



## Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System

James J. Igloliorte  
Commissioner

Dr. Michael Devine  
Commissioner

Anastasia Qupee  
Commissioner

### DECISION: STANDING APPLICATION FOR THE NUNATSIAVUT GOVERNMENT

December 23, 2022

Commissioners Igloliorte, Qupee, and Devine:

#### **Background**

- [1] The Nunatsiavut Government is a legal entity established pursuant to the *Labrador Inuit Land Claims Agreement Act*, S.N.L. 2004, c. L-3. That Act sets out the terms of a comprehensive land claims agreement that recognizes a right of self-government for the Labrador Inuit with the Nunatsiavut Government being the representative of the Labrador Inuit, and confirms the Nunatsiavut Government's authority to enact legislation in matters respecting social, family, youth and children's programs, services and facilities for Inuit.
- [2] The Nunatsiavut Government has applied to the Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System ("the Inquiry") for General Standing pursuant to s. 5(2) of the *Public Inquiries Act, 2006*, SNL 2006 c. P-38.1 ("the Act") and Part XII of the Amended Rules of Procedure. The Application of the Nunatsiavut Government requests standing to participate in parts of the Inquiry, in particular to observe and access documents, as well as to make written and oral submissions.
- [3] The Commissioners grant, in part, the Application of the Nunatsiavut Government.
- [4] The Application for General Standing of the Nunatsiavut Government requests standing to participate as follows:

- a. Formal Hearing on the history of the Innu
  - i. Observer status; and
  - ii. Access to relevant documents.
- b. Formal Hearings on the history of child protection in relation to the Innu
  - i. Access to relevant documents; and
  - ii. Right to make submissions.
- c. Formal Hearings on legislation, policies and practice of child protection in relation to the Innu
  - i. Access to relevant documents; and
  - ii. Right to make submissions.
- d. Community Meetings
  - i. Observer status; and
  - ii. Access to relevant documents.
- e. Commemorations
  - i. Observer status.

[5] The Applicant has also requested standing to participate in Roundtables as deemed appropriate by the Commissioners.

[6] Counsel for the Applicant has advised the Commissioners that it would be satisfied for its representatives and counsel to participate virtually in proceedings in Natuashish, if possible.

### **Decision**

[7] The *Act*, sets out the considerations that the Commissioners must take into account in determining standing, as follows:

5. (1) A commission shall give those persons who believe they have an interest in the subject of the inquiry an opportunity to apply to participate.

(2) A commission shall determine whether a person may participate in an inquiry, and how he or she may participate, after considering:

- (a) whether the person's interests may be adversely affected by the findings of the commission;

- (b) whether the person's participation would further the conduct of the inquiry; and
- (c) whether the person's participation would contribute to the openness and fairness of the inquiry.

[8] Upon considering the factors set out in the *Act*, the Commissioners grant the Nunatsiavut Government standing to participate in the Inquiry, as follows:

- a. Formal Hearings on the history of the Innu;
  - i. Observer status; and
  - ii. Access to relevant documents.
- b. The Formal Hearings on the history of child protection in relation to the Innu;
  - i. Access to relevant documents.
- c. The Formal Hearings on legislation, policies and practices of the child protection system in relation to the Innu;
  - i. Access to relevant documents.
- d. Written and oral submissions at the conclusion of the Inquiry

[9] The Commissioners deny the Applicant's request for standing with respect to Ceremonies Honouring and Remembering (Commemorations), Community Meetings and Roundtables.

[10] Ceremonies Honouring and Remembering (Commemorations) are intended to provide the members of each Innu community an opportunity to remember and honour the Innu children, youth and adults who have died tragically and also to acknowledge the pain and loss that Innu of Labrador continue to experience as a result. The Commissioners have determined that only the Innu Representative Organizations, the Province of Newfoundland and Labrador and the Government of Canada will be permitted observer status for these events. Therefore, the Commissioners deny the Applicant's request for observer status at the Commemorations.

[11] Community Meetings will be held in public in each community, providing Innu with an opportunity to share about their experiences and treatment in the child protection system with the Commissioners and the community. The role of counsel at these meeting will be restricted to observer status and will only be granted to

the Province of Newfoundland and Labrador, the Government of Canada and the Innu Representative Organizations.

- [12] The Commissioners will, at a later date, determine the subject matter of each Roundtable that the Inquiry will conduct. Once the subject matter of the Roundtables is determined, the Commissioners will invite participants with the experience and knowledge that is required. The role of counsel will be limited at the Roundtable. Officials from Nunatsiavut Government may be invited to participate in a Roundtable. The Roundtables will be open to the public. Therefore, the Commissioners deny the Applicant's request for standing to participate in the Roundtables at this time.

### **Funding**

- [13] As the Commissioners have determined that the participation of the Nunatsiavut Government will further the conduct of the Inquiry, they recommend that funding be provided to the applicant for the retention of one legal counsel as well as reasonable expenses, including travel costs for that counsel and one representative to participate in the Formal Hearings in which the Commissioners granted the Nunatsiavut Government standing.