

**I sent you both copies of the Sparrow Ruling. One copy has Paul Williams's comment re the 1990 Supreme Court of Canada and the other is just the Sparrow Ruling.**

**Haudenosaunee native Paul Williams (lawyer for the Haudenosaunee Confederacy) stated: on November 10<sup>th</sup>, 2010**

Under questioning from the committee, Williams stressed Haudenosaunee law will only allow a hunt if it's safe –something he believes is possible at Iroquoia Heights using traditional methods –but a 1701 treaty gives Six Nations the right to hunt there.

He said a 1990 Supreme Court decision on another case upheld these rights and hunting can only be limited by a provincial law "that is purely aimed at safety," takes into account aboriginal and treaty rights, and fulfills certain procedural requirements.

**And below is the 1990 Supreme Court decision re Public Safety**

[The Supreme Court of Canada Re Public Safety Sparrow Ruling](#)

**1990 – Sparrow ruling**

An aboriginal person of British Columbia is prosecuted for having used a prohibited fishing net. This individual asserts that he is exercising an aboriginal right to engage in subsistence fishing protected under the Canadian Constitution. The Court decides in favor of the defendant. The Court also rules that an aboriginal right is not an absolute right and that governments may encroach upon this right if they show a compelling and substantial legislative objective while respecting their fiduciary relationship towards the aboriginal people. The result of this decision is, on the one hand, that the aboriginal peoples have priority when it comes to hunting, fishing, trapping or gathering for food purposes and on the other hand, that governments can regulate these activities for wildlife conservation and public safety reasons. Depending on the circumstances and characteristics of the aboriginal right in question, governments must also consult the aboriginal peoples and put in place compensation measures when aboriginal rights are affected.

[http://www.versuntraite.gouv.qc.ca/documentation/jugements\\_en.htm](http://www.versuntraite.gouv.qc.ca/documentation/jugements_en.htm)

[http://en.wikipedia.org/wiki/Category:1990\\_in\\_Canadian\\_case\\_law](http://en.wikipedia.org/wiki/Category:1990_in_Canadian_case_law) List of case law 1990 Sparrow

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