

Publisher's Note
2018 — Release 6
Previous release was 2018-5

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Woodward
Native Law

No duty to consult on the legislative process — The Supreme Court of Canada held that the law-making process of Parliament or the Legislatures is not “Crown conduct” which triggers the duty to consult: *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 CSC 40, 2018 SCC 40, 2018 CarswellNat 5579, 2018 CarswellNat 5580 (S.C.C.). See paragraph 5§1333.

Conflict of Laws – a major reversal and policy statement — The Ontario Court of Appeal has reversed a lower court decision which applied conflict of law principles to jurisdictional challenges raised by s. 35. The Court of Appeal said: “Aboriginal rights or Indigenous laws do not constitute ‘foreign law’, even conceptually.” *Beaver v. Hill*, 2018 ONCA 816, 2018 CarswellOnt 16797 (Ont. C.A.) at para. 17. See paragraph 2§855.

New Chapter 18: Highway Traffic and Motor Vehicle Laws — This release includes a complete revision and replacement of this small chapter, updating the law related to roads on reserves and the laws governing motor vehicle traffic on reserve.

Judicial comment on the text — This text was cited with approval by the courts on several occasions, as noted.

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