

**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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**WRITTEN SUBMISSIONS OF THE NATIONAL CHILDREN'S CHIEFS  
COMMISSION**

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**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, NWL, 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**

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## PART I. OVERVIEW

1. The National Children’s Chiefs Commission (“NCCC”) was born out of this proceeding and now plays an essential role in bringing it to a just conclusion *for First Nations children and families*. In this motion for interested party status, the NCCC seeks a voice in the remedial phase of this proceeding to ensure this Tribunal has a clear and complete line of sight on the ongoing efforts to resolve deep-rooted systemic discrimination embedded in Canada’s design, management, and control of First Nations Child and Family Services (“FNCFS”) and Jordan’s Principle. The NCCC no longer seeks to participate in the Ontario Final Agreement motion.

2. In October 2024, the First Nations-in-Assembly—the body that the Assembly of First Nations (“AFN”) is accountable to and which authorized the AFN and the First Nations Child and Family Caring Society of Canada (“Caring Society”) to commence this proceeding—rejected the draft Final Settlement Agreement on Long-Term Reform of FNCFS (“**Draft Final Agreement**”).

3. A new approach was required. The First Nations-in-Assembly established the NCCC to provide direction and oversight of long-term reform (“LTR”) negotiations, reporting back to the First Nations-in-Assembly. The NCCC established a negotiation team.<sup>1</sup> In short, the body that authorized the AFN to bring this claim shifted authority to undertake negotiations with Canada to the highly capable NCCC, comprised of Commissioners, technicians, and negotiators who collectively have hundreds of years of experience in FNCFS and Jordan’s Principle across Canada.

4. On August 20, 2025, acknowledging “[t]he First Nations-in-Assembly resolutions [that] set out clear direction for FNCFS reform, guided by the NCCC,” this Tribunal placed the NCCC at the centre of the remedies process. It “urge[d] Canada to return to the table of negotiations to listen to the NCCC and the co-complainants.” If Canada refused “the Caring Society, the AFN and

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<sup>1</sup> Res No. 60/2024, s 2, Ex. 20, Res. No. 89/2024, s 2, Ex. 24, to [Affidavit of Cindy Blackstock](#), (Dec 22. 2025) (“**Blackstock Affidavit**”), pp 654, 674; *Caring Society et al v Canada*, [2026 CHRT 14](#) at para 195 [2026 CHRT 14].

the NCCC, can aptly consult and gather ... perspectives ... and incorporate them in their National [LTR] plan.” Then “the Tribunal will hear the co-complainants’ evidence-based solutions representing the NCCC and multiple First Nations’ viewpoints.”<sup>2</sup> Canada refused to negotiate. The NCCC led regional engagements and worked with the Caring Society on the Loving Justice Plan.

5. The NCCC seeks an order under the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04) (“**Old Rules**”) for interested party status. The NCCC will greatly assist the Tribunal in the remedies phase given its position as the only body authorized to represent the First Nations-in-Assembly in negotiations and the expertise of NCCC Commissioners, technicians, and negotiators.

## **PART II. FACTS**

### **A. Tribunal Found Canada Is Discriminating Against First Nations Children**

6. On December 7, 2006, the First Nations-in-Assembly—the representative body of AFN member First Nations that meets periodically to set the AFN’s mandate—passed Res. No. 53/2006 approving the AFN and the Caring Society to file a complaint regarding discrimination in child welfare provided to First Nations children and families.<sup>3</sup> After nearly a decade, this Tribunal validated what First Nations children, families, and communities have long known—“Canada racially discriminated against First Nations children on reserve and in the Yukon in a systemic way.” This Tribunal ordered Canada to: (i) “cease the discriminatory practices;” (ii) “reform the FNCFS Program;” and (iii) “cease applying its narrow definition of Jordan’s Principle.”<sup>4</sup>

7. Nearly another decade later, in October 2024, the Draft Final Agreement was presented to the First Nations-in-Assembly for ratification. Chiefs—and this Tribunal<sup>5</sup>—identified deep flaws

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<sup>2</sup> *Caring Society et al v Canada*, 2025 CHRT 80 at para 18, see also paras 15-17, 24-25, 27, 77-78, 103, 106-107, 110, 119-120, 125 [2025 CHRT 80]; 2026 CHRT 14 at para 50.

<sup>3</sup> Res. No. 53/2006.

<sup>4</sup> 2025 CHRT 80 at paras 1, 8.

<sup>5</sup> 2026 CHRT 14 at para 165.

in the process leading to the vote: negotiations were confidential; engagement was *pro forma*; and the Draft Final Agreement was presented as final. The Draft Final Agreement was rejected.

**B. The First Nations-in-Assembly Created the NCCC to Conduct Renewed Negotiations**

8. At the October 2024 assembly, the First Nations-in-Assembly chose to disrupt the *status quo*. In Res. No. 60/2024, it established the NCCC to: (i) “provide strategic direction and oversight of the LTR [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 LTR [agreements] under the direction of, and reporting to, the [NCCC].”<sup>6</sup>

9. The NCCC is distinct from AFN.<sup>7</sup> There is a meaningful difference in how the AFN (a corporation) versus the NCCC (a chiefs commission) is structured, which enhances the NCCC’s accountability to, and representativeness of, the First Nations-in-Assembly. Based on Res. No. 60/2024, the NCCC is comprised of a Commissioner “appointed by every region (including regions not represented by the AFN) that will work openly and transparently to provide strategic direction and oversight of the ... negotiations, reporting back to the First Nations-in-Assembly.”<sup>8</sup> Its accountability is bolstered by the requirement that the negotiation team’s terms of reference (“**TOR**”) and anticipated negotiation timeframes be approved by the First Nations-in-Assembly.<sup>9</sup>

10. To address mistakes that led to the Draft Final Agreement’s rejection, which this Tribunal said were “top-down,”<sup>10</sup> Res. No. 60/2024 requires the NCCC to: (i) develop an “amendment process for the First Nations-in-Assembly to ... make changes to the [draft agreements] before being put to a vote;” (ii) “provide a detailed report to the First Nations-in-Assembly on all

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<sup>6</sup> Res. No. 60/2024, s 2, Ex. 20, Res. No. 61/2024, s 1, Ex. 21, Res. No. 89/2024, s 3, Ex. 24, to [Blackstock Affidavit](#), pp 654, 659, 674; [2026 CHRT 14](#) at para 195.

<sup>7</sup> Res. No. 89/2024, s 2, Ex. 24 to [Blackstock Affidavit](#), p 674.

<sup>8</sup> Res. No. 60/2024, s 2(a), Ex. 20 to [Blackstock Affidavit](#), p 654.

<sup>9</sup> Res. No. 60/2024, ss 2(c), 2(d), Ex. 20 to [Blackstock Affidavit](#), p 655.

<sup>10</sup> [2026 CHRT 14](#) at para 165.

suggested amendments, the decisions made on each amendment, and the outcomes of negotiations, before the First Nation-in-Assembly proceed with any decision-making;” and (iii) “take positive and effective measures throughout the ... negotiations, review, and approval processes ... to seek out and incorporate the expertise of” First Nations, Youth, and Elders.<sup>11</sup>

11. On December 5, 2024, in Res. No. 89/2024, the First Nations-in-Assembly approved the draft TOR in principle and directed the NCCC to “immediately commence its work.”<sup>12</sup> It did. The NCCC began meeting in December 2024. The inaugural in-person meeting was held in January 2025 on unceded Squamish territory. Vuntut Gwitchin Chief Pauline Frost was selected Chair by consensus. Since then, the NCCC has met on a weekly or bi-weekly basis. The NCCC’s technical experts and negotiators have multiple meetings per week. The NCCC’s meetings are open and strive for consensus. The AFN and the Caring Society often participate. The NCCC and AFN also meet regularly to coordinate pursuing negotiations with Canada.

### **C. Canada Rebuffed the NCCC’s Persistent Efforts to Re-Start Negotiations**

12. The NCCC worked to re-start negotiations with Canada, in light of Canada’s January 6, 2025 letter confirming it “is not currently in a position to engage in any negotiations beyond” Ontario.<sup>13</sup> To ensure NCCC-AFN alignment on engaging with Canada, on January 15, 2025 AFN Regional Chiefs wrote to AFN National Chief Woodhouse explaining:

The resolutions passed by the [First Nations-in-Assembly] ... mandate collaboration with the regions to establish the [NCCC] and a new negotiations team. ... It is critical that the AFN leadership respects this mandate and works alongside the NCCC to secure a meaningful pathway forward for [LTR] of FNCFS.<sup>14</sup>

13. While awaiting a response, on January 22, 2025 NCCC legal counsel wrote to Canada:

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<sup>11</sup> Res. No. 60/2024, ss 4-5, 7, Ex. 20 to [Blackstock Affidavit](#), p 655.

<sup>12</sup> Res. No. 89/2024, s 4, Ex. 24 to [Blackstock Affidavit](#), p 674. The TOR were approved Sep. 3, 2025: [Res. No. 03/2025](#), s. 2.

<sup>13</sup> [Ltr. from P Vickery to S. Wuttke \(Jan. 6, 2025\)](#), p 1.

<sup>14</sup> [Ltr. from Regional Chiefs to Chief Woodhouse \(Jan. 15, 2025\)](#), pp 1-2.

[T]he First Nations-in-Assembly ... provided the NCCC with the mandate to oversee and move forward with further negotiations ... [T]he NCCC requests ... a meeting with ... your client to discuss the position ... in your January [6] letter.<sup>15</sup>

14. On January 24, 2025, NCCC Chair Frost wrote to then-Prime Minister Trudeau and Ministers Anandasangaree and Hajdu. In addition to explaining the NCCC’s mandate, she advised: (i) the overall funding envelope required to end discrimination is in the ballpark of the \$47.8B that Canada previously proposed; (ii) there is a pathway that would end this Tribunal’s jurisdiction; and (iii) the NCCC is able to immediately proceed with negotiations.<sup>16</sup>

15. Chair Frost’s letter was followed by a January 29, 2025 letter from AFN CEO Andrew Bisson to Indigenous Services Canada (“ISC”) Deputy Minister Gina Wilson. Mr. Bisson explained, “AFN Resolution #60/2024 has established [the NCCC] ... to provide strategic direction and oversight of the LTR Agreement negotiations” and “the AFN Executive Committee passed a motion directing the AFN to secure funding to support the NCCC.”<sup>17</sup> This was echoed by AFN National Chief Woodhouse in her January 31, 2025 response to the AFN Regional Chiefs’ letter referred to above: “[T]he NCCC has been mandated to engage in ... all negotiations related to [LTR] ... [T]he NCCC should be a leader with respect to such work.”<sup>18</sup>

16. Canada’s response to NCCC legal counsel’s January 22, 2025 letter was sent on February 14, 2025. Canada’s legal counsel wrote, “we have written to the [AFN] to clarify whether the [NCCC] is the new interface through which Canada is to interact with the AFN on matters relating to CHRT File T1340/7008 ... [I]t is our understanding that Mr. Adam Williamson remains counsel of record for the AFN. In light of this, we are unable to meet with your client.”<sup>19</sup>

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<sup>15</sup> Ltr. from S. Smith to P. Vickery, (Jan. 22, 2025), p 1, Tab 2 to [Ltr. from P. Mantas to CHRT \(Apr. 24, 2025\)](#), p 9.

<sup>16</sup> [Ltr. from Chair Frost to PM Trudeau \(Jan. 24, 2025\)](#), pp 1-3.

<sup>17</sup> [Ltr. from A. Bisson to Deputy Minister Wilson \(Jan. 29, 2025\)](#), p 1.

<sup>18</sup> [Ltr. from Chief Woodhouse to Regional Chiefs \(Jan. 31, 2025\)](#), pp 1-2.

<sup>19</sup> [Ltr. from D. Anderson to S. Smith \(Feb. 14, 2025\)](#), p 1.

17. On February 21, 2025, Chair Frost again wrote to then-Prime Minister Trudeau and Ministers Anandasangaree and Hajdu to confirm “the NCCC’s view that *a national [agreement]* is within reach, and merely requires Canada to return to the negotiation table to work with the NCCC, the AFN Executive, and the Caring Society in good faith.”<sup>20</sup> The letter included a table outlining ten issues and the NCCC’s proposal on how to resolve each issue.

18. On February 25, 2025, Minister Hajdu responded, explaining “[t]here has been confusion regarding the role of the [NCCC].”<sup>21</sup> To the extent any further clarity on the NCCC’s mandate was required, which is not admitted but is expressly denied, such clarity came a week later on March 4, 2025 when AFN National Chief Woodhouse wrote to Minister Hajdu:

[T]he First Nations-in-Assembly ... direct[ed] *a new process* for pursuing reform ... [T]he AFN supports the [NCCC] in its work ... in relation to negotiating Final Agreements on [LTR] ... We therefore also call on Canada to ... take the necessary measures to facilitate the NCCC’s critical role in [LTR] ...<sup>22</sup>

19. On March 19, 2025, Chair Frost wrote to Prime Minister Carney inviting Canada to “[w]ork collaboratively with the [NCCC] and the [Caring Society] ... to co-develop a ... framework for negotiating ... [LTR] of FNCFS.”<sup>23</sup> On June 4, 2025, Chair Frost wrote to Minister Gull-Masty reiterating that: “the [NCCC] is ready, willing, and able to immediately proceed with completing negotiation of a national agreement to reform [FNCFS],” and proposed a meeting.<sup>24</sup> Chief Frost wrote again to Minister Gull-Masty and jointly to the Prime Minister and Minister Gull-Masty on July 4, 2025 and July 28, 2025, respectively.<sup>25</sup> On July 30, 2025, Minister Gull-Masty responded, but did not acknowledge the NCCC’s requests to re-engage in negotiations.<sup>26</sup>

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<sup>20</sup> [Ltr. from Chair Frost to PM Trudeau \(Feb. 21, 2025\)](#), p 2 [emphasis in original].

<sup>21</sup> [Ltr. from Minister Hajdu to Chair Frost \(Feb. 25, 2025\)](#), p 2.

<sup>22</sup> [Ltr. from Chief Woodhouse to Minister Hajdu \(Mar. 4, 2025\)](#), p 1 [emphasis added].

<sup>23</sup> [Ltr. from Chair Frost to PM Carney \(Mar. 19, 2025\)](#), p 1.

<sup>24</sup> [Ltr. from Chair Frost to Minister Gull-Masty \(Jun. 4, 2025\)](#), p 2.

<sup>25</sup> [Ltr. from Chair Frost to Minister Gull-Masty \(Jul. 4, 2025\)](#), p 1; [Ltr. from Chair Frost to PM Carney \(Jul. 28, 2025\)](#), p 1.

<sup>26</sup> [Ltr. from Minister Gull-Masty to Chair Frost \(Jul. 30, 2025\)](#), pp 1-2.

20. On July 29, 2025, Chair Frost wrote to Minister Gull-Masty further to this “Tribunal’s July 25, 2025 request that Canada meet at least once to hear directly from the [NCCC].”<sup>27</sup> Federal officials met with the NCCC in August 2025. On August 11, 2025, Chair Frost met with Deputy Minister Wilson and ISC Associate Deputy Minister Michelle Kovacevic. On August 18, 2025, Chair Frost and Minister Gull-Masty met. From the NCCC’s perspective, these were introductory meetings. On August 21, 2025, Chair Frost sent a letter to Minister Gull-Masty to request another meeting “to discuss a pathway toward renewed negotiations.”<sup>28</sup> Canada did not respond.

**D. This Tribunal’s August 20, 2025 Directions (2025 CHRT 80)**

21. This Tribunal’s August 20, 2025 decision featured the NCCC. It ordered: (i) by August 29, 2025, “Canada shall inform the Tribunal ... whether it agrees to meet with the [NCCC];” and (ii) by December 22, 2025, “the Caring Society and the AFN shall consult ... with the [NCCC and others] ... to develop an evidence-based, comprehensive ... [LTR] plan and requested remedies.”<sup>29</sup> On August 29, 2025, Canada wrote to this Tribunal, “seeking clarification ... as to ... whether it is suggesting that Canada not only *consult*, but *negotiate* with the NCCC.”<sup>30</sup>

**E. NCCC Led Regional Engagements and Helped Shape the Loving Justice Plan**

22. The NCCC led regional engagements and worked collaboratively with the Caring Society to draft the Loving Justice Plan.<sup>31</sup> On December 22, 2025, Chair Frost wrote to the Caring Society to endorse the Loving Justice Plan and summarized the NCCC’s role in its preparation:

[W]e launched the regional engagements on October 1 and concluded them on November 14. ... [T]he Commission’s technical team supported in-person and virtual engagement sessions with First Nations leaders and Rights Holders and with FNCFS experts in Prince Edward Island, New Brunswick, Quebec, Manitoba,

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<sup>27</sup> Ltr. from Chair Frost to Minister Gull-Masty and Deputy Minister Wilson (Jul. 29, 2025), p 1.

<sup>28</sup> Ltr. from Chair Frost to Minister Gull-Masty (Aug. 21, 2025), p 1.

<sup>29</sup> [2025 CHRT 80](#) at [paras 15-18, 24-25, 27, 78, 103, 106-107, 110, 119-120, 125](#).

<sup>30</sup> Ltr. from D. Anderson to the Tribunal (Aug. 29, 2025), pp 2-3 [emphasis in original].

<sup>31</sup> “The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario) Filed pursuant to 2025 CHRT 80” (December 22, 2025), pp 8, 39, (“**Loving Justice Plan**”) Ex. 1 to [Blackstock Affidavit](#), pp 33, 64.

Saskatchewan, Alberta, British Columbia [(“BC”)], the Yukon, and the Northwest Territories. We also welcomed ... a total of 105 submissions, 64 of which were group submissions representing input from up to 90 leaders, Rights Holders and experts. ... [Y]ou shared drafts of the Plan with the Commission’s technical team. Our team worked closely with you ... to edit, re-draft, and contribute new material based on their own expertise and on the input gathered through the regional engagements.<sup>32</sup>

### **PART III. ISSUES**

23. The issues are: (i) should the NCCC be made an interested party; and (ii) on what terms.

### **PART IV. LAW AND ARGUMENT**

24. Rule 8 of the Old Rules empowers this Tribunal to grant interested party status. The onus is on the moving party to show: (i) the proceeding will impact its interests; (ii) its involvement will add to the legal positions of the parties; and (iii) its expertise will assist the Tribunal.<sup>33</sup> The factors, when applied flexibly and proportionately to these specific circumstances lead to only one conclusion: the NCCC should be granted interested party status on the terms set out below.<sup>34</sup>

#### **A. The NCCC’s Interests Are Directly Impacted by this Proceeding**

25. Canada recognizes “[t]he inherent right of self-government recognized and affirmed by section 35 of the *Constitution Act, 1982* includes jurisdiction in relation to child and family services.”<sup>35</sup> This engages the honour of the Crown and demands respect “for Aboriginal peoples ... to choose by what means to make their decisions, according to their own laws, customs and practices.”<sup>36</sup> The First Nations-in-Assembly decided the NCCC is the body to negotiate with Canada. The Tribunal should respect that decision, which links the NCCC to the remedies phase.

26. In 2006, the First Nations-in-Assembly made the decision to mandate the AFN and the

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<sup>32</sup> Letter from Chair Frost to Dr. Blackstock (Dec. 22, 2025), pp 1-2, Ex. 61 to [Blackstock Affidavit](#), pp 4179-4180.

<sup>33</sup> *Caring Society et al v Canada*, [2025 CHRT 85](#) at [paras 42-43](#) [[2025 CHRT 85](#)]; [2026 CHRT 14](#) at paras 116-117, 125-127.

<sup>34</sup> [2025 CHRT 85](#) at [para 44](#).

<sup>35</sup> *An Act Respecting First Nations, Inuit and Métis children, Youth and Families*, [SC 2019, c 24, ss 7, 18\(1\)](#); *Ref. re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#) at [paras 58-59](#) [[C-92](#)].

<sup>36</sup> *R v Desautel*, [2021 SCC 17](#) at [para 86](#); *C-92* at [para 64](#); [2026 CHRT 14](#) at para 136.

Caring Society to commence this complaint.<sup>37</sup> For two decades, the AFN and the Caring Society carried that heavy burden. In 2016, this Tribunal recognized the lived experience of First Nations.<sup>38</sup> In 2024, the Draft Final Agreement was rejected and the First Nations-in-Assembly decided to fix the “top-down approach” by mandating the NCCC to: (i) “provide strategic direction and oversight of the LTR [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 LTR [agreements] under the direction of, and reporting to, the [NCCC].”<sup>39</sup> The NCCC’s TOR specify it “provides oversight and strategic direction” on these proceedings.<sup>40</sup>

27. Respect for that decision—made by the body that will need to approve any future agreement—is paramount. This Tribunal reaffirmed the NCCC’s role in its August 20, 2025 orders: it “can aptly consult and gather relevant ... perspectives ... and incorporate them in their National [LTR] plan,” which became the Loving Justice Plan filed on December 22, 2025. The NCCC led regional engagements and worked closely with the Caring Society to prepare the Loving Justice Plan, as directed. Now that “the Tribunal will hear the ... evidence-based solutions representing the NCCC ... viewpoints,” the NCCC asks to speak for itself.<sup>41</sup>

## **B. The NCCC’s Involvement Will Add to the Legal Positions of the Parties**

28. The AFN, the Caring Society, and this Tribunal acknowledge the NCCC’s unique role in *negotiations* to implement this Tribunal’s decade-old orders. What is clear from Res. Nos. 60/2024, 61/2024, and 89/2024 is the NCCC does not have a mandate to *replace* the co-complainants. Its role is distinct, as would be its perspectives before this Tribunal. Neither the AFN nor the Caring

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<sup>37</sup> [Res. No. 53/2006](#).

<sup>38</sup> [2025 CHRT 80](#) at [para 1](#).

<sup>39</sup> [Res. No. 60/2024](#), s 2, Ex. 20, [Res. No. 89/2024](#), s 2, Ex. 24 to [Blackstock Affidavit](#), pp 654, 674.

<sup>40</sup> Terms of Reference for the NCCC (Jan. 23, 2025), Ex. 26 to [Blackstock Affidavit](#), p 680.

<sup>41</sup> [2025 CHRT 80](#) at paras [77-78](#), [106](#), [107](#), [110](#), [119](#), [120](#).

Society possess that mandate from the First Nations-in-Assembly.

29. The AFN has supported the First Nations-in-Assembly’s resolutions establishing the NCCC. AFN Regional Chiefs wrote to the National Chief to advise, “[i]t is critical that the AFN leadership ... works alongside the NCCC to secure a meaningful pathway forward for [LTR] of FNCFS.”<sup>42</sup> AFN National Chief Woodhouse “entirely agree[s] ... the NCCC should be a leader” in negotiations.<sup>43</sup> Mr. Bisson’s January 29, 2025 letter to ISC confirmed the First Nations-in-Assembly “established [the NCCC] ... to provide strategic direction and oversight of ... negotiations.”<sup>44</sup> AFN National Chief Woodhouse’s March 4, 2025 letter to Minister Hajdu confirmed: “the AFN supports the [NCCC] in its work ... negotiating ... on [LTR].”<sup>45</sup>

30. This Tribunal too has acknowledged that “[t]he First Nations-in-Assembly resolutions set out clear direction for FNCFS reform, *guided by the NCCC*.” This Tribunal also held that if Canada refused to negotiate, “the Tribunal will hear the co-complainants’ evidence-based solutions representing *the NCCC* and multiple First Nations’ viewpoints.” This is also reflected in the positions of the AFN and the Caring Society before this Tribunal.<sup>46</sup> For example, on December 9, 2024, the AFN wrote to this Tribunal advising the First Nations-in-Assembly “call[ed] for the creation of an entirely new entity, with a new negotiation and new legal team.”<sup>47</sup>

31. The NCCC’s participation is also important given the AFN is prohibited by its Charter from taking positions adverse to its member First Nations or regions. For example: (i) on May 8 and June 16, 2025, AFN wrote to this Tribunal advising it took no position on various interested party motions; (ii) on June 4, 2025, the AFN wrote to this Tribunal to advise it took no position on

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<sup>42</sup> [Ltr. from Regional Chiefs to Chief Woodhouse \(Jan. 15, 2025\)](#), p 2.

<sup>43</sup> [Ltr. from Chief Woodhouse to Regional Chiefs \(Jan. 31, 2025\)](#), p 2.

<sup>44</sup> [Ltr. from A. Bisson to Deputy Minister Wilson \(Jan. 29, 2025\)](#), p 1.

<sup>45</sup> [Ltr. from Chief Woodhouse to Minister Hajdu \(Mar. 4, 2025\)](#), p 1.

<sup>46</sup> [2025 CHRT 80](#) at paras 15-19, 24-25, 27, 103, 107 [emphasis added].

<sup>47</sup> [Ltr. from S. Wuttke to the Tribunal \(Dec. 9, 2024\)](#), p 2.

the May 7, 2025 Amended Joint Notice of Motion; and (iii) on September 25, 2025, the AFN wrote to this Tribunal advising it took no position on the Ontario Final Agreement motion.<sup>48</sup> AFN's neutrality has left First Nations outside Ontario without a voice at key moments before this Tribunal.

32. In contrast, the NCCC does not have such limitations and is therefore in a unique position to advance distinct positions the AFN cannot. The NCCC can, and where necessary will, take positions differing from those of the AFN to advance FNCFS and Jordan's Principle LTR. This does not, however, mean that the NCCC and AFN will take internally inconsistent or conflicting positions. Rather, it reflects the unique role that First Nations-in-Assembly bestowed upon the NCCC to address concerns about AFN's limitations to address matters that were arising in this proceeding. It also reflects that the First Nations-in-Assembly holds many perspectives. This Tribunal has recognized "the Indigenous community in Canada *is not a monolith* and that its diversity produces a complex and nuanced body of experience, knowledge, and expertise."<sup>49</sup>

### **C. The NCCC's Expertise Will Be of Assistance to the Tribunal**

33. As the only entity mandated by the First Nations-in-Assembly to negotiate with Canada, the NCCC will provide invaluable assistance to this Tribunal. The Tribunal "in the objective of avoiding the possibility of an imposed final solution, urge[d] Canada to return to the table of negotiations to listen to *the NCCC* and the co-complainants." This Tribunal recognized the NCCC's capacity to collect a diversity of views on LTR.<sup>50</sup>

34. Critical to its ability to assist this Tribunal is the trust the First Nations-in-Assembly placed in the NCCC based on the accountability mechanisms built into the NCCC's founding resolutions

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<sup>48</sup> Ltr. from P. Mantas to the Tribunal (May 8, 2025), p 1; Ltr. from P. Mantas to the Tribunal (Jun. 16, 2025), p 1; Ltr. from P. Mantas to the Tribunal (Jun. 4, 2025), p 1; Ltr. from P. Mantas to the Tribunal (Sep. 25, 2025), p 1.

<sup>49</sup> *Caring Society et al v Canada*, [2022 CHRT 26](#) at [para 55](#) [emphasis added].

<sup>50</sup> [2025 CHRT 80](#) at [paras 106](#) [underline in original, italics added], [110](#).

and the following deep lived experience of the Commissioners, technicians, and negotiators:

<b>Commissioner</b>	<b>Summary of Experience</b>
Chief P. Frost (YT) (Chair)	Vuntut Gwitchin Chief. Former YT Minister of Health, Social Services, and Environment. Negotiated Strategic Alliance Agreement on health delivery and Indigenous Child Welfare. 30+ years of experience in strategic planning and financial oversight for complex organizations.
Chief D. Monias (MB)	Pimicikamak Okimawin Cree Nation Chief. Master's degree with professional training in leadership and management. Served in senior management roles within FNCFS throughout his career.
Chief A. Levasseur (MB) (Alternate)	Nisichawayasihk Cree Nation Chief elected 2022. JD; BA; Bachelor of Education; Post-Baccalaureate Diploma in Education. 20+ years in education field. Project coordinator in Missing and Murdered Indigenous Women and Girls Liaison Unit of Manitoba Keewatinowi Okimakanak.
Chief E. Beaudin (SK)	Cowessess First Nation Chief, first to enact rights-based child and family well-being law. Expertise in urban service delivery and structural drivers.
Chief C. Okemow (SK) (Alternate)	Lucky Man Cree Nation Chief. Served Nation in Health Administration and water monitoring capacities for 20+ years. 3+ years on board of Lucky Man Cree Nation Child and Family and Health Centers.
Chief K. Jacko (AB)	Cold Lake First Nations Chief and Sixties Scoop survivor. Heightened awareness of logistical barriers facing remote communities and accounting for children in care during disasters.
Chief D. G. Bull (AB) (Alternate)	Louis Bull Tribe Chief, one of initial First Nations to conclude a child and family services coordination agreement under <i>An Act respecting First Nations, Inuit and Métis children, youth and families</i> ("FNIMCYF Act").
Chief R. Knockwood (NB)	Amlamgog First Nation Chief and Co-Chair of Mi'kmaq Child and Family Services of New Brunswick. Serves on Advisory Board for Violence Against Aboriginal Women.
Chief R. Perley (NB) (Alternate)	Neqotkuk First Nation Chief. Initial First Nation in Atlantic Canada to finalize a child and family well-being law and to provide coordination agreement notice to Canada under FNIMCYF Act.
Kukpi7 H. Henderson (BC)	Tsqéscen First Nation Chief and fluent in Secwepemetsin. Led development of T'kwenm7íple7ens re Kíkwe (child well-being law).
D. Foxcroft (BC) (Alternate) (Co-Chair)	Tseshah First Nation member. Order of BC recipient. 30+ years of First Nations health and family wellness advocacy. Past leadership roles at Nuu-chah-nulth Tribal Council, Usma Nuu-chah-nulth Child and Family Services, Caring for First Nations Children Society, BC Aboriginal Child Care Society, and National Indian Child Welfare Association Board. Former ADM, Ministry of Children & Family Development.
Chief V. Chief (QC)	Timiskaming First Nation Chief. Expert advocate for self-determination and sustainable, needs-based fiscal agreements for First Nations.
Chief L. Denny (NS)	Eskasoni First Nation Chief and child/family portfolio-holder for Assembly of Mi'kmaq Chiefs in NS. Expertise in sectoral self-government and Mi'kmaw education.
S. Kakfwi (NT)	Former Premier of NT and President of Dene Nation. Residential school survivor. 16 years of cabinet-level governance experience.

Chief T. Bernard (PE)	Lennox Island First Nation Chief. 17 years in leadership with Mi'kmaw Confederacy of PEI. Serves on Epekwitk Assembly of Councils Inc.
Chief B. Benoit (NL)	Miawpukek Mi'kamaway Mawi'omi Chief. Actively engaged in integrating Mi'kmaw language, art, and cultural safety into provincial public institutions and social, child and family services delivery in NL.
Chief Jenny Brake (NL) (Alternate)	Qalipu First Nation Chief. Newfoundland and Labrador Provincial Indigenous Women's Steering Committee, AFN Chief's Committee on Charter Renewal and Fisheries Committee, Newfoundland and Labrador's RCMP Commanding Officer's Indigenous Advisory Committee.
<b>Technician</b>	<b>Summary of Experience</b>
Shadelle Chambers (YT)	Executive Director of Family Preservation Services at Council of Yukon First Nations.
Colin Kinsella (MB)	25+ years in FNCFS field. Acting Director of Family First Nation Secretariat.
Tolulope Stephen Odupe (MB)	Senior Policy Analyst at Southern First Nations Network of Care after 15 years of legal and policy experience.
Iskeww kapaw apih Musqua (SK)	Director of Child Welfare and Social Development at Federation of Sovereign Indigenous Nations ("FSIN"). 26+ years with Regina Police Service, RCMP, Indigenous Police Service.
Charmaine Payakutch (SK)	Director of Jordan's Principle for FSIN. Oversees administration and coordination of Jordan's Principle.
Shane Henry (SK)	PhD. 15+ years as Indigenous policy and governance professional. Facilitated consultations and engagement across western Canada.
Kim Warnke (AB)	20+ years public engagement on government policy in community, municipal, provincial, and First Nations settings. Masters in Public Policy.
Sam Hull (AB)	RSW. Child and Family Services Lead for Confederacy of Treaty Six Nations. Lived experience with Alberta Child and Family Services.
Marci Osmond (NB)	Director of Policy, Mi'gmaq Child and Family Services of NB. Former Director and Negotiator with Province of NB, Social Development and Aboriginal Affairs Secretariat.
Judy Levi (NB)	38+ years as RSW and a member of NB Association of Social Workers. 2+ years in addictions in child welfare as tripartite coordinator.
Roy Stewart (NB)	Lawyer representing Indigenous clients in NB and NS, including National Inquiry into Missing and Murdered Indigenous Women and Girls.
Mary Teegee (BC)	Chief Administration Officer, Carrier Sekani Child and Family Services. BC representative on National Advisory Council on FNCFS Reform.
Landon Wagner (BC)	Policy Analyst with BC Assembly of First Nations. Former Family Services Associate at Ronald McDonald House Charities Saskatchewan. BA and MA in Political Studies.
Judy Wilson (BC)	Former Chief. 25+ years of political leadership. Former Child & Family Executive Political lead for Union of BC Indian Chiefs and sat at BC Region Provincial & Federal Tripartite Child & Family table.
Tracy Lavin (BC)	PhD in developmental psychology. 20+ years in policy analysis, program evaluation, and FNCFS. Helped established Our Children Our Way, where she is Manager of Policy, Research and Engagement.
Richard Gray	RSW and Manager of Social Services at First Nations of Québec and

(QC)	Labrador Health and Social Services Commission. Québec representative on National Advisory Council on FNCFS Reform.
S. Martin (NS)	Millbrook First Nation member. LLB; MA in History; BA (Honours). Director of Governance for Confederacy of Mainland Mi'kmaq. Former Adjudicator of Small Claims Court of Nova Scotia. Serves on AFN Chiefs' Committee on Justice and Mi'kmaw co-chair of Nova Scotia-Canada-Mi'kmaq Tripartite Forum's Justice Committee.
Leanne Goose (NT)	Researcher on Dene law, protocols, values, and principles, leading initiatives in communications, engagements, data governance, and sovereignty. Strategic and political advisor to Dene Nation.
Tyler Dempsey (NT)	10+ years in child welfare and policy advocacy. Government Relations & Policy Specialist. BA (Hons.), diploma in Early Childhood Education, professional negotiations certificate from Harvard Business School.
Kateri Coade (PEI)	Executive director of Mi'kmaq Confederacy of PEI, responsible for multiple portfolios including justice and child & family services.
Justin Milne (PEI)	Lawyer. Experienced in child protection and human rights matters. Teaches Bar Admission Course on federal child welfare. Lawyer for Mi'kmaq Confederacy of PEI's Child and Family Services Program.
Ada John (NL)	Director of Conne River Health and Social Services. Design and deliver integrated social services, including on FNCFS and Jordan's Principle.
Angelina Amaral (NL)	Mi'kmaw lawyer for Miawpukek. Technical and legal lead for Miawpukek's child and family services law. Chaired NS Barrister's Society's Truth and Reconciliation Committee.
<b>Negotiator</b>	<b>Summary of Experience</b>
Raven-Dominique Gobeil (MB)	First Nations lawyer for First Nations Family Advocacy Office. Practice focuses on child protection, Indigenous governance, systemic reform, and child welfare laws. Lived experience in child welfare system.
Neil Perley (NB)	15+ years in senior management positions in child and family services for Neqotkuk First Nation. Lead negotiator for its child welfare coordination agreement with federal and provincial governments. Former director of operations and band manager for Neqotkuk First Nation.
Khelsilem (BC)	Former Chairperson of Squamish Nation. Experience negotiating intergovernmental forestry, housing, and rights and jurisdiction recognition agreements. Played key role in formation of NCCC.
Richard Gray (QC)	Social worker. 7+ years as Director of Social Services, Band Councillor, and Chief Negotiator for Listuguj Mi'gmaq Government. Currently Social Services Manager at First Nations of Québec and Labrador Health and Social Services Commission (10+ years).
Shayne MacDonald, KC (NL)	Lawyer for 30+ years. Served multiple terms as Chief, Vice Chief, and Councillor of Miawpukek First Nation. Served as Director of Justice for Miawpukek from 1993–2021, leads Mi'kmaq Alsumk Mowimsikik Koqoey Association, and has extensive Jordan's Principle knowledge.

35. The Loving Justice Plan is a product of this expertise. The NCCC “engaged with First Nations leaders and Rights Holders, Elders, youth and [FNCFS] experts to gather their

perspectives on ... this Plan.”<sup>51</sup> NCCC technicians worked to “edit, re-draft, and contribute new material based on their own expertise and on the input gathered through the regional engagements.”<sup>52</sup> These contributions were critical.

36. It is equally critical the NCCC be an interested party to speak to the issues before the Tribunal. The NCCC’s nationally representative structure provides a coordinated mechanism to bring forward diverse First Nations perspectives. This cannot be offered by the recently added interested parties from Manitoba and BC. This Tribunal acknowledged the NCCC’s synthesizing role: it “can consult [First Nations], and the parties can bring their perspectives to the Tribunal.”<sup>53</sup> The NCCC’s direct participation is the best way for the Tribunal to receive consolidated evidence of regional positions across Canada.

**D. The NCCC Is Not Too Late, Will Not Cause Delay, and Will Not Duplicate**

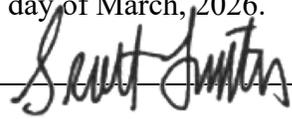
37. The NCCC is prepared to engage immediately, including based on its Loving Justice Plan work. The NCCC is ready when Jordan’s Principle discussions resume. The NCCC will meet all timelines and coordinate with the parties to ensure it causes no delay or prejudice. Nor will the NCCC re-open closed or introduce new issues: its mandate may be broader than what is before the Tribunal, but that will not define its conduct in this proceeding. The NCCC will not duplicate evidence or examinations: the Loving Justice Plan provides evidence of its ability to cooperate.

**PART V. ORDER SOUGHT**

38. The NCCC seeks the order set out in the notice of motion.

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

  
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<sup>51</sup> Loving Justice Plan, pp 8, 39, Ex. 1 to [Blackstock Affidavit](#), pp 33, 64.

<sup>52</sup> Letter from Chair Frost to Dr. Blackstock (Dec. 22, 2025), pp 1-2, Ex. 61 to [Blackstock Affidavit](#), pp 4179-4180.

<sup>53</sup> *Caring Society et al v Canada*, [2020 CHRT 31](#) at [para 28](#); *Caring Society et al v Canada*, [2025 CHRT 86](#) at [para 77](#); [2025 CHRT 80](#) at [paras 77-78](#); [2026 CHRT 14](#) at para 145

**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, NWL, 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**

## SCHEDULE “A” – LIST OF AUTHORITIES

1.	<i>Caring Society et al v Canada</i> , <a href="#">2025 CHRT 80</a>
2.	<i>Caring Society et al v Canada</i> , <a href="#">2025 CHRT 85</a>
3.	<i>Reference re An Act respecting First Nations, Inuit and Métis children, youth and families</i> , <a href="#">2024 SCC 5</a>
4.	<i>R v Desautel</i> , <a href="#">2021 SCC 17</a>
5.	<i>Caring Society et al v Canada</i> , <a href="#">2020 CHRT 31</a>
6.	<i>Caring Society et al v Canada</i> , <a href="#">2022 CHRT 26</a>
7.	<i>Caring Society et al v Canada</i> , <a href="#">2025 CHRT 86</a>
8.	<i>Caring Society et al v Canada</i> , <a href="#">2026 CHRT 14</a>

## SCHEDULE “B” – STATUTES

*An Act Respecting First Nations, Inuit and Métis children, Youth and Families*, [SC 2019, c 24](#)

### **Binding on Her Majesty**

7 This Act is binding on Her Majesty in right of Canada or of a province.

### **Affirmation**

**18 (1)** The inherent right of self-government recognized and affirmed by [section 35](#) of the [Constitution Act, 1982](#) includes jurisdiction in relation to child and family services, including legislative authority in relation to those services and authority to administer and enforce laws made under that legislative authority.