as 3 teacher aides working with students in the provincial schools. The education counsellor has been employed for fourteen years and her service delivery includes liaison between school and community, post-secondary counselling, payment of provincial fees per student, purchase of school supplies and bus transportation. These employees are competent and dedicated individuals that are committed to their roles and responsibilities, especially as counsellors and tutors for the children (C-31 or otherwise) attending their schools. There have been no staff increases in the Education Program of this Band as a result of Bill C-31.

For program delivery, the band enforces regulations set out in INAC Education policy as per Section 4(3) of the Indian Act. Section 4(3) denies in-school Education Program service delivery to "any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province". Therefore the Band does not service those Bill C-31 registrants living off-reserve.

However, the level of need for this service by on-reserve Bill C-31 registrants has increased and the impact on the counsellor's workload has increased slightly as enrolments have increased. For example, during budget preparation for 1989-90, the Band budgeted for 113 in-school students early in '89, but by September, enrolment had increased to its present total. Most were Bill C-31 registrants enrolling their children in school at a later date than regular Band members who are aware of the

program requirements and deadlines. Education staff, unaware of the new C-31 population did not budget for tuition payments and therefore suffered a shortfall in funding and was required to submit a request for supplementary funding. Moreover, the respondent felt that there should be more funding available for teacher-aides. Already one aide now has to divide her time between two different elementary schools.

Both C-31 and regular Band member respondents noted no difficulties or impacts with regard to the in-school program.

The preschool on the reserve is a Band run facility for 10 children between the ages of 3 and 4 years. The program employs 2 teacher-aides who have been managing the preschool for 2.5 years since the program was developed to address the needs of children that were usually unprepared for school. It began and continues to be a bridging program for children entering Kindergarten. The teacher-aides ensure the smooth operation of the facility and the planning of a daycare program that concentrates on teaching life skills that will prepare the child for primary school.

Neither C-31 registrants or regular Band members offered positive or negative comments relative to the preschool program.



## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	6	4	10	NA
Elementary * School	58	19	77	NA
Secondary * School	54	6	60	NA

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	38	20
Number Bill C-31 Students Receiving Funding	13	Not Applicable
Total	51	20

## **Education: Post-Secondary**

The Band does not administer the Post Secondary Educational Assistance program as they transferred this responsibility to the Tribal Council in April, 1988. The Council's PSEAP program employs one Director, a part-time secretary, and a native education counsellor at a large university where most students attend. Their target group are those individuals that qualify as per the priority list established by the Department.

There are 38 regular Band members and 13 C-31 registrants attending universities and community colleges. Of the 13 C-31 registrants using the PSEAP program, 50% normally live on the reserve. The respondent noted that 75% of students in the PSEAP Program are enrolled in universities as the province did not have a community college program until 1989-90. Programs of study include generally, Arts, as well as Business and Education. One Band student is enrolled in a Master of Education program and another in a Bachelor of Science program. Average length of attendance is 4 - 5 years and completion rates are as follows: 10% of the student population graduate annually. It was noted that for each successive year, this percentage of graduates increases by at least an additional 5% of the student population year. The respondent noted that this completion rate has improved substantially since the tribal council began the post-secondary program because they provide more individual counselling to the students; because they issue monthly allowances rather than one allowance every four months as was the practice when INAC administered the program; and finally, because they are very "kind" to the students but their expectations are also high. No Band members are on waiting lists and the Education Director has not expressed any overwhelmingly positive or negative effects as a result of the increase in status population growth. Providing information on rights and benefits, addressing requests and problems are areas affected by the increase to date but the situation is manageable.

The respondent stated however that the Departmental C-31 PSEAP funding mechanisms often lead to administration problems. Because there are many C-31 registrants living far away, the total number of students to be attending university in the fall is unknown at the time budget submissions are made to INAC in the spring. Therefore, by September, they are finding that they must use regular students' funding to finance Bill C-31 students, for whom they have not yet received a separate allocation. Consequently, the program suffers from cash flow problems which they have been able to deal with so far. However, a future impact of this time lag for C-31 funding will force the Program to waitlist C-31 registrants wishing to attend post-secondary institutions, especially considering the fact that "the student population has already tripled in three years". The student population growth is largely due to both categories of students: 18 regular students and 13 C-31 students added since 1985. In addition, there were complaints about INAC "dragging its feet on C-31 PSEAP funding-always saying there is not enough money available".

Another problem with C-31 funding is the requirement that applicants produce an "LRT Number" in order to get PSEAP funding. INAC Headquarters request this number in

order to process Regional Office requests for funding for C-31 registrants. In most cases however, C-31 registrants do not keep this number which is apparently given to them when they are reinstated. Therefore before they can receive funds, they must go through the timely and difficult procedure of tracing their LRT numbers. The respondent strongly suggested that C-31 registrants be told, at registration, that the number is required for PSEAP entitlement and should be kept for that purpose. In three cases, C-31 registrants were processed as regular Band members because the LRT number could not be traced.

Finally, the program is having difficulties with students who apply as regular Band members but who should be, technically, C-31 registrants. That is, they were never taken off the Band membership list even though they had married a non-Indian or had lost status for other reasons. Therefore, they apply as regular Band member students when really they should be categorized as C-31 registrants. The respondent indicated that these individuals should be utilizing C-31 PSEAP funds and not regular member PSEAP funds. There are 9 such cases in this Band.

Bill C-31 registrants interviewed had never accessed the program or indicated any intention to access the program therefore no opinions or comments are available except that they felt their children had the same access as regular Band members. Regular Band members has no comments on C-31 impacts as they pertain to PSEAP.

## **Social Assistance and Social Development**

The Social Assistance and Social Development program administered by the Band for the past 18 years employs two personnel: the Program Officer and a clerk. The program officer, who is also a counsellor, has been employed with the Band for 12 years. The on-reserve social worker is not employed under this program but under the regional family and children's services agency. The Social Assistance program provides basic assistance and special needs assistance to those Band members that are unemployed or are low income earners. Services available are general welfare, special needs, work opportunity programs, adult care services and social counselling and referrals. There have been no program staff increases resulting from Bill C-31.

Of the 200 active social assistance case loads there are currently 39 C-31 registrant case-loads accessing services from this program. This is a 41 % increase from the 1988/89 fiscal year when there were only 16 active C-31 caseloads. Prior to 1985, there were a total of 8 active non-status case-loads on the reserve that are now part of the 39 current C-31 cases accessing the service. The program does not service non-residents and all off-reserve registrants are referred to provincial offices for aid.

The demand for services has increased thereby causing additional pressures on staff workload. Comments reported indicate a negative impact. Respondent stated that in the past year, the Band provided alot of C-31 housing and his program had to provide for new residents' general welfare needs as well as their special needs. That is, C-31 families moving into new homes and having no means to purchase appliances, beds and other household items had to be assisted. While the C-31 General Welfare funds have been reimbursed by the Department, most of the Special Needs dollars, which came out of the Band budget, have not yet been reimbursed.

In addition, regular Band members are complaining that non-Indians are benefiting from a welfare program that is supposed to be of benefit to Indian people on-reserve. In this Band, there are 30 such cases where the male head of the household is a non-Indian that must be serviced. The respondent stated that the Band should have an option to refer these individuals to a local welfare office off the reserve or to be reimbursed by Health and Welfare for expenditures against Band welfare funds. Overall, the respondent stated that C-31 registrants are "taken care of pretty well" and that, personally, he did not welcome the influx but had to live with it. "Have to be convinced--naturally, women and men have equality--it takes time to sink in or accept, but the ladies have rights as well as the man."

One C-31 registrant interviewed had never used the service and therefore offered no comments, the other respondents use the service for continuous welfare payments and for enrolment in work opportunity programs. They offered no comments on program services except that they felt they had equal access.

The **Family and Children's Services Agency** and agency that provides Social Services to all Bands in the province and is the Band's social services agency. The program is

funded by INAC, Health and Welfare and the provincial department of Health and Social Services. The Agency represents 13 member bands. This Band's Chief is the President of the Family and Children's Services Board which is comprised of 11 other Chiefs from each member Band except for one that is, for various reasons, not signatory to the master agreement. The Family and Children's Services Agency was created in 1985 under the provincial Children's Services Act.

The Agency provides child and family services to this Band through one of its Social Workers who has been in the Agency's employ for the past 3 years. Services provided include: single parent counselling; child protection jointly with the province; preventative programs; referral services; parenting skills programs; and general social services.

The social worker is also responsible for all client case loads, foster care services, and child protection services on another reserve in the region as well. The social worker or other agency social workers are on-call for any emergency family intervention situations that may arise on the reserve.

Information on case load was not available during the field work period as cumulative listing of case loads are not kept. However, one respondent indicated that C-31 case load is relative to the number of C-31 housing units built on the reserve. In the past year at least 10 such units were built and out of 10 families, only 3 have become clients and usually only for family support services. Otherwise C-31 registrants are not required to be serviced. Though it is not part of their mandate the Agency is now developing protocol for social workers having to service off-reserve registrants. Currently, any off-reserve C-31 requests are referred to off-reserve agencies however the social worker does provide initial and follow-up services. Though not required to do so because of their off-reserve residency status, the situations usually do not allow the worker freedom to deny an essential human service because of the existence of reserve boundaries.

C-31 nor regular Band members offered no comments on the service.

### **Care for Senior Citizens**

The Social Services Program officer is responsible for the Elderly Care Program in the Community. INAC funding of \$70,000 per annum is available to administer a program that employs 8 full-time adult care workers for the disabled and for seniors. There are a total of 16 senior citizens using the service, only one of these is a Bill C-31 registrant who returned to the community in 1986.

In addition there exists a Seniors Committee who act as liaison between Seniors and the Band Council and administration.

C-31 nor regular Band members noted no impacts or effects as a result of C-31 legislation.

# **SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS**

## **BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE**

Regular Band Members			Bill C-31 Registrants			Overall		
Season- al	Conti- nuous	Total	Season- al	Conti- nuous	Total	Season- al	Conti- nuous	Total
NA	161	161	NA	39	39		200	200

## **SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS**

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
NA				



# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						NA
Bill C-31 Registrants	Not Applicable					3
Total	NA	NA	NA	NA	NA	3

# **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						15
Bill C-31 Registrants	Not Applicable					1
Total	NA	NA	NA	NA	NA	16

## **Housing and Community Services**

### **a. Housing:**

The housing program is a Band administered program taken over from the Department 8 years ago. Housing construction is financed by INAC and CMHC and in some cases Social Assistance and is contracted out to an off-reserve home builder and mini-home (house trailer) supplier. The Band housing program employs one full-time construction supervisor and seasonal labour as required. The Construction supervisor has been in his position for the past 8 years. The Band housing staff has not increased since the implementation of Bill C-31 as most of the housing construction is contracted out to pre-fab home builders or house trailer suppliers.

There are currently 124 dwellings on the reserve: 100 are in the main community; and 24 C-31 dwellings are spread out in the other three satellite communities. Types of dwellings: 101 single houses, 10 townhouses and 13 mini-homes (house trailers). Residential conditions are described as 90 % satisfactory, 10 % requiring upgrading or renovation and none requiring replacement. The respondent indicated however that there are no renovation dollars available for C-31 registrants. Some families that have already resided in Band housing for three years cannot get funds for repairs.

The Band's housing waiting list notes two categories of families requesting housing: there are 81 Band members in the regular member category (69 of which are off-reserve) , and 39 Band members in the C-31 category (2 of which are on-reserve). The respondent indicated that the average waiting period for C-31 or regular housing is three years and that amount of time has not changed in the past five years. One C-31 registrant indicated that her waiting period was three years while another indicated that she had received housing within a year from application and the third respondents case is not applicable.

There is no shortage of land for housing units however there are insufficient housing dollars to accommodate these housing needs and to service new lots as there are no existing serviced lots in the satellite communities where many C-31 registrants want to relocate. The Chief stated that the legislation and the concomitant deficiencies in C-31 housing dollars has created a situation where the Chief and Council are forced to discriminate against their own people, that is, women who lost status under Section 12(1)(b) because they can only give them enough housing dollars to build sub-standard housing.

One C-31 registrant, and another who was not interviewed have been living in mini-homes built by the Band for the past three years. They have begun legal proceedings against the Band Council because they feel their housing is sub-standard compared to what is available for regular Band members. They see this as a form of discrimination against them because they are C-31 registrants. The

Chief and Council on the other hand state that CMHC Section 95 allocations have been available only for regular Band members and not for C-31 registrants. CMHC in turn say they are not given the allocations from INAC, therefore the Band has no choice but to build sub-standard housing for C-31 registrants unless they can afford to pay extra costs. Another C-31 registrant cannot apply for housing or residency because the membership referendum process has disallowed her membership. The other C-31 registrant interviewed felt she had been treated fairly in accessing housing dollars.

In 1990-91 the Band is forecasting the construction of 5 single family dwellings for regular Band members and 5 single family dwellings for C-31 registrants. The expected completion date is Autumn 1990. The Band Administrator stated that there is no longer term forecast for housing construction as they can never predict the amount of funding that will be available for housing.

By the fall of 1990, the Band will have reduced the current demand from 120 units to 110 units. Should they continue this housing supply momentum, they will have addressed their present housing demands by 2001. The Chief stated however, that the C-31 housing program is slated to be cancelled in two years and they will not have addressed the C-31 need for housing by that time. He stated that there are only two options: that the Department postpone its self-imposed deadline, or allocate the housing and infrastructure funds necessary to address current C-31 housing needs before the deadline has passed.

With regard to availability of lands, the Band appears to have sufficient lands to address the present housing needs of all Band members, however most respondents, thinking generations into the future, indicated that there is not a sufficient land base to accommodate those needs. The Band Manager stated that there is sufficient land but not enough serviced lots.

**b. Community Infrastructure:**

This program, administered by the Band Council's administrator, is funded through INAC. Existing facilities include a Band building, health clinic and preschool building (a new preschool is currently under construction), apartment building, community hall, seniors club building, recreation canteen, as well as other buildings included under the Economic Development segment of this report.

Installation, repairs and maintenance of water and sewer systems as well as provision of water and sewage services is the responsibility of the nearest municipality who enter into yearly agreements with the Band. Maintenance staff and technical advice on provision of services are also worked into the agreement. The water system on the reserve is less than thirty years old and up to the municipality's standards. There had been discussions with the municipality on servicing one of the communities for C-31 housing however estimated costs totalled \$200,000.00, which the Band could not afford.

The Band also contracts the municipality to provide road maintenance services on the reserve except for private streets which is responsibility of the Band who contracts with an outside contractor.

Sanitation and garbage collection services are delivered by an independent off-reserve contractor who is paid on a per household basis. Social assistance funds for on-reserve recipients are used to supplement payment for these services.

Overall condition of facilities and infrastructure are at par with municipality standards.

The respondent noted that a positive impact resulting from Bill C-31 as it pertains to community infrastructure is that the lots that need to be serviced were finally serviced because of the C-31 demands for housing. However, because the demand for housing is not being met, all infrastructure needs are not being addressed either.

**c. Policing:**

There is no INAC Indian Special Constable Program on the reserve as this funding was discontinued. One member of the Band however is a police officer with the local municipal detachment and has been in their employ for the past 3 years as a full-time officer and for the previous 7 years as an officer with the municipal detachment, but paid through funding from INAC.

The Native officer from the community could not be reached for an interview and the Chief of Police in the municipality could not address questions regarding impacts of Bill C-31 on crime and policing in the reserve community as he did not know them and therefore could not differentiate between C-31 and regular Band members involved in any on-reserve incidents.

**d. Fire protection:**

Fire protection and ambulatory services are also provided by the local municipality who receive on average, 20-30 calls per year for ambulance service, and 20-25 calls for grass fires. In the past five years there have only been two-three runs for structural fires on the reserve. The station is located 1 km. away from the community. There are no alarm system installations in any Band buildings. No current or future impacts due to the population increases resulting from Bill C-31 were reported.

## Health:

The Health Program administered by the Band Council for the past 10 years is delivered by the Band's Community Health Representative. The respondent has been in the Band's employ for the past 6 years and stated that there had been no increase in program staff since the implementation of Bill C-31. The program is funded by Health and Welfare Canada, Medical Services Branch. All on-reserve Band members in the community have access to the CHR services which include preventive health and dental care education and instruction, pre and post natal education workshops, home health aid. The responsibility of ensuring paid non-insured health benefits has been assigned to an independent, off-reserve Medicare service. However, the CHR acts as liaison between Band members and the off-reserve service by providing application assistance. The community health nurse from a neighbouring community is available once a week to provide public health care services such as immunization, curative and chronic health care. As well, a local public health nurse is available once per week to follow up on immunization and to assist in home visits and health care in the off-reserve schools. Finally a medical doctor from a local town conducts a clinic 3 days per week in the communities' medical centre.

The respondent indicated that since 1987, there has been no recognized dramatic increase in the level of demand for services. Moreover, increase in case load was not available as there are no separate records maintained for C-31 registrants nor was an estimate given. Essentially, the respondent, in reference to C-31 registrants, indicated that she is glad they are recognized and that they can get help.

The **Drug and Alcohol program** on the reserve has been Band administered with funding from NNADAP for the past 6 years. Managed by the drug and alcohol counsellor, its aim is to promote substance-free lifestyles for the community's youth, and make referrals to rehabilitation centres off the reserve. The respondent reported no impact as a result of Bill C-31 and had no comments on future impacts.

## HEALTH SERVICES PROFILE

### BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Appli- cable					
Total	NA	NA	NA	NA	NA	NA



### **Other Programs**

There are no other programs in existence other than those outline above.

## CONCLUSION

Bill C-31 has had tremendous impact in the area of lands and housing. The Chief stated that "lack of funding for C-31 registrants is a major obstacle and causes anxiety, unhappiness and animosity within the community." He also noted that the Council is split 50-50 on the need to service C-31 registrants especially with regard to allocating land and housing because some council members say the federal government has reneged on its commitment to C-31 registrants by not providing an adequate resettlement program. Meanwhile, others say reinstatement means that C-31 registrants have all rights and privileges of regular Band members and should therefore be serviced. Due to certain Indian Act regulations and INAC policy with respect to off-reserve members, C-31 has so far had an impact on staff workload in other areas of program service delivery. Staff workload has increased and is manageable but future impacts are likely if and when the Band will be able to grant residency to all 156 C-31 registrants. There remain 37 C-31 registrant families on the Band's housing waiting list that are living off the reserve. Considering that it will take at least 7 years (5 C-31 housing units per year) to address the land and housing needs of families already on the waiting list, a additional future impact will be an inadequate supply of serviced lands and housing dollars for those who have not yet registered or who have not yet applied for land and housing.

Overall however, the Act and the process of removing discriminatory clauses from the Indian Act is causing other types of discrimination. This is so because neither the legislation, nor the parallel funding arrangements, adequately address the losses incurred by those individuals who were discriminated against. Losing status once had a direct relation to losing rights associated with the status that was lost. Automatic loss of the right to possess land on the reserve resulted in the automatic loss of the right to vote for Chief and Council, the right to run for public office on-reserve, and the right to receive all benefits accorded other Band members. It also meant that these losses would be passed on to future generations.

While these rights are still existent under federal status granted Bill C-31 registrants, they are not necessarily guaranteed as they are dependent on membership and residency requirements not yet established by the Band. Therefore all Band administered programs, other than PSEAP, are not available to all off-reserve status members of the Band (C-31 and otherwise). Uninsured health benefits and Medicare are however, available to off-reserve residents but by regulation, can only be accessed through MSB zone offices. Services of the community CHR are not available but those C-31 registrants off-reserve who request any services are provided with application assistance and some services in case of emergency.

Due to the residency obstacle, the least significant or nonexistent impacts are in the program areas not available to off-reserve C-31 registrants while the most

significant impacts are in program areas related to land and housing and therefore residency and rights as an on-reserve Band member.

a) Program areas with most significant impacts resulting from C-31:

Lands, housing and, therefore community infrastructure are the program areas most affected by this Band's population increase resulting from Bill C-31.

Given their inadequate housing dollars, the need to service what lands are currently available, and INAC's insufficient funding for these purposes is affecting both the Band and those C-31 registrants who want to move back to their home community. Yet, bands were promised that they would have adequate funding to address the higher demand for services. The Chief noted the following statement by former Minister of Indian Affairs: "David Crombie stated that 'the government is fully committed to ensuring that bands have adequate funding to enable new band members to be integrated with a minimum of disruption to community life', is a commitment that has not materialized.

In the case of this band, at least 39 registrants families are seeking residency. The Department to date has only allocated funds to house 48 individuals (approx. 14 families) seeking residency. In addition, most respondents indicated that Bill C-31 has effectively disrupted community life because it has created rifts amongst family members and amongst community members. Those regular band members on the housing waiting don't understand the fairness of a situation that allows C-31 registrants who recently gained status to suddenly be given a new home before they are. Reciprocally, C-31 registrants don't understand why it is unfair for them to get a house considering the discrimination they have suffered. The Chief and most Councillors noted that there is much bitterness in the community, especially with regard to housing. However, most regular Band members noted no negative comments with regard to housing and land benefits afforded C-31 registrants thus far.

Unavailability of serviced lands for future housing construction is also a major impact resulting from C-31. There are currently no serviced lots available for any of the individual on the Band housing waiting list at the present time.

Effectively, Bill C-31 removes discrimination and grants status back to those who lost, but it does so **outside** of the context of the original meaning of the term "status Indian". That is, rights that went along with **Indian** status when it was lost are not the same as rights that go along with the **federal** status gained by Bill C-31. Residency, meaning land and housing on the reserve, has become a required prerequisite for full Indian status and the benefits attached. However, the Band is not in a financial position to grant residency due to unavailability of funds for resettlement of its C-31 registrants. This appears to be the underlying factor that is causing present and future band housing, land and infrastructure impacts.

b) Program areas with least significant or nonexistent impacts resulting from C-31:

As stated earlier Bill C-31 has had minimum impact in all other areas of the Band's administration, except for cash flow problems with C-31 funding. The primary reason for this negligible impact is due to inadequate resettlement funds as noted above. Indian Act regulations and INAC policy with respect to off-reserve members, disentitles them to services available to on-reserve residents. Therefore, workload for Band program directors has risen but is manageable as there are still not that many C-31 registrants living on the reserve. However, the volume of inquiries about services and the concomitant volume of refusals of service delivery is frustrating Band employees dealing with fellow Band members.

In human caring-oriented program areas such as health, child and family care services, the impacts are greater because off-reserve members in nearby communities often request service delivery in time of need and service is difficult to refuse because of emergency circumstances. For example, assistance is granted to off-reserve members who require application and referral assistance for health care services and social counselling is granted off-reserve residents in times of dire need. Therefore, while the budgets are unaffected by these extra pressures, the quality and quantity of time the employees devote to their service delivery is affected. Yet there are no additional personnel available to assist in the counselling or assistance that is required. One program in particular has found that it must develop protocol procedures for addressing off-reserve requests for services.

In conclusion, the Band's limited serviced land base, limited regular and C-31 housing and infrastructure dollars, are prevailing circumstances that lead to residency obstacles faced by Bill C-31 registrants. Residency obstacles, in turn, effectively deny full repatriation of rights lost when status was lost. Therefore, Band program delivery on-reserve is affected mostly by the increased demand for information on services and benefits available to C-31 registrants, thus placing increased demands on time and quality of service delivery for existing Band membership.

***Band Case Study #8***

# METHODOLOGY

This study conforms to the given methodology, except that the Health Services data collection form was not completed and one C-31 interview was not conducted. Twenty-three interviews with twenty different people were conducted including:

Chief (= Band Manager)	1	(3 interviews)
Councillor	1	
Education administrator and clerk	2	
Band program administrators	5	(6 interviews)
Intergovernmental relations consultant	1	
Regular band members	5	
Bill C-31 band members	3	
Tribal Council administrator	1	
RCMP officer	<u>1</u>	

20

Six topics were discussed with the Chief, two with the Councillor, two with the Housing Officer and two with the Social Worker. In four cases, a single topic was the subject of an interview involving two people (education; economic development; drug, alcohol and substance abuse; regular band member).

There are no programs for seniors.



## 1. BAND PROFILE

### LOCATION

The band has 10 reserves, one of which is permanently occupied. The populated reserve is located at the confluence of two rivers in a rural area. It is served by a paved highway and is about sixteen kilometres from two small incorporated communities with a combined population of approximately 1,450. The other nine reserves do not have road access or servicing, except for one which contains an abandoned village.

According to DIA statistics the total land area of the 10 reserves is between 4,000 and 4,500 acres and of the populated reserve is between 2,500 and 3,000 acres. Approximately 3% of the land on the populated reserve is used for housing and band facilities, 10% is in agricultural use, 84% is forested and 3% is water. Most of the uninhabited reserves are forested except for one where 6% of the land is in agricultural use and 9% is used for other purposes. The band also has fishing reserves.

According to a 1988 report prepared for the band by The Tribal Council, the land base of the populated reserve is sufficiently large to meet the future housing needs of both "regular" and reinstated band members.

### DEMOGRAPHICS

The current on-reserve population is as follows:

Status (band members)	496	85%
Status (non-band members)	60	10%
Non-Status	14	2%
Other (non-native)	15	3%
	<u>585</u>	<u>100%</u>

543 or

Approximately 52% of the total band membership live off the reserve.

About 173 band members are Bill C-31 registrants. Thirty-one of these currently live on the reserve, as do fourteen Bill C-31 applicants who are not yet registered. Twenty-one of the 31 people lived on the reserve before they registered. Fifteen of the 31 transferred their memberships from other bands. Another 49 of the 173 have indicated that they plan to move back to the reserve.

A 1988 impact assessment prepared by the Tribal Council estimated that the Band's membership would increase by 359 from 1985 to 1994. Of the 359 new members, 221 would be Bill C-31 reinstates or offspring. The on-reserve population was projected to increase by 160 members, from 1988 to 1994. Of these new residents, 108 or 67.5% would be registered Indians in C-31 households.

According to the Chief, only a few years ago about 65% of the reserve population was under 25 years old. Now, 65% are over 30 years old. There are a great many more elderly people and an associated substantial increase in demand for services which the band can't fully provide.

### POLITICAL PROCESS

The band is not a member of a treaty. It is a member of a Tribal Council along with eight other bands. One of the other bands became a member only recently. The Tribal Council plays a key coordinating role, particularly with respect to land claims, economic development and capital works. Each band is otherwise responsible for administering its own affairs.

Band affairs are conducted by an elected Chief, who indicated that he is also a hereditary chief, and 10 elected Band Councillors. There were six Councillors in 1984. Elections are held every two years and all adult band members have a vote. The present Chief has been in office for 12 years, before which he served as a Councillor for 10 years. He plans to retire soon. He attributes the increase in Council size and frequency of meetings largely to the increased workload associated with Bill C-31. There have been no C-31 reinstates on Council to date.

The Band Council normally meets every two weeks. It used to be once a month. Band members may not

attend council meetings. On one occasion, the Council screened 49 C-31 applicants at a single meeting. The Chief expects that there will be 12 Counsellors next time.

The Tribal Council emphasizes the hereditary system and the Band emphasizes the role of the hereditary Chiefs in the decision-making process. There are three main hereditary chiefs in the Band, one for each of three traditional clans on the reserve. The present system of electing the Chief and Councillor is considered to be a temporary one.

The Band holds a general assembly at least once a year. It has held two assemblies so far this year and another one is planned. Subjects discussed at assemblies include plans, projects, housing, water, recreation, roads, etc. - as the members decide.

The band has policies covering council, administration, membership and most program areas. It aims to have a totally hereditary system in place by 1991, with no more elected Councillors. Plans are in place for five, ten and twenty year periods.

### **MEMBERSHIP**

The band assumed control of its own membership in 1987. The current membership secretary also serves as band office receptionist. She has been in her position since the fall of 1988 and recently completed a training session with INAC.

In drafting its membership code, the band was advised by the local INAC office, a lawyer and an institute for justice. The process took about a year and involved two general meetings of the band. The code went through seven drafts. The code permits all Bill C-31 registrants who are on the original Band list, or who had at one time been on the list, or who was a child of same, to become band members. Furthermore, because the members of the Tribal Council traditionally emphasize the matrilineal relationship in defining a person's ancestry, a person who is not eligible for status in accordance with Section 6(2) of the Indian Act can be eligible for band membership if that person satisfies a "tribal ancestry" criterion. Keeping the clan family intact is a key objective and the elders play a decisive role in reviewing applications for membership. The non-Indian spouse of a band member can also apply for membership. See appended copies of questions 20-22 from membership questionnaire.

The band has no residency by-law and there has been no discussion of a by-law. The Chief would like to see a copy of a model residency by-law.

Generally, the band seeks to encourage people to move to the reserve. An exception would be a person who, for example, is having problems with the police and is considered by the elders to be undesirable.

The band has had a liquor by-law since before Bill C-31. The Chief expects that it will be repealed and a new one adopted by the Spring of 1990.

### **LANDS AND REVENUES**

Lands, revenues and trusts are administered by INAC. Land allocation decisions are made by the Band Council in response to written applications from band members. The land reverts to the band if it has not been improved within two years. The hereditary system plays an important role in the band's land policies.

The original settlement was established hundreds of years ago. About 100 years ago, band members began building single family home dwellings. The reserves were created in 1898 and surveyed in 1900. By that time, there were three cooperative stores, a sawmill, several gardens and a schoolhouse. The road to the reserve was constructed in 1911. The village was flooded in 1936 and houses were relocated further from the river.

The principle source of band revenue is INAC core funding. Revenues are also realized from sales of logs and gravel and from provincial grants. More money might be made from logging, but the Band Council does not believe in too much logging.

The band's annual budget is approved by INAC. Statements are audited annually. Land and revenue policies do not distinguish between Bill C-31 registrants and regular members.

## MEMBERSHIP RULES AND RESIDENCY BY-LAWS

Three questionnaires (those directed to the Chief, the Band Manager and the Membership Clerk) contained questions relating to membership rules and residency by-laws. The following questions have been extracted from those questionnaires to show the precise responses of the band.

### MEMBERSHIP RULES

20. Do (will) your membership rules permit all Bill C-31 registrants to be Band members, some Bill C-31 registrants to be Band members, or no Bill C-31 registrants to be Band members?

ALL BILL C-31 REGISTRANTS ..... ① ---> GO TO Q.22  
 SOME BILL C-31 REGISTRANTS ..... 2 ---> GO TO Q.21  
 NO BILL C-31 REGISTRANTS ..... 3 ---> GO TO Q.22  
 DK/NA ..... 9

*Membership Committee still to decide finally on administration to membership.*

21. Which Bill C-31 registrants are (will be) permitted to be Band members under your membership rules, and which are not (will not be) permitted?

RECORD ALL ANSWERS USING CATEGORIES BELOW. WHERE RESPONDENT'S ANSWERS DO NOT COVER CATEGORIES BELOW, RECORD VERBATIM AND USE ANSWER CATEGORIES AS PROBES FOR SPECIFIC RESPONSES.

How about (category), would your membership rules allow such a person to become a member?

YES NO DK/NA

AN INDIAN WOMAN MARRIED TO A NON-INDIAN MAN.....	①	2	9
THE CHILD OF A NON-INDIAN MAN* AND AN INDIAN WOMAN..	①	2	9
* i.e. not Indian within the meaning of the Indian Act			
THE DESCENDANT OF SOMEONE WHO HAD LOST STATUS FOR SOME OTHER REASON SUCH AS SERVING IN THE ARMED FORCES, OR RECEIVING LAND IN EXCHANGE FOR STATUS .....	①	2	9
AN INDIAN CHILD ADOPTED BY A NON-INDIAN FAMILY .....	①	2	9
OTHER (record verbatim) .....	1	2	9
<u>Non Indians can also be accepted as members.</u>			

22. Do (will) your membership rules permit people who have been denied status under Bill C-31 to become Band members?

YES ..... ① I think so .  
 NO ..... 2  
 DK/NA ..... 9

23. Could you give me some examples of people who might be denied status under Bill C-31, but who could be admitted to Band membership under your Band membership rules?

No.

PROBE: o what about the grandchild of a woman who lost status because of a marriage to a non-Indian? Under Bill C-31 the grandchild would only be eligible for status if both his or her parents were eligible. Would this grandchild be admitted to Band membership under your Band membership rules?

YES ..... ① probably  
NO ..... 2  
DK/NA ..... 9

## 2. BAND ADMINISTRATION AND ORGANIZATIONAL STRUCTURE

Band affairs are governed by the Band Council, which is elected by the members. Most program functions are supervised by one or more Council members. The Band Manager, who serves as clerk and advisor to Council, is responsible for day-to-day operations and overall program administration. The Band Manager's position is currently held by the Chief, who has served as a Councillor for 22 years and, for a total of about 8 years off and on, as Band Manager.

The band currently employs nine full-time staff, including five program administrators, two clerks, a maintenance man and a public works man. All are native Indians.

The band's organization chart is shown in Table 1. As indicated in the chart, the Chief-in-Council is advised by elders and hereditary chiefs and directly governs all band affairs except educational programs. Educational programs are overseen by an education society composed of all adult community members, including parents of non-Indian children in the area who attend the elementary school. The society regularly reports on its activities to the Chief-in-Council but is essentially autonomous. The hatchery is also independently operated.

With the exception of the housing program, both the political and administrative management of the band appear to have been quite stable over the past few years, notwithstanding the fact that three different people have been Band Manager in that time. The Housing Supervisor had been Assistant Band Manager for three years, until recently, and the Intergovernmental Relations Consultant had been Band Manager until she felt the position for educational reasons only a year ago. The Community Health Representative (C.H.R.) has been in her position for 24 years.

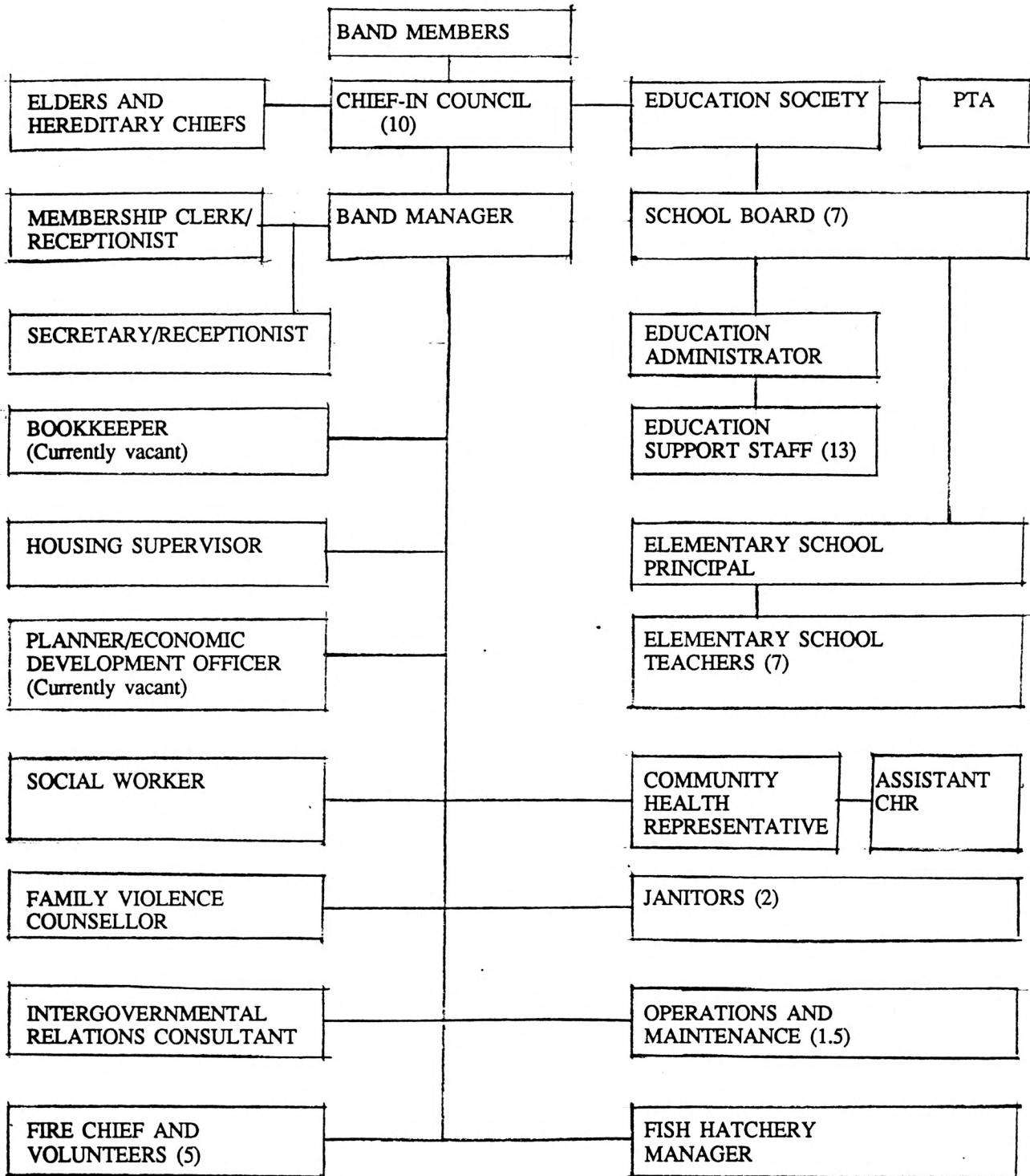
At the time Bill C-31 was enacted, the Band had only four staff members, including 3 program administrators and one clerk. Construction and janitorial services were all handled on a contract basis. The staff increases are attributed partly to the impact of Bill C-31 (more people on the reserve) and partly to INAC's delegation of more and more administrative responsibility to the band. All INAC has left now is lands, revenues and trusts. Where the local INAC office had 28 staff in 1984, it now has one. The band is not getting the funds it needs to fill the gap. With nearby INAC offices closing, telephone and travel costs will also rise.

The Bill C-31 population has introduced increased demands which the administrative staff have found to be a source of great stress and strain, sometimes working 12 - 15 hours per day. The demands have covered all services - housing (over 80 families representing 600 people on the C-31 waiting list), education, social assistance, etc. In the Chief's view, the Band has been unable to deal effectively with these increased demands. "We're not even close. We're spread way too thin. I have four jobs. Another person has 3 jobs. But INAC doesn't permit more staff at the band level."

A 1988 impact assessment prepared by the Tribal Council estimated that, by 1994, under current INAC funding policies, there would be annual shortfall in "band government" funding of \$527,565 and in Band support funding of \$12,193. Of these shortfalls, \$482,400 would be attributable to Bill C-31.



TABLE 1  
ORGANIZATION CHART





### **3. PROGRAM ADMINISTRATION AND FUNDING (GENERAL)**

The method of program administration is depicted in Table 2. Most programs are singly or jointly run by the band. The exceptions are economic development (Tribal Council), lands, revenues and trusts (DIA) and education (education society and provincial school district).

Table 3 depicts the funding arrangements for the band. Most programs are funded by INAC through a contribution arrangement with the Tribal Council, Band or Education Society. The province funds non-Indian students who attend the elementary school on the reserve. Secondary educational services are funded through a federal-provincial Master Tuition Agreement. Housing is financed partially through individual equity. Health Services are funded by NHW.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov/ Territ Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development		✓						BAND/TRIBAL COUNCIL/DIAND		
Education K & Elem							EDUCATION SOCIETY	DIAND/EDUC. SOCIETY		
Education Secondary						✓				TUITION AGREE DIAND/PROV.
Education Post-Second.							EDUCATION SOCIETY	DIAND/EDUC. SOCIETY		
Social Development	✓							BAND/DIAND		
Child/Family Care	✓							BAND/DIAND		
Seniors Care	ND							ND		
Housing	✓							BAND/DIAND/CHHC		
Community Infrastruct.	✓							BAND/DIAND		
Policing					BAND/ RCMP					RCMP
Fire Protection	✓							BAND/DIAND		
Health Services					BAND/ NHW			BAND/NHW		
Drug & Alc. Abuse		✓						BAND/NHW		
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

#### 4. ECONOMIC DEVELOPMENT

Although the economic development program is administered by the Tribal Council, responsibility is delegated to the band. One of the Chief's four jobs in the past two years has been to administer the band's economic development activities. Funding is low. The Tribal Council has been getting only \$68,000 per year for nine bands who generated 35-50 applications for funding in the past year. The band has only received \$5,000 of this.

The band has had a fish hatchery on the reserve through a contract with the province since 1981, when it was started as a pilot project. At that time, 350 adult fish were counted in the river system. Six or seven years later, 8,500 were counted. There is a potential for the band to have a cannery, a quick-freeze plant and/or a smokehouse. There is a good market for smoked fish in Japan and China. Seed capital is needed and provincial programs look promising.

New businesses on the reserve include a laundromat (building in place, more funds needed) and a gas station. Funding is in place for the gas station and construction should start in May.

The main sources of employment for band members are in area sawmills and, to some extent, in logging. The hatchery provided about 15 summer jobs, commercial fishing another 25, student programs about 20 and shorewater jobs (canneries, etc.) in a distant city about 30.

Other sources of band employment include maintenance, service and house construction work on the reserve, work in the school, administrative work in the band office, subsistence fishing and trapping. There has been a lot of trapping in recent years and this activity is expected to increase dramatically. In all, there are maybe 20 jobs on the reserve.

The Chief estimates that almost 80% of the reserve labour force of about 225 (including 13 unemployed C-31 reinstates) is unemployed, most of them in the 18-30 age bracket. Of the 42 employed band members, 15 have some post-secondary, 15 some secondary and 12 some primary education. Companies tend to hire by seniority and experience. "The young people have no choice but to accept minimum wage jobs to make spending money. They are really suffering." There are not enough jobs on the reserve for Bill C-31 registrants and it would appear that there are not enough in the surrounding area either.

Nevertheless, the Chief is optimistic about the future. Once outstanding land claims are settled, the area could really boom. There are great possibilities in tourism, in the forest industry and in inland fisheries, all of which entail negotiations and cooperation with the provincial government.

Bill C-31 registrants are considered to have had little impact to date on the band's economic development programs. The impact on the employment situation on the reserve is considered to be negative because they have had a big impact on the demand for services and staff workload and have introduced a lot more competition for scarce jobs. At the same time, a lot of them are retired and bring nothing to the reserve, while others are quite young - there seem to be very few in between. According to the Chief, only a few years ago about 65% of the reserve population was under 25 years old. Now, 65% are over 30 years old. There are a great many more elderly people and an associated substantial increase in demand for services which the band can't fully provide. Job skills brought by C-31 registrants to the community include nursing, cannery work, fisheries management, homemaking, welding, silviculture, secretarial work and day care.

A 1988 impact assessment prepared by the Tribal Council estimated that, based on a maximum INAC assistance level of \$45,000 per person, the cost of private business development assistance for C-31 returnees would be \$1,885,000 (1988 dollars) by 1994. This estimate was based on the business plans of three households on the reserve by 1989, six households off-reserve (of whom 4.5 would actually return) and an assumption that seven of the estimated 18 C-31 returnees currently aged 13-18 would require assistance by 1994.

## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members	212	42	≈ 170
Bill C-31 Registrants	13	0	13
Total	≈ 225	42	≈ 183

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members		12	15	15	42
Bill C-31 Registrants		0	0	0	0
Total		12	15	15	42

## 5. EDUCATION

Education programs are sponsored by an Education Society which was established in 1979 and consists of all members of the community including the parents of about 25 non-Indian children who attend the elementary school on the reserve. The school is governed by a School Board with 7 members, 3 or 4 of whom are elected annually for two year terms by the members of the society. All other schooling is provided off-reserve in provincial institutions. An educational administrator who has been in his job for 10 years is responsible to the Board for all programs including relations with INAC and provincial authorities, post-secondary education, policy and adult education. The Society is funded directly by INAC but reports to the Band Council on a monthly basis.

A 1988 impact assessment prepared by the Tribal Council estimated that, by 1994, there would be 59 additional C-31 elementary - high school students on the reserve. The additional cost to INAC between 1988 and 1994 would be \$967,000 (1988 dollars) or an average of \$161,150 per year. This estimate did not include the cost of school building expansion or replacement. There would also be 15 additional post-secondary students, living both on and off-reserve, at an estimated additional cost of \$949,500 by 1994, or an average of \$158,250 per year.

### ELEMENTARY

The elementary school on the reserve is one of only three or four schools of its type in the province. It is funded by INAC for Status Indian students and by the province (partially) for non-Indian students who live in the area around the reserve. For the past 4 years, it has offered a pre-school native language program which is funded by a private foundation.

There are eight teaching staff, including the principal, and about 14 administrative and maintenance support staff, some of whom also provide support for other educational programs. The school serves grades K-7 (113 students), 19 nursery children (age 4) and 18 pre-schoolers. In 1984-85, there were about 100 students in grades K-7.

The school building was built in 1957 and was expanded in 1965 and 1979. It has six classrooms and can accommodate 130 students. Distinctions are not made with regard to C-31 status. It seems clear that Bill C-31 will have an impact on space needs but there are no current plans for addressing the problem. Options include an addition or a new building.

### SECONDARY

The band has 54 students attending a provincial secondary school (grades 8-12) located in a small community about sixteen kilometres away. Bill C-31 does not seem to have had an appreciable impact here except that the school bus is getting to be overloaded. Status Indian students are funded through a federal-provincial master tuition agreement. There are also a few students in a distant community. In 1985-86, there were about 100 students in the local high school. The situation is hard to explain - there seems to be a trough in enrolment right now.

### POST-SECONDARY

The post-secondary education assistance program (PSEAP) has been administered by the Society since 1979. Most of the students attend community colleges in distant communities. The programs are two to four years long. About 70% of the students actually complete their programs. The college completion rate is higher than the university rate.

Thirty-three students are currently enrolled in post-secondary programs, about ten of them in universities. Four of them are C-31 registrants. The other 29 are regular band members. Courses of study include university transfer programs (general, the Native Indian Teaching Education Program), nursing, accountancy, medicine, psychology, police work, carpentry, automotive work, welding, forestry, social work and flying.

So far, there has been little increase in work pressures attributable to Bill C-31 and the society has been able to deal with them effectively. One problem is that a lot of applicants are strangers to the administrator. Another problem is that INAC funds are provided too late to permit adequate planning for accommodation,

etc. His main complaint is with the PSEAP reporting process, which he considers to be unnecessarily complex and time-consuming. According to him, INAC staff openly admit that the program is designed to deprive native people of educational opportunities.



## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten				NA
Elementary * School			113 (includes kindergarten)	≈ 100
Secondary * School			54	≈ 100

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	29	
Number Bill C-31 Students Receiving Funding	4	Not Applicable
Total	33	NA

## 6. SOCIAL DEVELOPMENT

The band has had a full-time social worker for at least five years. The present incumbent assumed the position two years ago. She is the only staff member but is assisted from time to time by the intergovernmental relations consultant, who was Band Manager until a year or so ago, and by a family violence counsellor who is currently on a community services training practicum. The band started administering its own programs over five years ago.

Social development and assistance services include financial assistance, work opportunity programs, child care, individual counselling and a crisis line. One of the houses on the reserve is being turned into a group home. A total of 236 band members receive social assistance. About 50 receive assistance on a seasonal basis and about 185 receive continuous assistance. Seven band members are in a work opportunity program. Information on 1984 statistics was not available, nor was the breakdown by Bill C-31/regular members. However, the social worker said that, so far, she has dealt with only 2 Bill C-31 people.

Overall, the band has so far been able to deal effectively with additional social program pressures attributable to Bill C-31. As more C-31 registrants return to the reserve, however, what is already an onerous workload will become intolerable. The social worker feels that there should be a satellite social services office on the reserve to deal with the impact of the increasing population. There would be six staff members - receptionist, financial aid, social worker, family support, child care and rehabilitation officer. "INAC does not consider the workload that is unique to the reserve itself. INAC just goes by numbers."

The band is currently negotiating with provincial and federal authorities to obtain funding for a facility which, according to a 1988 Tribal Council report, would also provide health services and would be staffed by seven new positions, including a Community Health Representative, an alcohol worker, a community youth worker, and a family violence counsellor. The proposed building would be 3,552 square feet and would cost \$177,600.

Bill C-31 members who live off the reserve receive provincial social assistance. The key, with few exceptions, is place of residence. In one of the exceptional cases, the band helped a young woman with travel funds to come back from the city for her grandfather's funeral.

A 1988 impact assessment prepared by the Tribal Council noted that the average annual income of an on-reserve registered band member was \$5,675. It is estimated that, by 1994, there would be eight C-31 clients on social assistance. The annual cost (in 1988 dollars) of basic needs for these people would be \$45,400 (8 x \$5,675), excluding proposed staff increases and new facilities.

It is also estimated that the annual additional cost attributable to Bill C-31 of homemaker and mental health counselling programs would be, respectively, \$6,000 and \$11,800 (1988 dollars). There would also be an increasingly urgent need for family counselling services that are not normally funded by INAC.

### CHILD AND FAMILY CARE

The band has administered its own child and family care program for over five years. The program is overseen by a Child Welfare Committee with 8 members which was formed only recently. At the time of the interview, 33 children were being helped through the Guardian Financial Assistance Program funded by INAC. INAC provides funding only for G.F.A. Monthly funding ranges from \$228 (age 0-5) to \$407 (18+). With no other services funded, "it is impossible to plan". Except for a special need budget, there are no funds for clothing, boots, etc. The provincial system is much superior, but the province will not help children on the reserve and will only help where the child has been apprehended by the social services agency.

So far, the band has been able to handle the additional pressures brought by Bill C-31, but the present problems with lack of services are expected to get much worse when more people with higher expectations start demanding service. The case load has steadily increased from about 18 children in 1984 to about 35 today. This increase is not attributed to Bill C-31 but rather to changing attitudes. "Sexual and family violence disclosure has opened a can of worms."

### CARE FOR SENIORS

Other community groups include a health committee, and a sports club. The band has no program for senior citizens although, according to the Chief, they are trying to put one in place if it is really needed.

## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total
		DK			DK	50	186	236

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
WOP	DK	DK	7	NA

# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members	NA	NA	NA	NA	NA	NA
Bill C-31 Registrants	Not Applicable	NA	NA	NA	NA	NA
Total	≈ 18	NA	NA	NA	≈ 32	≈ 35

# **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	ND	ND	ND	ND	ND	ND

## 7. HOUSING AND COMMUNITY SERVICES

### HOUSING

The band's housing program is supervised by a Housing Supervisor who came into the position in January 1990. Prior to that, he was Band Manager for a brief period and, before that, had been Assistant Band Manager, commencing in 1987. The previous housing supervisor was let go after he had been on the job for six months.

The housing program is overseen by the Chief and one of the Councillors. The band has administered its own housing program for at least 20 years. There are about 13-14 staff, including one administrator, one supervisor, seven carpentry apprentices, and a contractor with four or five workers. All of them are band members. Five years ago, there were about six housing staff. The housing supervisor attributes the staff increase to Bill C-31.

There are about 150 dwellings on the reserve, all of them single houses. Approximately 70% of the houses are considered to be in good condition, about 20% need to be upgraded and 10% are considered to be in need of replacement. Twenty-one of the dwellings are abandoned or condemned. In the words of the Chief, "There is no such thing as adequate housing on the reserve. Some should have been condemned years ago. Slam the door and the lights go on and off."

Separate waiting lists for housing are kept for regular and Bill C-31 members. There are currently about 90 applicants on the two waiting lists, including 40-50 regular members on the reserve, about 10 regular members off the reserve, six C-31 members on the reserve, and about 30 C-31 members off the reserve. There have been over 80 family application representing 600 people on the C-31 list. Since before 1984, regular band members have had to wait 5 to 7 years for housing. In contrast, C-31 members tend to get their houses right away.

The waiting list priority for subsidized housing is usually determined in November by the Band Council, in accordance with the Band's housing policy. Applications must be submitted annually. Criteria for selection include need, safety, number of people affected, age, people who have shown initiative and health. The Band Social Worker may advise on housing needs. Funds for renovations are determined with reference to the condition of plumbing, insulation, wiring and heating, space adequacy and overall condition. Records of the waiting lists are kept. The lists are periodically reviewed to determine the places of more recent applicants. There is some flexibility - if the first person on the list is not ready to go ahead this year, they could change to next year and still be number one.

Funding sources include DIA, CMHC and personal equity. The Band's normal practice is to let the applicant choose the house design and lot, then proceed with construction. According to the Chief, they then "keep going until they run out of funds". Applicants are expected to contribute sweat equity if they are able. Otherwise, their work is done by carpenter apprentices or band contractors.

Capital funds for housing are distributed to its nine member bands through the Tribal Council, which in recent years has had only about \$1.5 million per year to distribute. Where DIA used to have housing officers, the salaries of the Tribal Council housing officers must be taken out of the capital fund.

One of the biggest problems has been covering the unfunded portion of construction costs. Funds provided by DIA have not changed in 10 years, while the cost of materials has continuously increased. Concrete, electrical and plumbing has tripled. Lumber has doubled. The \$31,000 per unit typically provided by DIA covers only half or less of the cost of a decent, complete house. This is cited as the main reason why there is an inordinately large number of unfinished and, in some cases, still uninhabitable new houses, with unfinished floors, no cupboards, doors not hung and, sometimes services like water and sewer still unconnected. Other factors mentioned by interviewees as contributing to this poor performance include the following:



- The Band's ability to assist people is severely constrained by INAC funding limitations. The Band has no spare funds. If a person is low income, on social assistance or U.I.C., they don't have the funds needed to finish the house. So there has been no problem for only a few C-31 people. The rest of the C-31's are like regular members. They lived in low income housing before they came back to the reserve.
- The construction staff is inexperienced, but the owner has no say about who should build it and how. There has been only one case where a C-31 applicant did her own design and, at considerably greater cost, had the house built by her own contractor.
- There have been instances of theft. "The band gives the contractors materials and funds, then they walk away with the materials. The band is watching it more closely now".

This situation has been a source of great distress for everybody. Several interviewees mentioned that they had been told that they had to come up with more money to finish their houses. The problem is that they have no more money for their houses and they have no idea where they will get it. There appears to be a strong feeling that the problems due to inadequate funding have been severely compounded by the band's poor overall management of its housing program. One regular member observed that another reserve seems to finish their houses, and even include washers and dryers on a rent-to-own basis. The staff there seem to be a lot more experienced.

According to the housing supervisor, almost all houses on the reserve got completed before Bill C-31 was enacted. The band is now trying to get a labour subsidy to assist them in completing the houses. The band also tries to keep house sizes at 1,000 square feet or less.

Last year, the band built ten C-31 houses, four regular capital houses and did \$44,000 in renovations financed by RRAP grants. They recently got authorization to build two more C-31 units for which funds were transferred from those originally allocated to another reserve. Current plans include four houses for regular members to be finished by May, 1990, some major renovations to existing houses, and an expected six C-31 houses which would be done by October. The band was still waiting for an INAC decision at the time of the interview. They find the delays costly, as foundation costs rise later in the year (ground water pumping). The situation is expected to improve when the Tribal council takes over funding through an A.F.A.

According to the housing supervisor, the band is now a year behind in developing subdivisions for new houses. There had been no problem until this year. The band had a five-year plan, but C-31 wound up taking all the lots. Development of the latest subdivision started in 1984 and was supposed to last until 1995. It was filled last year. Four years ago the band put in 69 lots. There are plans for 400 more lots and 80 are already spoken for. Most of the land had been previously subdivided, so the process also includes making land exchanges with band members who have Certificates of Possession for lands which the band wishes to develop.

A 1988 impact assessment prepared by the Tribal Council estimated that the band will need 140 new housing units by 1994, including 33 for C-31 registrants, 77 for regular members on-reserve, and 30 for regular members now living off-reserve. The projected cost of this housing in 1988 dollars is \$5,978,000 of which \$1,409,100 is attributable to Bill C-31. In the view of the housing supervisor this estimate is much too low.

A number of interviewees noted that some of the regular members resent the fact that Bill C-31 members get their housing more quickly and feel the system is unfair. In the Chief's view, "There has been no litigation yet, but it's just a matter of time. There is a lot of pressure. A lot of regular band members are unhappy. There are only 2 or 3 regular capital homes per year but there are 16 or 17 C-31 homes. In fact, there were about 29 C-31 homes, but then we were cut back."

The band has not been able to deal effectively with the additional housing pressures brought by Bill C-31. The demand for services and the workload have both increased substantially. The band is using up its land too fast. There are too many incomplete houses. Regular members feel that they are being treated unfairly. The band has had to cut back on other capital projects, like roads and community buildings, because of the high cost of subdivision and lot development. In the words of the Chief, "We plan 20 houses a year for five years and we're still behind. Our infrastructure plans were shot to hell by Bill C-31. Problems? I could write a book about that".

## COMMUNITY INFRASTRUCTURE

Existing facilities on the reserve include a modern band office building, an elementary school with a library and gymnasium, a community hall, a health station, two carving schools, a fish hatchery, a net loft, two churches and a fire hall. Other non-residential land uses include a ballfield, a soccer field, cemeteries and two convenience stores.

The reserve is serviced by a domestic water system with a 25,000 gallon water tower fed by a new well system. The system is in fairly good shape. There are about 12 miles of 5 different types of pipe underground, including asbestos-cement, plastic, iron and some old wood stave piping from 1958. To meet the demands of C-31, the system will have to be further extended and the water tower capacity increased to about 40,000 gallons.

Electrical power is provided by the provincial hydro system. All developed areas have street lighting. The system was recently extended. The band covered the cost from its reserve funds. INAC had promised funds but, so far, has failed to deliver.

Most buildings are heated by wood and/or electricity. A few buildings are heated by oil. There is no gas heating. More and more people are cutting their own wood now.

Sewage is handled by individual septic tanks. The band has had plans for a piped sewer system since 1971. It is hoped to start construction this fall. The system will include 10 miles of pipe and a treatment plant. It will take 4 years to complete.

Garbage is collected once a week. It is dumped at a landfill. The band is investigating a dumpster system which would avoid problems with bears.

The road system follows a loose grid pattern. Except for the gravel provincial highway which passes through the middle of the developed area of the reserve, the roads are dirt. There is gravel available but there have been no funds to make the needed improvements. The system will have to be extended to meet the demands of Bill C-31. The band has had blueprints for road improvement since 1975.

The band facilities and infrastructure are maintained by 2 staff maintenance men and a public works man. Major jobs are contracted out.

The band is experiencing severe difficulties in dealing with the additional pressures on the community infrastructure brought by Bill C-31. The community hall should be expanded to accommodate 600-700 from its present capacity of 400. The school board is considering whether to expand the elementary school or whether to build a new one. The fire hall, water tower and health clinic all need to be expanded, and new facilities are needed for group homes and care of the elderly. As the Chief remarked, "If we were dealing effectively with Bill C-31, we wouldn't be having complaints. A hundred are coming back this year. Next year there could be another hundred. It puts a real strain on the infrastructure, the school, the office, the community buildings. When we have a wedding, half the people have to stand outside the church." But the funds to respond to the problem are not provided. "Last year we put in 25 lots at \$17,600 per lot, including roads, street lights, water supply, land clearance and landscaping. INAC told us to go ahead and then failed to fund it."

## POLICING

Police services are provided by the local area detachment of the RCMP. Each member of the detachment is responsible for one reserve, maintaining contact with the Band Manager and the Council.

The detachment has eight regular and two native special constables. The duties of the native constables are primarily preventive - maintaining liaisons, setting up block parent programs, assisting with drug and alcohol counselling, etc. They have limited enforcement responsibilities.

According to the RCMP, the area served by the detachment currently has one of the highest crime rates in the province. The RCMP staff has increased by two since 1984 in response to a relatively substantial increase in the crime rate, but this is not considered to be attributable to Bill C-31. Many of the incidents involve acts of violence associated with alcoholism. The detachment's basic function is to respond to complaints, since manpower restrictions and the large area served limit the detachment's ability to perform other functions.

RCMP records on incidents are not readily available. Distinctions are not made by race or status but, since Indians constitute about 85% of the population in the detachment's service area, they are considered to be associated with a similar proportion of the increase in crimes in the area. On the reserve, however, the crime rate is considered to be relatively low and the relationship with the band is considered to be a positive one. It is not expected that there will be a significant change in policing requirements attributable to Bill C-31.

According to the Chief, there have been three murders on the reserve in the past several years. Another interviewee advised that there were three murders involving band members in 1989 and another three in 1988. 1988/89, there were three suicides. In 1988, there were fourteen assaults, five wives hospitalized, five men in prison for sexual assault and two for wife battering. These were only the reported incidents - there were more that went unreported.

According to the Chief, the RCMP only come to the reserve if somebody is dead or has been critically injured, or for other serious reasons. "Most of the time, I do the policing." A real concern is the younger C-31 people who have nothing to do and are walking the streets. In the Chief's view, the band has been unable to deal effectively with additional pressures on policing brought about by Bill C-31. "The problems are going to get worse. It's got to be dealt with."

#### **FIRE PROTECTION**

The band has provided its own fire protection for about ten years. The band has a fire hall, a pumper truck, three sets of breathing apparatus, a roof ladder and an elevator. There are fire hydrants about 150 feet apart on every corner of the reserve. Fire extinguishers and smoke detectors have been placed in all buildings.

One of the band's councillors serves as a fire chief. There are currently five regular volunteer firefighters, but 20 may respond when there is a fire. In 1984, there were 10 regular volunteers. The drop is attributed to declining interest and the failure of the band to recognize the volunteers' contributions in some tangible way.

There have been no major fires on the reserve in the past five years. There have been several minor house fires and about three or four chimney fires in the past few years. There has been no significant impact attributable to Bill C-31. The band can deal effectively with this impact.



## **8. HEALTH**

Health services are administered at the reserve health station by two Community Health Representatives (CHR) responsible to the Chief-in-Council through the Band Manager. One CHR has been in her position for 24 years and it is planned to continue her employment with NHW until she retires, so that she can get full benefits. The other CHR is new and is on a half-time contract with NHW. She has not received any CHR training yet. She works full-time and, as it stands, her contract will expire after six months.

A registered nurse visits the reserve once a week. According to the CHR, the nurse sets up a clinic and seldom visits homes but claims in reports that she visits the chronically ill. An unqualified dental technician who works under the supervision of a dentist comes to the reserve one or two days a year. This is inconvenient and unsatisfactory service, so most parents take their children to a town 16 kilometres away.

The health station provides a full range of services which, in a given year, usually covers almost all band members both on and off-reserve, plus non-status residents of the reserve, i.e. about 1,000 people. The services include all non-insured services, education, prevention, a prenatal clinic, a baby clinic, environmental health, health counselling (mental, social, physical), and liaison with other agencies (RCMP, local schools, etc.). There is an excellent working relationship with the local elementary school. The biggest service area is in preventive health. Recently, a survey was done for the Band Council regarding the need for equipment such as safety bars.

Generally, the band has so far been able to manage the additional pressures from Bill C-31 on health services. The workload has increased substantially but the needed additional help has been provided with the additional CHR. The demand for services has increased at roughly the same rapid rate of growth as the reserve's population. According to the CHR, the new people seem to be in the 30-50 age bracket. There are very few elders left on the reserve. At the same time, the chronic care workload had increased noticeably.

No distinctions are made between regular and C-31 members, except that the latter must have a registration card before they are entitled to services. Sometimes the CHR helps them in trying to get a card. A few of the C-31 returnees are chronically ill and prefer the doctors that they had in the city they came from. Some medications are not available locally so that prescriptions are hard to fill. The individuals could make their own arrangements but they often ask CHR for help. In one case, the Band Council provided a person with a homemaker. The CHR tries with some success to involve regular members in helping their C-31 relatives.

The CHR has noticed that a lot of people who walk in don't look like Indians but have status. She had never heard of them or seen them before. Some of them are very demanding - they are used to getting service on demand. Some came back with bad habits, for example an alcoholic man who would call at any time of the day or night.

A 1988 impact assessment prepared by the Tribal Council estimated that the cost in 1988 dollars of health service improvements would be \$424,600, including \$177,600 for a social services centre/health station, \$22,000 per year for a secretary-receptionist, \$22,200 per year for a youth alcohol worker, \$25,300 per year for additional CHR support, \$125,000 for social services staff (4), and \$52,500 for operating costs. Bill C-31 is estimated to account for 15.8% of this cost, or \$67,100 in the year the new health station is built and up to \$37,800 in other years. Another \$78,000 in annual health care costs would also be attributable to Bill C-31.

### **DRUG, ALCOHOL, AND SUBSTANCE ABUSE PROGRAM (NNADAP)**

The band has had a liquor by-law since before Bill C-31. The Chief expects that it will be repealed and a new one adopted by the Spring of 1990.

The band has no staff member specifically assigned to NNADAP but has recently negotiated a position to be funded by NHW. There had been a worker funded through Community Alcohol Program Support who resigned when he became aware that NHW was downsizing. NNADAP has been administered by the Tribal Council since around 1983. On the reserve, the Band Council is supportive of initiatives aimed at dealing with drug and alcohol problems. Those most closely involved include the CHR, a family violence counsellor

who is currently on an educational practicum on the reserve, and an intergovernmental relations consultant who had previously been Band Manager. The family violence counsellor had previously worked for the Tribal Council as an alcohol and drug counsellor over a period of about five years, ending about 1984.

The need for a family violence counsellor was demonstrated through a survey done on the reserve. As a result of the survey, a committee was established within the community and the Band Council sent a letter to known drug dealers advising them that they would be turned over to the RCMP if they did not cease their activities.

A liaison was also established with the RCMP to ensure that crime statistics are carefully collected and monitored. As noted in the discussion of policing, there have been six murders and three suicides involving band members in the past two years and, in 1988 alone, five wives hospitalized, fourteen recorded assaults, five men in prison for sexual assault and two for wife battery. Drug and alcohol abuse was an important contributing factor in most, if not all, of these cases.

Other factors that are considered to have contributed to drug and alcohol abuse and related problems include the historical influence of white prospectors in gold rush days, the old Indian residential school system, an awakening consciousness that INAC was not felt to be acting in the best interests of the Indian people, and the suppression of feelings of victimization. There is a lot of "acting out" by people in the 30-50 age bracket.

The band survey found that 85% of the people on the reserve were consumers of "street" drugs, alcohol or prescription drugs. Prescription drug dependency is also a concern, and the band's committee is especially concerned about young children.

The band has not been able to deal effectively with additional pressures placed on the community's drug and alcohol programs by Bill C-31, mainly because it has been unable to deal effectively with the situation in any case and has not had programs of any substance. Bill C-31 members are no different from regular members, notably those who are adult children of alcoholic parents. The demand for services and the workload attributable to Bill C-31 has gone up and will probably continue to increase.

At the same time, people are starting to come forward. They can see some action being taken with the family violence counsellor being added to the staff, they can see that the preventive programs may have an impact and there is hope that the elders will become more involved. The situation appears to be overwhelming, but it is not hopeless.

## HEALTH SERVICES PROFILE

### BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA



## 9. OTHER IMPACTS

In addition to the people interviewed on specific topics, regular members and Bill C-31 registrants were selected at random and interviewed, all of them in person. We have set out certain comments of interest below because they provide a flavour to the findings not otherwise apparent. These comments do not necessarily represent a consensus, however, as each comment was made by only one person.

### COMMENTS FROM REGULAR MEMBERS (including "topical" interviews):

#### Housing

- \* "We have no real problem in responding to Bill C-31 housing inquiries. We tell them that there is a priority list and that they'll have to wait 3 or 4 or 5 years. If INAC cuts off the subsidies, then the C-31's are out of luck."
- \* "When you have four regular houses to build per year and 80 applicants to pick from, there are a lot of hard feelings. Some people have waited for 20 years."
- \* "It seems like Bill C-31 people are getting a better deal on housing. It seems unfair."

#### Membership

- \* "As long as you have Indian blood, you can become a member of the band. This can give some problems. For example, my nephews are half Indian but they all have blue eyes."
- \* "If a non-Indian is married to a status Indian who dies, the band tries to help the surviving spouse. There is a question only if that person gets re-married to a non-Indian."

#### Social and Economic Concerns

- \* "Bill C-31 has increased out contact with people who had gotten lost and now want to return. So the number of requests for help has increased. And bands traditionally reach out to people who need help."
- \* "We have no problems with requests from Bill C-31 members. Our problem is giving them what they ask for when they apply for funding."
- \* "Bill C-31 has had a big impact. The amount of money for social assistance has tripled since 1985. The mills don't offer too many jobs and, we're running out of trees for firewood on the reserve."
- \* "There are a lot more older people and it is a real mess. The home makers who help the old people and the handicapped are untrained. The old people need services that we don't have. The handicapped can be a real problem too. More money is needed for wider doors, larger bathrooms, rails, and so on. If we budget for it, they cut it down."
- \* "The biggest problem here for young people is alcoholism. Usually there is alcohol at the dances. But church activities are alcohol-free."
- \* "There isn't much recreation around here. The system for children is pretty poor. At another reserve, they have things like piano lessons, crafts and ski lessons. All they have here is sports."
- \* "My sister lost status due to marriage. She lives in a distant town. Her husband has a good job. They wouldn't have the same opportunities here. I doubt that they'll move back here."
- \* "It is harder to get INAC funding for college training than for university. But the biggest need is for people with occupational skills."

- \* "When people get back here, what work will they have? With funding cutbacks, there are no more make-work projects. It seems like they are encouraging people to stay on welfare."
- \* "I hope that C-31 people can help the band in creating jobs, dealing with the government and helping the community to become independent."

#### Acceptance and Assimilation

- \* "Bill C-31 hasn't affected me personally. It's good to see that former residents who had been deprived of their status are back on the list and back in the community again."
- \* "Bill C-31 has brought more people to the reserve. But it's not that different."
- \* "The positive thing about Bill C-31 is that people with trades and professions come back to the reserve and contribute to it. But C-31 people on social assistance don't help - they compound the problem."
- \* "Right now, Bill C-31 is a big question. The situation is still new and we don't know what all the problems are. But we are looking forward to it - they're our people. We are hopeful - the people moving back are pretty well educated."
- \* "I lived off the reserve for nine years. I married a non-Indian after Bill C-31 and we moved back to a new house on the reserve in 1988. I had waited three or four years, but a lot of people thought I was C-31 and complained about me getting a house before them."
- \* "It doesn't bother me if C-31 people want to move back here. I used to know them and got along with them. It's only people that are hard to get along with that cause the problems. If there is a purpose for them to move back here, there's no sense in me trying to chase them away. But there's not that much going on here. There's no possibility of work."

#### Other Comments From Regular Band Members

- \* "The federal government is finally realizing that they could not destroy the Indian family lineal system. Bill C-31 is the federal government finally admitting that it has made a mistake."
- \* "I don't think that we've really felt the impact yet. If our budget was increased, we could respond to the demand. But it must increase in all areas."

#### COMMENTS FROM BILL C-31 REGISTRANTS

- \* "They're sure slow about my house."
- \* "I don't care for the reserve, really, but I need a house. An important reason I came back was because I need a house."
- \* "People here are not too friendly - to me, anyways. But they were helpful."
- \* "I was called a few weeks ago and told that they had run out of money for my house. They need another \$10,000. I don't have \$10,000. I don't make that kind of money in the few months that I work in the summer, plus U.I.C. Who do I talk too?"
- \* "I was surprised. The application process moved quite quickly."
- \* "We get a lot of medical services and don't have to pay property tax. But if there are no jobs here, that evens it out."

- \* "I was raised on this reserve. Back then, people farmed, they had cattle and horses, they gardened, they canned and dried food, they fished, they trapped in the winter. I came back and I walked around and I said "Where's the cattle?" There aren't any chickens any more. People say they smell. People just go to the food market now, and that's no good."
- \* "I left the reserve over 40 years ago. When I came back, I was not accepted right away. The elders that knew me had died. I didn't know the people. It was hard."
- \* "It's just like moving to a strange country, even though I still have family here. I missed the reserve, my roots. Now I worry about the future. What is the younger generation going to do? I was told that our reserve had the highest crime rate in the province last year."
- \* "I had to wait two or three years for a house. Regular members have better access to housing. At least, it doesn't seem that they have to wait as long."
- \* "I felt welcome because my husband and I got involved right away. We volunteered for things and put time back into the community."
- \* "I heard that they're bringing 400 back here. What are they going to eat? We can't eat houses! I'm going to grow a big vegetable garden."
- \* "I felt welcome here. I was brought up in this area. I thought it over carefully and decided to register because it was time to get back on my own two feet."

## 10. CONCLUSIONS

The overall impact of Bill C-31 on the band to date has been significant. The on-reserve population has increased over 10% in less than two years, from 523 in 1988 to 585 in 1990. Impacts cited by the Chief include the following:

- \* band administrative services have been badly watered down;
- \* the community hall is now much too small;
- \* the water supply system has had to be upgraded;
- \* new roads have been built;
- \* new subdivisions have been developed; and
- \* there are a lot of make-work social assistance projects which guarantee that people will stay on welfare.

It would appear that the most severe impact has been on the band's housing and infrastructure programs. Ten year plans that were carefully formulated in 1985 for housing and infrastructure development have been superseded by the rapid growth in housing demand and funding associated with Bill C-31. Because the plans have also been distorted by INAC funding priorities, the band has been unable to develop the reserve's infrastructure in harmony with the development of housing subdivisions, as it had originally intended to do. Also, the system of funding reserve housing effectively gives priority to C-31 returnees in a manner that is perceived to be unfair to regular band members who have waited a long time to get a house.

The housing problem is compounded by the fact that INAC funding is at the same levels as ten years ago and has not kept pace with inflating increases in construction costs. Furthermore, while the band wishes to help those among its Bill C-31 returnees who want or need help, its administrative resources are limited. The band staff has not had the kind of experience needed to respond effectively to the housing demands brought about by Bill C-31. The combination of inadequate funding, inexperience and a sincere desire to help Bill C-31 returnees has resulted in a large number of unfinished houses which, in some cases, are still uninhabitable. Since many C-31 returnees seem to have neither the money nor the ability to contribute the sweat equity needed to finish the houses, a solution to the problem is by no means clear. What does seem clear is that the band needs help and that the sources of assistance should logically include both INAC and the Tribal Council.

The stresses and strains associated with the impact of Bill C-31 on the band are not confined to its infrastructure and housing programs. It is, however, somewhat more difficult to attribute the other impacts to Bill C-31 alone because of the devolution of administrative responsibilities from INAC to the band over the past five years or so. The band is a relatively large one and the increase in the administrative workload attributable to the combined effects of INAC staff reductions, transfers of program responsibility and Bill C-31 has been almost devastating. The band has so far been unable to staff the additional positions needed to properly administer its programs, and those who are trying to cope with the jobs are, as the Chief remarked, starting to feel "burnt out". Again, the main criticism is that INAC has failed to provide the resources needed for the band to effectively assume its additional administrative responsibilities.

Another set of factors affecting the band's ability to respond to the impact of Bill C-31 include limited employment opportunities in the area, unemployment levels on the order of 80%, a high level of dependency on social welfare, and an apparently high incidence of alcoholism, drug abuse and associated violent crime. Although these problems cannot be attributed to the impact of Bill C-31, it would appear that Bill C-31 has not contributed to their alleviation and may in fact have served to aggravate them somewhat. Many of the C-31 returnees who are on social assistance are considered to be of little or no help to the band. Those in their teenage years, who have poor employment prospects and little to occupy them on the reserve, may come to vent their frustrations through violent acts and substance abuse.

The band is a member of a Tribal Council which is actively pursuing the goal of self-government. Bill C-31 is perceived to have been a positive step in the process of reaching this goal. At the same time, as noted by a Tribal Council official, the impact to date of Bill C-31 does not seem to have been as big as it could have been. The overall process has actually been somewhat slower than expected, as people decide whether and when to move back to the reserve.

A 1988 impact assessment prepared by the Tribal Council projected that, by 1994, the additional program cost of Bill C-31 for the band would be \$7,780,900, including:

Band government/band support	\$1,092,900
Economic development	620,000
Education	1,916,500
Social development/assistance	154,800
Community social services	62,100
Housing	1,409,100
Health	525,500

These cost projections are based on the projected reinstatement of 221 people under Bill C-31 and 108 new residents who are registered Indians living in C-31 households on the reserve. The projections do not include additional infrastructure costs and apparently do not adequately cover additional housing costs. For these reasons, band officials consider the cost projections to be much too low.

The administrative, social and financial problems facing the band, many of which are attributable to Bill C-31, would appear to be almost overwhelming. It would also appear that, notwithstanding the magnitude of the problems facing them, those who occupy positions of responsibility in the band do not consider the situation to be hopeless. Much of their optimism is based on the prospect of land-claims settlements and greater self-government in the near future, when they can reassert traditional values and forms of government and can take better advantage of the economic opportunities afforded by the abundance of natural resources in their domain. Given the currently precarious nature of the economic situation in the area, it would appear that the band's prospects depend greatly on getting the support it needs to bridge the gap between the present reality and the future possibilities.

***Band Case Study #9***



### METHODOLOGY

This study conforms with the given methodology except that, due to the absence of one band member, the following interviews were unable to be conducted.

- Community Health Services
- Drug, Alcohol and Substance Abuse Program

Subsequent attempts to interview the individual concerned were unsuccessful (see page 17).

Eighteen interviews were conducted, involving 10 individuals, as follows:

Chief	1
Band Manager	1
Other band officials	3
Regular members	3
Bill C-31 members	<u>2</u>
	<u>10</u>

The band manager dealt personally with nine interview topics since the band did not have staff specifically assigned to these programs.

## 1. BAND PROFILE

### LOCATION

The band has eight reserves one of which is permanently occupied. The occupied reserve is on the edge of an urban area about five miles from a city with a population of some 20,000. A second reserve, on the opposite side of the city, was occupied until recently but is now leased to an industrial company. Three other reserves are in remote, forested areas and are not easily accessible. The remaining three are only accessible by water.

The total land area of the reserves according to DIA statistics is in the 1,000-1,500 acre range, of which the occupied urban reserve constitutes 68%. One remote reserve was recently increased in area and is not included in the above statistics.

### DEMOGRAPHICS

The on-reserve population is made up as follows:

Status	425
Non-status	<u>25</u>
	<u>450</u>

The total band membership is currently 650. Two hundred status members live off-reserve. One non-Indian lives on the reserve.

About 45 individuals have registered under Bill C31, comprising about 10 family units. Twenty-five of these people (six families) currently live on-reserve, of which 21 (five families) have moved to the reserve since registration. The remainder already resided on-reserve before Bill C31.

### POLITICAL PROCESS

Interviews on the political process were conducted with the hereditary chief and with the band manager. The latter has been a band employee for 8 years.

This band is not a member of a treaty. It is a member of a Tribal Council along with twelve other bands. The band shares offices with the Tribal Council.

Band affairs are conducted by a hereditary Chief and by seven Band Councillors. Councillors are appointed by the Chief largely in response to specific program needs. Elections held every two years are used to guide the Chief in respect of the members' wishes. Three current Council positions have been filled in this way but the Chief is not formally bound by the election results. Council members have assigned roles in respect of program and management functions. The political structure and mechanism appear stable, well managed and effective.

Band members may not attend council meetings but band meetings are held 8-10 times a year.

The band has no residency by-law but has recognized a potential need and formed a committee to address the issue.

### MEMBERSHIP

The membership clerk has been a band employee for only one year but has dealt personally with most Bill C-31 applications.

The band has controlled its own membership under the provisions of Bill C31 since June 1987. The membership rules generally comply with the basic requirements. For example, the membership rules allow the following people to become members:

# MEMBERSHIP RULES AND RESIDENCY BY-LAWS

Three questionnaires (those directed to the Chief, the Band Manager and the Membership Clerk) contained questions relating to membership rules and residency by-laws. The following questions have been extracted from those questionnaires to show the precise responses of the band.

## MEMBERSHIP RULES

20. Do (will) your membership rules permit all Bill C-31 registrants to be Band members, some Bill C-31 registrants to be Band members, or no Bill C-31 registrants to be Band members?

ALL BILL C-31 REGISTRANTS .....(1)---> GO TO Q.22  
SOME BILL C-31 REGISTRANTS .....2 ---> GO TO Q.21  
NO BILL C-31 REGISTRANTS .....3 ---> GO TO Q.22  
DK/NA .....9

21. Which Bill C-31 registrants are (will be) permitted to be Band members under your membership rules, and which are not (will not be) permitted?

RECORD ALL ANSWERS USING CATEGORIES BELOW. WHERE RESPONDENT'S ANSWERS DO NOT COVER CATEGORIES BELOW, RECORD VERBATIM AND USE ANSWER CATEGORIES AS PROBES FOR SPECIFIC RESPONSES.

How about (category), would your membership rules allow such a person to become a member?

YES NO DK/NA

AN INDIAN WOMAN MARRIED TO A NON-INDIAN MAN.....	(1)	2	9
THE CHILD OF A NON-INDIAN MAN* AND AN INDIAN WOMAN..	(1)	2	9
* i.e. not Indian within the meaning of the Indian Act			
THE DESCENDANT OF SOMEONE WHO HAD LOST STATUS FOR SOME OTHER REASON SUCH AS SERVING IN THE ARMED FORCES, OR RECEIVING LAND IN EXCHANGE FOR STATUS .....	(1)	2	9
AN INDIAN CHILD ADOPTED BY A NON-INDIAN FAMILY .....	(1)	2	9
OTHER (record verbatim) .....	1	2	9

---



---

22. Do (will) your membership rules permit people who have been denied status under Bill C-31 to become Band members?

YES .....(1)  
NO .....2  
DK/NA .....9

23. Could you give me some examples of people who might be denied status under Bill C-31, but who could be admitted to Band membership under your Band membership rules?

Anyone both of whose natural parents are entitled, any person of aboriginal descent, one of whose parents is entitled, an aboriginal under 18 adopted by a member, anyone deleted by DIAND as enfranchised or because he or she was adopted, and anyone of aboriginal descent not otherwise entitled as long as proof is supplied.

PROBE: o what about the grandchild of a woman who lost status because of a marriage to a non-Indian? Under Bill C-31 the grandchild would only be eligible for status if both his or her parents were eligible. Would this grandchild be admitted to Band membership under your Band membership rules?

YES .....1  
NO .....2  
DK/NA ..... 9

- An Indian woman married to a non-Indian man;
- The child of a non-Indian man and an Indian woman;
- The descendent of someone who had lost status for a reason such as serving in the armed forces; and
- An Indian child adopted by a non-Indian family.

The general intent of the membership rules is to allow into the band all those who express the desire to return. Section 4 of the rules specifically allows membership to anyone on the DIA list, except where successfully protested by the band. Membership is offered to anyone both of whose natural parents are entitled, any person of aboriginal descent one of whose parents is entitled, an aboriginal under 18 adopted by a member, anyone deleted by DIA as enfranchised or because he or she was adopted, and anyone of aboriginal descent not otherwise entitled as long as proof is supplied.

Membership entitlement is not offered to people who are not aboriginals and who were never registered by DIA, to members of other bands aged 19 or over or to people deleted by the band under its own rules. Under some conditions a member gaining status solely through marriage may be deleted.

Anomalous or unusual situations regarding band membership have arisen occasionally and the band is aware that experience with the application of the rules may lead to the need for minor refinements in the rules covering specific circumstances. Membership is by referendum once the membership committee is satisfied that the requirements have been satisfied. The attitude of the band to date appears to be to look for reasons to let people in rather than for reasons to keep people out.

## LANDS

Information on lands was obtained from the band manager, who has occupied his position for eight years.

The band administers its lands through a Housing Committee and Chief-in-Council. It is planning to appoint a land use committee in order to "zone" the reserve in anticipation of future housing needs. Legal decisions regarding land require DIA approval.

Policies for lands and revenue are set by the Chief-in-Council and minuted. No land-related problems have been experienced to date because of Bill C31 registrants moving to the reserve. However the serviced land is almost all used up and additional servicing will be required in the next few years if projected housing requirements (Bill C31 and otherwise) are to be satisfied.

The reserve which is currently occupied is the only one suitable for permanent year-round habitation. This reserve has a population of 450 occupying about 71 hectares - about half of the habitable land. Limitations on land use include a provincial highway which cuts through the reserve, marshland, steep and rocky areas, recreational areas, parks and forest. Excluding these areas, it is estimated that land available for housing does not exceed a further 70 to 80 hectares. At the existing population density, there is room for a maximum of 200 further housing units, housing perhaps 500 - 700 people depending on family size.

## REVENUES

Information on revenues was obtained from the band manager who has been with the band eight years.

Revenue sources include rent from band members, water and garbage removal charges, rent from businesses located on reserve lands (band operated and otherwise) and interest income. The band has recently received \$895,000 in revenue from the settlement of a specific land claim relating to cut-off lands adjacent to the main reserve. A possible source of one-time additional funds is litigation between the band and a company relating to logging on reserve lands. The outcome of the litigation is uncertain.

Revenues are managed partially by the band, partially by DIA and partially under various trust arrangements.

As more people become members under Bill C31, revenues are not expected to keep pace on a per capita basis. There is some potential for conflict between Bill C31 registrants still living off reserve and members living on reserve with regard to revenue entitlements - for example the distribution of interest from the cut-off land settlement.

## 2. BAND ADMINISTRATION AND ORGANIZATION STRUCTURE

Band affairs are conducted by the Band Council which is responsible to the members. Most program functions are supervised by committees of band members, normally chaired by a Council member, reporting to Council. The band manager, responsible for day-to-day operations, reports to Council and supervises the activities of the band staff. He has been a band employee for eight years.

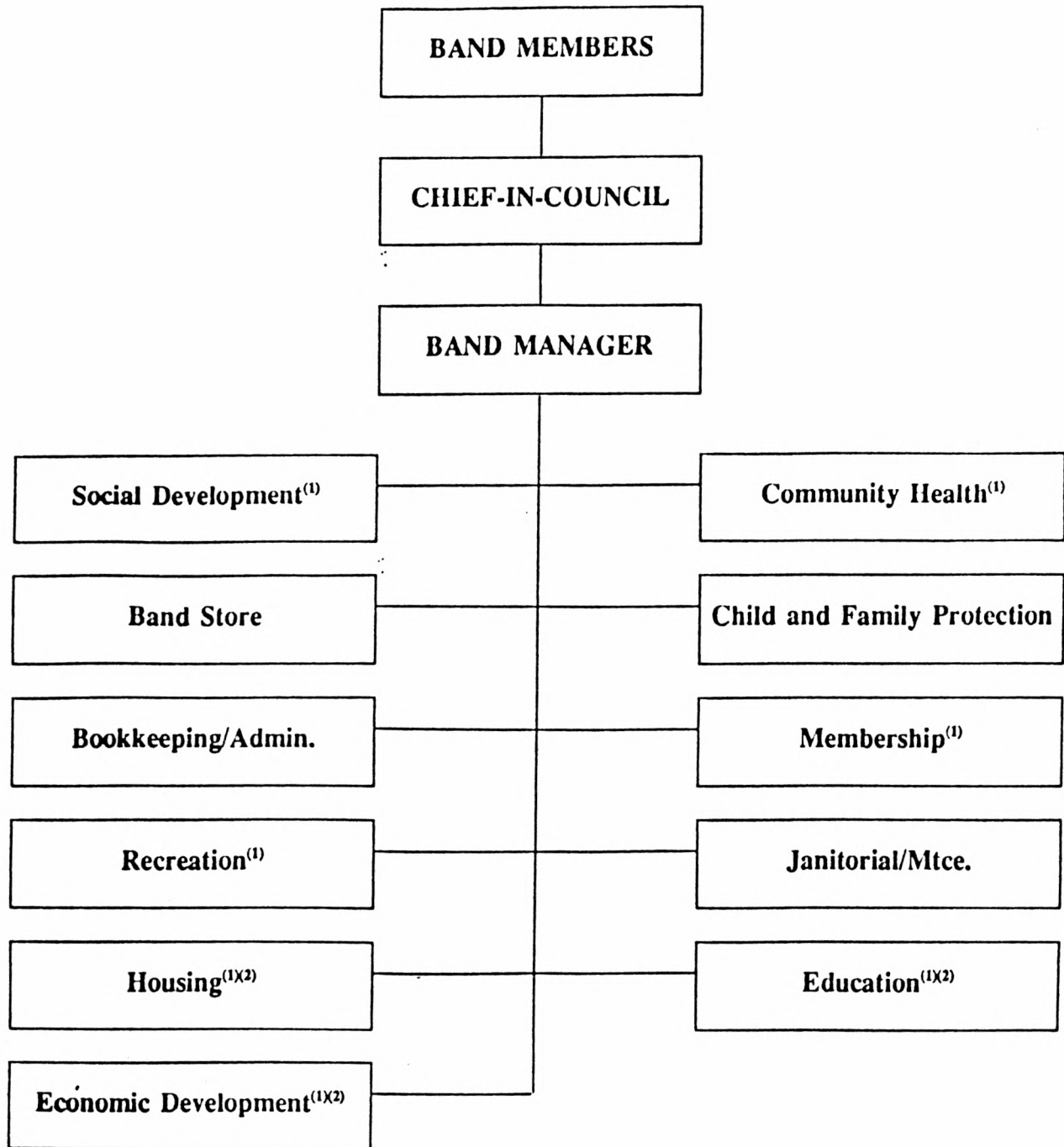
The band employs ten full-time and five part-time staff. All except the band manager are native Indians. The band's organization chart is shown in Table 1.

Council, through the band manager, directly supervises the band's education, economic development and housing operations as no other staff are available to administer them.

Both the political and administrative management of the band appear to have been quite stable over the past few years. Most of the staff we interviewed have been in the same position for five to eight years.

Since Bill C31 was enacted the band has hired a full-time assistant social worker and a part-time membership clerk. It is currently in the process of hiring a housing co-ordinator.



ORGANIZATION CHART

- (1) Operations supervised by committees of band members. Functions not so designated are supervised directly by Council through the band manager.
- (2) Band currently has no designated staff for these functions other than the band manager - see text.

### 3. PROGRAM ADMINISTRATION AND FUNDING (GENERAL)

The method of program administration is depicted in Table 2. Most programs are run by the band. The exceptions are child care services (Tribal Council), policing (RCMP), fire protection (municipal contract) alcohol, drug and substance abuse programs (Tribal Council) and land and treaty entitlements (DIA).

The band's programs are funded under an Alternative Funding Arrangement (AFA). The AFA exists between DIA and the Tribal Council and the band's own programs are funded through contribution arrangements negotiated with the Tribal Council.

Table 3 depicts the funding arrangements for the band.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov./ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓								✓	
Education K & Elem	✓								✓	
Education Secondary	✓								✓	
Education Post-Second.					BAND/ TRIBAL COUNCIL				✓	
Social Development	✓								✓	
Child/Family Care					BAND/ TRIBAL COUNCIL				✓	
Seniors Care	✓								✓	
Housing	✓								✓	
Community Infrastruct.	✓								✓	
Policing							RCP		✓	
Fire Protection							MUNICIPAL		✓	
Health Services	✓								✓	
Drug & Alc. Abuse		✓							✓	
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

#### 4. ECONOMIC DEVELOPMENT

Economic development information was obtained primarily from the band manager, who has been a band employee for eight years.

Economic development activities are directed by the Chief-in-Council through the band manager who has been with the band for eight years. There are no designated economic development staff, nor were there when Bill C31 was enacted in 1985.

The Tribal Council, whose economic development office is in the same building as the band office, assists band members with economic development activities. In 1987 a "lead corporation" was established using funds from NEDP.

Economic development activities are currently limited to advisory services for small businesses. No direct funding is provided but assistance may be provided to obtain funds through NEDC.

Other than the establishment of the "lead corporation" by the Tribal Council there have been no major changes in economic development activities or services since 1985. However, the band feels that funding is more easily available than it once was and that it is distributed more fairly to deserving applicants than at some times in the past. There is no linkage here to Bill C31.

The major source of stable employment in the area is the forest industry. The band is not proportionately represented in the local labour force although some members hold jobs in logging and a few in a pulp mill and saw mills. Other sources of band employment include maintenance and service work on the reserve, clerical/administrative work in the band and Tribal Council offices, the band operated store (a modern, attractive and apparently well-run establishment), as longshoremen and subsistence fishing and hunting.

Potential new band development projects include a marina and a fish hatchery (both of which are under discussion with the local regulatory authorities) and a destination resort on reserve lands which are adjacent to a national park.

New employment opportunities are limited in the area. The band feels that discrimination is a significant factor and that it is somewhat worse among the employers in this area than it is in some other communities where off-reserve members work.

Bill C31 registrants have had little impact to date on economic development and employment programs. The band feels that some registrants are relatively better employed and better off than regular members and there have been few, if any, serious enquiries related to economic development programs. No additional pressure has been imposed on band resources in this respect.

Unemployment among 18-30 year-old males is estimated at nearly 70%. Many Bill C31 registrants are employed but as most are still living off-reserve the effect on band employment levels has been small. The band does not feel that Bill C31 registrants have brought additional job skills to the community because the ones who have moved back so far are not the ones with the skills. Interviews with regular members indicated that while some Bill C31 registrants might bring needed skills to the reserve, these same skills might give them access to regular members' existing jobs. There are few, if any, jobs available for registrants within the community or in the surrounding area. However, since the number moving back to the reserve has been small, no additional pressure has been experienced to date.

The band does not separate unemployment statistics between Bill C31 and regular members so no comparisons could be drawn. Our interviews indicated that Bill C31 registrants living off-reserve might have less difficulty in getting employment than either regular members or Bill C31 members moving back to the reserve because they are felt to have better existing job skills. This, however, is not a function of Bill C31.

## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members			
Bill C-31 Registrants			
Total	NA	NA	NA

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members					
Bill C-31 Registrants					
Total	NA	NA	NA	NA	NA

## 5. EDUCATION

The band manager provided the majority of our information on education. He has been with the band eight years.

Elementary schooling is provided on reserve. Secondary and post-secondary schooling is provided off reserve in provincial schools and colleges. The band has no staff dedicated to educational matters but does have an Education Committee which reports to the Chief-in-Council. At the administrative level, educational issues are dealt with by the band manager.

### ELEMENTARY

There is an elementary school on reserve which accommodates 120 students in the play-school (K4) to Grade 6 levels. About half of the students are band members from the reserve and are DIA funded. Many of the remainder are band members who live off reserve. Although these latter students are not DIA funded, the band still pays the costs of their schooling.

The school is run by a non-profit society with a board of directors accountable to parents, not directly to the band. However, about 75% of the school's funding comes from the band. This arrangement has been in force since 1979. There are six class rooms, fourteen full-time staff (including administrative, a bus driver and a janitor) and one part-time.

There is a significant unfulfilled demand, which may be as high as 100 students, for places at the school. This is not because of Bill C31 but is related more closely to the increasing recognition by parents of the language and cultural benefits associated with a native school. As younger parents move to the reserve, the effect of Bill C31 could be to increase this unsatisfied demand still further, thus in turn increasing the justification for a new and larger school which is already needed. Because of the school enrolment limitation, the primary grade children of Bill C31 registrants have to date had little or no effect on the band's ability to deal with elementary education issues other than to contribute to an existing need for additional school places.

### SECONDARY SCHOOL

Secondary students (Grades 7-12) attend school in the nearby community as there are no secondary school facilities on the reserve. Eighty-two band students attend five secondary schools in the area. A further nine member students live in more distant communities and attend secondary schools in their local areas.

Bill C31 has had little effect to date on the education of secondary school students.

### POST-SECONDARY

The Tribal Council and the band provide support to post-secondary students under a Universities and Professional program (U&P). The band has administered the U&P program for many years. As post-secondary opportunities in the nearby community are limited, students tend to leave to attend larger colleges in other, more distant, communities.

Three post-secondary students are receiving assistance under U&P. None of these are Bill C31 registrants. In 1984-85, eight students were involved in the program. The reduction was caused by the band implementing stricter funding criteria, in particular the linking of continued support to successful academic results.

Twelve band members are enrolled in adult education courses through CEIC.

Bill C31 has caused a significant increase in enquiries about post-secondary education benefits, including available funding from the U&P program. Increasing interest has also been shown in occupational skills training of various types. These enquiries frequently come from Bill C31 parents interested in future funding for children who are still in elementary and secondary schools. There has been no increase to date in



funding requirements for post-secondary students attributable to Bill C31. To date the band has had no problems dealing with these pressures but anticipates that the need for U&P funding could increase markedly in future years. This increase in demand will be attributable to Bill C31 because the band feels that the availability of U&P benefits is a significant factor in registration.

A regular member indicated that one result of Bill C31 is that native education funds can go to non-natives who have become band members. This was felt to be inappropriate.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	NA	NA	21	NA
Elementary * School	NA	NA	42	NA
Secondary * School	NA	NA	82	NA

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	3	8
Number Bill C-31 Students Receiving Funding	0	Not Applicable
Total	3	8

## 6. SOCIAL DEVELOPMENT

Information on social development was obtained from three band employees each of whom has worked for the band for more than seven years.

The band has three full time staff dealing with social development matters, a social worker, a trainee assistant social worker and a child and family care worker. The latter operates a child and family care program (CFC) funded through the band by the Tribal Council. All of the above staff are band members. Senior citizen issues are handled by the band manager. All except the trainee have been in their current position a minimum of seven years.

The band started administering its own social worker and CFC programs in 1986 when its AFA came into effect at the Tribal Council level.

### SOCIAL DEVELOPMENT

The band has had one full time social worker since at least 1981. In 1989 a trainee assistant was engaged to handle office, administrative, enquiry and some counselling duties. The senior social worker frequently works away from the band office.

Bill C31 registrants have caused some increase in administrative paperwork because many forms to do with social assistance payments are submitted monthly on behalf of members by the band office. This was a factor in the decision to engage an assistant. There has also been some increase in enquiries to do with information on rights and benefits and work opportunity programs. These additional pressures appear to have been comfortably absorbed by the band to date.

There are 54 family units and single adults receiving social assistance of which 13 are Bill C31 registrants. Most are continuous recipients rather than seasonal. There are two members on work opportunity programs, neither of whom are Bill C31 registrants. Information on 1985 statistics was not available, but Bill C31 registrants currently account for 25% of the band's social assistance needs.

The social worker considers his total "case load" to be some 350 persons, on and off reserve. Although statistics are not available, it is likely that Bill C31 has led to an increase in case load roughly in accordance with the increase in social assistance applications, about 25%.

### CHILD AND FAMILY CARE (CFC)

The band operates a child and family counselling and referral program funded by the Tribal Council. The CFC worker is a band member and has occupied the position since 1982. There has been no change in staffing since Bill C31 came into effect.

Services offered include "safe homes", life skills training, family and community workshops, home visits, counselling, diagnostic and treatment referrals (for example, to drug and alcohol counselling). The CFC worker liaises closely with the health and social workers.

There is no difference in the type or availability of services offered to regular members or Bill C31 registrants. Bill C31 has not created any additional demand for services because the CFC program was available (perhaps unofficially) to non-status Indians previously although priority was given to band members.

There are ten families currently receiving CFC services, of which three are Bill C31 registrants. No statistics were available in respect of family and child care programs prior to 1989. However the CFC worker felt there was a tendency to a slight decline in the demand for services, despite Bill C31, because of an increase in the quality and availability of other services in the nearby community.

The CFC worker indicated that her day-to-day contacts with many families in the community, on and off reserve, have revealed some prejudice against females who regained status under Bill C31 and against males from other bands who became eligible to join this band.

### SENIOR CITIZENS

The senior citizens' program is co-ordinated by the band manager who has been employed by the band since 1981. The CFC, health and social development workers share responsibility for services to seniors. Bill C31 has led to no staff increases in this area. The program has been the band's responsibility for many years.

Services available on the reserve include homemaker, social development, transportation, cultural gatherings, financial aid (mortgage support and insurance) firewood supply and house repairs and maintenance services.

No senior citizens eligible to register under Bill C31 have actually registered so no impact has been experienced to date. There may be eligible seniors who have not registered but the band is not aware of any.

## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Seasonal	Continuous	Total	Seasonal	Continuous	Total	Seasonal	Continuous	Total
NA	41	41	NA	13	13	NA	54	54

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
WOP	2	0	2	

# BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						7 (families)
Bill C-31 Registrants	Not Applicable					3 (families)
Total	NA	NA	NA	NA	NA	10 (families)

# BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA



## 7. HOUSING AND COMMUNITY SERVICES

Housing and community services information was provided mainly by the band manager who has worked for the band for eight years. The Chief also provided an important perspective.

### HOUSING

The band's housing program is operated by the band manager under the supervision of the Chief-in-Council and the Housing Committee. The band has no employees dedicated to housing but is in the process of engaging a full-time housing co-ordinator. This situation is unchanged from that of 1985. The band has been responsible for its own housing program for many years.

There are three components to the program:

- a mortgage program for member-owned houses;
- a social housing program where ownership is achieved after 17 to 20 years under a "rent-to-own" scheme;
- a housing rental program.

There are 112 occupied dwellings on the reserve. All are single family units. About 70% (79 units) are considered by the band to be in good condition. Some 20% (22 units) are in poor condition and need significant upgrading. The remaining 10% (11 units) urgently need replacement.

The waiting list is up to three years for member-owned housing, depending upon financing arrangements, and 12 to 18 months for social housing. All regular members on the 1985 waiting list have now been accommodated.

Forty families are currently on the waiting list for social housing. Of these, eight are living on the reserve (with relatives or in sub-standard housing) and 32 are off-reserve. Seven families (18% of the total) are Bill C31 registrants and all of these live off reserve. The band keeps a separate waiting list for Bill C31 registrants because availability of funding is one of the constraints to housing development and Bill C31 registrants have different funding arrangements from regular members. Funding sources include CMHC, DIA, banks and personal equity.

The band estimates a future housing need for regular members of 10-15 units per year. For some years this figure will be almost doubled (to 20-25 units) because of the effects of Bill C31.

The band is in the middle of a five-year plan to build 44 social housing "rent-to-own" units by the end of 1990 for regular members. At least one self-owned house will be built next year. About 10 self-owned and three social housing units are in the planning stages for Bill C31 registrants. These should be completed by the end of 1991.

The band feels that there are no particular problems in obtaining funds for housing which are specifically attributable to Bill C31. In fact the opposite may be true as specific government funds are designated for Bill C31 registrants returning to the reserve. In addition, those returning registrants who are employed may find it easier to obtain bank funding than many other band members.

The major constraint on the band's housing construction program is the shortage of serviced land. Serviced lots are almost all used up and additional servicing will need to be installed to meet the band's projected housing needs.

If additional serviced land is not made available by 1990 the band's housing plans will be delayed. Even if the reserve land available for housing were all fully serviced, it is possible that the band could run out of land suitable for housing within 20 to 25 years. A portion of this demand is attributable to Bill C31 registrants returning to the reserve and to the requirements for accommodating their families as they grow to adulthood.

Bill C31 has also created a rapidly increasing demand for information and services related to housing which has led to the current initiative to engage a full-time housing co-ordinator.

Housing, or lack of it, has been and will continue to be the single biggest effect of Bill C31. However the shortage of available housing, and the lead-time required to satisfy the demand, has had a major impact - absorbing effect on the band's other programs and services. When the housing need is closer to being satisfied, and more registrants move to the reserve, the demand for services of all types will increase.

To date there has been no apparent conflict between regular members and Bill C31 registrants. However if the current housing plan is delayed, the band expects that conflict in housing priorities could occur. One regular member indicated that there is a feeling that some Bill C31 registrants may be "jumping the queue".

### COMMUNITY SERVICES

The band manager is responsible for the operation of community services programs. He is assisted by four part-time janitorial and maintenance staff. This represents no change from the situation in 1985.

Community services include the following:

- |                         |   |   |
|-------------------------|---|---|
| <b>Water</b>            | - | part municipal water supply, part well system. Good condition. Maintenance contracted out.  |
| <b>Sanitation</b>       | - | part municipal sewer system, part septic tank. Good condition. Maintenance contracted out.  |
| <b>Roads</b>            | - | 8 km of private road. Good condition, maintained by band staff.   |
| <b>Other Facilities</b> | - | Band office, school building (rented to a non-profit society) health clinic, gymnasium, long house, community house and cultural centre. All in good condition except latter two which may be rebuilt soon. |

Other than the issue of additional servicing to meet housing requirements (described above), Bill C31 has so far resulted in no significant impacts on the existing community services or facilities.

### POLICING

There is no band police service and policing requirements are looked after by the local RCMP detachment. The detachment has a female native constable.

RCMP Native Policing Reports indicate an average of 90 to 95 incidents per month. Nearly half (48%) involve liquor related incidents. The statistics do not separate reserve and non-reserve incidents and they are believed to include incidents in town involving Indians who are not band members.

Since most Bill C31 registrants returning to the reserve will be moving from the nearby city, where the RCMP detachment is located, no significant impacts are anticipated as the native population in the detachment's area will not increase.

### FIRE PROTECTION

Fire protection services are contracted to the nearby municipality whose closest firehall is on the edge of the reserve. There have been only two incidents in the past eight years.

The only significant impact arising from Bill C31 will be the added cost of providing service for additional housing built on the reserve on a cost per unit basis. However the fire risk may be lessened because new houses are more fire resistant than old houses.

## 8. HEALTH

### NOTE:

The person responsible for the band's Community Health Services and Drug, Alcohol and Substance Abuse Program was sick at the time of our visit and has subsequently spent considerable time away. Despite persistent attempts to make contact by telephone, FAX and letter, the information we sought was not forthcoming.

# HEALTH SERVICES PROFILE

## BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA

## 9. OTHER IMPACTS

In addition to the people interviewed on specific topics, regular members and Bill C31 registrants were selected at random and interviewed, all of them in person. We have set out certain comments of interest below because they provide a flavour to the findings not otherwise apparent. These comments do not necessarily represent a consensus of view, however, as each comment was made by only one person.

### COMMENTS FROM REGULAR MEMBERS (including "topical" interviews):

#### Membership

- "When there is a desire for our people to return we should do our utmost to allow them in"
- "Membership in the band must be seen as a family issue, not a legal one"
- "Some non-native children can get in under the new rules and shouldn't be allowed to".

#### Acceptance

- "Indian women who marry whites are very helpful to us when they come back - and so are their husbands"
- "Its great when people choose to come back and are accepted"
- "My son-in-law (non-native) is finding it hard to get accepted"

#### Education

- "Don't like to see education funding going to non-natives"
- "We are going to have real pressures in education soon - mainly at the primary and post-secondary levels."

#### Housing/Land

- "C31 people are jumping the housing queue - some are coming from way out of town"
- "Not sure why they want to return - I might stay in town if I already lived there"
- "We have a real shortage of land and it will get worse. The houses are already too close together".

#### Jobs

- "C31 people can help us greatly - some have much better job skills than we do and they are more self reliant"
- "I hope those returning with good job skills don't take our jobs"

### COMMENTS FROM BILL C-31 REGISTRANTS

- "I cried when I was accepted into the band - it was a spiritual thing - nothing to do with services or benefits"
- "I made the right decision"
- "I feel welcome here because people are available to help and want to help"
- "My family had many more services available where we lived before - but that's not what I came back for"

## 10. CONCLUSION

Major impacts of Bill C31 on this band have not yet become apparent but can be expected to become so in the next three to five years. Since the band membership rules were approved two years ago, 45 people have become band members. In the same time, band membership has also increased from marriages and from the natural birth rate.

The housing situation has been both the greatest impact and, conversely, the largest limiting factor. Because a severe shortage of housing has reduced the rate at which Bill C31 registrants can move to the reserve, the impact on virtually all band programs and services has been greatly reduced. Had sufficient housing been available, the demand for these services, and associated costs, would have increased by 10 to 20% in the past two years. As it is, the full impacts have yet to arrive but the band is very conscious of this.

The band appears to have dealt well with such impacts as have occurred. It is staffed with long-serving, experienced and dedicated people and led by a hereditary chief whose experience, attitude and capability we gained the highest respect for. We were conscious throughout our visit of a confident, team-like approach to running band affairs and dealing with problems. While the greater part of the challenges in dealing with the effects of Bill C31 still lie ahead, this band should have a realistic opportunity to meet and conquer them.



***Band Case Study #10***

## METHODOLOGY

This study conforms to the given methodology, with the following exceptions. There were no Bill C-31 band member interviews conducted because there were no Bill C-31 registrants living on the reserve.

Also, because of the small size of the reserve, several programs and/or services are not provided. They are: Care for Seniors, Fire Protection, and Policing. There was also one data collection form (Health Services Profile), for which data were omitted as this information was not available on the reserve.

There were a total of 14 interviews administered at this reserve, but because some interviews were conducted with the entire and/or partial council sitting, the total number of persons involved in interview was more than 14. There were five such interviews, in the areas of 1) Political Process and Policy, 2) Membership, 3) Economic Activities and Employment, 4) Education, and 5) Community Infrastructure. There were three to four council members at each of these five interviews.

A breakdown of persons interviewed is as follows:

- Five interviews were conducted with the Chief-in-Council. There was one done with the Chief (Housing).
- Three done with the Band Manager (Administration, Social Assistance and Development, and Child and Family Care Services).
- One was done with Council Member (Drug, Alcohol and Substance Abuse Programs).
- One was done with Council (Lands, Revenues and Treaty Entitlements).
- One interview was conducted with the Community Health Representative (CHR) (Health Services).
- The final two interviews were conducted with regular band members. As noted earlier, there were no Bill C-31 registrants living on the reserve.

## BAND PROFILE

### Location

The reserve is located in a slow rolling hills area, with deciduous trees (Birch and Poplar) surrounding the residences and Band office. Because of the remoteness of the reserve (about ten miles off the Highway on gravel road) there is not very much development of the reserve area itself. There is only one gravel road, and it runs to the reserve, alongside of it, and off again toward another highway. There is only one reserve area inhabited, but there is about a square mile of land set aside for this reserve and six other reserves, and as far as I know, it is not developed or inhabited.

There is just one reserve which band members inhabit, and its size is 15-20,000 acres. As a rough estimate, as that is all that is available, there is only about 2% of the actual land being used for homes and band office, recreation, and maintenance use.

The area of land covered by the reserve seems adequate to handle population on the reserve, as far as I can tell there is no overcrowding. Population expansion does seem possible, though more roads would have to be built, and more land cleared.

There is a second area of land which is listed on the Community Profiles Management System Report as belonging to the band and being approx. 1200 acres in size. In questioning the band council member in charge of lands, it was unclear as to where this additional land was, or even what it was doing as part of this band's reserve area. It was only later discovered from speaking with a band official from a neighbouring reserve, that this second land mass was identified. It turns out that the 1200 acres mentioned above is an area of beach property. This land is reserved for seven bands in total, all from the surrounding area. This particular property has not been developed for anything, as far as is known.

The breakdown of land composition is as follows (Note: all are estimates as no records are held at the band office on this):

60% Forest  
30% Agriculture  
10% water

There seems to have been a decrease in the amount of water accounted for on the reserve, this being a result of the drought which has been experienced over the last couple of years. Small lakes dry up and are consequently used for agricultural purposes, if not by the Band directly, then by off-reserve non-native farmers, who lease it for such use.

## Demographics

According to the Band Manager, the most recent figures available (1989) indicate there was a total of 310 band members living both on and off the reserve, with 110 of them living on the reserve plus 4 that are from other bands, but live on the reserve, and 1 not specified "other" person, which brings the total on reserve population to 115 persons. There are 195 band members living off of the reserve, 15 of which are Bill C-31 registrants.

There are no C-31 registrants currently living on the reserve, nor have there been any in the past. The band council has expressed that there have been some "unofficial" inquiries from C-31's wanting to get housing on the reserve. By "unofficial" I mean that the C-31's have asked band officials how long it would take to get a house, and when they (the C-31's) found out it may take years, the matter was not pursued. It was said during my interviews with band officials that the C-31's were "afraid to stir up controversy among the regular members of the band". That is, C-31's were afraid of causing problems for relatives they may have had living on the reserve as regular band members. The problem at this reserve is that there is a chronic housing shortage. If the band were to give C-31's homes on the reserve, regular band members who have been waiting for for many years already, would probably be angry and complain to the band council. So by not having any C-31 registrants living on-reserve, the band hopes to avoid any problems of the above nature.

## Political Process

This band is a member of a treaty which was provided land, and is given incidental expenditures, annuities, and schooling in exchange for settlement on specified land, relinquishment of all other lands forever, Peace, Law, and Good Order by the natives on their reserve land, and the prohibiting of selling or alienating the reserve lands.

This band is also a member of a tribal council. The relationship of the band to the tribal council is mostly a political affiliation, though economic development is something that is jointly discussed. Also, the band gets support for cultural activities from the tribal council.

The Chief-in-council is made up of four members, including the Chief, who is elected every two years by on-reserve band members only. There has been no change since the 1985 amendment in this structure, and meetings are generally held every day with everyone allowed to attend.

At this time, specific portfolios were not assigned to the individual council members, though the entire council is responsible for the general welfare of the residents of the reserve, housing, roads, and all other on-reserve services.

General assemblies are not held as such, but because of the frequency of council meetings, and their openness to any band member, anyone who has a problem simply goes to the meeting and expresses their opinion. In fact, while this interviewer was interviewing council members, some non-council members were sitting in and expressed opinions or asked questions of the interviewer and his work on the reserve.

The band does not control its own membership rules, nor has the band applied for control of such rules. There have been only preliminary discussions between band council members of membership rules. When it was found out what was required of the band before it could even submit its own rules for government review, the process was halted.

This band has not adopted an approved residency by-law or applied for control of their own residency by-laws. The above comment pertaining to membership rules, also applies to residency by-laws. Once the process was perceived to be very complex in nature, and requiring much time and money (to hire a consultant to work out proposals) there was little desire to continue further.

This band does not have any liquor by-laws, nor to the interviewer's knowledge, have any liquor by-laws ever been proposed by the band council.

#### Lands, Revenues and Treaty Entitlements

The land lease revenues which are obtained from the renting of agricultural land (as noted above under the heading "LOCATION"), are forwarded directly to INAC. When funding is required for specific projects by the band, the band applies to INAC for assistance and funding is provided if approved.

This band belongs to a treaty. There does not appear to be any restrictions on this study, as a direct result of the treaty.

## Band Administration and Organizational Structure

The band council office is organized as follows:

The Chief-in-council consists of the Chief and three councillors. Each councillor is responsible for an area of band operations. The Band Manager is responsible for the Band office and overall administration, but does not sit on council. The present band manager has been at the position for one and a half years. I got the impression from my interview with the band manager that she was not fully comfortable with the position (though the cause of her uneasiness may have been due to her physical condition). The rest of the band administration appears to be fairly stable, and most of the council members are veteran band officials.

Because this is a small band, there are no other full-time employees noted here, although for water delivery and road grading and ploughing, persons are hired on a part-time basis. All but one of the band council members have been on the job for three years or longer.

There is also a Community Health Representative on the reserve as well as a Drug, Alcohol and Substance Abuse Programs field worker, but these persons are not under the control of the band council.

There have been no changes in the band council office which can be attributed to C-31 registrants returning to the reserve, as none have done so at this time.



## PROGRAM/SERVICES/BENEFITS

### Program Administration and Funding

The administration of six of the programs or services is done directly by the band. Three are administered by INAC, one service (seniors care) is not offered on the reserve, and two are the responsibility of other off-reserve organizations. They are 1) Policing - which is looked after by the RCMP in a neighbouring town, and 2) Fire Protection - which is taken care of by the same neighbouring town. The band pays for these fire protection services on their own when they request them.

Most funding for programs which are delivered to the band come from INAC, with the exception of 1) economic development, which is looked after by the tribal council, 2) housing, which is also partially funded by the Canada Mortgage and Housing Commission, as well as INAC, 3) health services, (National Health and Welfare) and 4) drug and alcohol abuse treatment, which is taken care of by Drop-in Centre in the Neighbouring town. It has been set up by this band along with the co-operation of two nearby bands, but it is uncertain where the funding comes from.

There has been no change or very little change of these operating systems and funding arrangements in the past few years.

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov/ Territ Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development		✓								Tribal Council
Education K & Elem			✓							DIAND
Education Secondary			✓							DIAND
Education Post-Second.			✓							DIAND
Social Development	✓									DIAND
Child/Family Care	✓									DIAND
Seniors Care	ND									
Housing	✓							DIAND / CHHC		
Community Infrastruct.	✓									DIAND
Policing							RCMP			RCMP
Fire Protection							Municipal			
Health Services	✓									NHW
Drug & Alc. Abuse	✓									NHW
Other										

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

1. Economic Development

Currently there are no economic development services or projects available at this reserve at the present time. There is presently only about 25% of the entire labour force which is employed at this time. Much of the work which is available is seasonal, and consists mostly of manual labour type jobs (e.g. working for railroad or highways department in summer). It is felt by band council that the young people of this reserve are the ones who are hardest hit by this lack of jobs in and around the community.

Unfortunately, there are no data available at this time on an educational breakdown of the labour force from this band.

There is presently, no impact being felt by the band from the Bill C-31 amendments, but it is generally felt by the members of the band council that if many registrants were to come back to the reserve, this would only heighten already poor employment prospects for the community.

## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members	28	7	21
Bill C-31 Registrants	0	0	0
Total	28	7	21

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members					
Bill C-31 Registrants					
Total	NA	NA	NA	NA	NA

2. Education: Kindergarten, Elementary, Secondary

Kindergarten and grades one through twelve go to a provincially run public school in the neighbouring town, which is partially funded by INAC. The largest number of students from this band fall into the elementary category (17), then secondary (8) and only (3) children at present attend kindergarten. There are no records available for earlier academic years, but it was stated by the band manager that there has been little change over the past three to four years.

There has been no affect as yet by Bill C-31 on the educational programs of this reserve because there are no Bill C-31 registrants living on the reserve. This is so because funding is only available for members living on the reserve.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	3	0	3	NA
Elementary * School	17	0	17	NA
Secondary * School	8	0	8	NA

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	10	20
Number Bill C-31 Students Receiving Funding	0	Not Applicable
Total	10	20



### 3. Education: Post-secondary

The post-secondary education is both administered and funded by INAC. Applicants go to local or major Indian Affairs offices for information and counselling on what is available to them, as well as to obtain forms for entering such programs. If they are accepted, they get funded to go to school.

Only estimates are presently available as to the number of students attending post-secondary schools. As of 1989-90, there were approximately ten persons in this category. It is generally felt that there was considerably more students in the 1984-85 school year attending post-secondary schooling, possibly as many as 20 persons at that time. It is unclear what the possible causes are for this decline, but since there are no Bill C-31 registrants on or off the reserve known to be taking post-secondary education courses, it is doubtful that Bill C-31 has any affect to date on this program.

The type of programs normally taken by students are Business Management, Nursing, Welding, and Carpentry. There is said to be a very high completion rate of these programs, by the students, which in University normally runs three to four years.

#### 4. Social Assistance and Social Development

This band has taken over administration of its social assistance program, but it was unknown at the time of the interview what the exact date was for the band taking over this program. Currently all that is offered is the band office distribution of welfare cheques to recipients. The band is in the process of setting up a work opportunity program, but details are not available at the present time.

There is a total of 45 persons receiving at least some social assistance in the course of a year. Of these, 30 receive it full time, and the remaining 15 get social assistance seasonally. Once again, because there are no Bill C-31 registrants living on the reserve, and because only persons living on the reserve as band members can receive band administered social assistance, there has been no affect on this reserve's social assistance programs. There are no social development programs delivered on this reserve at the present time.

Child and Family Care services on this reserve are quite primitive. There are no specific programs in place, but the band manager, who has been in charge of this area for a little more than a year, is available to give counselling and assistance to anyone who lives on the reserve and needs help. About five persons are seen on a regular basis. Again, it was not known what the exact date was of the band taking over this program. There has been no known impact of Bill C-31 on this program at this reserve.

There is no care for seniors available at this reserve.

## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Season- al	Conti- nuous	Total	Season- al	Conti- nuous	Total	Season- al	Conti- nuous	Total
15	30	45	0	0	0	15	30	45

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
ND				

# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						5
Bill C-31 Registrants	Not Applicable					0
Total	DK	DK	DK	DK	DK	5

# **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	ND	ND	ND	ND	ND	ND

## 5. Housing and "Municipal-type" Services

### a. Housing

Housing is currently looked after by the chief, who has had three years at this position, and is the lone administrator on the reserve for this program. The band began, about ten years ago, administering its own housing program. That basically covers the allotment of houses to be built, according to who the band feels is most in need of a new house. As well, the administrator looks after the condition the homes are in, and tries to ensure that everyone has a habitable place to reside.

There are approximately 40 single dwelling units (individual homes) on the reserve, and no other types of residences exist for band members. According to the housing administrator, about 20% of the homes presently standing need to be replaced and approximately 25% are in need of some sort of repair work. The remaining 55% are believed to be in satisfactory condition. There is, on average, one new home built every year on this reserve, but if (according to the Chief-in-council) more funding were available, both from INAC and through CMHC, many more would be built here.

There are approximately eight on-reserve families presently waiting for a new house, five off-reserve regular band member families waiting for a house on the reserve, and about twelve Bill C-31 registrants currently waiting. As it stands right now, regular band members on the reserve are given first priority to available housing, then off-reserve regular members, and then finally Bill C-31 registrants. Those fitting into the first category must wait approximately two to three years for funding for a new home, if they applied today.

So far, only one C-31 registrant has come forward to enquire about housing, and that was only to ask how long a wait there would be. Once it was found out that the wait would be a considerable length of time, it was no longer pursued by the C-31 registrant. Up to this time there have been no other requests or other effects attributable to Bill C-31 on the housing situation on this reserve. It is felt by the band council, though, that future requests for housing may be increased by more C-31 registrants wanting to move back to the reserves. Applications to the Federal government for special assistance would place additional pressure on the band to supply more housing for them (as well as for the regular band members) than the band funds will allow for at this present date. An increase in housing creates a need to clear more land, build roads, provide services, and so on, but there is no funding for these additional services.

Also, there is a question of land base. The treaty this band entered into provides one square mile of land for every family of five. The council feels that for every C-31 family allowed back on to the reserve to live, one square mile should be allotted to the reserve by the Federal government.

### b. Community Infrastructure

The band council, which has remained basically intact for about three years, and is composed of four members, is responsible for the community services

which are offered on this reserve.

On the reserve itself is a band office of approximately 2500 sq.ft., and next to it is a water treatment plant which is soon to be in operation. The plant will supply the potable water to all the homes on the reserve that presently get water by truck from off-reserve sources. The reason for water having to be brought in, is because of the poor quality of the drinking water, which I am told by band council, contains too much iron to be safe to drink. Thus every home with running water has a cistern holding tank for the trucked in water. With the completion of the treatment plant and the future possible construction of water lines directly from the plant to individual homes, the need for an off-reserve supply of water would be eliminated.

As well, there are several storage buildings near the band office which are used to house lumber and other building products for repair and renovation of the existing homes. There is a shed for the band's road grading and clearing equipment located near the band office.

All heating to the homes is a combination of wood/oil heat, with the former gathered from on-reserve sources, and the latter trucked in. All homes have electricity. All garbage is the responsibility of the individual household and is normally hauled to the on-reserve nuisance grounds by the family themselves.

There are approximately ten miles of band administered roads, all of which are either gravel or dirt.

Again, at this present time there has been no impact of Bill C-31 registrants on this reserve's community infrastructure. The anticipated future impact made known to me by the band council was that there would be a great effect on the water delivery system (having to build more water lines to the additional homes) and also the need for road up-grading and expansion. Site clearing for those additional dwellings being built for the feared influx of C-31 registrants was also indicated as a future impact.

c.     **Policing**

All the policing that is available to the reserve is supplied by a nearby RCMP detachment located in a neighbouring town.

d.     **Fire Protection**

Fire protection for all emergencies on the reserve are purchased by the band from the neighbouring town's fire department. That is, the band calls to the nearby town for any assistance needed in fighting any major blaze which occurs.



## 6. Health

There is one Community Health Representative on the reserve, who has 14 years of experience, and also there is a nurse's station in the band office. However the nurse, who is stationed at a town about 60 kilometres away, only comes out when requested. The band has been in control of its own health care services since August of 1986.

What is provided on the reserve by the CHR is curative as well as chronic care, preventative, public, and school health, pre-natal care, first aid services, and information on health care services available off the reserve.

So far, there have been no requests for health care services by Bill C-31 registrants that the CHR is aware of and no effects noticed because of the amendments to the Indian Act.

Unfortunately I was not able to speak to the Drug, Alcohol, and Substance Abuse field worker who was stationed on the reserve, as that person had been hospitalized. I did speak to one of the band counsellors who was quite knowledgeable in this area.

The counsellor said the field worker came from the community drop-in centre located in a nearby town, which serviced three bands in the area. This drop-in Centre employs three staff members to look after the needs of persons from the three participating bands. A branch of Medical Services is believed to look after administration of this drop-in centre.

As for on reserve services, they include individual counselling, home visits, and referrals to other government and non-government agencies which provide services off the reserve.

So far there has been no impact by Bill C-31 registrants on these services at all, but this particular band counsellor felt that this was possibly due to the fact that many C-31 registrants are afraid to stir up any controversy by asking for help in this area. Many band members feel that Bill C-31 registrants, are not entitled to for such benefits. This pertains also to other programs, especially in the area of housing.

## HEALTH SERVICES PROFILE

### BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	NA	NA	NA	NA	NA	NA

#### 7. Other Programs

There are no other programs available or being planned on this reserve at the present time.

## 8. Other Bill C-31 Impacts

### Land Rights

The major anticipated impact from Bill C-31, as alluded to earlier in this report, is the matter of what right to land do Bill C-31 registrants have, in conjunction with the treaty that was signed over a hundred years ago, on this particular reserve. For example, do bands have the right to ask for additional lands to be ceded to them in the future if the population of the reserve expands significantly because of a influx of Bill C-31 registrants? If they do not have this right, how is a band to maintain the same amount of per capita revenues from their land, if the population increases on the reserve, but no new land is added to supply additional revenues, either through leasing or band cultivation?

These were the major problems felt by the band council along with several regular band members, that faced this reserve as a result of Bill C-31's implementation, along with the already mentioned possible future affects on programs and services referred to in the above report.

### Survey Format Comments

There was one comment made by an elder of the band, which made direct reference to the way "we" as researchers were proceeding in conducting this survey. He was incensed that I had arrived on the reserve before there was a consultation of Indian Affairs with the Tribal Chiefs Council, a major political affiliation. He felt it would have allowed the people of the reserve become better informed of what Ottawa was trying to accomplish with this survey, and allow for discussion by the band prior to interviews being conducted. As well, this same elder spoke of the 'quality of life' deteriorating because of Native women, returning to the reserve, often bring back non-native husbands, who do not abide by the same principals of life, especially that of the land being an important part of Native culture.

Others (council and band members alike) felt that because I was not a formal representative of the Federal government, that the government did not put a high priority on what the people of this community felt were important issues of the Bill C-31 amendments.

## CONCLUSIONS

This particular reserve is small in size and there is no actual affect on this reserve of C-31. Thus it is hard to draw any substantial conclusions from the surveys conducted.

What can be concluded is the fact that the fear of 'en masse' emigration to this community would bring about a shortage in funding for housing, child and family care services, drug, alcohol and substance abuse programs, some of the community services previously mentioned in this report, social assistance and development, employment opportunities, in addition to the concerns over static land base from which to draw revenues in order to support all of these new Bill C-31 families. Also, the question of what kind of political rights these Bill C-31 registrants would have was of concern to the band, as the fear that the Bill C-31 registrants would take over or at least try to take over control of band council, and thus decision making on the reserve, was seen as the band's regular members losing their say in what goes on, on the reserve.

What is considered to be affected very little or not at all by this Bill, are the off reserve programs and services, and those not delivered to the band (care for seniors, policing, fire protection, health services and education).

Without Bill C-31 registrants living on the reserve, it is impossible to say for certain what impacts there will be. However, it is safe to say that the opinions expressed in this report by the band council and a few of the regular band members who knew about Bill C-31, reflect the general feeling of the band. However, it was hinted (by band council, as well as regular members) that there were other band members who have Bill C-31 relatives living off the reserve who would like to come back, but they were afraid to "stir up any controversy." They feared that they would create animosity between their relatives on the reserve and those who oppose their return.

***Band Case Study #12***



### METHODOLOGY

The study methodology conformed to the prescribed Department of Indian Affairs and Northern Development (hereafter referred to as to Department) research design. The Band Administrator is responsible for seventeen (17) respondents. The Band Administrator is responsible for four (4) government-administered programs.

The respondents interviewed were as follows:

- \* Band Chief
- \* Band Administrator (responsible for Office Administration, Community Infrastructure, Lands, Revenues and Trust and Fire Protection)
- \* Economic Development/Employment Officer
- \* Education Counsellor
- \* Social Services and Social Development
- \* Child and Family Services Counsellor
- \* Community Health Representative
- \* Drug and Alcohol Abuse Worker
- \* Special Constable, Policing
- \* Housing Officer
- \* Reserve Residents (3) and
- \* C-31 Registrants (3)

### BAND PROFILE

The Band has two Indian Reserves with a total Land Area of 15-20,000 acres. Six percent (60%) of the land is muskeg with the remainder suitable for industrial, commercial and residential development. The total Band membership is 980 with 603 on Reserve and the balance of 377 Off-Reserve. The Band is accessible by a major highway and is located within 50 kilometres of a large township (population 8,000).

C-31 has resulted in 125 registrants of whom all are currently living On-Reserve at the time of their registration. The Band Membership clerk estimates 2 - 3 C-31 families/singles may return to the Reserve over the next 2 - 3 year period.

### Political Process

The band has formed part of a Treaty since 1905, and is affiliated with a Tribal Council since 1988. Tribal Council is to provide advisory and management services for its' respective Member Bands(9) and also serve as a political body to deal with current and relevant issues effecting Band Members. Tribal Council functions out of a large city based approximately 600 kilometers from the Reserve.

Existing Band Council has experience in both the political and programme administration/management areas and are capable of developing and implementing long-term goals and plans. The Chief has been in office for only one week at the time of the interview but has vast administrative experience, approximately 30 years.

The Band falls under the Indian Act Band Council elective system of government with elections held every two years. The next election is set for April 1991. The Band Council is made up of one Chief and nine Councillors. Prior to 1984, there was one Chief and seven Councillors. Council meetings are held every two weeks, and are usually open to the general membership. Participation of the membership in Council deliberations is conditional upon the relevance of the representation to the agenda item under discussion.

Due to increase membership, partially as a result of C-31, two additional Councillors were provided as per the Indian Act since 1985.

Council will usually attempt to hold monthly general assemblies. On average, 25 - 30 residents attend these sessions. Topics or issues of discussion focus on housing, recreation and alcohol abuse. C-31 registrants have not had an impact upon Council or general assemblies.

The Band does not have a Membership Code nor a Residency By-law. Although the Band did attempt to develop a Code, they never had a clear understanding of processes needed to develop either one. Guidelines or examples of established codes or by-laws would benefit the Band to help them establish their own set of by-laws and codes.

The matter of a Membership Code was set aside over 2 years ago and has never been re-tabled by Council for future discussions.

The Band would consider developing a Residency By-Law but only after establishing a Membership Code. Some Band members have mixed feeling regarding who shall be on the Band list, under what conditions, and also who shall be allowed to be a resident On-Reserve. Criteria for re-entry onto the Band list and determination of residency will have to be clearly thought out in relation to terms and conditions and the possible effects of the Code and By-Law under the Indian Act and Human Rights Code.

#### LAND REVENUE AND TREATY ENTITLEMENTS

The Land Revenue and Trust program is administered by the Band under the direction of the Band Administrator. The Lands section of the programme has been administered by the Band for at least 10 years. The Revenue component for 5 years.

The Band Administrator confirms the accuracy of the Departments' data and statistics regarding land holdings, acreage, etc., 40% of the land available is suitable for housing and commercial development. The Administrator estimates that approximately 10% of the available land is developed. Therefore, little difficulty is anticipated in accommodating a large influx of C-31 registrants in returning to the community.

All land is Band-owned, therefore Band members must request land from the Band Council in order to build homes with most requests receiving Council approval.

The Band has two main sources of lease revenue, private Non-Native lumber company and a Band-owned and operated Tourist Camp. The leasing agreement with the Lumber Company has been in place for approximately 5 years and employs 60 Band members On-Reserve. The lease revenue funds are held-in-trust by the Department in Ottawa. The Tourist Camp is normally a break-even business operation run on a seasonal basis.

Treaty entitlements take the form of an annual \$4.00/per capita distribution as per the 1905 Treaty. According to the respondents most of the Band membership is generally aware of their basic rights set out in the Treaty. However, it is noted that the majority of the membership are beginning to lose the meaning of the important provisions of the Treaty, but not C-31 related. Bill C-31 has not effected the Treaty.

#### BAND ADMINISTRATION AND ORGANIZATIONAL STRUCTURE

All administration support staff and programme managers report directly to the Band Administrator, who has been in this position for 3 1/2 years. Chief and Council employ a portfolio system of management with three Committees of Council in place to direct the education, health and social service programmes.

On average, the programme management staff have 6 years of employment experience with their particular programmes. The length of employment ranges from 1 year (the Housing Officer) to 17 years (the Education Counsellor). Generally, the management skills and capabilities that they possess are excellent (the Department and personal observation of the consultant, 1990). All programmes appear to be operating efficiently. The Band uses the Contribution Funding Arrangement system in managing and administering the delivery of programmes and services to the membership.

The Band has several two-party agreements in place:

- \* Health - Health and Welfare Canada
- \* Roads - Ministry of Transportation and Communications
- \* Child Care - Tribal Council
- \* Economic Development - Canada Employment and Immigration Commission
- \* Education - Township School Boards

# BAND PROGRAM ADMINISTRATION AND FUNDING

PROGRAM	ADMINISTRATION AGENCY							FUNDING ARRANGEMENT		
	Band	Tribal Council	DIAND	NHW	Joint	Prov./ Territ. Govt.	Other	Contrib. Arrangement (Parties)	AFA	Other
Economic Development	✓							BAND / DIAND		
Education K & Elem	✓							BAND / DIAND / LOCAL SCH BOARD		
Education Secondary	✓							BAND / DIAND / LOCAL SCH. BOARD		
Education Post-Second.	✓							BAND / DIAND / PROV.		
Social Development	✓							BAND / DIAND / PROV.		
Child/Family Care	✓							BAND / DIAND / PROV.		
Seniors Care	ND									
Housing	✓							BAND / DIAND		
Community Infrastruct.	✓							BAND / DIAND / PROV.		
Policing	✓							BAND / DIAND / PROV.		
Fire Protection	✓							BAND / DIAND		
Health Services	✓							BAND / NHW		
Drug & Alc. Abuse	✓							BAND / NHW		
Other MEMBERSHIP	✓							BAND / DIAND		

ND = Not delivered on reserve

DK = Don't know

AFA = Alternative Funding Arrangement

### PROGRAMMES/SERVICES/BENEFITS

As noted earlier, the Band operates under the Contribution Funding Arrangement system of the Department and other government agencies. Only one tripartite agreement is in place, the Child Care Services programme. The three parties to the agreement are the Band, Community and Social Services (of the province) and the Department. Tribal Council based nearby provides advisory services to this programme also.

All programme managers have input into the budget preparation for their programmes and are fully aware of the terms and conditions of their respective programmes.

The Band Council has developed a pension plan for their staff and are aiming to implement the plan in 1990/91. The Band Administrator expects to meet with Departmental representatives in the near future to discuss the benefits programme.

### ECONOMIC DEVELOPMENT

The Economic Development programme essentially focuses on accessing training funds, job creation for Band members, the provision of youth employment counselling, assisting clients in the research and development of business plans, and proposal writing for government agency programmes. The programme is a one-person operation. The current manager has been employed in this position for five years. The Band has administered this programme for seven years.

The Band is currently administering several economic development projects:

- \* Training for Entrepreneurs
- \* Native Business Administration Programmes
- \* Carpentry Training
- \* Heavy Equipment Operator Training
- \* Cabinet Making
- \* Community Futures Programme
- \* Summer Student Programme
- \* Environment Programme (with the Ministry of Natural Resources)



## EMPLOYMENT PROFILE

### BAND'S ON-RESERVE LABOUR FORCE EMPLOYED AND UNEMPLOYED FALL 1989

	Number in On-reserve Labour Force*	Number Currently Employed**	Number Currently Unemployed
Regular Band Members	291	120	171 <sup>①</sup>
Bill C-31 Registrants	10	1	9
Total	301	121	180

\* labour force: people 16 years of age or older who are able to work, who are not students, and who are not retired

\*\* includes those currently employed whether full-time, part-time or temporary

① includes some students

### EDUCATION LEVEL OF BAND'S ON-RESERVE LABOUR FORCE

	HIGHEST LEVEL OF EDUCATION ACHIEVED				
	No Formal Education	Some Primary Education Grades 1-8	Some Secondary Education Grades 9-13	Some Post- Secondary Education	Total in On-Reserve Labour Force
Regular Band Members		231	50	10	291
Bill C-31 Registrants		DK	10	DK	1
Total	DK	231	60	10	292

Currently, the Band is working on two economic development proposals. One is a Native Arts and Crafts business that will be situated On-Reserve with an outlet in the nearby town. The second is a proposed On-Reserve Tannery for the provision of hides. Assistance is expected from the Provincial Ministry of Natural Resources for this proposed venture.

The major employers of the Band membership consists of:

* Lumber Company	60 Band Members
* Band Administration & Programs	32 Band Members
* Trapping (seasonal)	25 Band Members
* Band Tourist Camp	6 Band Members
* Off-Reserve (nearby towns)	14 Band Members

The Economic Development Officer indicates very little C-31 activity with only one C-31 registrant requesting a job, and is aware of two C-31 registrants (who live off-reserve) taking the On-Reserve Heavy Equipment Operator Training Programme.

#### EDUCATION: KINDERGARTEN, ELEMENTARY, SECONDARY

The Education Counsellor has 17 years of experience with the Education Programme. The Counsellor has total control over the budget, preparation and implementation of tuition agreements, student counselling, and is adviser to the Education Committee. The Counsellor also provides direction to the Education Clerk and advises the high school education counsellor (a Band Member) in a nearby town.

The Band has administered the education programme for 15 years.

There are 75 K - 2 students On-Reserve, and 115 Grade 3 - 8 students attending the Off-Reserve Public School. The On-Reserve school has 3 classrooms and 1 language lab/room. In addition, there are approximately 70 students attending high schools throughout the province.

## EDUCATION PROFILE

### ON-RESERVE STUDENTS ENROLLED IN KINDERGARTEN, ELEMENTARY SCHOOL AND SECONDARY SCHOOL ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90 Enrollment			1984-85 Enrollment
	Regular Students	Bill C-31 Students	Total Enrollment	Regular Students
Kindergarten	44	0	44	37
Elementary *	142	0	142	157
Secondary *	35	0	35	30

\* elementary school: generally Grades 1-8; secondary school: generally Grades 9-13

### BAND MEMBERS LIVING ON-RESERVE AND IN RECEIPT OF POST-SECONDARY EDUCATION ASSISTANCE PROGRAM FUNDING ACADEMIC YEARS 1989-90 AND 1984-85

	1989-90	1984-85
Number Regular Students Receiving Funding	26	20
Number Bill C-31 Students Receiving Funding	5	Not Applicable
Total	31	20

The C-31 impact on the education programme (K - 12) has been noticeable. There has been an increase in workload to handle requests, applications and enquiries from both C-31 students and the Department; but not to the extent of requesting overtime or additional staff.

Some C-31 parents, living Off-Reserve, have also requested assistance to continue with their education, particularly to gain their high school diploma. Should they continue with their education, they would have to apply for family benefits in order to meet household expenses since the Adult Education programme cannot provide the funds to meet all of their needs.

#### EDUCATION - POST SECONDARY

The Band has administered the post secondary programme for nearly 7 years. Currently, the programme provides assistance to 23 students. The Counsellor estimates that approximately 50% of the students complete their programme of studies. The majority of the students are enrolled in business, social services or technical programmes or courses. Through the efforts of the Education Counsellor and support of Council and Band Membership, the Band has a very successful post secondary programme (very high priority).

The Counsellor has indicated a noticeable increase in work load in this particular activity at the outset of C-31 implementation but the workload has since levelled off. The majority of registrants, in the Band's opinion, have registered at the early stages of the programme thus the high number of requests, and gradually new registrants requesting post secondary assistance has dropped in the past 2 years. Existing staff are able to maintain stability of work hours to accommodate any enquiries from either the students or the Department.

The most frequent problem encountered with the C-31 programme relates to the lack of funding for the Off-Reserve students. The Band was informed by the Department that funds would be made available to accommodate all applicants but the Department did not or could not meet the demand of the On- and Off-Reserve students. The situation strained the relations between the Band and the C-31 parents and students.

C-31 had only minimal impact upon Band operations when it was passed into law in 1985. However, in 1986 and 1987, difficulties were experienced in meeting the education programme funding requirements. The Band official respondents are of the view that they were misinformed by the Department over the availability of educational funds. As a result, some hardship was created within the Band over this issue.

#### SOCIAL ASSISTANCE AND SOCIAL DEVELOPMENT

The Social Assistance and Social Development Officer administers welfare assistance, provides counselling services, prepares program budgets and forecasts, produces funding proposals, and does the banking and chequing services for the programme. The programme disburses welfare aid every two weeks, provides a Home Support service (with 4 employees), and employs a social services employment trainee.

Welfare assistance supplementary aid and special assistance is disbursed to 116 singles and heads' of families. The majority of the recipients are single and 36 are seasonal workers. The Band adopted a welfare policy in 1979 which is still in use today.

A Social Service Employment project is currently underway that is designed to train welfare recipients to learn new skill for future employment.

The impact of C-31 is moderate, and did not produce noticeable change to programme funding or service delivery by the staff. The programme is well-equipped to deal with any significant changes, if there are any sudden increases in demand.

Family and Child Services - The service has been in existence for 7 years. It provides assistance to the handicapped and elderly. A tri-partite agreement is in place between the Band, the Department and the Ministry of Community and Social Services to provide foster care, apprehension and enforcement services for both parents and children.

# **BAND CLIENTS OF CHILD AND FAMILY CARE SERVICES PROFILE**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members	90	80	80	85	78	60
Bill C-31 Registrants	Not Applicable	0	0	0	0	0
Total	90	80	80	85	78	60

# **BAND CLIENTS OF SERVICES FOR SENIOR CITIZENS**

	Number of Clients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Applicable					
Total	ND	ND	ND	ND	ND	ND



## SOCIAL ASSISTANCE AND DEVELOPMENT PROGRAMS

### BAND MEMBERS IN RECEIPT OF SOCIAL ASSISTANCE

Regular Band Members			Bill C-31 Registrants			Overall		
Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total	Season-al	Conti-nuous	Total
36	75	111	5	0	5	41	75	116

### SOCIAL DEVELOPMENT PROGRAMS WITHIN THE COMMUNITY AND NUMBER OF PARTICIPANTS

Program	1989			1984
	Regular Clients	Bill C-31 Clients	Total	Regular Clients
W.O.P. SOCIAL SERVICES EMPLOY. PROGRAM	3	0	3	5 DK

## HOUSING AND COMMUNITY SERVICES

The Band Councillor, who is a C-31 registrant and whom now resides On-Reserve, is responsible for managing the housing programme. The Housing Officer is responsible for reviewing applications and making recommendations to the Housing Committee, who in turn, reviews and recommends to the Council on housing matters and priorities. A Band housing policy was drafted but never formally adopted by the Band Membership.

All housing units are Band-owned and are constructed according to provincial and federal building codes. Labour costs are covered out of Band training programs. In most instances, houses are completed as planned. All home owner's are expected to provide "sweat equity".

There are approximately 200 homes On-Reserve with the bulk of them built in a single bungalow style. Sixty per cent of the homes are in satisfactory condition with no repairs or renovations required. Thirty per cent of the homes do require some upgrading or renovation, and ten per cent need replacement. At least fifteen individuals are on the regular housing waiting list. Housing allocations for these individuals are based on priority and need. A waiting period of 1 - 2 years is the norm. Shortage of land for housing development is not a problem.

The Band anticipates building 25 new units over the next 5 years for its regular membership, and 3 units for C-31 registrants in 1990. Water and sanitation service for the above units is identified in the Bands 5 Year Capital Management Plan, and in the C-31 application forms.

In 1987, the Band was given approval by the Department to re-allocate C-31 housing funds to offset an existing backlog on the condition that the C-31 housing funds be reimbursed out of the Bands capital funds at a later date. Two C-31 families are expected to receive a home in 1990 with one family waiting 2 years, and the second family waiting nearly 3 years. Band Council will have to decide in 1990/91 whether or not to allocate Band capital funds for these 2 families.

The one C-31 registrant now occupying a C-31 home is not satisfied with the unfinished interior finishings, and was told to complete the work on her own. She is currently negotiating with the Council and Housing Committee to resolve her problem.

Of the two C-31 registrants waiting for a new home, one female registrant with three children is living in a house that was set for demolition prior to her moving into it. She made several repairs at her own expense and may be compelled to move elsewhere (off-reserve ?) if she does not receive assurances from the Band over a new home in 1990/91.

Additional pressure was placed on Chief and Council over the immediate provision of housing funds to C-31 registrants returning to the reserve, while the Band had a substantial housing waiting list for its existing membership. Subsequently, the Band Council decided to reallocate the C-31 housing funds to the existing membership. The C-31 registrants were informed by the Council that they would have to wait 3 years before housing funds would become available for their use. Two C-31 families currently live in temporary residences. Some problems still exist between the C-31 returnees and the Band.

Community Infrastructure - The Band Administrator is responsible for administering this programme. The Band had a new water and sewer system installed in 1986. The reserve community is extensively served by a road network (8 km) that is maintained jointly by the Band and the Provincial Ministry of Transportation and Communications. All homes are serviced by electric heating. The Band has a recreation community hall, and a fire hall to house a fire truck, pumper and equipment. The Band also has a fire protection service agreement with a nearby township for the provision of additional fire protection service if needed. The On-Reserve K - 2 school was built in 1950 and is in need of replacement. The Band's Capital Management Plan identifies replacement in 1992, and expansion of the programme to K - 8.

Other community buildings include:

- \* Training Centre
- \* Band Office
- \* Health Centre

All three buildings are in satisfactory condition.

The Band lacks a community playing field for events like softball and outdoor hockey.

C- 31 has not had a appreciable impact upon this aspect of community services as it relates to administration staff workload. Any influx of C-31 registrants can be taken care of by existing staff.

Fire Protection - The Band Administrator is responsible for this programme and the needs of the volunteer firemen who service the community with a truck and pumper. The fire truck is nearly 15 years old and will need replacing very soon. Most homes have smoke detectors. The school is equipped with an alarm system.

The number of fire related incidents over the past 6 years is minimal. Band fire reports are on file with the Departments District Office.

The C-31 impact is practically non-existent.

Policing Services - Policing services are provided to the community by 2 special constables. The policing service has been available On-Reserve for at least 15 years. The special constables have one cruiser, a ski-doo and special equipment available for regular use.

Records of incidents are maintained with the local Provincial Police detachment, 30 miles away. Incidents tend to be minor in nature like drunk and disorderly, family problems and the occasional tourist problem.

C-31 registrants have not had any effect on the policing workload or crime in the area.

#### HEALTH

Elaborate health facilities are not required due to the close proximity to the nearby townships. Vehicle travel to the nearest hospital and health clinics are within a one-half hour drive. Otherwise, community health representative, drug and alcohol abuse and child and family services are available (on-reserve).

Community Health Representative - The CHR (Band Employee) has 4 years of health employment experience and is responsible for the provision of counselling services, drug cards, health insurance services, and training.

## HEALTH SERVICES PROFILE

### BAND PATIENTS USING THE COMMUNITY'S HEALTH SERVICES 1984 TO 1989

	Number of Patients					
	1984	1985	1986	1987	1988	1989
Regular Band Members						
Bill C-31 Registrants	Not Appli- cable					
Total	NA	NA	NA	NA	NA	NA

The CHR has two staff members reporting to her, a referral clerk and van driver. On average, she counsels 15 - 20 clients per week. The CHR conducts preventive health, public health and pre-natal classes on a regular basis.

Drug and Alcohol Abuse - This service has been delivered since 1984. The programme has established an AA group on-reserve which meets monthly. Two workers counsel 7 - 8 clients daily. Alcoholism and drug abuse is a severe problem on-reserve and requires the counsellor's constant attention on a day-to-day basis.

Over-all, the C-31 registrants have made extensive use of the above three services. Therefore, staff workloads have increased. Particularly, the Drug and Alcohol Abuse Counsellors. There has been approximately a 10% - 20% increase in service requirements because of C-31. However, staff in the three programs appear sufficiently capable and professional to handle additions to workload.

The Drug and Alcohol Abuse Worker, in my opinion appears to have a large workload, and with the added responsibility of C-31 registrants both on and off-reserve has put her in a stressful situation. As a dedicated worker with 4 years experience, she needs all of her skillful training and clients off-reserve takes up considerable time, as she also advises Metis people as well. Council should address this situation, particularly the C-31 workload.

#### OTHER PROGRAMMES

The Band staff has reported a need for day care facilities and services due to the large number of Band members employed on and off reserve, ie: with the lumber company and other major employers. This situation may only be exacerbated with C-31 returnees.

To-date, there have been no C-31 legal impacts on Band operations.

A former Councillor has expressed concern over the need for the Band to maintain a continuous dialogue with the Department over housing and education funds for the C-31 returnees. The concern focussed on the re-allocation of earmarked C-31 funds to other priorities like the Bands' housing programme.



A C-31 returnee, a female Band member, suggested that she was been discriminated against by the Band Council in hiring her for jobs that she felt qualified for. Another C-31 returnee felt resentment, indifference and discrimination among Band members.

### CONCLUSION

The overall impact of Bill C-31 on Band operations is relatively minor. However, concern was noted over the effect of C-31 on the financial and operational side of the education and housing programmes. As usual, the lines of communication between certain Band officials and the Department led to the problem. The net result was a shortfall in education funds and delay in construction of the C-31 housing units. As a consequence, strained relations exist between the Band, some of the C-31 returnees and the Department.

Information/education workshops on C-31, Membership Codes and Residency By-Laws among key Band officials and with community members are required to remedy the above issues. Having taken that step, the Band may then be ready to consider the adoption of a Code and residency by-law. The latter activity will then serve to inform the policy making process in education, housing and the other programme areas.

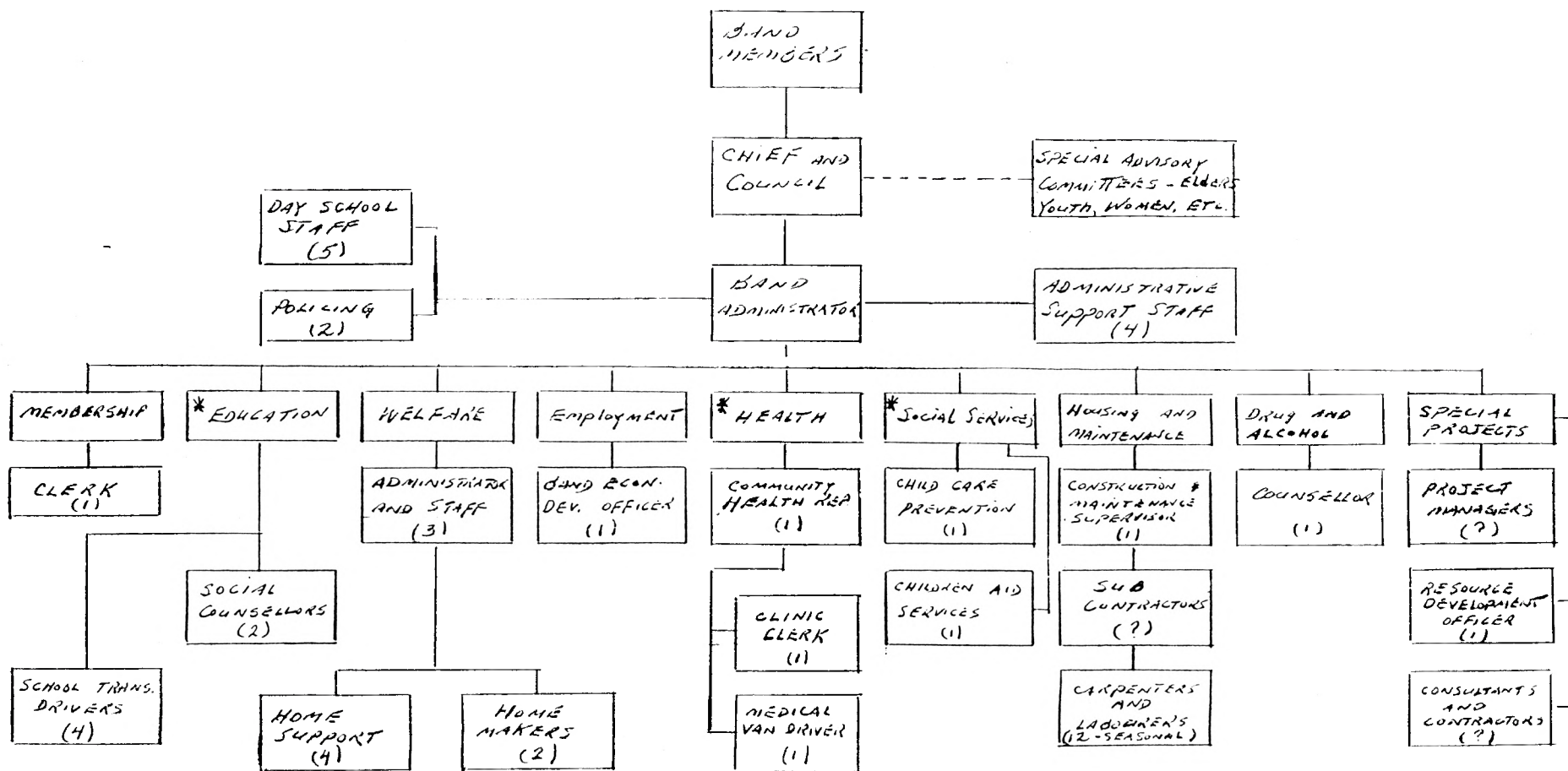
Training Sessions Required - Four key administrative and programme staff need to be kept informed of the most recent C-31 programme changes, modifications or requirements. They are the:

- \* Band Administrator
- \* Housing Officer
- \* Membership Clerk
- \* Education Counsellor

For example, they should be notified of budget increases/decreases, application form changes, funding formulae updates, and the budgetary allocation process of the Department at the Regional and District office level.

In sum, the Band Membership Clerk has identified 125 C-31 registrants to date. In all probability, this represents the bulk of those eligible for registration. The Band anticipates, on average, the return of 2 -3 C-31 families/singles per year.

The experience of the capable Band administration and programme staff should enable them to handle the moderate increase in workload. Band operations, in general, are only minimally impacted by C-31. The major outstanding issues lies in the shortfall of funds for the housing and education programmes. More detailed joint planning by the Band, C-31 registrants and the Department should remedy these issues. In addition, more inter-departmental co-ordination is required to deal with the drug and alcohol abuse situation on-reserve. That is, Health and Welfare Canada's NNADAP programme should be alerted to the increase in demand for services delivered under their auspices.



\* PROGRAMS WITH ADVISING COMMITTEES