

## **7. Indian Act Amendments and the Role and Mandate of the Department of Indian Affairs and Northern Development**

### **(i) DIAND's Lands, Revenues and Trusts Review**

One element of federal policy on self-government is to find ways to modify administrative practices and policies to make them more consistent with the principle of aboriginal self-government and to provide opportunities to amend the *Indian Act*, pending its replacement by new legislation. The Department is aware of the obstacles the Act presents to bands wishing to engage in everyday economic or government activities. The Department views a government initiative referred to as the Lands, Revenues and Trusts Review (LRT Review) as a means of identifying ways of removing as many of these obstacles as possible. The stated goals of the LRT Review are to propose legislative changes recognizing greater "Indian" control of their own affairs; the development of policies and mechanisms supporting legislative changes and community objectives; adequate resourcing of the LRT Sector of the Department. In the course of this review, the Department is looking at a range of matters such as taxation, trust accounts, estates, land registry and management, Indian moneys, by-laws, elections, membership, legal liaison and support. The LRT Review has been divided into three phases including consultation with the concerned aboriginal communities. While the Department clearly regards this initiative as an important one, aboriginal organizations appearing before the Committee communicated their uncertainty about the direction of the Review, the quality of the Department's consultation efforts and the Department's motives in conducting it.

### **(ii) Implementation and Impact of the 1985 Amendment to the Indian Act ("Bill C-31")**

The 1985 amendments to the *Indian Act* (commonly referred to as "Bill C-31") were intended to eliminate gender-based discriminatory aspects of provisions establishing entitlement to registration as an "Indian" and to "band membership". The amendments also extended a degree of control over band membership to band councils. "Bill C-31" seems to be as controversial now as it was when it was introduced. In August 1988, the Standing Committee on Aboriginal Affairs and Northern Development reviewed the implementation of