



Robin M. Junger*

Co-Chair, Aboriginal and Environmental, Co-Chair, Oil and Gas (B.C.)
Vancouver

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*Law Corporation

education and year of call

- Called to the British Columbia bar - 1994
- Called to the Yukon Territory bar - 2004
- Harvard University, LL.M. - 1993
- University of British Columbia, J.D. - 1991
- University of Calgary, B.A. - 1992

practice areas

environmental regulation
aboriginal law
administrative law
government relations
public-private partnerships

industries

energy
food, beverage and agribusiness
mining
natural resources
infrastructure
forest products

profile

Robin advises clients on a broad range of environmental, administrative law and Aboriginal law matters. His clients include mining, energy, infrastructure and forest companies as well as property developers, governments and First Nations.

Robin has acted in relation to environmental assessments, environmental permitting and compliance, NEB export permits, contaminated sites, Environmental Appeal Board appeals, recycling stewardship plans, Agricultural Land Commission applications, impact and benefit agreements (IBAs), exploration agreements and reconciliation agreement negotiations. He also previously served as legal counsel to several administrative tribunals and Officers of the Legislature and has provided training to tribunal members and statutory decision-makers in areas as diverse as environmental law, regulated marketing, surface rights and children's rights.

A significant portion of his practice is advising and representing third parties whose legal rights may be adversely affected by governmental actions, and he has authored numerous publications dealing with Indigenous reconciliation and the rights of third parties. He is also a frequent media commentator on major project development and Aboriginal law.

Robin brings to his work unique and highly practical insight into how governments work, having previously held the following executive positions in the BC Public Service:

- Deputy Minister of Energy, Mines & Petroleum Resources
- Deputy Minister of Energy and Clean Technology.
- Head of the Environmental Assessment Office,
- Chair of the Oil & Gas Commission
- Chief Treaty Negotiator.

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Robin has also been retained by public bodies on numerous occasions to address complex legal, regulatory and policy matters - as legal counsel, negotiator, mediator and policy advisor. He was also integrally involved in the development of some of British Columbia's most significant environmental legislation, including the *Environmental Management Act*, the *Clean Energy Act* and the *Public Health Act*.

Robin served as a law clerk to the BC Court of Appeal and has represented clients in Provincial Court, BC Supreme Court, the BC Court of Appeal, the Federal Court and the Federal Court of Appeal. He is a Harvard Law School graduate, a former clerk to the BC Court of Appeal and is consistently ranked by his peers in the areas of environmental and Aboriginal law (Chambers Global, Lexpert, Best Lawyers)

Robin is also a member of [McMillan Vantage LP](#).

directorships and professional associations

- Vancouver Bar Association
- Canadian Bar Association
- Member - British Columbia roster of panelists for the British Columbia-Alberta Trade, Investment and Labour Mobility Agreement, the New West Partnership Trade Agreement and the Agreement on Internal Trade
- Board Member and Executive Committee Member – Association for Mineral Exploration British Columbia
- Member, Policy Review Committee, BC Chamber of Commerce

representative matters

- Advised the Court Appointed Monitor in respect of environmental law issues associated with the Walter Energy CCAA proceedings in British Columbia.
- Advising Centerra Gold / Thompson Creek Metals Corp. in respect of environmental and Indigenous engagement issues at its Mt. Milligan mine.
- Counsel to Tahoe Resources in respect of Indigenous law matters.
- Counsel to the WSANEC Leadership Council, a society established to represent collective interests of the WESANC bands on the Saanich Inlet.
- Advised China Minerals Mining Corporation in challenging a BC government agreement with First Nations that adversely affected access to mineral right.
- Counsel to the Major Appliance Recycling Roundtable and Outdoor Power Equipment Institute (BC product

- stewardship organizations).
- Counselling Cedar 1 LNG Export Ltd. (a Haisla Nation company) in successfully obtaining National Energy Board approval for a liquefied natural gas export license.
 - Representing an adventure tourism operator affected by negotiations between the province and the Tsilhqot'in National Government (following the Supreme Court of Canada's 2014 declaration of Aboriginal title).
 - Counselling an LNG pipeline company in successfully obtaining an environmental assessment certificate for a major intraprovincial pipeline.
 - Represented Stewart Bulk Terminals in relation to a civil claim against the District of Stewart and related waste management issues.
 - Advised and represented Avanti Mining in successfully obtaining environmental assessment approval and negotiating a benefits agreement with the Nisga'a Nation.
 - Counselling on the Moose Cree First Nation's equity participation in the \$2.6B Lower Mattagami Hydroelectric Project in Ontario.
 - Counselling Pattern Energy in successfully obtaining an environmental assessment certificate for the Meikle Wind Energy Project.
 - Counselling and represented a BC coal mine in successfully obtaining an environmental assessment certificate and related compliance matters.
 - Advised CH2M Hill in respect of environmental matters in British Columbia.
 - Represented a disabled Indigenous person in a Charter of Rights case related to equality rights and treaty benefits.
 - Counselling an Ontario natural gas-powered electricity generator on First Nation consultation and environmental assessment matters.
 - Advised the Minister of Forests, Lands and Natural Resource Operations in respect of his decision to approve a Master Development Agreement for Jumbo Resort.
 - Conducted a comprehensive review and provided recommendations regarding the project review (environmental assessment) process for Port Metro Vancouver.
 - Negotiated the Roberts Bank Protocol Agreement (a precursor to the Tsawwassen Final Agreement).

awards and rankings

- Recognized in the *2019 Lexpert/ROB Infrastructure* –

Special Edition as one of Canada's Leading Infrastructure lawyers

- Recognized by *Chambers Canada (2020)* as a leading lawyer in the areas of Aboriginal Law and Environmental Law
- Recognized in the *2019 Lexpert/ROB Energy – Special Edition* as one of Canada's Leading Energy lawyers
- Recognized by *Best Lawyers in Canada (2020)* as a leading lawyer in the areas of Aboriginal Law and Environmental Law
- Recognized in the *2019 Canadian Legal Lexpert Directory* as a Repeatedly Recommended lawyer in the areas of Environmental Law and Indigenous Law
- Recognized by *Chambers Global 2019* as a leading lawyer in the areas of Aboriginal Law and Environmental Law
- Recognized by *Chambers Canada 2019* as a leader in Aboriginal Law and Environment Law
- Recognized in the *2018 Canadian Legal Lexpert Directory* as a Repeatedly Recommended lawyer in the areas of Environmental Law and Indigenous Law
- Recognized in the *Lexpert Report on Business 2018 – Special Edition*, as one of Canada's leading Energy lawyers
- Recognized in *Best Lawyers in Canada (2019)* as a leading lawyer in the areas of both Environmental and Aboriginal Law
- Recognized in *Chambers Global 2018* as a leading lawyer in the areas of both Environmental and Aboriginal Law
- Recognized in *Chambers Canada 2018* as a leading lawyer in the areas of both Environmental and Aboriginal Law
- Recognized in *Best Lawyers in Canada 2018* as a leading lawyer in the areas of both Environmental and Aboriginal Law
- Repeatedly recommended, Environmental and Aboriginal Law, in the 2017 *Canadian Legal Lexpert Directory*
- Recognized by *Chambers Global 2017* as a leading lawyer in Environmental and Aboriginal Law
- Recognized by *Chambers Canada 2017* as a leading lawyer in the areas of Aboriginal Law - Canada and Environment - Canada
- Recognized by *Lexpert* in the *Special Edition - Leading Canadian Lawyers in Global Mining 2016/17*
- Recognized by *Lexpert* in the *Special Edition Report on*

Canada's Leading Energy Lawyers 2016

- Recognized by *Chambers Global* 2016 as a leading lawyer in Environmental and Aboriginal Law
- Listed in the *Canadian Legal Lexpert Directory* 2016 as a leading practitioner in the areas of Aboriginal and Environmental Law
- Recognized by *Lexpert* in the *Report on Business Magazine* 2016 as a "Leading Energy Lawyer"
- Recognized in *Lexpert's Special Edition on Canada's Leading Infrastructure Lawyers* 2016
- Recognized as *Lexpert Ranked Lawyers* in 2015
- Recognized as a leading lawyer in the 2015/16 *Lexpert Special Edition* on Global Mining
- Harvard Law School Addison Brown Prize (private international law)
- Law Society of British Columbia Graduate Scholarship
- Law Foundation of British Columbia Graduate Fellowship

teaching engagements

- Past sessional instructor, Private International Law and Public International Law, University of Victoria, Faculty of Law

media mentions

- "[LNG projects: Slow but not dead](#)", *CBA/ABC National*, May 14, 2019
- "[Reference case on Trans Mountain pipeline wraps up](#)", *Business in Vancouver*, March 22, 2019
- "[Bill C-69 won't guarantee consensus on project decisions: Lawyer](#)", *BNN Bloomberg*, January 11, 2019
- "[Supreme Court less likely to intervene on Indigenous consultations going forward: Lawyer](#)", *BNN Bloomberg*, October 11, 2018
- "[Ottawa not appealing court decision on Trans Mountain 'a prudent move': Lawyer](#)", *BNN Bloomberg*, October 3, 2018
- "[Ottawa's choices: renegotiate, appeal or expropriate](#)" by Nelson Bennett, *Business in Vancouver*, September 11, 2018
- "[You now own a pipeline – here's what you need to know about it](#)" by Nelson Bennett, *Business in Vancouver*, June 5, 2018
- "[First Nations court challenges continue to hang over \\$7.4-billion Trans Mountain pipeline expansion](#)" by Gordon Hoekstra, *Vancouver Sun*, April 19, 2018

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- "[Here is how Trudeau can get B.C. to back down on Trans Mountain](#)" by Tristin Hopper, *National Post*, April 10, 2018
- "[Emergencies Act? Calling In Troops? What Trudeau Could \(Theoretically\) Do To Push Kinder Morgan Pipeline Forward](#)" by Althia Raj, *Huffpost*, April 10, 2018
- "Aboriginal/Environmental Law", *Chambers Global 2018*, March 14, 2018
- "[Can B.C. really stop the Trans Mountain pipeline, and how can the federal government make sure it is built?](#)", by Brian Platt, *National Post*, February 7, 2018
- "[New oil spill regulations nothing more than an announcement: McMillan lawyer](#)", *BNN*, January 31, 2018
- "[NDP has yet to put price tag on 'defending B.C.'s interests' in pipeline expansion fight](#)", by Derrick Penner, *Vancouver Sun*, August 14, 2017
- "[Thomas Berger to lead legal challenge against Trans Mountain](#)", by Nelson Bennett, *Business in Vancouver*, August 10, 2017
- "[No provincial charges for Mount Polley mining disaster, but possibility of federal charges remain](#)", by Gordon Hoekstra, *Vancouver Sun*, August 3, 2017
- "[Environmentalists question laws following mine probe](#)", by Gordon Hoekstra, *Prince George Citizen*, August 3, 2017
- "[Supreme Court decisions good for development projects](#)", by Nelson Bennett, *Business in Vancouver*, July 28, 2017
- "[Musqueam's YVR pact could be native partnership template](#)", by Glen Korstrom, *Business in Vancouver*, July 4, 2017
- "[How B.C.'s political shakeup will affect pipelines, hydro, lumber and housing](#)", *BNN (Business News Network)*, June 30, 2017
- "[Three-year deadline to lay charges for Mt. Polley dam failure approaching fast](#)", by Gordon Hoekstra, *Vancouver Sun*, June 20, 2017
- "[Horgan draws bead on pipeline project with unloaded gun](#)", by Nelson Bennett, *Business in Vancouver*, June 5, 2017
- "[B.C. pipeline showdown: Will Kinder Morgan expansion get built?](#)" by Gordon Hoekstra, *The Province*, June 2, 2017
- "[Rule of law needs to be respected with Trans Mountain: Former deputy energy minister](#)" *BNN (Business News Network)*, May 31, 2017
- "[Trudeau defends Trans Mountain as BC Greens, NDP gear up for fight](#)" by Robert Fefe and Shawn McCarthy, *The Globe and Mail*, May 30, 2017

- "[Changing industry regulatory goalposts draw fire](#)" by Nelson Bennett, *Business in Vancouver*, April 4, 2017
- "[Legal challenges will not prevent Kinder Morgan from moving ahead, experts say](#)", by Gordon Hoekstra, *Vancouver Sun*, December 1, 2016
- "[Trans Mountain expansion: The First Nations factor](#)" by Nelson Bennett, *Business in Vancouver*, December 1, 2016
- "[A 'duty to consult' aboriginals is no excuse to delay project approvals](#)" by Tim Murphy and Robin Junger, *Financial Post*, November 28, 2016
- "[First Nations file for judicial review of Petronas LNG](#)" by Nelson Bennett, *Business in Vancouver*, October 27, 2016
- "[Hereditary chiefs demand extension of Pacific North West LNG review](#)" by Gordon Hoekstra, *Ottawa Citizen*, July 26, 2016
- "[Federal Appeal Court deals blow to Northern Gateway pipeline \(Updated\)](#)" by Patrick Blennerhassett, *Business in Vancouver*, June 30, 2016
- "[First Nations demands for access payments not legal: province](#)" by Nelson Bennett, *Business in Vancouver*, June 20, 2016
- "[Canada's aboriginals tell Trudeau they can block pipelines](#)" by Julie Gordon, *Reuters*, May 20, 2016
- "[B.C. orders review of Trans Mountain pipeline expansion](#)" by Gordon Hoekstra, *Vancouver Sun*, April 24, 2016
- "[Competing factions claim to represent bands in multibillion-dollar B.C. gas export plant debate.](#)" by Nelson Bennett, *Business in Vancouver*, April 6, 2016
- "[Tahoe Resources and Lake Shore Gold complete merger](#)", *Expert Magazine*, April 1, 2016
- "[Mineral rights continue to clash with native land claims in B.C.](#)" by Nelson Bennett, *Business in Vancouver*, March 15, 2016
- "[An uneasy duty](#)" by Kerry Banks, *Listed Magazine*, March 4, 2016
- "[Trans Mountain pipeline plan enters home stretch](#)" by Nelson Bennett, *Business in Vancouver*, January 19, 2016
- "[Proposed BC mines raise Alaskan concerns over transboundary watershed, tailings safety](#)" by Jax Jacobsen, *SNL Financial*, September 2, 2015
- "[Courts deliver double punch to Site C dam opponents](#)" by Nelson Bennett, *Business in Vancouver*, August 28, 2015
- "[Game-changing' Aboriginal land title](#)" by Treena Hein,

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Wood Business , June 5, 2015

- "[Tussle over proposed Yukon environmental review bill could spell grief for miners](#)" by Jax Jacobsen, *SNL Financial* , May 25, 2015
- "[Routes of energy controversy](#)" by Nelson Bennett, *Business in Vancouver*, May 19, 2015
- "[Expert says Government can move forward on resource projects if they are necessary development](#)" by Dwight Ford, *EnergeticCity.ca*, May 12, 2015
- "Discusses the role of aboriginal agreements in project development" CBC Daybreak North, May 11, 2015
- "[Expert says First Nations can't veto Site C and other resource projects](#)" by Dwight Ford, *EnergeticCity.ca*, May 11, 2015
- "[Petronas LNG project doesn't hinge on Lax Kw'alaams offer](#)" by Nelson Bennett, *Business in Vancouver*, May 7, 2015
- "[What does Aboriginal title mean for mining in BC?](#)" by Robin Junger and Brent Ryan, *The Northern Miner* , July 16, 2014
- "[Supreme Court clarifies provincial governance and impact of aboriginal title](#)" by Robin Junger, *Business in Vancouver*, July 14, 2014
- "[Why the Supreme Court's Tsilhqot'in land title decision is no game changer](#)" by Robin Junger, *Financial Post* (*reprinted in the Republic of Mining*), July 10, 2014
- "[Miners should be at ease with recent aboriginal court rulings](#)" by Robert Simpson, *PR Associates*, November 20, 2014
- "[Premier's positive spin can't shake concerns about Tsilhqot'in title decision](#)" by Vaughn Palmer, *The Vancouver Sun*, July 18, 2014
- "[First Nations Title](#)" *CBC Early Edition with Rick Cluff* , July 14, 2014
- "[Balance of power: Mining, energy and resources](#)" *China Business Law Journal*, October 2013

publications

May 2018

Supreme Court Law Review, 2nd Series, Volume 83
Third Party Rights in the Context of Aboriginal Consultation and Negotiations

November 2017

Sacred places and the duty to consult: SCC confirms governments must balance Aboriginal and Non-Aboriginal Interests
Aboriginal Bulletin

April 2017

Duty to Consult does not Apply to all Aboriginal Concerns
Aboriginal Law Bulletin

January 2017

Court of Appeal Holds Duty to Consult Does Not Apply to Statutory Interpretation
Aboriginal Law Bulletin

November 2016

A 'duty to consult' aboriginals is no excuse to delay project approvals
Financial Post

April 2016

A Thunderbolt Decision on Métis Rights: *Daniels v Canada (Indian Affairs and Northern Development)*¹
Aboriginal Bulletin

January 2016

Equivalency Agreements, Environmental Assessment and Aboriginal Consultation – Implications of *Coastal First Nations v. British Columbia (Environment)*
Environmental and Aboriginal Law Bulletin

2015

Aboriginal Title and Mining in Canada - More Questions than Answers
Rocky Mountain Mineral Law Institute

September 2015

What do the Recent Site C Decisions Mean for Major Projects in British Columbia?
Environmental and Aboriginal Law Bulletin

February 2015

Knock, Knock: Responding to Search Warrants and Inspections in the Environmental Law Context
Environmental Law Bulletin

July 2014

What Does Aboriginal Title Mean for Mining in British Columbia?
Aboriginal Law Bulletin

July 2014

Amendment to the BC Recycling Regulation Impacts Small Businesses and Franchisees
Environmental Law Bulletin

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June 2014

Supreme Court declares Aboriginal title in *Tsilhqot'in Nation v. British Columbia*¹
Aboriginal Law Bulletin

April 2014

First Nation challenge based on spiritual interests rejected in Jumbo case
Aboriginal Law Bulletin

April 16, 2014

Canada: First Nation Challenge Based On Spiritual Interests Rejected In Jumbo Case
Mondaq

March 2014

New BC Recycling Requirements for Paper Products Coming into Force Soon
Environmental Bulletin

December 2013

BC Supreme Court Quashes Morrison Copper/Gold Project Environmental Assessment Certificate Decision
Environmental Bulletin

May 2012

Minerals and Mining – Canada Chapter
Globe Law and Business
Co-authored by Robin Junger, Henry Krupa, Laurel Petryk and Darrell Podowski

presentations

June 2019

Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in Canada
Presented to the CBA National Aboriginal Law Conference, Banff

December 12, 2017

Determining the Proper Rights Holder in a Dispute
Pacific Business Law Institute, Aboriginal Litigation and Negotiation, Vancouver, British Columbia

October 12, 2017

The Regulator's Duty of Fairness in Mining Development
Mining Law 2017, CLE BC, Vancouver, British Columbia

January 2017

AME's The Gathering Place
Legal Issues Panel
AME Roundup 2017, Vancouver, British Columbia

May 2016

Working Together and Moving Forward Post Tsilhqot'in

Panel Speaker
Minerals North Conference, Smithers, BC

February 18, 2016

State of the (Oil) Nation: What's in the Pipeline?
Osgoode Professional Development, Toronto, Ontario

September 16, 2015

Watch your step...archaeology and project development in BC
Seminar hosted by McMillan and Stantec

July 17, 2015

Indigenous Rights and Mineral Development: Challenges and
Opportunities - Canadian Perspective
61st Annual Rocky Mountain Mineral Law Institute

January 27, 2015

Aboriginal Engagement: The Current Context from a Legal
Perspective
AME BC Mineral Exploration Roundup 2015

November 5, 2014

The *Tsilhqot'in* Decision - What is Next?
CLEBC Mining Law 2014

July 16, 2014

Tsilhqot'in v. B.C. - What does it mean for the resource sector?
McMillan Seminar, Vancouver, BC

May 10, 2014

Key Aspects of Pipeline Development: Regulatory Process and
Structuring of the Contracts
Round-Table Discussion, Energy Committee, Inter-Pacific Bar
Association Annual Meeting and Conference, Vancouver, BC

May 7, 2014

Indigenous and environmental issues
2nd Coaltrans Conference - West Coast, Vancouver, BC

April 8, 2014

How do we improve certainty in the IA review process?
Theme forum presentation at the International Association for
Impact Assessment 34th Annual Conference in Viña del Mar,
Chile

April 8, 2014

Environmental litigation regarding impact assessment
Chair, paper presentation at the International Association for
Impact Assessment 34th Annual Conference in Viña del Mar,
Chile