

Tlicho Land Claims and Self-Government Act

2005, c. 1

[Assented to February 15, 2005]

An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts

Preamble

WHEREAS the Tlicho is an aboriginal people of Canada that has used and occupied lands in and adjacent to the Northwest Territories from time immemorial;

WHEREAS the Tlicho, as represented by the Dogrib Treaty 11 Council, the Government of the Northwest Territories and the Government of Canada negotiated a land claims and self-government agreement in order to define and provide certainty in respect of rights of the Tlicho relating to lands, resources and self-government;

WHEREAS the Tlicho, by a vote held on June 26 and 27, 2003, approved the agreement;

WHEREAS the Tlicho, as represented by the Dogrib Treaty 11 Council, the Government of the Northwest Territories and the Government of Canada signed the agreement on August 25, 2003;

WHEREAS on October 10, 2003 the Commissioner in Council of the Northwest Territories made an ordinance entitled the *Tlicho Land Claims and Self-Government Agreement Act* approving the agreement;

AND WHEREAS the agreement provides that the agreement will be a land claims agreement within the meaning of section 35 of the *Constitution Act, 1982* and that approval by Parliament is a condition precedent to the validity of the agreement;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Tlicho Land Claims and Self-Government Act*.

INTERPRETATION

Definitions

2. The following definitions apply in this Act.

"Agreement"
« Accord »

"Agreement" means the Land Claims and Self-Government Agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, signed on August 25, 2003, including any amendments made to it from time to time.

"Tax Treatment Agreement"
« accord sur le traitement fiscal »

"Tax Treatment Agreement" means the Tlicho Tax Treatment Agreement among the Government of Canada, the Government of the Northwest Territories and the Tlicho First Nation, signed on behalf of the Government of Canada on February 6, 2003, on behalf of the Government of the Northwest Territories on February 27, 2003 and on behalf of the Tlicho First Nation on March 3, 2003, including any amendments made to it from time to time.

"Tlicho Government"
« gouvernement tlicho »

"Tlicho Government" means the government of the Tlicho First Nation established in accordance with chapter 7 of the Agreement.

"Tlicho law"
« loi tlicho »

"Tlicho law" means a law enacted by the Tlicho Government.

AGREEMENT

Agreement given effect

3. (1) The Agreement is approved, given effect and declared valid and has the force of law.

Rights and obligations

(2) For greater certainty, any person or body may exercise the powers, rights, privileges and benefits conferred on the person or body by the Agreement and shall perform the duties, and is subject to the liabilities, imposed on the person or body by the Agreement.

Agreement binding	(3) For greater certainty, the Agreement is binding on, and may be relied on by, all persons and bodies.
Publication of Agreement and amendments	<p>4. The Minister of Indian Affairs and Northern Development shall cause a copy of the Agreement and of any amendments made to it to be deposited in</p> <p>(a) the Library of Parliament;</p> <p>(b) the library of the Legislative Assembly of the Northwest Territories;</p> <p>(c) the main office of the Tlicho Government;</p> <p>(d) the library of the Department of Indian Affairs and Northern Development that is situated in the National Capital Region;</p> <p>(e) the office of the Registrar of Land Titles for the Northwest Territories;</p> <p>(f) the regional office of the Department of Indian Affairs and Northern Development that is situated in the Northwest Territories; and</p> <p>(g) any other places that that Minister considers necessary.</p>

OTHER LAWS

Conflict between the Agreement or this Act and other legislation	5. (1) In the event of an inconsistency or conflict between the Agreement or this Act, or any regulations made under this Act, and the provisions of any other Act of Parliament, any ordinance of the Northwest Territories, any regulations made under any of those other Acts or ordinances, or any Tlicho law, then the Agreement or this Act, or regulations made under this Act, as the case may be, prevail to the extent of the inconsistency or conflict.
Conflict between the Agreement and this Act	(2) In the event of an inconsistency or conflict between the Agreement and the provisions of this Act or any regulations made under this Act, the Agreement prevails to the extent of the inconsistency or conflict.

APPROPRIATION

Payments out of C.R.F.	6. There shall be paid out of the Consolidated Revenue Fund any sums that are required to meet the monetary obligations of Canada under chapters 9, 18 and 24 to 26 of the Agreement.
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TAXATION

Tax Treatment Agreement given effect	7. (1) The Tax Treatment Agreement is approved, given effect and declared valid and has the force of law during the period that it is in effect.
Not a treaty	(2) The Tax Treatment Agreement does not form part of the Agreement and is not a treaty or a land claims agreement within the meaning of section 35 of the <i>Constitution Act, 1982</i> .

WEKEEZHII RENEWABLE RESOURCES BOARD

Legal capacity	8. For the purposes of carrying out its objectives, the Wekeezhii Renewable Resources Board established by chapter 12 of the Agreement has the capacity, rights, powers and privileges of a natural person.
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GENERAL

Judicial notice of Agreements	9. (1) Judicial notice shall be taken of the Agreement and the Tax Treatment Agreement.
Publication of Agreements	(2) The Agreement and the Tax Treatment Agreement shall be published by the Queen's Printer.
Evidence	(3) A copy of the Agreement or the Tax Treatment Agreement published by the Queen's Printer is evidence of that Agreement, and a copy purporting to be published by the Queen's Printer is deemed to be so published, unless the contrary is shown.
Judicial notice of Tlicho laws	10. (1) Judicial notice shall be taken of Tlicho laws.
Evidence of Tlicho laws	(2) A copy of a Tlicho law purporting to be deposited in the public registry of Tlicho laws referred to in chapter 7 of the Agreement is evidence of that law and of its contents, unless the contrary is shown.
<i>Statutory Instruments Act</i>	11. For greater certainty, Tlicho laws are not statutory instruments within the meaning of the <i>Statutory Instruments Act</i> .
Orders and regulations	12. The Governor in Council may make any orders and regulations that are necessary for the purpose of carrying out the Agreement or the Tax Treatment Agreement.

Eligibility Committee	13. Despite having been established before the effective date of the Agreement, the Eligibility Committee referred to in chapter 3 of the Agreement is deemed to have been validly established under the Agreement and to have had, since it was established, the jurisdiction, powers and authority provided by the Agreement.
Notice of issues arising	14. (1) If, in any judicial or administrative proceeding, an issue arises in respect of (a) the interpretation, validity or applicability of the Agreement, or (b) the validity or applicability of this Act, the ordinance of the Northwest Territories entitled the <i>Tlicho Land Claims and Self-Government Agreement Act</i> or any Tlicho law, the issue shall not be decided until the party raising the issue has served notice on the Attorney General of Canada, the Attorney General of the Northwest Territories and the Tlicho Government.
Content of notice	(2) The notice must (a) describe the judicial or administrative proceeding in which the issue arises; (b) state whether the issue arises in respect of the matters referred to in paragraph (1)(a) or (b) or both; (c) state the day on which the issue is to be argued; (d) give particulars necessary to show the point to be argued; and (e) be served at least 14 days before the day of argument, unless the court or tribunal authorizes a shorter period.
Participation in proceedings	(3) In any judicial or administrative proceeding to which subsection (1) applies, the Attorney General of Canada, the Attorney General of the Northwest Territories and the Tlicho Government may appear and participate in the proceeding as parties with the same rights as any other party.
Saving	(4) For greater certainty, subsections (2) and (3) do not require that an oral hearing be held if one is not otherwise required.

AMENDMENTS TO THE MACKENZIE VALLEY RESOURCE MANAGEMENT ACT

- 15.** [Amendments]
- 16.** [Amendment]
- 17.** [Amendment]
- 18.** [Amendment]
- 19.** [Amendments]
- 20.** [Amendment]
- 21.** [Amendment]
- 22.** [Amendment]
- 23.** [Amendment]
- 24.** [Amendment]
- 25.** [Amendment]
- 26.** [Amendment]
- 27.** [Amendments]
- 28.** [Amendment]
- 29.** [Amendments]
- 30.** [Amendments]
- 31.** [Amendment]
- 32.** [Amendment]
- 33.** [Amendment]
- 34.** [Amendments]
- 35.** [Amendment]
- 36.** [Amendment]

- 37. [Amendments]
- 38. [Amendment]
- 39. [Amendment]
- 40. [Amendment]
- 41. [Amendment]
- 42. [Amendment]
- 43. [Amendments]
- 44. [Amendment]
- 45. [Amendments]
- 46. [Amendment]
- 47. [Amendment]
- 48. [Amendment]
- 49. [Amendment]
- 50. [Amendment]
- 51. [Amendment]
- 52. [Amendment]
- 53. [Amendments]
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- 58. [Amendment]
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- 60. [Amendment]
- 61. [Amendment]
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- 63. [Amendment]
- 64. [Amendment]
- 65. [Amendments]
- 66. [Amendments]
- 67. [Amendment]
- 68. [Amendment]
- 69. [Amendment]
- 70. [Amendments]
- 71. [Amendment]
- 72. [Amendment]
- 73. [Amendment]
- 74. [Amendment]
- 75. [Amendments]
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- 77. [Amendment]
- 78. [Amendments]

- 79. [Amendment]
- 80. [Amendments]
- 81. [Amendment]
- 82. [Amendment]
- 83. [Amendment]
- 84. [Amendments]
- 85. [Amendment]
- 86. [Amendment]
- 87. [Amendment]
- 88. [Amendment]
- 89. [Amendments]
- 90. [Amendments]
- 91. [Amendment]
- 92. [Amendment]
- 93. [Amendments]
- 94. [Amendments]

TRANSITIONAL PROVISIONS

Wekeezhii Land and Water Board

95. (1) The Wekeezhii Land and Water Board established by section 57.1 of the *Mackenzie Valley Resource Management Act*, as enacted by section 31 of this Act, may not exercise its powers or perform its duties under sections 58.1 and 59, subsections 60(1) and (2), sections 79.1 to 79.3, 80.1 and 88 and subsection 89(2) of the *Mackenzie Valley Resource Management Act* until six months after the coming into force of this Act.

Mackenzie Valley Land and Water Board

(2) Despite subsection 102(1) of the *Mackenzie Valley Resource Management Act*, the Mackenzie Valley Land and Water Board shall exercise the powers and perform the duties of the Wekeezhii Land and Water Board under sections 58.1, 79.1 to 79.3, 80.1 and 88 and subsection 89(2) of that Act during the period of six months after the coming into force of this Act.

Exclusive original jurisdiction

(3) Despite subsection 32(1) of the *Mackenzie Valley Resource Management Act* and section 18 of the *Federal Courts Act*, the Supreme Court of the Northwest Territories has exclusive original jurisdiction to hear and determine any action or proceeding, whether or not by way of an application of a type referred to in subsection 32(1) of the *Mackenzie Valley Resource Management Act*, concerning the jurisdiction of the Wekeezhii Land and Water Board during the period of six months after the coming into force of this Act.

Validity of ordinances of the Northwest Territories

96. The following ordinances of the Northwest Territories are deemed for all purposes to have been validly made if they were made before the coming into force of this Act and would have been validly made if they had been made after that coming into force, and everything done under any of those ordinances before that coming into force has the effect that it would otherwise have if the ordinance had been validly made after that coming into force:

(a) the ordinance of the Northwest Territories entitled the *Tlicho Land Claims and Self-Government Agreement Act*;

(b) an ordinance that establishes community governments as required by chapter 8 of the Agreement; and

(c) an ordinance that establishes a community services agency as required by the first intergovernmental services agreement referred to in 7.10 of chapter 7 of the Agreement.

CONSEQUENTIAL AMENDMENTS

ACCESS TO INFORMATION ACT

- 97. [Amendment]

CANADA LANDS SURVEYS ACT

- 98. [Amendment]

CANADIAN ENVIRONMENTAL ASSESSMENT ACT

99. [Amendment]

LOBBYISTS REGISTRATION ACT

[REPEALED, 2005, c. 1, s. 110]

100. [Repealed, 2005, c. 1, s. 110]

NORTHWEST TERRITORIES ACT

101. [Amendment]

102. [Amendment]

NORTHWEST TERRITORIES WATERS ACT

103. [Amendment]

104. [Amendment]

PAYMENTS IN LIEU OF TAXES ACT

105. [Amendment]

PRIVACY ACT

106. [Amendment]

COORDINATING AMENDMENTS

ACCESS TO INFORMATION ACT

107. [Amendment]

LOBBYISTS REGISTRATION ACT

108. [Amendment]

PRIVACY ACT

109. [Amendment]

OTHER AMENDMENTS

110. [Amendments]

COMING INTO FORCE

Order in council

^{*} 111. This Act, other than sections 107 to 110, comes into force on a day to be fixed by order of the Governor in Council.

^{*} [Note: Sections 107 to 110 in force on assent February 15, 2005; Act, other than sections 107 to 110, in force August 4, 2005, see SI/2005-54.]