



July 2, 2024

By e-mail

(See Distribution List)

Dear Parties,

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008**

The Panel (Chair Marchildon and Member Lustig) wishes to provide the parties with the following ruling with full reasons to follow.

Object: Letter-decision on the First Nations Leadership Council Motion for Proposed Interested party status

On June 3, 2024 the First Nations Leadership Council filed a Motion Record (the motion) seeking Interested Party status. Parties were asked to provide their views on how this motion should proceed. Further, the parties were provided with an opportunity to provide submissions on the motion. Finally, the First Nations Leadership Council was provided with an opportunity to reply.

Decision:

The Tribunal is satisfied that the test for interested party status applied by this Tribunal including the Tribunal's past rulings on interested party status in these proceedings has been met. Pursuant to section 50(1) of the *Canadian Human Rights Act (the CHRA)* and Rules 3 and 8(1) of the Tribunal's Rules of Procedure (03-05-04), grants the Motion.

The Tribunal grants the First Nations Leadership Council interested party status with some limitations.

The limitations are as follows:

- The FNLC's status and participation will be limited solely to the Caring Society's motion and Canada's cross-motion (the motions) currently before the Tribunal.
- The FNLC's status and participation will be limited to participating in CMCC's related to the motions, making submissions, and appearing at the related hearing on the motions.
- The FNLC will not be permitted to adduce any further evidence, raise new issues, or otherwise supplement the record of the parties. The FNLC's participation and submissions will be limited

to the Tribunal's current evidentiary record. The FNLC's participation and submissions will be limited to the issues currently before the Tribunal by way of the motions at issue.

- The FNLC may not cross-examine the affiants and may not request postponements to the motions' schedule.
- The FNLC will not delay the proceedings and must file its written submissions when directed. Given the time constraints any delay will be deemed a renunciation by FNLC to participate in the proceedings.
- The FNLC's status and participation will be limited to 25 pages of written submissions and must not repeat the positions of the other parties. If another aspect of a party's position is shared by the FNLC, the FNLC may indicate clearly that it adopts the same position on this aspect. The FNLC will bring a different perspective than the other parties and will provide its unique perspective and will aim to further the Panel's determination of this matter. The FNLC will add to the legal positions of the parties. The FNLC will not participate in other issues that are in front of the Tribunal in this case.
- The FNLC will have an hour to present their oral submissions. This does not include the time for the Panel's questions, if any, and the FNLC's answers to the Panel's questions. This right to oral arguments can be reduced, limited or denied by this Panel if the written submissions are deemed repetitive of the other parties' submissions and/or not adding to the legal positions of the parties and not bringing a different perspective than that of the other parties. In that case, the Panel will consider the FNLC's written submissions as part of its deliberations alongside the submissions and oral arguments of the other parties.
- The parties will be provided with an opportunity to respond to the FNLC's submissions on the motions.

The parties including the FNLC will participate in a Case management conference call (CMCC) on one of the following dates: July 4, 5 or 8, 2024. If some parties are unavailable to participate in the CMCC, the Tribunal in the interest of time will require that all parties provide short written submissions on their views on the most fair and efficient manner for the completion of the schedule to address the motions.

The parties will provide their availabilities for the CMCC no later than July 3 at, 4 pm EDT. If submissions are filed after 4 pm EDT, the Tribunal will consider that the party who has filed late or did not file a response on July 3, 2024, is not available for a CMCC and written submissions will automatically be directed in lieu of a CMCC. Given the time constraints, the Tribunal appreciates the parties' understanding of this approach.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca by telephone at 613-878-8802 or by fax at 613-995-3484.

Yours truly,

Judy Dubois
Registry Officer

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