

IN THE MATTER OF an Inquiry pursuant to
the *Public Inquiries Act, 2006*, SNL 2006, c. P-
38.1

-and-

Pursuant to the *Rules of Procedure* and the
Orders in Council Database of the Inquiry
Respecting the Treatment, Experiences and
Outcomes of Innu in the Child Protection
System Order

OC2022-103 and OC2022-104

WRITTEN SUBMISSIONS
ON BEHALF OF THE GOVERNMENT OF CANADA
(HIS MAJESTY THE KING IN RIGHT OF CANADA)

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PART I – OVERVIEW

1. Across Canada, Indigenous governments and communities are working with provincial governments and the Government of Canada (“Canada”) to eliminate the over-representation of Indigenous children in child and family services systems. Canada acknowledges that for many Indigenous families, interacting with child and family services can be a disruptive and frustrating experience.
2. This disruption is unfortunately all too familiar to the Innu of Labrador and the communities of Sheshatshiu and Natuashish. That is why Innu leadership and Innu families have advocated for the establishment of this inquiry, to meaningfully listen to the experiences of Innu in the child protection system and to offer recommendations for improvement in child protection matters to the Province of Newfoundland and Labrador (the “Province”).
3. Canada acknowledges the leadership of the Innu and of the Province in establishing this Inquiry, and the critical and important work of the Commissioners, counsel, officials, and staff. As the Inquiry prepares its final report, Canada’s closing submissions provide as follows:
 - (a) a summary of Canada’s participation in the Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System (the “Inquiry”);
 - (b) a summary of Canada’s current and historical role in the delivery of child and family services to the Innu;
 - (c) a summary on the appropriate scope of the Inquiry’s recommendations with respect to Canada and federal legislation.

4. Canada recognizes that this is a provincial inquiry established pursuant to provincial legislation, and respects the relationship of the Province and the Inquiry which is governed by the *Public Inquiries Act*.¹ As such, Canada's closing submissions will adhere to the constitutional limits of the Inquiry and focus on the specific role of the federal government in these proceedings.
5. As a matter of comity and out of respect for the Government of Newfoundland and Labrador and its constitutional jurisdiction, Canada will not make recommendations for changes to provincial policy and implementation. In recognition of the Innu Nation, Innu leadership, and the nation-to-nation relationship between the Crown and the Innu, Canada will take guidance from the Innu in relation to the manner and extent to which the Innu decide to engage with Canada on the recommendations that flow from the final report.
6. Canada is grateful to have been accorded the opportunity to participate in the Inquiry proceedings and looks forward to the final report.

PART II – MANDATE OF THE INQUIRY

7. The Inquiry was established by an Order-in-Council of the Newfoundland and Labrador Lieutenant-Governor in Council, dated April 27, 2022. The Order-in-Council set the Terms of Reference for the Inquiry and provided guidelines for the management and operation of the Inquiry's fact-finding processes.²
8. The Terms of Reference enumerate 21 broad topics into which the Inquiry is mandated to inquire, including the history of the child protection system in the Province as applied to the Innu, the availability and quality of specialized services (such as mental health and addiction services) to Innu children and youth, and the impacts of those specialized services.³

¹ *Public Inquiries Act*, 2006, [S.N.L. 2006, c. P-38.1](#).

² *Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System Order*, [O.C. 2022-103](#) ("Order").

³ Order, [para. 4\(1\)](#).

9. As the Inquiry is constituted under provincial statute and is not a joint inquiry, the Terms of Reference do not explicitly mandate that the Inquiry review areas of federal jurisdiction and responsibility. However, some of the enumerated Terms of Reference touch on areas in which Canada works in partnership with the Province and the Innu.⁴
10. The Newfoundland and Labrador Lieutenant Governor-in-Council issued a second Order-in-Council in relation to the Inquiry, which established funding for Innu family participation as parties, funding for healing services to avoid and mitigate risks of significant distress and trauma connected to the Inquiry, translation services, and procedures for the Province to implement after receipt of the final report.⁵
11. Once the Order and the Funding Order were issued, the Province and the Innu Representative Organizations⁶ provided proposed rules to the Commissioners named in the Order. The Commissioners then used the Funding Order and the proposed rules, along with their own interpretation of the Terms of Reference, to draft Rules of Procedure to govern the conduct of the Inquiry.⁷
12. The Rules of Procedure set out that the Inquiry granted General Standing to three parties: the Innu Representative Organizations, the Province, and Canada.⁸ The Rules of Procedure required these three entities, as General Standing Parties, to conduct themselves in a trauma-informed and culturally appropriate manner, which respected and honoured the diverse cultural, linguistic and spiritual traditions of the Innu.⁹

⁴ Order, paras. 4(1)(b)(d), and (e).

⁵ Order in Council, O.C. 2022-104 (“Funding Order”).

⁶ The Innu Representative Organizations constitute the Innu Nation, the Mushuau Innu First Nation, and the Sheshatshiu Innu First Nation.

⁷ Rules of Procedure, <https://www.inniuna.ca/files/2025-08-19-Rules-of-Procedure-1.pdf>.

⁸ *Ibid.*, para. 60.

⁹ *Ibid.*, para. 69.

PART III – CANADA’S PARTICIPATION AT THE INQUIRY

13. Canada was granted General Standing with a right to fully participate in all parts of the Inquiry, the particulars of which are set out in detail in the Inquiry’s Rules of Procedure¹⁰ and the Inquiry’s Terms of Reference.
14. Canada collaborated internally to locate and identify information held by federal departments that could be relevant to the Terms of Reference.¹¹
15. Throughout the Inquiry, Canada sought to provide the Commission with as many relevant documents and as much information as possible, while respecting limitations on information-sharing. Canada also sought to be as responsive as possible to requests for additional information. Canada undertook to provide the Commissioners with information related to the scope of federal engagement in the subject matter of the Inquiry. In support of that effort, Canada produced approximately 9,500 documents relevant to the Inquiry’s mandate, and reviewed tens of thousands more. During the Inquiry’s hearings, Canada also facilitated interviews with three federal officials.
16. Statutory provisions and common law privilege doctrines prohibit the disclosure of certain information. Canada took measures to ensure that sensitive information that could not be disclosed was appropriately redacted from documents produced by Canada.
17. In addition to producing documents and providing three federal officials for interview and cross-examination, Canada provided financial support to the Inquiry. More specifically, Canada provided funding to support the provision and availability of healing services to the Innu communities and families and funding to support the Innu Nation’s participation in the Inquiry.

¹⁰ Rules of Procedure, <https://www.inniuna.ca/files/2025-08-19-Rules-of-Procedure-1.pdf>.

¹¹ In 2017, the former federal Department of Indian Affairs and Northern Development (or DIAND) was dissolved and replaced by CIRNAC and ISC. Prior to its dissolution, DIAND was also operating under the applied titles of Aboriginal Affairs and Northern Development Canada (or AANDC) and Indigenous and Northern Affairs Canada (or INAC).

PART IV – SUBMISSIONS

Federal role in the child protection system

18. In 2016, the Innu began receiving federal funding for prevention services. This funding flows to the Innu Round Table Secretariat (IRT) for the delivery of core prevention services in the two communities. Further to internal agreements, the IRT flows a portion of this funding directly to both the Mushuau Innu First Nation (MIFN) and the Sheshatshiu Innu First Nation (SIFN) to support primary and secondary prevention activities in health and social services. This funding is the largest component within Indigenous Service Canada's (ISC) First Nation Child and Family Services (FNCFS) funding program.¹²
19. The Supreme Court of Canada has confirmed that Canada's jurisdiction under section 91(24) of the *Constitution Act, 1867* is a sound basis for imposing national standards for child and family services for Indigenous children.¹³ The purpose of *An Act respecting First Nations, Inuit and Métis children, youth, and families Act* (the "Act") is to protect the well-being of Indigenous children, youth and families by promoting the delivery of culturally appropriate child and family services across Canada and, in the process, to advance reconciliation.¹⁴ The Act is part of a broader legislative program introduced by Parliament to achieve reconciliation with First Nations, Inuit and Métis.¹⁵
20. The Act sets out minimum standards and national principles to guide the provision of culturally appropriate services for Indigenous children, which service providers across Canada must follow.¹⁶ These minimum standards are applied by provincial courts in the course of reviewing child protection decisions. The Supreme Court of Canada has held that the national standards do not interfere with provincial initiatives with respect to the delivery of child and family services, and are largely complementary to them.¹⁷ The Act reflects

¹² [Exhibit P-441](#) "Report on Innu Services", at pages [7](#), [21](#); *An Act Respecting First Nations, Inuit and Métis children, Youth and Families*, [SC 2019, c 24](#) ["2019 Act"], at [s. 8\(b\)](#).

¹³ *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#), at [para 9](#). ["Reference SCC"]

¹⁴ *Reference SCC*, at [para 3](#), [41](#), [91-92](#); *2019 Act*, [s. 18\(1\)](#).

¹⁵ *Reference SCC*, at [para 3](#).

¹⁶ *2019 Act*, [s. 8\(b\)](#).

¹⁷ *Reference (SCC)*, at [para 100](#).

Canada's commitment to work cooperatively with Indigenous peoples and provincial governments to support the dignity and well-being of Indigenous children and their families,¹⁸ while respecting Indigenous communities' and provincial jurisdiction over the delivery of those services.¹⁹

21. Canada does not itself deliver child protection services or license or employ social workers to carry out protection work. However, Canada is a party to an agreement with the Province for the delivery of protection services. As such Canada contributes funding for the Province to deliver child and family services.
22. The *Act* contributes to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*²⁰ and affirms the inherent right of self-government of Indigenous peoples, which includes jurisdiction over child and family services.²¹ The *Act* specifies that an Indigenous governing body, acting on behalf of an Indigenous group, community or people, may give notice of their intention to exercise authority over child and family services, and also may enter into coordination agreements with the federal and provincial governments.²²
23. Canada's commitment to supporting implementation of the *Act* includes funding to support Indigenous groups, communities or peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act, 1982* wishing to: (1) explore readiness to exercise jurisdiction over child and family services; and (2) develop Indigenous child and family service legislation, service delivery models and programs prior to entering into coordination agreement discussions.²³

¹⁸ 2019 *Act*, [Preamble](#).

¹⁹ See e.g. *Reference (SCC)* at paras [98](#), [103](#).

²⁰ *The United Nations Declaration on the Rights of Indigenous Peoples Act*, [SC 2021, c 14](#) provides a roadmap for Canada and First Nations, Inuit and Métis communities to work together to implement the *United Nations Declaration on the Rights of Indigenous Peoples*, UNGA, 61st Sess, [UN Doc A/RES/61/295](#) (2007) GA Res 61/295.

²¹ 2019 *Act*, [Preamble](#).

²² 2019 *Act*, [s. 20](#).

²³ Capacity-building funding to support First Nations, Inuit and Métis child and family services: <https://www.sac-isc.gc.ca/eng/1612285531713/1612285570871>.

24. This funding supports Indigenous groups in advancing core jurisdictional development activities including: (1) designing and ratifying their Indigenous child and family services law; (2) developing a service delivery model that sets out how services will be delivered; and (3) developing an implementation budget aligned with the service delivery model that identifies required funding, staffing, and, where applicable, capital resources to support implementation.²⁴
25. On February 6, 2020, the Innu signaled their intention to exercise jurisdiction over child and family services in the Innu communities.²⁵
26. In response to a proposal prepared by the Innu, Canada began providing capacity-building funding to the Innu for fiscal year 2020-2021.²⁶ Canada has continued to provide capacity-building funding to the Innu in support of the “Innu Child & Family Services Pathways Development (2022-26) Funding Proposal”.²⁷ This 2022 proposal notes that the Innu are moving towards “development of an Innu law in child and family services, delivering services by Innu, for Innu, based on Innu values.”
27. The 2022 proposal further explains that dramatic changes in recent years are attributable to changes in provincial legislation, the impact of minimum standards under the *Act*, and collaboration in the development of an agreement to modify the interaction between the provincial system and Innu services.²⁸

²⁴ Capacity-building funding to support First Nations, Inuit and Métis child and family services: <https://www.sac-isc.gc.ca/eng/1612285531713/1612285570871>.

²⁵ Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System: ICC-10375; and *Ibid* note 12, at [page 18](#).

²⁶ Testimony of Annie Randell, August 5, 2025, at page 48; [Exhibit P-114](#) at [page 9](#).

²⁷ Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System: ICC-9755.

²⁸ Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System: ICC-9755.

Availability of Innu-specific services

28. While capacity-building has been ongoing for several years, the Innu's desire to adopt a community-based approach to Innu healing was proposed many years earlier. This approach was described in the Innu Healing Roundtable Proposal submitted to the Canada in 2011. Canada approved funding for the approach and requested that the Innu communities develop and submit a healing strategy to guide the IRT process in implementation of services that addressed the priorities of MIFN and SIFN. In 2014, the Innu Healing Strategy was finalized. It frames the Innu view of healing efforts required to address Innu healing priorities and identifies how progress would be measured.²⁹
29. The IRT assists with coordinating and supporting the Innu Healing Strategy. The Inquiry has highlighted the increase in services available to the Innu within the community and the information shared throughout the Inquiry has tied that increase in services to the increasing capacity of the IRT. From this, it is apparent that outcomes for the Innu should improve when the Innu lead in the design and the delivery of child and family services to the Innu.
30. In early 2017, FNCFS funding supported the IRT in delivering prevention services to both communities through the Innu Prevention Services Agency.³⁰ The Innu Prevention Services Agency provides general prevention services including interventions with families and children, cultural connections work with children in out-of-community placements, after hours emergency on-call work, therapeutic land-based programming, peer support, financial assistance to families, crisis intervention; and referrals to other services.³¹ For example:
- a. The Innu access several community-based prevention services that assist with healthy child development and parental support which are operated by MIFN's Health Commission and SIFN's Department of Social Health.

²⁹ [Exhibit P-016](#), at [page 4](#).

³⁰ [Exhibit P-441](#) "Report on Innu Services", at [page 7](#).

³¹ [Exhibit P-441](#) "Report on Innu Services", at [page 12](#); [Exhibit P-437](#) "A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes" at [page 61](#).

- b. MIFN's Health Commission offers parenting workshops, activities and supports, child development and mental wellness focused activities, pre-natal care, healthy pregnancy promotion, new moms and babies welcome activities, healthy babies/healthy communities, parenting support, breastfeeding support, sexual health information, maternal child health monitoring, fetal alcohol syndrome disorder (FASD) resources and support, and immunizations. The clinic can also provide referrals to parents or foster parents to see specialists.³²
- c. The Health Commission operates a Women's Shelter & Youth Safe House in Natuashish that provides temporary shelter and relief to women and youth. The shelter is staffed 24 hours a day³³ and can accommodate up to 12 women and youth at a given time.³⁴
- d. The Health Commission also operates a healing lodge that provides mental health and addictions counselling, as well trauma-related programming. Programming is available for specific groups including individuals, youth, women, men, and the family unit.³⁵ Participants also benefit from Elders who are employed to run programs at the healing lodge, such as healing sweats in the sweat lodge. Outside healers are also invited.³⁶ In some cases, the healing lodge staff refer participants to external residential treatment programs for addictions and trauma.³⁷
- e. One of the land-based programs offered by the Health Commission is the Next Generation Guardian Program. This program employs youth workers, parental support workers, mental support workers, and FASD workers to provide culturally-based activities that focus on health promotion, healthy lifestyle choices, and community sobriety. There is also a suicide prevention and crisis intervention that targets youth and women in the community.

³² [Exhibit P-441](#) "Report on Innu Services", at [page 22](#).

³³ [Exhibit P-441](#) "Report on Innu Services", at [page 27](#).

³⁴ [Exhibit P-441](#) "Report on Innu Services", at [page 23](#).

³⁵ *Ibid.*

³⁶ *Ibid.*, [Exhibit P-437](#) "A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes" at [page 58](#).

³⁷ [Exhibit P-441](#) "Report on Innu Services", at [page 24](#).

- f. Programming includes hiking/walking excursions, skidoo and boat excursions, fishing, hiking, camping, cultural activities, and summer camps. Participants benefit from trained Innu guides and counsellors. There is also an Innu parent support program that provides Innu-specific supportive home visits and coordinates referrals to other culturally appropriate services.³⁸
- g. SIFN's Department of Social Health operates primary and secondary prevention programs primarily at the Mary May Healing Centre.³⁹ The Department's Family Services program unit oversees a Family Resource Centre which provides programs and services for pregnant women, children, and families. There are also parent support workers, mental health and addiction counselling, and a FASD program, Elders, and a food bank.⁴⁰
- h. The Department's Youth Services program unit provides after-school and evening youth programming for youth, a girls retreat, and a youth connections program in which youth go into Nutshmit and participate in cultural, land-based activities.
- i. The Charles J. Andrew Healing Centre is located in Sheshatshiu and offers multi-generational family programming to both communities. There is a 12-week Adult Program designed to address addiction, trauma, and wellness. The Toddler Program nurtures emotional and social development through play-based learning and culturally relevant activities. The Youth Program promotes belonging and holistic healing. The 12-week Family Healing Program is for the entire family unit and provides clinical and/or land-based components.⁴¹

³⁸ *Ibid.*, [Exhibit P-437](#) "A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes" at [page 60](#).

³⁹ [Exhibit P-441](#) "Report on Innu Services", at [page 30](#).

⁴⁰ [Exhibit P-441](#) "Report on Innu Services", at [page 31](#); [Exhibit P-437](#) "A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes" at [page 57](#).

⁴¹ [Exhibit P-437](#) "A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes" at [page 56](#).

31. A smaller component of ISC's FNCFS funding relates to post-majority services and supports which has been accessible since 2022.⁴² Those services support youth ages 18-25 who are leaving care and require assistance transitioning to a healthy adulthood.⁴³
32. In addition, in 2023, the IRT launched the Innu Midwifery Program which aims to reintroduce Innu Midwives to the Innu communities of Labrador. The program provides community-based Indigenous midwifery education and training. Currently, two midwives from MIFN and two midwives from SIFN are training in this program.⁴⁴

Constitutional Limits

33. Canada agrees with the Province and the Innu Representative Organizations that the work of the Inquiry is extremely important. It is also important for the final report to be correct in law. Canada's intention with this section of its submissions is to assist the Inquiry in developing a final report that is reflective of the mandate of the Inquiry and also respectful of the constitutional limits.
34. A provincial inquiry cannot make findings or recommendations with respect to the administration and management of federal departments. The Inquiry's Final Report must not include subjective assessments of the federal role in funding child welfare, either positive or negative. These limits flow from the doctrine of interjurisdictional immunity.

⁴² [Exhibit P-441](#) "Report on Innu Services", at [page 7](#).

⁴³ [Exhibit P-437](#), "A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes", at [page 61](#).

⁴⁴ [Exhibit P-437](#) "A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes" at [page 60](#); [Exhibit P-441](#) "Report on Innu Services", at [page 6](#).

35. The leading authority on the doctrine of interjurisdictional immunity as it applies to commissions of inquiry remains *Quebec and Keable v. Canada* (“*Keable*”). In this case, the Supreme Court of Canada (“SCC”) considered the following constitutional question posed in relation to a commission of inquiry constituted by the province of Quebec:

If members of a federal institution, namely the Royal Canadian Mounted Police, be involved in allegedly criminal or reprehensible acts, does a commissioner appointed under provincial legislation for the purpose of inquiring into matters concerning the administration of justice in the Province have the right, while conducting an inquiry into the circumstances surrounding the commission [sic] of said acts, to inquire into:

- (a) the federal institution, namely, the Royal Canadian Mounted Police;
- (b) the rules, policies, and procedures governing the members of the institution who are involved;
- (c) the operations, policies and management of the institution;
- (d) the management, operations, policies and procedures of the security service of the Royal Canadian Mounted Police;

and to make recommendations for the prevention of the commission of said acts in the future?⁴⁵

36. The SCC answered the question in the negative. It noted that while the inquiry was constituted under a provincial statute, the RCMP is a federal institution operating under the authority of a federal statute. Consequently, as Pigeon J. explained: “Inasmuch as these are the regulations and practices of an agency of the federal government, it is clearly not within the proper scope of the authority of a provincial legislature to authorize such an intrusion by an agent of a provincial government”.⁴⁶ The SCC has reiterated the principles set out in *Keable* on multiple occasions and they have never been modified.⁴⁷

⁴⁵ *Quebec and Keable v. Canada*, [1979] 1 S.C.R. 218 [“*Keable*”] at page 238-239.

⁴⁶ *Keable*, at page 243.

⁴⁷ *Alberta v. Putnam*, [1981] 2 S.C.R. 267 [“*Putnam*”]; *O’Hara v. British Columbia*, [1987] 2 S.C.R. 591; *Canadian National Railway v. Courtois*, [1988] 1 S.C.R. 868; *MacKeigan v. Hickman*, [1989] 2 S.C.R. 796. See also: *Bentley v. Braidwood*, 2009 BCCA 604 and *Canada v. Saskatchewan*, 2006 SKQB 385.

37. In *Alberta v. Putnam*, the SCC addressed the question of whether the doctrine of interjurisdictional immunity applies when a provincial agency attempts to inquire into the conduct of the RCMP when it acts as a provincial or municipal police force pursuant to contract.⁴⁸ The SCC concluded that the doctrine of interjurisdictional immunity does apply and that, accordingly, the Alberta Law Enforcement Appeal Board could not inquire into the conduct of RCMP officers acting as provincial police.
38. Even in the case of *Canadian Western Bank v. Alberta*, where the SCC held that interjurisdictional immunity is a doctrine of “limited application” that “should in general be reserved for situations already covered by precedent”, the Court effectively noted that its precedents, which forbid provincial bodies from inquiring into or overseeing federal institutions, remain good law. This is because management of federal institutions is “an absolutely indispensable and necessary element of federal jurisdiction.”⁴⁹
39. The Inquiry is mandated to inquire into and provide a report to the Province, as set out in its TOR. These TOR must be interpreted in accordance with the division of powers set out in the *Constitution Act, 1867*. This precludes the Inquiry from making findings on the adequacy or reasonableness of Canada’s decisions with respect to funding or oversight with respect to child and family services.
40. The doctrine of interjurisdictional immunity does not preclude the Commission from making factual findings about the federal role in the Newfoundland and Labrador child welfare system. Indeed, such findings will be necessary in order for the Commission to properly inform and advise the Province in relation to how the provincial government can and should be responsive to the needs of the Innu Nation in respect of children and youth in care, within its sphere of legislative competence.

⁴⁸ *Putnam*.

⁴⁹ *Canadian Western Bank v. Alberta*, [2007 SCC 22](#) at [para 62](#).

41. However, findings in relation to the Federal role must be expressed in a manner that is strictly factual and objective. These findings ought not to include subjective assessments regarding the nature, efficacy or adequacy of Canada's efforts⁵⁰. In accordance with the doctrine of interjurisdictional immunity, the Commissioner's report should not contain recommendations for legislative or policy changes that can only be effected by the federal government.⁵¹ Rather, the Commission's recommendations must be limited to provincial regulators, institutions, and laws in respect of which the Province has the authority to administer.
42. The jurisprudence on interjurisdictional immunity instructs that while it is within the Commission's constitutional jurisdiction to provide factual explanations with respect to the federal role as it relates to Innu Children in Care, subjective opinions with respect to the effectiveness and efficacy of federal policies and procedures, are beyond the Commission's jurisdiction.
43. Canada recognizes that improving outcomes for Innu children and families requires the ongoing participation of Indigenous governments, the Province and Canada. Nothing in these submissions is intended to diminish the importance of continued intergovernmental collaboration. Rather, Canada offers these submissions to assist the Commission in situating its findings and recommendations within the constitutional framework established by the courts.

⁵⁰ *Keable; Putnam*.

⁵¹ It would also be impermissible for the Commission to attempt to circumvent this principle by recommending to the Government of Newfoundland and Labrador that it "recommend to its federal counterpart" changes to federal law and institutions. This would be tantamount to doing indirectly what cannot be done directly and is contrary to the doctrine of interjurisdictional immunity (*Keable*, at [pages 242-243](#)).

CONCLUSION

44. For the past three years, Canada has had the immense privilege and honour to gather with Innu and non-Innu alike throughout the Innu homeland of *Nitassinan*. Our representatives, witnesses, and counsel have witnessed the Innu's foundational relationship to *nutshimit*, which is a rich source of Innu culture and Innu knowledge. The strength and wisdom the Innu draw from *nutshimit* has been an overwhelming and undeniable theme throughout the testimony heard by this Inquiry and has had a profound impact on Canada's understanding of the Innu.
45. Canada has also borne witness to the undeniable love and passion the Innu have, as a community and as a people, for its children. It is this love and passion that has helped to create and sustain this Inquiry, and will certainly be reflected throughout this Inquiry's final report and its recommendations to the Province.
46. The stories and experiences that were shared over the course of the Inquiry were, at times, very distressing. Many Innu shared their stories of the intergenerational trauma in their families and their personal understanding of the lasting legacy of colonialism. In particular, we grieve with the families of the six Innu youth whose stories were investigated by the Inquiry: Kirby Mistenapeo, James Poker, Faith Rich, Jacob Collins, Wally Rich, and Thunderheart Tshakapesh. We honour their memory.

47. Canada will continue to be a committed partner to the Innu through its nation-to-nation relationship. The work of this Inquiry will no doubt help to shape the discussions between Canada, the Province, and the Innu with respect to child and family services for years to come.
48. Tshinashkumitin.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at the City of Halifax, in the Province of Nova Scotia, this 8th day of July, 2026.



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LIST OF REFERENCES

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2. *Public Inquiries Act*, 2006, [S.N.L. 2006, c. P-38.1](#)
3. *The United Nations Declaration on the Rights of Indigenous Peoples Act*, [SC 2021, c 14](#)

Rules

4. Rules of Procedure, available online: <https://www.inniuna.ca/files/2025-08-19-Rules-of-Procedure-1.pdf>, [paras 60](#), [69](#)

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5. *Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System Order*, [O.C. 2022-103](#), [para 4\(1\)](#)
6. *Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System Order*, [O.C. 2022-104](#)

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7. *Alberta v. Putnam*, [\[1981\] 2 S.C.R. 267](#)
8. *Bentley v. Braidwood*, [2009 BCCA 604](#)
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10. *Canadian National Railway v. Courtois*, [\[1988\] 1 S.C.R. 868](#)
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15. *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#)

Online Sources

16. Capacity-building funding to support First Nations, Inuit and Métis child and family services: <https://www.sac-isc.gc.ca/eng/1612285531713/1612285570871>

Exhibits

17. [Exhibit P-114](#), at [page 9](#)
18. [Exhibit P-016](#), at [page 4](#)
19. [Exhibit P-437](#) “A Review of Specialized Programs/Services Accessed by Innu Children/Youth and their Reported Experiences and Outcomes” at [pages 56, 57, 58, 60, 61](#)
20. [Exhibit P-441](#) “Report on Innu Services”, at pages [6, 7, 12, 18, 21, 22, 23, 24, 27, 30, 31](#)

Testimony

21. Testimony of Annie Randell, August 5, 2025, at page 48

Documents to be made Exhibits

22. Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System: ICC-9755
23. Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System: ICC-10375