

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2717	Subject: Intervention in Appeal of 2022 QCCA 185 to the Supreme Court of Canada	Originated by: Dr. Fred Metallic
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	1 ^D 7 ^M 0 5 ^Y 2 2	Province Gepeg

WHEREAS: the Listuguj Mi'gmaq First Nation has inherent rights to self-determination and self-government;

WHEREAS: Canada adopted An Act respecting First Nations, Inuit and Métis children, youth and families, SC 2019, c 24 (the "Act"), which affirms that the inherent right to self-government is recognized by section 35 of the Constitution Act, 1982 and includes jurisdiction and legislative authority in relation to child and family services;

WHEREAS: Québec challenged the Act, arguing that section 35 of the Constitution Act, 1982 does not recognize an Aboriginal right to self-government and that, even if it does, only the courts, not Parliament, have the authority to recognize section 35 rights;

WHEREAS: the Court of Appeal of Québec determined that the right to self-government is protected by section 35 of the Constitution Act, 1982, and that both the federal and provincial governments have a duty to work with Indigenous peoples to delineate their section 35 rights to protect them from infringement;

WHEREAS: the case is being appealed to the Supreme Court of Canada (the "SCC");

WHEREAS: the Listuguj Mi'gmaq First Nation has an interest in ensuring that the SCC affirms that the right to self-government is protected by section 35 of the Constitution Act, 1982, that Canada has the authority to recognize section 35 rights in legislation and agreements, and that the duty to delineate section 35 rights applies to both aboriginal rights and historic treaties;

Moved: Alexander Morrison

Seconded: Sky Metallic

Abstain: -

Opposed: -

Status: Passed Defeated Tabled

Quorum 7

Councillor Ali Barnaby

Councillor Annette Barnaby

Councillor Brian Jr. Caplin

Councillor Chad Gedeon

Chief Darcy Gray

Councillor Gordon Jr. Isaac

Councillor Dr. Cathy Martin

Councillor George Martin

Councillor Sky Metallic

Councillor Wendell Metallic

Councillor Kevin Methot

Councillor Alexander Morrison

Councillor Sheila Swaseon

Mi'gmaq Nation

Listuguj Mi'gmaq Government

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NOW THEREFORE THE LISTUGUJ MI'GMAQ GOVERNMENT MAKES THE FOLLOWING ORDER-IN-COUNCIL:

- 1) The Listuguj Mi'gmaq Government will seek leave to intervene in the appeal of Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis, 2022 QCCA 185; and
- 2) The Listuguj Mi'gmaq Government will retain Pape Salter Teillet LLP to represent it in all matters related to its application for leave to intervene and intervention in Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis, 2022 QCCA 185.