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Our File: --
Notre dossier: 17-85750

Your file:
Votre dossier:

Via Courier

May 18, 2012

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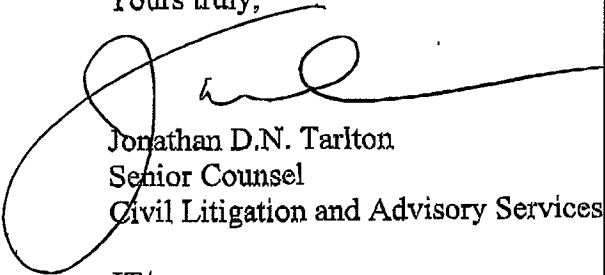
Dear Colleagues:

Re: *Attorney General of Canada v Canadian Human Rights Commission et al*
Notice of Appeal

Enclosed, please find for service upon you, a copy of the Notice of Appeal in the above-noted matter.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,



Jonathan D.N. Tarlton
Senior Counsel
Civil Litigation and Advisory Services

JT/snc

Enclosure

Canada



Court File No: A-145-12

FEDERAL COURT OF APPEAL**THE ATTORNEY GENERAL OF CANADA****APPELLANT****-and-****CANADIAN HUMAN RIGHTS COMMISSION,
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY,
ASSEMBLY OF FIRST NATIONS, CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL****RESPONDENTS****NOTICE OF APPEAL****TO THE RESPONDENTS:**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following pages.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the Federal Courts Rules and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, **WITHIN 10 DAYS** of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

May 17, 2012

ORIGINAL FILED BY
MICHAEL J. GIBSON

Issued by:

(Registry Officer)

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Counsel for the Respondent, Amnesty International

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the Judgment of Madam Justice Mactavish dated April 17, 2012, granting the Respondents' consolidated applications for judicial review in files T-578-11, T-630-11 and T-638-11, setting aside a decision of the Canadian Human Rights Tribunal ("Tribunal") dated March 14, 2011 and ordering the matter returned to a differently constituted panel of the Tribunal in accordance with her reasons in 2012 FC 445.

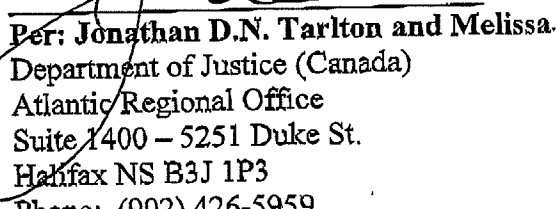
THE APPELLANT ASKS that the appeal be allowed, with costs in this Court and the Court below, and that the Judgment be set aside.

THE GROUNDS OF APPEAL are as follows:

1. The applications judge erred in determining that the Tribunal's interpretation of section 5(b) of the Act was unreasonable;
2. The applications judge erred in determining that the Tribunal's finding that there is no appropriate comparator in this case was unreasonable;
3. The applications judge erred in determining that the Tribunal breached procedural fairness by considering extrinsic evidence without advising the parties and permitting an opportunity to respond;
4. The applications judge erred in determining that the Tribunal committed an error of law and breached procedural fairness by failing to provide reasons why the complaint could not be considered under section 5(a) of the *Canadian Human Rights Act*;
5. Such further and other grounds as counsel may advise and this Honourable Court may permit.

DATED at Halifax, Nova Scotia, this 17th day of May, 2012.

Myles J. Kirvan
Deputy Attorney General of Canada


Per: Jonathan D.N. Tarlton and Melissa Chan
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Counsel for the Appellant

I HEREBY CERTIFY that the above document is a true copy of the original issued out of this office on the 17 day of MAY A.D. 2012
 Dated this 17 day of MAY 2012

M. Kowalchuk
Registry Officer