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**2020-4**

Woodward

**Native Law**

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

**Both Canada and the Provinces are bound by fiduciary obligations and the principle of the Honour of the Crown.** See cases and explanatory notes at paragraphs **3§1270**, **3§1390**, **3§1840**, and **4§125**.

**Labour law: Provincial labour laws may apply to emergency medical services on reserve.** [\*Siksika Health Services v. Health Sciences Association of Alberta\*, 2019 ABCA 494, 2019 CarswellAlta 2705](#) (Alta. C.A.) (leave to appeal refused [2020 CarswellAlta 1080](#), [2020 CarswellAlta 1081](#) (S.C.C.)). See paragraph **4§304**.

**Labour law: Whether treaty rights confer federal nature on an undertaking.** [\*Canada \(Attorney General\) v. Northern Inter-Tribal Health Authority Inc.\*, 2020 FCA 63, 2020 CarswellNat 783](#) (F.C.A.) at paras. 29-32. See paragraph **4§345**.

**Access to Justice: Waiver of court fees in s. 35 cases.** The B.C. Supreme Court said "The charge of a substantial fee - which ultimately is for the Crown's own benefit — to access the court to seek to uphold a constitutionally protected treaty right is antithetical to the purpose of s. 35(1), the principle of honour of the Crown, and the objective of reconciliation." [\*Yahey v. British\*](#)

[Columbia](#), [2020 BCSC 278](#), [2020 CarswellBC 451](#) (B.C. S.C.).  
See **Chapter 20, page 396**.