

Legislation

The administration of Indian affairs in Canada is based on the Indian Act. Passed in 1876, this legislation was amended several times, though it remained the basic Indian law until 1951, when a new Indian Act came into force. In 1969 the Government tabled a White Paper with a view to amending this act, but its recommendations were rejected by the Canadian Indian associations and the project was shelved. A subsidy was granted to the National Indian Brotherhood to make a detailed study of the question and to present the Indians' own recommendations on how the act should be amended. The Federal Government agreed not to make any changes in the act before the Indian associations had made their recommendations.

Legal status of Indians

Indians are Canadian citizens, and as such they are protected by the law in the same manner as other Canadian citizens. They are also subject to federal, provincial and municipal legislation.

Certain special provisions were made in the Indian Act concerning land located on the reserves; the real estate and personal property that Indians own on a reserve are exempt from taxation and, except

on a suit by another Indian from the same band, are also exempt from seizure.

Indians may vote in federal, provincial and municipal elections on the same basis as other Canadians.

Under the Indian Act, each band elects its council either according to tradition or in the manner established by the legislation. The council exercises powers similar to those of a municipality and can make by-laws to answer the needs of the band.

Local government

The conception of local government has been deeply rooted in the traditions of the Indian people for a long time and is recognized in the Indian Act. The Local Government Program promotes and encourages local control of and responsibility for the programs and services provided for Indians.

The band council is recognized as a distinct governmental body responsible to its constituency. A basic financing fund has been established with the express purpose of strengthening the representative role of the band councils and their leadership. This fund enables chiefs and councillors to set up band offices, hire full-time or part-time staff and pay members of the band council honoraria or travelling expenses.