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**2020-1**

Woodward

**Native Law**

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**This Release includes updates to the law in the following important areas:**

**"Public Body".** A band, as a "public body" can be subjected to the minimum \$100,000 fine for violation of the *Canadian Environmental Protection Act, 1999*. Further, the law is developed relating to what "body of Indians" means in s. 2(1) of the *Indian Act*. See paragraphs **1§440, 1§442, 7§2060**.

**Injunctions.** The test for an injunction was reviewed by the B.C. Supreme Court in [Taseko Mines Limited v. Tsilhqot'in National Government, 2019 BCSC 1507, 2019 CarswellBC 2594](#) (B.C. S.C.), leave to appeal refused [William v. Taseko Mines Limited, 2019 BCCA 479, 2019 CarswellBC 3923](#) (B.C. C.A.). See paragraphs **5§1213** and **5§1218**.

**Taking up of land.** The Alberta Court of Appeal considered whether taking up of land automatically triggered the duty to consult. [Athabasca Chipewyan First Nation v. Alberta, 2018 ABQB 262, 2018 CarswellAlta 678](#) (Alta. Q.B.) at paras. 71-73, affirmed [2019 ABCA 401, 2019 CarswellAlta 2249](#) (Alta. C.A.). See paragraph **5§1304**.

**Extradition.** An important addition to the law of extradition, taking into account the special sentencing provisions for Aboriginal offenders, is in [Sheck v. Canada \(Minister of](#)

[Justice](#), [2019 BCCA 364](#), [2019 CarswellBC 3119](#) (B.C. C.A.).  
See paragraph **17§830**.

**Judicial commentary.** The text of Native Law was cited with approval, and was also criticized, in a decision of the Saskatchewan Court of Appeal: See pages JC-2, JC-3.