ABORIGINAL LAW 2015: CURRENT ISSUES

Chaired by

James I. Reynolds
Mandell Pinder LLP

May 26th & 27th, 2015 • UBC Robson Square • Vancouver, BC

Live Webinar also available!
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Chair

James I. Reynolds, LL.B., Ph.D., Partner, Mandell Pinder LLP, Vancouver, BC. Dr. Reynolds practises Aboriginal law. He is the General Counsel for the Musqueam Indian Band. He received his law degree and Ph.D. from the London School of Economics and qualified as a Barrister in England before qualifying in British Columbia in 1980. He has over 35 years of experience in advising Aboriginal and other clients on a range of issues. Dr. Reynolds was co-counsel for the Musqueam Band in the case of Guerin in 1984 and has since been involved in many subsequent Aboriginal law cases. He has also been involved in many transactions relating to economic development on First Nation lands. He has acted for the Musqueam in connection with numerous agreements that have resulted in very significant benefits including a Reconciliation Agreement with the Province in 2008. Most recently, he has acted in major transactions involving the Federal and Provincial governments and Musqueam and other Nations including the transfer of the Jericho lands from the Federal government. He also acted for Musqueam in the protection of a former Village Site located in the Marpole area of Vancouver. He is a frequent speaker and writer on legal matters and has lectured at both the L.S.E. and the University of British Columbia. His numerous articles have been published in many law journals and his book, “A Breach of Duty: Fiduciary Obligations and Aboriginal Peoples”, was published by Purich Publishing in 2005. His article, Trusts for First Nations has recently been published in the Estates, Trusts & Pensions Journal.

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The state of Aboriginal law in Canada is constantly evolving, and for those working in this dynamic area, including those who advise First Nations or governments, it is essential to remain current on the latest developments. Staying abreast of the changing landscape is fundamental for advisors to practice effectively, and for First Nations to exercise their rights to their greatest benefit. This program assembles leaders in the field of Aboriginal law to provide delegates with in-depth information and practical insights to ensure that they are prepared to effectively address current challenges and to take proactive steps to avoid common pitfalls. For those who wish to remain current and informed, this program should not be missed.

Key Areas Addressed:

• Current issues in Aboriginal administrative law
• Important developments in case law and legislation
• Internal consultation requirements
• Taxation and regulatory compliance
• The Negotiated in respect of Jericho and other lands agreement

Who Should Attend:

• Lawyers practising in the areas of Aboriginal law, administrative law, and business law
• Aboriginal leaders, officials, councillors, elders, negotiators, administrators, and advisors
• Owners, managers and representatives of resource development companies and companies operating on Crown land
• Federal, provincial and municipal government officials and policy advisors
• Consultants, accountants, financial planners, and others assisting First Nations with financial matters and business operations

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Merle Alexander, Partner, Gowlings LLP, Vancouver, BC. Merle Alexander is a partner in the Vancouver office of Gowlings LLP and a member of the Business Law Group, practising Aboriginal resource law. Merle advises on the negotiation and implementation of impact benefit agreements, socio-economic participation agreements, resource revenue-sharing arrangements and a variety of other interim agreements. The negotiations touch on a number of resource law areas, including oil and gas, forestry, mining, energy and pipeline projects. Merle is a member of the Kitselas Nation and in partnership with First Nations clients and in achieving a balance between economic development, respect for Aboriginal rights and environmental conservation for future generations. A professional and personal interest of Merle’s is the protection of Aboriginal intellectual property rights, particularly traditional knowledge. He has negotiated treaty chapters on economic development opportunities, and acts as general counsel for First Nations governments and represented national Aboriginal organizations in various international forums. Consequently, Merle is knowledgeable on protective mechanisms of Indigenous knowledge both domestically and internationally.

Stan H. Ashcroft, Principal, Ashcroft & Company, West Vancouver, BC. Mr. Ashcroft was called to the Bar in BC in 1983. He currently acts for 19 First Nations and various other Aboriginal groupings throughout BC. In 1982, while still articling, Mr. Ashcroft began acting for the Wet’suwet’en First Nation and he has continuously done so to the present. He has acted for nine of his First Nation clients for in excess of 20 years. Mr. Ashcroft provides advice to First Nations and Aboriginal organizations on a wide range of issues and topics including litigation, dispute resolution, corporate structuring, business opportunities, administrative law, tax, law, and general litigation. He is a member of the firm’s Supreme Court of Canada Services Group, Aboriginal Law Group and the Government Affairs Industry Group. As a member of the Supreme Court of Canada Services Group, Guy has appeared as lead or co-counsel before the Supreme Court of Canada in over 12 high-profile cases, and been involved as agent or adviser in many more. He was cited in Lexpert magazine’s Top Ten Cases of 2014 for his representation of Claude Robinson in Cinar Corporation v. Robinson and of the Indigenous Bar Association in Tsilhqot’in Nation v. British Columbia. Guy’s Aboriginal law practice is focused on representing First Nations in appellate courts, consultation and accommodation, as well as First Nations taxation. He advises and represents First Nations, Inuit and Métis communities across Canada. Guy is the author and co-author of Canadian Administrative Law and the Law of the Canadian Constitution, two major treatises published by LexisNexis. His book Canadian Administrative Law has been cited with approval by the Supreme Court of Canada and other courts throughout Canada in over 20 reported decisions.

Jeff Glasner, Lawyer, Boughton Law, Vancouver, BC. Jeff is a member of Boughton’s Taxation and Aboriginal Practice Groups. Jeff’s practice focuses primarily on representing taxpayers in disputes with the Canada Revenue Agency. In his capacity as a member of the firm’s Aboriginal Practice Group, Jeff also works with First Nations individuals and businesses on their unique tax issues and tax opportunities. Jeff is a frequent presenter on tax-related topics.

David Hansford, Associate, Blake, Cassels & Graydon LLP, Calgary, AB. David practises all aspects of environmental and regulatory law, including Aboriginal law and public law. David’s primary focus is on regulatory matters with a corporate emphasis, and he has experience in the areas of mergers and acquisitions, capital market transactions and corporate governance issues. David is also actively involved in pro bono legal services and is the chair of the Blakes Calgary Charitable Giving Committee, which funds year-round for local charities.

Robert J. M. Janes, Principal, JFK Law Corporation, Vancouver, BC. Mr. Janes has extensive experience in Aboriginal law. He has acted as counsel for parties or interveners in cases such as Dene Tha’ First Nation v. Canada, Metis Nation of Alberta v. British Columbia, R. v. Marshall and Okanagan Indian Band v. Borene. Mr. Janes’ work involves advising clients regarding Aboriginal rights and title, the Indian Act and related legislation as well as other related matters. Mr. Janes also advises clients with regard to negotiations under the British Columbia Treaty Process. In addition to his Aboriginal law practice, Mr. Janes practices civil litigation and has been involved in a diverse range of commercial, administrative and environmental disputes.

Janelle Dwyer, Partner, Mandell Pinder LLP, Vancouver, BC. Ms. Dwyer is a business lawyer practising in the area of economic development for First Nations communities. She provides legal advice related to land, financing, corporate structuring, business opportunities, constitutional law and protection of Indigenous knowledge. Ms. Dwyer’s practice encompasses all aspects of land transactions: acquisitions, financing, development approvals, sales and leasing. She regularly advises on developing, corporate entities such as limited liability partnerships, limited partnerships, corporations, societies and trusts. She also works closely with First Nations on commercial and Crown negotiations, and advises on governance issues, including the development of property taxation regimes, drafting regulations, constitutions, bylaws and policies. She is a member of the Spitsin First Nation.

Michael Segelken, Associate, Callison & Hanna, Vancouver, BC. Mike Segelken has practised law with Callison & Hanna since 2006, acting exclusively for Aboriginal communities and their organizations in a wide range of legal matters. His practice focuses on economic partnership development, representing First Nations in the resource sector. He advises on complex negotiations and agreement implementation including the realization and management of benefits. He enjoys representing First Nations and assisting Aboriginal communities in ensuring successful futures.

The Honourable Harry A. Slade, Chairperson, Specific Claims Tribunal, BC Supreme Court, Vancouver, BC. Mr. Justice Slade attended UBC. He was called to the bar in 1974 and joined Ratcliff and Company LLP. Prior to his appointment to the bench in 2001, his primary field of work was the provision of services to Aboriginal peoples and organizations. He is a member of the growing firm pioneered the reconciliation of Aboriginal interests in land and resources with private interests, and with the powers of municipal and provincial government. He has represented Canadian and internationally recognized First Nations, treaty groups, and other organizations. He has appeared before the House of Commons Standing Committee on Aboriginal Affairs. Mr. Janes has appeared as lead or co-counsel before the Supreme Court of Canada in over 20 reported decisions.

Shirley Wolff, Partner, Deloitte LLP, Vancouver, BC. Shirley Wolff leads the Assurance & Advisory Public Sector practice of Deloitte in British Columbia. Shirley joined Deloitte in 2002 and was appointed to the Deloitte BC Leadership Council in 2007. Shirley has a BCom from UBC and a CPA designation. Shirley is also the Professional Practice Director for the Public Sector, Private and Not-For-Profit Assurance & Advisory service line in British Columbia. Shirley heads Deloitte's Assurance practice in British Columbia, with over 18 years of experience in public practice, with a focus on not-for-profits; auditing and financial services sectors. Her extensive experience includes advising clients across various industries such as First Nations, local governments, school boards and other government organizations, insurance, broker-dealers and pension plans. Shirley is a regular speaker and has published articles on topics of interest to the public sector, and currently serves on the Finance & Audit Committee for the Minerva Foundation for BC Women.
ABORIGINAL LAW 2015: CURRENT ISSUES
TUESDAY, MAY 26TH, 2015 (DAY ONE)

9:00 Welcome and Introduction by PBLI

9:05 Chair’s Welcome and Introduction
James I. Reynolds
Mandell Pinder LLP

9:10 In the Courts: Case Law Update
Dr. Bruce Stadfeld McIvor
First Peoples Law
• Decisions considering Tsilhqot’in and Keewatin
• Other cases of interest

10:00 Questions and Discussion

10:10 Legislative Developments
John W. Gailus
Devlin Gailus Westaway
• Indian Act Amendments
• First Nations Elections Act
• Family Homes on Reserves and Matrimonial Interests or Rights Act

11:00 Questions and Discussion

11:10 Refreshment Adjournment

11:25 Current Trends in the CRA’s Handling of Status Indian Tax Exemption
Jeff Glasner
Boughton Law
• The latest trends at the CRA audit level
• The latest trends at the CRA appeals level
• Trends – Exemption from employment income
• Trends – Exemption from business income
• Trends – Use of penalties
• Snapshot on other exemptions in the Income Tax Act

12:05 Questions and Discussion

12:15 Networking Luncheon

1:15 The First Nations Financial Transparency Act
Shirley Wolff
Deloitte LLP
• Overview of the Act
• Concerns raised by First Nations
• Financial reporting considerations
• Compliance in 2014

2:05 Questions and Discussion

2:15 Refreshment Adjournment

2:30 The Alberta Consultation Guidelines and Their Message for BC
David Hansford
Blake, Cassels & Graydon LLP
• Background and purpose of the Consultation Guidelines
• Putting the Consultation Guidelines into practice
• Lessons for British Columbia

3:25 Questions and Discussion

3:35 First Nation Member Engagement: Internal Consultation
Darwin Hanna
Callison & Hanna
Michael Segelken
Callison & Hanna
• The duty of First Nation governments to consult members
• Fiduciary duties of Chief and Council

4:45 Questions and Discussion

4:55 Chair’s Closing Remarks for Day One

5:00 Program Concludes for Day One
9:00 Welcome & Reflections on Day Two
James I. Reynolds
Mandell Pinder LLP

9:05 The Specific Claims Tribunal: Status Report
Mr. Justice Harry Slade - Invited
Specific Claims Tribunal
- A presentation on the 2014 annual report
- The future of the Specific Claims Tribunal

9:50 Questions and Discussion

10:00 Métis, Non-Status Indians and Identity Issues
Robert J. M. Janes
JFK Law Corporation
- Current membership and identity issues
- Upcoming changes: The Daniels decision

10:45 Questions and Discussion

10:55 Refreshment Adjournment

11:10 Case Study: The Jericho and Other Lands Agreement
James I. Reynolds/Janelle Dwyer
Mandell Pinder LLP
Stan H. Ashcroft - Invited
Ashcroft & Company
Aaron Bruce
Ratcliff & Company LLP
Leaders of Squamish Nation, Musqueam Indian Band and Tsleil-Waututh Nation
- Discussion of the partnership between the three Nations
- Lessons learned from working together to reach an agreement

12:15 Questions and Discussion

12:30 Networking Luncheon

1:30 Aboriginal Administrative Law: Tribunals and First Nations
Guy Régimbald
Gowlings LLP
Merle Alexander
Gowlings LLP
- An overview of administrative law issues affecting First Nations
- Regulatory Reviews of resource projects

2:30 Questions and Discussion

2:40 Refreshment Adjournment

2:55 Aboriginal Administrative Law: Internal Tribunals
Guy Régimbald
Gowlings LLP
Merle Alexander
Gowlings LLP
- Creating internal tribunals
- Individuals seeking to challenge group decisions
- A look to the future: Judicial review of First Nation tribunal decisions

3:45 Questions and Discussion

3:55 Chair’s Concluding Remarks

4:00 Program Concludes
Registration Form
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Telephone: 604-730-2500; Fax: 604-730-5085
Email: registrations@pbli.com

Aboriginal Law 2015: 
Current Issues
May 26th & 27th, 2015
UBC Robson Square • Vancouver, BC

☐ In person ☐ Live webinar

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