

## RELATIONSHIP OF LAWS

### 1.0 GENERAL

- 1.1 Subject to the Dehcho Agreement, Federal Law and Territorial Law shall continue to apply to Dehcho First Nations, Dehcho Government, Dehcho Community Government, Dehcho Ndehe and Dehcho Citizens. In the event of a conflict between a Dehcho Law or Dehcho Community Law and a Federal Law or Territorial Law, priority shall be determined in accordance with the Dehcho Agreement.
- 1.2 In the Dehcho Agreement, the Parties shall address the issue of consistency of Dehcho Laws and Dehcho Community Laws and Dehcho Government actions with Canada's international legal obligations.
- 1.3 The *Statutory Instruments Act* (Canada) does not apply to Dehcho or Dehcho Community Law.
- 1.4 Notwithstanding any other rule of priority in the Dehcho Agreement, a Federal Law in relation to peace, order and good government, criminal law, human rights, the protection of the health and safety of all Canadians, or other matters of overriding national importance, prevails to the extent of a conflict with a Dehcho Law or Dehcho Community Law.
- 1.5 Notwithstanding any other rule of priority in the Dehcho Agreement, Federal Law and Territorial Law prevails to the extent of a conflict with a Dehcho Law or Dehcho Community Law that has an incidental impact on a subject matter for which Dehcho Government or Dehcho Community Government:
  - (a) has no power to make laws; or
  - (b) has the power to make laws but in respect of which federal and Territorial Laws prevail in the event of a conflict.
- 1.6 Notwithstanding any other rule of priority in the Dehcho Agreement, Federal Law and Territorial Law prevails to the extent of a conflict with a Dehcho Law or Dehcho Community Law that has a double aspect with any federal or territorial legislative jurisdiction for which Dehcho Government or Dehcho Community Government:
  - (a) has no power to make laws; or

- (b) has the power to make laws but in respect of which Federal and Territorial Laws prevail in the event of a conflict
- 1.7 The Dehcho Government or Dehcho Community Government is bound by the provisions of the *Canadian Charter of Rights and Freedoms* and the rights and freedoms guaranteed by the *Charter* are enforceable in respect of the Dehcho Government or Dehcho Community Government.
- 1.8 In the event of a conflict between the Dehcho Agreement or the Legislation, or both, and other Federal Law or Territorial Law, the Dehcho Agreement or the Legislation, or both, shall prevail to the extent of the Conflict.
- 1.9 Where there is any inconsistency or conflict between the Settlement Legislation and the Dehcho Agreement, the Dehcho Agreement will prevail to the extent of the inconsistency or conflict.
- 1.10 Any Dehcho Law or Dehcho Community Law that is inconsistent or in conflict with the Dehcho Agreement is of no force or effect to the extent of the inconsistency or conflict.
- 1.11 The operation of the Dehcho Agreement shall not limit the authority of Canada or the Minister of National Defence to carry out activities related to national defence, security and public safety.
- 1.12 In the event of a conflict between a Federal Law relating to species at risk, Migratory Birds, Fish and Fish Habitat, federal buildings and federal undertakings with Dehcho Law or Dehcho Community Law, the Federal Law shall prevail to the extent of the conflict.
- 1.13 In the event of a conflict between Federal Law setting out obligations with respect to the collection of statistics and reporting on natural resources in Canada and Dehcho Law or Dehcho Community Law, the Federal Law or Territorial Law shall prevail to the extent of the conflict.
- 1.14 For greater certainty, the Jurisdictions to be exercised by Dehcho Government or Dehcho Community Government set out in the Dehcho Agreement do not extend to matters not specifically addressed in the Dehcho Agreement including:
- (a) criminal law, including the procedure in criminal matters;
  - (b) protection of the health and safety of all Canadians;

- (c) intellectual property; and
- (d) labour relations and working conditions.

**2.0 Application and Relationship of Federal Law, Territorial Law and Dehcho and Dehcho Community Law**

- 2.1 Except as otherwise provided in this Agreement, Dehcho Law or Dehcho Community Law does not apply to Canada or the GNWT.

**3.0 Relationship of General Provisions to the Dehcho Agreement**

- 3.1 In the event of a conflict between a provision of this Chapter and any other provision in the Dehcho Agreement, the provision of this Chapter shall prevail to the extent of the conflict.

**4.0 Canadian Human Rights Act**

- 4.1 Nothing in the Dehcho Agreement restricts the operation of the *Canadian Human Rights Act* or the territorial *Human Rights Act*.