

5. INAC's Self-Government Negotiations Policy

The federal government's "Indian community self-government negotiations policy" has been in operation for approximately four years and many bands and tribal councils have entered into such negotiations with the federal government. The policy allows, among other things, the negotiation of new legislative arrangements on local self-government matters that may, at the option of the group concerned, modify the application of the *Indian Act* to their case or replace the *Indian Act* provisions regarding local government matters with new legislation. The parameters of authority allowed bands under this policy (essentially municipal-like powers) do not meet the level of demands put forward in the constitutional conferences. Nevertheless, a significant number of bands are involved in the process and there seems to be little public information on how the process has been working and the level of satisfaction with it in the aboriginal community.

6. Scope of Federal Activity Under s. 91(24) of the Constitution Act, 1867

Aboriginal organizations have demonstrated some interest in the recommendation of the Special Parliamentary Committee on Indian Self-Government, that the federal government should expand its legislative activity under s. 91(24) to encompass new subject-matters affecting aboriginal people that would otherwise fall under provincial jurisdiction; and then delegate these powers to aboriginal governments. Many aboriginal representatives appear to endorse the Special Committee's recommendation that as an interim measure (pending a constitutional amendment on self-government) the federal government should occupy more of the legislative field available to it under s. 91(24) in order to provide indigenous governments the broadest range of legislative powers possible under the existing Constitution. There is particular interest in seeing this done with respect to aboriginal child welfare because of the special cultural and socio-economic needs of aboriginal children and their families.