



INQUIRY RESPECTING THE TREATMENT, EXPERIENCES AND OUTCOMES OF INNU IN THE CHILD PROTECTION SYSTEM

English Transcript

Volume 62
(with video transcript)

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COMMISSIONER IGLOLIORTE: Good morning, everybody.

I think we're ready to begin, we'll start our day, and Tshaukuesh is going to say a prayer.

ELDER PENASHUE: [Sheshatshiu-aimun spoken.]

COMMISSIONER IGLOLIORTE: Tshinashkumitin, Tshaukuesh.

Thank you very much for being here and guiding us.

Apetet Ben is going to pick up where he left off from his testimony yesterday. Counsel, you can let us know where that is in his report.

Thank you.

K. LOCKYER: I believe it's around page 20.

COMMISSIONER IGLOLIORTE: Page 20? Somewhere around (inaudible).

INTERPRETER NUNA: Twenty-one.

COMMISSIONER IGLOLIORTE: Twenty-one, okay.

INTERPRETER NUNA: Bottom 28.

ELDER A. ANDREW: This is a Rockwood memo circa 1950s. "Civilization is on the northward march, and for the Eskimo and the Indian there is no escape. The last bridges of isolation were destroyed by the coming of the airplane and the radio. The one course now open, for there can be no turning back, is to fit them as soon as may be to take their places as fully-fledged citizens in our Society. There is no time to lose."

On page 34, these are from the documents sent by Michaela from the Provincial Archives: 1952, a letter from F. W. Rowe, Department of Mines and Resources to Paul Martin, minister of health and welfare. "I need not stress the fact that our Provincial Government feels that the time is long overdue for a decision on the part of the Federal Government as to the extent of federal participation in the responsibility of caring for these dependent groups who, in the case of the Indian at any rate, appear to be on the road to extinction."

On page 36, 1954, a memo by W. Rockwood, Director of Northern Labrador Affairs – in quotes – I met with Welfare Officers Morgan and Smith, Father Pirson and W. Cave, Hudson Bay Company post-manager; the latter invited to attend by Morgan. It was obvious that both Father Pirson and Cave were strongly in favour of getting the Indians away from North West River and into their hunting grounds at the earliest possible date. Holding the Indians of North West River and away from their inland hunting grounds through the winter months,

thus constituting an abrupt break with the past, would not be wise at this time. Mr. Morgan also seemed concerned because the Indians who had been employed on casual labour during the summer had perhaps wasted some of their money, but he apparently overlooked that they in fact, stayed off relief during the summer and those who earned the most money shared with those who earned little or none.

On page 29, W. Rockwood, deputy minister for Public Welfare, written in '59, a question mark there: "The adult Indians never had a chance to go to school. They cannot speak English, and far from having had vocational training have not had limited experience in most of the work that would be required of them in mining operations. Employment has been available at Goose Bay, eighteen miles from North West River, ever since 1943, and others, including a good many Eskimos, have been able to fit in." They were not ready in '43, and now 16 years later, another generation is not ready for Lake Wabush or Goose Bay.

"It must not be assumed that the stationing of an agent at North West River that all the problems will melt away overnight.... I view the entire programme for the rehabilitation of the Indians and Eskimos as a long range, one fraught with danger and many disappointments.

"Neither is to be imagined that the mere teaching of English, or even trades, will solve all the problems, because, as experience elsewhere has shown, there are deeply rooted psychological attitudes to be overcome. There is no easy, short-term solution, but only the slow and sometimes painful way of integration, and even this is a nasty word to the great many of the Indians themselves"

I was likely five years old when this memo was written and I'm almost certain my parents or any other Innu knew nothing about what the then Province of Newfoundland was saying or planning to do with regard to changing the course of our lives.

I honestly don't know what my parents felt about all these enormous events impacting their lives, like the development of the Upper Churchill. They were told that there would a dam on the river, but they thought of that in terms of how beavers dam a river. There is flooding, but they had no concept on how much land, the thousands of acres, would be flooded. They were tricked or misled.

Meshikamau was my parents' and extended family's familiar hunting area. They had seen the fall many times before it was ever flooded, living and hunting in that huge area and had no knowledge it would be destroyed. I can't imagine what it was like for them to find out this had happened. It must have been devastating. Maybe that might be seen as an example

of the painful way of integration that Rockwood described.

I do know and have memories of what it felt like to be part of a large Innu family as a young boy growing up in Sheshatshiu. I'm not sure the year we first stayed year around. There's reference in the archival research, strangely enough, that refers to the house my father helped built. On page 50, W. Rockwood, deputy minister of Public Works, 1960: Seven houses were complete in this program, 1957 and '58. The remaining unit house – in brackets – is being built by Matthew Ben Andrew who is able-bodied and one of most industrious Indians.

I remember it as being a very small house, more of a shack, really, where we used newsprint for insulation to line the walls in winter. Heat was from a wood stove. There was no electricity or running water. It was near where my sister Clem's house is now.

If you were to ask anyone my age and what they remember most about their early childhood, I don't think it would be about living in a house; it will be about living in a tent. Living in tents, we would always be around adults talking. We would be aware of daily activities and events, sometimes as observers and, often, as participants in activities. We would learn why things happened the way they did, why things would be done a certain way. At night in the tents, where there are no doors, we would hear the stories being told, legends being shared, and that would be the last thing we would have an awareness of before we drifted off to sleep. It was immersion in our culture.

In the morning, we would wake up and have experiences with our parents or grandparents as our teachers. There was no school in Nutshimit; everything about our culture was seamlessly connected: our thoughts, ideas, language skills and spirituality. Country we didn't go to school, so we heard about our culture, experienced our culture, witnessed our culture, and then heard about it from some more, and that cycle continued. You could accomplish a lot, even as a child, over the course of the day, and what you accomplished was meaningful. It meant you were part of the whole group. Then an Innu child developed a clear identity as an Innu child and felt their worth.

But formal schooling became a critical force for change in our lives as Innu children. In 1973, in the archival records, Anna Hammond, the principal of Our Lady of the Snows School in Sheshatshiu wrote a report. She makes to what she believes living in a house will do for Innu children.

"It is generally accepted that it is desirable to use social science as an aid to changing the ways of people, particularly illiterates. When we are dealing with tent-dwelling, impoverished primitives with their own language, it is essential. An improved socio-economic program is not mooted for the Indian.... Dwellings are to be built for families with a view to giving more comfort and eventually facilities for cleanliness. Houses

should also give parents more privacy and eventually reduce the precocity of the children which must result from tent-living."

I think that's a very interesting word which she uses and maybe people should look it up, that word in the dictionary. I don't know if she intended to use that word about children that she describes as primitives.

I looked up the meaning of precocity. It refers to a child who is exhibiting mental and physical development significantly earlier than the usual age. A child who shows advanced skills or behaviours that are usually observed in older individuals. Synonyms for precocity would be brilliance, intelligence or aptitude.

To this end, I think Mrs. Hammond used the term correctly to describe children whose childhood was spent living in tents, growing up in this strong, healthy culture. But this non-Innu educator didn't want precocious children as students in school. She wanted docile, timid, subservient Innu children so that she could train and change.

She went on in her 1973 report to say that they are still the "semi-nomadic, hunting, trapping people, with a primitive personality. Their language contains no abstract nouns – a clear indication of paucity of abstract ideas. They are tent-dwellers with a minimum of poverty. Their days are governed by the sun and the season and not by the clock. Their contact with whites are still shallow and fleeting."

"These people have their own methods of bringing up children. It is often done by the grandparents, who are actually even further from the white way. Thus, in school, they must often unlearn a pattern of responses learned in another culture, as well as acquired a second language well enough to study other school subjects." Progress is necessarily slow and we cannot hope to change these children quickly and easily.

Seems to me she was focused on change, not educating, very similarly to the residential schools which wanted to take the Indian out of the child. I think it is a bit strange that she concludes her report by saying "... surely a very great deal is owed to these Montagnais after all these centuries of neglect. Or do we wish these last Newfoundland Indians to go down before the insidious dangers of the modern world as the Beothucks went down before the settlers' guns?"

I attended a school in Sheshatshiu, which was in a hall, just beside the church. Father Pirson also taught some students in his house. He had a house with electricity that he ran from a generator and as I remember he was the lone Innu living year round at Sheshatshiu. That was before the cable car was built.

Father Pirson had learned to speak Innu-aimun just like Le Jeune, because that made it easier to undertake the process of changing us children. We were in a classroom where he was firmly in charge and there

were a lot of physical abuse used to maintain control over what were essentially defenseless children.

We couldn't go home and complain to our parents that we were hit or punished because he was in charge. He could punish and hit our parents and we knew that there was nothing they could do. One time he beat Cajetan Rich senior with a bat and Cajetan required medical attention. However, the justice of the peace was Dr. Paddon and he certainly didn't hold Father Pirson accountable for this assault.

I remember our day-to-day family life as being normal. I guess that means almost ordinary, uneventful for the most part. I have good memories growing up. I don't remember being disciplined and there was certainly no abuse from my parents.

My parents acted very much like the way Le Jeune described Innu adults acting centuries ago. I felt safe. I think my siblings felt safe. I remember my mother always, she put one big pot of food on the stove, very basic for such a big family and you ate while it was available.

I recall the health survey that was done more than 20 years ago by the Innu clinic about Innu youth. The youth were asked what made a positive difference in their lives. One of the findings in the study was that it made a positive difference to how youth felt about themselves, if there was food available, at least for one meal a day at home. I think this is how we knew in our home that we mattered with some food or fresh bread ready for us.

I think in the study these young people were asked what would make a big difference in their lives, you know, to be more happier, I suppose, in their houses. And one of the young ladies said to the interviewer, said: One of the most important things that would make a difference in my family is to eat together with all of my other siblings. Because these families were starting to fall apart, with all these problems that they were having. This just one result of the study.

The most important element in my childhood and the most positive feeling I had about my childhood, that we were all together, we were connected to one another. When my older siblings started to have children, those children who also living with their parents in our house. They were family and there was no choice but different generations in our family to stay in the same house. Looking back, I know there is something about the quality of care in our household. It wasn't material stuff; it was relationship that was a loving relationship in the family.

I also know that not every household has these same experiences. That doesn't sound very scientific, but that's the way it was.

There definitely was drinking in our home, but I don't really remember my mother drinking often, so I think we definitely benefited from her attention to our needs, and I don't recall any violence associated with drinking.

I clearly remember one time when I was a boy that there was drinking in our house and I must have gone to my maternal grandparents house to sleep, and I remember that at some point my dad came by, he asked my grandfather if I was there and my grandfather said yes, I was sleeping. My dad then asked him to send me out because he was going to take me home. He told my grandfather that he could still look after us, even though he had been drinking earlier. So I walked home with my dad and I was fine.

COMMISSIONER IGLOLIORTE: Can you mark where you are, Ben, and we'll give Anne a little break from going quite so long?

Ten minutes, please.

Thank you.

Recess

COMMISSIONER IGLOLIORTE: Just a couple of announcements before we start.

One of them was that we thought we might be able to have a sweat with David Penashue, but we realized that the provincial fire ban is still on, so it would not be a good idea. So I think we'll save that one for another visit.

Nashtash?

Oh, okay, you can –

INTERPRETER NUNA: [Sheshatshui-aimun spoken.]

COMMISSIONER IGLOLIORTE: Nashtash?

COMMISSIONER QUPEE: [Sheshatshui-aimun spoken.]

So I want to acknowledge, on behalf of the Inquiry, that the community, under the IRT, there's been students from both Sheshatshui and Natuashish that completed their human services certificate program. Gradually, that'll lead into being able to do a social work program, a four-year program.

So we want to recognize that and congratulate the students from Sheshatshui and Natuashish that completed their program. One of the students is our team lead here on healing services, is Edward. So congratulations, Edward.

[Applause.]

COMMISSIONER QUPEE: Tshinashkumitin.

Thank you.

COMMISSIONER IGLOLIORTE: Okay, Sir, go right ahead.

ELDER A. ANDREW: I'm going to start off by talking about the time when the men had to go to the country without their families. It was quite strange.

Anyway, our ways of living as families in the country had already been disrupted and our whole family was not with him in the country, nor was Francis's family. My father went with Francis into the country.

This was a really drastic change to our ways of living, which was to be together in the country as families. Innu didn't go into the country like the settlers did, just the men by themselves. We went as families. We travelled and lived as families throughout Nitassinan.

But this was radically changing. The archival records make reference to this idea that men should be encouraged to go into Nutshimit for economic benefit, or to go without their families. This was apparently organized by the new division of provincial department under Welfare Services in 1958, with an office in North West River for the Indians. Previously services have been provided out of Happy Valley.

Just as a note about the references in these records so North West River – the reader isn't able to distinguish between North West River and Sheshatshiu. In this instance, they probably do mean North West River. Other times, it's not so clear.

Innu have always called this place Sheshatshiu. That's the word that describes a great outflow of water, but the settlers never adopted that name. Up until 1970s, non-Innu referred to this settlement as North West River south side. Although Innu used to live and put up tents on the north side of the river and there are Innu graves on the north side of the river to demonstrate us living there, Innu were encouraged and coached to move over to the south side and leave the other side of the river around the Hudson's Bay store for the settlers.

Going back to what I was saying about Innu men being encouraged to go into Nutshimit for economic projects like beaver management, on page 54 in the archival research notes, there's a letter from H.M. Budgell to the director of public welfare, St. John's, 1958, in quotes: "...the Indians are enthusiastic; on a trial run, which is about all we can expect to do this, our problem won't be to persuade men to go" – into the country – "but to select five or six from the many who want to go. I discussed ... to a supply cache inland with Joseph Assini and several other influential members of the band ... best sited at Michikamua. They all stress the point that this land has not been hunted for at least ten years ... is the area best suited to trap mink, otter and beaver. The area also provided small game and limited caribou." "... they stress it's better to hunt out from Michikamua than to hunt in from Seal Lake or Snegamook." The traditional territory of the North West River Indians.

It is important to add a few comments about what that record implies when Mr. Budgell asked the Innu about their knowledge of the land, even after many years of not being in that area.

One time I was hitchhiking to Goose Bay and Hector Baikie from North West River picked me up. He was a local pilot that took men into the country in programs similar to what I just described. He was talking with me about Pien-Joseph Selma. He said: One time Pien wanted to go into a specific spot on the lake, on the map and he was sitting upfront next to Hector in the small plane. It seems Pien told Hector at some point in the flight that he was going the wrong way and pointed out exactly where it was he wanted to go.

Unbeknownst to Hector, he had been blown off course by the wind but Pien knew they were off course and told him this. When they landed, there was the exact spot that Pien had said he wanted to be. Hector asked me: How did Pien know so precisely where he was going? He couldn't understand how this was possible. I'm not sure what I replied to Hector but I do know that Pien and other hunters of his generation knew the land intimately. It's as if based on their experience as nomadic hunters, they developed an intimate knowledge of and relationship with the land.

I remember being on a winter hunt with Dominic Pokue and Matiu Abraham, walking on snowshoes out from our family's camp at (inaudible). This was 40 years ago. We were gone for 11 days. We had no GPS, maps, radios and we were never lost.

We would approach the end of the lake and Dominic would describe to us what we would find once we went up the hill and follow a river. This knowledge was meaningful to him. It was almost like this was his job, to have his map, this map of the Nitassinan in his head, because he needed it to be a successful hunter. It's the connection of meaning and value in Innu culture.

Tony Penashue said to me once, I don't need a map; I know where to go and I will just go. One time he took a short cut through the Mealy Mountains from Cartwright to the point of land directly across from Sheshatshiu. It took him three days.

Innu perceptions about the land and distance also were different if the land had been your home. If nomadic life was what you had experienced I remember – I remember one time at work, Sebastien Penunsi saw a large map with a highlighted area in the boardroom. He asked what it was. I said the highlighted area was what the province was willing to agree as Innu territory. He looked at it, then he said that area is very small. I can walk that in a day.

I know he was simply telling the truth.

COMMISSIONER IGLOLIORTE: You missed the paragraph just before that one.

ELDER A. ANDREW: Hmm?

COMMISSIONER IGLOLIORTE: You missed one paragraph which says: Another story to illustrate.

ELDER A. ANDREW: Another story – that's where I wanted to make a correction on this part.

This was a story that was told to Etienne Pone from his grandfather, Michel Pasteen. Michel Pasteen said: You know, it's always good to have lots of wood in your – by your tent. Lots of wood. He said: It's always where the spirit that looks after all people sees that you're a hard-working guy and they look favourably on you. That's what it's supposed to say, but it just came out different.

You probably could use the word also that – I think the closest that Christians come to this idea is the biblical description of God looking down on you and seeing what you do. That's a continuation of the Innu perceptions about the land.

There is a word in Innu-aimun that we rarely, rarely use anymore. The word is [Sheshatshiu-aimun spoken]. It means that something is imbued with life. I think it's a very spiritual word referring directly to the essence of our culture. The root of the word is innipi, which means life, water.

In our culture, everything is [Sheshatshiu-aimun spoken] – imbued with life, the forest, the water, the rocks, the animals, all of nature. As Innu and as human beings, we are not superior to any life. We are interconnected with all life.

I want to make sure that I share with you some ideas about culture, about universal culture that I think apply to Innu culture. I think the Bible illustrates that there are important elements of universal culture. There are many stories in the Bible about dreams and visions, stories that we would think originate in very different cultures than Innu culture, but, in fact, there are many similarities. In fact, I think the Bible could actually be rewritten today as a history of Innu culture and spirituality. Many of the stories are very similar, similar meanings, only the characters would be Innu.

There was a story of Lot who goes into the city from the country, and he doesn't like the city. He doesn't like the way people in the city are in relation to one another. He sees that they don't share, they're self-centered and have been changed from how they were, changed in terms of their healthy social relationships.

[Sheshatshiu-aimun spoken.]

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

ELDER A. ANDREW: Also, Jesus goes into the wilderness for 40 days and nights. I see the wilderness as being a metaphor for the country, where our people had to learn to be strong to survive. Jesus went into the wilderness almost as a test to find his essential self. He experienced dreams and visions very much like some dreams and visions that Innu have shared.

I asked one older gentleman about what was – why does he like to go to the country or why does he like to

spend so much time in the country? He said it's something that, you know, that doesn't get passed around too much to the younger people because of what these priests used to forbid. And he said: The one thing that always makes me go back to the country are dreams. That's one of the things that Jesus or supposedly the Bible said the same thing. It's what he talks about, dreams and visions, which is really what the Innu experience when they're in the country.

Kaniuekutat said there were three bosses that oversaw us human beings: Uhuapeu were the ones the boss of the skies and the air and Missinak^u for animals in the water and Kanipinikassikueu, the ones on land. You know there's similarities, I guess, between all the treating in that. I think this is where all the religions come from, from the cultural beliefs of what I saw as a universal culture at some point.

To me, this is very likely the trinity of the father, son and holy ghost, which Christians believe. The most significant difference is that the Bible passes down stories which most people have not experienced, but our culture has passed down stories because they were experienced.

There are experiences the Innu have shared of their being able to walk on water. There are experiences of Innu being able to visit across time and space. I know this is not something that is commonly spoken about but there have been stories shared about this and my mother told me the story that when Antuan Ashini, Penote Antuan's grandfather, did the shaking tent – kushapatshikan – that he called out to Sebastien Nuna, who was in a different part of the country, then within seconds Sebastien Nuna was there talking about how his family was doing at their camp.

And the other one was Shimun Michel, Ben Michel's father, told me the story of Ben and Ponas Nuke leaving Sheshatshiu one evening when a very bad snowstorm came up that night, and Ben was not a young adult at the time and Shimun was worried about his son.

So Shimun went to see his father, Ashtunishish, because he was worried, and Ashtunishish told Shimun, his son, to go and get some of Ben's clothing. When he had done this, Ashtunishish told Shimun to put a pole in the snow and put some of Ben's clothes on the pole. Within seconds, the clothes started to move, signaling to Ashtunishish that Ben was moving around. That's what he told Ben's father. He said: Don't worry, he's still moving around. Shimun went home and didn't worry because his father said they were safe. Also, in fact, they were safe.

These are just a few examples of many stories that I have heard. The point that this isn't fate that makes these stories meaningful to me. They are meaningful to me because these are actual experiences shared by so many Innu. These experiences are meaningful because they make you feel you are never alone. Children need these experiences. So do adults.

I think it is a tragedy that through the deliberate action of governments and priests to diminish the value of our nomadic culture that these experiences are rarely now shared. As a result, many Innu are afraid and they don't genuinely know how to feel safe.

In many hunting cultures, these are rites of passage used to signify coming of age, a certain level of maturity. One of these young Innu to be sent on a journey or an errand in Nutshimit and on their own.

I know that Francis Penashue, when he was 14, was sent on a journey by himself. He travelled from a camp at (inaudible) to the Red Wine River. Took him about two weeks. He would have learned from others' experiences that even though he was on his own, he was not alone. This is a powerful, empowering message for a young person to feel they are not on their own.

I know some of the things that I'm trying to describe are difficult to describe because for someone who has not experienced them, they seem hard to believe. We can't scientifically prove them. I think this has led some people not of our culture, maybe especially academics, the people that people relied on in non-Innu culture to tell the facts, to explain history and culture that we have a strange or exotic culture.

When I was school aged, maybe in 1960 and '66, academics came to Sheshatshiu from McGill University. I remember that they brought calipers and other medical tools and set out to measure us: head circumference, the nose and they measured almost every part of the human body, I think, the bones, feet or whatever. I never knew what they were doing, but that's what they did. They measured our height and our heads.

I have no idea what they were doing or why. And I expect my parents knew nothing either. It was as if we were specimens. And I didn't know this was usual, but maybe we're one of the last nomadic people in Canada to be settled in villages and we were viewed as somehow unusual. Maybe they wanted to know how we were still surviving.

I didn't know what in many respects was going on here when we were growing up was not usual, was not normal, at least for the majority of non-Innu children and their families.

What was going on was that as a people we were caught up in the social experiment gone awry. Innu were the human laboratory rats for the colonial experiment. It's true that our cultural practices weren't written down for people to read to know more about our history and beliefs, but the assumption was made that we Innu were inferior to akaneshau, and our culture was therefore also inferior.

Because Father Pirson and subsequent priests had so much colonial power given to them by church and governments and because the narrative of the non-Innu was that our culture was inferior, it shouldn't be

hard to see how we could be made to feel powerless and therefore vulnerable.

I think the most profound and tragic illustration has to do with the experiences of rampant sexual abuse by the priests, brothers and teachers in Sheshatshiu. This is like a cancerous legacy that has been passed down since the time of Father Pirson. He began abusing boys, girls, women and men in the 1960s or even earlier maybe.

Maybe he came here as a known abuser. He certainly left here as a known abuser and was sent immediately to the Innu villages of Uashat, Unamen-shipit, Ekuanitshit, before going to an old folk's home for priests in the '80s, Trois-Rivières, where he died. But I think he is the main character in why Sheshatshiu is such a dysfunctional place to live in right now. And I know that a lot of people have gone to treatment centres in Ontario, treatment centres like – [Sheshatshiu-aimun spoken] – like Brentwood was certainly one of the famous places that people know here. But it's run by the priest.

I don't think that any of them would say, you know, that – you know, people talk about a cycle, and this cycle that's been going on in Sheshatshiu since very early '60s, I think started by Father Pirson. And those people that go to the treatment centres usually come back so they blame their parents, maybe their grandfather, their brother for all the abuse that has gone on in the family. But it had to start somewhere, and it started very early on after Father Pirson came here in the '50s.

I saw one of the pictures – a lot of pictures of people who were abused by the person. They were altar boys. They served as altar boys, and very early on, they abused other children, girls and boys. That's what started it, Father Pirson. And I don't think those people that do treatment centres are ever going to say, you know, it was started by Father Pirson.

Before that, you know, people were all so happy people, and everything sort of breaking down during the '60s. And it's sort of – you see a lot of it in the '80s more so than anything. It affected everybody in Sheshatshiu, I think. It's all because of him.

Like I said, I spent a lot of time, when I was in my early years, drinking. And I spent a lot of time with older people, people my age, and people talk about Father Pirson when they were drinking. From what I can remember, you know, I counted, I don't know, 40 or 50 – probably I know about 60 people that were abused by Father Pirson. I've never told other people about this. Some people just say to you, you know, you keep it. So I did. And that has affected everybody, the kids, the adults, the grandparents, breaking up families. I'm just off topic here for now, from my reading here.

In preparing for this Inquiry, I recently wrote down – counted up the names of Sheshatshiu Innu men and boys that I knew or suspected were abused by Father Pirson and other priests, brothers and sisters, teachers

who lived here. I then tore up the piece of paper with those names. I counted 43 Innu men and boys who were my peers, my coworkers, my family, elected leaders, fathers, grandfathers, husbands and sons. I didn't include any women and girls in this list. So, in every respect, the number is staggering for a small village.

I think it is not surprising that almost all these Innu are now dead. They almost all suffered in silence, Maybe could not acknowledge what had happened and denied even when others knew. I suspect many died in sorrow. They did nothing to bring about this abuse but to be born Innu.

COMMISSIONER IGLOLIORTE: You wanna break for lunch or you wanna finish off? Good for lunch?

Okay, thank you very much. We'll be back at 1:30.

Recess

COMMISSIONER IGLOLIORTE: Thank you very much, Mr. Andrew, for coming back again. And you're still giving your testimony, so whenever you're ready, you can pick up where you left off.

[Dialogue between Elder A. Andrew and Unidentified Speaker in Sheshatshiu-aimun.]

ELDER A. ANDREW: I will tell you a made up story to see if you can take meaning as I do. A man stole a beautiful truck, and as his children were growing, he kept telling them stories about the truck, how he came to own the truck, how it was a gift to him, how important it was that he had this truck for himself and his children.

When his children got older, some people said to them, we know your father stole that truck. At this point, the man's children got really angry at the people who said this and wouldn't believe them because their dad always told them it was his truck. They defended their dad's right as the owner of the truck.

Listening to this story, I think this story I made up is exactly how formal education has worked, along with governments, to ensure the place where we now find ourselves. It is also how racism is created. I would be extremely angry if people told me all these lies about history, and, as a result, I became racist in the favour of my group. But instead, even most individuals will say they're not racist because they can't acknowledge all the lies of history that we've been taught.

In the story, a man told a lie. He kept that lie up and, over time, he embellished the lie with more details and justifications. He used his position of trust and authority as a father to convince his children that of course he had always told the truth. In the end, of course, his children believed him. They had no explanation for him being accused of theft, other than to say it was not true and it was his truck.

When the Innu said to governments Nitassinan is Innu land, government said no. This land belongs to Canada, to its citizens. Canada said it's terra nullius. There was no one here, so it's ours. It affects the story of Innu and how Innu has been built on lies, and that is what we have been taught through the education system, supporting a dominant culture and Innu culture, since we Innu started to go to schools.

In the archival reports on page 120, there's an excerpt from a precision paper on the quality of Innu education, written by Etienne Andrew. That's only three years after the report submitted by Mrs. Hammond, the former school principal.

Etienne wrote – this guy, Etienne Andrew, passed away recently, and he was a very good friend of mine. And he told me that he quit school when he was in Grade 7. He couldn't read and he couldn't write, so he gave it up.

I'm surprised to see that it says here that he wrote, Etienne wrote, because he told me about it afterwards. He said it was only after I quit school that I started to read and write. So he must have because I seen some of his writings and they were very good writings. He could write about going to school seven years. I think he must have been one of those kids described by Mrs. Hammond in that report, you know, the brilliant kids before they went to school.

Anyway, "... this education system is failing our Indian children, and failing them badly. Somewhere along the line, there is something drastically wrong. Today, we see Indian children filled with an I don't know, I don't care attitude; depending on Welfare services to provide them with food, clothing and shelter We see a group of young people ashamed of themselves, their parents and their history"

The minister of Indian and Northern Affairs made a visit to Labrador in February 1979; came to discuss a proposal to constitute Indian bands at North West River and Davis Inlet. In the provincial archives, research notes there's some information from the meeting, page 122. "Some time ago, the Department was informed by the Naskapi Montagnais Innu Association" – NMIA – "that the Labrador communities of North West River and Davis Inlet were interested in being constituted as Indian bands under the Indian Act."

Departmental Legal Advisor in April "1977 informed that the Governor in Council could create bands from groups of persons not already Indians under the Indian Act. An Advisory Committee was formed for the purpose of examining the circumstances of each community to assist the Department in coming to conclusions about whether they might be recommended to be constituted as Indian Bands to the Governor in Council. The points to be taken into consideration are genealogical relationships of the people to Indians, their language, their lifestyle, in comparison to the status Indians, and any other factors deemed by this committee to be pertinent."

This Committee is comprised of Charlie Andrew, Etienne Pastuit, Rene Simon, President of the Council Attikamek Montagnais and Leslie Smith representing the department. Penote Michel, President of the NMIA, believes that a simple, visual examination of the communities will provide sufficient evidence, that the people in both communities are Indians. They feel that the groups must practically prove that they are Indians.

And then we went down the rabbit hole of tripartite processes and negotiations where, essentially, we had a gun held to our collective heads. Both communities finally become reserves more than 25 years after this was first requested, although our land use and occupancy study was submitted in 1979, and we're still negotiating self-government.

It is almost half a century since we asserted our right to self-determination, that's two generations of Innu children who have grown up in our communities. Two generations of confusion, social distress and accumulating poor health. In short, collective, intergenerational trauma.

Our history continues to be written; however, it started with a lie that has been passed down from when we first came into contact with Europeans. I learned this when I saw one of those little historical moment vignettes on CBC tv. Champlain or some explorer is with a group of Innu and the missionary and the interpreter, and the explorer points to some teepees off in the distance. He asks what it is, and the Innu says Kanata and the explorer asks what does that mean, and the interpreter says the village. In fact, Kanata is Innu-aimun for don't go there, but here we are. We started under very false pretenses, and it remains to be seen how we will go forward.

Thank you.

COMMISSIONER IGLOLIORTE: Tshinashkumitin, Apetet.

We will give the three parties an opportunity to cross-examine you or ask questions of you beginning with Canada, I think, counsel?

M. COLLINS: Yes.

COMMISSIONER IGLOLIORTE: Thank you.

Canada, any questions of Mr. Andrew?

UNIDENTIFIED SPEAKER: Canada has no questions. We'd just like to take this opportunity to thank him for sharing his knowledge and experience.

COMMISSIONER IGLOLIORTE: Newfoundland and Labrador, do you have any questions, cross-examination of the witness?

P. WARREN: No cross-examination, Mr. Commissioner. We, too, would like to thank the witness

for his very thoughtful and well laid out history and presentation.

COMMISSIONER IGLOLIORTE: Indian Representative Organization, would you like to cross-examine the witness?

B. BROOKWELL: Yes, Commissioner, we just have a few short questions.

COMMISSIONER IGLOLIORTE: Okay.

B. BROOKWELL: Good afternoon, Mr. Andrew.

My name is Ben Brookwell and I'm a lawyer representing the Innu Organizations in this Inquiry.

I also want to thank you for sharing your time and your knowledge about Innu history and culture. I have just a few, very short questions and it's about the archival research notes that you spoke about from Michaela Doucette.

This is Exhibit P-433, for everyone's reference. The first question I just wanted to confirm is that those notes, the archival notes, that those were prepared by Michaela and then provided to you. Do I have that right?

And when I had a look at the notes, I noticed there wasn't a date on the front of the document showing when it was prepared. Do you happen to remember when she may have sent it to you,¹ so we have a rough sense?

ELDER A. ANDREW: This was about a month ago. I don't know the exact dates. But a lot of that information that she sent, I have seen that before from the other research that was on – that's when I worked for the land rights work.

B. BROOKWELL: And did Michaela tell you how she decided what to include in it, or you just received the package?

ELDER A. ANDREW: No, I just received the package from them. And there was – I couldn't really say, you know, how I could have used that material other than just include it in our presentation. I mean, most of it, anyway, we couldn't be able to use for any purpose because a lot of the stuff is about – the majority of the material was from the St. Anthony Orphanage, and whether there were Innu there. I couldn't see any connection to the Innu there.

B. BROOKWELL: Okay, that helps clear it up for me on just getting a sense about the document. I just had a couple of short technical questions, so I don't have any other questions.

Thank you again for your time and for answering my questions today.

COMMISSIONER IGLOLIORTE: Thank you, Sir.

Commissioner Devine, any questions or observations, any comments for this witness?

COMMISSIONER DEVINE: Well, first of all, Mr. Andrew, thank you for your thoughtful presentation. You know, quite interesting facts and statements put forward, as well as some good reflections and analysis. So the Inquiry really appreciates your time and your effort into this and for coming to us today.

I just have one thing I just want to talk about a little bit and it's more for clarification. You talked about how in your father built houses, the first houses in 1957, '58 and you moved – well, the family, your parents and your siblings moved into that house at that time. And, you know, we've heard others' recounts, too, of how bad these houses were. They didn't have water, sewerage. They were poorly constructed and certainly some significant issues with that.

So the first question I have. Did the family continue to go in the country after that time? So in '58 when you moved in, did you then go to the country for periods of time, or did you live in this house all of the year?

ELDER A. ANDREW: Our family didn't go to the country as they usually would have, but my father still continued to go to the country whenever. They used to pay for their own planes to go up into the country, but it would be very different from what it had been before when the whole families used to go. Rather, it was just the men that went. I remember that when they went. Usually it was the family that went all the time and it was very – when I look at it, you know, it's sad to see.

COMMISSIONER DEVINE: Okay, thank you for that.

The other thing I wanted to ask about is – so the first seven houses were built, '57, '58 – so around what year, from your recollection, would you say that most all of the houses were constructed and most people in the community were living in the houses, at least on a seasonal basis? About what year do you think that would be?

ELDER A. ANDREW: It was summer, but I wouldn't be able to tell you the date when there were about 21, I think, houses were built on the top, along the hill here – 21. But I wouldn't be able to tell you, just one summer that they built 21 houses.

COMMISSIONER DEVINE: Okay, I guess, initially, the number of houses that were there, would they have finished the housing construction in, say, 10 years or? Any idea?

ELDER A. ANDREW: Well, what period are you talking about?

COMMISSIONER DEVINE: I'm just wondering, like, if they started in '58, would most people have these houses, as bad as they were by, say, 10 years later or 12, 15.

Guess.

ELDER A. ANDREW: That's something that I've never thought about. I think, gradually, just people have more houses were being built.

COMMISSIONER DEVINE: Okay, that's fine.

Thank you very much. I appreciate it.

COMMISSIONER IGLOLIORTE: Thank you.

Nastash, any questions of the witness? Any comments?

COMMISSIONER QUPEE: I'd just like to thank Ben for coming and giving his testimony. I think it's really important for the Inquiry to hear this information, and I know that we've heard a lot of information as well from the beginning when the timelines were done and Elders came and talked. So this gives us information as well that we can piece together information of how the communities settled and the history.

So I'd like to thank Ben for coming forward.

[Sheshatshiu-aimun spoken.]

Tshinashkumitin.

Thank you.

COMMISSIONER IGLOLIORTE: Inquiry counsel, any cross-examination questions you'd like to ask of this witness?

M. COLLINS: No, thank you.

COMMISSIONER IGLOLIORTE: Sir, we all have stated that we appreciated your presence and your presentation. It will become part of the record and, of course, after today and in the years ahead now, people will be able to see the presentations we received.

Thank you so much.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

COMMISSIONER IGLOLIORTE: Thank you very much, Anne.

Also, Inquiry counsel, you can take the time now to speak with the parties and witnesses to see where you'd like to go. We'll take a 10-to-15-minute break until you let us know when you're ready.

Thank you very much.

Recess

COMMISSIONER IGLOLIORTE: Thank you very much for your patience, counsel. We'll find out from counsel what the plan is for the afternoon, please.

M. COLLINS: We would ask to play the pre-recorded testimony of Kelly Bower and of Annie Randell.

And before we play that testimony, I ask to enter Exhibits 368 to 376.

COMMISSIONER IGLOLIORTE: Thank you.

M. COLLINS: And 423 to 432.

COMMISSIONER IGLOLIORTE: Thank you.

We had one of those to view at lunch. (Inaudible).

All right. What were they, the numbers? Can you repeat them again, please, 368 to 376?

M. COLLINS: And 423 to 432.

COMMISSIONER IGLOLIORTE: So we'll simply turn on the screen, turn down the lights. How long with it be?

M. COLLINS: I was just informed that it'll take 10 minutes to get the video going.

COMMISSIONER IGLOLIORTE: That's fine. They'll let us know when it's ready.

Afterwards we'll have a few minutes for the translation to be concluded as well.

When they're ready they'll let us know.

This is a 20-minute video and the Commission counsel, Inquiry, have a meeting afterwards so we won't be going past 4:30. Will there be time to continue the cross-examination after this video tomorrow, Mr. Collins – tomorrow morning will be good? Okay.

So the plan is we'll turn on the video, it'll last about 20 minutes and we'll let Tshaukuesh know that because of the length of the day she's free to go whenever she wishes and – do we need Anne to hang around anymore for anything?

I don't think today, Anne, so if you have to go, don't worry about that.

Okay, sorry to interrupt the tape, we'll continue with the tape now.

[Video played.]

[Transcript of video starts.]

August 5, 2025 Testimony of Kelly

Bower

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1 August 5, 2025

2

3 THE CLERK:

4 The Commission of Inquiry is now in session.

5

6 MS. KELLY BOWER, AFFIRMED

7

8 Kelly Bower:

9 A. I'd also like to state I'm hearing impaired and

10 I'm struggling to hear. I don't know if the mics

11 could be moved closer to your faces. It's a

12 strain for me to make out what you're saying.

13 Michael Collins:

14 Q. Hello. Can you make me out?

15 Kelly Bower:

16 A. I can. It's not perfect but I might just ask you

17 to repeat yourselves a lot.

18 Michael Collins:

19 Q. Of course. Good morning. Thank you for coming.

20 My name is Michael Collins. I'm a lawyer with

21 the Inquiry. And I was wondering if you'd like

22 to introduce yourself to the Innu community?

23 Kelly Bower:

24 Thank you. Yes. So I -- as I mentioned, I am

Page 2

1 Kelly Bower. I am joining you today from

2 Kijipuktuk, Halifax in Mi'kma'ki.

3 You know, before I go too much further, I just

4 want to acknowledge the families and the

5 communities in terms of the reasons why we're

6 gathered here. And I'm really, really sorry for

7 your loss and what you're experiencing. I

8 imagine this is tremendously challenging for you

9 all. So I just -- I wanted to acknowledge that

10 off the top, and I will try and do my best to

11 hopefully contribute in a constructive way.

12 In terms of why I am here, I am the Acting

13 Regional Executive Officer for First Nations

14 Inuit Health branch. I've been in this role

15 since February 2025.

16 In terms of about me, I am, I guess, firstly,

17 and probably most importantly, not Indigenous.

18 My father was an immigrant and my mother has a

19 complex ancestry. But we primarily identify as

20 Scottish. And I'm happy to be here today, and as

21 I said before, hopefully can contribute in a

22 constructive way.

23 Michael Collins:

24 Q. Thank you.

Page 3

1 Michael Collins:

2 Could you show us the proposed Exhibit P-421?

3 By Michael Collins:

4 Q. Is this -- this is your CV; is that right?

5 Kelly Bower:

6 A. Yeah.

7 Michael Collins:

8 Q. Thank you. So we have that for our records.

9 Kelly Bower:

10 A. Okay. Yeah.

11 Michael Collins:

12 Q. So I understand you were involved in a renewal

13 process in preparing a treasury submission for

14 the renewal of the Labrador Comprehensive Innu

15 Healing Strategy. Could you tell me about that?

16 Kelly Bower:

17 A. Yes. So it was a while ago so I don't have all

18 of the specific details, but I can give you the

19 broad strokes. So essentially, the Labrador Innu

20 Comprehensive Healing Strategy was something

21 that -- it was a pot of funding that came out of

22 mental wellness funding nationally at First

23 Nations Inuit Health branch. And it was specific

24 for the Innu in recognition of the harms done.

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1 That the, you know, Innu were a healthy and

2 resilient culture and the process of colonization

3 was not a good one. And so the recognition of

4 the harms, the extra funding is needed. So this

5 was a pot of funding that was renewed every three

6 years. It's just -- it's a typical -- typical in

7 government processes. And when I became

8 involved -- and I'm not sure the exact year,

9 2016, 2017ish, the -- it was part of a three-year

10 renewal. So we worked -- we supported --

11 generally, regions are not involved in Treasury

12 Board submissions but because this was specific

13 to communities that were in our region we had the

14 unusual undertaking of being involved, and so I

15 became involved. And I think from a regional

16 FNIHB perspective one of the things that we were

17 really happy with is that the -- not only was the

18 funding approved, it was approved in a way that

19 we didn't need to go back every three years. So

20 it was a recognition that this money is needed so

21 we don't need, you know, the effort to go back

22 every three years to again say it's needed. It's

23 just needed so we've got long-term funding to

24 support the LICHs file.

Page 5	Page 7
1 Michael Collins: 2 Q. And can you tell me what -- 3 Kelly Bower: 4 A. Did that answer your question? 5 Michael Collins: 6 Q. Sure. What -- can you tell me what kinds of 7 services that funding supports? 8 Kelly Bower: 9 A. Yeah. So -- and right now I'm not the person 10 that manages it, so again, I'm speaking at a 11 pretty high level from memory, from, you know, 12 about a decade ago. But essentially, the funding 13 came out of mental wellness. So the way that 14 government goes after funding, it's in different 15 pockets of ways. So the funding came out of 16 mental wellness. So it was to support mental 17 wellness. It also was to support Healthy 18 Children's programs. So the healthy -- and as a 19 supplement to the Healthy Children programs that 20 -- the First Nation Inuit Health Branch funded. 21 So there's several of them. I probably won't be 22 able to name them all off the top of my head, 23 but, you know, Canadian Prenatal Nutrition 24 Program, the programs that target breastfeeding,	1 and Surveillance. So the -- any data that was 2 gathered at that point in time was shared back 3 with the Innu communities. You know, the 4 thinking was, it's they're data so wanted the 5 communities to have it, and hopefully, to be able 6 to use if useful in terms of the planning of 7 their health services. But otherwise, at a 8 programmatic level, I wasn't involved in terms of 9 there wasn't a lot of specific projects that my 10 directorate that I was working in was involved 11 with. So that would have been in terms of the CV 12 for up until December 2021. And then really, at 13 the end of December 2022 I started acting as the 14 Regional Director of Programs. 15 So in that capacity again would not have been 16 involved in day-to-day programming. There would 17 have been operations people that would have been 18 much more involved. But would have had, I guess, 19 basic knowledge of different pieces in order to 20 carry out my role of coordinating between various 21 programs and functions. 22 Michael Collins: 23 Q. What kinds of services are you coordinating for 24 the Labrador Innu communities?
Page 6	Page 8
1 immunization. The -- I guess any sort of health 2 program that targets childhood that's funded by 3 FNIHB would have been covered by this funding. 4 And it's meant to be a supplement too. 5 So the First Nation Inuit Health branch funds 6 programs supplemental to the province. So the 7 province has a suite of programs that they offer 8 all citizens of Newfoundland and Labrador. 9 The First Nation Inuit Health Branch is meant 10 to fund supplementary programs, so in addition 11 to. And then the LICHs funding is then in 12 addition to that. So it's not meant to be -- 13 replace provincial funding or services, it's 14 meant to be a supplement to the FNIHB program 15 dollars that they already get. 16 Michael Collins: 17 Q. Thank you. So since being involved in the 18 Treasury Board submission process, what kinds of 19 programs and services have you been involved in 20 providing to the Labrador Innu? 21 Kelly Bower: 22 A. Okay. So myself not directly. So you know, 23 specific to that Treasury Board submission, at 24 the time I was the Director of Health Assessment	1 Kelly Bower: 2 A. So primarily at this -- like at this current 3 stage you mean? Like right now? 4 Michael Collins: 5 Q. (No audible answer.) 6 Kelly Bower: 7 A. Okay. So currently, I am the First Nations and 8 Inuit Health branch rep at the Innu Roundtable. 9 And so really in that capacity, you know, it's 10 the opportunity for the chiefs and health leads 11 and community that are there to share their 12 concerns or you know, ask questions about 13 different programming. 14 So in terms of what that might look like in a 15 coordination role, frequently it means I take 16 things back. So, you know, lots of -- most often 17 the questions I get are about medical 18 transportation. And you know, if I can't answer 19 the question myself, my lat (phonetic) 20 coordination role would be to say, okay. Well, 21 here are the people that need to be involved in 22 this discussion and then I make sure that those 23 discussions happen. 24 Does that answer your question?

Page 9	Page 11
1 Michael Collins: 2 Q. (No audible answer.) 3 Kelly Bower: 4 A. Okay. 5 Michael Collins: 6 Q. During your time involved in the federal 7 government's efforts to provide services to the 8 Labrador Innu, have there been any significant 9 successes that you think would be significant to, 10 say, the parents of -- the parents of children 11 who might be in need of protection, who might be 12 at risk of going into care? 13 Kelly Bower: 14 A. You know, I'm -- double-barrel question in terms 15 of successes. I can think of a number of 16 successes that the communities have done and it 17 have achieved. So I wouldn't say they're federal 18 government successes. They're really on the 19 community and their strong leadership. 20 As it relates to child and protection 21 services, I really can't speak to that because 22 I'm not knowledgeable on that piece. But I could 23 speak to successes at large. 24	1 some direct service delivery. So environmental 2 public health officers would be FNIHB employees. 3 The water monitors would be community employees. 4 But the environment and public health would be 5 still a FNIHB employee. And the dental therapist 6 or the dental hygienist would be a FNIHB 7 employee. But the community health worker would 8 be a community worker. So that's sort of a very 9 limited way a direct service delivery. 10 We then also in a grouping that I will call 11 insurance, it's not how it's explained on the 12 website, but that insurance function in terms of 13 noninsured health benefits and other programs 14 that support accessing health care. 15 And then the last would be sort of the policy 16 or coordination support, you know, as requested, 17 around -- we're the leadership of community in 18 terms of it's helpful in terms of navigating the 19 health care system in a sense that there's 20 multiple players. So the Province of 21 Newfoundland and Labrador provide health care 22 services to all citizens of our province based on 23 the Canada Health Act. And then the communities 24 have supplemental programs that they offer that
Page 10	Page 12
1 Michael Collins: 2 Q. Successes for the kinds of services you were 3 providing in the health care. 4 Kelly Bower: 5 A. Yeah. 6 Michael Collins: 7 Q. So successes that would be useful, that would 8 have an impact for children maybe not in the 9 child protection system, but who might be at risk 10 of falling into it. 11 Kelly Bower: 12 A. Okay. Okay. So in terms of successes and 13 strengths, so -- and just to clarify FNIHB's 14 role. And when I say they're the community 15 successes, I really mean they're community 16 successes. So FNIHB has sort of four roles. 17 These would certainly be the roles you'd have on 18 the website. This would be my sort of elevator 19 speech, as I'd explained it to my mother, in 20 terms of what FNIHB does. 21 So FNIHB is primarily a funder. So we fund 22 communities to -- so the communities can then 23 offer health services. So that's our biggest 24 role. In a very limited way for the Innu, we do	1 are funded by FNIHB. But as you can imagine, 2 it's -- there are multiple systems but it's still 3 the same patient that's got to navigate between 4 multiple systems. So if a community is 5 interested we can work with them on that 6 navigation support. So that just sort of to 7 specify the role. 8 So in terms of successes and community 9 successes, you know, I don't know the current 10 rates but I do remember at the time that we were 11 working on the Treasury Board submission. The 12 communities were doing an outstanding job on 13 childhood immunization, had some of the highest 14 childhood immunization rates in the country. So 15 you know, really demonstrated good health service 16 delivery in that area and a commitment to 17 childhood health. 18 They also -- you know, one of the things 19 that -- and again, this is my nonIndigenous 20 interpretation but so what I would see as a 21 success might be different than what a community 22 member sees as a success, so I would defer to 23 their definition. 24 But the -- you know, one of the real strengths

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1 at that point in time for children, but really 2 for everyone, was the high percentage of 3 community members that spoke Innu-aimun. It's 4 one of the highest rates of any Indigenous 5 language in Canada. Or it was at the time. 6 So those are two just off the top of my head. 7 But I know that there are many -- you know, every 8 time that I go to any roundtable, there is lots 9 of things and positive things that the community 10 is doing. 11 To highlight, I guess, a more recent one would 12 be the great work that the communities are doing 13 on midwifery. I think that's an amazing project 14 and I'm really excited to see where that goes and 15 recognize the great leadership of the Innu in 16 advancing that work. 17 Does that answer your question? Is that what 18 you were looking for? 19 Michael Collins: 20 Q. It's your answer. 21 Kelly Bower: 22 A. Sorry? 23 Michael Collins: 24 Q. It's your answer.	1 might come to the region that we would have as a 2 region, discretion over how that money is spent, 3 we have set up what we've called the Atlantic 4 Health Partnership and the Innu are members of 5 the Atlantic Health Partnership. 6 Essentially, the partnership is 11 voting 7 chiefs that represent the various tribal councils 8 in Atlantic Canada, and myself or my predecessors 9 as the regional executive officer. And we vote 10 on discretionary funding decisions. 11 So I can say since I've been in this role, I 12 have abstained from every vote. And my 13 predecessors have generally always abstained as 14 well. And really, the ability to abstain is just 15 if it's something that, you know, might land us 16 in jail or you know, contrary to what we're 17 allowed to do. But the intent is to -- if 18 there's a decision to be made about how money is 19 allocated, that that is given to the chiefs to 20 advise us and then for us to implement. 21 So the decision -- any of those discretionary 22 decisions wouldn't be made by me. 23 Michael Collins: 24 Q. Well, those, I think, are my questions. Kelsie
Page 14	Page 16
1 Kelly Bower: 2 A. Okay. 3 Michael Collins: 4 Q. Do you have any role in setting funding levels? 5 Kelly Bower: 6 A. No. So not personally, no. At the government, 7 yes. But in terms of the funding level, so 8 really those are -- the amount of money that 9 would be set for a certain area would be set, 10 generally, nationally as part of our Treasury 11 Board submission. So you know, this is the 12 amount of money that's being requested. There it 13 goes back and forth in terms of the internal 14 backgrounds of government to set an amount. And 15 then generally, the -- it's just general because 16 it depends on the pot of money, but generally it 17 goes out using a formula. So there's a per 18 capita-based formula. I wouldn't say it's based 19 on exactly in per capita. It looks at remoteness 20 and various different factors to make allocations 21 across the country, and at least be transparent 22 and clear in terms of how that allocation is 23 made. 24 In terms of limited amounts of money that	1 or Molly, do you have anything to ask? 2 Molly Churchill(?): 3 I don't have any questions, no. 4 Michael Collins: 5 Q. Well, Kelly, thank you for much for your time. 6 And enjoy the rest of your day. 7 Kelly Bower: 8 A. Thank you. Bye. 9 10 (Session with Kelly Bower concludes.)

August 5, 2025

Testimony of Annie Randell

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1 August 5, 2025

2

3 The Clerk:

4 This Commission of Inquiry is now in session.

5

6 **MS. ANNIE MATILDA RANDELL, AFFIRMED**

7

8 Molly Churchill:

9 Q. Good morning Ms. Randell. That's for taking the
10 time to be here this morning.

11 Annie Randell:

12 A. Good morning.

13 Molly Churchill:

14 Q. My name is Molly Churchill, and I'm a lawyer
15 working with the legal team to the Inquiry. And
16 I know you've introduced your name but we know
17 that you're here today as a witness who's been
18 put forward by the federal government. But I
19 thought maybe we could start by just giving you
20 the opportunity to introduce yourself, you know,
21 to us, but mainly to the commissioners, to the
22 Innu public in a way that you would want to be
23 introduced in this context.

24

Page 2

1 Annie Randell:

2 A. Sure. So Annie Randell, who started a career
3 working with Indigenous people at a very early
4 age, working with the Federation of Newfoundland
5 Indians. Was there for 28 years. Then went with
6 the Department of Aboriginal Affairs and Northern
7 Development Canada, I believe they were called at
8 the time. Again, it was to work with the
9 Indigenous people at the Atlantic in helping them
10 achieve some of their goals through programs and
11 services of the federal government.

12 I left there and went with the province in
13 housing and returned back to Indigenous Services
14 Canada in 2019, and it was to take a position to
15 represent Canada in this Inquiry at that time.

16 And as we know, the Inquiry didn't get
17 launched at that time so I found myself working
18 in some of the Child and Family Services
19 programming that was with the department during
20 2019, '20, '22.

21 Molly Churchill:

22 Q. Thank you. We do have as one of the proposed
23 exhibits is a copy of your CV. I thought I might
24 just bring that up real quick. So I can do that

1 here. It's proposed Exhibit E-420. Are you
2 seeing this document there on the screen?

3 Annie Randell:

4 A. I am. I am.

5 Molly Churchill:

6 Q. And you can confirm that's a copy of your CV that
7 you would have provided for purposes --

8 Annie Randell:

9 A. That's correct.

10 Molly Churchill:

11 Q. Okay. Great. So there are kind of two key time
12 periods, I guess, when you've worked with the
13 federal government. The first, as you mentioned
14 briefly in your introduction there, was September
15 2016 to March 31st, 2017. And can you just
16 explain to us, briefly, what that role entailed?

17 Annie Randell:

18 A. Yeah. So I was seconded by the regional director
19 general while I was with Qalipu to come to work
20 with the Atlantic region to work on a new
21 initiative that he was hoping to create for the
22 Atlantic. I'm sorry, but the name of that
23 program, Community something, I forget it. It

24 might be in my CV. I should have probably looked

Page 4

1 at my CV. But I forget what it was.

2 Ultimately, his goal there was to see that
3 there would be a group or a team within the
4 Atlantic that would have knowledge about each of
5 the departments or divisions of the Atlantic
6 region, and they would always have a knowledge
7 about what the community was working towards and
8 be able to help facilitate with the departments
9 or the divisions within the Atlantic region to
10 help them achieve those.

11 Given government, and not only federal
12 government, I think but, as I said, I worked with
13 the provincial government as well, even, you
14 know, local Indigenous governments, people move
15 around quite a bit. And I don't think any of us
16 can prevent that. So it was -- a goal of his was
17 to try and break some of those barriers within
18 the Atlantic. That there would be people outside
19 of the department, so let's use infrastructure,
20 that would be aware of what the community was
21 working towards and that they would be able to
22 always keep on top of that with the community by
23 having conversations with the department. So I
24 would meet with infrastructure and say, you know,

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1 Indian Island asked for this to be done by this 2 date. Where are we to? So it was somebody 3 internally working on the community's behalf so 4 that the ball didn't get dropped. And, you know, 5 given that I came from working with an Indigenous 6 community, I was one of the people who was 7 frustrated by that sometimes. So I was 8 understanding what he wanted. So that was my 9 first placement. 10 It -- as you can see, I was there, you know, 11 for a short period of time, six or eight months. 12 You know, I didn't feel that it advanced a lot 13 during these six or eight months. My very first 14 time working with government. I should have been 15 probably more mindful that it takes a long time 16 to get things moving in government. And I was 17 offered another position, and it wasn't that the 18 federal government wasn't what I wanted to do, I 19 had to move away from my home to take this 20 position, which I had never done in the past. 21 In this new position I was offered with 22 Newfoundland and Labrador Housing brought me back 23 home. And that was my reason for leaving. 24	1 work with the directors and managers of those 2 departments that would see those top three 3 priorities for a community accomplished. So that 4 was the goal, is that there would be somebody 5 inside of AANDC that really would be the voice of 6 the community that would try to advance the 7 community's goals. 8 Molly Churchill: 9 Q. Okay. Thank you. And the key challenge is sort 10 of that that was intended -- the barriers, that 11 was intended to overcome were frustrations that 12 come with staff turnover. So ensuring sort of 13 consistency and knowledge? 14 Annie Randell: 15 A. That's right. 16 Molly Churchill: 17 Q. Okay. And then the other potential sort of where 18 there might have been a lack of communication 19 between departments or parts of a department. 20 Annie Randell: 21 A. Right. 22 Molly Churchill: 23 Q. Kind of addressing those. And in those -- are 24 you aware of that having been implemented?
Page 6	Page 8
1 Molly Churchill: 2 Q. Thank you. So I'm just going to summarize my 3 understanding of what you've shared and you can 4 confirm if I've understood that properly. 5 It was essentially initiative for a vision of 6 a way that the -- that where you were working at 7 ANSI, could be organized and sort of break down 8 barriers between departments to better fulfill 9 mandates, essentially, and missions when it comes 10 to working with Indigenous people in the Atlantic 11 region. 12 Annie Randell: 13 A. Yeah. I don't know if it would be the mandates 14 of the department. I guess it is because the 15 mandate of the department should be to see the 16 goals of the community is met. And it was really 17 about being the voice, working with the 18 community. So that I knew the communities. I 19 met all the communities. I listened to what they 20 had for the future. Many of them had 21 comprehensive community plans. We went through 22 those. 23 So then we had, you know, these are your top 24 three priorities, I believe it was. And I would	1 Annie Randell: 2 A. I would say I don't think it has. Shortly after 3 I got there that director general left and I 4 don't recall, you know, in my last couple of 5 years there hearing of that at all. 6 Molly Churchill: 7 Q. Okay. Thank you. I'm going to move now to your 8 return to the federal government in January of 9 2019. Your CV says -- you list the position as 10 being Regional Program Manager with Indigenous 11 Services Canada. And this -- can you, in just a 12 few sentences, sort of tell us -- actually, I'm 13 going to bring your CV up for a moment. Excuse 14 me. 15 We're looking at this time period here, the 16 January 2019 to September 2022. And I'd like to 17 go through and sort of -- you've listed a number 18 of different areas that you were responsible for 19 or involved in during your time period there. 20 And you started saying that you managed the 21 Community Well-being Jurisdiction Initiative as 22 part of the reform for Child and Family Services. 23 Can you let us know what -- prior to that work 24 had you had -- had you worked in Child and Family

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1 Services before that? 2 Annie Randell: 3 A. I had not. 4 Molly Churchill: 5 Q. And actually, before I dive into that more. 6 Could you -- just to help us better understand 7 sort of the structure in which you were working 8 in that role, can you describe a little bit sort 9 of, you know, who you would have been reporting 10 to, who would have been reporting to you, so we 11 understand sort of structurally the way you fit 12 in there? 13 Annie Randell: 14 A. Right. So when I started my title was program 15 manager. My -- you know, my role was the federal 16 representative for the Innu Inquiry. That's what 17 I was hired for. There was no mention of me 18 having staff and I didn't start off with having 19 staff. I reported to Natalie Levec (phonetic) 20 who was the Director of Child and Family 21 Services. If I recall correctly, that was a new 22 department within the Atlantic region because I 23 think it used to be under social. CFS used to be 24 under social maybe a year or so before that.	1 CFS outside of the Inquiry while I was there. 2 Molly Churchill: 3 Q. Thank you. And can you describe to us what that 4 was, the Community Well-being and Jurisdiction 5 Initiative? 6 Annie Randell: 7 A. So, you know, I understand that there was a 8 prevention program some time back, but it wasn't 9 a great initiative. And there wasn't a lot of 10 money for prevention. So it was probably the 11 very first one that Canada gave communities 12 opportunity to apply for prevention dollars. 13 Still had to fit within the terms and guidelines 14 of the refor -- or the program, Child and Family 15 Services program. 16 So communities -- there was an application. 17 Communities would apply for that. The Innu, I 18 remember correctly, was probably one of the very 19 first ones. They may have actually been funded. 20 I think now, as I'm saying it, I think they were 21 already funded through Community Well-being 22 Jurisdiction. And they were the only ones at 23 that time. And then there was a number of other 24 communities that took advantage of that program.
Page 10	Page 12
1 So I started off and I'm going to say maybe, I 2 don't know, it was probably the first eight, ten 3 months I didn't have any staff under me at all. 4 Everybody that was there primarily, I guess, 5 reported to Natalie because they were delivering 6 Child and Family Services program, as it was. 7 And I was -- what I started out, actually outside 8 of the Inquiry doing, was reading about the 9 Community Well-being Jurisdiction Initiative. As 10 I recall, it was not launched within the Atlantic 11 region. And maybe it wasn't launched nationally, 12 I don't know for sure. 13 But I was reading the program guidelines for 14 Child and Family Services and reaching out to all 15 communities in the Atlantic. So I spent some 16 time reaching out to the communities, talking to 17 them about Community Well-being Jurisdiction 18 Initiatives and asking them to consider applying 19 for funding under that program. 20 So with most programs, there was some 21 communities that was quite eager to do that and 22 others didn't. So I -- that was -- the Community 23 Well-being Jurisdiction Initiative would have 24 been my main role and responsibility for -- in	1 But it was really about prevention programs. 2 And from that, I remember doing a piece of 3 research on band representatives. One of the 4 communities asked if they could have a band 5 representative program under the Community 6 Well-being so it could be funded there. And I 7 did a bit of a research project for Natalie 8 finding that Ontario had them and Western Canada. 9 There was some band representative programs. 10 And the Atlantic region then said, yes, it was 11 eligible for communities in the Atlantic to use 12 CWJI for band representative programming. 13 Molly Churchill: 14 Q. Okay. And I want to make sure that I understood 15 some of the details there. So the Community 16 Well-being Jurisdiction Initiative, your 17 understanding is that's the first time that the 18 Innu directly received prevention funding was 19 through this initiative? 20 Annie Randell: 21 A. No, that's not what I said. 22 Molly Churchill: 23 Q. Okay. 24

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1 Annie Randell:
 2 A. I think they were the first to receive CWJI
 3 funding through the CWJI. I don't know if they
 4 received -- because it seems to me at one point
 5 where we were doing a table to see how much money
 6 the Innu received for prevention, it seems like
 7 it went before the CWJI. But I don't know where
 8 the money would have come from and I don't even
 9 remember what year.
 10 I started in 2019, January 2019. So I -- you
 11 know, in the fiscal year of '18, '19, CWJI was
 12 available. I don't know if that was the first
 13 year it came out or not. I don't remember. But
 14 it seems like the Innu were getting prevention
 15 funding when I went there. So it may come from
 16 CWJI, I'm not sure. But I know they were getting
 17 it when I got there.
 18 Molly Churchill:
 19 Q. Okay. And CWJI was part of Child and Family
 20 Services reform. From a federal government
 21 perspective, what do you understand, what can you
 22 share in terms of why reform was happening?
 23 Annie Randell:
 24 A. Yeah. So that was also -- it happened when I got

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1 there. And what stands out to me is there was an
 2 emergency CFS meeting that took place somewhere
 3 in Canada a year or so before I got there.
 4 Philpott, I think, was the minister's name. And
 5 there was six pillars maybe. And the pillars was
 6 aiming at reforming Child and Family Services.
 7 CWJI was the initiative that would be used for
 8 prevention until they were able to make
 9 substantial changes to the current Child and
 10 Family Services program. But it was a temporary
 11 program until changes got made within the current
 12 programming.
 13 Molly Churchill:
 14 Q. And what did you understand in terms of or what
 15 can you share in terms of what the goal of reform
 16 was, CFS reform? And we're talking about the
 17 federal government, Child and Family Services?
 18 Annie Randell:
 19 A. Yeah. So there was a decision of the Canadian
 20 Human Rights that said that Canada was
 21 discriminating in the amount of funding that they
 22 were providing to Indigenous children across
 23 Canada, and to address that immediately. This
 24 initiative was put in place to provide funding

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1 for that, while they figured out how do we move
 2 away from the funding model that was causing the
 3 discrimination. So as they were revamping what
 4 was there, the CWJI would be a level of funding
 5 that would take Canada out of a discrimination
 6 model that they were currently working in.
 7 Molly Churchill:
 8 Q. Thank you. So the CWHI -- sorry, CWJI was
 9 prevention -- funding for prevention services in
 10 response to a Canadian Human Rights Tribunal
 11 decision and it was seen as sort of an interim
 12 step by the federal government pending further
 13 reform?
 14 Annie Randell:
 15 A. Yeah. Like, that's how I remember -- you know, I
 16 wouldn't be able to say exactly, but I knew it
 17 was an initiative that had a life of five years.
 18 I don't even remember, I was gone when it
 19 finished. So I'm going to say it was probably
 20 2018 to maybe 2023. Might have been 2024, I'm
 21 not sure, so it would have been '16. But, yeah,
 22 it was an interim initiative that was going to
 23 have an end date, but it would see prevention
 24 dollars into communities and communities that

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1 wanted to take it on.
 2 Not all communities applied for CWJI during
 3 the time that I was there. The Innu communities
 4 definitely did. They've always received CWJI.
 5 But there was many communities that never applied
 6 for CWJI.
 7 Molly Churchill:
 8 Q. And the Canadian Human Rights Tribunal decision
 9 that that was responding to, that was the 2016
 10 decision which is often referred to as the Caring
 11 Society case then?
 12 Annie Randell:
 13 A. I don't know. You know, so Natalie would know
 14 that. And she would say -- you know, she -- when
 15 you're working there, obviously, you'd hear
 16 tidbits of things. And, you know, my role was to
 17 implement that initiative. I really didn't pay a
 18 lot of attention of who made the direction. But
 19 that's -- you know, from hearing things being
 20 said, that kind of thing, that's my understanding
 21 of where it came from. Which tribunal decision,
 22 I really don't know that. But I was managing or
 23 implementing that initiative.
 24

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1 Molly Churchill:
 2 Q. Okay. And what reporting requirements did the
 3 federal government have in place for the
 4 Community Well-being Jurisdiction Initiative?
 5 Annie Randell:
 6 A. There was a financial and annual report that had
 7 to be provided from each of the recipients. So,
 8 you know, at the end of March there were a couple
 9 of -- a couple of communities who did quarterly
 10 reporting. And I don't remember if the Innu was
 11 one of those or not. But there was a couple that
 12 did quarterly reporting.
 13 Molly Churchill:
 14 Q. And what measurements, if any, were used to
 15 assess program success?
 16 Annie Randell:
 17 A. I don't think there was any honestly used. It
 18 was just to get an idea that there was
 19 programming happening. That the community said
 20 they were going to, you know, implement band
 21 representative program, or that they started
 22 doing community programming for the entire
 23 community.
 24 A couple even actually started doing some

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1 capacity building for exercising jurisdiction in
 2 years to come. And it really was about this was
 3 the proposal. And their annual report would say
 4 they did this and they spent this amount of
 5 money. It wasn't much more than that.
 6 Molly Churchill:
 7 Q. Okay. I'm going to bring up a document now. So
 8 it's proposed Exhibit P-415. It's a document I
 9 don't suspect you've seen before and that's okay.
 10 But what I'm interested in is whether some of the
 11 ideas outlined in it are ideas that were being
 12 discussed within the department while you were
 13 there and in charge of the CWJI.
 14 Okay. So can you see this ICCI Exhibit P-415?
 15 Annie Randell:
 16 A. Can you make it larger?
 17 Molly Churchill:
 18 Q. Yeah, let's do that. Is that better?
 19 Annie Randell:
 20 A. Yeah.
 21 Molly Churchill:
 22 Q. Okay. So you can see the first page of it that
 23 it's a -- email has the from, to field, subject
 24 re EPEA document. And the date is -- so it's

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1 July of 2013?
 2 Annie Randell:
 3 A. Um-hum.
 4 Molly Churchill:
 5 Q. And it refers to attachments, an Agreement
 6 Accountability Framework, Draft 1, July 24th, SM
 7 edits. And if we go down just to look quickly at
 8 sort of who is involved just for context on this
 9 chain, we can see that there are some federal
 10 government representatives or a couple AANDC
 11 emails addresses here. Someone at CRHSS. I
 12 think that's the Conne River Health and Social
 13 Services.
 14 Annie Randell:
 15 A. That's correct, yeah.
 16 Molly Churchill:
 17 Q. Provincial government and the Innu governments as
 18 well. So those seem to be the main people
 19 involved. And the attachments then is found on
 20 page 3. And this is a -- so this is a draft
 21 document that was attached to that email
 22 exchange. It says "Agreement Accountability and
 23 Outcome Measures."
 24 And so "This agreement is undertaken due to a

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1 shared desire to improve the welfare of First
 2 Nations children on reserve in the Province of
 3 Newfoundland and Labrador. All believe that part
 4 of the answer lies in new prevention and early
 5 intervention services and service flexibility;
 6 both offered by an Enhanced Prevention Agreement.
 7 Each party is prepared to play its role in this
 8 agreement."
 9 And again, this is -- so that it talks about
 10 an accountability framework with four pillars.
 11 And then we if we go down a few paragraphs it
 12 says, "The final pillar is mutual accountability
 13 for the Tripartite agreement. All parties expect
 14 the agreement to lead toward improvements in
 15 larger child welfare outcomes and are prepared to
 16 be held accountable for those expectations.
 17 Accordingly, the First Nations, Canada, and
 18 Newfoundland & Labrador establish the following
 19 measurements as the fourth pillar of the
 20 accountability framework for this agreement."
 21 So that first measure there they talk about
 22 number of First Nations children in protective
 23 care, seeing that number decrease. And I'm
 24 wondering in your time, so, you know, several

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1 years after this draft document was being worked 2 on, whether that idea of the number of First 3 Nations children in protective care, that number 4 would be decreasing is something that the federal 5 government was focused on in terms of the 6 prevention programming that it was funding? 7 Annie Randell: 8 A. So there was -- I don't know the name of the 9 system but it was a maintenance system where each 10 community had to insert, I think on a monthly 11 basis. So that would be outside of the CWJL. 12 But there was a system for maintenance that 13 showed the number of children in care was 14 recorded. 15 And I do recall at staff meetings that each 16 month Natalie would ask, you know, is there any 17 significant changes in the number of children in 18 care in a specific community kind of. 19 And I remember at some point there being two 20 communities having zero children in community and 21 that was like something to get excited about. So 22 -- and it is. I didn't mean to minimize that. 23 But, you know, to answer your question, I 24 think, you know, they were certainly looking for	1 Annie Randell: 2 A. The only thing -- 3 Molly Churchill: 4 Q. - the department tracking or discussing - 5 Annie Randell: 6 A. Yes. 7 Molly Churchill: 8 - using to measure program success? 9 Annie Randell: 10 A. Yeah, they did. And I think that always came up 11 for discussion at the Innu Roundtable meetings as 12 well. So there would be a discussion about the 13 number of children in care, you know, this 14 quarter in comparison to the last quarter. 15 So I think that because of the Innu Roundtable 16 agenda, you know, often had discussions around 17 the number of Innu children in care. 18 Molly Churchill: 19 Q. And then placements outside of the communities? 20 Annie Randell: 21 A. Yes, it was. Yeah. 22 Molly Churchill: 23 Q. And how about this third one, increasing 24 comparability of on-reserve child, youth and
Page 22	Page 24
1 that, even though I guess there wasn't much they 2 could do about it. They were acknowledging that 3 we're tracking this and that there is a decrease. 4 And sometimes there was increases in it and 5 sometimes there was a lot of errors. And there 6 was one person that was, I would say, responsible 7 for that and would spend a lot of time working 8 with the communities to ensure that the data that 9 was there was correct. 10 Like one community in particular, not in 11 Newfoundland but one community in particular was 12 known for sending in, you know, wrong numbers. 13 Just didn't make sense. And she would spend 14 hours working with the community to make sure 15 that data was correct. 16 Molly Churchill: 17 Q. That was not one of the Innu communities? 18 Annie Randell: 19 A. No. No, it was not. 20 Molly Churchill: 21 Q. And then how about a focus on decreasing the 22 number of placements outside of communities, is 23 that something that you're aware of - 24	1 family case data to case data for the rest of the 2 province? 3 Annie Randell: 4 A. I don't remember hearing discussions on that. 5 Molly Churchill: 6 Q. And then what about comparable caseloads in on- 7 and off-reserve environments? 8 Annie Randell: 9 A. Yeah. I mean, again, I think most discussion I 10 heard about that was when I sat at the Innu 11 Roundtable and the Innu themselves would talk 12 about it. 13 I don't think I -- you know, they -- the 14 department was aware of it because we got that 15 information from the Innu and from the province. 16 But that's what I remember most about that. 17 Molly Churchill: 18 Q. Okay. So that was -- and like the -- that 19 measure and the increase in comparability of 20 on-reserve case data to the rest of the province, 21 those weren't specific measures or outcomes 22 identified and tracked by the federal government 23 that -- okay. 24

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1 Annie Randell:
 2 A. Not that I'm aware of. I think we knew of it
 3 just because the Innu -- the province, I would
 4 think, provides the information at the Innu
 5 Roundtable with the communities there.
 6 Molly Churchill:
 7 Q. Okay. Thank you. I want to go back because I
 8 realized in reflecting that this still wasn't
 9 very clear to me when you talked about the Innu
 10 and prevention funding.
 11 So what you're aware of is that when you -- I
 12 think what you just shared is that when you came
 13 into your position the Innu were receiving
 14 prevention funding directly. That's -- and
 15 that's knowledge that you have; is that correct?
 16 Annie Randell:
 17 A. Well, it seems to me that they were getting
 18 funding when I went there. I'm pretty sure they
 19 were getting funding of some sort. CWJI was
 20 there at the time. It didn't seem like it was
 21 implemented. It seemed like I was the first
 22 person that was implementing that. And it may
 23 have been, from what I recall, they had, oh, Innu
 24 approach strategy and maybe it was that

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1 prevention that I'm thinking about. But again, I
 2 don't know where the money was coming from. I
 3 don't know if it was CWJI or not.
 4 Molly Churchill:
 5 Q. Okay. Thank you. So while we're talking about
 6 prevention funding, we understand that you were
 7 involved, to a degree, with the federal
 8 government responding to a request on behalf of
 9 the Innu to receive prevention funding beyond the
 10 CWJI funding. So funding that would be provided
 11 to cover the actual cost of Innu prevention
 12 services.
 13 Can you describe the context of that request
 14 and what the federal response to it was?
 15 Annie Randell:
 16 A. So prevention funding outside of CWJI, is that
 17 what you're referring --
 18 Molly Churchill:
 19 Q. Yeah.
 20 Annie Randell:
 21 A. Yeah.
 22 Molly Churchill:
 23 Q. During the time, that 2019-'22 period when you
 24 were with ISC?

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1 Annie Randell:
 2 A. So the 2019. I'm trying to think of the
 3 timeframe. Anyway, I don't remember the date. I
 4 don't remember the time but it was the day that
 5 Dwight Ball resigned as premier, I can tell you
 6 that. Because we were in Confederation Building
 7 in St. John's. We being Eric Maldoff and Rory
 8 O'Connor from the department and Susan Walsh and
 9 Aubrey Glover or Gover, Glover I think, had a
 10 meeting and that meeting was about trying to find
 11 a way to have the Innu have a delegated agency.
 12 And that came out of the Innu wanting to have
 13 their own agency so that they could receive
 14 prevention dollars based on actual expenditures.
 15 And because they weren't a delegated agency, the
 16 department couldn't provide them those.
 17 Molly Churchill:
 18 Q. Sorry to interrupt. My internet out the last --
 19 just as you started responding.
 20 Annie Randell:
 21 A. Okay.
 22 Molly Churchill:
 23 Q. So I'm going to ask you to repeat that. I
 24 apologize.

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1 Annie Randell:
 2 A. Yeah. So it was the winter of 2020 when we met
 3 with Susan Walsh and Aubrey Glover. We being
 4 Eric Maldoff, myself and Rory Connors, Connor.
 5 Rory being the active RDG at that time. We met
 6 with the province in hopes that we would be able
 7 to find a way to help the Innu create an agency
 8 as they were wanting to do.
 9 So it's my understanding that they wanted to
 10 create an agency and they did have an agency --
 11 the IRT was giving that title as an agency by the
 12 Innu Nation, as I understand it, probably the
 13 fall before. So we were trying to work with the
 14 province to have an agency created or delegated
 15 by the province.
 16 Out of that meeting -- and that was -- their
 17 hope for that agency was really to avail of
 18 actual prevention dollars. So actually what they
 19 were spending as opposed to CWJI dollars like
 20 some other communities were getting.
 21 So during that meeting the province indicated
 22 to us that they could not delegate agency
 23 authority to the Innu because the province of
 24 Newfoundland do not deliver prevention. So they

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1 couldn't delegate what they weren't doing 2 themselves. 3 So it was at that point in time that the 4 province mentioned, well, maybe the Innu could do 5 what Miawpukek First Nation was doing. And that 6 was really, I think, a secondment of a social 7 worker from the province and the Miawpukek First 8 Nation was paying back the province for that 9 social worker. 10 So it was our way, the department's way of 11 trying to assist the Innu in establishing an 12 agency to be able to avail of actual expenditures 13 under Child and Family Services programming. 14 Molly Churchill: 15 Q. And that actual expenditures, that was in 16 relation to a Canadian Human Rights Tribunal? 17 Like a subsequent decision? Is that - 18 Annie Randell: 19 A. Yeah. 20 Molly Churchill: 21 Q. - your understanding? 22 Annie Randell: 23 A. I think so. I think that was -- and again, I 24 think that was happening when I went there.	1 federal government is that there was something in 2 a program guideline that spoke to the need for an 3 agency. Is that -- like, I'm just trying to -- 4 Annie Randell: 5 A. Yeah. 6 Molly Churchill: 7 Q. I'm trying to understand from the federal 8 perspective sort of where that idea came from. 9 Annie Randell: 10 A. Yeah. And again, I'll go back to, you know, 11 Child, Family Services program wasn't my 12 responsibility. So but I found myself acting as 13 a director at that point in time so I was asked 14 to attend that meeting in St. John's with the 15 province. So I was fully aware that -- and, you 16 know, maybe it was just through briefings, is 17 that it is only agencies that we -- federal 18 government could fund Child and Family Services 19 programming to. Whereas, CWJI, we funded 20 communities. So it was something different. 21 So we -- in order to be able to assist the 22 Innu with the request to get actuals, we first of 23 all had to help them become an agency in which 24 they wanted to do.
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1 Seems to me that -- yeah, that actuals is what 2 was being paid to communities. 3 Molly Churchill: 4 Q. To communities or... 5 Annie Randell: 6 A. Or to agencies. Agencies. 7 Molly Churchill: 8 Q. And who was that messaging coming from, that the 9 actuals was to agencies and not to, for 10 example -- and specific not to the Innu 11 themselves? 12 Annie Randell: 13 A. I don't know if that was a part of the -- I think 14 that might have been a part of the guidelines of 15 CFS, that it was agencies. I'm not sure. I know 16 it was emphasis on agencies. So you had to be 17 delegated by the province, because the province 18 has the jurisdiction over Child and Family 19 Services. So the province had to delegate an 20 agency. And Miawpukek didn't have a real agency, 21 they had an agreement. And then the Innu could 22 do the same is what the province thought. 23 Molly Churchill: 24 Q. And then sort of your understanding within the	1 So, you know, where I got that understanding, 2 I'm just saying that it might have been in the 3 guidelines because I remember, you know, a 4 preface there at the beginning or a preamble 5 there that talked about who might be eligible. 6 But I'm not sure. But I -- you know, I feel 7 confident that somehow I was led to believe an 8 understanding that they had to be an agency in 9 order to get actual funding. 10 Molly Churchill: 11 Q. Okay. Thank you. And at the time that, you 12 know, you're trying to work with the province to 13 figure out -- work with the province and the Innu 14 to figure out an arrangement that would fit with 15 sort of the understanding that you had in terms 16 of how this money could flow to the Innu, were 17 there -- were you aware of ideas of equity or 18 substantive quality being central to these 19 discussions? Or were these discussions very much 20 sort of practical, technical, this is the -- 21 Annie Randell: 22 A. Technical. Absolutely technical, yeah. 23 Molly Churchill: 24 Q. Okay. Thank you. I'm going to bring up a --

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1 this is proposed Exhibit P-385. And it's a CFS 2 funding agreement between Canada and the 3 province. It predates your time but I want to 4 ask you about a specific section of it that's 5 relevant to the issue you were just discussing. 6 Okay. Does -- has that come up for you? 7 Annie Randell: 8 A. It does, yeah. 9 Molly Churchill: 10 Q. P-385. Arrangement Number 2006, 2007 to 11 0034840007. And you can see its the Canada 12 Newfoundland and Labrador Child and Family 13 Services Agreement between Canada and the 14 province. And I'm going to go to -- so page 6 of 15 this document. I apologize, the page 7, rather, 16 has the purpose of the agreement listed there. 17 "The purpose of this agreement is to establish 18 the principles and mechanisms whereby child, 19 youth and family and adoption of children 20 programs and services will be delivered to the 21 Mushuau and Sheshatshiu communities by the 22 province in accordance with the Act and this 23 agreement." And outlined the rules and 24 responsibilities of the parties. So that's set	1 agency. It wasn't something that just came up 2 because of now there was actuals being paid, that 3 they were looking for an agency for some time. 4 But I also think they acknowledge even at the 5 Innu Roundtable while I was there is they didn't 6 feel at that time that they had the capacity to 7 take on their protection side of an agency's 8 responsibilities. So that seemed to be what held 9 them up from maybe pursuing an agency in writing. 10 And maybe there was other ways in writing, I 11 don't know. But it always, it seemed to me the 12 discussion was they wanted an agency. But in 13 order to have an agency you had to take on 14 protection. And the community themselves didn't 15 seem to believe they had the capacity, from what 16 I was hearing, to take on protection at the point 17 in time. But they were competent in taking 18 prevention on with the people that they had there 19 while I was there. 20 Molly Churchill: 21 Q. And just to go back to the question. That -- 22 just various -- like, I guess it could be yes or 23 no, whether you were aware of the province and 24 the federal government having worked previously
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1 out there. 2 And then on the next page, you have joint 3 undertakings by the parties. So 1.5 and (c) 4 talks about working jointly toward the 5 development of a work plan for the creation of 6 Innu Child and Family Services agencies in the 7 Innu communities. 8 And what I'm wondering is, you know, fast 9 forward to 2020, were you -- when you were 10 working with the province in response to an Innu 11 request for funding for prevention services, were 12 you aware of any work that had been done 13 previously? Were there records, anything of the 14 sort about work that would have been -- that may 15 have been done under this agreement to work 16 towards the development of an Innu agency, Child 17 and Family Services agency? 18 Annie Randell: 19 A. No, can't say I was. I mean, this was an 20 hour-long meeting that we had or so. You know, I 21 mean, I think I was aware through, whether it be 22 IRT meetings or, you know, wherever I found 23 myself at various times, that the Innu had 24 expressed for a long time that they wanted an	1 towards the development of an Innu agency? 2 Annie Randell: 3 A. I'm not aware prior to the meeting I had with the 4 province. 5 Molly Churchill: 6 Q. Okay. Okay. Thank you. So you've mentioned a 7 couple of times decisions from the Canadian Human 8 Rights Tribunal. Were you aware of the Innu 9 Nation intervening in - 10 Annie Randell: 11 A. Yes. 12 Molly Churchill: 13 Q. - that case at the Canadian Human Rights 14 Tribunal? 15 Annie Randell: 16 A. Yes, I'm aware they put in an application at one 17 point. And that was while I was there. 18 Molly Churchill: 19 Q. Okay. So they put in their own -- their own 20 application for their own case? 21 Annie Randell: 22 A. I don't know if they were -- if it was their own 23 case or if they were intervening on a case that 24 was happening. I'm not sure.

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1 Molly Churchill:
 2 Q. Okay. It was both but if that's not --
 3 Annie Randell:
 4 A. Okay.
 5 Molly Churchill:
 6 Q. If that's not something you can speak to... In
 7 terms of prevention funding, were you aware of a
 8 further Canadian Human Rights Tribunal case that
 9 would have changed how prevention funding was
 10 provided by the federal government?
 11 Annie Randell:
 12 A. Yeah. I know the -- I guess, one, I'm going to
 13 say it was a recommendation but in my mind it was
 14 an outcome for the department to implement. And
 15 this would have been March -- it was late, in
 16 March 31st, 30th or 31st of 2022. March 31st,
 17 2022. I must have been an acting director at the
 18 time. Natalie must have been off. I can't
 19 remember. But anyway, I must have been acting
 20 director because I had to make sure that letters
 21 went out to each agency. Because April 1st was
 22 two -- I think it was two, might have been three,
 23 prevention was going to be paid by population for
 24 \$2500. And -- per person. Yeah, I think it was

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1 "Canada shall, as of April 1st, 2022, fund
 2 prevention/least disruptive measures for
 3 nonagency First Nations at \$2500 per person
 4 residential on reserve."
 5 Annie Randell:
 6 A. Yeah.
 7 Molly Churchill:
 8 Q. Okay. And from what you were saying before, the
 9 Innu were a nonagency First Nation in this
 10 context?
 11 Annie Randell:
 12 A. Right. But I think they still got that. It
 13 seems to me that they got that. I might be wrong
 14 but it seems to me that they did. Because it was
 15 based on population and then we had concern about
 16 population. You know, was their IRS up to date.
 17 Molly Churchill:
 18 Q. Right. But it's changed to prevention funding
 19 provided on the basis of \$2500 per person
 20 resident on reserve. And that would lead to
 21 questions of what is that population?
 22 Annie Randell:
 23 A. Right, yeah.
 24

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1 per person. And the band representative was
 2 included in that.
 3 Post-majority supports may have also been
 4 included. I'm not quite sure. And so that was
 5 March -- it actually started April 1st of 2022.
 6 And so that was being implemented.
 7 I left in that following fall of 2022. But
 8 that started April 1st of 2022, if I recall
 9 correctly.
 10 Molly Churchill:
 11 Q. Okay. Thank you. But I am going to just really
 12 quickly bring up, it's proposed Exhibit P-428.
 13 And this is, I think, exactly what you had just
 14 been discussing. So it's a decision of the
 15 Canadian Human Rights Tribunal.
 16 Annie Randell:
 17 A. Oh.
 18 Molly Churchill:
 19 Q. You can see the date there, March 24th, 2022.
 20 You were talking about what you had to do late
 21 March of '22. This is in the case, First Nations
 22 Child and Family Caring Society of Canada and
 23 Family First Nation Against Canada. And I'll
 24 just double check. So one of the orders here,

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1 Molly Churchill:
 2 Q. Thank you. But you mentioned that you, at times
 3 in your role as manager, when Natalie was away or
 4 off, you would act as the director. And so in
 5 that role you would have been exposed to funding
 6 agreements between Canada and the province for
 7 Child and Family Services being provided to the
 8 Innu; is that right?
 9 Annie Randell:
 10 A. Yes, yeah. You know, I mean, there may have been
 11 times when we were at the time of renewing an
 12 agreement because often the provincial agreement
 13 didn't get signed almost to the very end of the
 14 fiscal year and we were trying to get the
 15 agreement signed. So I would have been aware.
 16 Molly Churchill:
 17 Q. Okay. I'm going to bring up, so it's proposed
 18 Exhibit P-419. So you can see here that starts
 19 with an email. The date is -- it's in September
 20 of 2020. The subject is FMCFS Funding Agreement.
 21 There are a number of documents attached. And
 22 you can see here that this is an external
 23 exchange of the province, the provincial
 24 government.

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1 And it says, "Here are the new documents from 2 CSSD for the meeting tomorrow regarding 3 renegotiation of the '21-'22 Funding Agreement 4 for Child, Youth and Family Services with the 5 Government of Canada." 6 And I'm going to go down to one of the 7 documents in attachment there. You can see it's 8 called Funding Agreement, Child, Youth and Family 9 Services Background Information. And at the 10 bottom it's dated September 15th, 2020. 11 And so I'm on page 6 of this PDF document, and 12 there's an overview of some concerns that had 13 been raised by the provincial minister. So the 14 minister of CSSD with Minister Philpott. And if 15 we go to this third bullet here, we can see the 16 issues that have been identified with the form 17 and substance of the agreement. 18 The first bullet says, "The agreement overall 19 does not reflect the clinical complexity of the 20 provision of child protection services on 21 reserve, nor fully address the implications of 22 the federal government's responsibility towards 23 Indigenous peoples and the impact of services 24 separate from the collateral the child protection	1 agreements between the Province of Newfoundland 2 an the federal government. And it seemed to be 3 that there was always a need to change language, 4 not necessarily about what you just mentioned 5 there. But apparently, the federal government 6 used a template for agreements and it was very 7 difficult to get the language in agreements 8 changed. So often there became an exchange of 9 letters, but the agreements were very difficult 10 to change. 11 Molly Churchill: 12 Q. So I just want to make sure I'm understanding. 13 What you were aware of and exposed to in terms of 14 the federal government responding to the 15 province, it was not about those substantive 16 issues that -- 17 Annie Randell: 18 A. I didn't recall that. It was -- and maybe that 19 was what they were referencing, is that, you 20 know, this template don't give enough of the 21 story of what we're doing, that kind of language. 22 But it was -- and I remember it was Shelly -- 23 Karen Rushton and -- anyway, I forget the other 24 lady's name in CFS, who seemed to be always
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1 have on the ability of the province to provide 2 child protection services on reserves. 3 "The province also believed the agreement does 4 not address implications of the Canadian Human 5 Rights Tribunal decision. Its funding 6 arrangements appear to be based on best child 7 protection." 8 I think there's missing words. It's probably 9 supposed to be practices there. 10 "But does not affect that more services may be 11 required in communities with greater risk. And 12 that these services will be more costly due to 13 the remoteness of communities. Nor does it allow 14 for nor encourage culturally appropriate 15 strategies for policies." 16 And I'm wondering, I know that you, in your 17 time as acting director, whether you were aware 18 of these concerns or similar concerns raised by 19 the province? Whether that was something that 20 was discussed within the federal government that 21 you were aware of? 22 Annie Randell: 23 A. I have to say in what you just read, no. I 24 remember many conversations about the language of	1 trying to find a way to get the federal agreement 2 with the province, the language changed, but it 3 was very difficult. And because it always got 4 left to the very end of March, to get signed, it 5 was -- it never in my -- from my knowledge, I 6 don't remember the language ever getting changed. 7 But the province often brought it up that this -- 8 we don't want to sign this agreement because it 9 don't reflect, you know, what we're actually 10 doing or it needs to be more language there. But 11 it was the issue about it being a federal 12 template for an agreement is the reason it didn't 13 reflect that. And I think up until when I left 14 it didn't change. 15 Molly Churchill: 16 Q. Okay. So is it -- it was sort of almost like a 17 take-it-or-leave-it basis? Like, this is the 18 agreement, take it or leave it or... 19 Annie Randell: 20 A. Well, I wouldn't use those words, Molly. 21 Molly Churchill: 22 Q. Okay. 23 Annie Randell: 24 A. It was a template that was -- a national

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1 template. And you're a lawyer and you know what 2 it's like to get agreements changed. It takes 3 substantial effort to get that done, especially 4 when you're trying to fit all circumstances 5 across this country into one template. So it 6 became difficult to get the template changed. 7 And it was through an exchange of letters that 8 seemed to become a government -- you know, one 9 government worker with another government to 10 understand what needs to be done. 11 Molly Churchill: 12 Q. Okay. Thank you. Your CV also talks about you 13 leading implementation of the Federal Act 14 respecting First Nations Inuit and Métis 15 children, youth and families. 16 So can you explain what that Act is or what 17 your role entails in terms of leading 18 implementation? 19 Annie Randell: 20 A. Yeah. So I was asked to join the headquarters 21 team to be one of the table leads with 22 communities who had given notice under section 20 23 that they would like to sit at a coordination 24 table to obtain jurisdiction. The Act again came	1 federal government has legislated in the area of 2 Child and Family Services; is that right? 3 Annie Randell: 4 A. Yes, I think so. 5 Molly Churchill: 6 Q. And the Act does, maybe, a couple -- a few key 7 things. One, it sort of sets national standards 8 for - 9 Annie Randell: 10 A. Right. 11 Molly Churchill: 12 Q. - Indigenous Child and Family Services. And then 13 the second part you mentioned, you know, giving 14 notice under section 20. So another thing that 15 the Act does is set out a pathway that Indigenous 16 peoples can follow to reassert and regain 17 jurisdiction over Child and Family Services, so 18 it would no longer be -- yeah, so that they can 19 could have that jurisdiction; is that right? 20 Annie Randell: 21 A. Right. It would no longer be the province that 22 would be saying this is what happens when the 23 child whatever. It would be their own law that 24 they would be exercising.
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1 in January 1st, 2020. So it was the year after. 2 I think it was the year before, the fall before I 3 came. So it would have been the fall of 2018 4 there was engagement that took place in the 5 Atlantic to talk about this potential legislation 6 to get feedback from communities. And in January 7 the 1st, the legislation had received royal 8 assent. So it -- you know, it was about 9 principles, somewhat different, I think, than 10 what had been there previous in the CFS. So it's 11 really about community setting their own 12 programming for Child and Family Services, unlike 13 following the guidelines of the CFS program on 14 reserve. The Act extended off reserve as well as 15 on reserve. 16 So my role was, for the federal government, to 17 sit there to represent the federal government in 18 communities exercising jurisdiction. I sat at 19 one table while I was there and that was the 20 Cowichan First -- Cowichan Tribes in British 21 Columbia. And that was not done by the time that 22 I left. 23 Molly Churchill: 24 Q. And so this Act, this is the first time that the	1 Molly Churchill: 2 Q. Okay. And did you have any engagement with the 3 Innu about this Act and this new direction by the 4 federal government while you were -- 5 Annie Randell: 6 A. Yeah. Yes. Well, I think it was the Inquiry at 7 one time that had asked me to present to maybe 8 the Commission, I think. 9 But, you know, there was often discussions, 10 one on ones or side discussions. And I was there 11 when the Innu put in an application for the first 12 capacity building. And they were first in the 13 Atlantic. I think they were actually -- they put 14 in an application before the Atlantic got any 15 money to do capacity building for it. And rather 16 than say, you know, we're not quite ready yet, 17 they were funded through headquarters. They were 18 definitely the first one in Atlantic that 19 received capacity-building funding to exercise -- 20 to develop capacity to begin to develop their own 21 law and exercise jurisdiction. 22 Molly Churchill: 23 Q. Okay. Great. And if you were to summarize sort 24 of if that legislation is -- it's intended as a

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1 gift would you say in terms of the relationship
2 between levels of government when it comes to the
3 Child and Family Services?

4 Annie Randell:

5 A. Yes, I would think that. It provides the
6 opportunity for the communities to deliver
7 programs and services the way they think is
8 needed for their families, children and families,
9 as opposed to what the governments think is best
10 for their children and families. So it gives
11 them that opportunity to do what they thought
12 should have been done in the past maybe. And to
13 be able to take care of their children the way
14 historically... Most cases they say we took care
15 of our children long before government and we can
16 do it again. I've heard a number of communities
17 say it in that way.

18 So this was the, I suppose, legal mechanism
19 for them to create their own law, exercise their
20 law and receive funding from the federal
21 government to do that.

22 Molly Churchill:

23 Q. Thank you. That concludes my questions, I
24 believe. I don't know if Kelsie or Michael had

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1 something to jump in with? No.
2 Okay. Well, thank you very much for taking
3 the time to speak with us today and share your
4 knowledge.

5 Annie Randell:

6 A. Thank you. Bye-bye.

7 Molly Churchill:

8 Q. Bye.

[Transcript of video ends.]