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REPORT
OF THE
INDIAN ACT
CONSULTATION MEETING

NANAIMO, BRITISH COLUMBIA
OCTOBER 30, 31 AND NOVEMBER 1,
1968

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

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REPORT OF THE INDIAN ACT CONSULTATION MEETING
HELD AT
NANAIMO, BRITISH COLUMBIA
OCTOBER 30, 31, AND NOVEMBER 1, 1968

CO-CHAIRMEN

Mr. George Manuel, Box 479, Duncan, B.C.	Mr. Alex McCarthy, Ucluelet Indian Band, Ucluelet, B.C.	Mr. Robert P. Clifton, Box 678, Courtenay, B.C. (Comox Band representative)
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BAND SPOKESMEN

<u>BAND</u>	<u>SPOKESMEN</u>
Chemainus	Chief Lawrence Harris, Box 441, Ladysmith, B.C.
Qualicum	Mrs. Diana Recalma R.R. #1, Qualicum Beach, B.C.
Nanaimo	Mrs. Pearl Pointe, 690 Shoreline Drive, Nanaimo, B.C.
Nanoose	Mr. Wilson Bob, R.R. #1, Wellington, B.C.
Halalt	Chief Arnold Sylvester, Westholme, B.C.
Cowichan	Mr. Ross Modeste, General Delivery, Koksilah, B.C.
Tsartlip	Mr. Philip Paul, 854 Clark Road, Victoria, B.C.
Tsawout	Chief Harry Underwood, R.R. #1, Saanichton, B.C.
Pauquachin	Chief Don Williams, R.R. #2, Sidney, B.C.

BAND

Songhees

Sooke

Esquimalt

Lyackson

Penelakut

Ahousaht

Hesquiaht

Nitinaht

Nootka

Ohiaht

Opetchesaht

Sheshaht

Toquaht

Ucluelet

SPOKESMEN

Chief John Albany,
1341 Craigflower Road,
Victoria, B.C.

Mrs. Andrea Cooper,
Milnes Landing, B.C.

Mr. George Thomas,
1105 Admirals Road,
Victoria, B.C.

Mr. Tom Norris,
No. 4 Esplanade Street,
Ladysmith, B.C.

Mr. Fred Miller,
General Delivery,
Westholme, B.C.

Chief Nelson Keitlah,
c/o 121-2nd Avenue North,
Port Alberni, B.C.

Chief Felix Charleson,
Hot Springs Cove, B.C.

Chief Webster Thompson,
c/o 601 Anderson Avenue South,
Port Alberni, B.C.

Chief Patrick Murphy,
Friendly Cove, B.C.

Chief Arthur Peters,
631 Margaret Street,
Port Alberni, B.C.

Mr. Cliff Hamilton,
307 River Road,
Port Alberni, B.C.

Mr. Ted Watts,
R.R. #3 Sproat Lake Rd.,
Port Alberni, B.C.

Chief Bert Mack,
Box 262,
Ucluelet, B.C.

Mrs. Marjorie Touchie,
Ucluelet, B.C.

<u>BAND</u>	<u>SPOKESMEN</u>
Tsawataineuk	Mr. David Dawson, Kingcome Inlet, B.C.
Tanakteuk	Mrs. Delavina Louis, Box 218, Alert Bay, B.C.
Nimpkish	Chief James Sewid, Box 245, Alert Bay, B.C.
Kwawwawaineuk	Mrs. Elsie Williams, 181 Skinner Street, Nanaimo, B.C.
Gilford Island	Mr. William D. Scow, Box 177, Alert Bay, B.C.
Campbell River	Chief George Quocksister, 1451 Island Highway, Campbell River, B.C.
Cape Mudge	Chief Dave Moon, Box 100, Quathiaski Cove, B.C.
Kwawkewlth	Chief George Walkus, Box 131, Port Hardy, B.C.
Kwiakah	
Quatsino	Chief Norman Charlie, Quatsino, B.C.

CONSULTATION TEAM

Minister Without Portfolio	Honourable Robert Andras
President, National Indian Brotherhood	Mr. Walter Dieter
Department of Indian Affairs and Northern Development	Mr. C. Fairholm
Department of Indian Affairs and Northern Development	Mr. Gordon Poupore

<u>DEPARTMENTAL REPRESENTATIVES</u>	
Department of Indian Affairs and Northern Development	Mr. G. Rimek
Department of Indian Affairs and Northern Development	Mr. L. Smith
Department of Indian Affairs and Northern Development	Mr. A. Fraser
Department of Indian Affairs and Northern Development	Mr. S. Roberts

October 30, 1968.

Mr. Boys opened the meeting at 9:10 a.m. by introducing himself and mentioning that he would be the Chairman for the time being. He said that it was his pleasure to welcome all the delegates and expressed his hope that the meeting would be very fruitful. He said that since Nanaimo meant "the meeting place of the Indian people" there had been many meetings before; but probably none of these meetings had been as important as the current one would be for the future of the Indian people. He said that the function of the Departmental Officials was to listen to the views expressed by the Indian spokesmen in regard to the changes of the Indian Act and advised that all of the proceedings would be recorded. He said that it was customary for the delegates to elect, from their ranks, a co-chairman who would be chairing the meetings jointly with Mr. Boys. He then asked the delegates to introduce themselves; afterwards he introduced to them the staff of the Department of Indian Affairs and Northern Development. He asked the delegates whether they would be agreeable to the customary sitting hours - from 9:00 a.m. to 12 noon, and from 1:30 p.m. to 5:00 p.m., with coffee breaks at 10:15 a.m. and 3:15 p.m.

Mr. Phillip Paul of the Tsartlip Band suggested that the election of the chairman should be the first item on the agenda of the meeting.

Mr. Boys suggested that perhaps Mr. Fairholm would like to say a few words to the delegates.

Mr. Fairholm said that he and Mr. Dieter had already attended 11 or 12 meetings across Canada since these consultation meetings started a few months ago. The role of the Departmental Officials was to listen to what the Indian delegates had to say about what they thought should be in the new law, the degree to which it should be changed and what they generally thought that the future should hold for them. The departmental officials would then report to the government what the Indians have said; their role was also to explain the present Act when such an explanation was required and to discuss with the Indians the various alternatives. It was not their role to defend the present Act or to argue with the delegates about what they wanted. He said that the Department set out the booklet "Choosing a Path" but most of the questions which were listed there, came up as a result of discussions that were carried on in the Regional Advisory Councils or in the National Advisory Board; some of these questions arose out of the problems that were presented from time to time by various Indian Councils and organizations. Many more questions could have been asked and the delegates might well feel that others should be included that were not in the booklet. He asked the delegates if they felt that something had not been included but should have been included and might have some bearing on the legislation; in that case, they should bring it out - it was only by doing so that their views would become known. Things are not the same in every Indian

community just as they are not the same in every non-Indian community; what might be desirable in one of their communities might not be desirable in another. The law has to be, therefore, sufficiently flexible to permit people in a community to do those things that they wished to do and yet not prevent some other community from doing something different according to their wishes. He said that he hoped that these discussions would be free, frank and open and that the delegates would really say what they wanted to say. The reports of these meetings will be going back to each spokesmen, they will also be sent out to all the band chiefs and councillors not only here but all over Canada; so that in the end, when all the meetings have been completed, all the delegates would have a record of what was said at the 16 or 17 meetings across Canada. It will take some time to have these reports printed and distributed but all of them would get them in time.

On a number of occasions the question has arisen about further consultation with respect to the revision of the Act; Mr. Chrétien, Minister of the Department of Indian Affairs and Northern Development and Mr. Andras, Minister Without Portfolio who has been assigned to work with Mr. Chrétien, have indicated that there would be a further opportunity given for consultation but the exact form in which that will take place has not yet been determined. There will be a meeting held in Ottawa probably sometime in January at which a representative of each of the regional or local meetings would attend, together with a nominee of each of the major Indian Associations. Before the conclusion of this meeting, the delegates should elect from among themselves someone who could attend this meeting in Ottawa and possibly one or two alternates in case the individual chosen could not go.

Mrs. Diana Recalma of the Qualicum Band asked if a lawyer or anyone legally trained among the Departmental staff was present who could explain the technicalities of the Indian Act.

Mr. Fairholm said that one legally trained official was at this meeting.

Mr. Boys said that he did not think that it could be presumed that the departmental officials would be able to explain all that was intended in the Act which was enacted by Parliament, and not by the Department of Indian Affairs and Northern Development. The function of the Department is simply to administer the provisions of the Act and not to enact the Act itself. Most of the provisions of the Act have not been tested in Court, so they are probably capable of a number of interpretations. However, the Departmental officials will certainly attempt to explain these provisions as best as they can, and also try to explain what has been the Department's policy with respect to the various provisions of the Indian Act as they are discussed.

Mrs. Recalma said that she liked the term "we will attempt to explain" used by Mr. Boys much better than "we will explain" used by Mr. Fairholm.

Mr. Boys then suggested to the delegates that after they elect their co-chairman, they might like to decide on the agenda of the meeting. He expressed his hope that the meeting would not be too formal, but rather that a workshop atmosphere would prevail.

Mr. Paul said that the delegates agreed to hold a meeting in camera; he was not sure how long they would need for such a meeting, but it would take at least the whole morning.

Meeting adjourned indefinitely at 9:50 a.m.

.....
closed session
.....

Chairman, Mr. George Manuel called the meeting to order and advised that during the closed session a brief was adopted by the delegates for presentation at this time.

Secretary, Mrs. Diana Recalma of the Qualicum Band entered and read the brief, dated at Nanaimo, British Columbia, October 30, 1968 (attached as Appendix A hereto with amendments included).

Mr. Manual requested questions or comments on the brief.

Mr. Wilson Bob, Jr. of the Nanoose Band noted that the Branch was the Administrator of Indian Affairs, and of the Indian Act, and the guardian of the Indian people. He enquired why the Branch with the availability of its attorneys had permitted the Act or its administration to be interpreted according to the administrative need rather than be effective in its purpose as the guardianship of the Indian people.

Mr. Boys believed the question should be more specific as to which parts of the Act had not been effectively administered, to be properly answered. He noted that Branch personnel do not see themselves in the role of guardian nor the Indian people in the role of wards, but believed that the Branch's role was that of trustee of Indian lands and responsible for the administration of the affairs of the Indian people as given in the Act. He believed the performance of the Branch in this region had been effective in keeping with the policy and wishes of the majority of the Indian people.

Mr. Bob, Jr. to be specific, referred to the failure of the Branch to protect the hunting and fishing rights of the Indian people - their wards.

Mr. Boys reiterated that the Branch does not see itself as guardians of the Indians nor the Indians as wards. He added that the Indian people are free to sue and be sued, free to go where

they wish as citizens of Canada; nor was this guardianship ward relationship expressed in the Indian Act. He noted that he could recall only one recent case in British Columbia where the hunting and fishing rights of the Indians were jeopardized and added that the costs of fighting this case was borne by the Department.

Mr. Ross Modeste of the Cowichan noted that there was recently a court case in the White Rock area respecting leased land and enquired what action or course the Branch was taking as trustees of the land.

Mr. Fairholm advised that he had recently read the decision of Mr. Justice Smith in which he held that reserve lands, when surrendered for lease, were no longer deemed to be Indian lands and therefore subject to municipal by-laws. He added that if this was the case referred to, he was unaware of the action to date as the Branch had just been advised of the decision a day or so before he left on this field trip. He noted that he did not know the principals of the case but believed it involved the municipality, a construction firm, and a zoning by-law. He asked what Mr. Modeste thought should be the government's role in this case.

Mr. Modeste believed Mr. Boys answered the question when he said that the Branch was the trustee of the Indian lands. He thought therefore that the Branch should protect these lands. Insofar as this particular case was concerned he believed the Branch should bear the cost of the case and its appeal.

Mr. Boys reviewed the judgement as handed down by the Supreme Court of British Columbia. He noted that the action was between the municipality and the lessee and the lessee submitted in his defence that only Band by-laws should be effective. He noted that although the judgement indicated that during the term of a lease such land shall not be regarded as Indian land, it does revert to its original status of Indian land when the lease has expired. He added that copies of the judgement had been referred to the legal advisors to ascertain what further action, if any, should be taken, but it has been a general policy that if the traditional rights of Indians are jeopardized by a legal judgement, financial assistance is available to challenge this judgement. In answer to a statement by Mrs. Pearl Pointe that such a judgement may deter the development of Indian lands by leasing, he added that the judgement and its effect was new and would have to be closely examined, but could have the effect indicated depending on how it was viewed.

Mr. Paul advised that the role of the Branch is to encourage leases, and as Mr. Boys submitted, the Branch was the trustee of Indian lands. He believed therefore that more thought should be given, and the Branch should give more information and clarification, in respect to leases as to what is involved in surrenders, their effect, protection, and general information so that the Bands would not get caught up in judgements of this type. He believed the answer given to the question was unacceptable as leases were not new even if this decision was.

Mr. John Albany of the Songhees Band advised that he was involved with adjoining municipalities, but more than that he had attempted to develop some land and although the Band Council Resolution was passed on January 11, no answer had been forthcoming from the Department until three weeks ago when they advised that they did not have the Resolution.

Mr. Manuel believed that these were the reasons that the brief recommended a lawyer, an agreement, a local land registry and more efficient methods.

Mr. Fairholm suggested that the delegates bear decisions of this type in mind when making their recommendations to ensure that they permit the Council to have the type of control they want. He added that currently band land must be surrendered and perhaps the meeting would want to consider that such surrenders are unnecessary, or that there be some type of law to give council land use control. He noted that even if the particular case was fought to the Supreme Court, and resulted in the same decision, it would not solve the problem.

Mr. Manuel advised that this was probably the reason that the brief indicates the term surrender should apply only in respect to land sold.

Mr. George Dick of the Kwaikah Band noted that in leased land the Bands often had trouble with municipalities respecting tax collection on such lands - they neither shared the taxes nor supplied services in lieu of such taxes. He enquired as to possibilities, in this respect, of a 50% return.

Mr. Fairholm had no comment on what amount was fair as some people may want more or less, but he noted that Saskatchewan had recently enacted legislation to require a 50% return. He added that action is required by the province in this case as leased land by non-Indians is subject to local taxation. He advised that there were currently other discussions going on in this respect for either services or a "kickback".

Mrs. Recalma believed that if the recommendations of the brief respecting surrendered land was implemented, it would overcome the problem of local taxation.

Mr. Poupore noted that a reserve is defined as a parcel of crown land set apart for the use and benefit of a band of Indians. The Indian use is a type of restriction of the Crown's right to use crown owned land. A surrender removes that interest and allows the Crown to deal with it in accordance with the condition of the surrender but it is still crown land and as such, not subject to provincial or municipal taxation or control. However, once such land is leased, in this case to a non-Indian, it is the non-Indian's use of the land that is subject to taxation and control - not the land. He believed that whether reserve land is surrendered or not

surrendered before it is leased would not affect the provincial/municipal right to tax if and when it is leased to a non-Indian. He added that if it is not surrendered there may be a possibility of taxation of the non-Indian lease by the Band but it would not eliminate the municipal right to taxation. It would become a double taxation situation, unless the band negotiates with the province or municipality and came to some tax sharing agreement.

Mrs. Recalma noted that Mr. Poupore had given one opinion, but enquired whether the term "benefit" could be interpreted as the right of the Indian to earn his livelihood on that land. She added that perhaps the use of permits could get around the problem and if the Council was given the power that is suggested, the Council would have the authority to negotiate these matters with the municipalities and tax as the Band sees fit to buy services. She added that the brief suggests that land should never be surrendered - only leased on a permit basis. She requested permission to be excused stating that Mr. Gregory Williams would take her place as secretary.

Mr. Manuel reminded delegates that they had agreed to refrain from speeches and to confine themselves to questions related to the brief.

Mr. Modeste noted that the Bands are told for long leases they must surrender land but section 58(3) of the Act would indicate this was not so. He requested clarification.

Mr. Fairholm noted that currently the essential difference is whether the land is held by an individual under allotment or certificate of possession or whether its band owned land. He added that individually held land can be leased without a surrender, but band owned land cannot except for agriculture or grazing purposes.

Mr. Wilson Bob, Jr. of the Nanoose Band referred to the brief and the recommendation for an ombudsman. He believed that regardless of the new Act there is likely to be problems. He enquired whether such an office is feasible.

Mr. Boys advised that personally he believed it to be feasible. He noted that a similar recommendation, although in a different form, was included in the Hawthorne Report.

Co-Chairman, Mr. Bob Clifton of the Comox Band reviewed the matter of the Canada Pension Plan. He enquired whether it would be possible to have legislation permitting Indians to contribute to the Canada Pension Plan on the basis of money earned on the reserve.

Mr. Fairholm noted that currently Indians earning their living on the reserve cannot contribute to the plan. He noted that pages 14 to 16 of the supplementary notes outlined the situation and two possible answers. He advised that it would be possible but would require a change in the legislation.

Mr. Donald Williams of the Pauquachin Band noted that most band managers before assuming their duties on the reserve were employed off the reserve and contributed to the Plan. He enquired whether it would be possible to obtain a rebate of these contributions.

Mr. Fairholm advised that to the best of his knowledge it is not possible to obtain a rebate. However, he noted that the contributions are recorded in the Department of National Revenue and contributors would be entitled to benefits on the basis of their contributions. He also noted that the brief recommended that such people be included in the plan. It would be possible for parliament to devise a method.

Mr. Bob Jr. referred to page 4 of the brief respecting mineral rights, in which they demand that these rights be returned. He believed that this was another area where the Branch had failed to protect the Indian rights which were taken temporarily during the war. He believed these rights and revenues therefrom should be returned.

Mr. Boys advised that he was unaware of any such rights that were taken away. He noted that when the reserves were established in British Columbia it was agreed between the federal and provincial governments, admittedly without consultation with the Indians, that base metals on reserves were a federal asset and the precious metals provincial. He noted that this was and still is the agreement. He added that since it is difficult to mine one such metal without the other, on areas where they are both located, it was further agreed that a division of the revenue would be made and any such revenue accruing to the Federal government would be credited to the appropriate band. He added that in recent years British Columbia did not recognize any Indian mineral rights although this has not been tested in court. He did not believe this jeopardized the rights of the Indians as the agreement was in the record.

Mr. Bob Jr. did not believe the question was answered. He maintained that Indians do have such mineral rights, and that neither the Federal nor Provincial governments had the right to remove these rights without consultation. He noted that no reference was made in the answer to the temporary removal during the war.

Mr. Boys believed that he had made it clear that such rights as existed were not taken away during the war or abridged in any way during the war. He believed the federal government had the right during the war to mine for needed materials wherever they existed, but no rights were taken away during the war and not returned since the war to the best of his knowledge.

Mr. Bob Jr. believed that the matter would not have been stipulated in the brief if it had not existed.

Mr. Fairholm noted that there was federal legislation passed

in 1943 called "The British Columbia Indian Reserve Mineral Resources Act" which in effect confirmed an agreement made in 1913 between the Federal and Provincial Governments which set forth the terms as indicated by Mr. Boys.

Mr. Boys in answer to a question of Mrs. Pointe advised that the agreement would apply to both unsurrendered or surrendered land.

Mr. Poupore in answer to a question of Mr. Roberts, advised that oil is considered to be a mineral.

Mr. Manuel advised that he knew of people earning money on the reserve who were contributing to the Canada Pension Plan and enquired how this occurred and whether they would qualify for benefits.

Mr. Fairholm noted that there was special federal legislation passed to permit Indian persons earning their living on the reserve, who contributed to the Superannuation Plan of the federal government, to contribute to the Canada Pension Plan. He noted that this was referred to on page 15 of the supplementary notes.

Mr. Bob Jr. noted that he kept referring to the role of the Branch as guardians. He enquired why the Branch had permitted the Indians to remain ignorant of the Declaration of Human Rights and its relationship to the Indian Act.

Mrs. Pearl Pointe of the Nanaimo Band enquired as to how the federal and provincial governments made any agreement relating to mineral rights when in fact British Columbia is unsurrendered land.

Mr. Manuel advised that the co-chairman indicated the inquiry was touching on the land question which was not to be discussed.

Mr. Boys noted that this was a difficult question for him to answer, as it is not related to administration, but is an agreement entered into by the government many years ago. He advised that the Branch has retained the services of a prominent lawyer to fully consider the question of mineral rights and the brief is currently being prepared which, he hoped, would help to settle the problem.

Mr. Fairholm in answer to a question of Mr. Art Peters of the Alberni Band advised that the name of the responsible minister had been changed in 1966 by federal legislation entitled "Government Reorganization Act - 1966" whereby the responsibility for Indian Affairs was transferred to the Minister of Indian Affairs and Northern Development and the responsibility of the Minister of Citizenship and Immigration in this respect ceased to exist. He noted that a new printing of the office consolidation of the Indian Act would reflect this change but the version being used was printed in 1961 and therefore did not refer to the change.

Chairman, Mr. George Manuel restated Mr. Underwood's request for information as to what steps are to be taken to recover the mineral rights for the Indian people.

Mr. Fairholm noted that Mr. Boys had indicated some steps which have been taken. At present it is the subject of a federal/provincial agreement confirmed by legislation in 1943. One way would be to have the province agree that all minerals under a reserve belong to that Band.

Mrs. Recalma advised that as representatives of the Indian people they had presented their views in the brief as to what should be the rights embodied in new legislation. The current question was - what were the federal government's representatives going to do about the recommendations.

Mr. Fairholm advised that the role of the Federal government's representatives at the meeting was to receive the comments and thoughts of the Indian delegates and ensure that these points are reported to the government. He noted that the brief was read into the record and would therefore be included in the report. The report of this meeting and the others would be made available to all members of parliament who in the final analysis have the responsibility for enacting new legislation. He stressed that his role was not to make decisions and that the government staff had the same relationship with the federal government as the Band staff had to the Band Council.

Mr. Bill Roberts, an observer, advised that Indian Councils have been led to understand that the federal government can overrule provincial laws or regulations, or municipal by-laws if they discriminate against the Indian. He enquired if this was correct.

Mr. Fairholm noted that generally speaking the Parliament of Canada has authority to enact legislation with respect to Indians and Indian lands, so that their legislation would take precedence over provincial laws in these areas where there was conflict. He added that the Provinces have authority to enact laws for many subjects and on occasion a conflict may arise. He believed that under these circumstances only the court could decide which government had the final authority, or whether both could exist at the same time.

Mr. Ross Modeste of the Cowichan Band advised that he could see no sections in the Indian Act related to the numbering of Indians. He enquired why and on what basis does the Department do so.

Mr. Fairholm advised that he too was puzzled over this system and could only assume that it was as a means of identification. He agreed that there was no reference in the Act to the system but on the other hand it had been in effect for a number of years.

There was a short general discussion on the question. It appeared to be the consensus that it was an ancillary means of identification but that it should be left to the discretion of the individual bands as to whether numbering was required or not.

Mr. Phillip Paul of the Tsartlip Band: I think most of the questions that have been asked this afternoon have been quite inadequately answered by the Department personnel here and I think it all reverts back to the fact that we are dealing with a legal situation and yet we haven't anyone to give legal answers in regards to human rights, in regards to the pension plan. I think there is nothing actually really very concrete that we have in the way of information that we have got this afternoon and it is very frustrating to come from and sacrifice time of all these delegates from all over the various parts of the island and go through this exercise of trying to give them information. I think we have submitted our brief and I think we should wait until such time as there is a parliamentarian present. I believe Mr. Andras is coming here and I think maybe he can give us some more definite answers. I think that maybe these Indian Act discussions should have been along these lines where we can get some definite answers from people instead of sending out people who are working with the civil service division of the Branch, because it is very easy to see that they cannot give us any answers or anything definite. It is just vague yes's and no's which doesn't really mean anything in the final analysis and it doesn't help us in our deliberations in regard to changing legislation because it might be and it may be and I don't know as even in the area in which they are operating in the administration that they even know what the reasons are for these numbers or why they exist. So I don't think we have really done anything to any real satisfaction to the delegation here this afternoon, so I submit Mr. Chairman that we adjourn and prepare for our evening session.

The delegates agreed to meet Thursday morning at 9:00 a.m. and to meet in camera Wednesday evening at 7:00 p.m.

The Chairman, Mr. George Manuel declared the meeting adjourned.

October 31, 1968

Chairman, Mr. George Manuel opened the meeting at 9:00 A.M. by saying that he received many views from the delegates; one of these suggested that the only role which should be played by the Department of Indian Affairs was to act as a trustee of Indian lands. He said that the majority of the delegates suggested at a meeting held last night that item 1 of the agenda would be the examination of the Indian Act Section by Section; they did not specify, however, from which Section they wanted to start.

Mr. Nelson Keitlah suggested that they should start right from the very beginning of the Act.

Chairman, Mr. George Manuel said that the name of the Indian Act was discussed last night and that the majority ruled that the name of the Act remain as it was now.

Mr. Phillip Paul of the Tsartlip Band said that no final decision insofar as the name of the New Act, was yet made.

Co-Chairman, Mr. Bob Clifton suggested that it would be much better and easier for all the delegates to deal with the 34 questions contained in "Choosing a Path" than to examine the Indian Act Section by Section; most of the delegates already had answers to those questions anyway. Insofar as Question 1 was concerned he felt that the name The Canadian Indian Act would be better - he felt that in this form it would not be confused with Hindus from India.

Mr. Phillip Paul said that it was agreed at the meeting of the delegates that their first item of the agenda would be to go to Section by Section of the Act; he suggested that the meeting should start with matters related to lands.

Mr. Boys said that there were many Sections which related to lands.

Mr. Fairholm said that Indian Reserve lands were dealt with in the background notes beginning on page 29.

Mr. Phillip Paul moved, seconded by Dave Moon, Cape Mudge, that the meeting begin its deliberations this morning with those Sections of the Act dealing with reserve lands. The question was called and the motion carried.

Chairman, Mr. George Manuel asked Mr. Fairholm to deal with this particular question.

Mr. Fairholm said the Indian reserve lands were dealt with in the supplementary material. Some points therein applied directly to the submission that was made yesterday - where on page 4 it deals with Question 11 and the suggestions (1) to (5) on page 14 of "Choosing a Path". The submission was in favour of those five points and referred directly to Question 11. The definitions of a reserve and of surrendered lands are to be found on page 2 of the present Act, and Sections 18 - 29 and 53 - 60 deal with lands.

Mr. John Albany of the Songhees Band said that they were located in a panhandle - they wanted more solid agreement with the Department of Indian Affairs because they were victims of land-grabbers, they were moved three times, the first the city of Victoria is built on their reserve land, the Parliament buildings were built on their lands, and they were never compensated for that; they were then moved again and he was not sure whether this was done by the Federal Government or only by the Provincial Government. He wanted to know whether the Provincial Government had the right to take such an action alone or would it have to have the approval of the Federal Government. He said that he did not want to see that other bands were victims of land-grabbers. The government should give the Indian people a better protection by law against land-grabbers.

Chairman, Mr. George Manuel ask Mr. Albany if he had any specific recommendations with respect to the type of protection he meant.

Mr. John Albany said that he meant a law that would protect the Indian lands against the Provincial and Municipal Governments.

Chairman, Mr. George Manuel asked Mr. Albany whom he wanted such an authority to be vested in - in the Band Council or in the Department of Indian Affairs.

Mr. Cliff Hamilton of the Opetchesalt Band said that he had a press release which said that Chief Goswell agreed at the consultation meeting in Terrace, that land should be taken from the Indians without their consent only if it was in the national interest.

Mr. Fairholm, also present at this meeting, said in Terrace that in British Columbia there was a provincial right to take the land for public purposes and that until a few years ago it was not the practice of the Provincial Government to negotiate with the Indians.

Mr. Hamilton asked for an answer to this because his band was dealing with the provincial people.

Mr. Fairholm said that this question was raised at the Terrace meeting and he then said that the Province had the right to take 5% or up to 1/20 of reserve land for public purposes and he mentioned specifically roads and highways. The Province may actually resume any part of the reserve for roads, canals, bridges or other works of public utility or convenience. When the lands were conveyed by the Province to the Federal Government in 1938 the Province, in the conveyance, reserved the right to take up to 1/20 of the land for those purposes.

Mr. Cliff Hamilton said that they had considerable discussion on this point. An official of the Provincial Government, Mr. Allan, who had been negotiating with his band on his reserve, stated definitely, and it is recorded in the Minutes of their meeting, that he had no right in any way to expropriate any land on their reserve.

Mr. Bill Roberts, an observer, read a press release which said that in British Columbia there was a large number of rapidly expanding municipalities directly adjacent to Indian reserves, but there was no protection for the Indians. The report went on by stating that the Department of Indian Affairs took the position that under the present Indian Act there was nothing to stop a municipality in B. C. from extending its boundary into the Indian reserve. The press report then suggested that the Federal Government should take a firm position in this respect, so that Indian interests would be fully protected.

Mrs. Pearl Pointe, of the Nanaimo asked what happened in the case of a reserve where the Province had already taken 1/20 of the land; could the Province take more?

Mr. Fairholm said that in his view the answer would be no. However there were other ways in which land could be taken and that was under Section 35 of the Indian Act which could be in addition to the 5%, but in that case there had to be approval of the Government of Canada.

Mrs. Pearl Pointe asked for an explanation of Section 35 of the Act.

Mr. G. A. Poupore said that the government of Canada obtained control of the reserve lands in British Columbia, in 1938. Prior to that there were instances where lands, regarded as reserves, were actually taken back by the provincial authority which at that time had title to the lands. When these lands were transferred in 1938 by the Province to Canada, the Province reserved the right to take back 5% for public purposes without compensation. He said that to his knowledge since 1938 the Province had never exercised that right without first negotiating with the band on the question of compensation to be paid. There could be some exceptions he was not aware of and he was open to correction. He said that there was, however, under Section 35 of the Act, a power of expropriation if the Provincial Government or Crown Corporations under the Provincial Government asked for such land; however, they cannot exercise this power of expropriation with respect to Indian reserve lands unless they first have the consent of the Governor-in-Council. As a matter of practice in recent years, the Governor-in-Council has not given his consent unless

the band has first indicated that it wished this to happen and that it was satisfied with compensation offered.

Mr. Cliff Hamilton quoted from the Minutes of the Second Meeting of the National Indian Advisory Board held in Ottawa from September 19 to 23, 1966: "It has been the practice of the Minister not to make a recommendation to the Governor-in-Council for expropriation of reserve lands without the consent of the Band Council". He said that the only exception was the case of the Caughnawaga reserve.

Chairman, Mr. George Manuel said that he was present at the meeting mentioned by Mr. Hamilton. He said that it was the Minister that made this interpretation at that time that while Section 35 gave authority to the Province to expropriate some reserve lands it has not been done without consulting first the Indian people.

Mr. Fairholm said that the practice in recent years had been to consult with the Band Council concerned but he was unable to say what happened many years ago.

Mr. Bob Wilson of the Nanoose Band said that all the answers given by the Indian Affairs officials were ~~meaningless~~ and were not worth anything. He said that they were unable to give him satisfactory answers yesterday. Insofar as the Act was concerned he said that the delegates were sitting on a piece of paper that was not worth anything.

Chairman, Mr. George Manuel told Mr. Bob Wilson that he did not ask any questions, he had only made a statement.

Mrs. Pearl Pointe said that the Provincial Government wanted to build a bridge on her reserve without consulting her band. The Indians challenged the Province because the 5% of their reserve had already been taken away from them. They were successful and the Province was unable to do anything and had to wait until the Band Chief and Council agreed to the conditions set up by the Indians themselves; only thereafter the Province was able to build that bridge. She told the delegates not to be scared of the word "expropriation" - the Indians should stand firmly. Only they have the authority to allow any expropriation of their land; they should set up conditions in this regard themselves. She said that if they refused, nobody had the power to change their decision; they could bargain, they could ask for the 5% already taken, or for any other lands, in exchange for the land that the Province wanted to have, but the Indians should always make certain that they would benefit from the final agreement.

Mr. Cyril Fairholm introduced to the delegates Mr. Paul Yowchuck, the member of Federal Parliament for Athabasca who was present at the meeting.

Co-Chairman, Mr. Bob Clifton said that a highway ran through their reserve and when the highway was rebuilt, they moved it to eliminate a sharp curve. The Indians were compensated not only for the land, but also for each fruit tree that had to be cut down for this road - owners of these trees received a sum of \$150.00 for each tree.

Mr. Harry Underwood of the Tsawout Band said that it was all very well to speak about compensation, and yet when a road was finished it was of benefit to the local people for a long time to come. He referred to the brief where on page 4 the word "Perhaps" was used - "perhaps where it is necessary..." he suggested that this should be much more definite, specific. His recommendation was that "whereas local authority be granted in every negotiation to draw progressive conditional sales or transactions".

Mr. G. A. Poupore said that referring again to the wording of Section 35 (1) of the Act, there was the term "and subject to any terms that may be prescribed by the Governor-in-Council" - the way that it is interpreted in practice today is that the Band Council is involved in the negotiation of the compensation to be paid - but by "compensation to be paid", it is not meant just money - it is anything that the Band members wish to seek, they are free to negotiate for exchange of lands, and so on. There are examples of bands who have been paid full market value for the lands taken plus land, an equal or greater amount in area or in value. It is a matter for negotiation as to what the compensation is and what rights the band may wish to exercise in relation to the local non-Indian governing authority, be it a municipality or a provincial body. Some bands have been making extremely profitable deals for themselves by reason of this right which already existed at the present time.

Mr. Phillip Paul said that in practice this was not always so, as stated by Mr. Poupore. Some Band Councils because of their inexperience, are placed in situations where the Act is interpreted or misinterpreted at the whim of the local non-Indian authority. He said the greatest weaknesses of the Indian Act was the fact that the Indians had no real authority over their lands; more authority for the Band Councils in regard to land was needed so that they could make decisions in this regard without having to seek first the approval of the Governor-in-Council.

Mr. Cliff Hamilton asked Mr. Boys about who had the authority in the regional office to say that they are going to expropriate land on a reserve.

Mr. Boys said that nobody in the regional office had any such authority which was vested in the Governor-in-Council.

Mr. Cliff Hamilton said that letters from the regional office have been sent to his reserve saying that their land was going to be expropriated - that was the reason why he asked his question.

Mr. Boys said that he did not know about these letters - he suggested that it was maybe a message passed on by the regional office - but he said that to his knowledge there has not been any expropriation on that reserve for a number of years.

Mr. Bob Wilson said that he wanted more specific answer in regard to expropriation of more than 1/20 of reserve land. He said that his reserve lost more than 1/20 of its land already.

Mr. Boys said that Mr. Fairholm and Poupore had already explained that the Province had the right to resume up to 1/20 of the reserve land for public purposes. That is not an expropriation - expropriation is where a parcel of land is regained by an authority that has the right to expropriate if it cannot come to an agreement to acquire the land it needs. He said that the procedure could best be illustrated by an example of what happened on the Pentiction Indian reserve. The Province of British Columbia applied 8 years ago for lands on that reserve to build a new highway. The Provincial officials negotiated for some time with the Pentiction Indians, they got no satisfaction, they applied to expropriate, they were told to go back and negotiate with the Indians. They are still negotiating with the Indians, and there is still no highway and until they can come to terms with the Pentiction Indians there will be no highway, according to the decision of the Cabinet of that time.

Mr. Bob Wilson said that he wanted to remind Mr. Boys that he was on the tape and that the Indians have heard what he has said and that they would presume that this would be followed by the Department of Indian Affairs. Insofar as he was concerned he would continue to maintain that Indian Affairs was a failure.

Mr. Ross Modeste of the Cowichan Band said that he wanted a change in the interpretation of reserve, as defined by Section 2 (0) of the Act - he felt that the legal title to reserve should be vested in the Indian Bands or Councils. He said that he spoke without infringing on any portion of the British Columbia lands question.

Mr. Boys wanted to remind the delegates that the only reason why reserve land at the present time was tax-exempted was because it was vested in the Crown. If Mr. Modeste's recommendation was carried out then reserve lands might become taxable.

Mr. Nelson Keitlah agreed that the Indians should have more responsibility. He felt that while they would like to control their destiny they had under the present Act no real control over their affairs - he felt that these discussions would bring about some amendments to the Act which would enable the Indian people to have control over their affairs. He felt that exchange of lands would be very beneficial to many Indians, including those living on his own reserve, and he suggested that this idea should be included in the Indian Act.

Chairman, Mr. George Manuel asked Mr. Keitlah if he meant to have the right to exchange one reserve for public lands - one area for another.

Mr. Nelson Keitlah said that this was so, and moved a motion, seconded by Ted Watts that it should be possible to exchange reserve lands for public lands for the purpose of employment.

Chairman, Mr. George Manuel said that more time was required for the wording of the motion, and recessed the meeting at 10:20 A.M.

When the meeting resumed, Mrs. Pointe of the Nanimo Band moved, seconded by Mr. Keitlah of the Ahousaht Band -

"That it be written into the Act that Indian Bands be privileged to exchange reserve lands for other Provincial Public Lands for the purposes of better employment opportunities."

Mr. Boys pointed out that there are cases where this type of exchange of lands has been done by the Provincial Government at the request of a Band. It is the stated policy of the Provincial Government that there shall be no new reserves created from vacant Crown Land. However there have been exceptions to this policy. In 1962 the Ayanihi Band, whose land had been subject to flooding, made application to the Provincial Government for new land. Their request was granted. They selected the land which they wanted; a new village was built and the Band was removed to it. Another example is the land of the Graham Band at Findlay River where flooding occurred as a result of the building of the Bennett Dam. The B.C. Hydro compensated the Band financially and two new reserves were set aside for them from Provincial Crown Land. One of these is adjacent to the town of MacKenzie where there is employment available to the members of the band.

An amendment was moved by Phillip Paul of the Tsartlip Band and seconded by John Albany of the Songhees Band -

"That land so exchanged be deemed subject to the same provisions as other reserve lands."

The Chairman put the question and motion as amended was carried.

Mr. Manuel announced that in the closed session the day before it had been moved, seconded, and carried that the Branch pay the expenses of the Committee which was appointed to work with the Co-Chairmen during the conference. Several members spoke in favour of having the Department pay the expenses of the Committee.

Mr. Boys stated that the present Terms of Reference did not permit this payment, but that the matter would be taken under advisement.

Mr. Phillip Paul said this was not a satisfactory answer because the Committee is participating.

Mr. Modeste of the Cowichan Band asked Mr. Boys where the final authority in this matter lies.

Mr. Boys replied that it rested with headquarters.

Mr. Wilson Bob of the Nanoose Band demanded that the expenses of the members of the Committee be paid.

It was moved by Mr. Phillip Paul and seconded by Mr. Hamilton of the Opetchesaht Band -

"That Committee members be recognized as official delegates to the Indian Act consultations and that their expenses be paid as such."

Motion carried.

Mr. Hamilton stated he would like to return to the question of Indian lands expropriated for public purposes and asked who in Mr. Boys' office lets them know that their lands were going to be taken away.

Mr. Boys replied that no one in his office has that authority or responsibility. He explained that if a request is made to expropriate land for public purposes, either to an agency, a band council or to his office, the request is forwarded by his office to headquarters at Ottawa. His office had no other authority in this respect. He pointed out that Mr. Poupore was the specialist from Ottawa responsible for lands and he could perhaps explain the procedures followed at Ottawa.

Mr. Poupore said he was the Chief of the Lands, Membership and Estates Division at Ottawa. When a request to purchase or a notification of expropriation of Indian land was made to a Band Council, Agency Office or a Regional Office it was sent to Ottawa where it was his responsibility to refer it to the Minister. He gave an example where the Department of Highways might wish to build a road on Reserve land: this must be referred to the Minister who would want to be sure that the terms were in the interests of and meet the wishes of the Band. When the Minister was convinced that agreement had been reached and the Band was satisfied with the amount of compensation offered, he would then present a submission for the transfer of the said land to the Governor-in-Council. If the submission was approved then the necessary mechanical steps would be taken to transfer the land to the Province. He pointed out that in recent years the Minister will not approve a submission unless the band is completely satisfied with the terms and it is in accordance with their wishes.

Mr. Murphy replied that when Indians surrender land to Her Majesty for the purpose of leasing to a Company then they have no more say in it. He wanted to know where they stood if the Company gave the land to the province and what was the Department doing about it.

Mr. Boys expressed his belief that Mr. Murphy was referring to the Reserve at Gold River.

Mr. Hamilton was satisfied with Mr. Boys' answer and asked if this procedure was followed in his office.

Mr. Boys replied that if an application was made to expropriate land, whether it was made to the Band Council, to the Superintendent, to the Regional Office, or directly to Ottawa, then a report was prepared on the discussions that have taken place with the Indians together with a plan indicating the land and submitted to Ottawa. He said the Regional Office had no authority to process requests for expropriation and must inform Ottawa. In recent years where the Minister had not been convinced that the Indians were fully satisfied he had insisted that the Provincial Government continue to negotiate with the Indian people until a satisfactory agreement had been reached.

Mr. Hamilton indicated that in his Band's case it had not been handled in this way and while Mr. Boys had stated his position he was not satisfied.

Mrs. Pointe of the Nanaimo Band asked Mr. Boys if, when expropriation was mentioned, he had the correspondence sent to the Chief and Council or copies of it for their records, or were only parts of the correspondence read to them.

Mr. Boys replied that the Chief and Council are directly involved in the negotiations with the body seeking expropriation.

Mrs. Pointe was not satisfied and repeated her question of Mr. Boys whether the Chief and Council received copies of correspondence regarding application for expropriation or was correspondence just read to them and no copy given to them.

Mr. Boys stated that the Band Council could get copies of the correspondence if they so desired. They were entitled to it but they were involved in direct negotiation with the body seeking expropriation.

Mrs. Pointe again asked whether or not they received copies of the correspondence. She referred to a case where the Council requested it, and even telephoned the Regional Office, and still did not get the correspondence.

Mr. Boys replied that they were certainly entitled to get the correspondence if they so desired it.

Mr. Bill Scow of the Gilford Island Band was asked to speak.

It would not be fair to my people if I did not bring it to the attention of the authorities. There is an encroachment made on one of our reserves by a logging outfit and we believe in negotiation. But prior to these people going in there they did not approach us. But nevertheless they encroached on our reserve and we have been dealing with these people, and they said they seem to want to by-pass our people, the staff of the local Indian Agency level, and I take it from the discussions here that they must take care of these things and I would like to avail myself and for the benefit of this gathering I would point out to you that we have come a long way in our struggle for survival. I've been around for a long time. You will know our fathers, our chiefs of our

tribe. They were united when they formed themselves into the allied Indian tribes of B.C. They raised large sums of money on their own to deal with these problems, and it was concluded in 1927. An order in council was passed to restrict our people from raising funds to take issue and as a result of that the northern people formed the Native Brotherhood of B.C. and worked towards a sound conference for the cause of the people. And we have worked on the recognition of our people and our rights always with the idea that we would reopen the question of improving the welfare of our people and now that road is open, we are here representing our people. We have submitted briefs and what we are now enjoying today is the road that we have followed as a result of those briefs. We have gained the most highly treasured possessions of free men - the power to vote. We can sue and can be sued and I want to thank the procedure the present Government is taking today in consultation with us to arrive at a solution to the problems confronting us. They are not denying us legal procedures. I would be a very happy man when we can be accepted as full citizens and not have two sets of laws. I know sometimes you thank me when I say that. I know myself, I've gone through this. I had to pay for my son to go to high school. Prior to 1934 the Government was not prepared to carry us through to higher education, but now today it is wide open, it is left to the ability of our young people. There is no stopping us. As a result of what I have said to you now we have a member of the legislative assembly. We now have a Member of Parliament. We have now Indian Agents from a variety of nations. We have lawyers, we have nurses that avail us of some of the experience of these young people. That's the reason I have reactivated myself to bring it to your attention. There are Chiefs and Councillors who know that their authority comes from the people. Let the Indian Agency level make sure that they advise the Councillors that the power comes from the people the same as our Government, and I know myself that we have very patient members of the Indian Affairs Branch. I think we can get along with them if we come in closer contact and I have this understanding, that in many instances there has been miscarriage of justice. As I said, here we are now, all the avenues of law are now available to us. Let us bring our young people to work on our behalf. Thank you.

Abraham Johnny from the Nanaimo Band then spoke

I want to say that I've got a problem for you to solve. I'm very glad to see our Government today. I wrote a letter to them but they were already here. I have been suffering for years and years about sixty acres of land where I live. I have been told I do not own the land.

I have been told to move out of the place where I was born. My great grandfather worked on that land and my father and myself, so I told him I will never move. But they tell me I'm inside white people's land; a company's land. They reserved that land - Mr. Boys knows that. They leased it off my father. Well, they give my father twenty-five dollars to go through that land to get the train to run across the river to move the coal out. You know what they said? They said he'd get five cents a ton for every ton that comes out of that mine. He'd have piles of money. Even the interest he was going to get. With all that money what was he going to do? When the mine finished they told me to get out of the place. We are not supposed to sell our land I might say. We are still under our Government today. That is the reason I stay there. My great grandfather did hard work on that land. There was no bulldozer to clear land. All he used was a shovel and an axe. He rid all those big trees and the stumps he burnt at the time. So did my father. I think I have a right to stay on the land.

Mr. Johnny then submitted the letter he wrote to the Prime Minister -

Cedar, B.C.

Oct. 25, 1968.

Prime Minister
Pierre Elliott Trudeau;

Dear Sir:

As of this date I am writing to you in regard to the statement that was made by you before election to help the Indians.

My letter is concerning a piece of property 50 Acres to be exact in the whichwa leased by the Western Fuel Co., with Agents in Nanaimo. This property was leased from my father and grandfather when I present for the amount of \$25.00.

This was to lease the mine for mining coal on the reserve on which I live and have lived all of this time. Reserve #2.

At the time of the leasing The Indian agents name was Robison and my fathers name "Johnny" Lachier with the latter being the English name;

The Western Fuel agreed to clean up all the ashes etc. from their work and have never did so. They claimed to bought the land, but they did not only lease it.

They have promised to pay for it but have not. Now what I would like to have you do is to either buy back the land or let me take it back so that I can use it.

I would like to settle this with the Gov. and preferably sell this 50 acres.

I will be waiting and answer by return mail.

Sincerely,

Mr. Mamuel thanked both speakers. He then announced that Mr. Hall, Regional Superintendent of Education was there for the day but would not be present the next day.

Mrs. Pointe stated that the children from the school had been invited to attend the discussions on education on Friday and that it would be unfortunate to hold the discussions on Education today when they were not there.

Mr. Boys said he had asked Mr. Hall, the Regional Superintendent of Education, to be there on this day and he had arrived. Mr. Hall had to leave to take the Minister back in the morning. Mr. Janzen who was responsible for education for the whole of Vancouver Island would be there the next day and could answer questions. He had had no prior notification that they would wish to discuss educational matters the following day.

Mr. Phillip Paul wanted to inform the gentlemen from the Department that they had elected their Chairman and he should have been consulted on the agenda.

Mr. Boys said there had been no request from the delegation to have Mr. Hall. If they wished to question him he was there.

Mr. Hamilton moved and Mr. Phillip Paul seconded a motion -

"That discussion on education matters be tabled until the next day, Friday, November 1st."

Mr. Teddy Watts of the Sheshat Band stated they must have an official Education representative there the next day and they want the top man there.

Mr. Nelson Keitlah of the Ahousaht Band moved an amendment, seconded by Mrs. Pointe of the Nanaimo Band -

"That Mr. Hall be there for the discussions on education on Friday."

Mr. Mamuel put the question to the meeting.

The motion was passed unanimously as amended.

Mr. Teddy Watts of the Sheshat Band and Mr. Wilson Bob of the Nanose Band requested that a P.A. system be installed for subsequent sessions.

The meeting received The Honourable Robert Andras warmly. At the request of the Chair Mr. Fairholm introduced the Minister as one who had been meeting with Indian people across the country, had attended a number of consultation meetings such as this and spent time both at the formal meetings and also informally with delegates in various parts of Canada. He told the meeting that Mr. Andras, the Minister without Portfolio, had been given a special assignment to work with the Minister of Indian Affairs in the particular task of providing new legislation and also new policies and programs. It was a pleasure to introduce him and to welcome him here.

Mr. Andras replied -

It's a great pleasure for me to be here as Mr. Fairholm has mentioned. It's been my privilege and honour to attend quite a few of the consultation meetings starting last July. I've told some friends of mine that when you time it, it only seems to have been three or four months since I've been working on this assignment, but it's such an intense subject that I have that funny feeling that I have been at it for years. Walter, it's good to see you! Walter Deiter is travelling all over the country too and we run into each other at each of these meetings.

The consultations have been established as you know to get your ideas and the ideas of your colleagues and brothers across the country on what should be the changes to the Indian Act, and generally there has been a great discussion on many other subjects that may or may not be related to the Indian Act. I think perhaps the most important thing that is coming out of the consultations as far as I'm concerned anyway, and I know my colleague, Mr. Chretien, feels this way and my other colleagues in Government - is what I would hope, what I very sincerely hope, is the real beginning of communications between Indian people and not only the Government but the people of Canada at large. I think for too long it's been a situation in which there has not been that kind of communication. So that your problems and your hopes and your wishes for the future have been registered and fully understood. I know myself, I feel very humble in attempting to be party to helping because I look back on many, many years of history, of many decades of an association between Indian people and the Government and the Canadian public which has left a lot to be desired. I don't think anybody would deny that now.

The consultation meetings are bringing out many things. Your ideas and your points of view are being registered; please believe me, they are being registered. They're being taken note of, not only by the Government. The consultation meetings have provided through the press, television, radio, newspapers, and the many people who are watching with very close interest, an opportunity for the Canadian public to begin to understand some of the many problems and disappointments that you, as a people, have faced over these many, many years. Now, I have come here today as I've come to other meetings, not to try and give you answers as to what should be done in the future but to listen to your ideas, your point of view as to what should be done for the future. We've all said that the past has been bad and there's no doubt about that. There's been much left undone. There's been much done that was probably not what should have been and I think it's important, perhaps, and it has taken place at most meetings, to get the feelings up on the table where they can be looked at and identified so the public knows about them and the Government knows about them. But I do hope that fairly soon now, together we can go on, not concentrating on the grievances of the past, but on what should be done for the future. Communication between us, I believe, is the most important thing to ensure that the right kind of changes will be made, the changes you want to see. To reach that level of communication, we obviously have to begin to get over some of the distrusts and mistrusts and suspicion that has probably, quite justifiably, been created by situations and conditions in the past. If we were to dwell too much on those now though, it would make it difficult I think to go forward into the better policies and the better world for all of us if we hope to see them.

I feel very strongly about the assignment that I have. I know Mr. Chretien does too. He has encouraged me no end to come to the meetings to listen to your points of view and, as faithfully as in my power, to report back to the Government how you do feel, how you really do feel about the past, and more importantly what should be done in the future. I hope you won't expect me to come off or spin off what I call instant policy answers to the problems. I think it would be presumptuous and it would be wrong of me to do, even if I could. Because I think for us to form policy yet, until we have really heard the views of all the delegates at all these consultation meetings, would go against what my conviction is and that is that those major policy changes should not be made until we know really what the Indian people in all parts of Canada want to see changed and improved in the future. I'll be here all this afternoon and I hope that perhaps you may take the opportunity to meet with

me either individually, or collectively, or in this group as we are now, for any matters that you would like to draw particularly to my attention.

I wish I could stay for the whole meeting but my schedule is pretty tight. I am very pleased and honoured to be with you now as a group, and I do hope that we have the opportunity to shake hands and say hello and talk in a corner, and maybe to get together later this afternoon in a more informal atmosphere and get to know each other which I believe is a very important part of seeking the improvements that we all want. Thanks very much.

Mr. Bill Scow said, it was traditional that the representative of the Kwakwaka'wakw Nation greet their most honoured representative of their Indian Department. He agreed most wholeheartedly with all the Minister's presentations to the gathering. It was appreciated. They have always desired closer communication which will bring about understanding. For the benefit of the meeting he wished to say a few words which would bring a happier tone to the gathering.

When the settlers arrived at the Queen Charlotte Islands, the Indians were quite concerned to see these strangers arriving in their community. They were all gathered at the water's edge to watch the proceedings of these newcomers; delivering their goods that they had with them along the beach. At the height of the activities when the men in the ships started discharging cattle ashore, one of the Indians had walked up to the animals and grabbing one of the horns, asked the whitemen, "What is this?". The whiteman said that was a horn. So at the height of the activities one of the animals let out a moo. The Indian turned to the whiteman and said, "Which horn was that?". So I agree with what you said sir that the public at large are watching us so let us not have anyone to say and to ask which horn was that. Let us speak with one voice.

The Chairman asked Mrs. Pointe to thank the Minister.

Mrs. Pearl Pointe of the Nanaimo Band -

Mr. Chairman, Mr. Andras I would like to thank you on behalf of the delegation. I've been trying to follow these discussions as closely as I possibly can through the press. I have a copy of your speech that you made at the Indian-Eskimo Association Conference in September and I would like to say to you that I agree very much with what you say in your speech, because it is not very often we find a person that we can put our trust in, that we have very much faith in the way they speak. Words are very easy, they are free, but to do them is another thing. I will tell you how I feel. I like

your speech, but I shall watch to see what you are going to do about it and I think many of my people feel this way. They will be watching very closely what you yourself and what the Indian Affairs Department will be doing. They may be listening, they may be trying to answer but what are they going to do is what we are waiting to see. I would like to thank you for coming and we would now like to call upon our Chairman, George Manuel, to present the brief from this Conference.

Mr. George Manuel called upon his Co-Chairman Mr. Clifton to present the brief on behalf of the assembly.

Mr. Clifton expressed honour on behalf of the assembly at being able to present the brief that had been drawn up and passed at this meeting (see Appendix A). He expressed his belief that all of the things of major importance to the meeting were in it.

Mr. Wilson Bob of the Nanoose Band said that he wanted Mr. Andras to know that he was not at the meeting as a welcoming delegate to him. Mr. Andras was only a representative of the Government, to act upon anything that the Indians decided upon. He personally did not welcome him. He wanted the Minister to know that his responsibilities were going to be heavy from here on in.

Mr. Manuel stated Mr. Bob was out of order.

Mr. Wilson Bob replied that he gave Mr. Andras a lot of respect because he had come. At the same time he pointed out that they were there for a real responsible position in regard to the Indian people and he didn't give any of the top level people any special honours whatever.

Mr. Manuel again stated Mr. Bob was out of order.

The meeting then voted Mr. Bob "out of order" and recessed until 1:30 p.m.

Chairman George Manuel reminded them that they were on the subject of Indian reserve lands but before they continued, he wanted to say a few words about his position as Chairman. Briefly, he said, difficult situations can be made even more difficult by people who indulge and then try to participate in a meeting. He wanted to make it quite clear that he wanted none of it and he told them that if any situations arise, involving people who indulged and insisted upon participating in the meeting, he would have to make a ruling.

The Honourable R.K. Andras said:

I had a chance at noon after lunch, to read the brief that you presented me this morning. I think this is the most constructive, concrete and specific brief that I've had presented on the terms of the Act, the suggested changes and the purposes of changing the Act in any of the meetings that I have attended. It is going to be a very great help to us, indeed, in trying to arrive at decisions when the time comes. I just don't know who all is involved in it but whoever was, I want to say thanks very much. It is a big help. There is a question I have. Does this represent the feelings, the views of all the delegates who have attended this meeting?

Some replied 'right' and the Minister then added:

Well, my hearty congratulations.

Chairman George Manuel confirmed for the Minister's information that the assembly endorsed the brief through a resolution.

The Honourable R.K. Andras continued by saying that everything he had read in it on a quick reading was concrete and would bear a great deal of study. He thought it was one of the best he had seen.

Chairman George Manuel declared the meeting open to discussion of Indian reserve lands.

Mr. Wilson Bob, Jr. of the Nanoose band expressed a strong view on behalf of the younger generation. The main point seemed to be that the younger generation wanted to "move the Indian Act out of our way". (Then there took place an exchange between Mr. Bob and the Chairman concerning Mr. Bob's opportunity to speak).

Chairman George Manuel wondered whether some of the delegates apparently felt that they had not presented their problems to the conference. He mentioned that there were quite a number of delegates who hadn't spoke and he wanted them to feel free to present their problems, particularly any questions of land matters.

Mr. Teddy Watts of the Sheshat band directed questions to Mr. Boys concerning leases and any other type of business of the Band. He asked, "Could they ask the Department to look into matters? Is the Department supposed to look after the matter? Are the Bands supposed to look after the matters themselves?" He said he asked these questions for the simple reason that the Branch officials always said "Why don't you do it". He pointed out that he was employed on a steady job and while he tried to protect the Band's business as much as possible, he felt that the Branch staff should do much of the work as he thought that it, in effect, was part of their duties - to look after the Band's affairs.

Mr. Boys thought that Mr. Watts was probably referring to the function of the Agency Superintendent in respect to the disposition of land. He asked if that was correct.

Mr. Watts replied negatively that he was referring to leases or any other thing that involved the Indian people.

Mr. Boys stated that it had long been the policy of the Department to not make any disposition of Indian land without full consultation, without a resolution from the Band Council and without consultation with the applicant for Indian lands. There had to be involvement, he said, of the Band Council. The Agency Superintendent or any member of regional staff could not on behalf of a group of Indians, negotiate or enter into any agreement with respect to Indian lands. It was the responsibility of the Indian people themselves. He said they could 'look into' a matter and for this purpose, have on staff several land use specialists who are professionals in the appraisal, evaluation and use of Indian lands. If a Band wished to negotiate some agreement for the leasing of Band land, these officials were available to them for consultation, but the Band would not make any unilateral agreement regarding Indian lands without complete consultation with the Indian owners.

Mr. Watts said that Mr. Boys did not actually answer his question. He asked if the Department was not there to help and to assist the bands by getting all the information for forwarding to the Indian Councils.

Mr. Boys hoped that the Indian Superintendent and the land use officer would be available to assist the Band but were not there to arrive at any conclusions and not to reach any agreement for them. He thought and hoped he had made the point earlier. These officials were available, he said, to assist the Indians but the responsibility for making a decision as to any disposition of Indian land was the responsibility of the Band Council.

Mr. Donald Williams of the Pauquachin band referred to Mr. Boys' statement that the Band Council had full control and responsibility over any negotiations as far as business deals go such as sales and leases, and Indian Affairs Branch staff were to help. He asked Mr. Boys how much power does a B.C.R. (Band Council Resolution) hold. He asked further, how far can a B.C.R. go without being sent back from Ottawa.

Mr. Boys said they were considering the existing Indian Act and how it might better be changed for the benefit of the Indian people. The present Indian Act in many, many places, restricts the authority of the Band Council. He said "The Band Council may do this with the consent of the Minister", or "The Minister may do this with the consent of the Band Council". He indicated the consent of the Band Council was given through a Band Council Resolution which was forwarded to top management, the person delegated by the Minister, to act on the wishes of the Council. As far as disposition of Indian reserve land was concerned, it could be found in the sections of the Act that state Band land cannot be leased without a surrender. This was in the present Act.

He noted that the delegates already had stated in their brief that they want it changed. Under existing circumstances, there had to be a Band meeting, there had to be a majority vote of the Band before the land was surrendered for leasing. He pointed out that the Indian Bands may make a surrender without any conditions or they may make a conditional surrender, but in all cases, before disposition of land was made, there had to be discussion with and the wishes of the Band or Band Council indicated by way of a Band Council resolution which was sent to Headquarters and was acted upon there. He asked if this answered the question.

Mr. Donald Williams said he wanted to know how much power a B.C.R. has. In cases where the B.C.R. is written up by the Band with the Indians in full agreement, he asked whether Ottawa had any rights to send it back to the Band Council again saying that they reject it. He said they had signed three Band Council Resolutions and sent them right back. An original agreement was reworded by Ottawa and it was different to what the Council agreed upon. This, he said, was what he was asking - what powers do they have in writing Band Council Resolutions.

Mr. Boys said he could only say that he believed that the desire, the wish and the policy of senior management of the Department was to go along with any legitimate, legal wishes of a Band Council. If the resolutions were not in accordance with the requirements of the Act, perhaps they may have to be amended. Without knowing specifically what the problem was, he could not give a specific answer. He could only say that as a general policy, it was the wish of the Department, of the Government, to be guided by the wishes of the Band - the Band Council.

Mr. Dave Moon of the Cape Mudge band asked that the land question be tabled because he could not see any headway being made. He moved that they table the discussion on Indian reserve lands.

Mrs. Irene Wilson of the Comox band seconded the motion.

Mr. Phillip Paul recommended that a closed session be held before the motion was passed.

Mr. Harry Underwood of the Tsawout band commented on local control of leases. He said his group wanted control over short term leases of from 5 to 10 years in duration. They wanted the Minister to recognize that privilege.

Mr. Nelson Keitlah of the Ahousaht band thought that there was room for discussion because of the aspect of trespassing, a matter which was of concern to him. His group felt that there should definitely be an amendment with regard to the penalty for trespassing. He said the fine of \$50.00 was ridiculous because most trespassers are big logging or industrial companies.

Mr. Fairholm said there was a feeling at another meeting that discussion of Indian reserve land might in some way prejudice what is often or commonly referred to in British Columbia as the Indian Land Question - the aboriginal rights. At that meeting an undertaking was given that discussion on the Indian Act with respect to the reserve land that Indians now hold would not in any way prejudice any rights that the Indian people at that meeting or those that they

represented would have in the asserting of any rights that people might have or might wish to present or assert before an Indian Claims Commission or in any other manner. That was an undertaking that the Minister of Indian Affairs had authorized him at the time to make to that meeting, so that it would be very clear in the minds of all that any discussion they had about the Indian reserves would not in any way affect the rights they may wish to assert about the general question of aboriginal rights which were of significance to the people of the province.

Mr. Phillip Paul said the words sounded fine but he still believed that something more concrete than the phraseology used by Mr. Fairholm should be given in the way of assurance for the protection of Indian lands.

Mr. Dave Moon withdrew his motion.

Mr. Phillip Paul moved that they have a twenty minute meeting in camera to clarify the situation concerning discussion of Indian reserve land. The motion was duly seconded and then voted upon. The motion carried.

.....
closed session
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Chairman George Manuel called the meeting to order at 3:35 p.m. and advised that the delegates had decided during their in camera session to terminate discussions on the Indian Act because they believed their brief covered the main points on the proposed changes. He noted that the subject to be discussed at this time was the historic hunting and fishing rights for food of the Indian people.

Mr. James Sewid of the Nimpkish band believed that the new Act should contain legal protection for the historical right of the Indian people to hunt and fish for food including halibut. He thought that currently there was no such protection or guidelines. He added that such a right was extremely important to the Indians.

Mr. Nelson Keitlah noted that in his area they had had many difficulties with the various interpretations of the law and regulations by different fisheries officers, and also whether or not there were such historical rights as hunting and fishing for food. He agreed that these rights should be protected by legislation so that the Indian people were allowed to take any amount of fish for food, to use their own judgment as to the amount necessary, and not to be dictated to by fisheries officers. He agreed with the idea of conservation, as fishing was the livelihood of many Indians and he believed that the majority of Indians would not abuse any privileges. He also thought that it should be stressed that historically the diet of the Indians in his area had included fish and other produce of the sea. He further advised that they had requested permission for the younger men to go sealing, for food, on behalf of the older people. There was no market for seal furs at that time and the government hired by contract, a boat to cruise the west coast of the Island to cull the fur seals for scientific purposes - yet the Indians were denied the right to seal for the purposes of food. He suggested that the

Indians were asking only for that which they felt was rightfully theirs and believed that this right should be clearly written in the legislation and not left to the interpretation of civil servants.

Mr. Rennie Lewey, an observer agreed that these rights should be included in the Act as the fishery officers and the regulations appeared to overrule hereditary rights.

Mr. Fairholm, in answer to a question from Mr. Hamilton, advised that he did not know why there was no reference to this matter in the current Act. He added that to date, where the federal Parliament had the authority to do so, they had included matters concerning fishing in The Fisheries Act but there was nothing of which he was aware to indicate that the matter of fishing for food by the Indians had been considered for inclusion in that Act.

Mr. Bill Scow of the Gilford Island band supported the proposal that the hunting and fishing rights should be included in the new legislation. He believed that these rights were referred to in the paper recently read by the Branch Official and certainly they had followed to date the theory that the Indians could fish in any stream, at any time, for food.

Mr. Ross Modeste of the Cowichan band agreed with the former speakers. He noted that the conservation officers had often denied the people that right. He added that the primary diet of many of the Indian people was fish. He also noted that the Branch often says that the Indians should be able to live off the land but regulations forbid the people from enjoying this natural food. He believed that these rights should be in the Act and suggested that shell fish should be included as well as fresh water and sea fish.

Mr. Patrick Murphy of the Nootka band asked where the Indian stood in respect to their fishing rights. He noted that there were some areas on Gold River so posted as to permit sport fishing but which prevented the Indian from fishing for food.

Mr. Boys noted that when the reserves were established, they recognized the traditional fishing rights as evidenced by the fact that land was set aside where the Indians requested and consisted, in many cases, of small one or two acre parcels along the rivers at the best traditional fishing places. He added that these very small reserves still existed. He supported the requests of the delegates and that which had been said respecting traditional fishing rights but added that many of these rights had been eroded by regulations. He was of the opinion that many of the younger Indians may not need to exercise these rights but undoubtedly many of the older people relied on nature for their food. He noted that there had been discussions with the Department of Fisheries but that provision for the protection of these rights can only be made by law. He also agreed that some Indians had abused the privilege by selling the fish so caught but the majority had used the rights only for food without abusing it. In answer to a series of questions he advised that he believed permits to fish were necessary and thought that, had the Branch been aware that the delegates wished to discuss this matter, arrangements could have been made to have a representative of the Fisheries Department present.

Mr. Arnold Sylvester of the Halalt band agreed with the previous speakers on fishing rights and sport fishing. He advised that he had been refused a fishing permit because he was a working man. He asked if the regulations were meant to prohibit a working man from eating fish?

Mr. Bill Scow noted that for many years permits were not required but since the program of conservation had become active and because many Indians were now commercial fisherman they had complied with the request to have permits.

Mr. Patrick Murphy suggested that the Department should have ensured that representatives of all appropriate branches or agencies were present.

Chairman George Manuel advised that all of the delegates appear to agree on restoring traditional rights for fishing for food without a permit. He noted that the meeting was primarily a hearing. He added that its purpose was not to make final decisions or discuss to any great extent the past, but to set forth their suggestions and thoughts for the future which could be recorded and reported in Ottawa. He advised that it was in order to make a resolution from the floor.

Mr. Dennis Alphonse of the Cowichan band noted that it was the policy of the Department to permit older people to fish for dog salmon. He believed that the delegates should approve a motion requesting a change in that policy to permit all Indians to fish for food.

It was moved by Nelson Keitlah seconded by Ted Watts, (as amended by various suggestions with the permission of the mover and seconder):

That the new Indian Act contain a provision to permit Indians to obtain fish for the purposes of food consumption without the necessity of a permit, at any time from any river, stream, or inlet and from beyond the surf line, and also shell fish, herring spawn, and oulchan, with no restriction as to age or sex.

Chairman George Manuel called for a vote on the resolution by a show of hands and declared the motion carried. He inquired whether the meeting wished to discuss hunting rights.

Mr. Ross Modeste believed that the new Act should also permit hunting, including certain species of ducks which were a delicacy to some Indians. In effect, federal and provincial game laws should not apply to the Indian people. He thought the Indian people should be allowed to take such game for food as was their custom. He also noted that on occasion game officers thin out the various herds, but the Indian people are now allowed the right to hunt for food.

It was moved by Mr. Ross Modeste and seconded by Mr. Ted Watts (as amended by suggestions with the permission of the mover and seconder):

That Provincial and Federal game laws be not applicable to the Indian people and that the legislation be amended to so indicate and to respect the hunting rights of the Indian people in B.C.

Mr. Boys in answer to a question from Mr. Watts noted that there are provisions in the Game Act which give special privileges to the Indian people to hunt at any season of the year under permit.

Chairman George Manuel called for a vote on the motion by a show of hands and declared it carried. He asked the meeting if they wished to proceed to the next item on their adopted agenda which was flood control.

Mr. Ross Modeste advised that their reserve was subject to extreme flooding - at times forcing the people to evacuate. He did not believe the people experienced this in the past as the reserve would not be situated there if they had been. He advised that the situation was apparently created by clear cutting which led to a rapid run off, together with debris and log jams in the river. He noted that they had attempted to obtain the cooperation of the various levels of government and the industries involved but were unsuccessful. He also noted that they had requested permission to salvage the logs in an attempt to break up the jams but were prevented from doing so as the ownership was unknown. He believed that unless action was taken quickly, the situation would get worse. He suggested that the Federal Government should come to their assistance in approaching the provincial government. He noted that a survey was being undertaken to try to alleviate the condition but all the Indian Council heard of was the survey but little other action. He requested Mr. Andras to ascertain whether something could be done about flooding, erosion, and log jams.

At the suggestion of the Chair, Mr. Modeste moved, seconded by Mrs. Pointe:

That the Federal Government be requested to make funds available for flood and erosion control.

Mr. Modeste in answer to a question from Mr. Fairholm, advised that the flooding conditions also affected surrounding municipalities, but for the most part the municipalities had taken steps to protect their people primarily by the use of dykes. He added that the dykes stop at the reserve boundary and, in fact, may increase the amount of flooding on the reserve.

Mr. Clifford Hamilton of the Opetchesaht band advised that his reserve was also subject to flooding together with adjoining land. He noted, however, that the Provincial Government had instituted some flood controls that stop at the boundary of the reserve. He added that the reserve flooding was just as serious as that of the adjoining land but the Provincial Government had not consulted with them in this respect.

Co-chairman Bob Clifton agreed with Mr. Modeste and believed that the matter of flood control should be checked into closely, not only on the Island, but elsewhere. He believed many villages were affected by flooding and

freshets and noted that in many cases useful land was destroyed by them. He thought that another cause of flooding was the construction of channels by the Department of Fisheries. In their case he noted that the Department of Indian Affairs, the Department of Fisheries, the British Columbia Hydro and other involved agencies had been approached and although the Indian Affairs Branch had been willing to allot \$15,000 for this purpose, the estimated cost was \$40,000 - \$50,000 and that amount of money was not available.

Mr. Clifford Hamilton advised that the answer he had received from the Indian Affairs Branch was to expropriate the peoples land involved in flooding.

Mr. Harry Underwood of the Tsawout band believed that the realization of the problem by the senior governments and their cooperation would help to solve the problem quickly. He noted that the conservation of fish was also connected with this problem. He added that timber across the creeks on their reserves caused some problems. He believed the river should be kept open to facilitate the movement of fish and that the loggers be held responsible for this. He thought a very definite policy should be written clearly and made known to all those involved. He supported the motion.

Mr. Boys believed that some funds could be made available as a contribution to improving the situations. He thought, however, that the basic difficulty in solving the problem was the lack of cooperation between all bodies involved as for instance an agreement for a continuous dyke. As an example, he cited the case to which Mr. Modeste referred noting that the Branch had made an engineering study of the situation some 10 years ago; presented a proposal which required the cooperation of the adjoining municipalities, the Provincial Government, and the railways; allotted and continually had available their share of the funds for three years, but the other agencies and governments had not done so. He added that apparently the Provincial Government believed they were the proper body to control these matters and if so, and if they had authority, the Branch would be willing to make a contribution.

Chairman George Manuel requested the secretary to read the motion and called for a vote upon it by a show of hands. He declared the motion carried.

Mrs. Pearl Pointe pointed out that the delegates had elected as their chairman and co-chairman, four Indian people who were not delegates to the conference. They requested the Branch to reimburse these people on the same basis as all other delegates as they were serving at the request of the delegates to the meeting and should not be expected to assume their own expenses.

Mr. Fairholm informed the meeting that this request had been considered and it was agreed that such payment would be in order.

Chairman George Manuel advised that Mr. Dave Dawson had inquired as to how the brief and other submissions would be processed.

The Honourable R.K. Andras replied:

First of all everything, as you know, is being recorded at all the consultation meetings across the country and what are called abstracts, a summary of the discussions, are prepared and ultimately will be available to each of you. That applies to all the delegates to all the meetings that have taken place so far and will take place until this first round of consultations is completed, some time I believe in mid-December. Subsequently, it is our hope that there will be a meeting in Ottawa toward the end of January, give or take a week or two, of a spokesman from each of the meetings that have taken place by that time, to generally pull all the discussions together and also to sort of mix together your views here in British Columbia with the views of the people in Alberta and Manitoba and right across the country.

Mr. Chrétien, the Minister of the Department, and I have also said and I say again here now that following that there will be another opportunity to consult your brief. I have it now and I assure you that a copy of it will be given also to my colleague, Mr. Chrétien, and this with all the other briefs, whether or not they're presented in this most excellent form. I want again to say that I think this is the best that I've seen in the sense that it's very easy to follow, to understand and it's put together in a way that one leaves this meeting feeling that one knows what you want, because it's right here. It's not always been that easy for us attending the meetings to find out exactly what is wanted. But by all the transcripts of the tapes and recordings and the summaries that are made, we will then have had the opinions of Indian people generally from coast to coast in Canada and all these will be reviewed.

Now you can appreciate that there are some things that you have suggested in this brief that other Indian people in other parts of the country may not agree with. I think in most of the brief here for instance, and I'm just glancing through it again, your first section on the question of human rights and the fact that certain sections of the Indian Act deny or are against all the meanings of human rights is absolutely true. This example here is a very good one; where an Indian child can be, just by somebody saying so, made a juvenile delinquent because he doesn't attend school. That sort of thing has got to go and I don't think there is any Indian person in the country or any non-Indian person in the country nowadays who looks at that and doesn't feel a bit ashamed to see a thing like that in an Act of Parliament.

You mention here about the Indian Act placing responsibility on the Minister of Indian Affairs that should properly be the responsibility of the Indian band council. Well I can assure you that everybody I have talked to -- Indian delegates, the Minister himself, and the officials of the Department of Indian Affairs -- all feel that you are very correct in what you say there. There is too much power vested in the authority of the

federal government, in the Minister of the Department, with regard to the management of your own affairs and the new Act absolutely must return that kind of authority to you to manage your own affairs as a band council at the band level. There is just no doubt about that and I've heard nobody that I've talked to suggest that it isn't an objective. So everybody would agree.

When you get into the question of identifying a member of a band and you say here that adopted children should be considered to be members of the family in all respects and the nationality of the woman shouldn't change arbitrarily upon marriage - there are some differences of opinion on that matter between the different consultation meetings. It seems to be, and it's been my impression so far, that in this area of band membership and the question of withdrawal from Indian status, whether it's arbitrary or voluntary, by marriage or anything else, is the area where there has been some difference of opinion among Indian people in the different meetings. So all these, wherever there is agreement generally between all the consultation meetings, I think the decisions are going to be fairly easy to make Mr. Chairman. Where there is not exact agreement then we probably will have to bring those out again for further discussion in the second opportunity of consultation. That is, I think, generally how it will work. It may not be a totally satisfactory answer to you.

We do also have the other problem ultimately, and I want to be absolutely honest about it, that there may be some things that Indian people would want to see done that at any given time, because of the resources of the country or so forth, might have to take some time. I would hope that we would not be prevented from finding the right policy for the kind of change we all want to see because of the fear of the price tag that might be attached to it. When we know what all the right policies are, by getting your point of view, mainly your point of view, and we do put what I call a price tag on it, if it's a large one, then I would want to come before you quite honestly. I know my colleagues would say, it's a very large price tag and we may have to face this over many, many years, quite a few years if it's huge. I think you would be very fair in saying all right, provided the policies are going to start down the right avenue so that equality is reached and opportunity is fair and equal for Indian people as with others, provided we really get started and start acting instead of talking about it; I think we can negotiate those kind of problems then. But those will have to be negotiated when we reach the end of all the consultations and start to put together what we hope will be the kind of policies you want to see. So all these processes are going on, Mr. Chairman, and all I can say is that as far as I'm concerned, I want to see the Indian point of view paramount, the most important thing that goes into the changes that will come about.

Chairman George Manuel thanked Mr. Andras and noted that Friday's agenda would include education, regional and national advisory councils.

It was moved by Mr. Underwood and seconded by Mrs. Pointe

That an in-camera meeting of the delegates be held Thursday evening commencing at 7:30 p.m.

Upon a show of hands the Chairman declared the motion defeated by a vote of 14 to 7.

The Chairman declared the meeting adjourned to reconvene Friday morning at 9:00 a.m.

November 1, 1968.

Chairman George Manuel opened the meeting by informing the delegates that education was on the agenda of the meeting and by asking Mr. Ray Hall, Regional Superintendent of Education, to open these discussions by outlining to the delegates the present situation in the field of education.

Mr. Hall said that he would deal first of all with the in-school program; that is, the program under which children were attending either the elementary or the regular high schools. There are about 12,500 Indian children attending schools in British Columbia. About 8,000 of them attend the regular school system of the provincial government. In accordance with the departmental policy a tendency has been growing each year where the number of students in the provincial system has been increasing while in the departmental system, they have been decreasing.

As school space and teachers become available, the Department has a definite policy of establishing two years of pre-school training for all Indian children - one year of nursery school for 4 year old children and one year of kindergarten for 5 year old children.

There are about 2,000 students attending high schools, many of whom live in hostels in towns where high schools are located.

The Department also operates a very extensive boarding home program under which the Indian children live either in Indian or non-Indian homes and attend local high schools.

This year there were 52 students attending university -- four years ago there were only three such students. The number of students in Grades 11 and 12 had also been increasing very rapidly.

In the out-school program there are about 700 people under training at vocational schools, universities, colleges, business school and so on -- the number of these students had also been increasing.

The Department provides every possible opportunity for every Indian student to get as much education as he cares for and is capable of absorbing. To assist these people, the Department has a number of counsellors located throughout the Province; some of these people are Indians. The main objective in educating the Indian people to the best of their capacities is to have them assume the responsibility of looking after their own affairs. Mr. Hall said that in view of the recent progress made by the Indian people, it would not be too long before the Indians would replace white men, like himself, in all the positions which involve their affairs. He said that in the last 15 years the average grade of education of the Indian people in British Columbia had risen 6 years, and there was no other people in the world that had so much success; if this rate of progress were to continue in the same fashion, then time would solve all the present problems of the Indian people. He told the Indian delegates that they, in their position of leaders of their people, shared the responsibility to see that their young people were educated and would thus be able to take their rightful place as leaders of the future - this is the real hope of the Indian people.

Mr. Hamilton asked Mr. Boys what was his present position.

Mr. Boys said that the name of his position was changed by the Department from the "Indian Commissioner for British Columbia" to the "Regional Director of Indian Affairs" which was the same as had been used in all other provinces of Canada. The job remained the same, only the name had changed.

Mr. Murphy said that the Department decided to close their day-school without consulting the band; he wanted to know why this was done without their band resolution on this subject and he wanted to know about the present ownership of the school building.

Mr. Hall said that the Department always attempted to get the band resolution before closing a school; in the case of Mr. Murphy's reserve, the school was closed because of a rapid decrease in the number of students and the difficulties in regard to the staffing of the school. The main reason why the band resolution was not obtained in this case was the fact that it was impossible to round up a sufficient number of councillors to have a meeting at that particular time of the year, during the fishing season.

In so far as the school building was concerned, it was the Department's policy, when it had such a building that it could no longer utilize, to turn it over to the band through the band's resolution in which the band accepted the building and the responsibility connected with its maintenance. This was done in the case of the day school on Mr. Murphy's reserve and the building was now band property. If anyone else wanted to use the building, they had to obtain the band's permission first - without it they could not touch the building.

Mr. Vic Janzen, District Superintendent of Schools at Nanaimo, said that in the case of the school referred to by Mr. Murphy, there was a prior arrangement with the Engineering and Maintenance people to use the building during the time they worked on the water system at the reserve; only subsequently was the building turned over to the band.

Mr. Murphy said that after the closing of the day school at the Nootka Reserve, there were eight children who did not attend the school; they were not accepted at the neighbouring schools because they had no place for them. He asked whose responsibility it was to make it possible for them to go to a school.

Mr. Janzen said that as far as he knew, arrangements were made for all young Indian children to go to residential school and he was not told that they were not accepted. He said that this was the first time he heard about that and that this would be followed up immediately.

Mr. Hall promised that this situation would be taken care of immediately and that these children had to go to a school at once. He thanked Mr. Murphy for bringing up this important case.

Mr. Modeste said that Mr. Hall had stated that he had high regard for the residential schools; he asked why was it then that the Department started to phase these out. He also wanted to know who had the final say as to where the students would go to school.

Mr. Hall answered the first question by saying that as part of the integration program it was found out that students already residing at hostels for a number of reasons should still attend, where possible, a public school. This program is only about 2 or 3 years old. It started on an experimental basis and after one year the Indian students themselves and the administrators of the hostels were in agreement that it was a successful program. The community accepted these people very well and they had improved in their schooling and they had become a part of the community.

In so far as the other question was concerned, at the present time the sole authority as to who should attend the residential school belonged to the local district school Superintendent.

Mr. Modeste asked Mr. Hall whether his last answer meant that parents had no say where their children should go.

Mr. Hall said that this was a correct interpretation; however in practice it did not work that way, parents got really a wide choice and the authority has not been used as arbitrarily as it would seem from reading the regulations.

Mr. Paul said that it was a well-established fact that education was the key to progress of any society. The progress made by the Indian people in the field of education during the past 10 or 15 years was due mainly to their involvement. There should be more involvement by the Indian people if there was to be progress sufficient enough to meet their aspirations and wishes. There should be established a special Board of Education for the Indian people which would attempt to bring about a close cooperation between the Department and the Indian people in the field of education. Up to now many changes were made in the educational set up, about which the Indians were neither consulted nor informed; before any more changes in the educational set up were made, an Advisory Board of the Indian people should be established which would advise the government on all matters affecting Indian education.

Mr. Hall said that he could not agree more, but this idea was actually put into practice at the present time. At the Kamloops residential school, where Mr. Hall recently attended a meeting, the Indians had a Committee of about 14 chiefs from the neighbouring reserves from where children came to attend that school. He said that they met regularly and discussed all matters affecting education. There were other places in British Columbia where the situation was similar to that which existed at Kamloops. He said that consultations with the Indian people were necessary and were put into effect as much as possible.

Mrs. Pearl Pointe asked Mr. Hall if he knew about the United Church's stand on the residential school in Alberni and what was being done about it.

Mr. Hall said that he did not know all the details of this particular case; however, the setting up of residential schools was by a contract between the federal government and the Church in question regarding the operation of such school. Mr. Andrews was an employee of the Church and not of the Department of Indian Affairs and Northern Development. He was responsible to the Church, although he was also responsible to the Department for the operation of the school. He said that two years ago, a legal opinion was expressed by the legal authorities in the federal government that the people working in hostels were in effect Crown employees and, therefore, came under the provisions of the Public Service Act - this made them civil servants. The original deadline for implementing this decision was to be January 1, 1969, but it had

to be postponed for a number of reasons and a new deadline had not yet been announced. However, this was in the process of happening and there was nothing which could stop it from coming into effect. All the churches had been notified and with the exception of the Oblate Fathers who had not yet made their decision, they had accepted this and said that they would abide by whatever regulations were set up by the government. Mr. Hall said that this was the background of the case. He was unable to say what this action would mean in the future. The Department did not like this idea too much. The present system would in this respect be preferable; however, it was out of its control. The Department had made a strong case though that the administrator would still be able to hire supervisors in the same way as a District Superintendent of Schools could hire teachers, so these people could be hired quickly without having to go through all the hiring machinery of the Public Service Commission.

Mrs. Pointe said that they felt that the federal government dictated to the Church and that the Church had no say. She then gave a detailed history of the problem in Alberni. She said that they wanted to fire Mr. Andrews but they were unable to do so because he was paid by the federal government.

Mr. Hall said that there was a great deal of misunderstanding in regard to the problem at Alberni. He said that Mr. Andrews worked for the United Church, he was employed by that Church and was nominated by it to the federal government; since the United Church hired Mr. Andrews, it also is the only institution which could fire him - the Department could do nothing in this case.

Mr. Paul said it seemed odd that the Department had not too much jurisdiction in the administration of these schools. He thought that no consideration was given to the children who attended these schools and who had to live there, and this was something that should be the responsibility of those who were involved in the education of Indian children. He said that ultimately these children would be subjected to a set of three-shifts system -- three groups of staff members, because under the existing union agreements and under the Civil Service Alliance nobody could work more than 8 hours a day. This would cause a great hardship for the Indian children; they suffered enough over the years by being taken away from their families and now because somebody under an arbitrary agreement would decide, the life of Indian children would be fragmented. He said that there should be some human consideration in regard to these children, and it was for this purpose that he moved a motion: seconded by Cliff Hamilton:

that a provincial education council be set up comprised of Indian people to deal with matters involving education and other related matters.

Mr. Nelson Keitlah said that the calibre of teachers on the staff of federal schools was not good. He said that they had one teacher who taught their children and who could hardly speak English. The children were unable to understand him and did not, therefore, make any progress in their education. He said that he had heard that teacher when he got excited and he was unable to understand him at all. Then there was a teacher who acted in a very peculiar way and ended in a mental hospital. Finally, they had a teacher

who threatened to go away if all the Indian homes were not fumigated because he said that the Indians were bringing fleas into the classrooms. He said that with teachers such as those, the education of Indian children would not go very far; even if the Indians themselves tried to cooperate as much as they could, there was a limit to what they could take from teachers of the kind he described. He concluded his remarks by asking Mr. Janzen to replace the teacher who was unable to speak English.

Mr. Hall said that in general the Department had never been entirely satisfied with the calibre of teachers that were employed in its schools, but it could be said that their calibre was steadily improving. The Department has now been recruiting from a surplus of teachers and, therefore, it was now possible to obtain the better ones and to drop some of the others. It was very difficult to get teachers to go into isolated areas but this applied also to the provincial schools. He told Mr. Keitlah that the problem which he mentioned would more properly be dealt with privately rather than at this meeting; he or Mr. Janzen were ready to discuss this problem with him.

Mr. Bill Scow said that he would like to put on record that there was an article in a local paper on the north end of the Vancouver Island saying that the tribe on Gilford Island had abandoned the school. He said that this information was misleading because his people were very much interested in getting education, they took advantage of all the facilities that were given to them and the results which they would achieve would show clearly how much they appreciated education. He said that they had teachers who wrote books about the behaviour of their people; so he was now writing a book about the behaviour of the teachers they had had so far. He was wondering how these teachers would like it.

Mrs. Elma White, an observer, said that she was working with Indian students in various parts of British Columbia. She said that there was a problem of communication between the Department and the Indian people; there was also a serious lack of communication between the young and old Indians themselves. Young people should be given every opportunity to get educated because they were future leaders and they were the hope of the Indian people.

Mr. Paul's motion that a provincial education council be set up comprised of Indian people to deal with matters involving education and other related matters, was read again, and the question put.

The motion was agreed to unanimously, and carried.

Mr. Fairholm introduced to the delegates, Mr. Frank Howard, the member of Federal Parliament for Skeena who was spending a couple of days at the meeting.

The Chairman, Mr. Manuel welcomed Mr. Bill Wise of the Nanaimo Band and Mr. George Quocksister of Campbell River.

Mr. Tom Sampson of the Tsatlip band directed three questions to Mr. Hall:

1. What is the difference in salaries paid to teachers in the Provincial System and I.A.B. teachers?
2. Are all bands notified of and invited to send representatives to the annual conferences of teachers?
3. Does the Branch have funds for the expansion of new programs in education?

Mr. Hall replied that:

1. The salaries paid Federal Government teachers and Provincial teachers are approximately the same.
2. Teachers' conferences are operated by the local teachers' associations, and not by the Department. It is the same in the provincial education system. They are purely professional meetings and parents are not invited, and if they were to be, the matter would have to be taken up with the teachers' associations.
3. The Education Directorate usually gets generous treatment in its budget. They do not always get all the money they request, but in the main the Government has been generous.

Mr. Sampson replied that he had attended one conference of teachers and councillors of Indian schools and had found many frustrated people. He thought that if parents could meet with the teachers, they could probably help them understand the problems better.

Mr. Hall stated that the Department does sometimes sponsor workshops on education to which parents are invited together with teachers and councillors.

Mr. Underwood of the Tsawout band asked what provisions are made for Indian children attending public schools.

Mr. Hall replied that Indian children attending any school receive their school supplies through the Department up to \$22.00 per child per year.

Mr. Underwood asked if there was any limit on the number of Indian children who could attend any particular public school.

Mr. Hall said that as far as he knew there was no case of any public school in British Columbia where there was a percentage ceiling on the number of Indian children who could attend. There was one case about 20 years ago where there was a 25% ceiling - but there was none today.

Mr. Lawrence Harris of the Chemainus band wanted to know what assistance they could get to start a kindergarten.

Mr. Hall stated that wherever there were enough children and a teacher could be found by the parents, the Department will provide the necessary funds. There should be 12 children. Application to start a kindergarten should be made to the District Superintendent of Schools.

Mr. Janzen added that at present about 50% of the 4 year olds on the Island were in nursery schools and about 90% of the 5 year olds.

Mr. Murphy of the Nootka band asked if the provincial welfare authorities could send a Catholic Indian child to a Protestant school.

Mr. Hall replied that this was not in his field but the Provincial Government in British Columbia does not recognize parochial schools, but only public schools, which are non-denominational.

Mr. Boys added that once an Indian child was under provincial jurisdiction the Indian Act was no longer applicable. He stated that the provincial Superintendent of Child Welfare had an overriding responsibility for all children including Indians, by virtue of the courts.

Mr. Modeste asked who had the ultimate authority to extend or deny school supplies. He knew of cases on his reserve where supplies had been denied.

Mr. Hall replied that he knew of no case where supplies had been denied unless it were to a non-Indian, probably.

Mr. Janzen added that the policy of giving school supplies to Indian children was quite clear, even if their parents were millionaires. There was sometimes difficulty in identifying children as being on the band list but the Department had some funds which were used to help non-Indian children living on the reserves.

Mr. Cliff Hamilton of the Opetchesaht band stated that he knew of cases where the parents were working and they were told that they could not have school supplies issued. He said they were borderline cases and it caused them hardship.

Mr. Hall replied that the policy is quite clear and was established in September 1967. He asked the delegates to refer any known cases to the District Superintendent of Education.

Mrs. Pointe moved, seconded by Mr. Dave Moon: "

"that conditions in the Port Alberni Hostel be investigated and that copies of the report be made available to the delegates to this conference".

Motion carried.

Mr. Albany spoke about the poor calibre of some of the teachers in Indian schools. He stated also that in the school on their reserve until 12 years ago, 7 grades were housed in one class room. He stated that in search of better education they had sent their children to public schools.

Their religion had stood in the way of better education for their children. When the children entered public school they dropped back a year or two because their education was not up to standard. However, now they were progressing favourably along with the other children.

Mr. Ron Hamilton asked the extent to which Indian students were consulted about their education at any grade level.

Mr. Hall replied that he did not know if such consultation with students is the policy of the Federal Government.

Mr. Underwood stated that the increasing encroachment of society on the Indian way of life would mean that more and more Indian children would and should attend public schools and he would like to see a policy on the extension of schools.

Mr. Modeste asked as to what extent Indian students could be given assistance to attend university and to take degrees in medicine and engineering. He knew of cases where young people would like to go to university.

Mr. Hall replied that if an Indian wanted to go to university and needed help, he would get it up to 100% right through to a degree in any profession he chose provided he could fulfill the academic requirements. If there were specific cases of young people willing to go to university, they should be made known to the Department. The policy was clear and many young Indian students had been put through university.

Co-chairman Bob Clifton stated he was pleased that they were talking about education. His father and others talked about it years ago and they had wanted them to go to public schools even if they had to enfranchise. This led his father and Bill Scow and others to found the Native Brotherhood of British Columbia to fight for better education. He said, "Let's ask ourselves a question, father and mother, 'what is my role in my children's education?'"

Mr. Ron Hamilton asked to elaborate on his previous comments stated whenever discussion was taking place about education, students should be consulted. Who knew better than a grade 4 pupil how he feels about his education. He said this should take place at all levels. He said that the Indian Act should be taught in Indian and non-Indian schools so that both Indians and non-Indians would know what the rights of Indians are.

Mrs. Pointe replied that Indian children had been invited to attend this discussion and that Mr. Janzen had arranged their release from school to do so, but very few had come.

The Chairman Mr. Manuel introduced some new guests to the meeting, Mr. Percy Paul, Mr. Mathias Joe and Councillor Frank Rivers.

Mr. Bill Roberts said they had a small reserve. Some people had left the reserve to choose their own path and they had taken up the education program and thus had benefitted considerably. Without this program, they wouldn't have endeavoured to better themselves. One of them had taken a course in real estate, one had taken up fisheries from the fishermen's course at the university and now was in South America. Another one had taken a course in seamanship and was in charge of a big fishing vessel in South Africa with an Indian crew. He was trying to make a statement to thank the Department; that it's not in vain what you are doing. He had been living off the reserve for eight years, had contact with people that had left the reserve; he was interested in how they conducted themselves off the reserve. He noticed the ones that bought their homes, had progressed and ones that didn't, hadn't done so well so the housing program was going to benefit the people that left the reserve. He believed the housing program might benefit the town but certain restrictions would be pretty hard on Indians. He mentioned that notice of foreclosure when you buy the house gave a time limit to sell one's property and enable one to sell his house and get his equity back. He also stated that people who had placed down payments on homes made an effort to keep on increasing it, looking after it, painting it, increase it in value, so that when they were ready to sell, the real estate had gone up and they were able to make money for themselves. On the reserves, there seemed to be lack of initiative to look after homes properly because when one improves one's home in the village, it still did not change the value. He believed that they had done very well at this gathering and he wished to speak for the people that had benefitted themselves. He wanted to thank the officials for making this thing possible for them.

Mr. Art Peters said that the former Indian residential school at Port Alberni was now a residence and their children were integrated in the public schools. However, it was not good that they stayed at an all-Indian residence. He wanted to know if this residence could be integrated.

Mr. Hall replied that there were cases where Indians and non-Indians share the same Hostel. He did not see why this could not be the case at Port Alberni. He added that the children could also go into private boarding homes and welcomed Indian participation in the selection of homes.

Mr. Quocksister of the Campbell River band asked at what level the teaching of French was begun in the Indian day schools.

Mr. Hall replied that the Department is not operating high schools. In British Columbia French was taught only in high schools.

Moved by Philip Paul and seconded by Mrs. Pointe:

that all motions and recommendations made by the conference be recognized and acknowledged by the Department of Indian Affairs and that the delegates be informed of the actions taken.

Motion carried.

The meeting expressed the desire to spend the last few moments of the morning discussing housing.

A question was directed to Mr. Fairholm asking whether in making policies, recommendations were taken into account from the field, or whether policy was decided only at Ottawa.

Mr. Fairholm replied that recommendations are sought and come in from many quarters - from Indian people, from Indian organizations, from associations, from band councils, from non-Indians and from many sources. One of the problems has been lack of a systematic way of being sure that everyone who should be consulted is consulted. There is need if a mechanism whereby if programmes are changed the effects are discussed with Indian people and band councils. Problems arise because we cannot foresee the effects of some changes in particular Indian communities, right across the country. There is a need for flexibility to suit the needs of different communities.

Mr. Duncan Clarke was quoted as having made a statement at the Federation convention that housing assistance had gone up from \$7,000.00 to \$10,000.00. However, when the circular dated October 18, 1968 arrived, the Indians learned that this increased assistance was only for off-reserve housing. The policy did not seem to be fair because the housing crisis was on the reserves.

It was moved:

that the on-reserve housing assistance be at the same level as the off-reserve housing assistance.

Mr. Boys explained that the reason for the increase in the amount of assistance given for off-reserve housing was the need to purchase a lot.

Mr. A. McCarthy stated that he was a fisherman and he believed a loan for a house should be based on taxable income. While he had a much greater turnover, his net income was only \$3,000.00

Mr. Boys expressed his agreement that loans should be based on net earnings - not on gross earnings.

The meeting adjourned until 1:30 p.m.

Co-chairman A. McCarthy turned the meeting over to Mr. Manuel again.

Mr. Phillip Paul wanted clarification in regard to proceedings that are to be followed as well as to whether a meeting would be held on Saturday. A number of delegates indicated they had already made arrangements to leave by 4 o'clock on Friday as they had been under the impression that the meeting would be completed in that afternoon and that there would not be a session on Saturday. There were others who wished to stay. Mention was made of the points that might yet be discussed, and the advantages of continuing with the meeting were also covered. By a show of hands, 14 indicated they would be leaving prior to or at the end of the meeting then in session. Eleven persons indicated they wanted to stay to continue the meeting.

Chairman George Manuel said there had been some mention that health services would be discussed but that the health services officials had already left for Vancouver. He mentioned that Regional and National Councils also had been suggested as a subject for discussion.

An unidentified observer made a request on behalf of students for an opportunity to ask questions on education.

Chairman George Manuel asked the Indian Affairs Branch officials if they would be staying for a session on Saturday.

Mr. Fairholm stated they were available until Saturday night. This was what they had come for and they would be available until the meeting ended.

Chairman George Manuel asked if it was the wish of the delegates to hear from the students in connection with education.

Mr. John Albany agreed that the students should be heard.

Mr. Ross Modeste thought that the matter of the Regional and National Advisory Council should be discussed before the 14 delegates left the meeting.

Following a discussion on the subjects to be covered and in what order, Mr. Thomas Anson asked Mr. Fairholm whether the Branch considered everything when establishing policy on housing.

Mr. Fairholm replied that the ideas came from many sources and are taken into consideration but there had not yet been developed a systematic way of obtaining the views right down to the reserve level. This had been evident in some of the programs that had been developed in the past. The regional variations and the differences between the regions were not always fully incorporated into a policy or program that may apply equally across the country. This was one of the problems and there had not been a satisfactory solution to the regional differences. He continued that in some cases a person could not really obtain housing to the value of minimum standards because that person might require welfare and could not make a contribution. Therefore, the value of the house was going to be what was provided now in the program whereas from what he understood, the minimum standards were to be somewhat higher.

Mr. Thomas Anson referred to the housing policy saying he thought that staff on the Agency level were familiar with the circumstances that exist on reserves. He, therefore, felt that decisions on policy made in Ottawa should be made with the recommendations of the staff at the Agency level and other people who are involved. He thought there were a lot of things not taken into consideration, such as the budget. He referred to the on-reserve housing program where the maximum was a \$7,000 subsidy. He said that if Ottawa knew what the band had to go through with regard to priorities, he thought they would have a better policy than the existing one. He added that there were bands without funds and yet the moneys are made available to them. He said an Indian cannot build a house for \$7,000 and that amount should be increased.

Mr. John Albany thought all the bands had a housing problem. He referred to statements issued by Mrs. Fairclough about five years ago that housing was going to be improved. His band set a portion of their land aside for a new housing subdivision so that there would be far less expense than there would be if the houses were scattered. They depended upon loans to develop the larger lots to be developed for the younger generation, but the loans fell through. They did not want a grant from the government but a loan. They tried several times for a loan over the past three years without any success and they still are without housing, although they have their subdivision set aside. As a result, he said, there were five young married couples who had to move off their reserve and rent a home. He suggested that the Government should give more and, rather than make promises, they should declare that the housing should go through.

Mr. Dave Moon asked if Indians had to put a down payment on the upgrading of houses in the band-run projects as they did on new homes.

Mr. Fairholm replied that with regard to new homes, there was a personal contribution required. He was not sure what the answer was when one improved a house. Perhaps Mr. Boys could say what the practice was in his region.

Mr. Boys stated that where a substantial improvement or extension was being made on an existing home, it was felt that the home owner had an equity in that home. He had already contributed to it in the past, and that no further contribution was expected in such cases. But he believed in the case of Mr. Moon's band, Cape Mudge, that they were undertaking to manage their own housing and they could make such terms in this respect as they wished. If they felt that there should be a contribution, they might make that, but the Department was simply providing subsidy funds for the major alteration or extension of a home which was an existing home where the home owner already had an equity in that home and thus the Department did not require any further contribution.

Mr. Phillip Paul moved, seconded by Mr. John Albany

that the Indian Affairs Department make the necessary adjustments to the on-reserve housing program to bring it into conformity with the policy of the off-reserve housing under the agreement with C.M.H.C.

A vote was taken and the motion carried.

Co-chairman George Manuel inquired whether the delegates wished to hear from the students present on the matter of education. The delegates agreed to hear the students.

Mr. Ross Modeste asked the students if they were satisfied with the conditions under which they live and the school situation while living away from home.

Miss Arlene Charles an observer from the Nempkish band asked why their allowance for personal needs was so small. She said that the allowance was not adequate to hold them over from one month to another.

Mr. Janzen replied that he was not aware the allowance was too small and that he did not know whether it could be increased. He thought that many of the Indian students received supplementary funds from home. He said the rate was \$10.00 per month and that if it was not sufficient, it should be brought to his attention on an individual basis.

Mr. John Jones from the Packeenah band thought that Miss Charles had asked a good question and he agreed that \$10.00 per month was not enough. He wondered why the allowance could not be raised.

Mr. Boys explained that the allowance was a statutory amount for pocket money for students away from home. He said if it did not meet the need in individual cases, it should be brought to the attention of Mr. Janzen or his staff.

Mr. John Jones said that there were 57 Indian students from distant reserves going to school in Nanaimo but he thought very few received money from home.

Co-chairman George Manuel said it seemed to him that students attending school away from home were completely forgotten by the band. He thought it would be a good thing if some clubs, particularly women's clubs, on the reserve did something for the students who leave the reserve to attend school elsewhere.

Mr. Tom Sampson said there were some parents who just could not afford to send money while others could. He thought this situation made it worse for students who did not have funds.

An unidentified observer echoed the views of previous speakers that the allowance of \$10.00 was not sufficient.

Mr. Wilson Bob, Jr. requested Mr. Steve Charleston, a student from Hot Springs Cove and attending school in Nanaimo, to speak.

Mr. Steve Charleston, an observer:

I want to talk about integration -- this new system where they are putting us into these schools. I want to talk about the prejudice that goes on between white students and Indian students as we are going through school. In the school where I am going now, you never see any white people approaching us and being friendly, especially during lunch hour when we go to the cafeteria and sit together. We all feel that we cannot go and mingle with these students because they seem unfriendly. If you say 'hello' to one of them, he just looks at you with an expression on his face that seems to say 'who is he?' That is the way I have found it in this school and the school that I attended in Victoria. It seems like they don't give us a chance. We try to meet them half way but they refuse to meet us half way. Of course, there are some that will be friendly to us but there are not too many. It seems that they don't seem to respect us, that they take us for what we look like, and if we go to school not dressed right, they seem to think our characters are the same as the way we are dressed. We don't have much chance to get clothes like they do. We get a clothes grant from Indian Affairs and that has to last a full year. We get between \$40.00 and \$60.00 per year which is supposed to last until April when we can get the rest. We get a grant of \$100.00 every year, but that is not enough. If we could dress right, it seems that this would help us to integrate better. It would put us on the same level as the white students.

N.B.(This student is in Grade Twelve. He spent two years in Victoria and came to Nanaimo in September).

Mrs. Pearl Pointe asked Mr. Charleston how they found the situation in their boarding homes.

Mr. Charleston replied that he was boarding with a Mr. and Mrs. Wilson who treat the boys as their parents would.

Mr. Dave Moon asked Steve Charleston whether he tried to mix with the other students.

Mr. Charleston said he had for the past three years but that it was getting quite discouraging.

Mr. George Thomas asked Steve Charleston what he thought the allowance for pocket money should be.

Mr. Charleston replied that he did not know but said it was hard to get along with what they were getting. He said the other students were broke half way through the month.

Mr. Denis Alphonse mentioned that he had heard of an incident where kids were not getting along. The parents of other children were going to lay a charge against an Indian who pulled a knife. He thought there should be some action to combat prejudices.

Mr. Tom Sampson asked the students if the type of treatment they mentioned was typical throughout the area.

A student said he had not received the same type of treatment in Alberni where he had some white friends. He had no white friends in Nanaimo.

Student Fred Azak asked why students had to go so far away from home to get their education when they could attend school close by their reserves.

Mr. Boys replied that he presumed that it depended upon where boarding home space could be found for students. He believed that the boarding home situation in Prince Rupert, for instance, which was the closest large town to the Nass River was already overloaded. There were a great many Indian students in Prince Rupert. Some lived in Prince Rupert with their parents and many of them in boarding homes also. There was a program to provide, through the Provinces, small hostels in Terrace, so that more young people from the Nass River could go to the high school in Terrace. He thought the problem was one of finding satisfactory boarding homes and if they could not find them in the north, then there was no alternative but to bring young people south where there were quite a number of them in Vancouver. It certainly would be an advantage both from the point of view of the student and the parents to get them into a high school closer to home and the Department would attempt to do this wherever boarding home facilities could be found.

Mr. Patrick Murphy said he knew of cases where parents were able to supplement the personal allowance and the students were able to complete high school. There were other cases, he indicated, where parents were not financially able, perhaps because one parent had died, to supplement the personal allowance and, as a result, students became delinquents. He thought some further assistance should be extended to students whose parents could not afford to help them.

Mr. Phillip Paul said he had quite a bit of experience in counselling students. The main thing that he had to say was not in relation to those on the high school program, but rather those in post vocational program. It was rather a difficult position because while it was fine to say that we should give or want to increase the allowance for students, he believed that sometimes with this giving, they were taking away a little bit of the students' initiative. This was his personal feeling in his role as a counsellor. He didn't like to see them suffer in regard to clothing or in regard to necessities for a higher education. But in regard to spending money and that sort of thing, he thought the initial outlay of the Government at this time was somewhat of a supplement and if it were increased, it would be very difficult to satisfy the needs and wants of every individual student. It was difficult to satisfy everyone on any issue and it could become an ever increasing problem like it was in trying to negotiate for wages. He always felt that there should be some initiative with every individual to try to supplement his own allowance in different ways. Maybe this was not easy and maybe there wasn't a solution here but this was a type of consideration that he liked to put into his work. He did not want to begin to try to do something for the student that he could do for himself. It was a difficult role because of the great need and complexities of the problems that were faced by the Indian

people. Many of these students came from very deprived homes and from parents who had not the type of education that would give them the opportunity to make the money they would like to have. Maybe their students would not be in this situation, but he believed they should not rob them of their initiative by giving and satisfying them in total. He asked the students if they wanted something to tell him what and why they wanted it. If they could satisfy him that theirs is a just case, he would do everything in his power to honour it, barring the policies laid down by Government. If they did have a need, he thought it should be answered and fulfilled but not if it was beyond reason.

A student stated in answer to Mr. Paul's comment, that it was very difficult to find a job in Nanaimo.

Mrs. Shea, an observer, asked the students whether they were encouraged to take academics or vocational courses.

Mr. Steve Charleston replied that, in his case at Victoria, the school officials had asked what program he had taken. They then had given him an aptitude test and figured out what course he should take. However, in Nanaimo they had set his subjects without discussing them with him.

Mr. John Albany asked Mr. Charleston whether he would get a better education if his allowance was increased.

Mr. Charleston replied that the allowance was not for education but for the needs outside of school.

Mr. John Albany said he knew what it was like because he had eight children going to school. He knew how hard it was for the Indian children to compete with others due to the lack of funds for clothes.

Mr. Phillip Paul asked what the rates for the personal allowances, boarding, etc., were with regard to the high school program.

Mr. Janzen replied that the personal allowance was \$10.00 and that the initial supply of books was provided beforehand. They had an additional allowance for those who were under the industrial arts, homemaker or occupational programs to the extent and maximum of \$25.00 for their project needs, given on request. The boarding home rate was \$75.00 per month and a clothing allowance of \$100.00 per year if needed upon request.

Mr. Phillip Paul moved and Mr. Thomas Anson seconded a motion:

that the Education Department of the Region take it upon themselves to investigate the allowance for the high school program and it be increased if this is in the best interests of the students in the high school and vocational programs.

Mr. Ross Modeste asked whether the report could be made available to the various Indian organizations who should know how the students progressed and how to help if there was a need for some assistance by the organizations.

Mr. Boys said Mr. Hall could have the matter explored and prepare some form of report on the situation and then make it available.

Mrs. Irene Wilson said she belonged to the Foster Parents Association and that she felt this was the place students should go with their complaints.

Co-chairman George Manuel called for a vote on Mr. Phillip Paul's motion. It carried.

Mr. Phillip Paul moved and Mr. Ross Modeste seconded a motion:

that the Minister of Indian Affairs consider the advisability of allowing the Indian people of British Columbia the opportunity of adding some consistency to the presentation of the British Columbia Indians in regards to the Indian Act discussions by setting up the necessary finances to promote a regional meeting comprised of five delegates from each discussion meeting before the initial draft of changes are presented to Parliament.

Co-chairman George Manuel called for a vote. It carried.

Mr. Fairholm reminded the delegates that they might wish to appoint a delegate who might meet with representatives of other groups in Ottawa when a meeting took place.

Co-chairman George Manuel announced that nominations were open for the choosing of a representative to attend the meeting in Ottawa as mentioned by Mr. Fairholm. Nominated:

Mr. Phillip Paul (Tsartlip)
Mr. Ross Modeste (Cowichan)
Mr. Alex McCarthy

Nominations were closed and it was then agreed that voting would be by secret ballot, on one slate.

Mr. Wilson Bob, Jr. of the Nanoose band expressed the wish that the delegate chosen to represent the group receive financial assistance to make the trip.

Chairman George Manuel called the meeting to order. He advised that the election for the delegate to attend the meeting in January on the Indian Act was in process. He advised that those nominated were Phillip Paul, Ross Modeste and Alex McCarthy and only the delegates could vote. He appointed as the election committee Messrs. Dennis Alphonse and Doug White.

The election was held by secret ballot.
The committee reported to the chairman.

The chairman advised that Mr. Phillip Paul had been chosen by the conference as their representative, Mr. Ross Modeste was the first alternate and Mr. Alex McCarthy the second alternate.

Upon motion the ballots were destroyed by the election committee.

Mr. P. Paul thanked the delegates for the confidence shown in him.

Mr. W. Bob Jr. demanded that the expenses of the delegate be met by the Branch in attending all meetings. He made a motion to this effect but since there was no seconder the chairman declared the motion null and void.

A discussion respecting the payment of expenses was held.

Mr. Fairholm advised that the Branch intended to pay the expenses of the various representatives to the meeting in Ottawa. He noted that perhaps Mr. Bob Jr. was referring to the Regional Council representatives and that there may be some confusion in this respect.

Mr. Paul advised that he would accept Mr. Fairholm's assurance that his expenses would be met.

Chairman George Manuel advised that the students had another question.

Mr. Steven Charleston, an observer, advised that some non-Indian students referred to the various Indian girl students as 'squaws'. He believed that something should be done as this depressed many of the Indian students. He asked the delegates for their opinion.

Mrs. Irene Wilson of the Comox band was of the opinion that this type of poor manners could be solved by the girl students themselves, if necessary by force.

Chairman George Manuel agreed that it was a problem. He also suggested that it could be solved by the education meetings suggested previously by Mrs. Wilson. He suggested that all of the delegates should attend these meetings.

Mr. Ross Modeste suggested that the Branch educational staff should advise the principals and staff of the various schools of the situation and request their assistance.

Mrs. Jill Laing, an observer, advised that she graduated three years ago and understood the problem. She suggested that there was nothing to be ashamed of, or to be afraid of, and added that the girls should stand up and advise the boys that they were proud of it.

Mr. W. Dieter advised that the word came from a Cree Indian word meaning 'sister' which the non-Indian had reduced to the word 'squaw'.

Mr. Fairholm suggested that possibly the parent-teachers association could also be involved. He believed that often the children heard these words used by their parents and one way to correct it would be to work on the parents so that both the children and the parents eliminate derogatory remarks which, in effect, is a reflection on the people using them.

Mr. P. Paul agreed with Mr. Fairholm. He advised that the relationship between the Indian and the non-Indian in the Nanaimo area was not very good in this respect nor was the public news media receptive. He suggested that the public relation firm hired by the Branch approach these media in an attempt to improve the situation. He believed it was a basic human right to travel unmolested. He further believed that the Indian should be able to make use of the vocational school at Nanaimo without the student being ill-treated. He suggested a direct approach to the people of the area.

Mrs. Jill Laing, an observer, suggested that the students who were attending the schools should approach the principal and staff of the school and suggest that they implement a program in the school to improve the situation.

Mr. Dieter advised that the National Indian Brotherhood had a program where the children from the boarding schools could meet with other children to study twice a week. He noted that because of financing the Canadian Federation of Teachers agreed to assume the program and to the best of his knowledge would be promoting this program.

Chairman George Manuel noted that numerous positive suggestions had been made and requested the delegates to bear them in mind. He suggested the meeting now discuss the matter of regional councils.

Mr. P. Paul gave a short history of the regional council, its inception and the participation of the Indian people in it.

I think maybe first of all I could explain how the regional council came about in the first place. I think there was a memorandum came out from Ottawa suggesting that it would be a good idea to have a regional council to advise the Government on Indian Affairs policy in relation to each province and after this a nomination letter was sent out to each band council in which they were to submit nominees from the various areas, in this case it was zone one covering the three Agencies within the Vancouver Island locality. And then after this, an election ballot went out, I believe, in which you were to select your top three nominees, or was it the top two nominees, Mr. Boys? The two top nominees, the first one to be the representative and the second one getting the second highest votes would be the alternate. In this case in zone one I was elected to be the delegate to represent zone one and Bob Clifton was the alternate delegate, and over the past three years we have stood in this position of endeavouring to represent the people of Vancouver Island in British Columbia in regards to the regional council. I believe there was -- the last session I believe -- five elected zones and two or three appointees from the various organizations: the existing organizations at that time, the Native Brotherhood, the North American Indian Brotherhood, and the Local Homemakers Club of British Columbia comprising eight delegates to represent the province on the regional council. This is how it was set up for the last three years.

There is allowance in the terms of reference of these Regional Councils for up to twelve delegates from each provincial advisory council and we have asked that it be increased from eight to eleven to bring the zones into smaller areas so that it would be easier for these people to represent a smaller number of people. I think what I left out earlier was that, from the regional people that were appointed and elected to the Regional Council, there was another election held to get four or rather three members from British Columbia and one from the Yukon to give British Columbia and the Yukon four delegates on the National Board. We also recommended that because of the different zones being so very large and representing such varied types of localities, varied types of problems, that we be allowed to travel in these particular areas in order to better represent the people in these areas. We asked it from the first initial meetings, both regionally and nationally and we never did get any acknowledgment on it. There was never any funds forthcoming and when I travelled in my own zone at my own expense, I was quite clearly brought to task by the various people of the Island that they never saw me. Well I think that should have been made clear in the beginning. I think it was made clear on the memorandum that went out but I don't think people had a very clear understanding of what this regional board was intended to be. It states quite clearly in the terms of reference of the first Regional Council that we as delegates were elected by these various zones and it would be hoped, because of our experience in Indian Affairs, that we would give an opinion that would somewhat represent the thinking of the people of areas in which we were elected. Not necessarily to travel in these areas but to try to represent the thinking. Well this may have worked out not too badly because most of the discussions were on the Indian Act and everyone was afforded the opportunity to discuss this Indian Act and make a submission. But in regards to other policies it is very difficult for an individual unless he has personal contact with the people to appreciate their individual problem. This is why we pressed throughout the three years and, in our last final submission, we asked that funds be made available so that these delegates that are elected to the new council will have the opportunity of at least holding meetings within their zones so that they can feel the pulse of the people and find out what their problems are so that they may represent them more fully. I don't think that this is unreasonable to ask the Government for this because I think it is done on the parliamentary basis that people make it their business to at least try to meet the people on occasion and try to fully represent their problems. I know in my own zone I have the opportunity to travel a little on the West Coast but not enough time to really sit down with the people and see what their problems really are. I tried to the best of my ability to represent them in regards to the Regional Council and the National Board but again I must say that it is very difficult without having the opportunity of meeting these people. I think there was also discussions that maybe these Advisory Councils would sort of hinder the progress of our existing organizations. This was one of the thoughts brought up on the floor of the Regional Council meetings and the National Board. But I think it was generally agreed by the provincial

delegates on the Regional Council that this is another avenue and until such time as we can have a larger body in British Columbia to totally represent the province that we should keep this door open and enable us to at least express our views through the Government. I don't know whether I've covered everything in regards to the Regional Council but if there are any questions, I will try to answer any questions in regard to the Regional Council and the National Board. Thank you Mr. Chairman.

Mrs. Pearl Pointe requested Mr. Paul to explain the position of the Southern Vancouver Island Tribal Federation in respect to the regional advisory council.

Mr. P. Paul advised that at the last conference of the Southern Vancouver Island Tribal Federation a resolution was passed to the effect that the Federation should conduct the nomination and election for representatives for the regional council from Zone 1. He advised further that the association wanted to speak for its people on an organized basis. He asked for the participation of other bands in this zone.

Mr. Dave Moon said that he attended the last conference of the Federation as an observer and agreed that the representatives on the regional council should be paid properly and reimbursed for their costs in visiting and meeting with the people they represented and for attending the meetings. Without this, he could see no advantage to the council.

Chairman George Manuel advised that he also sat on the regional council and the National Board. He noted that these representatives receive a \$20 per day honorarium, \$15 per day for room and board and transportation costs in attending the meetings of the Regional council and the National Board. He noted that the representatives do not receive any funds for travel within their districts. On the other hand, he noted that perhaps the people in the district had some responsibility in respect to meeting the costs just as the representative had some responsibility to meet the residents.

Mrs. Diana Recalma upon request and as the secretary of the Southern Vancouver Island Tribal Federation, entered and read resolution No. 4 of the Federation passed on October 20, 1968 respecting the Regional Council Representation together with the covering letter that had been mailed to all chiefs as follows:

RESOLUTION NO. 4

WHEREAS there is a general consensus of opinion that an advisory board is needed for the Indian people of B.C.
WHEREAS there is a need for representation to the Federal Government in regards to Indian Affairs. And WHEREAS the views as expressed by the advisory board should be the expression of the Indian people of B.C. And WHEREAS many of the delegates are wage earners. And WHEREAS it is important that each delegate be given every opportunity to travel in his designated area.

BE IT RESOLVED that the S.V.I.T.F. elect a delegate to the Regional Advisory Board. BE IT FURTHER RESOLVED that each delegate of each zone area be subject to the approval of each zone area and not be appointed by the Federal Government. BE IT RESOLVED that any recommendations submitted to the Advisory Board be the voice of Indian people of B.C. and not that of the individual or relegated information of the Department of Indian Affairs. BE IT FURTHER RESOLVED that funds be made available by the Federal Government to enable the delegates to travel in their zone area. BE IT FURTHER RESOLVED that all recommendations, be made available to the Indian people of B.C.

Passed: October 20, 1968.

NEWSLETTER-SOUTHERN VANCOUVER ISLAND TRIBAL FEDERATION
Re: REGIONAL INDIAN ADVISORY COUNCIL - Oct. 25, 1968.

In August, circulars were sent, by the Department of Indian Affairs, to all Indian bands asking them to submit their nominations for the representatives of the Regional Indian Advisory Council for the next three year period.

The Southern Vancouver Island Tribal Federation studied the advisability of backing the Advisory Board and after much discussion have unanimously decided that there is a need for Indian representation to the Government.

One of the main complaints we have heard in the past is in the manner in which the representative to the Advisory Board was elected.

We therefore are offering to accept nominations for the area for which we are responsible (Southern Vancouver Island) as well as any other areas on Vancouver Island who wish to take advantage of our offer.

Please send your nomination to : Mrs. Diana Recalma, Secretary,
S.V.I.T.F.,
R.R. #1,
Qualicum Beach, B.C.

No later than November 20, so that an election can be held at the next general meeting in December in order to have a representative for Vancouver Island named before the end of this year, to the Regional Advisory Council.

For your information, a copy of the resolution, regarding Advisory Board, which was passed at the annual convention of the Federation October 18-20, 1968, in Nanaimo, is enclosed.

Mr. Fairholm, in answer to a question from the chairman, advised that the national meeting of the various representatives to be held in Ottawa in January, on the amendments to the Indian Act is to review the reports and various comments raised at all of the meetings held on the Act across Canada. What their recommendations may be, or what decision will be made then, will be up to the delegates attending.

Mr. W. Bob Jr. noted that the officials had not guaranteed the Indian delegates their expenses.

Mr. Dave Moon asked Mrs. Recalma to explain why the Southern Vancouver Island Federation wanted to nominate the Regional Board.

Mrs. Recalma noted that at the Federation conference there had been about a two-hour discussion on the importance of having Indian representation to the Government. She added that the Federation normally has 100% representation of the bands within its area and felt that the Federation should elect the representatives to the advisory board and run the nomination at a general meeting of the area. However, she added, that they did not wish to segregate themselves and invited other areas to join, or if the other areas would like to have similar proceedings perhaps an amalgamation could be accomplished to have an Indian election of the Indian Advisory Board and not one run by the Branch. The aim in the proposal is to try to get an Indian nomination and an Indian election. She noted that it doesn't necessarily have to come from Southern Vancouver Island but thought that since a number of bands and chiefs supported them that it could be done. She added that the Federation was not trying to force anyone and would like the whole of Vancouver Island to have representation on a democratic basis. She advised that no Indian knew how the Branch handled the last election; that there were no scrutineers and maybe it was run right and maybe not.

Mr. Fairholm believed that British Columbia because of the number of reserves, distances, and separate communities and bands required some type of mailed ballots. In some other provinces, the band councils were able to meet and hold the elections among themselves.

Mrs. Recalma agreed that it was by mail, but the main point is that there were no Indian scrutineers and the Indians never knew whether the elections were democratically run. She added that if mailed ballots were required that the Federation would like to see Indian scrutineers.

Chairman George Manuel advised that if there were no more comments on the advisory committee that the items on the prepared agenda were completed. He asked whether the meeting was finished or whether there was any reason to meet tomorrow.

Mr. J. Albany believed the delegates had presented all their points and discussed all necessary business. He therefore moved a motion seconded by Mr. Lawrence Harris :

that the meeting be terminated.

Chairman George Manuel advised that Mr. Walter Dieter representing the Canadian Indian Brotherhood had been following all the meetings and would be available for questions and discussions.

Mr. W. Bob believed that the Branch did not have the proper personnel here to answer the questions raised. He was of the opinion that the meeting had wasted his time after the presentation of the brief. He noted that every time he spoke he appeared to be ruled out of order but that he was an outspoken person for his people.

Co-chairman A. McCarthy reminded the delegates they are a new generation but their people had come a long way. It was only sixty-eight years ago when the first Indian went to school on the west coast and they didn't even have clothes on. That was a very short time ago, he said, and he felt that they could be proud of how much they had progressed in 68 years and of the fact that they were still progressing very rapidly. He thanked the meeting and stated that this was something to think about.

Mr. Ross Modeste thanked the Chairman and replied that they had all come with the idea of bringing forth the ideas of their people and he was sure that they had done just that. There may be some who felt that there hadn't been time enough but he thought, as Mr. McCarthy had stated, that in the short length of time the Indians had been able to borrow the foreign language that he was using to communicate with them, he believed that they had come a long way. If they could remember what Mr. Scow also stated, the number of years that he had been involved, and that just recently he had reactivated himself on the Indian cause. He said they must also remember that they have to involve the younger people. In his area, their organization had made this a policy to involve the younger people because they have to keep up the fight. This was a challenge amongst their people until such time that they were considered equal by the rest of the society in this country. He had stated before that some of them had probably placed themselves in positions where they have been taken as equals but when they went back on to the reserve again, they were just another Indian. He believed that the statements made that afternoon certainly left nothing to be ashamed of but to be proud of. One had only to look to the publications in the various magazines, the newspapers and what have you. He thought that generally people all across the country were quite proud of the progress that they had made in a very short while. It was true that they had not yet had the facilities to educate themselves the same as non-Indians who had come across from Europe and the various Asian countries into this great country to make a good life for themselves. It was true they had not always had the fullest opportunities to partake in this society, the wealth of this country, but he thought it was only through efforts such as they were doing of bringing forth their ideas that they wanted a better place for their younger people. He could only say that they should keep up this fight. They should never become discouraged, because if they did, they could only have memories of what they've gone through and he was sure that their children would suffer the same consequences they had. As long as they kept up this fight he was sure it would be a better life for the younger people.

Mr. Walter Dieter remarked that he was not a half-an-hour talker or a half-an-hour speaker but he would just like to say hello and goodbye again. He didn't have anything to sell anybody as far as organization was concerned but a hell of a lot of hard work. And that was the way he operated. He looked for ideas from people as he travelled around and tried to get the people's ideas together. Right now he was in the process of gathering them up right across Canada so that he could present them to a body of elected people that will meet in Ottawa in the first week of December and then maybe they could come up with some definite program and policy for the National Indian Brotherhood.

Mr. Fairholm thanked everyone and said that the meeting had now come to a close and he thought that many of the expressions given in the course of the last few days, particularly the remarks of Mr. Modeste a few minutes before, illustrated well the views of all of them present and the feeling of many people across the country. For him personally, and he was sure it was true for those in the Department who made the trip to Vancouver Island, he had learned much.

The brief submitted was well prepared and covered many points and had been given the support of all the people at this assembly. They had spoken at times rather strongly and pointedly, but of course that was the purpose of the meeting, that their views should be made known and that they should be heard. He was sorry that they were not able to give answers to some of the questions that were asked; that wasn't necessarily their particular role, especially if the answers dealt with something that was yet to come.

They had also touched on some of the things that didn't concern legislation necessarily, but are very much a part of everyday living; the things that really concern them; things with respect to education, housing and the kind of living conditions that people have. All of these were very important. Communications was also mentioned and certainly that was one of the most important and still one of the most difficult areas with which to really come to grips in getting the kind of understanding that is so important. He had difficulty sometimes communicating with his children. He didn't know whether it was because he was getting older all the time or not but there was difficulty between generations at times. He said his children seem to speak in a little different language than he was used to and he really had difficulty understanding them at times. He supposed this goes for Indian people as well in speaking to their children and it seems to also occur between Indian people and non-Indians that they don't always speak and understand one another. These are the kinds of things that must be overcome in some way. More meetings of this kind might help to do this as well as to be prepared to really listen to what they had to say and try to understand. He wouldn't say more now. He hoped he would have the privilege to meet as many of them again as possible. The Departmental officials would be going on to other meetings and hearing the views of people elsewhere and, as a result of this meeting and the others that were being held across Canada, he hoped that the parliamentarians when they come to make a new law would have a good idea of what the Indian people wish to have done.

Chairman George Manuel thanked delegates and all those who had assisted and also for the honour given him by being chosen chairman. After a vote, he declared the meeting adjourned.

Mr. W. Bob Jr. requested he be recorded as opposing the motion.

PRESENTATION

to

THE HONOURABLE JEAN CHRETIEN

Minister of Indian Affairs and Northern Development

and to

THE HONOURABLE ROBERT ANDRAS

Minister Without Portfolio

GOVERNMENT OF CANADA

PROPOSED CHANGES TO THE INDIAN ACT DISCUSSION.

NANAIMO, B.C.

We are pleased to present on behalf of this assembly the following brief on the proposed changes to the Indian Act.

The reasons for submitting this brief are that:

- 1) The present Indian Act contravenes the Universal Declaration of Human Rights.
- 2) There is still a need for an Indian Act in Canada. The land set aside for the use and benefit of the Indians should be protected by law.
- 3) Indians are citizens of the province as well as the country; therefore, Provincial Services should be utilized by Indians wherever possible. The Department of Indian Affairs should refrain from setting up internal departments which could conflict or compete with services already available at the provincial, municipal, or Private Agency level.

It must be emphasized, at this point, that this presentation is from the point of view of those presenting it. The observations and recommendations are from a non-legal point of view and are derived from experience and observation of Indians who have had to live under the terms of the Indian Act (1951).

There has been a great deal written over the past century regarding legislation and Canada's Native People. Much has been said and written, but little has been done to make any realistic changes so that the Indians can take their rightful place in society. We hope that the Just Society, that we hear so much about these days, will prove to be just that and not another 'catch phrase' of a political party trying to woo the vote of minority groups across the land.

Nanaimo, British Columbia,
October 30, 1968.

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INTRODUCTION

The present Indian Act (1951) is so rigid that there is very little opportunity for individual, or individual Band, progress.

There is far too much authority vested in the Minister of Indian Affairs and Northern Development and not enough power in the hands of Indian Band Councils.

The Indian Act (1951) as it is written, contravenes the Universal Declaration of Human Rights (see Appendix 1). At this point, there is no need to go through the Indian Act (1951) section by section, but it might be worthwhile to note a few glaring examples:

- Section 119 of the Indian Act (1951) states that "an Indian child who refuses or fails to attend school regularly, shall be deemed to be a juvenile delinquent within the meaning of the Juvenile Delinquents Act"....Article 11 of the Declaration of Human Rights states that "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- Section 109 of the Indian Act (1951) states that "A person with respect to whom an order for enfranchisement is made under this Act shall, from the date thereof, be deemed not to be an Indian within the meaning of this Act or any other statute of law"....Article 15(1) of the Declaration of Human Rights states that "Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

The above examples are only two of many that can be found at a glance, and lend weight to the assumption that an entirely new Indian Act should be drafted.

II. PRESENT INDIAN ACT (1951)

The present Act places responsibility on the Minister of Indian Affairs that should properly be the responsibility of the Indian Band Councils. Therefore there is no need to waste valuable time to discuss in detail the old Act except to repeat that it should be completely rewritten.

III. CONCLUSIONS

The following points are intended to be used for discussion purposes:

Membership in a Band should be left, finally, to Band Councils who should, in turn, have recourse to Provincial Courts for settlement of disputes. However, as a guideline, the following points should be considered:

Adopted children should be considered to be members of the family, in all respects.

The nationality of a woman should not change, arbitrarily, upon marriage. An Indian woman who marries a non-Indian should have her name placed on a General List. She should be able to apply to her Band Council for re-instatement, retroactive, at the discretion of the Band, if she is deserted or widowed. A non-Indian woman marrying an Indian should assume Indian status, legally, only.

Illegitimate children of an Indian woman should have Indian status. Anyone over twenty-one should be able to have his name removed from the Band List after a waiting period of one year after application. Children of people who withdraw should remain on the Band List until they are old enough to decide for themselves.

Elections should be run under the Provincial Election Regulations in regard to age. Bands should have the option to run elections on the Hereditary System.

The term of office for Chief and Council should be four years. Larger Bands might want to stagger elections so that there will be experienced groups in office at any given time.

All Band members should have the right to vote and to hold office on a Band Council regardless of where they reside.

All vacancies on Band Councils should be filled promptly.

Chief and Councillors should take an Oath of Office at a General Band meeting and should be responsible to the Band.

Annual budgets should be set up so that priorities can be set each year without the worry of having the money withdrawn in the middle of a vital project. (See Appendix II)

Band Funds, both Capital and Revenue, should be used at the discretion of the Band. More flexibility is needed in this area.

Band Councils should have at their disposal a lawyer (at the expense of the Department) to scrutinize all legal documents before final signing. The lawyers should not be on the staff of the Department, their services should be contracted.

Official stationery, such as Band Council Resolutions, should bear the name of the Band Council, not the Department of Indian Affairs.

Delegation of Power should be vested in the Council wherever the need arises, for the efficient operation of the Band's business.

A Land Registry should be set up following the suggestions made on page 14 of the handbook "Choosing a Path" - points 1 to 5.

Sale of Reserve land should be discouraged. The term 'surrender' should be used only when Reserve land is sold, never in reference to a lease. Where it has been found necessary to sell Reserve lands for public use, an exchange of lands must be arranged in order to ensure that Band holdings are in no way diminished.

A more efficient method of leasing land should be established.

Land issued to a Band member should be conditional at the discretion of the Council. Where it is shown that a family has occupied the same property continuously for two generations, members of that family should be able to apply for and receive a Certificate.

An adequate Economic Development Program should be initiated immediately.

Legislation should be changed to allow Indians who earn their incomes within the boundaries of a Reserve to participate in the Canada Pension Plan.

Mineral Rights should be returned to Reserve lands.

Per Capita shares. both Revenue and Capital should go to the estate of an Indian when he dies.

Services which are provided by provincial, municipal or private agencies to citizens of a province should be extended to include all Indian people. Where there are no such services available to Indian people, they should be contracted. All costs should be on a Federal - Provincial cost - sharing basis. The services referred to specifically are:

Education; welfare; public health; sanitation regulations;
building codes for housing; counselling services and
settling the Estates of Indians.

IV. RECOMMENDATIONS

We are in full agreement that an Indian Act is a necessary document to protect the lands set aside for the use and benefit of the Indians. We feel, however, that an entirely new Act, that does not contravene The Declaration of Human Rights, should be written to replace the hopelessly obsolete Act that is now in use.

Specifically we recommend that:

- 1) The new Indian Act be so flexible that when clauses or whole sections become obsolete, they will automatically cease to be effective for individual Bands. Possibly this could come about by the more liberal use of Delegation of Power to the Band Council level than is now possible.

- 2) The Department of Indian Affairs change from a role of paternalism to the role of Trustee of Lands within the foreseeable future.
- 3) Indian people should have access to an ombudsman to air legitimate complaints and grievances.

V. A GLANCE AT THE PAST

Following is a letter written by the Deputy Superintendent - General, of Indian Affairs, Mr. L. Vankoughnet, to all his Indian Agents after the Indian Advancement Act of 1884 was passed by Parliament.

"The department has no desire to force the adoption of the provisions of this act upon any band of Indians, but it considers that it will be in the interests of such as are capable of intelligently conforming to the provisions thereof....

"The object of the Department is to endeavour to promote their advancement in civilization and intelligence with a view to eventually attaining to an equality in those respects with the white portion of the population."

Dateline - Ottawa, January 16, 1885¹

The above letter was written over eighty-three years ago.

¹"How Democracy Came to St. Regis" - circulated over the name of J. Gambill, Ottawa. Original reference material - Dominion Archives of Canada.

THE DECLARATION OF HUMAN RIGHTS

DECEMBER 10, 1948, THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Preamble

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential, to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

NOW, THEREFORE,

THE GENERAL ASSEMBLY
proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation or sovereignty.

ARTICLE 3. Everyone has the right to life, liberty and security of person.

ARTICLE 4. No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6. Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9. No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17. (I) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

ARTICLE 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

ARTICLE 20. (I) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

ARTICLE 21. (I) Everyone has the right to take part in the government of his country, directly, or through freely chosen representatives.

(2) Everyone has the right of equal access to public services in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23. (I) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25. (I) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protections.

ARTICLE 26. (I) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

GRANTS TO BANDS DISCUSSION

Presentation by Ross Modeste, President, Southern Vancouver Island Tribal Federation, at Ottawa meeting, August, 1968.

1. There should be an advisory council made up of a representative from each band in the Agency - to meet with the Superintendent twice a month and decide priorities.
2. Welfare and education should be senior government responsibilities and should not be a part of Grants to Bands.
3. There are great differences in needs from province to province and even within a province...therefore to simplify decentralization and to avoid duplication with the provinces - grants should be unconditional - at the rate of \$25. per capita.
4. As well as the above there should be unconditional matching grants of \$1. for every \$1. raised in the community.
5. There should be a Band Finance Corporation in each Region. Bands which wished to join would be shareholders. The Federal Government would contribute the major part of the capital to set the Corporation going. The federal Government would also be a shareholder. The Corporation would borrow money on the open market and lend it in turn to shareholders for the capital development.

ARTICLE 27. (I) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interest resulting from any scientific literary or artistic production of which he is the author.

ARTICLE 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29.(I) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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October 27, 1968.

Chief Arnold Recalma,
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