

Treaty Rights and Benefits

RIGHTS AND BENEFITS	ENROLLED CITIZEN (Maa-nulth-aht ¹)	NON-ENROLLED CITIZEN ²	TREATY REFERENCE
Indian Act			
1. <i>Indian Act</i> status	Yes	Yes	1.6.1, and 26.1.3(a)
2. Participation in programs or services established by Canada or BC for individuals with status	Yes	Yes	1.9.3
3. <i>Indian Act</i> tax exemptions (*exemptions only apply on Indian reserves, not treaty lands)	No	Yes*	
Citizenship and Governance			
4. Citizenship (*if that individual's name appeared on the MFN Indian band membership list before the effective date of the Maa-nulth Treaty)	Yes	Yes*	13.3.1(g)
5. Programs and services offered by the MFN government	Yes	Yes	
6. Entitled to a Constitution that provides for (among other things) (b) democratic elections of the MFN government every five years; (d) a system of financial administration for the MFN government with standards comparable to those generally accepted for governments in Canada (f) recognition of rights and freedoms.	Yes	Yes	13.3.1
7. Access to information in the custody or control of the MFN government	Yes	Yes	13.11.3

¹ A “Maa-nulth-aht” is an individual who has enrolled under the Treaty.

² An individual whose name appeared on the former Band List is entitled to be a citizen but may choose not to enrol under the Treaty.

8. Rehabilitative, community-based programs and interventions off treaty lands for individuals charged with, or found guilty of, an offence under federal or provincial law	Yes	Yes	13.34.4
Common Law			
9. Non-treaty Aboriginal rights under section 35 of the <i>Constitution Act, 1982</i>	No	Uncertain	
Maa-nulth Treaty			
10. Protection against expropriation of lands owned in fee simple	Yes	No	2.3.7
11. Potential for lands owned in fee simple to be designated as treaty lands	Yes	No	2.10.2
12. Designation of pre-approved lands, which are owned in fee simple, as treaty lands	Yes	No	2.10.23
13. Reasonable access to provincial Crown lands to exercise treaty rights	Yes	No	5.6.3
14. Reasonable alternative means to access treaty lands across provincial Crown land if BC interferes with the current access	Yes	No	5.6.4
15. Can apply for a water licence as part of the Maa-nulth water reservation without fees and can access provincial Crown land to construct the works	Yes	No	8.6.1, 8.4.6 and 8.4.12
16. Needs for groundwater will be taken into account if BC passes laws regulating groundwater	Yes	No	8.5.2
17. Can trade and barter fish and aquatic plants with out BC aboriginal people, if harvested under the treaty right to harvest fish and aquatic plants	Yes	No	10.1.4 and 10.1.5
18. Can be designated by a Nation to harvest species of fish or aquatic plants without a licence from BC or Canada for which an allocation has not been established	Yes	No	10.1.45 and 10.1.47
19. Can harvest wildlife without paying a fee	Yes	No	11.1.4 and 11.1.10
20. Can enter agreements with Canada to harvest wildlife on federal land in accordance with federal law	Yes	No	11.1.8

21. Right to trade and barter harvested wildlife with other BC aboriginal people	Yes	No	11.12.2
22. If 19 years old on the Effective Date, not subject to provincial hunting conservation and safety training requirements	Yes	No	11.14.3
23. Can exercise the treaty right to harvest migratory birds without paying a fee	Yes	No	12.1.4 and 12.1.10
24. Can enter agreements with Canada to harvest migratory birds on federal lands in accordance with federal law	Yes	No	12.1.9
25. Can trade and barter harvested migratory birds with other BC aboriginal people	Yes	No	12.2.2
26. Can sell inedible by-products, including down, of harvested migratory birds in accordance with Maa-nulth law	Yes	No	12.3.2
27. Protected under Maa-nulth law if a child and resident on treaty lands	Yes	No	13.16.2
28. Can be protected under an agreement between BC and a Nation, if a child and resident in BC but not on treaty lands	Yes	No	13.16.7
29. Can be home-educated on treaty lands under Maa-nulth law	Yes	No	13.20.3
30. Can be educated under an agreement between BC and the Nations if in K-12 education off of treaty lands	Yes	No	13.20.5
31. Not subject to tax on capital transfers from a Nation, subject to certain restrictions	Yes	No	19.4.2
32. Can participate in public programs carried out by the Canadian Museum of Civilization under an agreement with Maa-nulth	Yes	No	20.2.17(e)
33. Can receive professional technical training in museum skills and conservation expertise under an agreement between the Royal BC Museum and Maa-nulth	Yes	No	20.2.39(c)
34. Can participate in public programs carried out by the Royal BC Museum under an agreement with Maa-nulth	Yes	No	20.2.39(d)

35. Can practice Nuu-chah-nulth culture and use the Nuu-chah-nulth language	Yes	No	21.1.1
36. Can exercise the Maa-nulth right to: gather traditional foods (other than fish and aquatic plants) for domestic purposes; gather plants and timber resources for medicinal, ceremonial or artistic purposes; trap fur-bearing mammals; and hunt birds and land mammals for domestic purposes in federal parks and protected areas without paying a fee, subject to certain restrictions.	Yes	No	23.1.4 and 23.1.5
37. Can barter and trade the traditional foods, plants, timber resources, birds and mammals taken from federal parks and protected area with other BC aboriginal people	Yes	No	23.2.1
38. Can sell fur-bearing land mammals and plants, timber resources and parts of birds and mammals used for making traditional crafts and artistic objects which are taken from federal parks and protected areas	Yes	No	23.2.2
39. Do not have to pay entrance fees to a National Park or National Marine Conservation Area located in their traditional territory	Yes	No	23.9.4
40. Can exercise the Maa-nulth right to gather plants and boughs, barks and roots of trees in provincial parks and protected areas without paying fees	Yes	No	24.6.4 and 24.6.10