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**2020-3**

Woodward

**Native Law**

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

**Whether public schools may offer an Indigenous cultural component.** The B.C. Supreme Court held that it does not offend religious freedoms for a school to host demonstrations of Indigenous beliefs and practices. See paragraph **14§245**.

**Canada's new Indigenous Child Welfare legislation.** *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, affirms that the inherent right of self-government recognized and affirmed in s. 35 of the *Constitution Act, 1982* includes jurisdiction in relation to child and family services. See paragraphs **15§447**, **15§487** and **15§500**.

**Canada's Indigenous Languages Act.** The new federal *Indigenous Languages Act*, S.C. 2019, c. 23, recognizes that Indigenous languages are fundamental to the identities, cultures, spirituality, relationships to the land, world views and selfdetermination of Indigenous peoples. See paragraphs **5§2530** and **14§685**.

**Litigation should not be prohibitively expensive.** The Supreme Court of Canada said that the honour of the Crown requires increased attention to minimizing costs and complexity when litigating s. 35 matters. [\*Newfoundland and Labrador\*](#)

*(Attorney General) v. Uashaunnuat (Innu of Uashat and of ManiUtenam)*, 2020 SCC 4, 2020 CarswellQue 640, 443 D.L.R. (4th) 1 (S.C.C.), para. 51. See **3§1840**.