

REPORT
OF THE
INDIAN ACT
CONSULTATION MEETING

**TERRACE, BRITISH COLUMBIA
JANUARY 27 AND 28, 1969**

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DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

REPORT OF THE INDIAN ACT CONSULTATION MEETING

HELD AT TERRACE, BRITISH COLUMBIA

JANUARY 27 - 28, 1969

CO-CHAIRMEN

Chief Harry Amos,
Box 194,
Kitimat, B.C.

Chief William McKay,
Greenville,
Nass River, B.C.,
(Greenville Band Representative)

Mr. Alvin McKay,
Greenville Band.

SECRETARIES

Mr. John Williams,
Skidegate Mission, B.C.

Mr. Rod Robinson,
Aiyansh, B.C.

BAND SPOKESMEN

BAND

Gitlakdamix

Greenville

Canyon City

Kitamaat

Kitselas

Kitsumkalum

SPOKESMEN

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Chief William McKay,
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Mr. R.B. Collison,
Masset, B.C.

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Chief Percy Williams,
Skidegate Mission, B.C.

Mr. Reginald Sampson,
Port Simpson, B.C.

Mr. Arnold Sankey,
Port Simpson, B.C.

Mr. Danny Walkus,
Dawson's Landing, B.C.

Miss Clara Schooner,
Bella Coola, B.C.

Chief Edwin Newman,
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Department of National Health and
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The Honourable Jean Chrétien

Mr. William Mussell

Mr. Walter Dieter

Dr. R.A. Springer

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Metlakatla

Kitkatla

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Skidegate

Port Simpson

Oweekano

Bella Coola

Bella Bella

Kitasoo Band

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Monday, January 27, 1969.

Chairman Harry Amos opened the meeting by announcing the death, during the recess, of Mr. Thomas Walkus, the delegate from Bella Coola. After a minute of silence in his memory, and a prayer, Chairman Amos welcomed, on behalf of the Pacific Northwest Indian Conference, the Minister, saying that all the delegates were very pleased to have him attend the meeting and asked him to make an opening statement.

Honourable Jean Chrétien - "Mr. Chairman, I am really pleased this morning to be present here in Terrace for the Pacific Northwest Indian Conference. Before starting, I would like to introduce to you two of my colleagues from the House of Commons who are present for these consultations. One doesn't need very much presentation for you living in this country but there is you know only one thing wrong with him, that he is not on our side. But he is a very devoted man and who is always very interested and dedicated to the Indian cause, Frank Howard that you know very well. And I invited to come along with me, a member from Quebec, who has some Indians in his riding. He represents the riding of Pontiac, he is a very good member and a good friend of mine and he is very much interested in the problems of Indians. His name is Tom Lefebvre, member for Pontiac.

"And I have with me, my special assistant for Indian Affairs who is an Indian, former Chief of the Chilliwack Band and who is very helpful to me as an advisor - Bill Mussell. And you know Walter Dieter who is the President of the National Indian Brotherhood who is here too.

"Ladies and gentlemen, it's a real pleasure for me to be in Terrace today. I apologize, I could not come to the last meeting that you had and I feel very sorry about it, it is one of the reason why I granted the opportunity to have a second series of consultations. You have been the only one that I was not able to meet right now, to have a second series of consultations. I understood the problem and that is why I made a point this time to come. I arrived this morning and I cannot, unfortunately, spend more than a day here because I have to be in the Cabinet tomorrow morning. You know, I have a very challenging task being Minister of Indian Affairs and Northern Development; I have a lot of problems. There is no problem in my Department to find problems and I have to be back in Ottawa for the Cabinet tomorrow.

"First, I want to tell you that it is the last meeting of the first round of consultations. We started these consultations in July and it was the first series of genuine consultations with the Indian people in Canada. Up to now we have had 17 or 18 meetings of consultations all across the country. At each of these consultations the Indian communities in the district that we have visited have delegated the spokesmen to come to discuss with the officials of the Department and with me or my colleague, the Minister Without Portfolio who is working with me, in order to exchange views.

"But we decided that even if it is supposed to be an exchange of views it has been seldom that the Indian community could express themselves, and that we should let them talk and shutup. We have been doing the talking for 100 years, so perhaps it is time to give you the occasion to do the same thing.

"So, I don't want to make a long speech, but I want to tell you that these consultations have been very good and very useful for two reasons. First, you have given us, as Government officials, the opportunity to get the views of all the Indians in the country on some specific question that we have asked you in "Choosing a Path". But we have not been very rigid on the rules and we have let the Indians to speak about all their problems that they are facing. And we found that very useful for us because we could see the reaction of the Indian people from one part of the country and after that, from the other parts of the country.

"It was most useful to us and it has helped us very much to change our views on many of the issues and when we will proceed with the change in the policies. I hope that I will be in a position to make a statement soon on that. You will see that these consultations have been very useful, because it will help us to have a new approach. As I often say, over the last hundred years we have been inclined, in Ottawa, to make the decisions, and because of the tradition and because of the law, all the responsibility has been laid on the shoulders of the Federal Government. And because the government is sometimes quite far from your communities, you felt that we were imposing solutions on you.

"I think that the Indian communities are in a position now to take more responsibility themselves. I think that the Indians are willing and ready to face the responsibility that all the citizens face in Canada. What the Indian communities want in fact, they want to participate in all the activity of Canadian life. You want to share both the advantages and responsibilities of being Canadian.

"But Indians want to remain what they are. They are Indians and they want to stay Indians. You are people from a minority group, and you have to be very proud of your background. You have your own history, your own culture, you have your own traditions, and it is part of Canadian history. I think that in Canada we can have that kind of society. That is, we can be ourselves and be good Canadians at the same time. I think that you can be good Canadians, be proud and be yourselves as Indian people.

"Just like myself, I am from a minority group, it's quite evident by the way that I speak to you with my broken English, but you know, even if my mother language is French, I am proud of it and I want to keep it, and I want my sons and their sons to keep it. I think that I can be a good Canadian citizen, that I can share both the advantages and the responsibilities of being Canadian. And I know that it is exactly, after six months of consultation with the Indian people, that you want to share in these responsibilities and these advantages of being Canadian. You don't want to be left alone; you want to participate. You have some rights that are your own, you have all sorts of problems in terms of plans and in terms of other ways that you can have. It is a problem. But what you want, at the same time, is exactly what we want for us. You want to have a good education for your children, you want to have a good house for yourself and for your neighbour, you want to have the mobility that comes with the modern life. And I think that these things are the tasks that we have to face. I think that you have to be full citizens of Canada, and you have at the same time, to be full citizens of your Province.

"There should not be in Canada two classes of citizens, there should be only one class of citizen. We are all Canadians and we want to have all the same privilege. I think that there is no place in our society for any discrimination. I think that we are all human beings and it makes no difference the language we speak or the colour of our skin. What is important for a man in Canada is the greystuff that we have inside of our heads, and it's all gray for everyone no matter whether we speak French, English or Indian, whether we are white, yellow, red, or black. I think that it is the essence of this society that we want to have in Canada that every one can be a full citizen of the country and at the same time be himself. And I hope with the policies that we will develop, and I hope that we will be able to make our views known soon that you will see that trend. You will see that we believe in what we say.

"Oh I know, that it's always difficult to make decisions because it's almost impossible to please everyone. You have had before a round of consultation and you know that between yourselves, you have difference of views and it is normal in any society or in any group, it is normal that we have differences of views. But I think that now is the right time to make some decision.

"It is the last meeting, as I said, of the consultation. Next month, we will have in Ottawa, the beginning of March, I think it is the first week of March, there will be a meeting in Ottawa where we will receive the representatives of every consultation who will come to Ottawa. Nor for the same kind of consultation, but just to permit the people to exchange their views, because the problem of the Indian community in Terrace or in Kitimat or in the Pacific Northwest is sometimes and often very different from the problem of the Indians who are in New Brunswick or in Quebec. The problems of the Indians who lives in Vancouver, for example, are not the same sometimes as yours. People who live close to Montreal have not the same problem as those who live in the far north of Quebec or the far north of Ontario.

"So, this meeting that we will have at the beginning of next month, will give the opportunity to some of your representatives to exchange views from the other part of the country and to permit us to see the reaction of a group meeting another group of Indians in Canada.

"I hope that this meeting will be very useful and I hope that by that time I will probably be in a position to express some of the views of the government. This was the first series of consultations. When I became the Minister I was very anxious to proceed with it, and get the new Indian Act ready. But, I understood that it takes time to have full consultation and we had to give more time than predicted. After these consultations will be over, our policies will be known. And I hope that we will have another series of consultations in the same form, where you will express your views.

"I know that in the last analysis, it is up to the House of Commons to decide because a law is a law of Parliament and it is up to the elected members to make the decision. But, at least before we implement the new legislation, we will have a second series of consultations in order to get views. Because there will be some very dramatic or drastic changes, I think that, for example, we have now to give more authority to the Indians at the Band level, because they develop as a community. It is no good that all the

decisions be made from outside. I think that we have to permit the Indians to make more of their own decisions. And, I believe very strongly in that but as I said we will have to make the decision.

"And we will have to provide more flexibility in our law because the way it works now, it is all the same law for very different situations. In some places they are just ready to take over completely, but you have in other places where they live very far in the north and so on and perhaps they are not ready; and so we will have to give more flexibility to our laws in order to cope with different situations. But, as I said, what we have in mind is that we will give you the opportunity to be good citizens of Canada, to be full citizens of our country, and at the same time, keep your own different culture and traditions.

"It is culture and tradition and language that is something that comes from the people. We would like you to keep it if you want to keep it. It's up to you to decide these things because it's coming from the village. But ladies and gentlemen, I am not here to make speeches, I am here only to listen to you and to get the feeling that you have on some of these issues that you are facing and I am quite sure that it will be helpful for me when I go back to Ottawa to discuss these things with my colleagues. I am very happy that we have two members of Parliament here, your member and Tom Lefebvre just to show you that never before, as now, in Canada have the people been concerned about the Indian problem. Never as now, the people have been discussing the issue and the members of Parliament have been so much concerned. So it's great for the Indians. I am sure that the future is bright for you as anyone else in Canada. Thank you and good luck in your deliberation."

Co-chairman Harry Amos thanked the Minister and announced that in the meeting in camera held by the delegates earlier, it was decided to hold an evening session today and a motion was moved and seconded that the pamphlet "Choosing A Path" and the Minutes of the Consultation were their brief. He then introduced the Minister, the officials of the Department and all the delegates who were present; he said that due to weather conditions some of the delegates were unable to arrive in time, but he hoped that they would arrive later. He reminded all those who attended this meeting that the procedure which was being followed at this consultation meeting might have been a little lengthy at times but it was necessary because this was for the very first time that the Indians were consulted. He said that by following this procedure, they were able to keep all the records of what had been said by the government officials and the delegates. He said that the delegates were given ample time to discuss the way the Act should be written. He then asked the delegates to identify themselves every time they entered into the discussions. He concluded by saying that the meeting would continue in discussing Item 20 from "Choosing a Path", and asked the delegates if they had anything they wanted to say before the discussion on Item 20 would begin.

Mr. Heber Maitland asked the Minister if he was going to be present at the evening session.

Hon. Jean Chrétien said he was not aware that there would be an evening session and had planned to go back at 7 o'clock that night, but would see and if there were some important things to discuss, he would stay over.

Mr. Heber Maitland said that he asked this question because there was going to come up some very vital new business at that time which the Minister should listen to.

Mr. Wm. McKay suggested that this important business should perhaps be discussed in the afternoon right after the coffee break at 3:00 p.m., when more delegates would perhaps be able to arrive and take part in the meeting. These discussions could be finished by about 6:00 p.m. and the Minister would be able to leave at the scheduled time.

Mr. Fred Kelly asked whether it would be possible to discuss this problem first, right now and to deal with "Choosing A Path" later on.

Mr. Wm. McKay said that it was because he hoped that more delegates would arrive by mid-afternoon, that he suggested 3:00 p.m.

Chairman Harry Amos asked Mr. Kelly to present his suggestion in the form of a motion so that the delegates would be able to express their wish in regard to the agenda of the meeting by a vote.

Mr. Fred Kelly moved a motion that the delegates dispense with the remaining questions in the "Choosing A Path" at the present time and deal with the more important matter.

The motion having been duly seconded and the question called, all the delegates voted in favour of the motion, and the motion carried.

Chairman Harry Amos said that it was the delegates' wish to take advantage of the Minister's presence to deal with new business, and called upon Chief James Gosnell, to deal with one of the most important problems facing the Indian people at this time.

Mr. James Gosnell: "Mr. Chairman, Honourable Minister, Mr. Frank Howard, ladies and gentlemen. Most of you are all aware of the fact that I am a member of the board that is set up to assist the Indian fishermen. This responsibility takes me down, on the average, once a month to the city of Vancouver. On my last trip I left Vancouver last Saturday. We were at these meetings on Wednesday, Thursday, and Friday of last week on this particular trip. Some of you are not aware of what is happening in the fishing industry.

"Two canneries, that we know of so far, have been closed down. One of them is completely stripped I am told as of this moment. This is the North Pacific Cannery situated in Skeena River area. The other cannery, the Klemtu cannery is situated approximately half way down the coast, known as Klemtu. I understand that it is closed, I am not certain whether an official announcement has already been made as to the closing. And, we have it in the air, I may as well be very honest and say that to my knowledge these are rumours, that there is a possibility, and this could be very true, that

in the very near future an announcement will be made that the cannery of Sunnyside also situated in the Skeena River area, will also be closed. So if what we hear is true, it's going to affect the economy of the Indian people who are employed in these canneries.

"Mr. Chairman, we are very much concerned about what is happening. Two companies have been liquidated, the ABC Packing Company and J. H. Todd, with the result that the two remaining bigger companies-the Canadian Fishing Company and the ABC Packing Company are left. According to the news that I hear, ABC Packing Company and Canadian Fishing Company have taken over J. H. Todd and that Canadian Fishing Company have taken over ABC Packing Company with other smaller companies taking a portion of what is left of the fleet, the cannery, the sole facilities and so on.

"I believe that the reason for this is the fact that these companies are finding it pretty hard and pretty difficult to compete on world market and the cost of processing canned salmon is too high. Therefore, there is going to be such a loss for their operation. Somewhere along this process of decreasing the costs of production someone is going to get hurt and we could say it's the clear handwriting on the wall our people are going to be hit the most.

"The Indian people that are employed in these canneries; on Friday afternoon, we met with the Minister of Fisheries in the Board Room of the Fisheries Headquarters in Vancouver and also Martin O'Connell, I believe he is another member of the House where we expressed our concern regarding what is happening in the industry. The President of the Native Brotherhood was the main spokesman for our part and representation was made from Hallard Bay on south and I was the only one that was present for the northern portion of the coast. But we all came to the same conclusion, that we are requesting the government to take some sort of an action to prevent this, because in the past, our people have been experiencing hardships, difficulties and all sorts of things. And right from the beginning of the fishing industry, when the fishing industry was first created on a commercial scale on this coast, the Indian has taken part in this industry.

"The Indian has made many people wealthy as a result of the industry. Now these people want more money and they are just actually proposing to push us out and to leave us out in the cold: 'you are not my responsibility anymore, you just go find someplace where you are going to get labour.' I made our office in Terrace, Mr. Chairman, aware of this on my way south and I had a few minutes with our superintendent Mr. Easton where I indicated to him that I was already concerned of the little that I know of in the south, of those who are already deeply concerned of what is about to happen to us.

"And so in this meeting with the Minister of Fisheries, we asked him that the Government take some sort of action to prevent this hardship to us. And we remind the members of the House that this had happened in the East in the coal mining industry where the Government stepped in to prevent the hardship of a thousand people that were involved in this. We say that if the government of the country can do this, why can't they do it in our industry. Because if you and I sit around here, those of us that are

representing 16,000 Indian people and many of them are employed in this important fishing industry, don't say I am not aware of it now. We are going to find out ourselves, the Chief Councillors. The Superintendent of Indian Affairs are making a law which is going to be bogged down with difficulties of the hardships that could be created next winter. This is what we are concerned about.

"Now we don't know just what action could be taken, because these companies find it hard to maintain their competitive places on a world wide basis, on world markets in salmon, and there is no doubt in our minds that the only way to do this is to process canned salmon at a cheaper level, one they can sell cheaper. Like I said, while this is happening, somebody is going to have to suffer and our people are going to suffer the most, let's face it. And we have suffered for a long time and we are just coming to a point now where the governments of today are introducing programs, organized programs to help us and now we are going to drift right back to where we were before. That's why, Mr. Chairman, I think this meeting should be deeply concerned and I would like to hear comments from other representatives as to what you think should be done about this.

"Now, I don't know whether this is going to be the answer, but in the meeting in Vancouver, we suggested that the government take action to slow this decrease of cannery operations in other words we are saying, close one cannery this year if you must, but hold the other canneries and phase it out gradually. Where you just don't push a whole lot of people out in the cold and leave them just like that.

"One fisherman down there, and I am not going to mention any names as to who said this, but he said: 'I fished 44 years for this company and my fleet is one of the tops on this coast, I control 20 seining boats. When the time came for the company to move east, they just said to me Sorry you'll just have to find some other place. Just like that. After 44 years of service to this company, they never gave me a cent' he said. 'Just go find someplace where you can fish. I felt like a horse, like an old horse just released in the field, go eat a few grass and die after tomorrow, this is the impression I got'. This is what this man said, and yet he is one of the most successful Indian fisherman. He said I can survive by myself, but because of the fact that I can survive, I am not going to be happy to see other fellow people who are weaker than myself, find it difficult to survive in the industry and he was successful in holding his group together, the 20 seining boats that we were speaking about.

"The company said we will take 3 or 4 of your group, we don't care about the rest. They don't care he said, but I do because I don't want to see other people suffer around me. Because of the fact that I am a successful fisherman or successful man, I am not going to just forget about my next door neighbour who will have a hard winter.

"So I don't know what solution that can be taken up that we are going to propose and I am not going to make any motion at this time Mr. Chairman. I thought that I would first of all bring this to the attention of both the government official and the Indian representatives, in this particular difficulty that we are going to face.

"Now if you wish I may deal with the other percentage rate, maybe I should deal one at a time, that would be better because this is another very important thing that we are expecting to have. And so I would leave it at this point, Mr. Chairman, to discuss this. What is the action that should be taken to prevent this? We can't see any other action than to gradually lift it, if they must close the canneries down, then we're saying take it easy and don't shut the whole works of them up.

"Because we are the ones that are going to be squeezed, we are the ones that are going to suffer, and we said at that time through Guy Williams, our spokesman, either the government is going to have to give us welfare and if they do we want good welfare, where we can't have only salt and pepper for each meal. This is what has been happening to the Indians in the past hundreds of years. It's going to have to cost somebody some money for the possible thousands of people that are going to be out of employment. One way or the other they are going to have to pay for this.

"And the Indian is beginning to get his pride back now, he doesn't want this handout stuff, he doesn't want any welfare, let's face it. I know this is how I feel and I am not any different than anybody else. It's going to be a sad day for me to stand in line and expect to be fed. We want to work for what we get, just like anybody else, and Mr. Williams expressed himself very clearly, but if we must and we are going to create long lines, welfare lines of these people maybe starting right when the fishing industry stops. When you find yourself out of a job you go to the welfare. You may as well, because what else can you do? You cannot all of a sudden become a logger, you cannot all of a sudden become a stenographer, you can't do these things. You were never equipped to do these things to begin with. So I would leave it at this point for further discussion, Mr. Chairman, thank you."

Chairman Harry Amos thanked Mr. Gosnell; he said that the question was what action could be taken in this regard. He asked the delegates for their comments.

Mr. Chester Moore said that subject which was brought up by Mr. Gosnell was a very sad story. He said that he had been at these canneries over the last weekend and Indians who were working there for most of their lives, were receiving letters that their services were no longer required. He said that this situation would cause a very great hardship for the Indian people and something would have to be done. He did not know what to suggest, but he knew that this was a very grave matter.

Mr. Heber Maitland asked the government officials whether they were aware of this situation. He also wanted to know if the Department of National Health and Welfare had anything to do with this situation--was it the reason why these canneries were going to be closed? He said that he had heard some rumours that the Department of National Health had stepped in to bring the canneries up to par, and that the canners were unable to spend funds necessary for that purpose.

Hon. Jean Chrétien: "If I can say a word right now I don't want to stop the discussion to listen to you. I heard this problem last night when I arrived in Vancouver. I had Mr. Guy Williams on the telephone. He tried to reach me as soon as I arrived in Vancouver, and I called him back. We discussed that over the telephone yesterday and it was the first time that I heard about it. The Executive Assistant called back to Ottawa to inform the officials in the Department in Ottawa of this situation. And I will certainly be in touch tomorrow with the Minister of Fisheries about it. As far as the Department of Health is concerned, I really don't know, I cannot give you that information but I will enquire. But if they are partly responsible for it, I really don't know, I have no such information.

"As far as what Mr. Gosnell said, I think that he made what sounds like a kind of proposal when he said we have to live with the automation but let's phase it out, in order that it would not be too drastic at the same time. I don't know what we can do about it, but I will certainly look into it. It is one of the problems in many fields that we have to face, because of the modern age and mechanical production and so on. We sometimes have to face these problems but probably there is a way to do that that would not be too hard.

"I think that the statement that pleased me most is what Mr. Gosnell said and received applause from the people. When you said that we do not want welfare, what we want is a job, we want to earn our living. I think that is the approach and I think that we have to look into that and if the Department of Fisheries cannot solve it at the present time, perhaps we will have to phase that sort of problem, but if we have to phase it out we should do so in a more natural way, in order to permit the people to adjust, in order perhaps to let the people adjust to a new kind of employment, if this sort of employment has disappeared in some places. But I was aware of the problem only yesterday night. I am quite happy that Mr. Gosnell told the public today. I will certainly discuss that in Ottawa tomorrow. You know Fisheries is not my regular department, but I have the responsibility of Indian Affairs and I understand that these closings of factories will hurt most of the Indian communities, and on that I can assure you that I will raise the matter with my colleagues in order to try to find a way to either smooth it out in a better way or to do some assistance plan to help them. I want to tell you that I am quite pleased with the work that the Indian Fishermen Assistance Board is doing. Mr. Gosnell is one of the members, it's a new program and I hope that it will help the Indian communities, the Indian fishermen but you know we have to face the sort of problems, too, that have been raised this morning. And I will look into that right way then I will be back."

Mr. Heber Maitland asked the Minister if he would inform the delegates about the outcome of his findings on the whole question concerning the closing down of the canneries.

Hon. Jean Chrétien: "Yes you know Mr. Williams, I talked to him on the phone yesterday and I said that I was to look into that and I promised that I would write to him, perhaps I can send a copy to some of you about it. I don't know what, in view of the situation but as soon as I can I will try to give you the information on it to Mr. Gosnell and to Mr. Williams."

Mr. Wm. McKay said that he was disappointed in the Minister's reply on the subject brought up by Mr. Gosnell. He felt that the meeting did not go far enough in dealing with this problem which could be much more grave than as it was presented. He mentioned that early last fall, when the Liberal Government came into power, one of the first things they had done was to cut off the Winter-Works Program, and as a result of this action, many people, Indians and non-Indians, were suffering. He said that they had difficulties in getting their unemployment insurance cheques, there was a big hold up of them, and the majority of people from his area did not yet receive their first cheques, so they were as much as four cheques behind. He remarked that at the convention of the Native Brotherhood held last fall in Victoria, an official of the Department of Indian Affairs from the Regional Office mentioned something about guaranteed annual income. He said that this was something that he was very much interested in and would like to have more answers and explanations on that point. He mentioned that Mr. Boys, Regional Director, was also present at that meeting. He concluded that it was for these reasons that he was not too pleased to hear the Minister answer so quickly and so easily; it was too often that the Indians had received answers from the officials that they would go to Ottawa and see what they could do about this and that, and the Indians had, in the meantime, to suffer and survive. He said that they had during this cold winter, a very, very hard time. He expressed his hope that when the Minister would meet with the rest of his government, special considerations could be given to the Indians in this area right now.

Chairman Harry Amos asked the delegates if they were ready to accept the idea in the Minister's statement that he was fully aware of this coming problem and that he would raise this question with his government colleagues.

An observer asked the Minister why the government could not follow suit in the fishing canneries industry in this part of Canada, which it had followed a few years ago in the coal-mining industry on the East Coast of Canada when it had stepped in, made available subsidies and prevented the closing of those mines. The people were still working; if this method were applied here in the fishing industry, it would prevent immense hardship to many people and big expenditures in welfare. He said that these things had to be discussed and dealt with right now.

Chairman Harry Amos informed the delegates that as of 11:15 a.m. no delegates from Skidegate, Masset, Port Simpson and Kincolith had been able to arrive because of high, gale-force winds. Northcoast Highways would continue, however, to try throughout the day to get them into Terrace. Being 12:00 noon, he adjourned the meeting until 1:30 p.m.

Co-chairman H. Amos called the meeting to order. He reiterated his request that all delegates identify themselves when speaking for the benefit of the press and the record. He noted that the meeting had been discussing the problems that may result from the closing of certain canneries and the solutions therefore. He noted that the Minister had indicated that he would deal with the problem but would undoubtedly like to hear more comments from the delegates.

Mr. Willis Morgan noted that his area was fortunate in that the canneries there were expanding. He advised that he had understood that the canneries which were closing, were doing so because of insufficient fresh water and below standard housing. He believed it was a little late for the government to step in with financial aid. He believed that the province had virtually segregated the reserves, but it would be preferable if the provincial and federal governments joined together to help the natives by developing the natural resources around the reserves. He also thought that the natives should be assisted in doing this development. As an example, he suggested the Indians be given timber rights. He noted that the vocational schools and adult training courses could give the necessary training. He also noted that currently it was necessary for them to fight seniority to obtain jobs. He thought that the natives knew timber, with additional education, could develop these resources with financial aid much like the United States helped underdeveloped nations to help themselves. He advised that in his reserve the people do not like welfare and welfare homes. He added that because of the size of his band, they obtain very few homes this way. He noted that there were also areas that could be developed as farms, and assistance should be given in this respect, i.e. machinery and cattle. He added that he supported the previous speakers in respect to supporting the fishing industry and that the government should have more interest in the native people.

Mr. Fred Kelly noted that the proposed closings would involve about 630 Indian shore workers which, with five persons to a family, would mean that over 3,000 people are directly involved besides the fishermen. He enquired whether the Branch could implement programs immediately to overcome the problem. He noted that the need was now. He suggested that consideration be given to starting an Indian co-operative. He also suggested that special consideration be given to those people who may not have the education standards required for certain positions but who do have adequate ability and the will to work and learn. He also suggested timbering and farming. He reiterated, however, that unless the problem was attacked now, not only the Indians, but the whole economy of the north coast would be affected by the unemployment.

Co-chairman H. Amos noted that the speakers were considering other avenues to help instead of just that of financial support to the canneries. He believed this showed responsibility and requested more comments.

Mr. James Gosnell believed that two things should be done—one: the Minister had already stated that he would consider the matter immediately; two: the existing program of vocational training should be accelerated. He believed that even if the shutdown of the canneries could be slowed down or phased out, there would eventually be the problem to be faced. He thought that training in other fields through the current programs would be helpful, but that it was not going fast enough. He suggested that more money should be spent in this line. He also suggested that the rates being paid during

the training should be increased; and, that on the job training with full salary should be included in the program. He admitted that this could cost a lot of money but it was necessary for the government to spend such money to bring the Indian population up to the level of the balance of society. He noted that the Hawthorn report supported this contention on a long term objective. He believed that if Canada can afford to spend considerable money on other countries and races, then surely it can afford to help the Indian native in training. He advised that in the north, he understood it was now government policy to train Eskimos in all aspects of drilling. He noted that if these training programs were not instituted, it would result in higher welfare and in either way, would cost a lot of money. It would be preferable to spend it on training, as the Indian does not want welfare but a chance to earn his own living. He believed that such training would utilize the manpower that was available. He further noted that the Indian people could not get credit to start small businesses and as a result spend their money in towns other than their own, making others rich; whereas, many small businesses could exist on the reserve, ie grocery stores, hotels. He thought that if this circle was not stopped, that their children would have an even harder time. He suggested that the government should establish a loan system so that these businesses could be started on the reserve and the money spent there instead of supporting other towns. He reiterated his request for an accelerated training program specifically for the Indian.

Co-Chairman H. Amos suggested that the government officials should comment from time to time on the proposals. He reviewed the comments and proposals of the previous speakers.

Hon. J. Chrétien: "I can make a few comments on what has been said by Mr. Morgan and Mr. Kelly. You know, as I said before, this situation of opportunity for the Indians in terms of work is a very important problem. I am in complete agreement that we have to develop policies that will permit the Indian to get work and that you do not want to have any kind of handout; you'd rather work for the money that you have. One of the problems that you face in terms of employment, often, is education. I understand that very well. We have these new programs that we started a few years ago on adult education, and we are devoting more money to these programs this year, than the previous years. There was a reference this morning about the Winter Works Program. The government, it's true, has scrapped that program: but the money for that program will permit the government to put more money in terms of Adult Education because we think that it's a better investment in manpower in giving good education or better education, to the citizens who are unemployed. It is perhaps, more important, than to give them winter employment for a few weeks or a few months. These programs have been working quite well; but, you know, as Mr. Gosnell says, it costs a lot of money and perhaps we should put more money into it. We will see, by the end of this year, what has been the result of this program of mass adult education that we have started.

"You talked, too, about the possibility of establishing Indian co-operatives. It's always one of the possibilities - to establish a co-operative. You said that perhaps in term of fisheries, and canneries, it will be the solution. It's one of the possibilities that we can look into. It is something that Mr. Williams talked to me about yesterday. He said that the Association is working on that, and that he will write me a letter within two weeks about a specific proposal.

"Yes, there's a problem of timber rights and so on. It's quite a complex problem because the question of timber rights does not fall under my jurisdiction. The timber rights are always given by the provincial government. I don't want to tell you that I have no interest in that. I have an interest in it, and I know that perhaps we should put more pressure on that. I think that what we have to do is help the Indians to get the training. Your reference to the problem of seniority, and that sort of thing, in terms of employment- it's always a very difficult problem that we face everywhere. For example, in the north in the new mining contracts that we're giving; when we permit mining industries to start new operations; we have put in the Yukon in two of three instances clauses to force the industry to hire the Indian people. Unfortunately, I am not satisfied with the operation of them. One of the problem is this- sometimes the contractors or the operators are booked in with union contracts and often the native people are not members of these unions, and it creates difficulties. We try to push the industry into that position, to force them to hire native people, because I believe strongly that in these northern areas the best people you can get as employees are the native people because it's their nature. We try to develop policies and put them into contracts - whenever we have the private sector develop any new resources -to hire Indian and Eskimo people because I know that in the north one of the problems to be faced is the turnover in employment. If you train the native people for that kind of employment, I do think you will have a very stable labor force. But in terms of implementation, of what I term a good idea, is sometimes quite difficult and I'm worried about it and I would like to press even more for that. It's what happened in the oil industry in the Northwest Territories. We forced them to train Eskimos in order to get these people to work. I think we have to relate much more closely to the education of the native people the resources and the kind of development that can happen in their own region.

"For example, here in the north of B. C. you have a lot of wood and lumber and industry and so on, and we should always keep that in mind for the training program in order to give the skill to the Indians to be members of the labor force on a competitive basis. I don't know if we should not try to get, perhaps, a special treatment in terms of employment, for parts of the Indian community, I think that it is not only the responsibility of the government, I think that it is the responsibility, too of the private sector to help the government to permit the Indian to integrate in the society in terms of employment. I do not think that it is that easy; but it should be together public sector, private sector and so on.

"I just want to touch another subject: One of the problems that Mr. Gosnell and others raised is credit for Indian business. It is something that I'm very much concerned about. Over the last 2 or 3 months we have had some progress in that direction. You know we develop a program in order to help the Indian fishermen. I don't know if it will work well, but we will try to see that this program is going well; and I am very glad that one of yours is a member of that board. But, in terms of the Indian community, we have changed two important laws that will affect credit for the Indians-that is in terms of farming. This is not the problem here, but just to show to you the kind of thinking we are having-we have changed, for example, the Farm Credit Act. We changed it because before the Indians could not apply to get a loan from the Farm Credit Corporation; now, through an amendment that we passed in the House of Commons two or three months ago,

(and I am happy that one of the best promoters of that was Len Marchand and he is a member for Kamloops) will permit the Indians to go to the Corporation and borrow money the same way that many other farmers do. I think it's very important to permit the Indian to have access to the same money market as the others, but because of the structure of your community, it's very much more difficult, because you can not mortgage your land, and in terms of farming it was a very important factor. Now we have found a formula. Rather than mortgage the land, I guarantee the loan as the Minister. I think we should try to develop methods that will put you in exactly the same position to get money; and it will need some drastic changes in the law. We will do the same for the Farm Machinery Loans Act—we are doing the same thing to permit the Indian farmers to have access to the same money market as the other farmers.

"I think that in many other sectors we have to move in terms of establishing a fund for the Indians so that he may draw money from the fund if he wants to start a business and so on. I have nothing new to report other than it is still one of the top priorities in the government and I am pushing that as quickly as possible. You know, in terms of administration, there is a lot of thinking to do in terms of mechanism; but I am pushing my people to produce as quickly as possible something new in that direction. That is all the comments I can make up to now. Later I may have more."

Co-chairman H. Amos reminded the observers that they are free to add their comments if they so wished.

Co-chairman W. McKay suggested that the conference should go on record as asking the Minister to speed up the economic development program. He referred to the circular of October 4. He advised that it was difficult to obtain funds under the revolving fund. He also noted that tourism in the area was now a multi-million dollar industry in which the Indian could become involved with some financing. He also suggested developing native hunting guides. He suggested that the problem of the fisheries would always be before them and thought the economic development program was the answer. However, he noted that the administration of almost all government programs was slow and tied up in red tape. He suggested the Minister should make special provisions in this respect.

Mr. Larry Guno suggested that the closure of the canneries was an economic development with which the Indian must live. He added that conditions had been worsening over the years and that both the government and the Indian fishermen should accept some responsibility for allowing the critical stage to be reached before seeking a solution. He advised that there were now upgrading courses in fishing in order to diversify; thereby utilizing the equipment to the fullest extent. He agreed that private industry, labor and other organizations, should become involved in the problem, and not just the government. He believed that the closure was an example of the economic condition and technology of today where the Indians will bear the brunt of it.

Co-chairman H. Amos agreed that the solution lay with the Indian people working with the governments.

Mr. H. Maitland noted that the problem of the fishing canneries did not affect his area to a large extent because of employment with Alcan. However, he advised that some people were involved. He believed that the consultation meetings started with the word paternalism but had now progressed

to independence, with the government being requested primarily to help get them started. He agreed with the idea of co-operatives and local Indian businesses with the necessary repayable loans. He also believed they had men and women with sufficient knowledge to operate such businesses, but he was opposed to paternalism. He noted that he was in a competitive business in Kitimat and there was nothing to stop the people from getting into such businesses if they had the desire and the necessary financing. He noted that the Branch staff were working for them, paid by their income tax, and should be used. He suggested that the government was responsible for the fishing situation in part because they permit fishermen from other countries in the area.

Mr. J. Gosnell noted that the Indians had previously requested the establishment of an economic development fund, but that the government had not yet done so. He moved, seconded by Mr. H. Maitland: "That the government take immediate action towards accelerating the proposed economic development program".

He further noted that the fishing industries, as far as the natives are concerned, should be considered an area of special concern.

Mr. Willis Morgan believed that the economic development should extend beyond the reserves. He also noted that development in the community, ie a sawmill, generates further business development.

Mr. Ed Newman spoke in support of the motion noting that his community depended entirely upon the fishing industry. He advised that the problem was now, and action was needed now.

Mr. Bert McKay (an observer from New Aiyansh) noted that the Minister had stressed the promotion and encouragement of the Indian heritage. He was of the opinion that fishing was part of this heritage, as the coast people have been sea farers,—dependent upon the resources of the sea from time immemorial. They had proven their heritage in the history of salmon fishing. He also noted that during the war it was the Indian fishermen who had taken up the slack and helped to continue the industry. From the money so earned, they had paid enormous sums in income tax for which there had been little return; and, up until recently, no help for the Indian fishermen to better his status to help him compete in this industry. He agreed with the preservation of the Indian heritage, and thought that assistance should therefore be given in the field of salmon fishing in this critical time. He agreed with the establishment of fishing co-operatives which would help to preserve this heritage.

Co-chairman B. McKay, upon a show of hands, declared the motion carried.

Co-chairman H. Amos noting that time was a factor, enquired as to other problems that the delegates may wish to discuss with the Minister.

Mr. J. Gosnell (New Aiyansh) advised that he had recently heard of a possible increase in the interest rate on the 4 1/2 million dollar assistance program from 5% to 7 1/2%. Most Indian organizations had gone on record as opposing any increase. He added that this was the first time that the government had assisted the fishing industry in general. He gave

as an example, the subsidization and disposal of the California sardine fleet without giving the Indian an opportunity to participate. He also noted that other financial assistance had been given without provision for the Indian fishermen and only lately had they included the Indian. He requested special consideration for the Indian fishermen who did not have the same opportunity to participate in the earlier lower rates and programs-- in the effect, retroactive. He suggested that if an increase was necessary that it should not apply to Indian loans. He believed the meeting should go on record as opposing any increase in the interest rate in this program. He made a motion to that effect.

Hon. J. Chretien, at the request of co-chairman Amos for a comment, referred to delegates to the suggestion for the economic development fund on page 18 of the booklet, "Choosing A Path". It is stated there that the government proposes to include in the new Act, provision for a development fund to make it easier for Indian Bands to find capital for worthwhile developments. In respect to the question of interest rates, he advised that he was not aware, personally, of any change and this was the first time he had heard of it. He noted, however, that the question of interest rate is always a difficult one in such programs. He noted that the government itself borrows money at a higher rate than 5%; although, by so saying, he did not intend that the rate to Indians should necessarily be higher than that. He thanked the delegates for their views on the matter.

Co-chairman McKay believed that what was necessary, was to speed up the proposed program for economic development.

Hon. J. Chrétien agreed that this was a possibility.

At the request of Co-chairman Amos, the secretary read the motion as moved by Mr. Gosnell and seconded by Mr. Ed Newman:

"That we oppose the proposed 2 1/2% increase in interest rate on loans, and demand that the present rate of 5% be maintained".

Co-chairman McKay, upon a show of hands, declared the motion carried.

Co-chairman Amos declared a recess at this time.

Co-Chairman Amos called on Mr. William McKay for comments.

Mr. William McKay asked when the second volume of the Hawthorn report will be available, and what has happened regarding the tax study on taxes paid by B.C. Indians.

The Honourable Jean Chrétien replied that the second volume of the Hawthorn report is at the printer's, being printed in two official languages. It should be ready before very long and Mr. Chrétien will table it without delay.

As regards the Fields - Stanbury tax report, Mr. Chrétien said he had answered a question on this in the House of Commons. He had indicated that the report has been analyzed and that there were two problems. One is that the study contains reference to specific individuals, and in the field of taxation in this country there is an accepted principle that the personal tax situation of anyone is of the utmost confidential nature. He said the other aspect was that he did not think the report has answered the questions the Department has asked, and it is now being studied to decide if authority should be given to this firm or someone else to obtain more details. He had the impression that the report did not go far enough, and may not give the right picture. He was studying the situation further, but unfortunately could not be more specific at this time.

Mr. Chrétien said he wanted to repeat what he had said previously in many places and also at the federal - provincial conference on welfare: That some people think the Indians do not pay taxes but the fact is that they do pay most of the taxes - all the provincial direct taxes, for example - gasoline taxes and taxes in the stores. Mr. Chrétien has pointed out to the provincial ministers of welfare that the Indians are quite aware that they pay taxes to both the federal and provincial governments, and they want to know where they stand on it.

Mr. Chrétien continued by saying that most of the services Indians receive are coming from the Federal Government, and he thought the provincial governments should take on more responsibilities. He was ready to face his own responsibilities, but, as he had said many times, the Indians are citizens of the province as well as of the country, and they should be considered as such. The implications of this are broad, and he hoped he would have an opportunity to discuss all these aspects of Indian affairs with the provinces soon. There had been some discussion about the possibility of a federal-provincial conference, and this was being studied. Mr. Chrétien said that when a decision is reached, there would be a public announcement. The last such conference was in 1964, and he thought personally that it was about time, in 1969, to have another one.

Co-Chairman McKay thanked the Minister and said that that was why he had raised the question - because the general public was not aware of the taxes the Indian is paying. When the press releases were made of the early part of the session today, where the delegates requested more assistance for an increased development programme, he thought the general public would say that the Indian was asking for a handout again. He asked the Minister why

a summary of the tax report could not be made, with reference to individuals deleted. This report would help to educate the general public. The Indians were getting tired of having non-Indians say that they don't pay taxes.

The Minister replied that he had made this point. He was aware of it, and made the provincial ministers aware of it also. But there are two features of the tax report that create problems, he said. One is the reference to some individuals and the other is that perhaps the report does not cover all the aspects. His officials were looking into this. Perhaps it would be possible to release part of the report in order to say what we can about it. It is difficult to publish part of a report because people may be critical of this, and will say "the whole thing or nothing". This was one of the problems he faced. He told Mr. McKay he had taken note of his representations.

Co-Chairman Amos called for any further questions before proceeding with Question 20.

Mr. Fred Kelly asked the Minister a question in connection with the closing down of fish canneries. This was going to directly affect three areas - Bella Bella, Klemtu and Bella Coola. If the situation came about this year that they were facing economic disaster, would the Government be able to declare this a disaster area?

Honourable Jean Chrétien replied that if such a situation arose and there was no other activity, the Government would have no choice but to take some drastic action. It would be necessary to look into the situation of the people and try to give them training or find an alternative, because the Government would not let the people starve. However, he could not say right now what course they would follow. He was now aware of this unfortunate situation. As this was perhaps the last discussion today of this problem, he wanted to say that he had been impressed by the fact that the people had been concrete about suggesting alternatives. The Department will do its homework too. He said that when he saw in the community such a will to solve a problem, he wanted to congratulate the people for this. He thought this was encouraging for the future. If the processing plants closed down, and there was nothing else, the Government would find an alternative solution, either through training, or perhaps be obliged to invite the people to move to a place where there is employment, but the Government would be there to assist the people to solve their own problems.

Co-Chairman McKay then asked when the Indian Claims Commission bill would be introduced.

Hon. Jean Chrétien said this was one of the current problems. The Government had been ready to introduce a bill in the fall. Then some new problems came to public attention, and he received some new ideas and he was looking into the advisability of changing the proposal that he had in mind in the fall. He hoped to proceed soon with the bill, but any change that may be made will not delay the process, as the timetable of the House of Commons would not in any event permit the bill to be dealt with for some weeks or

months. He hoped it will be ready in a matter of weeks.

Co-Chairman Amos touched on the matter of people being ready to try to solve their own problems. He wanted to keep the coming problems fresh in the minds of the Government. It was his personal feeling that when the canneries close, the various band councils in the area should make an effort with the people's support to deal with the matter. It's hard to leave your own village, but not as hard as it used to be. People are educated now, and it seems to be a waste of effort if they go back to the reserve and have nothing to do. They seem to rely on the fishing industry, even though they are equipped for something else.

Mr. Amos said he thought that, although fishing was in the blood, a person should not sit back if he lost his fishing job and wait for someone to find him a new job. He should pursue something else and after grade 12 you are fitted for employment other than fishing. This was his own feeling.

Mr. Amos repeated that people had been given ample time to bring up their problems, and could not say they had been railroaded away from the subject they wanted to discuss. He would give them one more chance.

Mr. Chester Moore said he had a problem about bidding. Indians on his reserve started their own logging company. So far they have been proving themselves and have in mind a permanent company that would operate all the year around and give training. They asked the B.C. Forest Service for a timber licence, but all sections are already taken by outside contractors. Before the timber licences run out, in two years, they are put up for auction, and the highest bidder takes over. So the Indians are left out of their valley and have no place to go. He was wondering if the Indians could be granted a timber licence so they could do logging themselves. He noticed on the scales he received recently that two "cats" with two Indian skidders averaged 144 C units a day which is far better than the companies can do.

Hon. Jean Chrétien asked if the Indians have the right to bid on the timber licences, which are issued by the provincial government.

Mr. Moore replied that they have the right, but they are not aware of when the licences are available.

Mr. William McKay said the bids are open. The problem is financial.

Mr. Moore said they were not notified of licences being available.

Mr. McKay noted that they were advertised in the papers, with thirty days' notice given. His people faced the same problem as Mr. Moore's. They could not compete with a big logging company for a timber claim. He agreed with Mr. Moore.

Hon. Jean Chrétien asked what the problem is, if they wanted to bid.

Mr. McKay replied that the timber claim is put out for a public bid. They quote a certain price. A small Indian company starting up has no chance for competitive bidding.

Hon. Jean Chrétien: "Why no chance? Because they have no money?"

Mr. McKay replied that they could not obtain a revolving fund loan because it was considered to be a poor risk.

Hon. Jean Chrétien: "The problem then is on the financing, not on the ability to do the job?"

Mr. McKay said they had the ability. Mr. Moore had stated the situation, and he thought the Superintendent would back him up.

Mr. Willis Morgan, of the Kitwanga Band, said that in his community, timber sales were put up for bidding. A person has an annual quota which he must not exceed. This quota is at stake when a timber sale is put up. If anybody bids on it, he outbids everybody to protect his quota. It's not really the financing that would solve it.

Mr. Morgan also said that the provincial system of disposing of timber licences creates friction. If you know a man's quota is at stake, you don't bid against him, because he in turn on another occasion might bid against you and boost your stumpage so high that you can't work on the timber sale. What is needed, he felt, was to be given a quota to apply for timber sales. Indians should be given a quota so that others can't bid against them.

There's a gentlemen's agreement all over B.C. - nobody bids against these others. That's a known fact, Mr. Morgan said. On Vancouver Island, there's one outfit that bids against the others but he sells the timber after he bids on it - he doesn't handle the timber himself. It's practically impossible for anybody to get the timber around here.

Co-Chairman McKay said he knew of a company recently that had to pay \$38,000 as a deposit on a timber claim. That's why he had said there's a financial problem involved.

Hon. Jean Chrétien said that Mr. Moore had explained his own operation to him at noon. Mr. Chrétien thought that what they were doing right now was very good, because they were working on the reserve and his own people were getting the skills. When there is no more wood on the reserve, Mr. Moore was concerned about what they would do. Mr. Chrétien said the people would have the skills, and the problem would be one of financing. The economic development fund might fit in with this situation.

Mr. Chrétien said he realized many Indians did not have access to financing that the private sector could get. This made it difficult for many Indians to start a business of any kind. The rules would have to be changed. A private citizen could mortgage his house to raise money but an Indian could not. Something would have to be done, and this might involve a big change. He was now aware of the problem.

Mr. Howard Wale said he had three problems which seemed to involve the land tax legislation. He felt there was a certain amount of discrimination in this legislation.

Several years ago his council paid \$7,500 to the municipality of Hazelton for the privilege of hooking up to their sewer system. But Indian individuals were then told they could not hook up because they were not land tax payers.

Indians pay taxes. He had to pay \$1,000 income tax for eight weeks' fishing. Yet because they were not land tax payers, he was told the Indians could have no voice in the Hazelton school board, although fifty per cent of the students are Indians.

Because of the land tax situation, Indians do not have the same privileges with regard to social welfare assistance on reserves as do non-Indians off the reserves. He himself had never accepted social welfare. He had taught himself to paint signs and carve miniature totem poles.

Hon. Jean Chrétien stated the provincial act had been changed this year to permit Indians to sit on school boards, so probably the situation will be different now. He did not understand why the Indians were not permitted to hook up to the sewer system after the council paid the \$7,500 fee. Why did they pay it for nothing?

Mr. Wale felt there was a personal angle involved, pertaining to his brother and sister-in-law. He felt that a clause found in the municipal act which presented the hook-up could have been overlooked.

Co-Chairman Amos noted that next year the Kitimaat Band, for example, will have representation on the school board in Kitimat.

Mr. Ken Harris, of Prince Rupert, from the floor, said he would like to mention farming, as he would be absent when section 70 of the Act is under review. He had done a little survey himself at the Experimental Farm at Smithers which was to be closed down. He wrote to the Minister of Agriculture and received a reply from his assistant, Blair Williams, concerning the Minister's authority to operate farms on reserves under section 70 of the Indian Act. Mr. Harris thought the idle farm should be used to train Indians in farming.

Hon. Mr. Chrétien said he would look into this problem.

Co-Chairman Amos at this stage drew the attention of the delegates to Question 20 in the handbook "Choosing a Path". Co-Chairman McKay pointed out that there was a good deal of information to consider on this Question, as outlined on page 31 of the loose-leaf background notes.

Co-Chairman Amos then read the section on page 31 of the background notes, concerning Management of Reserve Lands, which reads as follows:

"Question 12, 19, 20, 21, 25, 26 and 34 all seek answers to problems concerned with the management of reserve lands.

"Historically, the general management of reserve lands has been undertaken by the Minister responsible for Indian affairs. The management has been controlled in some degree by the wishes of the bands. For example, a surrender by the band is required before the Minister may sell reserve land. Band councils have been given some limited authority in land matters but in practice the real management authority has been retained by the Minister.

"There has been increasing criticism of this fact. Many Indians believe that they are quite capable of managing their own affairs and feel that they should be given the legal authority to do so. The government also believes that the situation should be changed and that bands that wish to do so should be able to take on increased authority.

"To achieve this result there would have to be changes in the Indian Act. The question is what changes in respect to what matters. It may help the Indian people to express their views on this if management of reserve lands is considered under a number of topics such as (a) sale of reserve land, (b) leasing of reserve land, (c) community aspects of land management, (d) disposal of miscellaneous reserve resources."

Mr. Fairholm said that Question 20 might be regarded as covering one of the community aspects of land management, in that what is being asked is whether the Minister should have full authority, which the Act now permits under Section 19, to order surveys on reserves, the subdivision of reserve lands and the determination of the location of roads. At present the Minister has that authority, although in actual practice the authority is exercised at the request of the band council. Nevertheless this is the way the law now reads. He said the question was whether the band council itself should have the authority to determine these things, rather than have the law provide that the Minister should have the authority.

Mr. Heber Maitland, Kitimaat Band, said that if Indians are going to manage their own destiny, he thought that where a band had the necessary money and land, the decision on surveys and the other land matters should rest with the council if they so desire, but this should not be compulsory.

Co-Chairman McKay asked Mr. Fairholm who pays for survey work and subdividing at present.

Mr. Fairholm replied that the outer boundary surveys are paid by the Department, and the Surveyor General of Canada is responsible for carrying them out. Some of the internal ones, where they benefit an individual, are supported by the individual or by the band or by sharing the cost.

Mr. Boys added that in B.C. a lot of the internal surveys are done by the Surveyor General without cost to the band - subdivision surveys and individual land holding surveys.

Mr. Willis Morgan stated that, after hearing Mr. Fairholm, it appeared the band councils had no authority whatever, and he wondered if this understanding was correct. He believed all surveys should be left to the band councils.

If this is left to the superintendent, he may sometimes be generous with the price settlement. While making the survey, he also surveys access roads and provincial roads and these are automatically gazetted. He thought some ministers in the past had been pretty generous in turning over reserve land to others.

Co-Chairman Amos said the few speakers so far seemed to agree that the meeting should say "yes" to this item. He said that Questions 20, 21, 25, 26 and 34 seemed to seek the same answer, but that it was up to the meeting to decide what to do. He thought personally that they should deal with Question 20 and then continue with the others item by item. If delegates wished a "yes" answer, it has to be put to a motion, for the record.

Mr. Fred Kelly, Prince Rupert, asked whether, if a band council takes over the authority, it pays for a survey out of its own funds.

Mr. Fairholm said the answer he had given in other cases was that the Department did not foresee any change in the division of payment - the Department would pay for surveys of outer boundaries but where an individual stood to profit by an internal survey, the individual might put up some or all of the money.

Mr. Gosnell commented that he understood Mr. Fairholm was saying that the Department would pay for the survey if it benefitted the band as a whole.

Mr. Fairholm said that this was substantially it, where the Surveyor General is called in. The Department has been sending him every year priority lists for survey work - more than he can handle with his staff.

Mr. Gosnell said he was interested to know where his posts were. The only way to do would be to re-survey.

Mr. Boys said the point is that the reserves are Crown land and the Surveyor General has a responsibility for the definition of the boundaries of Crown land. Boundary surveys would continue to be his responsibility.

Mr. Larry Guno pointed out that in dealing with this and succeeding sections, there was a very fundamental question. If the delegates answer in the affirmative, they must remember that the bands are accepting the responsibility and must also accept the risks. He thought if they accepted the management of reserve land they must also accept the costs.

Mr. Chester Moore moved, seconded by Mr. Howard Wale, that answer to Question 20 be "yes". Motion carried.

Mr. Fairholm asked, if, before moving to Question 21, he might interject a comment. There was a question that was not asked, and it comes into the community aspects. It is in the notes having to do with Section 34 of the Indian Act, relating to roads and bridges on reserves which enables the superintendent to give instructions to a band with respect to maintaining roads, bridges, fences, etc. He said he didn't know of any superintendents

that give this kind of instruction today, but the fact remains that this provision is in the Act. He had been raising this at some of the meetings, as to whether it should be deleted entirely from a new Indian Act, and leave the authority to the band council.

Mr. Fairholm read sub-sections (1) and (2) of Section 34. He didn't think this Section was being used today, but the fact is that this is in the law and it had been proposed that this come out entirely.

Co-Chairman Amos asked if they were ready to proceed with Question 21, but Mr. Gosnell expressed the view that they would have to deal first with Section 34, since it tied in with Question 20.

Co-Chairman Amos asked the meeting for guidance.

Mr. Heber Maitland moved they go through the Questions item by item, to avoid getting mixed up.

Mr. Fairholm said he believed he was the guilty party in introducing a question that wasn't asked in the handbook. He said there should have been another Question in the handbook.

Mr. Maitland's motion was seconded by Mr. Willis Morgan.

Mr. Ken Harris, from the floor, asked Mr. Fairholm if this Section 34 item would come up anywhere else in the "Choosing a Path" handbook.

Mr. Fairholm said that it would not, and that its omission from the Questions was apparently an oversight.

Mr. Gosnell said that if the delegates were to abide by the motion, then they must deal with this Section now.

Mr. Alvin McKay noted it should be listed under Question 20 - it was not really a Section by itself.

Mr. Gosnell pointed out that they were not referring to Question 34 in the "Choosing a Path", but to Section 34 in the Indian Act. The delegates would have three books in front of them - the old Act, the handbook, and the looseleaf section. If they were going to abide by the motion, they would have to deal with Section 34 of the Act, which ties in with Question 20. He asked if Mr. Maitland intended that Section 34 be dealt with now, or later on.

Co-Chairman Amos said there was a motion on the floor, which had been seconded.

Mr. Fred Kelly said Section 34 of the Act was directly involved in Question 20, and he wondered why it could not be discussed now.

Co-Chairman McKay said that some were referring to Question 34 of "Choosing a Path", but they should be dealing with Section 34 of the Indian Act which ties in with Question 20.

Mr. Heber Maitland asked if he was to understand that Section 34 of the Act should be repealed.

Mr. Fairholm, in reply, said he was not suggesting it should be repealed or retained. He had considered it his duty to bring up this matter, because of the way Section 34 of the Act is now written. It confers on the superintendent the authority to say how the roads shall be maintained, and when the band does not follow the instructions of the superintendent, the Minister may take money of the band or the individual and apply it to the maintenance of the roads. Some suggested that that kind of authority should rest with the band council, rather than with the superintendent or the Minister.

Mr. Heber Maitland said that in the opening part of the discussion on Question 20, he stated he was affirmative to this, providing each council knew what money they were governing. He said some villages had no money, timber or land, so it should be left to the discretion of the councils to determine if they have the money to handle their own business.

Co-Chairman Amos reminded the meeting that they had a motion before them, which had been seconded.

Mr. Gosnell questioned how many councils were aware that they could include this in their budget.

The Secretary re-read the motion.

In response to a question by Mr. Guno, Mr. Maitland said he was affirmative to accepting the authority of the council.

Mr. Boys asked if it would help to write in as an addition to Question 20 - "Do you agree that Section 34 of the Indian Act should be repealed?"

The question was called. The motion carried, to go through the Questions item by item.

Co-Chairman Amos said the meeting should now proceed with the question which was not included in the handbook. At his request, the Secretary read a statement to the effect that Section 34 of the Act, dealing with maintenance of roads, bridges, etc., should be deleted and the Band Council be then given full responsibility to determine such matters.

Co-Chairman Amos indicated that if this were inserted in the list of questions, the answer to Question 20 would be "Yes".

Mr. Vernon Milton endorsed the suggestion. He moved, seconded by

Mr. Alvin McKay, that Section 34 of the Indian Act be deleted.

The motion was carried, with one abstention.

Co-Chairman Amos then read Question 21, and also the discussion notes on this Question.

Mr. Howard Wale asked for an example of any farm being operated under the relevant Section, Section 70 of the Indian Act.

Mr. Fairholm said he was not aware of any farm having been operated by the Government on this basis. He believed it was 25 years since the last farm was operated by the Department - there are a few Band farms, operated as community farms by Band Councils.

Mr. Boys said there hadn't been any such farms in B.C. since before the last war.

Mr. Ken Harris, Prince Rupert, asked if there were any reserve lands now being leased out for this purpose.

Mr. Boys answered that there were many tracts of reserve land leased out for farming in B.C. and also a considerable number of areas of land operated profitably by Bands themselves as farms - particularly cattleraising; an operation raising grapes for a winery in the Okanagan; raising field crops. He said the Minister and the Government are not involved, except that they have made loans in some cases.

Mr. Willis Morgan said the delegates had released the Department from looking after bridges and roads, and were relieving them from the burden of operating farms. He felt the meeting should take the opportunity to make a motion to encourage farming on reserves in B.C. - by granting machinery and cattle to reserves - so that vacant land could be used.

Mr. Chester Moore supported this suggestion.

Mr. Boys pointed out that the Government does stimulate agriculture on reserves, and contributes a good deal of money annually in both grants and loans. There are Government - owned herds of rotating herds of cattle that are loaned to individuals to enable them to develop a herd for themselves. He said a good deal of money from the Government also went into clearing and breaking of new lands, the provision of seed, and irrigation, through this Department and also through the ARDA organization under the Department of Forestry. He thought the suggestion here was not that the Government should take on these responsibilities, but that Indian people should take on responsibility for managing their reserves.

Mr. Moore said that in that case, he moved that the Minister's authority to operate farms should be repealed. The motion was seconded by Mr. Fred Kelly, and was declared carried.

Co-Chairman Amos read Question 22. Mr. Chester Moore said that he had talked at the Smiths Falls Human Development course to Indians from the Prairies, and they wanted this Section 32, repealed. He moved it be repealed, seconded by Mr. Ed. Newman.

Mr. Heber Maitland said he thought the meeting could only agree to support whatever the Prairie Indians wished to do.

Co-Chairman McKay thought the need for a permit to sell might relate to loans outstanding with the persons concerned.

Mr. Fairholm said that a permit was required by law, under this Section, whether or not a loan was outstanding. This requirement goes back many years.

Mr. Chester Moore said his people had the same problem with timber they could not cut timber without a permit. He thought Section 32 should be repealed.

Ed. Newman agreed it should be repealed. This was discrimination.

Co-Chairman agreed it constituted discrimination. The question was put, and the motion carried.

Co-Chairman Amos read a note that the Masset and Skidegate delegates were still en route.

Co-Chairman Amos read Question 23.

Mr. Heber Maitland said he thought the appointment of Superintendents as Justices of the Peace was a practice followed when villages were isolated. Nowadays there is access to all villages. He moved the applicable section be repealed. The motion was seconded by Mr. Fred Kelly.

Mr. Willis Morgan suggested it was not easy to get a Justice of the Peace sometimes, and it was desirable to have the Superintendent act in that capacity.

Mr. Ed. Newman said Indians could act as Justices of the Peace, rather than the Superintendent.

Mr. Fred Kelly indicated that if the section were deleted, the Band Council could still take action to have a Justice of the Peace appointed.

Mr. Maitland agreed that he would like to see Indians acting as Justices of the Peace, rather than the Superintendent, and this was partly why he wanted the section repealed.

The question was called by Co-Chairman McKay, and the motion carried.

Co-Chairman Amos said he supposed there would be no argument against repeal of the liquor sections of the Act, but he would like any comments.

Mr. Gosnell moved the relevant sections be repealed.

Co-Chairman McKay asked what was the situation in the other provinces.

Mr. Fairholm replied that, in all the provinces, it is now legal to drink off the reserves. He said he was not going to comment on British Columbia, where there was a special situation, but there have been referendums held elsewhere on a number of reserves, making it possible to bring liquor home to the reserve. More and more, they have the right across the country.

Mr. Maitland recalled that when a delegation in B.C. went after liquor rights the spokesman was a United Church clergyman. The Provincial Minister was the Minister of Mines, Mr. Kenney. He said that Indian people were not ready for liquor. Dr. Kelly replied, "Who is ready for liquor?" Dr. Kelly continued that there is only one thing the liquor does, and that's what it's made for. But Mr. Kenney said he couldn't say who is ready for it. Mr. Maitland indicated the treatment of Indians with regard to liquor was discriminatory. In Europe, where people can have it, the glamour is gone. In this country the people who make it want to make money.

Motion in favour of Question 24, was made by Mr. James Gosnell, seconded by Mr. Maitland, and was carried.

Co-Chairman Amos said time had run out. He thanked the Minister for the pleasure of consulting with him.

Hon. Mr. Chrétien was given a standing vote of thanks. He thanked the delegates for this. He had been impressed by the quality of the discussion. It was useful for him and he hoped to visit Terrace again. He wished them good luck. He also thanked them on behalf of his two colleagues from the House of Commons and on behalf of the Department officials.

Co-Chairman Amos said the meeting would reconvene at 7:30 p.m.

The meeting convened at 7:45 p.m. and Mr. Amos, the Co-Chairman then read Question No. 25.

Mr. Fairholm gave an explanation of the question by saying that the Minister, at present, was the only one who could enter into a legal lease on reserve land where it was held by individuals with a Certificate of Possession, or where it was Band or common land held by the Band itself. He said that the authority to lease at present was set out in Section 53 and Section 58 (3). He stated that it was suggested that rather than have the Minister lease land on behalf of the Band, Band Councils themselves would enter into agreements, negotiate the terms of the leases and execute the lease documents in the name of the Band. He mentioned that this would require a change in legislation since it was also a question of the length of term for leases - anywhere up to twenty years etc. He pointed out there could be various kinds of leases for various purposes and that some could be for very long terms.

Mr. Willis Morgan suggested that before they began to discuss leases in British Columbia, some clarification should be given as to the surrender of land. He said in British Columbia at the end of a five-year period, leased lands became provincial lands by virtue of a Supreme Court ruling.

Mr. Fairholm said that probably what Mr. Morgan referred to was the Kirke Smith judgement in a case involving the Semiahmoo reserve just south of Vancouver. The court held that the land that had been surrendered for leasing, was no longer to be considered part of the reserve for the duration of the lease, insofar as the application of zoning by-laws were concerned. When the land was not used by the Indian people themselves and leased out they temporarily gave up rights to it, but at the end of the lease it would be again under the control of the Band.

Mr. Fairholm said that there had been cases of reserve land leased to non-Indian people for agricultural purposes etc., and later used by members of the Band at the expiration of the lease itself. He pointed out that there had been suggestions that for leasing purposes it should not be necessary to surrender land. He mentioned that an individual's parcel of land on the reserve did not have to be surrendered, however, for leasing.

Mr. William McKay asked if the provincial courts might rule otherwise.

Mr. Fairholm suggested that this could not be predicted since the courts often could give a different interpretation to the law after a few years, than one might think today.

Mr. Chester Moore wondered what difference it would make if a rental were established on permits, instead of using short term leases.

Mr. Fairholm said that a lease was usually a more secure way, since it covered a specific period of time conveying rights to the lessee and lessor for a certain period of time to carry out certain things.

Mr. Boys suggested that many of the leases and requirements for reserve land usually involved some development that entailed a considerable investment. Some lessees wishing to invest perhaps several millions of dollars would demand some legal apparatus to ensure their investment. In referring to the case mentioned by Mr. Morgan he said that the delegates might be interested to know why the matter ever came into the courts in the first place. A person had applied for a lease on part of the Semiahmoo Reserve for a development, and the reserve happened to be in the middle of a large rural municipality. The rural municipality had certain zoning regulations and the proposed lessee wanted to use the land on the reserve in a way which was in conflict with the use the municipality saw for the land around it. The issue was whether the municipality had the right to apply by-laws on the leased land, and the court ruled that the by-laws of the municipality did apply to the piece of surrendered reserve land for the period of the lease. The land surrendered had to be regarded in effect, as non-reserve land. It was a question of who had the authority to apply zoning for the period of the lease. It was not a question of the loss of land to the Indian people however.

Mr. William McKay said that the key phrase was, "annual rental paid for the land" and Mr. Fairholm said that for such annual rental they had to give up the use of the land for a certain period of time.

Mr. William McKay asked what the term "surrender" meant.

Mr. Fairholm said that it meant to give up, to yield up land and the Indian people's right to use it for a certain period of time. He said that a surrender document for leasing could be made conditional; ie for ten years at \$100.00 an acre. One did not surrender the rental, however.

Mr. Boys said the Band Council did not have the right to dispose of Band lands on behalf of the Band, nor could they enter into a contract because they were not a legal entity. The Minister had to, therefore, enter into the lease but on the terms that the Band would suggest. The surrender was a document that gave the Minister the right to enter into a lease and make use of the land on behalf of the Band.

Mr. McKay said that he would agree with Question 25.

Mr. Heber Maitland said that he had some experience in leasing and wished to warn the delegates that with regard to long term leases the reserve property increased in value each year as the municipality approached the boundaries of the reserve. He said that on several 99 year leases, the Band had failed to consider the increased land values over the period of years or the increase in cost of living etc. Mr. Maitland suggested that short term leases were, therefore, necessary so that negotiations could be reopened at various periods.

Mr. William McKay said that the Indian Affairs representative had mentioned that big businesses would not invest millions of dollars on short term leases. Perhaps there should be a clause, he said, on a short term lease where the rental arrangements could be reviewed every 5 years.

Mr. Boys said that such clauses were built into every lease completed at the present time, and that the rental review could be included in the surrender agreement.

Mr. McKay suggested that there should be someone who could forecast or appraise the land for the Band Council to tell them what the value of the land would be in the future.

Mr. Fairholm said that real estate appraisers were available and were usually willing to project land values for up to 40 to 50 years. He said that companies often did this projection before they entered contracts, and that probably the most important thing would be to ensure that a clause was included that allowed a review of rental paid during the term of a lease and a clause stating how often such a review would take place.

Mr. Amos suggested that the Band Councils should be able to do this. He then introduced Mr. Percy Williams of the Skidegate Band, the Band Manager John Williams and Robbie Collison. He also introduced Mr. Ed Jones of the Masset Band, Mr. Reg. Sampson of the Port Simpson Band and his alternate Arnold Sankey.

Mr. Percy Williams speaking on Question No. 25 suggested that most large companies would not enter into short term leases on account of the money involved. He felt that long term leases should be possible but they should be subject to review. He stated that the general feelings seemed to be that leasing should be for the benefit of the band concerned. He suggested inserting a phrase so that Indians working on surrendered land would not be subject to taxation. He wondered also why a band council was not a legal entity.

Mr. William McKay said that the new Act would enable bands to become legal entities.

Mr. Willis Morgan said that he was in favour of the band council executing short term leases of about 5 years. He noted that his band issued permits, - not leases. With regard to short term leases, he felt that they should be initiated by band councils and that band councils should protect individuals leasing their property as well. He said he was not in favour of the word "surrender" since the land had been given to them by the Queen and they did not want it to be taken away. The word "surrender" should not be used in any lease.

Mr. Harry Amos wondered if he had a Certificate of Possession for a piece of land on his reserve, whether he could lease it to an Indian or a non-Indian.

Mr. Fairholm said that lands held by an individual with a Certificate of Possession could be leased at present on behalf of the individual by the Minister and no surrender was required. This could take place without the consent of the band membership. He pointed out that there were 8,000 to 10,000 individual leases in the country executed by the Minister on behalf of individuals for such things as cottages, etc. This was done under Section 58 (3).

Mr. William McKay said that on South Vancouver Island many individuals were leasing land on reserves for gravel pits, marinas, hotels, etc. and that the band was only getting 10% of the revenue while the individual band member with a Certificate of Possession was getting 90%.

Mr. James Gosnell suggested that the main question before the delegates is simply how long the lease should last. He suggested that all band members were interested in making a profit and the interests of both the lessee and the lessor should be considered. He further supported the concept of short term leasing and said that perhaps even a 5 year lease was too long. He said he was interested in getting as much as he could out of his lease plan.

Mr. Gosnell moved, seconded by Mr. Chester Moore "that the Band Council be given authority to enter into short term leases and further requests that a maximum of 5 years be the term of lease".

Mr. Maitland suggested that short term leases at present could go up to 25 years.

Mr. Larry Guno said that a 5 year term was too short and that the council should determine for what use the land would be used and what risks were involved. He suggested that the delegates were assuming too much, and that they must be more flexible by leaving things to the discretion of the Band Council.

Mr. Heber Maitland agreed that it should be left to the discretion of the Band Council.

Mr. Guno said the delegates should have confidence in individuals and bands to enter into long term leases. He reiterated that more flexibility was required.

Mr. William McKay said that there were two parts to the leasing question: short term leases up to five years, and long term leases up to twenty-five years. Mr. McKay said that if a company wanted to lease for ten years they could do so for two terms of five years each.

Mr. Fred Kelly said that he objected to five year leases because some lessees might require two year leases and the lease might be virtually worthless in one year with the Band then being tied up with a white elephant. He questioned the arbitrary figure of five years. He pointed out that the Band should perhaps be able to lease land by determining their own time period.

Mr. Gosnell said that he meant up to a maximum of five years, and not five years as such.

Mr. Fred Kelly suggested that a Band should be able to lease for periods up to twenty-one years, subject to review and change as they saw fit.

Mr. Guno suggested that many companies had long term plans for land and they wouldn't be too enthusiastic about entering short term five year leases. He said that if such limitations were placed on a Band it would not leave the Band itself flexible enough to consider all possible lease uses. He pointed out that Band Councils were quite aware of the resources that they could call on such as persons who could conduct surveys. He felt they were capable of deciding the length of the leases themselves.

Mr. William McKay said that his Band had leased a road right-of-way for a ten year period. He pointed out that in two years, the lease would be completed and that at present they realized that the value of the land had greatly increased since the original lease. He suggested that if a company wished to lease land it had to be quite valuable. He stressed that the conference should not support big business.

Mr. Willis Morgan suggested discussion be limited on Question No. 25.

Mr. Alvin McKay speaking on No. 25 supported the motion and said if short term leases were set for a maximum of five years it would give the Band a stronger bargaining power. He said they had this experience on the Greenville Reserve with respect to road right-of-way.

Mr. Harry Amos, Co-Chairman said that if the meeting was bogged down or proceeded slowly on a subject, it was because it was important. He wished to stress this to the delegates.

Mr. Howard Wale said that the motion should include a review of short term leases every two years.

Mr. Guno said that he would like to clarify what he had said. He said that he was misinterpreted and that his sympathy did not lie with the big companies but felt that flexibility should be required in the selection of the lease time period. He thought that the five year maximum limit was too arbitrary.

Mr. William McKay said that they were only concerned with the Pacific North West and not the rest of Canada.

Mr. Newman suggested the delegates vote on the two parts of the motion.

Mr. Fred Kelly said he was not in favour of any large companies or enterprises, but he felt that the business community should be able to enter into leases with the Band Council for periods of five years or twenty-one years or any length of time.

Mr. Willis Morgan said that Question 25 really dealt with the problem of authority. He said there was a bit of confusion about short and long term leases. The Band Council often issued five year permits without a vote by the Band, but the motion on the floor involved the authority of the Band Council for negotiating leases only up to five years. He said there seemed to be some confusion in this regard. How much power should the Council have?

Mr. Heber Maitland said that any lease under twenty-one years was considered a short term lease and anything over twenty-one years was considered a long term lease. The Band Council should decide if they wanted a long or short term lease, then decide what the term would be and what the conditions should be. He said that he would like to leave it to the discretion of the Council as to whether they wished to enter into the long or short term leases.

Mr. Fairholm said that there were many kinds of leases. He suggested that it depended upon the purpose of the lease as to what kind it would be and what the term would be. He said that cottage leases usually were for ten or fifteen years. Many persons would not consider a lease unless they could have that kind of security, especially if they were investing five or ten thousand dollars in a cottage. Often, the leases were for ten plus ten, that is, a ten-year lease plus a ten-year renewal period. He said there were agricultural leases, usually lasting about seven years since it often took two years before harvesting of the first crop could take place. He suggested that residential sites near towns etc. on reserves were being leased for anywhere from thirty-five to fifty years. It all depended upon the particular use of the lease but many were within the five to ten year period. Often, he pointed out, one could build into a lease agreement, a review of the rental rate every few years as values increased. This was a matter of negotiation.

The motion being put to the delegates, it carried with fifteen for, three against and one abstention.

The Co-Chairman, Mr. Amos then read Question No. 26.

Mr. Heber Maitland said that he would not agree with the first part of Question No. 26 and that persons of voting age should have a voice or vote before anything was passed by the Band Council. He said yes to Part "B" of the question.

Mr. Willis Morgan speaking on long term leasing said that the Band Council or an individual could get away with long term leases since an individual could lease without a majority vote of the Band.

Mr. Fairholm confirmed that lands allotted to an individual could be leased without a vote of the Band members, however, leasing of all Band land now required a vote of the Band, except where it was leased for grazing or agricultural purposes. He said that any person who held a Certificate of Possession on land in the reserve could have it leased for any length of term, even up to 99 years.

Mr. Willis Morgan suggested that no lands should be leased for longer than five years without a vote by the Band and in this regard his answer to Part "A" was no and to Part "B" yes.

Mr. Heber Maitland moved "that 26A be no and that 26B be yes". It was seconded by Mr. James Gosnell.

There was then some discussion by Mr. William McKay and others whether the secretary should provide the correct wording for the motion, however, Mr. Maitland preferred to have the motion worded as he had stated it originally.

Mr. Red Sampson asked in what category the five to twenty-one year leases could be placed, and if they would be considered as long term leases.

Mr. Fairholm then asked for a point of clarification from the Chairman, and wondered if all leases over five years would, therefore, require a vote of the Band.

The Chairman replied that this was so.

Mr. Boys asked if this applied to individually owned land and Band land.

Mr. Rob Robinson suggested that a committee be set up to draft the motion in more suitable terms and present it the following day.

The meeting adjourned at 9:00 p.m. until 9:30 a.m. the following day.

Tuesday, January 28, 1969.

Co-chairman H. Amos called the meeting to order, and at his request Mr. Ed Jones offered a prayer in his native tongue.

Co-chairman H. Amos advised that the meeting was considering Question 26 of the booklet "Choosing A Path". He noted that at the adjournment of the previous session a motion was under discussion which motion was to be redrafted and presented this morning for further consideration.

Mr. H. Maitland at the request of the chairman, presented the redrafted motion as follows:

"That every lease of Indian land, whether individually owned or band owned, shall be subject to a vote of the band members where the proposed lease is for a term of more than five years."

Co-chairman H. Amos advised that the motion as reworded was moved by Mr. Maitland and seconded by Mr. J. Gosnell. In answer to a question of Mr. V. Milton, he advised that the proposal would include those lands held by a Certificate of Possession.

Mr. V. Milton was of the opinion that the entire community should not have a say in such cases, as in his opinion the individual should not have to ask for band approval. He opposed the motion.

Mr. Ben Bolton believed that a 21 year lease was too long. He thought that it should be subject to a review every five years and anything longer than that would require a vote.

Mr. Maitland noted that the motion was for more than five years; no other time limit.

Mr. Fairholm in answer to a question of Mr. Ed Newman, advised that at present the consent of the band or the council was not required when leasing individually held lands. He noted however, that such leases would be subject to any zoning or land use by-laws in effect.

Co-chairman H. Amos noted that the motion was made partly for this reason -- to prevent an individual from leasing his lands which could spoil the development program.

Mr. Fairholm in answer to a question of Mr. Gosnell, advised that Section 58 (3) of the current Act referred to individually held land. He read the section and explained it. He noted that to prevent undesirable development the band council had the right to pass zoning or land use by-laws with which any land within the community must comply. This may give the council the control they were desiring. In answer to a further question of Mr. Wale, respecting the

term "surrender", he noted that it had been used in the legislation for many years, although he was unaware of its origination. He advised that it had the meaning of yielding up or giving up. The use and benefit of common lands of the reserve, before they can be leased or sold to non-Indians, must be yielded up. In effect, no use of band lands is effective unless the band membership agrees to surrender or give up their right of use -- subject to the terms and conditions of the surrender. In answer to further questions of Mr. Wale, he agreed that leased land, for the duration of the lease, was not considered as reserve lands. Under these circumstances, he added, that it was entirely possible that an Indian working on such lands would be subject to income tax.

Mr. H. Wale suggested that in drafting long term leases, a condition should be included to the effect that the leased lands are still recognized as reserve lands, which would overcome the problem of taxation.

Mr. Fairholm gave as his personal opinion, that it would be preferable to amend the legislation so that leases could be entered into without a surrender.

Mr. Willis Morgan believed that the proposal was a touchy question as the motion could hurt a number of people. He thought that it may also affect the motion passed previously in respect to short term leases. He thought that when the council gave an individual a certificate of possession, they automatically lost title to that possession. The proposal would take this possession back -- a matter of Indian giving. He advised that he was not talking against the motion as he himself would like some method of control over such lands. He believed that the chief councillor should have some control but it was a delicate question. He requested people who were not councillors to speak on the matter so that a wider view could be heard.

Mr. J. Gosnell was of the opinion that the intent of the motion was to give the band control over the land within the reserve. He gave as an example a person having possession of some land but living elsewhere so that the use of the land would not affect his living conditions but receiving rent for perhaps a garbage dump. He believed the motion was not a matter of taking back an individual's right, but was a means of protecting the people living around it with band control.

Mr. H. Maitland believed that the proposal was a continuation of the previous suggestions that the band council should have more authority and responsibility. He noted that previously the government had run their lives which created ill feeling, as they had no voice in their destiny. He thought that the basic reason for the consultation meetings was to inquire whether the Indian wanted to control his destiny. The basis of his motion was to give the council more authority in running their own affairs.

Mr. Percy Williams advised that he had listened with a great deal of interest. He believed, in reading sections 56 to 64, it would be better if leasing could be done without surrender. He advised that he was in favor of individuals leasing their land subject to the by-laws of the council. He also believed the council should have some means of repossessing such lands for non-payment of taxes or desertion of land where proper use is not being made of it.

Co-chairman H. Amos noted that in his reserve there was insufficient land to let individual members have it. He thought that the council should control it. He also believed that the band should start their own businesses on their lands instead of leasing it to non-Indians. He thought that this would increase their income.

At the request of the co-chairman, the secretary reread the motion.

The chairman noted that the question had been called. He advised, upon a show of hands, that the motion was carried (12 in favor, none opposed, 4 abstaining). He then entered and read question 27 in the booklet "Choosing A Path". He noted that his band have little revenue but nevertheless, the band members had questioned the right of the council to use these monies without approval of the membership.

Co-chairman W. McKay indicated that the question was a three phase question and referred to page 20 of the background notes.

Mr. C.I. Fairholm in answer to a question of Mr. Gosnell for clarification of the question who noted that it appeared to involve some six sections of the Act, advised that the band funds were currently divided into capital and revenue funds. He added that the purposes for which capital funds may be used are enumerated in sections 64 and 65, and when enumerated in law you limit to the purposes indicated. There are some purposes which are not mentioned, but which various councils have suggested should be permissible. One of these proposed purposes is to help establish a local business by means of a loan or to guarantee a loan. In this latter case, if the loan was unpaid, the band would make it good. This purpose is not possible now, although some bands have got around this technicality in one way or another. In answer to a further question, he believed that both the Blood and Squamish Bands do this type of thing and since they continue to do it, they must consider it worthwhile, although some bands do run into trouble getting repayment.

Mr. H. Maitland was of the opinion that this was a matter that should be left to the discretion of the council.

Co-chairman W. McKay agreed with the idea of loaning money to establish a local business and that the answer to question 27 should be "Yes".

H. Maitland agreed with Mr. McKay, but also believed it should be left to the discretion of the Council for they can decide whether they have sufficient funds for this purpose and whether the borrower was reasonably reliable.

Co-chairman W. McKay believed that the purpose was to help.

Mr. James Gosnell believed that the question should be answered yes to the first portion; yes to the second portion; and full power over band funds in respect to the third portion. He so moved.

Mr. Gosnell's motion was seconded by Mr. Fred Kelly.

Co-chairman H. Amos believed that each band had chosen their leaders and council and therefore they should have faith in them to handle the bands' affairs. If not, they should not be chosen. He added that his council would shortly bring down a budget. If the question was not answered as suggested, bringing down a budget would be useless. He agreed that there should be full control of the band's finances by the council who if they do not handle the affairs properly, should be defeated at the next election.

At the request of Co-chairman Amos, the secretary reread the motion -- moved by James Gosnell, seconded by Fred Kelly, that question 27 in three phases be answered as follows: (1) Yes; (2) Yes; (3) To fullest extent.

Mr. C. Fairholm in answer to a question of Mr. Milton, respecting government guarantee of loans where the band has insufficient funds, noted that the motion was related only to band funds which were entirely apart from any government grants, unless the grant was made to the band funds unconditionally. He believed that the question related to community owned funds as distinct from say the grants to bands.

Co-chairman W. McKay, upon a show of hands, declared the motion carried (15 for, nil against, 1 abstention.)

Co-chairman H. Amos declared the meeting adjourned.

Mr. Harry Amos, Co-Chairman read Question No. 28 from "Choosing a Path".

Mr. Heber Maitland suggested that Band Councils should adopt municipal election methods and procedures. He said that if they were to adopt the old system of electing entirely new councils after five years, it would take about eight months for the new Council to get adjusted. He suggested that there should be two or three councillors left to carry on at each new election thus eliminating any break in authority.

Mr. Maitland moved, seconded by Mr. James Gosnell, "that Band Councils should be elected under the municipal system".

Mr. Gosnell mentioned that the provision for the overlap of councils was found in Question No. 32. He agreed to the motion, but stated that the delegates had agreed to proceed question by question. Mr. Gosnell said that many Indian people and councils across the country were not in favour of a municipal system, but used the hereditary system, and referred to Section 73. He pointed out that the law did not require a Band adopt an elective system. He then read the explanatory notes found in the background papers related to the question. He reiterated that in the East there were Councils that had been in existence for eight years without holding a meeting because of the hereditary system.

Mr. Heber Maitland asked if there were any British Columbia Bands using the tribal custom of election.

Mr. Boys said that there were a number of bands under tribal custom and several of those were very progressive such as the Squamish Band and the Burrard Band. He pointed out that these Bands were scattered over the Province since tribal custom varied in different localities. He stated that some were elective systems similar to the Indian Act election provisions and some had chiefs serving for life.

Mr. Maitland maintained that Eastern, Prairie, interior British Columbian and Coastal Indians all differed but felt strongly that the municipal system of elections should be implemented.

Mr. William McKay agreed with Mr. Maitland.

Mr. Willis Morgan said that he was instructed by his Band, not to support Question 31 and that the present system should remain. He stated that the motion on the floor would eliminate No. 31 as well.

Mr. Fairholm speaking on the selection of persons to elective office, said that there could be various municipal systems and various ways of electing officials. One method might be suitable for one's own community, yet it would not have to be imposed upon another community. He said it would be possible to have a system using a single slate, or where a chief was elected, or where all the councillors were elected and the chief chosen from among them: He suggested that there would be a number of options that could be available for various communities, and yet all be under the elective system. He pointed out that various Band election methods were found almost all across Canada. He said it would be possible to retain the present system yet have

other ways that could be used in other communities.

Mr. Maitland said that this would, in effect, leave the choice of the elective system up to each Band Council.

Mr. Gosnell reiterated that the meeting should be dealing with Question No. 28 and not No. 31 or No. 32.

Mr. Percy Williams suggested that the motion eliminated all the questions up to and including No. 33.

Mr. Ben Bolton said that he was in favour of adopting the municipal system with the provision, however, that other Bands electing their councillors by tribal custom could continue to do so.

Mr. William McKay suggested that there seemed to be a conflict between hereditary and elected Chiefs.

Mr. Maitland suggested he could amend the motion so that it could be left up to the discretion of the Bands.

Mr. William McKay said the motion had been moved and seconded.

Mr. Fred Kelly on point of order said that the mover could retract the motion with the consent of the seconder and make a new motion.

Mr. Amos, Co-Chairman speaking for himself, said he respected those Bands that were still under tribal custom but he thought that the majority of the Bands in the Pacific North West were progressing to the extent that they would have to adopt the white system and local government. He suggested that they would then be able to deal with their present problems within the context of the white society, especially if there were to be any benefits for their children. He pointed out that for many years, the jobs of chiefs and councillors were voluntary, and, the chief and his councillors acted accordingly. More was required of them in today's society. He said that many Councillors were being paid small amounts and several villages had Band Managers who were fully paid employees of the Band.

Mr. Rob Robinson said he supported the motion. He pointed out that the Indian people were living in a democratic society and, therefore, they had to try and pattern their laws accordingly. He suggested if they were to leave it to the discretion of individual bands they would be paving the way for dictatorship within the system. He wondered what would stop a pressure group from undermining the council for their gain. He stated that he was in favour of the municipal system with a separate ballot for the chief and councillors. That is, a separate ballot for the chief.

Mr. Maitland said that candidates in municipal elections ran as individuals for each office.

Mr. William McKay agreed that Bands should follow the democratic system but wondered what would happen about the small Bands that depended upon the chief as their leader.

Mr. James Gosnell said that he agreed with both the hereditary and municipal concepts and that each Band should be able to determine how they wanted to live.

He then read Page 23 of the explanatory notes with regard to Section 73. He reiterated that Bands should have a choice as to what system they wanted to use.

Mr. Simon Reece supported Mr. Gosnell's remarks and said that a vote should be taken by the Band before changing the system of local government. He suggested that the Chief should be chosen from the best men in the community and not from a slate of men chosen for the election of councillors.

Mr. Gosnell said that Bands should have the freedom to decide what system they wished to use.

At this point in the proceedings a number of delegates began to speak on various subjects and the Co-Chairman, Mr. Amos, called for order and asked the secretary, Mr. Rod Gibson to read the motion again.

Mr. Ed Newman spoke in support of Mr. Reece and said that his Band elected the council from a single slate of officers with the chief having the highest vote. He suggested that the motion did away with the type of election that his Band followed.

Mr. MacKay said that many Bands followed tribal custom, and therefore said he would not support the motion.

Mr. Fairholm suggested, that at present, the Minister had the authority to place a Band under the elective system by virtue of the act, the Minister did not need to consult the Band members. He wondered if, perhaps before any change was made to the local government system, the Band itself might decide. He said it could be set out in the new law that changes would not take place without a majority of the Band members agreeing.

Mr. Maitland stated that if one Band wished to adopt the municipal system it would then be free to do so. Upon agreement of the seconder, Mr. Maitland withdrew his motion and presented a new motion as follows, "Local government should be left to the discretion of each Band and Council".

The motion, moved by Heber Maitland seconded by James Gosnell was then re-worded as follows, "the question of changing the local government system should be left to the discretion of the Bands and Band Councils concerned."

Mr. Vernon Wilton speaking on question No. 28 said that the Band should be required by law to decide which system it wanted to use.

Mr. Gosnell said that the intent of the motion was that it should be up to the Band and not to the Band Council alone, to decide what it wished to do.

Mr. Ed Newman said that if what had been recommended at the meeting was included in the new Act, it would become law.

Mr. William McKay said that there were many consultations across Canada even in British Columbia. The meeting was expressing what the delegates felt was best for the Pacific Northwest Indian people in British Columbia.

The question on the motion having been called it was carried, with 16 for, one against and one abstention.

Mr. Amos reiterated that what had been decided at the meeting would not necessarily be included in the new Indian Act, but was the delegates contribution as to how the new Act should be written. It also would provide the material for the person who would be attending the national meeting at Ottawa.

Mr. Amos then read question No. 29.

Mr. Fairholm followed this with a reading of the explanatory notes (Page 23). He said the voting age was 21 under the Indian Act. He stated that there had been a move throughout Canada to lower the voting age to below 21 for most of the provincial elections and some discussion had been initiated at the federal level as well. He said in British Columbia it was presently 19 and might still be lowered. He said the question was really whether Band election ages should perhaps be the same as the province, so that if the provincial election age changed, then the Band voting age would change accordingly.

Mr. Willis Morgan suggested that the voting age be lowered to 18 and moved that "they adopt a provincial system". The motion was seconded by Howard Wale.

Since there was no further discussion and the question having been called it was carried with 13 for, one against and no abstentions.

Mr. Amos, the co-chairman, then read question No. 30.

Mr. Fairholm pointed out that voters in the Province could be under 21 in most cases but candidates had to be 21 in all the provinces except Newfoundland. He added that the reason that the candidate had to be 21 might be due to the fact that a person who was not of legal age could not commit his community by signing contracts, etc.

Mr. Gosnell then read the explanatory notes for question No. 30.

Mr. William McKay said that voters at 19 years of age should be able to run for office as well.

Mr. Amos suggested that the Chair was contradicting itself and there had been a procedure set out where delegates were to identify themselves. He asked them to please carry out the request of the Chair for the benefit of the records.

Mr. Maitland wondered if those persons off the reserve could run for office.

Mr. Fairholm said that at the present time, only a person ordinarily resident on a reserve could vote in a Band election or be a candidate for office. He said that this could be changed to apply to non-resident Band members.

Mr. Maitland said this was a very important aspect of the question under discussion.

The meeting adjourned for lunch to reconvene at 1:30 p.m.

The meeting reconvened at 1:45 p.m.

Co-Chairman Amos read Question 30. He said this seemed to be a question whether there was discrimination against those living off the reserve. He couldn't see that those who live off the reserve should be able to direct reserve affairs. He felt that a council member should have firsthand knowledge of what is going on at the reserve, and this was the feeling of the few people he had spoken to about this item. He re-read the Question.

Mr. Maitland asked if Mr. Fairholm could enlighten the meeting on the present law.

Co-Chairman McKay said he felt this had been voted on before.

Mr. Fairholm said that, at present, a person living off the reserve cannot vote.

Mr. Maitland said he would go along with the present system. He would move that the provincial age limit be accepted, on the understanding those off the reserve have no vote.

Mr. Gosnell seconded the motion. He would not permit someone living off the reserve to vote for the council. He would go along with the voting age for voters. This did not mean the voting age for a candidate. A candidate must live on the reserve and must be 21 years of age. Voters must live on the reserve.

Co-Chairman McKay questioned Mr. Gosnell's comments.

Mr. Maitland moved that the delegates meet in camera. This was seconded by Mr. Wale. Carried.

The meeting went into camera at 1:55 p.m.

The open meeting was reconvened at 3:07 p.m. with Mr. Alvin McKay as Co-Chairman, and Mr. John Williams as Secretary.

Mr. Maitland pointed out that he had made a motion on Question 30, and had specified that only those on the reserve should vote.

Mr. William McKay asked what would happen if the majority live off the reserve.

The secretary read the motion. On Question 30, "Should candidates for Band Council have to meet the age requirements of provincial laws for municipal office?", it was moved by Heber Maitland that the answer be yes, with the stipulation that they should be residents of the reserve. Seconded by James Gosnell.

Mr. Reginald Sampson, of Port Simpson, noted that the age limit is 19 under provincial laws. Does this not mean that a document signed by a person under 21 is illegal until he reaches the age of 21, he asked.

Mr. Moore supported Mr. Maitland's motion.

Mr. Maitland said he was referring to the age for a candidate, not for a voter.

Mr. William McKay asked Mr. Fairholm to explain.

Mr. Fairholm explained that it is possible in B.C. to be a voter at the age of 19, but a candidate must be 21, under the provincial law.

Co-Chairman Alvin McKay then put the question. He announced that the vote was unanimously in favour of the motion.

The meeting then moved on to Question 31.

Chairman Harry Amos read Question No. 31 as the meeting proceeded with discussing the 34 questions contained in the "Choosing a Path".

31. "Should it be possible for a Band to choose its chief and councillors from a single list of candidates, with the person getting the most votes becoming the chief and a number of others becoming councillors?"

Mr. Willis Morgan suggested that the delegates should discuss the questions from "Choosing a Path" before a motion was presented.

Mr. Heber Maitland asked the Chairman whether or not the delegates had agreed in their meeting held in camera that they would follow parliamentary procedures, that they would first make a motion, second it and then discuss it. He felt that this was proper parliamentary procedure.

Chairman Harry Amos replied that the delegates had agreed to follow parliamentary procedures.

Mr. Heber Maitland moved a motion that Item 31 should be left at the discretion of the Bands and Band Councillors.

Mr. Wm. McKay said that the procedures employed by the municipalities should be followed and that there should be separate nominations.

An observer asked what would happen if a single list of candidates were used and the candidate who got the most votes was not yet eligible for the position of chief councillors because of his age. He said that there was a danger in employing a single list and for this reason he agreed with the previous speaker that there should be separate nominations.

Mr. C. Fairholm said that Item 31 was suggested as an additional option that might be available in the communities and that it would still be possible to retain the Council by tribal custom, but this would be just one additional way of selecting the Council; it was raised by some Band Councils across Canada as a way they would like to have and they used the following argument: they were small groups and they might only have 5 or 6 people within the community who were the best possible people, 3 or 4 of them stood for Chief and only 1 was elected, so they lost 3 people right away. They had said that they would like to see all those people on the Council so they wanted the top candidate to be the chief councillor and the 4 others to become the councillors. Mr. Fairholm said that this was the argument that they had put to the Indian Affairs. There was not that direct kind of provision in the Act at the present time, although it was being used in one or two cases. He said this was part of the reason for the question, but it would just be something additional to the other kinds of ways by which Councils were now being selected.

Mr. Heber Maitland remarked that Mr. C. Fairholm was saying, in other words, that there were too many Chiefs and not enough Indians. He said that

the reason why he said that this item should be left at the discretion of the Bands and Band Councillors was that in his village they were in the position of opposing each other. He said that at the last elections he had opposed Chief Harry Amos, but he had lost by a few votes and was therefore, out but, in a by-election he went in again. This could not happen in smaller villages and that was why he had withdrawn his motion under Item 28, that the municipal system be followed; he had stated at that time that the elections in the villages should be left to the discretion of each Band and Bands. If Kitimat wanted to go under the municipal system of elections, this could be done, but other villages would not be able to do so. He said that in order to have a good government, one had to have an opposition, and for that reason he was in favour of the municipal systems; but in smaller villages they had not enough men for employing that system. He therefore moved a motion that Item 31 should be left at the discretion of Bands and Band Councillors.

Mr. Ed Newman said that he went along with the idea that the chief and councillors be elected from a single list, but he did not agree with the idea that the person who received the most votes would become the chief councillor. At Bella Bella the Band elected the councillors from a single list, who then in turn elected the Chief Councillor.

Mr. Wm. McKay repeated that there should be a separate list. He said that all along the Indians wanted to be the same as the white man; why should the Indians, then, differ in this regard?

Mr. Chester Moore said that he agreed with the motion; he felt that in small villages, a separate list was not suitable. The Secretary read Mr. Maitland's motion, seconded by Mr. Gosnell, that Item 31 be left to the discretion of the Bands and Band Councillors. The question having been called, all the delegates voted in favour of the motion, and the motion carried.

Chairman Harry Amos proceeded with the reading of Item 32:

32. "Should the length of Councillors' terms have a fixed time limit of one, two or three years as decided by the Band? Should councillors' terms overlap so that only part of the Council comes up for election at one time?"

He then said that under their system, they stood to lose the whole slate in one election - the chief councillor and his councillors. He said that it was a provincial system that was proposed in Item No. 32; the terms of councillors would overlap. He thought that this could have a tendency of slowing down the progress because the remaining councillors could have a policy quite different from those who just were elected to the council.

Mr. James Gosnell said that he went along with the suggestion contained in No. 32. He said that his answers were "Yes" to the two parts of No. 32, and he moved a motion to that effect.

Mr. Chester Moore seconded the motion.

Mr. Percy Williams said that he agreed with the motion because he felt that these suggestions, when put into practice, would be of benefit to the Indian people.

Mr. Wm. McKay said that he also agreed with these suggestions. The question having been called, all the delegates voted in favour of the motion, and the motion carried.

Chairman Harry Amos then went along by reading Item No. 33:

33. "Should individual Bands be able to select the kind of local government which suits it so that each community can manage its own affairs to the degree that each Band wishes?"

Mr. Wm. McKay moved a motion, seconded by Mr. Ed Newman, that the answer to Item No. 33 be "yes".

The question having been called, all the delegates except one, who abstained voted in favour of the motion, and the motion carried.

Mr. Wm. McKay said that one of the delegates did not vote.

Mr. Percy Williams (Skidegate) replied that the reason why he did not vote was the fact that he wanted to speak on the motion but was not recognized by the Chair.

Chairman Harry Amos said that he was unable to hear him because of the deafening noise that was taking place just outside of the Conference Hall.

Mr. Percy Williams being given permission to speak on the motion which just carried, said that all through the meeting he had been noticing that more and more burden was being loaded on the Band Councils, which made the work of the Indian Agency staff a little bit easier. He said that the Indians had been asking for years why they had not been getting compensation for their work. This question was now becoming more acute because the Band Councils would have so much more work and he suggested that Band Councillors should be reimbursed for their work. He then brought up the question of financing of recreational facilities in the native communities and asked the Department of Indian Affairs to help the Indian communities in their recreational program; there were a lot of problems in these communities with children, and he felt that such a program would help in bringing them up as good citizens and future leaders.

Chairman Harry Amos proceeded with reading the last Item, No. 34:

34. "Should Bands who wish to do so be allowed to form Band business corporations to administer the business affairs of the reserve community?"

Mr. Wm. McKay moved a motion, seconded by Mr. Ed Newman that the answer to Item No. 34 be "Yes".

The question having been called, all the delegates voted in favour of the motion, and the motion carried.

Chairman Harry Amos said that the meeting had finally completed the 34 items in "Choosing a Path" and called a meeting in camera in order to elect a delegate to the Ottawa Conference and to discuss other matters of concern to the Indian people.

Mr. Wm. McKay rose on point of order and said that he did not think it was necessary to hold a meeting in camera for that purpose. He said that it was quite evident who would be the delegates.

Mr. C. Fairholm suggested to the delegates that it would be useful if one or two alternates would also be chosen so that in case the chosen delegate got sick, there would be someone who could attend the Conference.

The delegates met in camera from 4:10 p.m. until 5:30 p.m., when the plenary meeting was resumed.

Chairman Harry Amos announced that the delegates had unanimously agreed at their meeting in camera that it was absolutely essential that they had three, and not one, delegates who would represent them at the Ottawa meeting. He said that they required spokesmen from the three separate groups in the Pacific Northwest area to voice the needs of more than 16,000 Indians, and that the following delegates were elected for this task:

Mr. James Gosnell from New Aiyansh Village to represent Indians in the interior of the north coast;

Mr. Larry Guno of the Indian Benevolent Association of Prince Rupert to represent the urban Indians; and

Mr. Heber Maitland from Kitimat Village to represent those Indians who lived on the coast.

Mr. Sampson was elected as an alternate.

The Secretary read a motion that was passed by the delegates at their meeting in camera. It was moved by Mr. Maitland, seconded by Mr. Simon Reese, "That the officials of the Consultations - the Chairman, the Co-Chairman, and the Secretary - should be reimbursed for their services by the government." The question having been called, the delegates voted unanimously in favour of the motion and the motion carried.

Chairman Harry Amos asked Mr. Gosnell to say a few words.

Chief James Gosnell (Gitlakdamix): "Thank you Mr. Chairman. First of all, I'd like to thank the chair and the delegates here for placing this responsibility on myself and, the two other delegates which were elected. I think for the information of the officials from Indian Affairs, we thought that this was going to be a matter of a few minutes to come to some conclusion and

we found that we are thinking, that some of us were not in agreement on certain things. The delegates seriously considered this factor as to the reason why there must be 3 delegates, because of the fact those of us that are living on the reserves do not have the knowledge of the problems that exist amongst those of us that are urbanized Indians.

"I informed the meeting here that while I was on the National and Regional Advisory Council I had more than once, I believe I made the attempt twice, to have an urbanized Indian representative on the Advisory. But this was not accepted by the Department of Indian Affairs. So we discussed this, and we found that they must have a voice; we were informed by their representatives that there are a lot of problems that exist with them. They must have a voice in the consultations of the Act.

"It was also pointed out that those of us that are in the interior part of this representation that we have here now, have certain problems which those of us that are on the coast do not have, or are not aware of. In other words I cannot speak for those of us that are not from the interior. They have certain problems which we don't know. Therefore, it is of vital importance that we have the three delegates. I believe the Department, I think made a request for one delegate.

"We realize the importance that we are speaking for 16,000 Indians and it is the feeling that this responsibility was too great for one man. I know that the thinking in the east is not the same as the thinking in the west. I don't know whether the Department of Indian Affairs is going to go along with this, but this is the wish of the official delegates. I want this to be clearly understood that after a very lengthy discussion, the Department of Indian Affairs must foot the bill of the 3 delegates at this conference as unanimously elected.

"I also think that we should keep in mind, and I am speaking to the delegates here that this is not the final meeting, the second round of the consultation meetings is yet to come. You have got to remember this. So if we haven't done the right thing at Ottawa, you have a chance, again, to voice your opinion. This is not the final, the second round is yet to come.

"And so, Mr. Chairman, I thank the delegates for placing this responsibility and having faith in me. This is not the first time that I made representation. And I can honestly say here, that I have done to the very best of my ability, to help my fellow Indians. I know I can row my own canoe, but I hate to see the other fellow behind me.

"We had a real heck of a time in Ottawa. A man said to me, who was highly educated, and he says, I'm all right, I can fly he says. I'm all right too, I says, I can fly but I want my people to fly with me, it is not for me to fly around and look down at them. But you'll forget this he says. When I fly I want my people to fly with me, this is my position.

"I think the records were not properly recorded on the Regional and the National of what we presented on your behalf. This was the

reason why I demanded to have the tapes so that if a tape is kept, there is a record of what each and every one of you has said on behalf of the people you represent. This was the reason why we demanded the tapes.

"So, I don't want to go too much further on this today, I felt very humble and can honestly say that I do not feel capable enough. However, you have chosen me and the other two, and I will perform this duty to the very best of my ability. Thank you."

Mr. C. Fairholm - "Mr. Chairman, I would just like to make a few comments because it seems to me that in some ways you have presented difficulties for us also on representation side. I say this that when we started out initially, it was on the basis of one delegate from every meeting, plus a nominee from the major Indian associations across Canada.

"When we reached Fort William, I think it was at the third meeting, the delegates there thought that there should be at least 6 representatives who would go to the Ottawa meeting from that part of Northwestern Ontario where there is roughly 17,000 Indian people. And again, when we reached Chilliwack, the 5,000 or more Indian people living in the Fraser Valley, said that there were so many differences between the people that are right close to Vancouver, there is so much difference from those who live up around Boston Bar and Lillooet and also other parts of the Fraser, that they must have at least 5 from that group of 5,000 people. And when we got to Alberta, some of the delegates said that there must be at least two from every treaty area there, and there would be 6. Already in some cases one had been selected; I must confess that this has posed some problems about any kind of equal representation and the feeling that one area of the country may overwhelm another part of the country and their views.

"I raised this at the Toronto meeting last week. There are a number of ways that you can deal with this problem and I would like to get your assistance on this. I said that there are roughly 10,000 people in the Maritimes, there about 26,000 or 27,000 in Quebec, there are 52,000 roughly in Ontario, there are 32,000 in Manitoba, about 32,000 in Saskatchewan, 27,000 in Alberta, between 46,000 and 47,000 in British Columbia, about 2,500 in the Yukon and 6,000 in the Northwest Territories. And I said one way you could do it is to get some sort of population representation, and I threw out as a suggestion, that one way of looking at it would be 2 delegates from the Maritimes, 4 from Quebec, 7 from Ontario, 4 from Manitoba, 4 from Saskatchewan, 4 from Alberta, 7 from B.C., one from the Yukon and one from the Northwest Territories.

"It was pointed out to me, I don't know whether at the meeting or aside from this, that the National Indian Brotherhood was also having similar problems when it came to representation for the National Brotherhood, and that some provinces thought they should have certain representation and others were not satisfied with the representation they got.

"So, I put this to the meeting at that time, and they did pass a motion suggesting that they would agree to that kind of a formula and it so happened that the representatives or the delegates to the Fort William meeting

were there, and also the ones from Sudbury, so they met among themselves and they are going to agree on their representation of 7 for Ontario.

"I threw this out as a problem because I know it's going to arise. This is what happens anyway when you get a feeling among other groups that they're being swamped by delegates. And I must say that there has been some suggestion, that B.C. is already overloaded, from other areas.

"So, I throw this out as the kind of problem that does arise. I don't know what the real answer is, I can only point out that it does create some problems."

Mr. James Gosnell asked the officials whether the Department was going to honour the wishes of the delegates and to pay the expenses for their three representatives to the Ottawa Conference.

Mr. J.V. Boys answered that this was not a question that anybody at this meeting was able to answer. The invitation to go to Ottawa would come from the Minister in his judgement.

Mr. Wm. McKay said that last fall there was a vote in each Band Council to elect representatives to a Regional Council; he wanted to know what happened in this regard since that time.

Mr. J.V. Boys replied that nominations were now in, and there would be correspondence with Band Councils on this subject in the very near future.

Chairman Harry Amos said that it seemed to be quite clear to the delegates that the Minister was going to decide on the question of representation.

Mr. J.V. Boys explained that the Minister had made the statement that he was issuing an invitation to a representative from each meeting, to meet in Ottawa some time in March. He said that he had heard him to say that, and that the decision as to how many invitations would be issued had to remain with the Minister. He then assured the delegates that their wishes were on record and the Minister would know of them.

Mr. James Gosnell said that the delegates had decided that the minutes of the meeting be considered as a blanket brief by the official delegates at the Terrace Consultation meeting, signed by the official delegates.

Chairman Harry Amos thanked all the participants at the meeting for their work and declared the meeting to be officially adjourned.

Mr. J.V. Boys thanked the delegates for their work at the Conference and also thanked Chairman Amos who had done a very difficult job with a great deal of skill and was deserving a real round of applause from everyone at the Conference.

Chairman Harry Amos mentioned that before he would leave, he wanted to ask a question of Dr. Springer. He said that there was a problem in regard to medication to his people. He said that he understood that there

was a different system that was being used. He asked Dr. Springer for an explanation of the present situation in this matter.

Dr. Springer, Indian Health Services, Department of National Health and Welfare replied that it was difficult at this particular moment to comment adequately on the subject brought up by Chairman Amos. He said that changes and revisions were in process. The change as it now applied was not working very well and the Department of National Health and Welfare acknowledged that. He said that he hoped that improvements would be made in the very near future; they would correct some of the inadequacies of the present system. He said that he understood that the Minister had made a comment about the likelihood of introduction of a card-system which would entitle needy Indians to supply of prescription drugs through the normal retail drug outfits. He said that this was about all the information he had at the moment, but he expected that within two or three weeks the technical details of having such cards in the hands of needy Indians would be worked out. He said it would be superfluous for him to comment on the present system because all of the people concerned were agreed that there were deficiencies in that system. He said that they were trying to be liberal in the local administration of his present instructions because he recognized that if they were to go by the book it would cause considerable hardship. He said that he would like to visit the reserves as soon as he had his instructions on the new system to clarify these instructions at that time.

Chairman Harry Amos thanked Dr. Springer and said that it would indeed be very helpful if Dr. Springer and his staff would go, after they received these new instructions, to the various villages and explain them to the Indian people.

At 6:05 p.m. the Terrace Meeting adjourned.

The official delegate of the Kincolith Band, Mr. Chester Benson was unable to attend the meeting because of weather conditions. The Band Council therefore submitted subsequently a report of the Council meeting held in January, at which motions were passed setting forth the Band Council's position on Questions 19 to 34 in the "Choosing A Path" handbook.

The report is as follows:

KINCOLITH BAND COUNCIL

January 24, 1969

KINCOLITH, B.C.

Minutes of the council meeting held at the home of councillor Chester Benson Subjects to be discussed. No. 19 to 34 of the Indian act. Were it was left of at the meeting held at the terrace hot springs. The council of chiefs are also in attendance in this meeting. Councillors in attendance are : Anthony Robinson, Nathan Barton, Graham Moore, Nelson Clayton, William Angus, Murphy Stanly

Meeting is opened with a prayer by Mr. G.C. Benson.

A brief report is made by the chief councillor Anthony Robinson of the previous meeting of the Indian act held at the terrace hot springs. And he gave the privilege to C. Benson who is our spokesmen to the consultation meeting to preside in this meeting.

First on the agenda is question number 19 of the Indian Act. Should all adult members of a band whether or not they live on a reserve be allowed to vote on surrender proposals?.

Discussed and debated on. Then it was moved by H.S. Doolan that all adult members should be on reserve before having any right to vote. seconded by F.R. Watts. (CARRIED)

Question; 20 Do you agree that the band council, rather than the minister should have the authority to order surveys and subdivisions undertaken? Discussed and debated on. Then moved by Mr. William Angus that the council should have the authority not the minister. Seconded by Mr. Charles Barton (CARRIED)

Question; 21 Do you agree that provisions giving the minister authority to operate farms on reserve land should be repealed? Discussed and debated on. so moved by H. Solman Doolan and seconded by M. Stanly that it should be repealed. (CARRIED) Same as question 22.

Question; 23 Do you agree that the section giving authority to appoint the agency supt. as justice of the peace should be repealed? Discussed and debated on. moved by Anthony Robinson and seconded by N. Clayton that it should be repealed. (Carried)

Question; 24 Do you agree that the section on liquor should be repealed? Discussed and considered for quite some time. Council of chiefs comments.

The council should have full controll over liquor within our Village. The liquor bylaws which were in this Village which was taken away should be returned into the hands of the Village Council. A petition should be put in for this bylaw. No. 7 section 3 dealing with liquor. So moved by Charles Barton seconded by Grham Moore that it should be repealed and council be given authority to make by laws for liquor controls on our village or reserve and recieve fines levied from offenders. (CARRIED)

Question; 25 Should band councils be able to enter into short term leases on their own authority?. How long a term? Discussed and debated on. So moved by Solman Doolan seconded by W. Angus That; Yes short term leases should be under the authority of the band councils. and that it be 5 year term leases. (CARRIED)

Question; 26 Should the minister at the request of the band council be able to enter into leases up to 21 yrs. without a vote of the band?. Should a vote be required for longer term leases?. Moved by M. Stanly seconded by Nelson Clayton that the answer be No for the first Part. And a vote should be taken for longer term leases. (CARRIED)

Question; 27 Should band capital funds be used for making grants, Loans and guarantee loans to individuals?. Should revenue funds be used for such purposes?. How wide should Band Councils powers over Band Funds be?. Discussed and moved by M. Stanly seconded by G. Moore that the answer be No. to the first part. and the second part. And that the council have ful power over all funds (CARRIED)

Question; 28 The present practice is to take a band vote before changing the local government system from band custom or before making any other change; do you agree that this should be required by law. Discussed and moved by Anthony Robinson seconded by Solman Doolan. Yes. it should be required by law. (CARRIED)

Question 29 Should the voting age be that for provincial elections?. Discussed and moved by Charles Barton seconded by Graham Moore that the answer be yes. (CARRIED)

Question; 30 Should candidates for band councils have to meet the age requirements of provincial laws for municipal office? (Discussed) Moved by N. Clayton seconded by M. Stanly that the answer be yes. (CARRIED)

Question; 31 Should it be possible for a band to choose its chief and councils from a single list of candidates. with the person getting the most votes becoming the Chief and a number of others becoming Councillors?. Discussed and debated on. Moved by Anthony Robinson seconded by N. Clayton That we should vote from a single list and that voting rules be applied. (CARRIED)

Question; 32 Should the length of Councillor,s terms have a fixed time limit of one, two or three years as decided by the band?. Should councillors terms overlap so that only part of the council comes up for election at one time?. Discussed and debated on. Moved by Solman Doolan seconded by W. Angus That the answer be yes for the first and second part. (CARRIED)

Question; 33 Should individual bands be able to select the kind of local government which suits it so that each community can manage thier own affairs to the degree that each Band whises. "Discussed" Moved by Solman Doolan seconded by Charles Barton that the answer be YES. (CARRIED)

Question; 34 Should bands who wish to do so be allowed to form Band business corporations to administer the business affairs of the reserve community. Discussed and debated on. Moved by Anthony Robinson seconded by N. Clayton that the answer be YES. (CARRIED)

Discussions on the delegates expenses on any business trips. Asked by Anthony Robinson by show of hands if all agreed that any delegate going out be given \$25.00 Per day for any business trips All agreed on. (CARRIED)

MEETING ADJOURNED TILL FURTHER NOTICE.

KINCOLITH COUNCILLORS .

GENERAL SECRETARY _____
MR NATHAN P. BARTON

SEC/NPB.