



SENT VIA E-MAIL

February 24, 2025

Judy Dubois, Registry Officer
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 et al. v Attorney General of
Canada Tribunal; File No.: T1340/7009**

I am writing in response to the Panel's correspondence of February 10, 2025, to provide the views of Nishnawbe Aski Nation (NAN) in respect of long-term reform and ending the Tribunal's jurisdiction in the above-referenced file number. In addition, I write in response to the First Nations Child and Family Caring Society's (Caring Society) email of February 19, 2025, to provide NAN's views on the request for a change in the order of submissions and deadlines.

To briefly deal with the latter, NAN consents to an extension of time as requested by the Caring Society and takes no position as to the order of the submissions or other timelines on the motion.

With respect to the Panel's concerns regarding long-term reform, specifically the delay in reaching long-term reform through efforts towards consultation, we are pleased to advise as to the following.

The Assembly of First Nations (AFN), Chiefs of Ontario (COO), NAN, and Canada reached a draft Final Agreement on long-term reform in July 2024. In October 2024, NAN and COO each and separately held successful ratification votes on the draft Final Agreement. However, the draft Final Agreement was ultimately rejected by the First Nations in Assembly of the AFN in October 2024.

While the AFN, by majority, rejected the draft Final Agreement, Chiefs in the Ontario region were largely supportive. The Ontario region Chiefs therefore directed the leadership within NAN and COO to pursue a regionalized version of the reforms contained in the draft Final Agreement.

On December 30, 2024, Canada informed NAN and COO that it had a mandate to negotiate a regionalized version of the draft Final Settlement Agreement for long-term reform in Ontario only.



Between December 30, 2024, and February 10, 2025, Canada, NAN, and COO negotiated a provisional Ontario Final Agreement (OFA) and a Trilateral Agreement Respecting the 1965 Agreement. These two draft agreements will be voted on in a Special Chiefs Assembly by NAN Chiefs on February 25 and by Special Chiefs Assembly by Ontario Chiefs on February 26.

Without in any way pre-determining the will of the Chiefs in the above-noted Special Chiefs Assemblies; if so instructed, NAN, COO, and Canada intend to bring a joint motion to the Tribunal. The relief sought on this motion would be to end the Tribunal's jurisdiction over the long-term reform of the First Nation Child and Family Services Program in Ontario based on a new Ontario Final Agreement settlement.

As the Tribunal is aware, dating back to 2016, NAN has strongly advocated for the development of a remoteness quotient that would address the unique challenges faced by remote communities in the delivery of child and family services. This work has culminated in the development of a form of indexing for remoteness termed the Remoteness Quotient Adjustment Factor (RQAF). The RQAF indexing coupled with important terms around remoteness data collection and research represent gains that NAN, in partnership with COO and Canada, has sought to preserve in the new proposed OFA. If so mandated by the Chiefs, it is NAN's intention to file materials with the Tribunal that elaborate on these significant reforms.

The specific motion materials are the subject of discussions with COO and Canada but will reflect the context and factual foundation of the work that has been done to conclude long-term reform in Ontario.

We trust that the above is helpful and will notify the Tribunal further once the Chief's have made decisions at the Special Chiefs' Assemblies.

Yours very truly,



Julian Falconer

