

## Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

### ***Season 4, Episode 6: Section 35 of the Constitution and Bill C-92 Reference***

This episode marks the first of a two-part series on Indigenous self-determination and its intersections with the Constitution and the Canadian Charter of Rights and Freedoms.

This particular episode focuses on Section 35 of the Constitution Act, 1982, and what the recent Supreme Court Reference on Bill C-92, *An Act respecting the First Nations, Inuit, and Métis Children, Youth, and Families* means for Indigenous self-government and control over child welfare in Canada.

In the first part of the episode, Cheryl speaks with [Professor John Borrows](#), the Loveland Chair in Indigenous Law at the University of Toronto Faculty of Law on Section 35, the Bill C-92 Reference and recent advancements on Indigenous self-government. In the Practice Corner, Cheryl chats with lawyer [Jessica Orkin](#), of Goldblatt Partners LLP, on the practical realities of putting forth a claim under Section 35.

Find a FULL transcript of this episode [HERE](#).

## Case Links and other Resources

In this episode, the following cases, Acts and report were discussed:

[Delgamuukw v. British Columbia, \[1997\] 3 S.C.R. 1010](#)

[Tsilhqot'in Nation v. British Columbia, 2014 SCC 44, \[2014\] 2 S.C.R. 256](#)

[R. v. Pamajewon, \[1996\] 2 S.C.R. 821](#)

[Reference re Secession of Quebec, \[1998\] 2 S.C.R. 217](#)

[United Nations Declaration on the Rights of Indigenous Peoples](#)

[Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5](#)

[An Act respecting First Nations, Inuit and Métis children, youth and families](#) S.C. 2019, c.24

[Truth and Reconciliation Commission of Canada: Calls to Action](#)

## About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director [Cheryl Milne](#).

Charter: A Course focuses on leading Canadian constitutional cases and current constitutional law issues, highlighting strategic aspects of constitutional litigation and exploring what it's like to practice in this area of law in our *Practice Corner* segment.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

## Thank You's

Thank you to our wonderful guests on this episode, John Borrows and Jessica Orkin!

Thank you to University of Toronto Faculty of Law JD students Joshua Schwartz, Meg Zhang and Emma Blanchfield, who greatly assisted with the production of this episode.

Thank you to our audio editor Liam Morrison of [Bell Room Media Solutions](#).

Thank you to the creators of our theme music, Charter: A Course! Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song's performers are Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: [Charter a Course](#). Please consider contributing to your local food bank.