



VIA EMAIL

June 21, 2019

Jennifer Cox
Director and General Legal Counsel
National Inquiry into Missing and
Murdered Indigenous Women and Girls
j.cox@mmiwg-ffada.ca

Bryan Zandberg
Registrar
National Inquiry into Missing and
Murdered Indigenous Women and Girls
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Dear Ms. Cox and Mr. Zandberg:

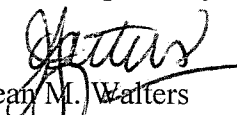
**Re: National Inquiry into Missing and Murdered Indigenous Women and Girls:
Draft Cultural Safety Protection Order**

Thank you for the opportunity to comment on the National Inquiry's draft Cultural Safety Protection Order.

The Government of British Columbia (British Columbia) acknowledges the importance of protecting the privacy of those who provided their truths to the Commission *in camera* and confidentially. British Columbia also respects the importance of protecting the privacy of those whose personal information is contained in documents that British Columbia produced to the Commission pursuant to summonses issued by the Commission. However, British Columbia agrees with the Government of Canada, as stated in its letter to you dated June 21, 2019, that the proposed order is beyond the Commissioners' authority.

Commissions of inquiry derive their jurisdiction from statute, which jurisdiction is particularly described in the orders in council and terms of reference issued by the executive branch of government. Commissioners have no inherent jurisdiction; they have only the authority granted to them under statute. The jurisdiction of the Commissioners in the National Inquiry does not extend to matters post-inquiry, including how records may be kept or accessed post-inquiry. Accordingly, the Commission does not have the legal authority to issue an order in the terms of the draft Cultural Safety Protection Order.

Yours respectfully,


Jean M. Walters
Legal Counsel
Government of British Columbia

Ministry of Attorney
General

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