

**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 and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION, AMNESTY INTERNATIONAL  
CANADA, ASSEMBLY OF MANITOBA CHIEFS, SOUTHERN CHIEFS'  
ORGANIZATION INC., OUR CHILDREN OUR WAY SOCIETY, THE FIRST  
NATIONS OF QUEBEC AND LABRADOR HEALTH AND SOCIAL SERVICES  
COMMISSION and ASSEMBLY OF FIRST NATIONS QUEBEC-LABRADOR**

Interested Parties

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**NATIONAL CHILDREN'S CHIEFS COMMISSION**

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## **PART I - STATEMENT OF FACTS**

### **A. Overview**

1. The newly formed National Children's Chiefs Commission (the "NCCC") seeks to be added as an interested party to the remedies stage of these proceedings, including Jordan's Principle and the long-term reform of the First Nations Child and Family Services Program (the "FNCFS Program") outside of Ontario (together, the "remedial proceedings"). The NCCC does not meet the test for interested party status and should not be admitted into the remedial proceedings.
2. Chiefs of Ontario ("COO") and Nishnawbe Aski Nation ("NAN") have a strong interest in the timely and orderly conclusion of the remedial proceedings. In the event the *Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario* (the "OFA") is not approved, COO and NAN may be required to re-engage in the national FNCFS Program long-term reform process and would be directly affected by how the proceedings are structured and who is involved. COO and NAN remain a part of all remedial processes regarding Jordan's Principle.
3. The NCCC's interest in long-term reform is aligned with the Assembly of First Nations' (the "AFN") and the NCCC can be represented by the AFN before the Canadian Human Rights Tribunal (the "Tribunal"). Both the NCCC and the AFN take their mandates from and are accountable to the First Nations-in-Assembly. There is no reason to have two bodies before the Tribunal representing the same interest.
4. The NCCC has no expertise in these proceedings and is not a service provider. The NCCC will not add to the legal positions of the parties or bring a unique perspective: as a body accountable to the First Nations-in-Assembly, the NCCC's expertise, legal positions and interest overlap with the AFN's.
5. The addition of any interested parties at this late stage of the remedial proceedings risks further delaying long-term reform, contrary to the Tribunal's responsibility to conduct proceedings as informally and expeditiously as the requirements of natural justice and the rules of procedure allow. First Nations children, youth, families, and communities have waited too long for reform. The Tribunal has said that it "is far better for children to

complete the long-term remedial phase shortly rather than wait for long periods of time”.<sup>1</sup> It is not in the best interests of First Nations children to make them wait any longer. Reform of the FNCFS Program and Jordan’s Principle must be allowed to proceed without delay.

## **B. Background**

6. The history of these proceedings is well-known. On January 26, 2016 – nine years after the AFN and the First Nations Child and Family Caring Society of Canada (the “Caring Society”) filed this complaint – the Tribunal ordered Canada to cease its discriminatory practices, reform the FNCFS Program and the *Memorandum of Agreement Respecting Welfare Programs for Indians* (also known as the 1965 Agreement), and to immediately implement the full meaning and scope of Jordan's Principle.<sup>2</sup>
7. On December 31, 2021, the AFN, the Caring Society, Canada, COO and NAN signed an Agreement-in-Principle (the “AIP”).<sup>3</sup> After the AIP was signed, the long-term reform of the FNCFS Program and Jordan’s Principle were bifurcated in 2023.<sup>4</sup> In 2025 CHRT 80, the Tribunal found it more efficient to complete the long-term reform of the FNCFS Program in the short-term and deal with the long-term reform of Jordan’s Principle afterward, rather than attempting both together and risking long delays for each.<sup>5</sup>

### **i. The status of long-term reform of the FNCFS Program**

8. In or around December 2023, the Caring Society withdrew from negotiations on long-term reform of the FNCFS Program.<sup>6</sup> On July 11, 2024, COO, NAN, the AFN, and Canada announced a national final settlement agreement on the long-term reform of the FNCFS Program.<sup>7</sup> On October 17, 2024, the First Nations-in-Assembly rejected the national

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<sup>1</sup> Letter from the Canadian Human Rights Tribunal dated 10 February 2025.

<sup>2</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)*, [2016 CHRT 2](#) at para 481.

<sup>3</sup> [Affidavit of Grand Chief Joel Abram affirmed 6 March 2025](#), filed within the motion brought on 7 March 2025 by COO, NAN and Canada in support of the approval of the *Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario* at para 63 [[Grand Chief Abram Affidavit, 6 Mar 2025](#)].

<sup>4</sup> Affidavit of Amber Potts, affirmed 3 March 2025, filed within the motion for relief brought on 14 January 2025 by the Caring Society at para 22; [Grand Chief Abram Affidavit, 6 Mar 2025](#) at paras 69-70.

<sup>5</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 80](#) at para 89.

<sup>6</sup> [Grand Chief Abram Affidavit, 6 Mar 2025](#) at para 73.

<sup>7</sup> [Grand Chief Abram Affidavit, 6 Mar 2025](#) at para 76.

agreement and created the NCCC.<sup>8</sup> Neither COO nor NAN are or have been involved with the NCCC and the Ontario seat on the NCCC is vacant.<sup>9</sup>

9. On March 7, 2025, COO and NAN jointly brought a motion seeking approval of the OFA. On August 11, 2025, Canada joined the motion as a moving party. The OFA approval motion was heard on February 26 and 27, 2026. The Tribunal’s decision on the OFA approval motion is under reserve.
10. In 2025 CHRT 80, the Tribunal ordered the Caring Society and the AFN to consult with the NCCC to develop an evidence-based, comprehensive national FNCFS long-term reform plan outside Ontario and to file it with the Tribunal by December 22, 2025.<sup>10</sup> The Caring Society consulted with the NCCC and together with the AFN filed the Loving Justice Plan with the Tribunal on December 22, 2025. The NCCC worked closely with the AFN and the Caring Society to create the Loving Justice Plan.<sup>11</sup> Canada filed its own plan with the Tribunal on December 22, 2025. Both plans contemplate a regional approach to long-term reform.<sup>12</sup>

**ii. New interested party motions in these proceedings**

11. The Tribunal received multiple motions for interested party status in the OFA approval motion.<sup>13</sup> Of those motions, the First Nations of Quebec and Labrador Health and Social Services Commission and the Assembly of First Nations Quebec-Labrador (together, the “AFNQL parties”); the Our Children Our Way Society (“OCOW”); the Assembly of Manitoba Chiefs (“AMC”); and the Southern Chiefs’ Organization Inc. (“SCO”) also sought to be added as interested parties to the remedial proceedings generally. The Federation of Sovereign Indigenous Nations and the Council of Yukon First Nations

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<sup>8</sup> [Grand Chief Abram Affidavit, 6 Mar 2025](#) at para 92.

<sup>9</sup> The National Children’s Chiefs Commission, “Written Submissions of the National Children’s Chief’s Commission”, filed 3 March 2026 at paras 22, 34. [NCCC Written Submissions].

<sup>10</sup> [2025 CHRT 80](#) at para 120.

<sup>11</sup> NCCC Written Submissions at paras 22, 27, 35; Caring Society 2025 CHRT 80 report to the Tribunal dated 22 September 2025; Caring Society 2025 CHRT 80 report to the Tribunal dated 16 October 2025; Caring Society 2025 CHRT 80 report to the Tribunal dated 21 November 2025; Letter from the AFN to the Tribunal dated 22 December 2025.

<sup>12</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)*, [2026 CHRT 14](#) at paras 147, 153, 181.

<sup>13</sup> [2026 CHRT 14](#) at paras 19, 22.

reserved their rights to seek to be added as interested parties to the remedial proceedings at a later date.

12. The Tribunal issued its decisions granting limited interested party status to OCOW, AMC, SCO and the AFNQL parties with conditions limiting their participation.<sup>14</sup> In adding these parties, the Tribunal recognized the value of their distinct regional perspectives and decades of organizational experience and advocacy.<sup>15</sup>

### **iii. The status of long-term reform of Jordan’s Principle**

13. Work on the long-term reform of Jordan’s Principle has stalled since 2023.
14. On December 12, 2023, the Caring Society brought a motion to the Tribunal alleging that Canada had failed to comply with multiple Tribunal orders on the implementation of Jordan’s Principle and sought measures to ensure the effectiveness of those orders.<sup>16</sup>
15. In 2025 CHRT 6, the Tribunal ordered Canada to consult with the parties to resolve the issues raised in the motion.<sup>17</sup>
16. In January 2025, the parties began Tribunal-assisted mediation on several interim issues related to Jordan’s Principle, as directed by the Tribunal in 2025 CHRT 6. After approximately six months, no consensus had been reached on the issues that were being mediated. The Tribunal withdrew mediation services on August 13, 2025. The parties then explored private mediation, which proceeded in September but stalled after mid-October 2025. The issues that were the subject of mediation do not constitute long-term reform of Jordan’s Principle; these were immediate issues requiring interim solutions.<sup>18</sup>
17. At present, the consultation process to address immediate issues in Jordan’s Principle, ordered by the Tribunal in 2025 CHRT 6, has effectively ground to a halt with no plan

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<sup>14</sup> [2026 CHRT 14](#); Letter Decision from Canadian Human Rights Tribunal dated 3 March 2026 “2026-03-03 Lettre-décision\_Letter decision-Statut de CSSSPNQL-APNQL\_T1340”.

<sup>15</sup> [2026 CHRT 14](#) at paras 173-187.

<sup>16</sup> The Caring Society, “Notice of Motion for Relief of the Complainant First Nations Child and Family Caring Society of Canada”, 12 December 2023 at paras 17-22, 23-24.

<sup>17</sup> *First Nations Child & Family Caring Society of Canada and Assembly of First Nations v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2025 CHRT 6](#) at paras [552-566](#), [571-572](#), [577-580](#), [585](#).

<sup>18</sup> [2025 CHRT 6](#) at para [27](#).

currently in place for its resumption, leaving the underlying issues unresolved and the next steps unclear.

## **PART II - ISSUES**

18. The issues in this motion are whether the NCCC should be added as an interested party to:
- a) the proceedings concerning the long-term reform of the FNCFS Program outside of Ontario; and
  - b) the proceedings concerning the interim and long-term reform of Jordan's Principle.

## **PART III - SUBMISSIONS**

19. The NCCC should not be granted interested party status in the remedial proceedings. The NCCC's interest is identical to the AFN's and can be represented by the AFN before the Tribunal. The NCCC's interest also aligns with the Caring Society's. The addition of the NCCC will not assist the Tribunal because the NCCC does not provide a unique perspective or add significantly to the legal positions of the parties. The addition of any new interested party risks delaying and complicating the remedial proceedings, contrary to the Tribunal's responsibility to conduct proceedings as informally and expeditiously as the requirements of natural justice and the rules of procedure allow.<sup>19</sup>

### **A. The test for interested party status**

20. The Tribunal's evaluation of whether to grant interested party status requires a "flexible and holistic approach" on a case-by-case basis, in light of the specific circumstances of the proceedings and the issues being considered.<sup>20</sup> The prospective interested party has the onus of demonstrating that its respective expertise will assist the Tribunal in the determination of the issues.<sup>21</sup>

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<sup>19</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 para [32](#), citing *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)*, [2016 CHRT 11](#) at para [3](#) and *Canadian Human Rights Act*, [RSC 1985, c H-6](#) at s. [48.9\(1\)](#) [CHRA].

<sup>20</sup> [2022 CHRT 26](#) at para [31](#); [2016 CHRT 11](#) at para [3](#).

<sup>21</sup> [2022 CHRT 26](#) at para [29](#).

21. In determining the request for interested party status, the Tribunal may consider, among other factors, if:
- a) the proceeding will have an impact on the prospective interested party's interest; and
  - b) the prospective interested party can assist the Tribunal in determining the issues before it.<sup>22</sup>
22. In evaluating whether the prospective interested party can assist the Tribunal, the Tribunal will consider the prospective interested party's expertise and whether its involvement will add to the legal positions of the parties.<sup>23</sup> The interested party should add a different perspective than the positions taken by the parties and assist the Tribunal's determination of the matter.<sup>24</sup> A potential interested party must "demonstrably add to the deliberations of the Tribunal".<sup>25</sup>
23. The extent of an interested party's participation must also take into account the Tribunal's responsibility to conduct proceedings as informally and expeditiously as the requirements of natural justice and the rules of procedure allow.<sup>26</sup>

**B. The NCCC should not be added to the remedial proceedings**

24. The NCCC should not be granted interested party status in the remedial proceedings. The NCCC's interest is aligned with the AFN's and the Caring Society's, it has no unique perspective to put before the Tribunal that will demonstrably add to the Tribunal's deliberations, and the addition of any interested party risks further delay.

**i. The NCCC's interest is aligned with the AFN's and the Caring Society's**

25. The NCCC does not bring a distinct or independent interest to the remedial proceedings. The NCCC and the AFN are representative bodies that are accountable to, and derive their mandates from, the First Nations-in-Assembly.<sup>27</sup> Both the NCCC and the AFN are national

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<sup>22</sup> [2022 CHRT 26](#) at paras [30](#), [32](#).

<sup>23</sup> [2022 CHRT 26](#) at para [30](#).

<sup>24</sup> [2016 CHRT 11](#) at para [3](#).

<sup>25</sup> *Attaran v Immigration*, [2017 CHRT 16](#) at para [16](#), citing [2016 CHRT 11](#) at paras [3-4](#), [10-11](#).

<sup>26</sup> [2022 CHRT 26](#) at para [32](#), citing [2016 CHRT 11](#) at para [3](#) and [CHRA](#) at s. [48.9\(1\)](#).

<sup>27</sup> NCCC Written Submissions at paras 2-3.

organizations with a nationally representative structure that provide a coordinated mechanism to bring forward diverse First Nations perspectives.<sup>28</sup>

26. Courts have previously held that a prospective interested party with an interest identical to that of an existing party should not be admitted because the submissions of the proposed interested party will be duplicative of the existing party's.<sup>29</sup> The NCCC has not shown that its interest differs from the AFN, beyond mere speculation that it will take differing positions "where necessary".<sup>30</sup> Bald assertions that interests may diverge in the future are insufficient. The evidence shows that the NCCC and the AFN both represent the First Nations-in-Assembly and have worked together in the past. There is no evidence to suggest the AFN cannot continue to represent the First Nations-in-Assembly before the Tribunal, supported through the important work of the NCCC.<sup>31</sup>

*Long-term reform of the FNCFS Program*

27. The NCCC's interest in the long-term reform of the FNCFS Program is fully aligned with the positions already advanced by the AFN and the Caring Society.

*Reform of Jordan's Principle*

28. The NCCC's interest in the proceedings concerning the reform of Jordan's Principle is identical to the AFN's. The NCCC has been unable to articulate how its interest differs from the AFN's, beyond speculative assertions that their positions may diverge in the future. Such speculation is insufficient to justify interested party status.

**ii. The NCCC cannot assist the Tribunal**

29. The NCCC has not discharged its onus of demonstrating that it will assist the Tribunal: it has no expertise that is distinct from that of the parties before the Tribunal and it has not identified a single legal position that has not already been advanced by the AFN or the Caring Society.<sup>32</sup>

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<sup>28</sup> NCCC Written Submissions at para 36; [2022 CHRT 26](#) at para [41](#).

<sup>29</sup> *2505243 Ontario Limited (By Peter and Paul.com) v Princes Gates Hotel Limited Partnership*, [2022 ONCA 700](#) at paras [13](#), [21-22](#); *Errol Massiah v Justices of the Peace Review Council*, [2020 ONSC 3644](#) at paras [20](#), [27](#), [34](#).

<sup>30</sup> NCCC Written Submissions at para 32.

<sup>31</sup> *Baffinland Iron Mines v Tower-EBC*, [2021 ONSC 5639](#) at para [39](#).

<sup>32</sup> [2022 CHRT 26](#) at paras [29-30](#).

30. The NCCC claims that its expertise will assist the Tribunal because its “nationally representative structure provides a coordinated mechanism to bring forward the diverse perspectives of First Nations across Canada”.<sup>33</sup> The NCCC, however, has not demonstrated that this claimed expertise is distinct from, or adds to, the expertise already before the Tribunal through the AFN or the Caring Society.
31. Throughout these proceedings, “the Tribunal has relied on the AFN for a broader First Nations perspective across Canada given its mandate and structure representing the views of over 600 First Nations in Canada”.<sup>34</sup> To the extent that the NCCC asserts expertise in coordinating and presenting diverse perspectives of First Nations at a national level, that role falls squarely within the AFN’s mandate and its longstanding role as a complainant in these proceedings. Notably, the NCCC lacks the expertise that the other parties have gained from being involved in the proceedings over the last 20 years, and through decades of experience as established advocacy organizations.
32. The Tribunal found that the unique regional perspectives of the newly admitted interested parties would assist the Tribunal and granted these parties limited participatory status.<sup>35</sup> As a national body, the NCCC represents the same national interest as the AFN and does not have cohesive regional expertise, like the other newly admitted interested parties. The NCCC’s participation would not address the demand for direct regional representation at the Tribunal, rather, it would duplicate the AFN’s national perspective.
33. The Tribunal must also be satisfied that a proposed interested party will add “significantly to the legal positions of the parties advancing a similar viewpoint”.<sup>36</sup> On this point, the NCCC relies on its unique mandate to negotiate with Canada on behalf of the First Nations-in-Assembly.<sup>37</sup> However, the NCCC’s reliance on this mandate does not explain how the NCCC will add significantly to the legal positions of the existing parties.<sup>38</sup>

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<sup>33</sup> NCCC Written Submissions at para 36.

<sup>34</sup> [2022 CHRT 26](#) at para 48; see also [2016 CHRT 11](#) at para 16.

<sup>35</sup> [2026 CHRT 14](#) at paras 173-187.

<sup>36</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)*, [2024 CHRT 95](#) at para 31.

<sup>37</sup> NCCC Written Submissions at paras 28, 32, 33.

<sup>38</sup> NCCC Written Submissions at para 28.

34. The NCCC's mandate to assist in long-term reform of the FNCFS Program does not necessitate its participation in these proceedings as an interested party because its views can be advanced by the complainants. This approach has already proven effective. In 2025 CHRT 80, the Tribunal ordered the Caring Society and the AFN to consult with the NCCC and others.<sup>39</sup> The Caring Society consulted with the NCCC and together with the AFN developed and filed the Loving Justice Plan with the Tribunal on December 22, 2025.<sup>40</sup> The Caring Society, the AFN, and the NCCC have also collaborated in analyzing Canada's national plan for FNCFS long-term reform to align on limiting potential issues for litigation.<sup>41</sup> These processes demonstrate that the AFN, the Caring Society, and the NCCC are aligned in their positions and able to work together on substantive reform initiatives, without requiring the NCCC's formal participation in the proceedings as an interested party.
35. The NCCC's position that the AFN has, with few exceptions, opted to take no substantive positions before the Tribunal is misleading.<sup>42</sup> While the AFN has taken no positions on the proceedings related to the OFA, it has remained substantively engaged in the remedial proceedings. The AFN filed evidence and took a position on the January 14, 2025 consultation motion brought by the Caring Society,<sup>43</sup> and it supported the Caring Society's recent filing of the Loving Justice Plan on December 22, 2025.<sup>44</sup> In correspondence accompanying that filing, the AFN expressly confirmed its continued central role in these proceedings, proposed next steps, and took various positions, demonstrating the AFN's commitment to advancing the remedial proceedings.<sup>45</sup> The AFN participated in mediation on Jordan's Principle.
36. The record demonstrates that the NCCC's positions and views can be, and have been, represented by the AFN. The NCCC, AFN, and Caring Society's collaboration in the

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<sup>39</sup> [2025 CHRT 80](#) at para [120](#).

<sup>40</sup> NCCC Written Submissions at paras 27, 35-37; Caring Society 2025 CHRT 80 report to the Tribunal dated 22 September 2025; Caring Society 2025 CHRT 80 report to the Tribunal dated 16 October 2025; Caring Society 2025 CHRT 80 report to the Tribunal dated 21 November 2025; Letter from the AFN to the Tribunal dated 22 December 2025.

<sup>41</sup> Caring Society 2025 CHRT 80 report to the Tribunal dated 29 January 2026.

<sup>42</sup> NCCC Written Submissions at para 31.

<sup>43</sup> Letter from the AFN to the Tribunal dated 24 April 2025.

<sup>44</sup> Letter from the AFN to the Tribunal dated 22 December 2025.

<sup>45</sup> Letter from the AFN to the Tribunal dated 22 December 2025.

development of the Loving Justice Plan demonstrates that the NCCC's perspectives can be considered in these proceedings without the need to add the NCCC as an interested party.<sup>46</sup>

37. The NCCC fails to demonstrate that it would bring a unique perspective or unique assistance to the Tribunal.

*Long-term reform of the FNCFS Program*

38. The NCCC fails to identify a single legal position on long-term reform of the FNCFS Program that has not already been advanced by the AFN or the Caring Society through the Loving Justice Plan. The NCCC also fails to demonstrate any unique expertise on the long-term reform of the FNCFS Program.

*Reform of Jordan's Principle*

39. The NCCC fails to explain how it would add "significantly to the legal positions of the parties representing a similar viewpoint" in the remedial phase of these proceedings concerning Jordan's Principle.<sup>47</sup> Jordan's Principle is a highly technical regime shaped by detailed evidentiary findings and ongoing Tribunal oversight.<sup>48</sup> The NCCC's reliance on a general mandate to conduct negotiations on behalf of the First Nations-in-Assembly does not translate into any expertise in the contentious, complex, and highly technical remedial proceedings concerning Jordan's Principle. The NCCC is not familiar with the extensive evidentiary record or the mediation efforts already undertaken.
40. The NCCC is also not a service provider or otherwise involved in the administration of Jordan's Principle. The NCCC does not claim to have conducted consultations specific to Jordan's Principle or to possess any specialized knowledge regarding its administration, challenges, or impacts, other than the experience of a limited number of individuals that contribute to the organization. In these circumstances, the NCCC's participation would be duplicative and would not assist the Tribunal in resolving the complex remedial issues before it concerning Jordan's Principle.

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<sup>46</sup> NCCC Written Submissions at paras 22, 27 and 35.

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

<sup>48</sup> NCCC Written Submissions at para 28.

**iii. The addition of the NCCC will delay reform**

41. The delay associated with granting the NCCC interested party status outweighs any limited benefit its participation might offer in these time-sensitive proceedings.
42. The NCCC's motion for interested party status comes at a late stage of the case: twenty years after the commencement of proceedings and ten years into the remedial phase. In 2016, in determining whether to grant NAN interested party status, the Tribunal held that adding interested parties at the remedial stage of the proceedings is "not only rare, but adds to the challenge of effectively managing this case".<sup>49</sup> In 2026, the remedial stage is now ten years further advanced, such that the addition of additional interested parties should be approached with even greater caution. Since the NCCC has not participated in the proceedings to date, its intervention at this late stage would risk reopening settled issues or revisiting matters already negotiated or litigated by the parties, thereby further delaying these already protracted proceedings. These proceedings are complex and the parties are already struggling to find consensus. Adding a new party will further complicate matters.
43. There are already four additional interested parties in the remedial proceedings, including the AFNQL parties, OCOW, AMC and SCO. Two other organizations, the Federation of Sovereign Indigenous Nations and the Council of Yukon First Nations, have reserved their rights to seek interested party status at a later date. The new interested parties were admitted on conditions that limited their participatory rights, ensuring that any positions advanced were regional in nature and not duplicative.<sup>50</sup>
44. The addition of other parties advancing positions on a national level risks causing more delay and confusion to these proceedings. As such, it is even more important that the NCCC, AFN, and Caring Society – which are aligned in interest, represent national perspectives, and share a proposed approach to reform<sup>51</sup> – should consolidate their efforts before the Tribunal through the standing complainants.

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<sup>49</sup> [2016 CHRT 11](#) at para [13](#).

<sup>50</sup> [2026 CHRT 14](#) at para 168.

<sup>51</sup> NCCC Written Submissions at para 22.

45. The Tribunal has recognized the NCCC’s role in these remedial proceedings:<sup>52</sup> the Tribunal found that consultation with other First Nations and organizations outside of the Tribunal context is an important part of the remedial process, and that the NCCC is suited to this task.<sup>53</sup> This role aligns with the NCCC’s established role in Res. No. 60/2024, to “provide strategic direction and oversight of the LTR Agreements negotiations, reporting back to the First Nations-in-Assembly”.<sup>54</sup> NCCC’s involvement as a non-party allows them to fulfill the important role that the Tribunal and the First Nation-in-Assembly already recognize. Adding NCCC as a party risks further delay. A flexible and holistic assessment of the NCCC’s motion therefore requires a cost-benefit analysis that accounts for the likelihood of additional delay, the role of the NCCC in these proceedings, and the existence of newly added regional interested parties. That analysis leads to a clear conclusion: the costs far outweigh any potential benefit of adding the NCCC as an interested party to the remedial proceedings.

*Long-term reform of the FNCFS Program*

46. Long-term reform of the FNCFS Program must proceed without delay. The best interests of First Nations children and families must no longer be compromised by inaction.

*Reform of Jordan’s Principle*

47. The long-term reform of Jordan’s Principle has not progressed since March 2023. Tribunal ordered mediation on interim solutions to the serious immediate problems with Jordan’s Principle implementation has ground to a halt. Urgent progress is needed.

**PART IV - ORDER SOUGHT**

48. COO and NAN respectfully request that the Tribunal dismiss the motion for the NCCC to be granted interested party status in:
- a) the proceedings concerning the long-term reform of the FNCFS Program outside of Ontario; and

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<sup>52</sup> NCCC Written Submissions at paras 4, 27, 36; [2026 CHRT 14](#) at para 145.

<sup>53</sup> [2025 CHRT 80](#) at paras [77-78](#), [108-110](#); [2026 CHRT 14](#) at paras 165-166.

<sup>54</sup> NCCC Written Submissions at paras 8, 26.

- b) the proceedings concerning the interim and long-term reform of Jordan's Principle.

49. In the alternative, if the NCCC is granted interested party status, it should be granted limited interested party status with the following conditions:<sup>55</sup>

- (a) The NCCC shall not participate in or bring interim motions. The NCCC shall not bring any motions, whether procedural or substantive, before the Tribunal.
- (b) The NCCC shall abide by all Tribunal directions.
- (c) The NCCC may participate in the national long-term reform plan hearing process and the long-term reform of Jordan's Principle but shall not participate in interim motions.
- (d) The NCCC shall not be permitted to participate in case management, motions, mediation, or other dispute resolution or administrative processes unless specifically directed by the Tribunal.
- (e) The NCCC shall take the case as it finds it and shall not seek to reopen matters, add or raise new issues, expand the scope of the complaint, revisit the evidence, or challenge previous orders or rulings.
- (f) The NCCC shall not duplicate the submissions of other parties and may adopt the submissions of parties with whom it is aligned.
- (g) The NCCC shall not seek adjournments, postponements, or other modifications to Tribunal deadlines and shall comply with all Tribunal timelines. Missed deadlines will be considered a renunciation of participation in the motion, round of submissions, or other procedural or substantive matter for which it is late.
- (h) The NCCC shall make itself available in accordance with the Tribunal's schedule.
- (i) The NCCC shall seek permission from the Tribunal before filing affidavits or exhibits and shall comply with any page limits imposed where such filings are permitted.

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<sup>55</sup> These are the same conditions the Tribunal imposed on the new interested parties in [2026 CHRT 14](#) at para 199.

Should the Tribunal permit the NCCC to present evidence related to potential future long-term orders, that evidence shall assist the Tribunal, avoid duplicating that of the other parties or generating unnecessary procedural issues, and be relevant, useful and focused.

- (j) The NCCC shall not cross-examine witnesses.
- (k) The Tribunal reserves the right to determine the time allocated to the NCCC for oral submissions. The NCCC shall comply with any time limits established by the Tribunal.
- (l) All parties shall be provided with a meaningful opportunity to respond to any written and oral submissions from the NCCC, where such submissions are permitted by the Tribunal.
- (m) The NCCC shall familiarize itself with the procedures of administrative tribunals and govern itself accordingly. The Tribunal reserves the right to add to or modify the above conditions, depending on the evolution of the case and as required by the circumstances, particularly if the proceedings risk being slowed or halted.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED this 13th day of March, 2026.**



**Sinéad Dearman  
Olthuis, Kleer, Townshend LLP  
Counsel for the Interested Party, Chiefs of Ontario**



**Julian N. Falconer  
Falconers LLP  
Counsel for Nishnawbe Aski Nation**

**PART V - LIST OF AUTHORITIES**

<b>CASE LAW</b>	
1.	<i>2505243 Ontario Limited (ByPeterandPaul.com) v Princes Gates Hotel Limited Partnership</i> , <a href="#">2022 ONCA 700</a>
2.	<i>Attaran v Immigration</i> , <a href="#">2017 CHRT 16</a>
3.	<i>Baffinland Iron Mines v Tower-EBC</i> , <a href="#">2021 ONSC 5639</a>
4.	<i>Errol Massiah v Justices of the Peace Review Council</i> , <a href="#">2020 ONSC 3644</a>
5.	<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 href="#">2016 CHRT 2</a>
6.	<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 href="#">2016 CHRT 11</a>
7.	<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 href="#">2022 CHRT 26</a>
8.	<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 href="#">2024 CHRT 95</a>
9.	<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 href="#">2025 CHRT 6</a>
10.	<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 href="#">2025 CHRT 80</a>
11.	<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 href="#">2026 CHRT 14</a>
<b>STATUTES</b>	
12.	<i>Canadian Human Rights Act</i> , <a href="#">RSC 1985, c H-6</a>
<b>LETTERS FROM THE CANADIAN HUMAN RIGHTS TRIBUNAL</b>	
13.	Letter from the Canadian Human Rights Tribunal dated 10 February 2025
14.	Letter Decision from the Canadian Human Rights Tribunal dated 3 March 2026