

**CANADIAN HUMAN RIGHTS TRIBUNAL**

B E T W E E N :

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

Complainants

- and -

**CANADIAN HUMAN RIGHTS COMMISSION**

Commission

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

Respondent

- and -

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

Interested Parties

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**AFFIDAVIT OF KIRSTEN MATTISON**

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I, KIRSTEN MATTISON, of the City Ottawa, in the Province of Ontario, AFFIRM that:

***Introduction***

1. I am employed by Indigenous Services Canada (“ISC”) as Director General Strategic and Fiscal Coordination for the Children Families and Learning Sector and have been in my current role since December 2024 and have been employed by the federal public administration in various departments at the Director and Director General level since 2013 and have been employed with the federal public administration since 2005.

2. In my capacity as a Director and Director General, I have had significant engagement with legislative processes including preparation of packages providing support on Order-in-Council and regulatory matters as well as appearing at parliamentary committees.
3. As a result, I have personal knowledge of the facts and matters deposed to in this affidavit. Where my information came from someone else, I identify the source of my information, and I believe the information to be true.

#### ***National Dispute Resolution Tribunal Proposed in Canada's Proposed National Framework***

4. In this affidavit, I will outline the general executive and legislative processes that would be required to establish the proposed national dispute resolution tribunal as per the two-phased approach set out in ISC's National Framework for long-term reform of the First Nations Child and Family Services ("FNCFS") Program, if approved by the Tribunal. The components of the proposed national dispute resolution process are set out in further detail in the affidavit of Duncan Farthing-Nichol, dated December 22, 2025.

#### ***Phase One: Order In Council Process for Selecting the President of the Tribunal***

5. In respect of the process for selecting the President of the proposed national dispute resolution Tribunal, as sponsoring Minister, the Minister of Indigenous Services Canada (the "**Minister**"), would be primarily responsible for selecting and recommending a potential appointee to the Governor in Council. For a new position, the Minister would launch an open, transparent and merit-based selection process on the current opportunities page of the Governor in Council webpage at Canada.ca as well as on the ISC's department website. The position would also be posted every week in the *Canada Gazette* and ISC would make best efforts to circulate the posting and raise awareness for the opening. Candidates would be assessed by a selection committee against the posted selection criteria.
6. Once the potential appointee is identified, officials from the Minister's Office would consult with the Director of Appointments in the Prime Minister's Office. Following consultations, the Minister's appointment recommendation along with compensation and terms and conditions of the appointment would be transmitted to the Governor in Council by the Privy Council Office officials responsible for the Governor in Council appointments process after a policy review to ensure compliance with the checklist contained within the "Submission Guide for Governor in

Council Appointments” available on Canada’s website, Canada.ca. A printout of the most recent Submission Guide is attached and marked as **Exhibit A**.

7. If the Governor in Council exercised their discretion to issue the Order in Council, it would immediately come into force unless otherwise specified. The term of the appointment would be specified in the Order in Council.

***Phase Two: Legislating the National Dispute Tribunal***

8. In general, the typical process for submitting a legislative proposal to Parliament includes the following steps:
  - a. A draft Memorandum to Cabinet (“MC”) is prepared, which seeks policy approval and authorization to draft the legislation, and contains drafting instructions that describe the contents of the proposed bill for legislative drafters at the Department of Justice. The draft MC may also seek authority to share a consultation draft with specific groups or organizations before introduction;
  - b. The finalized MC is presented to a Cabinet Committee by the sponsoring Minister for consideration of the MC and the Cabinet Committee prepares a report;
  - c. The MC and Committee's Report are presented to the full Cabinet for ratification;
  - d. If Cabinet approves the MC, a bill is drafted by the Department of Justice legislative drafters. If authority was sought and received to share a consultation draft, it could be shared with the identified groups and organizations. Feedback would be assessed and, if applicable and within the authority obtained, addressed;
  - e. The final version of the bill is reviewed by the Department of Justice and the minister of the sponsoring department and by the Government House Leader; and
  - f. The Government House Leader provides written notice to meet the 48-hours’ notice requirement before a bill can be introduced in Parliament.
9. Once the bill is drafted and the notice period has been met, a bill will have to go through several stages in the legislative process before receiving Royal Assent and coming into force. Bills raising taxes or authorizing new expenditures of public funds must originate in the House of Commons, and this path is assumed below for simplicity. These stages include:

- a. Introduction and first reading of the bill in the House of Commons;
- b. Potential reference to a committee before Second Reading (where applicable);
- c. Second Reading in the House of Commons, where parliamentarians will debate the principles of the bill and vote to decide whether the bill should be studied further in committee. If the bill passes this stage, it then goes to a committee;
- d. The Committee stage is an opportunity for detailed study where the committee may invite witnesses, including government officials, to answer questions or present comments on the bill. At the conclusion of committee study the Committee can also suggest changes or amendments to the bill;
- e. The Report Stage where the Committee presents a report including conclusions and recommendations on the bill back to the House of Commons, which will then inform debate by parliamentarians;
- f. The Third Reading and passage stage, where, if the bill passes Third Reading, it then goes to the Senate, and goes through a similar process as set out above;
- g. Return to the House of Commons in cases where the Senate adopts amendments, as these amendments return to the House of Commons to be adopted, rejected or further amended. This process continues until there is agreement between the House of Commons and the Senate on the final form of the bill;
- h. Once both the Senate and the House of Commons have passed the bill in the same form, it then goes to the Governor General for Royal Assent, and then it can become law.
- i. The Coming Into Force stage will occur only after a bill proceeds through all these steps and receives Royal Assent. An act comes into force either on the date of Royal Assent, a date specified in the legislation itself, or, if the act so provides, on a future date to be determined by order of the Governor in Council.

10. Once a bill is introduced in Parliament, it is impossible to predict the amount of time it will take to become law and its exact final form. Each bill is different, and the time for passage can range

from months to years. The legislative branch of government is distinct from the executive branch and operates in accordance with its own processes.

***Conclusion***

11. I make this affidavit in support of Canada's National Plan for a Reformed FNCFS Program outside Ontario, and for no other or improper purpose.

**AFFIRMED** by Kirsten Mattison stated as )  
being located in the City of Ottawa, Ontario )  
before me at the City of Ottawa, Ontario )  
on this 22<sup>nd</sup> day of December, 2025, in accordance )  
with O. Reg 431/20, Administering Oath or )  
Declaration Remotely )

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Shireen Sultan Adatia, Commissioner  
for Taking Affidavits  
LSO No.: P14203

**SHIREEN SULTAN ADATIA**  
Licensed Paralegal  
LSO No. 14203P

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**KIRSTEN MATTISON**

This is **Exhibit “A”** to the Affidavit of  
**Kirsten Mattison**, affirmed  
remotely before me on December 22, 2025

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A Commissioner for taking Affidavits

SHIREEN SULTAN ADATIA  
Licensed Paralegal  
LSO No. 14203P



Government  
of Canada

Gouvernement  
du Canada

## Submission Guide for Governor in Council Appointments

## Submission Guide for Governor in Council Appointments.

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For more information, contact:

Privy Council Office

85 Sparks Street, Room 1000

Ottawa ON Canada K1A 0A3

[info@pco-bcp.gc.ca](mailto:info@pco-bcp.gc.ca)

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## 1. Introduction

The purpose of this guide is to provide Government of Canada officials with a better understanding of Governor in Council appointments and the guidelines to follow as they relate to submitting an appointment for Governor in Council approval.

### 1.1 Submission Guide for Governor in Council Appointments

Governor in Council appointments are made by the Governor General, on the advice of the King's Privy Council for Canada. The responsibilities of Governor in Council appointees cover a wide range of issues such as making quasi-judicial decisions, providing advice and recommendations on socio-economic development issues, and managing Crown corporations.

The authority for most Governor in Council appointments is provided by statute. Statutory provisions with respect to the appointments vary greatly. In most cases, the statute specifies the appointment authority, the tenure and length of term of the appointment, the eligibility for reappointment and, on occasion, the qualifications required.

Appointments are made by the Governor in Council through an Order in Council, which normally specifies the tenure of the appointment and the term of office.

Governor in Council appointees hold office either on a part-time or a full-time basis; however, most appointments are part-time (e.g. a director on a board of directors of a Crown corporation). The tenure of an appointee is either “during pleasure” (may be removed at the discretion of the Governor in Council) or “during good behaviour” (may only be removed for cause). The term of an appointment is either for a specific or an indeterminate period. When a specific period is indicated in the Order in Council, the appointment lapses at its expiration unless there is a legislative provision to the contrary. The appointee may be reappointed to the same position but, since appointments are made at the discretion of the Governor in Council, renewal is not automatic. In some cases, statutory provisions prohibit reappointment to the same position.

## **2. Documentation**

### **2.1 Overview**

Officials from the sponsoring Minister’s Office must consult with the Director of Appointments in the Prime Minister’s Office prior to transmitting a recommendation for appointment to the Governor in Council. Officials preparing a recommendation must also consult their legal advisor to ensure that the recommendation meets the requirements of the law.

Conditions of employment and salary ranges may be obtained from the Senior Personnel Secretariat at the Privy Council Office.

The documentation for a submission to the Governor in Council as it relates to appointments typically consists of:

- a letter of transmittal to the Assistant Clerk of the Privy Council (English or French);
- the recommendation to the Governor in Council (both official languages), signed and dated by the sponsoring Minister;
- the draft Order in Council (both official languages);
- the Schedule, if applicable (both official languages);
- a Candidate Declaration and Certification Form;
- a current Curriculum Vitae of the nominee;
- a Personal Information Sheet;
- a Background Check Consent Form;
- a Self-Identification Form;
- a letter of concurrence (if applicable).

### **2.2 Letter of Transmittal**

When sending a recommendation to the Governor in Council, the sponsoring department must submit a letter of transmittal to the Assistant Clerk of the Privy Council. The letter must:

- be signed and prepared on the Departmental letterhead by the responsible Assistant Deputy Minister (ADM) or, if the ADM is not available, the delegated Director General;
- specify any special instructions relating to the timing of approval of the appointment (e.g., an effective date in the Order or Schedule, the date of a Minister’s announcement); and
- indicate the name, title and telephone number of the most knowledgeable official in the department who can be contacted for additional information about the recommendation.

## **2.3 Letter of Concurrence**

When an appointment is made with the concurrence of, or in consultation with another organization or provincial body, a letter of concurrence must be included with the submission indicating that both parties are in accord with the appointment.

## **2.4 Minister's Recommendation to the Governor General in Council**

The recommendation to the Governor in Council must:

- clearly describe the action requested by the sponsoring Minister;
- be signed and dated by the responsible Minister using his legal title. In his absence, the recommendation can be signed by an acting Minister who has been authorized by the Acting Ministers Minute;
- be signed in both official languages and prepared on Ministerial or Departmental letterhead (pages are to be numbered should the recommendation exceed one page);
- be drafted in both official languages on standard size paper (8½" x 11"); and
- be identified "PROTECTED A", "CONFIDENCE OF THE KING'S PRIVY COUNCIL".

To avoid ambiguity or error, the signed recommendation must include:

- the full name of the nominee;
- the nominee's city and province of residence;
- the name of the agency, board and/or commission and the title of the position to be filled;
- a reference to the relevant legislation authorizing the appointment;
- the proposed salary range (specific salary to be indicated in the schedule, if applicable);
- the tenure of the appointment (during pleasure, for specific term, etc.); and
- the effective date of the appointment (if applicable).

Where an appointment is purported to have been made by an agency, a board, a commission or the Lieutenant Governor in Council, proof of the nomination signed by the appointing authority should accompany the recommendation.

## **2.5 Draft Order in Council**

Officials preparing the draft Order in Council must consult their legal counsel to ensure that it meets the requirements of the enabling legislation. Officials should also consult precedents, using the [Orders in Council Database](#) or contact the Coordinator, Appointments and Special Events, Orders in Council Division of the Privy Council Office, by e-mail at [oica-ndec@pco-bcp.gc.ca](mailto:oica-ndec@pco-bcp.gc.ca).

The wording of the draft Order in Council is usually similar to that of the recommendation, with the exception that the former anticipates the action of the Governor in Council, acting on the Minister's recommendation.

The document is to be drafted in both official languages on standard size paper (8½" x 11").

## **2.6 Schedule**

Schedules to appointment orders typically contain information such as:

- the specific salary of the nominee;
- living/travel expense allowances;
- termination allowances;
- registered pension plans and supplementary pension arrangements; and
- effective dates and any other confidential information not contained in the order itself, as they apply.

Schedules to appointments containing confidential information such as the ones listed above, are not released to the public.

The document is to be drafted in both official languages on standard size paper (8½" x 11").

## **2.7 Candidate Declaration and Certification Form**

The [Candidate Declaration and Certification](#) must be filled, signed and dated by the nominee. This document is used to ensure all GIC candidates are aware that they must abide by the terms and conditions that apply to GIC appointees as well as the Ethical and Political Activity Guidelines for Public Office Holders. In addition, candidates will be asked to declare if they have been the subject of a harassment complaint. They will also be asked to identify if they may have any actual, potential, or perceived conflict(s) of interest with respect to serving in the position for which they are being considered. Once signed and dated by the nominee, the document must be forwarded as part of the submission to the Assistant Clerk of the Privy Council.

## **2.8 Curriculum Vitae**

The Curriculum Vitae describing the nominee's relevant work experience and educational background must be drafted in either English or French on standard size paper (8½" x 11") and provided with the submission.

## **2.9 Personal Information Sheet**

The [Personal Information Sheet](#) which is available through the website of the Senior Personnel Secretariat at the Privy Council Office must be completed and forwarded along with the submission. This document is used to ensure that all the personal information, including the level of bilingualism of the candidate, is accurate.

## **2.10 Background Check Consent Form**

The [Background Check Consent Form](#) which is available through the website of the Senior Personnel Secretariat at the Privy Council Office must be completed and forwarded along with the submission. By signing the document, candidates consent to the conduct of checks with one or more of the following organizations: the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Canada Revenue Agency and the Office of the Superintendent of Bankruptcy.

## **2.11 Self-Identification Form**

The [Self-Identification form](#) is designed to collect information on the diversity of Governor in Council Appointees. The Government of Canada is committed to filling Governor in Council positions with highly qualified candidates who reflect Canada's diversity and helps ensure that federal workplaces are dynamic and

reflective of the Canadians we serve. To support the Government in continually monitoring, assessing, evaluating, and reporting on this commitment, the Privy Council Office relies on the voluntary self-identification of Employment Equity groups of Governor in Council appointees.

### 3. Submission Checklist

Each submission must contain the following original documents.

Note: Unless otherwise specified, all documents are required in both official languages and must be prepared as separate versions, rather than in a side-by-side format. The complete package is to be submitted electronically only by encrypted email to our generic inbox at [oica-ndec@pco-bcp.gc.ca](mailto:oica-ndec@pco-bcp.gc.ca) and include our colleagues from the Senior Personnel Secretariat at, [spsa-spsn@pco-bcp.gc.ca](mailto:spsa-spsn@pco-bcp.gc.ca).

Document	Original Document(s)
<b>Letter of Transmittal</b>	Original (English or French), on Departmental letterhead
<b>Letter of Concurrence</b> (if applicable)	Original
<b>Ministerial Recommendation</b>	Original, signed and dated, on Ministerial or Departmental letterhead
<b>Draft Order in Council</b>	Original
<b>Schedule</b> (if applicable)	Original
<b>Candidate Certification and Declaration Form</b>	Original signed and dated by nominee
<b>Curriculum Vitae</b>	Original
<b>Personal Information Sheet</b>	Original signed and dated by nominee
<b>Background Check Consent Form</b>	Original signed and dated by nominee
<b>Self-Identification Form</b>	Original

### 4. Coming into force of orders in council

- Orders come into force on the day they receive approval by the Governor in Council, unless an effective date is specified in the Order.
- Public announcement of the Government's decision as set out in the Order in Council must not be made until approval by the Governor in Council is obtained.
- Departments should work closely with the Communications and Consultation Secretariat at the Privy Council Office as it relates to announcements/Press releases of approved Orders in Council. When a press release of an Order in Council is to be issued on the same day as the Order is approved by the Governor in Council, the letter of transmittal to the Assistant Clerk of the Privy Council must indicate this fact, with the name of a contact person in the department. Appropriate action will then be taken

as soon as reasonably possible in order to obtain confirmation from Government House officials that the Governor General has signed the Order in Council. The department will be contacted immediately following approval and the press release can then be issued accordingly.

## **5. Distribution and Web Posting**

- The Orders in Council Division provides certified to be true copies of an Order in Council (OIC) to the responsible Minister and Deputy Minister or agency head as soon as possible following their approval. For transparency, the OICs are publicly available on the third working day following approval by the Governor General, but in exceptional circumstances, the OICs may be posted on the web prior to the third working day if requested by the responsible Minister.
- OICs are found on the Privy Council Office website at the [Orders in Council Database](#). Of note, certain Acts (namely the Statutory Instruments Act, the Access to Information Act, the Privacy Act and the Investment Canada Act) contain provisions which prohibit the release of Orders in Council pertaining to national security or military operations or those containing personal or commercially-sensitive information.

## **6. Examples**

### **6.1 Letter of Transmittal**

(Departmental letterhead)

PROTECTED A

CONFIDENCE OF THE  
KING'S PRIVY COUNCIL

(Date)

Ms. Wendy Nixon  
Assistant Clerk of the Privy Council  
Orders in Council Division  
Privy Council Office  
Thomas D'Arcy McGee Building, Room 811  
90 Sparks Street  
C/O 11 Metcalfe Street (Mailroom)  
Ottawa, Ontario  
K1A 0A3

Dear Ms. Nixon:

Enclosed you will find a recommendation for approval at the next meeting of Cabinet, seeking Governor in Council approval of the appointment of (Full Name of Nominee) ... of (City), (Province/Territory), as (Position Title) for a term of XXX years, effective (month), (day), (year).

You will find enclosed the following documents: ...

If additional information is required, please contact (name, title) at (phone number). For questions of an administrative nature, please contact (name, title) at (phone number).

Yours sincerely,

---

(Signature)

Assistant Deputy Minister

Text Version

(Departmental letterhead)

PROTECTED A

CONFIDENCE OF THE

KING'S PRIVY COUNCIL

(Date)

Ms. Wendy Nixon

Assistant Clerk of the Privy Council

Orders in Council Division

Privy Council Office

Thomas D'Arcy McGee Building, Room 811

90 Sparks Street

C/O 11 Metcalfe Street (Mailroom)

Ottawa, Ontario

K1A 0A3

Dear Ms. Nixon:

Enclosed you will find a recommendation for approval at the next meeting of Cabinet, seeking Governor in Council approval of the appointment of (Full Name of Nominee)... of (City), (Province/Territory), as (Position Title) for a term of XXX years, effective (month),( day),( year).

You will find enclosed the following documents: ...

If additional information is required, please contact (name, title) at: (phone number). For questions of an administrative nature, please contact (name, title) at (phone number).

Yours sincerely,

(Signature)

Assistant Deputy Minister

## **6.2 Ministerial Recommendation**

(Ministerial or Department letterhead)

PROTECTED A  
CONFIDENCE OF THE  
KING'S PRIVY COUNCIL

(Date)

TO HER EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honor to recommend that Your Excellency in Council,  
under subsection 4(2) of the Canada Council for the Arts Act, appoints ..... of  
Winnipeg, Manitoba, to be a member of the Canada Council for the Arts to hold office during  
pleasure for a term of three years.

Respectfully submitted,

---

(Signature)

Minister of ...

Text Version

(Ministerial or Departmental letterhead)

PROTECTED A

CONFIDENCE OF THE

KING'S PRIVY COUNCIL

(Date)

To Her excellency the Governor General in Council:

The undersigned has the honour to recommend that Your Excellency in Council, under subsection 4(2) of the Canada Council for the Arts Act, appoints ..... of Winnipeg, Manitoba, to be a member of the Canada Council for the Arts to hold office during pleasure for a term of three years.

Respectfully submitted,

(Signature)

Minister of ...

### 6.3 Draft Order in Council

PROTECTED A  
CONFIDENCE OF THE  
KING'S PRIVY COUNCIL

Her Excellency the Governor General in Council, on the  
recommendation of the Minister of ....., under subsection ..... of the .....  
Act, appoints ..... of Winnipeg, Manitoba, to be a member of the Canada  
Council for the Arts to hold office during pleasure for a term of ..... years.

Her Excellency the Governor General in Council, on the recommendation of the Minister of ....., under subsection ... of the ... Act, appoints ..... of Winnipeg, Manitoba, to be a member of the Canada Council for the Arts to hold office during pleasure for a term of ... years.

## 7. Glossary

The following definitions are not to be considered official in any regard. They are provided solely for the purpose of facilitating users' understanding of the Guide.

- **Act** – A law made by Parliament or a provincial legislature. The process of making an Act of Parliament begins with the introduction of a proposed Act, or Bill, in one of the two houses of Parliament (the Senate or the House of Commons). A Bill becomes an Act if it is passed (approved) by both Houses and receives Royal Assent.
- **Cabinet** – The executive arm of government. Cabinet Ministers are chosen by the Prime Minister.
- **Governor (General) in Council** – The Governor General of Canada acting by, and with the advice and consent of, the King's Privy Council for Canada (i.e., Cabinet).
- **Order in Council** – A legal instrument made by the Governor in Council pursuant to a statutory authority or, less frequently, the royal prerogative. All Orders in Council are made on the recommendation of the responsible Minister of the Crown and take legal effect only when signed by the Governor General.
- **Privy Council Office** – The Privy Council Office provides essential advice and support to the Prime Minister and Cabinet. Its goal is to help the Government of Canada serve Canada and Canadians.