

TAB 4



INDIGENOUS LAW ISSUES

An Overview of the *Indian Act*

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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)