

Duty to Consult: Roles

Government of Saskatchewan

When making a decision that may adversely affect any Aboriginal or Treaty rights of First Nation and Métis communities, the province has a constitutional duty to consult. The province will consult in good faith and act fairly and respectfully when making decisions concerning:

- when a project or decision triggers the duty to consult;
- what type of consultation is necessary;
- whether a project is approved; and
- how any negative impact to the exercise of any Aboriginal or Treaty rights can be accommodated.

First Nation and Métis Communities

The participation of First Nation and Métis communities is crucial to the duty to consult process. Consultations will only succeed when affected communities are involved.

Affected communities should participate in the consultation process in a timely way, inform the province of their concerns about the effects on their rights, and participate in good faith. By actively participating in consultations, First Nation and Métis communities help ensure that their concerns are understood, and their rights are respected.

Project proponents

An entity that seeks permission or permits from government to undertake a proposed project is known as the project proponent. A proponent may be a private company, a Crown corporation, or a municipality.

Proponents must provide clear, complete information about any project they have proposed. They may also participate in meetings between the province and the communities and host some informational meetings. The province can also delegate procedural aspects of duty to consult to proponents.

Proponents' involvement with First Nation and Métis communities is not limited to the formal duty to consult process. Proponents and communities are encouraged to engage with one another to build lasting relationships.

Government of Canada

The Government of Canada also has a duty to consult on decisions it makes that affect First Nation and Métis communities' rights. The federal approach to their duty to consult is different than Saskatchewan's. The province and the federal government may sometimes have a duty to consult on the same decision. If so, the province will work with the Government of Canada to develop a joint consultation process.

Where can I learn more?

More information about the Duty to Consult can be found in *Saskatchewan's First Nation and Métis Consultation Policy Framework*. You can find the framework document and other information at saskatchewan.ca.