

**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

-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. and OUR CHILDREN, OUR WAY SOCIETY**

Interested Parties

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**NOTICE OF MOTION**

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**TAKE NOTICE** that National Children’s Chiefs Commission (“NCCC”) will make this motion in writing to the Canadian Human Rights Tribunal (“**Tribunal**”) located at 240 Sparks Street, 6<sup>th</sup> Floor West, Ottawa, Ontario.

**THE MOTION IS FOR:**

1. An Order pursuant to Rule 8 of the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04), granting the NCCC leave to intervene in the remedies stage of this proceeding as an interested party on the following terms:

- a. the NCCC will be permitted to participate in all hearings, appearances, motions, case conferences, mediations, or other processes in this proceeding, except for the Ontario

Final Agreement joint motion;

- b. the NCCC will be permitted to adduce evidence, conduct examinations-in-chief, and cross-examinations;
- c. the NCCC will be permitted to file written submissions and to make oral submissions;
- d. the NCCC will not be entitled to costs and no costs will be awarded against it; and
- e. such other relief as counsel may advise and this Tribunal may permit.

**THE GROUNDS FOR THE MOTION ARE:**

**A. The NCCC and Its Exclusive Mandate to Re-Start Negotiations with Canada**

2. In October 2024, the First Nations-in-Assembly—the body comprised of the member First Nations of the Assembly of First Nations (“AFN”) that meets twice a year to pass resolutions which set the mandates of the AFN—definitively rejected the draft Final Settlement Agreement on Long-Term Reform of First Nations Child and Family Services (“FNCFS”), dated June 11, 2024. To not repeat the mistakes of the past, and ensure a new process that would increase the likelihood of successful negotiations, the First Nations-in-Assembly decided to change the *status quo*.

3. In Res. No. 60/2024, the First Nations-in-Assembly resolved to, and did, establish the NCCC to: (i) “provide strategic direction and oversight of the [long-term reform] [a]greements negotiations, reporting back to the First Nations-in-Assembly;” and (ii) “establish a negotiation team ... responsible for carrying out the negotiations for the [long-term reform agreements] under the direction of, and reporting to, the [NCCC].” In short, the First Nations-in-Assembly shifted exclusive responsibility for conducting long-term reform negotiations with Canada from the AFN to the NCCC.

4. Since its inception, the NCCC has engaged in efforts to re-start negotiations with Canada. Canada has refused to re-start negotiations in relation to a long-term agreement on FNCFS or to

meaningfully engage with the NCCC in relation to any related matters.

5. On August 20, 2025, this proceeding advanced further into the long-term remedies phase. Out of respect for “[t]he First Nations-in-Assembly resolutions [that] set out clear direction for FNCFS reform, guided by the NCCC,” this Tribunal placed the NCCC in the centre of that process. This Tribunal “urge[d] Canada to return to the table of negotiations to listen to the NCCC and the co-complainants” and made orders about how the parties are to engage with the NCCC:

- a. “Canada shall inform the Tribunal, by August 29, 2025, whether it agrees to meet with the [NCCC] to discuss National FNCFS long-term reform outside Ontario;”
- b. By December 22, 2025, “the [First Nations Child and Family] Caring Society [of Canada (“**Caring Society**”)], the AFN and the NCCC, can aptly consult and gather relevant Nations specific, local and regional perspectives, other First Nations experts and First Nations organization’s perspectives and incorporate them in their National long-term reform plan and requested orders for the Tribunal’s consideration;” and
- c. “[T]he Tribunal will hear the co-complainants’ evidence-based solutions representing the NCCC and multiple First Nations’ viewpoints and Canada’s and then choose between the long-term reform order requests.”

6. The NCCC led regional engagements with First Nations and other stakeholders across Canada to collect those perspectives and worked collaboratively with the Caring Society to incorporate the feedback it received during this engagement process into the Loving Justice Plan filed with this Tribunal on December 22, 2025. The NCCC played an integral role in drafting and shaping the direction and scope of the Loving Justice Plan. When the parties return to this Tribunal to present long-term reform solutions for FNCFS and then Jordan’s Principle, the NCCC asks to speak for itself, as an interested party.

**B. The NCCC Meets the Flexible Test for Interested Party Status**

7. This proceeding is governed by the “old” *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04). Rule 8 empowers this Tribunal to grant interested party status to a non-party and specify the extent of the interested party’s participation.

8. The onus is on the proposed interested party to show: (i) the proceeding will have an impact on the moving party’s interests; (ii) its involvement will add to the legal positions of the parties; and (iii) the prospective interested party’s expertise will be of assistance to the Tribunal. The analysis must be applied on a case-by-case basis, flexibly, and holistically in accordance with the principle of proportionality.

9. In relation to item (i), the interests of the NCCC are impacted by—and intimately intertwined with—this proceeding. The First Nations-in-Assembly have decided the NCCC is now the vehicle through which it would like to pursue renewed negotiations with Canada. Its Terms of Reference further specify it provides oversight and strategic guidance on this proceeding.

10. In relation to item (ii), the NCCC plays a distinct and unique role in bringing this proceeding to a just conclusion. While it does not possess the authorization to supplant or replace the AFN or the Caring Society as co-complainants, the NCCC alone possesses the mandate to conduct negotiations on behalf of First Nations-in-Assembly. That unique mandate has been recognized by the AFN, the Caring Society, and this Tribunal. The NCCC is also unconstrained by organizational factors (i.e., the AFN Charter) that have to date prohibited the AFN from taking positions that would create adversity with its member First Nations and regions. The NCCC’s perspectives are best advanced by the NCCC directly in this proceeding, and not through others.

11. In relation to item (iii), the NCCC’s nationally representative structure provides a coordinated mechanism to bring forward the diverse perspectives of First Nations across Canada.

With the support of the AFN and the Caring Society, and in accordance with this Tribunal's directions, the NCCC led regional engagements across Canada and was integral to the preparation of the Loving Justice Plan. Its contributions were effected by its Commissioners, technicians, and negotiators with a combined hundreds of years of on-the-ground experience in relation to FNCFS and Jordan's Principle. As the only body mandated by the First Nations-in-Assembly—the body which will need to ratify any future agreement—the NCCC's assistance to this Tribunal will increase the likelihood of success in ending systemic discrimination.

**C. The NCCC Will Not Delay or Prejudice the Swift Resolution of this Proceeding**

12. The NCCC is prepared to engage immediately, adhere to all timelines, and actively coordinate with the parties and the interested parties to ensure its participation causes no prejudice. Nor will the NCCC re-open closed issues or introduce new ones, or duplicate evidence or examinations.

13. The NCCC relies on:

- a. Sections 48.9(2) and 50(1) and of the *Canadian Human Rights Act*, R.S.C. 1985, c H-6;
- b. Rules 3 and 8(1) of the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04); and
- c. such further and other grounds as counsel may advise.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

14. Pursuant to the February 23, 2026, direction of this Tribunal, the NCCC relies on no affidavit evidence; and

15. Such other materials as counsel may advise and this Tribunal may Permit.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 3<sup>rd</sup> day of March, 2026.

**SMITH LAW DROIT INC.**  
PO BOX 8010, Membertou PO  
Membertou First Nation, NS B1S 2N0

**Liam A. Smith**  
Tel: 902-307-0501  
Email: [liam@smithlawinc.com](mailto:liam@smithlawinc.com)

**Tuma T. W. Young, KC, NWT, IPC**  
Tel: 902-537-0177  
Email: [tuma@smithlawinc.com](mailto:tuma@smithlawinc.com)

**AIRD & BERLIS LLP**  
701 West Georgia Street, Suite 1420  
Vancouver, BC V7Y 1E4

**Scott A. Smith**  
Tel: 778-371-2243  
Email: [ssmith@airdberlis.com](mailto:ssmith@airdberlis.com)

**Alexander DeParde**  
Tel: 416-865-3080  
Email: [adeparde@airdberlis.com](mailto:adeparde@airdberlis.com)

**Taskeen Nawab**  
Tel: 416-865-4641  
Email: [tnawab@airdberlis.com](mailto:tnawab@airdberlis.com)

Counsel for the Proposed Interested Party,  
The National Children's Chiefs Commission

**TO: CANADIAN HUMAN RIGHTS TRIBUNAL**  
240 Sparks St, 6<sup>th</sup> Floor West  
Ottawa, ON K1A 1J4  
c/o Judy Dubois, Registry Officer  
Email: [registryoffice@chrt-tcdp.gc.ca](mailto:registryoffice@chrt-tcdp.gc.ca) / [judy.dubois@tribunal.gc.ca](mailto:judy.dubois@tribunal.gc.ca)

**AND TO: CONWAY BAXTER WILSON LLP/SRL**  
Suite 400 – 411 Roosevelt Avenue  
Ottawa, ON K2A 3X9

**David P. Taylor**  
Tel: 613-691-0368  
Email: [dtaylor@conway.pro](mailto:dtaylor@conway.pro) / [dtaylor@conwaylitigation.ca](mailto:dtaylor@conwaylitigation.ca)

**Kiana Saint-Macary**  
Tel: 613-787-6125  
Email: [ksaintmacary@conwaylitigation.ca](mailto:ksaintmacary@conwaylitigation.ca)

**CLARKE CHILD & FAMILY LAW**  
Suite 950 – 36 Toronto Street  
Toronto, Ontario M5C 2C5

**Sarah Clarke**  
Tel: 416-260-3030  
Email: [sarah@childandfamilylaw.ca](mailto:sarah@childandfamilylaw.ca)

**Robin McLeod**

Tel: 416-260-3030

Email: [robin@childandfamilylaw.ca](mailto:robin@childandfamilylaw.ca)

Counsel for the Complainant, First Nations Child and Family Caring Society of Canada

**AND TO: FASKEN MARTINEAU DUMOULIN LLP**

55 Metcalfe Street, Suite 1300

Ottawa, ON K1P 6L5

**Peter N. Mantas**

Tel: 613-696-6886

Email: [pmantas@fasken.com](mailto:pmantas@fasken.com)

**Clive Ngan**

Tel: 613-696-3151

Email: [cngan@fasken.com](mailto:cngan@fasken.com)

Counsel for the Complainant, Assembly of First Nations

**AND TO: CANADIAN HUMAN RIGHTS COMMISSION**

344 Slater Street, 8th Floor

Ottawa, ON K1A 1E1

**Anshumala Juyal**

Tel: 613-290-9675

Email: [anshumala.juyal@chrc-ccdp.gc.ca](mailto:anshumala.juyal@chrc-ccdp.gc.ca)

**Khizer Pervez**

Tel: 613-296-4390

Email: [khizer.pervez@chrc-ccdp.gc.ca](mailto:khizer.pervez@chrc-ccdp.gc.ca)

Counsel for the Canadian Human Rights Commission

**AND TO: ATTORNEY GENERAL OF CANADA**

Department of Justice Canada

50 O'Connor Street

Ottawa, ON K1A 0H8

**Paul Vickery**

Email: [paul.vickery@justice.gc.ca](mailto:paul.vickery@justice.gc.ca)

**Dayna Anderson**

Email: [dayna.anderson@justice.gc.ca](mailto:dayna.anderson@justice.gc.ca)

**Sarah-Dawn Norris**  
Email: [sarah-dawn.norris@justice.gc.ca](mailto:sarah-dawn.norris@justice.gc.ca)

**Meg Jones**  
Email: [meg.jones@justice.gc.ca](mailto:meg.jones@justice.gc.ca)

**Sarah Bird**  
Email: [sarah.bird@justice.gc.ca](mailto:sarah.bird@justice.gc.ca)

**Aman Owais**  
Email: [aman.owais@justice.gc.ca](mailto:aman.owais@justice.gc.ca)

**Kevin Staska**  
Email: [kevin.staska@justice.gc.ca](mailto:kevin.staska@justice.gc.ca)

**Jon Kahn**  
[Jon.kahn@justice.gc.ca](mailto:Jon.kahn@justice.gc.ca)

**Alicia Dueck-Read**  
Email: [Alicia.dueck-read@justice.gc.ca](mailto:Alicia.dueck-read@justice.gc.ca)

Counsel for the Respondent, Attorney General of Canada

**AND TO: OLTHUIS KLEER TOWNSHEND LLP**  
250 University Avenue, 8th Floor  
Toronto, ON M5H 3E5

**Maggie E. Wentz**  
Tel: 416-981-9340  
Email: [mwentz@oktlaw.com](mailto:mwentz@oktlaw.com)

**Jessie Stirling-Voss**  
Tel: 416-981-9409  
Email: [jstirling@oktlaw.com](mailto:jstirling@oktlaw.com)

**Katelyn Johnstone**  
Tel: 647-872-1624  
Email: [kjohnstone@oktlaw.com](mailto:kjohnstone@oktlaw.com)

**Ashley Ash**  
Tel: 416-204-4767  
Email: [aash@oktlaw.com](mailto:aash@oktlaw.com)

**Jenna Rogers**  
Tel: 416-981-9448  
Email: [jrogers@oktlaw.com](mailto:jrogers@oktlaw.com)

Counsel for the Interested Party, Chiefs of Ontario

**AND TO: STOCKWOODS LLP**  
TD North Tower  
77 King Street West, Suite 4130  
Toronto, ON M5K 1H1

**Justin Safayeni**  
Tel: 416-593-3494  
Email: [justins@stockwoods.ca](mailto:justins@stockwoods.ca)

**Stephen Aylward**  
Tel: 416-593-2496  
Email: [stephena@stockwoods.ca](mailto:stephena@stockwoods.ca)

Counsel for the Interested Party, Amnesty International Canada

**AND TO: FALCONERS LLP**  
10 Alcorn Avenue, Suite 204  
Toronto, ON M4V 3A9  
Tel: 416-964-0495

**Julian N. Falconer**  
Email: [julianf@falconers.ca](mailto:julianf@falconers.ca)

**Asha James**  
Email: [ashaj@falconers.ca](mailto:ashaj@falconers.ca)

**Shelby Percival**  
Email: [shelbyp@falconers.ca](mailto:shelbyp@falconers.ca)

**Meaghan Daniel**  
Email: [meaghand@falconers.ca](mailto:meaghand@falconers.ca)

Counsel for the Interested Party, Nishnawbe Aski Nation

**AND TO: FOX LLP**  
79 Redwood Meadows Dr.  
Redwood Meadows, AB T3Z 1A3

**Carly Fox**  
Tel: 403-907-0982  
Email: [cfox@foxllp.ca](mailto:cfox@foxllp.ca)

**Jason Erbeznik**  
Tel: 403-917-1343  
Email: [jerbeznik@foxllp.ca](mailto:jerbeznik@foxllp.ca)

Counsel for the Interested Party, Assembly of Manitoba Chiefs

**AND TO: COCHRANE SINCLAIR LLP**  
115-300 Alpine Way  
Headingley, MB R4H 0E1

**Harold Cochrane**  
Tel: 204-925-5387  
Email: [hcochrane@cochranesinclair.ca](mailto:hcochrane@cochranesinclair.ca)

**Alyssa Cloutier**  
Tel: 604-248-6757  
Email: [acloutier@cochranesinclair.ca](mailto:acloutier@cochranesinclair.ca)

Counsel for the Interested Party, Southern Chiefs' Organization Inc.

**AND TO: STOCKWOODS LLP**  
TD North Tower  
77 King Street West, Suite 4130  
Toronto, ON M5K 1H1

**Dan Goudge**  
Tel: 416-593-2497  
Email: [dang@stockwoods.ca](mailto:dang@stockwoods.ca)

**Alexandra Heine**  
Tel: 416-593-1669  
Email: [alexandrah@stockwoods.ca](mailto:alexandrah@stockwoods.ca)

Counsel for the Interested Party, Our Children, Our Way Society