



This case concerned the federal government’s decision to enhance Indigenous involvement in commercial fishing, which led to adopting the Aboriginal Fisheries Strategy. Through the Strategy, three Indigenous bands in BC were issued a communal fishing licence permitting fishers to fish for salmon in the mouth of the Fraser River for a period of 24 hours and then sell their catch. The appellants in this case were non-Indigenous commercial fishers who were excluded from the fishery during the 24-hour period. They participated in a protest fishery and were charged with fishing at a prohibited time.

They argued that the communal fishing license granted to the bands discriminated against them on the basis of race. The Supreme Court found no discrimination because the special fishing privileges for Indigenous groups were granted for the legitimate purpose of assisting those disadvantaged communities. This case made it clear that governments can seek to improve the lives of historically disadvantaged groups by passing laws and creating programs intended to help them. It also recognized that when properly designed, these laws and programs can be entirely compatible with equality rights protection under the Charter