

Publisher's Note
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Woodward
Native Law

Unproven Aboriginal title and prospective ownership rights — The Yukon Supreme Court has held that in the context of asserted but as yet unproven Aboriginal title, the Crown is not obligated to consult regarding potential adverse impacts to the broader ownership rights that would be conferred after title is proven. See 8§420.

Gladue Reports; circumstances in which court can order the Crown to pay for the report — The ongoing discussion concerning the courts' ability to order publicly-funded Gladue reports continues. This time, a new Saskatchewan Court of Queen's Bench decision suggests that the circumstances in which the courts ought to make such an order should be circumscribed. See Chapter 17, page 378.10.

Application of Gladue Sentencing Principles in other contexts — Several recent cases have further extended the scope of application of *Gladue* principles beyond the sentencing context. The Court of Quebec applied *Gladue* principles in the context of a request for discharge (*R. v. Kanatsiak*, 2019 QCCQ 1888). The Ontario Superior Court of Justice held that Gladue principles should be applied to the screening stage of a faint hope application, while leaving open the question of whether these principles should also be considered by a jury empaneled to hear the application itself (*R. v. Abram*, 2019 ONSC 3383). See Chapter 17, pages 378.14-378.15.

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