

Federal Court of Appeal



Cour d'appel fédérale

Date: 20151116

Docket: A-225-14

Citation: 2015 FCA 254

**CORAM: NADON J.A.
SCOTT J.A.
RENNIE J.A.**

BETWEEN:

TASEKO MINES LIMITED

Appellant

and

**THE MINISTER OF THE ENVIRONMENT and
THE ATTORNEY GENERAL OF CANADA and
THE FEDERAL REVIEW PANEL and
THE TSILHQOT'IN NATIONAL GOVERNMENT
and JOEY ALPHONSE, on his own behalf and on
behalf of all other members of the Tsilhqot'in Nation**

Respondents

Heard at Vancouver, British Columbia, on November 16, 2015.

Judgment delivered from the Bench at Vancouver, British Columbia, on November 16, 2015.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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Respondents

REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on November 16, 2015).

NADON J.A.

[1] Although we cannot endorse all of Harrington J.'s reasoning and in particular his comments at paragraph 21 of his reasons where he appears to adopt a test which goes to the

merits of the case, we are satisfied that he reached the proper result in refusing to make the order of production sought by the Appellant.

[2] More particularly we are of the view that, in the words of Gonthier J. in *Commission des affaires sociales v. Noémie Tremblay and Minister of Manpower and Income Security*, [1992] 1 S.C.R. 952 at p. 966, there are no “valid reasons for believing that the process followed did not comply with the rules of natural justice”.

[3] In other words, the fact that the Secretariat personnel spent approximately 3000 hours working on the Review Panel’s report does not constitute, per se, a sufficient basis to conclude to the existence of valid or good grounds justifying the lifting of the veil of secrecy. This is not, in our respectful opinion, one of those exceptional cases where, in the view of the Supreme Court of Canada, it would be proper to allow the production of documents which would normally fall under the veil of the secrecy of deliberations.

[4] The appeal will therefore be dismissed with costs.

"M. Nadon"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:

A-225-14

**(APPEAL FROM AN ORDER OF THE HONOURABLE MR. JUSTICE HARRINGTON,
DATED APRIL 17, 2014, DOCKET NO. T-1977-13)**

STYLE OF CAUSE:

TASEKO MINES LIMITED v. THE
MINISTER OF THE
ENVIRONMENT AND THE
ATTORNEY GENERAL OF
CANADA AND THE FEDERAL
REVIEW PANEL AND THE
TSILHQOT'IN NATIONAL
GOVERNMENT AND JOEY
ALPHONSE, ON HIS OWN
BEHALF AND ON BEHALF OF
ALL OTHER MEMBERS OF THE
TSILHQOT'IN NATION

PLACE OF HEARING:

Vancouver, British Columbia

DATE OF HEARING:

NOVEMBER 16, 2015

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.
SCOTT J.A.
RENNIE J.A.

DELIVERED FROM THE BENCH BY:

NADON J.A.

APPEARANCES:

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ATTORNEY GENERAL OF
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David Burse

FOR THE RESPONDENT
THE FEDERAL REVIEW PANEL

FOR THE RESPONDENTS
THE TSILHQOT'IN NATIONAL
GOVERNMENT AND JOEY
ALPHONSE ET AL

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