



## RULING ON STANDING AND FUNDING

### I. THE INQUIRY PROCESS

We have been appointed by Terms of Reference issued by His Excellency the Governor General in Council, on the recommendation of the Prime Minister, and by Orders in Council and Orders issued by each province and territory and, in the case of Québec, by Administrative Decree, to,

(a) inquire into and report on the following:

- i. systemic causes of all forms of violence – including sexual violence – against Indigenous women and girls in Canada and the respective provinces and territories, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls, and
- ii. institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada and the respective provinces and territories, including the identification and examination of practices that have been effective in reducing violence and increasing safety, and

(b) to make recommendations on the following:

- i. concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls throughout Canada, and
- ii. ways to honour and commemorate the missing and murdered Indigenous women and girls throughout Canada.

We have been authorized to adopt any procedures that we consider expedient for the proper conduct of the National Inquiry and to sit at the times and in the places, especially in Indigenous communities in Canada, that we consider appropriate. We have also been authorized, to the greatest extent possible,



to conduct our public investigation by means of informal processes such as gathering statements by qualified trauma-informed persons to record the experiences of families of missing and murdered Indigenous women and girls and female Indigenous survivors of violence participating in the National Inquiry.

We are authorized to provide any person having a substantial and direct interest in the subject matter of the National Inquiry with an opportunity to participate in the National Inquiry..

#### **A. Process**

The Truth Gathering Process is divided into three parts, as outlined in the *Legal Path: Rules of Respectful Practice*. Part I will focus on the truth gatherings involving family members of missing or murdered Indigenous women and girls, Indigenous female survivors of violence, and members of Indigenous communities of those family members and/or survivors of violence on the matters defined by our mandate, including examining the systemic causes of all forms of violence experienced by Indigenous women and girls. Part I will also hear evidence on practices and policies that have served to contribute to, or alternatively reduce, the vulnerability of Indigenous women and girls to experiencing violence, enhancing their safety, and ways to honour and commemorate the lives of the lost loved ones. Part II of the National Inquiry will focus on the truth gatherings involving entities, including grass-roots organizations, Indigenous and non-Indigenous institutions, governments, police authorities, and others, as well as those individuals and representatives of institutions and organizations, on the matters defined by our mandate. Part III of the National Inquiry will focus on expert evidence through witnesses, witness panels and other processes to hear from experts on matters relevant to the discharge of our mandate.



## II. STANDING AND FUNDING

The National Inquiry published a Notice of Application for Standing and Funding which invited interested parties to apply for standing and funding. The National Inquiry received 118 applications for standing, of which included 51 applications for funding. The applications were heard in writing.

### A. Standing

We have granted standing to persons or groups who have demonstrated that they have a substantial and direct interest in the subject matter of the National Inquiry, pursuant to the Terms of Reference, and the counterpart Orders in Council, Administrative Decree and applicable legislation in each Province and Territory. We have also granted standing, on a discretionary basis to parties who do not have a direct and substantial interest in the subject matter of the National Inquiry but who represent distinct ascertainable interests, and whose expertise or perspective will be essential if the National Inquiry is to fulfil its mandate.

Standing has been granted on a Regional and/or National basis, as defined by *the Legal Path: Rules of Respectful Practice*. For clarification, National standing entitles successful applicants to attend those hearings which we have designated as “National”. National hearings could include, for example, hearings in which witnesses from across the country attend such as is likely to the case with Expert hearings [Part III]. Where a party is granted Regional Standing, they have standing to attend at hearings for the Parts for which standing is granted, but only in the Region(s) for which standing is granted. On the other hand, National Standing does not entitle those Parties to attend at Regional hearings.



A grant of standing will entitle a party to

- i. the right to make closing written and/or oral submissions at the conclusion of the public hearings;
- ii. the right to request that Commission Counsel call particular evidence;
- iii. the right to bring motions before the Commissioners;
- iv. the right to cross-examine the witnesses at Part II and III hearings but not at Part I hearings (except when a notice of misconduct has been issued in which case Rule 45.d of the *Legal Path: Rules of Respectful Practice* will apply);
- v. where available, advance access and/or access to
  - v.i. Documents;
  - v.ii. Summaries of anticipated witness statements;
  - v.iii. written statements; and
  - v.iv. Any other rights to be determined by us in our unfettered discretion.

The above rights are all subject to the overriding discretion of the Commissioners to alter or restrict any of these rights in accordance with our right to control our process, and keeping in mind the principles that our process is committed to being both trauma-informed and culturally appropriate. Furthermore, the above rights only relate to those events and/or issues for which the successful applicant has been granted standing.

By seeking and being granted standing, a party is deemed to have attorned (i.e.: be bound) to the jurisdiction of the National Inquiry and to abide by the National Inquiry's *Legal Path: Rules of Respectful*



*Practice*, subject only to any successful court challenge to the *Rules* based on jurisdiction of the National Inquiry.

### III. STANDING – REASONS

We have granted standing for the Truth Gathering Process to the Parties, as indicated on Schedule 1 attached to this Decision, on the basis that their interests are directly and substantially affected by the subject matter of the National Inquiry, and/or they represent distinct ascertainable interests and perspectives before the National Inquiry, for the Region(s) indicated and/or on a National basis.

Some applicants were grouped into a single party for purposes of standing and funding, and this is reflected in Schedule I as well.

### IV. OTHER APPLICANTS

In addition, other persons and groups applied for standing in the Truth Gathering Process of the National Inquiry. We have concluded, on the materials filed, that their interests are not directly and substantially affected by the mandate of the National Inquiry, and that they do not represent a distinct and ascertainable interest which is essential to the discharge of our mandate. The applicants who were denied standing are identified in Schedule II which is also attached to this Decision.

However, several of these Applicants may be called upon to participate in the work of the National Inquiry as witnesses or expert witnesses, and we encourage each of these persons and groups to attend the Truth Gathering Process, if they are so inclined.



## V. FUNDING

As indicated above, a total of 51 applicants also applied for funding. Of these, 50 applications were granted and one has been deferred. By way of general explanation, the National Inquiry has the power to recommend that funding be granted to specific parties with standing, but it is the clerk of the Privy Council Office (“PCO”) who must validate our recommendations. Once PCO has validated the recommendations, the affected parties will be able to hire independent external lawyers [to the maximum of one senior and one junior lawyer] to participate, on their behalf, in the National Inquiry. Notice will be given to the affected parties once we have received PCO’s response to our respective recommendations. Parties have already been advised as to the amount of funds that we have recommended they receive by our Lead Commission Counsel.

Funds have strict requirements and only expenditures consistent with the PCO guidelines can be approved. This means, for example, that no funds may be used to fund the direct expenses of the parties themselves, including for “in-house” lawyers. Furthermore, the hourly rates that may be charged by each lawyer is subject to the Federal Government’s tariff rates for external lawyers ranging from \$100 per hour to maximum of \$350 an hour, determined by seniority of the lawyer. The billable work done by lawyers for their clients must comply with the guidelines set out in the Contribution Agreement, and their expenses must similarly comply with those guidelines.

Each successful applicant must sign a Contribution Agreement with PCO, submit accounts which will be reviewed, and be accountable for each dollar expended. The Contribution Agreement sets out the conditions and parameters for which the funding granted may be used.

National Inquiry into  
Missing and Murdered  
Indigenous Women and Girls



Enquête nationale  
sur les femmes et les filles  
autochtones disparues et assassinées

Decision released on August 17<sup>th</sup>, 2017.

Chief Commissioner Marion Buller

## Schedule 1

Party Name	PART 1	PART 2	PART 3	NATIONAL	REGIONAL	Funding Granted?
Aboriginal Legal Services	Ontario	ALL REGIONS AND NATIONAL	ALL REGIONS AND NATIONAL	See prior columns	See prior columns	YES
Aboriginal Shelters of Ontario	YES	YES	YES		Ontario	YES
Aboriginal Women's Action Network		YES	YES		British Columbia	YES
Advocate for Children and Youth Saskatchewan	YES	YES	YES	NO	Saskatchewan	
Amnesty International Canada		YES	YES	YES	Quebec AND British Columbia	
Anlmakee Wa Zhing #37 First Nation, Eagle Lake First Nation, ANA First Nation/Grassy Narrows First Nation, Obashkaanda-gaang First Nation, and Ojibway Nation of Saugeen, as a single collective party		YES			Ontario	YES
Assembly of First Nations	YES	YES	YES	YES	ALL	YES
Assembly of First Nations Quebec-Labrador	YES	YES	YES		Quebec	YES
Assembly of Manitoba Chiefs		YES	YES	YES	Manitoba	YES
Association of Native Child and Family Service Agencies of Ontario	YES	YES	YES		Ontario	
Awo Taan Healing Lodge Society		YES	YES		Alberta	YES
Battered Women's Support Services		YES	YES		British Columbia	YES
BC Civil Liberties Association		YES	YES		British Columbia	
BC Federation of Labour		YES			British Columbia	
BC Government Service Employees Union		YES			British Columbia	
BC Society of Transition Houses			YES		British Columbia	
Canadian Association of Chiefs of Police		YES	YES	YES		
Canadian Association of Police Governance and First Nations Police Governance Council		YES	YES	YES		YES
Canadian Feminist Alliance for International Action and Partners – Canada without Poverty and Dr. Pamela Palmatier		YES	YES	YES	ALL	YES
City of Vancouver		YES			British Columbia	
Concertation des Luttes contre L'Exploitation Sexuelle	YES	YES	YES		Quebec	
Congress of Aboriginal Peoples		YES		YES		
Consell des Anicinabek de Kitcisakik	YES				Quebec	YES
Downtown Eastside Women's Centre		YES	YES		British Columbia	YES
Eastern Door	YES	YES	YES		Newfoundland and Labrador, Prince Edward Island, New Brunswick and Nova Scotia	YES
Ending Violence Association of BC			YES		British Columbia	
First Nations Child and Family Caring Society of Canada		YES	YES	YES	ALL	YES
First Nations Health Authority		YES			British Columbia	
First Nations Health Council		YES	YES		British Columbia	
Gignoo Transition House Inc.	YES	YES	YES		New Brunswick	YES
Government of Alberta	YES	YES	YES	YES	Alberta	



Party Name	PART 1	PART 2	PART 3	NATIONAL	REGIONAL	Funding Granted?
Government of BC	YES	YES	YES	YES	British Columbia	
Government of Canada	ALL REGIONS	ALL REGIONS AND NATIONAL	ALL REGIONS AND NATIONAL	See prior columns	See prior columns	
Government of Manitoba	YES	YES	YES	YES	Manitoba	
Government of New Brunswick	YES	YES	YES	YES	New Brunswick	
Government of Newfoundland and Labrador	YES	YES	YES	YES	Newfoundland and Labrador	
Government of Northwest Territories	YES	YES	YES	YES	Northwest Territories	
Government of Nova Scotia	YES	YES	YES	YES	Nova Scotia	
Government of Nunavut	YES	YES	YES	YES	Nunavut	
Government of Ontario	YES	YES	YES	YES	Ontario	
Government of Prince Edward Island	YES	YES	YES		Prince Edward Island	
Government of Quebec	YES	YES	YES	YES	Quebec	
Government of Saskatchewan	YES	YES	YES	YES	Saskatchewan	
Government of Yukon	YUKON	YUKON AND NATIONAL	YUKON	See prior columns	See prior columns	
Heiltsuk First Nation	YES	YES			British Columbia	YES
Human Rights Watch			YES	YES		
Independent First Nations	YES	YES	YES		Ontario	YES
Indigenous Circle Chapter of the Canadian Counselling and Psychotherapy Association		YES	YES	YES		YES
Indigenous Women Against the Sex Industry		YES			British Columbia	
Innu Takualkan Uashat mak Mani-Utenam	YES	YES	YES		Quebec	YES
Institute for the Advancement of Aboriginal Women	YES	YES			Alberta	YES
Inuit Tapiriit Kanatami		YES	YES	YES		YES
Iskwewuk Ewichiwitochik (Women Walking Together)	YES		YES		Saskatchewan	
Kawacatoose First Nation	YES				Saskatchewan	
Kwanlin Dun First Nation	YES				Yukon	
Liard Aboriginal Women's Society		YES			Yukon AND British Columbia	YES
London Abused Women's Centre		YES			Ontario	
Manitoba Keewatinow Okimakanak Inc.		YES	YES	YES	Manitoba	YES
Manitoba Moon Voices Inc.	YES	YES	YES		Manitoba	
Mishkeegogamaang First Nation		YES			Ontario	YES
MMIWG Coalition - Manitoba	YES	YES	YES		Manitoba	YES
Naskapi Nation of Kawawachikamach	YES	YES		NO	Quebec AND Newfoundland and Labrador	YES
Native Women's Association of Canada		YES	YES	YES		YES
Native Women's Association of Northwest Territories	YES	YES	YES		Northwest Territories	

Party Name	PART 1	PART 2	PART 3	NATIONAL	REGIONAL	Funding Granted?
NB/NS Indigenous/Aboriginals Councils – New Brunswick Aboriginal Peoples Council		YES			New Brunswick AND Nova Scotia	
Newfoundland Aboriginal Women's Network		YES			Newfoundland and Labrador	
Newfoundland Native Women's Association	YES	YES	YES		Newfoundland and Labrador	YES
Northwest Indigenous Council Society	YES	YES	YES		British Columbia	YES
Nunatslavit Government	YES	YES	YES	YES	Newfoundland and Labrador	YES
NunatuKavut Community Council Inc.		YES	YES		Newfoundland and Labrador	YES
Ontario Federation of Indigenous Friendship Centres		YES			Ontario	
Ontario Native Women's Association	YES	YES	YES		Ontario	
Our Place – Ray Cam Co-operative Centre	YES	YES			British Columbia	
Pauktuutit Inuit Women of Canada, Saturviit Inuit Women's Association, AnānauKatiget Turnimgit Regional Inuit Women's Association and Ottawa Inuit Children's Centre, as a collective single party	ALL REGIONS	ALL REGIONS AND NATIONAL	ALL REGIONS AND NATIONAL	See prior columns	See prior columns	YES
PHS Community Services Society		YES			British Columbia	
Quebec Native Women Association	YES	YES	YES	YES	Quebec	YES
Regina Treaty Status Indian Services Inc.		YES		NO	Saskatchewan	YES
Regroupement Mamit Innuat Inc.	YES	YES	YES		Quebec	YES
Saskatchewan Aboriginal Women's Circle		YES	YES		Saskatchewan, Alberta AND British Columbia	YES
Saskatchewan Association of Chiefs of Police		YES	YES		Saskatchewan	
Saskatchewan First Nations Women's Commission – Federation of Sovereign Indigenous Nations		YES			Saskatchewan	YES
Service de Police de la Ville de Montreal		YES	YES		Quebec	
Sioux Lookout Collective	YES	YES	YES		Ontario	
Thunder Bay Police Service	YES	YES	YES	NO	Ontario	
Toronto Police Services	YES	YES	YES		Ontario	
Treaty Alliance Northern Ontario – Nishnawbe Aski Nation/Grand Council Treaty 3		YES	YES		Ontario	YES
Under One Sky Friendship Centre	YES				New Brunswick	YES
Union of BC Indian Chiefs		YES	YES	YES	British Columbia	YES
Vancouver Rape Relief and Women's Shelter		YES	YES		British Columbia	
Vancouver Sex Workers' Rights Collective	YES	YES			British Columbia	YES
West Coast LEAF		YES	YES		British Columbia	YES
Winnipeg Police Service	YES	YES	YES		Manitoba	
Women of the Metis Nation	British Columbia, Alberta, Saskatchewan, Manitoba and Ontario	British Columbia, Alberta, Saskatchewan, Manitoba and Ontario AND NATIONAL	British Columbia, Alberta, Saskatchewan, Manitoba and Ontario AND NATIONAL	See prior columns	See prior columns	YES
Women Transforming Cities			YES		British Columbia	

<b>Party Name</b>	<b>PART 1</b>	<b>PART 2</b>	<b>PART 3</b>	<b>NATIONAL</b>	<b>REGIONAL</b>	<b>Funding Granted?</b>
Women's Legal Education and Action Fund Inc.		YES	YES	YES	ALL	YES

## Schedule 2

<u>Applicant</u>
Amanda Lyall
Barbara Johnson
Bernadette Walicki
Cherry Smiley
Colin Alexander
David Bird
Don Sabo
Eric Letts
Jennifer Mt. Pleasant
Larry Busch
Laura Robinson
Lee Lakeman
Lola Lawton
Lynn Crompton
Mi'kmaw Native Friendship Centre

02 } 02

<b><u>Applicant</u></b>
No'Kmaq Village – Flat Bay Band Inc.
Vancouver Aboriginal Community Policing Centre