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DELIVERED BY EMAIL: archive-jennifer.cox@canada.ca

June 19, 2019

Jennifer Cox
Director and General Legal Counsel, MMIWG-FFADA
P.O. Box 500, Station A
Vancouver, BC V6C 2N3

**Re: National Inquiry into Missing and Murdered Indigenous Women and Girls
- Notice of Intention to Issue an Order Pursuant to the Terms of Reference**

Dear Ms. Cox:

We write in relation to the Commissioners' Notice of Intention to Issue an Order Pursuant to the Terms of Reference (the "Notice"), delivered on June 18, 2019. Further to the "families first" approach we have taken to the National Inquiry, Ontario is respectful of the wishes of those who provided their truths to the Commission. However, we have a number of concerns about the fairness of the process afforded by the Commission regarding this pending Order.

First, it is Ontario's position that the less than four days provided by the Commission for parties to make submissions (one of which is National Indigenous Peoples Day) amounts to a denial of natural justice. Less than four days is simply not enough time for Ontario to research the complex legal and jurisdictional issues raised by the Notice, obtain instructions, and deliver adequate written submissions. Further, the time permitted deprives the parties of any meaningful opportunity to file evidence relevant to the issues raised in the Notice. Compliance with natural justice is imperative in this matter, where the Commission has given notice of its intention to make an order the breach of which "shall be considered a breach of a lawful order" (see Schedule A, ¶11).

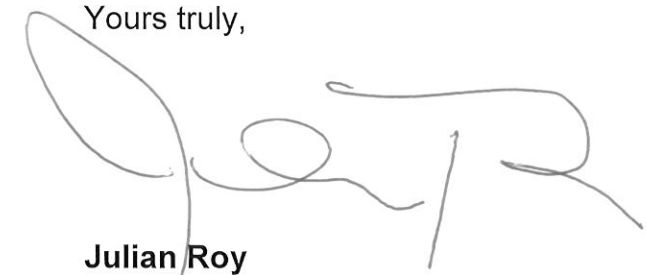
Second, five double-spaced pages does not provide the parties with an adequate opportunity to address the issues raised in the Notice. To meaningfully respond to the Commissioners' intention to issue this order, the parties are required to address the scope of Aboriginal or Treaty Rights, Indigenous laws and perspectives in relation to privacy, the application of federal, provincial and territorial privacy, access and archiving legislation, and the jurisdiction of the Commissioners to make this Order under applicable public inquiries legislation.

Third, Ontario is concerned that by providing notice that "they intend to issue the Draft Order", the Commissioners have predetermined (or at minimum, created the appearance that they have predetermined) the contested factual and legal issues raised by the Notice, prior to receiving submissions from affected parties. Natural Justice requires that the parties be heard by an adjudicator, prior to the issuance of a "Draft" order as detailed and prescriptive as that contained in Schedule A. Notably, the only matter left unresolved in the Draft Order is the length of the access period (see ¶6).

Fourth, the process directed by the Commissioners would require the parties to make submissions in the absence of an adequate factual record. Among other things, evidence concerning the consent process engaged by the Commission (including consent forms) in its interactions with family and community members should be part of the record of this proceeding. Further, there is no evidence that would permit the parties to consider and make submissions on the scope of the documents that would be deemed "protected C or protected C (Trauma-informed)" pursuant to ¶6(i)-(m).

We would be pleased to elaborate on Ontario's concerns regarding the lack of fairness of this process. We look forward to hearing from you in this regard.

Yours truly,

A handwritten signature in black ink, appearing to read 'Julian Roy', with a large, sweeping flourish on the left side.

Julian Roy
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