

HENSEL BARRISTERS PROFESSIONAL CORPORATION

The Honourable Lillian Dyck
Chair of the Standing Senate Committee,
On Aboriginal Peoples,
The Senate
Ottawa, Ontario K1A 0A4

May 29, 2018

Dear Madam Chair:

When we appeared before the Senate Standing Committee on Aboriginal Peoples on behalf of the Indigenous Bar Association, we were invited to provide some proposed wording to be included in Bill C-45 to enable Indigenous communities to opt in or out.

The wording that we have determined would serve this purpose is as follows:

Application to First Nations, Inuit and Metis

- (1) Every part of this Act shall be construed so as to uphold, protect, and promote all existing Aboriginal and Treaty rights recognize and affirmed under section 35 of the *Constitution Act, 1982.***
- (2) For greater certainty, nothing in this Act shall be construed so as to abrogate, derogate, or infringe any existing Aboriginal or Treaty right of the First Nation, Inuit, or Metis peoples of Canada.**

Trusting this to be in order.

Sincerely,



Katherine Hensel
Josephine de Whytell

cc. Mark Palmer, Committee Clerk

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