

**TAB 4** 



## **INDIGENOUS LAW ISSUES**

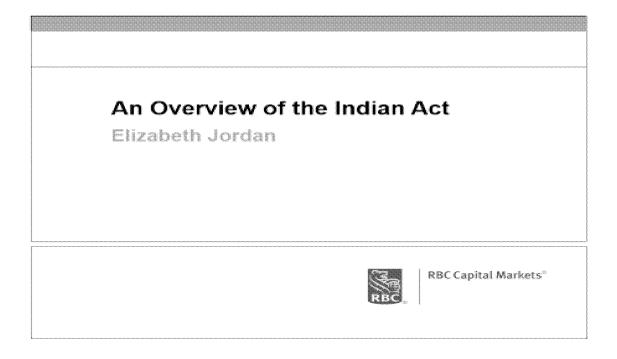
## An Overview of the *Indian Act*

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## History of the Canadian Indian Act

- A word on nomenclature used in the Indian Act
  - "band"
  - "Indian"
- Roots pre-Confederation legislation
  - Purpose to encourage "enfranchisement" of those legally characterized as Indians
  - Granted Superintendent General of Indian Affairs control over status "Indians"
  - Established "band council" system
- Role of the "Indian agent"
- Status Indians denied the right to vote
- Cultural ceremonies banned
- First Nations unable to hire lawyers to pursue claims against the government

## **Current Provisions of the Indian Act**

- "band", "band member", "Indian", "reserve"
- Current provisions determine a person's status as an "Indian" and/or "band member"
- Allocation of land on a "reserve"
- Conduct of elections for council and powers of the "council of the band"
  - Sections 74 to 76, plus regulations
  - Section 81
- Wills and estates
- Current Provisions of the Indian Act
- Taxation
  - Section 87
- Restrictions on seizure
  - Sections 29 and 89(1)