

**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA  
and ASSEMBLY OF FIRST NATIONS**

Complainants

and

**CANADIAN HUMAN RIGHTS COMMISSION**

Commission

and

**ATTORNEY GENERAL OF CANADA**  
(representing the Minister of Indigenous Services Canada)

Respondent

and

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA,  
NISHNAWBE ASKI NATION,**

Interested Parties

and

**NATIONAL CHILDREN'S CHIEFS' COMMISSION**

Proposed Interested Party

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**WRITTEN SUBMISSIONS OF THE ATTORNEY GENERAL OF CANADA  
IN RESPONSE TO THE NATIONAL CHILDREN'S CHIEFS' COMMISSION'S  
MOTION FOR INTERESTED PARTY STATUS**

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## **OVERVIEW**

1. The National Children's Chiefs Commission (NCCC) should not be granted interested party status in this proceeding. The NCCC's intervention is unnecessary, disproportionate, and will inevitably result in duplication and delays. Adding the NCCC at this late stage will undermine the Tribunal's ability to efficiently and effectively move forward with the remedial phase of the proceedings.

2. Permitting the NCCC to become an interested party to present the positions of the First Nations-in-Assembly will not assist this Panel. The Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society of Canada (Caring Society) have both already been mandated by the First Nations-in-Assembly to conduct this litigation. Additional participation from the NCCC will either result in duplication because the parties represent the same interests, or internally contradictory positions from parties representing the same interests.

3. As the third body mandated to lead these proceedings on behalf of the First Nations-in-Assembly, permitting the NCCC broad participatory rights will expand and complicate the issues before the Tribunal, resulting in a significant delay.

4. In any event, the NCCC's views are already reflected in the materials and submissions filed by the co-complainants, so their participation as an interested party is unnecessary and disproportionate. The proportionality principle guides the Tribunal's application of the interested party status test and requires the dismissal of this motion.

5. In the alternative, the NCCC should have reasonable limits placed on its participatory rights. It should not be permitted to add to the evidentiary record nor bring additional motions.

## **PART I – STATEMENT OF FACTS**

### **A. The Assembly of First Nations**

6. The AFN has been one of two co-complainants in this legal proceeding since its inception in 2006. It is a national advocacy organization representing First Nations citizens in Canada, including 634 First Nations communities.<sup>1</sup> The Tribunal relies on the AFN to provide a broader First Nations perspective and represent the views of over 600 First Nations in Canada.<sup>2</sup>

7. The AFN's Charter establishes nine principal organs, including the Executive Committee and the First Nations-in-Assembly.<sup>3</sup> The Executive Committee consists of the National Chief, the AFN Regional Chiefs, and the Chairperson of the Knowledge Keepers Council.<sup>4</sup> It has a number of functions and powers as set out in the AFN Charter.<sup>5</sup>

8. The First Nations-in-Assembly consists of all the Chiefs of those First Nations who exercise their right to be members of the AFN.<sup>6</sup> The First Nations-in-Assembly is a forum for First

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<sup>1</sup> Amended Affidavit of Craig Gideon (affirmed 22 March 2024) at para 3 [**Gideon Affidavit**].

<sup>2</sup> *First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2022 CHRT 26](#) at paras [41](#), [48](#) [**2022 CHRT 26**]; *First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2025 CHRT 6](#) at para [470](#) [**2025 CHRT 6**]; *First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2025 CHRT 80](#) at para [110](#) [**2025 CHRT 80**].

<sup>3</sup> Assembly of First Nations (AFN), [Assembly of First Nations \(AFN\) Charter, as amended](#) (Ottawa: AFN, December 2022), art 5, online: [Assembly of First Nations \(AFN\) Charter, as amended](#) [**AFN Charter**]; previous versions of the *AFN Charter* have been before this Tribunal: 2025 CHRT 6 (Complainant Assembly of First Nations Written Argument on Canada's Cross-Motion and First Nations Leadership Council's Intervention, at Footnote 11, citing AFN, *Charter of the Assembly of First Nations (AFN), as amended* (Ottawa: AFN, July 2021)); [2018 CHRT 4](#) (Complainant AFN evidence, AFN, *Charter* (Vancouver: AFN, July 1985), Exhibit "A", Affidavit of Jonathan Thompson (affirmed 20 December 2016)).

<sup>4</sup> [AFN Charter](#), art 17(1).

<sup>5</sup> [AFN Charter](#), art 18.

<sup>6</sup> [AFN Charter](#), art 6.

Nations to conduct nation-to-nation discussions, consultations and deliberations. The First Nations-in-Assembly provides direction to the AFN and define its mandate.<sup>7</sup>

9. By way of resolution, the First Nations-in-Assembly may establish Chiefs' Committees to lead work or take action on a specific subject.<sup>8</sup> A Chiefs' Committee only has the authority to provide recommendations to the AFN Executive Committee or First Nations-in-Assembly for voting purposes, but cannot pass motions that bind them.<sup>9</sup>

## B. The NCCC

10. On October 18, 2024, through Resolution No. 60/2024, the First Nations-in-Assembly directed the AFN Executive Committee to establish the NCCC.<sup>10</sup> According to the NCCC's August 2025 Progress Report:

The AFN Executive did not establish the Commission. Instead, they sought a legal review of Resolutions 60/2024 and 61/2024 by Peter Mantas at Fasken Law Firm. The Fasken opinion concluded that the resolutions: do not comply with the law; would require significant amendments to the AFN Charter which exceed the AFN's own mandate; are void and cannot be implemented under the current legal framework.<sup>11</sup>

11. Citing other unattributed legal opinions, the NCCC Progress Report goes on to state: "In the absence of support from the AFN Secretariat and Executive Committee, the regions took steps

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<sup>7</sup> [AFN Charter](#), art 7(1) and (2)(g); [Maloney v Mi'kmaq Nova Scotia Tripartite Forum](#), 2024 CHRT 106 at para 42 [**Maloney**]; *First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2022 CHRT 41](#) at paras 436–442 [**2022 CHRT 41**].

<sup>8</sup> [AFN Charter](#), art 7(3).

<sup>9</sup> [AFN Charter](#), art 7(3)(e).

<sup>10</sup> First Nations-in-Assembly, *Resolution 60/2024*, Exhibit "G", Affidavit of Chief Pauline Frost (affirmed 20 November 2025) [**Chief Frost Affidavit**], in Motion Record of the Proposed Interested Party, National Children's Chiefs Commission [**NCCC Motion Record**], pp 43–44; see also Chief Frost Affidavit, para 4, in NCCC Motion Record, p 11.

<sup>11</sup> NCCC, "NCCC Progress Report- August 1, 2025", Exhibit "O", Chief Frost Affidavit [**NCCC Progress Report**], in NCCC Motion Record, p 338.

to implement resolutions 60/2024 and 61/2024. Through their own process, the regions appointed Commissioners, Alternatives and technical advisors.”<sup>12</sup>

12. In December 2024, the First Nations-in-Assembly resolved that it was no longer directing the AFN Executive Committee to establish the NCCC, but was itself establishing the NCCC. The resolution does not address the status of the NCCC, including whether it was established as an AFN Chiefs’ Committee pursuant to the AFN Charter.<sup>13</sup> Between the December 2024 resolutions and approximately April 2024, all of AFN’s in-house counsel withdrew from this litigation and were replaced by external legal counsel.<sup>14</sup>

13. In response to a request from the Tribunal, the AFN Executive Committee wrote to the Tribunal on December 22, 2025, stating that the NCCC was established by and reports to the First Nations-in-Assembly, and that “The AFN provides support to the NCCC in fulfilling their mandate provided by the First Nations-in-Assembly, where requested.”<sup>15</sup> The AFN’s new legal counsel also wrote to the Tribunal on December 22, 2025, advising that the NCCC’s role is to “assist the Complainants.”<sup>16</sup>

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<sup>12</sup> NCCC Progress Report, in NCCC Motion Record, p 339.

<sup>13</sup> First Nations-in-Assembly, *Resolution 89/2024*, art 2, Exhibit “J”, Chief Frost Affidavit [**Resolution 89/2024**], in NCCC Motion Record, p 312; [AFN Charter](#), art 7(3).

<sup>14</sup> Email from Andrew Bisson to Judy Dubois (1 April 2025); *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)* (2 April 2025), Ottawa, CHRT (T-1340/7008) (Direction on extension requests with respect to the February 10 2025 direction) where the Tribunal indicated that “The Tribunal now understands that the AFN is without legal counsel and in the process of securing a new counsel”; see also Letter from Adam Williamson to Judy Dubois (27 January 2025) removing Nahwegahbow Corbiere, Stuart Wuttke and Lacey Kassis as counsel for AFN.

<sup>15</sup> Letter from Andrew Bisson to Members Marchildon and Lustig (22 December 2025), attached to Letter from Peter Mantas to Tribunal and Registrar (22 December 2025) [**P. Mantas December 2025 Letter**].

<sup>16</sup> P. Mantas December 2025 Letter, pp 1–2.

### C. Competing Mandates from the First Nations-in-Assembly

14. The First Nations-in-Assembly have now mandated three separate entities to represent them in this legal proceeding and any associated negotiations, as follows.

#### 1. *The AFN's mandate*

15. The AFN was authorized by the First Nations-in-Assembly to pursue this litigation in 2006, through Resolution No. 53/2006.<sup>17</sup> There is no evidence that Resolution No 53/2006 has ever been withdrawn. Over the years, the First Nations-in-Assembly have provided direction to the AFN on the conduct of the litigation and associated negotiations, including through:

- a. Resolution No. 40/2022;<sup>18</sup>
- b. Resolution No. 83/2023;<sup>19</sup>
- c. Resolution No. 84/2023;<sup>20</sup> and
- d. Resolution No. 86/2023.<sup>21</sup>

#### 2. *The NCCC's mandate*

16. Like the AFN Executive Committee, the NCCC takes its direction and mandate from the First Nations-in-Assembly. The First Nations-in-Assembly have passed multiple resolutions setting out the NCCC's proposed composition and instructions.<sup>22</sup>

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<sup>17</sup> Chief Frost Affidavit, para 9, in NCCC Motion Record, p 13; First Nations-in-Assembly, *Resolution 53/2006*, Exhibit "A", Chief Frost Affidavit [**Resolution 53/2006**], in NCCC Motion Record, pp 43–44.

<sup>18</sup> First Nations-in-Assembly, *Resolution 40/2022*, Exhibit "D", Chief Frost Affidavit, in NCCC Motion Record, pp 79–81.

<sup>19</sup> First Nations-in-Assembly, *Resolution 83/2023*, Exhibit "A", Gideon Affidavit.

<sup>20</sup> First Nations-in-Assembly, *Resolution 84/2023*, Exhibit "A", Gideon Affidavit.

<sup>21</sup> First Nations-in-Assembly, *Resolution 86/2023*, Exhibit "B", Affidavit of Amber Potts (affirmed 3 March 2025).

<sup>22</sup> First Nations-in-Assembly, *Resolution 60/2024*, Exhibit "G", Chief Frost Affidavit [**Resolution**

17. Initially, it appeared that the First Nations-in-Assembly had mandated the NCCC solely to negotiate with Canada towards long-term reform of Jordan's Principle and the FNCFS Program. The negotiation mandate included seeking FNCFS Program funding for families and children living off-reserve and in the Northwest Territories.<sup>23</sup>

18. However, and owing to the apparent dispute between the AFN Executive and the Commissioners over the legal status of the NCCC, the Commissioners seek "to co-lead the prosecution of the CHRT proceedings to ensure the AFN's legal filings are aligned with the Commission's negotiating positions."<sup>24</sup> The Commissioners developed the NCCC's Terms of

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**60/2024**], in NCCC Motion Record, pp 43–44; First Nations-in-Assembly, *Resolution 61/2024*, Exhibit "H", Chief Frost Affidavit [**Resolution 61/2024**], in NCCC Motion Record, pp 299–301; First Nations-in-Assembly, *Resolution 88/2024*, Exhibit "I", Chief Frost Affidavit [**Resolution 88/2024**], in NCCC Motion Record, pp 303–06; *Resolution 89/2024*, in NCCC Motion Record, pp 308–312; First Nations-in-Assembly, *Resolution 90/2024*, Exhibit "K", Chief Frost Affidavit [**Resolution 90/2024**], in NCCC Motion Record, pp 314–16.

<sup>23</sup> Chief Frost Affidavit, para 4, in NCCC Motion Record, p 11; see Appendix A for a full list of resolutions, correspondence and statements regarding NCCC's negotiation mandate: *Resolution 60/2024*, arts 8, 10, in NCCC Motion Record, pp 296–97, *Resolution 61/2024*, art 1(i), in NCCC Motion Record, p 300, citing [\*First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada \(representing the Minister of Indigenous and Northern Affairs Canada\)\*, 2020 CHRT 36 \[2020 CHRT 36\]](#); First Nations-in-Assembly, *Resolution 87/2024*, art 2, Exhibit "L", Chief Frost Affidavit [**Resolution 87/2024**], in NCCC Motion Record, pp 319; NCCC, *Terms of Reference for the National Children's Chiefs Commission* (23 January 2025), art 4, Exhibit "M", Chief Frost Affidavit [**NCCC Terms of Reference**], in NCCC Motion Record, p 325; Letter from AFN Regional Chief Bernard et al to AFN National Chief Cindy Woodhouse Nepinak (15 January 2025), Exhibit "R", Chief Frost Affidavit [**AFN Regional Chief January 2025 Letter**], in NCCC Motion Record, p 352; Letter from AFN National Chief Cindy Woodhouse Nepinak to AFN Regional Chief Bernard et al (31 January 2025), Exhibit "X", Chief Frost Affidavit [**AFN National Chief January 2025 Letter**], in NCCC Motion Record, p 370; Letter from Chief Frost to Minister Gull-Masty and Gina Wilson (29 July 2025), Exhibit "HH", Chief Frost Affidavit [**Chief Frost July 2025 Letter**], in NCCC Motion Record, p 399; Letter from Chief Frost to Prime Minister et al (21 February 2025), Exhibit "F", Affidavit of Duncan Farthing-Nichol (affirmed March 13, 2025), p 41, with enclosed chart [**Chief Frost February 2025 Letter**], which is missing from the version of the letter attached at Exhibit "Z", Chief Frost Affidavit, in NCCC Motion Record, pp 375–76; Dr. Cindy Blackstock delivered at the Assembly of First Nations Special Chiefs Assembly (December 4, 2024), online:<[www.cpac.ca/public-record/episode/assembly-of-first-nations-special-chiefs-assembly--december-4-2024?id=35640966-d27b-414c-bfc4-4bc8384a4bd8](http://www.cpac.ca/public-record/episode/assembly-of-first-nations-special-chiefs-assembly--december-4-2024?id=35640966-d27b-414c-bfc4-4bc8384a4bd8)> at 7:32:00 [**Dr. Blackstock December 2024 Speech**].

<sup>24</sup> NCCC Progress Report, in NCCC Motion Record, p 335.



Reference,<sup>25</sup> which were ultimately approved by the First Nations-in-Assembly in September 2025.<sup>26</sup>

19. The NCCC’s Terms of Reference now include a mandate to provide oversight and strategic direction on “...litigation related to the Long-Term Reform (LTR) of First Nations Child and Family Services (FNCFS) and Jordan’s Principle, including the ongoing proceedings before the Canadian Human Rights Tribunal in *First Nations Child and Family Caring Society et al v, (sic) Attorney General of Canada* (T1340/7008).”<sup>27</sup> The NCCC’s August 2025 Progress Report indicates this was needed because “the Commission needs a mechanism in place to ensure all future submissions to the CHRT are supportive of the Commission’s mandate”.<sup>28</sup> That mandate continues to include FNCFS Program funding for families and children living off-reserve and in the Northwest Territories.<sup>29</sup>

### 3. *The Caring Society’s mandate*

20. In addition to mandating both the AFN and the NCCC to conduct these litigation proceedings and any associated negotiations, the First Nations-in-Assembly have also designated the Caring Society “to lead any process to achieve non-discrimination (also known as long term

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<sup>25</sup> NCCC Terms of Reference, in NCCC Motion Record, p 338–39.

<sup>26</sup> Chief Frost Affidavit, para 39, in NCCC Motion Record, p 21; First Nations-in-Assembly, *Draft Resolution 52/2025*, Exhibit “P”, Chief Frost Affidavit, in NCCC Motion Record, p 345–47.

<sup>27</sup> Chief Frost Affidavit, para 33, in NCCC Motion Record, p 20; NCCC Terms of Reference, in NCCC Motion Record, p 321.

<sup>28</sup> NCCC Progress Report, in NCCC Motion Record, p 342.

<sup>29</sup> Chief Frost Affidavit, para 4, in NCCC Motion Record, p 11; see Appendix A for a full list of resolutions, correspondence and statements regarding NCCC’s negotiation mandate: *Resolution 60/2024*, arts 8, 10, in NCCC Motion Record, pp 296–97, *Resolution 61/2024*, art 1(i), in NCCC Motion Record, p 300, citing [2020 CHRT 36](#); *Resolution 87/2024*, art 2, in NCCC Motion Record, pp 319; NCCC Terms of Reference, in NCCC Motion Record, p 325; AFN Regional Chief January 2025 Letter, in NCCC Motion Record, p 352; AFN National Chief January 2025 Letter, in NCCC Motion Record, p 370; Chief Frost July 2025 Letter, in NCCC Motion Record, p 399; Chief Frost February 2025 Letter; Dr. Blackstock December 2024 Speech.

reform) for child and family services and Jordan’s Principle in keeping with the Resolutions passed at the Special Chiefs Assembly on October 16-18, 2024.”<sup>30</sup>

21. As explained by the AFN National Chief on January 31, 2025:

It is not I who placed the Caring Society into a leadership role on long-term reform efforts, but the First Nations-in-Assembly. Dr. Blackstock also made several unequivocal representations to the Chiefs in the context of recent AFN Assemblies regarding the availability of CHRT protected funding and advocating for the inclusion of off-reserve children, as highlighted by her statements of taking Canada to court. It is entirely fair for the AFN to seek an update on what efforts the Caring Society is undertaking to protect/achieve those results they promised to secure on behalf of First Nations.<sup>31</sup>

#### **D. Status of the Proceedings**

##### ***1. The Ontario Final Agreement Motion***

22. On March 7, 2025, COO and NAN filed a joint motion for an order that the Tribunal approve the Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario (Ontario Final Agreement).<sup>32</sup> The Tribunal set April 15, 2025, as the deadline to file motions for interested party status in respect of the Ontario Final Agreement approval motion.<sup>33</sup> The NCCC did not seek interested party status in accordance with that deadline.

23. This Ontario Final Agreement motion is now in the advanced stages. Evidence is closed and written submissions are scheduled to be complete in the coming weeks. The hearing is scheduled for February 25-26, 2026.<sup>34</sup>

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<sup>30</sup> Resolution 88/2024, art 5, in NCCC Motion Record, p 306.

<sup>31</sup> AFN National Chief January 2025 Letter, in NCCC Motion Record, pp 370–71.

<sup>32</sup> *First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)* (07 March 2025), Ottawa, CHRT (T-1340/7008) (Interested parties Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN) Joint Notice of Motion).

<sup>33</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)* (2 April 2025), Ottawa, CHRT (T-1340/7008) (Direction on interested party motions in Ontario Final Agreement motion).

<sup>34</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)* (26 January 2026), Ottawa,

## ***2. The Proceedings at Large***

24. In a previous Direction, the Tribunal set timelines for any groups to bring motions for interested party status in the proceedings more generally.<sup>35</sup> Several groups filed motions, which remain under reserve. However, the NCCC did not seek interested party status in accordance with those timelines.

25. On November 21, 2025, the NCCC brought the present motion for interested party status.<sup>36</sup> The NCCC seeks to actively participate in the proceedings generally, including the advanced Ontario Final Agreement motion proceedings.<sup>37</sup>

## **PART II – POINTS IN ISSUE**

26. The main issue is whether the Tribunal should grant interested party status to the NCCC, and, if such an order is granted, the scope and limits of its participation.

## **PART III – SUBMISSIONS**

### **A. Preliminary Issue: The Need for Evidentiary Caution**

27. Care and caution should be exercised in reviewing the NCCC's evidence. No other party was permitted to file responding evidence and there was no process by which the parties could test

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CHRT (T-1340/7008) (Direction on revised schedule for written submission on OFA motion).

<sup>35</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada* (representing the Minister of Indigenous and Northern Affairs Canada) (24 April 2025), Ottawa, CHRT (T-1340/7008) (Direction on interested party motions in proceedings generally).

<sup>36</sup> NCCC, Notice of Motion (21 November 2025) [**NCCC Notice of Motion**], in NCCC Motion Record, pp 1–9.

<sup>37</sup> NCCC, Written Submissions (19 December 2025), para 45 [**NCCC Written Submissions**], in NCCC Motion Record, p 499–517.

the evidence through cross-examination.<sup>38</sup> Further, the evidence includes significant lay-witness opinion, argument and unqualified expert opinion.<sup>39</sup>

28. In addition, a legal assistant’s affidavit purports to correct an “administrative error” in Chief Frost’s affidavit.<sup>40</sup> The legal assistant states that Exhibit “II” to Chief Frost’s affidavit – an August 21, 2025 letter from the NCCC to the Minister of Indigenous Services Canada stating that long-term reform of First Nations child and family services and Jordan’s Principle must include the Northwest Territories – should be replaced with a different letter.<sup>41</sup> However, Chief Frost herself does not attest to the error or introduce the new exhibit as a true copy of the intended letter.

29. While the Tribunal may exercise its discretion to accept evidence that would be inadmissible in a court of law, its discretion should be exercised consistently with the *Canadian Human Rights Act*, RSC 1985, c H-6 (the *Act*), including the proportionality principle.<sup>42</sup> Where a party filing an improper affidavit is represented by counsel, such as here, the Tribunal will apply standard evidentiary principles more strictly.<sup>43</sup>

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<sup>38</sup> In formal court proceedings, affidavit evidence is presumptively inadmissible when it contains opinions from an unqualified witness: *Canada (Attorney General) v Quadrini*, 2010 FCA 47 at para 18; *Pelletier v Canada*, 2019 FCA 165 at paras 15–16, citing *White Burgess Langille Inman v Abbott and Haliburton Co.*, 2015 SCC 23 at paras 23–24.

<sup>39</sup> Chief Frost Affidavit, paras 4, 6–8, 10, 16, 18, 21–23, 27–29, 31–32, 40–41, 46–47, 52–53, 56, 59, 65, 69, 80–85, in NCCC Motion Record, pp 11–20, 22–28, 30–31, 37–40.

<sup>40</sup> Affidavit of Mary Arulnesan (affidavit 17 December 2025), in NCCC Motion Record, pp 494–95.

**[Arulnesan Affidavit].**

<sup>41</sup> Arulnesan Affidavit, para 4, in NCCC Motion Record, p 495.

<sup>42</sup> *Richards v Correctional Service Canada*, 2025 CHRT 88 at para 6, citing *Canadian Human Rights Act*, RSC, 1985, c H-6, s 48.9(1), 50(1), 50(3)(c) [*CHRA*] and *Clegg v Air Canada*, 2019 CHRT 4 at paras 68, 73; see also *Heddle v Canada Post Corporation*, 2024 CHRT 110 at para 85 [*Heddle*].

<sup>43</sup> *Heddle* at para 91.

30. Given the anomalies in the NCCC’s evidence and the lack of a process to respond to or test that evidence, the Tribunal should exercise its discretion cautiously, particularly with respect to opinion and argumentative statements.

**B. Factors this Panel should consider in determining the interested party motion**

31. When considering whether a party should be granted interested party status, and taking into account the Tribunal’s responsibility to conduct proceedings expeditiously, the Panel may consider:

- a. whether the proceeding will have an impact on the moving party’s interests;
- b. whether the moving party’s involvement will significantly add to the legal positions of the parties, particularly those representing a similar viewpoint; and
- c. whether the moving party’s expertise will be of assistance to the Tribunal.<sup>44</sup>

32. An organization may be granted interested party status where it is directly impacted if it “can provide assistance to the Tribunal in determining the issues before it.”<sup>45</sup> This assistance

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<sup>44</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2025 CHRT 86](#) at paras [66–67](#) [[2025 CHRT 86](#)]; *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2024 CHRT 95](#) at para [33](#) [[2024 CHRT 95](#)]; see also *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 31](#) at para [26](#) [[2020 CHRT 31](#)], citing *Walden et al. v Attorney General of Canada (representing the Treasury Board of Canada and Human Resources and Skills Development Canada)*, 2011 CHRT 19 [[Walden](#)]; In *K.L. v Canada Post Corporation*, 2025 CHRT 28, in some cases the criteria for interested party status may be enunciated as a) the usefulness of the prospective interested party’s participation in assisting the Tribunal to determine the issues before it, including whether the proposed interested person will add to the positions of the existing parties; b) whether the interested person has a genuine interest; and c) the interests of justices (paras 52, 67–70); regardless of which criteria are applied, the motion should not be granted to the reasons set out within these written submissions.

<sup>45</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2016 CHRT 11](#) at para [3](#) [[2016 CHRT 11](#)]; [2024 CHRT 95](#) at paras [31–34](#); [Walden](#) at paras [23–24](#). Note that for the purposes of this

should add significantly to the legal positions of the parties representing a similar viewpoint.<sup>46</sup> The onus is on the applicant to demonstrate how its expertise will be of assistance to the Tribunal.<sup>47</sup>

33. In addition, the principle of proportionality informs the Tribunal’s consideration of the interested party status criteria.<sup>48</sup> Proportionality does not expand access to the Tribunal; it defines its limits. Proportionality sets reasonable limits on litigation, balancing fairness with expediency.<sup>49</sup> Proportionality is expressed in subsection 48.9(1) of the *Act*,<sup>50</sup> which mandates that proceedings before the Tribunal be conducted as “informally and expeditiously as the requirements of natural justice and the rules of procedure allow.”<sup>51</sup>

### C. The NCCC is not directly impacted by these Proceedings

#### *1. The NCCC is the third entity mandated by the First Nations-in-Assembly to represent them in these proceedings*

34. Canada does not dispute that First Nations children and families generally, and accordingly the First Nations-in-Assembly, are directly impacted by the proceedings. However, their interests are already represented by the AFN and the Caring Society. As noted above in paragraphs 15 and

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type of motion, this Panel has confirmed that there is no difference between the previous rules and the current rules, and the previous jurisprudence on this issue continues to apply: [2024 CHRT 95](#) at para [26](#).

<sup>46</sup> *Canadian Association of Elizabeth Fry Societies and Acoby v Correctional Service of Canada*, 2019 CHRT 30 at para [34](#); [2024 CHRT 95](#) at paras [31](#); [2016 CHRT 11](#) at para [3](#).

<sup>47</sup> [2025 CHRT 86](#) at para [66](#); [2024 CHRT 95](#) at para [31](#).

<sup>48</sup> *First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 11 at para [34](#), citing [2016 CHRT 11](#) at para [3](#).

<sup>49</sup> *Liu v Public Safety Canada*, 2025 CHRT 90 at paras [21](#), [31–32](#), [60](#), [64–65](#), [67](#) [*Liu*]; *Thomas v Correctional Service Canada*, 2024 CHRT 139 at paras [19](#), [41](#) [*Thomas*]; *Temate v Public Health Agency of Canada*, 2022 CHRT 31 at paras [8–15](#) [*Temate*]; *Richards v Correctional Service Canada*, 2025 CHRT 5 at para [11](#).

<sup>50</sup> *Thomas* at para [17](#); *Whitelaw v Royal Canadian Mounted Police*, 2025 CHRT 43 at paras [15–17](#); *Temate* at paras [10–11](#).

<sup>51</sup> *CHRA*, s [48.9\(1\)](#).

20, the First Nations-in-Assembly previously mandated both the AFN and the Caring Society to conduct this litigation and any associated negotiations respecting long-term reform of both the FNCFS Program and Jordan's Principle on their behalf.

35. The NCCC itself, as the third entity established to represent the First Nations-in-Assembly in these proceedings, is not directly affected by these proceedings beyond the AFN and Caring Society's current representative involvement. Both the AFN and the Caring Society continue to act as co-complainants, representing the First Nations-in-Assembly, with independent legal representation in this proceeding.<sup>52</sup> Allowing the NCCC's intervention will undermine the proportionality of the proceedings since their participation is unnecessary: their views can and are already being provided effectively through the co-complainants.<sup>53</sup>

***2. The NCCC's perspectives are already represented by the Caring Society and the AFN***

36. There is no basis for the NCCC to have broad participatory rights in these proceedings as a third representative of the First Nations-in-Assembly. The NCCC's perspectives are already provided by the AFN and the Caring Society. Further, this Panel previously concluded that First Nations' regional interests are generally represented by the AFN and Caring Society.<sup>54</sup> The Tribunal relies on the AFN to provide the broader First Nations perspective and represent the views of over 600 First Nations in Canada. The Panel is also informed by the Caring Society.<sup>55</sup>

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<sup>52</sup> Chief Frost Affidavit, para 51, in NCCC Motion Record, p 25; P. Mantas December 2025 Letter, p 1–3; *Resolution 88/2024*, art 5, in NCCC Motion Record, p 306; *Resolution 53/2006*, in NCCC Motion Record, pp 43–44.

<sup>53</sup> *Liu* at paras 60, 64–65, 67–68.

<sup>54</sup> [2025 CHRT 86](#) at para 73, quoting [2022 CHRT 26](#) at paras 37–42; [2025 CHRT 80](#) at para 110.

<sup>55</sup> [2022 CHRT 26](#) at paras 41, 48; [2025 CHRT 6](#) at para 470.

37. Adding a third representative of those same perspectives is redundant, disproportionate and would encumber the Tribunal process. First Nations’ perspectives are already accounted for and can be addressed by the AFN or Caring Society.<sup>56</sup>

38. This Panel previously stated that allowing all First Nations or groups representing First Nations to intervene would paralyze the proceedings and negatively impact the very First Nations children at the heart of these proceedings.<sup>57</sup> Providing another entity with full participatory rights as the third representative of the First Nations-in-Assembly will similarly hinder the Panel’s ability to finalize these proceedings. As noted by this Panel, the “remedial clarification and implementation process is not to be confused with a commission of inquiry or a forum for consultation with any and all interested parties.”<sup>58</sup>

### ***3. The AFN continues to play an active role as a co-complainant***

39. Further, the AFN is actively representing First Nations’ interests, and as such First Nations outside of Ontario already have a voice in the underlying matter.<sup>59</sup> The AFN recently confirmed that it remains steadfast in advocating for First Nations children in this proceeding and will continue to take a central role in the litigation, including supporting a region by region approach

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<sup>56</sup> [2016 CHRT 11](#) at para [14](#); [2025 CHRT 6](#) at paras [470](#), [475](#).

<sup>57</sup> [2025 CHRT 80](#) at para [108](#); [2016 CHRT 11](#) at para [14](#).

<sup>58</sup> [2016 CHRT 11](#) at para [14](#).

<sup>59</sup> NCCC Written Submissions, paras 39–40, in NCCC Motion Record, p 513; [2025 CHRT 6](#) at para [470](#); *AFN Charter*, art 7(2)(g); [2022 CHRT 41](#) at paras [436–442](#); *Maloney* at para [42](#); P. Mantas December 2025 Letter, p 1–3; Chief Frost Affidavit, paras 36, 43, 77, 79, 86, in NCCC Motion Record, pp 21–22, 36–37, 40; First Nations Child and Family Caring Society of Canada, *The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario)* (22 December 2025) at pp 1–2, 8–9 [*Loving Justice Plan*].



to long-term FNCFS Program Reform.<sup>60</sup> The AFN recently stated it will “continue to serve a central role in this case”.<sup>61</sup>

40. The AFN and Caring Society can and have incorporated the NCCC’s views through affidavits or submissions without its intervention.<sup>62</sup> Indeed, the Caring Society filed the Loving Justice plan on December 22, 2025, “on behalf of” the AFN and with the NCCC’s endorsement.<sup>63</sup> There is accordingly no need for the NCCC to be added as a party to the proceedings.

#### **D. The NCCC’s involvement will not add to the legal position of the parties**

##### ***1. The NCCC’s involvement as the third representative of the First Nations-in-Assembly’s interests is unnecessary and disproportionate***

41. The First Nations-in-Assembly’s resolutions are the essential mechanism through which the AFN’s mandate has been provided to the Tribunal,<sup>64</sup> and the AFN Executive Committee is empowered to take positions on behalf of First Nations based on their mandates from the First Nations-in-Assembly.<sup>65</sup> Like the AFN, the NCCC reports to, and derives its authority from, the

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<sup>60</sup> P. Mantas December 2025 Letter, p 1–3.

<sup>61</sup> P. Mantas December 2025 Letter, p 3.

<sup>62</sup> Chief Frost Affidavit, paras 86 and 36, 43, 70, 77, 79, in NCCC Motion Record, pp 21–22, 31, 36–37, 40; Letter from Chief Pauline Frost to Cindy Blackstock (22 December 2025), Exhibit “61”, Affidavit of Cindy Blackstock (affirmed 22 December 2025) [**Chief Frost December 2025 Letter**]; *Loving Justice Plan*, pp 1–2, 8–9; NCCC Written Submissions, para 43. in NCCC Motion Record, p 514.

<sup>63</sup> P. Mantas December 2025 Letter, p 2; Chief Frost December 2025 Letter, p 2.

<sup>64</sup> [2022 CHRT 41](#) at paras [436–438](#), citing *First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2019 CHRT 39 at para [34](#) and *Canada (Attorney General) v First Nations Child & Family Caring Society of Canada*, 2021 FC 969 at para [160](#); *Maloney* at para [42](#).

<sup>65</sup> [2022 CHRT 41](#) at para [438](#).

First Nations-in-Assembly.<sup>66</sup> The Caring Society has also been mandated by the First Nations-in-Assembly to lead this litigation and any associated negotiations.<sup>67</sup>

42. All three organizations therefore represent the perspectives and interests of the First Nations-in-Assembly. To the extent that they take the same position as each other in this litigation, the NCCC's involvement will not add a unique perspective or otherwise assist the Tribunal. However, if they take differing positions from each other, the Tribunal would be faced with internally inconsistent positions on behalf of the First Nations-in-Assembly that are impossible to reconcile. This will add delay and complexity to these proceedings, drawing the Tribunal into deciding matters of First Nations governance. This reason alone is sufficient to justify denying the NCCC's motion.

43. To the extent the NCCC claims a unique role in negotiations with Canada on long-term reform of the FNCFS Program that will add to the positions of the parties,<sup>68</sup> there are no negotiations between Canada and the NCCC. In addition, even if negotiations were ongoing, they would be subject to settlement privilege and would occur outside of the Tribunal's process, until and unless agreement is reached and Canada seeks Tribunal approval.<sup>69</sup>

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<sup>66</sup> NCCC Terms of Reference, art 3, in NCCC Motion Record, p 321; *Resolution 61/2024*, in NCCC Motion Record, pp 299–301; Chief Frost Affidavit, paras 4, 26–29, 86, in NCCC Motion Record, pp 11, 18, 40.

<sup>67</sup> *Resolution 88/2024*, in NCCC Motion Record, p 306.

<sup>68</sup> NCCC Written Submissions, para 35, in NCCC Motion Record, p 512.

<sup>69</sup> *Sable Offshore Energy Inc. v Ameron International Corp.*, 2013 SCC 37 at para 13.

## **E. The NCCC's expertise will not assist the Tribunal**

### ***1. The NCCC will raise new issues***

44. The NCCC's participation in these proceedings will only serve to jeopardize an efficient and effective resolution by introducing new issues outside the scope of this complaint. The AFN First Nations-in-Assembly's Resolutions and the NCCC's Terms of Reference require the NCCC to pursue FNCFS Program funding for families and children living off-reserve and in the Northwest Territories.<sup>70</sup>

45. Faced with the Tribunal's recent direction on the scope of this proceeding, the NCCC's 2025 CHRT 80 Backgrounder implies that while these issues will not be addressed "right now", they may be at a later time.<sup>71</sup> Indeed, the NCCC states that there is only one area where the NCCC's position is not reflected in the Loving Justice Plan: FNCFS Program funding for children and families living off-reserve and in the Northwest Territories.<sup>72</sup> The Tribunal has already confirmed that those issues are beyond the scope of the complaint and not part of these proceedings.<sup>73</sup> Permitting the NCCC interested party status for the purpose of raising these new issues would significantly hamper the proceedings.

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<sup>70</sup> Chief Frost Affidavit, para 4, in NCCC Motion Record, p 11; see Appendix A for a full list of resolutions, correspondence and statements regarding NCCC's negotiation mandate: *Resolution 60/2024*, arts 8, 10, in NCCC Motion Record, pp 296–97, *Resolution 61/2024*, art 1(i), in NCCC Motion Record, p 300, citing [2020 CHRT 36](#); *Resolution 87/2024*, art 2, in NCCC Motion Record, pp 319; NCCC Terms of Reference, in NCCC Motion Record, p 325; AFN Regional Chief January 2025 Letter, in NCCC Motion Record, p 352; AFN National Chief January 2025 Letter, in NCCC Motion Record, p 370; Chief Frost July 2025 Letter, in NCCC Motion Record, p 399; Chief Frost February 2025 Letter; Dr. Blackstock December 2024 Speech.

<sup>71</sup> NCCC, *Backgrounder on Tribunal proceedings and 2025 CHRT 80* (undated), Exhibit "OO", Chief Frost Affidavit, in NCCC Motion Record, p 425.

<sup>72</sup> Chief Frost December 2025 Letter.

<sup>73</sup> *First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)* (3 October 2025), Ottawa T1340-7008 (CHRT) (Direction on scope of proceedings).

46. Further, the NCCC has not explained why it could make further or better submissions in the proceedings than the AFN, or how its legal position would or could be any different than the AFN's legal position. The NCCC has also not explained how it will avoid the same political pressures for which it criticizes the AFN, given that they both represent the First Nations-in-Assembly.<sup>74</sup>

## ***2. Granting the NCCC broad participatory rights will impede the litigation***

47. The NCCC seeks broad participation in the proceedings as a full party, which will be disruptive to the Tribunal's expeditious resolution of this matter. For instance, the NCCC seeks the ability to make oral and written submissions, adduce evidence, conduct examinations and be involved in all hearings, appearances, mediations, case conferences, motions, negotiations or other processes.<sup>75</sup>

48. Allowing the NCCC's broad participation in all procedural steps, including conducting examinations and adducing evidence, will disproportionately extend the time required for hearings and Case Management Conference Calls, and greatly expand the volume of materials before the Tribunal. Ultimately, this will prevent these proceedings from reaching an expeditious resolution.

49. Even limited participation by the NCCC will burden the Tribunal and parties' resources in reviewing and addressing their submissions. In *Liu*,<sup>76</sup> the Tribunal declined to admit additional

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<sup>74</sup> NCCC Written Submissions, para 40, in NCCC Motion Record, p 513.

<sup>75</sup> NCCC Notice of Motion, para 1, in NCCC Motion Record, pp 1–2; NCCC Written Submissions, para 45, in NCCC Motion Record, p 515.

<sup>76</sup> [\*Liu\*](#).

expert witnesses where their testimony will duplicate existing evidence and strain resources.<sup>77</sup> The NCCC's intervention should be declined for the same reason.

### *3. The lateness of the interested party status motion is prejudicial*

50. The timing of a request to intervene is a relevant factor in considering a motion for interested party status.<sup>78</sup> The Tribunal has denied requests to intervene where the timing of the request would prejudice the parties<sup>79</sup> because late arriving proposed intervenors lack the context and background information necessary to avoid creating confusion.<sup>80</sup>

51. The NCCC did not apply for interested party status during the earlier dates set by the Tribunal, despite being established in 2024<sup>81</sup> and having its counsel attend multiple Case Management Conference Calls with the Tribunal throughout 2025. The NCCC has not explained why it did not meet the Tribunal's deadlines for interested party motions.

52. Adding a party at a late stage is rare and complicates the effective management of a case.<sup>82</sup> Such complications are particularly salient given the Tribunal's concern with the delay in long-term reform and desire to complete the remedial stage.<sup>83</sup>

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<sup>77</sup> *Liu* at paras [74–76](#), [81](#).

<sup>78</sup> [2022 CHRT 26](#) at para [53](#); *Woodgate et al v Royal Canadian Mounted Police*, 2022 CHRT 3 at paras [75–77](#) [*Woodgate*].

<sup>79</sup> *Saldanha v Statistics Canada*, 2024 CHRT 109 at para [29](#); *Woodgate* at paras [75–77](#).

<sup>80</sup> [2022 CHRT 26](#) at para [53](#).

<sup>81</sup> Chief Frost Affidavit, para 4, in NCCC Motion Record, p 11.

<sup>82</sup> [2016 CHRT 11](#) at para [13](#).

<sup>83</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)* (10 February 2025), Ottawa, CHRT (T-1340/7008) (Direction on national long-term reform of the FNCFS Program); [2025 CHRT 80](#) at para [117](#).

53. In particular, it would be highly prejudicial to the parties to permit the NCCC to participate in the Ontario Final Agreement motion in any way, as it would effectively derail the efficient determination of the motion. The Tribunal set a deadline of April 15, 2025, for filing interested party motions on the Ontario Final Agreement motion, which the NCCC did not meet.<sup>84</sup> The Ontario Final Agreement motion is now in its final stages. Affidavits and cross-examinations have been completed, leaving only written submissions and an oral hearing, both subject to established timeframes.<sup>85</sup>

**F. Alternatively, there should be reasonable limits to the NCCC's participation**

54. In the event the Tribunal grants interested party status to the NCCC, its participation should be limited to avoid it becoming, in practice, a co-complainant.<sup>86</sup> The NCCC:

- a. should be limited solely to making representations on remedies based on its expertise, without repeating the positions of any other party, re-opening matters or raising new issues, and if permitted, written argument should be limited to 10 pages;
- b. should not be permitted to adduce any further evidence, cross-examine affiants, or otherwise supplement the record of the parties;
- c. should not be permitted to request postponements. Any delay should be deemed a renunciation of its participation in the matter at issue;
- d. should not be permitted to participate in case management, motions, including the

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<sup>84</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)* (2 April 2025), Ottawa, CHRT (T-1340/7008) (Direction on interested party motions in Ontario Final Agreement motion).

<sup>85</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)* (26 January 2026), Ottawa, CHRT (T-1340/7008) (Direction on revised schedule for written submission on OFA motion).

<sup>86</sup> *First Nations Child & Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2025 CHRT 85](#) at para [74](#); [2024 CHRT 95](#) at para [43](#); [2022 CHRT 26](#) at para [61](#).

- Ontario Final Agreement motion proceedings, mediation and other dispute resolution or administrative processes unless specifically directed by the Tribunal and consistent with its limited participation as set out by the Tribunal; and
- e. should not be permitted to bring motions on procedural or substantive issues.
55. In addition, all parties must be provided a meaningful opportunity to respond to any new submissions from the NCCC, to the extent they are permitted.

#### **PART IV – ORDERS SOUGHT**

56. Canada requests an order dismissing the NCCC's motion for interested party status in the Ontario Final Agreement motion and in the proceedings generally.
57. In the alternative, Canada seeks an order setting out the participatory parameters for the NCCC as outlined above.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

**DATED** at the City of Winnipeg, in the Province of Manitoba, this 4<sup>th</sup> day of February, 2026.

**ATTORNEY GENERAL OF CANADA**



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**PART V – APPENDIX A**

**List of Resolutions, Correspondence, and Statements on NCCC’s mandate**

<b>Document</b>	<b>Location</b>	<b>Description</b>
First Nations-in-Assembly, <i>Resolution 60/2024</i> , arts 8, 10	Exhibit “G”, Chief Frost Affidavit, in NCCC Motion Record, pp 296–97	Calls on Canada to obtain a new negotiation mandate to address the matters in the resolution, including those in the NCCC’s Terms of Reference.
First Nations-in-Assembly, <i>Resolution 61/2024</i> , art 1(i)	Exhibit “H”, Chief Frost Affidavit, in NCCC Motion Record, p 300	Directed the NCCC to “[e]nsure that the definition of ‘First Nations child’ as defined in <a href="#">2020 CHRT 36</a> is considered and incorporated into the FSA.”  <i>First Nations Child &amp; Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i> , 2020 CHRT 36 indicates that for the purposes of Jordan’s Principle, a First Nations child includes children off-reserve.
First Nations-in-Assembly, <i>Resolution 87/2024</i> , art 2	Exhibit “L”, Chief Frost Affidavit, in NCCC Motion Record, p 319	Calls for the inclusion of the Northwest Territories in both compensation and long-term FNCFS Program reform agreements.
NCCC, <i>Terms of Reference for the National Children’s Chiefs Commission</i> (23 January 2025), art 4	Exhibit “M”, Chief Frost Affidavit, in NCCC Motion Record, p 325	Indicates that “the NCCC is not permitted to negotiate outside the parameters of this Terms of Reference”, which includes <i>Resolution 61/2024</i> , which seeks FNCFS Program coverage off-reserve.
Letter from AFN Regional Chief Bernard et al to AFN National Chief Cindy Woodhouse Nepinak (15 January 2025)	Exhibit “R”, Chief Frost Affidavit, in NCCC Motion Record, p 352	Citing the First Nations-in-Assembly’s concern for “inclusion for all First Nations children”.
Letter from AFN National Chief Cindy Woodhouse Nepinak to AFN Regional Chief Bernard et al (31 January 2025)	Exhibit “W”, Chief Frost Affidavit, in NCCC Motion Record, p 370	Indicating that “Dr. Blackstock also made several unequivocal representations to the Chiefs in the context of the recent AFN Assemblies regarding the availability of CHRT protected funding and advocating for the inclusion of off-reserve children, as highlighted by her statements of taking Canada to court.”
Letter from Chief Frost to Minister Gull-Masty and Gina Wilson (29 July 2025)	Exhibit “HH”, Chief Frost Affidavit, in NCCC Motion Record, p 399	Indicating that NCCC was “writing to affirm our unwavering commitment to ensuring the fair and equitable inclusion of the Northwest Territories (NWT) in the reform of First Nations child and family services and Jordan’s Principle.”

Document	Location	Description
Letter from Chief Frost to Prime Minister et al (21 February 2025), with enclosed chart	<p>Exhibit “F”, Affidavit of Duncan Farthing-Nichol (affirmed March 13, 2025), p 41</p> <p>&amp;</p> <p>Exhibit “Z”, Chief Frost Affidavit, in NCCC Motion Record, pp 375–76</p>	<p>Chart indicates that the NCCC is seeking FNCFS Program funding for families and children living off reserve.</p> <p>&amp;</p> <p>Chart not included in the version of the letter attached to Chief Frost’s Affidavit.</p>
Dr. Cindy Blackstock delivered at the Assembly of First Nations Special Chiefs Assembly (December 4, 2024)	<p>Online: <a href="https://www.cpac.ca/public-record/episode/assembly-of-first-nations-special-chiefs-assembly--december-4-2024?id=35640966-d27b-414c-bfc4-4bc8384a4bd8">https://www.cpac.ca/public-record/episode/assembly-of-first-nations-special-chiefs-assembly--december-4-2024?id=35640966-d27b-414c-bfc4-4bc8384a4bd8</a> at 7:32:00.</p>	<p>Dr. Blackstock publicly indicates that the intent behind defining ‘First Nations child’ according to <a href="#">2020 CHRT 36</a> was to expand the FNCFS Program to children off-reserve.</p>

## **PART VI – LIST OF AUTHORITIES**

<b>Statutes and Regulations</b>	
1.	<a href="#"><i>Canadian Human Rights Act</i></a> , R.S.C., 1985 c H-6
<b>Case Law</b>	
2.	<a href="#"><i>Canada (Attorney General) v. First Nations Child and Family Caring Society of Canada</i></a> , 2021 FC 969
3.	<a href="#"><i>Canada (Attorney General) v Quadrini</i></a> , 2010 FCA 47
4.	<a href="#"><i>Clegg v Air Canada</i></a> , 2019 CHRT 4
5.	<a href="#"><i>First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)</i></a> , 2016 CHRT 11
6.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2018 CHRT 4
7.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2019 CHRT 11
8.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2019 CHRT 39
9.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2020 CHRT 31
10.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2020 CHRT 36
11.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2022 CHRT 41

12.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2024 CHRT 95
13.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2025 CHRT 6
14.	<a href="#"><i>First Nations Child &amp; Family Caring Society of Canada et al v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i></a> , 2025 CHRT 80
15.	<a href="#"><i>Heddle v Canada Post Corporation</i></a> , 2024 CHRT 110
16.	<a href="#"><i>Liu v Public Safety Canada</i></a> , 2025 CHRT 90
17.	<a href="#"><i>Maloney v. Mi'kmaq Nova Scotia Tripartite Forum</i></a> , 2024 CHRT 106
18.	<a href="#"><i>Pelletier v. Canada</i></a> , 2019 FCA 165
19.	<a href="#"><i>Richards v Correctional Service Canada</i></a> , 2025 CHRT 88
20.	<a href="#"><i>Sable Offshore Energy Inc. v Ameron International Corp.</i></a> , 2013 SCC 37
21.	<a href="#"><i>Saldanha v Statistics Canada</i></a> , 2024 CHRT 109
22.	<a href="#"><i>Temate v Public Health Agency of Canada</i></a> , 2022 CHRT 31
23.	<a href="#"><i>Thomas v Correctional Service Canada</i></a> , 2024 CHRT 139
24.	<a href="#"><i>Walden et al v Attorney General of Canada (representing the Treasury Board of Canada and Human Resources and Skills Development Canada)</i></a> , 2011 CHRT 19
25.	<a href="#"><i>White Burgess Langille Inman v Abbott and Haliburton Co.</i></a> , 2015 SCC 23
26.	<a href="#"><i>Whitelaw v Royal Canadian Mounted Police</i></a> , 2025 CHRT 43
<b>OTHER SOURCES</b>	
27.	<a href="#"><i>Assembly of First Nations (AFN) Charter</i></a> , December 2022
28.	Dr. Cindy Blackstock delivered at the Assembly of First Nations Special Chiefs Assembly (December 4, 2024), online: <a href="#"><i>Assembly of First Nations Special Chiefs Assembly – December 4, 2024 - Public Record - CPAC</i></a> at 7:32:00
29.	<a href="#"><i>The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario)</i></a> 2025