

FOR IMMEDIATE RELEASE

NUNATUKAVUT COMMUNITY COUNCIL APPLIES TO INTERVENE IN SUPREME COURT CASE ON INDIGENOUS CHILD WELFARE LAW

HAPPY VALLEY-GOOSE BAY, LABRADOR, September 13, 2022 – The NunatuKavut Community Council (NCC) today announced that it filed a motion seeking approval to intervene in the appeal of Bill C-92, *An Act Respecting First Nations, Inuit and Metis Children, Youth, and Families (the “Act”)*. This federal Act recognizes the inherent jurisdiction of Indigenous communities over child and family welfare law.

In February of 2022, the Quebec Court of Appeal (QCCA) found that the Act is constitutional as a valid exercise of federal jurisdiction, except for sections 21 and 22(3) that give Indigenous laws the force of federal law and make them paramount over Provincial laws. The QCCA held that these provisions are unconstitutional, as they exceed the scope of federal power. Both Quebec and the Government of Canada have appealed aspects of the decision. The Appeal is scheduled to be heard by the Supreme Court of Canada this coming December.

NCC is seeking approval to intervene in the Appeal to make submissions on the constitutional validity of the Act, and sections 21 and 22(3) in particular. The Appeal could have significant impact on the delivery of child and family services in Indigenous communities, the recognition and implementation of Indigenous self-government, and Canadian constitutional law relating to Indigenous Peoples. This is of particular interest for Indigenous groups like NCC which are not subject to the Indian Act and which have pre-Confederation Treaty rights rather than, as of yet, a modern land claim agreement.

The ability for NCC to exercise its right to self-govern in relation to child and family services would be stifled if *An Act respecting First Nations, Inuit and Metis children, youth and families* is found unconstitutional, in whole or in part. Ensuring that NCC’s perspective is added to the Supreme Court of Canada’s consideration of the Act is vital in helping protect the health, security and wellbeing of NunatuKavut Inuit children, youth and families.

Quick Facts

- NCC is the representative governing body for approximately 6,000 Inuit who reside primarily in south and central Labrador.
- NunatuKavut means “Our Ancient Land” in Inuttitut and is the traditional territory of the Inuit who belong to this territory.
- In July 2018, NCC entered into talks with the Government of Canada on the Recognition of its Indigenous Rights and Self-Determination (RIRSD). In September 2019, a Memorandum of Understanding (MOU) was signed.
- *An Act respecting First Nations, Inuit and Métis children, youth and families*—formerly known as Bill C-92, now “the Act” for short—received Royal Assent on June 21, 2019. The Act came into effect on January 1, 2020 and sets very important national standards for Indigenous child and family welfare.
- The Act affirms that Indigenous communities have an inherent right to self-government, including jurisdiction over child and family services, and, in doing so, are subject to the Canadian Charter of Rights and Freedoms.

- The Quebec Court of Appeal considered the constitutionality of the Act, and issued a decision on February 10, 2022, finding that the Act was constitutionally valid, except for sections 21 and 22(3).
- The Supreme Court of Canada granted permission to appeal the Quebec Court of Appeal's decision to Canada, and the Province of Quebec, on April 20, 2022.
- The case is scheduled to be heard by the Supreme Court of Canada later this year.

Quotes

"The Act Respecting First Nations, Inuit and Metis Children, Youth, and Families essentially recognizes our right to self-government. It ensures we are involved in the decisions that impact the welfare of NunatuKavut Inuit children, youth and families. Being granted intervenor status would make sure NCC and the voices of our people are heard and considered in these important legal decisions. Upholding this Act is critical to safety and well-being of our children, youth and families and our journey to self-determination."

-- Todd Russell, President of NCC

Associated Links

- Further information on NCC can be found at www.nunatukavut.ca. Please also join in the conversation at [Facebook.com/nunatukavut](https://www.facebook.com/nunatukavut), [Twitter @nunatukavut](https://twitter.com/nunatukavut) and YouTube by searching NunatuKavut.

Media Contact

Kelly Broomfield

Director of Communications

T. 709-280-5965

E. communications@nunatukavut.ca