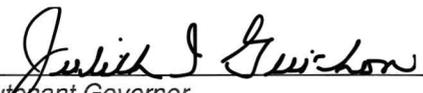


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 802, Approved and Ordered November 09, 2016


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the attached order is made, as it is considered to be in the public interest to establish the British Columbia Commission of Inquiry into Missing and Murdered Indigenous Women and Girls to participate in the National Inquiry into Missing and Murdered Indigenous Women and Girls.



Attorney General and Minister of Justice



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Public Inquiry Act, S.B.C. 2007, c. 9, ss. 2 and 5; Constitution Act, R.S.B.C. 1996, c. 66, s. 16

Other: _____

BRITISH COLUMBIA COMMISSION OF INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS ORDER

Definitions

- 1 In this order:
 - “Act” means the *Public Inquiry Act*;
 - “BC commission” means the commission of inquiry established under section 2 of this order;
 - “National commission” means the commission of inquiry established by the Government of Canada by PC 2016-0736.

Establishment of BC commission

- 2 (1) A hearing and study commission called the British Columbia Commission of Inquiry into Missing and Murdered Indigenous Women and Girls is established under section 2 of the Act.
- (2) The persons appointed as commissioners to the National commission are appointed as commissioners to the BC commission, and the person designated as chief commissioner to the National commission is designated as the chief commissioner to the BC commission.

Purposes of BC commission

- 3 The purposes of the BC commission are those of the National commission in relation to matters within the jurisdiction of British Columbia.

Terms of reference

- 4 (1) Subject to subsection (2), the terms of reference of the BC commission are those of the National commission set out in paragraphs (a) and (b) of PC 2016-0736.
- (2) Further terms of reference of the BC commission are the following:
 - (a) the BC commission may not make a finding of misconduct against a person nor make a report that alleges misconduct by a person;
 - (b) the BC commission may not inquire into any matter respecting the exercise of prosecutorial discretion;
 - (c) the BC commission may not require the disclosure of information that is subject to a privilege, immunity or other legal restriction;
 - (d) the BC commission must submit interim and final reports on the applicable dates set out in paragraph (x) of PC 2016-0736.

Agreement

- 5 For the purposes of section 3 of the Act, the Attorney General is authorized to enter into an agreement, reflected in the correspondence attached to this order, with the Government of Canada.

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et procureur général du Canada

JUL 06 2016

The Honourable / L'honorable Jody Wilson-Raybould, P.C., Q.C., M.P. / c.p., c.r., députée
Ottawa, Canada K1A 0H8

CONFIDENTIAL

The Honourable Suzanne Anton, M.L.A.
Minister of Justice and Attorney General
Government of British Columbia
P.O. Box 9044, Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister Anton:

Thank you for your correspondence concerning the National Inquiry into Missing and Murdered Indigenous Women and Girls. I regret the lengthy delay in responding.

I appreciate the opportunity to provide you with further information so that you and your Cabinet colleagues may consider passing an Order-in-Council under British Columbia's *Public Inquiry Act*.

With respect to costs, the Government of Canada intends to pay for any and all expenses associated with the operation of the Commission of Inquiry (the Commission). We would pay for costs associated with Aboriginal organizations that participate in advisory councils, with witnesses before the Commission, with the process of gathering the experiences of family members and others, and with any ceremony that the Commission includes in its operations, including honoraria for elders and others. The provincial and territorial governments would be responsible for the costs of their own participation in the Commission.

I note your comments relating to legislative and constitutional authority. As there has never been a national inquiry in Canada, we have only a few previous joint inquiries to use as precedent on which to build. The model of a joint inquiry ensures that jurisdiction is conferred on the Commission by all jurisdictions in Canada. As such, the Commission would not be prevented by constitutional limitations from reviewing any matters concerning the systemic causes of the higher levels of and greater vulnerability to violence facing Indigenous women and girls.

As outlined in the terms of reference, our government agrees that the national inquiry must be forward-looking by building on current initiatives rather than duplicating past processes or reopening cases. The terms of reference direct the Commission to build on the many earlier reports and studies that have been done, including the reports of the Missing Women Commission of Inquiry (Oppal). The Commission is directed to report back with concrete, actionable recommendations, building on the many promising practices they identify, so that we can collectively move forward to address the unacceptably higher risks for Indigenous women and girls in our communities.

Canada

In your Order-in-Council, under your own public inquiries legislation, you may wish to consider adding a direction that the Commission consider some of the initiatives your government has recently taken to respond to and implement the recommendations of the Missing Women Commission of Inquiry (Oppal).

With regard to some of the more technical issues that arise from conducting a national inquiry, it may be helpful to establish a Federal/Provincial/Territorial Working Group to examine these matters with a view to developing consistent advice for the Commission.

Effecting real and substantive reconciliation will require collaboration between all levels of government and all portfolios, in concertation with Indigenous communities. I hope that this information will assist in allowing your government to be part of this historic opportunity to reset the relationship with Indigenous peoples and to address the underlying barriers to ending this heart-breaking national tragedy.

Thank you again for writing. I appreciate your support and collaboration in this important work.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jody Wilson-Raybould', with a large, sweeping flourish at the end.

The Honourable Jody Wilson-Raybould



AUG 2 - 2016

The Honourable Jody Wilson-Raybould, PC, MP
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa ON K1A 0A6

Dear Minister Wilson-Raybould:

I write further to my June 21, 2016 letter addressed to you and I am also responding to your July 8, 2016 letter which was instrumental in moving this matter forward.

In particular, it was very helpful to have confirmation that the Government of Canada will pay for any and all expenses of the National Inquiry, including those of a parallel or joint commission established under the British Columbia *Public Inquiry Act*, with the provincial and territorial governments responsible only for the costs of their own participation before the National Inquiry.

It was also helpful to know that the Government of Canada intends that the National Inquiry must be forward-looking and build on current initiatives, rather than duplicating past processes or reopening specific cases.

With those assurances, the Government of British Columbia is now able to commit to seeking an Order in Council establishing a British Columbia commission under our *Public Inquiry Act*.

As I observed in my letter, there will certainly be challenges in fitting together as many as 14 commissions of inquiry established under various legislative schemes. Therefore, we welcome your suggestion of a federal/provincial/territorial working group which we suggest should be convened as soon as possible to work through the issues and ensure that the National Inquiry can be constituted in a way to avoid legal pitfalls.

Yours very truly,

A handwritten signature in black ink, appearing to read "Suzanne Anton".

Suzanne Anton QC
Attorney General
Minister of Justice

Ministry of
Justice

Office of the
Minister of Justice
and Attorney General

Mailing Address:
PO Box 9044 Stn Prov Govt
Victoria BC V8W 9E2
e-mail: JAG.Minister@gov.bc.ca
website: www.gov.bc.ca/justice

Telephone: 250 387-1866
Facsimile: 250 387-6411