

**C A N A D A
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL**

Nº.: 500-17-120468-221

SUPERIOR COURT

(Civil Division)

KAHENTINETHA

KARENNATHA

KARAKWINE

KWETTIIO

OTSITSATAKEN

KARONHIATE

Plaintiffs

vs.

**SOCIÉTÉ QUÉBÉCOISE DES
INFRASTRUCTURES**

ROYAL VICTORIA HOSPITAL

MCGILL UNIVERSITY HEALTH CENTRE

MCGILL UNIVERSITY

VILLE DE MONTRÉAL

STANTEC INC.

ATTORNEY GENERAL OF CANADA

Defendants

and

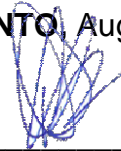
OFFICE OF THE SPECIAL INTERLOCUTOR

Third-Party Intervenor

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TORONTO, August 31, 2022



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EXHIBIT I-1

Executive Summary, Volume 4 of the Truth and Reconciliation Final Report

Canada's Residential Schools: **Missing Children and Unmarked Burials**

The Final Report of the
Truth and Reconciliation
Commission of Canada

Volume 4



Truth and
Reconciliation
Commission of Canada



Canada's Residential Schools:
**Missing Children and
Unmarked Burials**

The Final Report of the
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Commission of Canada

Volume 4

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Executive summary

The Truth and Reconciliation Commission of Canada's "Missing Children and Unmarked Burials Project" is a systematic effort to record and analyze the deaths at the schools, and the presence and condition of student cemeteries, within the regulatory context in which the schools were intended to operate. The project's research supports the following conclusions:

- The Commission has identified 3,200 deaths on the Truth and Reconciliation Commission's Register of Confirmed Deaths of Named Residential School Students and the Register of Confirmed Deaths of Unnamed Residential School Students.
- For just under one-third of these deaths (32%), the government and the schools did not record the name of the student who died.
- For just under one-quarter of these deaths (23%), the government and the schools did not record the gender of the student who died.
- For just under one-half of these deaths (49%), the government and the schools did not record the cause of death.
- Aboriginal children in residential schools died at a far higher rate than school-aged children in the general population.
- For most of the history of the schools, the practice was not to send the bodies of students who died at schools to their home communities.
- For the most part, the cemeteries that the Commission documented are abandoned, disused, and vulnerable to accidental disturbance.
- The federal government never established an adequate set of standards and regulations to guarantee the health and safety of residential school students.
- The federal government never adequately enforced the minimal standards and regulations that it did establish.
- The failure to establish and enforce adequate regulations was largely a function of the government's determination to keep residential school costs to a minimum.

- The failure to establish and enforce adequate standards, coupled with the failure to adequately fund the schools, resulted in unnecessarily high death rates at residential schools.

These findings are in keeping with statements that former students and the parents of former students gave to the Commission. They spoke of children who went to school and never returned. The tragedy of the loss of children was compounded by the fact that burial places were distant or even unknown. Many Aboriginal people have unanswered questions about what happened to their children or relatives while they were attending residential school. The work that the Commission has begun in identifying and commemorating those students who died at school and their gravesites needs to be finished.

The work that the Commission has commenced is far from complete. The National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada represents the first national effort to record the names of the students who died at school. There is a need for continued work on the register: there are many relevant documents that have yet to be reviewed. There is a need for the development and implementation of a national strategy for the documentation, maintenance, commemoration, and protection of residential school cemeteries. Such a program, carried out in close consultation with the concerned Aboriginal communities, is necessary to properly honour the memory of the children who died in Canada's residential schools.

Introduction

Death cast a long shadow over Canada's residential schools. In her memoir of her years as a student at the Qu'Appelle, Saskatchewan, school in the early twentieth century, Louise Moine wrote of one year when tuberculosis was rampaging through the school.

There was a death every month on the girls' side and some of the boys went also. We were always taken to see the girls who had died. The Sisters invariably had them dressed in light blue and they always looked so peaceful and angelic. We were led to believe that their souls had gone to heaven, and this would somehow lessen the grief and sadness we felt in the loss of one of our little schoolmates.¹

Enos Montour had similar memories of his time at the Mount Elgin school in Muncey, Ontario. On occasion,

the silent killer TB showed up amongst the enrolment. Some quiet, inoffensive lad would grow unusually quiet and listless.... As his creeping, insidious disease came over him, he began to lose interest in all boyish activity. He coughed

frequently and his energy was sapped away. His chums tried to interest him in their games and outings, but he only smiled wanly and told them to leave him out. He didn't feel like it.

Eventually, the boy was taken from the school. "An emptiness remained where the gentle boy had lived with his pals."²

In his memoir, James Gladstone was critical of the medical care available to the students at the Anglican boarding school on the Blood Reserve in Alberta. In the spring of 1900, a fellow student, Joe Glasgow, became ill after stepping on a nail. "Rev. Owen had made arrangements for a doctor from Fort Macleod, but he was a useless drunk who didn't come until it was too late. I looked after Joe for two days until he died. I was the only one he would listen to during his delirium."³

Distressed, neglected, and abused, some students killed themselves. In her memoirs, Eleanor Brass spoke of a boy who had hung himself for fear of discipline at the File Hills school in Saskatchewan. "The poor youth was in some kind of trouble which was not so terrible but apparently it seemed that way to him."⁴

Accidental death was also a risk for residential school students. A Methodist missionary and six students were travelling to the Brandon, Manitoba, school in 1903 when the boat carrying them sank. All seven drowned.⁵ Christina Jacob, a student at the Kamloops, British Columbia, school, died in 1962, when an airplane being piloted by a school employee crashed near the school.⁶

Poorly built and maintained buildings were fire traps. Nineteen boys died in the fire that destroyed the Beauval, Saskatchewan, school in 1927.⁷ Twelve children died when the Cross Lake, Manitoba, school burned down in 1930. The high death toll was partially attributable to inadequate fire escapes.⁸

Some students disappeared while running away from school. Four boys who ran away from the Fort Albany, Ontario, school in the spring of 1941 were presumed to have drowned. Their bodies were never recovered.⁹ Another two boys had run away from the Sioux Lookout, Ontario, school in 1956. The principal waited a month before reporting that they were missing.¹⁰ They were never found.¹¹

Many of the cemeteries in which students were buried have long since been abandoned. When the Battleford school in Saskatchewan closed in 1914, Principal E. Matheson reminded Indian Affairs that there was a school cemetery that contained the bodies of seventy to eighty individuals, most of whom were former students. He worried that unless the government took steps to care for the cemetery, it would be overrun by stray cattle.¹² Such advice, when ignored, led to instances of neglect, with very distressing results. In 2001, water erosion of the banks of the Bow Highwood River exposed the remains of former students of the High River, Alberta, school, which had closed in 1922. Thirty-four bodies were exhumed and reburied, with both Aboriginal and Christian ceremonies, at the St. Joseph's Industrial School Provincial Historical Site.¹³

These examples point to a larger picture: many students who went to residential school never returned. They were lost to their families. They died at rates that were far higher than those experienced by the general school-aged population. Their parents were often uninformed of their sickness and death. They were buried away from their families in long-neglected graves. No one took care to count how many died or to record where they were buried.

The most basic of questions about missing children—Who died? Why did they die? Where are they buried?—have never been addressed or comprehensively documented by the Canadian government. This document reports on the first systematic effort to record and analyze the deaths at the schools, and the presence and condition of student cemeteries, within the regulatory context in which the schools were intended to operate.

The Missing Children and Unmarked Burials Mandate

The Indian Residential Schools Settlement Agreement (IRSSA), which was signed in 2006 and approved by the courts in early 2007, mandated the Truth and Reconciliation Commission of Canada (TRC) to:

Identify sources and create as complete an historical record as possible of the IRS [Indian Residential Schools] system and legacy. The record shall be preserved and made accessible to the public for future study and use

and to

Produce and submit to the Parties of the Agreement a report including recommendations to the Government of Canada concerning the IRS system and experience including: the history, purpose, operation and supervision of the IRS system, the effect and consequences of IRS (including systemic harms, inter-generational consequences and the impact on human dignity) and the ongoing legacy of the residential schools.

The establishment of a specific “Missing Children and Unmarked Burials” mandate did not come until after the Settlement Agreement had been approved by the courts. On April 24, 2007, Liberal Member of Parliament Gary Merasty (Desnethé/Missinippi/Churchill River) raised the issue of residential school death rates in the House of Commons. He stated that the schools were places of disease, hunger, overcrowding, and despair.

Many children died. In 1914 a departmental official said “fifty per cent of the children who passed through these schools did not live to benefit from the education which they had received therein”. Yet, nothing was done.... Mr. Speaker, above all else, I stand for these children, many of whom buried their friends,

families and siblings at these schools.... Will the Prime Minister commit to the repatriation of the bodies and an apology to the residential school survivors?¹⁴

James Prentice, who was both the minister of Indian Affairs and Northern Development as well as the minister responsible for the Office of Indian Residential Schools Resolution Canada, responded, “We will get to the bottom of the disappeared children. The Truth and Reconciliation Commission will hear much about that. I have instructed our officials to look into that and to work with Oblate records of the churches to get to the bottom of this issue, and this sad chapter in our history.”¹⁵

Prentice asked the Commission to form a working group to make recommendations for further research into the issue. The Working Group on Missing Children and Unmarked Burials was established in the spring of 2007.¹⁶ The working group included representatives from national Aboriginal organizations, former students, archivists, and the federal government.

The working group concluded that the following questions should be addressed:

- 1) Who and how many residential school students died?
- 2) What did residential school students die from?
- 3) Where are the residential school students buried?
- 4) Who were the residential school students who went missing?

The first three questions address the issues specific to students who died at the schools. The fourth refers to those students who may not have died at the schools, but who never returned home from residential school.

The term *missing children* in this context includes both those who died at school and those whose fate after enrolment was unknown, at least to their parents. This could include, for example, students who might have run away to urban centres and never contacted their home community again, students who never returned to their home communities after leaving school, students who became ill at school and were transferred to a hospital or sanatorium and died there (possibly several years later) without parents being informed, or students who were transferred to other institutions such as reformatories or foster homes and never returned home.

To address its four key questions, the working group proposed the following four research projects.

- 1) **Statistical Survey:** A statistical survey intended to achieve a precise estimate of student enrolment, including rates of death and disease.
- 2) **Operational Policies and Custodial Care:** A study intended to review administrative policies pertaining to death, illness, and disappearances of students.
- 3) **Unmarked Burials and Commemoration:** A study intended to identify the location of cemeteries and gravesites in which students are believed to be buried. The project was to collaborate with communities to identify options for commemoration, ceremony, and further community-based research.

- 4) **Specific Case Research:** A project in which the Commission, in collaboration with its partner organizations, was to help individual requesters to locate information regarding former students who may have died or gone missing while in the care of an IRS. Where possible, this would include locating burial sites.¹⁷

These four recommendations formed the basis for the Truth and Reconciliation Commission of Canada's work on the Missing Children and Unmarked Burials Project, which was an expectation of significant additional work, beyond the Commission's original mandate. Early projections indicated that the budget for this additional work and implementing the working group's recommendations would be in excess of \$1.5 million. Because research of the scope proposed by the working group was not anticipated in the original TRC budget, in 2009 the Commission requested that Indian Affairs cover the cost of this further work.¹⁸ The request was denied in December 2009. The federal government's denial of this request has placed significant limits on the Commission's ability to fully implement the working group's proposals, despite our sincere belief in their importance.¹⁹

Document review and statistical analysis

As a first step in the review and analysis of deaths, the Commission established a National Residential School Student Death Register. The register is made of up three sub-registers:

- 1) the Register of Confirmed Deaths of Named Residential School Students ("Named Register")
- 2) the Register of Confirmed Deaths of Unnamed Residential School Students ("Unnamed Register")
- 3) the Register of Deaths that Require Further Investigation

The Register of Confirmed Deaths of Named Residential School Students

Student deaths have been recorded in this register on the basis of the following criteria.

- The student was
 - a registered residential school student,
 - a student who was registered at a day school but was living in a student residence, or
 - an orphaned or destitute child living in a residential school.

- The student either
 - died during the school term, or
 - died within one year of discharge from school. (This would include students who died in a hospital or sanatorium within a year of being transferred from a residential school to the hospital or sanatorium.)
- For the purposes of this study, a residential school was defined as an institution recognized in the Indian Residential Schools Settlement Agreement, plus any residential school for Aboriginal students that was not included in the Settlement Agreement for the apparent reason that the school had ceased operation either in the nineteenth or early twentieth century.

The decision to include those students who died within a year of discharge rests on a common residential school practice of discharging students who were suffering from terminal illness to their homes or to institutions such as hospitals and sanatoria.

The Register of Confirmed Deaths of Unnamed Residential School Students

- The student was
 - a registered residential school student,
 - a student who was registered at a day school but was living in a student residence, or
 - an orphaned or destitute child living in a residential school.
- The student either
 - died during the school term, or
 - died within one year of discharge from school. (This would include students who died in a hospital or sanatorium within a year of being transferred from a residential school to the hospital or sanatorium.)

One of the common sources for the information about deaths included in this category is the reports made by principals who noted the number of students who had died in the previous year but who did not identify them by name.²⁰ It is recognized that the possibility exists that some of the deaths recorded in the Named Register might also be included in the Unnamed Register. The Commission has been cross-referencing entries in both registers to identify and eliminate such duplications wherever possible, and to identify the names of students who had originally been placed in the Unnamed Register.

The Register of Deaths that Require Further Investigation

Reports of deaths that the Commission has determined require further investigation to determine if they meet the criteria for inclusion in either of the other two sub-registers.

In creating the National Residential School Student Death Register, the Commission:

- conducted a review of documents held by the government and church signatories to the Indian Residential Schools Settlement Agreement that were provided to the TRC;
- included questions in the statement-gathering process that sought information from former students about deaths, including causes, runaways, and burials;
- worked with provincial agencies, such as the offices of chief coroners and medical examiners, offices of the registrars general of vital statistics, and provincial archives across the country, to identify records that may relate to deaths at residential schools; and
- conducted a review of provincial archaeological site inventories. (These are databases of reported archaeological sites. They included maps and aerial photos of the vicinity of the former schools.)

As one measure of true commitment to reconciliation, and out of respect for the thousands of children who died and their families, the Commission believes that work on this historic National Residential School Student Death Register must continue after the transfer of the Truth and Reconciliation Commission records to the National Centre for Truth and Reconciliation.

Limitations to the register

There are significant limitations in both the quality and quantity of the data the Commission has been able to compile on residential school deaths. There are problems with the level of detail in the data. As noted above, in many cases, school principals simply reported on the number of children who had died in a school, with few or no supporting details. There are also some reports that give a total of the number of students who had died since a specific school opened, but with no indication of the year in which each student died.²¹ Such reports usually did not give detailed information on the cause of death.

Changes over the years in the way the government reported the information it received from the schools have also placed limits on data collection. Prior to 1915, Indian Affairs' annual reports reproduced a detailed report from each principal that often contained information on the health conditions and the number of students who had died in the previous year. But, after 1915, Indian Affairs stopped publishing

principals' reports. Subsequent reports did not provide information on student deaths in any regularized format.

It was not until 1935 that Indian Affairs adopted a formal policy on how deaths at the schools were to be reported and investigated.²² Under this policy, the principal was to inform the Indian agent of the death of a student. The agent was to then convene and chair a three-person board of inquiry. The two other members of the board were to be the principal and the physician who attended the student. The board was to complete a form provided by Indian Affairs that requested information on the cause of death and the treatment provided to the child. Parents were to be notified of the inquiry and given the right to attend or have a representative attend the inquiry to make a statement. However, an inquiry was not to be delayed for more than seventy-two hours to accommodate parents, an extreme limitation, considering the relative isolation of many of the residential schools and the limited communications of the day.²³ The department was not prepared to pay parents' transportation costs to attend the inquiry.²⁴ The policy was not always adhered to, and, in some cases, the Indian agent simply filled out the form, based on information provided to him by the principal.²⁵

It is also doubtful that schools reported on the deaths of seriously ill children who had been sent home. This was a common practice for at least the first several decades that the schools were in operation. For example, in 1907, Dr. Peter Bryce, the chief medical officer for Indian Affairs, proposed that tubercular students be treated in small tent hospitals rather than "being sent home to die."²⁶

Due to the limitations in the records, it is probable that there are many student deaths that have not been recorded in the register because the record of the death has not yet been located. There are a number of instances where the only mention of a specific student death is in a church document, but there is no recorded indication of it in any Indian Affairs document that the Commission could locate.²⁷ There also exists the possibility that the death may not have been reported at all. As late as 1942, the principal of a residential school in Saskatchewan was unaware of any responsibility to report a death to provincial vital statistics officials.²⁸ Many residential schools housed significant numbers of Métis students during their history. In some cases, the federal government provided funding for these students; in other cases, it did not.²⁹ It is not clear if the schools reported on the deaths of unfunded Métis students at the schools.

As well, many records have simply been destroyed. According to a 1933 federal government policy, school returns could be destroyed after five years and reports of accidents could be destroyed after ten years. This led to the destruction of fifteen tons of paper. Between 1936 and 1944, 200,000 Indian Affairs files were destroyed.³⁰

Health records were also regularly destroyed. For example, in 1957, Indian and Northern Health Services was instructed to destroy, after a period of two years, "correspondence re routine arrangements re medical and dental treatments of Indians

and Eskimos, such as transportation, escort services, admission to hospital, advice on treatment, requests for treatment, etc.” Reports of doctors, dentists, and nurses were similarly assigned a two-year limited retention period.³¹

The Commission’s work has also been hampered by limited and late access to relevant documents from the government and churches, due to problems with document production. The federal government first provided access to substantial numbers of documents in the fall of 2011. These came to the Commission through an Aboriginal Affairs departmental online database that contained documents that had been compiled from Library and Archives Canada and collected from the churches. The database was originally established by Canada in the preparation of the government’s position in response to civil lawsuits launched by former residential school students. It was also used for settling alternate dispute-resolution claims brought by former school students. Although it contained many relevant documents, this database had not been designed to collect documents related to deaths in the schools. The digitization of these documents was often of poor quality: in some cases, documents were illegible. Additions were made to this database throughout 2012 until it contained almost one million documents. Additional documents were sent directly to the Commission as other departments began to search their records. However, relevant documents held by Library and Archives Canada were still withheld. In January 2013, the Ontario Superior Court determined that the federal government, although not obliged to turn over its originals, was required to compile all relevant documents in an organized manner for review by the Commission rather than simply providing access to Library and Archives Canada for Commission researchers.³² Since that date, there has been considerable improvement in the production of documents to the Commission. Nonetheless, the delay in clarifying Canada’s obligation means that the production of documents to the TRC is still continuing. It has not been possible to review all recently produced documents and to make the required adjustments to the National Residential School Student Death Register by the time of this report.

Operational policies and custodial care

As part of the Commission’s work, it reviewed operational and custodial care policies and practices at Canada’s residential schools. It is clear that the government and the churches failed to establish the necessary regulations to ensure that an acceptable level of care, based on the standards of the day, was provided to students. This failure occurred in the areas of health, nutrition, building conditions (including sanitation), discipline, truancy, student labour, abuse, and child welfare. Those regulations that were introduced were often poorly communicated and poorly enforced. Such failures contributed to unnecessarily high death rates among the students, and to poor

nutrition that would have contributed to poor physical and mental health conditions that affected many students for the rest of their lives.

Cemeteries and unmarked burials

The Truth and Reconciliation Commission of Canada undertook ongoing work to locate and identify cemeteries and gravesites in which residential school students might be buried. Archival documents and oral testimony were used to identify potential locations of gravesites. In consultation with Aboriginal communities, the Commission visited some of these sites to ascertain current condition and location, and to record any disturbance or neglect. Visits were made to cemeteries and twenty unmarked gravesites in the Northwest Territories, British Columbia, Alberta, Saskatchewan, Nova Scotia, and Ontario. In addition, the Commission documented the location and condition of school sites and cemeteries on maps, using satellite imagery. The area surrounding a visited school was systematically examined, using the available maps and satellite imagery. For the most part, the cemeteries that the Commission documented are abandoned, disused, and vulnerable to accidental disturbance. Although there have been creative and heartening community commemoration measures undertaken in some locations, there is an overall need for a national strategy for the documentation, maintenance, commemoration, and protection of residential school cemeteries. On the basis of the work undertaken to date, it is apparent that there are likely to be other unidentified residential gravesites across the country. A national program, carried out in close consultation with the concerned Aboriginal communities, is required to complete the task of identifying the many unmarked residential school cemeteries and gravesites across Canada.

Specific case inquiries

The Truth and Reconciliation Commission of Canada received inquiries from individuals seeking information about what had happened to family members who had been sent to residential school. To the degree that it was able, the Commission responded to a number of these requests.

At a 2012 intergovernmental conference, the Chief Coroners and Medical Examiners of Canada adopted a unanimous resolution to support the Missing Children Project, and agreed to assist the Commission where possible in identifying deaths at residential schools in their provincial records. To date, Alberta, British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova

Scotia, Manitoba, and Prince Edward Island have responded. This process has provided both information about previously unknown deaths and more details about known deaths.

EXHIBIT I-2

**First Nation Representations on Ontario
Juries Report authored by the Honourable
Frank Iacobucci dated February 2013**



FIRST NATIONS REPRESENTATION ON ONTARIO JURIES

Report of the Independent
Review Conducted by
The Honourable Frank Iacobucci

February 2013

6. RECOMMENDATIONS

44. As a result of the engagement process, review of submissions, and research and analysis as described above, I make the following 17 major recommendations.

RECOMMENDATION 1: the Ministry of the Attorney General establish an Implementation Committee consisting of a substantial First Nations membership along with Government officials and individuals who could, because of their background or expertise, contribute significantly to the work of the Implementation Committee. This Committee would be responsible for the oversight of the implementation of the below recommendations and related matters. In view of the importance and urgency of the matter, I recommend that the Committee be established as soon as practically possible.

RECOMMENDATION 2: the Attorney General establish an Advisory Group to the Attorney General on matters affecting First Nations and the Justice System.

RECOMMENDATION 3: after obtaining the input of the Implementation Committee, the Ministry of the Attorney General provide cultural training for all government officials working in the justice system who have contact with First Nations peoples, including police, court workers, Crown prosecutors, prison guards and other related agencies.

RECOMMENDATION 4: the Ministry of the Attorney General carry out the following studies for eventual input by the Implementation Committee:

- (a) a study on legal representation that would involve Legal Aid Ontario, particularly in the north, that would cover a variety of topics, including the adequacy of existing legal representation, the location and schedule of court sittings, and related matters.
- (b) a study on First Nations policing issues, including the recognition of First Nations police forces through enabling legislation, the establishment of a regulatory body to oversee the operation of First Nations law enforcement programs, the creation of an independent review board to adjudicate policing complaints, and the development of mandatory cultural competency training for OPP officers; and
- (c) a review of the Aboriginal Court Worker program and an examination of resources required to improve the program.

RECOMMENDATION 5: the Ministry of the Attorney General create an Assistant Deputy Attorney General (ADAG) position responsible for Aboriginal issues, including the implementation of this Report.

RECOMMENDATION 6: after obtaining the input of the Implementation Committee, the Ministry of the Attorney General provide broader and more comprehensive justice education programs for First Nations individuals, including:

- (a) developing brochures in First Nations languages with plain wording which provide comprehensive information on the justice system, including information respecting the role played by criminal, civil, and coroner's juries;
- (b) establishing First Nations liaison officers responsible for consulting with First Nations reserves on juries and on justice issues;
- (c) commissioning the creation of video or other educational instruments, particularly in First Nations languages, that would be used to educate First Nations individuals as to the role played by the jury in the justice system and the importance of participating on the jury; and

- (d) considering the feasibility of a program that would enlist students from Ontario law schools to participate in intensive summer education and legal assistance programs for First Nations representatives, dealing with the justice system generally and the jury system in particular, in consultation with Chiefs, and Court Services officials.

RECOMMENDATION 7: with respect to First Nations youth, in addition to having a youth member on the Implementation Committee, the Implementation Committee should request that the Provincial Advocate for Children and Youth facilitate a conference of representative youth members from First Nations reserves to focus on specific issues in the relationship between youth, juries, and the justice system, addressed in this report. The Provincial Advocate for Children and Youth should prepare a report on that conference; prior to submitting the report to the Implementation Committee the Provincial Advocate for Children and Youth should consult with PTOs and other First Nations associations.

RECOMMENDATION 8: the Ministry of the Attorney General, in consultation with the Implementation Committee, undertake a prompt and urgent review of the feasibility of, and mechanisms for, using the OHIP database to generate a database of First Nations individuals living on reserve for the purposes of compiling the jury roll.

RECOMMENDATION 9: in connection with this review, the Ministry of Attorney General and First Nations, in consultation with the Implementation Committee, consider all other potential sources for generating this database, including band residency information, Ministry of Transportation information and other records, and steps that might be taken to secure these records, such as a renewed memorandum of understanding between Ontario and the Federal government respecting band residency information or memorandums of understanding between Ontario and PTOs or First Nations, as appropriate.

RECOMMENDATION 10: the Ministry of the Attorney General, in consultation with the Implementation Committee, consider amending the questionnaire sent to prospective jurors to:

- (a) make the language as simple as possible;
- (b) translate the questionnaire into First Nations languages as appropriate;
- (c) remove the wording threatening a fine for non-compliance and replacing it with wording stating simply that Ontario law requires the recipient to complete and return the form because of the importance of the jury in ensuring fair trials under Ontario's justice system;
- (d) on the premise that a First Nations member living on reserve in Ontario satisfies the Canadian citizenship requirement under s. 2(b) of the *Juries Act*, add an option for First Nations individual to identify themselves as First Nations members or citizens rather than Canadian citizens;
- (e) enable First Nations elected officials, such as Chiefs and Councillors, as well as Elders, to be excluded from jury duty; and
- (f) provide, through an amendment to the *Juries Act*, for a more realistic period than the current five days for the return of jury questionnaires.

RECOMMENDATION 11: the Ministry of the Attorney General, in consultation with the Implementation Committee, consider implementing the practice from parts of the U.S., that when a jury summons or questionnaire is undeliverable or is not returned, another summons or questionnaire is sent out to a resident of the same postal code, thereby ensuring that nonresponsive prospective jurors do not undermine jury representativeness.



RECOMMENDATION 12: the Ministry of the Attorney General, in consultation with the Implementation Committee, consider a procedure whereby First Nations people on reserve could volunteer for jury service as a means of supplementing other jury source lists.

RECOMMENDATION 13: the Ministry of the Attorney General, in consultation with the Implementation Committee, consider enabling First Nations people not fluent in English or French to serve on juries by providing translation services and by amending the jury questionnaire accordingly to reflect this change.

RECOMMENDATION 14: the Ministry of the Attorney General, in consultation with the Implementation Committee, adopt measures to respond to the problem of First Nations individuals with criminal records for minor offences being automatically excluded from jury duty by:

- (a) amending the *Juries Act* provisions that exclude individuals who have been convicted of certain offences from inclusion on the jury roll, to make them consistent with the relevant *Criminal Code* provisions, which exclude a narrower group of individuals;
- (b) encouraging and providing advice and support for First Nations individuals to apply for pardons to remove criminal records; and
- (c) considering whether, after a certain period of time, an individual previously convicted of certain offences could become eligible again for jury service.

RECOMMENDATION 15: the Ministry of the Attorney General discuss with the Implementation Committee the advisability of recommending to the Attorney General of Canada an amendment to the *Criminal Code* that would prevent the use of peremptory challenges to discriminate against First Nations people serving on juries.

RECOMMENDATION 16: in view of the concerns I have heard and the fact that current jury compensation is not consistent with cost-of-living increases, I recommend that the Ministry of the Attorney General refer the issue of jury member compensation to the Implementation Committee for consideration and recommendation.

RECOMMENDATION 17: the Ministry of the Attorney General, in consultation with the Implementation Committee, institute a process that would allow for First Nations individuals to volunteer to be on the jury roll for the purposes of empanelling a jury for a coroner's inquest.

45. For a complete explanation of the recommendations, see paragraphs 347 to 386.

7. ACKNOWLEDGEMENT

46. The preparation of this Report would not have been possible without the participation and assistance of many First Nations people, including Chiefs, Councillors, Elders, members of reserves, provincial territorial organizations and their leaders, and even some First Nations students. I also benefitted greatly from the contributions of the lawyers who acted for various organizations and from government officials, all of whom were very fair and candid in their assessments of the shortcomings of current conditions.

47. It is my sincere hope that the trust that First Nations people have invested in this Independent Review process will be rewarded with prompt response and action by the Government of Ontario.

EXHIBIT I-3

Announcement and Mandate of the Survivors' Secretariat



AUG 16, 2021

Mohawk Institute – Survivors’ Secretariat Creates Oversight of Police Task Force

Survivors of the Mohawk Institute at Six Nations of the Grand River are pleased to announce that they have hired Kimberly R. Murray as the Executive Oversight Lead to assist them with creating a Survivors’ Secretariat to commence a death/criminal investigation.

Ms. Murray is the former Executive Director to the Truth and Reconciliation Commission of Canada, where she assisted the Commission in fulfilling its mandate. Kimberly was also the first Assistant Deputy Attorney General of the Indigenous Justice Division at the Ontario Ministry of the Attorney General. Her experience and knowledge of the Indian Residential School system, the historical records, and the legal landscape is a tremendous asset to the Survivors.

Mohawk Institute Survivor Roberta Hill stated, “It’s really hard to find the right words to describe our feelings about this enormous work ahead because there are so many emotions we still have – so many unthinkable things happened at that place [Mush Hole]. I think relief and hope are a couple that I would share. It’s finally time for us to recover all

think relief and hope are a couple that I would share. It's finally time for us to recover all the children that died and were left to remain unknown – it's time for justice and accountability. We are getting older and many are dying, so we are relieved that the police services, Coroner and Forensic Officers are working together in the death and criminal investigation, and that we have Kimberley here to oversee this work."

"I come to this new role with humility and enormous respect for the Survivors and the Sacred work ahead. The work of the TRC in relation to the Missing Children and Unmarked Burials was only a beginning. My commitment to the Survivors and their families is that we will not stop until we find the truth about where the children are," said Kimberly Murray.

The Mandate of the Survivors' Secretariat includes coordinating death investigation processes and protocols, conducting Statement Gathering, document collection and historical research, supporting commemoration initiatives, and liaising with First Nations, provincial, and federal governments.

The Survivors' Secretariat is currently working to put in place an Indigenous Human Rights Monitor and a Cultural Monitor to oversee the work of the Joint Police Task Force.

Survivors and community members have been clear, the Joint Police Task Force must be Survivor-led. These two monitoring roles, once in place, are essential to ensuring that Indigenous legal principles, the United Nations Declaration on the Rights of Indigenous Peoples, and cultural protocols are respected.

Chief Mark Hill stated, "From the very start it was recognized that the Secretariat needed to be apolitical and not under the Six Nations of the Grand River Elected Council. Communication with intergenerational Survivors and community is a critical component of this work and it's important that politics not hinder the engagement that needs to take place."

We understand that this is a difficult topic for many. If you are struggling and need support, there are resources available to you:

- Six Nations 24/7 Mobile Crisis Line: 519-445-2204 or 1-866-445-2204
- Six Nations Mental Health and Addictions: 519-445-2143 (Monday-Friday, 8:30am-4:30pm)
- National Indian Residential School Crisis Line: 1-866-925-4419

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Our Mandate

Death Investigation

The Secretariat has appointed an Indigenous Human Rights Monitor and several Cultural Monitors to oversee the Police Task Force* in their search for the unmarked burials of Indigenous children on over 600 acres of land associated with the Mohawk Institute.

Statement Gathering

Thousands of children were taken to Indian Residential Schools, including the Mohawk Institute. The Secretariat will create opportunities for Survivors and intergenerational Survivors to share their statements to inform the truth in a culturally safe and trauma-informed way.

Research and Documentation

The Secretariat will support the creation of a community archive by collecting all related records from governments, churches and other institutions that were known to have been involved in the operations of the Mohawk Institute. It will also support commemoration policies and related activities.

Community Accountability and Advocacy

The Secretariat will report to Survivors, leaders and community members on an ongoing basis and liaises with impacted First Nations by facilitating Nation to Nation dialogues.

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[LEARN MORE ABOUT THE HUMAN RIGHTS MONITOR »](#)

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[LEARN MORE ABOUT THE POLICE TASK FORCE »](#)

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SIX NATIONS OF THE GRAND RIVER

1695 Chiefswood Rd

PO Box 5000

Ohswéken, ON N0A 1M0

8:30 am – 4:30 pm

T 519.445.2201

F 519.445.4208

EXHIBIT I-4

**Blog Posting “How Technology Is Helping
Survivors Uncover the Truth” Survivors'
Secretariat dated March 25, 2022**

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Survivor Secretariat Logo

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Menu

- March 25, 2022
- **Update**

How Technology Is Helping Survivors Uncover the Truth

Survivors are utilizing technology to help fulfill their mandate of uncovering and sharing the truth about what happened at the Mohawk Institute.

Q: How and Why Are Survivors Searching for Missing Children?

- The Truth and Reconciliation Commission documented the names of 48 children that died while being forced to attend the Mohawk Institute. We don't know where they are buried, or if other children died during the Institute's 136 years of operation. Survivors have stated that children "just disappeared" and that they don't know if something bad happened to them or if they returned safely to their homes.
- The Survivors' Secretariat is using archival and modern-day maps, records, and documents to outline the grounds associated with the Mohawk Institute that may be searched. These include the Mohawk Parsonage Lot, the Mohawk Mission School Lot, the Manual Labour Farm and the Mohawk Chapel Grounds— totaling over 600 acres. ¹
- In addition, the Survivors' Secretariat is among the first communities to use Light Detection and Ranging (LiDAR) equipment in the search for unmarked burials.

- Survivors are also utilizing Ground-Penetrating Radar (GPR) to assist in answering their question of “how many children died and where are they buried?”

This article outlines how these technologies work as well as their advantages and limitations.

Q: What is LiDAR?

There are different types of LiDAR:

- LiDAR mapping uses laser light pulses to generate three dimensional (3D) maps of the earth’s surface. These instruments can collect information from piloted and unpiloted aircraft, or from tripod-mounted devices on the ground. The Survivors’ Secretariat is using both aerial and terrestrial (ground) LiDAR.
- The Survivors’ Secretariat is using LiDAR to produce detailed maps of the ground surface. These maps record subtle changes in the ground to find disturbances caused by humans.
- LiDAR maps may reveal evidence of old service trenches, drainage ditches, trash pits, building rubble, or shallow depressions left by grave shafts. The size, orientation and distribution of such features, coupled with old air photographs and maps, will help reconstruct earlier versions of the Mohawk Institute and its outbuildings.

Q: What is Ground-Penetrating Radar?

- Ground-Penetrating Radar (GPR) has become a widely used tool for locating unmarked burials at former residential school sites.”
- GPR is similar to medical ultrasound but instead, high-frequency radio waves are sent into the ground to document the distribution of features underground. Some of these features might be natural such as roots, rocks, insects, etc. while others may be caused by human activity such as burials.
- The GPR machine looks like a small box on wheels attached to a handle and electronic screen that contains a data logger and output. The wheeled box is pushed along an organized grid by a technician. The box contains a radar system that sends pulses into the ground as well as a receiver that collects its data. The timed interval between pulses – leaving the box until its return – allows an estimation of the depth of whatever caused it to reflect back to the surface.
- These reflections can be difficult to interpret because they might reflect natural sediment conditions or be affected by soil texture and moisture conditions as well as roots and other natural features. The reflections might also be due to rock, metal, and other materials mixed in the soil, resulting in signal ‘noise’ that obscures the features being searched for. Careful analysis by skilled technicians is required to ‘filter’ the data and identify ‘reflections’ that might indicate burials.
- This video about **Archaeological Remote Sensing (or ground-penetrating radar)** created by the Canadian Archaeological Association (CAA) and the Institute for Prairie and Indigenous Archaeology (IPIA) at the University of Alberta, describes GPR and some of its limitations.

- The CAA writes: “The truth is with ground-penetrating radar, we can never be 100% certain that what we’re seeing is in fact a grave, but there are well established methods that have been used by archaeologists for many, many years that can help us build our confidence that what we’re actually seeing is a grave.”²

Q: How Are Survivors Using These Technologies?

- **Community members** and Six Nations Police Service’s members on the Task Force have been trained in the use of the ground-penetrating radar equipment and are the primary searchers. Survivors are directing which areas should be searched and in what order.
- In the fall of 2021, 60 10’x10’ grids were laid out to be GPR scanned. Searchers were able to scan 37 of these grids before the snow covered the grounds. The remaining 23 grids will be completed in early spring and new grids will be laid out.
- In December 2021, the Secretariat scanned 10 acres with LiDAR technology. The data from these scans are now being processed and analyzed.

Q: What are the Limitations of LiDAR and GPR?

- It’s important to note that while GPR data can provide information about soil being disturbed, it is not like an X-ray; it does not illustrate bodies or bones.³
- While equipment and technologies are critical **to the search of the land** surrounding the former Mohawk Institute and the possible identification of unmarked burials, a 100% success rate is not guaranteed.
- There are several important factors affecting the success of these technologies, including: geography, soil conditions, training of users, and the overall operation and success of receiving data from these devices.

Moving Forward

The powerful combination of Survivors’ testimonies, archival records and current technologies allows the Survivors’ Secretariat to further its mandate to uncover and share the truth. Despite the complexities involved in the search of the former Mohawk Institute, Survivors and community members continue to innovate and strategize as they move forward with this Sacred work of finding the missing children.

Sources

¹ **Survivors’ Secretariat**

² **Canadian Archaeological Association**

³ **Resources for Indigenous Communities Considering Investigating Unmarked Graves, the Canadian Archaeological Association and the Institute for Prairie and Indigenous Archaeology (IPIA) at the University of Alberta**

- **Archaeological Remote Sensing, GPR, Ground-Penetrating Radar, LiDAR, Missing Children**

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Categories

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- **History**
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Services Available to Survivors, and Intergenerational Survivors

If you require immediate support, please contact the **Hope for Wellness Help Line** at **1-855-242-3310** to access toll-free, 24/7 counselling and crisis intervention. Hope for Wellness Help Line offers immediate mental health counselling and crisis intervention to all Indigenous peoples across Canada. Experienced Helpline counsellors, many are Indigenous, can help if asked to find wellness supports that are available in your area.

The Indian Residential Schools Crisis Line (1-866-925-4419) is available 24 hours a day for anyone experiencing pain or distress as a result of their residential school experience.

The Indigenous Victim Services at Six Nations Line (1-866-964-5920). After hours & weekends: **1-866-445-2204**. Available to people living in Brantford, Hamilton or the Six Nations community.

Survivors' Secretariat

PO Box 460

Ohsweken, ON

NOA 1MO

Tel. (888) 597-1062

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EXHIBIT I-5

**Order in Council of the Appointment of the
Special Interlocutor**



Government
of Canada

Gouvernement
du Canada

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PC Number: 2022-0636

Date: 2022-06-06

Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, under paragraph 127.1(1)(c) of the *Public Service Employment Act*, appoints Kimberly Renée Murray of Toronto, Ontario, to be special adviser to the Minister of Justice, to be known as Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools, to hold office during pleasure for a term of two years, and fixes her remuneration and certain conditions of employment as set out in the annexed schedule, which salary is within the range (\$228,900 - \$268,200), effective June 13, 2022.

Sur recommandation du premier ministre et en vertu de l'alinéa 127.1(1)c) de la *Loi sur l'emploi dans la fonction publique*, Son Excellence la Gouverneure générale en conseil nomme Kimberly Renée Murray, de Toronto (Ontario), conseillère spéciale auprès du ministre de la Justice, portant le titre d'Interlocutrice spéciale indépendante pour les enfants disparus et les tombes et les sépultures anonymes en lien avec les

pensionnats indiens, à titre amovible pour un mandat de deux ans, et fixe sa rémunération et certaines conditions d'emploi conformément à l'annexe ci-jointe, lequel traitement se situe dans l'échelle (228 900 \$ – 268 200 \$), à compter du 13 juin 2022.

[Back to Form](#)

Date modified: 2022-08-29

EXHIBIT I-6

Mandate of Special Interlocutor



[Home](#)

> [Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial...](#)

Mandate and Terms of Reference

On June 8, 2022, Kimberly Murray was appointed as Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools.

Related links

- [Kimberly Murray's Biography](#)
- [News release](#) (June 8, 2022)
- [Backgrounder](#) (June 8, 2022)

The Special Interlocutor's mandate will be carried out from June 14, 2022 to June 13, 2024.

On this page

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- [Mandate](#)
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Context

The identification of unmarked graves and burial sites at former residential schools in Canada has brought to public consciousness the depth of historical injustice that has inflicted unfathomable pain throughout First Nations, Inuit and Métis communities and families. This part of Canadian

history has been known and shared in Indigenous communities, and it has had lasting effects in these communities. The history is finally coming to light in Canada and has entered the public discourse.

The First Nations, Inuit and Métis children whose graves are now being identified deserve to be recognized in a meaningful way. A legal framework to preserve and protect the rights, respect and dignity of the children buried in unmarked graves and burial sites is necessary to advance reconciliation in this country and to ensure that their communities and families are in a position to do so.

Mandate

The Special Interlocutor will work to **identify needed measures and recommend a new federal framework** to ensure the respectful and culturally appropriate treatment of unmarked graves and burial sites of children associated with former residential schools. This work will be done in collaboration with First Nations, Inuit and Métis governments, representative organizations, communities, Survivors, and families, other departments of the Government of Canada, provinces and territories, and other relevant institutions such as church entities and record holders.

The Special Interlocutor will **begin a dialogue** between parties that is trauma-informed and culturally safe. She will work toward a collective approach and develop a path forward to address the legacy of unmarked graves and burial sites.

The Special Interlocutor will **function independently and impartially, in a non-partisan and transparent manner** to achieve the objectives of her mandate.

The Special Interlocutor will **examine the existing federal, provincial and territorial laws, regulations, tools and practices** that currently apply and have applied to protect unmarked graves and burial sites connected to former residential schools, as well as applicable Indigenous laws and protocols, in order to develop a description of the current legal framework. The Special Interlocutor will identify areas of improvement in Canadian law and make recommendations for a new federal legal framework to identify, protect, and preserve unmarked burial sites connected to former residential schools and lands associated with the schools. Although the approach is national, where appropriate, she will work with provinces and territories.

The starting point will be to engage with affected First Nations, Inuit and Métis governments, representative organizations, communities, Survivors, and families to discuss issues of concern around the identification, preservation, and protection of unmarked graves and burial sites, including the potential repatriation of remains. The Special Interlocutor will guide this process, facilitate listening and action by engaging in conversations in ways that are culturally informed, trauma-informed, appropriate and respectful, and based on Indigenous customs, decision and consensus-building practices.

In doing so, the Special Interlocutor will model an approach based on principles that contribute to building a relationship of trust and respect between Canada and First Nations, Inuit and Métis.

The *United Nations Declaration on the Rights of Indigenous Peoples Act* (S.C. 2021, c. 14) (the “*UN Declaration Act*”) provides a clear vision for the future. The *UN Declaration Act* requires that moving forward, federal laws and policies reflect the standards set out in the United Nations Declaration on the Rights of Indigenous Peoples (the “*Declaration*”). The *UN Declaration*

Act provides a framework to help address injustices, prejudice, discrimination and violence that First Nations, Inuit and Métis have suffered and continue to suffer such as the deaths resulting from children at former residential schools. This framework requires that the Government of Canada, in consultation and cooperation with Indigenous peoples, take measures to ensure that federal laws are aligned with the Declaration (section 5), develop an action plan for the implementation of the Declaration (section 6) and report annually on progress (section 7). The Special Interlocutor's work and recommendations should contribute to the implementation of the Declaration, consistent with the *UN Declaration Act* and the *Constitution Act, 1982* (including section 35).

In carrying out her mandate, the Special Interlocutor will:

1. Create an engagement process between First Nations, Inuit and Métis and Canada that:
 - is based on building and strengthening trust
 - uses engagement processes and mechanisms familiar to, and co-developed with, First Nations, Inuit and Métis
 - engages First Nations, Inuit and Métis in a manner that respects their territoriality, laws and protocols, as well as the traumatic historic and contemporary relationships between Indigenous peoples and Canada;
 - acknowledges and respects Indigenous laws, legal orders and governance
 - facilitates communications between First Nations, Inuit and Métis and Canada
 - supports the advancement of the implementation of the Truth and Reconciliation Commission's Calls to Action, in particular Calls to Action 71 to 76

2. Examine existing federal, provincial and territorial laws, regulations, tools, policies and practices that currently apply and have applied to protect unmarked graves and burial sites connected to former residential schools and lands associated with the schools, as well as applicable Indigenous laws and protocols, in order to develop a description of the current legal framework.
3. Identify gaps and inconsistencies (including the gaps and inconsistencies identified by those with whom the Special Interlocutor may engage) and needed measures, and make recommendations relating to federal laws, regulations, policies and practices surrounding unmarked graves and burial sites at former residential schools and lands associated with the schools. Recommendations should identify the needs to be addressed by a new framework that adequately responds to critical questions related to preserving the dignity of First Nations, Inuit and Métis children, communities, Survivors, and families, setting out responsibilities for unmarked graves and burial sites.
4. Identify needed measures and recommend a new federal legal framework that respects the dignity of unmarked graves and burial sites of First Nations, Inuit and Métis, consistent with the wishes, traditions and protocols of their respective communities and families, and report these recommendations to Survivors, communities and families and to the Government of Canada.
5. Ensure that the processes, measures and recommendations are in accordance with applicable Indigenous laws and legal orders and relevant international instruments including the Declaration as well as with the *Constitution Act, 1982*, including section 35.
6. Adopt an engagement approach focused on building and strengthening trust between Canada and First Nations, Inuit and Métis. The process may follow Indigenous decision and consensus-building

practices and will be culturally safe and trauma informed. It will employ engagement processes and mechanisms familiar to First Nations, Inuit and Métis.

7. Act as a conduit, in collaboration with departments of the Government of Canada and other entities including the proposed National Advisory Committee on Missing Children and Unmarked Burials, to:
 - assist First Nations, Inuit and Métis governments, representative organizations, communities, Survivors and families navigate the federal system on matters relating to unmarked graves and burial sites at former residential schools and lands associated with the schools
 - assist communities and Survivors navigate the federal system as communities seek to obtain and preserve relevant information and records from Canada, provinces and territories and other relevant institutions such as church entities and record holders.
8. Include consideration of Indigenous children who were buried on sites other than those at and associated with former residential school lands, and of those whose remains cannot be found.
9. Consider how a federal legal framework could support the advancement of the implementation of the Truth and Reconciliation Commission's Calls to Action, contribute to implementation of the Declaration and align with section 35 of the *Constitution Act, 1982*.
10. Consider how a federal legal framework could support pathways for the acknowledgement and methods for the possible return of First Nations, Inuit and Métis lands that were assigned or expropriated to accommodate churches and residential school sites and associated lands.
11. Recognizing that addressing the issue of unmarked graves and burial sites lends itself to a cooperative approach between the federal and

provincial governments and Indigenous peoples, facilitate dialogue with provinces and territories for matters arising within their jurisdiction and with other relevant institutions such as church entities.

In addition, the Special Interlocutor will:

1. Carry out this mandate in a manner that does not interfere with criminal investigations, prosecutions or civil proceedings. While this mandate does not confer powers to compel the production of information or documents, it does not affect the ability of the Special Interlocutor to request, obtain or review documents (including coroner reports) in accordance with access and privacy legislation or any other applicable law.
2. Make any other recommendations relevant to the federal legal framework relating to residential school sites and associated unmarked graves and burial sites arising from engagement with First Nation, Inuit and Métis families and communities.

Reporting

By no later than three months from the date of her appointment, the Special Interlocutor will update the Minister on her plans and progress, and take the opportunity to seek any clarity required in relation to the provisions of their mandate.

At the end of one year from the date of her appointment, and more frequently at the written request of the Minister or at the instigation of the Special Interlocutor, the Special Interlocutor will deliver an interim report concurrently to the Minister and to First Nations, Métis and Inuit communities, Survivors and families, describing her work and progress to date in relation to her mandate.

At the end of two years from the date of her appointment, the Special Interlocutor will deliver a final report concurrently to the Minister and to First Nations, Métis and Inuit communities, Survivors and families.

The final report will:

- include needed measures and make recommendations relating to federal laws, regulations, policies and practices surrounding unmarked graves and burial sites at former residential schools
- take into account the wishes and traditions of the respective communities and families, and will be based upon and include information received through meetings, submissions, visits or otherwise, as well as research and analysis carried out by the Special Interlocutor, and their support team, during the course of their work.

All reports will describe the engagement process, including the identification of elements that could inform future initiatives or a new approach to engagement on issues of common concern to the federal government and First Nations, Inuit and Métis.

All reports will be delivered concurrently to the Minister of Justice and to First Nations, Métis and Inuit Survivors, families, leaders and communities, and to the public, as well as to relevant United Nations Processes and Procedures (for example, Special Rapporteurs).

Additional notes

For greater certainty, it is understood that:

1. the reference to “unmarked graves and burial sites” includes the burial sites of children associated with former residential schools, whether or not those sites are physically marked or documented in any way

2. the Terms of Reference, which include the mandate, may be adjusted from time to time, in writing, upon the agreement of the Minister of Justice and the Special Interlocutor
 3. the Special Interlocutor will perform their functions independently according to their own skill and judgment, without influence from the federal government about the conclusions to be reached, or the recommendations to be made
-

Date modified:

2022-06-08

EXHIBIT I-7

**Special Authorization to Act in Quebec;
Donald E. Worme and Julian N. Falconer**



1553 – APPLICATION FOR A SPECIAL AUTHORIZATION

For a person practising outside Québec (section 42.4 *Professional Code*)

IMPORTANT: For the current year, I present a:

- ☒ First application / date : August 19, 2022 ☐ Third application / date : _____
☐ Second application / date : _____ ☐ More than three applications

PART A ■ APPLICANT'S INFORMATION

1. Personal information

Family name: WORME First name: DONALD
 Complete address: _____

2. Professional contact information

Complete address: 150-103C PACKHAM AVENUE
 Telephone: 306-664-7175 Fax: 306-664-7176
 E-mail: DWORME@SWLLEGAL.CA

3. Bar membership(s)

I am a member of the following bar(s)

Name of the bar: SASKATCHEWAN BAR ASSOCIATION Date of admission: OCTOBER 7, 1986
 Member number: 3138 Status: IN GOOD STANDING

Name of the bar: _____ Date of admission: _____
 Member number: _____ Status: _____

Please attach to this application the original of a certificate of good standing issued by the appropriate officer of the bar of which you are a member, attesting that you are authorized to practise law outside Québec.

4. I am making this application in connection with the following case:

Name and address of the client: OFFICE OF THE SPECIAL INTERLOCUTOR
 Court: SUPERIOR COURT-CIVIL DIVISION Judicial district: MONTREAL Court number: 500-17-120468-221
 Brief description of the case: APPLICATION TO INTERVENE AS A FRIEND OF THE COURT, Kahentimetha et al v. Société Québécoise des Infrastructures et al. is for declaratory relief and an interlocutory
☐ Class action: and permanent injunction

5. I intend to retain the services of a member of the Barreau du Québec to serve as counsel:

YES ☒ NO ☐ Lawyer's name: Paul Marcil Member number: 185537-9

6. I am attaching a certificate from my professional liability insurer guaranteeing that my professional services in connection with the above-mentioned case are insured.

YES ☒ NO ☐

PART B ■ INFORMATION TO THE CLIENT

Knowledge of french and interpreter's costs:

French is the official language of the province of Québec and a party, witness or lawyer may, if he so chooses, express himself in French during judicial proceedings. Furthermore, the right of a party or witness to obtain the assistance of an interpreter, as such right is conferred by section 14 of the *Canadian Charter of Rights and Freedoms*, generally does not extend to the lawyer for that party or witness and does not contemplate legal persons. Therefore, a unilingual English lawyer may have to _____; of an interpreter.

CLIENT'S SIGNATURE REQUIRED: _____  _____

Professional liability insurance:

A Quebec lawyer's coverage for professional liability insurance is \$10,000,000.

A Canadian or foreign lawyer who obtains a special authorization to practise law in Québec in a specific case, pursuant to section 42.4 of the *Professional Code*, must have professional liability insurance which the coverage is not necessary of at least \$10,000,000.

CLIENT'S SIGNATURE REQUIRED: _____  _____

Special authorization:

A Canadian or foreign lawyer who obtains a special authorization to practise law in Québec, pursuant to section 42.4 of the *Professional Code*, is authorized to practise law in connection with a specific case. He must therefore act within the parameters of said authorization.

CLIENT'S SIGNATURE REQUIRED: _____  _____

Jurisdiction of the local bar:

If a dispute arises regarding the professional services rendered by a Canadian or foreign lawyer who has obtained a special authorization to practise law in Québec, pursuant to section 42.4 of the *Professional Code*, all complaints will have to be submitted to the bar of which that lawyer is a member. The Barreau du Québec has no jurisdiction to deal with any complaint arising from the case.

CLIENT'S SIGNATURE REQUIRED: _____  _____

PART C ■ FEES AND MODE OF PAYMENT

The administrative fee for reviewing the first application is \$230. During the current year, the remaining applications are free of charge. Any renewal application is free of charge.

To pay by credit card (Visa or Mastercard), please visit www.barreau.qc.ca/paiement and select form #1553 or attach a cheque or money order to the Barreau du Québec.

PART D ■ CONSENT TO THE COMMUNICATION OF PERSONAL INFORMATION

The Ministry of Justice and the Ministry of Public Security have reinforced the security of some courthouses. Security controls including detection devices have been installed at the entrance of some buildings or secured areas, including Montreal courthouse and the Court of appeal in Montréal.

The Ministry of Justice grants authorizations to access these courthouses to members of the Barreau du Québec or Canadian or foreign lawyers holding a special authorization granted by the Barreau du Québec.

I consent to the communication of personal information collected in this application (sections A1 to A3) by the Barreau du Québec to the Ministry of Justice in order to obtain an authorization to access courthouses.

SIGNATURE OF THE LAWYER: _____  _____

PART E ■ AUTHORIZATION AND DECLARATION

I undertake to practise law in Québec in accordance with this special authorization.

I undertake to abide by all the obligations set out in *An Act respecting the Barreau du Québec*, the *Code of ethics of advocates* and the other regulations of the Barreau du Québec.

I agree to indicate to the Barreau du Québec, **immediately**, any change in the information provided in this application.

Signature

Solemnly affirmed before me at Saskatoon, SK, this 22nd day of AUGUST of the year 2022.

(Commissioner of Oaths)

No. of the Commissioner:

Special authorization to practise duly granted on August 30th, 2022

President of the Barreau du Québec

This authorization is valid only for this case, until a final judgment has been rendered within a period not exceeding 12 months. It can be renewed only by the board of directors.

RETURN BY EMAIL OR BY MAIL

- ☒ this duly completed form
- ☒ a certificate of good standing
- ☒ a professional liability insurance certificate
- ☒ the payment receipt or the \$230 fees payable to the Barreau du Québec by cheque or postal money order

Secretariat of the Barreau du Québec

Maison du Barreau, 445, boulevard Saint-Laurent, Montréal (Québec) CANADA H2Y 3T8

Email: permis@barreau.qc.ca



1553 – APPLICATION FOR A SPECIAL AUTHORIZATION

For a person practising outside Québec (section 42.4 *Professional Code*)

IMPORTANT: For the current year, I present a:

- ☒ First application / date : _____ ☐ Third application / date : _____
- ☐ Second application / date : _____ ☐ More than three applications

PART A ■ APPLICANT'S INFORMATION

1. Personal information

Family name: Falconer First name: Julian

Complete address: 308 Rushton Rd, York ON M6C 2X7 Canada

2. Professional contact information

Complete address: Falconers LLP, 10 Alcorn Avenue, Suite 204 Toronto Ontario M4V 3A9

Téléphone: 416-964-0495 Fax: 416-929-8179

E-mail: julianf@falconers.ca

3. Bar membership(s)

I am a member of the following bar(s)

Name of the bar: Law Society of Upper Canada Date of admission: March 31, 1989

Member number: 29465R Status: 1B - Partner in a Professional Business in Ontario

Name of the bar: _____ Date of admission: _____

Member number: _____ Status: _____

Please attach to this application the original of a certificate of good standing issued by the appropriate officer of the bar of which you are a member, attesting that you are authorized to practise law outside Québec.

4. I am making this application in connection with the following case:

Name and address of the client: Kimberly Murray,

Court: Quebec Superior Court (Civil) Judicial district: District of Montreal Court number: See below

Brief description of the case: No. 500-17-120468-221 Kahentinetha et al v Societe Quebecoise des Infrastructures et al.

Application for Declaratory Relief and Interlocutory/Permanent Injunction

☐ Class action: _____

5. I intend to retain the services of a member of the Barreau du Québec to serve as counsel:

YES ☐ NO ☒ Lawyer's name: Paul Marcil Member number: 185537-9

6. I am attaching a certificate from my professional liability insurer guaranteeing that my professional services in connection with the above-mentioned case are insured.

YES ☒ NO ☐

PART B ■ INFORMATION TO THE CLIENT

Knowledge of french and interpreter's costs:

French is the official language of the province of Québec and a party, witness or lawyer may, if he so chooses, express himself in French during judicial proceedings. Furthermore, the right of a party or witness to obtain the assistance of an interpreter, as such right is conferred by section 14 of the *Canadian Charter of Rights and Freedoms*, generally does not extend to the lawyer for that party or witness and does not contemplate legal persons. Therefore, a unilingual English lawyer may have to bear the costs of an interpreter.

CLIENT'S SIGNATURE REQUIRED: _____  _____

Professional liability insurance:


A Quebec lawyer's coverage for professional liability insurance is \$10,000,000.

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CLIENT'S SIGNATURE REQUIRED: _____  _____

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CLIENT'S SIGNATURE REQUIRED: _____  _____

Jurisdiction of the local bar:

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CLIENT'S SIGNATURE REQUIRED: _____  _____

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I consent to the communication of personal information collected in this application (sections A1 to A3) by the Barreau du Québec to the Ministry of Justice in order to obtain an authorization to access courthouses.

SIGNATURE OF THE LAWYER: _____  _____

PART E ■ AUTHORIZATION AND DECLARATION

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I undertake to abide by all the obligations set out in *An Act respecting the Barreau du Québec*, the *Code of ethics of advocates* and the other regulations of the Barreau du Québec.

I agree to indicate to the Barreau du Québec, **immediately**, any change in the information provided in this application.



Signature

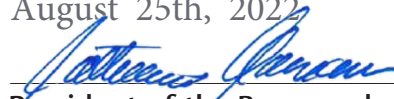
Solemnly affirmed before me at Toronto, this 19 day of August of the year 2022



(Commissioner of Oaths)

No. of the Commissioner: 85215T

Special authorization to practise duly granted on August 25th, 2022



President of the Barreau du Québec

This authorization is valid only for this case, until a final judgment has been rendered within a period not exceeding 12 months. It can be renewed only by the board of directors.

RETURN BY EMAIL OR BY MAIL

- ☒ this duly completed form ☐ a certificate of good standing ☐ a professional liability insurance certificate
☐ the payment receipt or the \$230 fees payable to the Barreau du Québec by cheque or postal money order

Secretariat of the Barreau du Québec

Maison du Barreau, 445, boulevard Saint-Laurent, Montréal (Québec) CANADA H2Y 3T8

Email: permis@barreau.qc.ca

**SUPERIOR COURT
DISTRICT OF MONTREAL**

KAHENTINETHA, et al

Plaintiffs

vs.

**SOCIÉTÉ QUÉBÉCOISE DES
INFRASTRUCTURES, et al**

Defendants

and

**OFFICE OF THE SPECIAL
INTERLOCUTOR**

Third-Party Intervenor

- **LIST OF EXHIBITS**
 - **EXHIBITS I-1 to I-7**
-

Original

SEMAGANIS WORME LEGAL

Barristers & Solicitors
Attorneys for Third-Party Intervener

DONALD E. WORME

Law Society No. 3137
#150 – 103C Packham Avenue
Saskatoon, SK S7N 4K4

dworme@swllegal.ca

Tel: (306) 664-7175

Fax: (306) 664-7176