

October 4, 2022

**VIA EMAIL**

Judy Dubois  
Registry Operations  
Canadian Human Rights Tribunal  
240 Sparks Street, 6th Floor West  
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

**RE: *FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL V ATTORNEY GENERAL OF CANADA – T#1340/7008***  
**OUR MATTER ID: 5204-002**

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I write in response to Mr. Wuttke's letter of earlier this day.

As noted in my letter of yesterday's date, the Caring Society has not determined whether it would file an affidavit. Nor has the Caring Society heard from the Commission that it wishes to file an affidavit. In light of the time constraints, and in an effort to avoid further back-and-forth, the schedule outlined in my letter simply attempts to provide a scenario in the event such an affidavit were to come forward.

The Caring Society's position is that the proper time for addressing the propriety of such an affidavit is after it is filed. It would be contrary to natural justice for the Tribunal to hear from only one side. Should the AFN's view be that an affidavit put forward by the Caring Society is not relevant, that should be dealt with once an affidavit (if any) is submitted.

To the extent the AFN objects to any of the Caring Society's questions based on relevance or privilege, the Caring Society may address that in follow-up correspondence with the Tribunal.

Finally, the Caring Society does not agree with the AFN's contention that its response is limited to the Panel Chair's question on collective versus individual rights. The Panel Chair's September 21, 2022 direction is clear "I request a response from the Caring Society, the Commission and the Amnesty International if they wish to respond addressing my questions and responding to the other parties [emphasis added]". Again, it would be contrary to natural justice for the Tribunal to hear only from one side.

We remain available in the event that Panel has questions or requires further submissions.

Yours truly and respectfully submitted,



David P. Taylor

DPT/jk

**Copy to: Christopher Rupar, Paul Vickery, Jonathan Tarlton, Patricia MacPhee, Kelly Peck,  
Sarah-Dawn Norris, and Meg Jones**

***Co-counsel for the respondent Attorney General of Canada***

**David Nahwegahbow, Stuart Wuttke, Adam Williamson, Jeremy Kolodziej  
and Lacey Kasis**

***Co-counsel for the complainant Assembly of First Nations***

**Anshumala Juyal, Brian Smith and Jessica Walsh**

***Co-counsel for the Canadian Human Rights Commission***

**Maggie Wente, Krista Nerland, Sinéad Dearman, Jessie Stirling  
and Darian Baskatawang**

***Co-counsel for the interested party Chiefs of Ontario***

**Justin Safayeni**

***Co-counsel for the interested party Amnesty International***

**Julian Falconer and Christopher Rapson**

***Co-counsel for the interested party Nishnawbe Aski Nation***

**Sarah Clarke, Anne Levesque and Alyssa Holland**

***Co-counsel for the complainant First Nations Child and Family Caring Society  
of Canada***