

INDEX

ABORIGINAL AND TREATY RIGHTS

- Aboriginal rights, 47
 - proving Aboriginal rights under Canadian law, 48
 - proving Aboriginal title under Canadian law, 49
- archaeological and cultural rights, 62
- basis of Aboriginal and treaty rights, 47
- extinguishment, 21, 65
- harvesting rights, 54
 - commercial harvesting, 60
 - fishing, 60
 - forestry, 62
 - trapping, 61
 - scope of harvesting rights, 57
 - conservation, 58
 - incidental activity 57
 - intact land base, 58
 - safety, 59
 - sheltering under another First Nation's rights, 57
 - sources of harvesting rights, 54
 - Aboriginal rights, 55
 - Natural Resources Transfer Agreements (NRTAs), 55
 - treaties, 54
 - territory where harvesting rights exercised, 56
 - Natural Resources Transfer Agreements (NRTAs), 57
 - Traditional territory for exercise of Aboriginal rights, 57
 - treaty areas, 56
- infringing Aboriginal or treaty rights, 63
- introduction, 45
- other types of rights, 63
- treaty-making process, 66
- treaty rights, 21, 51
- United Nations Declaration on the Rights of Indigenous Peoples, 67

ABORIGINAL JUSTICE, *see* **CRIMINAL JUSTICE SYSTEM**

ABORIGINAL TITLE, *see* **LAND AND "LAND CLAIMS"**

ACCOMMODATION, *see* **DUTY TO CONSULT AND ACCOMMODATE**

ADOPTION, *see* **FAMILIES AND CHILDREN**

BAND MEMBERSHIP, *see* **INDIAN ACT REGISTRATION, BAND MEMBERSHIP AND FIRST NATION CITIZENSHIP**

BANDS, BAND COUNCILS AND RESERVES

- alcohol by-laws under s. 85.1, 246
- application of provincial laws, 255
- bands, 238
 - band councils, 240
 - legal status of First Nations, 239

BANDS, BAND COUNCILS AND RESERVES — *Continued*

bands under other statutes, 248

First Nations Land Management Act, 248

land management under self-government and land claims agreements, 250

Cree-Naskapi (of Québec) Act, 250

Délina Final Self-Government Agreement, 250

Sechelt Indian Band Self-Government Act, 250*Tłı̨cho Land Claims and Self-Government Act*, 250*Westbank First Nation Self-Government Act*, 250

Yukon self-government agreements, 250

by-law making powers of band councils, 241

by-laws, enforcement of, 247

by-laws, how they are written, 246

by-laws under s. 81, 242

fishing by-laws under s. 81(1) (o), 243

gaming by-law under s. 81(1) (m), 243

residency by-laws under s. 81(1) (p.1), 242

Indian reserves and reserve land interest, 251

addition to reserves, 254

interests in reserve land, 252

reserves, 251

introduction, 223

membership codes or citizenship codes, 246

other political units, 251

proclamation of First Nation law, 247

provincial laws, application, 255

taxation by-laws under s. 83 and other First Nations taxes, 243

First Nations Fiscal Management Act, 244

First Nations Tax (FNST) and First Nations Goods and Services Tax (FNGST), 244

taxation pursuant to self-government agreements, 245

taxation using s. 83 by-laws, 243

BLOCKADES, *see* **INJUNCTIONS AND BLOCKADES****BUSINESS ON RESERVE**, *see* **ECONOMIC DEVELOPMENT: COMMUNITY-OWNED CORPORATE ENTITIES AND BUSINESS ON RESERVE****CHARTER OF RIGHTS AND FREEDOMS**, *see* **CONSTITUTIONAL FRAMEWORK; HUMAN RIGHTS AND PRIVACY****CHILDREN**, *see* **FAMILIES AND CHILDREN****CITIZENSHIP**, *see* **INDIAN ACT REGISTRATION, BAND MEMBERSHIP AND FIRST NATION CITIZENSHIP****CO-MANAGEMENT**, *see* **INUIT; SELF-GOVERNMENT****COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS**

commissions and inquiries, 602

Ipperwash Inquiry, 604

National Inquiry into Missing and Murdered Indigenous Women and Girls, 605

Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec, 606

Royal Commission on Aboriginal Peoples, 603

COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS — *Continued*

commissions and inquiries — *Continued*

Truth and Reconciliation Commission, 604

criminal justice issues, 606

inquests and coroner's investigations, 609

inquests, 610

role of coroners and medical examiners, 609

introduction, 601

other investigations, 611

child welfare, 611

Commission of Inquiry into circumstances surrounding death of Phoenix Sinclair (Hughes Inquiry), 612

Innu Inquiry into child protection in Newfoundland and Labrador, 612

reports on child welfare in British Columbia, 612

federal senate and parliamentary studies and reports, 613

reports of Ministerial Special Representatives, 613

CONSENT, *see* DUTY TO CONSULT AND ACCOMMODATE**CONSTITUTIONAL FRAMEWORK**

Charter of Rights and Freedoms, 17

Constitution, 13, 22

Constitution Act, 1982, 46

Crown fiduciary responsibility, 24

devolution, changes to jurisdiction through legislation, 29

Northwest Territories, 30

Aboriginal opposition to NWT devolution, 31

devolution's impact on land claim settlements, 31

Nunavut, 32

Yukon, 32

extent of federal and provincial authority over "Indians", 16

future changes to Constitution, 22

history of constitutional change, 26

Constitutional conferences and accords, 1983-1992, 26

patriation of Constitution, 1980-1982, 26

Royal Commission on Aboriginal Peoples, 27

Truth and Reconciliation Commission, 28

honour of the Crown, 22

meaning of Aboriginal and treaty rights, 18

"Aboriginal Peoples", who are, 18

Indian, 19

Inuit, 19

Métis, 20

Aboriginal rights, what are, 21

extinguishment of rights, 21, 65

treaty rights, what are, 21, 51

where do Aboriginal and treaty rights come from, 20

CONSULTATION, *see* DUTY TO CONSULT AND ACCOMMODATE**CORONER'S INVESTIGATIONS, *see* COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS**

CORPORATIONS, see ECONOMIC DEVELOPMENT: COMMUNITY-OWNED CORPORATE ENTITIES AND BUSINESS ON RESERVE**CRIMINAL JUSTICE SYSTEM, see also COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS**

- alternatives to criminal justice system, 580
 - before criminal system gets involved, 580
 - during criminal justice process, 581
 - during criminal sentencing, 582
- complaints against people associated with justice system, 578
 - First Nations or Inuit police, 579
 - justices of the peace, 578
 - municipal and provincial police, 578
 - RCMP, 579
- criminal records and pardons, 571
 - application for pardon, 572
 - criminal record check, how to obtain, 571
- enforcement, 556
 - appearance notice or summons, 556
 - arrest, 556
 - pre-trial release, 557
- introduction, 551
- judges, 576
- legislation, 554
 - categories of offences under *Criminal Code*, 554
 - hybrid offences, 555
 - indictable offences, 554
 - summary conviction offences, 554
 - Indian Act* by-laws, 555
 - laws applying off-reserve, 556
 - other federal offences, 555
 - provincial offences, 555
- overview, 553
- pardons, *see* criminal records and pardons
- police officers, 577
- prosecution, 558
 - charge screening, 558
 - jury selection, 560
 - legal representation, 558
 - preliminary appearances, 559
 - trial, 561
- sentencing, 562
 - Gladue*, 563
 - Gladue* courts, 565
 - Gladue* principles, 564
 - sentencing circles, 565
 - types of sentences, 566
 - banishment, 569
 - discharge, 569
 - diversion, 570
 - fine, 568
 - jail, 566

CRIMINAL JUSTICE SYSTEM, *see also* COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS — *Continued*

- sentencing — *Continued*
 - types of sentences — *Continued*
 - peace bond, 570
 - probation, 568
 - suspended sentence, 569
- victims of crime, 574
 - compensation, 575
 - compensation fund, 575
 - restitution, 576
 - victim impact statement, 574
 - victim resources, 575
 - victim's right to information, 575
- Youth Criminal Justice Act*, 572

CROWN LIABILITY FOR FAILURE TO CONSULT, *see* INJUNCTIONS AND BLOCKADES**DEVOLUTION, *see* CONSTITUTIONAL FRAMEWORK****DIVORCE, *see* FAMILIES AND CHILDREN****DUTY TO CONSULT AND ACCOMMODATE**

- amount required, 163
 - consequences of failure to adequately consult, 167
 - consultation and modern treaties, 165
 - minor impacts, weak claims, 163
 - overlapping claims, 165
 - severe impacts, stronger claims, 164
 - when to accommodate, 166
- description of, 158
 - Haida Nation* decision, 159
 - origins in reconciliation, 158
 - source of the duty, 159
- free, prior and informed consent (FPIC), 174
- introduction, 157
- mechanisms for consultation, 168
 - existing or new processes, 168
 - role of guidelines, 169
- parties to, 160
 - duty rests with the Crown, 160
 - who should be consulted, 161
- payment for, 173
 - funding legally required to meet duty, 173
 - practical approach, 173
- requirement to reach agreement, 169
 - asserted rights, 169
 - duty of Aboriginal peoples to participate in consultation, 172
 - protests by Aboriginal people if no agreement, 171
 - proven Aboriginal title and rights, 169
 - “taking up” situations, 170
- when consultation required, 162

DUTY TO CONSULT AND ACCOMMODATE — *Continued*

- when consultation required — *Continued*
 - examples of situations, 162
 - ongoing consultation obligation, 162

ECONOMIC DEVELOPMENT: COMMUNITY-OWNED CORPORATE ENTITIES AND BUSINESS ON RESERVE

- advantages of using corporations and limited partnerships, 412
 - limited liability, 412
 - on-going structure, 412
 - protection for community interest, 412
- business on reserve, considerations, 420
 - contracting parties, 420
 - Indian reserve lands, 421
 - seizure of property situated on reserve, 421
- charity — should not-for-profit corporation register as, 415
- community-owned corporate entities, 410
 - for-profit corporations and limited partnerships, 411
 - not-for-profit corporations, 411
 - organization, 416
 - corporations, 416
 - limited partnerships, 417
 - taxation of, 418
- disadvantages of using corporations and limited partnerships, 413
 - administration, 413
 - might have to pay tax, 413
 - permission to locate on reserve, 414
- federal or provincial incorporation, 414
- introduction, 410
- joint ventures, 418
- reserve land, use for economic development, 421
 - Indian Act*, outside, 424
 - First Nations Commercial and Industrial Development Act*, as amended, 426
 - First Nations Land Management Act*, 425
 - First Nations Property Ownership Initiative, 427
 - Indian Act*, under, 422
 - designated lands, 423
 - permission for use of reserve lands, 424
 - surrenders and Crown's fiduciary duty to act in First Nation's best interest, 422
- on-reserve gaming, 427
 - Alberta, 432
 - Atlantic provinces, 432
 - British Columbia, 431
 - Manitoba, 430
 - Ontario, 429
 - Quebec, 432
 - Saskatchewan, 429

ELECTIONS AND REFERENDA

- election of band councils, 294
 - First Nations Elections Act*, 298
 - election results may be contested, 300
 - how election called, 299
 - opting-in, 300
 - secret voting, mail-in ballots and advanced polls, 299
 - term of office and timing of elections, 300
 - who can nominate, 299
 - who can run for chief and councillor, 298
 - who may vote, 298
 - Indian Act* — band custom elections, 297
 - Indian Act* — elections under ss. 74-80, 294
 - election results may be contested, 296
 - how election called, 295
 - secret voting and mail-in ballots, 295
 - removal from office, 297
 - term of office, 296
 - who can nominate, 295
 - who can run for chief, 295
 - who can run for councillor, 295
 - who may vote, 294
- elections for other Aboriginal organizations and associations, 302
 - disputes, 304
 - election of directors, 303
 - meetings of members, 303
 - members of the corporation, 302
 - term of office, 304
 - who can run for board of directors, 303
 - who may vote, 303
- eligibility of band members living on reserves to run in municipal elections, 301
- introduction, 293
- referendum, 301

EMPLOYMENT RELATIONS

- discrimination and harassment in employment, 504
- employment standards, 511
 - Alberta, 512
 - British Columbia, 514
 - federal, 511
 - Manitoba, 515
 - New Brunswick, 517
 - Newfoundland and Labrador, 518
 - Northwest Territories, 520
 - Nova Scotia, 521
 - Nunavut, 523
 - Ontario, 524
 - Prince Edward Island, 526
 - Quebec, 528
 - Saskatchewan, 529
 - Yukon, 531
- federal or provincial law, 498

EMPLOYMENT RELATIONS — *Continued*

- hiring, 499
- introduction, 497
- rights of terminated employee where there is no union, 510
- terminating and disciplining employee where there is no union, 507
 - permanent employees, 507
 - examples of cases on dismissal, 509
 - termination for cause, 507
 - termination without cause, 508
 - term contract employees, 510
- unions, 506
- working conditions, 500
 - bereavement, sickness, family responsibility and compassionate care leaves, 504
 - employment standards, 501
 - maternity/pregnancy and parental/adoption leave, 503
 - statutory and public holidays, 502
 - total working hours and overtime pay, 501
 - vacation entitlement and vacation pay, 502

ESTATES, see WILLS AND ESTATES**FAMILIES AND CHILDREN**

- adoption, 332
 - Aboriginal Custom Adoption Recognition Act (ACARA)*, 332
 - customary adoptions, 332
 - Indian status, 333
- child welfare systems, 333, *see also* **COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS**
 - Aboriginal child welfare agencies and authorities, 336
 - Aboriginal community participation in child welfare proceedings, 336
 - Aboriginal dispute resolution, 337
 - Aboriginal laws, 337
 - by-laws under *Indian Act*, 337
 - enabling legislation, 338
 - independent declaration of Aboriginal law, 339
 - self-government agreements, 338
 - culture in decision-making, 335
 - millennium scoop and discriminatory funding, 334
 - residential schools, and, 334
 - sixties scoop, 334
- custody of children, 331
- division of property and occupation, 329
 - default rules under *Family Homes Act*, 330
 - First Nation laws, 331
- introduction, 326
- marriage, 326
 - customary Aboriginal marriages, 327
- separation and divorce, 327
- services for children, youth & families
 - education, 339
 - health care, 341

FAMILIES AND CHILDREN — Continued

services for children, youth & families — *Continued*

Jordan's Principle, child-first principle, 341

support payments

calculating support payments, 327

enforcement of support orders, 328

support provisions under *Indian Act*, 329

FIDUCIARY DUTY, see ECONOMIC DEVELOPMENT: COMMUNITY-OWNED CORPORATE ENTITIES AND BUSINESS ON RESERVE**FIRST NATION CITIZENSHIP, see INDIAN ACT REGISTRATION, BAND MEMBERSHIP AND FIRST NATION CITIZENSHIP****FISHING, see ABORIGINAL AND TREATY RIGHTS****FREE, PRIOR AND INFORMED CONSENT (FPIC)**

application of standard, 170

Canadian government's objection to principle as veto, 220

elements, 223

generally, 11, 67, 174, 220, 382, 391

Ten Principles, and, 224

GAMING, see ECONOMIC DEVELOPMENT: COMMUNITY-OWNED CORPORATE ENTITIES AND BUSINESS ON RESERVE**HONOUR OF THE CROWN**

Crown fiduciary responsibility flowing from, 24

duty to consult and accommodate derived, and, 159, 163

Métis, and, 118

modern treaty does not extinguish, 92

source of and summary, 23

HOUSING

funding for new housing on-reserve, 317

Canada Mortgage and Housing Corporation non-profit housing program, 318

defaulting on loan, 319

First Nation on-reserve housing program, 317

housing funds under Canada's 2016-2018 budgets, 320

housing support in British Columbia, new approach, 320

loans to individual band members, 318

Special Initiatives Fund, 317

introduction, 313

legislation governing residential tenancies, 314

living off-reserve, 314

living on-reserve, 314

certificate of possession, 315

custom land allocation, 315

housing relationships on-reserve, 316

HUMAN RIGHTS AND PRIVACY

equality provisions of the *Charter*, 543

section 15 equality rights, 543

section 25, 545

human rights codes, 539

HUMAN RIGHTS AND PRIVACY — Continued

human rights codes — *Continued*
 discrimination and duty to accommodate, 540
 filing a complaint, 542
 provincial or federal jurisdiction, 540
 remedies under human rights legislation, 543
 introduction, 538
 privacy laws, 546

INDIAN ACT REGISTRATION, BAND MEMBERSHIP AND FIRST NATION CITIZENSHIP

benefits of Indian status, 280
Indian Act registration and band membership, 270
 control of membership by Canada, 277
 disputes about registration or band membership, 278
 sex discrimination under *Indian Act*, 270
 who has Indian status, 275
 people entitled to register post-*McIvor* and Bill C-3 amendments, 242
 people who recovered Indian status in 1985 because of Bill C-31, 276
 people who were registered before April 17, 1985, 275
 introduction, 269
 membership or citizenship codes, 278
 disputes about membership or citizenship, 278
 how to pass a membership or citizenship code, 279
 rights and benefits of a citizen under a citizenship code, 280

INFRINGEMENT OF ABORIGINAL RIGHTS, see also DUTY TO CONSULT AND ACCOMMODATE

consent and Aboriginal title, and 169, 170
 constitutional protection for Aboriginal and treaty rights, 46, 50, 216
 ensuring protection of rights vs. compensation for infringement, 167
 extinguishment of rights, 65
 federal vs. provincial infringement, 51
 generally, 7, 14, 17, 22, 63
 Interim Comprehensive Land Claim Policy, 2014, refusal to discuss compensation, 90
 justification of, 160, 172
 Métis, and, 115
 present consultation for past decisions that infringed rights not available, 162
 provincial laws, and, 256, 257
 rights or title, 629
Sparrow decision, 64, 158, 256, 257
 summary of legal test for infringement, 66
 “taking up” land, 52, 58
 Ten Principles, and, 224

INJUNCTIONS AND BLOCKADES

arrest and criminal charges, 625
 defence of colour of right, 626
 refusal to recognize jurisdiction of court, 626
 sentencing, 627
 staying or withdrawing charge, 626
 blockades/occupations, 620
 Crown liability for failure to consult, 627

INJUNCTIONS AND BLOCKADES — *Continued*

- injunctions, 622
- injunctions by Aboriginal people to stop development, 629
 - Ahousaht, Ehattesaht, Hesquiaht, Mowachahtemuchalaht, and Tla-O-Quiaht, 636
 - Blueberry River First Nations, 639
 - James Bay Cree, 629
 - Kitchenuhmaykoosib Inninuwug First Nation, 631
 - Meares Island, 630
 - Nunatukavut, 634
 - Sawridge First Nation and Onion Lake Cree Nation, 637
 - Tłı̄cho Government, 638
 - Tsawout First Nation, 630
 - Tsay Keh Dene, 631
 - Tsilhqot'in Nation, 634
 - Wahgoshig First Nation, 635
 - Wet'suwet'en, 632
 - Yale Indian Band, 631
- introduction, 619

INQUESTS, *see* **COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS****INQUIRIES**, *see* **COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS****INTERNATIONAL LAW AND SOVEREIGNTY**

- confirming Aboriginal sovereignty in law, 213
 - stage one: before contact with Europeans (to about 1600s), 214
 - stage two: equality after contact (about 1600s-1763), 214
 - stage three: assertion of British sovereignty (1763, in eastern Canada), 214
 - stage four: earlier treaty making (1763-1812), 215
 - stage five: assertion of Canadian sovereignty and control (1812-1982), 216
 - stage six: constitutional protection for Aboriginal and treaty rights (1982 to present), 216
 - stage seven: future hope for equality and respect, 217
- free, prior and informed consent, 223
- international law in general, 217
- international organizations and opportunities for participation by Aboriginal peoples, 226
 - Organization of American States, 229
 - United Nations, 228
 - what international organizations generally do, 227
- introduction, 211
- United Nations Declaration on the Rights of Indigenous Peoples, 219
 - defined, 221
 - free, prior, and informed consent (FPIC), 223
 - self-determination, 222

INUIT

- introduction, 132
- Inuvialuit, 144
 - beneficiaries, 146
 - co-management, 144
 - government, 145

INUIT — *Continued*

Inuvialuit — *Continued*

surrender of Aboriginal rights, 146

Nunatsiavut, 146

beneficiaries, 148

co-management boards, 147

government, 148

surrender of Aboriginal rights, 149

Nunavik, 139

co-management, 142

government, 142

Inuit beneficiaries, 143

James Bay and Northern Québec Agreement, 139

Nunavik territory, 141

surrender of Aboriginal rights, 143

Nunavut, 134

co-management under land claim, 135

government in the Nunavut territory, 137

land claim, 134

participants under land claim agreement, 137

surrender of Aboriginal rights, 137

JUSTICE, see CRIMINAL JUSTICE SYSTEM

LAND AND “LAND CLAIMS”

Aboriginal title, 85

content of Aboriginal title, 186

proof of Aboriginal title, 86

three general features of Aboriginal title, 86

introduction, 83

land claim agreements and land claim types, 88

comprehensive claims, 89

claims under negotiation, 92

concluded claims, 91

extinguishment issue, 92

summary of land aspects, 90

comprehensive claims in British Columbia, 94

implementation of the Tsilhqot'in decision, 100

made in Nova Scotia process framework agreement, 99

other Atlantic Canada exploratory processes, 99

specific claims, 95

treaty land entitlement, 98

land covered by historic treaties, 87

Métis and NWT claims, 100

reserve land, 88

MARRIAGE, see FAMILIES AND CHILDREN

MÉTIS

duty to consult and accommodate, 118

equality rights, 122

harvesting rights, 115

honour of the Crown, 118

MÉTIS — *Continued*

identity, 112
 jurisdiction, 119
 land rights, 116
 rights, 113
 harvesting rights, 115
 under s. 35 of the Constitution, 114
 self-government, 120
 who are the Métis, 111

NON-STATUS AND/OR OFF-RESERVE

federal role, 287
 introduction, 285
 off-reserve services, 287
 aboriginal organizations, by, 289
 federal government, by, 288
 First Nations governments, by, 288
 provincial/territorial governments, by, 287
 participation in First Nation governance, 286

PRIVACY, *see* **HUMAN RIGHTS AND PRIVACY**

REFERENDA, *see* **ELECTIONS AND REFERENDA**

RESERVES, *see* **BANDS, BAND COUNCILS AND RESERVES**

RESIDENTIAL SCHOOLS

court cases, 374
 Indian Residential Schools Settlement Agreement (IRSSA), 373
 introduction, 371
 Truth and Reconciliation Commission, 375
 Final Report, 376
 disclosure issues, 376
 Inuit and Métis experience, 378
 legacy, reconciliation and calls to action, 379
 role of federal government, 377

RESOURCE REVENUE SHARING & IMPACT BENEFIT AGREEMENTS (IBAs)

impacts and benefits agreements, 390
 exploration agreements, 395
 matters covered
 consent and support, 401
 dispute resolution, 403
 education and training programs, 398
 environmental protection, mitigation measures and monitoring, 399
 financial compensation, 397
 IBA renegotiation, 403
 monitoring and implementation, 402
 ownership, 397
 participation in environmental assessment processes, 401
 preferential hiring, 397
 preferential procurement, 398
 ratification by community, 402
 social or cultural support, 400

RESOURCE REVENUE SHARING & IMPACT BENEFIT AGREEMENTS (IBAs) —*Continued*impacts and benefits agreements — *Continued*matters covered — *Continued*

working conditions, 400

process and interim measures agreements, 392

what is an IBA and why conclude one, 390

introduction, 388

resource revenue sharing, 388

transparency legislation, 403

SELF-GOVERNMENT

ability to practice limited by relationship with Crown, 212

by-laws under *Indian Act* and, 241

Canada — right to, 184

self-government in Canada's courts, 187

Charlottetown Accord, 8, 27

child welfare, 337, 338, 339

co-management, 194

advisory boards and committees, 195

co-management bodies with effective decision-making authority, 198

Nunavut Wildlife Management Board (NWMB), 198

Wek'eèzhù Renewable Resources Board, 200

co-management bodies with policy and regulatory roles, 196

Gwich'in Comprehensive Land Claim Agreement, 197

other agreements, 197

Sahtú Dene and Métis Comprehensive Land Claim Agreement, 197

introduction, 194

towards effective co-management, 200

criminal justice inquiries, and, 606, 607, 608

current initiatives, 192

general law-making bodies, 192

other initiatives, 193

representative organizations, 192

special purpose agencies and bodies, 192

devolution in Northwest Territories, and, 6, 30

education, and, 340

elections, and, 293

First Nations Land Management Act, and 254

generally, 8, 9, 16, 21

historic treaties, and, 215

Indian Self-Government Enabling Act (B.C.), 423

interests in reserve land, and, 330, 331, 364, 365

Interim Comprehensive Land Claim Policy, 2014, restriction of negotiations to pre-established list of categories, 90

Inuit, and, 133

Inuvialuit Final Agreement, 145

James Bay Northern Québec Agreement, 139

labour relations legislation as interference with right to self-govern, 506

land claims agreements, recent, 91, 95

land management under self-government agreements, 250

Métis, 120

SELF-GOVERNMENT — *Continued*

- Métis Settlements Act*, 113
- Nova Scotia Framework Agreement, and, 99
- off-reserve services, 287, 289
- on-reserve gaming, and, 427
- proclamations of First Nation law, 247
- recommendations of Royal Commission on Aboriginal Peoples, 189
 - community of interest model, 190
 - nation model, 189
 - public government model, 190
- rights never surrendered, 46
- Royal Commission on Aboriginal Peoples, recognition of right, 603
- taxation, and, 244, 245, 450, 461
- Tłı̨cho self-government agreement, 250, 638
- United Nations Declaration on the Rights of Indigenous Peoples, 67, 191, 223
- United States — “domestic dependent nations”, 184

SEPARATION, *see* **FAMILIES AND CHILDREN****SOVEREIGNTY**, *see* **INTERNATIONAL LAW AND SOVEREIGNTY****TAXATION**

- bands and Aboriginal governments — income tax, 460
 - band as municipality for tax purposes, 460
 - band as public body performing function of government, 461
- bands — sales tax, 462
 - band-empowered entities, 462
 - federal sales taxes and customs duties, 462
 - provincial sales taxes, 462
- corporations, 464
 - band-empowered entity, 464
 - non-profit corporation or registered charity, 465
 - owned by band, qualified as municipally-owned or public body-owned corporation, 465
- individuals — income tax, 451
 - business income, 456
 - employment income, 451
 - employment-related income, 454
 - income from unincorporated business, 456
 - investment income, 454
 - rental income and other property, 456
 - scholarships, 454
 - withdrawals from RRSPs, 456
- individuals — sales taxes, 456
 - federal sales tax and custom duties, 456
 - customs duties, 458
 - GST/HST collection on reserve, 457
 - GST/HST on purchases made by status Indians, 456
 - zero-rated goods, 458
 - provincial retail sales taxes, 459
 - gasoline, 460
 - other, 460
 - retail sales tax, 459

TAXATION — *Continued*

- individuals — sales taxes — *Continued*
 - provincial retail sales taxes — *Continued*
 - tobacco, 459
- introduction, 449
- land claims agreements, 467
- limited partnerships, 465
- taxation by First Nations and Aboriginal governments, 467
- trusts, 466
- unincorporated Indian-owned and band-owned businesses, 463

TRAPPING, *see* **ABORIGINAL AND TREATY RIGHTS**

TREATY RIGHTS, *see* **ABORIGINAL AND TREATY RIGHTS**

TRUSTS FOR ABORIGINAL COMMUNITIES

- definition of trust, 479
- elements of Aboriginal trust document, 482
 - alternative dispute resolution, 491
 - conflicts of interest, 492
 - disbursements from trust, 487, 493
 - duration, 484
 - investment clauses in trust, 488
 - objectives/purposes of trust, 483
 - other powers and authorities of trust, 490
 - provisions for varying trust, 491
 - reporting to beneficiaries, 490
 - trust expenses, 492
 - trustees and replacement of trustees, 485
- rules for legally valid trusts, 482
- why establish trust, 481

TRUTH AND RECONCILIATION COMMISSION, *see also* **COMMISSIONS, INQUIRIES, AND OTHER INVESTIGATIONS; RESIDENTIAL SCHOOLS**

- Calls to Action, 28, 213, 381, 604
 - summary of, 391
- child welfare system, comments on, 335
- Final Report, 376
- generally, 28, 68, 385, 604
- Inuit and Métis residential school experience, report on, 378
- mandate, 375
- UNDRIP and, 217

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES, *see* **ABORIGINAL AND TREATY RIGHTS; INTERNATIONAL LAW AND SOVEREIGNTY; SELF-GOVERNMENT; TRUTH AND RECONCILIATION COMMISSION**

WILLS AND ESTATES

- distribution of estate, 365
- intestacy, 363
- introduction, 359
 - jurisdiction, 359
 - right to possession of reserve land, 360
- preparing a will, 360

WILLS AND ESTATES — *Continued*

preparing a will — *Continued*

persons with Indian status living on-reserve, 362

other Aboriginal wills, 363

wills in general, 360

surviving spouses and children, 364