
Assembly of First Nations

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October 4, 2022

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

Via Email

Dear Madame Register:

Re: First Nations Child and Family Caring Society of Canada et al v. Attorney General of Canada (File No. T#1340/7008)

We are in receipt of Mr. Taylor's letter dated October 3, 2022, in response to the Panel Chair's questions and to the Assembly of First Nations' (AFN) September 28, 2022 response to those questions.

We do not agree with the First Nations Child and Caring Society of Canada's (Caring Society) proposed schedule and object to the Caring Society's request to file an additional affidavit. Our reading of the Panel Chair's first two questions of September 21, 2022 is that they were truly directed at the negotiating parties to the Final Settlement Agreement. The Panel Chair sought clarity on the AFN's directions associated with the negotiation of the Final Settlement Agreement on Compensation. In this regard, the Caring Society has nothing to meaningfully contribute to the Panel as they were not involved in the AFN's internal processes associated therewith.

Therefore, the AFN submits that it is inappropriate for the Caring Society and Canadian Human Rights Commission to provide affidavits considering the Panel Chair's questions of September 21, 2022. The AFN would not have provided an additional affidavit were it not for the Panel's specific question about the AFN's processes and directions associated with Non-ISC placements. Indeed, the Panel Chair said she expected the Caring Society and Commission's response to the questions and responses to the AFN, Canada, COO and NAN, if any, by October 5, 2022. As such, we would request that the Panel not endorse the timetable proposed by Mr. Taylor.

We also do not agree with the cross-examination questions. However, we will cooperate and provide a response to any relevant questions posed by the Caring Society to ensure that there is no further unnecessary delay in the matter. As such, we do not expect responses from Caring Society and the Commission this Wednesday to accommodate minor revisions to the

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timetable. We intend to respond to those questions that are appropriate and responsive to the affidavit evidence this Wednesday October 5, 2022. Further, we respectfully request that the Caring Society provide their response to the Panel's question on collective versus individual rights by October 12, 2022. We propose that should such a response be forthcoming, that the AFN, Canada, COO and NAN be provided until on or before October 19, 2022, to provide a reply to same.

We hope this timetable we are proposing is agreeable to the Tribunal and are available to discuss any of the above at the Tribunal's convenience.

Sincerely,



Stuart Wuttke
General Counsel

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