



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

English Transcript

Volume 64

*Commissioners: Retired Judge James Igloliorte, Dr. Mike Devine and
Anastasia Qupee*

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COMMISSIONER IGLOLIORTE: Good morning, ladies and gentlemen.

It's apparent that we're not gonna get our translator immediately. So in any event, we wish to proceed with the promise, as we made yesterday, that we will follow-up with translation after the transcripts are done.

So I'll invite Tshaukuesh to come forward and offer our prayer, please.

ELDER PENASHUE: [Sheshatshiu-aimun spoken.]

COMMISSIONER IGLOLIORTE:
Tshinashkumitin, Tshaukuesh.

We are so grateful that you have taken the time to be with the Inquiry, not only this week, but the many weeks that we have been in your community.

If you could translate that for me.

COMMISSIONER QUPEE: [Sheshatshui-aimun spoken.]

COMMISSIONER IGLOLIORTE: Thank you.

I'll ask counsel for the Inquiry to present the witness.

M. COLLINS: The next witness is Steve Joudry, and his direct examination was played yesterday. Now he's available for cross-examination.

COMMISSIONER IGLOLIORTE: Thank you very much.

I'll remind the witness that he's continuing with sworn testimony, as he was at the time you appeared for your video statement.

Thank you, Sir.

B. BROOKWELL: Good morning. My name is Benjamin Brookwell. I am the lawyer for the Innu representative organizations. I have a few questions that I'm gonna bring you through today.

And I just wanna identify at the beginning if ever you can't hear me, or something I've said wasn't clear, just let me know. I'll try and rephrase it or say it again. It happens more often than not. So –

UNIDENTIFIED SPEAKER: Commissioner, I'm having a little trouble hearing (inaudible).

COMMISSIONER IGLOLIORTE:
(Inaudible.)

B. BROOKWELL: Yeah, is that better? I'll just lean into it for the moment.

COMMISSIONER IGLOLIORTE: That works.

B. BROOKWELL: All right, so I'll just start again. I'm counsel for the Innu representative organizations, and I'll be asking you some questions today. If, at any time, you can't hear me or you didn't understand my question, just let me know.

So the first thing I wanted to touch upon is about some of your testimony in August when you spoke with Mr. Collins and, at that time, you spoke about the Labrador Innu Comprehensive Healing Strategy, or LICHs. Do you recall that discussion?

S. JOUDRY: I do, yes. Go ahead.

B. BROOKWELL: And I wanna – let's just sort of situate things here in time. But I acknowledge this is quite a long time ago, so if the dates are not something you can precisely nail down, that's fine. I just wanna give you a sense of when I'm talking about.

So I understand that for LICHs, there was a funding – it was a funding package from the federal government to the Innu, and there was sort of phases of it. It started off as the LICHs program, but then later became A-base funding. Does that align with your recollection of it?

S. JOUDRY: Yes, I was involved at maybe two or three different times during, you know, that series of maybe 15 years or so. So, for example, it was a federal funding

strategy that generally was renewed at a federal cabinet level about every five years.

So I was – in '25 – or 2005 – I would have been involved in it to some extent from my work with Indian and Northern Affairs. And then once again in 2010 when they – that's when they did the renewal of the strategy and, at that point, the decision was many of the programs that were included in the Labrador Innu Comprehensive Healing Strategy, certainly from the Indian Affairs perspective were A-based. So that mainly meant that the programs and services included in that package would – going forward, they would be included in the regular funding to the two Innu communities and would not have to go back to federal Cabinet for five-year renewals.

B. BROOKWELL: So if I follow that 2010 renewal time is that shift coming from these periodic or five-year funding packages to, sort of, year-over-year regular funding. Does that track right?

S. JOUDRY: Yeah, that's correct, and the same thing really applied – so in 2010, I forget the exact amounts of money, but the Health Canada portion of that was around \$5.5 million and the Indian Affairs portion would have been, I dunno, in the \$15 million to \$20 million range.

So when they did the A-base – when they did the renewal in 2010, the funds for Indian Affairs would have been – subsequent to that, they would have been A-based – and Health Canada did the same thing because in the big scheme of things it was a relatively small amount of money, \$5.5 million over a \$5 billion budget, I guess, so that's when the programs were essentially added to – and by A-base that just means regular annual funding appropriations from Parliament would go to those departments for allocation to programs and services and they would not require a Treasury Board meeting or decision going forward.

B. BROOKWELL: So that's very helpful, the transition and understanding the change.

I want to rewind a little bit to the start of the program and this would be before the communities were registered as bands. Something you spoke about in your testimony was you described LICHs as a kind of workaround program and I wonder if you could expand a little bit on what did you mean by workaround and what was it working around?

S. JOUDRY: Well, I gather at that time there was no – because the Innu were not registered, or there were not reserves, and despite the fact that there – in 1997, I believe – there had been a federal decision that directed all departments in the federal family to treat the Innu as if they were registered, that turned out to be impossible for most departments, including Indian Affairs, because a lot of the programs and services were all based on the concept of numbers. You know, we used – I personally used to refer to it as the one little, two little, three little Indian formula, right?

If you don't have reserves and if you don't have registered numbers, a lot of the programs, there was no way to allocate funding in a way that the programs were set up to do. So the decision was to find a way to move forward – realizing that these programs and services were needed, and of course I wasn't directly involved in development of the strategy or anything like that, but the LICHs was simply a way to put the package in front of the federal decisionmakers – in this case federal cabinet, treasury board – to allocate funding for five years for these really regular programs, but they didn't have any way in the current funding system through appropriations of Parliament to provide the money. So LICHs was born.

So it was definitely about the two Labrador Innu communities. I guess my comment in my first examination was – I mean, those of us in the government at the time implementing these things – certainly I never saw it as being comprehensive, I never saw it really – it addressed some aspects of healing, but not totally, and whether or not it was strategic, of course, would, I guess, depend on your perspective.

It was strategic in the sense of the government had to find a way to provide regular programs and services to the Innu with guaranteed funding, at least for five years, so in that sense it was certainly strategic. And of course it got the attention of, you know, federal cabinet ministers and people who needed to understand that.

Because of the way that the title was, it may have even been misleading to some people, and that was, I guess, the essence of my comment a few weeks ago. You know, it wasn't really holistic. It wasn't linked, really to an interrelated system of issues or programs. The healing part of it was a way, really, to address the crises that was ongoing, certainly in the early years, and to – it did provide services so that individuals could proceed in their path to healing through individual treatment programs and so on, but there was very little that was done of a community healing nature, and I guess you could probably look at it as there was also an element of healing at that time that was probably required between the Innu, provincial government and the federal government that was not really addressed. I guess the contemporary term we use is reconciliation.

But having said that, it was a way to get federal funding to the Innu for the programs and services that they should have been probably receiving for a number of years. So in that way, I guess, you could look at it as a workaround, but it was a federal strategy to bring some level of stability to those – to the delivery of programs and services to the two communities.

So I hope that helps put it in perspective.

B. BROOKWELL: Yes, and it makes me think of a question here. From what you described and from your experience, was the funding coming from LICHs something where the needs of the community were assessed, then the programs needed to meet those needs were determined and then funding was chosen, a kind of needs-based start, or was it a different way of coming up with funding? Now I know that's a lot, so I can break it down if you need to.

S. JOUDRY: No, no, I understand what you're asking.

I guess the short answer is no, that's not really the way the federal funding system works in this area. Many of us, I think, in the department during those years recognized that all – none of the programs and services were needs-based. As I said before, many of them were based on numbers, eligible criteria and those sorts of things.

I know I was involved in a couple of initiatives myself to try to turn the funding formulas into more of a needs-based approach, with the benefit of comprehensive community plans that would do just that. And while there was some interest in, you know, some people at the senior management table, that was a huge leap and nobody could get their heads wrapped around the totality of what that might mean.

So in the case of the Innu and LICHs, they basically turned the existing federal funding formulas into programs and services, almost as if the Innu were already registered and on reserves using those, that kind of theory of funding and then turn that into programs and services.

Probably the area that came close to addressing needs that weren't necessarily in regular programming concept probably would have been the programs from Health Canada, the First Nations and Inuit Health Branch, at the time, they actually – their programs were, in addition to any other programs that they had available to the Innu or any other First Nation, they were over and above.

So amount of funding to health programs and services, mental health and addictions and health capacity building, those were always considered to be Innu specific. Whether or not they, you know, addressed the full needs of the communities, of course, would be certainly a question mark, but they were in addition to any regular funding that would have gone to the two communities.

There were some aspects of the INAC funding as well that would be considered

extra, I suppose, but at much smaller amount than what Health Canada was providing.

B. BROOKWELL: I'd like to ask you now a little bit about the INAC funding part, because now I've understood there really is two budgets, the Health Canada budget, INAC budget. And to just talk a little bit about the LICHs funding for child welfare in the INAC budget.

Before I delve too far into those, the first question is, do you have familiarity with that part of the INAC budget in terms of what was being paid for child welfare services?

S. JOUDRY: I don't recall the exact amounts, of course, but the funding for Child and Family Services at that time was based, primarily, on cost being provided by the – or amounts being provided by the province and funded by the federal government. So what – at the time, there would have been no amount in the department's A-base to do that because, as I said, the Innu weren't registered and there were no reserves.

So rather than find funding from somewhere within the department, it was a lot easier to put that amount in the Labrador Innu Comprehensive Healing Strategy to make sure that there was proper allocation for those needs in that particular program to meet the bills that would've been coming in from the province for delivery of the protection services.

B. BROOKWELL: So if I followed that, it was a way to get a block of money from the Treasury Board to pay for provincial child protection services, sort of the bill of this is what the province is providing, here's the money for it. Is that sort of what it was trying to fill in terms of a funding need?

S. JOUDRY: Yes, exactly. I mean, it was being paid for prior to the LICHs coming on stream. It's just that, as I said, there was no area in the permitted allocation to the department to cover that specifically, so the Labrador Innu Comprehensive Healing Strategy envelope was a way to formalize

that to make sure that there was a dedicated amount of money to meet the needs of the provincial-federal agreement for delivery of the program.

B. BROOKWELL: So was there anything extra in the LICHs funding for child welfare, or was it just the provincial program?

S. JOUDRY: It would have been just the provincial program and a forecast of what those expenditures would be over the period of five years or whatever.

B. BROOKWELL: And I think that answers my next question, but in any case, was there anything aimed in LICHs toward child welfare prevention services?

S. JOUDRY: No, not that I recall. You know, I was thinking recently about this. It never occurred to me at the time, but now that I think back it was kind of obvious. But because the way the federal government and Indian Affairs looked at that particular program as being a provincial jurisdiction for delivery and the federal side being the funder, I don't recall anybody in the organization that I was dealing with, certainly in the regional office and perhaps even in the national office, but nobody seemed to have the background in child welfare. There was – that wasn't the role.

The government seen itself – the federal government and INAC here did not see itself as the deliverer of the program. So, in fact, it kinda came home to me after I left the federal government and I was working with the Innu in trying to establish emergency placement homes and group homes in the two communities, placement facilities, and we were working with the federal government to secure funding that there was nobody we spoke to in either the regional office or Ottawa, the national office, that really had an understanding of what it was operationally on the ground as a operational level to deliver that kind of service.

If I think back to it, that was – you know, the actual delivery of the program was never part of INAC's real consideration. It was

always – that was part of the federal-provincial work that was going on, but even that, that was more about the needs for the funding as opposed to – and the application of the federal directive at the time that basically established two streams, one for maintenance and one for operations. The maintenance being the cost of the actual service and the operations being the cost of the administration to oversee and manage that.

The LICHs strategy, just to clarify, would not have changed any aspect of that funding theory or application, so it would have been for protection services on those – at the time, on those two streams, operations and maintenance.

B. BROOKWELL: I wanna see if I can understand something from what we've talked about so far is budgets and funding for programs, which I see as one side of the coin of a program. What about the implementation side? How was INAC involved, if at all, on having these programs actually get off the ground?

S. JOUDRY: Well, I – of course, I can't speak for the operation today, but at the time of my involvement I was looking at it as – at one point, I did some research just to understand the full concept myself, and I looked at all the federal programs that were aimed at First Nation communities, and they totalled somewhere in the neighbourhood of 120. About 60 to 70 of those would have been housed in Indian and Northern Affairs, and a significant chunk, obviously, in Health Canada.

The theory of the application of those programs was that these were things that were needed in some way, shape or form, they were funded and the communities would have access to these programs through the federal funding formula, as I said, and by virtue of providing the suite of all of these programs in one form or another, lives of First Nation people would be improved and mission would be accomplished. That's kind of the hypothesis of the funding. The extent to which that works depends on all kinds of factors, as I

think everybody probably can appreciate. In some communities it works. In most communities it probably doesn't because it's not really needs-based specific to that; but that's the system and that's the way it works.

In the case of Child and Family Services, I always saw that as an outlier program because it was – Indian Affairs was, you know, they were like the cheque-writing service. They were never really involved in the operations, the front-line delivery. The communities – and of course in Atlantic region at the time, at our office, we were dealing with four provinces, each with their own legislation and approach to delivery of that particular program, and it was probably one of the few programs in that suite of programs where INAC, as the funder, really didn't have any operational expertise, or even control for that matter.

That was – I recall the theory: that was kind of just accepted, the way that it worked. There were even some communities, not in Labrador, but in other parts of the regional area at the time – the other provinces – where there were some unique dialogue going on with the provincial authorities, shall I say, where – and the INAC perspective was about monitoring the cost. It was always about money and accountability and, in this particular program, it was very difficult for Indian Affairs to, I would say, meet its obligations for funding accountability because, in each case, the department had to depend on that from the provincial authorities in each province.

Even where there were agencies devolved, for example in New Brunswick, some of the funding for some of the communities would go directly to a First Nation Child and Family Services agency that was licensed by the province and the province would then have a responsibility for oversight, but in the case of New Brunswick at the time, they would have been very reluctant to do that. In those cases, they didn't really have a mechanism to do accountability. They did on the finance side, that was part of our job at the Indian Affairs office, but the actual delivery of the program and terms, what was happening

and how families were being assessed and the criteria and so on, that was in the provincial area as opposed to the federal area.

I know from our perspective at Indian Affairs, that was a clear frustration on our part, but of course that was the setup and that was the barrier so we tried to do the best we could with that circumstance.

B. BROOKWELL: So I want to see if I followed one of those points about accountability.

When a program was being assessed, do I understand it right that what was being looked at from INAC's perspective was how was the money spent, essentially? Was it on budget? Is that the way it was being focused?

S. JOUDRY: Yeah, exactly.

Even the budget in Child and Family was – it wasn't really one of these programs that was capped. It was: If the province needed \$3 million, then they got \$3 million; if they needed \$5 million, they got \$5 million. It was one of those programs where there was constant growth in it and it was probably the subject of many management meetings that I attended of how do we – basically the department wide – how do we address this continued growth in this particular area? Where does the money come from? We need it nationally; maybe every year there's, you know, \$20 million, \$30 million, \$40 million more required for certain programs. This one being one of them.

The other one would probably be the Income Support Program – the Social Assistance I guess we called it at the time. That was also, in a lot of cases, based on regular growth in the program, but the Child and Family Service one was unique in that perspective, and often – I don't recall specifically the annual arrangement that INAC, the Atlantic region, would have had with the province here in Newfoundland and Labrador, but I recall one of the other province's. They would deliver the program

and wouldn't even sign the funding agreement documents.

They weren't too concerned about it because they knew they were going to get the money, and I recall several times having to speak to some pretty senior officials in the province to get the documents that would enable us to flow the money to them before the 31st of March, the end of the fiscal year. I do recall that there were occasions we had similar conversations with the Province of Newfoundland and Labrador but the conversations were a little bit different than the other province.

It was more or less just a reminder that we needed the documents signed to give them the money, but in this other province, most years, it was at the eleventh hour and it was basically whatever – the way the agreement would have been written is there was a certain amount that would have been applied to the operations, the administration of the program, but the maintenance portion would have been whatever you need. The federal government has the responsibility to pay the province.

B. BROOKWELL: So just to close off that thought, would things like how many children are in care? How many children are in community or out of community? Would those metrics be part of INAC's assessment of how their program is doing?

S. JOUDRY: Well, absolutely. That's the one little, two little, three little Indian formula that I mentioned earlier.

I don't recall exactly how the formula worked in Child and Family, it's been a few years, but essentially those numbers would have been taken into account. It would have been based on the population of the community, number of children that could potentially be at risk and that would generate, you know, a kind of level of funding for the operations. Then the maintenance essentially would be, they'd have a guideline based on that, but essentially it would be whatever the province billed the federal government, the

federal government would be responsible for paying.

I don't recall any incidents where INAC would not be paying those amounts.

B. BROOKWELL: I wanna take you now to a different period of time in your career, that's moving from your work with the federal government to then working with the Innu, so this is around 2011. But before I get into those questions, is there anything further you wish to comment on about LICHS and that funding program?

S. JOUDRY: No, I think I've covered everything.

B. BROOKWELL: Okay.

So I want to talk to you a little bit now – this is 2011 to 2016, the sort of period I'm focusing in on here.

S. JOUDRY: All right.

B. BROOKWELL: And at that time, do you recall the Innu requesting – or rather, I should rephrase that. Were you involved at all with Innu requests for prevention services funding going to Canada, asks for that kind of funding?

S. JOUDRY: Yes, so just to set the context, I think I started with the Innu helping to set up and operate the Innu Round Table Secretariat in 2011, 2012. Part of that would've been the oversight of the subcommittees under the Innu Roundtable, one of those being Child and Family Services.

So that was a subcommittee under the tripartite with federal, provincial and Innu representatives. So we hired an individual social worker to work with us at the Innu Round Table to be what we called the transition co-ordinator at the time, CFS transition co-ordinator. One of the things on the Innu leadership agenda at that time that had been there for probably quite some time was, of course, the interest to devolve social programs to their control and administration,

including Child and Family Service in some way, shape or form.

So initially, there was an amount that the Innu Round Table Secretariat – we were working with about \$400,000 a year, and about \$50,000 of that was allocated to the work of the CFS committee. That obviously wasn't enough to hire somebody, so – but we did anyway, and we went to Indian and Northern Affairs for an additional amount of money. We were asking for \$50,000 for that particular position to work on the CFS committee, be the co-ordinator, and also to start working on developing prevention strategies, et cetera, to move forward, to advance things the way that the Innu leadership were interested in doing so.

It took a long time, but we eventually got the \$50,000. It was on a year-to-year basis. We basically had to prove that our social worker was doing the things we said she was gonna do. So we had about three years of funding there.

While that person – while the social worker was there we also started working on a proposal specifically for prevention. This is an area in the government at the time, it always seemed to be under some type of review or analysis. It's almost like the objective changed every time we talked to our federal partners there. But at the time we were trying to access the enhanced prevention funding agreement mechanism that they had.

We had some challenges in that. Namely, one of the criteria to access that program was that it had to be in a province where there was a legislation that specifically allowed prevention. That was not the case here in Newfoundland and Labrador at the time.

So that was a hurdle. The second hurdle was that it – at the time the criteria was that it had to include all First Nations in the provincial jurisdiction. Not just – it wasn't a one-off issue. So the Innu – there was a working group that was set up with the Conne River group and the Innu. That went very well, actually. There were numerous

meetings and things were looking reasonably well, I think, by year two of that dialogue. But that came to a grinding halt at some point, I just forget the date, but about two years' in. And the idea of the proposal simply died because the feds said they were calling a moratorium on the program.

If you recall at the time I believe it was all under pretty high-level legal and strategic review with the work going on at the Canadian Human Rights Tribunal. So the idea of that funding simply died until there was a decision later to get into that field, and that would've happened around 2017.

B. BROOKWELL: Okay, I want to go through some of these periods of time to see if I follow all of it.

So I'm gonna just show you a document. We've got a loose printed one, which is Exhibit P-134 at the top.

S. JOUDRY: Okay.

B. BROOKWELL: And so this document is an email cover page from John Higham, dated September 5th, 2013.

S. JOUDRY: Right.

B. BROOKWELL: But attached to the email is a draft document of Tripartite Framework (EPFA), with Innu comments –

S. JOUDRY: Right.

B. BROOKWELL: – and that's dated September 2013. And I wonder if you can tell us a little bit about – the first question is, were you involved at all with this drafting of the document; is this the Enhanced Prevention work you were just mentioning a moment ago with the other communities?

S. JOUDRY: Yeah, this would have been part of that process; it was probably one of many drafts of proposals that we would have been working on at the time. John Higham would have been one of our consultants working specifically in the area. He would have been working closely with

our Child and Family Service coordinator at the Innu Round Table.

I was not specifically involved in the Tripartite, but John was, as well as the social worker, so this was one of the documents that came out of that process. I don't recall it specifically, but I'm pretty sure I would have seen it at the time, yes.

B. BROOKWELL: And so this is now around 2013 –

S. JOUDRY: Right.

B. BROOKWELL: Is this the process that you were talking about, that just didn't go anywhere –

S. JOUDRY: Right.

B. BROOKWELL: – didn't end up with funding or services? Is that the kind of program that we're in?

S. JOUDRY: At that time, that's exactly where we would have been, that's right. So, as I said, that process went on, my recollection, about two years, give or take. And it came to an abrupt halt at one point, where Canada basically said they can't.

At the time, actually, the discussions were going in a good, positive direction. The issues and the challenges were being discussed and worked out; that's why you see the document in a fair bit of detail for each community.

But at some point in the process, Canada notifies us that the – what they call the EPFA, the enhanced prevention agreement, that option was no longer on the table. It was – I forget the term they used; it was basically the equivalent of we're calling them – there's a moratorium on accepting new proposals for the program. Existing ones were continued, but there was no ability for a new applicant – in which case we would have been here in Newfoundland and Labrador – there was no ability for taking on new commitments to that program.

B. BROOKWELL: I wanna ask you, then, about another document to help us go through time. It's Exhibit P-413, which is tab 24 in that book of documents that you have in front of you.

S. JOUDRY: Okay.

B. BROOKWELL: So this is a letter dated March 29, 2016, from the provincial minister, Gambin-Walsh, to the federal minister, Carolyn Bennett, minister of Indigenous and Northern Affairs.

S. JOUDRY: Right.

B. BROOKWELL: And I'm gonna read out a portion and then give you a moment to read the whole letter; it's fairly brief, but the part I want to ask you about is in the first paragraph where the letter notes "I had the great pleasure to meet with Innu leadership and senior officials and community leaders on March 7, 2016. This meeting was very productive, and I affirmed my government's support for their interest in pursuing EPFA funding in order to develop and implement a range of prevention services in child welfare in their communities."

And I have a question about that, but given it's only two paragraphs, I'll give you a moment to read the whole letter.

S. JOUDRY: Yes, I think the letter reflects the positive vibes at the time that this was gonna be a successful proposal, and having the provincial government weigh in in support of the Innu was a critical piece to that. I don't recall the date, but it certainly wasn't as a result of the letter, but shortly after that, I believe that's when the things changed. There was a moratorium put in place, and it wasn't long after that, though, that there was a decision – I think it was related to one of the sessions of the tribunal I mentioned that led Canada to making a different decision on prevention services.

B. BROOKWELL: Okay, and I am gonna come to some questions about that in a moment, but just so I – I know you don't know the precise dates; I'm just trying to get a ballpark. When you were talking about the

moratorium, I take it, it was at some stage after that letter in March 2016 and before the Canadian Human Rights Tribunal decision, in that sort of period of time is what we're talking about?

S. JOUDRY: That's my recollection, yeah. Somewhere in there. I don't recall it specifically, but it wasn't as if we had a long time to think about it afterwards because there was a moratorium called. We were still given hope that something would happen. At the time, we were also developing fairly detailed proposals for the Innu organization to move ahead with a prevention services.

It was partly in relation to, you know, as I say, positive vibes. We had to be ready. If there was a positive answer, we wanted to make sure we were ready with a proposal for to access this Enhanced Prevention Focused Approach.

So months later – it wasn't years, it was months after that moratorium was called, we were able to find a way to move ahead with the prevention services under a different – it wasn't EPFA funding; it was prevention services funding. How it was termed and coded at the federal level, I couldn't say. But we finally were able to access prevention services funding for our staff.

B. BROOKWELL: Commissioners, I'm just mindful of the time, on whether this is a logical point for a short break, or if you'd like me to continue, I'm happy to continue.

COMMISSIONER IGLOLIORTE: We're happy to take a break.

Thank you.

Ten minutes, please.

Recess

COMMISSIONER IGLOLIORTE: Thank you, counsel. You may continue.

B. BROOKWELL: So where we left off before the break was talking about that transition time, 2016 into 2017, and you mentioned this was when prevention

funding, or at least funding, was starting to now flow from Canada.

Can you tell us a little bit about whether the federal government explained why funding was now coming? Did they say why the approach had changed?

S. JOUDRY: The probably did, although I don't recall specifically. It was such a welcome change to what we had been talking about, that we were more excited about accessing the resources and getting prevention social workers on staff.

My recollection, though, it was – so there was a moratorium called on the EPFA funding and they simply told us they now have a way – I think part of it was related to a decision coming out of the Human Rights Tribunal, and they now had a different way to provide us with funding that did not require an EPFA agreement.

So the idea of only being able to work in a concept with the other First Nation in the province, that was irrelevant at this point. And basically they invited a proposal, which we had already been working on anyway. So it all happened fairly quickly as I recall. A decision – late 2016, I believe. I recall we do – I think we had our first social workers might've even been hired even in November of 2016. I can't recall. But between November 2016 and early 2017, that's when we would've been staffing up in the – social workers, as well as community workers to do the work with the social workers.

So we had a funding proposal, I think, for a few months of 2016 and then it went into 2017.

B. BROOKWELL: And just so I understand how the funding worked, was it proposal-based or was it: Here's the allocation for the year and this is what you can – you can do as you wish with it?

S. JOUDRY: We were never quite sure where the – what pot of money they were actually using the department. But it was they asked for a proposal. So in the development of the proposal – and I knew

from my experience in the federal government that when you talk about amounts of money, specifically in the area of salaries, it's always important to have some basis on which to present that, as well as other costs.

So I went to the province. So the province was very helpful in providing us with information on their suite of – or menu of – salary and related costs for social workers that they had working in the field. So we received that information; I think I got it directly, either – I think it was the ADM that sent me that information.

So we based our funding proposal on very specific salaries. We based it on other recruitment tools that we might need, such as signing bonuses, Northern allowances, amounts for annual training. And of course included in that, based on the salary levels, we also included the costs for mandatory employment-related costs.

So our proposal went in and we had all of that and we basically received as requested. We did have some flexibility there, if the feds had wanted us to reduce it or renegotiate it in some way we probably could've done that. But what I recall, we had a good solid funding proposal. The money was there, and we received the money.

The other point I would make there is that the province also supported the idea, although they were skeptical whether or not we could, you know, find enough social workers to work in the field. They did support the idea so that – 'cause they had a number of vacancies at the time. And I think, my recollection was in this particular zone just here in the area where Sheshatshiu is, I think they had four vacancies, social workers. So they were short-handed anyway. And our argument was just give us the money and we'll hire social workers, right, 'cause you're gonna – if they were hired, the feds would be paying for it anyway. So just give the money to us and we'll do it.

So we were very successful in getting those resources for the first few years of hiring

social workers and implementing the prevention services. It was based on hiring social workers for each community and having two community – I forget what we called them, actually, but maybe prevention service workers. I can't recall. So two community members to work with each social worker in the field.

Then on top of that, here in Sheshatshiu the social health director at the time, who I think is in the room, I won't mention his name. He made the argument as well that the community should have its own social workers in social health and we added that to the plan and he was successful in securing those, the resources to do exactly that. So that was 2016–2017.

B. BROOKWELL: And just so I properly understand the services you're describing, am I right in saying this was a new Innu service, not a provincial service that the Innu were taking over. This was something new and separate. Do I have that right?

S. JOUDRY: Absolutely new and the province was supportive, as I said. They actually welcomed it, because at the time there was also a new working relationship agreement that was being implemented between the province and the Innu. And of course the prevention social workers would be a great asset to the province as well as the Innu in helping with implementation of that new agreement.

B. BROOKWELL: I'd like to take you for a moment to one of the documents. It's in tab 17 of the book that you have, which is Exhibit P-265.

S. JOUDRY: Okay.

B. BROOKWELL: These are meeting minutes from an Innu Round Table meeting of October 6, 2016, and I want to take you to page 5. You'll see the page numbers are at the top right corner.

S. JOUDRY: Okay.

B. BROOKWELL: And the second paragraph there that starts with "Steve."

S. JOUDRY: Right.

B. BROOKWELL: If you just take a moment to read that paragraph, and then I have a couple of questions I want to ask you about that paragraph.

Let me know once you've read that section.

S. JOUDRY: Okay, I believe Steve would probably be me.

B. BROOKWELL: Yes, that was my first question is if Steve is you in those notes?

S. JOUDRY: I believe so, yes.

Yeah. In fact, that's really what I was just speaking about. And Jack, of course, was the Social Health director at the time and the reference there would be to what I spoke about, and I see the reference there is for social workers, so yes.

B. BROOKWELL: Okay.

My follow-up was the program submission you were describing –

S. JOUDRY: Right.

B. BROOKWELL: – is it captured? I know those are just bullet notes but is that the same program we're talking about?

S. JOUDRY: Yes, so prevention would have been part of that. We developed – I guess the proposal, when it was submitted, it was titled the Labrador Innu Prevention Initiative, and it had those four pillars there that includes some of the prevention work.

It also includes some of the initial work for the placement facilities, the five placement plan, and the first phase of that was the transition of the Sheshatshiu Group Home into a Level 4 placement facility licenced by the province. So that was the beginning of both the Prevention Services as well as the placement program that's now in operation.

B. BROOKWELL: Okay.

I have some questions now on a different subject. It's moving us forward a little bit in time. The period of time I'm interested in now is 2018 to 2023.

S. JOUDRY: Okay.

B. BROOKWELL: What I want to talk to you about here is the prevention funding being provided at that time.

So I'll give you a caveat at the beginning: If you weren't involved with this and you don't know the details of it, that's fine, just let me know, but I'm trying to capture that period of time.

S. JOUDRY: Okay.

B. BROOKWELL: So in this period of time, around 2018, are you familiar with the term of getting actuals paid for a prevention service? Does that term ring any bells for you?

S. JOUDRY: Yes. So I would have been involved in the front-end of that I guess to some extent.

The original proposal for the social workers, as I mentioned, was based on two to three years. We did receive funding on an annual basis for that proposal, and we very quickly ramped up into those positions that I mentioned and the service was being developed. At the same time, we were also looking at a secondary delivery service called Indigenous representatives in the system as part of the working relationship agreement. So that would have been part of that.

On prevention, though, there was a decision at the Human Rights Tribunal that for agencies that were operating in this field, it was a much more effective and economical way to fund the services is base it on needs as opposed to some other method and based on my earlier comments, you can imagine the difficulty with that concept from a government funding perspective.

But where you have an agency, I suppose you have – given its structure and

operations, you could probably stabilize the funding. So our idea was that the Innu service delivery mechanism should be seen as an agency and, therefore, funded based on actuals. For example, maybe more social workers were needed, maybe better funding would be required for community-based programming. Other than that, we had to work within the existing resources supplemented by other programs like, for example, Jordan's Principle. You know, funding was available at that time for Jordan's Principle so that was funding that was supplementary to this and, perhaps, even a plan B.

That was the concept. My understanding, although I'm no longer directly involved in that, is that that debate is still ongoing. I don't know where the funding is at, but certainly in the early days, it was proposal based to get us off the ground for a couple of years, and then, after that, we were looking at trying to stabilize and enhance the funding that would be based on needs.

B. BROOKWELL: Okay.

I have two questions about it; one is just a clarification one. Could you explain to us what actuals means from your understanding?

S. JOUDRY: I guess the concept is if you have an agency dedicated to the prevention services, then you would try to deliver that service on a needs base as opposed to just access programs and try to make the best of it.

So it means, for example, if you have – if your actual cost to deliver a program and the services related to that are more than what you have available, then the funding should be based on what your actual expenditures are, which is related to needs, as opposed to working within a funding cap that may or may not meet your needs. In the area of prevention, the concept, obviously, is the more help you provide the families and to children that are at risk and they don't end up in care, then ultimately that's in the best interest of everybody, not just the child.

That's kind of the concept from my understanding. Of course, we have – even today I don't believe the organization receives actual funding, so it's more of a theory than it is something that I can speak to directly.

B. BROOKWELL: Okay, and that leads into my second question which is: From your recollection, I think I've understood that the Innu organizations put in a request for actual funding? You don't know where it ended up but there was a request put in, in and around this time of 2018, is that your recollection?

S. JOUDRY: Yeah, there's probably been several.

My understanding is, even though I'm not directly involved, after about 2020, I think, I was trying to reduce my work with the Innu Round Table from a management perspective and focusing, not exclusively but primarily, on the placement facility work. I do remain aware of what's going on, obviously it's an important part of the work.

My understanding is that even though they've submitted various requests, had many conversations with both federal and provincial authorities in this area, it is something that is not yet finalized mainly because the Innu – the Child and Family Services operations under the Innu Round Table Secretariat is not considered, legally at least, an agency. They call themselves an agency, but it's not recognized by the federal government as an agency.

The provincial legislation still doesn't have an option for the provincial minister, as I understand it, to delegate to an agency, and that's a major hurdle for – if the Innu organization is never considered an agency, then it's hard to access this actual funding if the interpretation of that is you have to be an agency in order to actuals.

So that's the dilemma as I understand it. Even though in this case, both Band Councils filed Band Council resolutions declaring the Innu Prevention Services as an agency, without the backdrop of a

provincial system that allows that to actually happen, that's the dilemma that they have, and I believe that's an ongoing issue.

B. BROOKWELL: I wanna change subjects for a moment and bring us back to your time with the federal government, and we talked a little bit then about the department keeping track of numbers, of numbers of children in care, for example. Do you recall how those numbers were tracked? You know, were there reports, or what is a spreadsheet that people got?

Maybe just walk us through your recollection of how numbers were tracked and who would have had access to that information in the department.

S. JOUDRY: Yeah, it was tracked through the federal-provincial agreement mechanism. For example, to access the funding reimbursement system we had – they would have had to provide data. I can't recall if it came in in a spreadsheet or not, but the information would have been provided of number of children and their ages.

That probably would have been required at least on an annual basis. I'm not sure – I can't recall if it was more than that, and those were kind of the number – it was the same system we would have used in each province, and even if there was – in some other provinces, like New Brunswick, I recall, and even Nova Scotia, there were organizations that had agency status, so the agencies would have had to file that through the system to come back to Indian Affairs as well – number of children in care, that's right.

B. BROOKWELL: And do you recall if there was any analysis done about the numbers? So for example, if there was a trend of numbers going up each year of children – number of children in care – was that something the department then looked at and wanted an analysis of why is that, what can we do, that sort of thing?

S. JOUDRY: Yeah, generally speaking, that would have been part of the, you know,

accountability and follow-up with the particular province on that. It's something that I looked at very closely myself, being in the management structure, the regional office. The trends, particularly at the time I'm thinking of, very high in Natuashish, and they were the highest in the region, like of all First Nations in the Atlantic region, they were the highest numbers of children in care, based on percentage of the community and so on.

There were a couple of other cases in other parts of the region where I would use those numbers and go out specifically to the community. There was one community in particular that the numbers were going – they were approaching the same level of percentage as the Mushuau Innu in Natuashish, which was troubling enough, and so I asked for a meeting with the Chief and Council, and this was a community that had an agency, so the agency was operating – of course, it's not a political organization – so it was operating outside of that.

I recall the First Nation because all other indicators in that community indicated they were doing well. They had great graduation numbers; they had a new school; housing was going well; infrastructure was going well. It was – I'm not sure if I'd say it was a model community, but it was doing very well on all other indicators. Even economic development was going well, so I went out and I spoke to the Chief and Council, I said, look, I'm concerned. This is the formula we use here. Things are by my – the information I have suggest your community is doing very well. Something isn't working if most of your children are in care. Like, there's something wrong here. What can – obviously whatever – is there something that the government needs to do here to help. So that generated an interesting dialogue and conversation.

And so I wasn't there as an – I said: I'm not here talking about it as an accountability measure. I'm here talking about it from the perspective of there's something wrong, what can we do to help? And, of course, we couldn't access the files or anything like

that. We had no – nobody in Indian Affairs had that authority. That was something only the province could do, should they choose to do so.

So, yeah, that was a dialogue, and I can't recall specific conversations with the Innu communities of that nature, but I would like to think that that conversation also – I do remember the numbers, not specifically, but I do remember the fact that the number of children in care in Natuashish were growing at an alarming rate.

B. BROOKWELL: I'm gonna shift now and bring us back – forward in time to talk a little bit about placement homes.

S. JOUDRY: Okay. So you're, like, in a time warp here. You're going back and forth.

B. BROOKWELL: Yeah, we went in the past. We're going all the way back to the present.

S. JOUDRY: Okay.

B. BROOKWELL: And tab 26 of the book that you have there is Exhibit P-432.

S. JOUDRY: Oh yes.

B. BROOKWELL: And this is a presentation entitled: "The 5 Placement Plan." Very helpfully up on the screen as well. Thank you.

And this is a presentation, I understand, from June 10, 2025. And I have a number of questions I'd like to bring you through, but the first question, of course, is are you familiar with this presentation? Is it something that you prepared?

S. JOUDRY: Yes, I am the author of this presentation. I had considerable help from various sources to help me with putting – pulling the data together. But I am the author of the report, yes.

B. BROOKWELL: Okay.

So the first piece I wanted to ask you about is one of the data questions. So it's on page

3. And in the paragraph that's below the slide, I'm just gonna read out the first two sentences and then ask you a question. It says: "It was 2015, Innu community populations were growing fast (30% in 6 years). 191 Innu children were in care of the Provincial CYFS system – a 15% increase, year after year. Another 279 families were deemed at risk and subject to various stages of protective intervention or monitoring."

And I have a couple of questions about that. The first is: Can you tell us where you got the figures from for the children in care and the children – or sorry, families deemed at risk?

S. JOUDRY: Right. I guess I would refer to the fact that earlier I mentioned the hiring of a Child and Family Service transition co-ordinator at the Innu Round Table. That was Ms. Wendy White. So Wendy and I worked together when she first arrived to gather information. And so all of this would've – all we had access to at that time was the provincial website.

So I remember her putting together a graph of the numbers, and these would have been obtained from the provincial website about children. We actually armed the Chiefs with this information prior to a meeting – I can't recall the date, but it was around 2015, 2016. We had three years of data on the slide and the numbers were as you see there at that point, and I believe this was the high point, was of Innu children in care, 191 children.

I remember the Chiefs mentioning to the provincial minister of the day, basically saying: Minister, you have a lot of our children in your care. When are you going to stop? And my recollection was that was the beginning of a series of meetings to change, and – but those were the numbers. At the time, we would've obtained those – we had no other method other than – we didn't ask the province for them, we just got them off their website. And, of course, the Innu numbers, the annual increase of population, that would have been from our own Innu sources in terms of tracking population data.

B. BROOKWELL: Okay, so I follow that these are pulled from the website. So I have a question then: The number with 279 families deemed at-risk; that term, at-risk, is that something that came out of the provincial website categories, or is that a category that you identified?

S. JOUDRY: No, that would have been – I don't recall if we – in later years, we had more of a direct communication system with the province where they gave us a lot more data that was on their website. So I can't recall if that was the case here or whether that was on their website, but the families at risk would have been families that had been identified, maybe there was a report of some nature from a protection social worker who would have identified that maybe we need to go back and visit this. Maybe there's – something happened that required some level of them being placed in that category, deemed at-risk, and maybe requiring some sort of monitoring to see if the province had to intervene more directly at a future date. That's my understanding.

B. BROOKWELL: Okay. I want to, then, move over to page 9 in your presentation.

S. JOUDRY: Right.

B. BROOKWELL: And I'll provide my understanding, what it says here, but I'll also give you a moment to read it.

You talk about the federal government being skeptical about funding Innu placement facilities here, but have a look through just to refresh yourself, and then I have a few questions.

S. JOUDRY: Okay. Go ahead.

B. BROOKWELL: So when you're referring to the skepticism, can you tell us a little bit more about the context and what it is that you were experiencing in these discussions?

S. JOUDRY: Sure. Well, part of it relates to a comment I made earlier that when we were entering this phase, there was really nobody at Indian Affairs – I mean they had

to provide the money, that was the plan, but there was nobody there who had an operational understanding of the child welfare delivery system, including what, you know, the ideal placement homes might look like. So that was part of our challenge, and it wasn't as if there was, like, a program that we could access. We were asking the federal government to provide money.

They recognized that it was needed. They recognized that it was a good idea, but they had – and we were asking them for a leap of faith that we could staff and open and operate five placement facilities in the two Innu communities. We wanted to do it rapidly. The need was clearly identified.

So their skepticism was, I guess, understandable, but we made all kinds of arguments to them. We met numerous occasions with senior people in the department at the regional level, and we even met with their subject matter experts in Ottawa, in the national office. None of whom, by the way, were social workers – none of them. They were basically managers and program managers and maybe accountants, but none of them had the front-line experience that – and we didn't either at the time, but we became very knowledgeable in it as we had contracted with a training partner on this.

They looked at it as great idea, but you're looking for money for a good cause, but it probably isn't gonna work. That was the nature of the conversation, but I think one of the meetings we had, I recall it was with the senior people from the region of Indian Affairs. I think the meeting was in St. John's and I made the case to them, I said, look, even if this isn't about – just ignore for a moment the fact that this is about taking care of Innu children in their own communities, maintaining their language and culture, et cetera, I said, just forget about that for a moment.

Although, I said, look at it as if this was an economic development proposal, where I was going to guarantee you that we were gonna hire 60 people in permanent jobs forever with this amount of money, and I

knew from my own perspective in government that Indian Affairs would put a lot more money than what we were asking for into an economic development proposal for that 60 jobs, the gentleman behind the desk at the time had no other recourse but to basically agree with us. That even on its merits as an economic development proposal it made sense, never mind the fact that it had totally different primary benefits.

So what they finally came up with was an agreement that if we could demonstrate proof of concept, that they would fund the five. The proof-of-concept idea, it was hard to swallow initially, frankly, but we – I spoke to the team and, ultimately, we agreed to it. So, basically, the proof of concept was based on, if you can achieve what you say you're going to do to transition the group home in Sheshatshiu, at the time, into a Level 4 child placement facility funded by the province, then we'll agree to fund the rest of them. That was essentially – and they more or less put that in writing. I don't know if it's in your package or not, but that was generally the plan, and, of course, the rest is history.

But initially they were very skeptical, and a lot of it was based on two things. One, there was no program that they had access to. They were using other funds. At the time, we understand there was some funds made available in the department as a result of the Human Rights Tribunal, and that's the kind of pot of money, I guess, that they were using to help us.

And the second thing was they really had no – they were relying on the province for advice on the operational aspect of this. Luckily at the province, we did have skeptics there, but we also had some people who were very supportive of our plan. In fact, the ADM Rick Healey, at the time, was very helpful, and I believe with his work behind the scenes, he convinced the feds that this was a worthwhile venture.

We were doing it in very close coordination with the province, and we had an expert trainer company out of St. John's that operated many such homes. So we were

using their expertise to help us accomplish what we wanted to do here.

B. BROOKWELL: I'd ask you to turn over to page 11. It's page 11 of your slides, but it's page 12 in the top right corner.

S. JOUDRY: Okay.

B. BROOKWELL: And there's Phase 1, Phase 2, Phase 3, Phase 4 in a diagram. And I wonder if you can tell us, at that stage where funding was now being provided, how did that work in terms of stages, and how was the funding provided for different stages?

S. JOUDRY: Well, it was provided – each home required a separate proposal. So it was very much – and we had – it had to be a very detailed proposal. And that's where we used our training partner's expertise to, you know, what does the cost of operating the home and training.

It was basically in order to get to where we wanted to be, so we were relying on the federal funding through Indigenous Services Canada to do the training and capacity building phase. Once the home was determined to be operational by the province, meaning provincial standards, then we could enter into a contract or service agreement with the province for the operation of the home, and the actual facility itself, there was no – Indian Affairs made it quite clear they were not in any way interested in providing any capital money for the operation, and the provincial program, of course, their idea was these are service providers; service provider has to provide the facility that meets their standards.

So in each case, the third party, if you will, or the band council or the oversight placement board would have to find a way to get the facility, the building, the physical structure to the required standards. So there was basically a complicated network of three different, kind of, sources of funds there, but that's how it worked in all five homes. That's exactly the same formula.

Indian Affairs agreed to fund the training and capacity-building of each home, and, as I said earlier, they were unable to meet our request to accelerate the funding. So we had to – it was a phased approach. That's why you see it on that – the other slide there in phases, and then of course the timeline there.

It should not, of course, escape all of us in our memory that in the middle of that, of course, we had a pandemic to deal with, and that certainly caused us a great deal of difficulty. We had just opened the home here in Sheshatshiu, was up and running, the group home, and we were working on two emergency placement homes, and the first home in Natuashish had literally just opened and the pandemic hit. So it was a difficult period, but if you fast-forward to today, the fifth home was opened in – well, it's been opened, I guess, for a while now, but it's opened just recently in the summer of 2025.

B. BROOKWELL: So if you could turn to page 21 of your presentation, which is 22 in the exhibit marking at the top right of the page, and the heading here is "Current Operations," and I wonder if you could tell us about the current operations of the placement facilities up and running now?

S. JOUDRY: Sure. Well, essentially the idea of the five placement homes was implemented, as planned, on budget. Not necessarily on schedule, because as I said, we had to pause some things during the pandemic.

So the slide you're referring to deals with the two homes for the Mushuau Innu. The other slide prior to that deals with the operations here in Sheshatshiu. So essentially the plan was for three homes in Sheshatshiu, placement homes, and two in Natuashish.

The three homes here in Sheshatshiu would be the group home, and two emergency placement homes. And in Natuashish the plan was for one emergency placement home, and originally it was supposed to be an enhanced group home. But through the

course of time it was realized that what was actually needed for Natuashish was probably more of combination of emergency placement home for younger children, and maybe a group home for older children.

So there was an option to – in order to combine those two we had to call it in accordance with – the menu of options would be a hybrid home, so that's – and we were unable to find a facility in Natuashish. That was one of our huge challenges in the plan. So it was essentially decided to operate the fifth home for the Mushuau Innu, operate that as a hybrid home out of the town of Goose Bay for an interim period until such time as the community can have a purpose-built hybrid home in Natuashish, which is currently in the design phase.

So in the case of Sheshatshiu here, and I haven't spoken to the executive director recently, so they currently operate the three homes. They do have plans to operate two more of a different nature called individual living arrangements. And if those two are not operating today, it's very soon.

But of the three placement homes they have capacity for about 18 children. At the time of my presentation they had already provided service to about 78 children. And they had over 90 staff, including full-time and part-time.

In the slide you're referring to, dealing with Natuashish, they were recently licensed – I should explain, the province changed their system a few years ago and each service provider requires a licence to operate, as opposed to before they had to meet the standards but it wasn't formalized as a licence; now it is. So that was done for Natuashish and so they have two placement homes. They have space for 10 children and, as of June, they had provided service to over 50 children and they had an employee staff of 40 employees, including 19 full time.

I should say – I didn't include it in the presentation for reasons for that public group but I will say here for the Commission that what this amounts to for the two

communities is they're operating these placement homes. The operations are funded through the service agreements with the province and the revenue this is generating for the two communities to operate these homes, at the time of my presentation, was \$13 million a year.

If and when those two individual living arrangements come to fruition – which I believe if it's not done already, it's very soon – as I said, it'll probably be in the neighbourhood of about \$15 million a year with about 60 per cent of that funding going to salaries and staff; mostly for Innu staff members, but it's not 100 per cent Innu staff. By the latest count was that of the employees that I mentioned, the 130 jobs or so, about 95 per cent of those are Innu employees.

B. BROOKWELL: So I only have a couple more questions for you.

We've covered quite a sweep of time. I know I've brought you backward and forward but I wanted to give you a moment to share, in your view, what has changed the most over that period of time in the child and family services available for Innu. I know that's a very big question, but I wanted to give you a chance to share anything that you wanted to on that change.

S. JOUDRY: All right.

Well given the work that I've done maybe over the past 10 or 12 years with the Innu, the change has been transformative in almost every area and I think – I'm not sure what would be the biggest change because I think from my perspective the Innu have been on a wave of change in all areas of child and family.

If you look at what's going on, in addition to the prevention services, the Innu representatives and the Working Relationship Agreement with the province, the efforts being made to develop an Innu law in this area and the placement homes, they're all complimentary. It's almost a change agenda that has been transformative.

I think much of it has been perhaps generated. It's good timing in the sense of the Human Rights Tribunal and the decisions that's generated from a federal funding perspective, but also I think the attitude and approach of all parties in probably the group in my mind that's made the most significant change from that approach, would be – at least the people that I recall working with over that period of time in the province. To say they were skeptical at first would probably be an understatement but in the course of the past 10 years, that skepticism has evolved to the point where they're probably one of the biggest supporters of what the Innu are doing in all of those areas that I mentioned.

I guess the area that I've been working with mostly the past few years has been the area of the placement homes and I would say without reservation that I don't think we could have accomplished this – the Innu that is – I guess I put myself in that group for the time being. I don't think we would have been able to accomplish what we did without support and assistance from the province.

If I go back in time when I first started working with the Innu, I recall having some pretty weird and awkward conversations with senior people at the province about the Innu in general, let alone programs and services. That doesn't exist anymore. We have support and assistance. Even in Indian Affairs actually – not only – maybe it's because they've changed their approach. In this area they actually people involved who are actually social workers now so I think that helps, but they, as a group, as a collective of a government department, they seem to understand more what the Innu are doing and what they want to accomplish.

They're still limited in areas. It's still frustrating, you know, in the area of the prevention services and the agency question for sure, but so I think a lot has changed and certainly in my time working with the Innu. It doesn't, you know, change the past but I think it does offer a different path to the future, which I think is a good thing. Even on the subject of placement

facilities and prevention services – I mean, wouldn't it be great if we didn't even have to worry about those services or facilities?

But until that happens, I mean, obviously prevention services are important, and the placement facilities operated and staffed by Innu, speaking their language to their own children in their own community, that's really gonna make a huge difference. Hopefully – I mean, if you add up the numbers, there's been over 100-and-some Innu children already received services just from the placement homes. It's difficult to think of where these children might be without that service being available in the last few years.

So that's for those of us involved in this, even though we're not social workers – at least I'm not – that gives us great comfort and confidence that this will work.

B. BROOKWELL: So the last question I have is, with the changes and where we're at, looking forward, based on your experience in these different roles and the work you're doing now, what do you still see as the change that's needed? Where are areas where you see changes are something that we should still be looking toward, and it can be either from the Innu or working with the province or the federal government, but I'm thinking, going forward, where do you see the work that still needs to be done?

S. JOUDRY: Well, aside from various programs and services, I think the strategic change will come when the Innu are able to achieve some level of self-government in this area, to have control over it.

I did mention it a few minutes ago when I spoke about the change but the change, even from the Innu communities with respect to child and family, has been amazing. There's been a considerable amount of training and experience and management experience that's been gained in all areas, not just in the placement facilities, but also in the prevention area.

The Innu – I mean in the early days, we had the social health director here in

Sheshatshiu and we had a transition coordinator or social worker at the IRT Secretariat; today, it feels like there's an army of people in the two communities working in this area – prevention services, community Innu representatives in the system as well as everything associated with the placement homes. In fact, there's a just in the placement home business alone, which I can speak to more directly, there's a cohort of young managers, directors and supervisors that are absolutely amazing. I mean, as you can imagine, 24-7 residential care for children, some of whom would have complex needs, is not easy but the Innu are working on this, they're doing it and they're accomplishing that.

Now in the beginning, I think even many of the Innu would say we're not sure if we can do this, so the confidence in the leadership that they now have gives me confidence that when the Innu get to the point where they can achieve – convince the feds and the province for self-government in this area, it will be successful. I have no reservation and I see that in their future.

The next steps for me is to probably retire. I've been at this for a while but it's been – of all the things I've done in my life, including military service under difficult circumstances in conflicts in the world in Bosnia and former Yugoslavia representing my country, I look back on this as being a highlight.

Thank you.

B. BROOKWELL: Thank you very much.

Those are the questions that I have for today. I really appreciate you taking the time in bringing us through your experience and your knowledge in this area.

S. JOUDRY: Thank you.

COMMISSIONER IGLOLIORTE: Okay, thank you very much all.

Mr. Brookwell, you're obviously a smart trial lawyer, you know how to end on a high note.

We'll take a few minutes, then, to see where counsel wanna go. I'll allow Commissioner Devine to decide when he has to depart. So we'll be back in just a couple of minutes.

Thank you.

Recess

COMMISSIONER IGLOLIORTE: All right then, thank you all so much.

Let's find out the way the questions are gonna be going, to whom, and also how you see the rest of the morning going.

Mr. Collins.

M. COLLINS: Yeah, I think that, in principle, it ought to be the province to ask questions next, followed by Canada, followed by any redirect from us.

COMMISSIONER IGLOLIORTE: Followed by whom?

M. COLLINS: Any redirect by Inquiry counsel.

COMMISSIONER IGLOLIORTE: Okay, okay. Thank you.

Well, let's continue then. I'll ask counsel, please, for the province.

UNIDENTIFIED SPEAKER: Thank you very much, Mr. Commissioner. And the province does have a couple questions, but they should be, I think, relatively brief.

Mr. Joudry, we met just before we started there this morning. Hello.

S. JOUDRY: Hello.

UNIDENTIFIED SPEAKER: The first question I have, I wanna take you back a little bit when you were being crossed examined by Mr. Brookwell. You were talking about caps on maintenance or – and I think it was your testimony that there was no cap on maintenance if a child was in care. So my understanding is there were

caps on operational costs at the time that you were involved, is that correct?

S. JOUDRY: Yeah, it was all based on the formula through the national directive. So there was – it tended to – when you applied the formula, there was an area for our staff to provide a little bit of discretion, but there was – essentially that would eventually come to a cap.

So in the operations part, which was kind of the administrative costs, for maintenance, it was basically reimbursement of expenditures, which meant if there was – and, of course, in that case, it was – it wasn't based specifically on numbers of children, it was based on reimbursement of provincial actuals in that case, for the most part. And that was the area that we were tracking, I know in the department, where there was, you know, annual growth that was probably a pressure right across the department. I also worked out in British Columbia region for a year and it was a similar case out there. The numbers were going up on an annual basis.

UNIDENTIFIED SPEAKER: Okay.

And so just to clarify that when you say maintenance, maintenance would be the actual cost of a child in a home, the food, things like that, the services?

S. JOUDRY: Yeah, I mean, the national directive, the terminology, operations and maintenance almost sounds like you're operating a car, but the maintenance area was basically to maintain the program, in terms of delivery of. And the costs would be whether a child was in a foster home or whether a child was in a group home somewhere or in some other arrangement. But it would be based on the costs from the province.

There were criteria around that, obviously, but essentially that was what maintenance was meant to cover.

UNIDENTIFIED SPEAKER: Okay. It's my understanding, for a number of years the province was trying to get the cap lifted on

the operational costs as well, but that would've happened after the Human Rights Tribunal decision came out. Can you speak to that, or was that after your involvement?

S. JOUDRY: Well, even during my involvement that was, I think, an ongoing issue with every province, actually. It was – it never seemed to be enough to meet the cost, but that was an area where the formula applied and there was no – as I said, in the Department of Indian Affairs there was some discretion where we could apply. But eventually it came to essentially a cap on it.

There was efforts and interest, really, requests, maybe even demands from – I recall requests certainly from this province, but also I know we had difficulty with a couple of the other provinces as well, where they were spending a lot more on operations than what we were in the department able to reimburse them for, yes.

UNIDENTIFIED SPEAKER: Okay. Were you still involved in the process when that changed, or was that after you'd left?

S. JOUDRY: I think that was after I left, yes.

UNIDENTIFIED SPEAKER: Okay. The other question I have, and this is more a clarification, I suppose. So is it your understanding that currently the Province of Newfoundland supports the Innu and their ongoing work towards taking over the child protection mandate?

S. JOUDRY: Yeah, that's my understanding. Certainly, that's been the case for some time. But, of course, as a level of government, it's subject to various things. And I know it's been a few years since I've been involved in it, but also there's been efforts through the land claim and self-government process to try to achieve that. Plus, the new federal legislation that allows the Innu to – and, well, every First Nation – to propose the establishment of their own law that requires, obviously, provincial involvement in that. But I think as you've seen in some of the exhibits, letters and so on, I think certainly

for the last – my recollection, maybe the last seven or eight years, the province has been supportive of the direction in all areas of child and family where the Innu want to go, inasmuch as they can.

Obviously, the legislation is somewhat limiting in some areas, but for other areas there seems to be, I would say, general support across the board, yes.

UNIDENTIFIED SPEAKER: Okay.

Thank you, I don't have any further questions.

COMMISSIONER IGLOLIORTE: Thank you very much.

Canada, please.

UNIDENTIFIED SPEAKER: We had a few questions, but Mr. Brookwell was kind enough to ask those for us, so we have no further questions.

COMMISSIONER IGLOLIORTE: Okay, that works.

Inquiry counsel?

M. COLLINS: Nothing further, thank you.

COMMISSIONER IGLOLIORTE: All right. Well, thank you very much. I'll move to Commissioner Qupee and then Commissioner Devine.

COMMISSIONER QUPEE: I want to thank you, Steve, for coming to the Inquiry and doing your presentation. It was good to see you, as well, and thank you and safe travels when you go back.

S. JOUDRY: Thank you, Commissioner.

COMMISSIONER QUPEE: [Sheshatshiu-aimun spoken.]

So I'm just saying in Innu, like, just give a brief overview of Steve's work with Innu and some of the departments that he worked for. So just for Elizabeth to just get a gist of what Steve was talking about.

Thank you.

Tshinashkumitin.

COMMISSIONER DEVINE: First of all, it was a pleasure to meet you. The first time I met you is this morning. I don't have any questions; Mr. Brookwell has been very thorough in his questioning this morning, so I don't have any further questions. But just to thank you for your testimony, pre-recorded yesterday and for today. You're obviously very knowledgeable about many areas here that we talked about, and some good insights into that I'm sure will be useful to us as we move forward in the Inquiry.

So thank you very much, Sir.

S. JOUDRY: Thank you.

COMMISSIONER IGLOLIORTE: Thank you, Commissioners.

Thank you, Mr. Joudry. We're going to release you before you start getting marriage proposals from women and men here. But we have to say that your CV speaks for itself, your personal and professional legitimacy, I would say, and the trust you've earned is counted very highly. Don't change.

All right, we'll move on now to see if there are any other points and issues to be made by any of the counsel before we close down for this week.

M. COLLINS: Nothing from us.

COMMISSIONER IGLOLIORTE: All right, well, we always regret having to say that we apologize for not having an interpreter. It could not be helped. But without the counsel being willing to proceed, we could not have gotten this far today, and we will continue to say that hopefully we will get the message from this week out for the Innu-speaking members of the community.

I'll allow each Commissioner to say their final comments before we ask Elizabeth to give us a prayer.

Commissioner Devine, please.

COMMISSIONER DEVINE: Okay, first, I guess I just – mine is more to acknowledge and thank everybody for this week. One of the first comments I made when we came in here on Monday morning was that how familiar this space is to myself and to many of us now. We've been here a number of times. And so in that regard, I thank the community for the welcome – their welcome each time we've been here, and for this lovely space that we have in order to hold the hearings.

I also want to thank the mental health healing services, Edward Nuna and his team, Sean Allen, who was here most of the week, and Tracy, who has been here – Tracy Denniston – for the past two days, in addition to the Inquiry team who's here. So we have Brian over here, and we have Michael and Kelsie as our legal people, Ruth and Paula who keeps everything going here as we go through the week, and David Penashue, who's down there with Edward and as our liaison worker and circle healing – circle hearings coordinator. That's a big title, David. That's a lot.

Also, I wanted to thank the council, from representative for Innu Nation, for Canada and the province. In the absence of Anne, of course, we want to thank Anne for her interpretation service this week, and to offer our condolences on the loss of a family member. Of course, you know, what's so central and important to us also is our Elder who is always with us, Tshaukuesh Penashue, and we thank her for her prayers and blessings each morning and evening.

In addition, we can't forget the media for their being here all week and getting the word out on what's happening with the Inquiry, and also in the community, the community itself and those who may not have been here in person, but those who attended virtually, so that option was open to many people.

So I think that's everybody. For those anybody I've left out, my apologies, but – so, and thank you all. Take care.

COMMISSIONER IGLOLIORTE:
Commissioner Qupee.

COMMISSIONER QUPEE: I'll speak in Innu first.

[Sheshatshiu-aimun spoken.]

I was just saying that –

COMMISSIONER IGLOLIORTE: Don't forget your sister.

COMMISSIONER QUPEE: [Sheshatshiu-aimun spoken.]

I'd like to thank people that have come and listened to the testimonies, listened to the witnesses, especially Ben, who came and read the documents from governments and his experience in the community, growing up in Nutshimit and also in the community.

It was really – it was a good experience for people to listen, because we've never really had anybody from the community to read those kinds of documents from what they were saying about Innu people that came from government and what they were doing to our communities and to the people. So it was a good experience to go through that, to listen.

And in thinking, our condolences again to Anne and her family. Anne has been a really – been a big help to the Inquiry with the translations, verbal translations and written translations, her work is really, really good. Also, to Nympha as well. When we're up in Natuashish she does the same thing. Really good work.

I'd also like to thank Eastern Audio for all the technical support that they've given us and, to be able to just get transcripts, it's really helpful for us so I'd really like to acknowledge them as well for the work that they do.

Thank you. Tshinashkumitin.

COMMISSIONER IGLOLIORTE: We'll stand with Tshaukuesh for our closing prayer, please.

ELDER PENASHUE: [Sheshatshiu-aimun spoken.]

Thank you.

COMMISSIONER QUPEE: I just want to mention what Elizabeth said, I think that it's important to say it.

She said: When I came here Monday, I am pleased to be here and to see the work that's been done. There's a lady by the name of Danielle Descent in Sept-Îles and she said that she's doing good work as well.

I want to thank the Commission, Anastasia, Judge Igloliorte and Mike. I also want to acknowledge Judge Igloliorte who has always been a strong support of Indigenous people, and she said it'll bring strength to the work that everyone is doing, and she said I was sad when I hear that when he was sick but I'm glad now that he's back here.

I'm here today and I have hope and she said I see the struggles. Even I go through the struggles with my grandchildren and great grandchildren. The government and the churches have done a lot of damage and I sat here listening, especially to Ben when he spoke, and I'd listened. Even though I did not speak, I listened and listened to the truth he told.

Thank you to the Commission, Judge Igloliorte, Anastasia and Mike. I hope to see the work when the work is completed, because Innu have been through a lot and I have high hopes that there will be good work done in the future.

Thank you. Tshinashkumitin

COMMISSIONER IGLOLIORTE: Thank you, Tshaukuesh, very much.

COMMISSIONER DEVINE: Thank you.

COMMISSIONER QUPEE:
Tshinashkumitin.

COMMISSIONER IGLOLIORTE: Okay.

We're closed then for this week.