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| **STATUTE** | **1985** | **1988** | **2000** | **2015** |
| **Aboriginal Custom Adoption Recognition Act** |  |  |  | -**“Aboriginal”** in title-recognizing aboriginal customary law on adoption |
| **Adoption Act** |  |  |  | -s.7(7) [also similarly s.18(7)] [if the Director has reason to believe the child being adopted is aboriginal, they shall consult with the applicable aboriginal organization in respect of the child] |
| **Charter Communities Act** |  |  |  | -“local aboriginal organization” in a few places-s.68 “The following governments or entities are the only ones to which and from which a delegation may be made under ss. 66 and 67: (d) a government or entity established to represent or act on behalf of an aboriginal people of Canada, […]” |
| **Child and Family Services Act** |  |  |  | -“(applicable) aboriginal organization” throughout-s.25(2) “A Child Protection Worker shall serve a copy of the application for a declaration that a child needs protection and for a child protection order on the applicable aboriginal organization set out in the regulations, if the child is an aboriginal child.” |
| **Cities, Towns and Villages Act** |  |  |  | -s.64 “The following governments or entities are the only ones to which and from which a delegation may be made under sections 62 and 63: (d) a government or entity established to represent or act on behalf of an aboriginal people of Canada, including […]” |
| **Deh Cho Bridge Act** |  |  |  | -“aboriginal governments”-proper name: “Deh Cho Bridge” [Dehcho being a First Nation group] |
| **Education Act** |  |  |  | -preamble: “Recognizing the rights and freedoms of the aboriginal peoples of the Northwest Territories as set out in [the Constitution Act 1982]”-“aboriginal schools” (s.118(2)(b.1))-special provisions for the Tåîchô Community Services Agency [s.86.1, Minister may amend a regulation to provide that a member of the Taîchô board will sit on the District Education Authority, s.102.1, may act as a divisional education council] |
| **Elections and Plebiscites Act** |  |  |  | -“aboriginal government”-s.277 [Chief Electoral Officer may decide to provide certain documents in an Aboriginal language for an electoral district as well as English and French] |
| **Employment Standards Act** |  |  |  | -proper name: “National Aboriginal Day”, one of several days which an employee is entitled to a holiday with pay for (s.22(1)) |
| **Evidence Act** |  |  |  | -s.1 “Imperial” as applied to state documents, means of or pertaining to the United Kingdom and includes any kingdom that included England, whether known as the United Kingdom of Great Britain and Ireland or otherwise; |
| **Hamlets Act** |  |  |  | s.66 The following governments or entities are the only ones to which and from which a delegation may be made under sections 64 and 65: (d) a government or entity established to represent or act on behalf of an aboriginal people of Canada, including […] |
| **Hospital Insurance and Health and Social Services Administration Act** |  |  |  | -s.10(10) The Taicho Community Services Agency established by the Taicho Community Services Agency Act is deemed to be a Board of Management[…] |
| **International Child Abduction Act** |  |  |  | -Article 25: Nationals of the Contracting States and persons who are habitually resident within those States shall be entitled in matters concerned with the application of this Convention to legal aid and advice in any other Contracting State on the same conditions as if they themselves were nationals of and habitually resident in that State. |
| **International Commercial Arbitration Act** |  |  |  | -Chapter III Article 11(1): No person shall be precluded by reasons of his nationality from acting as an arbitrator, unless otherwise agreed by the parties-Chapter III Article 11(5) […] The court[/etc.], in appointing an arbitrator, shall […] and, in the case of a sole or third arbitrator, shall take into account as well the advisability of appointing an arbitrator of a nationality other than those of the parties. |
| **Interpretation Act** |  |  |  | -proper name: “National Aboriginal Day”-“municipal corporation” means (d) a Taicho community government established by the Taicho Community Government Act |
| **Judicature Act** |  |  |  | -s.14(1) Where probate, letters of administration or any other legal document purporting to be of the same nature granted by a court of competent jurisdiction in (b) the United Kingdom, (c) any British Possession, (d) any nation or territory that is a member of the British Commonwealth of Nations, (e) one of the states of the United States, or (f) any territory or dependency of the United States, [the document can be sealed at the Supreme Court of the NWT and becomes like any other NWT Supreme Court order.] |
| **Land Titles Act** |  |  |  | -s.104 marginal note: “**Indian reserves**”; definition of Indian reserves not taken from the Indian Act. |
| **Legal Profession Act** |  |  |  | -s.18 (1) The following persons are qualified for admission to the Society: (c) a person who (ii) is of good character, and (B) has been duly called to the bar in a country that is a member of the British Commonwealth of Nations[…] |
| **Legislative Assembly and Executive Council Act** |  |  |  | -“aboriginal organization”-Schedule A, many proper names referring to First Nation names (Inuvik Twin Lakes, Sahtu, Deh Cho, etc.) |
| **Liquor Act** |  |  |  | -“Aboriginal government” |
| **Local Authorities Elections Act** |  |  |  | -s.2 This Act applies to the election of members of all local authorities, subject to (a) the community charter, in respect of a charter community; and (b) a Taicho Community Government Act, in respect of a Taicho community |
| **Mental Health Act** |  |  |  | -“aboriginal language” means an official language other than English or French-s.7(2) Where a medical practitioner is conduct [a psychiatric assessment or examination] of an aboriginal person who (c) does not speak English or French fluently, and (d) speaks an aboriginal language fluently, the medical practitioner shall, if practicable, and with the consent of the aboriginal person where that person is mentally competent to give a valid consent, (e) consult with an elder who is from the same community and of the same cultural background as the aboriginal person and who knows the aboriginal person, and (f) obtain the opinion of the elder referred to in paragraph (e) as to whether the aboriginal person is suffering from a mental disorder of a nature or quality that will likely result in (i) serious bodily harm to that aboriginal person, (ii) serious bodily harm to another person, or (iii) imminent and serious physical impairment of that aboriginal person. |
| **National Aboriginal Day Act** |  |  |  | -“aboriginal” in title of statute-“[…] June 2 of each year shall be known as “**National Aboriginal Day” and shall be observed as a public holiday**.” |
| **Northern Employee Benefits Services Pension Plan Protection Act** |  |  |  | -“Aboriginal government” |
| **Northwest Territories Intergovernmental Agreement on Lands and Resources Management Act** |  |  |  | -“Aboriginal Government” means a governing or other body representing an Aboriginal people of the [NWT]-“Aboriginal Party” means the Gwich’in Tribal Council, Inuvialuit Regional Corporation, Northwest Territory Métis Nation, Ahtu Secretariat Inc., Taicho Government and any other Aboriginal Government that becomes a party to the Intergovernmental Agreement. |
| **Northwest Territories Intergovernmental Resource Revenue Sharing Agreement Act** |  |  |  | -“Aboriginal Organization” has the same meaning as in the Devolution Agreement;-“Aboriginal Party” means the Gwich’in Tribal Council, Inuvialuit Regional Corporation, Northwest Territory Métis Nation, Ahtu Secretariat Inc., Taicho Government and any other Aboriginal Organization that becomes a party in accordance with the Revenue Sharing Agreement; |
| **Official Languages Act** |  |  |  | -preamble: [lots of recognizing Aboriginal peoples and Aboriginal languages]-s.28(1) An Official Languages Board is established, comprised of at least one member of each of the Chipewyan, Cree, English, French, Gwich’in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slaey and Tâiîchô language communities. |
| **Oil and Gas Operations Act** |  |  |  | -“Inuvialuit Settlement Region”-s.61(3) In section 63, “actual loss or damage” includes loss of income, including future income, and, with respect to any Aboriginal peoples of Canada, includes loss of hunting, fishing and gathering opportunities. |
| **Petroleum Resources Act** |  |  |  | -s.91 (6) Information or documentation that is privileged under subsection (2) may be disclosed to […] any organization representing any aboriginal people of Canada, where such disclosure is made pursuant to an agreement between[the Govt of the NWT and the organization…] |
| **Property Assessment and Taxation Act** |  |  |  | -“municipal taxing authority” means (b) a charter community, hamlet, or Taicho community government that is declared to be a municipal taxing authority in accordance with section 108;-s.4(1)(a)“an **Indian** reserve under the Indian Act”-s.4(1)(b)“located on an **Indian** reserve;”-s.4(1)(d) Inuvialuit lands that are exempt from tax pursuant to the Western Arctic (Inuvialuit) Claims Settlement Act (Canada) [are exempt from tax]; |
| **Public Service Act** |  |  |  | -s.35(1) The following days are holidays for the public service, namely, (d) the day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign, (d.1) National Aboriginal Day- |
| **Reindeer Act** |  |  |  | s.6 The Commissioner in Executive Council may make regulations (b) authorizing the Minister to enter into agreements with **Indians** or Inuit or **persons with Indian or Inuit blood living the life or [sic] an Indian or Inuk**, for the herding of reindeer that are the property of the Commissioner[…] |
| **Settlement of International Investment Disputes Act** |  |  |  | -Section 4 Article 13 (2) The Chairman may designate ten persons to each Panel. The persons so designated to a Panel shall each have a different nationality.-Article 16 (2) If a person shall have been designated to serve on the same Panel by [more than one authority], he shall be deemed to have been designated by […] or, if one such authority is the State of which he is a national, by that State.-Article 38 “[…]Arbitrators appointed by the Chairman pursuant to this Article shall not be nationals of the Contracting State party to the dispute or of the Contracting State whose national is a party to the dispute.”-Article 52 (3) “[…] the Chairman shall forthwith appoint from the Panel of Arbitrators an ad hoc Committee of three persons. None of the members of the Committee shall have been a member of the Tribunal which rendered the award, shall be of the same nationality as any such member, shall be a national of the State party to the dispute, [etc. conditions].” |
| **Species at Risk (NWT) Act** |  |  |  | -Preamble: “And whereas the conservation of species at risk should use the best available information, including Aboriginal traditional knowledge…” [see similar language in s.17(2), s.19(2), s.19(4), s.30(4)(a)]-“Aboriginal organization”-s.83 A regulation made under subparagraph 151(1)(d)(iii) that imposes a prohibition against [possessing a plant/animal or part], does not apply to a person who possesses [a plant/animal or part] if (b) the person is an Aboriginal person who uses it for Aboriginal ceremonial or medicinal purposes; [similarly in s.84(3)(b)(i)(D) |
| **Student Financial Assistance Act** |  |  |  | -s.14(2) The criteria referred to in paragraph (1)(p) [Minister may make regulations “prescribing criteria for eligibility for any form or category of student financial assistance.”] may include, but are not limited to, (b) the provision of an affirmative action program for the descendants of a tribe or race of aboriginal peoples that have historically inhabited the Territories; |
| **Surface Rights Board Act** |  |  |  | -preamble: “Whereas the Gwich’in, Sahtu, Inuvialuit and Taicho Agreements allow for the establishment by legislation of a regime for the determination of terms and conditions of access to Gwich’n lands, Sahtu lands and Taicho lands, and the waters overlying those lands, and Inuvialuit lands, as well as the compensation to be paid in respect of that access;”-s.11 [knowledge and experience includes “Aboriginal traditional knowledge and experience”] |
| **Territorial Parks Act** |  |  |  | -s.2 This Act does not restrict or prohibit in a Territorial Park (a) an **Indian** or Inuk from hunting or fishing for food;-“aboriginal government or organization” |
| **Tlicho Community Government Act** |  |  |  | -“Taicho” in name of statute-“Taicho community governments” “Taicho law” “Taicho (community) lands”-s.7 The following Taicho community governments are established: (a) the Community Government of Behchokö; (b) the Community Government of Whatì; (c) the Community Government of Gamèti; and (d) the Community Government of Wekweètì.-s.10(3) The position of Chief may only be filled by a Taicho Citizen. (4) Half the positions of councilor may only be filled by eligible candidates who are Taicho Citizens and the remaining positions may be filled by any eligible candidate.-s.17(2) At least two of the voters who complete the nomination paper for a candidate for Chief must be Taicho Citizens. |
| **Tlicho Community Services Agency** |  |  |  | -“Taicho” in statute name-Preamble: “Whereas the Taicho is an aboriginal people of Canada […]”-s.1 “Taicho community” means Behchokö, Whatì, Gamèti, or Wekweètì;”-“Taicho laws” “Taicho Citizens” “Taicho Government” “Taicho lands” |
| **Tlicho Land Claims and Self-Government Agreement** |  |  |  | -“Taicho” in statute name-Preamble: “Whereas the Taicho is an aboriginal people of Canada […]”-“Taicho Government” “Taicho law”-s.10 Judicial notice shall be taken of Taicho laws. |
| **Tobacco Control Act** |  |  |  | -s.3(6) Nothing in this section prevents (b) a person from giving tobacco or a tobacco accessory to a young person if the gift is made solely for use in traditional Aboriginal spiritual or cultural practices or ceremonies.-s.8(2) Subsection (1) does not apply to (a) a public place[…] when it is being used […] for traditional Aboriginal spiritual or cultural practices or ceremonies […] |
| **Vital Statistics Act** |  |  |  | -s.38(5) Where the Registrar General receives a certified copy of an adoption order […] or satisfactory evidence of an adoption in accordance with aboriginal custom or law[…] , the Registrar General shall [register the adoption, etc.]-s.40(2)(b)(ii), s.40(3)(a) [certified copies of original birth registration statements may be issued or disclosed for the purposes of establishing the aboriginal status of a person] |
| **Waters Act** |  |  |  | -references to the Inuvialuit, the Sahtu First Nation, the Taicho first nation, the Gwich’in First Nation.-duty to consult with nations before interfering with water on their lands |
| **Wildlife Act** |  |  |  | -Preamble: “And whereas the Government of the [NWT] recognizes and respects the Aboriginal and treaty rights of Aboriginal peoples, including harvesting rights;”-s.2(1) The Government of the [NWT] […] shall [exercise powers and perform duties under this Act] in accordance with the following principles: (d) traditional Aboriginal values and practices in relation to the harvesting and conservation of wildlife are to be recognized and valued;-s.18 To facilitate effective wildlife management, a person claiming to exercise an Aboriginal or treaty right to harvest wildlife in an area of the [NWT] shall, (a) while harvesting game or other prescribed wildlife, carry proper identification to harvest in the area; and (b) on request by an officer, show proper identification to harvest in the area.-“Aboriginal organization”-s.21(2) For greater certainty, a person who has an Aboriginal or treaty right to harvest wildlife in an area of the [NWT] does not, under this Act, require a general hunting licence to exercise that right in that area.-s.22 A person is not eligible to apply for, obtain or hold a general hunting licence, unless he or she (a) [has an Aboriginal/treaty right,] and (b) is or is eligible to be a member of a prescribed Aboriginal organization located in the [NWT]. |
| **Youth Justice Act** |  |  |  | -s.8(2) The following principles apply in this Act: (c) within the limits of fair and proportionate accountability, the measures taken against young persons who commit offenses should (iv) respect [gender/cultural/etc.] differences and respond to the needs of aboriginal young persons and of young persons with special requirements.-s.33.(2) A youth justice court[…] shall determine the sentence in accordance with […] the following principles: (d) all available sanctions other than custody that are reasonable in the circumstances should be considered for all young offenders, with particular attention being given to the circumstances of aboriginal young persons. |