

Federal Court



Cour fédérale

Ottawa, January 8, 2013 – A decision was issued today by the Honourable Michael Phelan of the Federal Court in file T-2172-99:

IN THE MATTER OF HARRY DANIELS ET AL v. HER MAJESTY THE QUEEN ET AL

Summary: The Plaintiffs ask the Court to issue the following declarations:

- (a) that Métis and non-status Indians are “Indians” within the meaning of the expression “Indians and lands reserved for Indians” in s 91(24) of the *Constitution Act, 1867*;
- (b) that the Queen (in right of Canada) owes a fiduciary duty to Métis and non-status Indians as Aboriginal people;
- (c) that the Métis and non-status Indian peoples of Canada have the right to be consulted and negotiated with, in good faith, by the federal government on a collective basis through representatives of their choice, respecting all their rights, interests and needs as Aboriginal peoples.

Upon review of the evidence on the record, the Court grants the declaration with respect to section 91(24); the other two declarations, ancillary in nature, are dismissed.

Roula Eatrides
Media Contact / Liaison avec les Médias
Federal Court / Cour fédérale
Tel. / Tél. : (613) 943-5484