

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ALBERTA)**

BETWEEN:

BRADLEY DAVID BARTON

**APPELLANT
(Appellant)**

and

HER MAJESTY THE QUEEN

**RESPONDENT
(Respondent)**

and

**THE NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN
AND GIRLS**

**Applicant
(Proposed Intervener)**

**NOTICE OF MOTION
(MOTION FOR INTERVENTION ON APPEAL)
BY THE NATIONAL INQUIRY INTO MISSING AND MURDERED
INDIGENOUS WOMEN AND GIRLS**

**NATIONAL INQUIRY
MISSING AND MURDERED
INDIGENOUS WOMEN AND GIRLS**

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INDEX

Tab 1 Notice of Motion – Motion for Intervention on Appeal by the National Inquiry into Missing and Murdered Indigenous Women and Girls

Tab 2 Affidavit of Chief Commission Marion R. Buller

Exhibit A - Federal PC 2016-0736;

Exhibit B – Alberta Lieutenant Governor in Council Order 232/2016, National Inquiry;

Exhibit C – British Columbia Order of the Lieutenant Governor in Council 802, British Columbia Commission of Inquiry into Missing and Murdered Indigenous Women and Girls;

Exhibit D – Manitoba Minister of Justice and Attorney General IOC 234;

Exhibit E – New Brunswick Lieutenant Governor in Council OIC 2016-253, The National Inquiry into Missing and Murdered Indigenous Women and Girls;

Exhibit F – Newfoundland and Labrador Lieutenant-Governor in Council O.C. 2016-253, The National Inquiry into Missing and Murdered Indigenous Women and Girls;

Exhibit G – Northwest Territories Commissioner in Executive Council R-114-2016, National Inquiry;

Exhibit H – Nova Scotia Governor in Council OIC 2016-208;

Exhibit I – Nunavut Minister of Justice R-015-2016;

Exhibit J – Ontario Lieutenant Governor of Ontario, OIC;

Exhibit K – Prince Edward Island Executive Council EC 2016-611, THE NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS;

Exhibit L – Quebec Order 711-2016;

Exhibit M – Saskatchewan Minister of Justice and Attorney General OC 420/2016, Joint National Commission into Murdered and Missing Indigenous Women and Girls;

Exhibit N – Yukon Commissioner in Executive Council O.I.C. 2016/170, National Inquiry into Missing and Murdered Indigenous Women and Girls.

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE SASKATCHEWAN COURT OF APPEAL)**

BETWEEN:

BRADLEY DAVID BARTON

APPELLANT

AND:

HER MAJESTY THE QUEEN

RESPONDENT

**THE NATIONAL INQUIRY INTO MISSING AND MURDERD INDIGENOUS
WOMAN AND GIRLS**

**Applicant
(Proposed Intervener)**

NOTICE OF MOTION
(Motion for Intervention on Appeal)

TAKE NOTICE that the National Inquiry into Missing and Murdered Indigenous Women and Girls [hereinafter “the National Inquiry”], hereby applies to a Judge of this Court, pursuant to Rule 55 of the *Rules of the Supreme Court of Canada*, for an order allowing the National Inquiry to intervene in the appeal on a without-cost basis; to file a factum; to present oral argument; and, for such further or other order that the said Honourable Judge may deem appropriate.

AND FURTHER TAKE NOTICE that the following documents will be referred to in support of such motion:

1. The Affidavit of Chief Commissioner, Marion R. Buller, sworn on the 28thst of June 2018; and

2. Such further and other material as counsel may advise and may be permitted.

AND FURTHER TAKE NOTICE that the said motion is made on the following grounds:

1. Rule 55 of the *Rules of the Supreme Court of Canada*.
2. The National Inquiry is an independent Commission of Public Inquiry pursuant to pursuant to Federal PC 2016-0736 under Part I of the *Inquiries Act* and twelve other Orders in Councils (OICs) and one Administrative Decree of each province or Territory of Canada whose mandate includes identifying and examining the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action.

Affidavit of Chief Commissioner Marion R. Buller, paras. 2-6 and para 19.

3. This appeal raises important questions of the law of consent and prejudicial effects of stereotyping, false assumptions and characterizations of Indigenous women and sex work has in the determination by juries or finders of fact in determining issues of consent. The National Inquiry specifically takes into consideration the systemic causes of harm. One such consideration we must take into account is the impact of the law of consent in Alberta and Canada has on Indigenous victims of sexual violence.

Affidavit of Chief Commissioner Marion R. Buller, paras. 20-21.

4. Between May 31, 2017 and April 8, 2018, the National Inquiry has held fifteen community hearings across Canada. The National Inquiry has heard from a total of 1255 witnesses. There were 202 public hearings and 270 in-camera hearings as well as statement gathering during these hearings and other gathering events. Included in this evidence were stories from survivors of sexual violence and

evidence of the death, murder or manslaughter of Indigenous women, girls and two spirited people that included sexual violence.

Affidavit of Chief Commissioner Marion R. Buller, paras. 9-10

5. The issues raised by the Applicant will directly impact Indigenous women and girls and the National Inquiry will provide a unique and informed perspective to the Court that is different from other parties in the appeal.
6. The National Inquiry will focus its argument on the following:
 - a. The Court of Appeal did not fail or err in its treatment of the evidence of prior sexual activity, and that they provided sufficient reasons why the errors in the lower decision might reasonably be thought to have had a material bearing on the acquittal, specifically as it relates to the issues of non-compliance with s 276 of the *Criminal Code of Canada*. The duties and obligations of the Crown, Defence and the Judge, that were overlooked , such as the omission of s. 276 process resulted in an error of law. Specifically the National Inquiry will address:
 - (i) Why limiting the admissibility of prior sexual conduct evidence within law is required;
 - (ii) That failing to adequately warn the jury about improper reliance on sexual conduct evidence can have a significant impact and cause a real risk of reasoning prejudice in determining issues of consent.
 - b. That *Section 276 of the Criminal Code* and the use of the term "Native" *does* apply to evidence led by the Crown and used by all actors of the Court including counsel for the defence and the judge. False assumptions on gendered, racial or classist characterizations like those used to describe Ms. Gladue during the trial are prejudicial to Indigenous women and girls and that the Alberta Court of Appeal was correct in finding that "those references implicitly invited the jury to bring to the fact-finding process discriminatory beliefs or biases about the sexual availability of Indigenous women and especially those who engage in sexual activity for payment." [*R. v Barton*, 2017 ABCA 216, para. 128]

7. Such further and other grounds as counsel may advise and may be permitted.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used:

8. The Affidavit of Chief Commissioner Marion R. Buller dated June 28, 2018.

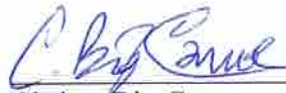
DATED at the City of Regina, in the Province of Saskatchewan, this 28th day of June, 2018.

THE NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

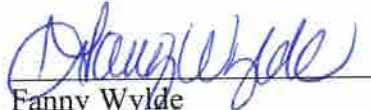
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Counsel for the Proposed Intervener, The National Inquiry into Missing and Murdered Indigenous Women and Girls

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ALBERTA)

BETWEEN:

BRADLEY DAVID BARTON

APPELLANT
(Appellant)

AND:

HER MAJESTY THE QUEEN

RESPONDENT
(Respondent)

**THE NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS
WOMEN AND GIRLS**

Applicant
(Proposed Intervener)

AFFIDAVIT OF CHIEF COMMISSIONER MARION R. BULLER

I, CHIEF COMMISSIONER MARION R. BULLER of the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY:

I am the Chief Commissioner of the National Inquiry into Missing and Murdered Indigenous Women and Girls pursuant to Federal PC 2016-0736 and have knowledge of the information contained herein.

The National Inquiry into Missing and Murdered Indigenous Women and Girls

1. An inquiry is a body that is formally mandated by a government, either on an *ad hoc* basis or with reference to a specific problem, to conduct a process of fact-finding and to arrive at a body of recommendations. This Inquiry was established by Federal PC 2016-0736, “the

National Inquiry into Missing and Murdered Indigenous Women and Girls” (the National Inquiry) Subsequently all other Provinces and Territories in Canada have passed Orders in Council or an Administrative Decree with terms of reference. That makes this Inquiry the first ever true National Inquiry in Canada.

National Terms of Reference

2. The National Inquiry has received a mandate pursuant to His Excellency the Governor General in Council, on the recommendation of the Prime Minister, for the period beginning on September 1, 2016 and ending on December 31, 2018, under Part I of the *Inquiries Act* and under the Great Seal of Canada appointing five persons as commissioners ("the Commissioners"), namely, the Honourable Marion R. Buller as Chief Commissioner, Michèle Taïna Audette, E. Qajaq Robinson, Marilyn Poitras and Brian Eyolfson, to conduct an inquiry into missing and murdered Indigenous women and girls in Canada by PC 2016-0736. The National Inquiry has subsequently had their mandate extended under the same terms until June 30 2019, with the final report required to be delivered April 30, 2019. PC 2016-0736 is hereto attached to this affidavit as **Exhibit A**.
3. The terms of reference afford a broad mandate but the preamble speaks to the reasons why the National Inquiry needed to be called including:

Whereas the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

Whereas the Government of Canada has committed to launching an inquiry to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;

And whereas the Government of Canada is committed to taking effective action to prevent and eliminate violence against Indigenous women and girls...

Provincial and Territorial Order in Councils

4. There are thirteen other Orders in Councils (OICs) that create this first ever true National Inquiry. There has never been a true National Inquiry in Canadian history. The broad mandate also is unheard of in a public inquiry. Royal Commissions have had broad mandates, but there are distinct differences such as the National Inquiry's powers to subpoena evidence and compel witnesses to appear before it, along with other coercive powers.
5. It is important to note that the time to obtain the requisite OIC's from all governments took until November 28, 2016, almost three months after the Federal mandate commenced.
6. The Provincial and Territorial OICs that give the National Inquiry mandate to carry out our investigative and research work, as attached in the following exhibits:

Exhibit B - Alberta Lieutenant Governor in Council Order 232/2016, National Inquiry;

Exhibit C - British Columbia Order of the Lieutenant Governor in Council 802, British Columbia Commission of Inquiry into Missing and Murdered Indigenous Women and Girls;

Exhibit D - Manitoba Minister of Justice and Attorney General OIC 234;

Exhibit E - New Brunswick Lieutenant Governor in Council OIC 2016-253, The National Inquiry into Missing and Murdered Indigenous Women and Girls;

Exhibit F - Newfoundland and Labrador Lieutenant-Governor in Council O.C. 2016-256, Commission of Inquiry into Missing and Murdered Indigenous Women and Girls in Canada;

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Exhibit N - Yukon Commissioner in Executive Council O.I.C. 2016/170, National Inquiry into Missing and Murdered Indigenous Women and Girls.

THE NATIONAL INQUIRY'S INTEREST AND EXPERIENCE

7. The National Inquiry hears evidence in three parts. Part 1 are Community hearings where we have heard from families of those who have lost loved ones and survivors of violence, including sexual violence. Part 2 Institutional Hearings and Part 3 Knowledge Keeper and Expert Hearings include gathering the testimony of knowledge keepers and experts such as government officials, academics, legal experts and community leaders. The description of these parts is set out in our Legal Path: Rules of Respectful Practice for the National Inquiry into Missing and Murdered Indigenous Women and Girls, hereto attached to this affidavit as **Exhibit O**.
8. All of the public testimonies have been live webcast in both official languages. Any member of the public can watch archived videos of the public testimony available at <http://www.mmiwg-ffada.ca>.
9. During Part 1, Community Hearings, the National Inquiry held fifteen hearings across the country. Specifically:

• Whitehorse, Yukon	May 31, 2017- June 1, 2017
• Smithers, British Columbia	September 26-28, 2017
• Winnipeg, Manitoba	October 16-20, 2017
• Membertou, Nova Scotia	October 30- November 1, 2017
• Edmonton, Alberta	November 7-9, 2017

• Saskatoon, Saskatchewan	November 21-23, 2017
• Maliotenam, Quebec	November 27- December 1, 2017
• Thunder Bay, Ontario	December 4-6, 2017
• Yellowknife, Northwest Territories	January 23-25, 2018
• Moncton, New Brunswick	February 13-14, 2018
• Rankin Inlet, Nunavut	February 20-22, 2018
• Happy Valley-Goose Bay, Newfoundland	March 7-8, 2018
• Montréal, Québec	March 12-16, 2018
• Thompson, Manitoba	March 20-21, 2018
• Vancouver, British Columbia	April 4-8, 2018

10. The National Inquiry has heard from a total of 1273 testimonies from families and survivors witnesses and plans to hear from approximately 500 more such witnesses.
11. A majority of the National Inquiry staff are Indigenous professionals. The National Inquiry is meeting the mandate to ensure Indigenous perspectives are key to the development and operation of the National Inquiry. The fact that most staff are Indigenous means that Indigenous perspective informs the work more inherently and naturally because staff members come to the National Inquiry, not only with their work experience, but also with the lived experience as Indigenous people.
12. In addition to the investigative mandate the National Inquiry has, we also have a research mandate. To date, our research team has undertaking tremendous tasks. They have done an unprecedented review that analyzes reports and previous recommendations. The review gives us a cross-jurisdictional picture of violence against Indigenous women and girls. It helps us identify knowledge gaps. In examining which recommendations have or have not been implemented, we can identify the systemic barriers to implementation and take those into account. In the Interim Report of the Commission of Inquiry into Missing and Murdered Indigenous Women and Girls, *Our Women and Girls are Sacred* (2017) at page 32-33, we note the following two points:

The National Inquiry has analyzed 98 reports on violence against Indigenous women and girls in Canada. These reports are from past commissions of inquiry, parliamentary standing committees, grassroots community initiatives, National Indigenous Organizations, international agencies and commissions, and national and international civil society organizations. Together, they contain over 1,200 recommendations addressing the disproportionate rates of violence against Indigenous women in Canada.

And that,

Many of the reports we reviewed focus on a single region or jurisdiction, and no past report has been as comprehensive in its jurisdictional scope or mandate as the National Inquiry's. The scope of this review is especially important since the lack of interjurisdictional cooperation has been a longstanding barrier to ending violence against Indigenous women, girls, and LGBTQ2S people.

The full report is available on-line at <http://www.mmiwg-ffada.ca/files/ni-mmiwg-interim-report-en.pdf>

13. We have also undertaken the most comprehensive literature review to date of existing reports, studies, and articles about violence against Indigenous women and girls. This review is in itself a public education tool that will make future research easier.

THE NATIONAL INQUIRY'S INTEREST IN THE CASE AT BAR

14. The victim in the case, Cindy Gladue was an Indigenous woman. How she came to her death and the issues that this case will address in relation to sexual assault and specifically how issues of consent are determined matter to the National Inquiry.
15. The issues at stake in this appeal fall directly within the mandate of the National Inquiry. The current status of law following *R. v. Barton*, 2017 ABCA 216 as it relates to consent and the treatment of prior sexual history in criminal prosecutions and trials as per the *Criminal Code of Canada* and common law is important. As a National Inquiry, we are concerned and alert to the current state of law and particularly how it relates to the law of consent. The

outcome of the decision along with the current law, is directly relevant to our mandate and any recommendations we may make in relation to the safety of Indigenous women and girls.

16. Many of the stories that the National Inquiry have heard are alarmingly similar and systemic issues and patterns are easily apparent in the stories that the Commissioners have heard. The testimony that individuals and families share about their lost love ones or the violence they themselves have experienced places us in a unique position to understand the lived reality of Indigenous women, girls and two spirited people. The evidence is also increasing awareness for everyone about the realities that Indigenous Canadians face. The issues that are addressed in each story provides the National Inquiry insight and shares knowledge in the most human way possible—by hearing from the people most impacted by missing and murdered Indigenous women and girls.

17. So often Indigenous people's voices are silenced by policy, law and mainstream media. The National Inquiry process empowers Indigenous people to tell what they have lived through. In listening to these stories, the National Inquiry has heard time and time again that it seems that Canadian Criminal law, particularly law as it relates to sexual assault, acts as a barrier for Indigenous women who have experienced sexual violence to achieve justice against assailants and perpetrators of sexual violence.

THE NATIONAL INQUIRY'S PERSPECTIVE TO THE CASE AT BAR

18. The National Inquiry will focus its argument on the following:

- a. The Court of Appeal did not fail or err in its analysis of the evidence of prior sexual activity, and that the Court provided sufficient reasons why the errors in the lower decision might reasonably be thought to have had a material bearing on the acquittal, specifically as it relates to the issues of non-compliance with s 276 of the *Criminal Code of Canada*. The duties and obligations of the Crown, Defence and Judge, that were

overlooked , such as the omission of the s. 276 process resulted in an error of law. Specifically the National Inquiry will address:

- (i) why limiting the admissibility of prior sexual conduct evidence is required;
 - (ii) that failing to adequately warn the jury about improper reliance on sexual conduct evidence can have a significant and prejudicial impact and cause a real risk of reasoning prejudice in determining issues of consent.
- b. That section 276 of the *Criminal Code* and the use of the term "Native" does apply to evidence led by the Crown and used by all actors of the Court including counsel for the defence and the judge. False assumptions on gendered, racial or classist characterizations like those used to describe Ms. Gladue during the trial are prejudicial to Indigenous women and girls, but more importantly the Alberta Court of Appeal was correct in finding that "those references implicitly invited the jury to bring to the fact-finding process discriminatory beliefs or biases about the sexual availability of Indigenous women and especially those who engage in sexual activity for payment."

CONCLUSION

19. The work that the National Inquiry has done to date, although it has occurred in a short duration, has been unprecedented in scope and reach. The National Inquiry has heard directly from a number of Indigenous women, girls, and two spirited individuals who are survivors of sexual violence.
20. The role of Commissioners in meeting our mandate requires that we specifically take into consideration the systemic causes of violence. One such consideration we must take into account is the impact of the law of consent in Alberta and Canada has on Indigenous victims of sexual violence.

21. The issues raised in this appeal will impact the recommendations that the Commissioners may make. The National Inquiry has a legitimate interest in the resolution of this matter and ensuring that the law of consent accurately takes into account issues that contribute to the violence and vulnerability that Indigenous women and girls experience.
22. This affidavit is made in support of an Order granting leave to the National Inquiry to intervene in these proceedings, and for no other or improper purpose.

SWORN before me at the City of Regina,)
 in the Province of Saskatchewan,)
 To this 28th day of June, 2018)
)
)



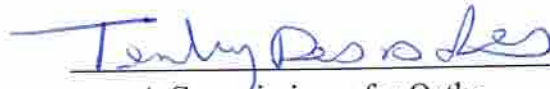
Tenley Desroches

A Commissioner for Oaths for Saskatchewan

My Commission expires: April 30, 2022


 Chief Commissioner Marion R. Buller

This is Exhibit "A" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, reading "Terence Desrosiers", written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

Indigenous and Northern Affairs Canada

Home → Aboriginal peoples and communities → National Inquiry into Missing and Murdered Indigenous Women and Girls

→ About the independent inquiry → Terms of reference for the National Inquiry into Missing and Murdered Indigenous Women and Girls

→ Terms of reference

Terms of reference

Whereas the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

Whereas the Government of Canada has committed to launching an inquiry to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;

And whereas the Government of Canada is committed to taking effective action to prevent and eliminate violence against Indigenous women and girls in Canada;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister, directs that a commission ("the Commission") do issue, for the period beginning on September 1, 2016 and ending on December 31, 2018, under Part I of the *Inquiries Act* and under the Great Seal of Canada appointing five persons as commissioners ("the Commissioners"), namely, the Honourable Marion R. Buller as Chief Commissioner, Michèle Taïna Audette, E. Qajaq Robinson, Marilyn Poltras and Brian Eyolfson, to conduct an inquiry into missing and murdered Indigenous women and girls in Canada; which Commission must

a. direct the Commissioners to inquire into and to report on the following:

- i. systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada, and
- ii. institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety

b. direct the Commissioners to make recommendations on the following:

- i. concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada, and
- ii. ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada;

c. direct the Commissioners to conduct the inquiry under the name of the National Inquiry into Missing and Murdered Indigenous Women and Girls ("the Inquiry");

d. authorize the Commissioners to adopt any procedures that they consider expedient for the proper conduct of the Inquiry, to sit at the times and in the places, especially in Indigenous communities in Canada, that the Commissioners consider appropriate and to conduct the Inquiry, to the greatest extent possible, by means of informal processes such as the gathering of statements by qualified trauma-informed persons to record the experiences of families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls participating in the Inquiry;

e. direct the Commissioners to take into account, in conducting the Inquiry, that the Inquiry process is intended, to the extent possible,

- i. to be trauma-informed and respect the persons, families and communities concerned,
- ii. to provide an opportunity for persons, families and community members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Canada,
- iii. to be culturally appropriate and to acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of Indigenous peoples, and
- iv. to promote and advance reconciliation and to contribute to public awareness about the causes of and solutions for ending violence experienced by Indigenous women and girls in Canada;

f. authorize the Commissioners to provide any person having a substantial and direct interest in the subject matter of the Inquiry with an opportunity to participate in the Inquiry;

g. authorize the Commissioners to establish

- i. regional advisory bodies — composed of families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls — to advise on regional matters that fall within the scope of the Inquiry, and
- ii. issue-specific advisory bodies — composed of elders, youth, families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls, experts and academics, including academics specializing in Indigenous legal traditions, as well as representatives of national, Indigenous, local and feminist organizations — to advise on regional matters that fall within the scope of the Inquiry;


h. direct the Commissioners to conduct the Inquiry as they consider appropriate with respect to accepting as conclusive or giving due weight to the findings of fact set out in relevant reports, studies, research and examinations, whether national or international, including

- i. the Final Report of the Truth and Reconciliation Commission of Canada (2015),

- ii. The Report of the Royal Commission on Aboriginal Peoples (1996),
- iii. Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women in Canada, Report of the Special Committee on Violence Against Indigenous Women (2014),
- iv. Missing and Murdered Aboriginal Women: A National Operational Overview, Royal Canadian Mounted Police (2014),
- v. What Their Stories Tell Us: Research findings from the Sisters In Spirit initiative, Native Women's Association of Canada (2010),
- vi. Report of the Inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (30 March 2015),
- vii. Missing and Murdered Indigenous Women in British Columbia, Canada, Inter-American Commission on Human Rights (21 December 2014), and
- viii. reports of the Missing Women Commission of Inquiry (Oppal Commission, British Columbia);
- i. direct the Commissioners to review the results of the Government of Canada's pre-Inquiry engagement process;
- j. authorize the Commissioners to rent, in accordance with the applicable Treasury Board policies, any space and facilities that are required for the purposes of the Inquiry;
- k. authorize the Commissioners to recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting the rates of remuneration and reimbursement and the assessment of accounts, to any person described in paragraph (f), where in the Commissioners' view the person would not otherwise be able to participate in the Inquiry;
- l. authorize the Commissioners to make available to members of the families of missing and murdered Indigenous women and girls and to survivors of violence against Indigenous women and girls, for the duration of their appearance before the Commission, the trauma-informed and culturally appropriate counselling services that the Commissioners consider appropriate;
- m. authorize the Commissioners to refer the families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls who contact the Commission for information and assistance with respect to matters such as ongoing or past investigations, prosecutions or inquests to the appropriate provincial or territorial authority that is responsible for the provision of victim services;
- n. direct the Commissioners to use the electronic data systems and procedures specified by the Privy Council Office and to consult with records management officials within the Privy Council Office on the use of standards and systems that are specifically designed for the purpose of managing records;
- o. authorize the Commissioners to engage the services of the experts and other persons who are referred to in section 11 of the *Inquiries Act*, at the rates of remuneration and reimbursement that the Treasury Board approves;
- p. direct the Commissioners to perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization;
- q. direct the Commissioners to perform their duties in such a way as to ensure that the conduct of the Inquiry does not jeopardize any ongoing criminal investigation or criminal proceeding;
- r. if the Commissioners have reasonable grounds to believe that any information obtained in the course of the Inquiry may be used in the investigation or prosecution of an offence under the Criminal Code, authorize the Commissioners to remit that information to the appropriate authorities;
- s. authorize the Commissioners to remit to the appropriate authorities any information that was obtained in the course of the Inquiry that the Commissioners have reasonable grounds to believe relates to misconduct;
- t. direct the Commissioners to follow established security procedures, including the requirements of the Government of Canada's security policies, directives, standards and guidelines, with respect to persons engaged under section 11 of the *Inquiries Act* and the handling of information at all stages of the Inquiry;
- u. direct the Commissioners to not disclose publicly or in any report any personal information, as defined in section 3 of the *Privacy Act*, that has been received in evidence during any portion of the Inquiry conducted in camera, unless, in the opinion of the Commissioners, the public interest in the disclosure outweighs any invasion of privacy that could result from the disclosure;
- v. direct the Commissioners to make any disclosure referred to in paragraph (u) in such a way as to minimize, to the greatest extent possible, any invasion of privacy that could result from the disclosure;
- w. direct the Commissioners, in respect of any portion of the Inquiry conducted in public, to ensure that members of the public can, simultaneously in both official languages, communicate with and obtain services from the Commission, including any transcripts of proceedings that have been made available to the public;
- x. direct the Commissioners to submit, simultaneously in both official languages, the following reports to the Governor in Council:
 - i. an interim report, to be submitted before November 1, 2017, setting out the Commissioners' preliminary findings and recommendations, and their views on and assessment of any previous examination, investigation and report that they consider relevant to the Inquiry, and
 - ii. a final report, to be submitted before November 1, 2018, setting out the Commissioners' findings and recommendations; and
- y. direct the Commissioners to file the records and papers of the Inquiry with the Clerk of the Privy Council as soon as feasible after the conclusion of the Inquiry.

Date modified:

This is Exhibit "B" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan



A handwritten signature in blue ink, reading "Terly Desrosiers", is written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022



Province of Alberta
Order in Council

O.C. 232 /2016

SEP 08 2016

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council makes the order set out in the attached Appendix.

CHAIR

For Information only

Recommended by: Minister of Indigenous Relations

Authority: Public Inquiries Act
(section 2)

APPENDIX

ORDER

WHEREAS the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

AND WHEREAS the Government of Canada has launched an inquiry by PC 2016-0736 under the name of the National Inquiry into Missing and Murdered Indigenous Women and Girls ("National Inquiry") to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;

AND WHEREAS the Government of Alberta is committed to effective action that would prevent and eliminate violence against Indigenous women and girls in Canada;

AND WHEREAS it is important that inquiries be made with respect to matters within Alberta's jurisdiction;

AND WHEREAS the Lieutenant Governor in Council considers it expedient and in the public interest to cause a provincial inquiry to be established jointly with the National Inquiry for the period beginning on September 1, 2016 and ending on December 1, 2018 and to appoint as Commissioners the same persons appointed as Commissioners to the National Inquiry;

THEREFORE, pursuant to the Public Inquiries Act, the Lieutenant Governor in Council declares that a provincial inquiry be held and orders as follows:

Establishment of Commission

1 The following are appointed as Commissioners to the provincial inquiry:

- (a) Honourable Marion R. Buller, Chief Commissioner;
- (b) Michèle Taïna Audette;
- (c) E. Qajaq Robinson;
- (d) Marilyn Poitras;
- (e) Brian Eyolfson.

Mandate of Commission

2(1) The Commissioners must

- (a) conduct the provincial inquiry under the name of the National Inquiry;

- (b) inquire into and report on the following:
 - (i) systemic causes of all forms of violence - including sexual violence – against Indigenous women and girls in Alberta, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Alberta;
 - (ii) institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Alberta, including the identification and examination of practices that have been effective in reducing violence and increasing safety;
- (c) make recommendations on the following:
 - (i) concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Alberta;
 - (ii) ways to honour and commemorate the missing and murdered Indigenous women and girls in Alberta;
- (d) adopt any procedures that the Commissioners consider expedient for the proper conduct of the National Inquiry, sit at the times and in the places, especially in Indigenous communities in Alberta, that the Commissioners consider appropriate and conduct the National Inquiry, to the greatest extent possible, by means of informal processes such as the gathering of statements by qualified trauma-informed persons to record the experiences of families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls participating in the National Inquiry;
- (e) take into account, in conducting the National Inquiry, that the National Inquiry process is intended, to the extent possible,
 - (i) to be trauma-informed and respect the persons, families and communities concerned,
 - (ii) to provide an opportunity for persons, families and community members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Alberta,

- (iii) to be culturally appropriate and to acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of Indigenous peoples, and
 - (iv) to promote and advance reconciliation and to contribute to public awareness about the causes of and solutions for ending violence experienced by Indigenous women and girls in Alberta;
- (f) provide any person having a substantial and direct interest in the subject matter of the National Inquiry with an opportunity to participate in the National Inquiry;
- (g) as the Commissioners consider appropriate, work with the Government of Alberta and Indigenous families and Indigenous organizations in Alberta to identify possible membership on any federal, regional or issue-specific advisory bodies;
- (h) conduct the National Inquiry as they consider appropriate with respect to accepting as conclusive or giving due weight to the findings of fact set out in relevant reports, studies, research and examinations, whether national or international, including
 - (i) Final Report of the Truth and Reconciliation Commission of Canada (2015),
 - (ii) The Report of the Royal Commission on Aboriginal Peoples (1996),
 - (iii) Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women in Canada, Report of the Special Committee on Violence Against Indigenous Women (2014),
 - (iv) Missing and Murdered Aboriginal Women: A National Operational Overview, Royal Canadian Mounted Police (2014),
 - (v) What Their Stories Tell Us: Research findings from the Sisters In Spirit initiative, Native Women's Association of Canada (2010),
 - (vi) Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (30 March 2015),
 - (vii) Missing and Murdered Indigenous Women in British Columbia, Canada, Inter-American Commission on Human Rights (21 December 2014), and

- (viii) reports of the Missing Women Commission of Inquiry (Oppal Commission, British Columbia);
- (i) review the results of the Government of Canada's pre-Inquiry engagement process;
- (j) participate jointly with the National Inquiry without cost, as Canada has committed to pay all expenses of the National Inquiry;
- (k) make available to members of the families of missing and murdered Indigenous women and girls and to survivors of violence against Indigenous women and girls, for the duration of their appearance before the National Inquiry, the trauma-informed and culturally appropriate counselling services that the Commissioners consider appropriate;
- (l) perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization;
- (m) perform their duties in such a way as to ensure that the conduct of the National Inquiry does not jeopardize any ongoing criminal investigation or criminal proceeding;
- (n) if the Commissioners consider it necessary or required by law to do so, file records and papers of the National Inquiry with the Clerk of Executive Council;
- (o) assist the National Inquiry in providing reports to the Governor in Council as required in PC 2016-0736, and contemporaneously submit those same reports to the Executive Council;
- (p) deal with records management in accordance with provincial processes and procedures.

(2) The Commissioners are authorized

- (a) to refer the families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls who contact the National Inquiry for information and assistance with respect to matters such as ongoing or past investigations, prosecutions or inquests to the appropriate authority that is responsible for the provision of victim services;
- (b) if the Commissioners have reasonable grounds to believe that any information obtained in the course of the National Inquiry may be used in the investigation or

prosecution of an offence under the Criminal Code (Canada), to remit that information to the appropriate authorities;

- (c) to remit to the appropriate authorities any information that was obtained in the course of the National Inquiry that the Commissioners have reasonable grounds to believe relates to misconduct;
- (d) to engage the services of experts and other person referred to in section 3 of the Public Inquiries Act, keeping in mind Canada's undertaking to cover the costs of the National Inquiry.

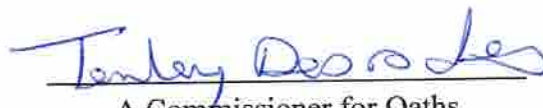
Prohibitions

3(1) The Commissioners must not

- (a) disclose publicly or in any report any personal information, as defined in section 1(n) of the Freedom of Information and Protection of Privacy Act, that has been received in evidence during any portion of the National Inquiry conducted in camera, unless, in the opinion of the Commissioners, the public interest in the disclosure outweighs any invasion of privacy that could result from the disclosure;
- (b) disclose publicly or in any report any individually identifying health information, within the meaning of the Health Information Act unless such disclosure is in accordance and compliance with that Act;
- (c) publish the name or a photograph of a child or the child's parent or guardian in a manner that reveals that the child is receiving or has received intervention services as contemplated in the Child, Youth and Family Enhancement Act or otherwise breach any confidentiality provision in that Act.

(2) The Commissioners must make any disclosure or publication referred to in subsection (1)(a) and (b) in such a fashion as to minimize, to the greatest extent possible, any invasion of privacy that could result from the disclosure.

This is Exhibit " C " to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Tenley Doores", is written over a horizontal line.


A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

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: _____

October 25, 2016

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.

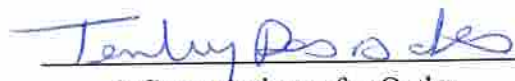
Terms of reference

- 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.

This is Exhibit "D" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Tandy Desrosiers", is written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022



MANITOBA

ORDER IN COUNCIL

DATE: August 24, 2016

ORDER IN COUNCIL No.: 323/2016

RECOMMENDED BY: Minister of Justice and Attorney General

ORDER

1. As a step on the path to reconciliation, with a view to supporting families of missing and murdered Indigenous women and girls and survivors of violence, the Honourable Marion R. Buller, Michèle Tanja Audette, E. Qajaq Robinson, Marilyn Poltras and Brian Eyolfson, are appointed commissioners to, jointly with the commission of inquiry established by the Government of Canada by P.C. 2016-0736 and those equivalent commissions of inquiry established by all the provinces and territories, for the period beginning September 1, 2016 and ending December 31, 2018:
 - a. make inquiries into and report on systemic causes of all forms of violence – including sexual violence – against Indigenous women and girls in Manitoba, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Manitoba;
 - b. make inquiries into and report on institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Manitoba, including the identification and examination of practices that have been effective in reducing violence and increasing safety;
 - c. make recommendations for concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Manitoba; and
 - d. make recommendations with respect to ways to honour and commemorate the missing and murdered Indigenous women and girls in Manitoba.
2. In making inquiries into, and reporting on, matters within the jurisdiction of Manitoba, the reports, studies, research and examinations reviewed by the commissioners should also include those listed in Schedule A.
3. The commissioners are directed to submit their interim and final reports to the Minister of Justice and Attorney General when these reports are submitted to the Governor General in Council.
4. This Order is effective on the day it is made.

AUTHORITY

The Manitoba Evidence Act, C.C.S.M. c. E150, states:

Appointment of commission

83(1) Where the Lieutenant Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislature and connected with or affecting

...

(c) the administration of justice within the province;

...

(f) any matter which, in his opinion, is of sufficient public importance to justify an inquiry;

he may, if the inquiry is not otherwise regulated, appoint one or more commissioners to make the inquiry and to report thereon.

The Path to Reconciliation Act, C.C.S.M. c. R30.5, states:

Principles

2 To advance reconciliation, the government must have regard for the following principles:

Respect: Reconciliation is founded on respect for Indigenous nations and Indigenous peoples. Respect is based on awareness and acknowledgement of the history of Indigenous peoples and appreciation of their languages, cultures, practices and legal traditions.

Engagement: Reconciliation is founded on engagement with Indigenous nations and Indigenous peoples.

Understanding: Reconciliation is fostered by striving for a deeper understanding of the historical and current relationships between Indigenous and non-Indigenous peoples and the hopes and aspirations of Indigenous nations and Indigenous peoples.

Action: Reconciliation is furthered by concrete and constructive action that improves the present and future relationships between Indigenous and non-Indigenous peoples.

BACKGROUND

1. The Truth and Reconciliation Commission defines reconciliation as an ongoing process of establishing and maintaining respectful relationships requiring repair of damaged trust and follow through on concrete actions. *The Path to Reconciliation Act* sets out the objectives of reconciliation as building trust, affirming historical agreements, addressing healing and creating a more equitable and inclusive society.
2. By P.C. 2016-0736, the Government of Canada ("Canada") has issued a commission and directed commissioners to inquire into and to report on the systemic causes of all forms of violence – including sexual violence – against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls and the institutional policies and practices implemented in response to violence experienced by Indigenous women and girls including practices that have been effective in reducing violence and increasing safety.
3. The establishment of an inquiry jointly, among Canada, and the governments that establish an equivalent commission of inquiry ("National Inquiry"), makes it possible to generate a broader portrait of the issues involved and to identify concrete and sustainable actions both within federal and provincial jurisdiction to remove systemic causes of violence and increase the safety of Indigenous women and girls.
4. The National Inquiry will be an opportunity for survivors of violence against Indigenous women and girls and families of missing and murdered women and girls to share their stories, and to be heard, respected and supported in a safe environment – helping families to take steps in the process of healing and grieving.
5. The National Inquiry is to make concrete actionable recommendations building on current initiatives and knowledge.
6. Canada has undertaken to pay all costs incurred with respect to the operation of the National Inquiry including salaries and expenses of commissioners, support and research services, expert fees, travel, costs associated with witnesses, the process of gathering the experiences of family members, the participation of Indigenous organizations and ceremony.
7. Manitoba has committed to support the critical work of the National Inquiry and fully expects its processes and outcomes to be representative of – and meaningful to – the survivors of violence against Indigenous women and girls, the families of missing and murdered Indigenous women and girls, and the larger community.
8. The tragedy of missing and murdered Indigenous women and girls is of vital and ongoing public importance to Manitoba, and a priority underscored by its significant, young and growing Indigenous population. The critical work of the National Inquiry would be facilitated and enhanced through reference to and consideration of Manitoba's

experiences and the considerable relevant work and analysis that has already been undertaken here to identify and better understand the systemic causes of violence against Indigenous women and girls.

9. By making focussed actionable recommendations, the National Inquiry may build upon the work and analysis undertaken in Manitoba, to better address the collaborative action necessary to bridge the systemic gaps that put Indigenous women and girls at risk.
10. It is expedient to entrust the National Inquiry with the mandate to carry out its work in matters within Manitoba's jurisdiction.

Schedule A

National Inquiry into Missing and Murdered Indigenous Women and Girls

Manitoba Reports, Studies, Research and Examinations

Report of the Aboriginal Justice Inquiry of Manitoba – 1991

The Legacy of Phoenix Sinclair – Achieving the Best for All our Children - 2013

A Compendium of Recommendations for Action on Missing and Murdered Indigenous Women and Girls in Canada - 2016

Coordinating Committee of Senior Officials (CCSO) Missing Women Working Group Report: Issues Related to the High Number of Murdered and Missing Women in Canada - 2010

On the edge between two worlds: Community Narratives on the Vulnerability of Marginalized Indigenous Girls – 2016

The Changing Face of Youth Suicide in Manitoba and the Narrow Window for Intervention, Phase Two – 2015

Safe for Today: Barriers to Long Term Success for Youth in Care with Complex Needs - 2015

Emergency Placements for Children in Manitoba's Child Welfare System (follow up report on the Shelter Review 2004) – 2009

Honouring Their Spirits: The Child Death Review – 2006

Inquest into the deaths of C.J. and C.B. – 2010

Inquest into the death of Tracia Owen - 2008

Inquest into the deaths of Doreen LeClair and Corrine McKeown - 2002

Strengthen the Commitment: An External Review of the Child Welfare System – 2006

Ainimikii Ozoson Child and Family Services Agency – 2012

Audit of the Child and Family Services Division, Pre-Devolution Child in Care Processes and Practices – 2006

Improving Educational Outcomes for Kindergarten to Grade 12 Aboriginal Students - 2016

This is Exhibit "E" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Terence Desrosiers", is written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

OCTOBER 5, 2016

2016-253

WHEREAS the Government of Canada has committed to launching an inquiry to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action (the "Inquiry");

AND WHEREAS the Government of New Brunswick is committed to addressing the issue of violence against Aboriginal women and girls and is supportive of identifying and examining the root causes of this issue, and to identify positive actions and measures to be taken to eliminate this violence;

AND WHEREAS it is in the public interest to entrust to the National Commission of Inquiry the mandate to carry out its work in matters of New Brunswick's jurisdiction in accordance with the *Inquiries Act*, RSNB 2011, c 173;

AND WHEREAS the Government of Canada has undertaken to pay all costs incurred with respect to the Commission of Inquiry;

NOW THEREFORE, effective October 5, 2016

Pursuant to section 2 of the *Inquiries Act*, the Lieutenant Governor in Council directs a Commission to issue, under the Great Seal of the Province, appointing the Honourable Marion R. Buller, Michèle Taina Audette, E. Qajaq Robinson, Marilyn Poitras and Brian Eyolfson, as Commissioners (the "Commissioners");

1. The Commission shall conduct an Inquiry into Missing and Murdered Indigenous Women and Girls in Canada, under the name of the National Inquiry into Missing and Murdered Indigenous Women and Girls (the Inquiry),

2. The Commission shall:

a) inquire into and report on:

- i. systemic causes of all forms of violence – including sexual violence – against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada; and
- ii. institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including identification and examination of practices that have been effective in reducing violence and increasing safety,

b) make recommendations on:

- i. concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada, and
- ii. ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada;

c) conduct the Inquiry taking into account that the Inquiry process is intended, to the extent possible to:

- i. be trauma-informed and respect the persons, families and communities concerned;
- ii. provide an opportunity for persons, families and community members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Canada;
- iii. be culturally appropriate and acknowledge, respect and honour the diverse cultural and spiritual traditions of Indigenous peoples; and

- 3 -

- iv. promote and advance reconciliation and contribute to public awareness about the causes of, and solutions for, ending violence experienced by Indigenous women and girls in Canada.
3. The Commission shall perform its duties without expressing any conclusion or recommendations regarding the civil or criminal liability of any person or organization. The Commission shall further ensure that the conduct of the inquiry does not jeopardize any ongoing investigation or proceeding.
4. The Commission shall not receive or admit any information or evidence that is subject to solicitor client or any other legal privilege unless it is voluntarily provided by the person to whom the privilege belongs.
5. All departments and all boards, agencies, and commission of the Government of New Brunswick shall, subject to any privilege or other legal restriction, assist the Commission to the fullest extent possible, including producing documents in a timely manner, so that the Commission may carry out its duties.
6. The Commission shall make referrals or remit information pursuant to provisions m, r and s of the Government of Canada Terms of Reference – PC 2016-0736 in accordance with any formalized processes or protocols that may be established from time to time in New Brunswick for this specific purpose, and communicated in writing to the Commission on behalf of the Attorney General for the Province of New Brunswick.
7. The Government of New Brunswick shall bear the cost of its own participation and attendance in the National Inquiry, as well as any costs associated with the production of its records to the Commission.
8. The Commission shall deliver to the Attorney General of the Province of New Brunswick and to the Government of Canada:
 - i. an interim report, to be submitted before November 1, 2017, setting out the Commissioners' preliminary findings, conclusions and recommendations,

- 4 -

- ii. a final report, to be submitted before November 1, 2018, setting out the Commissioners' findings and recommendations; and
 - iii. the reports shall be submitted in both official languages
9. The Commission shall ensure, in so far as practicable, that the Interim Report and Final Report are delivered in a form appropriate for public release, consistent with the requirements of New Brunswick's *Right to Information and Protection of Privacy Act* and other applicable federal and provincial legislation.
10. The Commission shall be responsible for translation and printing and shall ensure that the Interim Report and Final Report are delivered in English and French at the same time, in electronic and printed versions.



Jocelyne Roy Vienneau
Lieutenant-Governor

This is to certify that the foregoing is a true copy of an Order of the Lieutenant-Governor in Council of the
Je certifie que le document qui précède est une copie conforme d'un décret du lieutenant-gouverneur en conseil

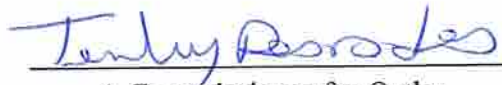
Province of New Brunswick, made on the
de la province du Nouveau-Brunswick, pris le

5 October 2016.

Clerk of the Executive Council/Greffier du Conseil exécutif



This is Exhibit "F" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Terly Rosodes", is written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

This is an official version.

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St. John's, Newfoundland and Labrador, Canada

Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

[Table of Regulations](#)

[Main Site](#)

[How current is this regulation?](#)

**NEWFOUNDLAND AND LABRADOR
REGULATION 77/16**

*Commission of Inquiry into Missing and Murdered
Indigenous Women and Girls in Canada Order*
under the
Public Inquiries Act, 2006
(O.C. 2016-256)

(Filed November 30, 2016)

Under the authority of section 3 of the *Public Inquiries Act, 2006*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. Johns , November 2, 2016.

Bernard M. Coffey, Q.C.
Clerk of the Executive Council

ORDER

Analysis

- [1. Short title](#)
- [2. Commission of inquiry established](#)
- [3. Members of commission of inquiry](#)
- [4. Terms of Reference](#)
- [5. Collaboration](#)
- [6. Minister responsible](#)
- [7. Conclusion or recommendations limited](#)
- [8. Termination](#)
- [9. Reports](#)

Short title

1. This order may be cited as the *Commission of Inquiry into Missing and Murdered Indigenous Women and Girls in Canada Order*.

[Back to Top](#)

Commission of inquiry established

2. There is established, jointly with the Government of Canada and the Governments of all provinces and territories that establish an equivalent commission of inquiry, a commission of inquiry into missing and murdered Indigenous women and girls in Canada.

[Back to Top](#)

Members of commission of inquiry

3. The following individuals are appointed as members of the commission of inquiry:

- (a) the Honourable Marion R. Buller as Chief Commissioner;
- (b) Michèle Taïna Audette;
- (c) E. Qajaq Robinson;
- (d) Marilyn Poitras; and
- (e) Brian Eyolfson.

[Back to Top](#)

Terms of Reference

4. (1) The commission of inquiry shall

- (a) inquire into and report on the systemic causes of all forms of violence, including sexual violence, against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada;
- (b) inquire into and report on institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety;
- (c) make recommendations with respect to concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada; and
- (d) make recommendations with respect to ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada.

(2) The commission of inquiry, in carrying out the terms of reference, shall consider that the inquiry is intended, to the greatest extent possible,

- (a) to be trauma-informed and respect the persons, families and communities concerned;

- (b) to provide an opportunity for persons, families and community members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Canada;
- (c) to be culturally appropriate and to acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of Indigenous peoples; and
- (d) to promote and advance reconciliation and to contribute to public awareness about the causes of and solutions for ending violence experienced by Indigenous women and girls in Canada .

[Back to Top](#)

Collaboration

5. The commission of inquiry shall work with the Government of Newfoundland and Labrador and Indigenous governments, organizations and communities in Newfoundland and Labrador to identify possible membership on any regional advisory bodies or issue-specific advisory bodies established by the commission of inquiry with respect to regional matters where that region includes Newfoundland and Labrador .

[Back to Top](#)

Minister responsible

6. The Minister of Justice and Public Safety shall be the minister responsible for the commission of inquiry in the province.

[Back to Top](#)

Conclusion or recommendations limited

7. The commission of inquiry shall perform its duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization.

[Back to Top](#)

Termination

8. The commission of inquiry shall terminate its work on or before December 31, 2018.

[Back to Top](#)

Reports

9. The commission of inquiry shall simultaneously deliver to the Government of Canada and to the Minister of Justice and Public Safety

- (a) an interim report containing its preliminary findings and recommendations, before November 1, 2017; and
- (b) a final report containing its findings and recommendations before November 1, 2018.

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This is Exhibit "G" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Terence D. D. D.", written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

PUBLIC INQUIRIES ACT

**INQUIRY ESTABLISHMENT ORDER
(MISSING AND MURDERED INDIGENOUS
WOMEN AND GIRLS)
R-114-2016**

AMENDED BY

LOI SUR LES ENQUÊTES PUBLIQUES

**ORDONNANCE INSTITUANT UNE
ENQUÊTE (FEMMES ET FILLES
AUTOCHTONES DISPARUES ET
ASSASSINÉES)
R-114-2016**

MODIFIÉ PAR

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This consolidation and other G.N.W.T. legislation can be accessed on-line at

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PUBLIC INQUIRIES ACT

INQUIRY ESTABLISHMENT ORDER (MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS)

Whereas the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

And whereas the Government of Canada has, by instrument numbered P.C. 2016-0736, launched an inquiry to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action (the "National Inquiry" or "Inquiry");

And whereas the Government of the Northwest Territories is committed to taking effective action to prevent and eliminate violence against Indigenous women and girls in the Northwest Territories and throughout Canada;

And whereas the Commissioner considers it necessary and in the public interest that a territorial inquiry be established jointly with the National Inquiry to support the mandate of the National Inquiry in respect of matters within the jurisdiction of the Northwest Territories;

Therefore the Commissioner, on the recommendation of the Executive Council, under sections 2 and 3 of the *Public Inquiries Act* and every enabling power:

1. orders that a Board be established, for a period ending on December 31, 2018;
2. appoints the following members of the Board (the "Commissioners"):
 - (a) the Honourable Marion R. Buller as Chief Commissioner,
 - (b) Michèle Taïna Audette,
 - (c) E. Qajaq Robinson,
 - (d) Marilyn Poitras,
 - (e) Brian Eyolfson;
3. directs the Commissioners to conduct an inquiry in conjunction with and under the name of the National Inquiry, and specifically to
 - (a) inquire into and report on the following:

LOI SUR LES ENQUÊTES PUBLIQUES

ORDONNANCE INSTITUANT UNE ENQUÊTE (FEMMES ET FILLES AUTOCHTONES DISPARUES ET ASSASSINÉES)

Attendu que le nombre élevé de décès et de disparitions de femmes et de filles autochtones au Canada constitue une tragédie nationale perdurant qui doit cesser;

Attendu que le gouvernement du Canada a, par instrument numéro C.P. 2016-0736, lancé une enquête pour cerner et examiner les causes systémiques de la violence à l'égard des femmes et des filles autochtones au Canada et pour recommander des mesures efficaces pour y remédier (ci-après l'«Enquête nationale» ou l'«Enquête»);

Attendu que le gouvernement des Territoires du Nord-Ouest s'est engagé à prendre les mesures efficaces pour prévenir et éradiquer la violence à l'égard des femmes et des filles autochtones dans les Territoires du Nord-Ouest et dans tout le Canada;

Attendu que le commissaire juge nécessaire et d'intérêt public d'instituer conjointement avec l'Enquête nationale une enquête territoriale pour soutenir le mandat de l'Enquête nationale relativement aux questions relevant de la compétence des Territoires du Nord-Ouest,

À ces causes, le commissaire, sur la recommandation du Conseil exécutif, en vertu des articles 2 et 3 de la *Loi sur les enquêtes publiques* et de tout pouvoir habilitant :

1. ordonne que soit constituée une commission pour une période se terminant le 31 décembre 2018;
2. nomme les membres de la commission suivants (ci-après les «commissaires») :
 - a) l'honorable Marion R. Buller à titre de commissaire en chef,
 - b) Michèle Taïna Audette,
 - c) E. Qajaq Robinson,
 - d) Marilyn Poitras,
 - e) Brian Eyolfson;
3. ordonne aux commissaires de mener une enquête conjointement avec l'Enquête nationale et sous le nom de celle-ci et, plus particulièrement :
 - a) d'enquêter et de faire rapport sur ce qui

- (i) systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in the Northwest Territories and throughout Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in the Northwest Territories and throughout Canada,
- (ii) institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in the Northwest Territories and throughout Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety,
- (b) make recommendations on the following:
 - (i) concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in the Northwest Territories and throughout Canada,
 - (ii) ways to honour and commemorate the missing and murdered Indigenous women and girls in the Northwest Territories and throughout Canada,
- (c) adopt any procedures that they consider expedient for the proper conduct of the National Inquiry, to sit at the times and in the places that they consider appropriate and to conduct the Inquiry, to the greatest extent possible, by means of informal processes such as the gathering of statements by qualified trauma-informed persons to record the experiences of families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls participating in the Inquiry,
- (d) take into account, in conducting the National Inquiry, that the Inquiry process is intended, to the extent possible,
 - (i) to be trauma-informed and to respect the persons, families and communities concerned,
 - (ii) to provide an opportunity for persons, families and community

suit :

- (i) les causes systémiques de toutes formes de violence — y compris la violence sexuelle — à l'égard des femmes et des filles autochtones dans les Territoires du Nord-Ouest et dans tout le Canada, notamment les causes sociales, économiques, culturelles, institutionnelles et historiques sous-jacentes qui contribuent à perpétuer la violence et les vulnérabilités particulières de ces femmes et de ces filles,
- (ii) les politiques et les pratiques institutionnelles mises en place en réponse à la violence à l'égard des femmes et des filles autochtones dans les Territoires du Nord-Ouest et dans tout le Canada, y compris le recensement et l'examen des pratiques éprouvées de réduction de la violence et de renforcement de la sécurité,
- b) de faire des recommandations sur ce qui suit :
 - (i) les mesures pratiques et concrètes pouvant être prises pour éradiquer les causes systémiques de la violence et renforcer la sécurité des femmes et des filles autochtones dans les Territoires du Nord-Ouest et dans tout le Canada,
 - (ii) les façons d'honorer et de commémorer les femmes et les filles autochtones disparues et assassinées dans les Territoires du Nord-Ouest et dans tout le Canada,
- c) d'adopter les procédures qu'ils jugent opportunes pour le bon déroulement de l'Enquête nationale, de siéger aux moments et aux endroits qu'il jugent indiqués et, dans toute la mesure du possible, de mener l'Enquête au moyen de processus informels, notamment en faisant consigner par des personnes qualifiées en traumatisme les expériences des familles des femmes et des filles autochtones disparues et assassinées et des survivantes de la violence à l'égard des femmes et des filles autochtones qui participent à l'Enquête,
- d) de tenir compte, dans le cadre de l'Enquête nationale, du fait que celle-ci a pour but, autant que possible :

- members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in the Northwest Territories and throughout Canada,
- (iii) to be culturally appropriate and to acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of Indigenous peoples, and
 - (iv) to promote and advance reconciliation and to contribute to public awareness about the causes of, and solutions for, ending violence against Indigenous women and girls in the Northwest Territories and throughout Canada,
- (e) provide any person having a substantial and direct interest in the subject matter of the National Inquiry with an opportunity to participate in the Inquiry,
 - (f) engage the Government of the Northwest Territories and Indigenous families and Indigenous organizations in the Northwest Territories to identify possible membership on any federal, regional or issue-specific advisory bodies,
 - (g) conduct the National Inquiry as they consider appropriate with respect to accepting as conclusive or giving due weight to the findings of fact set out in relevant reports, studies, research and examinations, whether national or international, including
 - (i) the Final Report of the Truth and Reconciliation Commission of Canada (2015),
 - (ii) The Report of the Royal Commission on Aboriginal Peoples (1996),
 - (iii) Invisible Women: A Call to Action - A Report on Missing and Murdered Indigenous Women in Canada, Report of the Special Committee on Violence Against Indigenous Women (2014),
 - (iv) Missing and Murdered Indigenous Women: A National Operational Overview, Royal Canadian Mounted Police (2014),
 - (v) What Their Stories Tell Us: Research findings from the Sisters in Spirit Initiative, Native Women's
- (i) de prendre en compte les traumatismes subis et de respecter les personnes, les familles et les collectivités touchées,
 - (ii) de donner aux personnes, aux familles et aux membres des collectivités l'occasion de faire part de leurs expériences et de leurs opinions, notamment sur les façons de renforcer la sécurité, de prévenir et d'éradiquer la violence à l'égard des femmes et des filles autochtones dans les Territoires du Nord-Ouest et dans tout le Canada,
 - (iii) de tenir compte des réalités culturelles, et de reconnaître, de respecter et d'honorer la diversité des traditions culturelles, linguistiques et spirituelles des peuples autochtones,
 - (iv) de promouvoir et de favoriser la réconciliation et de contribuer à sensibiliser le public aux causes de la violence à l'égard des femmes et des filles autochtones dans les Territoires du Nord-Ouest et dans tout le Canada ainsi qu'aux solutions pour y mettre fin,
- e) de donner à toute personne ayant un intérêt direct et réel dans l'objet de l'Enquête nationale la possibilité d'y participer,
 - f) de mobiliser le gouvernement des Territoires du Nord-Ouest, les familles autochtones et les organismes autochtones des Territoires du Nord-Ouest afin d'identifier toute participation éventuelle à certains comités consultatifs fédéraux, régionaux ou chargés de l'étude de questions particulières,
 - g) de mener l'Enquête nationale comme ils leur semblent opportun, en tenant pour définitives les conclusions de fait établies dans les rapports, études, recherches et examens pertinents menés à l'échelle nationale ou internationale ou en leur accordant l'importance qu'elles méritent, notamment :
 - (i) le Rapport final de la Commission de vérité et réconciliation du Canada (2015),
 - (ii) le Rapport de la Commission royale sur les peuples autochtones (1996),
 - (iii) Femmes invisibles : Un appel à l'action - Un rapport sur les femmes

- Association of Canada (2010),
- (vi) Report of the Inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (30 March 2015),
 - (vii) Missing and Murdered Indigenous Women in British Columbia, Canada, Inter-American Commission on Human Rights (21 December 2014), and
 - (viii) reports of the Missing Women Commission of Inquiry (Oppal Commission, British Columbia),
- (h) review the results of Canada's pre-Inquiry engagement process,
 - (i) act in consideration of their authority to rent, recognizing Canada's commitment to pay the costs of the National Inquiry, space and facilities in the Northwest Territories that are required for the purposes of the Inquiry,
 - (j) make available to the members of the families of missing and murdered Indigenous women and girls and to survivors of violence against Indigenous women and girls, for the duration of their appearance before the National Inquiry, the trauma-informed and culturally appropriate counselling services that the Commissioners consider appropriate,
 - (k) refer the families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls who contact the Commissioners for information and assistance with respect to matters such as ongoing or past investigations, prosecutions or inquests to the appropriate authority responsible for the provision of victim services in the Northwest Territories,
 - (l) perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization,
 - (m) perform their duties in such a way as to ensure that the conduct of the National Inquiry does not jeopardize any ongoing criminal investigation or criminal proceeding,
 - (n) if they have reasonable grounds to believe
- autochtones portées disparues ou assassinées au Canada, Rapport du Comité spécial sur la violence faite aux femmes autochtones (2014),
 - (iv) Les femmes autochtones disparues et assassinées : Un aperçu opérationnel national, Gendarmerie royale du Canada (2014),
 - (v) Ce que leurs histoires nous disent : Résultats de recherche de l'initiative Soeurs par l'esprit, Association des femmes autochtones du Canada (2010),
 - (vi) le rapport intitulé *Report of the Inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (30 mars 2015),
 - (vii) le document intitulé *Missing and Murdered Indigenous Women in British Columbia, Canada*, Commission interaméricaine des droits de l'homme (21 décembre 2014),
 - (viii) les rapports de la Commission d'enquête sur les femmes disparues (Commission Oppal, Colombie-Britannique),
- h) d'examiner les résultats du processus de mobilisation préalable à l'Enquête entrepris par le gouvernement du Canada,
 - i) d'agir en considération de leur autorisation de louer dans les Territoires du Nord-Ouest les locaux et installations nécessaires à la tenue de l'Enquête nationale, reconnaissant l'engagement du gouvernement du Canada de payer les frais de celle-ci,
 - j) de mettre à la disposition des membres des familles de femmes et de filles autochtones disparues et assassinées ainsi que des survivantes de la violence à l'égard des femmes et des filles autochtones, durant leur comparution dans le cadre de l'Enquête nationale, les services de counselling qu'ils jugent indiqués, et ce, compte tenu de leur culture et des traumatismes subis,
 - k) d'orienter vers l'autorité compétente responsable de la prestation de services

that any information obtained in the course of the National Inquiry may be used in the investigation or prosecution of an offence under the *Criminal Code*, act in consideration of their authority to remit that information to the appropriate authorities,

- (o) act in consideration of their authority to remit to the appropriate authorities any information that was obtained in the course of the National Inquiry that the Commissioners have reasonable grounds to believe relates to misconduct, and
- (p) provide to the Commissioner in Executive Council the reports submitted to the Governor in Council in accordance with the terms of paragraph (x) of instrument numbered P.C. 2016-0736;

4. authorizes the Board, recognizing Canada's commitment to pay the costs of the National Inquiry, to engage the services of experts or other persons referred to in section 10 of the Act for the purposes of the Inquiry.

aux victimes dans les Territoires du Nord-Ouest les familles de femmes et de filles autochtones disparues et assassinées ainsi que les survivantes de la violence à l'égard des femmes et des filles autochtones qui communiquent avec les commissaires pour obtenir de l'aide ou des renseignements sur des questions relatives à des enquêtes, à des poursuites ou à des enquêtes du coroner passées ou en cours,

- l) de remplir leurs fonctions sans formuler de conclusion ou de recommandation sur la responsabilité civile ou criminelle de quelque personne ou organisme que ce soit,
- m) de remplir leurs fonctions de manière à ce que l'Enquête nationale ne nuise à aucune enquête criminelle ou instance pénale en cours,
- n) d'agir en considération de leur autorisation de transmettre aux autorités compétentes tous renseignements obtenus dans le cadre de l'Enquête nationale s'ils ont des motifs raisonnables de croire que ces renseignements peuvent servir à une enquête ou à une poursuite relative à une infraction au *Code criminel*,
- o) d'agir en considération de leur autorisation de transmettre aux autorités compétentes tous renseignements obtenus dans le cadre de l'Enquête nationale s'ils ont des motifs raisonnables de croire que ces renseignements ont trait à une infraction,
- p) de remettre au commissaire en Conseil exécutif les rapports soumis au gouverneur en conseil conformément aux termes de l'alinéa x) de l'instrument numéro C.P. 2016-0736;

4. autorise la commission à retenir les services d'experts ou d'autres personnes mentionnés à l'article 10 de la loi aux fins de l'Enquête nationale, reconnaissant l'engagement du gouvernement du Canada de payer les frais de celle-ci.

This is Exhibit "H" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, reading "Terly Desrosiers", is written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022



(https://novascotia.ca)

ECO (.../index.html) > Orders in Council Database

Executive Council Office
(https://novascotia.ca/exec_council)

Order in Council Details

[Search Again] (default.asp)

Order #:	Date of Order:	Statute:
2016-208	Aug 30, 2016	<i>Public Inquiries Act</i>

Text of Order:

WHEREAS the Government of Canada has committed to launching an inquiry to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;

AND WHEREAS the Government of Nova Scotia is committed to working with Indigenous communities to end the threat of violence against women and families and to ensuring the safety of future generations of Indigenous women;

AND WHEREAS the Government of Nova Scotia is committed to take action to support reconciliation, working in collaboration with Indigenous Peoples based on principles of mutual respect and shared benefits;

AND WHEREAS it is considered desirable and in the public interest for the Nova Scotia Government to jointly establish the National Inquiry with the Government of Canada and the governments of each of the other provinces and territories in order to support the mandate of the commissioners within the province of Nova Scotia;

AND WHEREAS the establishment of a joint commission of inquiry would make it possible to generate a broader portrait of the issues involved and to identify concrete and sustainable actions that could contribute to preventing and eliminating violence against Indigenous women and girls;

AND WHEREAS it is expedient to entrust to the commission of inquiry appointed by the Government of Canada the mandate to carry out its work in matters of Nova Scotia's jurisdiction in accordance with the *Public Inquiries Act*; and

AND WHEREAS the Government of Canada has undertaken to pay all costs incurred with respect to the commission of inquiry;

NOW THEREFORE the Governor in Council on the report and recommendation of the President of the Executive Council dated August 25, 2016, and pursuant to Sections 2 and 3 of Chapter 372 of the Revised Statutes of Nova Scotia, 1989, the *Public Inquiries Act*, is pleased, effective September 1, 2016, to:

(1) establish a commission of inquiry, jointly with the Government of Canada and the Governments of all provinces and territories that establish an equivalent commission of inquiry, to conduct an inquiry into missing and murdered Indigenous women and girls in Canada, pursuant to the Terms of Reference attached hereto as Schedule "A" with the following mandate:

to inquire into and report on the systemic causes of all forms of violence including sexual violence against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada;

to inquire into and report on institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety;

to make recommendations with respect to concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada; and

to make recommendations with respect to ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada;

(2) to appoint the following persons as commissioners:

- Michèle Audette, Commissioner
- Qajaq Robinson, Commissioner
- Marilyn Poitras, Commissioner
- Brian Eyolfson, Commissioner
- the Honourable Marion Buller, Chief Commissioner;

(3) to authorize the joint commission to exercise in Nova Scotia those provincial powers that are ancillary or incidental to their powers as provided to them by the *Inquiries Act (Canada)* and by the Terms of Reference established under that Act;

(4) to deliver the commission's interim report to the Attorney General and Minister of Justice of Nova Scotia on November 1, 2017; and

(5) to deliver the commission's final report to the Attorney General and Minister of Justice of Nova Scotia on November 1, 2018.

Department(s):

- Executive Council

Amends:

- None

Amended By:

- None

For the text of Regulations approved by Orders in Council, please see the Registry of Regulations (*/just/regulations/*).

This is Exhibit “ 1 ” to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, reading "Terby Doodes", is written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022



Vol. 18, No. 10 / Vol. 18, n° 10

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REGULATIONS / RÈGLEMENTS

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R-015-2016

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2016-09-30

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- [illegible]

PUBLIC INQUIRIES ACT

R-015-2016

Registered with the Registrar of Regulations
2016-09-30**AN ORDER TO ESTABLISH A BOARD TO INQUIRE INTO
MISSING AND MURDERED INUIT AND OTHER INDIGENOUS WOMEN AND GIRLS**

Whereas the high number of deaths and disappearances of Inuit and other indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

And whereas the Governor in Council has, by Order in Council P.C. 2016-0736 of August 2, 2016, launched the National Inquiry into Missing and Murdered Indigenous Women and Girls, to identify and examine the systemic causes of violence against indigenous women and girls in Canada and to make recommendations for effective action;

And whereas the issue of missing and murdered indigenous women and girls involves the presence of various forms of underlying violence, which must be examined by taking into consideration the cultural realities and specificities of Inuit of Nunavut;

And whereas the Government of Nunavut is committed to taking effective action to prevent and eliminate violence against Inuit and other indigenous women and girls in Nunavut;

And whereas the Government of Nunavut supports an inquiry that is trauma-informed, inclusive of personal experiences and views, culturally appropriate, and that advances reconciliation and public awareness of violence against Inuit and other indigenous women and girls;

And whereas the Government of Nunavut supports an inquiry that includes, to the greatest extent possible, informal processes such as the gathering and recording of statements by qualified trauma-informed persons;

And whereas the Government of Canada has undertaken to pay all expenses associated with the operation of the board appointed to conduct the inquiry, including the salaries and expenses of board members, secretarial, support and research services, expert fees and the fees for travel and support of the persons affected by the violence and other persons that will be examined by and participate before the inquiry;

And whereas the Minister of Justice considers it necessary and in the public interest that a territorial inquiry be established jointly with the national inquiry to support the mandate of the national inquiry in respect of matters within the jurisdiction of Nunavut;

The Minister of Justice, under sections 2, 3 and 10 of the *Public Inquiries Act* and every enabling power, orders as follows:

1. A Board is established for the period beginning on the later of September 1, 2016 and the date this instrument is registered with the Registrar of Regulations, and ending on December 31, 2018.
2. The following persons are appointed to the Board referred to in section 1:
 - (a) the Honourable Marion R. Buller of Port Coquitlam, British Columbia;
 - (b) Michèle Taïna Audette of Maliotenam, Quebec;
 - (c) E. Qajaq Robinson of Ottawa, Ontario;
 - (d) Marilyn Poitras of Saskatoon, Saskatchewan;
 - (e) Brian Eyolfson of Toronto, Ontario.
3. (1) The Board shall conduct a territorial inquiry in conjunction with and under the name of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and support the mandate of the National Inquiry in respect of the matters within the jurisdiction of Nunavut.

(2) For greater certainty, when acting under the authority of this order, the Board is required to comply with the *Public Inquiries Act*.

4. The Board shall:
- (a) inquire into and report on the following:
 - (i) systemic causes of all forms of violence — including sexual violence — against Inuit and other indigenous women and girls in Nunavut, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Inuit and other indigenous women and girls in Nunavut, and
 - (ii) institutional policies and practices implemented in response to violence experienced by Inuit and other indigenous women and girls in Nunavut, including the identification and examination of practices that have been effective in reducing violence and increasing safety;
 - (b) make recommendations on the following:
 - (i) concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Inuit and other indigenous women and girls in Nunavut;
 - (ii) ways to honour and commemorate missing and murdered Inuit and other indigenous women and girls of Nunavut;
 - (c) not express any conclusion or recommendation regarding the civil or criminal liability of any person or organization, including in any reports produced in relation to the inquiry.
5. The Board may adopt any procedures that it considers expedient subject to and in accordance with sections 4 and 5 of the *Public Inquiries Act*.
6. The Board may engage the services of accountants, engineers, technical advisors or other experts, clerks, reporters and assistants that the Board considers necessary or advisable to aid and assist the Board in the inquiry, including but not limited to:
- (a) elders, youth, family members of missing and murdered Inuit and other indigenous women and girls, family members of survivors of violence against Inuit and other indigenous women and girls;
 - (b) academics, including academics specializing in Inuit cultural and legal traditions;
 - (c) representatives of national, territorial, Inuit and other indigenous, local or feminist organizations;
 - (d) trauma-informed and culturally appropriate counsellors;
 - (e) governmental and non-governmental victims' service providers.
7. The Board may engage the services of counsel to aid and assist the Board in the inquiry.
8. For greater certainty, the Board shall comply with the *Official Languages Act*.
9. The Board shall deliver to the Minister of Justice in English, French, Inuktitut and Inuinnaqtun as each version is ready, the reports submitted to the Governor in Council as required by Order in Council P.C. 2016-0736 of August 2, 2016.

LOI SUR LES ENQUÊTES PUBLIQUES

R-015-2016

Enregistré auprès du registraire des règlements
2016-09-30**ARRÊTÉ CONSTITUANT UNE COMMISSION D'ENQUÊTE SUR LES FEMMES ET LES FILLES
AUTOCHTONES — NOTAMMENT INUIT — DISPARUES ET ASSASSINÉES**

Attendu :

que le nombre élevé de décès et de disparitions de femmes et de filles autochtones — notamment inuit — au Canada constitue une tragédie nationale perdurant qui doit cesser;

que le gouverneur en conseil a lancé, au moyen du décret du Conseil privé numéro C.P. 2016-0736 daté du 2 août 2016, l'Enquête nationale sur les femmes et les filles autochtones disparues et assassinées pour cerner et examiner les causes systémiques de la violence à l'égard des femmes et des filles autochtones au Canada et pour recommander des mesures efficaces pour y remédier;

que la question des femmes et des filles autochtones disparues et assassinées est liée à la présence de diverses formes de violence sous-jacente, et doit être examinée en tenant compte des réalités et des spécificités culturelles des Inuit du Nunavut;

que le gouvernement du Nunavut s'est engagé à prendre des mesures efficaces pour prévenir et éradiquer la violence à l'égard des femmes et des filles autochtones — notamment inuit — au Nunavut;

que le gouvernement du Nunavut appuie une enquête qui prend en compte les traumatismes subis, y compris les expériences et les opinions personnelles, qui tient compte des réalités culturelles et qui favorise la réconciliation et la sensibilisation du public concernant la violence à l'égard des femmes et des filles autochtones — notamment inuit;

que le gouvernement du Nunavut appuie une enquête qui fait notamment appel, dans toute la mesure du possible, à des processus informels, telle la consignation des expériences par des personnes qualifiées en traumatisme;

que le gouvernement du Canada s'est engagé à payer toutes les dépenses liées aux activités de la commission constituée pour mener l'enquête, notamment les traitements et les indemnités des membres de la commission, les services de secrétariat, de soutien et de recherche, les honoraires des experts et les indemnités de déplacement et de soutien des personnes touchées par la violence et des autres personnes qui seront interrogées dans le cadre de leur participation à l'enquête;

que le ministre de la Justice juge nécessaire et d'intérêt public la mise sur pied d'une enquête territoriale conjointement avec l'enquête nationale en vue d'appuyer le mandat de l'enquête nationale en ce qui concerne les questions relevant de la compétence du Nunavut,

le ministre de la Justice, en vertu des articles 2, 3 et 10 de la *Loi sur les enquêtes publiques* et de tout pouvoir habilitant, arrête ce qui suit :

1. Une commission est constituée pour la période commençant le 1^{er} septembre 2016 ou à la date de l'enregistrement du présent texte réglementaire auprès du registraire des règlements, selon la date la plus tardive, et se terminant le 31 décembre 2018.
2. Les personnes suivantes sont nommées à la commission visée à l'article 1 :
 - a) l'honorable Marion R. Buller de Port Coquitlam, Colombie-Britannique;
 - b) Michèle Taïna Audette de Maliotenam, Québec;
 - c) E. Qajaq Robinson d'Ottawa, Ontario;
 - d) Marilyn Poitras de Saskatoon, Saskatchewan;
 - e) Brian Eyolfson de Toronto, Ontario.

3. (1) La commission mène une enquête territoriale conjointement avec l'Enquête nationale sur les femmes et les filles autochtones disparues et assassinées, et sous le nom de celle-ci, et appuie le mandat de l'Enquête nationale en ce qui concerne les questions relevant de la compétence du Nunavut.

(2) Il demeure entendu que la commission est tenue de se conformer à la *Loi sur les enquêtes publiques* lorsqu'elle agit sous l'autorité du présent arrêté.

4. La commission :

- a) enquête et fait rapport sur ce qui suit :
 - (i) les causes systémiques de toutes formes de violence — y compris la violence sexuelle — à l'égard des femmes et des filles autochtones — notamment inuit — au Nunavut, en particulier les causes sociales, économiques, culturelles, institutionnelles et historiques sous-jacentes qui contribuent à perpétuer la violence et les vulnérabilités particulières de ces femmes et de ces filles au Nunavut,
 - (ii) les politiques et les pratiques institutionnelles mises en place en réponse à la violence à l'égard des femmes et des filles autochtones — notamment inuit — au Nunavut, y compris le recensement et l'examen des pratiques éprouvées de réduction de la violence et de renforcement de la sécurité;
- b) fait des recommandations sur ce qui suit :
 - (i) les mesures pratiques et concrètes pouvant être prises pour éradiquer les causes systémiques de la violence et renforcer la sécurité des femmes et des filles autochtones — notamment inuit — au Nunavut,
 - (ii) les façons d'honorer et de commémorer les femmes et les filles autochtones — notamment inuit — du Nunavut disparues et assassinées;
- c) ne doit formuler aucune conclusion ni recommandation sur la responsabilité civile ou criminelle de quelque personne ou organisme que ce soit, notamment dans les rapports élaborés relativement à l'enquête.

5. La commission peut adopter les procédures qu'elle juge opportunes, sous réserve des articles 4 et 5 de la *Loi sur les enquêtes publiques* et conformément à ceux-ci.

6. La commission peut retenir les services d'experts, notamment de comptables, d'ingénieurs ou de conseillers techniques, ou de greffiers, de rapporteurs et de collaborateurs dont elle juge le concours utile pour l'assister dans son enquête, y compris :

- a) les aînés, les jeunes, les membres des familles des femmes et des filles autochtones — notamment inuit — disparues et assassinées et les membres des familles des survivants de la violence à l'égard de ces femmes et de ces filles;
- b) des universitaires, notamment des spécialistes des traditions culturelles et juridiques des Inuit;
- c) les représentants d'organismes nationaux, territoriaux, autochtones — notamment inuit —, locaux ou féministes;
- d) les services de counselling appropriés compte tenu de la culture et des traumatismes subis;
- e) les fournisseurs gouvernementaux et non gouvernementaux de services aux victimes.

7. La commission peut retenir les services d'avocats pour l'assister dans son enquête.

8. Il demeure entendu que la commission se conforme à la *Loi sur les langues officielles*.

9. La commission remet au ministre de la Justice, en anglais, en français, en inuktitut et en inuinnaqtun au fur et à mesure que chaque version est prête, les rapports soumis au gouverneur en conseil en conformité avec le décret du Conseil privé numéro C.P. 2016-0736 daté du 2 août 2016.

MIDWIFERY PROFESSION ACT T

R-016-2016

Registered with the Registrar of Regulations
2016-10-24**MIDWIFERY PROFESSION PRACTICE REGULATIONS, amendment**

The Commissioner, on the recommendation of the Minister, under section 56 of the *Midwifery Profession Act* and every enabling power, makes the annexed amendment to the *Midwifery Profession Practice Regulations*, registered as regulation numbered R-028-2009.

1. The *Midwifery Profession Practice Regulations*, registered as regulation numbered R-028-2009, are amended by these regulations.
2. Schedule B is amended by adding the following after paragraph (j):
(j.1) manual removal of placenta;
3. Part 2 of Schedule C is amended by repealing paragraph (b).

LOI SUR LA PROFESSION DE SAGE-FEMME

R-016-2016

Enregistré auprès du registraire des règlements
2016-10-24**RÈGLEMENT SUR L'EXERCICE DE LA PROFESSION DE SAGE-FEMME — Modification**

Sur la recommandation du ministre, en vertu de l'article 56 de la *Loi sur la profession de sage-femme* et de tout pouvoir habilitant, la commissaire prend le règlement ci-après portant modification du *Règlement sur l'exercice de la profession de sage-femme*, enregistré sous le numéro R-028-2009.

1. Le présent règlement modifie le *Règlement sur l'exercice de la profession de sage-femme*, enregistré sous le numéro R-028-2009.
2. L'annexe B est modifiée par insertion de ce qui suit après l'alinéa j) :
j.1) retrait manuel du placenta;
3. La partie 2 de l'annexe C est modifiée par abrogation de l'alinéa b).

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PUBLIÉ PAR
L'IMPRIMEUR DU TERRITOIRE POUR LE NUNAVUT

This is Exhibit "J" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, reading "Terence Desrosiers", written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

Backgrounder

Order in Council

September 6, 2016 11:00 A.M. | [Ministry of the Attorney General](#)

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Whereas the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

Whereas the Government of Canada has committed to launching a national commission of inquiry in order to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and make recommendations for effective action (the "National Inquiry");

Whereas the Government of Canada issued terms of reference for the National Inquiry on August 2, 2016 (the "Terms of Reference");

Whereas the National Inquiry will investigate matters and institutions within exclusive constitutional jurisdiction of the government of Ontario;

Whereas the Government of Ontario is committed to working with Indigenous communities to end the threat of violence against women and families and to ensure the safety of future generations of Indigenous women;

Whereas the Government of Ontario is committed to take action to support reconciliation, working in collaboration with Indigenous Peoples based on principles of mutual respect and shared benefits;

Whereas the Government of Ontario has agreed to take part in the National Inquiry;

Whereas it is considered desirable and in the public interest for the Government of Ontario to jointly establish the National Inquiry with the Government of Canada and the governments of each of the other provinces and territories in order to support the mandate of the commissioners within the province of Ontario;

Whereas sections 3 and 4 of the *Public Inquiries Act*, 2009, S.O. 2009, c. 33, Sched. 6 (the "Public Inquiries Act") authorizes the Lieutenant Governor in Council to jointly establish a commission with the governments of one or more other jurisdictions to undertake an inquiry into any matter of public interest;

Therefore it is ordered as follows:

Commission

1. A commission is established (the "Commission") and the Honourable Marion R. Buller, Michèle Taina Audette, E. Qajaq Robinson, Marilyn Poitras and Brian Eyolfson are appointed as

commissioners under section 3 of the *Public Inquiries Act* (the "Commissioners"), effective as of September 1, 2016.

Mandate

2. In accordance with the provisions of the Terms of Reference, the Commission shall:
 - a. inquire into and report on:
 - a. systemic causes of all forms of violence - including sexual violence - against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada; and
 - b. institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including identification and examination of practices that have been effective in reducing violence and increasing safety,
 - b. make recommendations on:
 - a. concrete and effective action that can be taken to remove systemic causes of violence and increase the safety of Indigenous women and girls in Canada; and
 - b. ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada.
3. The Commission shall perform its duties without expressing any conclusion or recommendations regarding the civil or criminal liability of any person or organization. The Commission shall further ensure that the conduct of the inquiry does not jeopardize any ongoing investigation or proceeding.

Evidence Gathering

4. The Commission shall obtain all information and records that it considers necessary to discharge its mandate and, for that purpose, may:
 - a. compel the attendance of any person to provide testimony under oath or affirmation or in any other manner that the Commission considers appropriate; and
 - b. require the production of information that would otherwise be confidential or inadmissible under any statute or regulation.
5. The Commission shall not receive or admit any information or evidence that is subject to solicitor client or any other legal privilege unless it is voluntarily provided by the person to whom the privilege belongs.
6. The Commission may also receive and rely upon individual statements and testimonies from Indigenous Peoples and other interested participants that it considers relevant and appropriate, whether or not such evidence would be admissible in court. The Commission may, for the purpose of gathering such evidence, adopt informal procedures and methods, including public meetings and other forms of community engagement.
7. Where it considers it necessary, the Commission shall impose conditions on the production of information to protect the confidentiality and privacy interests of affected families and others.

8. All ministries and all boards, agencies, and commissions of the Government of Ontario shall, subject to any privilege or other legal restriction, assist the Commission to the fullest extent possible, including producing documents in a timely manner, so that the Commission may carry out its duties.

Hearings

9. The Commission may hold such public or other hearings as it considers necessary to fulfill its mandate and may exercise the powers provided for in section 13 of the *Public Inquiries Act*, 2009.

Resources

10. The Government of Canada has undertaken to pay any and all expenses associated with the operation of the Commission and the National Inquiry.
11. The Government of Canada has also undertaken to pay all of the costs associated with the participation of Indigenous organizations in advisory councils, witnesses before the Commission, the process of gathering the experiences of family members and others, as well as any ceremony that the Commission includes in its operations, including honoraria for Elders and others.
12. The Government of Ontario shall bear the cost of its own participation and attendance in the National Inquiry, as well as any costs associated with the production of its records to the Commission.

Final and Interim Reports

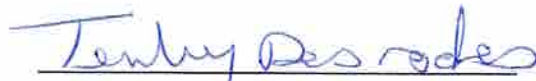
13. The Commission shall simultaneously deliver to the Governments of Canada and Ontario:
 - a. an interim report containing its preliminary findings, conclusions and recommendations (the "Interim Report") before November 1, 2017; and
 - b. a final report containing its findings, conclusions and recommendations (the "Final Report") before November 1, 2018.
14. The Commission shall ensure, in so far as practicable, that the Interim Report and Final Report are delivered in a form appropriate for public release, consistent with the requirements of Ontario's *Freedom of Information and Protection of Privacy Act* and other applicable federal and provincial legislation.
15. The Commission shall be responsible for translation and printing and shall ensure that the Interim Report and Final Report are delivered in English and French at the same time, in electronic and printed versions.

Archives and Record Keeping

16. The Commission is authorized and required in the public interest to ensure that all records created or received in the course of the National Inquiry are preserved and archived in accordance with the requirements of Ontario's *Archives and Recordkeeping Act*, 2006 and other applicable federal and provincial legislation.

17. To the extent feasible, and subject to applicable legal requirements and any recommendations made by the Commission concerning confidentiality, all records created or received by the Commission should be accessible to the public following the completion of the National Inquiry.

This is Exhibit "K" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, reading "Tenby Desroches", written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

EC2016-594

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THEODORE HOGETERP AND ROSALIE HOGETERP
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Theodore Hogeterp and Rosalie Hogeterp both of Grafton, Nova Scotia, to acquire a land holding of approximately one decimal one four (1.14) acres of land at Kingston, Lot 31, Queens County, Province of Prince Edward Island, being acquired from Donald George Mowat and Monique Levina Bondt Mowat both of Kingston, Prince Edward Island.

EC2016-595

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THEODORE HOGETERP AND ROSALIE HOGETERP
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Theodore Hogeterp and Rosalie Hogeterp both of Grafton, Nova Scotia, to acquire an interest in a land holding of approximately four hundred and twenty-eight decimal four five (428.45) acres of land at Kingston, Lot 31, Queens County, Province of Prince Edward Island, being acquired from Donald George Mowat and Monique Levina Bondt Mowat both of Kingston, Prince Edward Island.

EC2016-596

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ANDRE MARTEL AND VALERIE VANSLYKE
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Andre Martel and Valerie Vanslyke of Webbwood, Ontario to acquire a land holding of approximately eighteen (18) acres of land at Forestview, Lot 5, Prince County, Province of Prince Edward Island, being acquired from Grant Thornton Limited, mortgagee in possession, of Saint John, New Brunswick PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EXECUTIVE COUNCIL, _____ 13 SEPTEMBER 2016

EC2016-597

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DANIEL R. MILLER AND ELIZABETH D. MILLER
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Daniel R. Miller and Elizabeth D. Miller both of Norwich, Ontario to acquire a land holding of approximately forty-three (43) acres of land at Greenfield, Lot 66, Kings County, Province of Prince Edward Island, being acquired from Janet M. Cairns and Sandra MacMillan both of Montague, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2016-598

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WILLIAM SHETLER AND MARY SHETLER
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to William Shetler and Mary Shetler both of Norwich, Ontario to acquire a land holding of approximately thirty-eight (38) acres of land at Baldwin Road, Lot 51, Kings County, Province of Prince Edward Island, being acquired from Sindee Leigh Hurlock of Mount Stewart, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2016-599

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ROSENA STREICHER AND JAMES STREICHER
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Rosena Streicher and James Streicher both of Albion Cross, Prince Edward Island to acquire a land holding of approximately one hundred and fifty-eight decimal three two (158.32) acres of land at Albion Cross, Lot 55, Kings County, Province of Prince Edward Island, being acquired from Wayne Townshend and John Townshend, both of Souris, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EXECUTIVE COUNCIL _____ 13 SEPTEMBER 2016

EC2016-600

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
JAMES WHITTY, JEAN WHITTY AND MICHAEL WHITTY
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to James Whitty, Jean Whitty and Michael Whitty, all of Fort Myers, Florida, to acquire a land holding of approximately one decimal two eight (1.28) acres of land at Cable Head East, Lot 41, Kings County, Province of Prince Edward Island, being acquired from Chris Lewis and Rhonda Lewis both of Cable Head East, Prince Edward Island.

EC2016-601

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101966 P.E.I. INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 101966 P.E.I. Inc. of Albany, Prince Edward Island to acquire a land holding of approximately zero decimal four three (0.43) acres of land at Augustine Cove, Lot 28, Prince County, Province of Prince Edward Island, being acquired from Paul Dawson of Borden-Carleton, Prince Edward Island.

EC2016-602

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
hISLANDER LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to hIslander Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two decimal five (2.5) acres of land at Murray River, Lot 64, Kings County, Province of Prince Edward Island, being acquired from Robert Adameczk, Robert Johnston and 656214 NB Ltd., mortgagees in possession, all of Moncton, New Brunswick.

EXECUTIVE COUNCIL, _____ 13 SEPTEMBER 2016

EC2016-603

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
hISLANDER LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to hIslander Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one hundred and twenty-nine decimal two four (129.24) acres of land at Murray River, Lots 63 and 64, Kings County, Province of Prince Edward Island, being acquired from Robert Adamczk, Robert Johnston, 656214 NB Ltd. and James G.G. Watt, mortgagees in possession, all of Moncton, New Brunswick PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act AND PROVIDED THAT such identification does not prevent the operation of a golf course on the parcel, except for an approximately twenty-one decimal five (21.5) acre portion of the parcel to be used for subdivision and development for residential and/or recreational uses in association with the existing golf course.

EC2016-604

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HILLCREEK FAMILY FARM INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Hillcreek Family Farm Inc. of Grafton, Nova Scotia to acquire, by share acquisition, an interest in a land holding of approximately four hundred and twenty-eight decimal four five (428.45) acres of land at Kingston, Lot 31, Queens County, Province of Prince Edward Island, being acquired from Donald Mowat and Monique Mowat both of Kingston, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2016-605

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M&S FARMS INC.
(TO RESCIND)

Council, having under consideration Order-in-Council EC2015-263 of April 28, 2015 rescinded the said Order forthwith, thus rescinding permission for M&S Farms Inc. of York, Prince Edward Island to acquire a land holding of approximately eight hundred and seventy-seven decimal six six (877.66) acres of land at Pleasant Grove, Lot 34; Donaldston, Millcove, and Ten Mile House, Lot 35; Fort Augustus, Lot 36.; Pisquid West, Lot 37; all in Queens County and at Green Meadows, Lot 39, Kings County; Province of Prince Edward Island.

EC2016-606

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M&S FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to M&S Farms Inc. of York, Prince Edward Island to acquire a land holding of approximately eight hundred and forty decimal four nine (840.49) acres of land at Pleasant Grove, Lot 34; Donaldston, Millecove, and Ten Mile House, Lot 35; Fort Augustus, Lot 36; all in Queens County and at Green Meadows, Lot 39, Kings County; Province of Prince Edward Island, being acquired from MacDonald's Farms Ltd. of York, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2016-607

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PERRY'S CONSTRUCTION LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Perry's Construction Ltd. of Tignish, Prince Edward Island to acquire a land holding of approximately nineteen decimal seven eight (19.78) acres of land at Tignish, Lot 1, Prince County, Province of Prince Edward Island, being acquired from the Community of Tignish, Prince Edward Island.

EC2016-608

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PRESTON CUDMORE & SONS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Preston Cudmore & Sons Inc. of Winsloe North, Prince Edward Island to acquire a land holding of approximately sixty-seven decimal one one (67.11) acres of land at Oyster Bed Bridge, Lot 33, Queens County, Province of Prince Edward Island, being acquired from Allison Ferguson of Winsloe, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EXECUTIVE COUNCIL _____ 13 SEPTEMBER 2016

EC2016-609

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ST. PETERS BAY GOLF AND COUNTRY CLUB INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to St. Peters Bay Golf and Country Club Inc. of St. Peters Bay, Prince Edward Island to acquire a land holding of approximately one decimal two eight (1.28) acres of land at Cable Head East, Lot 41, Kings County, Province of Prince Edward Island, being acquired from Chris Lewis and Rhonda Lewis both of Cable Head East, Prince Edward Island.

EC2016-610

MUNICIPALITIES ACT
TOWN OF O'LEARY
EXTENSION OF MUNICIPAL BOUNDARY
(APPLICATION TO ANNEX
PROVINCIAL PROPERTY NOS. 42556, 43505 (PORTION OF), 43562, 43612,
43661, 672469, 474593 (PORTION OF), 727859 (PORTION OF)
APPROVED

Having under consideration an application from the Town of O'Leary presented pursuant to section 12 of the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13 to extend its boundaries to include approximately sixty (60) acres, being Provincial Property No. 42556, 43505 (portion of), 43562, 43612, 43661, 672469, 474593 (portion of) and 727859 (portion of) for which no municipal government is provided under the said Act, and having under consideration the recommendation of the Island Regulatory and Appeals Commission, Council under authority of subsection 14(2) of the aforesaid Act, approved the application and ordered that the boundary of the Town of O'Leary be extended to annex approximately sixty (60) acres as aforesaid, effective September 24, 2016 in accordance with the said application and as indicated on a plan filed in the Registry Office for Prince County by the Minister of Finance pursuant to subsection 2(1) of the *Municipal Boundaries Act* R.S.P.E.I. 1988, Cap. M-11.

This Order-in-Council comes into force on September 24, 2016.

EC2016-611

PUBLIC INQUIRIES ACT
 APPOINTMENT OF THE HONOURABLE MARION R. BULLER,
 MICHÈLE TAÏNA AUDETTE, E. QAJAQ ROBINSON,
 MARILYN POITRAS AND BRIAN EYOLFSON,
 COMMISSIONERS OF THE NATIONAL INQUIRY INTO
 MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

Pursuant section 2 of the *Public Inquiries Act*, R.S.P.E.I. 1988, Cap. P-31, and upon the recommendation of the Prime Minister of Canada in order to further the objectives of a Commission appointed by a Committee of the Privy Council of Canada under Part 1 of the *Inquiries Act*, R.S.C. 1985, c. 1-11, Council appointed the Honourable Marion R. Buller, Michèle Taïna Audette, E. Qajaq Robinson, Marilyn Poitras and Brian Eyolfson, to conduct an inquiry (the "Inquiry") to identify and examine systemic causes of all forms of violence against Indigenous women and girls in Canada and to make recommendations for effective action to prevent and eliminate such violence.

Further, Council noted that the appointment of this Commission is in the public interest and good government of Prince Edward Island, as concerns have been expressed that some non-governmental agencies or third parties may attempt to limit the scope of the Inquiry or impede the investigation by challenging the jurisdiction of a federally created inquiry to review and report on matters falling within provincial jurisdiction.

And further, Council advised that mandate of the Inquiry shall be:

1. To inquire into and report on:
 - (a) systemic causes of all forms of violence - including sexual violence – against Indigenous women and girls in Canada, including underlying social economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada; and
 - (b) institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety,
2. To make recommendations on:
 - (a) concrete and effective action that can be taken to remove systemic causes of violence and increase the safety of Indigenous women and girls in Canada; and
 - (b) ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada.
3. The Commission shall perform its duties without expressing any conclusion or recommendations regarding the civil or criminal liability of any person or organization. The Commission shall further ensure that the conduct of the Inquiry does not jeopardize any ongoing investigation or proceeding. The Commissioners shall apply this Order in Council in a manner consistent with the constitutional principle of prosecutorial independence.

4. For the purpose of carrying out the mandate of the Inquiry within the Province of Prince Edward Island, the Commission may hold such public or other hearings as it considers necessary to fulfill its mandate; and it may exercise the powers set out in sections 3 and 4 of the *Public Inquiries Act*, R.S.P.E.I. 1988, Cap. P-31, to bring witnesses before it to testify to all matters within their knowledge on the subject matter of the Inquiry, and to bring with them and produce any document, book or paper under their possession or control relative to such matter, including by subpoena, and to enforce such attendance.
5. The Commission may adopt any procedures that the Commissioners consider appropriate for the proper conduct of the Inquiry, may sit at such times and places, and conduct the Inquiry by means of informal processes which are trauma-informed, culturally appropriate and respectful of the persons, families and communities concerned and provide an opportunity to share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls.
6. The Government of Canada has undertaken to pay any and all expenses associated with the operation of the Commission and the Inquiry, including costs associated with the participation of Indigenous persons and organizations as witnesses before the Commission.
7. The Government of Prince Edward Island shall bear the cost of its own participation and attendance at the Inquiry, including the cost of the production of any required documents or material. All ministries, boards, agencies and commissions of the Government of Prince Edward Island shall, subject to any privilege or legal restriction, assist the Commission in the fulfillment of its mandate to the fullest extent possible.
8. Section 5 of the *Public Inquiries Act*, R.S.P.E.I. 1988, Cap. P-31, shall not apply to the Commission relative to the Province of Prince Edward Island.
9. The Commission shall simultaneously deliver to the Governments of Canada and Prince Edward Island:
 - (a) an interim report containing its preliminary findings and recommendations before November 1, 2017; and
 - (b) a final report containing its findings and recommendations before November 1, 2018.
10. The Commission shall ensure, as far as practicable, that the interim report and final report are delivered in a form appropriate for public release, consistent with Prince Edward Island's *Freedom of Information and Protection of Privacy Act*, R.S.P.E.I. 1988, Cap. F-15.01 and any other applicable federal or provincial legislation. In particular, the Commissioners must not disclose publicly or in any report any identifying personal health information or any identifying information pertaining to a child, parent or guardian who has received or is in receipt of services relating to child protection or income support services.

EC2016-612

**TOBACCO AND ELECTRONIC SMOKING DEVICE
SALES AND ACCESS ACT**

**REGULATIONS
AMENDMENT**

Pursuant to section 9 of the *Tobacco and Electronic Smoking Device Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1, the Lieutenant Governor in Council made the following regulations:

1. The *Tobacco and Electronic Smoking Device Sales and Access Act* Regulations (EC538/15) are amended by the addition of the following after section 1:

1.1 For the purpose of section 3.1 of the Act, an agent added to tobacco to produce an aroma or taste other than the aroma or taste of tobacco, including the aroma or taste of candy, chocolate, fruit, a spice, an herb, an alcoholic beverage, vanilla or menthol, is a prescribed flavouring agent.

Prescribed
flavouring agent

2. These regulations come into force on May 1, 2017.

EXPLANATORY NOTES

SECTION 1 sets out prescribed flavouring agents for the purposes of the prohibition in section 3.1 of the Act against the sale of tobacco containing a prescribed flavouring agent.

SECTION 2 provides for the commencement of these regulations.

This is Exhibit “ L ” to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Tenly Desrosiers", written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

Administrative Orders

Government of Quebec

Order 711-2016, August 9, 2016

CONCERNING the constitution of the Commission of Inquiry on Missing and Murdered Indigenous Women and Girls in Quebec

WHEREAS the federal government announced on August 3, 2016, that it was forming a national commission of inquiry to address the problem of missing and murdered Indigenous women and girls in Canada;

WHEREAS the Truth and Reconciliation Commission of Canada made public in December 2015 a final report including numerous recommendations, a number of which were directed to the provincial and territorial governments, and the objective of which is to improve relations and reconciliation between the Indigenous and non-Indigenous populations and governments;

WHEREAS recent events, particularly at Val-d'Or and Lac Simon, have shed light on problems that require reflection on the relations between Indigenous persons and public service workers in Quebec;

WHEREAS these problems underscore the need within Quebec's public sector to improve knowledge of the historical, cultural and societal realities and special characteristics of Indigenous persons in order to provide them with more tailored and appropriate public services;

WHEREAS the specific problem of missing and murdered Indigenous women and girls in Quebec implies that there are various forms of underlying violence requiring careful examination;

WHEREAS the work of such a commission will enable Indigenous persons to share their experiences and concerns, and to provide input with regard to possible solutions in order to better respond to their needs;

WHEREAS the federal commission of inquiry must respect Quebec's constitutional jurisdictions, and whereas, consequently, the work of this commission cannot address areas under Quebec's constitutional jurisdictions unless mandated to do so by the Government of Quebec;

WHEREAS the constitution of a commission of inquiry by Quebec would provide a more complete picture of the problems targeted and would identify concrete and sustainable action that could help prevent violence against Indigenous women and girls, and improve the quality of relations between Indigenous persons and public services in Quebec;

WHEREAS Quebec has already expressed its interest in taking part in a Canada-wide inquiry on the problem of missing and murdered Indigenous women and girls;

WHEREAS the commissioners charged with this inquiry, in accordance with the *Act Respecting Public Inquiry Commissions* (chapter C-37), should be mandated to conduct its work within the areas under Quebec jurisdiction, which includes the oath of office referred to in section 2 of this act;

WHEREAS the federal government has committed to covering all of the costs incurred in connection with the Commission of Inquiry itself, that is, the commissioners' salaries and expenses, secretariat services, support and research, experts' fees, travel and support expenses for families affected by the violence

that is to be examined by the Commission of
Inquiry;

IT IS ORDERED, therefore, on the Premier's recommendation:

THAT, in accordance with section 1 of the *Act Respecting Public Inquiry Commissions* (chapter C-37), the Commission of Inquiry on Missing and Murdered Indigenous Women and Girls in Quebec be constituted:

THAT this commission have a mandate to:

1.(a) Investigate and report on the systemic causes of all forms of violence—including sexual violence—against Indigenous women and girls in Quebec, including the underlying social, economic, cultural, institutional and historical causes that perpetuate the violence and the specific vulnerabilities of these women and girls;

(b) Investigate and report on the institutional policies and practices implemented in response to violence against Indigenous women and girls in Quebec, including identifying and examining proven practices to reduce violence and improve safety;

(c) For these purposes and in this context, examine the factors that could be associated with the relationship between public services under Quebec's constitutional jurisdictions, including police bodies, health facilities, social and educational services, and Indigenous persons more generally;

2. Make recommendations with regard to concrete and sustainable action to take in order to prevent situations of violence against Indigenous women and girls in Quebec, including those that may have led to their disappearance or murder; and

3. Make recommendations aimed at significantly improving the quality of relationships between Indigenous persons and public service workers;

THAT the commission of inquiry may, for these purposes and in this context, gather the testimonies and concerns of Indigenous persons

and of the public service workers and assistance organizations concerned;

THAT the commission of inquiry be made up of five commissioners: the Honourable Marion R. Buller as chief commissioner, Michèle Taïna Audette, E. Qajaq Robinson, Marilyn Poitras and Brian Eyolfson;

THAT the commission determine its operating procedures, and establish its action priorities and any other rules that it deems useful to its operation;

THAT the necessary measures be taken to ensure that current or future investigations, including criminal, conduct or disciplinary investigations, will not be hindered;

THAT the commissioners ensure adherence to the laws applicable in Quebec, including the *Charter of the French Language* (chapter C-11) and the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (chapter A-2.1) in carrying out their mandate, including in the context of commission work involving participation by Quebec government institutions or agencies.

THAT the commissioners also ensure compliance with immunity under section 11 of the *Act Respecting Public Inquiry Commissions* with regard to any person heard as a witness in the context of the mandate given under this order that no answer given may be used against him or her in any prosecution under any act, except in the case of prosecution for perjury or for the giving of contradictory evidence during this commission;

THAT this commission of inquiry submit to the government an interim report on its work, providing its observations and preliminary recommendations as required under the federal order by November 1, 2017;

THAT this commission of inquiry submit to the government a report on its work, including its recommendations, by November 1, 2018;

THAT the reports of the commission of inquiry refrain from placing blame or drawing conclusions or making recommendations with regard to civil, penal or criminal liability of individuals or organizations;

THAT this order take effect henceforth.

WHEREAS the City of Rouyn-Noranda is a municipal body within the meaning of section 3.6.2 of this act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Land Occupancy, and the Minister responsible for Canadian Relations and the Canadian Francophonie;

Clerk of the Executive Council

JUAN ROBERTO IGLESIAS

65395

Government of Quebec

Order 713-2016, August 9, 2016

CONCERNING the City of Rouyn-Noranda's authority to conclude a grant agreement with the Government of Canada in the context of the Canada Arts Presentation Fund

WHEREAS the City of Rouyn-Noranda intends to conclude a grant agreement with the Government of Canada in the context of the Canada Arts Presentation Fund program to support the Théâtre du cuivre's 2016-2017 and 2017-2018 cultural programming;

WHEREAS under the first paragraph of section 3.11 of the *Act Respecting the Ministère du conseil exécutif* (chapter M-30), except to the extent expressly provided for by law, no municipal body may, without the prior authorization of the Government, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency;

This is Exhibit "M" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Tenby Desrosiers", is written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022



Wednesday, June 27, 2018

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OC 420/2016 - JOINT NATIONAL COMMISSION INTO MURDERED AND MISSING INDIGENOUS WOMEN AND GIRLS (NATIONAL INQUIRY) – APPOINTMENT AND TERMS OF REFERENCE (MINISTER OF JUSTICE AND ATTORNEY GENERAL) - PUBLICATIONS CENTRE

OC 420/2016 - Joint National Commission into Murdered and Missing Indigenous Women and Girls (National Inquiry) – Appointment and Terms of Reference (Minister of Justice and Attorney General)

Description:

Title: Joint National Commission into Murdered and Missing Indigenous Women and Girls (National Inquiry) – Appointment and Terms of Reference

Minister: Minister of Justice and Attorney General

Summary: Orders THAT WHEREAS:

- the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end; the Government of Canada has launched an inquiry by P.C. 2016-0736 under the name of the National Inquiry into Missing and Murdered Indigenous Women and Girls to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;
- the Government of Saskatchewan is committed to working with Indigenous communities to end the threat of violence against women and girls and to ensure the safety of future generations of Indigenous women and girls;
- the Government of Saskatchewan is committed to take action to support reconciliation, working in collaboration with Indigenous Peoples based on principles of mutual respect and shared benefits;
- it is desirable and in the public interest for the Government of Saskatchewan to jointly establish the National Inquiry with the Government of Canada and the governments of each of the other provinces and territories in order to support the mandate of the commissioners within the province of Saskatchewan;
- it is desirable and in the public interest to entrust to the commission of inquiry appointed by the Government of Canada the mandate to carry out its work in matters of Saskatchewan's jurisdiction in accordance with The Public Inquiries Act, 2013;
- the Government of Canada has undertaken to pay any and all expenses associated with the operation of the Commission and the National Inquiry;
- the Government of Canada has also undertaken to pay all of the costs associated with the participation of Indigenous organizations in advisory councils, witnesses before the Commission, the process of gathering the experiences of family members and others, as well as any ceremony that the Commission includes in its operations, including the honoraria for Elders and others; and
- the Government of Saskatchewan shall bear the cost of its own participation and attendance in the National Inquiry, as well as any costs associated with the production of its records to the Commission;

NOW THEREFORE, THAT:

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Regina, SK
S4S0B3, Canada

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- a. a commission of inquiry is established, jointly with the Government of Canada and the Governments of all provinces and territories that establish an equivalent commission of inquiry, to conduct an inquiry into missing and murdered Indigenous women and girls in Canada, with the following terms of reference:
 - to inquire into and report on the systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada;
 - to inquire into and report on institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety;
 - to make recommendations with respect to concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada; and
 - to make recommendations with respect to ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada;
- b. the following persons are appointed as commissioners:
 - the Honourable Marion R. Buller as Chief Commissioner;
 - Michèle Taïna Audette;
 - E. Qajaq Robinson;
 - Marilyn Poitras; and,
 - Brian Eyolfson;
- c. November 1, 2017 is fixed for the simultaneous delivery to the Governments of Canada and Saskatchewan of the commission's interim report;
- d. November 1, 2018 is fixed for the simultaneous delivery to the Governments of Canada and Saskatchewan of the commission's final report;
- e. December 31, 2018, is fixed as the date for the termination of the inquiry;
- f. the Commission shall not receive or admit any information or evidence that is subject to solicitor client or any other legal privilege unless it is voluntarily provided by the person to whom the privilege belongs;
- g. all ministries and all boards agencies and commissions of the Government of Saskatchewan shall, subject to any privilege or any other legal restriction, assist the Commission to the fullest extent possible, including producing documents in a timely manner, so that the Commission may carry out its duties;
- h. the Commission shall work with the Government of Saskatchewan and Indigenous families and Indigenous organizations in Saskatchewan to identify possible Saskatchewan membership on any regional advisory bodies or issue-specific advisory bodies established by the Commission with respect to regional matters where that region includes Saskatchewan;
- i. the Minister of Justice and Attorney General is authorized to enter into an agreement with the Government of Canada in accordance with section 28 of The Public Inquiries Act, 2013 addressing the manner in which the inquiry is to be conducted in Saskatchewan by the joint commission of inquiry and pursuant to which the Government of Canada will pay all costs incurred with respect to the commission of inquiry; and
- j. the commission and its operations in Saskatchewan are subject to the agreement referenced in clause (i) and any rules and any regulations made pursuant to section 30 of The Public Inquiries Act, 2013.

See: The Public Inquiries Act, 2013/Loi de 2013 sur les enquêtes publiques

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This is Exhibit "N" to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Termy Desrosiers", written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

PUBLIC INQUIRIES ACT

ORDER TO ESTABLISH AN INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

Whereas the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

Whereas the Government of Canada has committed to launching an inquiry to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;

And whereas the Government of Yukon is committed to taking effective action to prevent and eliminate violence against Indigenous women and girls in Canada;

Therefore,

Pursuant to paragraph 2(b) and section 3 of the Public Inquiries Act, the Commissioner in Executive Council orders

1 In this order

"federal commissioner" means a commissioner appointed by the Governor General in Council under the federal terms of reference; « *commissaire fédéral* »

"federal terms of reference" means the order-in-council made under Part I of the *Inquiries Act* (Canada) and referred to as PC Number 2016-0736; « *cadre de référence fédéral* »

"inquiry" means the inquiry referred to in section 2; « *enquête* »

2 An inquiry, named the National Inquiry into Missing and Murdered Indigenous Women and Girls, is caused to be made into the following matters

(a) systemic causes of all forms of violence – including sexual violence – against Indigenous women and girls in Yukon, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of

LOI SUR LES ENQUÊTES PUBLIQUES

DÉCRET ÉTABLISSANT UNE ENQUÊTE NATIONALE SUR LES FEMMES ET LES FILLES AUTOCHTONES DISPARUES ET ASSASSINÉES

Attendu que le nombre élevé de décès et de disparitions de femmes et filles autochtones au Canada constitue une tragédie nationale perdurant qui doit cesser;

Attendu que le gouvernement du Canada s'est engagé à lancer une enquête pour cerner et examiner les causes systémiques de la violence à l'égard des femmes et des filles autochtones au Canada et pour recommander des mesures efficaces pour y remédier;

Attendu que le gouvernement du Yukon s'est engagé à prendre des mesures efficaces pour prévenir et éradiquer la violence à l'égard des femmes et des filles autochtones au Canada;

À ces causes, en vertu de l'alinéa 2b) et de l'article 3 de la Loi sur les enquêtes publiques, le commissaire en conseil exécutif ordonne :

1 Les définitions qui suivent s'appliquent au présent décret.

« cadre de référence fédéral » Le décret pris en vertu de la partie I de la *Loi sur les enquêtes* (Canada) portant la désignation C.P. 2016-0736, "*federal terms of reference*"

« commissaire fédéral » Commissaire nommé par le Gouverneur général en conseil en vertu du cadre de référence fédéral. "*federal commissioner*"

« enquête » L'enquête visée à l'article 2, "*inquiry*"

2 Une enquête, désignée l'Enquête nationale sur les femmes et les filles autochtones disparues et assassinées, est lancée sur les questions suivantes :

a) les causes systémiques de toutes formes de violence – y compris la violence sexuelle – à l'égard des femmes et des filles autochtones au Yukon, notamment les causes sociales, économiques, culturelles, institutionnelles et historiques sous-jacentes qui contribuent à

Indigenous women and girls in Yukon; and

(b) institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Yukon, including the identification and examination of practices that have been effective in reducing violence and safety.

3 A board is established for the purpose of conducting and reporting on the inquiry.

4 Each federal commissioner is appointed as a member of the board.

5 The federal terms of reference apply with necessary modifications to the board's conduct of the inquiry except the reference to the Governor in Council in paragraph (x) of the federal terms of reference is to be read as the Commissioner in Executive Council.

6 The Government of Canada has undertaken to pay all expenses associated with the operation of the board and the inquiry.

7 The Government of Yukon is responsible for the costs of its own participation and attendance in the inquiry and the costs associated with the production of its records.

Dated at Whitehorse, Yukon, August 30, 2016.

Commissioner of Yukon

perpétuer la violence et les vulnérabilités de ces femmes et de ces filles au Yukon;

b) les politiques et les pratiques institutionnelles mises en place en réponse à la violence à l'égard des femmes et des filles autochtones au Yukon, y compris le recensement et l'examen des pratiques éprouvées de réduction de la violence et de renforcement de la sécurité.

3 Une commission est constituée pour mener l'enquête et faire rapport.

4 Les commissaires fédéraux sont nommés membres du conseil.

5 Le cadre de référence fédéral s'applique, avec les modifications nécessaires, à la tenue de l'enquête par la commission, sauf que la mention du gouverneur en conseil, à l'alinéa x) du cadre de référence fédéral, vaut mention du commissaire en conseil exécutif.

6 Le gouvernement du Canada s'est engagé à payer toutes les dépenses liées aux activités de la commission et à l'enquête.

7 Le gouvernement du Yukon est responsable des coûts pour sa propre participation et sa présence à l'enquête, ainsi que des coûts liés à la production de ses dossiers.

Fait à Whitehorse, au Yukon, le 30 août 2016.

Commissaire du Yukon

This is Exhibit “ 0 ” to the Affidavit
of Chief Commissioner Marion Buller
Sworn before me on June 28, 2018 at
Regina, Saskatchewan

A handwritten signature in blue ink, appearing to read "Tenley Desrosiers", written over a horizontal line.

A Commissioner for Oaths
for Saskatchewan

My Commission expires: April 30, 2022

LEGAL PATH: RULES OF RESPECTFUL PRACTICE for the National Inquiry into Missing and Murdered Indigenous Women and Girls

Preamble

The National Inquiry into Missing and Murdered Indigenous Women and Girls ("National Inquiry") shall be conducted in a manner that recognizes that all Indigenous women and girls, including Two-Spirit, lesbian, gay, bisexual, transgendered, queer, and those with disabilities or special needs, are sacred. Further, the National Inquiry is empowered to, amongst other things, be culturally appropriate and provide an opportunity for persons, families and community members to express and share their experiences and views on matters relevant to the mandate of the National Inquiry (as defined by its Terms of Reference, issued by Canada, and replicated in the various provincial and territorial Orders-in-Council, Orders and Administrative Decree, collectively the "related instruments"). Consistent with the National Inquiry's mandate of conducting a trauma-informed and respectful process, the National Inquiry will operate under a guiding principle of do no further harm. Where questioning is permitted, it will be done in a manner which will enhance the ability of a traumatized individual to share the truth in a coherent, safe and reliable manner. The National Inquiry is committed to a legal process that will be respectful of Indigenous legal principles and practices, while respecting the common law, Civil Code, and statutory requirements as may be applicable throughout the various legal jurisdictions. One of the objectives of these Rules is to use plain language in place of technical legal terms. Another important objective is to incorporate Indigenous legal processes and concepts as part of the Truth Gathering Process. The National Inquiry can and will incorporate "informal" processes where this will improve the ability of the National Inquiry to receive information from families, survivors and others. The Legal Path recognizes these are challenging objectives as the National Inquiry has been created by the federal, provincial and territorial governments as a technical legal public investigation that is subject to the laws of those respective jurisdictions while at the same time empowering the National Inquiry to be culturally appropriate and trauma informed in its processes.

The National Inquiry has, for the first time in Canadian history, been vested with legal powers and obligations from all of the public inquiry acts across the country. This means that the Commissioners have the legal power to generally compel production of documents from, and witnesses to testify in, every region of this country. However, the respective public inquiries statutes across the country are not uniform in substance. Accordingly, the Rules recognize the differences amongst the various public inquiries statutes and/or related instruments.

Definitions

Commissioners: The persons appointed to conduct a Public Inquiry. Marion Buller has been appointed as the Chief Commissioner of the National Inquiry. Michele Audette, Brian Eyolfson, Marilyn Poitras, and Qajaq Robinson were appointed as Commissioners for the National Inquiry. Commissioner Marilyn Poitras resigned effective July 15, 2017.

Commission Counsel: Lawyers appointed by the Commissioners to assist in the conduct of this public investigation through the public inquiry. The National Inquiry has its own lawyers who will assist the Commissioners throughout the National Inquiry, and will have the primary responsibility

LEGAL PATH; RULES OF PRACTICE AND RESPECT for the National Inquiry into Missing and Murdered Indigenous Women and Girls

for presenting information to the Commissioners as evidence throughout the Truth Gathering Process in Part I, Part II and Part III.

Crown Brief: The collection of documents held by the Crown (criminal) office that contains the information relating to criminal charges against an accused and which will generally include a copy of the police synopsis, criminal record, a copy of police notes, and any evidence such as videotapes and will says.

Counterpart Orders in Council, Orders and Administrative Decree: The companion documents issued by each province and territory that established the National Inquiry in each province and territory and appointed the individual Commissioners, in a manner comparable (but not always identical) to the federal government's Terms of Reference. These government documents will be collectively referred to as the "related instruments" throughout the Legal Path.

Entity: Entity refers to any corporate or non-corporate body other than individuals. For clarification, entity includes all governments, government agencies, organizations and institutions and includes both Indigenous and non-Indigenous organizations. It does not include family members or survivors of violence who are referenced as individuals or family members and survivors throughout the Legal Path.

Evidence: Information submitted to the Commissioners for purposes of findings of fact and/or making recommendations through various mediums including oral, written, graphic, video and/or audio recorded, and artistic expression, whether or not it would meet the formal legal admissibility requirements for a (Canadian) court of law.

Family: The National Inquiry has an inclusive vision of families. Family includes biologically and non-biologically related loved ones, chosen families and families of the heart.

Indigenous: Indigenous means "native to the area" and applies to peoples who have occupied a territory since time immemorial.

Indigenous Peoples: A collective noun for First Nations, Inuit and Metis people in Canada.

Misconduct: Misconduct shall have the same meaning as used in the respective Public Inquiries legislation in those jurisdictions where findings of misconduct by the National Inquiry is permitted by the governing legislation. For clarification, findings of misconduct do not include findings of civil or criminal liability or legal fault. Where the governing legislation or the related instruments do not permit findings of misconduct to be made, that will be respected. Findings of misconduct will not be made where that would jeopardize an ongoing criminal investigation or criminal proceeding.

National Inquiry: The National Inquiry into Missing and Murdered Indigenous Women and Girls.

Parties: Parties are those individuals and entities that are granted legal standing by the Commissioners to participate in the National Inquiry in a role other than as a witness, as further specified in the Rules. Family members and survivors who wish to share their stories with the National Inquiry do not require standing to do so. Standing is a technical legal process to allow entities and individuals to have certain procedural rights such as asking questions of witnesses and making legal arguments to the Commissioners.

LEGAL PATH; RULES OF PRACTICE AND RESPECT for the National Inquiry into Missing and Murdered Indigenous Women and Girls

Terms of Reference: The Terms of Reference is the document issued by the Governor General in Council, on recommendation of the Prime Minister that established the National Inquiry as a federal Public Inquiry and sets out the purpose, mandate, powers, obligations and composition of the National Inquiry.

Truth Gathering Process: The Truth Gathering Process encompasses the methods and processes by which the National Inquiry will gather information, including oral, written and recorded statements from witnesses, artistic expression and documentary evidence at events held by the National Inquiry to receive information, sometimes also referred to as “hearings” or “Truth Gatherings”.

Sharing Circles: Sharing Circles are gatherings recognized by Indigenous tradition in which individuals are invited to share their experiences and express their truth. The National Inquiry recognizes that there are different protocols involved in the use of Sharing Circles, and will incorporate those protocols into Sharing Circles which will form part of the Truth Gathering Process.

Statement Takers: Those individuals appointed by the Commissioners to record the experiences of witnesses, and in particular family members and survivors, to be used as part of the Truth Gathering Process.

Survivors: Those individual Indigenous women and girls who have experienced, and may still be experiencing, violence.

Violence: Violence has a broad definition consistent with the Terms of Reference and related instruments, and includes physical, sexual, emotional, colonial, cultural, and institutionalized forms of violence.

Witness: The National Inquiry recognizes that in many Indigenous traditions, the term “witness” is in reference to the principle of witnessing. In many Indigenous traditions, witnesses are called to be the keepers of history when an event of historic significance occurs. However, for purposes of the Legal Path, the term “witness” refers to the western legal context of persons or entities being called to share their information with the Commissioners for purposes of making findings of fact, recommendations for change, and ways to commemorate the lives of the lost loved ones.

National Inquiry Truth Gathering Process

1. The National Inquiry proceedings shall be divided into three Parts. Part I will focus on the truth gatherings involving family members of missing or murdered Indigenous women and girls, Indigenous female survivors of violence, and members of Indigenous communities of those family members and/or survivors of violence on the matters defined by its mandate, including examining the systemic causes of all forms of violence experienced by Indigenous women and girls, and those forms of violence that were experienced by missing and murdered Indigenous women and girls. Part I will also hear evidence on practices and policies that have served to contribute to, or alternatively reduce, the vulnerability of Indigenous women and girls to experiencing violence, enhancing their safety, and ways to honour and commemorate the lives of lost loved ones.

LEGAL PATH; RULES OF PRACTICE AND RESPECT for the National Inquiry into Missing and Murdered Indigenous Women and Girls

2. Part II of the National Inquiry will focus on the Truth Gatherings involving entities, including grass roots organizations, and Indigenous and non-Indigenous institutions, governments, police authorities, and others, as well as those individuals and representatives of institutions and organizations, on the matters defined by its mandate. These matters will include examining the systemic causes and processes contributing to the high incidence of violence experienced by Indigenous women and girls, and the disproportionately high rate by which Indigenous women and girls are lost to violent, wrongful or suspicious death, and unexplained disappearances of those lost loved ones from their families and loved ones. Part II will also hear evidence on practices and policies that have contributed to, or alternatively reduced, the vulnerability of Indigenous women and girls to experiencing violence.
3. Part III of the National Inquiry will focus on expert evidence through witnesses, witness panels, and other processes to hear from experts from many disciplines and experts who are those who have lived life experience on matters relevant to the discharge of the National Inquiry's mandate. Part III will be heard over the course of the Truth Gathering Process, concurrent with Part I and II Truth Gatherings.

RULES

I. Truth Gathering Process

1. Truth Gatherings, sometimes referred to as hearings, will be conducted at such locations and at such times as the Commission shall decide and form part of the Truth Gathering Process.
2. Truth Gatherings shall be presided over by one to four Commissioners, with the exception of Quebec where, consistent with Quebec's legislation, a minimum of three Commissioners will preside.
3. Truth Gatherings will be held in locations where the National Inquiry is welcomed.
4. All parties and their counsel agree to follow these Rules as a condition of their standing, which may be changed or dispensed with by the Commissioners as they see appropriate. However, neither this Rule nor Rule 29 prevents a party from challenging a material change to the Rules on the basis of jurisdiction.
5. Any party may raise any issue of breach of these Rules with the Commissioners.
6. The Commissioners shall deal with a breach of these Rules as they see appropriate including, but not restricted to, cancelling the standing of a party, and imposing restrictions on the further participation in or attendance at (including exclusion) the Truth Gatherings by any party, counsel, individual, entity, or member of the media.

7. The National Inquiry is committed to a process that will do no further harm and is empowered to pursue a process that is trauma-informed. Accordingly, where the Commissioners decide it necessary to fulfil their mandate, or they deem it necessary to protect a witness from public exposure, they may declare any part of it is Truth Gathering Process to be *in camera*, order a publication ban, impose an anonymity order, or take such other measures as they decide appropriate including excluding parties with standing from a Part I hearing where their presence would be inconsistent with a trauma informed approach or would impede that witness' ability to share her/his information with the National Inquiry. Such orders may be made on the presiding Commissioner's own initiative or at the request of a party or the witness who is sharing their information. However, Parties with the relevant standing who are excluded from hearings under this Rule will have access to the resulting transcript. In addition, and notwithstanding this Rule, any rights as may be triggered by Rule 70 will prevail for any Party who may have received a Notice of Misconduct.
8. The Commissioners may receive any and all relevant information as evidence, whether or not that information would be admitted in a court of law, subject only to the law of privilege, immunity as it relates to cabinet confidences and any statutory bars. The Commissioners will receive information as evidence whether or not that information has been provided under a formal oath or affirmation.
9. The Commissioners may receive information as evidence in many ways, including but not limited to:
 - a. oral statements to the Commissioners, including oral history;
 - b. written or recorded statements;
 - c. poetry, art, song, weaving or other artistic expression;
 - d. audio and/or visual recorded statements ; and/or
 - e. audio and/or visual conferences.
10. Subject to the various governing laws, the conduct of, and the procedure to be followed at, the National Inquiry is under the complete control and discretion of the Commissioners.
11. The Commissioners may extend or shorten any time prescribed by these Rules and will provide notice to the Parties who are directly affected.
12. The National Inquiry will provide interpreters or signers, including for Indigenous languages, for witnesses providing information to the National Inquiry, as the Commissioners determine to be advisable.
13. The National Inquiry will make reasonable efforts to ensure that Elders, support people and health care providers including traditional healers and registered health care providers, will be available at Truth Gatherings and statement taking processes to provide support to witnesses.

14. The term “party” is used to convey the grant of standing and is not intended to convey notions of an adversarial proceeding.

II. Governing Laws

15. The National Inquiry will exercise its authority in accordance with the federal and provincial/territorial laws applicable in the province or territory in which the Truth Gathering is held or the matter under dispute arises, including the related instruments. In the event that there is a conflict between the federal and provincial/territorial laws, the doctrine of paramountcy will be applied by the Commissioners to resolve the conflict.

III. Standing

16. Commission counsel, who will assist the Commissioners throughout the National Inquiry and are to ensure the orderly conduct of the National Inquiry, have standing throughout the National Inquiry.
 17. Individuals (or coalitions of individuals) or entities, including organizations, institutions and governments may be granted standing by the Commissioners, if the Commissioners are satisfied that they,
 - a. Have an interest which is directly and substantially affected by the subject matter of the National Inquiry in which event the party may participate to the extent the Commissioners determine; and/or
 - b. Represent distinct ascertainable interests and perspectives that are essential to the discharge of the Commissioners’ mandate as set out by the Terms of Reference, which the Commissioners consider ought to be separately represented before the National Inquiry, in which event the party may participate in a manner to be determined by the Commissioners.
 18. Applicants that have common interests are encouraged to organize themselves into a single collective coalition and to apply as one party for the purpose of seeking single party status. The Commissioners reserve the right to unilaterally combine or group applicants into one party for standing purposes.
 19. All standing applications will be received in writing. Applications for standing and funding by interested individuals and entities, including governments and government agencies, Indigenous and non-Indigenous organizations, and grass roots organizations, in relation to the Truth Gathering Process (Parts I, II and/or III) of the National Inquiry will be heard in writing.
 20. There are two types of broad geographically based standing:
 - a. Regional standing which will allow the designated applicant to participate in those events which are classified as regional, such participation to be determined by the Commissioners. *The regions are the respective Provinces and Territories, although the*
- LEGAL PATH; RULES OF PRACTICE AND RESPECT for the National Inquiry into Missing and Murdered Indigenous Women and Girls**

National Inquiry recognizes that Indigenous traditional territories have boundaries that do not necessarily fit into any one province or territory but rather are fluid throughout the country. Applicants may apply for standing in one or more regions. For purposes of this Standing process, the regions are as follows:

- i. Alberta;
- ii. British Columbia;
- iii. Manitoba;
- iv. Newfoundland and Labrador;
- v. New Brunswick;
- vi. Nova Scotia;
- vii. Northwest Territories;
- viii. Nunavut;
- ix. Ontario;
- x. Prince Edward Island;
- xi. Quebec;
- xii. Saskatchewan;
- xiii. Yukon.

- b. National Standing which will allow the designated applicant to participate in those events which are classified as National in a manner to be determined by the Commissioners, including Truth Gatherings involving the federal government and federal entities, expert panels or individual expert witnesses, and special family and survivor hearings that are declared to be National, meaning national in scope . However, National Standing will not entitle the party granted that form of standing to participate in Regional Truth Gatherings or events.
 - c. Applicants may apply for standing in National and/or in any of the Regions.
21. The Commissioners may grant standing to a person or group on the basis of regional and/or national standing. Where a person or group is granted standing specific to a region, that party may only have rights to participate at Truth Gatherings that are held in that region. Where a person or group is granted National Standing, the party may only participate at Truth Gatherings that are classified as National (as opposed to Regional).
22. Special standing, known as issue specific standing, will limit parties to a specific issue(s) within the Regional or National Standing category which shall be identified in the written Application and are relevant to the mandate of the National Inquiry. Issues can include, but are not limited to, areas of:
- Police practices and relationships with Indigenous peoples and communities; child welfare; constitutional issues; criminal justice system; death investigation processes; education and education systems; health and health services; impact of colonization on violence against Indigenous women and girls; and the media.
23. The Commissioners reserve the right to restrict the scope of participation by parties with standing to one or more specific issues.

24. Applications for standing must be submitted in writing to the National Inquiry within the time frame provided in the Notice announcing Standing Applications, and in the form designated by that Notice. The Commissioners have the right to extend the time for receiving Applications for standing, as they may decide.
25. The Commissioners will determine the scope and extent of rights to which a party granted standing will have ranging from:
 - a. the right to make closing written and/or oral submissions at the conclusion of the public hearings;
 - b. the right to request that Commission counsel call particular evidence;
 - c. the right to bring motions before the Commissioners;
 - d. the right to cross examine witnesses at Parts II and III hearings but not at Part I (except when a notice of misconduct has been issued in which case Rule 45d applies);
 - e. where available, advance access and/or access to:
 - i. documents;
 - ii. summaries of anticipated statements;
 - iii. access to written statements; and
 - f. any other rights to be determined by the Commissioners in their unfettered discretion.
26. Parties must sign a confidentiality undertaking as an ongoing condition of their standing.
27. The scope and extent of rights to which a party granted standing will have is subject to the Commissioners' overriding discretion to restrict or withdraw particular rights in the course of a Truth Gathering where they determine, in their unfettered discretion, that this is advisable to achieve their mandate, including conducting a process that is trauma-informed, and is also culturally appropriate and acknowledges, respects and honours the diverse cultural, linguistic and spiritual traditions of Indigenous peoples, and in the interests of efficiency.
28. Counsel representing witnesses called to testify before the National Inquiry may participate during the hearing of their client's evidence as provided in these Rules.
29. Parties who are granted standing accept the jurisdiction of the Commissioners and these Rules. By accepting the grant of standing, parties are bound by the National Inquiry's *Legal Path: Rules of Respectful Practice*.

V. Information/Evidence

30. The Commissioners can accept any information as evidence they decide will further the objectives of the National Inquiry, including where that evidence might not be admissible in a court of law. The strict rules of evidence will not apply to determine the admissibility of evidence, except with respect to the law of privilege, immunity with respect to cabinet confidences and statutory bars
31. In the ordinary course, Commission Counsel will call and question witnesses who testify at the Inquiry. Counsel for a witness may apply to the Commissioner(s) to lead that witness' evidence

in chief. If counsel is granted the right to do so, examination shall be confined to the normal rules governing the examination of one's own witness.

32. Witnesses who are not represented by counsel for parties with standing are entitled to be represented by counsel of their own choice while they testify. Counsel for a witness will have standing for the purposes of that witness' testimony to make any objections as they believe to be appropriate.
33. The Commissioners may rely on any pre-existing reports, studies, and other substantive materials as evidence to make findings of fact as the Commissioners consider relevant to the discharge of their mandate.
34. The Commissioners may rely on any transcripts or record of pre-trial, trial or appeal proceedings before any court in relation to the proceedings and prosecutions and such other related material as the Commissioners considers relevant to the discharge of their mandate.
35. The Commissioners may rely on any transcripts or record of pre-inquest, inquest or other proceedings before any Coroner or other related material in relation to Coroner's inquests and/or investigations as the Commissioners consider relevant to the discharge of their mandate, subject to a valid legal claim of privilege or a statutory bar
36. The Commissioners may rely on any documents pertaining to police investigations and related Crown briefs as the Commissioners consider relevant to the discharge of their mandate, subject to a valid legal claim of privilege, immunity relating to cabinet confidences or a statutory bar.
37. Notwithstanding Rule 42, Commissioners may accept evidence not given under oath or affirmation as may be set out by the respective Evidence Acts where they determine this is consistent with a trauma informed process, or where Indigenous laws and practices provide for another process or protocol.
38. Parties and others who believe they have information relevant to the National Inquiry are encouraged to provide to Commission Counsel the names and contact information for all witnesses they believe ought to be heard at their earliest opportunity together with a brief statement of the person's knowledge of relevance to the Inquiry. They must also provide Commission counsel with copies of all relevant documents, including statements of anticipated evidence at the earliest opportunity. The names and contact information of proposed witnesses, including a statement of the relevance of that witness' anticipated information, must be provided no later than 30 days before the conclusion of the relevant Part in order to be considered by Commission Counsel. Commission Counsel will give more than 30 days' advance notice of the last date of hearings for each Part.
39. Commission counsel have the discretion to refuse to call or present evidence.
40. When Commission counsel indicate that they have called the witnesses whom they intend to call in relation to Part I, Part II and/or Part III, and all statements have been taken in relation to those respective Truth Gatherings, a party may then apply to the Commissioner(s) for leave to

call a witness whom the party believes has evidence relevant to that Part. If the Commissioner(s) is satisfied that the evidence of the witness is needed, Commission Counsel shall call the witness.

V. Witnesses

41. Anyone interviewed by or on behalf of Commission counsel (including by statement takers) is entitled, but not required, to have personal counsel present for the interview to represent his or her interests.
42. Witnesses will give their evidence at a Truth Gathering , or by way of a statement, under oath, affirmation, or, in the case of Indigenous witnesses, in a form recognized by that witness' Indigenous cultural and/or legal tradition, or under no oath.
43. If arrangements are required by a witness in order to provide a trauma-informed, safe, and/or culturally appropriate setting to enhance the witness' ability to tell of her or his experiences , the witness should provide Commission counsel with advance notice sufficient to permit the arrangements to be made insofar as the National Inquiry is able. The National Inquiry is committed to providing on-site access to Elders, counsellors, healers, and such support persons as is advisable to achieve these arrangements to the best of its ability. While the National Inquiry is committed to make reasonable efforts to meet these requests, the Commissioners retain the ultimate discretion as to whether, and to what extent, such requests can be accommodated.
44. Witnesses may request that the National Inquiry hear evidence pursuant to a summons, in which case a summons shall be issued.

VI. Order of Examination

45. The order of examination will be as follows:

- a. Commission counsel will lead the evidence from the witness. Except as otherwise directed by the Commissioner(s), Commission counsel is entitled to lead evidence by way of both leading and non-leading questions;
- b. parties granted standing to examine witnesses in Parts II and/or III may then have an opportunity to question the witness in a non-traumatizing manner to the extent of their interest ;
- c. counsel for a witness, regardless of whether or not counsel is also representing a party, will, if granted permission by the Commissioner(s), examine last, unless she or he has lead the evidence of that witness in chief, in which case there may be a right to re-examine the witness;
- d. where a Notice of Misconduct has been issued by the National Inquiry, counsel for the person who is the subject of the Notice, or the person if self-represented, may apply to the Commissioners, in camera, for leave to question any witness that has evidence relevant to the potential findings of misconduct; and

- e. Commission counsel will have the right to re-examine any witness.
- 46. Where permitted, cross-examination of the witness by counsel for other parties shall be limited to matters raised in evidence during the examination in chief of the witness, and restricted, where applicable, to issues upon which standing was granted, except with leave of the Commissioner.
- 47. While it is not the intention to unduly restrict a party's ability to question a witness, in order to respect the time and resource limited mandate of the National Inquiry, the Commissioner(s) retains ultimate discretion over the rights and extent to which any counsel or person will, if at all, be permitted to question a witness.
- 48. Except with the permission of the Commissioner(s), and as hereinafter specifically provided, no counsel other than Commission counsel may speak to a witness about the evidence that she or he has given until the evidence of such witness is complete. In the event the witness has personal counsel, that counsel may speak to her or his client about areas of anticipated testimony or information that have not yet been the subject of examination. Commission counsel may not speak to any witness about her or his evidence while the witness is being examined by other counsel.

VII. Access to Evidence

- 49. All evidence shall be categorized and marked P for public sittings and, if necessary, C for sittings *in camera*, and PB where publication bans are issued. If an anonymity order has been ordered, the fact of the Order will be reflected in the transcript.
- 50. Best efforts will be made to have a transcript posted to an electronic transcript repository which will be fully accessible to the parties with standing in that hearing within 48 hours of the evidence being transcribed. Directions will be provided to the Parties on how to access the transcripts and related exhibits. Full access will be available for viewing, downloading and printing capability.
- 51. A member of the public, media or witness may request a copy of the P transcripts on request to Commission counsel. If there is a cost associated with this request, the requesting person will be expected to pay for it, including the cost of translation, if requested.
- 52. The P transcript will also be available on an expedited daily basis, where possible, but the cost of this service will be the responsibility of the party ordering it. The National Inquiry will not pay for expedited transcripts for any party, nor will the cost be an assessable disbursement for parties with funded status.
- 53. One copy of the P exhibits will be available to be shared by the media.
- 54. Only those Parties granted standing for the hearing in question, and who have signed Confidentiality Undertakings shall have access to C transcripts and exhibits.
- 55. The National Inquiry has the discretion to redact private information of a sensitive nature where it is not material to the evidence to be given before distributing the information to the Parties.

The National Inquiry will consider the public interest in releasing this type of information against the potential harmful impact on the individual whose personal information is at issue.

VIII. Documents

56. The term “documents” is intended to have a broad meaning, and includes the following mediums: written, electronic, audiotape, videotape, digital reproductions, photographs, maps, graphs, microfiche, thumbnails and any data and information recorded or stored by means of any device.
57. The National Inquiry expects all relevant documents to be produced to the National Inquiry by any party with standing where the documents are in the possession, control or power of the party. Where a party objects to the production of any document which is the subject of a subpoena, on the grounds of privilege, immunity based on cabinet confidences or statutory bars, the following steps will apply:
- i. The party asserting the claim will identify the document or part thereof over which privilege, immunity or statutory bar is being asserted, together with the type being asserted, and the grounds supporting the claim, to Commission counsel;
 - ii. Commission counsel will work with the party asserting the claim to try to resolve the issue;
 - iii. Where resolution is not possible, Commission counsel or a Party will seek to have the issue resolved by application to the regional senior justice or regional senior judge of the superior court, as the case may be, in the region in which the privilege, immunity or statutory bar arises or their designate, or in the case of the Federal Court, the regional senior justice in Ottawa, or such other justice as may be designated by the relevant Superior Court or Federal Court. The application will be brought on notice to the affected parties and individuals, unless the court orders notice to be dispensed with;
 - iv. In Ontario, an application should be made in writing to the Superior Court of Justice in the region in which the privilege, immunity or statutory bar arises. The applicant will notify the Chief Justice of the Superior Court about the application by letter and the Chief Justice shall designate a judge in the region to hear the application. The application will be brought on notice to the affected parties and individuals, unless the court orders notice to be dispensed with.
58. In the event any person claims privilege, immunity based on cabinet confidences or statutory bars to production over a document, the same procedure for determining the validity of the claim for privilege as outlined in Rule 57 shall be followed.
59. Originals, or certified true copies, of relevant documents are to be provided to Commission counsel upon the request. Where available, original documents must be produced to Commission counsel upon request for inspection.
60. Lawyers for parties and witnesses will be provided with documents and information, including statements of anticipated evidence where obtained, only upon giving a confidentiality

undertaking (promise) that all such documents or information will be used solely for the purpose of the National Inquiry and, where the National Inquiry considers it appropriate, that documents provided, and all copies made, be returned to the National Inquiry if not tendered in evidence, subject to any legislative obligations preventing the Party from returning the subject documents to the National Inquiry. Lawyers are entitled to provide such documents or information to their respective clients only on terms consistent with the undertakings given, and upon clients entering into written undertakings to the same effect. These undertakings will be of no force regarding any document or information once it has become part of the public record.

61. The National Inquiry may, upon application, release any party in whole or in part from the provisions of the undertaking in respect of any particular document or other information. However, where such an application is received, notice must be given to the document owner, if known, to provide an opportunity to make submissions.
62. The National Inquiry will issue summons, also known as subpoenas, to witnesses to appear and/or to produce documents, in accordance with the governing legislation, where it is deemed warranted. The National Inquiry may also issue summons where it is requested and warranted. The form of summons for documents will include two schedules to be filled out by the recipient. Schedule 1 will list all documents or parts thereof over which a claim of privilege or other bar is being asserted, the type of privilege or bar being claimed, and the basic grounds underlying the claim. Schedule 2 will list all documents that were formerly under the power, possession or control of the recipient but which is no longer under their power, possession and control, and will state when that event occurred and, if not destroyed or lost, where the document is, to the best of the recipient's knowledge, information and belief.
63. Documents received from a party, or any other entity or individual, shall be treated as confidential by the National Inquiry unless and until they are made part of the public record or the Commissioner(s) otherwise declares. This does not preclude the National Inquiry from producing a document to a proposed witness prior to the witness giving her or his testimony, as part of the investigation being conducted.
64. Commission counsel will make best efforts to avoid public release of private information of a sensitive nature, including through redaction of this information in documents to be referred to during hearings or entered as Exhibits, providing the information is not material to the discharge of the National Inquiry's mandate. Again, in making the determination of whether to redact personal information of a sensitive nature, the National Inquiry will consider the public interest in releasing this information against the potential harmful effect on the individual whose personal information is in issue.
65. To the greatest extent possible, Commission counsel will endeavor to provide in advance to both the witness and the parties with standing related to issues with respect to which the witness is expected to testify, documents that will likely be referred to during the course of that witness's testimony, and a statement of anticipated evidence where obtained.

66. Parties shall at the earliest opportunity provide Commission counsel with any documents that they intend to file as exhibits or otherwise referred to during the hearings, and in any event shall provide such documents no later than 48 hours prior to the day that document will be referred to or filed.
67. A party who believes that Commission counsel has not provided copies of relevant documents must bring this to the attention of Commission counsel at the earliest opportunity. The object of this Rule is to prevent witnesses from being surprised with a relevant document that they have not had an opportunity to examine prior to their testimony. If Commission counsel decides the document is not relevant, it shall not be produced as a relevant document. This does not preclude the document from being used in questioning by any of the parties. Before such a document may be used for the purposes of questioning, a copy must be made available to all parties by the lawyer intending to use it not later than 48 hours prior to the testimony of that witness, subject to the discretion of the Commissioner(s).

IX. Misconduct Notice

68. To the extent permitted by the governing legislation, and the related instruments, the National Inquiry will deliver misconduct notices pursuant to the subject provisions of the relevant public inquiries legislation, including the *Federal Inquiries Act*, after information about alleged misconduct has come to the National Inquiry's attention that may reasonably give rise to findings of misconduct or, in the case of Saskatchewan, to allegations of misconduct, where such findings are required to carry out the mandate of the National Inquiry. The National Inquiry will not make findings of civil or criminal liability or legal fault. The National Inquiry will not make findings of misconduct where the governing legislation, or the related instruments, prohibits the making of such findings.
69. Misconduct Notices will be delivered on a confidential basis to the persons or parties to whom they relate. A copy will also be provided to the subject person or party's lawyer, if the lawyer has been identified to Commission counsel. Supplementary notices may be delivered from time to time by the National Inquiry if warranted by the information before it.
70. Notwithstanding Rules 27 and 47, upon receiving a Misconduct Notice, the person will be given the opportunity to meet the allegations by calling evidence, cross examining witnesses, and/or requesting Commission counsel to call evidence or ask questions, providing relevant and responsive to the issues raised in the Misconduct Notice.

X. Miscellaneous

71. These Rules may be amended (changed) from time to time, at the discretion of the Commissioners. The Rules, including amendments as they may arise, will be posted on the National Inquiry's website at www.mmiwg-ffada.ca under Legal Notices and Documents.
72. Where there are inconsistencies between the Rules and the counterpart governing legislation or related instruments, the legislation or related instruments, as the case may be, will prevail to the extent of the inconsistency, and the balance of these Rules will remain in full force and effect.

