Cassels

Thomas Isaac Discusses DRIPA with Northern Beat

Thomas Isaac has been quoted in a recent article titled “BC Cattle Ranchers Join Court Battle Against DRIPA,” published by Northern Beat.

Writes Rob Shaw: “BC’s cattle ranchers are joining the court fight against the NDP government’s controversial Declaration Act…. The move comes as Premier David Eby struggles to figure out a path forward for DRIPA, following a landmark BC Court of Appeal ruling in December that the 2019 law on Indigenous reconciliation could be used to strike down other provincial laws. The premier said that the ruling is untenable because it creates immense legal uncertainty. But he has faced opposition from First Nations leaders — and at least one MLA in his caucus — on making actual changes. He’s pushed off any amendments until the fall, in favour of more consultation.”

The cattlemen have hired Tom to act as their legal counsel in the case, arguing that:

- DRIPA is inconsistent with section 35 of the *Constitution Act*: “Balancing rights is absolutely critical to reconciliation, that is what the Supreme Court of Canada has said many, many times.”; and that
- DRIPA exceeds provincial jurisdiction by expanding the extent to which First Nations can manage public resources: “Fundamentally, these governments are not accountable to the broader electorate. That is fundamentally offensive to the charter.”

Read the full article here.