

Funding: "The legislation would require as a prior condition that the necessary financial resources are available to make it work. . . . Indian band governments would presumably have to meet their own assumed responsibility for the proper use and expenditure of these funds, and become accountable to their own band members, within the terms of both the legislation and the band charter and by-laws, for maintaining agreed-to levels of program service delivery."

Role of DIAND: "Since band governments established under federal legislation would be junior governments, much like municipal governments are junior to the provinces which create them, the federal government would continue to play some kind of supervisory role, by which is meant that it could have the authority to review and reject band by-laws if necessary."

The document also outlined other questions that DIAND felt would need to be resolved:

- additional powers in the areas of membership;
- management and control of reserve land and trust moneys, health, housing, social assistance, and control of non-renewable resources on reserves;
- law enforcement and the administration of justice;
- appeals to the Minister from band members concerning irregularities and suspected wrong-doing; and
- the effect of band government by-laws on neighbouring municipalities and/or provincial lands.

The subject of the trust relationship of the Minister was also addressed in this document. It suggested that this relationship between the Indians and the Minister "would be significantly changed", but the Minister hastened to point out in testimony that "there is no desire on my part to abrogate treaty and aboriginal rights" in making this proposal. (Sub 12:15) According to the document, one interpretation of the new trust relationship might be as follows:

One of the major changes which could be brought about by Indian band government legislation might be that the Minister would no longer be regarded as having a residual fiduciary trust responsibility for decisions made by an Indian band government from the point at, and in the jurisdictional area within which, it assumes local control (responsibility) over its own affairs. The decisions it makes would be its own; the long-term responsibility would be its own. However, this would not reduce any existing responsibility which the Minister may have up until that local control is assumed. The Minister's general responsibility for monies voted by Parliament would continue, as would the Minister's responsibilities in areas where the Minister's authority is retained.

When the Committee began its study of self-government, it did not set out to seek approval of any of the Department's proposals. (Sub 14:22) Indian witnesses were greatly concerned that the Committee was a front for the proposed legislation. They feared that the Committee hearings would be regarded as "consultation" on a band government bill:

We are afraid, after these hearings have concluded, the Minister of Indian Affairs will introduce legislation designed to free the federal government of its obligations to Indian people. Once your sub-committee has completed its hearings and submitted its report, the Minister may claim the new legislation was developed with full consultation with Indian people. (Yellowhead Tribal Council, Sub 10:37-38)