

Duty to Consult: Overview

What is the duty to consult?

The Government of Saskatchewan has a legal duty to consult with, and accommodate as appropriate, First Nation and Métis communities before making a decision that has the potential to adversely impact Aboriginal or Treaty rights.

Aboriginal rights are based on First Nation and Métis customs, practices, and traditions that pre-date European control. **Treaty rights** are guaranteed to First Nation communities through Treaties.

Government must take into account the negative effects on the communities' ability to exercise any Aboriginal or Treaty rights, and consider ways to avoid or minimize those effects.

The Duty to Consult is grounded in section 35(1) of the *Constitution Act, 1982*.

When does the duty to consult apply?

In Saskatchewan, proposed decisions may trigger duty to consult if they have the potential to negatively affect a First Nation or Métis community's rights to:

- hunt, fish, and trap for food; or
- use lands and resources for traditional purposes, such as ceremonies or gathering medicine.

The Duty to Consult is triggered on unoccupied Crown lands, on occupied Crown lands where First Nation or Métis people have a right of access, and on public water bodies.

Examples include resource extraction projects on land such as logging, sales or leases of unoccupied Crown land, changes to fish and wildlife management, and more.

The Government of Saskatchewan offers grants through the First Nation and Métis Consultation Participation Fund to ensure communities can participate in the duty to consult process.

What are the objectives of the duty to consult process?

The duty to consult process has three main objectives:

1. To respect and protect Aboriginal and Treaty rights;
2. To advance reconciliation between Indigenous and non-Indigenous peoples; and
3. To encourage investment that benefits all people in Saskatchewan.

Where can I learn more?

Saskatchewan's *First Nation and Métis Consultation Policy Framework* provides more details about the Duty to Consult. You can find the framework document and other information at [saskatchewan.ca](https://www.saskatchewan.ca).