

FEDERAL COURT OF APPEAL

B E T W E E N :

THE ATTORNEY GENERAL OF CANADA

Appellant

- and -

CANADIAN HUMAN RIGHTS COMMISSION,
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS,
CHIEFS OF ONTARIO, and
AMNESTY INTERNATIONAL

Respondents

NOTICE OF MOTION

Motion for Leave to Intervene, brought by the Provincial Advocate for Children & Youth

TAKE NOTICE THAT the proposed intervener the PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH (“Provincial Advocate”) will make a motion to the Court in writing under Rule 369 of the Federal Courts Rules.

THE MOTION IS FOR:

1. An order under Rule 109 of the *Federal Courts Rules*, without costs, granting the Provincial Advocate leave to intervene in the present appeal.
2. Directions that:

- (a) the intervention granted shall include the right to file a Memorandum of Fact and Law of maximum 30 pages in length within 30 days of the date of this order, the right to present oral argument at the hearing of the appeal, and the right to be served with any further documents required to be served on parties in the appeal;
 - (b) on the appeal, costs shall not be awarded for or against the Provincial Advocate;
 - (c) the Provincial Advocate shall not have a right of appeal in the proceeding; and
 - (d) the style of cause shall be amended to reflect the fact that the Provincial Advocate is an intervener.
3. In the alternative, such further or other order or directions that this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

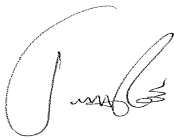
1. The full name of the Provincial Advocate is the Provincial Advocate for Children and Youth. It is an independent office established by Ontario legislation, the *Provincial Advocate for Children and Youth Act, 2007*. Its main address is 401 Bay Street, Suite 2200, Toronto, Ontario, M7A 0A6.
2. The Provincial Advocate has a genuine interest in the issues at stake due to its mandate to act as an independent voice for children and youth in care and for First Nations children and youth. The Provincial Advocate works closely with such children, and partners with them to bring issues forward.
3. The Provincial Advocate can offer the Court significant knowledge and expertise in the areas of child welfare, First Nations children and youth, and children's rights.

4. The Provincial Advocate believes this case raises important questions of public interest, and stands to have a significant impact on the children and youth within the Provincial Advocate's mandate.
5. The Provincial Advocate would assist the court by bringing forward a fresh perspective centered on the rights and best interests of the children and youth affected.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The affidavit of Irwin Elman, Provincial Advocate for Children and Youth.

Monday, October 22, 2012



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