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REGISTER BEFORE OCT. 26, 2018 AND SAVE \$300 - USE PROMO CODE:EARLYBIRD2018

*DISCOUNT ONLY APPLIES TO IN-CLASS

PRICES*:

In-Class & Webinar
\$1195 + applicable taxes

Webinar
\$995 + applicable taxes

*WEBINAR PRICE CLARIFICATION

Please note, these prices are on a per-person basis. For payment of the price for one person, only one individual is allowed to be logged in and viewing at a time. To inquire about Group Rates, please see the contact information below.

CANCELLATION AND REFUND POLICY:

Full refunds, less a \$250.00 (plus applicable taxes) administration fee, will be given for cancellations received in writing 10 business days before the course start date. Unfortunately, refunds cannot be provided after this date. Substitution of delegates may be made at any time. Please note that Lexpert reserves the right to cancel any course deemed necessary and will, in such an event, make a full refund of registration fees paid. With this said, Lexpert is not responsible for any travel expenses incurred. For reasons beyond the control of the course organizer, it may be necessary to change the subject agenda of the program and no liability is assumed for any such changes in content.

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ABORIGINAL LAW UPDATE 2018

NOVEMBER 22 | TORONTO & WEBINAR

NOVEMBER 29 | CALGARY

Join us for a conference on the most recent key developments in the field of Canadian Aboriginal law. Course leader Thomas Isaac will lead the discussion on major legal developments in Canadian Aboriginal law in the last 12 months. Highlights will include a comprehensive case law review of the most significant Aboriginal law cases of the past year, a discussion of Bill C-262 and what this means for Canadian legislation, intersection of Aboriginal title and fee simple lands, Aboriginal rights under the new impact assessment regime, the expansion of the *Gladue* principles beyond the criminal context, and a practical guide to consultation with Aboriginal peoples.

COURSE LEADER



THOMAS ISAAC
CASSELS BROCK &
BLACKWELL LLP

COURSE HIGHLIGHTS

- Aboriginal and Consultation Case Law Review
- *Gladue* beyond the Criminal Context
- *Daniels v Canada*: Fundamental Shift or Orphan Jurisprudence?
- Consultation with Aboriginal Peoples – 2018 Edition
- Aboriginal Rights under the New Impact Assessment Regime
- Intersection of Aboriginal Title and Fee Simple Lands
- First Nations and Anti-Corruption Compliance (ESTMA)
- Overview and Update on Federal Bill C-262 – UNDRIP

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PROGRAM OUTLINE

8:00 - 8:30 A.M.

REGISTRATION AND BREAKFAST

8:30 - 8:45 A.M.

INTRODUCTION AND OVERVIEW

8:45 - 10:15 A.M.

ABORIGINAL AND CONSULTATION CASE LAW REVIEW

Discussion will include:

- *First Nation of Nacho Nyak Dun v. Yukon*
- *Gamlaxyeltxw v. British Columbia*
- *Williams Lake Indian Band v. Canada (Aboriginal Affairs and Northern Development)*
- *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations)*
- *Squamish Nation v British Columbia (Environment)*
- *Mi'kmaq of P.E.I. v. Province of P.E.I. et al.*
- *Eabametoong First Nation v. Minister of Northern Development*

10:15 - 10:30 A.M.

REFRESHMENT BREAK

10:30 - 11:10 A.M.

GLADUE BEYOND THE CRIMINAL CONTEXT

- Overview of the *Gladue* Principles
- Current application of *Gladue* in non-criminal contexts
- The future of *Gladue*

11:10 - 11:35 A.M.

DANIELS v CANADA: FUNDAMENTAL SHIFT OR ORPHAN JURISPRUDENCE?

- What does “Indigenous” mean?
- How does “redress” differ from “reconciliation”?
- Where else will the *Daniels* framework for redress and reconciliation apply?

11:35 - 12:00 P.M.

CONSULTATION WITH ABORIGINAL PEOPLES – 2018 EDITION

- SCC released landmark decisions in 2017 on the process of consultation
- Discussion of SCC’s practical guidance on assessing the strength of a claim, conducting consultation, funding, provision of reasons, and more

12:00 - 1:00 P.M.

NETWORKING LUNCH

1:00 - 2:00 P.M.

ABORIGINAL RIGHTS UNDER THE NEW IMPACT ASSESSMENT REGIME

- Overview of changes in the legislation
- How the *Impact Assessment Act* scores in protecting Section 35 rights
- Consultation, accommodation and UNDRIP under the new regime
- Upcoming policy and regulatory development

2:00 - 2:45 P.M.

INTERSECTION OF ABORIGINAL TITLE AND FEE SIMPLE LANDS

- Update on current litigation involving Aboriginal title claims over fee simple lands
- Discussion of *Tsilhqot’in Nation v British Columbia* and the incidents of Aboriginal title
- Discussion of *Giesbrecht (Kwikwetlem First Nation) v British Columbia*
- Possible defenses available to fee simple land owners

2:45 - 3:00 P.M.

REFRESHMENT BREAK

3:00 - 3:45 P.M.

FIRST NATIONS AND ANTI-CORRUPTION COMPLIANCE (ESTMA)

- Overview of anti-corruption compliance in relation to the *Extractive Sector Transparency Measures Act* (ESTMA)
- Managing interactions with Aboriginal Governments and Aboriginal Government officials

3:45 - 4:15 P.M.

OVERVIEW AND UPDATE ON FEDERAL BILL C-262 “AN ACT TO ENSURE THAT THE LAWS OF CANADA ARE IN HARMONY WITH THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES”

- Potential impacts of Bill C-262 on Canadian Law
- What Bill C-262 means for industry, latest update

4:15 - 4:30 P.M.

QUESTIONS AND COMMENTS

SPECIFICALLY DESIGNED FOR:

Senior Executives, Directors, Managers and Corporate Counsel from:

- Mining and Forestry Corporations
- Federal and Provincial Government Officials
- Power Generation, Electrical Transmission, and Renewable Energy Corporations
- Oil & Gas and Pipeline Corporations
- Land and Property Developers
- Aboriginal Affairs, Northern Development and Attorney General

Legal Counsel practicing Aboriginal, Energy, Environmental, Natural Resources, Property or Constitutional Law including:

- Project Development Directors
- Policy Officers, Analysts and Advisors
- Aboriginal Affairs Officers
- Business Development Officers
- Sustainable Development Managers
- Land and Resource Managers
- Negotiators and Mediators

ACCREDITATION

LAW SOCIETY OF BRITISH COLUMBIA

This program has been accredited by the Law Society of British Columbia for up to 6.25 hours towards the professional development requirement for certification.

LAW SOCIETY OF ONTARIO

This program can be applied towards the 9 Substantive Hours of Continuing Professional Development (CPD) required by the Law Society of Upper Canada. This program is eligible for up to 6.5 Substantive Hours

BARREAU DU QUÉBEC

The Barreau du Québec automatically recognizes the same number of hours for this training activity, as long as it has been accredited by another Law Society that has adopted MCLE.

LAW SOCIETY OF ALBERTA

For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.

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COURSE LEADER

THOMAS ISAAC, CASSELS BROCK & BLACKWELL LLP



Thomas Isaac is a nationally recognized authority in the area of Aboriginal law and leads Cassels Brock & Blackwell LLP’s National Aboriginal Law Practice. He has extensive cross-Canada experience advising industry, investors, and federal, provincial, territorial and municipal governments/agencies. Mr. Isaac has served as a mediator involving complex multi-jurisdictional Aboriginal-related disputes and has represented industry and government clients before the Supreme Court of Canada, Federal Court of Canada, Ontario Court of Appeal, Ontario Divisional Court, BC Court of Appeal, BC Supreme Court, NWT Supreme Court, Yukon Supreme Court, Yukon Court of Appeal, PEI Supreme Court, National Energy Board, Ontario Energy Board and BC Environmental Appeal Board, among others.

He has published extensively in Aboriginal law, including 14 books and monographs, including the 5th ed. of his text *Aboriginal Law*, and numerous refereed and non-refereed articles, chapters and commentaries in the area of Aboriginal law. He has been a contributing editor of the *Canadian Native Law Reporter* since 1991. His published works on Aboriginal law have been cited with approval by Canadian courts, including the Supreme Court of Canada and the federal Court of Appeal, among others. He has taught Aboriginal, constitutional and business law at a number of universities and colleges across Canada. Mr. Isaac was former Chief Treaty Negotiator for the

Government of BC, former Assistant Deputy Minister responsible for establishing Nunavut for the Government of the NWT, and previously served in a senior capacity with the Government of Saskatchewan dealing with Aboriginal issues, all prior to beginning his legal practice.

In 2015 Mr. Isaac was appointed by Canada as the Minister’s Special Representative to the Minister of Indigenous and Northern Affairs regarding a Section 35 Métis Rights and Reconciliation Framework and the Supreme Court of Canada’s Decision in *Manitoba Métis Federation v. Canada*. His report - A Matter of National and Constitutional Import: Section 35 Métis Rights and the Manitoba Métis Federation Decision - was released by Canada in July 2016. Mr. Isaac also served as the Minister’s Special Representative to the Minister of Indigenous and Northern Affairs and the Premier of the NWT regarding the Southeast Region of the NWT and the Akaitcho Dene and the NWT Metis Nation negotiations. His Report – A Path to Reconciliation – was released by the Governments of Canada and the NWT in March 2017. Mr. Isaac is presently serving as the Minister’s Special Representative for the Minister of Crown- Indigenous Relations and Northern Affairs to conduct exploratory discussions regarding the Gottfriedson class action lawsuit against the Government of Canada relating to residential schools’ day students. Mr. Isaac is a member of the law societies of British Columbia, Alberta, NWT, Nunavut and Yukon. He is a former member of the Law Society of New Brunswick. Mr. Isaac holds a B.A. (Hons.) (St. Thomas), M.A. (Dalhousie), LL.B. (New Brunswick), and LL.M. (Saskatchewan). In 2018, Mr. Isaac was recognized as one of the “Top 25 Most Influential” Lawyers in Canada by *Canadian Lawyer*.

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