

**IN THE MATTER OF: APPLICATION FOR FUNDING FOR THE ASSOCIATION
OF NATIVE CHILD AND FAMILY SERVICES AGENCIES
OF ONTARIO, A PARTY WITH STANDING, TO
PARTICIPATE IN THE NATIONAL INQUIRY INTO
MISSING AND MURDERED INDIGENOUS WOMEN AND
GIRLS**

**NOTICE OF MOTION OF
THE ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF
ONTARIO**

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NOTICE OF MOTION

1. The Association of Native Child and Family Services Agencies of Ontario (“ANCFSAO”) requests that the Commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls (“National Inquiry”) hear this motion, within 10 days, for the following relief sought by ANCFSAO from the National Inquiry:
 - a. Issuance of information regarding the reasons for the deferment of the funding application brought by ANCFSAO to the Commission Counsel for the National Inquiry; and
 - b. Issuance of a Contribution Agreement to ANCFSAO for funding retroactive to April 1, 2018 to ensure that ANCFSAO can reimburse counsel for work that has already been completed, and to ensure that ANCFSAO can meaningfully participate in the National Inquiry going forward, including at each of the recently-announced additional hearings.
2. ANCFSAO, as a party with standing in Parts I, II, and III of the National Inquiry, has the right under s. 26 (c) of the *Legal Path: Rules of Respectful Practice* for the National Inquiry to bring a motion before the Commissioners.
3. ANCFSAO indicated in its application for standing and funding that it would not be able to fully participate in the National Inquiry without funding from the National Inquiry.

4. This relief is sought by ANCFSAO because on July 14, 2017 the Commission Counsel advised ANCFSAO that its application for standing had been granted and that the Commissioners would recommend that funding be granted to ANCFSAO. On August 17, 2017 ANCFSAO was noted as the only party granted standing at the National Inquiry whose application for funding was deferred. Despite attempts made by counsel for ANCFSAO to request additional information regarding this deferment, ANCFSAO has not received a decision from the Commissioners regarding its application for funding.
5. ANCFSAO requested the Commissioners' guidance regarding ANCFSAO's role with respect to the deferment and obtaining a final decision. In letters to the Commission Counsel, dated October 18, 2017 and January 3, 2018, counsel for ANCFSAO inquired about further documentation or information that could be provided to the Commissioners to facilitate a timely determination of the funding application.
6. In accordance with the principles of procedural fairness and transparency, ANCFSAO requests that the reasons for the deferment of funding for ANCFSAO be provided. ANCFSAO also seeks a Contribution Agreement for funding to ensure its meaningful participation in the National Inquiry.
7. Counsel for ANCFSAO has completed many hours of preparatory work in anticipation of representing ANCFSAO at the National Inquiry. This work was completed with the belief that funding could be forthcoming once the reasons for the deferment were addressed.
8. ANCFSAO has been unable to meaningfully participate in the hearings which have taken place as part of the National Inquiry thus far. ANCFSAO has only been able to appear at two hearings: the Knowledge Keeper and Expert Hearings on Racism, held June 11 to 13, 2018 in Toronto, and the Institutional Hearings on Police Policies and Practices, held June 25-29, 2018 in Regina. ANCFSAO's counsel was able to appear at the Toronto hearing because they are located in Toronto and so had minimal travel costs. They were able to appear in Regina because they were also acting for another party which agreed to

front the travel costs. In both cases, counsel has not been paid for the hearing time spent representing ANCFSAO.

9. ANCFSAO will be unable to participate further in the National Inquiry without funding.

10. In support of this motion, the ANCFSAO relies on the Affidavit of Theresa Stevens, affirmed July 31, 2018, and its exhibits.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 31st DAY OF JULY 2018.



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LFO #70528

Fol:

Katherine Hensel

Counsel for the ANCFSAO

TO: NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

AND TO: ABORIGINAL LEGAL SERVICES; ABORIGINAL SHELTERS OF ONTARIO; ABORIGINAL WOMEN'S ACTION NETWORK; ADVOCATE FOR CHILDREN AND YOUTH SASKATCHEWAN; AMNESTY INTERNATIONAL CANADA; ANIMAKEE WA ZHING #37 FIRST NATION, EAGLE LAKE FIRST NATION, ANA FIRST NATION/GRASSY NARROWS FIRST NATION, OBASHKAANDA-GAANG FIRST NATION, AND OJIBWAY NATION OF SAUGEEN, AS A SINGLE COLLECTIVE PARTY; ASSEMBLY OF FIRST NATIONS; ASSEMBLY OF FIRST NATIONS QUEBEC-LABRADOR; ASSEMBLY OF MANITOBA CHIEFS; AWO TAAN HEALING LODGE SOCIETY; BATTERED WOMEN'S SUPPORT SERVICES; BC CIVIL LIBERTIES ASSOCIATION; BC FEDERATION OF LABOUR; BC GOVERNMENT SERVICE EMPLOYEES UNION; BC SOCIETY OF TRANSITION HOUSES; CANADIAN ASSOCIATION OF CHIEFS OF POLICE; CANADIAN ASSOCIATION OF POLICE GOVERNANCE AND FIRST NATIONS POLICE GOVERNANCE COUNCIL; CANADIAN FEMINIST ALLIANCE FOR INTERNATIONAL ACTION AND PARTNERS - CANADA WITHOUT POVERTY AND DR. PAMELA PALMATER; CITY OF VANCOUVER; CONCERTATION DES LUTTES CONTRE L'EXPLOITATION SEXUELLE; CONGRESS OF ABORIGINAL PEOPLES; CONSEIL DES ANICINABEK DE KITCISAKIK; DOWNTOWN EASTSIDE WOMEN'S CENTRE; EASTERN DOOR; ENDING VIOLENCE ASSOCIATION OF BC; FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA; FIRST NATIONS HEALTH AUTHORITY; FIRST NATIONS HEALTH COUNCIL; GIGNOO TRANSITION HOUSE INC.; GOVERNMENT OF ALBERTA; GOVERNMENT OF BC; GOVERNMENT OF CANADA; GOVERNMENT OF MANITOBA; GOVERNMENT OF NEW BRUNSWICK; GOVERNMENT OF NEWFOUNDLAND AND LABRADOR; GOVERNMENT OF NORTHWEST TERRITORIES; GOVERNMENT OF NOVA SCOTIA; GOVERNMENT OF NUNAVUT; GOVERNMENT OF ONTARIO; GOVERNMENT OF PRINCE EDWARD ISLAND; GOVERNMENT OF QUEBEC; GOVERNMENT OF SASKATCHEWAN; GOVERNMENT OF YUKON; HEILTSUK FIRST NATION; HUMAN RIGHTS WATCH; INDEPENDENT FIRST NATIONS; INDIGENOUS CIRCLE CHAPTER OF THE CANADIAN COUNSELLING AND PSYCHOTHERAPY ASSOCIATION; INDIGENOUS WOMEN AGAINST THE SEX INDUSTRY; INNU TAKUAIKAN UASHAT MAK MANI-

UTENAM; INSTITUTE FOR THE ADVANCEMENT OF ABORIGINAL WOMEN; INUIT TAPIIRIT KANATAMI; ISKWEWUK EWICHIWITOCHEK (WOMEN WALKING TOGETHER); KAWACATOOSE FIRST NATION; KWANLIN DUN FIRST NATION; LIARD ABORIGINAL WOMEN'S SOCIETY; LONDON ABUSED WOMEN'S CENTRE; MABITOBA KEEWATINOWL OKIMAKANAK INC.; MANITOBA MOON VOICES INC.; MISHKEEGOGAMAANG FIRST NATION; MMIWG COALITION - MANITOBA; NASKAPI NATION OF KAWAWACHI-KARMACH; NATIVE WOMEN'S ASSOCIATION OF CANADA; NATIVE WOMEN'S ASSOCIATION OF NORTHWEST TERRITORIES; NB/NS INDIGENOUS/ABORIGINALS COUNCILS - NEW BRUNSWICK ABORIGINAL PEOPLES COUNCIL; NEWFOUNDLAND ABORIGINAL WOMEN'S NETWORK; NEWFOUNDLAND NATIVE WOMEN'S ASSOCIATION; NORTHWEST INDIGENOUS COUNCIL SOCIETY; NUNATSIAVUT GOVERNMENT; NUNATUKAVUT COMMUNITY COUNCIL INC.; ONTARIO FEDERATION OF INDIGENOUS FRIENDSHIP CENTRES; ONTARIO NATIVE WOMEN'S ASSOCIATION; OUR PLACE - RAY CAM CO-OPERATIVE CENTRE; PAUKTUUTIT INUIT WOMEN OF CANADA, SATURVIIT INUIT WOMEN'S ASSOCIATION, ANANAUKATIGET TUMINGIT REGIONAL INUIT WOMEN'S ASSOCIATION AND OTTAWA INUIT CHILDREN'S CENTRE, AS A COLLECTIVE SINGLE PARTY; PHS COMMUNITY SERVICES SOCIETY; QUEBEC NATIVE WOMEN ASSOCIATION; REGINA TREATY STATUS INDIAN SERVICES INC.; REGROUPEMENT MAMIT INNUAT INC.; SASKATCHEWAN ABORIGINAL WOMEN'S CIRCLE; SASKATCHEWAN ASSOCIATION OF CHIEFS OF POLICE; SASKATCHEWAN FIRST NATIONS WOMEN'S COMMISSION - FEDERATION OF SOVEREIGN INDIGENOUS NATIONS; SERVICE DE POLICE DEL LA VILLE DE MONTREAL; SIOUX LOOKOUT COLLECTIVE; THUNDER BAY POLICE SERVICE; TORONTO POLICE SERVICES; TREATY ALLIANCE NORTHERN ONTARIO - NISHNAWBE ASKI NATION/GRAND COUNCIL TREATY 3; UNDER ONE SKY FRIENDSHIP CENTRE; UNION OF BC INDIAN CHIEFS; VANCOUVER RAPE RELIEF AND WOMEN'S SHELTER; VANCOUVER SEX WORKERS' RIGHTS COLLECTIVE; WEST COAST LEAF; WINNIPEG POLICE SERVICE; WOMEN OF THE METIS NATION; WOMEN TRANSFORMING CITIES; WOMEN'S LEGAL EDUCATION AND ACTION FUND INC.