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**BRITISH COLUMBIA/CANADA
INFORMATION SHARING WORKSHOP
ON FIRST NATIONS GOVERNANCE**

Delta Pacific Resort
Richmond, British Columbia
May 28-29, 1996

**BRITISH COLUMBIA/CANADA
INFORMATION SHARING WORKSHOP ON
FIRST NATIONS GOVERNANCE
Delta Pacific Resort
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**BRITISH COLUMBIA / CANADA
INFORMATION SHARING WORKSHOP ON
FIRST NATIONS GOVERNANCE
May 28 & 29, 1996
Richmond, British Columbia
Delta Pacific Resort**

AGENDA

Start time: May 28 - 10:30am - 5:30pm
May 29 - 8:30am - 4:00pm

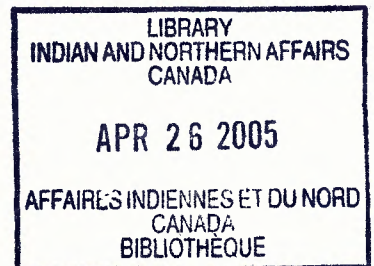
The agenda will take the form of presentations and discussion of related issues. Each presentation will be 15 - 45 minutes in duration. After each presentation or during (depending upon the presenter preference) questions may be addressed. Each group of presentations is followed by a list of issues to guide discussion. A summary will be done of any conclusions, observations, key statements or required follow-up made during the discussion of issues. A list of participants is attached.

Opening Comments by Canada and British Columbia

Presentations and Issues (Detailed Breakdown Attached)

Discussion and Wrap-up of Key Issues

Next Steps



PRESENTATIONS AND ISSUES

(Brackets indicate which party will make presentation or which party suggested issue for discussion.)

TUESDAY, MAY 28, 1996

1st Set of Presentations (10:30am - 1:30pm, including a 1/2 hr. working lunch)

Presentations

1. Inherent right policy (Canada)
 - including dismantling DIAND in Manitoba

- JACK // GEO.

2. Existing self-government Agreements (Canada)
 - Sechelt
 - Cree-Naskapi
 - Yukon

GEO. // Barrie

Issues

- A. What is the optimum relationship that the two governments see having with First Nation governments in the long-term with respect to funding and service delivery? (British Columbia)
- B. How do governments structure their post-treaty financial relationships with First Nations? What are appropriate funding mechanisms?
 - i) Bilateral: Canada with Aboriginal Governments
 - ii) Bilateral: BC with Aboriginal Governments
 - iii) Trilateral: Canada and BC with Aboriginal Governments*Options (i)&(ii) require complimentary Federal/Provincial Agreements (Canada)*
- C. How to encourage reasonable groupings for economies of scale? (Canada)

Summary of key Issues and Conclusions

TUESDAY, MAY 28, 1996

2nd Set of Presentations (1:30pm to 5:30pm)

Presentations

1. Federal expenditures on First Nations in British Columbia and DIAND expenditures on First Nations in British Columbia - including specifics on 4 individual First Nations
2. Provincial province-wide and current expenditures on identified First Nations (British Columbia)

John U / John E

Issues

- A. How to determine/measure levels of funding for First Nation governments; how to recognize need? (British Columbia)
- B. How can governments ensure that there is no duplication of funding or services? (British Columbia)
- C. How is First Nations' revenue capacity accounted for in funding self-government? (British Columbia)
- D. What are the mechanisms to deliver funding? (British Columbia)
- E. How will revenue be treated in the context of funding mechanisms? (Canada)
- F. How do we develop positive incentives to raise revenues? (Canada)

Austan
AsTm

Summary of key Issues and Conclusions

WEDNESDAY, MAY 29, 1996

3rd Set of Presentations (8:30am to 10am)

Presentations

- 1. Financial arrangements in other jurisdictions outside Canada (British Columbia)
- 2. Municipal funding arrangements (British Columbia)
- 3. Financial Transfer Agreements (Canada)

Bill Austan // Idm Ellis

Issues

- A. How do governments link funding to the gradual take-down of powers? (British Columbia)
- B. Which government has the contingent/residual financial responsibility and does this have to be defined? (British Columbia)
- C. How do we move from the current financing arrangements for Aboriginal governments to arrangements under treaty settlements? (British Columbia)
- D. How do we deal with:
 - i) unforeseen natural occurrences/emergencies;
 - ii) political or financial breakdown; and
 - iii) un-anticipated jurisdictional/program evolution? (Canada)

Austan

Summary of key Issues and Conclusions

WEDNESDAY, MAY 29, 1996

4th Set of Presentations (10:15am to 12:30pm)

Presentations

1. Claims implementation (Canada) *Robb*
2. British Columbia Perspective (British Columbia - No Handout)

Issues

- A. What are the categories of on-going incremental costs for treaty implementation?
 - a) self-government:
 - i) governance (law making);
 - ii) reasonable administrative costs;
 - iii) new institutional structures (non-law making)
 - b) claims (Canada)
- B. What are the categories of one-time costs?
 - a) self-government:
 - i) start-up institutional costs
 - b) claims (Canada)
- C. Definitions under the MOU
 - a) what is encompassed by "core institutions" under Section 2.6(a) of the MOU?
 - b) what is encompassed by "such other costs associated with self-government programs and services" under Section 2.6(b) of the MOU?
 - c) what items fall under Section 1.16 of the MOU? (Canada)
- D. What are the distinctions between implementation and self-government? (British Columbia)

SORT LANG. & Geo

Summary of key Issues and Conclusions

WEDNESDAY, MAY 29, 1996

Discussion of Key Issues and Next Steps (1pm to 4pm)

Issues

- A. What level of agreement do the two governments require on the financing of self-government? (British Columbia)
- B. Which components of self-government are appropriate for federal/provincial understandings and which require discussion with First Nations? (Canada)

Discussion

1. Review of Key Issues, Major Themes and Issues to be Addressed
2. Next Steps

May 28-29, 1996 Workshop Participants

Federal government DIAND HQ:

John Sinclair	ADM, Claims and Indian Government
Jack Stagg	ADM, Policy and Strategic Direction
George Da Pont	DG, Government Relations
Bill Austin	DG, Finance
Barrie Robb	Dir., Claims Planning and Implementation
Toni Bramley	Dir., FPT Relations
Henry Drystek	Implementation Negotiator
Jim Wigle	Senior Advisor
Kevin Nixon	Policy Advisor

Federal government FTNO and BC Regional office:

John Watson	Regional Director General
Doreen Mullins	Executive Director, FTNO
John Ellis	Senior Negotiator, Cost-Sharing
Janet Harper	Senior Negotiator

Federal government OGD's:

Paul Kyba	Health Canada
Fred Morris	Justice

Provincial Government:

Philip Halkett✓	(DM-MAA)
Chris Lovelace✓	(ADM - Planning Policy -Health)
Paul Pallan✓	(ADM-Education)
Gary Curtis✓	(Exec. Dir. - Social Services)
Dave Morris✓	(Exec. Dir. - Municipal Affairs)
Lynn Langford	(MAA)
Lyle Viereck✓	(MAA)
Denise Walker✓	(MAA)
Nick Paul✓	(Finance)
Andrew Alley✓	(Finance)
Margo Ross✓	(TBS)
Hugh Gordon✓	(MAA)
Carole Carver✓	(MAA)
Daniel Watson✓	(MAA)
Angus Robertson✓	ADM Treaty Negotiation
Steve Munro✓	BC Negotiator
Ann Kirkaldy✓	(MAA)

Representative from Intergovernmental

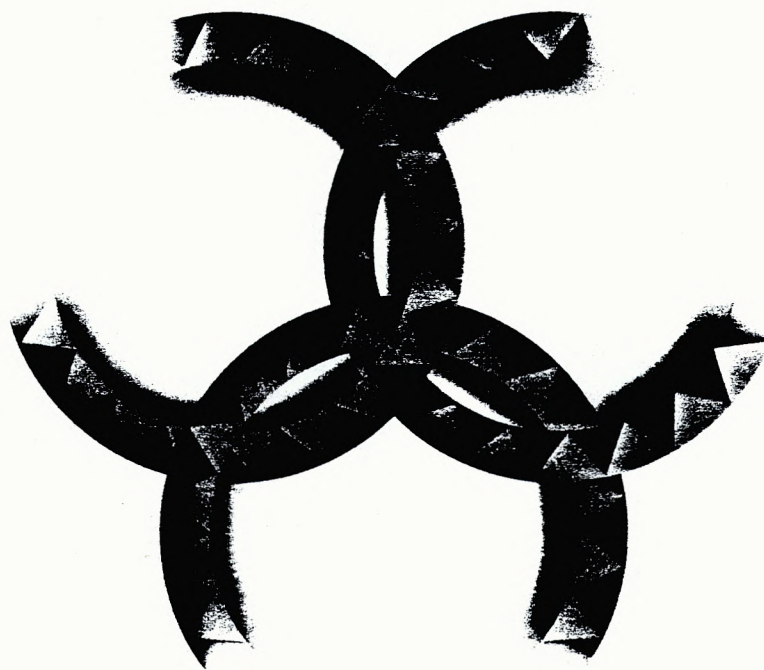
ANDREW MORGAN

ABORIGINAL SELF-GOVERNMENT



**The Government of Canada's Approach
to Implementation of the Inherent Right and
the Negotiation of Aboriginal Self-Government**

ABORIGINAL SELF-GOVERNMENT



*The Government of Canada's Approach
to Implementation of the Inherent Right and
the Negotiation of Aboriginal Self-Government*



Message from the Ministers

On behalf of the Government of Canada, it is an honour for us to present an historic new partnership with Aboriginal peoples designed to implement the Inherent Right of Self-Government.

The recognition of the Inherent Right of Self-Government under section 35 of the Canadian Constitution has been the cornerstone of our government's Aboriginal policy since our election in 1993. *Creating Opportunity: The Liberal Plan for Canada* (The Liberal Red Book) clearly outlined our commitment to act on the implementation of this fundamental right for Aboriginal peoples.

The development of this policy has included a broad-based consultation process which involved representations from Aboriginal leadership at local, regional and national levels. Also included in these important discussions on this policy development were all provincial and territorial governments as well as other groups across the country.

The objective of the federal government is clear. Significant change must be made to ensure Aboriginal peoples have greater control over their lives. The most just, reasonable and practical mechanism to achieve this is through negotiated agreements.

It is imperative that we as Canadians work towards achieving change in pragmatic and responsible ways. The challenge to make this a reality rests on the commitment of all of us, Canadians generally, governments and Aboriginal peoples alike.

We are proud to present this policy which marks a fundamental change in how the federal government will work together with Aboriginal peoples in the future, enhancing our co-existence for generations to come.

Honourable Ronald A. Irwin
*Minister of Indian Affairs
and Northern Development*

Honourable Anne McLellan
*Federal Interlocutor for
Métis and Non-Status Indians*



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INTRODUCTION

The concept of Aboriginal self-government is not new. Aboriginal peoples in Canada have long expressed their aspiration to be self-governing, to chart the future of their communities, and to make their own decisions about matters related to the preservation and development of their distinctive cultures. Aboriginal peoples also maintain that they have an inherent right of Aboriginal self-government, a right which they believe should be recognized by all Canadians.

The Government of Canada recognizes the inherent right of self-government as an existing right within section 35 of the *Constitution Act, 1982*. It has developed an approach to implementation that focuses on reaching practical and workable agreements on how self-government will be exercised, rather than trying to define it in abstract terms. The Government believes that this approach is flexible and will allow all interested parties to make meaningful progress in the realization of Aboriginal self-government.

For more than a decade there have been serious efforts, on the part of governments and Aboriginal representatives, to amend the Canadian Constitution to include explicit recognition of the inherent right of Aboriginal self-government. Although these efforts were ultimately unsuccessful in achieving a constitutional amendment, they did succeed in building a broad measure of consensus for Aboriginal self-government. While significant differences remain among some governments and Aboriginal peoples on a definition of self-government, most would agree that it is time to put aside the debates and work together toward making Aboriginal self-government a reality within Canada.



The Government of Canada has developed an approach to implementation that focuses on reaching practical and workable agreements on how self-government will be exercised, rather than trying to define it in abstract terms.



The federal government is living up to its commitment, made in *Creating Opportunity — The Liberal Plan for Canada*, to build a new partnership with Aboriginal peoples and strengthen Aboriginal communities by enabling them to govern themselves. Our goal is to implement a process that will allow practical progress to be made, to restore dignity to Aboriginal peoples and empower them to become self-reliant. Aboriginal governments need to be able to govern in a manner that is responsive to the needs and interests of their people. Implementation of the inherent right of self-government will provide Aboriginal groups with the necessary tools to achieve this objective.

PART 1: POLICY FRAMEWORK

The Inherent Right of Self-Government is a Section 35 Right



The Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35 of the *Constitution Act, 1982*. It recognizes, as well, that the inherent right may find expression in treaties, and in the context of the Crown's relationship with treaty First Nations. Recognition of the inherent right is based on the view that the Aboriginal peoples of Canada have the right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their land and their resources.

The Government acknowledges that the inherent right of self-government may be enforceable through the courts and that there are different views about the nature, scope and content of the inherent right. However, litigation over the inherent right would be lengthy, costly and would tend to foster conflict. In any case, the courts are likely to provide general guidance to the parties involved, leaving it to them to work out detailed arrangements.

For these reasons, the Government is convinced that litigation should be a last resort. Negotiations among governments and Aboriginal peoples are clearly preferable as the most practical and effective way to implement the inherent right of self-government.

Within the Canadian Constitutional Framework

Aboriginal governments and institutions exercising the inherent right of self-government will operate within the framework of the Canadian Constitution. Aboriginal jurisdictions and authorities should, therefore, work in harmony with jurisdictions that are exercised by other governments. It is in the interest of both Aboriginal and non-Aboriginal governments to develop co-operative arrangements that will ensure the harmonious relationship of laws which is indispensable to the proper functioning of the federation.

The Government of
Canada recognizes
the inherent right
of self-government
as an existing
Aboriginal right
under section 35 of
the *Constitution
Act, 1982*.



Given the vastly different circumstances of Aboriginal peoples throughout Canada, implementation of the inherent right cannot be uniform across the country or result in a "one-size-fits-all" form of self-government.

In light of the wide array of Aboriginal jurisdictions or authorities that may be the subject of negotiations, provincial governments are necessary parties to negotiations and agreements where subject matters being negotiated normally fall within provincial jurisdiction or may have impacts beyond the Aboriginal group or Aboriginal lands in question. Territorial governments should be party to any negotiations and related agreements on implementing self-government north of the sixtieth parallel.

The inherent right of self-government does not include a right of sovereignty in the international law sense, and will not result in sovereign independent Aboriginal nation states. On the contrary, implementation of self-government should enhance the participation of Aboriginal peoples in the Canadian federation, and ensure that Aboriginal peoples and their governments do not exist in isolation, separate and apart from the rest of Canadian society.

Canadian Charter of Rights and Freedoms

The Government is committed to the principle that the *Canadian Charter of Rights and Freedoms* should bind all governments in Canada, so that Aboriginal peoples and non-Aboriginal Canadians alike may continue to enjoy equally the rights and freedoms guaranteed by the Charter. Self-government agreements, including treaties, will, therefore, have to provide that the *Canadian Charter of Rights and Freedoms* applies to Aboriginal governments and institutions in relation to all matters within their respective jurisdictions and authorities.

The Charter itself already contains a provision (section 25) directing that it must be interpreted in a manner that respects Aboriginal and treaty rights, which would include, under the federal approach, the inherent right. The Charter is thus designed to ensure a sensitive balance between individual rights and freedoms, and the unique values and traditions of Aboriginal peoples in Canada.

Different Circumstances

Given the vastly different circumstances of Aboriginal peoples throughout Canada, implementation of the inherent right cannot be uniform across the country or result in a "one-size-fits-all"

form of self-government. The Government proposes to negotiate self-government arrangements that are tailored to meet the unique needs of Aboriginal groups and are responsive to their particular political, economic, legal, historical, cultural and social circumstances.

Scope of Negotiations

Under the federal approach, the central objective of negotiations will be to reach agreements on self-government as opposed to legal definitions of the inherent right. The Government realizes that Aboriginal governments and institutions will require the jurisdiction or authority to act in a number of areas in order to give practical effect to the inherent right of self-government. Broadly stated, the Government views the scope of Aboriginal jurisdiction or authority as likely extending to matters that are internal to the group, integral to its distinct Aboriginal culture, and essential to its operation as a government or institution. Under this approach, the range of matters that the federal government would see as subjects for negotiation could include all, some, or parts of the following:

- establishment of governing structures, internal constitutions, elections, leadership selection processes
- membership
- marriage
- adoption and child welfare
- Aboriginal language, culture and religion
- education
- health
- social services
- administration/enforcement of Aboriginal laws, including the establishment of Aboriginal courts or tribunals and the creation of offences of the type normally created by local or regional governments for contravention of their laws
- policing
- property rights, including succession and estates
- land management, including: zoning; service fees; land tenure and access; and expropriation of Aboriginal land by Aboriginal governments for their own public purposes
- natural resources management
- agriculture



Broadly stated, the Government views the scope of Aboriginal jurisdiction or authority as likely extending to matters that are internal to the group, integral to its distinct Aboriginal culture, and essential to its operation as a government or institution.



There are a number of other areas that may go beyond matters that are integral to Aboriginal culture or that are strictly internal to the Aboriginal group. To the extent that the federal government has jurisdiction in these areas, it is prepared to negotiate some measure of Aboriginal jurisdiction or authority.

- hunting, fishing and trapping on Aboriginal lands
- taxation in respect of direct taxes and property taxes of members
- transfer and management of monies and group assets
- management of public works and infrastructure
- housing
- local transportation
- licensing, regulation and operation of businesses located on Aboriginal lands

In some of these areas, detailed arrangements will be required to ensure harmonization of laws, while in others, a more general recognition of Aboriginal jurisdiction or authority may be sufficient.

There are a number of other areas that may go beyond matters that are integral to Aboriginal culture or that are strictly internal to an Aboriginal group. To the extent that the federal government has jurisdiction in these areas, it is prepared to negotiate some measure of Aboriginal jurisdiction or authority. In these areas, laws and regulations tend to have impacts that go beyond individual communities. Therefore, primary law-making authority would remain with the federal or provincial governments, as the case may be, and their laws would prevail in the event of a conflict with Aboriginal laws. Subject matters in this category would include:

- divorce
- labour/training
- administration of justice issues, including matters related to the administration and enforcement of laws of other jurisdictions which might include certain criminal laws
- penitentiaries and parole
- environmental protection, assessment and pollution prevention
- fisheries co-management
- migratory birds co-management
- gaming
- emergency preparedness

There are a number of subject matters where there are no compelling reasons for Aboriginal governments or institutions to exercise law-making authority. These subject matters cannot be

characterized as either integral to Aboriginal cultures, or internal to Aboriginal groups. They can be grouped under two headings: (i) powers related to Canadian sovereignty, defence and external relations; and (ii) other national interest powers. In these areas, it is essential that the federal government retain its law-making authority. Subject matters in this category would include:



(i) Powers Related to Canadian Sovereignty, Defence and External Relations

- international/diplomatic relations and foreign policy
- national defence and security
- security of national borders
- international treaty-making
- immigration, naturalization and aliens
- international trade, including tariffs and import/export controls

(ii) Other National Interest Powers

- management and regulation of the national economy, including:
 - regulation of the national business framework, fiscal and monetary policy
 - a central bank and the banking system
 - bankruptcy and insolvency
 - trade and competition policy
 - intellectual property
 - incorporation of federal corporations
 - currency
- maintenance of national law and order and substantive criminal law, including:
 - offences and penalties under the Criminal Code and other criminal laws
 - emergencies and the “peace, order and good government” power
- protection of the health and safety of all Canadians
- federal undertakings and other powers, including:
 - broadcasting and telecommunications
 - aeronautics
 - navigation and shipping
 - maintenance of national transportation systems
 - postal service
 - census and statistics



The Government of Canada is prepared, where other parties agree, to constitutionally protect the rights set out in negotiated self-government agreements as treaty rights within the meaning of section 35 of the *Constitution Act, 1982*.

While law-making power in these areas will not be the subject of negotiations, the Government is prepared to consider administrative arrangements where it might be feasible and appropriate.

Mechanisms for Implementation

The Government anticipates that agreements on self-government will be given effect through a variety of mechanisms including treaties, legislation, contracts and non-binding memoranda of understanding.

Treaties

The Government of Canada is prepared, where the other parties agree, to constitutionally protect rights set out in negotiated self-government agreements as treaty rights within the meaning of section 35 of the *Constitution Act, 1982*. Implementation of the inherent right in this fashion would be a continuation of the historic relationship between Aboriginal peoples and the Crown. Self-government rights could be protected under section 35:

- in new treaties;
- as part of comprehensive land claim agreements; or
- as additions to existing treaties.

Treaties create mutually binding obligations and commitments which are constitutionally protected. Recognizing the solemn and enduring nature of treaty rights, the Government believes that the primary criterion for determining whether or not a matter should receive constitutional protection is whether it is a fundamental element of self-government that should bind future generations. Under this approach, suitable matters for constitutional protection would include:

- a listing of jurisdictions or authorities by subject matter and related arrangements;
- the relationship of Aboriginal laws to federal and provincial laws;
- the geographic area within which the Aboriginal government or institution will exercise its jurisdiction or authority, and the people to be affected thereby; and
- matters relating to the accountability of the Aboriginal government to its members, in order to establish its legitimacy and the legitimacy of its laws within the Constitution of Canada.

It follows from this approach that matters in agreements of a technical or temporary nature would not be appropriate matters for constitutional protection as treaty rights. Arrangements that must be adaptable to changing circumstances, such as program and service delivery arrangements, and funding arrangements, would therefore not be appropriate subjects for constitutional protection as treaty rights.

Legislation, Contracts and Memoranda of Understanding

Self-government arrangements will not be implemented exclusively through treaties. Other mechanisms that will play a role in this process include legislation, contracts and non-binding memoranda of understanding. Legislation can be used in the following ways:

- to ratify and give effect to agreements, including treaties;
- to implement particular provisions of agreements, including treaties; and
- to act as a stand-alone mechanism when the parties concerned wish to implement self-government arrangements, but not through a treaty.

Legally enforceable contracts can be used for setting out detailed, technical or time-limited agreements respecting the implementation of self-government arrangements. Finally, memoranda of understanding, which are not legally enforceable, may also be used to set out political commitments on self-government.

Existing Treaties

Existing treaties are fundamental to the special relationship between Treaty First Nations and the Crown. The Government does not propose to re-open, change or displace existing treaties through implementation of the inherent right and the negotiation of self-government agreements. For Treaty First Nations that so desire, the Government is prepared, consistent with this policy approach, to negotiate agreements on self-government which build on the relationship already established by their treaties.



For Treaty First

Nations that

so desire, the

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pared, consistent

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the relationship

already established

by their treaties.



Within the policy framework, the federal government would be prepared to negotiate self-government agreements with those Aboriginal groups who have settled their land claims, but do not already have self-government arrangements.

Existing Land Claim Agreements

The Government does not propose to re-open the provisions of existing land claim agreements as part of any process to implement the inherent right of self-government. Existing land claim agreements, such as the *James Bay and Northern Quebec Agreement*, the *Northeastern Quebec Agreement*, the *Inuvialuit Final Agreement*, the *Nunavut Land Claims Agreement*, the *Gwich'in Comprehensive Land Claim Agreement*, the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*, the *Champagne and Aishihik First Nations Final Agreement*, the *Vuntut Gwitchin First Nation Final Agreement*, the *First Nation of Nacho Nyak Dun Final Agreement* or the *Teslin Tlingit Council Final Agreement*, will continue to operate according to existing terms.

Within this policy framework, the federal government would be prepared to negotiate self-government agreements with those Aboriginal groups who have settled their land claims, but do not already have self-government arrangements.

Existing Self-Government Agreements

As a general principle, existing self-government agreements will continue to operate according to their existing terms. If requested by the Aboriginal groups concerned, and with the full participation of the province or territory concerned, the federal government would be prepared to explore issues related to constitutional protection of aspects of the self-government arrangements set out in the *Sechelt Indian Band Self-Government Act* in British Columbia, the *Cree-Naskapi (of Quebec) Act*, and the *Yukon First Nations Self-Government Act*. Any changes or amendments to existing arrangements, however, would only be made with the full agreement of all parties concerned.

Application of Laws

As a right which is exercised within the framework of the Canadian Constitution, the inherent right will not lead to the automatic exclusion of federal and provincial laws, many of which will continue to apply to Aboriginal peoples or will co-exist alongside validly enacted Aboriginal laws.

To minimize the possibility of conflicts between Aboriginal laws and federal or provincial laws, the Government believes that all agreements, including treaties, should establish rules of priority by which such conflicts can be resolved. The Government takes the position that negotiated rules of priority may provide for the paramountcy of Aboriginal laws, but may not deviate from the basic principle that those federal and provincial laws of overriding national or provincial importance will prevail over conflicting Aboriginal laws. Prior to the conclusion of self-government agreements, federal and provincial laws would continue to apply to the extent that they do currently.

Transition

It will be important to ensure a smooth transition from current arrangements to implementation of the inherent right through negotiated agreements. All agreements, including treaties, should therefore include appropriate transition measures to ensure that implementation of self-government does not create legal uncertainty.

The Government appreciates that certain Aboriginal groups may not wish to exercise a full range of jurisdiction or authority immediately, in which case the current legislative regime will continue to apply until self-government agreements have been negotiated. Alternatively, some groups may want to structure their self-government agreements so that some jurisdictions or authorities can be taken up immediately and others exercised in a phased manner, in accordance with the group's needs, capacities and preferred timetable. In this case, the current legislative regime will continue to apply in relation to those jurisdictions or authorities that have not yet been taken up pursuant to a negotiated agreement.

Jurisdiction or Authority Over Non-Members

Negotiations with Aboriginal groups residing on a land base must address the rights and interests of non-members residing on Aboriginal lands. Agreements should indicate clearly if Aboriginal jurisdiction or authority will be exercised over non-members.



The Government will take the position that negotiated rules of priority may provide for the paramountcy of Aboriginal laws, but may not deviate from the basic principle that those federal and provincial laws of overriding national or provincial importance will prevail over conflicting Aboriginal laws.



The Crown has a
unique, historic,
fiduciary relation-
ship with Aboriginal
peoples in Canada.

Where the exercise of Aboriginal jurisdiction or authority over non-members is contemplated, agreements must provide for the establishment of mechanisms through which non-members may have input into decisions that will affect their rights and interests, and must provide for rights of redress.

Fiduciary Obligations

The Crown has a unique, historic, fiduciary relationship with Aboriginal peoples in Canada. While the Government's recognition of an inherent right of self-government does not imply the end of this historic relationship, Aboriginal self-government may change the nature of this relationship.

As Aboriginal governments and institutions exercise jurisdiction or authority and assume control over decision-making that affects their communities, they will also assume greater responsibilities for the exercise of those powers. As a result, Crown responsibilities will lessen. In this sense, the historic relationship between Aboriginal peoples and the Crown will not disappear, but rather, will evolve as a natural consequence both of Aboriginal peoples' changing role in shaping their own lives and communities, and of the Crown's diminished control and authority in relation to them.

In circumstances where Aboriginal groups wish the Crown to have certain ongoing obligations, self-government jurisdiction or authority will, correspondingly, be limited. In such cases, continuing Crown obligations should be clearly defined. There is no justifiable basis for the Government to retain fiduciary obligations in relation to subject matters over which it has relinquished its control and over which an Aboriginal government or institution has, correspondingly, assumed control.

Accountability

Aboriginal governments and institutions should be fully accountable to their members or clients for all decisions made and actions taken in the exercise of their jurisdiction or authority. Mechanisms

to ensure political and financial accountability should be comparable to those in place for other governments and institutions of similar size, although they need not be identical in all respects.

Mechanisms to ensure political accountability must be developed and ratified by the Aboriginal group concerned, and set out in an internal constitution so that they are transparent to all members, and to others who deal with the Aboriginal governments or institutions. In determining the specific accountability measures required, consideration will need to be given to the particular functions of Aboriginal governments and institutions, such as the exercise of jurisdiction, the delivery of programs and services, and/or the administration and enforcement of regulations.

Aboriginal governments exercising law-making authority must establish:

- clear and open processes of law-making;
- transparent processes for proclaiming a law in effect;
- procedures for the notification and publication of laws; and
- procedures for the appeal of laws or other decisions.

Aboriginal institutions exercising authorities must:

- ensure that the decision-making processes central to the core functions of those institutions are open and transparent;
- ensure that information on administrative policies and standards is readily obtainable by clients; and
- establish procedures, where appropriate, for administrative review, including appeal mechanisms.

Mechanisms to ensure administrative and financial accountability to members and to clients must also be established, and should be no less stringent than those existing for other governments and institutions of comparable size. Such mechanisms should respect the principles of transparency, disclosure and redress.

Financial records and statements should comply with generally accepted accounting principles for governments and institutions of comparable size. In addition, public accounts must be prepared and made available, and provision must be made for annual public audits of expenditures.



Mechanisms to ensure political accountability must be developed and ratified by the Aboriginal group concerned, and set out in an internal constitution so that they are transparent to all members, and to others who deal with the Aboriginal governments or institutions.



The Government's position is that financing self-government is a shared responsibility among federal, provincial and territorial governments, and Aboriginal governments and institutions.

Aboriginal governments and institutions must also be accountable to Parliament for funding provided by the federal government as a result of self-government agreements. Specifically, financing agreements must provide for a mechanism enabling Parliament to assess the extent to which public funds have contributed to the objectives for which they were voted.

Aboriginal governments and institutions must develop rules with respect to conflict of interest for both elected and appointed officials. In particular, conflict-of-interest rules must ensure that services that provide an opportunity for financial gain operate at arm's length from elected and appointed officials.

Financial Arrangements

The Government's position is that financing self-government is a shared responsibility among federal, provincial and territorial governments, and Aboriginal governments and institutions. Specific financing arrangements will be negotiated among governments and the Aboriginal groups concerned.

The Government will normally require that an agreement on cost-sharing between the federal government and the relevant provincial or territorial government be secured prior to the commencement of substantive negotiations. (In some cases, cost-sharing arrangements are already in place.) In negotiating new financial arrangements and cost-sharing agreements, the federal government maintains the position that it has primary but not exclusive responsibility for on-reserve Indians and the Inuit, while the provinces have primary but not exclusive responsibility for other Aboriginal peoples.

All participants in self-government negotiations must recognize that self-government arrangements will have to be affordable and consistent with the overall social and economic policies and priorities of governments, while at the same time taking into account the specific needs of Aboriginal peoples. In this regard, the fiscal and budgetary capacity of the federal, provincial, territorial and Aboriginal governments or institutions will be a primary determinant of the financing of self-government.

Specific financial arrangements for the financing of Aboriginal governments and institutions should take into account, among other factors:

- the shared objective of ensuring the comparability of basic public services for Aboriginal peoples to those available to other Canadians in the vicinity (comparability does not mean that programs, services or funding must be identical in all cases);
- the need for reasonably stable, predictable and flexible funding arrangements for Aboriginal governments and institutions;
- existing levels of support provided by governments;
- the jurisdictions, authorities, programs and services to be assumed by Aboriginal governments or institutions;
- the Aboriginal group's ability to raise own-source revenues, and other resources available to it; and
- the efficiency and cost-effectiveness of the proposed arrangements, including issues related to the size, location and accessibility of the group/groups.

In addition, financial arrangements should be consistent with principles of sound public administration.

In this climate of scarce resources it will be particularly important for governments to work together to harmonize funding and program and service delivery arrangements, thereby ensuring the most efficient and effective use of those resources. The Government believes that, wherever feasible, Aboriginal governments and institutions should develop their own sources of revenue in order to reduce reliance, over time, on transfers from other governments.

Access to Programs

Aboriginal groups and individuals covered by self-government arrangements will continue to be eligible for programs that the federal government may establish from time to time. However, where a comparable jurisdiction, authority or program has been assumed by an Aboriginal group pursuant to an agreement or a treaty, individuals of that Aboriginal group would not ordinarily be eligible for similar federal programs.

Where legal status as an Indian, recognition as an Inuk or Labrador Innu, or residency on reserve is a condition of



Financial
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All federal costs associated with the implementation of self-government agreements will have to be accommodated within existing federal expenditures.

entitlement to federal programs, the federal government is not prepared, as the result of self-government agreements, to expand entitlement to such programs to off-reserve Status Indians, Non-Status Indians or Métis groups.

Implementation Plans

The Government will require a separate implementation plan for all self-government agreements, including treaties, to be approved in conjunction with Final Agreements. Implementation plans must identify the activities, timeframes and resources that have been agreed upon to give effect to the agreements or treaties. Issues related to affordability, efficiency, capital requirements, duplication of services, feasibility and capacity will have to be addressed.

The Government of Canada recognizes that there will be new costs associated with the transition from the existing regime to implementation of new self-government arrangements. There will not be, however, a separate source of funding for implementation and transition costs. All federal costs associated with the implementation of self-government agreements will have to be accommodated within existing federal expenditures.

In addition, self-government agreements, including treaties, will not include any program enrichment. Any decisions by the federal government regarding program enrichment would have to be made within the context of that program and by the department concerned, not as a consequence of self-government agreements. Once self-government arrangements are in place, however, Aboriginal governments will be free to redirect and redistribute monies into those areas they deem appropriate, subject to maintaining whatever statutory requirements and minimal standards of program and service delivery that have been agreed upon.

PART II: VARIOUS APPROACHES TO SELF-GOVERNMENT

The Government recognizes that Indian, Inuit and Métis peoples have different needs, circumstances and aspirations, and want to exercise their inherent right in different ways. Some want their own governments on their land base; some want to work within wider public government structures; and some want institutional arrangements. The Government is prepared to support various approaches, taking into account differing needs and circumstances, and to be flexible on the specific arrangements which may be negotiated.

First Nations

Many First Nations have expressed a strong desire to control their own affairs and communities, and deliver programs and services better tailored to their own values and cultures. They want to replace the outdated provisions of the *Indian Act* with a modern partnership which preserves their special historic relationship with the federal government. Those First Nations which have entered into treaties with the Crown want to ensure that implementation of the inherent right will be consistent with the relationship established by their treaties. All First Nations want other governments to recognize their legitimacy and authority.

The Government of Canada is prepared to work with First Nations and other governments to address these aspirations. It is also prepared to work with Treaty First Nations to ensure that negotiated self-government agreements build on their treaties and the existing treaty relationship. The Government believes that its approach to implementing the inherent right will allow First Nations and governments to establish mutually satisfactory negotiation processes leading to agreements that will recognize the jurisdiction and authority of First Nations' governments. Finally, where the parties to negotiations agree, the Government is prepared to protect rights contained in self-government agreements as constitutionally protected rights under section 35 of the *Constitution Act, 1982*.



The Government believes that its approach to implementing the inherent right will allow First Nations and governments to establish mutually satisfactory negotiation processes leading to agreements that will recognize the jurisdiction and authority of First Nations' governments.



The Government is prepared to work with Inuit groups and other governments to arrive at effective agreements, and is willing to consider a variety of public government approaches.

The Government recognizes that not all members of a First Nation live on the group's land base. The application of First Nation laws and the delivery of First Nation services to members who reside off the land base of the First Nation may be addressed in agreements with the provinces concerned. However, any such extra-territorial application of laws or receipt of services would be at the option of non-resident members and would have to take into account issues of feasibility and affordability.

Inuit Communities

Inuit groups in various parts of Canada have expressed a desire to address their self-government aspirations within the context of larger public government arrangements, even though they have, or will receive, their own separate land base as part of a comprehensive land claim settlement. The creation of the new territory of Nunavut is one example of such an arrangement on a large scale. The Government is prepared to work with Inuit groups and other governments to arrive at effective agreements, and is willing to consider a variety of public government approaches. It is also prepared, where all parties agree, to use existing negotiations processes to the greatest extent possible. Public government arrangements will, of course, have to take into account the rights and interests of all people in the area covered by such arrangements.

The Government is also prepared to constitutionally protect rights negotiated in public government arrangements as section 35 rights where appropriate and if the parties to the negotiations agree. Such negotiations would necessarily include the provincial or territorial government in order to ensure harmonious intergovernmental relationships.

Self-government arrangements in a public government context do not preclude consideration of other arrangements at some future date, provided that all parties concerned are in agreement.

Métis and Indian Groups off a Land Base

Métis and Indian groups living off a land base have long professed their desire for a self-government process that will enable them to fulfil their aspirations to control and influence the important decisions that affect their lives. The Government is prepared to enter into negotiations with provinces and Métis and Indian groups residing off a land base which live south of the sixtieth parallel. The Government is also prepared, with provincial agreement, to protect rights in agreements as constitutionally-protected section 35 treaty rights. Negotiation processes may be initiated by the Aboriginal groups themselves and will be tailored to reflect their particular circumstances and objectives.

The Government of Canada recognizes the need for flexibility in developing self-government arrangements. As such, negotiations may consider a variety of approaches to self-government off a land base including:

- forms of public government;
- devolution of programs and services;
- the development of institutions providing services; and
- arrangements in those subject matters where it is feasible to exercise authority in the absence of a land base.

Many Métis groups have expressed the view that enumeration is an essential building block for self-government. The Government agrees and is prepared to cost share with provinces the enumeration of Métis and the identification of Indian people living off a land base who may be covered by self-government arrangements. This information will provide valuable input for the implementation of self-government for Métis and non-land based Indian groups.

The Government of Canada is prepared to discuss the provision of land, but only if it is deemed necessary and complementary to the management of a federal program or service that is transferred to a Métis or non-land based Indian group.



The Government is prepared to cost share with provinces the enumeration of Métis and the identification of Indian people living off a land base who may be covered by self-government arrangements.



In the western NWT,
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Métis with a Land Base

The Alberta Métis Settlements have also expressed interest in pursuing self-government as it applies to their specific circumstances. Consequently, the federal government, with the participation of the Government of Alberta, is also prepared to negotiate self-government arrangements with Métis people residing on Alberta Métis Settlements, which reflect their unique circumstances. Should lands be provided by other provinces to Métis people under similar regimes, the federal government would be prepared to negotiate similar arrangements, with the participation of the province in question.

Where the parties to negotiations agree, the Government is prepared to protect rights contained in self-government agreements with the Métis as constitutionally protected rights under section 35 of the *Constitution Act, 1982*.

As in the case of First Nation members residing off their land base, the application of Métis laws and delivery of Métis services to members who reside off the Métis land base may be addressed in negotiations with the provinces concerned. Any such extra-territorial application of laws or receipt of services would be at the option of non-resident members and would have to take into account issues of feasibility and affordability.

Self-Government in the Western Northwest Territories (NWT)

Aboriginal groups in the western NWT have a unique opportunity to develop self-government arrangements that are not readily available south of the sixtieth parallel. In the western NWT, the Government would prefer that the inherent right find expression primarily, although not exclusively, through public government. The Government believes that this approach is the best way to address the distinctive features of this region including: the demographic profile of the territory; the fact that many communities are mixed and that settlement lands under land claim settlements do not, in most cases, include the communities; and, finally, the decision to divide the Northwest Territories. Given these circumstances, and considering inefficiencies that may arise due to

duplication of programs and services in mixed communities, the creation of completely separate Aboriginal governments in the western NWT may not be practical or efficient.

In the federal government's view, the self-government aspirations of Aboriginal peoples in the NWT can be addressed by providing specific guarantees within public government institutions. The creation of Aboriginal institutions to exercise certain authorities may also be a useful approach.

Issues related to overall territorial governance structures and related arrangements in the western NWT after division should be dealt with in other processes.

Self-Government in the Yukon

There are four First Nation self-government agreements which were brought into force by legislation in 1995 and processes are in place to continue negotiating with the remaining First Nations in the Yukon. The federal government's participation in these negotiations will be guided by the inherent right policy and existing commitments.



PART III: PROCESS ISSUES

Mandate for Negotiations Within the Federal Government

Within the federal government, the Minister of Indian Affairs and Northern Development has a mandate to enter into negotiations with First Nations, the Inuit, and Métis groups north of the sixtieth parallel. The Federal Interlocutor for Métis and Non-Status Indians has a mandate to enter into negotiations with Métis south of the sixtieth parallel and Indian people who reside off a land base. In addition, Ministers of other federal government departments have mandates to enter into sectoral negotiations in their respective areas of responsibility. Self-government proposals from Indian, Inuit and Métis groups should be directed accordingly.

A Federal Steering Committee will co-ordinate implementation of the inherent right within the federal government and maintain an overview of all self-government activities across the federal government. The Committee will ensure the participation in negotiations, as required, of all federal departments and agencies. In addition, the Committee will monitor the progress of all self-government negotiations.

Establishment of Negotiation Processes

The Government does not believe that a single process model or approach can be developed that would meet the needs, circumstances and aspirations of all Aboriginal peoples across Canada. Accordingly, the Government is prepared to enter into negotiations with duly mandated representatives of Aboriginal groups and the provinces concerned, in order to establish mutually acceptable processes at the local, regional, treaty or provincial level. The size of the group and workable economies of scale will be significant considerations in determining what may be practical to negotiate.

It is the Government's view that tripartite processes are the most practical, effective and efficient way of negotiating workable and harmonious intergovernmental arrangements. Double-bilateral processes may be employed in certain circumstances if the parties



The Government is prepared to enter into negotiations with duly mandated representatives of Aboriginal groups and the provinces concerned, in order to establish mutually acceptable processes at the local, regional, treaty or provincial level.



The federal government would be prepared to deal with implementation of the inherent right in combination with other processes, particularly the negotiation of comprehensive land claim settlements.

so agree. The Government is also prepared to proceed with sectoral approaches if the parties concerned are in agreement.

It is only in very exceptional circumstances — were a province to refuse, for example, to come to a tripartite table — that the federal government would be prepared to consider exclusively bilateral negotiations. However, there are legal risks in proceeding without provincial involvement and agreement. Because of these risks, any self-government negotiations without provincial participation would be strictly limited to matters within exclusive federal jurisdiction and would not result in section 35 treaty rights. Negotiations with Métis and non-land based Aboriginal people will invariably have to be conducted on a tripartite basis.

Relationship to Other Processes

The federal government would be prepared, where the other parties agree, to deal with implementation of the inherent right in combination with other processes, particularly the negotiation of comprehensive land claim settlements. The Government is also prepared to enter into negotiation processes building on the relationship already established through existing treaties. Finally, wherever feasible and appropriate, existing tripartite fora will be used to facilitate the negotiation process. Examples of existing tripartite fora include the British Columbia treaty negotiation process and the Indian Commission of Ontario.

With respect to these processes and existing self-government negotiations (i.e. the tripartite processes for the Métis and non-land based Indian people, and the former Community-Based Self-Government negotiations) the policy approach outlined in this document will guide the federal government's participation.

Representation

It is essential that the individuals negotiating on behalf of Aboriginal peoples be duly mandated by the group they are representing, and that support be maintained throughout the negotiation process. The Government believes that the onus to resolve

any disputes regarding representation within or among Aboriginal groups should rest with the Aboriginal groups concerned.

Role of Municipalities and Third Parties

Recognizing the importance of conducting negotiations in a spirit of openness and co-operation, the Government is committed to providing municipalities and third parties with meaningful opportunities to have input into negotiation processes that may directly affect their interests. To this end, the Government will work with provinces, territories and Aboriginal groups to develop appropriate consultation mechanisms for municipalities and third parties that may be directly affected by self-government negotiations and agreements.

Approval of Negotiated Agreements

Within the federal government, Cabinet approval will be sought for Agreements-in-Principle and Final Agreements, and Parliamentary approval sought for self-government treaties and any implementing legislation that may be required.

The Government will require evidence that negotiated agreements have been ratified by the Aboriginal group concerned in a way that demonstrates clearly the group's consent. While the specific ratification mechanism can be negotiated, it will have to ensure that all members have an opportunity to participate, that they have all relevant information available, and that the procedures for ratification are transparent and recognized as binding. The ratification mechanism will also have to comply with legal requirements respecting the transfer of assets.



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GLOSSARY OF TERMS

As used throughout this document:

"Aboriginal Government" means the governing body of a land-based Aboriginal group which may have jurisdiction and may exercise authority on Aboriginal lands.

"Aboriginal Institution" means an institution serving Aboriginal people which may exercise authority with respect to an Aboriginal group.

"Aboriginal Lands" means lands that:

- are reserved lands within the meaning of the *Indian Act*;
- are land claim settlement lands over which Aboriginal governments may exercise jurisdiction;
- are Métis Settlement areas, as defined in section 1(p) of the *Métis Settlements Act*, S.A. 1990, c. M-14.3, and any other lands that may be provided by the provinces and which are subject to similar regimes;
- are held by, or on behalf of, an Aboriginal group under conditions where they would constitute "lands reserved for the Indians" under section 91(24) of the *Constitution Act, 1867*;
- any other land by agreement of the Aboriginal group, Canada and, where affected, the relevant province or territory.

"Aboriginal peoples" includes the Indian, Inuit and Métis peoples of Canada.

"Agreement" means a negotiated agreement dealing with any aspect of self-government as provided for under this approach.

"Agreement-in-Principle (AIP)" means an agreement preliminary to the Final Agreement and which will address, in some degree of detail, the full range of issues to be covered by the Final Agreement.

"Authority" means any authority, other than a law-making authority, such as the authority to deliver or administer programs or services, or to enforce the laws of other governments.





"Final Agreement" means the final version based on the AIP.

"Jurisdiction" means law-making authority.

"Treaty" in the context of the implementation of self-government, means a negotiated agreement among the federal and provincial or territorial governments and an Aboriginal group that includes those matters that are intended to be constitutionally protected as treaty rights under section 35 of the *Constitution Act, 1982*.

For additional information or copies of the following document please contact:

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Les Terrasses de la Chaudière
10 Wellington St.
Hull, Quebec
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4.1

Background on 3 existing Self-government agreements:

Sechelt

(To come from BCRO)

4.2

Background on 3 existing Self-government agreements:

Cree-Naskapi

(To come from QRO)

SELF-GOVERNMENT INFORMATION

JAMES BAY AND NORTHERN QUEBEC AGREEMENT NORTH EASTERN QUEBEC AGREEMENT

Tab 4.3

STRUCTURAL OVERVIEW

- ▶ The James Bay and Northern Quebec Agreement (JBNQA) was signed by the Cree and Inuit peoples of Quebec, and by the governments of Quebec and Canada. The James Bay Energy Corporation and the James Bay Development Corporation, the James Bay Energy Corporation and the James Bay Development Corporation, later, in 1978, the Naskapis of Schefferville signed a similar agreement (NEQA). These two treaties are Canada's first modern treaties with Indigenous peoples.
- ▶ In addition to settling Native claims and providing financial compensation, the agreements defined Native rights and established regimes for future relations between Native and non-Natives in the region and among local, regional, provincial and federal governments.
- ▶ The process of implementation is underway since the signature of the JBNQA and NEQA. The Inuit and the Naskapis have signed an implementation agreement in 1990. Negotiation for such an agreement were not completed with the Crees. The Crees insisted that what they consider to be outstanding operational matters must first be resolved before entering into discussions on JBNQA implementation. To this date, issues identified by the Crees at that time, have been fulfilled and a scoping-out process, which should lead to implementation negotiation, is underway.

LEGISLATIVE BASIS:

Crees:

- ▶ The Cree Regional Authority (CRA) formed pursuant to Section 11A of the JBNQA is a public corporation under a special Act passed by the Quebec National Assembly.

Naskapis:

- ▶ Since 1984, the Naskapis Band Council as well as the eight Cree communities residing on lands covered by the Agreements (NEQA and JBNQA) have become incorporated. Their local administrations have the power to adopt by-laws concerning various matters.

SELF-GOVERNMENT INFORMATION SHEET

JAMES BAY AND NORTHERN QUEBEC AGREEMENT NORTH EASTERN QUEBEC AGREEMENT

STRUCTURAL OVERVIEW

- ▶ The James Bay and Northern Quebec Agreement (JBNQA) was signed in 1975 by the Cree and Inuit peoples of Quebec, and by the governments of Quebec and Canada, the James Bay Development Corporation, the James Bay Energy Corporation and Hydro-Québec. Three years later, in 1978, the Naskapis of Schefferville signed a similar agreement, the Northeastern Quebec Agreement (NEQA). These two treaties are Canada's first modern treaties with Aboriginal peoples.
- ▶ In addition to settling Native claims and providing financial compensation, the agreements defined Native rights and established regimes for future relations between Natives and non-Natives in the region and among local, regional, provincial and federal governments.
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Crees and Naskapis:

- ▶ The Federal *Cree-Naskapi (of Quebec) Act* (1984) has strengthened self-government for Cree communities and the administration of category 1A lands. The Act is the first statute that in some sense promotes the concept of self government. Under this Act, a new administrative regime has been put in place increasing the communities' powers in the area of land and resource management, taxation, regulations and other issues.
- ▶ A Commission (Cree-Naskapi Commission) has been established to hear complaints related to the application of the Act.

Inuit:

- ▶ The Kativik Regional Government was legally established in 1978 under the provincial *Act respecting Northern Villages and the Kativik Regional Government*.

FIRST NATIONS LAW-MAKING POWERS

- ▶ The JBNQA and the CNEQ include provisions concerning local administrative administrations. In 1984, to implement the provisions applying to Indian communities, the Canadian Parliament passed the Cree-Naskapi (of Quebec) Act. This act supersedes the Indian Act (except for matters pertaining to Indian status) and institutes a form of self-government. It also establishes the land management system. Under the JBNQA and NEQA, the territory was divided into category I, II and III lands:

Category I lands are for the exclusive use and benefit of Aboriginal people;

Category II lands belong to the province, but Native governments share management for various issues such as hunting, fishing and trapping rights on these lands;

Category III lands are a special type of Quebec public lands. Both Native and non-Native people may hunt and fish here subject to regulations adopted in accordance with the agreements. Aboriginal groups have exclusive rights to harvest certain aquatic species and fur-bearing animals and to participate in the administration and development of the land.

PROGRAM AND SERVICES:

Crees, Inuit and Naskapis:

- ▶ All nations, under the appropriate Agreement, assume program administration responsibilities within the following areas: land regime, local and regional government, health and social services, education, administration of justice, police, environment, hunting, fishing and

trapping, economic and social development.

Inuit:

► The Kativik Regional Government has jurisdiction over all the territory north of the 55th parallel. It serves as a municipal corporation for all non-municipal or unorganized territory. It is responsible for directing the efforts of the municipal councils and the two levels of government toward common development objectives. The KRG's mandate covers many areas of activity: resource management, economic and social development, labour, education, community health, census, health and social services, transportation, local government, communications, etc.

Crees:

► The Cree Regional Authority (CRA) offers services to local Cree communities and manages various projects and programs. The CRA operates in various sectors such as promotion of traditional activities, community services, environment and administration.

Naskapis:

► The Naskapis Band Council is responsible for program and services delivery.

FUNDING STRUCTURE:

A) Capital (Crees and Naskapis)

► Capital funding is provided by DIAND through a grant.

B) Operation and Maintenance (O&M) (Crees and Naskapis)

► The funding of the administrative structure of the CRA and the Naskapis Band Council are included in the O&M agreement (federal grants). Some programs (social, LRT) are funded by the mean of contributions.

Capital and O&M - Inuit

► Further to the signature of an Agreement in 1980, between the governments of Canada and Quebec, all programs related to housing and maintenance were transferred to the province.

Other - Inuit

- ▶ Some special initiatives such as Economic Development (CAEDS) are transferred, from DIAND, on a contribution basis.
- ▶ Federal and provincial programs and funding, and the obligations of the federal and provincial governments, shall continue to apply to the James Bay Crees, the Inuit of Quebec and the Naskapis on the same basis as to the other Indians and Inuit of Canada in the case of federal programs, and of Quebec in the case of provincial programs, subject to the criteria established from time to time for the application of such programs.

C) Education

- ▶ In the case of educational services the Agreements stipulate the proportion shared by federal and provincial governments. The School Boards operational and capital budgets are funded jointly by Canada and Quebec, with Canada paying 25 percent of the Inuit budget and 75 percent of the Cree and Naskapi budget. Canada's share is transferred annually to the Quebec Ministère de l'Éducation.

D) Other sources of funding

- ▶ The JBNQA included a total of \$225M as compensation to the James Bay Crees and the Inuit of Northern Quebec, to be paid by Canada and Quebec. Compensation funding for the Crees was paid to the Cree Regional Authority and for the Inuit it was paid to the Makivik Corporation. Under the terms of the NEQA Canada and Quebec paid a total of \$9M in compensation to the Naskapis of Quebec.

INFORMATION SHEET

YUKON SELF-GOVERNMENT AGREEMENTS

STRUCTURAL OVERVIEW

- Yukon self-governments were negotiated in accordance with the principles identified in chapter 24 of the Umbrella Final Agreement (Claims). Self-government agreements were negotiated concurrently with First Nation Final Agreements (land claims). The implementation package in Yukon included an implementation plan for each of the land claim and the self government agreements, one Financial Transfer Agreement (FTA) and one Program and Service Transfer Agreement (PSTA). All of the implementation agreements are implemented as a package; none received constitutional protection.
- The Yukon Self-Government Agreements (SGA) recognize the First Nation Governments as the successor to the Indian Act Bands. The structure and procedures of Yukon First Nation (YFN) governments are described in the constitution of each First Nation. SGAs require YFN constitutions to include a citizenship code; governing bodies and their powers; a financial reporting system; procedures to recognize and protect the rights of citizens; provisions for challenging the validity of laws; and provisions for amendments.

LEGISLATIVE BASIS

Yukon First Nations Self-Government Act (Canada)

- On February 14, 1995, the land claim and the self-government agreements of the Champagne and Aishihik First Nations, the First Nation of Nacho Nyak Dun, the Teslin Tlingit Council and the Vuntut Gwich'in Council were given effect. Subsequent agreements with Yukon First Nations will be given effect by an Order of the Governor in Council.

FIRST NATION LAW-MAKING POWERS

On Settlement Lands

- Self-governing YFNs have exclusive power to enact laws for the internal management and administration of their affairs. They also have exclusive power to enact laws concerning the management and administration of rights or benefits realized pursuant to the land claim agreement.

- YFNs also have the power to enact laws of a local or private nature for matters coming within the definition of "good government" of Citizens on Settlement Lands.
- First Nations may delegate any or all of powers, including legislative powers.

For all Members

- Self-governing YFNs have the power to enact laws in relation to its citizens in the Yukon, including those off settlement land, with respect to: programs and services related to spiritual and cultural beliefs; aboriginal languages; health care and services; social and welfare services; training programs; adoption; guardianship; custody, care and placement of children; education programs and services; estates; mental competency or ability; resolution of disputes outside courts, marriage of citizens; licenses to raise revenue; and any other matters necessary to enable the First Nation to fulfill its responsibilities pursuant to the land claim or self-government agreement.
- With respect to the concept of paramountcy of laws, these agreements provide that YUKON laws of general application shall be inoperative in instances of conflict with First Nation laws. The agreements provide for a process to determine the circumstances whereby a First Nation law will apply over a federal law of general application in the case of a conflict.

PROGRAM AND SERVICES

- As prescribed in the individual PSTA's, YFN's have assumed program administration responsibility for the following Indian and Inuit Affairs programs: band management, band government support, facility operation and maintenance, housing, capital infrastructure, economic development, education (education counselling services and elementary school supplies) and social development (basic needs, special needs and adult care).
- First Nations may negotiate the assumption of responsibility for additional government programs within its jurisdiction by notifying the two Governments by March 31st each year of its priorities for negotiations.
- Funding associated with the PSTAs is provided to the First Nation via the Financial Transfer agreement.

FUNDING STRUCTURE

- Funding is provided by Canada to First Nation governments via a financial transfer agreement (FTA) in the form of a block funding grant. Funding includes amounts for governance costs as set out in the self-government implementation plan, accessed programs and services (PSTAs), and claims implementation activities.
- Grants allow for maximum budgetary flexibility for the First Nation Government to allocate resources to its own priorities while maintaining accountability of the First Nation to its members for the delivery of devolved federal and territorial government programs. Payments are made on an unconditional basis except where criteria or conditions are attached to the provision of funding for similar programs and services in other jurisdictions in Canada.
- FTAs include provisions for eligible own source revenues of the First Nation to be applied to the funding levels at an offset rate of 70%. Eligible revenues are excluded from application for two years following the date which the First Nation obtains access to such revenues.
- In part in recognition of the special relationship between Canada and the territorial governments, the FTA is a bilateral agreement between Canada and the First Nations.
- When First Nations assume responsibility for programs and services delivered by the Territorial Government, Canada will subtract the associated program funding ("net savings") from Yukon's expenditure base as described in the fiscal transfer arrangement in effect at the time.
- The FTA includes a variety of options to adjust the funding associated with devolved programs for price and/or population changes as may be negotiated. The current FTA's contemplate a re-negotiation every five years unless otherwise agreed by the parties in writing.

May 20, 1996

FEDERAL COMMITMENTS FOR NATIONAL ABORIGINAL PROGRAMS

(Last Updated: 28 February 1996)

Page 1

Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Department of Indian Affairs and Northern Development	Social Development Provide appropriate assistance and welfare services to eligible Indian and Inuit individuals and families, in accordance with government standards.	- Note 1.	1,009,900	1,108,000
Department of Indian Affairs and Northern Development	Elementary/Secondary Education Ensure that all eligible Indians and Inuit have access to a quality and range of elementary/secondary education.	- Note 1.	815,200	883,500
Department of Indian Affairs and Northern Development	Northern Programs Provide specific services North of 60° for Aboriginal people, as well as transfer payments to the territorial governments in respect of their programs.	- The Department has the lead federal responsibility for Northern political and economic development. - Allocations listed represent the Aboriginal program component of total Northern Program expenditures, including territorial transfer payments (currently 46.8% of total).	632,300	639,000
Department of Indian Affairs and Northern Development	Schools and Infrastructure Support Indian bands, Inuit communities to maintain a level and quality of community capital facilities consistent with approved standards.	- Note 1.	572,500	618,600
Department of Indian Affairs and Northern Development	Claims Settle accepted comprehensive and specific claims.	- This includes the costs of implementation of settled claims.	279,400	344,700

Note 1: Unless otherwise indicated, the programs funded by the Department of Indian Affairs and Northern Development provide support and services exclusively to status Indians and Inuit.

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Page 2

Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996 (Thousands of Dollars)
Department of Indian Affairs and Northern Development	Self-Government Establish a new relationship between the federal government and Indian and Inuit people marked by increased control and self-reliance.	<ul style="list-style-type: none"> - Note 1. - Under the federal government's policy on Aboriginal Self-Government, announced in August 1995, responsibility for entering into self-government negotiations with non-status Indians and Métis south of the sixtieth parallel resides with the Federal Interlocutor for Métis and Non-Status Indians. 	316,400	332,100
Department of Indian Affairs and Northern Development	Post-Secondary Education Encourage and support the educational and/or career development opportunities of Indians and Inuit.	<ul style="list-style-type: none"> - Note 1. 	227,300	261,300
Department of Indian Affairs and Northern Development	Housing Provide for adequate housing by subsidizing construction and renovation of houses on reserves, as well as training, management and technical assistance to bands.	<ul style="list-style-type: none"> - Note 1. 	137,800	137,700
Department of Indian Affairs and Northern Development	Corporate Direction and Administration Program Ensure efficient and effective management of the Department and its programs in a manner that is responsive to its mandate.		100,500	82,200
Department of Indian Affairs and Northern Development	Lands and Trust Services Fulfil the legal obligations of the Government of Canada in matters respecting Indians and the lands reserved for Indians excepting the development of natural resources (lawful or fiduciary obligation).	<ul style="list-style-type: none"> - Note 1. 	65,200	64,500

Note 1: Unless otherwise indicated, the programs funded by the Department of Indian Affairs and Northern Development provide support and services exclusively to status Indians and Inuit.

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Page 3

Department	Program Name/ Description	Comments	Allocations	
			1994-1995	1995-1996
(Thousands of Dollars)				
Department of Indian Affairs and Northern Development	Economic Development Support Indians, Inuit, and Innu in achieving economic growth and self-reliance.	- Note 1.	67,100	53,300
Department of Indian Affairs and Northern Development	Cultural Centres Provide support to establish and operate cultural/educational centres.	- Note 1.	8,200	8,200
Canada Mortgage and Housing Corporation	Urban Native Housing Program Provide assistance to private Aboriginal non-profit organizations and Aboriginal co-op groups who own and operate rental housing projects for Aboriginal people in urban areas. Full operating subsidy is provided for up to 35 years to cover the difference between operating costs and rental revenues.	- Applies to off-reserve areas. - 1994-95 actual expenditure \$94,800. - New commitments terminated 31 Dec 93.		90,400
Canada Mortgage and Housing Corporation	Rural and Native Housing Provide assistance to Aboriginal and non-Aboriginal households in rural areas with populations of 2,500 or less. Subsidies are equal to the difference in the unit's carrying charges (for homeowners) or operating costs (for renters) and the monthly payment made by the household which is established on a payment-to-income scale. Subsidies are provided for up to 25 years.	- Applies to off-reserve areas. - 1994-95 actual expenditure \$74,500. - New commitments made under this program terminated 31 Dec 93. - Proposed allocations represent the estimated Aboriginal component.		69,900
Canada Mortgage and Housing Corporation	Emergency Repair Program (ERP) Provide assistance to Aboriginal and Non-Aboriginal households in core housing need for the urgent repair of existing housing which is a threat to occupants' health or safety. It is available in rural areas.	- Applies to off-reserve areas. - 1994-95 actual expenditures \$1,100. - New commitments made under this program will terminate 31 Dec 97. - Proposed allocations represent the estimated Aboriginal component.		2,200

Note 1: Unless otherwise indicated, the programs funded by the Department of Indian Affairs and Northern Development provide support and services exclusively to status Indians and Inuit.

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Canada Mortgage and Housing Corporation	Homeowner Residential Rehabilitation Assistance Program (Homeowner RRAP) Provide assistance to Aboriginal and Non-Aboriginal households in core housing need who own and occupy substandard housing to enable them to repair their dwellings to a minimum level of health and safety. A portion of the loan can be forgiven depending on household income.	<ul style="list-style-type: none"> - Applies to off-reserve areas. - 1994-95 actual expenditures \$2,100. - New commitments made under this program will terminate 31 Dec 97. - Proposed allocations represent the estimated Aboriginal component. 		5,600
Canada Mortgage and Housing Corporation	Non-profit Housing Program Provide mortgage insurance on 100 per cent of eligible loan amounts. The loans are provided by approved lenders and CMHC, for which DIAND offers a ministerial guarantee. Annual assistance is in the form of a write-down to two per cent interest from current market rates for a period of 25 years.	<ul style="list-style-type: none"> - Applies to on-reserve areas. - 1994-95 actual expenditure \$94,000. 		99,100
Canada Mortgage and Housing Corporation	Residential Rehabilitation Assistance Program (RRAP) Provide assistance to repair, rehabilitate or improve dwelling units to a minimum level of health and safety, or to make a unit accessible to a person with a disability. Assistance is in the form of a loan, a portion of which may be forgiven, depending on household income.	<ul style="list-style-type: none"> - Applies to on-reserve areas. - 1994-95 actual expenditure \$9,000. 		10,100
Canadian Heritage	Aboriginal Friendship Centres Provide organizational support to non-profit Friendship Centres to deal effectively with governments and partners in generating programs and delivering services in housing, education, health, employment, recreation and human resource development.	<ul style="list-style-type: none"> - 1991-92 actual expenditure \$13,936. - 1992-93 actual expenditure \$19,654. - 1993-94 actual expenditure \$17,861. - Directed at urban areas. 	17,238	16,423

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Page 5

Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Canadian Heritage	Northern Native Broadcast Access Support 13 Aboriginal broadcasters to operate regional network production centres and to produce and broadcast radio and television programming meeting the cultural, linguistic and information needs of some 400 Aboriginal communities in northern Canada.	- 1991-92 actual expenditure \$11,259. - 1992-93 actual expenditure \$11,267. - 1993-94 actual expenditure \$10,153.	10,154	9,589
Canadian Heritage	Aboriginal Representative Organizations Facilitate two-way representations and consultations between Aboriginal communities and government on such matters as government legislation and policies.	- 1991-92 actual expenditure \$6,423. - 1992-93 actual expenditure \$6,394. - 1993-94 actual expenditure \$6,505.	5,499	5,193
Canadian Heritage	Aboriginal Women's Programming Enable Aboriginal women to directly address issues of equality and equitable participation in Aboriginal and Canadian societies.	- 1991-92 actual expenditure \$2,683. - 1992-93 actual expenditure \$2,549. - 1993-94 actual expenditure \$2,271.	2,180	1,848
Canadian Heritage	Native Social and Cultural Development Foster Aboriginal identity and achievement by supporting cultural and language regeneration in Aboriginal communities.	- 1991-92 actual expenditure \$1,092. - 1992-93 actual expenditure \$1,039. - 1993-94 actual expenditure \$948. - Program discontinued as of 1995-96.	900	
Canadian Heritage	The Canadian Native Arts Foundation Part of contributions provided to national service organizations in the areas of arts, culture, film and video and sound recording in support of services and special projects.	- Funded through Cultural Development and Heritage Activity Grants and Contributions.	475	475

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Canadian Heritage	Aboriginal History Northern Sites Initiatives Part of contributions provided to commemorate historic places that depict under-represented historic themes.	<ul style="list-style-type: none"> - Funded through Cultural Development and Heritage Activity Grants and Contributions. - Seven key themes will be represented in 1996. 	0	900
Fisheries and Oceans	Aboriginal Fisheries Strategy (AFS) Encompasses Aboriginal involvement in all aspects of the fisheries and fish habitat management and limited participation by First Nations in commercial fishing and related economic opportunities. Included in the AFS budget is the Allocation Transfer Program (ATP), which has been initiated to voluntarily retire licences from the commercial fishery in order to transfer the allocations to First Nations. ATP funding is currently \$7 M annually (included in overall AFS funding).	<ul style="list-style-type: none"> - 1992-93 funding level \$23,107. - 1993-94 funding level \$24,833. - AFS originally announced in 1992. - AFS funding after 1996-97(excluding the ATP) is being reexamined and is subject to approval. 	29,840	29,525
Fisheries and Oceans	Land Claims Negotiation of fisheries provisions of land claims settlements in British Columbia, the Northwest Territories, Newfoundland and Quebec offshore; implementation of land claims of the Tungavik Federation of Nunavut, Gwich'in, Sahtu and the Council of Yukon Indians.	<ul style="list-style-type: none"> - 1991-92 funding level \$625. - 1992-93 funding level \$739. - 1993-94 funding level \$1,043. 	1,725	2,532
Health Canada (Medical Services Branch)	Community Health Services to Indians and Inuit Provide on-reserve health programs (public health nursing, nutrition, child development, alcohol, drug and solvent abuse, environmental and mental health services). Provide developmental and support services towards devolution of health services to First Nations.	<ul style="list-style-type: none"> - Includes Community Health Services, Brighter Futures, National Native Alcohol and Drug Abuse Program, Environmental Health and Surveillance and Community Health Services Under Indian Control. 	362,000	402,700
Health Canada (Medical Services Branch)	Non-insured Health Services Provide supplementary health benefits to approximately 600,000 off and on-reserve registered Indians, Inuit and Innu people to meet medical/dental needs when they cannot be met from provincial services or other health plans.		508,200	561,000

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Health Canada (Medical Services Branch)	Hospital Services Operate six general hospitals providing services ranging from primary to limited secondary levels of care.	- Allocations represent the federal share of the cost of operations. Health Canada recovers approximately \$16,300 annually from the provinces for their share of total costs.	25,700	31,100
Health Canada (Health Promotion and Programs Branch)	Aboriginal Headstart Provide, through locally controlled early intervention strategies, Aboriginal preschool children in urban and northern settings with a positive sense of self-worth, a desire for learning and opportunities to develop fully and successfully as young people.	- The allocation for 1994-95 is based on previous expenditures.	400	15,100
Human Resources Development Canada	Pathways to Success Strategy Establish joint management boards by Aboriginal and HRDC officials, to set training and employment priorities and determine which initiatives will be supported in their geographic area. Approximately 87% of the Aboriginal population of Canada is represented by Pathways boards. There are 101 local boards, 12 regional/territorial boards and the National Aboriginal Management Board.		200,000	200,000
Industry Canada	Aboriginal Business Canada Assist in rebuilding the Aboriginal economy and integrating it into the national and international economies by developing a successful business and capital base.	- Figures include both grants and contributions, and operating and maintenance.	75,000	51,800
Industry Canada	SchoolNet (First Nations SchoolNet Project) Connect all First Nation K-12 schools under federal jurisdiction to SchoolNet (a set of educational services available through the Internet).	- Figures are from internal program data.	0	3,000

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Justice Canada	Aboriginal Justice Initiative Fund Support Aboriginal organizations/communities, and provincial/territorial governments in fostering improvements in the responsiveness, fairness and effectiveness of the justice system for Aboriginal people. The fund will assist communities to undertake demonstration projects, research and cross-cultural training, strengthen the relationship between Aboriginal people and the justice system through the promotion of tripartite consultation, and test new approaches and models for the delivery of legal services.	- 1994-95 actual expenditure \$2,071.	1,967	1,752
Justice Canada	Aboriginal Justice Research Undertake research activities leading to a better understanding of Aboriginal peoples, and provide assistance in the development of policy initiatives which respond to their needs.		238	
Justice Canada	Native Courtworkers Program and Other Native Projects Fund Provide contributions to meet non-legal counselling and referral needs of Natives in conflict with the law, enhance their access to the criminal justice system and reduce the communication barriers between Native people and those involved in the administration of the criminal justice system.	- 1994-95 actual expenditure \$4,779. - \$30 allocated for conferences or workshops on Aboriginal Justice education, under other Native projects.	4,207	4,769
Justice Canada	Legal Studies for Aboriginal People Encourage Native people to enter the legal profession through the provision of financial support.	- 1994-95 actual expenditure \$454.	492	376
Justice Canada	Aboriginal Summer Student Program Allow for the recruitment of up to 14 Aboriginal law students annually which will facilitate better representation of Aboriginal peoples in the Department.	- 1994-95 actual expenditure \$90.	90	90

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
National Defence	The Canadian Rangers Provide military presence in remote coastal and arctic areas, enhance sovereignty, and provide emergency search and rescue assistance. Overall strength of the rangers is approximately 3,100 personnel, of which approximately 44% are Aboriginal.	<ul style="list-style-type: none"> - Sub-component of the Canadian Forces Reserve. - 1993-94 actual expenditure \$1,040. - Percentage of Aboriginal membership in individual patrols varies considerably with region. 	1,422	1,228
National Defence	Exercise Bold Eagle Train Western Canadian Indian and Metis youth to join and serve with the Militia (Army Reserve).	<ul style="list-style-type: none"> - 1993-94 actual expenditure \$70. - includes western provinces, but exclusive of the territories. 	50	234
National Defence	Headstart Introduce Aboriginal students to the entry level requirements needed to qualify for the Canadian Forces Reserves through a summer program.	<ul style="list-style-type: none"> - 1993-94 actual expenditure \$104. 	120	120
National Defence	Northern Native Entry Program Train exclusively Northern Aboriginal youth to join and serve with the Militia (Army Reserve).	<ul style="list-style-type: none"> - 1993-94 actual expenditure \$104. 	259	300
Natural Resources Canada	Canada-Provincial Forest Resource Development Agreements Stimulate increased levels of forest management and economic development by the provinces/territories, industry, woodlot owners, Indian bands and federal departments. The Indian Lands Forestry Program centres on forest management planning, reforestation and silviculture, while emphasizing Aboriginal employment, on-the-job-training and business development.	<ul style="list-style-type: none"> - Funding under the Canada-Provincial Forest Resource Development Agreements currently average \$7,300 per year. - Funding terminated 31 Mar 95 in all participating provinces and territories except British Columbia and Quebec, where funding will terminate 31 Mar 96. 	3,900	3,800

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996 (Thousands of Dollars)
Natural Resources Canada	Canada Lands Surveying Promote an effective lands surveying system for the orderly development and management of Canada Lands in which Aboriginal groups have property rights consisting of surrendered or reserved lands as defined in the Indian Act, certain lands set aside for Aboriginal groups under specific land claims legislation, and certain lands within the Yukon and Northwest Territories.	<ul style="list-style-type: none"> - In 1993-94 the value of surveys managed for Aboriginal people was \$5, 300. 	8,800	7,800
Privy Council Office (Aboriginal Affairs Secretariat)	Tripartite Aboriginal Self-Government Negotiations Negotiate practical self-government arrangements with Métis and other Aboriginal people located off-reserve, south of the sixtieth parallel. The parties to each negotiation are the federal government, represented by the Federal Interlocutor for Métis and Non-Status Indians, an Aboriginal organization, and the provincial office responsible for Aboriginal issues. The agenda for negotiations is flexible and may include housing, economic development, health care, justice, social services, education, training, language and culture. Funding is provided for negotiation and research costs insofar as the latter directly relate to self-government negotiations, and the federal government's position is that it can match, but not exceed, provincial contributions to each process. Implementation or transition funding is not provided.	<ul style="list-style-type: none"> - This is viewed as a process rather than a program. - Process not intended to address treaty or land claims. 	2,430	2,194
Privy Council Office (Aboriginal Affairs Secretariat)	Bilateral Discussions The Federal Interlocutor has entered into agreements with the Congress of Aboriginal Peoples and the Métis National Council, the purpose of which are to facilitate an exchange of views and information on issues of importance to off-reserve Aboriginal peoples.	<ul style="list-style-type: none"> - \$200 allocated for discussions with each organization. 	400	400

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995	1995-1996
(Thousands of Dollars)				
Public Service Commission	Special Measures Initiatives Program (SMIP) Promote employment equity which focuses on retention of designated group members, diversity management training and developmental assignments for designated group members in the federal public service workforce. Funding is made available to support departmental projects that research the causes or barriers contributing to under-representation and to test solutions.	<ul style="list-style-type: none">- 1993-94 actual expenditure \$3,621.- Includes salary and non-salary costs related to employment of Aboriginal persons under former program.- SMIP does not include separate cost allocations for Aboriginal employees.- Administration costs are not included.- Program funding lapses in 1997-98.	1,248	
Solicitor General Canada	First Nations Policing Policy Implement the policy through the negotiation and administration of tripartite policing arrangements between the Government of Canada, provincial governments and First Nations.	<ul style="list-style-type: none">- Note 2.	50,325	50,488
Solicitor General Canada	Off-reserve Policing Manage off-reserve policing portion of the FN policing policy.	<ul style="list-style-type: none">- Note 2.- Part of the five-year Aboriginal Justice Initiative.	100	100
Solicitor General Canada	Corrections Provision of policy advice to the Minister. Support of self-government, comprehensive land claims and other tripartite negotiations. Undertake research, development and evaluation projects to increase awareness of, and greater participation in effective community corrections processes in consideration with the customs and traditions of Aboriginal communities.	<ul style="list-style-type: none">- Note 2.- Part of the five-year Aboriginal Justice Initiative.	375	375

Note 2: Significant aspects of the Solicitor General of Canada ministerial activities are not represented and are limited to national programs administered centrally. Regional activities of the Correctional Service of Canada, and programs administered by the Divisions of the Royal Canadian Mounted Police are not included. These figures are not publicly available other than in broad aggregations. The amounts represented by these exclusions are significant.

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996 (Thousands of Dollars)
National Parole Board (Solicitor General)	Conditional Release Evaluation of Elder Assisted Hearings in Prairies Region. Developing linkages with Elders and Aboriginal community leaders. Providing cross-cultural training and sensitivity sessions for board members. Establish meetings with Aboriginal communities to share information on conditional release.	- Part of the five-year Aboriginal Justice Initiative.	60	60
Correctional Service of Canada (Solicitor General)	Aboriginal Inmate Addictions Treatment Project Deliver addictions treatment, based upon a culturally appropriate program to a large proportion of federal Aboriginal offenders within the dynamics of a penitentiary. Training requirements for subsequent years will be determined following completion of this project.	- Note 2.	350	500
Correctional Service of Canada (Solicitor General)	Aboriginal Sex Offender Counsellor Training Project Train 26 sex offender counsellors. The trainees will be recruited from the Service and from Aboriginal communities, primarily in B.C. and the Prairies (where most federal Aboriginal offenders are located). The Service trainees will conduct treatment sessions within federal institutions; the rest will serve their communities, but will also be well positioned to provide treatment and relapse prevention services to conditionally released Aboriginal offenders.	- Note 2. - 1995-96 funding levels obtained from carry-forward funds. - Based on agreement with Native courtworkers and counsellors of B.C.	0	325

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Correctional Service of Canada (Solicitor General)	Development of High Intensity Treatment for Aboriginal Sex Offenders Develop a high intensity sex offender program for Aboriginal inmates in moderate and high-risk categories, by an Aboriginal psychologist and medicine person, who have been engaged to examine current sex offender treatment programs in institutions and in the Aboriginal community.	- Note 2. - 1995-96 funding levels obtained from carry-forward funds and budget transfer from Sex Offender Programming.	0	60
Correctional Service of Canada (Solicitor General)	Operation of Aboriginal Advisory Committee Maintain an Aboriginal Advisory Committee in accordance with the <i>Corrections and Conditional Release Act</i> which provides advice on correctional issues affecting Aboriginal offenders. The Committee has been reorganized to include subcommittees for the more intensive disposition of issues and is consulted regularly.	- Note 2.	100	100
Correctional Service of Canada (Solicitor General)	Elder Advisors Retain elder advisors by the Corporate Advisor, Aboriginal Programming, to provide their unique insights on cultural matters affecting Aboriginal offenders.	- Note 2.	0	60
Correctional Service of Canada (Solicitor General)	University Student Assistants Provide exposure to and encouragement towards a career in Aboriginal corrections by engaging university students on selected projects during the summer.	- Note 2.	0	23

Note 2: Significant aspects of the Solicitor General of Canada ministerial activities are not represented and are limited to national programs administered centrally. Regional activities of the Correctional Service of Canada, and programs administered by the Divisions of the Royal Canadian Mounted Police are not included. These figures are not publicly available other than in broad aggregations. The amounts represented by these exclusions are significant.

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995 (Thousands of Dollars)	1995-1996
Correctional Service of Canada (Solicitor General)	Section 81 (CCRA) Implementation Project Participation in a National Symposium by Aboriginal organizations and communities to acquaint them with Care and Custody of Aboriginal Offenders in accordance with Section 81 of the <i>Corrections and Conditional Release Act</i> . The Service is developing a ten-year implementation plan of the legislation to sensitize Aboriginal communities to the need for their involvement in the sentence management and support of Aboriginal offenders and the types of community involvement made possible by Section 81.	- Note 2.	123	0
Correctional Service of Canada (Solicitor General)	Census and Survey of Federal Aboriginal Offenders Develop an Aboriginal offenders profile to provide better informed needs identification and program planning. The exercise includes a census of Aboriginal offenders, a file review of a sample of them to extract demographic information and interviews of a smaller sample in order to collect otherwise unavailable information.	- Note 2. - 1995-96 funding levels obtained from carry-forward funds.	0	68
Royal Canadian Mounted Police (Solicitor General)	Aboriginal Cadet Development Program Provide academic and skills training to Aboriginal candidates to help them meet RCMP recruitment standards.	- Note 2. - Resources for Aboriginal programming included in estimates for Community and Aboriginal Policing.	250	1,000

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Department	Program Name/ Description	Comments	Allocations	
			1994-1995	1995-1996
(Thousands of Dollars)				
Royal Canadian Mounted Police (Solicitor General)	Enhancing Cultural Awareness Provide workshops at the regional and unit level.	- Note 2. - Resources for Aboriginal programming included in estimates for Community and Aboriginal Policing.		
Royal Canadian Mounted Police (Solicitor General)	Aboriginal Youth Training Program Encourage Aboriginal youth to consider a policing career through training and ride-along experience.	- Note 2. - Resources for Aboriginal programming included in estimates for Community and Aboriginal Policing.	400	
Royal Canadian Mounted Police (Solicitor General)	Community Suicide Intervention Workshops Provide one week of training in suicide prevention, community development, critical incident stress debriefing and cultural components to both Aboriginal and Non-Aboriginal community members and police officers in a community setting.	- Note 2. - Resources for Aboriginal programming included in estimates for Community and Aboriginal Policing. - 19 workshops held to date (500 people trained); 10 workshops scheduled for 1996-97.	250	250

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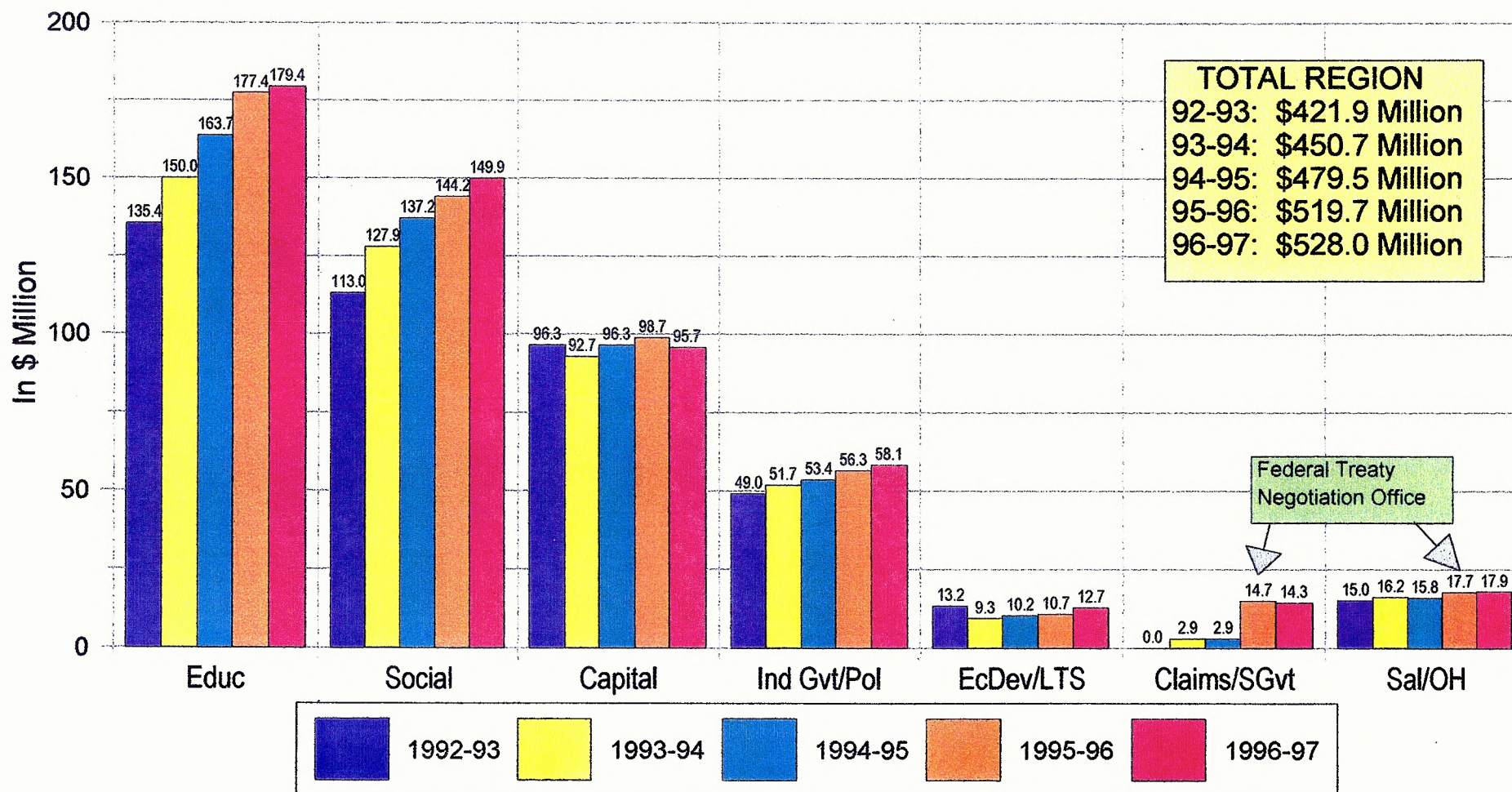
DIAND B.C. REGION FUNDING OVERVIEW

Prepared by:
Corporate Services
DIAND B.C. Region

May 9, 1996

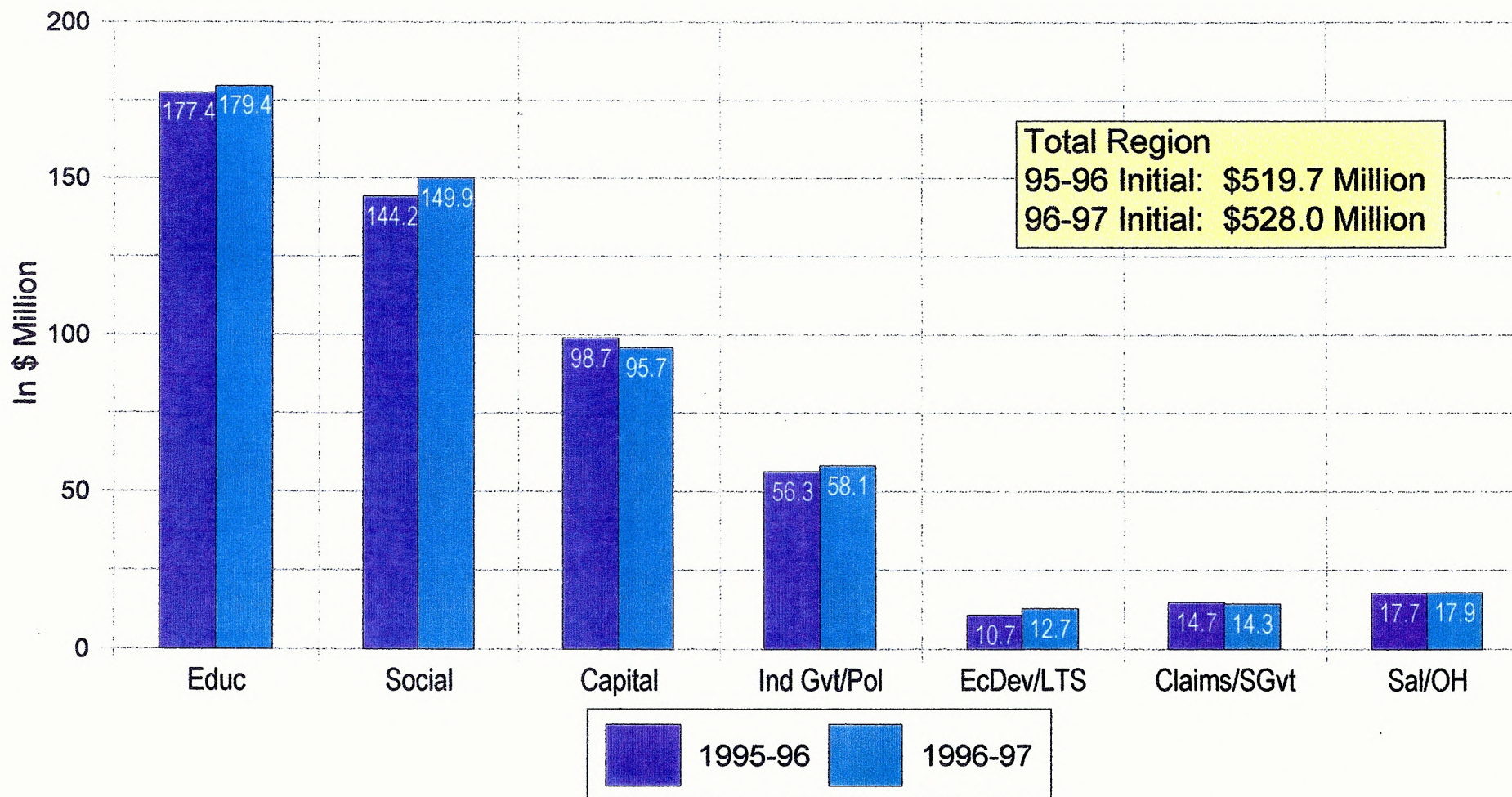
DIAND B.C. REGION

Comparison - 92-93 to 96-97 Initial



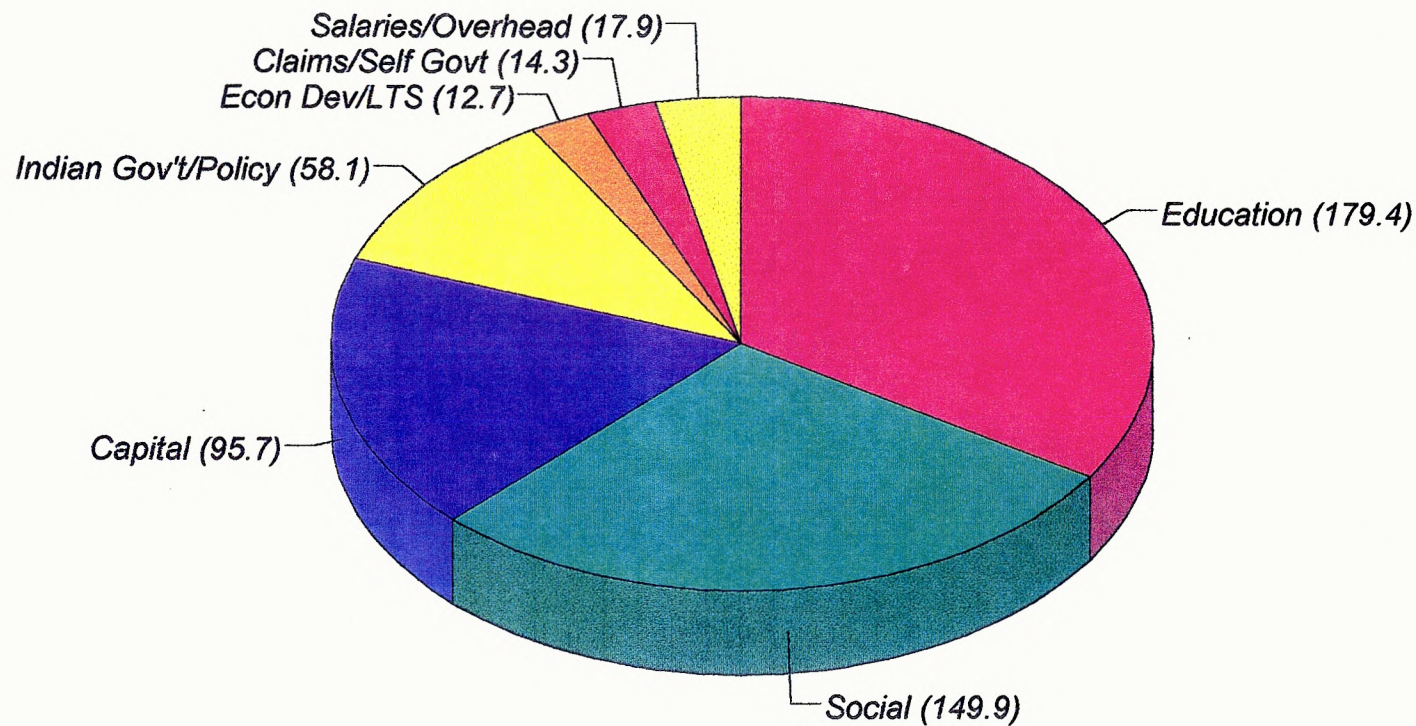
DIAND B.C. REGION

Comparison - 95-96 to 96-97 Initial



DIAND B.C. REGION

1996-97 Initial (in Millions)



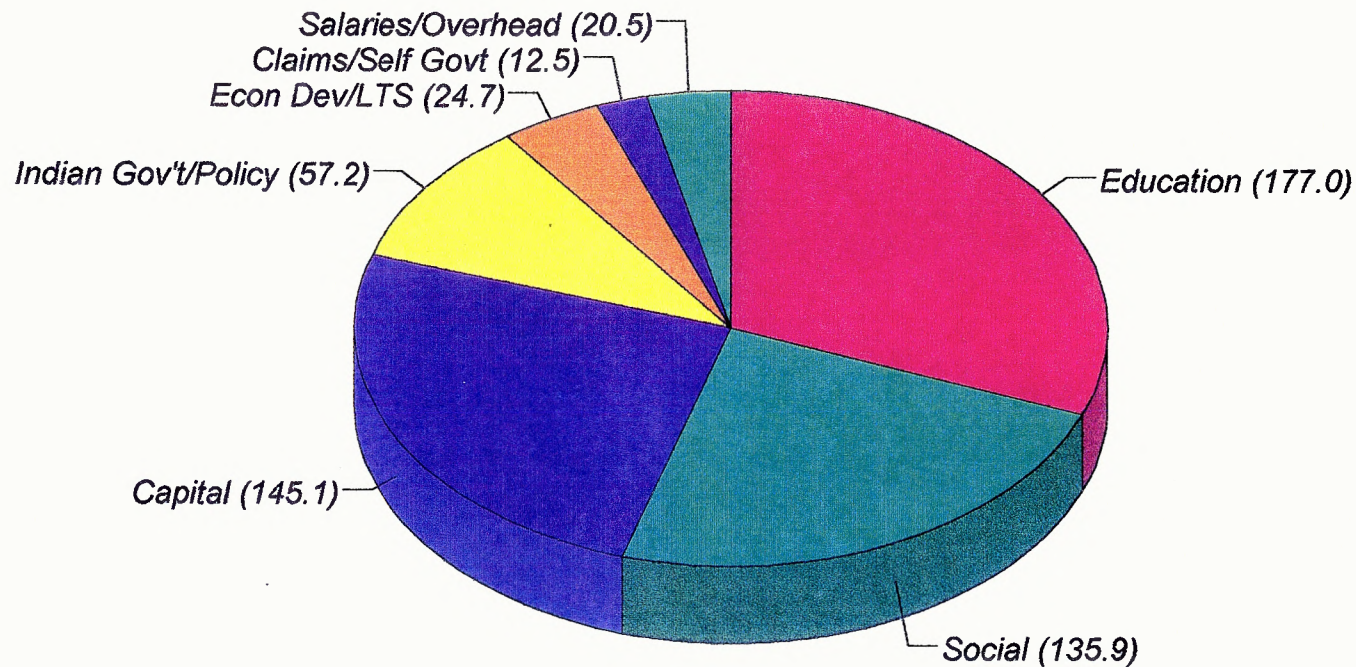
TOTAL REGION
\$528.0 Million

Note:

Claims does not include loans to First Nations to support treaty negotiation activities (96-97: \$15.4 Million)

DIAND B.C. REGION

1995-96 Final (in Millions)



TOTAL REGION
\$572.9 Million

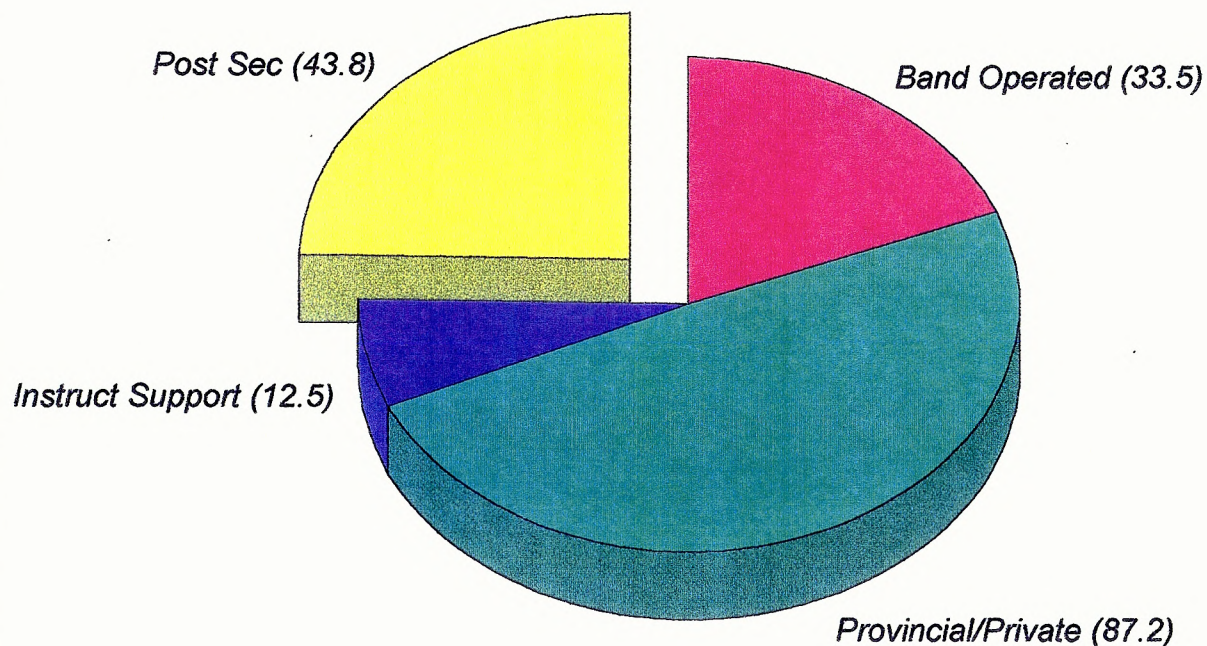
Notes:

(1) During the year the region received \$53.2 Million in new funding and reallocated existing funding between activities. Thus final expenditures will differ from initial allocations. This difference is most evident in Capital (\$46.4 Million) and Economic Development/LTS (\$14.0 Million).

(2) Claims amount does not include loans to First Nations to support treaty negotiation activities.
(95-96: \$19.3 Million)

DIAND B.C. REGION

1995-96 Final (in Millions)



EDUCATION
Total \$177.0 Million

QUICK FACTS:

113 band operated schools serving 6,103 students

10,873 students attending Provincial schools (6,572 under direct tuition agreements)

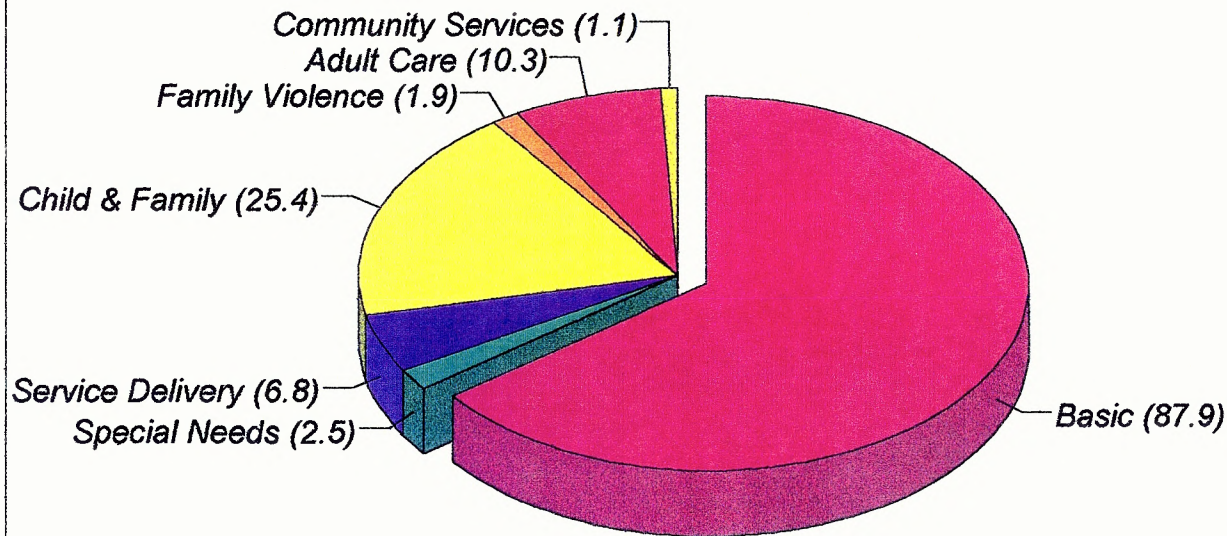
1,714 students in private/independent schools

4,024 students receiving post secondary student support

8 guidance and counselling centres

DIAND B.C. REGION

1995-96 Final (in Millions)



SOCIAL DEVELOPMENT
Total \$135.9 Million

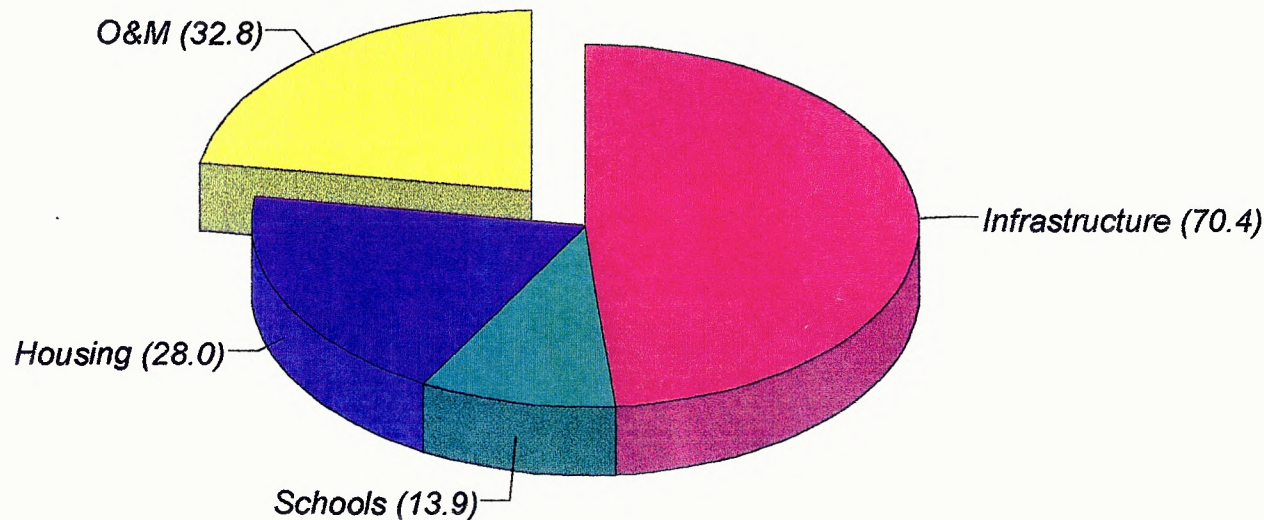
QUICK FACTS (94-95 data):

189 of 197 bands administering their own Social program

- 24,000 recipients on average
- 1600 children out-of-parental-home
- 350 children in care on average
- 75 people in Institutional care
- In-home care provided to 3,500 people
- 4 Project Haven facilities
- 200 daycare spaces

DIAND B.C. REGION

1995-96 Final (in Millions)



QUICK FACTS:

621 projects funded in 95/96

Capital projects:

- water systems
- sanitation systems
- roads and bridges
- electrical systems
- housing
- schools
- major renovations and repairs

O&M services:

- fire protection
- community services

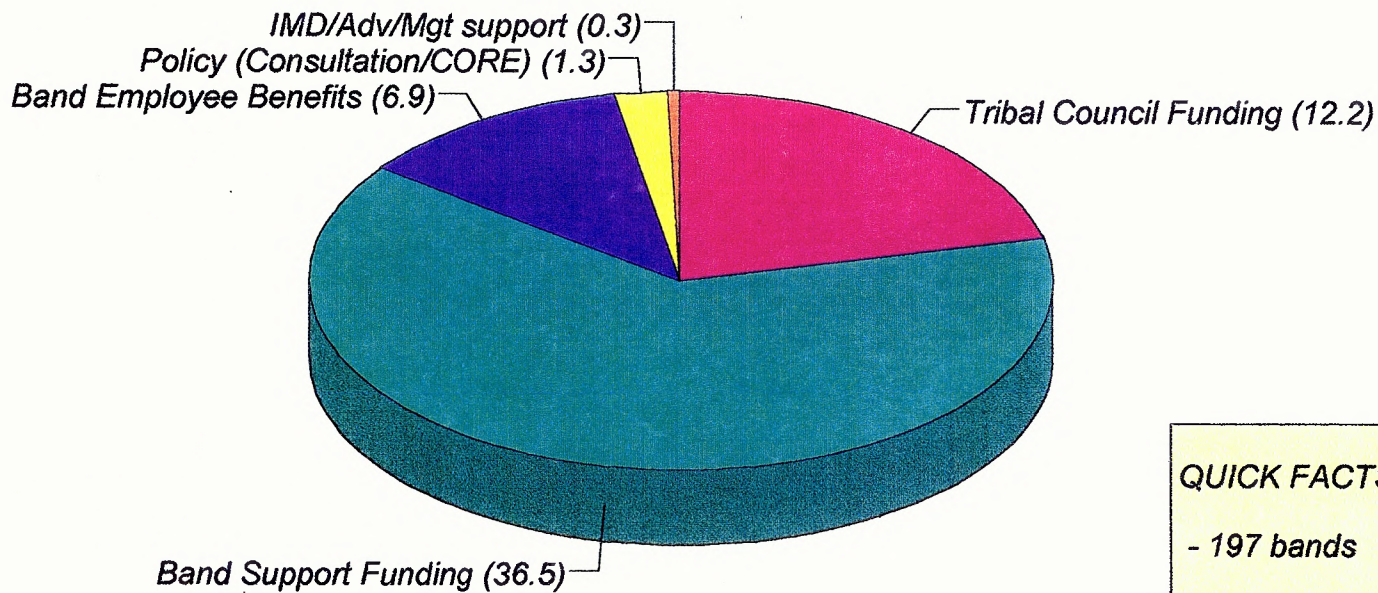
CAPITAL
Total \$145.1 Million

Note:

Initial allocation was \$98.7 Million. In 95-96 the region was able to access an additional \$46.4 Million in funding from other areas within the Department. This is reflected in the final amount.

DIAND B.C. REGION

1995-96 Final (in Millions)



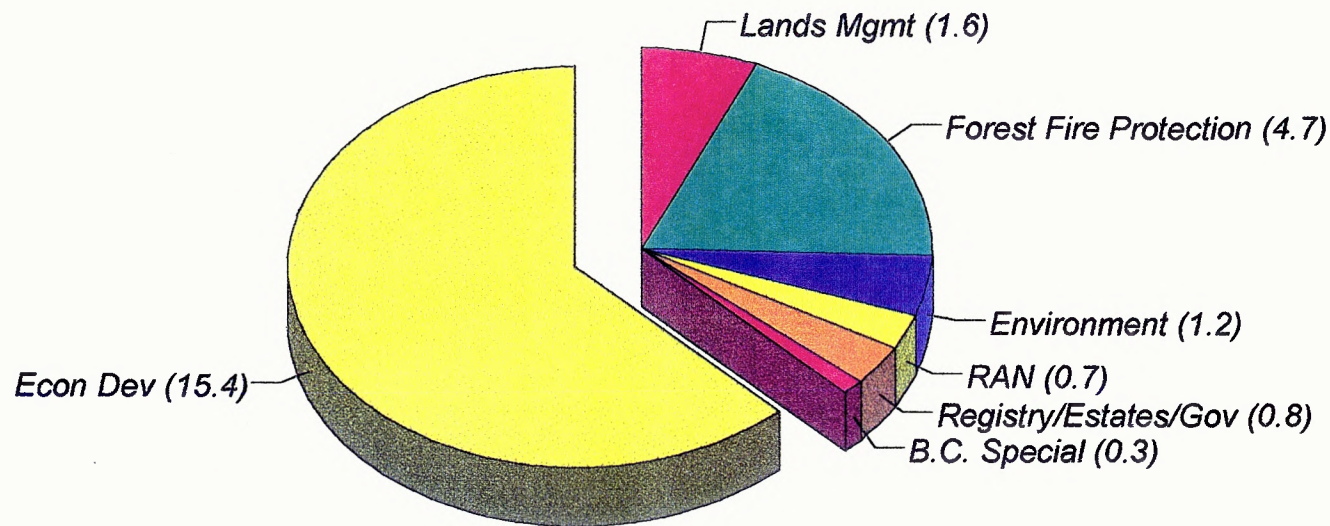
INDIAN GOVERNMENT SUPPORT/POLICY
Total \$57.2 Million

QUICK FACTS:

- 197 bands
- 24 Tribal Councils
- approx 52,000 status on-reserve population
- on-reserve represents 53% of total population (on and off reserve)

DIAND B.C REGION

1995-96 Final (in Millions)



ECON DEVELOPMENT	\$15.4 Million
LANDS AND TRUSTS	\$ 9.3 Million
TOTAL	\$24.7 Million

Note:

Initial allocation was \$10.7 Million. During the year the region obtained additional funding of \$8.7 Million in Economic Development and \$5.3 Million in LTS. This is reflected in the final amount.

QUICK FACTS:

Economic Development

- 81 CEDOs
- 3 Aborig Capital Orgs

Lands

- RLAP
- 53/60

Fire Protection

- Prov agreement

Environment

- site assessment
- remediation

Registry/Estates

- registration and maint

RAN

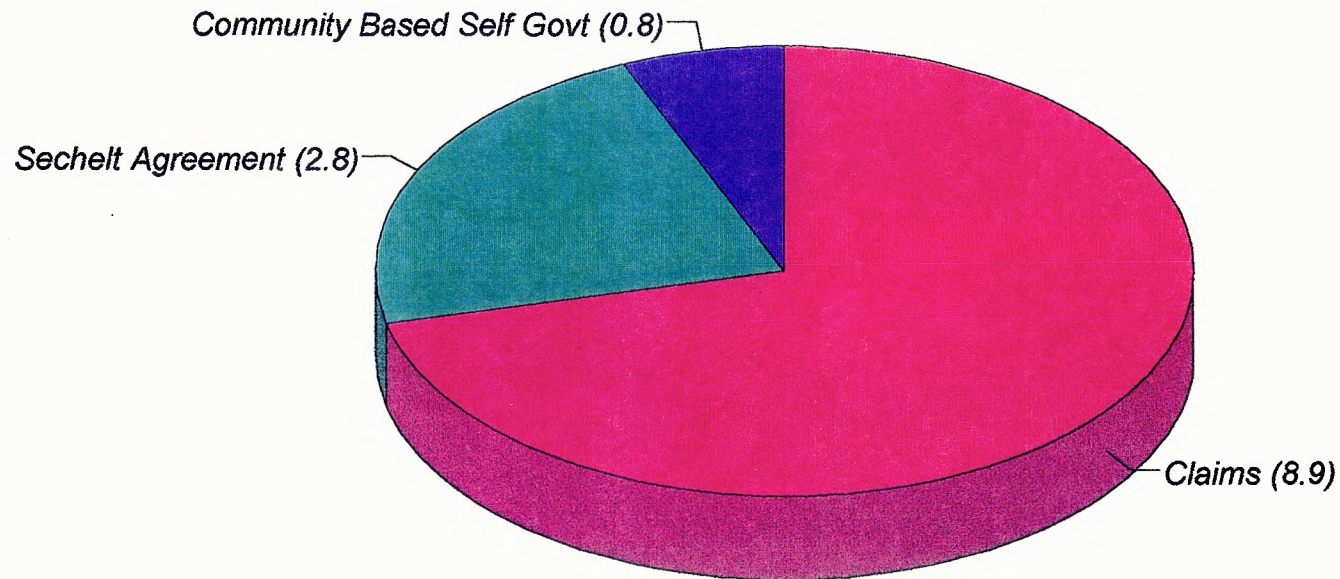
- 23 projects

B.C. Special

- 1927 Royal Comm

DIAND B.C. REGION

1995-96 Final (in Millions)



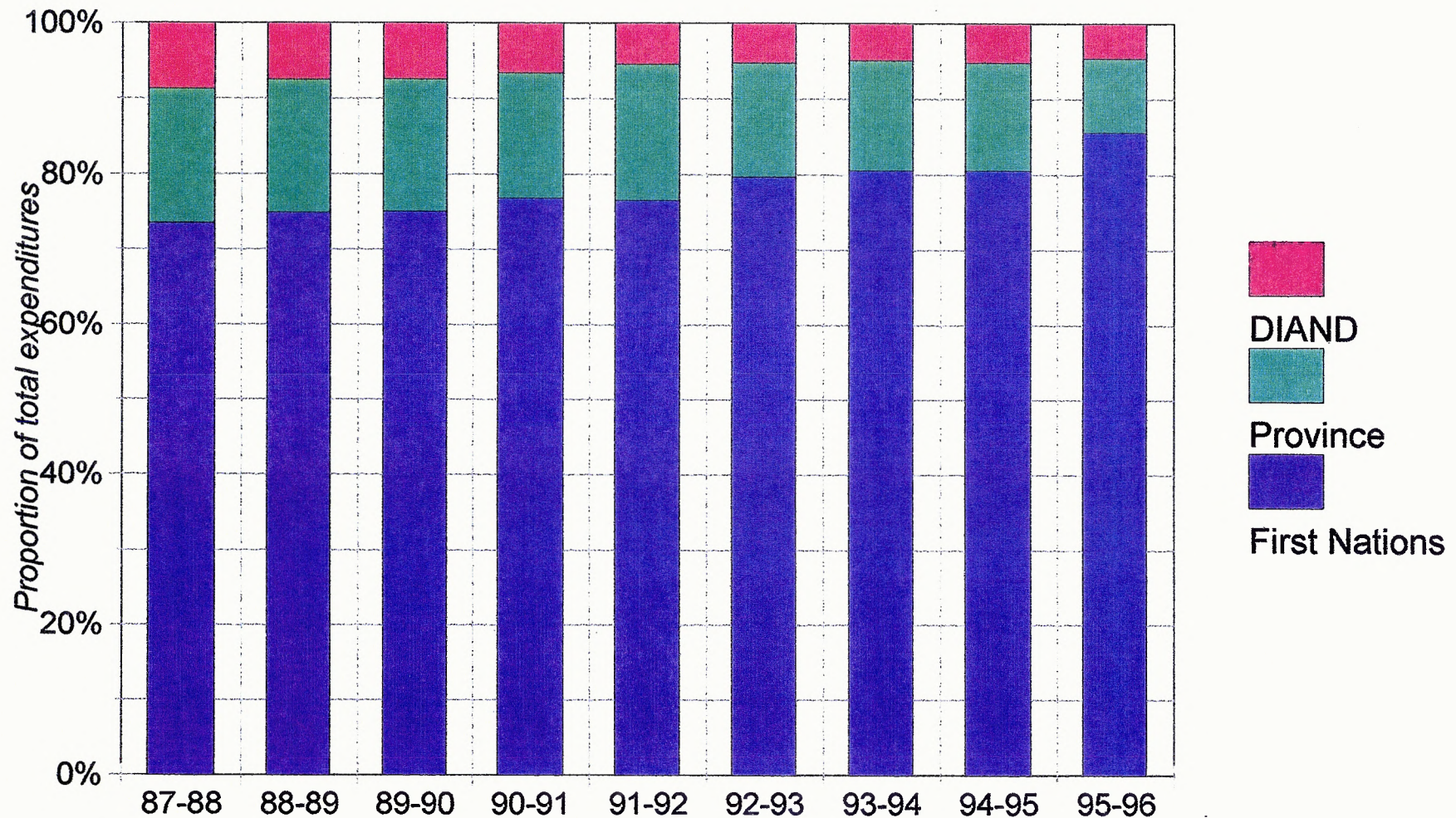
CLAIMS/SELF GOVERNMENT
Total \$12.5 Million

Note:

Claims amount does not include loans to First Nations to support treaty negotiation activities. (95-96: \$19.3 Million)

DIAND B.C. REGION

Administration of Funds



ADD TO TAB 7

1996/97 FUNDING TO BANDS/TRIBAL COUNCILS

Nisga'a Tribal Council Rollup #2156				
Total Population: 4,957	Established	Targeted	Total	Comments
A. FEDERAL				
DIAND				
Education				
Elementary/Secondary Education	6,437,197		6,437,197	
Post Secondary Education	2,104,464		2,104,464	
Education Operations & Maintenance	29,513		29,513	
Social Development				
Social Assistance	3,870,492	33,520	3,904,012	Family Violence
Child & Family Services		31,259	31,259	
Adult Care	234,174	25,250	259,424	
Indian Government Support				
Band Employee Benefits	98,444		98,444	
Band Support Funding	1,005,629		1,005,629	
Tribal Council Funding	0	193,915	193,915	
Capital				
Number of Projects				
Funding				
Infrastructure Operations & Maintenance	372,172		372,172	
Economic Development	222,092		222,092	
Lands and Trust Services	25,584		25,584	
Other				
SUB TOTAL	14,399,761	283,944	14,683,705	
HEALTH CANADA	241	3,323,724	(-241)	HTA & NIHB
HRDC				
CMHC		698,387		Section 95 Subsidy
FISHERIES AND OCEANS		1,000,000		AFS
ABORIGINAL ECON. PROG.				
SOLICITOR GENERAL		125,000		Policing Agreement
NATURAL RESOURCES CANADA		4,000		Carry-over from 95/96
CANADIAN HERITAGE				
OTHER				
OTHER				
SUB TOTAL		5,151,111		
B. PROVINCIAL				
Various Ministries (See Tab 7)		5,002,434		to 95/96 FY Expenditures
SUB TOTAL		5,002,434		
C. OTHER				
I.S.S.P.		200,000		Wilp Wilxo'osk'whl Nisga'a
SUB TOTAL		200,000		
TOTAL				

Note: Population is as of December 1995 Indian Registry

1996/97 FUNDING TO BANDS/TRIBAL COUNCILS

Musqueam #550				
Total Population: 961				
	Established	Targeted	Total	Comments
A. FEDERAL				
DIAND				
Education				
Elementary/Secondary Education	846,601		846,601	
Post Secondary Education	407,987		407,987	
Education Operations & Maintenance	12,922		12,922	
Social Development				
Social Assistance	1,315,862	9,892	1,325,754	Family Violence
Child & Family Services		5,034	5,034	
Adult Care	62,423		62,423	
Indian Government Support				
Band Employee Benefits			0	
Band Support Funding	279,130		279,130	
Tribal Council Funding				
Capital				
Number of Projects				
Funding				
Infrastructure Operations & Maintenance	75,444		75,444	
Economic Development	54,390		54,390	
Lands and Trust Services	7,417	105,664	113,081	Land Management
Other				
SUB TOTAL	3,062,176	120,590	3,182,766	
HEALTH CANADA				
HRDC				
CMHC		226,333		Section 95 Subsidy
FISHERIES AND OCEANS		400,000		\$140. K from HRDC (AFS)
ABORIGINAL ECON. PROG.				
SOLICITOR GENERAL				
NATURAL RESOURCES CANADA				
CANADIAN HERITAGE				
OTHER				
OTHER				
SUB TOTAL		626,333		
B. PROVINCIAL				
Healthy Communities Fund (Tab 7)		12,000		
SUB TOTAL		12,000		
C. OTHER				
SUB TOTAL				
TOTAL				

Note: Population is as of December 1995 Indian Registry

1996/97 FUNDING TO BANDS/TRIBAL COUNCILS

Nuu Chah Nulth Tribal Council Rollup #2493 (FTA)				
Total Population: 6,592	Established	Targeted	Total	Comments
A. FEDERAL				
DIAND				
Education				
Elementary/Secondary Education	7,005,350	109,970	7,115,320	Advice and Assistance
Post Secondary Education	2,798,592		2,798,592	
Education Operations & Maintenance	329,081		329,081	
Social Development				
Social Assistance	5,176,139		5,176,139	
Child & Family Services		2,922,587	2,922,587	Family Support Services & Child and Family Servs.
Adult Care	454,058	304,628	758,686	Institutional Care, Family Care Homes and Disabled
Indian Government Support				
Band Employee Benefits	218,113		218,113	
Band Support Funding	2,460,646		2,460,646	
Tribal Council Funding		1,233,234	1,233,234	
Capital				
Number of Projects				
Funding		2,234,083	2,234,083	
Infrastructure Operations & Maintenance	1,317,537		1,317,537	
Economic Development	573,023		573,023	
Lands and Trust Services	51,916		51,916	
Other		89,032	89,032	Management Development
SUB TOTAL	20,384,455	6,893,534	27,277,989	
HEALTH CANADA		3,309,331		Under FTA
HRDC				
CMHC		1,116,370		Section 95 Subsidy
FISHERIES AND OCEANS		1,500,000		AFS
ABORIGINAL ECON. PROG.				
SOLICITOR GENERAL				
NATURAL RESOURCES CANADA				
CANADIAN HERITAGE				
OTHER				
OTHER				
SUB TOTAL		5,925,701		
B. PROVINCIAL				
Various Ministries (See Tab 7)		1,714,709		to 95/96 FY
SUB TOTAL		1,714,709		
C. OTHER				
SUB TOTAL				
TOTAL				

Note: Population is as of December 1995 Indian Registry

1996/97 FUNDING TO BANDS/TRIBAL COUNCILS

Lake Babine #607 (FTA)				
Total Population: 1,755	Established	Targeted	Total	Comments
A. FEDERAL				
DIAND				
Education				
Elementary/Secondary Education	2,793,390		2,793,390	
Post Secondary Education	745,074		745,074	
Education Operations & Maintenance	66,581		66,581	
Social Development				
Social Assistance	2,805,286	19,365	2,824,651	Family Violence
Child & Family Services		470,456	470,456	
Adult Care	134,489		134,489	
Indian Government Support				
Band Employee Benefits	90,450		90,450	
Band Support Funding	432,359		432,359	
Tribal Council Funding				
Capital				
Number of Projects				
Funding	684,958		684,958	
Infrastructure Operations & Maintenance	190,137		190,137	
Economic Development	112,204		112,204	
Lands and Trust Services	13,690		13,690	
Other				
SUB TOTAL	8,068,618	489,821	8,558,439	
HEALTH CANADA				
HRDC				
CMHC		1,231,885		Section 95 Subsidy
FISHERIES AND OCEANS		475,000		AFS
ABORIGINAL ECON. PROG.				
SOLICITOR GENERAL				
NATURAL RESOURCES CANADA				
CANADIAN HERITAGE				
OTHER				
OTHER				
SUB TOTAL		1,706,885		
B. PROVINCIAL				
Healthy Communities Fund (Tab 7)		6,000		
SUB TOTAL		6,000		
C. OTHER				
SUB TOTAL				
TOTAL				

Note: Population is as of December 1995 Indian Registry

7.0

Detailed breakdown of federal and
provincial funding to a
representation sample of First Nation.

(Joint paper to be provided by BCRO
and MAA at Workshop)

Targeted Provincial Program Expenditures on Aboriginal Peoples in B.C.

Preliminary Report

Data provided by various Provincial Ministries
and compiled by the Ministry of Finance
May 23, 1996

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions.

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Appendices

Appendix 1: Tables of Expenditure, by Topic (10 tables)

Appendix 2: Table of Expenditure, all Topics

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 1.

Targeted Provincial Program Expenditures on Aboriginal Peoples in B.C.

Scope and Organization

Expenditure figures in this report include all provincial funding for programs specifically designed for aboriginal people, programs containing a special component for aboriginal people, and programs financing activities administered by aboriginal groups or communities. Other programs and services (eg. those of general application) where utilization of aboriginals would have to be estimated, are not included in this report. The included expenditure amounts have been organized by topic/area of expenditure.

Within each topic/area of expenditure, an inventory of programs or services is provided. For each program or service, the following information is included (if available): a description of the program or service (the function or purpose of the program), details on the delivery of the program (who delivers the program, how it is delivered, location of facilities, etc.), the intended recipients or target population, the annual expenditure amount (by type of recipient, and where the money is spent - status/non-status, and on/off-reserve or unclear), and funding arrangements where known.

Preliminary information: Data is for the most recent fiscal year available.

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*Inventory of Programs***Topic: Health**

Funding Sources: Provincial -Ministry of Health, Ministry of Social Services, Ministry of Women's Equality

Program Name: Urban Aboriginal Health Centre Program**Description:** Provides funding to maintain four urban health centres which provide a range of services including primary treatment, counselling, and referrals.**Delivery:** Services delivered through four urban health centres. Two of the centres operate as independent societies and two are part of Friendship Centres (FC). The centres are: Central Circle Native Health Society (Prince George), Ku-Li-Lu Circle of Health (Interior Indian FC, Kamloops), Tillicum Haus Health Centre (Tillicum Haus FC, Nanaimo), Vancouver Native Health Society.**Target Population:** off-reserve**Expenditure:** \$1,121,293**Program Name: Community Intervention Programs****Description:** Three programs:

- i. fetal alcohol syndrome education and intervention
- ii. health director of a friendship centre
- iii. setup of a health education centre

Delivery: Programs delivered through the following agencies:

- i. Ktunaxa Independent School System, Cranbrook
- ii. Native Friendship Centre, Prince George
- iii. First Nations Women's Group, Prince Rupert
- iv. B.C. Aboriginal Network on Disability Society
- v. Suicide prevention hotline, Ku-us Crisis Line, Port Alberni, in cooperation with Mental Health Service Division
- vi. Healthy Babies, Healthy Families Program, Wet'suwet'en Treaty Office
- vii. Support of Health Programs Director position, Prince George Native Friendship Centre
- viii. Area study of health service utilization, Nisga'a Valley Health Board, New Aiyansh

Target Population: off-reserve**Expenditure:** \$651,809**Program Name: First Nations Health Careers Bursary Program****Description:** Provides bursaries to Aboriginal students entering health-related

Preliminary information: Data is for the most recent fiscal year available.

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education programs.

Delivery: The program was transferred to the administrative control of the Urban Native Indian Education Society in Vancouver in 1993/94.

Target Population: Aboriginals

Expenditure: \$115,000 (unclear whether on or off-reserve)

Program Name: First Nation Health Careers Professions Program

Description: Orientation/Awareness program for Aboriginal high-school students to learn about opportunities for health-related careers. Summer program with high cultural content.

Delivery: First Nation House of Learning at University of British Columbia

Target Population: Aboriginals

Expenditure: \$34,586 (unclear whether on or off-reserve)

Program Name: B.C. Aboriginal Health Council

Description: Provides funding for addiction, mental health, and family violence projects.

Delivery: The Council is organized into six regional Aboriginal health councils, each of which has a project review panel that hears proposals, for projects, and allocates funding. Funding in 1995/96 was provided for 193 separate projects (94 addictions/mental health - funded by Ministry of Health; 90 family violence - funded by Ministry of Women's Equality; and 9 Aboriginal family support - funded by Ministry of Social Services)

Target Population: Aboriginals

Expenditure:	Addiction/Mental Health	\$2,682,494
	Family Violence	\$2,102,374
	Aboriginal Family Support	\$ 349,784
	Total	\$5,134,652

(unclear whether on or off-reserve)

Funding Arrangements: The Council receives \$2,102,374 from the Ministry of Women's Equality, \$349,784 from the Ministry of Social Services, and \$2,682,494 from the Community Health Division.

Program Name: Pregnancy Outreach Program

Description: Provides education, support and food supplements to high-risk pregnant women.

Delivery: There are 21 programs sites throughout B.C., five are contracted through or operated by Native Friendship Centres and one is run by the Nuuchahnulth Health Board in Ucluelet. Each site has a

Preliminary information: Data is for the most recent fiscal year available.

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community advisory committee that includes Aboriginal representation.

Target Population: Aboriginal
Expenditure: \$442,340

Program Name: Adult Clinical and Addictions Services
Description: Administer contracts with Aboriginal organizations for anti-HIV/AIDS projects.

Delivery:
Target Population: Aboriginals
Expenditure: off-reserve: \$998,490

Program Name: Aboriginal Treatment Programs
Description: Provides funding for alcohol and drug treatment programs operated by Aboriginal groups.

Delivery: Funding provided to 21 outpatient treatment centres (mainly Native Friendship Centres), and two Native residential treatment centres

Target Population: off-reserve
Expenditure: \$3.53 million

Program Name: Sexual Abuse Intervention Program
Description: Aboriginal portion of the program. Provides funding to agencies providing direct services.

Delivery: Child and Youth Mental Health Services, along with Ministry of Social Services and Ministry of Education operates this program. Funding provided to 11 agencies (mainly Native Friendship Centres, and Indian Bands directly).

Target Population: off-reserve
Expenditure: \$1.17 million
Other Information: In 1994/95 administrative control of the portion of the program targeted to Aboriginal people (25% of total program funding) was transferred to the Aboriginal Health Policy Branch.

Program Name: Tuberculosis Diagnosis and Control Services
Description: Provides tuberculosis (TB) diagnosis and control services.

Delivery: Public Health Units provide services for off-reserve Aboriginals, and Community Health Representatives provide services for on-reserve Aboriginals.

Target Population: status Aboriginals
Expenditure: off-reserve: \$452,000; on-reserve: \$429,122

Preliminary information: Data is for the most recent fiscal year available.

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net: \$452,000 (see: *funding arrangements*, below)

Funding Arrangements: All on-reserve costs are recovered from Health Canada (Federal government has a contract with the B.C. TB control program to coordinate TB control on-reserve)

Program Name: Native AIDS Awareness Program
Description: Provides Aboriginal communities with AIDS awareness training.
Delivery: Two full-time workers, from the B.C. Centre for Disease Control's STD/AIDS Control Division, conduct one-day workshops on AIDS awareness for Aboriginal communities and one-week training courses for health workers, and develop culturally relevant communication materials.

Target Population: Aboriginals

Expenditure: \$200,000

Program Name: Healthy Schools and Healthy Communities Initiatives
Description: Provides funding to local Aboriginal groups and Native Friendship Centres for Healthy Communities events.

Delivery: Aboriginal groups and Band schools are free to compete for funding under this program. Funding was provided to a total of 26 Aboriginal groups (in 1995/96). About 30% of total funding under the program went to Aboriginal groups.

Target Population: Aboriginal

Expenditure: \$238,292 (unclear whether on or off-reserve)

Program Name: Home Nursing Care Services (Continuing Care Division)

Description: Home nursing care services.

Delivery: Contracts for home nursing care and (in one case) rehabilitation services on-reserve at Skidegate, Hazelton, Alert Bay, Port Hardy and Mount Waddington.

Target Population: on-reserve

Expenditure: \$111,852

Program Name: Multi-level care services (Continuing Care Division)

Description: Multi-level care services.

Delivery: Provides funding for Rainbow Gardens (Tsawaayus) in Port Alberni, a multi-level care facility operated by an Aboriginal organization, and Pine Acres Home in Kelowna

Target Population: off-reserve

Expenditure: \$2,445,010

Preliminary Information: Data is for the most recent fiscal year available.

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- Program Name:** Closer to Home Fund
Description: Provide start-up funds for joint hospital/community planning and development of new or enhanced projects to shift more expensive, traditional, in-patient hospital services into the community. Less than 1% of total funding under the program went to Aboriginal groups. Six Aboriginal targeted projects started with funding from this program.
 i. & ii. Aboriginal Home Comfort Service (2 projects)
 iii. Abraham's Lodge Aboriginal Liaison
 iv. CRD In-Home Health Care Service
 v. First Nations Liaison Worker Program
 vi. Native Mental Health Worker
- Delivery:** Projects delivered by:
 i. Kitsumkalum Band Council, Terrace
 ii. Kermode Friendship Society, Terrace
 iii. Abraham's Lodge and Care Society, Williams Lake
 iv. Paquachin, Tsarlip, Tseycum and Tsawout Bands, Saanich
 v. Tillicum Haus Friendship Centre, Nanaimo
 vi. Circle of Harmony Healing Society, Terrace
- Target Population:** Aboriginal
Expenditure: \$271,591 (unclear whether on or off-reserve)
- Program Name:** Victims of Violence Program (Mental Health Division)
Description: Program designed for victims of violence.
Delivery: Contracts with 3 Aboriginal organizations in Lillooet, Kamloops and Sechelt
- Target Population:** Aboriginal
Expenditure: \$84,450 (unclear whether on or off-reserve)
- Program Name:** Design and Construction Programs
Description: Provides funds for planning, construction or renovation costs.
Delivery: Funding provided for Gitkxan Health Authority (Hazelton)
Target Population: Aboriginals
Expenditure: \$20,000
- Program Name:** United Church of Canada Health Services
Description: Provides primary medical care services in northern communities.
Delivery: Funding provided to the communities of Waglisla, Bella Coola, New Hazelton, and Port Simpson, all of which have a high proportion of Aboriginal people.

Preliminary information: Data is for the most recent fiscal year available.

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Target Population: Aboriginals

Expenditure* : \$2.5 million, off-reserve

Funding Arrangements: Funding provided the Medical Services Plan.

Program Name: Health Canada Nursing Stations

Description: Provides clinical treatment at nursing stations.

Delivery: Funding provided to eight nursing stations - on reserves - operated by Health Canada.

Target Population: on-reserve

Expenditure* : \$369,361 (This is a 1994/95 figure.)

Program Name: Nisga'a Valley Health Centre

Description: Provides operating costs for a diagnostic and treatment centre. Funds used for two physicians, ambulance, nursing, physiotherapy, diagnostic costs and administration.

Delivery: Funding provided to the Nisga'a Valley Health Centre in New Aiyansh.

Target Population: on-reserve

Expenditure* : \$718,610

Program Name: Physician Services at Aboriginal Health Centres

Description: Provides funding to support physicians at Aboriginal Health Centres.

Delivery: Supported two full-time physicians in New Aiyansh and two and one-half full-time physicians at the following urban Aboriginal Health Centres:

- i. Vancouver Native Health Society [\$171,512]
- ii. Central Interior Native Health Society [\$61,792]
- iii. Tillicum Haus Native Friendship Centre [\$16,684]

Target Population: Aboriginals

Expenditure* : on-reserve: \$266,946; off-reserve: \$249,988;

total: \$516,934

* Annual expenditure figures are for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 8.

Topic: Social Services

Funding Sources: Provincial - Ministry of Social Services, Ministry of Women's Equality

Ministry of Social Services:**Program Name:** Urban Aboriginal Program**Description:** Provide social services to Aboriginal families and children.**Delivery:** Single contract to provide services to Aboriginal families and children in Greater Vancouver.**Target Population:** off-reserve**Expenditure:** \$500,000**Program Name:** Non-Residential Aboriginal Children and their Families Programs**Description:** Includes various programs, such as: resource recruitment, training of care givers and programs to meet the ministry of social services Aboriginal child welfare policy.**Delivery:****Target Population:** Aboriginals**Expenditure:** \$3,636,890 (unclear whether on or off-reserve)**Program Name:** Aboriginal Services - New Initiatives Programs**Description:** Provides services to Aboriginal communities in support of families, children, youth and disabled Aboriginal people.**Delivery:** Nine contracts for services.**Target Population:** Aboriginals**Expenditure:** \$600,000 (unclear whether on or off-reserve)**Program Name:** Kootenay Five Bands Agreement**Description:** Provides a range of services provided to five Native Indian bands.**Delivery:** There is no formal agreement, but an arrangement whereby the Ministry of Social Services district offices provide a range of services to five bands in the area. The five bands are: Columbia Lake Band, the Lower Kootenay Indian Band, the Shuswap Indian Band, St. Mary's Indian Band, and the Tobacco Plains Indian Band. As of April 1, 1994 all five bands assumed administration of their own social assistance programs, so the ministry now only provides limited services.**Target Population:** on-reserve**Expenditure:** \$258,074 (unclear whether this funding still exists - based on 1993/94 report)**Program Name:** Gwa'Sala Family Intervention Project

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 9.

Description: Provides funding for a family support program.
Delivery: Grant provided directly to Indian bands, tribal councils, Indian friendship centres or other Native organizations.
Target Population: on-reserve
Expenditure: \$60,000
Other Information: This is the final year of a three year commitment.

Program Name: First Nations Family and Child Care Workers Society
Description: Provides: assistance in developing Aboriginal standards and guidelines for Aboriginal Child and Family Service Agencies; consultation to government and Aboriginal communities; assistance in circulating a provincial newsletter to membership; assistance in developing Aboriginal resources for care givers of Aboriginal children.
Delivery: Grant provided directly to Indian bands, tribal councils, Indian friendship centres or other Native organizations.
Target Population: on-reserve
Expenditure: \$35,000

Program Name: First Nations Family and Child Care Society
Description: Provides funding to pull together a provincial Aboriginal recruitment forum (in Squamish).
Delivery: Grant provided directly to Indian bands, tribal councils, Indian friendship centres or other Native organizations.
Target Population: on-reserve
Expenditure: \$70,000

Program Name: Sexual Abuse Intervention and Community Development Project
Description: Provides assistance in developing a strategy to deal with sexual abuse.
Delivery: Grant provided directly to Indian bands, tribal councils, Indian friendship centres or other Native organizations. Project located in Canim Lake.
Target Population: on-reserve
Expenditure: \$41,000
Other Information: This is the final year of a three year commitment.

Program Name: United Native Nations Contract for Reunification Worker
Description: Provides funding for a resource person to assist Aboriginal people who wish to contact family or community of origin, or are attempting to apply for status.

Preliminary information: Data is for the most recent fiscal year available.

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Delivery: Grant provided directly to Indian bands, tribal councils, Indian friendship centres or other Native organizations.

Target Population: on-reserve

Expenditure: \$80,000

Program Name: Aboriginal Network on Disability

Description: Provides funding to assist the Network in its work on behalf of Aboriginal disabled people in the province.

Delivery: Grant provided directly to Indian bands, tribal councils, Indian friendship centres or other Native organizations.

Target Population: on-reserve

Expenditure: \$60,000

Program Name: Sexual Abuse Interventions Program

Description: Provides treatment interventions and professional support teams for victims and perpetrators of sexual abuse of children.

Delivery: Community based.

Target Population: Aboriginals

Expenditure: on-reserve: \$192,500; off-reserve: \$245,000; total: \$437,500

Program Name: Special Programs for Aboriginals

Description: Provides funding for programs that specifically target Native people.

Delivery: Funds provided to area and district Ministry of Social Services offices.

Target Population: on-reserve

Expenditure: \$3,771,824

Program Name: Cowichan Band Agreement

Description: Provides assistance to help Native bands and tribal councils to care for their own children.

Delivery: Agreement with the Cowichan band.

Target Population: on-reserve

Expenditure: \$50,000

Program Name: Infant Development Program

Description: Provides home-based services (by professionally trained infant development consultants) to parents of infants who display significant development delays as a result of mental or physical handicaps. The program helps parents develop positive and realistic expectations of their child's abilities, and teaches parents

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Delivery: to encourage and support their child's development.
Delivered to children who reside on or off-reserve (due to ministry apprehension and placement).

Target Population: Aboriginals

Expenditure* : on-reserve: \$193,514; off-reserve: \$106,432; total: \$299,946

Program Name: Special Needs Day Care Programs

Description: Provides help for special needs children to participate in day care programs by providing extra supports which address the specific needs of each child.

Delivery: Most of the programs are delivered by non-profit societies which contract with the ministry. Other ministry-funded non-contracted spaces are located in family daycare homes, group homes, group daycare centres, and nursery schools.
Delivered to children who reside on or off-reserve (due to ministry apprehension and placement).

Target Population: Aboriginals

Expenditure* : on-reserve: \$520,444; off-reserve: \$670,072; total: \$1,190,516

Program Name: Administrative Costs for Social Services Aboriginal Programs

Description: Administrative costs associated with Aboriginal programs provided.

Delivery:

Target Population: Aboriginals

Expenditure* : \$223,264

* Expenditure figures are for 1995/96.

Ministry of Women's Equality:

Program Name: Child Care Programs

Description: Provides grants for various child care programs. A total of 17 grants were approved for 1995/96.

Delivery: Grants are made to individual Aboriginal daycare projects, administered by Indian bands, societies, etc.

Target Population: Aboriginals

Expenditure* : \$197,076 (unclear whether on or off-reserve)

Program Name: Community Programs

Description: Provides grants for various community programs, including: conferences, research activities, and a public awareness campaign. A total of 6 grants were approved for 1995/96. Programs deal with the issues of violence against women, employment and training for women, needs assessment.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 12.

Delivery: Funding provided directly to various associations (Women's associations, friendship centres, treaty office society, Indian homemakers' association, etc.) who deliver the programs.

Target Population: Aboriginals

Expenditure : \$61,100 (unclear whether on or off-reserve)

* Expenditure figures are for 1995/96.

Preliminary Information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 13.

Topic: Education

Funding Sources: Provincial - Ministry of Education

Program Name: Various Programs-**Description:** The province provides an average of \$990 in incremental funding for each student of aboriginal ancestry to cover costs associated with aboriginal language, culture and community support programming programs. This incremental funding is not recognized in the district per pupil average paid by the federal government for each Status Indian Student.**Delivery:** province**Target Population:** Aboriginals**Expenditure- :** status, on-reserve: \$9.8 million; all others of Aboriginal ancestry: \$23.3 million; total: \$33.1 million

* Expenditure figures are for 1995/96.

The following is an incomplete list of programs/services that fall under the program name of 'Various Programs' that total \$33.1 million:

i. Program Name: Language & Culture Curriculum Development and Implementation-**Description:** Provide funding for the development and implementation of Aboriginal curriculum resources which reflect the diversity of the Province.**Delivery:****Target Population:** Aboriginals**Expenditure- :** \$674,000 (unclear whether on or off-reserve)**ii. Program Name:** First Nations Studies Curriculum Assessment Framework**Description:** Provides funding to assess First Nations studies curriculum.**Delivery:****Target Population:** Aboriginals**Expenditure- :** \$39,500 (unclear whether on or off-reserve)**iii. Program Name:** Support Workers' Handbook**Description:** Provides funding for the development of the Support Workers' Handbook.**Delivery:****Target Population:** Aboriginals**Expenditure- :** \$19,500 (unclear whether on or off-reserve)**iv. Program Name:** Curriculum Resource Database

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 14.

Description: Provides funding for updating and distributing a database of Aboriginal curriculum resources.

Delivery: province

Target Population: Aboriginals

Expenditure* : off-reserve: \$10,000

v. Program Name: Transition Programs

Description: Provides funding at the university and/or college level supporting summer programs which assist First Nations student in making the transition from high school to post-secondary education

Delivery:

Target Population: Aboriginals

Expenditure* : off-reserve: \$100,000

vi. Program Name: Curriculum/Staff Development Institutes

Description: Provides funding to regional summer institutes that focus on curriculum development and teacher awareness program development for aboriginal education.

Delivery:

Target Population: Aboriginals

Expenditure* : \$12,000 (unclear whether on or off-reserve)

vii. Program Name: First Nations Awareness Program

Description: Provide funding to School Districts for in-service and school twinning projects.

Delivery:

Target Population: Aboriginals

Expenditure* : off-reserve: \$200,000

viii. Program Name: Aboriginal Education Conference

Description: Provides funding to organize/host this bi-annual conference.

Delivery:

Target Population: Aboriginals

Expenditure* : off-reserve: \$75,000

ix. Program Name: Regional Liaison Workshops

Description: Provides funding for workshops for school districts and First Nations contacts.

Delivery:

Target Population: Aboriginals

Expenditure* : \$20,000 (unclear whether on or off-reserve)

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 15.

x. Program Name: First Nations Studies 12 Orientation Support

Description: Provides funding for orientation support.

Delivery:

Target Population: Aboriginals

Expenditure- : \$25,000 (unclear whether on or off-reserve)

* Expenditure figures are for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 16.**Topic: Post Secondary Education and Training**

Funding Sources: Provincial - Ministry of Skills, Training and Labour

Eight program categories are included in this section. They are:

- i. operating grants
- ii. language teacher training grants
- iii. First Nations coordinators
- iv. transition program grants
- v. literacy program grants
- vi. adult basic education grants
- vii. academic/degree program grants
- viii. special grants

i. Operating Grants:**Program Name:** Nicola Valley Institute of Technology**Description:** Provides operating funding for the institute, through various arrangements:

- i. formula funding
- ii. start-up grant
- iii. lease funding

Delivery:**Target Population:** Aboriginals**Expenditure:** off-reserve: \$1,737,798**Program Name:** Vancouver Native Education Centre**Description:** Provides operating funding for the centre based on a formula.**Delivery:****Target Population:** Aboriginals**Expenditure:** off-reserve: \$1,112,571**Program Name:** Institute of Indigenous Government**Description:** Provides start-up, operating and lease funding for the institute.**Delivery:****Target Population:** Aboriginals**Expenditure:** off-reserve: \$700,000**Program Name:** Yinka Dene Language Institute**Description:** Provides operating funding for the institute.**Delivery:** Institute located in Vanderhoof.**Target Population:** Aboriginals**Expenditure:** off-reserve: \$65,000**Preliminary information: Data is for the most recent fiscal year available.**

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 17.

Program Name: Operating Funds - En'owkin Centre
Description: Provides operating funds for the centre.
Delivery: Centre located in Penticton.
Target Population: Aboriginals
Expenditure* : off-reserve: \$51,000

ii. Language Teacher Training Grants:

Program Name: Language Training Certificate Program
Description: Provides language training for teachers of the Okanagan language.
Delivery: Available through the En'owkin Centre.
Target Population: Aboriginals
Expenditure* : off-reserve: \$75,000

Program Name: Language Teacher Education Program
Description: Provides funding for students to obtain a B.A. in general studies and a B.C. teaching certificate.
Delivery: Offered through Simon Fraser University/North Coast Tribal Council.
Target Population: on-reserve
Expenditure* : on-reserve: \$75,000

iii. First Nations Coordinators:

Program Name: Support to First Nations Students in Public Post Secondary Institutions
Description: Provides funding for student support services.
Delivery: Grant funding provided directly to provincial institutions to supplement coordinator support for Aboriginal students.
Target Population: Aboriginals
Expenditure* : off-reserve: \$1,141,000

Program Name: First Nations Coordinators' Meeting and Training Event
Description: Provides funding for a meeting and an annual training event.
Delivery:
Target Population: Aboriginals
Expenditure* : off-reserve: \$25,000

iv. Transition Program Grants:

Program Name: Mt. Currie Band Bridging Program
Description: Provides social, cultural and academic skills.
Delivery: Available through Capilano College.

Preliminary Information: Data is for the most recent fiscal year available.

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Target Population: Aboriginals
Expenditure: on-reserve: \$37,743

Program Name: Sechelt Band Transitional Program
Description: A rural transition program for special needs students who are unprepared to enter existing college upgrading programs.
Delivery: Available through Capilano College.
Target Population: Aboriginals
Expenditure: on-reserve: \$120,000

Program Name: Synala Honours Program
Description: Summer transition program for students moving from secondary to post-secondary programs.
Delivery: University of B.C. / First Nations House of Learning
Target Population: Aboriginals
Expenditure: off-reserve: \$100,000

Program Name: Access at Williams Lake Program
Description: Upgrading program provided on-reserve.
Delivery: Offered through the University College of the Cariboo, on-reserve, to the Ulkatcho, Stone, and Soda Creek bands).
Target Population: on-reserve
Expenditure: \$75,000

v. Literacy Program Grants:

Program Name: Literacy at Port Alberni Program
Description: Literacy program provided on reserve.
Delivery: Offered through the North Island College, on-reserve, to the Ohiat band.
Target Population: on-reserve
Expenditure: on-reserve: \$75,000

vi. Adult Basic Education Grants:

Program Name: Strategies for Success
Description: Provides information on some learning and teaching strategies for First Nations students.
Delivery: Available through Camosun College.
Target Population: Aboriginals
Expenditure: off-reserve: \$15,300

Program Name: Preparing First Nations Learners Program

Preliminary Information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 19.

Description: Provides funding for Capilano/Squamish band special needs learners.

Delivery:

Target Population: on-reserve

Expenditure: on-reserve: \$52,000

Program Name: Adult Education Program

Description: Provides funding for upgrading courses with an emphasis on First Nations history, culture, tradition and language.

Delivery: Available through the En'owkin Centre.

Target Population: Aboriginals

Expenditure: off-reserve: \$75,000

vii. Academic and Degree Program Grants:

Program Name: First Nations Teacher Assistant Training Program

Description: Provides the provincial curriculum in teacher assistant training, with an Aboriginal component.

Delivery: Offered through Camosun College.

Target Population: Aboriginals

Expenditure: off-reserve: \$50,000

Program Name: Business Management Program

Description:

Delivery: Offered through Chemainus Native College.

Target Population: Aboriginals

Expenditure: on-reserve: \$35,000

Program Name: First Nations Studies 100 Pilot Program

Description: A first year course developed in collaboration by the College of New Caledonia, Carrier Sekani Tribal Council and the Prince George Native Friendship Centre.

Delivery:

Target Population: Aboriginals

Expenditure: off-reserve: \$11,177

Program Name: Visual Arts Program

Description: Provides funding for an arts program with a marketing component.

Delivery: Available through the En'owkin Centre.

Target Population: Aboriginals

Expenditure: off-reserve: \$125,000

Preliminary Information: Data is for the most recent fiscal year available.

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Program Name: First Nations First-Year Arts Program
Description: A fully integrated first year program of studies with support services for First Nations students.
Delivery: Offered through Malaspina University College.
Target Population: Aboriginals
Expenditure: off-reserve: \$320,000

Program Name: Nicola Valley Institute of Technology Programs
Description: Programs include:
 i. forest resources program
 ii. first and second year social worker program
 iii. supplement to early childhood education (operates in partnership with the University of Victoria)
 iv. accreditation program for University College of the Cariboo [UCC] (provides funding for costs incurred for course accreditation by UCC)
 v. computer and audio visual equipment
Delivery: Offered through Nicola Valley Institute of Technology.
Target Population: Aboriginals
Expenditure: off-reserve: \$248,485

Program Name: Native Adult Instructors Diploma Program
Description: Provides facilitator and instructor training for instructors of first nations adults.
Delivery: Offered through Okanagan University College.
Target Population: Aboriginals
Expenditure: off-reserve: \$30,000

Program Name: Secwepemc Cultural Education Society Programs
Description: Programs include:
 i. B.A. program focusing on cultural resources management, native language, policy research, decision making and planning and information gathering and management.
 ii. professional development program providing training for undergraduate students to become eligible for teacher certification.
Delivery: Offered through Simon Fraser University.
Target Population: Aboriginals
Expenditure: off-reserve: \$270,000

Program Name: First Nations Health Care Profession Program

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 21.

Description: Provides support for students enrolled in health care professions programs at the University of British Columbia.

Delivery:

Target Population: Aboriginals

Expenditure: off-reserve: \$35,000

Program Name: Nisga'a Language and Culture University Programs

Description: First and second year university courses on Nisga'a language and culture.

Delivery: Programs available through Wilp Wilxo'oskwhl / Nisga'a / UNBC / NWCC / OLA.

Target Population: Aboriginals

Expenditure: on-reserve: \$200,000

viii. Special Grants:

Program Name: Association of Aboriginal Post-Secondary Institutes Resource Centre

Description: The centre provides curriculum and professional development resources.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$200,000

Program Name: Strategic Plan Proposal for Vancouver Native Education Centre

Description: Provides support for a strategic plan to provide a framework for institutional growth and development.

Delivery:

Target Population: Aboriginals

Expenditure: off-reserve: \$30,000

Program Name: Development of Natural Resource Management Curriculum

Description: Provides funding for development of a provincially recognized course in natural resource management.

Delivery:

Target Population: Aboriginals

Expenditure: off-reserve: \$30,000

Program Name: Synala Honours Program Evaluation

Description: Contract to evaluate the program.

Delivery:

Target Population: Aboriginals

Preliminary information: Data is for the most recent fiscal year available.

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Expenditure* : off-reserve: \$3,000

Program Name: Aboriginal Health Care Administration Program

Description: Provides funding for planning the University of Victoria's Aboriginal health care administration program. -

Delivery:

Target Population: Aboriginals

Expenditure* : off-reserve: \$5,000

Program Name: Needs Assessment

Description: Provides funding for needs assessment of the Wet'suwet'en nation.

Delivery:

Target Population: on-reserve

Expenditure* : on-reserve: \$35,000

Program Name: Justice Social Worker Development

Description: Provides funding for the Wet'suwet'en justice social worker development.

Delivery:

Target Population: Aboriginals

Expenditure* : on-reserve: \$25,000

Program Name: Aimee August Scholarship

Description: Provides a tuition scholarship.

Delivery:

Target Population: Aboriginals

Expenditure* : off-reserve: \$1,860

* Expenditure figures are for 1995/96.

Preliminary Information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 23.

Topic: Justice and Policing

Funding Sources: Provincial - Ministry of Attorney General

Program Name: Various Programs (Ministry of Attorney General)***Description:** Various programs and services including the following areas:

- i. prison liaison and Aboriginal justice workers
- ii. community supervision and diversion programs
- iii. youth residential attendance programs
- iv. victims services
- v. legal services to Aboriginal people
- vi. family justice
- vii. legal education
- viii. on-reserve policing

Delivery: Programs or services either delivered by the ministry or by arms-length organizations funded by the ministry.**Target Population:** Aboriginals**Expenditure-:** on-reserve: \$7.9 millions; off-reserve: \$0.9 millions; unclear: \$4.5 million; total: \$13.3 million**Funding Arrangements:** No cost-sharing arrangements, except for on-reserve policing, cost-shared at 48% (provincial) and 52% (federal) for selected programs.

* Expenditure figure is for 1995/96

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 24.

Topic: Natural Resources (forestry, fisheries, environmental protection, etc.)

Funding Sources: Provincial - Ministry of Forests, Ministry of Agriculture, Fisheries, and Food, Ministry of Aboriginal Affairs, CRI&CLIB, Forest Renewal B.C., Ministry of Environment

Ministry of Forests:

Program Name: Joint Stewardship / Capacity Building

Description: Provides workshops, training, opportunities development, project contributions.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$377,761

Program Name: District Operations

Description: Operational funds to First Nations contracts

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$1,371,152

Program Name: Cultural Events

Description: Provides funding for workshops and training sessions.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$12,334

Program Name: Forest Practices Code Training

Description: Provides forestry training as outlined in the Forest Practices Code

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$100,000

Program Name: Direct Award Silviculture Contracts

Description: Contracts encourage and develop expertise in silviculture within aboriginal communities.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$2.5 million; off-reserve: \$2.5 million; total: \$5.0 million

* Expenditure figures are estimated spending amounts for 1995/96.

Ministry of Aboriginal Affairs:

Program Name: First Nations Environment Program

Description: Provide funding to Bands for various environmental concerns.

Preliminary Information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 25.

Delivery:**Target Population:** Aboriginals**Expenditure:** \$150,000 (unclear whether on or off-reserve)**Ministry of Agriculture, Fisheries and Food:****Program Name:** Interim Measures Funding**Description:** Provide funding to Bands for various agricultural, fishery and food concerns.**Delivery:****Target Population:** Aboriginals**Expenditure:** on-reserve: \$183,269**Ministry of Environment:****Program Name:** Various Resource Programs**Description:** Provide funding for 20 different programs (19 on-reserve, and one off-reserve), for various regions. Programs include: environment impact assessment, regional support to comply with resource use plans, negotiation support, monitoring and management of fish and wildlife resources, etc.**Delivery:****Target Population:** Aboriginals**Expenditure:** on-reserve: \$385,000; off-reserve: \$15,000; total: \$400,000

* Expenditure figures are estimated spending amounts for 1995/96.

CRI&CLIB:**Program Name:** Various Programs**Description:** Provide funding for research on natural resources.**Delivery:****Target Population:** Aboriginals**Expenditure:** on-reserve: \$314,600; off-reserve: \$1,134,964; unclear:
\$2,132,600
total: \$3,582,164**Forest Renewal B.C.:****Program Name:** Various Programs/Projects:**Description:**
i. Watershed restoration
ii. Inventory project
iii. Surveys and planning
iv. Road deactivation
v. Assessments

Preliminary information: Data is for the most recent fiscal year available.

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- vi. Prescriptions
- viii. Hill slope restoration
- ix. Spacing
- x. Pruning
- xi. Forestry and logging training
- xii. Watershed training
- xiii. Resource inventory assessment techniques
- xiv. Fisheries crew training
- xv. Horselogging training
- xvi. FRBC coordinator
- xvii. Enhanced Forestry
- xviii. Woodpecker monitoring
- xix. Heli-logging training
- xx. Spotted Owl survey crews
- xxi. Traditional use survey

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$13,512,603

* Expenditure figures are estimated spending amounts for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 27.**Topic: Infrastructure** (roads, housing, etc.)

Funding Sources: Provincial - Ministry of Transportation and Highways, Ministry of Housing, B.C. Transportation Financing Authority

Ministry of Transportation and Highways:

Program Name: Bridge and Road Projects

Description: Projects:

- i. Canyon City bridge [\$3.25 million]
 - ii. road to Kincolith [\$0.1 million]
 - iii. road 17 and 17a - Burns Lake [< \$0.05 million]
 - iv. road to Lax Kw'alaams [\$0.3 million]
 - v. reroute within Telegraph IR 6 [< \$0.01 million]
- Total funding for these projects for 1996/97: max. \$50,000.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$3.7 million

* Expenditure figure is the estimated amount for all five projects for 1995/96.

Ministry of Housing:

Program Name: Various Projects

Description: Projects:

- i. Vancouver Native Housing Society (35 units of family housing in Vancouver) [\$59,287]
- ii. M'Akola Native Housing Society (20 units of family housing in Duncan) [\$40,498]
- iii. Vancouver Native Health Society (25 rent supplement units of Aboriginal persons with HIV/Aids) [\$30,992]
- iv. M'Akola Native Housing Society (4 two bedroom units for permanent housing in Victoria for the homeless) [\$19,269]
- v. CMHC Rural and Native Housing Program (1,200 units developed) [\$293,000]

Delivery:

Target Population: Aboriginals

Expenditure: off-reserve: \$443,046

Funding Arrangements: Cost-sharing agreement in place with the federal government for projects i., ii., iii. and v., but no cost-sharing agreement in place for project iv.

B.C. Transportation Financing Authority:

Program Name: Various Projects:

Description: i. HCL Employment Equity Position

Preliminary Information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 28.

- ii. Training Program
- iii. Joint Committee to support aboriginal employment opportunities
- iv. Selection of owner operators, rented equipment and day-labour
- v. YMC development of inventory of all road building and construction equipment owned by Aboriginals
- vi. Management training positions
- vii. YMC business plan
- viii. Evaluation of supplier and construction opportunities from the inventory
- ix. Development of business cases for supplier opportunities
- x. Development of business cases for construction division

Delivery:

Target Population: Aboriginals

Expenditure :* off-reserve: \$855,000; unclear: \$150,800; total: \$1,005,800

* Expenditure figure is for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 29.

Topic: Culture and Heritage

Funding Sources: Provincial - Ministry of Aboriginal Affairs, Ministry of Small Business, Tourism and Culture, Ministry of Forests

Ministry of Aboriginal Affairs:

Program Name: Heritage Language and Culture Fund

Description: Provides grants to Aboriginal groups and organizations to promote First Nations language, heritage and culture.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$2,200,000

* Expenditure figures are for 1995/96.

Ministry of Small Business, Tourism and Culture:

Program Name: Aboriginal Arts Development Awards Program

Description: Provides funding to assist Aboriginal artists and/or arts organizations to undertake projects that further their professional development.

Delivery: Applicants apply for funding through the Ministry of Small Business, Tourism and Culture.

Target Population: Aboriginals

Expenditure: \$150,000

Program Name: Aboriginal Curatorial Stewardship Program

Description: (A Royal B.C. Museum Program)

An internship program providing training in the areas of museology from an instructional and a First Nations perspective. The program trains First Nations individuals to manage and work at First Nations cultural centres (with an emphasis on collections management), to provide for capacity building in communities in the area of cultural resources management, and to prepare for expected transfer of cultural artifacts to First Nations communities as a result of the treaty process.

Delivery: The program is offered in collaboration with First Nations cultural centres. Training has benefited six students during each of the past two fiscal years. In 1996/97 a number of week long training workshops will be offered which will benefit six students selected to participate, their six mentors at cultural centres plus board members and other interested individuals.

Target Population: Aboriginals.

Expenditure: \$200,000 and \$10,000 (0.17 FTE at \$60,000)

Preliminary information: Data is for the most recent fiscal year available.

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total: \$210,000

Program Name: Royal B.C. Museum Programs**Description:** Various programs include:

- i. First Nations exhibit design committee [\$5,000 and \$6,000 (0.1 FTE at \$60,000)]
- ii. Aboriginal liaison officer (to consult with First Nations communities regarding cultural material held by the museum, to advise on protocol issues, facilitating access, communication, public requests for information, FN public programming and education, and FN involvement in exhibit design and interpretation) [\$55,000]
- iii. Gitanyow pole replication. [\$40,000 contribution agreement, comprised of: \$15,000 (Northwest Region Office); \$7,500 (Corporate Policy, SBTC); \$7,500 (Aboriginal Affairs). RBCM also provided \$5,800 for the removal, crating and transportation of the original pole sections, and \$6,800 in staff costs.]
- iv. Aboriginal public programming (to fund public presentations of Aboriginal culture through film screenings, festivals, showcases, etc. Program are developed in consultation with First Nations bands, organizations and individuals) [\$10,000 and \$15,000 (0.25 FTE at \$60,000)]
- v. Living landscapes project (to fund a travelling exhibit of cultural materials to the interior, and a research symposium) [\$20,000]
- vi. Treaty response (to fund members of the museum's anthropology department to attend treaty negotiation meetings during discussion of cultural material) [\$2,500 and \$4,800 (0.08 FTE at \$60,000)]

Delivery: The museum.**Target Population:** Aboriginals**Expenditure:** \$170,900**Program Name:** B.C. Heritage Trust Grants**Description:** Provides grants to band councils to encourage and assist in the conservation of community heritage. Grants provided in 1995/96 include:

- i. Haida-Gwaii cemetery project [\$5,000]
- ii. Toquaht archaeological project [\$37,000]
- iii. Kwakwaka'wakw historical ethnobotany project [\$9,800]

Preliminary information: Data is for the most recent fiscal year available.

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iv. Nanaimo traditional land use oral history project [\$9,800]
 v. Victoria Aboriginal women and wellness conference [\$2,000]
 vi. Ktunaxa-Kinbasket restoration of St. Eugene Mission barn,
 blacksmith and carpenter shops [\$39,000]
Delivery: Heritage Branch
Target: Aboriginals
Expenditure: \$127,644 (capital and non-capital), and \$36,000 (staff costs of 0.6
 FTE at \$60,000 to provide client liaison and advice, grants
 adjudication and administration).
 total: \$163,644

Program Name: Aboriginal Liaison and Public Education
Description: Provides FTEs to support treaty negotiations and to liaise with
 Aboriginal people on cultural resource management issues and
 programs.
Delivery: Archaeology Branch
Target: Aboriginals
Expenditure: \$100,000

Program Name: Aboriginal Arts Development Awards
Description: The program assists projects initiated by aboriginal artists and/or
 organizations which are not otherwise eligible for existing Cultural
 Services Branch support programs. The program is designed
 solely for aboriginal artists or arts organizations working to
 develop their artistic activities to a professional standard.
Delivery: Cultural Services Branch
Target: Aboriginals
Expenditure: \$82,688 and \$30,000 (0.5 FTE at \$60,000)
 total: \$112,688

Program Name: Aboriginal Sport and Recreation Association (ASRA)
Description: ASRA is the first provincial organization in Canada dedicated to
 sport development for Aboriginal youth. Provincial funding helps
 with initiatives such as the Native Youth Sports Festival, the
 association newsletter Abosport and the Aboriginal Coaches
 Conference.
Delivery: Sport Services Branch, Multi-Sport Organization Funding Program.
Target: Aboriginal youth
Expenditure: \$110,000

Program Name: Aboriginal Sport Development Centre

Preliminary information: Data is for the most recent fiscal year available.

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Description: The provincial government provided \$500,000 (matched by federal government) in 1995 for the construction of the Aboriginal Sport Development Centre in Central Saanich on the Tsartlip Reserve (scheduled for opening in fall of 1996). This centre, the first of its kind in Canada, will provide athlete and coach development services for Aboriginal people across Canada. In addition, the provincial government will provide up to 30,000 annually for a coordinator to help program the centre's activities.

Delivery: Sport Services Branch

Target: Aboriginals

Expenditure: \$500,000

Program Name: North America Indigenous Games

Description: The Sport Services Branch will provide one FTE to coordinate, and 0.3 FTE to manage, the provincial government's interests in the 1997 North America Indigenous Games, to be held in Victoria.

Delivery:

Target: Aboriginals

Expenditure: \$80,000 (1.3 FTE at \$60,000) and, subject to a matching fund commitment by the federal government, the provincial government will provide a \$950,000 grant to the Games' organizers (this has NOT been announced or confirmed) over two fiscal years (1995/96, 1996/97).

Program Name: Outreach Program to Aboriginal Communities

Description: Grant provided to the Aboriginal Sport and Recreation Association (ASRA) to develop a long range strategy for the delivery of recreation services in Aboriginal communities.

Delivery: Funds were used by ASRA to hire a person to contact Aboriginal communities; develop a data base of existing recreation services in Aboriginal communities; identify support services required by smaller and remote Aboriginal communities; and to develop ways to increase recreation opportunities in Aboriginal communities.

Target Population: Aboriginals

Expenditure: \$10,000

Program Name: Outdoor Leadership Training Program

Description: Two training streams are offered to youth, in aquatics and back-country leadership. A majority of funds are provided from the Recreation Branch, with additional financial support from the ministries of Attorney General and Social Services, for training.

Preliminary Information: Data is for the most recent fiscal year available.

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Aboriginal communities provide funding for living expenses, transportation and equipment, as well as an agreement to employ the trained youth when they have been certified. The objective of the program is to provide youth with employable skills.

Delivery: Youth ages 17-20 apply through the Recreation Branch. Training takes place in various sites across the Province throughout the summer. 163 young people were trained in 1995/96.

Target Population: Aboriginal youth

Expenditure: \$92,000 and 1 FTE at \$50,450 (Recreation Branch); \$20,500 (Social Services); \$5,000 (Attorney General)
total: \$167,950

Program Name: Operating Assistance for Museums and Visual Arts Organization

Description: This program assists Aboriginal culture centres with outreach programming, in particular educational programming. The following First Nations' institutions received assistance in 1995/96:

- i. U'mista Cultural Society
- ii. Nyumbalees Society
- iii. Secwepemc Cultural Education Society
- iv. 'Ksan Association

Delivery: B.C. Arts Council/Cultural Services

Target Population: Aboriginals

Expenditure: \$53,500 and \$15,000 (0.25 FTE @ \$60,000)
total: \$68,500

* Expenditure figures are for 1995/96.

Ministry of Forests:

Program Name: Traditional Use Studies

Description: Provides funding for cultural heritage inventories for First Nations.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$1.2 million

* Expenditure figures are for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 34.

Topic: Economic Development

Funding Sources: Provincial - Ministry of Aboriginal Affairs, Ministry of Small Business, Tourism and Culture,
Ministry of Employment and Investment

Ministry of Aboriginal Affairs:

Program Name: First Citizens Fund

Description: Provides loans to Aboriginal people who want to start up, expand or upgrade businesses; bursaries for Aboriginal post-secondary students; and grants to 21 friendship centres across the province.

Delivery:

Target Population: Aboriginals

Expenditure: \$2,900,000 (unclear whether took place on or off-reserve)

* Expenditure figures are for 1995/96.

Ministry of Small Business, Tourism and Culture:

Program Name: Program Options for Aboriginal Economic Development

Description: Provides funding for economic development - intended to complement Aboriginal community programs and federal programs. The project involves four areas that have been identified as major barriers to Aboriginal economic development: planning, labour force development, financing, and institutional support.

Delivery: Applicants apply for funding through the Ministry of Small Business, Tourism and Culture.

Target Population: Aboriginals

Expenditure: \$473,695 and \$79,500 (from various other ministries)
total: \$553,195 (unclear whether took place on or off-reserve)

Funding Arrangements: Cost sharing is on a project by project basis. Arrangements usually involve DIAND, Human Resources Development Canada, Community Future, and/or a First Nation.

Program Name: Small Business Development for Aboriginal Women Program

Description: Provides funding for conferences and workshops providing entrepreneurship and business training for Aboriginal women.

Delivery: Applicants apply for funding through the Ministry of Small Business, Tourism and Culture.

Target Population: Aboriginals

Expenditure: off-reserve: \$95,000

* Expenditure figures are for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 35.

Ministry of Employment and Investment:

Program Name: Various Programs

Description: Provides funding for economic development through grants and other types of contributions.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$15,000; off-reserve: \$22,500; total: \$37,500

* Expenditure figures are for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 37.

B.C. Hydro:

Program Name: Payments to First Nations for consultation

Description: Funding of First Nations to participate in consultation and planning initiatives.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$100,000

* Expenditure figures are for 1995/96.

Preliminary information: Data is for the most recent fiscal year available.

CONFIDENTIAL: For use in federal-provincial cost-sharing discussions - PAGE 36.

Topic: Negotiations/Consultation

Funding Sources: Provincial - Ministry of Aboriginal Affairs, Ministry of Energy, Mines and Petroleum Resources, B.C. Ferries, B.C. Hydro

Ministry of Aboriginal Affairs:

Program Name: Various programs

Description: Provide funding for consultation and negotiations in various areas:

- i. Social and Economic
- ii. Metis and Off-reserve policy forums
- iii. Consultation-Advisory
- iv. Other
- v. BC Treaty Commission
- vi. Penticton

Delivery:

Target Population: Aboriginals

Expenditure: \$6,134,000 (unclear whether took place on or off-reserve)

Ministry of Energy, Mines, and Petroleum Resources:

Program Name: Various programs

Description: Provide funding for consultation and negotiations in various areas:

- i. Mineral and energy forums
- ii. Tsimshian MOU negotiations
- iii. Lheit-Lite'en traditional use study
- iv. Blueberry River Band TUS and consulting
- v. Sauteaux Band TUS and consulting
- vi. Fort Nelson Band TUS and consulting
- vii. Dene Tha' Assumption TUS
- viii. Referral processes
- ix. Participant Assistance for ministry meetings
- x. Video on First Nations participation in referral processes

Delivery:

Target Population: Aboriginals

Expenditure: \$157,000 (unclear whether took place on or off-reserve)

B.C. Ferries:

Program Name: Nanaimo First Nation Consultation Costs

Description: Reimbursement of NFNations expenses incurred during discussions on the potential of a road through the reserve.

Delivery:

Target Population: Aboriginals

Expenditure: on-reserve: \$200,000

Preliminary information: Data is for the most recent fiscal year available.

Appendix 1

Annual expenditures on Aboriginal Peoples in B.C.

Topic: HEALTH

Funding Sources: Provincial - Ministry of Health, Ministry of Social Services, Ministry of Women's Equity

Dollar (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off-reserve total
Provincial funding:				
Urban Aboriginal Health Centre Program		1,121,293		1,121,293
Community Intervention Programs		651,809		651,809
First Nations Health Careers Bursary Program			115,000	115,000
First Nation Health Careers Professions Program			34,586	34,586
B.C. Aboriginal Health Council			5,134,652	5,134,652
Pregnancy Outreach Program			442,340	442,340
Adult Clinical and Addictions Services		998,490		998,490
Aboriginal Treatment Programs		3,530,000		3,530,000
Sexual Abuse Intervention Program		1,170,000		1,170,000
Tuberculosis Diagnosis and Control Services		452,000		452,000
Native AIDS Awareness Program			200,000	200,000
Healthy Communities and Healthy Schools Programs			238,292	238,292
Home Nursing Care Services	111,852			111,852
Multi-Level Care Services		2,445,010		2,445,010
Closer to Home Program			271,591	271,591
Victims of Violence Program			84,450	84,450
Design and Construction Program	20,000			20,000
United Church of Canada Health Services		2,500,000		2,500,000
Health Canada Nursing Stations	369,361			369,361
Nisga'a Valley Health Centre	718,610			718,610
Physician Services at Aboriginal Health Centres	268,946	249,988		518,934
total	1,486,769	13,118,590	6,520,911	21,126,270

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are from 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: SOCIAL SERVICES

Funding Sources: Provincial - Ministry of Social Services; Ministry of Women's Equality (three programs in part 1. only - see *)

Dollar (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off-reserve total
Provincial funding:				
Urban Aboriginal Program		500,000		500,000
Non-Residential Aboriginal Children and their Families Program			3,636,890	3,636,890
Aboriginal Services - New Initiatives Programs			600,000	600,000
Kootenay Five Bands Agreement	258,074			258,074
Gwa'Sala Family Intervention Project	60,000			60,000
First Nations Family and Child Care Workers Society	35,000			35,000
First Nations Family and Child Care Society	70,000			70,000
Sexual Abuse Intervention and Community Development Project	41,000			41,000
United Native Nations Contract for Reunification Worker	80,000			80,000
Aboriginal Network on Disability	60,000			60,000
Sexual Abuse Interventions Program	192,500	245,000		437,500
Special Programs for Aboriginals	3,771,824			3,771,824
Cowichan Band Agreement	50,000			50,000
Infant Development Program	193,514	106,432		299,946
Special Needs Day Care Programs	520,444	670,072		1,190,516
Administrative Costs for Social Services Aboriginal Programs			223,264	223,264
Child Care Programs*			197,076	197,076
Community Programs*			61,100	61,100
total	5,332,356	1,521,504	4,718,330	11,572,190

* Ministry of Women's Equality programs (all other programs are Ministry of Social Services).

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.**Topic: EDUCATION (elementary/secondary)**

Funding Sources: Provincial - Ministry of Education

Dollar (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off- reserve total
Provincial funding*:				
Various language, culture and community support programs	9,800,000		23,300,000	33,100,000
total	9,800,000	0	23,300,000	33,100,000

* See paper for further details.

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: POST SECONDARY EDUCATION AND TRAINING

Funding Sources: Provincial - Ministry of Skills, Training and Labour

Dollars (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off-reserve total
Provincial funding*:				
Operating Grants (5 programs)		3,666,369		3,666,369
Language Teacher Training Grants (2 programs)	75,000	75,000		150,000
First Nations Coordinators (2 programs)		1,166,000		1,166,000
Transition Program Grants (4 programs)	232,743	100,000		332,743
Literacy Program Grants (1 program)	75,000			75,000
Adult Basic Education Grants (3 programs)	52,000	90,300		142,300
Academic/Degree Program Grants (10 programs)	235,000	1,089,662		1,324,662
Special Grants (9 programs)	260,000	169,860		429,860
total	929,743	6,357,191	0	7,286,934
* Due to the large number of programs in this group (36 programs), totals for program categories (as opposed to specific programs) are listed here. For details on specific programs within each category see text.				

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: JUSTICE AND POLICING

Funding Sources: Provincial - Ministry of Attorney General

Dollars (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off- reserve total
Provincial funding:				
Various programs	7,868,423	881,310	4,510,840	13,260,673
Ministry of Attorney General programs:				
i. prison liaison and Aboriginal justice workers				
ii. community supervision and diversion programs				
iii. youth residential attendance programs				
iv. victims services				
v. legal services to Aboriginal people				
vi. family justice				
vii. legal education				
viii. on-reserve policing				
total	7,868,423	881,310	4,510,840	13,260,673

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: NATURAL RESOURCES (forestry, fisheries, environmental protection, etc.)

Funding Sources: Provincial - Ministry of Forests, Ministry of Aboriginal Affairs, Ministry of Agriculture, Fisheries and Food, CRI&CLIB, Forest Renewal B.C., Ministry of Environment

Dollars (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off-reserve total
Provincial funding:				
Joint Stewardship / Capacity Building	377,761			377,761
District Operations	1,371,152			1,371,152
Cultural Events	12,334			12,334
Forest Practices Code Training	100,000			100,000
Direct Award Silviculture Contracts	2,500,000	2,500,000		5,000,000
First Nations Environmental Program			150,000	150,000
Interim Measures Funding (Ministry of Agric., Fish., & Food)	183,269			183,269
Various Resource Programs (Ministry of Env., Lands & Parks)	385,000	15,000		400,000
Various CRI&CLIB programs	314,600	1,134,964	2,132,600	3,582,164
Various Forest Renewal B.C. programs/projects	13,512,603			13,512,603
total	18,756,719	3,649,964	2,282,600	24,689,283

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: INFRASTRUCTURE (roads, housing, etc.)

Funding Sources: Provincial - Ministry of Trans. and Highways, Ministry of Housing, B.C. Trans. Fin. Authority

Dollar (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off- reserve total
Provincial funding:				
Bridge and Road Projects	3,708,000			3,708,000
Various Programs (Ministry of Housing)		443,046		443,046
Various Programs (B.C. Trans. Fin. Authority)		855,000	150,800	1,005,800
total	3,708,000	1,298,046	150,800	5,156,846

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: CULTURE AND HERITAGE

Funding Sources: Provincial - Ministry of Aboriginal Affairs, Ministry of Small Business, Tourism, and Culture, Ministry of Forests

Dollars (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off-reserve total
Provincial funding:				
Heritage, Language and Culture Fund	2,200,000			2,200,000
Aboriginal Arts Development Awards Program			150,000	150,000
Aboriginal Curatorial Stewardship Program			210,000	210,000
Royal B.C. Museum Programs			170,900	170,900
B.C. Heritage Trust Grants			163,644	163,644
Aboriginal Liaison and Public Education			100,000	100,000
Aboriginal Arts Development Awards			112,688	112,688
Aboriginal Sport and Recreation Association (ASRA)			110,000	110,000
Aboriginal Sport Development Centre			500,000	500,000
North America Indigenous Games			80,000	80,000
Outreach Program to Aboriginal Communities			10,000	10,000
Outdoor Leadership Training Program			167,950	167,950
Operating Assistance for Museums and Visual Organization			68,500	68,500
Traditional Use Studies	1,200,000			1,200,000
total	3,400,000		1,843,682	5,243,682

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: ECONOMIC DEVELOPMENT

Funding Sources: Provincial - Ministry of Aboriginal Affairs, Ministry of Small Business, Tourism and Culture, Ministry of Employment and Invest
Dollars (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off- reserve total
Provincial funding:				
First Citizens Fund			2,900,000	2,900,000
Program Options for Aboriginal Economic Development			553,195	553,195
Small Business Development for Aboriginal Women Program,		95,000		95,000
Various Programs (Ministry of Employment and Investment)	15,000	22,500		37,500
total	15,000	117,500	3,453,195	3,585,695

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Annual expenditures on Aboriginal Peoples in B.C.

Topic: NEGOTIATIONS/CONSULTATION

Funding Sources: Provincial - Ministry of Aboriginal Affairs, Ministry of Energy, Mines, and Petroleum, B.C. Ferries, B.C. Hydro;

Dollar (\$)

Program Name	on-reserve	off-reserve	unclear	on- & off- reserve total
Provincial funding:				
Various Programs (Ministry of Aboriginal Affairs)			6,134,000	6,134,000
Various Programs (Ministry of Energy, Mines and Petroleum)			157,000	157,000
Nanaimo First Nation Consultation Costs	200,000			200,000
Payments to First Nations for Consultation	100,000			100,000
total	300,000	0	6,291,000	6,591,000

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are for 1995/96.

Appendix 2

Annual expenditures on Aboriginal Peoples in B.C.

Dollar (\$ millions)

Mandate Topic	on- reserve	off- reserve	unclear	on- & off- reserve total
Provincial funding:				
Health	1.49	13.12	6.52	21.13
Social Services	5.33	1.52	4.72	11.57
Education	9.80	0.00	23.30	33.10
Post Secondary Education & Training	0.93	6.36	0.00	7.29
Justice and Policing	7.87	0.88	4.51	13.26
Natural Resources	18.76	3.65	2.28	24.69
Infrastructure	3.71	1.30	0.15	5.16
Culture and Heritage	3.40	0.00	1.84	5.24
Economic Development	0.02	0.12	3.45	3.59
Negotiations / Consultation	0.30	0.00	6.29	6.59
total	51.81	26.95	53.05	131.82

Notes:

1. All figures are net amounts (i.e., provincial figures exclude federal contributions or recoveries).
2. Figures are from various either fiscal year 1994/95 or 1995/96. See program details for each topic for details.

**MODELS FOR FUNDING ABORIGINAL
GOVERNMENTS IN**

THE UNITED STATES,

AUSTRALIA, AND

NEW ZEALAND

**Prepared for
Ministry of Aboriginal Affairs**

**Prepared by
Tamara Vrooman**

May, 1996

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FUNDING OF ABORIGINAL GOVERNMENTS: OVERVIEW

1.0 INTRODUCTION

The negotiation and implementation of self-government agreements is a relatively new development in the relationship between the Province of British Columbia, the Government of Canada and First Nations. As a result, there are many outstanding issues that need to be addressed in order for these agreements to reach their full potential. The degree to which Canada and the Province will fund aboriginal self-government is one such issue.

Governments in other parts of the world have faced similar concerns. The United States, Australia and New Zealand provide three international examples of funding approaches for aboriginal governments, programs and services used in other jurisdictions. Therefore, as British Columbia and Canada begin self-government funding discussions, it may be useful to examine the way in which other nations finance programs and services for aboriginal people.

1.1 Purpose of Study

This study was commissioned by the Ministry of Aboriginal Affairs to research approaches to financing aboriginal governments, and in particular the funding of programs and services for aboriginal people, used by governments in other jurisdictions around the world. Three countries were selected for analysis: the United States, Australia and New Zealand.

Through a review of government documents, legislation, and existing literature the objectives of this research were to identify:

- models for funding aboriginal government used in other jurisdictions;
- models for sharing the cost of aboriginal government funding between two senior levels of government, where available; and
- similarities and differences between these international models and existing funding arrangements with First Nations in Canada.

This study does not attempt to evaluate the funding models used by the governments under study. Rather, it provides a description of the means by which aboriginal governments, organizations, programs and services have been funded by federal, state, and territory local governments in other jurisdictions.

2.0 FINDINGS

This study sought information on the models for funding aboriginal governments regarding five key issues: jurisdiction, eligibility, funding mechanisms, federal and state levels of funding; administrative issues; and comparison of international models with those currently used in Canada.

2.1 Jurisdiction

In all three countries examined, the federal or national government has some degree of legislative authority for aboriginal people. In the United States, Congress has plenary power over aboriginal issues; therefore, federal law has primacy over "Indian affairs in Indian country" except where Congress has provided otherwise. New Zealand is a unitary state; there is no equivalent of state or provincial powers. Therefore, the New Zealand Parliament has primary authority for aboriginal people. The Australian federal government has concurrent jurisdiction with state and territorial governments as provided under their Constitution.

Distinctive Characteristics:

- The United States Federal Government provided for the transfer of the federal jurisdiction and responsibility in Aboriginal affairs to state governments under Public Law 280. States that have assumed this power have the delegated authority to extend their criminal and civil laws onto reservations.
- There is no constitutional recognition of special rights or status for Aboriginal and Torres Strait Islander people in Australia; however, some state and federal laws have been passed recognizing the special position of aboriginal people in Australian society. In 1967 the Australian Constitution was amended to give the federal and state governments concurrent power to legislate for aboriginal peoples.
- The principal document providing for Government-Maori relations in New Zealand is the *Treaty of Waitangi* (1840). Through the Treaty, the Maori transferred sovereignty to the Crown, although they have maintained a degree of control over their own lands and interests.

2.2 Eligibility

Most of the programs and services delivered by aboriginal governments and funded by federal or state governments are limited to aboriginal people. Alaska is the notable exception where programs and services are provided to non-aboriginal residents as well.

- United States federal programs for aboriginal people are limited to members of

federally recognized nations. Members living off reservation lands are eligible for federally funded aboriginal programs; however, in practice most programs and services are delivered by aboriginal governments on reservation lands.

- Eligibility requirements for special aboriginal programs and services vary from program to program in Australia.
- Government funded Maori-specific programs delivered by Maori organizations are limited to members of the iwi (tribal group) which the particular organization serves.

2.3 Funding Mechanisms

Each of the countries examined used a variety of funding mechanisms. For the most part, aboriginal governments and organizations receive government funding on a program by program basis; however, certain aboriginal groups in all three countries receive compensation funds in the form of block transfers as a result of land claim settlements.

- In the United States, aboriginal governments may contract with the federal government to deliver programs and services to their members. The amount of funds provided under these contracts must equal the amount the federal Bureau of Indian Affairs or the Indian Health Service would otherwise have provided for the operation of the program for the duration of the contract. Funds required by a Tribal government for contract management, support costs and technical assistance are provided in addition to the direct operations funding. Funding for aboriginal governments which wish to contract for more than one program or service is provided under a consolidated block transfer.
- In addition, aboriginal governments may receive federal funding through the Self-Governance Demonstration Project. Under this program aboriginal governments have the ability to redesign federal programs to meet the specific needs of their communities. Annual funding agreements allow aboriginal governments wider discretion over the use of funds as well as the authority to redesign federal programs to meet local circumstance and need.
- In the United States, aboriginal governments incorporated as municipalities under state law may continue to contract or compact with the federal government for special aboriginal services, or they may receive funding from state governments provided they make the service available to *all* residents of their lands. An example of this arrangement is provided for under the *Maine Indian Claims Settlement Act* (1980).
- Since the Australian federal and state governments have concurrent jurisdiction over aboriginal people and their lands, program and service funding is provided

through a variety of mechanisms. The federal government provides funding through its Aboriginal and Torres Strait Islander Commission or by transferring funds to state and territory governments for federal programs. States and territories also provide funding for programs and services to aboriginal communities on a program by program basis.

- Maori people in New Zealand access government programs and services of general application as well as a number of Maori specific ones. Maori organizations do provide a limited number of programs and services to their members. Funding for these programs is provided by the Ministry responsible for a particular program area.

2.4 Federal and State Levels of Funding

In Australia and the United States, both federal and state governments provide funding for aboriginal people. However, most funding for program and service delivery by aboriginal governments comes from the federal governments. State governments are more likely to provide funding for individual aboriginal people through programs of general application. Since New Zealand is a unitary state, an analysis of federal/state funding is not applicable.

- Aboriginal governments in the United States receive almost all of their funding from the federal government through its Bureau of Indian Affairs and Indian Health Services. Approximately 50% of the Bureau's operating budget funds programs and services through contracts and compacts with aboriginal governments; approximately 30% of the Indian Health Service operating budget funds services through contracts and compacts.
- State funding is available to individual aboriginal people through programs of general application in the United States. States such as New York, which have a high percentage of aboriginal people living in urban areas, may contribute the majority of the cost of programs and services for aboriginal people.
- The federal government in Australia provides special programs for aboriginal people through the Aboriginal and Torres Strait Islander Commission (ATSIC). The ATSIC's 1995 budget was \$500 million. Aboriginal organizations may also apply for program funding from other federal departments.
- Some states and territories in Australia have created and funded separate Aboriginal local government authorities. A limited number of state-funded human services are provided by these local governments.
- In Australia, some aboriginal services such as housing are funded by the federal government and administered by the state. The Commonwealth/State Housing Agreement provides for the federal government to pay for the program costs and the state governments to pay for the administration costs.

2.5 Administrative Issues

Aboriginal governments receive funding from a variety of federal, state, and territory departments and agencies for the provision of programs and services. In the United States and Australia, this has resulted in continuous funding negotiations and consultations with government officials. Aboriginal and non-aboriginal governments alike have complained about the excessive administrative cost of this type of funding system.

- The United States Government is currently in the process of identifying all of its operational and administrative costs within the Bureau of Indian Affairs and Indian Health Service. This is part of the federal government's policy to eventually devolve all of its aboriginal programs and services to aboriginal governments. Only the residual (interface) functions will remain with the federal departments.
- In 1991, the Australian House of Representatives Standing Committee on Aboriginal Affairs released the report *Our Future, Our Selves*, which identified the need to improve funding arrangements in order to increase control over resources. The Committee recommended a system of block funding for Aboriginal communities and organizations where a minimum level of funding would be provided on a triennial basis via a single funding body.

2.6 Comparison of Funding Models

A variety of models are used to fund aboriginal governments in the United States, Australia and New Zealand. Table One summarizes the key components of the funding models examined in this study and compares them with those currently used to fund aboriginal governments in Canada.

3.0 CONCLUSION

The means through which the United States, Australia and New Zealand fund aboriginal governments reflects the variety of programs and services delivered by aboriginal governments. Unfortunately, the financing of aboriginal governments is no less complex in the countries under study than it is in Canada. While comprehensive funding models for all programs and services provided by aboriginal governments do not currently exist in these countries, specific elements of funding models used elsewhere may be instructive as British Columbia and Canada enter self-government funding negotiations.

TABLE ONE: Comparison of Funding Models

SUBJECT MATTER	CHARACTERISTICS OF THE MAIN FUNDING ARRANGEMENTS				
	COMPREHENSIVE FUNDING ARRANGEMENT			ALTERNATIVE FUNDING ARRANGEMENT	SELF-GOVERNMENT FINANCIAL ARRANGEMENT
	GRANTS	FTPs	Contributions		
Legislative Base	Indian Act	Indian Act	Indian Act	Indian Act	Self-Government Legislation
Scope	Most DIAND Programs	Most DIAND Programs	Most DIAND Programs	Most DIAND Programs , Solicitor General , Health Canada	Transferable DIAND programs and those of other participating federal departments
Program Reporting Requirements	No reports required	Service delivery, achievement and statistical reports	Financial and program progress reports	Statistical reports	None
Audits and Financial Reporting	No audit required	Audit on overall financial position	Audit provided per activity	Annual Enhanced Financial Statements	Audited Consolidated Financial Statements
Duration	Maximum one year			Maximum five years	Maximum five years
Transferability of Funds	Transferable	Limited authority to transfer funds if program terms are met	No transferability	Transferable	Transferable
Negotiation	Must negotiate each program activity individually and then all funding mechanisms are signed under a CFA; negotiation is limited			One agreement for all programs is an option	Comprehensive, multi-program interdepartmental with some initial implementation
Eligibility	Must meet specific program criteria			Must meet AFA entry criteria	Self-Government Legislation
Program redesign Permitted	Programs may be designed subject to minimum program requirements	Programs may be designed subject to minimum program requirements	Programs may be designed subject to minimum program requirements	Programs may be designed subject to minimum program requirements	Programs may be redesigned subject to legislative requirements
Surplus/Deficit Treatment	n/a	Recipient retains surpluses. Deficits are Recipient's responsibility	Surplus returned. Deficits usually funded	Recipient retains surpluses. Deficits are Recipient's responsibility	Recipient retains surpluses. Deficits are Recipient's responsibility

CHARACTERISTICS OF INTERNATIONAL FUNDING ARRANGEMENTS				
UNITED STATES FUNDING ARRANGEMENTS			AUSTRALIA FUNDING ARRANGEMENTS	NEW ZEALAND FUNDING ARRANGEMENTS
Self Determination Contracts	Self-Governance Compacts	Maine Indian Claim Settlement Act		
Indian Self Determination Act (1975)	Indian Self Determination Act (1988)	Maine Indian Claims Settlement Act (1980)	Various State and Federal laws	Treaty of Waitangi (1840)
Bureau of Indian Affairs and Indian Health Service programs	Bureau of Indian Affairs and Indian Health Service programs	Bureau of Indian Affairs and Indian Health Service programs; municipal government programs and services as defined under Maine State Law	Aboriginal and Torres Strait Islander Commission programs; other federal, state, territory programs (both special and those of general application)	Ministry of Maori Development, culturally specific, and generally available programs of the New Zealand Government
Financial and Program Reports	Statistical Reports	Financial and Program Reports for federal Indian programs only	Varies depending on the program; most require program delivery and financial reports	Program and Service delivery reports
"Clustered" programs under one contract require only one overall audit	Annual audit required	Annual audit required	Aboriginal organizations incorporated as Local Councils do not require annual audit; all others require audit	Program audit required
Maximum 3 years	Maximum 8 years	Maximum 3 years for federal Indian programs	Varies by government and program	One year maximum
No	Yes	No if contracted services; yes if compacted	In general, no; except where incorporated as Local Councils	No
Each activity negotiated separately initially; does not usually require renegotiation upon renewal	One agreement for all programs	Each activity negotiated separately initially; does not usually require renegotiation upon renewal; one agreement if compacting	Varies by government program; however most require individual program negotiations	Individual program negotiations
Federally recognized Tribal Government	Federally recognized Tribal Government	Federally recognized Tribal Government; qualify as municipality	N/A	Member of a Maori Tribal Group
No	Yes	Yes	Varies by government and program	No
Recipient retains surplus or federal government holds in trust	Recipient retains surplus or federal government holds in trust	Recipient retains surplus or federal government holds in trust	Unknown	Unknown

SOURCES

Australia (1973). *Aboriginal Affairs (Arrangements with the States) Act*.

Australia (1989). *Aboriginal Education (Supplementary Assistance) Act*.

Australia (1989). *Aboriginal and Torres Strait Islander Commission Act*.

Brownlie, Ian (1992). *Treaties and Indigenous Peoples*. Oxford: Clarendon Press.

Bureau of Indian Affairs (January 26, 1996). "Press Release: American Indian Self-Determination Regulations Published for Review." United States Department of the Interior, World Wide Web.

Bureau of Indian Affairs (March 7, 1996). "Press Release: New BIA Partnership Focuses on Tribal Share Process." United States Department of the Interior, World Wide Web.

Cant, Garth (1990). "Waitangi Treaty and Tribunal," *New Zealand Journal of Geography*, April 1990.

Commonwealth Government of Australia (1996). "The Aboriginal and Torres Strait Islander Commission." Government Homepage, World Wide Web.

Council for Aboriginal Reconciliation (1993). "Annual Report." Canberra: Reconciliation and Social Justice Library, World Wide Web.

Council for Aboriginal Reconciliation (1994). "Annual Report." Canberra: Reconciliation and Social Justice Library, World Wide Web.

Council for Aboriginal Reconciliation (1995). "Annual Report." Canberra: Reconciliation and Social Justice Library, World Wide Web.

Department of Aboriginal Affairs (1987). "Discussion Paper: Aboriginal Participation and Equity in Local Government," Canberra: Commonwealth of Australia.

Department of Education, Employment and Training (1996). "Student, Youth and Aboriginal Education Support Programs," Commonwealth of Australia, World Wide Web.

Ekstedt, John. (1994). "Aboriginal Self-Government: Implications of the Australian Experience," in John H. Hylton, *Aboriginal Self-Government in Canada: Current Trends and Issues*. Saskatoon: Purich Publishing.

Fleras, Augie and Jean Leonard Elliot (1992). *The 'Nations Within': Aboriginal - State Relations in Canada, the United States, and New Zealand*. Toronto: Oxford University Press.

Indian Health Service (1996). "Indian Health Service Fact Sheet." United States Department of Health and Human Services, World Wide Web.

Indian Health Service (1995). "Memorandum for the Customers and Employees of the Indian Health Service: Funding Update," United States Department of Health and Human Services, World Wide Web.

Indian and Northern Affairs Canada (1993). *DIAND's Evolution from Direct Service Delivery to a Funding Agency*. Ottawa: Minister of Supply and Services.

"Indian Self-Determination and Education Assistance Act Amendments: Notice of Proposed Rulemaking." United States Federal Register: January 24, 1996 (Volume 61, Number 16).

Kawharu, I.H. (1989) *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi*. Auckland: Oxford University Press.

New Zealand (1993). *Te Ture Whenua Maori (Maori Land) Act*.

Northwest Indian Fisheries Commission (1995). "Northwest Indian Fisheries Commission." Government of the State of Washington, World Wide Web.

O'Brien, Sharon (1989). *American Indian Tribal Governments*. Norman: University of Oklahoma Press.

Prucha, Francis Paul (1990). *Documents of United States Indian Policy*. Lincoln: University of Nebraska Press.

Renwick, William (1990). *The Treaty Now*. Auckland: GP Books.

Renwick, William (1991). *Sovereignty and Indigenous Rights: the Treaty of Waitangi in International Contexts*. Wellington: Victoria University Press.

Rieber, Jesse A. (1978). "A Collection of Summaries of 13 Task Force Reports to the American Indian Policy Review Commission." Ottawa: Indian and Northern Affairs Canada.

Royal Commission into Aboriginal Deaths in Custody (Australia, 1991). *Final Report: Volume One*.

Royal Commission into Aboriginal Deaths in Custody (Australia, 1991). *Final Report: Volume Three*.

Royal Commission into Aboriginal Deaths in Custody (Australia, 1991). *Final Report: Volume Four*.

Royal Commission into Aboriginal Deaths in Custody (Australia, 1991). "Aboriginal Health and the Federal Government," *Regional Report of Inquiry into Underlying Issues in Western Australia*.

Royal Commission into Aboriginal Deaths in Custody (Australia, 1991). "Aboriginal Health and the State Government," *Regional Report of Inquiry into Underlying Issues in Western Australia*.

Royal Commission into Aboriginal Deaths in Custody (Australia, 1991).
"Commonwealth/State Relations and Aboriginal Affairs," *Regional Report of Inquiry into Underlying Issues in Western Australia*.

Saunders, Douglas (1985). *Aboriginal Self-Government in the United States*. Background Paper No. 5. Queen's University: Institute for Intergovernmental Relations.

Sillanpaa, Lennard (1992). *Alaska Native Claims Settlement Act: the First Twenty Years*. Ottawa: Indian and Northern Affairs Canada.

Taylor, Theodore W. (1983). *American Indian Policy*. Mt. Airy, Maryland: Lomond Publications.

Temm, Paul (1990). *The Waitangi Tribunal: The Conscience of the Nation*. Auckland: Random Century.

Te Puni Kokiri (1995). "New Zealand Government Signs Initial Agreement with Tainui Tribe to End Historic Land Claims," NativeWeb, World Wide Web.

Te Puni Kokiri (1995). "Hon. John Luxton, Minister of Maori Affairs, participating in a panel discussion on the Treaty of Waitangi at the Real Estate Institute of New Zealand Conference, Wednesday, August 9th," NativeWeb, World Wide Web.

Te Puni Kokiri (1996). "Treaty of Waitangi (1840)," Government of New Zealand Home Page, World Wide Web.

United States (1996). *The United States Code, Title 25: Code Pertaining to Indians*. Cornell University: Legal Information Institute.

United States (1996). *The United States Code, Title 42: Code Pertaining to Public Health and Welfare*. Cornell University: Legal Information Institute.

United States (1988). *Indian Gaming Regulatory Act*.

United States (1994). *Indian Self-Determination Contract Reform Act*.

United States (1975). *Indian Self-Determination and Education Assistance Act*.

United States (1953). *Public Law 280*.

United States Department Commerce (1996). "Department of Indian Affairs: Federal Funds," *The Budget for Fiscal Year 1997*.

United States Department of Justice (1995). "Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations With Indian Tribes," U. S. Department of Justice, World Wide Web.

United States Department of the Interior (1995). "Bureau of Indian Affairs," *The Interior Budget in Brief - Fiscal Year 1996 - February 6, 1995*. Interior on the Web, World Wide Web.

FUNDING OF ABORIGINAL GOVERNMENTS: THE UNITED STATES

1.0 BACKGROUND

United States Government policy towards Aboriginal peoples is governed by a complex set of laws and judicial decisions. The administration of programs and services for American Aboriginal people is divided among several federal agencies, some state governments and many local governments. Current federal policy emphasizes Aboriginal peoples' right to "self determination".

2.0 JURISDICTION

2.1 Federal Government

Since 1831, the United States has recognized the sovereign status of American Aboriginal peoples as "domestic dependent nations." The United States Constitution classifies Indian treaties among the "supreme law of the land," and establishes Indian affairs as a unique area of federal concern (U.S. Department of Justice, 1995). In its early treaties with Aboriginal people, the United States pledged to "protect Indian tribes", thereby establishing one of the bases for the federal trust responsibility in its relations with Tribal governments.

The following principles provide the basis of the United States' national policy toward American Indians and Alaska Natives:

- the United States Constitution vests Congress with plenary power over Indian affairs;
- Aboriginal governments retain important sovereign powers over their members and their territory, subject to the plenary power of the United States Congress;
- federal and tribal law generally have primacy over "Indian affairs in Indian country" except where Congress has provided otherwise; and
- the United States has a trust responsibility to "Indian tribes" which guides and limits its Federal Government in dealings with Aboriginal governments.

In the broad sense, the trust responsibility includes the protection of the sovereignty of each aboriginal government; in the narrow sense, this trust responsibility defines the precise legal duties of the United States in managing property and resources of Aboriginal communities and, at times, of aboriginal individuals. While the federal trust obligation lies at the heart of this special relationship, the scope of the United States' responsibilities to American Aboriginal people extends beyond the basic trust obligations to include a wide range of federal service obligations delivered in conjunction with its policy of self determination. The United States Congress has placed the major responsibility for Aboriginal affairs in the Department of

the Interior (DOI), chiefly with the Bureau of Indian Affairs (DOI, 1995).

2.2 State Government

From 1953 until the late 1960s the United States Federal Government pursued a policy designed to terminate the federal trust obligation to aboriginal people. In essence, the Termination Policy was intended to erode and eventually eliminate the government's trust responsibility for American Indians and Alaska Natives. One of the major components of this policy was Public Law 280. This statute provided for the mandatory and permissive transfer of the federal jurisdiction and responsibility in Aboriginal affairs to state governments. Therefore, under Public Law 280, states have the delegated authority to extend their criminal and civil laws onto reservations.

The Federal Government has not been willing to provide state governments with additional funding for law enforcement on reservations. Therefore, the majority of states have not taken up the authority available to them under Public Law 280 for financial reasons (O'Brien, 1989). In addition, the *Indian Civil Rights Act* (1968) qualified the provisions of Public Law 280 by requiring states to obtain permission of Tribal governments before passing any laws which are applicable on reservation lands. The *Indian Civil Rights Act* allows any state government that had already passed legislation prior to 1968 to pass this authority to the appropriate Tribal government. To date, Nebraska, Washington, Minnesota, Nevada and Wisconsin have all returned this authority.

Therefore, to determine whether a particular Aboriginal community is operating under tribal, federal or state law, it is necessary to know whether the State in question is operating under Public Law 280 and to what extent. Some states have retained jurisdiction under Public Law 280 in an attempt to generate revenue through the taxation of Indian lands and income. These states maintain Public Law 280 gives them this authority to tax as a result of their civil jurisdiction in that area. However, to date the Courts have upheld the Indian tax exemption and have not permitted the states to tax Indian lands or citizens.

3.0 ELIGIBILITY

Federal government programs are available to members of federally recognized aboriginal nations. Members of these nations living off reserve lands are also eligible, and the United States federal government does fund a limited number of urban aboriginal organizations. However, for the most part federally funded programs and services are delivered by aboriginal governments on reservation lands.

3.1 Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) is the principal agency responsible for the administration of federal programs for Aboriginal people, except for health services, and for promoting the federal government's Indian Self Determination Policy. Health services are provided by a

special branch of the Department of Health and Human Services, the Indian Health Service (IHS). Together the BIA and the IHS provide services to approximately 1.96 million American Indians and Alaska Natives (DOI, 1996).

The mission of the Bureau is to enhance the quality of life, to promote economic opportunity and to carry out the responsibility to protect and improve the trust assets of Indian tribes and Alaska Natives. The BIA provides the kinds of services one expects from a local, city, county, State or Federal government. These include law enforcement, social services, education, housing, loan opportunities for Indian businesses, and leasing of land. The Bureau administers 43,450,266 acres of tribally-owned land, 10,183,530 acres of individually-owned land, and 417,225 acres of federally-owned land which is held in trust for Indians.

The BIA provides services to 557 Tribes with diverse needs in the 48 contiguous United States and Alaska. While the BIA's role has changed significantly in the last two decades with an increasingly greater emphasis on Indian Self Determination, Aboriginal people still rely on the Bureau for a broad spectrum of critical and complex programs administered either by the Tribal governments or the BIA (DOI, 1995).

Since the late 18th century, the United States Congress has funded specific Indian education programs. The BIA's 1996 Budget includes a significant investment in Indian education with approximately one third devoted to Indian education programs. The BIA also provides funding for Indian Tribal Justice programs for the development of Tribal justice systems. Program funding is also available for Child Protection and Family Service programs. Capital and construction costs (primarily for the construction of new schools) is also provided in the BIA budget. Other funding includes Land and Water Claims Settlement payments; Direct Loans Program; Navajo Rehabilitation Trust Fund; Tribal Land Consolidation Fund; Economic Recovery Funding; and General Tribal and Individual Trust Funds.

3.2 Indian Health Service

The Indian Health Service (IHS) is an agency of the Public Health Service within the United States Department of Health and Human Services. The IHS is responsible for providing federal health services to American Indians and Alaska Natives. The provision of these services to members of federally recognized Indian tribes is based on the Federal Government's trust obligation. The IHS also acts as the principal federal health advocate for Aboriginal people.

The IHS provides federal health care services to those federally recognized tribes that elect to receive health services through the IHS operated hospitals, health clinics, water treatment and sanitation facilities. The direct services method of health care delivery represents the largest percentage and dollar share of the IHS health services budget (IHS, 1995).

4.0 FUNDING MECHANISMS

4.1 Bureau of Indian Affairs Funding

Self Determination Contracts and Grants

The *Indian Self Determination and Education Assistance Act* (1975) gives Aboriginal Tribal Governments the authority to contract with the United States federal government to deliver programs and services to their members. Since that time the *Self Determination Act* has been amended several times to facilitate the administration of the large number of Tribal governments wishing to contract with the BIA for the provision of services. Under the most recent (1994) amendments, the amount of funds provided under Self Determination contracts must equal the amount the BIA would otherwise have provided for the operation of the program for the duration of the contract. Funds required by a Tribal government for contract management and support costs are provided by the BIA in addition to the direct operations funding. Funding for technical and management assistance by officials of the BIA is also available as part of a Self Determination contract.

Any savings realized as a result of the contract are used to provide additional services or benefits under the contract or may be expended in the following fiscal year. Self-Determination contracts which cover the same programs or services and request amounts equivalent to those provided under the previous contract cannot be declined by the BIA. Tribal governments are required to provide the BIA with audited annual financial statements (DOI, 1994).

Funding for Aboriginal governments which wish to contract for more than one BIA program or service is provided under a consolidated block transfer. The usual term of a Self Determination contract is three years. Payments are made to Tribal governments on a quarterly basis based on a funding agreement which is negotiated at the same time as the contract between the United States and individual tribal governments (DOI, 1994).

Self-Governance Compacts

In 1988, the United States federal government amended Title III of the *Indian Self Determination and Education Assistance Act* (1975) to allow for the Self-Governance Demonstration Project. Under this program Tribal governments have the ability to redesign BIA programs to meet the specific needs of their communities. In addition, under the Demonstration Project annual funding agreements allow Tribal governments wider discretion over the use of funds.

In 1995, over 50 percent of the BIA operating budget was administered by Tribal governments who elected to operate various BIA programs under Self Determination contracts, grants or Self Governance Compacts. Approximately fifty tribes participated in the Self Governance Compact program. In addition, the BIA continues to deliver programs for non-contracting tribes, to administer trust funds, and to provide technical assistance to Tribal contractors (DOI, 1996).

4.2 Indian Health Service Funding

Like the BIA, the IHS allows Tribal governments to deliver a variety of health services to their citizens through Self-Governance Compacts. In 1994-95 the IHS negotiated 29 Self-Governance Compacts and 42 annual funding agreements; this amounted to approximately one third of the total IHS budget. The funding agreements represent 197 tribes in Alaska and 28 tribes in the lower 48 states, for a total of 225 tribes participating in the Self-Governance Demonstration Project. Technical amendments to the Project have extended the project from 8 to 18 years and provide for up to 30 additional compacts each fiscal year. Joint tribal and IHS working groups have been established to assess and make recommendations on various funding methods. Some of the funding methods include mechanisms based on population, population usage, health statistics and residual IHS functions.

The negotiation of new compacts has been temporarily suspended so that the IHS can analyze the potential impact of funding decisions on the current number of compacting and contracting tribes. The IHS is concerned that the large transfer of funds may negatively impact both its ability to carry out its residual (core) functions and to continue providing direct services to tribes who choose not to contract or compact (IHS, 1995).

5.0 LEVELS OF FUNDING

5.1 Federal

Aboriginal governments in the United States receive almost all of their funding from the federal government through BIA and IHS programs. Approximately 50% of the Bureau's operating budget funds programs and services through contracts and compacts with aboriginal governments; approximately 30% of the Indian Health Service operating budget funds services through contracts and compacts.

5.2 On and Off Reservation Distinction

Federally funded programs provided by the BIA, IHS and other federal agencies are available to all members of federally-recognized Indian Nations. Individual Nations have the authority to determine their own membership, and urban Aboriginal agencies affiliated with federally recognized Nations also qualify. However, many urban Aboriginal people in the United States are not active members of nations (Taylor, 1985). These people are served by state and local governments through their programs of general application. Statistics which detail exactly what percentage of programs of general application are used by Aboriginal people are not available.

Some states with large aboriginal populations have created commissions or boards to address aboriginal issues (Taylor, 1985). For the most part, these agencies are small and usually involve representation from Aboriginal communities within the State. These agencies do not provide services but rather act in an advisory capacity to provide information and assistance particular to the needs of urban or non-federal recognized aboriginal people who are not

served by BIA or IHS programs and to promote interest and awareness among the non-aboriginal public regarding American Aboriginal culture and heritage.

5.3 Agreements with State Governments

The State of Maine: Example

In 1980, the outstanding treaty claims of the Passamaquoddy and the Penobscot Nations were settled under the *Maine Indian Claims Settlement Act*. Under the Settlement these two Aboriginal Nations have the same "rights, powers, duties and liabilities as municipalities in the State of Maine" (Taylor, 1985). These include the power to tax, to pass ordinances, to sue and be sued, and to dispense and receive services. Civil actions, custody and domestic relations are under Tribal Government authority.

The "tribes eligibility for special Federal Indian programs" was made clear by the legislation. Welfare assistance provides an example of the interface between the Tribal Governments, the state and the federal government. Under Maine law, the State Department of Human Services reimburses municipalities 90 percent of the general assistance costs. This applies to the two Tribal Governments in their capacity as Maine municipalities. As municipalities, the Tribal governments are required to provide general assistance to all eligible residents and non-residents. Since the Tribal Governments are eligible to receive federal funding for general assistance, Maine considers these federal funds as the municipal share for the funding of welfare assistance. If the federal funds received by the Tribal Government exceed the municipal share under the State formula, the excess is credited to the State's share.

However, if there are both Aboriginal and non-Aboriginal people living within the Tribal Government's municipal jurisdiction and the federal general assistance funds are limited to American Indians, this would disqualify the Tribal Government for state reimbursement since all legal residents must be provided with services under state law. If the funds were applied equally to all residents, the Tribal Government would be eligible. Thus, if the federal funding were used only to support programs and services for Indians and there were no non-Aboriginal residents within the Tribal Government's jurisdiction, it would qualify for state reimbursement (Taylor, 1985).

Indian land under federal trust is not subject to taxation. Non-Aboriginal residents of trust land are subject to state personal and property taxes, and they are not eligible to vote in Tribal Government elections. However, they are eligible to receive any municipal or governmental services provided by the Tribal Government.

The BIA provides funding through contracts and grants to Tribal Governments, including the Passamaquoddy and Penobscot Tribal Governments, for the education of Aboriginal children. Tribal Governments create their own school boards like any other municipality and operate under state education statutes. In law enforcement, tribal police are equivalent to municipal police and can enforce all laws, state and Aboriginal, within their territory. Within Aboriginal territory, non-aboriginal people are subject to state courts and Aboriginal people are subject to Tribal Courts.

5.4 Other Funding

Gaming Revenues

Although circumstances vary throughout the United States, most Tribal governments have very small tax bases from which to draw. However, Tribal governments are able to generate revenue through the operation of gaming businesses on their lands. Gaming on reserve lands is regulated by the *Indian Gaming Regulatory Act* (1988). While revenues from gaming activities are a source of funding available to Tribal governments, the Act clearly specifies the ways in which these revenues may be expended. Proceeds from gaming operations must be used to fund tribal government operations or programs; provide for the general welfare of the Indian tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

Tribal governments enter into compacts with the appropriate state government authorizing unrestricted gaming on reserve lands. Indian gaming is regulated by Tribal governments; however, the state may conduct background checks on management and employees and have limited rights to inspect gaming facilities. Compacts must provide for mediation of disputes between state and Tribal governments and for judicial review in federal courts if the terms of a compact are violated.

6.0 ADMINISTRATIVE ISSUES

6.1 Residual Costs

The BIA defines residual function as the amount of resources required to maintain the core functions which must be performed by federal officials, if all tribes assumed all BIA programs and services. Residual services may include on-site school monitoring and evaluation to ensure compliance with national education standards (DOI, 1994). These functions cannot be contracted; however all those functions that are not identified as a residual service may be performed by the tribes through contract, grants, or under self-governance compacts.

As a result of the 1994 amendments to the *Indian Self Determination and Education Assistance Act*, the BIA is required to negotiate with Tribal governments and organizations to improve the administration of funding for programs and services. To date, these negotiations have focused on the need to identify the program and residual costs to each of the governments.

7.0 CONCLUSION

In general, Bureau of Indian Affairs and Indian Health Service programs and services are available to American Aboriginal people or Tribal governments on Indian reservations. The focus of the federal Self Determination policy is to strengthen Tribal governments through Aboriginal administration of federal program funding. There is little emphasis on state responsibility or transferring additional responsibilities to the states. However, many state and local governments are providing programs and services to Aboriginal people as part of their programs of general application (Taylor, 1985).

FUNDING OF ABORIGINAL GOVERNMENTS: AUSTRALIA

1.0 BACKGROUND

Like the United States, aboriginal - non-aboriginal government relations have been complicated by the federal government system. The pre-eminence of state responsibility in a number of program and service areas, with the federal government taking lead initiatives with respect to special programs for aboriginal peoples, sometimes causes conflict and uncertainty between the various levels of government. In Australia, this jurisdictional complexity is especially problematic when it comes to funding aboriginal government, programs and services.

2.0 JURISDICTION

2.1 General

There is no constitutional recognition of special rights or status for Aboriginal and Torres Strait Islander people in Australia. They are subject to the same laws and have the same rights as all other Australians. In addition, there are no historical treaties upon which negotiations related to land claims and other matters can be based. However, in 1967 the Australian Constitution was amended to give the Commonwealth Government power to legislate for Aboriginal peoples concurrently with State governments (DIAND, 1993).

As a result, some state and federal laws have been passed recognizing the special position of Aboriginal people in Australian society. Land and cultural rights and the protection of sacred sites are examples of rights protected under these laws. In addition, extra government funding support is provided for education, health, training, housing and economic development in recognition of Aboriginal peoples' severe disadvantages in these areas.

3.0 ELIGIBILITY

Eligibility requirements for special aboriginal programs and services vary from program to program in Australia. In general, social programs and services are available to individual aboriginal people throughout Australia, except where devolution has occurred and aboriginal organizations deliver a service. Services provided by aboriginal organizations and funded by the federal government are available for the members of the community in which the organization is located.

States require local governments to provide services to aboriginal communities located within their city or town limits. In fact, transfer payments to local governments are based upon the number of residents they serve; this per capita payment includes aboriginal communities. Historically, local governments have been reluctant to provide these communities with services arguing that they are unable to collect the full amount of revenue required to fund them from the aboriginal communities. Some local governments have gone so far as to deny residents of aboriginal communities basic services such as running water and sewer access (Royal Commission, 1991). Most state governments have responded by reducing transfer payments to local governments who do not provide *all* of their residents with services.

4.0 FUNDING MECHANISMS

4.1 Aboriginal Land Councils

As recently as 1966, no person owned land in Australia by virtue of being Aboriginal. However, by 1989, 637,353 square kilometres of land (8.3% of the total land area of Australia) was held by Aboriginal people under freehold title. This is a result of legislation passed by both state and territorial governments transferring land previously held by the governments' Aboriginal Land Trust to Aboriginal communities.

New South Wales Example

In New South Wales the *Aboriginal Land Rights Act* (1983) transferred all reserves held by the Aboriginal Land Trust to Aboriginal people. In 1983, only 46 square kilometres were available to be transferred; however, the Act also allowed Aboriginal people to both claim and purchase land. A very significant feature of the legislation was that it provided for the equivalent of 7.5% of all New South Wales lands tax revenue to be paid into a Land Council account. Since 1986, the Act has required that 50% of annual appropriations and all interest on investments must be accumulated in a statutory investment fund until 31 December 1998. The balance of funds obtained are available for the purchase of land on behalf of Aboriginal people (Royal Commission, 1991).

When the Act was first passed it provided for a structure of a central aboriginal land council (the New South Wales Aboriginal Land Council), thirteen regional land councils and 118 local land councils. The regional land councils play significant roles as mediators in any disputes between local land councils, and as the bodies which acquire land and establish and operate businesses.

Currently in New South Wales, only 16% of claims have been granted; 24% are still under investigation and 60% have been rejected. The funds allocated to the New South Wales Aboriginal Land Council under the Act were \$15 million in 1984; \$34.6 million in 1988; and \$29.9 million in 1989. The current investment account is estimated to rise to an investment base of between \$400 million and \$500 million by 1998. In that year allocations from the

Aboriginal Land Rights Act will cease. After that date, the interest from this investment will provide the funding source by which Aboriginal people will be able to continue to purchase land and to fund enterprises and to finance other social and cultural needs (Royal Commission, 1991).

4.2 Aboriginal Communities as Local Governments

Aboriginal communities have historically been politically separate from the surrounding local government authorities and are in a minority in most of the mainstream local government authorities in Australia. Even where they form a significant minority in some local government authorities, Aboriginal people have historically been systematically excluded from political participation in mainstream local government (DAA, 1987). For example, in Queensland, the *Community Services (Aborigines) Act* (1984) specifically disallowed electors of Aboriginal Community Councils from voting in elections for the local government authority within which the Aboriginal community is geographically situated.

There appears to be an assumption that Aboriginal needs for what are, essentially, local government services should be provided by federal government and are not the responsibility of local governments. The Aboriginal and Torres Strait Islander Commission (ATSIC) is mandated to provide supplementary assistance; however, since mainstream programs have been failing to adequately provide for Aboriginal people, ATSIC has been forced to become 'the funder of last resort'. Having thus provided initial funding, ATSIC finds itself locked into recurrent expenditure for the same services each year, thereby having less funding available to provide for those areas of particular disadvantage which its charter is required to address (Royal Commission, 1991).

Queensland and the Northern Territory: Examples

Queensland is the only State and the Northern Territory the only Territory to have created and funded separate Aboriginal local government authorities. In total they fund seventy-three Aboriginal Councils with varied statutory status ranging from full Local Government Councils, to Aboriginal Councils and Community Councils.

In Queensland and the Northern Territory, seventy-three communities annually receive direct local government funding through the local government financial assistance program. Although the total sum expended is only approximately \$5 million per year, this contrasts with the balance of Australia where no discrete Aboriginal community is directly funded out of the pool of funds available through the Commonwealth for local government purposes (Council for Aboriginal Reconciliation, 1995).

Some State and Territory Governments have recognised the benefits of ensuring that maximum funding is provided to Aboriginal communities through the Commonwealth budget. There is, however, resistance in other States to the notion that Aboriginal communities should receive funding direct from the Commonwealth rather than receive it through State Government or local government grants commissions.

4.3 The Aboriginal and Torres Strait Islander Commission

The Aboriginal and Torres Strait Islander Commission (ATSIC) was established in March 1990 under statutory authority of the Commonwealth Government. The ATSIC has replaced the Department of Aboriginal Affairs and the Aboriginal Development Commission. The Commission is composed of 17 Aboriginal peoples and Torres Strait Islanders elected by members of 60 Regional Councils across Australia.

The ATSIC is seen by Australian Aboriginal leaders as an essential feature of self-determination as Aboriginal people have executive, rather than only advisory, powers over federal programs dedicated to their welfare through the Aboriginal representatives on the Commission (Council for Aboriginal Reconciliation. 1993). However, the federal Minister retains discretionary power.

The Commission attempts to ensure maximum participation of Aboriginal peoples in the development and implementation of government policies that affect them and to develop self-management and self-sufficiency among Aboriginal peoples (DIAND, 1993). However, the role of ATSIC is constrained by its position in the federal bureaucracy. While the ATSIC administers a budget of approximately \$500 million per year, a significant amount of funding for programs for Aboriginal people continues to be administered by Commonwealth Government departments. These Departments do not have the same degree of Aboriginal representation at the decision-making level as does the ATSIC.

5.0 LEVELS OF FUNDING

5.1 The Provision and Funding of Health Services

In the public sector, the Commonwealth is responsible largely for the funding of health services and the States and Territories for the direct provision of services. Expenditure on medical services is met mainly by the Commonwealth through Medicare, the compulsory health insurance scheme, which is in part financed through a tax levy. While not having responsibility for the direct provision of most health services, the Commonwealth can, and does, use its control over financing to exert a major influence on the health care system. This is effected through its control over Medicare, its grants to State and Territory Governments, and its financing of private nursing homes and of the pharmaceutical benefits scheme (Royal Commission, 1991).

Since the early 1970's, Aboriginal health care has developed in two main directions: the establishment of Aboriginal community-controlled health services, the Aboriginal Health Services (AHS), and the establishment of special State-run Aboriginal health programs. A large proportion of the funds for these developments has, until recently, come from Commonwealth sources, primarily through the previous Department of Aboriginal Affairs.

Until 1984, some funds were provided by the then Commonwealth Department of Health, but, since December of that year, the Department of Aboriginal Affairs (now ATSIC) has been responsible for the funding and administration of almost all special Commonwealth programs relating to Aboriginal health.

Recently, Commonwealth funding of the State-run programs has decreased. In response, the States have taken over the funding of their own programs. As part of the recognition by the States of their responsibilities in the delivery of health services to all their residents, some have also provided funds to the Aboriginal community-controlled services. These special programs and services are in addition to the generally available health services, such as general practitioner medical services and State-run public hospitals. Although separate figures are not available routinely, much more money is expended on Aboriginal health through generally available health services than through the special Aboriginal programs (Royal Commission, 1991).

5.2 Commonwealth/State Housing Agreement

The Commonwealth/State Housing Agreement (CSHA) between the Australian federal government and individual state governments is the only example of a formal cost-sharing agreement where two senior levels of government share the costs of a specific program for aboriginal people. Financial assistance to support the provision of public housing for all Australians has been provided to the States and Territories under a series of CSHAs since 1945. Specific purpose funding for Aboriginal people first commenced under the *Housing Assistance Act* (1978), when the Commonwealth Minister included them as eligible for special assistance under the 1978 CSHA.

Aboriginal Rental Housing Assistance Program funds provided through the CSHA are primarily allocated to States and the Northern Territory on the basis of the Needs Survey conducted by the ATSIC. Under the CSHA, housing assistance is provided through the Commonwealth Department of Community Services and Health. In all States except Queensland, this program is administered by State public housing authorities. In Queensland it is administered by the Department of Community Services.

6.0 ADMINISTRATIVE ISSUES

6.1 Multiple Sources of Funding

Under the ATSIC structure, Regional Councils make bids for the annual available Commission funding. Based on these bids, the national councillors then allocate funds between regions. Once a region has received funding there is considerable scope for reallocation of funding between budget items; however, the ATSIC's Office of Evaluation and Audit monitors these allocations on a regular basis (Royal Commission, 1991). Regional Councils try to maximise the amount of funding available to their regions by seeking additional funding from sources other than ATSIC, rather than use the limited funds from the Commission to meet areas of

need which could be the subject of funding through other programs and departments.

In its first years of operation the ATSIC simply replaced the Department of Aboriginal Affairs as just one of the bodies which is involved in the allocation of funds to Aboriginal communities. This system perpetuated the complex system whereby the multiplicity of government agencies (which, at all levels, maintain programs relating to Aboriginal people) providing funding to Aboriginal communities each required their own contract and reporting requirements.

In 1991, the Australian House of Representatives Standing Committee on Aboriginal Affairs released the report *Our Future, Our Selves*, which identified the need to improve funding arrangements in order to increase control over resources.

The problems associated with funding represent real restrictions on the autonomy of Aboriginal communities. This lack of autonomy is reinforced by the fact that almost all funding to Aboriginal communities comes in the form of grants for specific projects or functions, although some may receive block grants or untied local government funding. These funds are supplemented to a limited extent by other activities such as enterprises. Communities also tap into sources such as the Community Development Program and redirect individual unemployment benefits into a community wages pool from which a variety of projects are funded. In reality, however, it is difficult for communities to control and set priorities for the overall funding coming into their communities as they are derived from too many sources and tied to predetermined priorities that may not necessarily reflect a community's requirement (House of Representatives, 1991).

The Committee recommended a system of block funding for Aboriginal communities and organizations where a minimum level of funding would be provided on a triennial basis.

6.2 Accountability and Training

The ATSIC reports that problems of fiscal management persist at all levels of Aboriginal organisations because of inexperience and the complex nature of the funding arrangements.

The multiplicity of funding agencies, the obvious overlap between many programs from one department to another, the apparent competition for programs to be adopted by Aboriginal communities all present a grossly complex and unwieldy environment which is hardly conducive to effective self-determination and self-management. So far as I can see, no Aboriginal individual or organisation, anywhere, has asked for this complex multi-layered, bureaucratic and organisational picture to be the reality of Aboriginal self-determination and self-management. All of these arrangements are the product of non-Aboriginal bureaucratic and political notions of the organisational needs and program needs for Aboriginal communities. There is a quite tragic waste of time and money involved in the maintenance of such a ludicrously complicated funding super-structure (O'Donoghue, 1991).

Aboriginal communities are invited either to 'bid' for funds for their general needs or else to apply for grants under particular programs. In either case the Aboriginal request is considered in the context of existing programs: if the request fits within the funding category and if funds are available and if the community is deemed eligible on a 'needs' basis then funding is approved. This funding is usually in effect for one year (Council for Aboriginal Reconciliation, 1993).

The Commonwealth implemented its self-determination policy in the early mid-1970s. It had a major impact on the communities affected. Almost immediately non-Aboriginal structures of control and management were physically withdrawn. There had been no training for their local replacements, so there was a severe deficit of the management and technical skills required to administer community facilities. There was no subsequent training, so the communities became heavily dependent on contract employees from outside their communities. The community councils were supposed to provide the policy direction, and the outside employees were to implement these directions. Usually the policy implementation process did not proceed so conventionally. Also, generally, these advisers did not train their potential successors.

The experience of the States, when they introduced self-management programs in the 1980s, followed a similar cycle. In 1988, in New South Wales, the Aboriginal Land Council organised workshops to begin management and accounting training in response to allegations of mismanagement of funds. In 1986, Queensland began a progressive transfer of local government-type functions to thirty-two communities. General Purpose Financial Assistance was distributed for the first time in 1987-88.

In 1988 the Queensland Government instituted an integrated training program to augment the management skills of the new administrators of the Aboriginal and Islander councils. This program was funded by the Commonwealth and delivered by the Queensland Local Government Industry Training Council.

7.0 CONCLUSION

Funding for Aboriginal programs and services in Australia is characterized by the multitude of funding agreements emanating from the concurrent legislative power with respect to Aboriginal people of the Commonwealth and State governments. Recent government reviews and reports have recommended that funds be made available to Aboriginal communities and organizations via a single block funding transfer that is administered by a single government agency.

FUNDING OF ABORIGINAL GOVERNMENTS: NEW ZEALAND

1.0 BACKGROUND

The principal document providing for Government-Maori relations in New Zealand is the *Treaty of Waitangi* (1840). Through the Treaty, the Maori transferred sovereignty to the British Crown, although they have maintained a degree of control over their own lands and interests and retained a distinct identity (DIAND, 1993).

The *Treaty of Waitangi* was written in both English and Maori. In the English text, Maori leaders gave the Queen "all rights and powers of sovereignty" over their land (Te Puni Kokiri, 1996). In the Maori version, the leaders granted the Queen "te kawanatanga kaota", the complete *government* over their land. According to the English text of the Treaty, the Maori leaders and people, collectively and individually, were guaranteed "exclusive and undistributed possession of their lands and estates, forests, fisheries, and other properties". The same provision in the Maori version guarantees Maori leaders and people "te tino rangatiratanga", the unqualified chieftainship over their lands, villages and all other treasures. The third provision, which is the same in both English and Maori, extends the Queen's protection to Maori people and grants them all the rights and privileges of British subjects (Te Puni Kokiri, 1996). Therefore the Maori expected continuing title over their land, while the English saw them as conquered, colonized people whose aboriginal rights had been extinguished.

2.0 JURISDICTION

There is no equivalent to state, provincial or territorial jurisdiction in New Zealand law. Therefore, New Zealand Parliament has authority for Maori people. The *Treaty of Waitangi* is the founding document upon which the relationship between the Crown and the indigenous peoples is based. For over 150 years, Maori people have demanded that the New Zealand Government uphold its responsibilities under the *Treaty* and conclude land claim settlements. Up until the late 1960s, this was resisted because of the misunderstanding created by the different versions of the text of the *Treaty*.

3.0 ELIGIBILITY

There are a number of special programs and services for Maori people funded by the New Zealand Government. In general, these programs are available to Maori people on an individual basis throughout New Zealand. Government funded Maori-specific programs delivered by Maori organizations are limited to members of the iwi (tribal group) which the particular organization serves.

4.0 FUNDING MECHANISMS

4.1 Claims Negotiations

In October 1995, the Tainui people of the Waikato District signed a treaty with the Government of New Zealand. This is the largest single settlement concluded to date in New Zealand, but is by no means the only outstanding Maori claim. Since the New Zealand Government established its claims process under the *Treaty of Waitangi Act* (1975), in excess of 400 claims have been registered with the independent body responsible for the negotiation process, the Waitangi Tribunal.

Only New Zealand Maori may bring claims before the Tribunal. They may do this individually or as members of a group. When a claim is brought forward, the Tribunal must first decide whether to hear it. It may decide not to consider the claim if it judges that the matter should be directed to some other review body or official. The Tribunal is required to confine its activities to cases where actions inconsistent with the *Treaty* are alleged, and the interests of the Maori are, or have been, prejudiced (Renwick, 1990).

After reviewing all of the information given for a certain case, the Tribunal has the authority to decide whether or not to recommend a course of action or compensation. The Tribunal does this in the form of a recommendation to the Crown. The Tribunal does not negotiate settlement nor determine compensation amounts; that is the prerogative of the New Zealand Government. The role of the Tribunal is to interpret the *Treaty* in the context of the claim and make recommendations to Government; it has no legal authority to resolve claims and grievances. In certain cases, for some forest lands and lands held or formerly held by state-owned corporations, the Tribunal has the power to order the return of these lands to Maori where claims are proven. To date, the Tribunal has not exercised this power (*Maori Law Review*, 1995).

4.2 Provision of Services to Maori

In 1989, the Government of New Zealand passed the *Maori Affairs Restructuring Act* which initiated a three pronged devolution of Maori policy and administration. The first stage established a monitoring and advisory body, the Ministry of Maori Affairs. This new ministry took on the responsibility for advising government on policy and sought to monitor institutional and organizational responsiveness to the streamlining of publicly funded services for Maori (Fleras, 1992).

The second stage addressed the operational aspects of Maori-Government relations. The Iwi Transition Agency (ITA) was created to facilitate the eventual transfer of Maori programs and services to Iwi authority. Central to this process was the acknowledgement of Maori authorities as the only culturally appropriate mechanism for the planning and implementation of all government-funded social, economic and cultural programs. However, to date, most of the Iwi have authority to take over only the administrative responsibility for delivering services.

The third phase was the enactment of the Iwi Empowering Bill in 1990. This Bill would have conferred legal authority upon recognized iwi structures which would enable them to enter into contractual arrangements with governments or private firms. It also proposed to give these structures the legal power to determine the allocation of funds and resources to various groups. However, a change in the New Zealand government resulted in the repeal of the Act on the grounds of excessive governmental interference in Maori affairs (Fleras, 1992). In addition, the new government abolished the Ministry of Maori Affairs and the Iwi Transition Agency and created the Ministry of Maori Development. The key function of this ministry is to enhance links between Maori and large government departments (DIAND, 1993).

5.0 LEVELS OF FUNDING

The New Zealand Parliament has sole responsibility to compensate Maori Iwis (tribal groups) for violations of the *Treaty of Waitangi*. In this sense, cost-sharing or co-funding agreements are not part of the funding for Maori government. However, the current New Zealand government has taken a somewhat unique approach to Aboriginal government funding as evidenced in the 1989 fishing settlement.

In its 1989 *Muriwhenua Fishing Report*, the Waitangi Tribunal found that Maori were entitled to traditional *and* commercial fishing rights (under Article II of the Treaty which guarantees Maori the unqualified chieftainship over their lands, villages, and all their treasures) and that there had been no purchase of the fisheries by the Crown from its Maori owners (Cant, 1990). In the settlement that followed, Maori were collectively granted 37 percent of the total allowable catch and sold a 50 percent share in the publicly held company Sealord Products Limited. This 50 percent share was financed with \$150 million worth of debt to the New Zealand government. In return, Maori had to drop all Iwi claims in favour of this national settlement. As a result of the terms of the *Muriwhenua Fishing Settlement* (1992), the Waitangi Tribunal can no longer hear claims concerning commercial fisheries; the Settlement extinguishes Treaty of Waitangi fishing rights.

In the wake of the Muriwhenua Settlement, Maori negotiators and the New Zealand Government have discussed the option of dropping all Iwi claims in favour of national settlements. This approach would allow the New Zealand Government to achieve its goals of settling all outstanding Waitangi Claims by the Year 2000 with a total fiscal cap of \$1 billion for all claims (Economic Review, 1994). In addition, the Government has proposed settling claims on a national basis through providing Maori with majority interest in State-Owned Enterprises in the land and resource sector.

6.0 CONCLUSION

New Zealand Government policies have provided access to current government programs along with a number of Maori-specific ones. Devolution has occurred and Maori organizations do provide some programs and services to their members. However, Maori organizations have little authority to redesign programs or to reallocate funding at the local level.

10.0

How British Columbia funds
local governments in the province

(To come from MAA.)

LOCAL GOVERNMENT FUNDING

GENERAL INFORMATION ON LOCAL GOVERNMENT

There are 179 local governments in BC, including 27 regional districts and one Indian Government District. The remaining 151 are cities, district municipalities, towns and villages established under the *Municipal Act*. There are a further 287 improvement districts providing a variety of local services outside of any formal local government jurisdiction. All of these are a form of local government, but improvement districts will not be included in this discussion. Each municipality is governed by an elected mayor and council, while each regional district is governed by a regional board consisting of appointed representatives from its member municipalities and elected directors representing the non-municipal electoral areas.

Local governments provide and maintain a community's basic services: water, sewer, roads and sidewalks, street lighting, and fire protection. Depending on the community, it may also provide police protection, garbage collection, libraries, parks and recreational facilities. Local government may also perform a regulatory function for land use planning, subdivision approval, business licensing, building permits and inspection, commercial vehicle licensing and dog licensing.

Local governments do not provide education, health or welfare programs. They do however act as a collection agent for school taxation, and remit that money to the province (see below).

FUNDING

Municipalities support themselves through property taxation and user charges (own source revenue), and senior government transfers. Regional districts are not taxing authorities; they requisition their funds from member municipalities and the provincial government. Regional districts deliver, or provide for the delivery of, local services to areas outside municipalities and provide a way for municipalities and rural areas to fund, jointly, services of benefit to the area involved.

Property and other taxes comprise 56% of total revenue, and transfers from the provincial government comprise 12% (including grants and grants in lieu of taxes). The federal government also contributes grants in lieu. The remainder comes primarily from fees and sales of service.

Taxation

Municipalities collect taxes on their own behalf for a variety of functions which may include the following purposes:

general administrative services	protective services (police and fire)
transportation services (roads, transit etc)	sewer and water utilities
garbage collection & disposal	environmental & community development
recreation & cultural services	fiscal services (including debt service costs)
transfers to own reserves, funds and agencies	

They also collect taxes on behalf of the province for education and for the regional share of hospital district costs for capital construction, regional district for services in which they participate and other taxing jurisdictions such as the BC Assessment Authority, the Municipal Finance Authority, and BC Transit, for their requirements.

Capital projects are funded through: general revenue, including accumulated surpluses; statutory reserves, including development cost charges; long-term borrowing; and grants from senior governments.

Municipal councils set tax rates for general municipal purposes as well as the tax rates to cover requisitions for regional district functions and regional hospital district purposes. Councils use a variable tax rate system, whereby they may and generally do establish different rates for each of the 9 classes of assessed property (the nine classes are: residential, utilities, unmanaged forest land, major industry, light industry, business & other, managed forest land, recreational/non-profit, and farmland). Cabinet has the authority to impose statutory limits on actual tax rates but uses this authority sparingly. (In taxation for other bodies, such as schools and hospitals, the relationships between rates are set by the Province.)

The provincial Homeowner Grant program, currently set at \$470 and \$745 for seniors, is meant to offset school taxes. Where homeowner grant exceeds the school tax levy on a property, the province allows the local government to apply the excess to general municipal purposes taxes.

Local governments also collect licensing and user fees. User fees, for things like sewer, water, garbage collection and disposal and recreation purposes, are becoming more prevalent as the property tax burden increases. Development cost charges, which are levied on new developments, are intended to ensure that new residents of an area support the bulk of the cost of new infrastructure or upgrading the existing infrastructure to meet the demands they create. These charges are often targeted to cover a portion of expanding and upgrading existing infrastructure, as well, since general municipal and reserve funds are often insufficient to meet the increasing demands on infrastructure. Some local governments are also being required to upgrade existing infrastructure as a result of new provincial agency regulations.

The allocation of policing service costs is under review. Currently, only local governments with a population over 5,000 are required to contribute toward the cost of policing. The existing federal/provincial agreement for RCM Police services calls for payment of 70% of cost for jurisdictions with populations between 5,000 and 15,000 and 90% of costs for jurisdictions over 15,000 in size. Some local governments choose to provide their own police force and are responsible for 100% of costs incurred in these circumstances.

Grants

Local Government Grants (formerly Revenue Sharing Grants) are provided for three reasons: to supplement local revenue to reduce reliance on the property tax base; to reduce financial disparities among local governments; and to support the provision of services that generate benefits beyond municipal boundaries.

Local Government Grants are provided through an annual voted appropriation in the provincial budget. There are unconditional and conditional grants. Unconditional grants are provided automatically to all municipalities and regional districts and include: municipal general grants; municipal basic grants; and regional district basic grants. The conditional grants are for: planning; sewer, water and transportation infrastructure; restructure assistance; implementation; and special grants.

The total amount allocated to the municipal general grant is adjusted annually in relation to real gross domestic product and provincial revenues. 80% of the grant is determined on a per capita basis and the remaining 20% is weighted by assessments and expenditures (the municipality's ability to raise its own property tax revenue and its financial needs).

Conditional grants are provided for capital costs of water facilities or sewer collection or disposal facilities, at 25% or 50% of capital costs for projects which address high health or environmental risk situations. In some cases (where there are fewer than 1,000 persons) grants of 75% are available for the installation of sewer systems. Municipalities must apply for conditional grants. The applications are reviewed and approved on an individual basis and funds are provided if available.

BORROWING

Local government borrowing is covered under Part 6 of the *Municipal Act*. A local government's ability to borrow is based on its assessment, in other words, its ability to raise revenue. Long term borrowing (for a period greater than five years) requires community assent to approve the financing. Short term borrowing can be done without reference to affected residents, but must be approved by the Inspector of Municipalities and is limited to \$50.00 per capita and repayment within a five year term. Until recently, short term borrowing was usually done through local banks but now local governments may also use the Municipal Finance Authority, which is able to provide funds at preferred rates, often below the established prime rate.

The Municipal Finance Authority

The Municipal Finance Authority (MFA) was established in 1970 by the *Municipal Finance Authority of British Columbia Act*. Regional districts, and municipalities, through their affiliated regional districts (with the exception of the City of Vancouver), finance all capital requirements, except those met through grants from senior levels of government, through the MFA. In addition, the MFA can provide interim financing to local governments.

The MFA Board of Trustees is made up of representatives from all 27 regional districts with multiple members and votes from the Greater Vancouver Regional District and the CRD.

Regional districts, and municipalities through their regional districts, present locally approved requests to the MFA for consideration. The MFA accumulates the accepted borrowing requests and authorizes the issue and sale of debentures to meet the funding requirements. The Board of Trustees determines the terms and conditions of the issue, including the rates, markets and currencies of the securities. The combined credit of all municipalities and regional districts (all property taxation within provincial jurisdiction) is collateral for the MFA's obligations.

The MFA debt is secured by a Debt Reserve Fund, into which each regional district sharing in the proceeds of an issue pays a small amount for repayment of each issue. If the Authority should lack sufficient funds to meet its obligations, it must use the debt reserve fund. (If the reserve fund is not used, the MFA must repay the reserve funds to the Regional Districts when the final instalments of their loans have been paid.) In addition, the MFA has the authority to tax the entire real property base of the province to meet its obligations without permission or approval of any other governmental authority. *The MFA's debt is not guaranteed by the Province.*

First Nations Finance Authority

The First Nations Finance Authority (FNFA) was formed by federal incorporation in February 1995 to allow First Nations to invest their revenues and to borrow money in national and international capital markets. The borrowing functions of the FNFA have not yet begun. Although the *Indian Act* does not prohibit borrowing of this nature, it does not expressly permit it. In addition, First Nations would have to accept responsibility, collectively, for the potential default of other First Nations' and, if borrowing through the MFA, BC municipalities', financial obligations.

The FNFA is run from the Westbank First Nation Taxation office and is governed by an all aboriginal Board of Directors. The Directors also make up the Investment Committee. The MFA and other investment services provide consulting services on a contract basis.

The MFA is the prototype for the FNFA. FNFA investment funds are piggy backed onto the investment pools of the MFA to take advantage of favourable rates.

SECHELT INDIAN GOVERNMENT DISTRICT (SIGD)

Under section 4 of the *Sechelt Indian Government District Enabling Act* "The Lieutenant Governor in Council may by regulation declare that the District Council is entitled to or eligible for municipal benefits specified in the regulation". Cabinet may also vary, withdraw or add to municipal benefits.

The SIGD is eligible for, and receives, local government grants on the same basis as other municipalities. It is also eligible for conditional grants, although has applied for none to date. This is probably because capital funding is provided by the federal government. The SIGD also does not participate in the MFA.

Section 10 of the *Municipal Act* provides for the creation of an Indian District Municipality. It states that Cabinet may "incorporate as a village the residents of an area of land within a reserve" with the agreement of the federal Cabinet and the band and a referendum among the Band population. This section enables a band to become a provincial municipality and to be eligible for provincial funding. The Otineka case (Otineka Development Corporation Ltd. and 72902 Manitoba Ltd. v. Her Majesty the Queen) determined that the Opaskwayak Cree Nation was a municipality under the federal *Income Tax Act* because it was a community having and exercising the powers of self-government and providing its residents with services similar to those provided by a municipality. However, this designation under the *Income Tax Act* does not qualify a band for provincial funding because it is not a municipality under the provincial *Municipal Act*.

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May 13, 1996

March 28, 1996

POTENTIAL IMPLEMENTATION COSTS¹

CATEGORY	SUB-CATEGORY	POTENTIAL COST ELEMENTS	PROPOSED COST RESPONSIBILITY
LAND	Transfer of Federal Crown Lands (Former Reserves)	-survey & administration -title search/legal review of transfer -environmental audits -registration in provincial system	Canada
	Transfer of Provincial Crown Lands	-survey & administration -title search/legal review of transfer -environmental audits -registration in provincial system	British Columbia
FISHERIES	Federal Species (e.g., salmon)	-studies -review and approval of fishing plans -fisheries program	Canada
	Provincial Species (e.g., steelhead)	-studies -review and approval of fishing plans -fisheries program	British Columbia
WILDLIFE	Federal Species (e.g., migratory birds)	-studies -monitoring & enforcement -wildlife program	Canada
	Provincial Species	-studies -monitoring & enforcement -wildlife program	British Columbia

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CATEGORY	SUB-CATEGORY	POTENTIAL COST ELEMENTS	PROPOSED COST RESPONSIBILITY
FORESTS	Province	-studies -monitoring & enforcement -forestry program	British Columbia
DISPUTE RESOLUTION		-operations -establish system/process -appeals	Each Party is responsible for own costs; shared costs of admin. (1/3 each)
ENROLMENT	Enrolment Committee	-establishment -remuneration (board, staff) -administration -operations	-During initial enrolment period, Canada 60% & B.C. 40%. -After initial enrolment period, First Nation
RATIFICATION (pre-impl.)	Ratification Committee	-establishment -remuneration (board, staff) -administration -operations	Canada 60% B.C. 40%
IMPLEMENTATION	Planning (Pre-impl.)	-IPWG participation -expertise	Each Party is responsible for own costs
SUBSEQUENT NEGOTIATIONS	Monitoring	-periodic meetings	Each Party is responsible for own costs

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CATEGORY	SUB-CATEGORY	POTENTIAL COST ELEMENTS	PROPOSED COST RESPONSIBILITY
PREPARATION AND TABLING OF LEGISLATION (pre-impl.)		-drafting -legal costs -translation	Pre-impl.: each govt. is responsible for own cost of preparing legislation
COMMUNICATIONS		-annual reports -dissemination of plan -general	To be determined
CULTURE	Federal Museum	-identification of artifacts -transfer of FN artifacts -maintenance of FN artifacts in federal museum	Canada
	Provincial Museum	-identification of artifacts -transfer of FN artifacts -maintenance of FN artifacts in provincial museum	British Columbia
TRAINING			To be determined

1. This table reflects some of the types of costs that may be incurred by federal or provincial government departments in fulfilling their responsibilities under the Final Agreements.
2. This table excludes from consideration items related to First Nation government.

DRAFT

**FEDERAL POLICY
FOR THE
IMPLEMENTATION OF
THE INHERENT RIGHT**

RECOGNITION OF THE INHERENT RIGHT

- ◆ **An existing section 35 Aboriginal right -- also expressed in treaties**
 - constitutional amendment not required
- ◆ **Will be exercised within the constitutional framework**
 - the *Charter of Rights and Freedoms* applies
 - important federal and provincial laws apply
 - no recognition of international sovereignty
- ◆ **Negotiated agreements are the only practical way to ensure harmony of laws**
 - litigation would be costly and foster conflict
 - provincial and territorial governments are necessary parties

THE FEDERAL APPROACH

- ◆ **Does not try to achieve legal definition of the inherent right -- provides the federal government's policy framework for negotiation of practical self-government arrangements**
- ◆ **Moves beyond legal debates -- allows Aboriginal groups and federal, provincial and territorial governments to work in partnership to achieve practical progress**
- ◆ **Emphasizes the need for:**
 - ➔ **harmonization of laws**
 - ➔ **accountability**
 - ➔ **accommodating different circumstances**

SCOPE OF NEGOTIATIONS

- ◆ **Two categories of subject matters for negotiation:**

1. Matters central to self-government because integral to Aboriginal cultures, internal to communities or necessary for governance (in whole or in part)
2. Matters not internal nor integral, but in which the Government would negotiate some Aboriginal authority

- ◆ **Matters where law-making powers would not be the subject of negotiation**

- ◆ **What is negotiated will differ according to the specific circumstances of Aboriginal groups**

SCOPE OF NEGOTIATIONS

◆ **List 1: Matters central to self-government because integral to Aboriginal cultures, internal to communities or necessary for governance (in whole or in part) might include:**

- governing structures
- internal constitution
- membership
- marriage
- adoption and child welfare
- Aboriginal languages, cultures and religions
- taxation for local purposes
- education
- health
- management of monies
- administration and enforcement of Aboriginal laws
- policing
- property rights
- public works
- housing
- local transportation
- licensing and regulation of businesses on Aboriginal land
- land management
- natural resources
- hunting, fishing and trapping
- agriculture

◆ **Where provincial jurisdictions/interests are affected, provincial governments must be party to negotiations**

SCOPE OF NEGOTIATIONS

- ◆ **List 2: Matters not integral nor internal but in which the Government would negotiate some Aboriginal authority might include:**
 - divorce
 - labour/training
 - administration and enforcement of laws of other jurisdictions
 - penitentiaries and parole
 - environmental protection, assessment and pollution prevention
 - fisheries co-management
 - gaming
 - emergency preparedness
- ◆ **In these areas, Aboriginal governments could have law-making powers, but federal or provincial laws would prevail in the event of conflicts**

SCOPE OF NEGOTIATIONS

◆ **Matters where law-making power would not be subject to negotiation**

- Canadian sovereignty, defence and external relations
- Management and regulation of the national economy
- Maintenance of national law and order and substantive criminal law
- Protection of health and safety of all Canadians
- Federal undertakings:
 - e.g. - broadcasting and telecommunications
 - national transportation system

TYPES OF AGREEMENTS

- ◆ **A “one-size-fits-all” model is not feasible**
- ◆ **Self-government will take a variety of forms:**
 - Aboriginal governments with a land base
 - public government arrangements
 - institutional arrangements (program and service delivery)
 - sectoral agreements

MECHANISMS FOR IMPLEMENTATION

- ◆ **Mechanisms to implement self-government can include treaties, legislation and contracts**
- ◆ **Where federal and provincial governments and Aboriginal groups agree, self-government rights in negotiated agreements can be protected as:**
 - ➔ new section 35 treaties
 - ➔ part of comprehensive land claim agreements
 - ➔ additions to existing treaties

APPLICATION OF LAWS

- ◆ **Inherent right will not lead to automatic exclusion of federal and provincial laws**
- ◆ **Negotiated agreements should establish rules of priority to govern conflicts between federal, provincial and Aboriginal laws**
- ◆ **This may result in paramountcy of some Aboriginal laws**

BUT

**Federal and provincial laws of an
overriding national or provincial
importance will prevail over
Aboriginal laws**

ACCOUNTABILITY

- ◆ **Aboriginal governments must be politically and financially accountable to their people**
 - comparable to requirements for other governments of a similar size
 - should respect principles of transparency, disclosure and readiness
- ◆ **Aboriginal governments will also be accountable to Parliament for funding received from the federal government**
 - Parliament will need to be able to see that monies are spent for the objective they were voted
- ◆ **Public accounts must be made available with provision for annual public audits**
 - financial records should comply with generally accepted accounting practices for governments of a similar size

FINANCING

- ◆ **Financing will be negotiated and is a shared responsibility of governments and Aboriginal peoples**
- ◆ **Federal costs will be accommodated within existing expenditures**
- ◆ **Aboriginal groups should be able to raise their own revenues where possible**

FINANCING

- ◆ **Specific financial arrangements should take into account, among other factors:**
 - ➔ the objective of comparability of basic public services to those available to other Canadians in the vicinity;
 - ➔ the need for reasonably stable, predictable and flexible funding arrangements
 - ➔ existing levels of support provided by governments
 - ➔ the jurisdictions, programs and services to be assumed
 - ➔ own-source revenues; and,
 - ➔ efficiency and cost-effectiveness of proposed arrangements

KEY DIFFERENCES FROM PAST POLICY

- ◆ **Based on the inherent right rather than delegated authority**
- ◆ **Protection of certain aspects of self-government agreements as treaty rights -- where parties agree**
- ◆ **Greater scope for Aboriginal jurisdiction**
 - ➔ can negotiate priority of Aboriginal laws -- where internal and integral to culture
- ◆ **More efficient processes for negotiation**
 - ➔ tripartite negotiations

**DISMANTLING
DIAND IN
MANITOBA**

FRAMEWORK AGREEMENT

Objectives

To establish a formal, binding process to:

1. dismantle regional operations
2. develop and recognize FN govts
3. restore their jurisdiction

consistent with the inherent right of self-government.

FRAMEWORK AGREEMENT

Features

1. Signed by Minister, on behalf of Canada, and the Grand Chief, on behalf of 60 Manitoba First Nations.
2. Process envisioned for 10 years but Objectives endure until achieved.
3. Process to be guided by some 18 Principles.
4. Implementation:
 - through subsequent agreements
 - requires ratification by peoples of First Nations involved.

FRAMEWORK AGREEMENT

Key Principles

1. First Nation treaty rights, Aboriginal rights and constitutional rights not to be diminished or affected by process.
2. The primary locus of First Nation governments to be the individual First Nation.
3. The Crown's fiduciary relationship to continue.
4. Liabilities for past actions and inactions by Canada to remain with Canada.

FRAMEWORK AGREEMENT

Key Principles

(cont'd)

5. Liabilities arising from decisions made by First Nations to rest with First Nations.
6. The Project in Manitoba not to affect other First Nations outside Manitoba.
7. Jurisdictional agreements to be ratified by the peoples of First Nations involved.
8. Option for any First Nation to remain under federal administration.

FRAMEWORK AGREEMENT

Key Principles

(cont'd)

9. Project not to adversely impact other initiatives between Canada and Manitoba First Nations.
10. Implementation to be at a pace set by First Nations.
11. Financial arrangements to consider historic funding levels and federal fiscal realities.
12. A "business as usual" relationship to continue.
13. Province to be invited to participate.

13.2

Presentation:

Existing Self-govenment agreements:

Sechelt, Cree-Naskapi, Yukon

(To come)

Existing Self-government Arrangements

- **Cree-Naskapi**
- **Sechelt**
- **Four Yukon First Nations**

Context

Negotiated under different circumstances at different times:

- Cree-Naskapi Act (1984) - commitments under the James Bay and Northern Quebec Agreement (1976).
- Sechelt Indian Band Self-government Act (1986) - Community Based Self-government policy.
- Yukon First Nations Self-government Act (1994) - complimentary to land claim agreements.

Existing Self-government arrangements are forms of delegated authority and are not tied to the Inherent Right of Aboriginal self-government.

Cree and Naskapi Self-government Structures

Cree Regional Authority

Public Corporation under
Quebec Law

Other Related Institutions

Cree School Board

JBNQA & Quebec
Education Act

9 Band Councils

Cree-Naskapi Act

Cree-Naskapi Commission

JBNQA

Naskapi Band Council

Cree-Naskapi Act

*Grand Council as most
powerful - important
created by Cree themselves &
funded by them.*

Cree and Naskapi Self-government Structures

Are a mix of Regional and Local Government Structures:

- **Cree Regional Authority - An Act Respecting the Cree Regional Authority (Quebec, 1978)**
- **Local Cree government (band councils) - Cree-Naskapi Act (Canada, 1984)**
- **Naskapi Band Council - Cree-Naskapi Act (Canada, 1984)**

Roles and Responsibilities: Cree and Naskapi Structures

CREE

CREE REG. AUTH.

- delegated powers from band councils
- sets up services in common to 9 Cree communities

NASKAPI

There is no regional government structure associated with Naskapi self-government arrangements

```
graph TD; CREE[CREE] --> BCP[BAND COUNCIL POWERS (S. 45-48)]; NASKAPI[NASKAPI] --> BCP;
```

BAND COUNCIL POWERS (S. 45-48)

- public order
- environmental protection
- taxation for local purposes
- roads and transportation
- local business
- use of land and resources

Cree-Naskapi Self-government Structures (Funding):

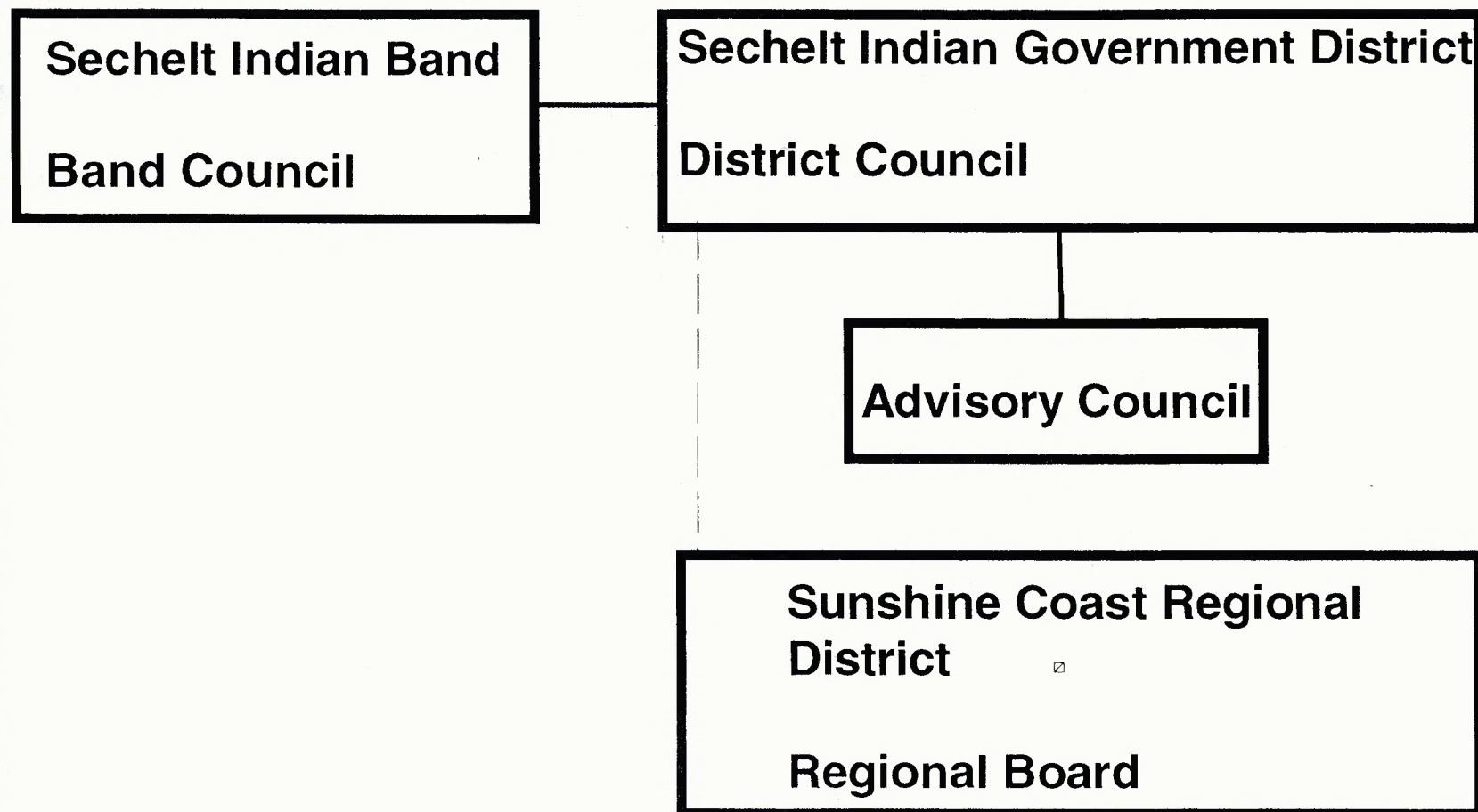
Institution	Funding
Cree Regional Authority	Federal core funding for internal administrative functions and the costs of powers delegated to it by Band Councils
9 Cree Band Councils and Naskapi Band Council part IV - fiscal administration	Federal Core funding on category 1A (1A-N) lands, Provincial funding for village municipalities
Cree School Board and Naskapi School (Eastern Quebec School Board)	75% Federal and 25% Provincial for the Cree School Board and the Naskapi School

Other Related Cree-Naskapi Structures (Funding):

Other Related Institutions:

Institution	Funding
Hunting, fishing and trapping Coordinating Committee	Secretariat and program is funded by the province. Each party pays costs for their members' participation
James Bay Advisory Committee on the Environment	Quebec and Canada each pay their own staff members, and fund equally the secretariat for the committee
Cree-Naskapi Commission	Federal Funding

obj: even. Lumber - - hands on an even. Fuel



Sechelt Self-government Institutions

- Sechelt Indian Band Council - created by the *Sechelt Indian Band Self-Government Act*, 1986.
- Sechelt Indian Government District Council - created by the federal Act and proclaimed to be in force by Order-in-Council PC 1988-05.
- Advisory Council - created by BC statute *Sechelt Indian Government District Enabling Act*, 1987.
- Sunshine Coast Regional District - A regional government created by BC statute of which the Sechelt Indian Government District is a member.

Division of Responsibilities

Band Council

- disposal of Sechelt Lands
- education
- social welfare
- health
- resource/game management
- financial administration
- elections
- administrative bodies
- to adopt BC laws
- powers delegated to it by BC

District Council

- zoning /land use,
- building regs
- assessment and taxation
- public order and safety
- roads
- business regulation
- imposition of fines
- to adopt BC laws
- powers assigned to it by BC

Sechelt Self-government Institutions (Powers):

Advisory Council

- no legislative powers
- plans programs and estimates costs to provide services
- recommends programs and proposed financing
- receives petitions regarding services

Sunshine Coast Regional District

- provides certain services under contract to the District

Funding Arrangements

- **Sechelt Indian Band Council** - is funded by the federal government via block grant that is re-negotiated every five years.
- **Sechelt Indian Government District Council** - is funded from the Sechelt Indian Band Council and provincial sources. It receives no direct funding from the federal government.
- **Advisory Council** -is funded from the Sechelt Indian Band Council and provincial sources. It receives no direct funding from the federal government. .
- **Sunshine Coast Regional District** - funded from local taxes and provincial sources.

YUKON SELF-GOVERNMENT AGREEMENTS

- **Negotiated under principles contained in the Umbrella Final Agreement**
- **First Nations are successors to Indian Act Bands**
- **Recognize First Nation Government Structures**
- **Paramountcy of Laws**
- **Provide for the delegation of powers to the First Nations**

YUKON SELF-GOVERNMENT AGREEMENTS

- **Transfer Federal and Yukon Programs and Services**
- **Provide for compatible "municipal like" processes with adjacent municipalities**
- **Give First Nations capacity to enter into local service agreements**
- **Provide for dispute resolution processes for the parties**

YUKON SELF-GOVERNMENT AGREEMENTS (Powers)

First Nation law making powers:

- **internal management and administration of affairs**
- **citizen based programs and services (on and off settlement land)**
- **land-based matters of a local and private nature**

YUKON SELF-GOVERNMENT AGREEMENTS (Funding)

- **Bilateral Agreement between Canada and each First Nation**
- **Funds Transferred in Block Form using Financial Transfer Agreements as funding mechanism**
- **First Nations free to allocate resources to own priorities**
- **Funding base includes amounts for governance, accessed programs and services, and claims implementation**

YUKON SELF-GOVERNMENT AGREEMENTS (Funding)

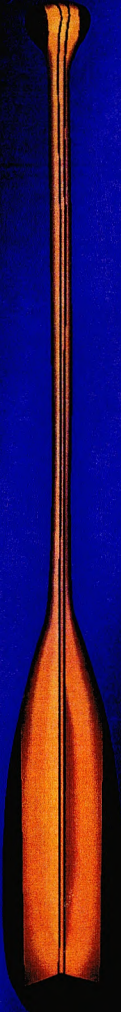
- **Own source revenues offset at rate of 70%**
- **Territorial Government contribute "net savings" from expenditure base for Territorial Programs transferred**
- **FTA includes variety of options to adjust funding for price and population changes**
- **FTA is renegotiated every five years**

13.3

Presentation:

Federal expenditures on First Nations
in British Columbia (to come from BCRO)
and
DIAND expenditures on First Nations
in British Columbia (See Tab 6)

*Federal
Departments
and the
Treaty Process*



Federal Departments and The Treaty Process

Canada 

*Fisheries
&
Oceans*



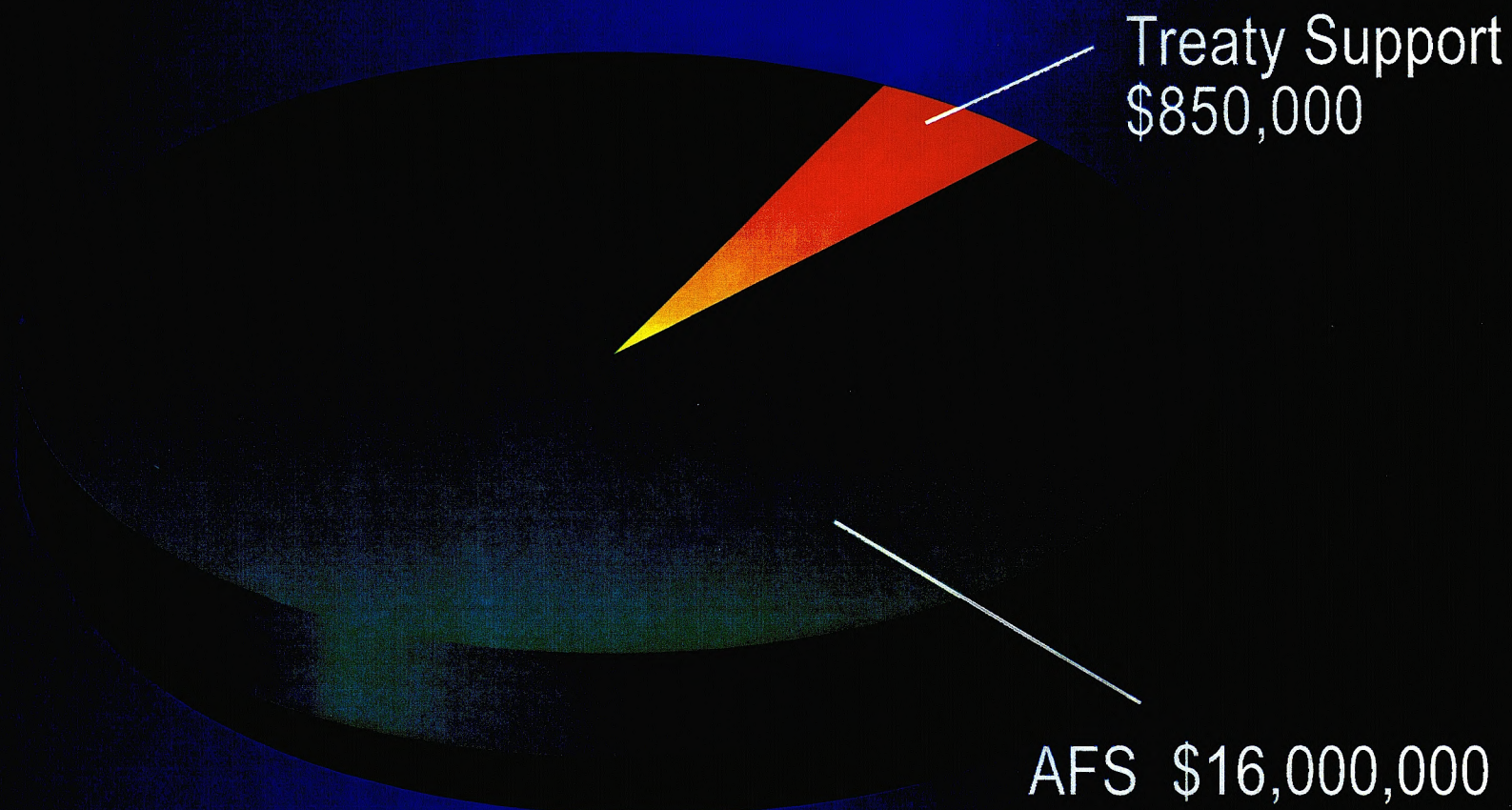
Fisheries & Oceans

Canada 

Fisheries
&
Oceans

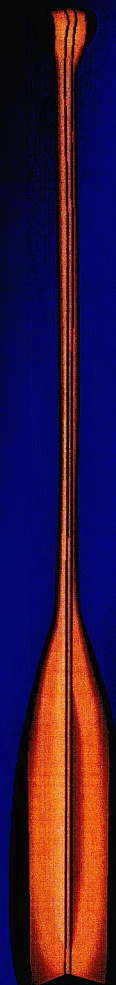


1996-97 Program Funding



Canada

TOTAL: \$16,850,000



1994-95 Aboriginal Fishing Strategy Agreement Expenditures

	Percentage
Negotiation of Fisheries Management	28%
Management of Aboriginal Fishing	32%
Habitat Restoration	5%
Fish Enhancement	7%
Community Based Research	17%
Training	5%
Economic Development	2%
Allocation Transfer	0%
Stakeholder Consultation	5%
Facilities Transfer	0%

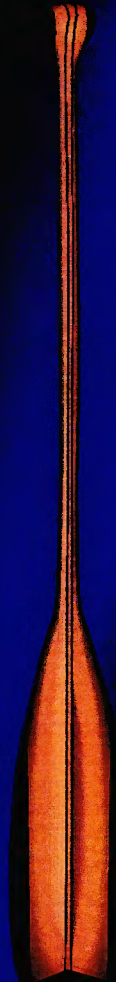
TOTAL	100%
--------------	-------------

*Natural
Resources
Canada*



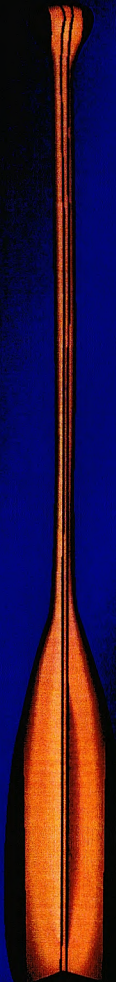
Natural Resources Canada

Canada 



First Nations Forestry Program Funding 1985 - 1996

- \$17 million
 - \$14.2 million from Canadian Forest Service
 - \$2.7 million from other sources (including First Nations)
- 3.3 million trees planted
- 13,082 hectares site prepared
- 20,110 silviculture treatments
- 305 management plans
- 150 of 197 bands in BC / 600 contribution agreements



The Future

- First Nations forestry program continuation
- Expansion of CFS role on Indian lands
- First Nations forestry business development



*Solicitor
General*



Solicitor General

Canada 



The First Nations Policing Policy

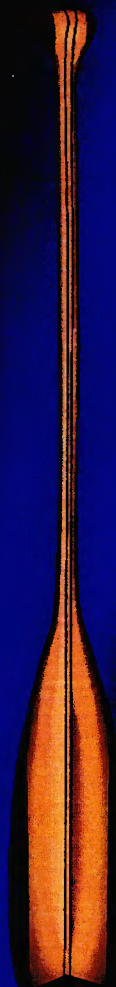
- Professional, culturally sensitive and effective policing
- Through tripartite agreements
- Cost shared 52% Federal - 48% Provincial
- Within framework of administration of justice in BC



Status of Implementation in BC

- Stl'atl'imx Tribal Police
- Kitasoo Xaixais Public Safety Department
- Ahousaht First Nation
- Scwexmx First Nations
- Nisga'a Tribal Council
- Fort Nelson / Prophet River First Nations
- Nanaimo First Nation
- Haisla First Nation
- Kyuquot First Nation
- Canim Lake First Nation
- Tsay Key Dene
- Nanoose First Nation
- Sliammon First Nation
- West Moberly First Nations
- Saulteau First Nations

Solicitor
General



Status of Implementation in BC

EXPENDITURE LEVELS

1993/94

\$2.85 million

1994/95

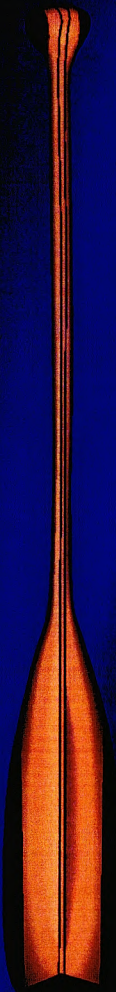
\$2.89 million

1995/96

\$2.60 million

Canada 

Human
Resources
Development
Canada



Human Resources Development Canada

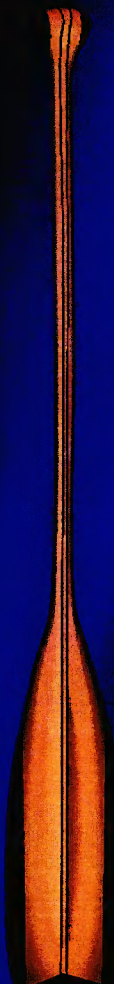
Canada 



Aboriginal Program

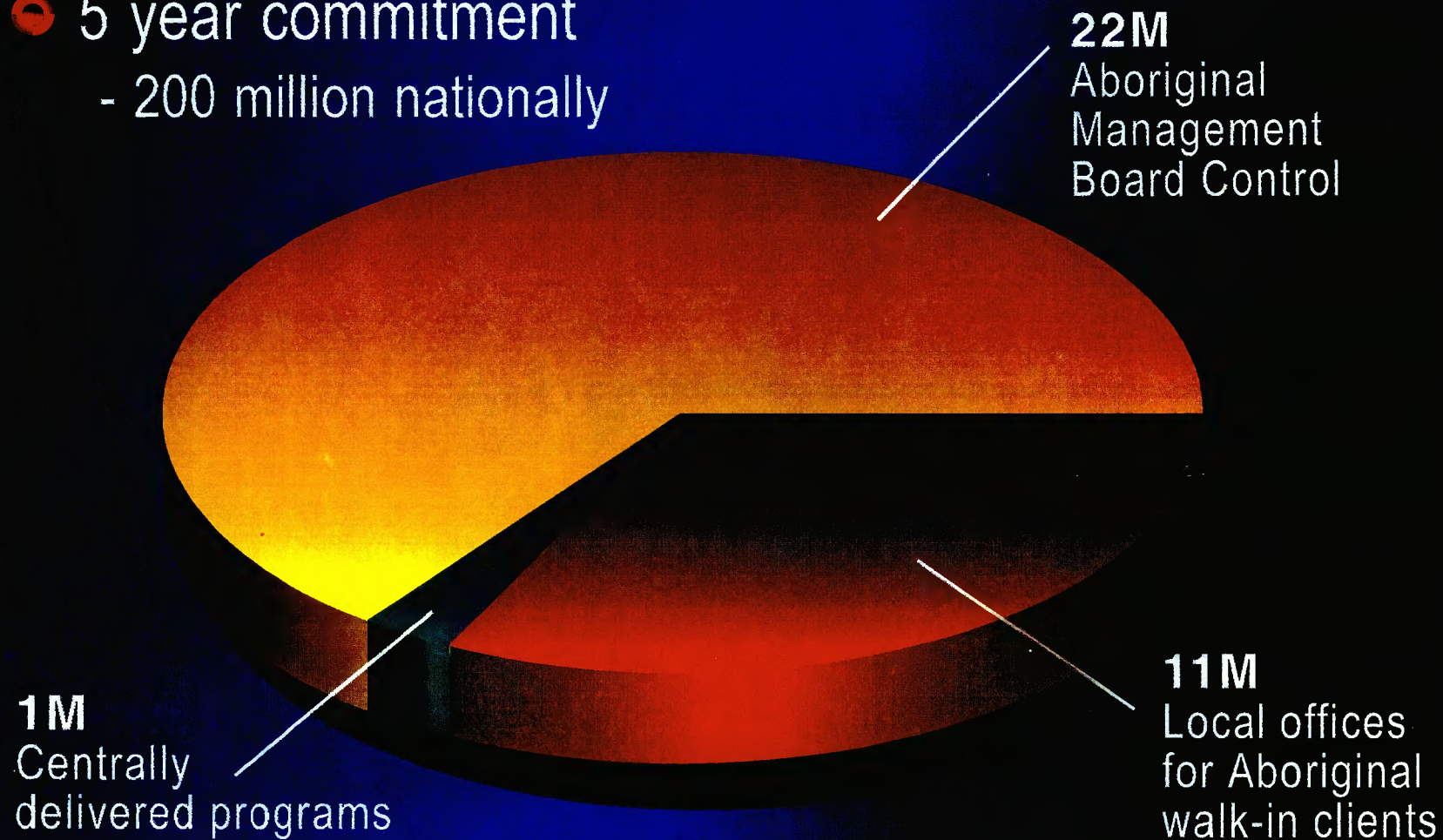
PATHWAY TO SUCCESS

- 5 year national initiative
- Partnership co-management
- Aboriginal management boards

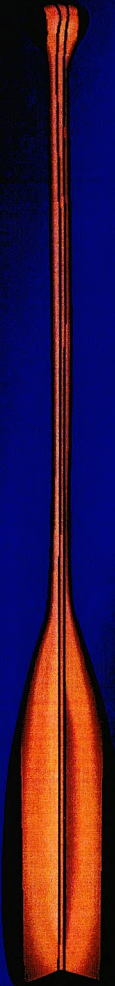


Program Funding

- 5 year commitment
- 200 million nationally

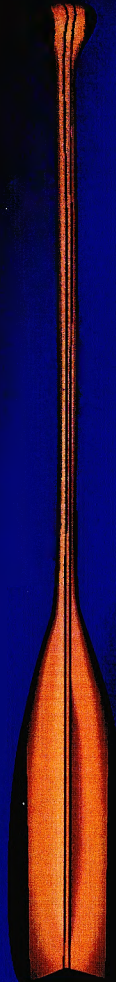


*Canadian
Heritage*



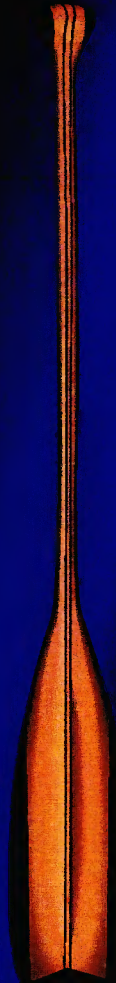
Canadian Heritage

Canada 



Canadian Identity Program

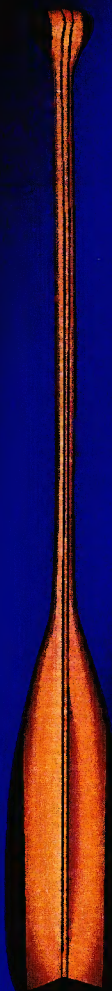
- Aboriginal Friendship Centres Program (21)
- Aboriginal Women's Program
- Native Social & Cultural Development (discontinued 1995-96)
- Museum Assistance Program (Aboriginal Component)
- Northern Native Broadcast Access Program (Terrace)
- Aboriginal Representative Organizations Program



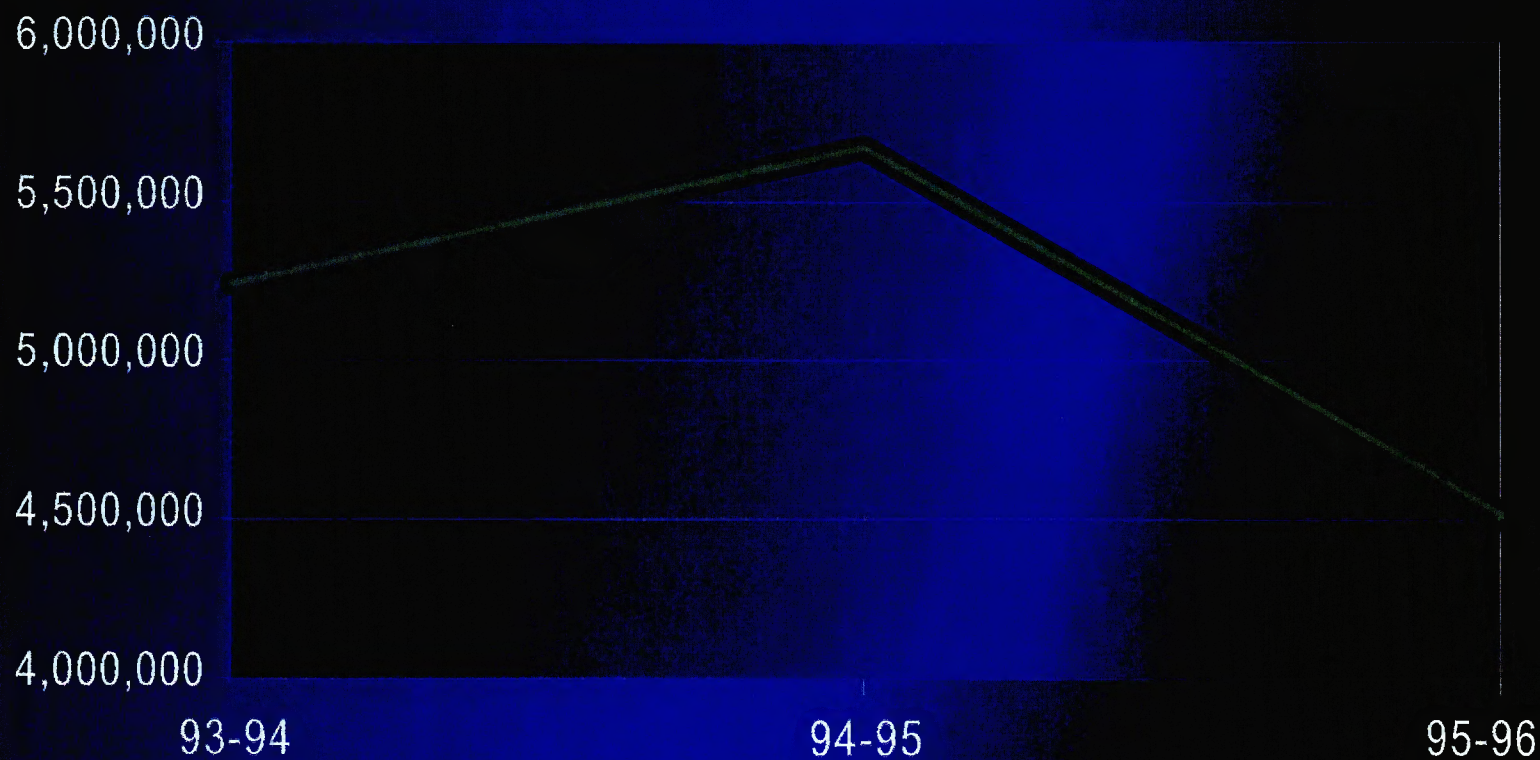
Parks Canada Program

- Pacific Rim (West Coast Trail)
- Gwaii Haanas
(Haida Watchmen/AMB)
- **Miscellaneous**
(contracts/contributions, etc.)

Canadian
Heritage



Aboriginal Program Funding 1993-96



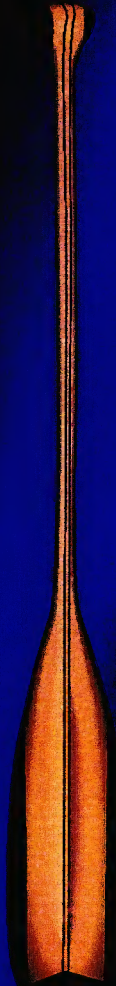
Canada

*Health
Canada*



Health Canada

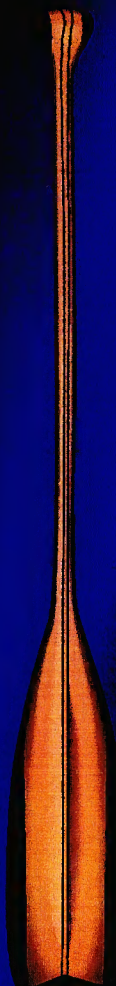
Canada 



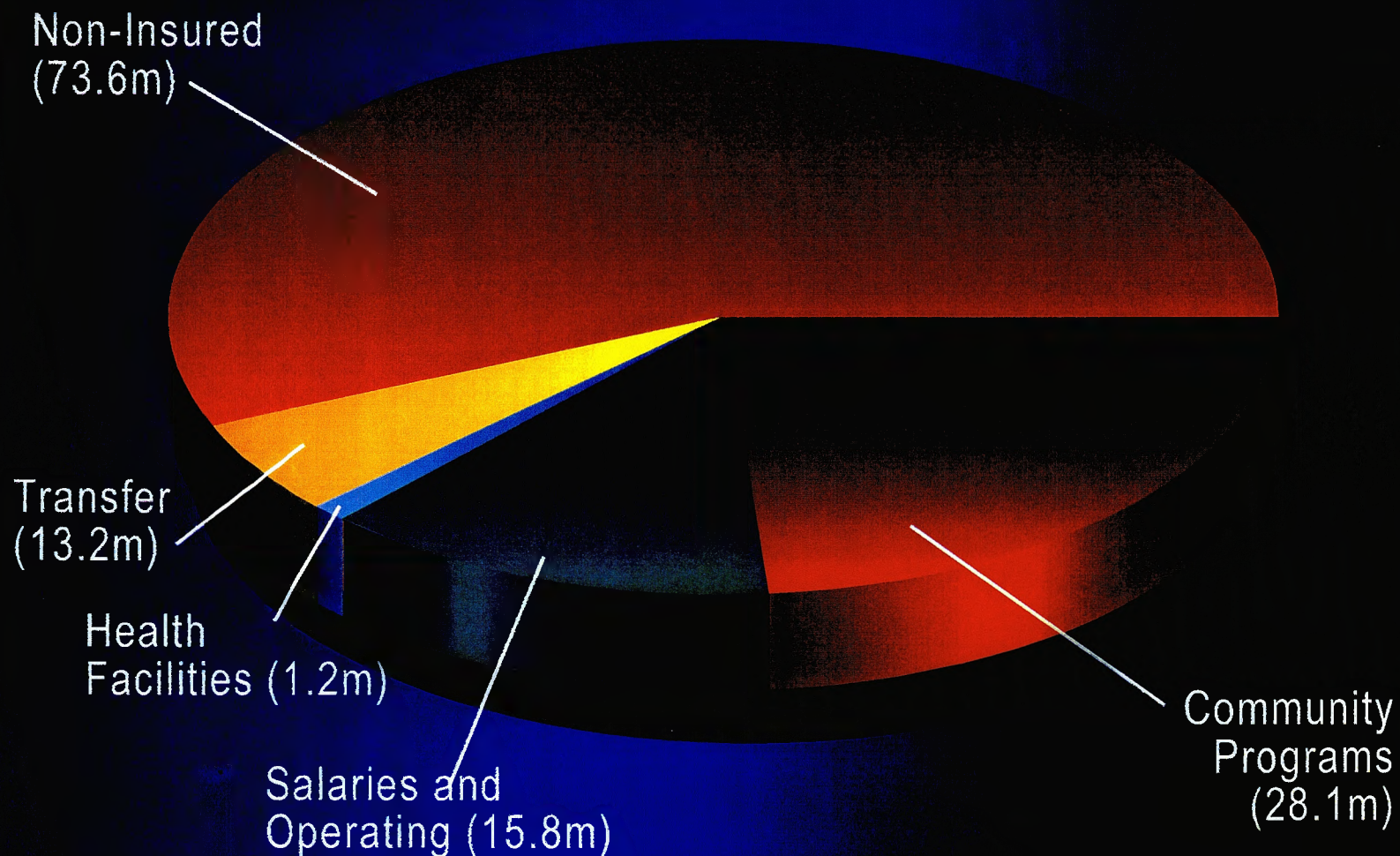
M.S.B. Programs

- Community nursing
- Non-Insured Health Benefits
- Environmental Health
- Health Facilities
- Contributions Programs
 - NNADAP
 - CHR's
 - Brighter Futures
 - Building Healthy Communities
 - Health Careers and Training
 - Community Prevention Programs

Health
Canada



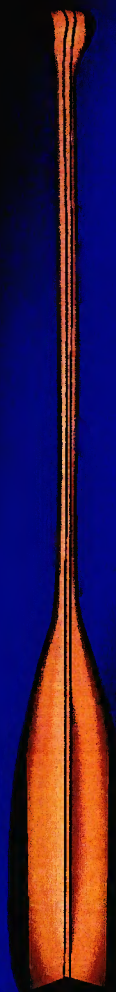
Funding 1995-96



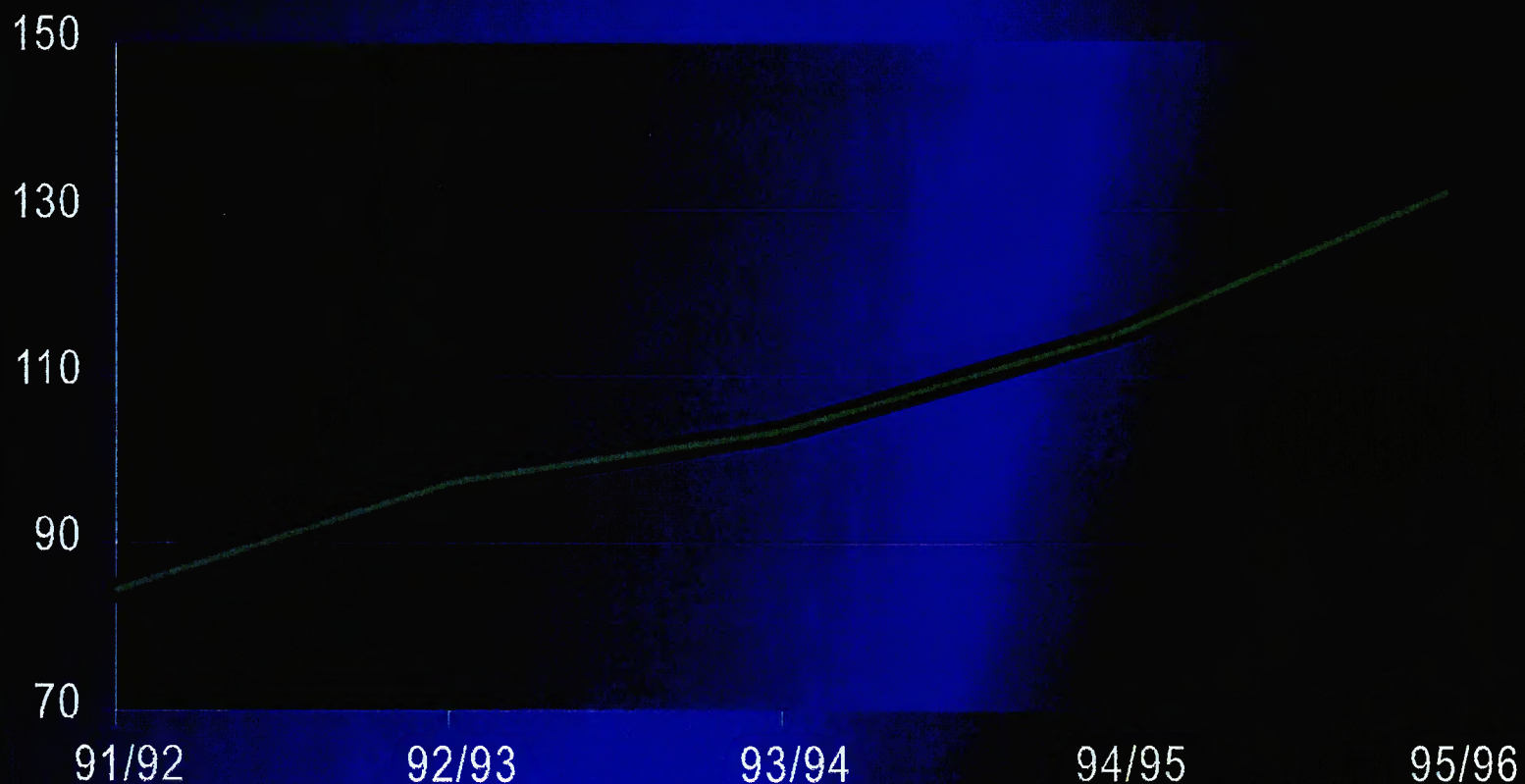
Canada

1996-97 = +3%

Health
Canada



Aboriginal Programs Funding



Canada 

DIAND



Indian Affairs and Northern Development

Canada 

13.4

Presentation:

Provincial province-wide and
current expenditures on
identified First Nations

(To come from MAA)

Preliminary Estimates of Provincial Program Expenditures on Aboriginal Peoples in B.C.

**Targeted Programs
\$130 million**

**Generally Available Programs
\$480 million**

*uses
status as Indian
base
for all also multiple
by 1.7*

Targeted Expenditures

Includes programs:

- specifically designed for aboriginal people;**
- with a special component for aboriginal people; and**
- which finance activities administered by aboriginal groups of communities.**

*Nisga'a
Valley Health
Care program*

Quality of Provincial Data on Targeted Programs

- **No consistent reporting system**
- **Survey methodology relies on interpretation**
- **Scope of program eligibility varies**
- **Many programs are discretionary (temporary vs. ongoing)**

Quality of Provincial Data on Generally Available Programs

- Limited studies on utilization by aboriginal people**
- Most expenditure data is based on per capita estimates**
- Based on two key assumptions**
 - number of people**
 - uniform utilization rate**

Targeted Program Expenditures

(\$'millions 1995/96)

	<i>Flow thru</i> On-Reserve	<i>Flow thru</i> Off-Reserve	<i>other delivery</i> All Aboriginals	Total
Health	1	13	7	21
Social Services	5	2	5	12
Education	10	0	+ 23 ₃₃	33
Post Secondary Education & Training	1	6	0	7
Justice and Policing	8	1	4	13
Natural Resources	19	4	2	25
Other	7	1	13	21
Total	51	27	54	132

Sample of Four First Nations

Targeted Program Expenditures

	1995/96 (\$'000)
Nisga'a	5000
Nuu-chah-nulth	1700
Musqueam	12
Lake Babine	6

Generally Available Programs

* Per Capita *estimates of gross expenditure* (\$'millions 1995/96)

	Status On-Reserve	Status Off-Reserve	Total
Health <i>no insured</i>	86	78	164
Social Services <i>Based on CAMBIA REPORT</i>	15	63	78
Education	6	50	56
Post Secondary Education & Training	22	20	42
Justice and Policing	14	13	27
Natural Resources	17	15	32
Other	43	39	82
Total	203	278	481

1995/96 expenditures are net of direct federal transfers (no adjustments for EPF and CAP)

Concluding Notes on Interpreting the Expenditure Data

- **Targeted and generally available program spending data are not necessarily additive.**
- **In most cases, the generally available program expenditure data do not reflect actual utilization.**

MODELS FOR FUNDING ABORIGINAL GOVERNMENTS

IN

THE UNITED STATES, AUSTRALIA, AND

NEW ZEALAND

OUTLINE

- 1. Methodology**
- 2. Objectives**
- 3. Issues Examined**
- 4. Findings**
- 5. Comparison with Canadian Models**
- 6. Conclusions**

1. METHODOLOGY:

Sources: - Government Documents

- Legislation

- Existing Literature

Countries Considered:

- United States

- Australia

- New Zealand

- Finland

- Norway

2. OBJECTIVES:

To Identify:

- **models for funding aboriginal government used in other jurisdictions;**
- **models for sharing the cost of aboriginal government funding between two senior levels of government; and**
- **similarities and differences between international models and existing funding arrangements with First Nations in Canada.**

Intended to be descriptive, not analytical

3. ISSUES EXAMINED:

- **Jurisdiction**
- **Eligibility**
- **Funding Mechanisms**
- **Federal and State Funding Levels**
- **Administrative Issues**

4.1 FINDINGS: JURISDICTION

	Federal	State
United States	primary	delegated
Australia	concurrent	concurrent
New Zealand	unitary	N/A

4.2 FINDINGS: ELIGIBILITY

	Land-based	Membership-based	Other
United States	Aboriginal govts. deliver (some non- members)	Members can go to Aboriginal lands for service	Aboriginal organizations deliver some urban programs
Australia			varies program by program
New Zealand		all members get services from Tribal groups	N/A

4.3 FINDINGS: FUNDING MECHANISMS

	Conditional	Block-Funding (Conditional)	Block-funding (Unconditional)
United States	Contract or Compact	Contract	Compact
Australia	Yes	Limited	No
New Zealand	Yes	No	No

4.4 FINDINGS: FEDERAL & STATE FUNDING

	Aboriginal Government Funding	G.App Programs to Aboriginal Individuals	Cost-Sharing
United States	Federal	State	not found
Australia	Federal (limited state)	State	Housing: Program/Admin.
New Zealand (N/A)			No

4.5 FINDINGS: ADMINISTRATIVE ISSUES

	Negotiation Costs	Efficiency	Interface Costs
United States	High Large number of Tribal Groups	Unknown	Inadequate budget left after funding to Ab. Govts.
Australia	High Annual - program by program	Multiple funding agencies; lack of flexibility; overlap, complexity	Unknown
New Zealand	Annual - program by program	Unknown	Unknown

5. COMPARISON WITH CANADIAN MODELS

	Scope	Reporting Requirements	Maximum Duration	Transfer of Funds	Program Redesign
Canada (S-G F.A.'s)	DIAND + other Federal Departments	Annual Audit No Program reports	5 years	yes	Yes, subject to legislation (minimum standards)
U.S.	B.I.A. + I.H.S.	Annual Audit Program reports	Contract: 3 Yrs. Compact: 8 yrs	Contract: no Compact: yes	Contract: no Compact: yes
Aust.	ATSIC + other federal/state programs	Annual Audit (except local councils) Program reports	Varies by program	No (except local councils)	Varies by program
N.Z.	M.M.D. + N.Z. govt. programs	Annual Audit Program reports	1 yr.	No	No

6. CONCLUSIONS:

- Jurisdiction**
- usually federal primary responsibility
 - where concurrent - administrative problems greater

- Eligibility**
- Aboriginal government jurisdiction tends to be land-based
 - Funding jurisdiction more often membership-based

Funding Mechanisms

- movement toward block funding, more discretion re transferability of funds and program redesign
- Canada seems to be ahead of the trend

6. CONCLUSIONS, contd.

Federal/State Funding Levels

- **usually federal funding of Aboriginal govts; state funding of programs of general application**
- **only cost-sharing occurred along division of program/administrative costs**

Administrative Issues:

- **many similarities**
- **negotiating costs**
- **interface costs**
- **complexity, overlap**
- **multiplicity of programs**

13.6

Presentation:

How British Columbia funds
local governments in the province

(No Handout - See TAB 10)

LOCAL GOVERNMENT IN BRITISH COLUMBIA

•	CITIES	-	43
•	DISTRICT MUNICIPALITIES	-	51
•	TOWNS	-	14
•	VILLAGES	-	42
•	INDIAN GOVERNMENT DISTRICT	-	1
			—
	TOTAL MUNICIPALITIES		151
•	REGIONAL DISTRICTS		27
			—
	TOTAL LOCAL GOVERNMENT JURISDICTIONS		178
			=====

LOCAL GOVERNMENT SOURCES OF FUNDING

•	TAXATION	-	56%
•	TRANSFERS PROVINCIAL	-	12%
•	OWN FEES & SALE OF SERVICES	-	32%

(AVERAGE ACROSS PROVINCE)

LOCAL GOVERNMENT TAXATION

- PROPERTY TAX
 - AD VALOREM
 - FRONTAGE TAX
 - PARCEL TAX
- BUSINESS TAX (% OF GROSS ANNUAL RENTAL OR % OF TAXABLE VALUE OF PROPERTY)
- UTILITY TAX (1% OF GROSS RENTALS OR SALES WITHIN THE MUNICIPALITY IN THE 2ND PRECEDING YEAR)
- COLLECTION AGENCY FOR OTHER GOVERNMENTS & AGENCIES
 - SCHOOLS
 - REGIONAL HOSPITAL
 - REGIONAL DISTRICT FUNCTIONS
 - BC ASSESSMENT AUTHORITY
 - MUNICIPAL FINANCE AUTHORITY

LOCAL GOVERNMENT USER FEES

- UTILITY CHARGES
 - SEWER RATES
 - WATER RATES

- USER FEES
 - TRANSIT
 - RECREATION
 - GARBAGE COLLECTION

- LICENSE & PERMIT FEES
 - BUSINESS LICENSES
 - ZONING & SUBDIVISION
 - COMMERCIAL MOTOR VEHICLES
 - BUILDING PERMITS
 - BURNING PERMITS
 - SOIL REMOVAL PERMITS

- DEVELOPMENT COST CHARGES

LOCAL GOVERNMENT GRANTS

- UNCONDITIONAL GRANTS
 - TO SUPPLEMENT LOCAL REVENUE & REDUCE RELIANCE ON THE PROPERTY TAX BASE.
 - TO REDUCE FINANCIAL DISPARITIES AMONG LOCAL GOVERNMENTS
 - TO SUPPORT THE PROVISION OF SERVICES THAT GENERATE BENEFITS BEYOND MUNICIPAL BOUNDARIES.
- CONDITIONAL
 - PLANNING GRANTS
 - COMMUNITY PLANNING GRANTS
 - INFRASTRUCTURE PLANNING
 - REGIONAL GROWTH PLANNING
 - RESTRUCTURE PLANNING
 - SPECIAL GRANTS
 - IMPLEMENTATION GRANTS
 - SEWER/WATER INFRASTRUCTURE
 - MAJOR MUNICIPAL HIGHWAYS
 - RESTRUCTURE ASSISTANCE & IMPLEMENTATION
 - OTHER GRANTS
 - DOWNTOWN REVITALIZATION
 - LIBRARY GRANTS
 - INDEPENDENT POLICE
 - EQUALIZATION GRANTS
 - PUBLIC HEALTH EQUALIZATION

LOCAL GOVERNMENT BORROWING

- SHORT TERM CAPITAL
 - MAXIMUM 5 YEAR TERM
 - LIMITED TO \$50 PER CAPITA
 - REQUIRES APPROVAL OF INSPECTOR OF MUNICIPALITIES
- LONG TERM BORROWING
 - ABILITY BASED ON ASSESSMENTS
 - GENERALLY A MAXIMUM OF 25 YEARS
 - REQUIRES ASSENT OF ELECTORATE AND APPROVAL OF INSPECTOR
 - ALL BORROWING THROUGH MFA EXCEPT CITY OF VANCOUVER
 - REGIONALLY COORDINATED AND SINGLE ISSUE OF DEBENTURES
 - SECURED BY A DEBT RESERVE FUND AND COMBINED CREDIT OF ALL LOCAL GOVERNMENTS (ALL PROPERTY TAXATION WITHIN PROVINCIAL JURISDICTION)
- MUNICIPAL FINANCE AUTHORITY OPERATES AN INVESTMENT POOL FOR LOCAL GOVERNMENTS
- FIRST NATION FINANCE AUTHORITY RECENTLY FORMED - PARALLEL MODEL TO MFA

SECHELT INDIAN GOVERNMENT
DISTRICT
1995 REVENUE SOURCES

GRANTS	\$ 129,009	30.76%
--------	------------	--------

TAXES (INCLUDES GRANTS IN LIEU)	272,953	65.09%
------------------------------------	---------	--------

OTHER FEES & SALE OF SERVICES	17,388	4.15%
----------------------------------	--------	-------

TOTALS	\$419,350	100%
--------	-----------	------

POPULATION - 770

VILLAGE OF LAKE COWICHAN

1995 REVENUE SOURCES

GRANTS	\$ 260,698	16.20%
--------	------------	--------

TAXES (INCLUDES GRANTS IN LIEU)	1,123,379	69.83 %
------------------------------------	-----------	---------

OTHER FEES & SALE OF SERVICES	224,766	13.97%
----------------------------------	---------	--------

TOTALS	\$1,608,843	100%
--------	-------------	------

POPULATION - 2,980

VILLAGE OF HAZELTON

1995 REVENUE SOURCES

GRANTS	\$ 173,460	38.24%
--------	------------	--------

TAXES (INCLUDES GRANTS IN LIEU)	190,492	41.99%
------------------------------------	---------	--------

OTHER FEES & SALE OF SERVICES	89,706	19.77%
----------------------------------	--------	--------

TOTALS	\$ 453,658	100%
--------	------------	------

POPULATION - 975

CITY OF SURREY

1995 REVENUE SOURCES

GRANTS	\$ 10,391,444	5.69%
--------	---------------	-------

TAXES (INCLUDING GRANTS IN LIEU)	129,850,666	71.07%
-------------------------------------	-------------	--------

OTHER FEES & SALE OF SERVICES	42,453,634	23.24%
----------------------------------	------------	--------

TOTALS	\$182,695,744	100%
--------	---------------	------

POPULATION - 292,674

13.7

Presentation:

Financial Transfer Agreements

(To come from CS and BCRO)



Indian and Northern
Affairs Canada

FINANCIAL TRANSFER ARRANGEMENTS (FTA)

May 28/29, 1996 Workshop

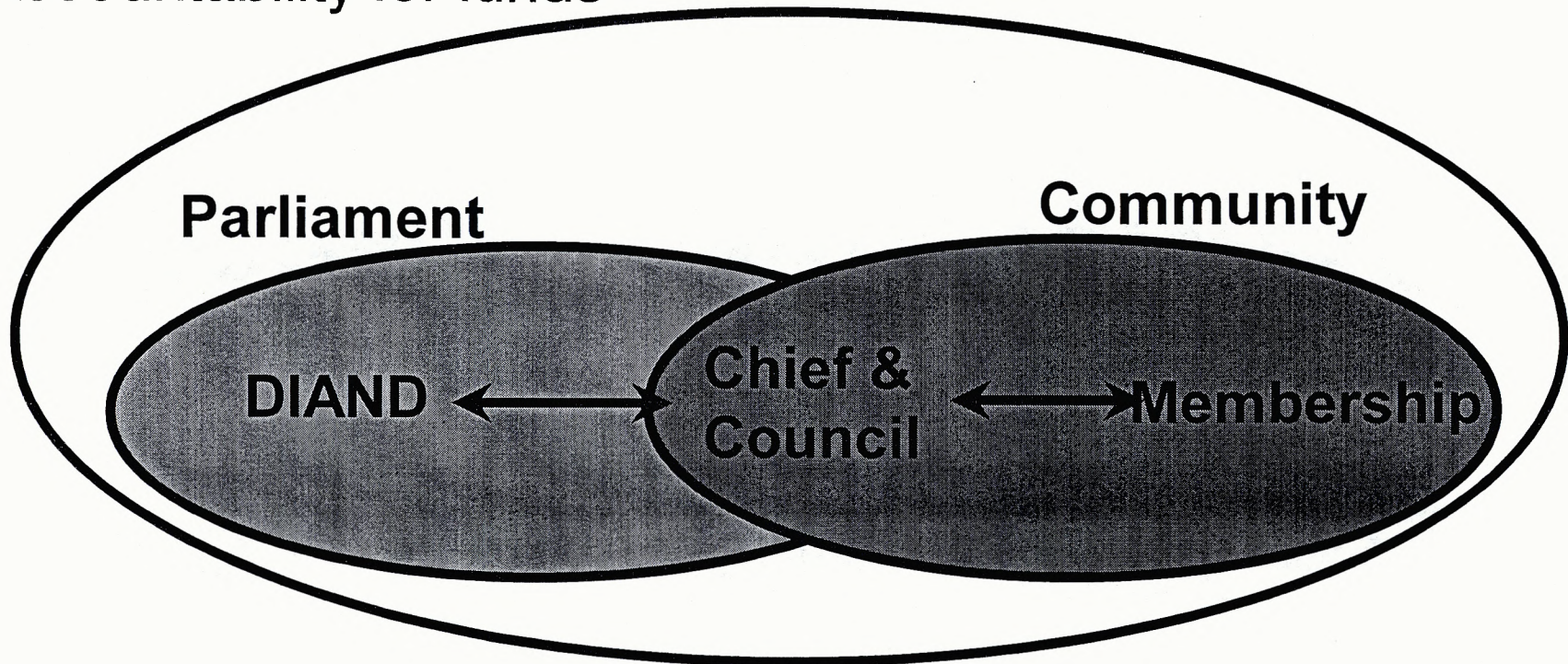
Canadä

IIAP OBJECTIVE

To support First Nations and Inuit Communities to meet their needs and achieve their aspirations in the areas of self-government and economic, educational, cultural, social and community development; and fulfil Canada's constitutional and statutory obligation.

DIAND evolving progressively from service delivery to a funding agency

Accountability for funds



Within the Constitutional and Legislative Environment

Objective FTA:

- Strengthen accountability, in a manner consistent with Inherent Right
- Create bridge into self-government
 - ▶ emphasis on governance
 - ▶ block funding
 - ▶ multi-departmental

Minister's Accountability for Funds to be met by:

- ensuring that a system of local accountability is in place, reflecting accountability principles and mechanisms common to governments in Canada; *Transparency
is a must*
- setting minimum service delivery requirements within funding arrangements
- securing standard high level results data from all FNs where the FNs are not acting as an agent of the Crown
- taking remedial action to address financial and service delivery problems

What is an Adequate System of Local Accountability?

- Discussions with TBS/OAG/FNs/academics
- Principles and mechanisms
 - ▶ transparency, disclosure and redress
 - ▶ budget, CRF, public accounts, conflict of interest
- Problem orientated mechanisms
 - ▶ causes of indebtedness
- All transfer payments based upon same principles

Confirming Local Accountability Frameworks:

- Management and Accountability Assessments
 - developmental plans to address gaps
 - sharing of best practices
- Terms and Conditions
 - require framework in place
 - codify own framework/sharing
- CICA Standard/National Accounts
- Controller Associations/Partnerships



Resourcing

- move further towards block funding
 - established and targeted components
 - distributional funding formula
- local decision-making
- revenue generation
- multi-departmental

Anticipated Results: Short Term

EACH FIRST NATION CODIFIES LOCAL CHECKS AND BALANCES,
BASED ON PRINCIPLES AND KEY MECHANISMS COMMON TO
GOVERNMENTS IN CANADA

- consistent with self-government requirements;
- supporting local service delivery decisions;
- supporting probity and prudence;
- supporting public confidence; and,
- reducing DIAND'S oversight role.

Federal and First Nation control frameworks harmonized

- streamlining reporting by focussing on key policy questions;
- applying evaluation frameworks for continuous learning and sharing of best practices;
- improving public reporting on the achievement of the Indian and Inuit Affairs Program objective; and,
- achieving efficiencies through electronic commerce.



Indian and Northern
Affairs Canada

FINANCIAL TRANSFER AGREEMENT (FTA) DIAND BC Region Pilot Projects Update

May 28/29, 1996 Workshop

Canada

LOCATION OF PILOTS

LAXKW'ALAAMS

HARTLEY BAY

METLAKATLA

SKIDEGATE

NAKAZDLI

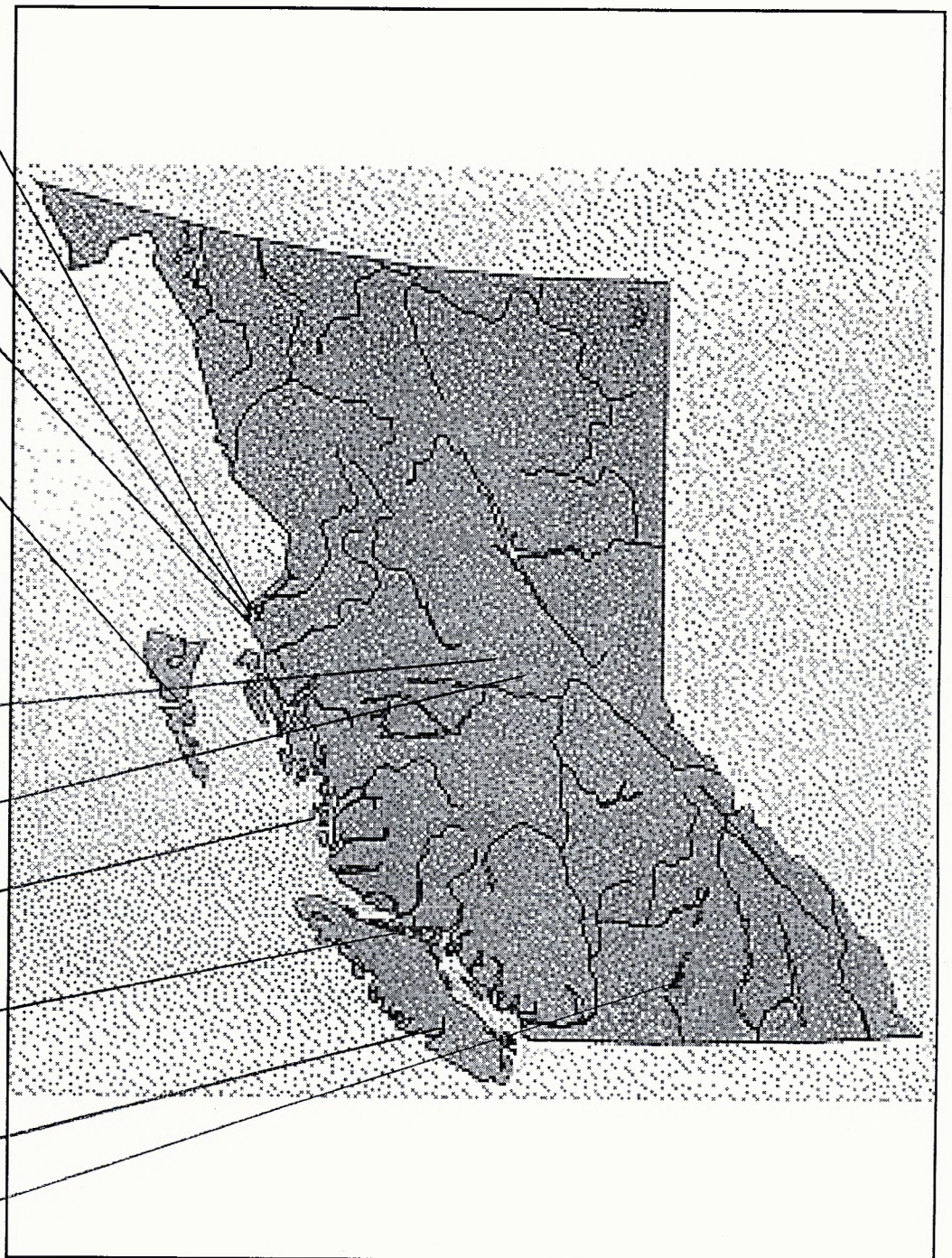
LAKE BABINE

HEILTSUK

CAPE MUDGE

NUU-CHAH-NULTH TC

WESTBANK



DIAND BC REGION APPROACH

- 10 'pilots' - representing 23 First Nations
- Distributive model - uses only existing /future budget levels
- Theoretical weighted distribution of resources - "equitable" distribution
- No automatic budget 'escalators' for price or volume changes

DIAND BC REGION APPROACH CONT'D...

- Entry point uses existing budget levels of participating First Nations
- One annual budget adjustment each April 1 - 25/75 ratio
- Adjusted over time to achieve 'equity'
- Multi year agreements (minimum of 5 years)

*< of growth in
Regional budget
25 distrib by pop
75 " to share
below equity
line*



FEATURES OF BC REGION PILOTS

- Canada-First Nation financial agreement - can include all federal departments
- Rolling 5 year Operations Plan - updated annually
- Priorities are Education, Social well-being & Health & Safety of members
- "Block" funding Includes all current Education, Economic Development, Indian Government Support, Operations & maintenance and membership monies and most Social Development and Capital monies

FTA

Block funding
+ targeted programs
(annual adj)

NOT included
- capital
- emerg.
- major capital

FEATURES OF BC REGION PILOTS CONT'D...

- All program references deleted once agreement is in place
- New Audit Reporting Standard - Local Government
- One annual report contains all financial, statistical and planning information
- Portable to Self-government and Treaty environments
- Common Accountability factors - Transparency, Disclosure & Redress

- Transparency - means the process by which decision-making, with respect to the use of public funds and the delivery of community programs and services, is established through formal policies and procedures, and commonly understood by community members and consistently applied by Council.



- Disclosure - means information is made available to community members in an understandable format with respect to all financial resources received from all sources, the detailed categorization of all resources expended against the annual portion of the 5 year plan, including detailed results reporting on what was achieved with those resources.

- Redress - means the process by which community members have an opportunity to formally challenge through established and publicly available processes, any decisions which affect them individually or collectively.

ACCOUNTABILITY FEATURES

- Aims is to institute consistent rules within the operations of governments
- First Nations Councils enact, codify and entrench their procedures via community-based processes - bylaws, referenda, Band Council Resolutions
- Reporting focus is to both community members and the Minister responsible
- New financial reporting standard - Local Government -similar to that for municipalities

ACCOUNTABILITY FEATURES CONT'D...

- Planning, budgeting and value-for-money focus on the financial management side - full expenditure and results reporting focus on the management and operations side of First Nations governments
- Programs and services follow applicable federal or provincial standards unless otherwise negotiated



NEXT STEPS

- National model to be finalized by Fall 1996
- Next entry dates are April 1, 1997 and April 1, 1998
- 100 First Nations participants targeted for FTA entry on April 1, 1997
- All First Nations expected to be under new FTA arrangements after April 1, 1998
- Adjustments to DIAND organization to mirror changing relationships with First Nations

13.8

Presentation:

Claims Implementation

(To come from CIG)



Indian and Northern
Affairs Canada

Claims Implementation

Expectations and Possibilities

Canada

• Why Is Implementation Planning Done?

- ▶ **Pre-1986 comprehensive claims policy environment:**

- ▶ no formal strategy for implementation
- ▶ no requirement for implementation plans

- ▶ **Difficulties:**

- ▶ potential for litigation
- ▶ misunderstanding of obligations, time-lines
- ▶ little or no project definition

- ▶ **Outcome**

- ▶ A federal requirement for implementation planning for each claim

What Is An Implementation Plan?

- ▶ Primarily a descriptive and operational document
- ▶ Describes how the provisions of the entire agreement will be given effect
- ▶ Accompanies agreement, but is not part of the agreement
- ▶ Agreement prevails over plan to the extent of any inconsistency between them.
- ▶ Is **not** constitutionally protected

● How Do We Produce an Implementation Plan?

- ▶ Produced through multi-party planning and negotiation
- ▶ Generally, tripartite implementation planning begins after Agreement-in-Principle is concluded
- ▶ Focuses on the 'nuts and bolts' of giving effect to the Agreement
- ▶ Follows similar process and format as agreement negotiations

The "Typical" Implementation Plan

- ▶ Sets out the basic nature of the plan, including the legal status and the process for amending the plan
- ▶ Identifies, for each obligation, the what, how, who and when
- ▶ Identifies funding to be made available, and by whom
- ▶ Elaborates on other provisions, such as the monitoring the implementation, communications and transitional measures

Anatomy Of An Implementation Plan (I)

General Provisions

- ▶ (Implementation Agreement):
 - ▶ Parties to the Plan
 - ▶ Interpretation of the Plan
 - ▶ Legal Status of the Plan
 - ▶ Contents of the Plan
 - ▶ Amendments to the Plan

● Anatomy Of An Implementation Plan (II)

Activity

Plans/Worksheets

▶ Identify:

- ▶ Project or obligation to be completed
 - ▶ Specific clause(s) referring to the project or obligation
 - ▶ Project manager
 - ▶ Activities required in order to fulfill each obligation
 - ▶ Timing of each activity, and the responsible party
 - ▶ Planning assumptions
-

● Anatomy Of An Implementation Plan (III) Financial Provisions

▶ Identify:

- ▶ New funding for projects and activities
 - ▶ Payment schedules
 - ▶ Initial budgets, as appropriate
 - ▶ Terms and Conditions of payment
-

- Anatomy Of An Implementation Plan (IV)
Other Provisions

- ▶ Monitoring
- ▶ Training
- ▶ Communications
- ▶ Transition

● Implementation Planning Outputs

Implementation Plan

Fiscal Financing Agreement

● **Agreement re programs and services**

● Implementation Planning Outputs (1)

▶ **Implementation Plan**

- ▶ addresses the obligations of the treaty
- ▶ establishes the common understanding of the treaty
- ▶ identifies the funding levels required to implement the treaty
- ▶ describes the tripartite monitoring process to "oversee" the implementation

● Implementation Planning Outputs (2)

▶ **Fiscal Financing Agreement**

- ▶ subsidiary to the Plan
- ▶ flows the funds identified in the Plan
- ▶ sets the terms of the financing arrangement
- ▶ identifies the sources of the funding

● Implementation Planning Outputs (3)

▶ **Agreement re programs and services**

- ▶ identifies what is to be devolved to FNs
- ▶ identifies the obligations and responsibilities of the FNs
- ▶ sets out any terms and conditions attached to devolved programs

13.9

British Columbia Perspective

(No Handout)

HOW IS PUBLIC SCHOOL EDUCATION FINANCED IN B.C.?

ROLES AND RESPONSIBILITIES

Under the *School Act*, the provincial government and 75 locally elected school boards share responsibility for managing public schools. The province and school boards are co-governors of the school system.

The provincial government is responsible for:

- establishing the goals and objectives of the system.
- setting the common curriculum.
- monitoring and evaluating the performance of the school system.

School boards are responsible for:

- the day-to-day operation of schools.
- implementing the provincial curriculum and establishing the local curriculum.
- ensuring that school programs are sensitive to local interests and expectations.

Except for minor local sources of revenue, school boards get all of their operating and capital funding from the provincial government. School boards may seek additional revenue through a tax on residential property, but only if they receive the prior approval of taxpayers through a referendum.

School boards engage in collective bargaining with their staff, and school district employees have essentially the same collective bargaining rights as other organized employee groups in the province. The scope and timing of bargaining are subject to negotiation between the parties. Employees have the right to strike, and school boards have the right to lock out their employees.

Provincial legislation establishes the legal framework for collective bargaining in B.C., but the provincial government is not involved directly in bargaining with school district employees.

Operating Grants

During the process of preparing its annual budget the province allocates an amount of money for operating public schools in the coming school year. This amount is called the "block of funds."

After determining the size of the block of funds, the province then decides how those funds are to be distributed among the 75 school districts.

The size of the annual block of funds is equal to the amount provided in the previous school year, plus:

- an amount to take account of changes in enrolment.
- an "economic adjustment factor" to allow for cost increases.

Note 1

PROVINCIAL FUNDING

TWO

- an amount to pay for adjustments to the provincially mandated education program.

The provincial government has complete discretion over the economic adjustment factor, which is expressed as a percentage increase over the previous year's budget. Because of competing demands on provincial revenues, the government may choose to increase school funding by a small percentage, even though costs may be increasing at a rate which exceeds the economic adjustment factor.

Table 2.1 shows the annual increases in operating grants since the introduction of block funding. It also shows the annual percentage increase in funding and the rate of increase allowed for economic adjustment. The annual percentage increase in operating grants is always larger than the economic adjustment factor because of additional increases for enrolment and changes in the provincially mandated program. Annual increases in enrolment have averaged 3.5 percent over the past few years.

For the 1992/93 school year the provincial government is providing just over \$3 billion in operating grants to school districts. This represents an average of \$5,661 for each pupil enrolled full-time in the public school system.

TABLE 2.1 PROVINCIAL OPERATING GRANTS (BLOCK FUNDING)

School Year	Operating Grants (million)	Percent Change	Economic Adjustment Factor
1989/90	\$2,416.1		
1990/91	\$2,675.3	10.7%	6.17%
1991/92	\$2,903.3	8.5%	3.75%
1992/93 (est.)	\$3,090.9	6.5%	2.40%

Appendix I
for update

Debt Servicing Grants

To purchase major capital assets such as school buildings and school busses, school boards must obtain provincial approval. To pay for these capital expenses, school boards borrow money and repay it over a number of years (similar to a mortgage on a home). The province gives school boards grants to service these debts. The grants cover the annual payments on loans for capital expenses.

Table 2.2 shows the rapid increase in debt servicing grants over the past three years due to growth in the annual capital program from \$250 million in 1989/90 to \$582 million in 1992/93.

*Appendix II
For update*

TABLE 2.2 DEBT SERVICE GRANTS

School Year	Debt Servicing Grants (million)	Percent Change
1989/90	\$177.3	
1990/91	\$204.0	15.1%
1991/92	\$240.7	18.0%
1992/93 (est.)	\$287.2	19.3%

SOURCES OF REVENUE

The provincial government uses three sources of revenue to pay for grants to public schools:

- general taxation (i.e., income taxes, sales taxes and resource taxes).
- non residential property taxes.
- residential property taxes.

When drawing up its annual budget, the provincial government decides how much it will need from each of these sources to pay for public schools. Table 2.3 shows the proportion from each source in 1992/93:

TABLE 2.3 SOURCES OF REVENUE - 1992/93

General Revenue	69.9%
Non residential Taxation	18.3%
Residential Taxation (after subtracting the home owner grant)	11.8%

Note 2

Property taxes are calculated using the taxable value of property as set by the B.C. Assessment Authority. School property taxes are one of many types of property tax that may appear on a taxpayer's annual bill. Others include:

- municipal taxes.
- regional district taxes.
- improvement district taxes.
- library district taxes.
- transit taxes.
- hospital taxes.

Property tax notices distinguish between the school tax rate set by the provincial government and the school tax rate set through referenda by local school boards.

Note 3

Home owners get property tax relief through the home owner grant. For 1992 the grant is a flat \$450 for most home owners and \$720 for seniors and disabled persons. Because the grant reduces the amount of school tax, the provincial government views the home owner grant as part of its contribution to school funding. However, if a person's home owner grant is more than the school tax, the taxpayer may use the excess to offset other property taxes.

The home owner grant cannot reduce the total of all property tax below \$100 for seniors and \$350 for all other taxpayers.

Although the provincial government sets the rate of the school property tax, there is not necessarily a connection between school property tax rates and provincial grants to school districts. An increase in the provincial budget for school funding may not be related to an increase in property taxes in a particular school district.

Everyone living within a particular school district pays the same rate of residential school tax, but the rate varies from district to district. By varying the rate, the government can moderate the effect of large differences in assessed value in different areas of the province.

If the residential school tax rate were the same throughout the province, people who live in a high assessment area such as the Lower Mainland would pay much higher taxes than people living in low assessment areas. The system of variable rates reduces the sharp contrast between the amount of tax people would pay in different areas, but it does not completely eliminate the disparities.

Even though the tax rate varies, someone living in an "average" home in Vancouver pays more in school taxes than someone living in an "average" home in Prince George because property is worth more in Vancouver. Table 2.4 illustrates this point by showing examples of the variation in school tax rates and school taxes paid across selected districts.

TABLE 2.4 VARIATION IN PROVINCIAL SCHOOL TAXES ON RESIDENTIAL PROPERTY

	Tax Rate \$ per \$,000	School Taxes * Paid on an "average" home
North Thompson	14.8	\$450
Peace River North	10.8	482
Prince George	8.4	552
Kamloops	7.8	518
Central Okanagan	5.7	577
Coquitlam	4.7	750

*before subtracting the homeowner grant

Appendix IV
for update

DIS
PR

DISTRIBUTION OF PROVINCIAL GRANTS

Note 4

*See
"Support for
Learning
1995/96
Education Finance System"*

Property taxes are raised on a calendar-year basis. However, the government does its budgeting on the basis of a fiscal year that runs from April 1 to March 31. This difference can make it difficult to interpret information about tax revenue from different sources.

Non residential tax rates are different for each class of property (major industry, light industry, farm, forest land, etc.) but are the same for each district.

For a variety of reasons, the cost of delivering the provincially mandated education program varies from district to district. For example, sparsely populated rural districts usually have smaller schools and small class sizes than more densely populated urban districts. As a consequence such districts tend to have higher than average instruction costs. To ensure equity of educational opportunity throughout the province, operating grants to school districts must reflect these differences in cost.

The distribution of provincial grants is based on a detailed set of calculations that has been labelled the "fiscal framework." The framework consists of a range of service levels and cost factors that together determine the cost of delivering the provincially mandated education program in each school district.

The method of calculation is best illustrated with an example. Table 2.5 shows how the funding of the early intermediate program is calculated. It starts with a level of service established by the provincial government: that is, the average number of students per class. In this example, the service level represents an average class size of 26 students. The funding of each class includes the average teacher salary, including benefits (such as extended health benefits) and statutory payments (such as pensions and unemployment insurance). In addition, an amount is provided to cover the cost of classroom supplies. With this formula, the cost of the provincially mandated education program will vary from district to district because the number of students enrolled is different and because average teacher salaries are not the same.

TABLE 2.5 FUNDING THE EARLY INTERMEDIATE PROGRAM
(Grades 4-7)

Service Level

One teacher for every 26 students enrolled in the program (excluding students in special education programs).

Cost Factors

Funding of a class = average teacher salary + benefits + statutory costs + allowance for classroom supplies.

**APPENDIX I
PROVINCIAL OPERATING GRANTS (BLOCK FUNDING)**

School Year	Operating Grants (millions)	Percent Change	Economic Adjustment Factor
90/91	2,675.5		6.17%
91/92	2,903.2	8.5%	3.75%
92/93	3,059.1	5.4%	2.40%
93/94	3,158.9	3.3%	0.00%
94/95	3,286.6	4.0%	1.00%
95/96	3,391.4	3.2%	0.49%
96/97 (estlm)	3,431.6	1.2%	0.00%

**APPENDIX II
DEBT SERVICE GRANTS**

School Year	Debt Servicing Grants (millions)	Percent Change
90/91	204.0	
91/92	240.7	18.0%
92/93	287.2	19.3%
93/94	290.4	1.1%
94/95	314.7	8.4%
95/96	381.5	21.2%

**APPENDIX III
VARIATION IN PROVINCIAL SCHOOL TAXES
ON RESIDENTIAL PROPERTY**

District	Tax Rate \$ per \$,1000	School Taxes paid on an average home
North Thompson	6.7028	\$456
Peace River North	6.9078	\$508
Prince George	5.1329	\$583
Kamloops	4.7671	\$589
Central Okanagan	4.2226	\$606
Coquitlam	3.3742	\$771

Taxes are before the Homeowner Grant

Support for Learning

1995/96
Education Finance System



Province of British Columbia
Ministry of Education

Background on Education Funding

Under the current education funding system, it is not easy to understand why funding allocations differ by school district. This complexity and lack of clarity has contributed to the perception among parents, the school system and the public that the system is not fair. Because it uses historical rather than current cost and wage levels to calculate funding, the old system is viewed as unrealistic. Also, it is seen as not responding to the needs of rapidly growing school districts.

Over the past three years, attempts have been made to address these issues:

- In 1992, an Education Funding Review Panel was established to recommend ways to make the financial system more accountable, predictable and understandable.
- In 1993, in response to the Panel's report, the Ministry of Education established the Technical Distribution Group (TDG), composed of representatives of school trustees, district staff, teachers and the Ministry of Education.

The TDG conducted a detailed analysis of the education funding system and recommended a series of changes that would have significantly redistributed funds among school districts. As a result, the Ministry of Education announced that the TDG recommendations would not be adopted, but promised that a new, simplified education funding system would be brought forward for implementation in 1995/96.

The new system being introduced next year will be finalized in 1996. The system is easy to understand, provides equal funding treatment to all school districts and recognizes community growth. The new funding system, along with other initiatives, will help ensure quality and consistency of funding and services is provided across British Columbia.

Support for Learning

In recent years there has been a growing realization that the provincial system of providing money to school districts to pay for education is in need of review. The current education funding system is outdated and difficult to understand or explain.

The new education funding system will clearly define the fiscal management of education for school districts and for the Province. The system recognizes the responsibility of districts to respond to the needs of students and their local communities, while the Province will continue to establish overall education policy and monitor compliance with policy goals.

The new education funding system moves from school board compliance with fiscal targets to compliance with government policy on providing quality services to students. The goal of the new system is quality and consistency of service throughout the province while respecting the role of schools boards in deciding the best methods of delivering services.

Many changes will be introduced in the 1995/96 budget, with further changes in 1996/97. Consultation will occur between now and the summer of 1995 regarding issues still to be decided.

How will school districts be affected by the new system?

Under the old funding system, all of the programs in the core grant were calculated individually, in a lengthy process involving many separate categories. The complexity of calculating how much funding districts were entitled to resulted in a confusing and difficult-to-understand allocation process. Because none of the categories were spending targets, there was no value in continuing to calculate these separately rather than as one core amount.

With the new funding system, the general operating grants are jointly managed by the Ministry and the school district. This means the Province establishes the overall budget and sets policy guidelines for essential education programs. School districts are responsible for determining how to individually allocate the general operating grants. Districts must follow established policies when defining the essential education programs required in every district. The new funding system respects the role of local school boards in deciding the best methods of delivering services.

Benefits of the New Funding System

- ▶ The new system is simpler and uses fewer funding formulas. Funding for a single district can now be expressed on two pages compared with approximately a dozen pages for some districts with the previous funding formula. (Appendix D)
- ▶ The new system recognizes the costs of rapid growth by the addition of grants to districts that have significant enrolment increases.
- ▶ The new system provides funds for community schools.
- ▶ The new system makes it easier to compare funding between districts, because categories are few in number and easy to identify.
- ▶ Under the new system, differences in funding relate to differences in the number and mix of students in a district, not to differences in funding per student.
- ▶ Enrolment drives funding. With the new funding system, it will be a simple matter for districts to accurately predict their funding based on enrolment figures.
- ▶ The new system uses current wage levels rather than historical levels to calculate funding, thereby eliminating the confusing adjustment or "gross up" used in the past. Funding is now based on real costs, not on out-of-date models.
- ▶ Under the new system, the need for service quality will guide district spending rather than formula spending amounts.

Key Elements of the New Education Funding System

Funding for school districts will now be allocated in four areas:

1. General Operating Grants, including:
 - Core Grants
 - Specific District Grants
2. Targeted Grants
3. Capital Support Grants
4. Developmental Grants

General Operating Grants

► Core Grants

The core grant accounts for the majority of every district's funding. The core grant allocates a standard amount of money per student, per school and per district. Based on the core amount, every student, school and school district is treated equally and receives the same allocation.

Core grants provide funds for essential education programs such as:

- libraries
- counselling services
- curriculum and coursework
- student supervision
- student safety
- computers and software
- classroom supplies
- baseline teacher salaries
- career planning

Under the old funding system, the core grant programs were identified individually in a lengthy process involving many separate categories. Under the new funding system there is a shared vision of essential education services to be provided by school districts, leaving it up to districts to decide how best to deliver these services.

► Specific District Grants

Specific district grants recognize the difference in the costs faced by districts to deliver the same level of service to students. Transportation costs, for example, are higher in some parts of the province than in others. Districts with a high proportion of experienced teachers whose salaries are higher also fall into this category.

In addition, funding for English as a second language will be changed to provide a base amount per district and additional per student funds. This new system removes the incremental steps used for funding which generated complaints from high growth districts.

In the area of Career Planning (previously called Career Prep), funding will be provided based both on the total number of Grade 11 and 12 students, and on the number of students enrolled in career studies.

There are 11 specific grants, which are explained in Appendix II. By reviewing this category of costs, parents, the school system and the public will see how their district's funding is calculated compared to other districts.

Targeted Grants

Targeted grants are funds that districts must spend in specific areas — Special Education programs, Aboriginal Education programs, Administration and Learning Resources. Funds will usually be targeted when the government

wishes to monitor the services provided and the level of funding required to provide these services. As high quality service levels become well defined through policy and guidelines, and evaluation results indicate that districts maintain a level of service consistent with provincial policy, funding may be returned to the general operating grants category.

To ensure clear accountability and quality of service to students, the Ministry will be developing effective outcome-based reviews of service that will establish adequate ways to monitor service to students.

Capital Support Grants

Capital support grants are used to extend the operating life of schools.

Developmental Grants

Developmental grants are grants for new government initiatives which have specific timelines and goals.

Current Ministry initiatives that fall under this category include:

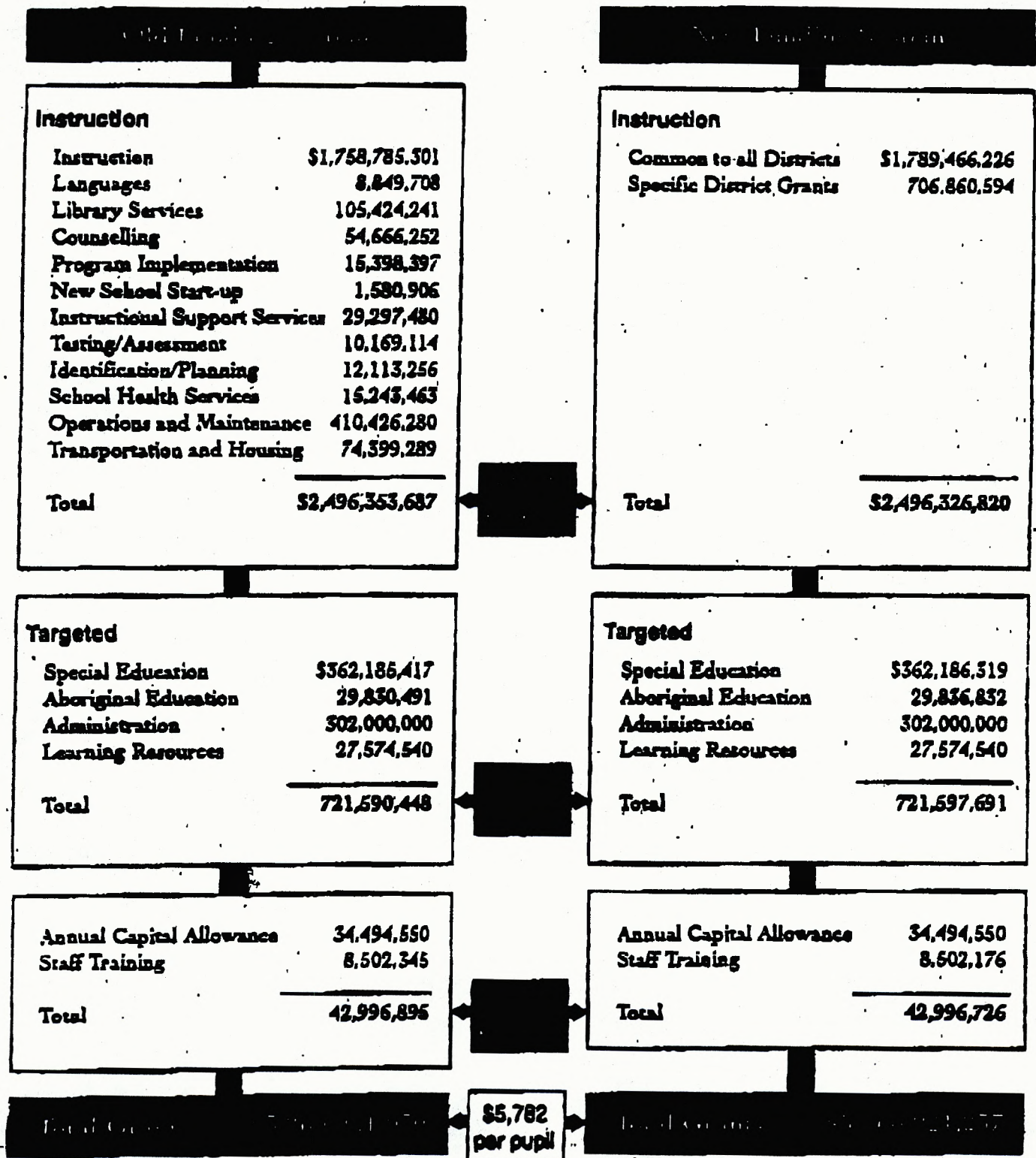
- Staff Training for implementing the K to 12 Education Plan
- Skills Now
- School Meals
- Inner City Schools
- Kids at Risk
- Teen Parent programs
- Year Round Schooling

Some of these initiatives will eventually be completed, while others may continue with program funding incorporated into the general operating grants funding category. Of the categories listed, only staff training is included in the current allocation system, as is shown for comparative purposes in Appendix I.

How will things change under the new funding system?

Under the new funding system, the introduction of funding changes in 1995/96 will have no negative impact on school board budgets, and many boards will see a financial benefit in their 1995/96 budgets from the new changes. The impact in future budget years cannot be determined until all other changes are finalized. If in the future some school boards face negative effects from the new funding system, the government will ensure a phased-in adjustment period.

Allocation of Funds



Ministry of Education
1996/97 Funding Allocation System (Preliminary)
PROVINCIAL COMPOSITE

GENERAL OPERATING GRANTS

COMMON CORE GRANT					FUNDING
(Constant costs across all districts)					
Students					
Primary (Kindergarten to Grade 3)	156,163.7960	Students @	\$3,150	per Student	\$491,915,963
Early Intermediate (Grades 4 to 7)	184,238.5775	Students @	\$2,746	per Student	\$505,919,133
Late Intermediate (Grades 8 to 10)	154,614.3033	Students @	\$3,116	per Student	\$481,623,550
Graduate (Grades 11 and 12)	83,917.9060	Students @	\$3,116	per Student	\$262,634,278
Career Planning					
Graduate (Grades 11 and 12)	83,917.9060	Students @	\$85	per Student	\$7,983,021
Schools					
Elementary	1,240.01	Schools @	\$47,210	per School	\$58,540,672
Secondary	334.02	Schools @	\$102,451	per School	\$34,220,682
Districts	75	Districts @	\$73,526	per District	\$5,514,376
TOTAL COMMON CORE GRANT					\$1,578,271,975

SPECIFIC DISTRICT GRANTS

(Varying costs across districts due to enrolment, size, geographic characteristics and educator salaries)

Career Programs	36,372.9690	Students @	\$1,118	per Student	\$40,665,010
English as a Second Language	71,434.2722	Students @	\$866	per Student	\$62,219,740
	70	Districts @	\$10,000	per District	\$700,000
Programme Cadre	1,030.0000	Students			\$1,330,836
Languages					\$505,576
Educator Salary Adjustment					\$90,175,798
Geographic Adjustments					\$4,641,812
Small Secondary Schools					\$36,411,731
Growth, Facility Planning & Community Schools					\$14,518,787
Operations & Maintenance					\$414,789,054
Student Density	54,740.5	Additional Square Meters			\$3,533,272
Transportation					\$77,863,579
TOTAL SPECIFIC DISTRICT GRANTS					\$753,355,183

TOTAL GENERAL OPERATING GRANTS**\$2,331,627,058**

1996/97 Funding Allocation System (Preliminary)

PROVINCIAL COMPOSITE

<u>TARGETED GRANTS</u>				FUNDING
SPECIAL EDUCATION PROGRAMS				
Core Special Education Services				\$27,943,310
Learning Assistance				\$81,047,418
Special Health Services				\$23,251,271
Severe Behaviour	5,224.5000	Students		\$31,420,143
Moderate Handicapped	27,263.3418	Students	1,093 Job Training	\$88,300,897
Severe Handicapped	8,488.0000	Students	628 Job Training	\$85,212,882
Dependent Handicapped	701.0000	Students		\$23,310,728
Gifted	11,582.7285	Students		\$4,090,532
Hospital/Homebound				\$6,777,323
Identification/Planning				\$12,638,447
TOTAL SPECIAL EDUCATION PROGRAMS				\$384,993,831
ABORIGINAL EDUCATION	34,478.5799	Students		\$34,050,358
DISTRICT & SCHOOL-BASED ADMINISTRATION				\$308,469,835
LEARNING RESOURCES				\$28,234,015

CAPITAL SUPPORT GRANTS

ANNUAL CAPITAL ALLOWANCE	\$34,484,550
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DEVELOPMENTAL GRANTS

IMPLEMENTATION TRAINING	\$11,768,150
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TOTAL DISTRICT FUNDING ALLOCATION	<u>\$3,431,637,898</u>
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SPECIAL PURPOSE GRANT	\$12,273,959
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TOTAL DISTRICT FUNDING	<u>\$3,443,911,957</u>
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APPENDIX II**SPECIFIC DISTRICT GRANTS**

These grants reflect the varying costs across districts due to enrolment in specific programs, geographic characteristics and educator salaries. These grants identify the additions to the common core funding to enable equitable service delivery in all 75 school districts.

The grants recognize the following variations in cost:

Career Planning

All districts are to provide 30 hours of work experience to grade 11 and 12 students. This allocation recognizes the additional costs for districts that provide 100 hours of work experience to students in career preparation programs.

English as a Second Language

This allocation recognizes the additional cost of providing programs for English as a Second Language students.

Program Cadre

This allocation recognizes the additional cost of providing programs for program cadre students.

Languages

This allocation recognizes the additional cost of providing French Immersion, Japanese and Mandarin language programs.

Educator Salaries Adjustment

This adjustment accounts for differences in educator salary grids and the average experience and qualifications of educators.

Geographic Adjustments

This adjustment takes into consideration the unique costs resulting from divergent geographic characteristics of school districts. The factors considered are the distance to travel to Vancouver and the nearest regional centre, remoteness and distance schools are from the district office.

Small Secondary Schools

This allocation recognizes the difficulty and cost in providing secondary programs in small schools.

Growth and Facility Planning

This allocation recognizes the additional cost to the district for enrolment growth in the areas of computer equipment, new school openings, and planning for capital construction.

Student Density

This allocation recognizes the additional cost of operating schools at or greater than capacity.

Operations and Maintenance

This allocation provides for the costs of building and equipment maintenance, custodial services, utilities, grounds maintenance and facility leases.

Transportation

This allocation provides for the cost of busing of students to and from school including water transportation, special programs and extra curricular travel provided in some districts.

REGIONALIZATION OF THE PROVINCIAL HEALTH SYSTEM

- Responsibility for most provincial health services is in the process of being transferred to 20 Regional Health Boards and 82 Community Health Councils. This will amount to a funding transfer of about \$4 billion annually when the process is completed. The Ministry of Health is entering into transfer agreements with the Regional Health Boards, which will then allocate resources to the Community Health Councils.
- In preparation for assuming their new roles, Regional Health Boards and Community Health Councils have completed community profiles and community health plans which are intended to guide planning and service delivery. The plans include the setting of population health goals and emphasize the importance of considering the broader socio-economic determinants of health, of focussing on prevention and health promotion, and of delivering needed services closer to where people live. It is expected that regionalization will provide opportunities for rationalization and integration which will help contain growth in health expenditures.
- The Ministry of Health is engaged in a process to increase the involvement of Aboriginal people in the governance of provincial services delivered to Aboriginal communities. The *Health Authorities Act* has been amended to provide for representatives of Bands and other Aboriginal organizations to Regional Health Boards and Community Health Councils. Currently, about 75 Aboriginal people sit on these Boards and Councils across the province.
- The Ministry of Health is funding a networking conference in Vancouver in June, 1996, for Aboriginal representatives on Boards and Councils, and other Aboriginal people and organizations involved in delivery of provincially-funded health services. The objective is to develop, in partnership with Aboriginal communities over the next one to two years, Aboriginal community profiles and Aboriginal health plans that will complement Regional Health Board and Community Health Council plans and address Aboriginal health service planning and delivery issues appropriately.

ABORIGINAL HEALTH STATUS

BC's Provincial Health Officer has reported that:

- **The combined effects of incomes, jobs, education, housing, social supports, and related factors are the most powerful influence on health.**
- **The factors which determine poor health status in Aboriginal communities are the same as those in other populations. Poverty unemployment, lack of education, smoking, poor diet, substance abuse, family violence, lack of social supports, marginalization and lack of empowerment all contribute to a greater susceptibility to illness and to poorer levels of health.**
- **By far the greatest inequities in health status are related to the health of people in Aboriginal communities. Aboriginal people have 12 years less life expectancy than the population overall. Registered Indian life expectancy is similar to that experienced by the BC population 40 to 50 years ago. Aboriginal people are more likely to be unemployed, less educated, and living in poverty, especially if they live on reserve.**
- **The greatest impacts on poor Aboriginal health status will be made through addressing living and working conditions and political issues by augmenting self-government and settling land claims. Aboriginal communities should have control over the resources they need to improve the conditions that affect their health status.**