

## Critical Issues in the Enforcement of Indigenous Laws

### Aboriginal Law Section



Webcast



**Date:** Thursday, October 15, 2020 | 9:00 am to 12:00 pm

**Location:** Webinar

**Program Chairs:** **R. Martin Bayer**, Weaver, Simmons LLP  
**Naomi Sayers**, Barrister & Solicitor

This program is eligible for up to 3hrs Substantive

There is a problem facing many Indigenous Peoples — the lack of an effective enforcement mechanism that can render any law ineffectual. Historically, attempts to enforce Indigenous laws have been hamstrung by a lack of legislative authority, jurisdictional uncertainty and procedural pitfalls.

For Indigenous Peoples and the governance of their communities, the absence of a means to successfully enforce Indigenous laws created through inherent jurisdiction, and federally-empowered Indigenous laws and by-laws is a source of significant concern and frustration. What means are available for communities to enforce Indigenous laws and federally-empowered First Nation laws and by-laws? Join us to explore the challenges and hurdles that arise, and the opportunities that exist for enhancing the enforceability of these laws.

9:00 am	Welcome & Opening Remarks	10:40 am	Break
9:05 am	<b>Band By-Laws under the <i>Indian Act</i></b> <b>Chief Dave Mowat</b> , Alderville First Nation <b>Kaitlin Ritchie</b> , Legal Counsel - Indigenous Justice Division at Ontario Ministry of the Attorney General <b>Moderator: William Taggart</b> , Fogler, Rubinoff LLP <ul style="list-style-type: none"> <li>Challenges in getting local police and/or the OPP to enforce Band by-laws</li> <li>Alderville's "Green Mile": A case study into the Indigenous cannabis industry – Is a band by-law the answer?</li> <li>Intersecting issues with the enforcement of criminal law</li> </ul>	10:45 am	<b>Indigenous Laws Enacted under Inherent Jurisdiction</b> <b>Derek Fox</b> , Deputy Grand Chief, Nishnawbe-Aski Nation <b>R. Martin Bayer</b> , Weaver, Simmons LLP <b>Andrew Beynon</b> , Law Making & Enforcement Advisor, First Nations Land Management Resource Centre <b>Moderator: Prof. Patricia Hania</b> , Ted Rogers School of Management, Ryerson University <ul style="list-style-type: none"> <li>Exploring the path toward Indigenous enforcement of laws passed under inherent jurisdiction</li> <li>Is there an inherent right for First Nations to create their own Constitution?</li> <li>Ensuring laws are in line with the Canadian Constitution</li> <li>Challenges of enforcing Indigenous laws in Canadian courts: jurisdictional and judicial review considerations</li> </ul>
9:45 am	Break		
9:50 am	<b>Laws Created Pursuant to Recognition Agreements</b> <b>R. Martin Bayer</b> , Weaver, Simmons LLP <b>Andrew Beynon</b> , Law Making & Enforcement Advisor, First Nations Land Management Resource Centre <b>Moderator: Kevin Scullion</b> , Scullion Law <ul style="list-style-type: none"> <li>How are laws enacted by Indigenous Peoples under recognized authority enforced?</li> <li>Critical drafting advice to ensure laws are not struck down by the Courts</li> <li>What assistance is available to Indigenous communities in enacting laws?</li> <li>The Anishinabek Nation Governance Agreement: How will the laws be enforced under that Agreement?</li> </ul>	11:45 am	Questions and Concluding Remarks
		12:00 pm	Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)

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