

Wrong court cost Ottawa \$5,000

Judge moves aboriginal discrimination case to a federal court

by Mark McEachern

ST. CATHARINES - The Niagara Aboriginal Area Management Board and another agency were awarded \$5,000 dollars after a judge ruled that they were fighting a discrimination case in the wrong court.

Justice Joseph Quinn of Ontario Court's general division ruled that a federal lawyer acting in the case did not act soon enough to move this case to a federal court where it belonged.

"This is a setback, but it's not going to stop us from fighting", said Vince Hill, the head of the Niagara board. "This has been the (federal government's) approach all along to dealing with aboriginal issues, to just drag things out and hope they (aboriginals) will forget about it. But that's not going to happen here, we are not

going to let this issue go away".

The issue concerns a constitutional court case launched by the group last May claiming that the government discriminated against non-reserve Natives when it changed the distribution of native job training funds in 1996. The training funds are now controlled through band councils and according to Hill, it leaves non-reserve dwellers with a "pile of red tape" to deal with in order to access job help. As it stands right now, most non-reserve natives are only allowed to vote for their respective chiefs and are not always eligible to vote for band council positions when they no longer live on their reserves.

"We are not challenging the

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band councils over this issue, we feel that with a majority of aboriginal people living off the reserves (%60 in Ontario) it is the federal governments responsibility to provide these funds equally to both the band councils and the non -reserve natives", said Hill. "The federal lawyer in this case is no different in his tactics than what our people have seen in the past - they want us to be at odds with the band councils, a "divide and conquer scenario" and their hope is that we will be so frustrated that we will forget about this", added Hill. "That simply is not going to happen in this issue and we are going to see this case through."

The fact that this case has gone

on for so long likely means the aboriginal groups wasted money on unnecessary preparation and legal work, Judge Quinn ruled and awarded them \$5,000 to offset some of the extra expenses that they may have had.

Lawyer Chris Reid, representing aboriginal groups, said that it's "unusual" for a judge to make a successful party pay court costs to a party that loses.

"I hope this sends a message to the government that they have an obligation to avoid unnecessary delays", said Reid.

Reid expects the lawsuit to be re-launched in federal court in a few weeks and hopes to have the matter heard there by spring.