

**CANADA**

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

**SUPERIOR COURT**  
(Class Action)

---

NO.: 500-06-001177-225

**LUCY TOOKALOOK**, domiciled and residing at PO Box 143, Uncle Charlie Apt. 1036, Umiujaq, J0M 1Y0, in the district of Abitibi, Province of Québec

-and-

**TANYA JONES**, domiciled and residing at 435 Rue Bédard, LaSalle, H8R 3A8, in the district of Montreal, Province of Québec

Petitioners

v.

**ATTORNEY GENERAL OF QUEBEC**, *ès qualité* representative of Minister of Justice and the Minister of Health and Social Services, having an office at 1 Notre-Dame Street East, suite 8.00, in the City and District of Montréal, Province of Québec, H2Y 1B6

-and-

**ATTORNEY GENERAL OF CANADA**, *ès qualité* representative of Her Majesty the Queen, having an office at 200 René-Lévesque Boulevard West, East Tower, 9th floor, Montréal, Québec H2Z 1X4

Respondents

---

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO  
OBTAIN THE STATUS OF REPRESENTATIVE  
(Articles 574 et seq. C.C.P.)**

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN  
AND FOR THE DISTRICT OF MONTRÉAL, THE PETITIONERS RESPECTFULLY  
SUBMIT THE FOLLOWING:**

## 1. General Overview

- 1.1. This proposed Class Action addresses the long-standing discriminatory treatment of Inuit children, youth, and families living in Nunavik—a vast region in northern Quebec—by two levels of government with shared responsibility for their wellbeing;
- 1.2. This discriminatory treatment is rooted in the apathy and racism that the Respondents have historically exhibited towards the Inuit in Nunavik;
- 1.3. The Inuit in Nunavik have lived for decades neglected by the federal and Quebec governments. These Indigenous people have been forced off their traditional land and had their traditional ways of life disrupted by governments that coveted their natural resources but treated them as second or third-class citizens. A succession of government policies has forced these Inuit to endure continuous crisis: land grabs, neglect, disease, starvation, Indian Residential Schools and Federal Day Schools, amongst others;
- 1.4. In 1975, the Respondents entered into the James Bay and Northern Quebec Agreement with the Inuit. Since then, Quebec and Canada have shared the responsibility of providing health and social services to the Inuit in Nunavik;
- 1.5. In breach of their duties under the law and the Agreement, both Respondents have failed in providing basic child welfare and other essential health and social services;
- 1.6. The discrimination alleged in this proposed Class Action took two forms;
- 1.7. **First**, through systemic underfunding, neglect, and avoidance of their constitutional and legal duties to the Inuit, the Respondents failed generations of Inuit children and youth who came into contact with the child welfare system (the Child Welfare Class, defined below) by:
  - 1.7.1 Withholding funding for basic child welfare prevention services available to non-Indigenous Québécois and Canadian children. Adequate funding for such basic services is essential to ensure that the best interests of the children are paramount and that the supports needed to care for children at home are available;
  - 1.7.2 Failing to adjust funding of child-welfare services to account for the unique circumstances of the Inuit in Nunavik, including their inter-generational trauma, historical disadvantages, and remoteness. These factors required significant additional funding as compared to non-Indigenous largely urban child welfare services in order to

provide Inuit children in Nunavik a semblance of true – or **substantive** equality—with children who did not face these extreme conditions and challenges. The obligation to provide substantive equality is inherent in the governments' constitutional obligations and the James Bay and Northern Quebec Agreement, but has been continuously and systematically disregarded by the Respondents;

- 1.7.3 Failing to provide adequate protection services to protect Inuit children experiencing abuse. Instead, both levels of governments turned a blind eye to the horrific abuse suffered by Inuit children in the child welfare system in Nunavik rather than increase funding to provide proper and urgently needed child and youth protection services; and
- 1.7.4 Scooping Inuit children from their families and communities as a first resort, often at birth, leading to the gross overrepresentation of Inuit children from Nunavik in the child welfare system;
- 1.8. **Second**, the Respondents deprived Inuit children who required essential health, social and other services (the Essential Services Class, defined below) of services that were substantively equal to those available to non-Indigenous children in Quebec and Canada. The Respondents have been repeatedly admonished by parliamentary and other public institutions that Inuit children needing essential services face service gaps, delays and denials due to the gross underfunding of essential services in Nunavik. Instead of addressing these chronic failures, the Respondents evaded responsibility, and each pointed to the other as the one with the obligation and jurisdiction to provide the service needed by the Inuit child in need;
- 1.9. The discriminatory conduct alleged in this proposed Class Action is not the fault of individual child welfare workers in Nunavik, many of whom did the best they could. Rather, it is result of the Respondents' funding policies, which constantly deprived child welfare service providers of the resources needed to provide the necessary prevention and protection services. This systemic underfunding was an extension of the historic policy of apathy and racism towards the Inuit in Nunavik. Although underfunding and neglect were, on the surface, less overtly racist than the policies of the past, they were no less discriminatory and destructive in their result;
- 1.10. The Petitioners, Lucy Tookalook and Tanya Jones, have both suffered the consequences of this discriminatory underfunding and neglect. Both were removed from their families and placed in foster care in the broken child welfare system in Nunavik. Both suffered the trauma of horrendous physical and sexual abuse as young children in the child welfare system. Neither received mental wellbeing support, or any other support for that matter, to cope with the trauma of being torn from their families, and abused.

Abandoned by a broken, underfunded and discriminatory system, both petitioners resorted to alcohol and drug addiction from as early as nine years old to cope with their trauma;

1.11. The Petitioners seek justice for the Inuit children and parents who have suffered, and continue to suffer, as they did. The petitioners also seek to end the discrimination and to prevent yet another generation of Inuit children becoming lost in the cycle of inter-generational crisis created by decades of discriminatory underfunding and neglect at the hands of the governments of Canada and Quebec;

2. **The Petitioners wish to institute a class action on behalf of the classes of persons hereinafter described, namely:**

A. All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under The James Bay and Northern Québec Agreement (“**JBNQA**”) or registered with an Inuit land claim organization who between November 11, 1975 and the date of authorization of this action:

- (a) were under the age of 18; and
- (b) were reported to, or otherwise brought to the attention of, the Directors of Youth Protection in Nunavik (*recevoir le signalement*), including, but not limited to, all persons taken in charge, apprehended and placed in care, whether through a voluntary agreement, by court order or otherwise

(the “**Child Welfare Class**”);

B. All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under the JBNQA or registered with an Inuit land claim organization who between November 11, 1975 and the date of authorization of this action:

- (a) were under the age of 18; and
- (b) needed an essential service but did not receive such service or whose receipt of the service was delayed by either respondent or their departments or agents, on grounds including, but not limited to, lack of jurisdiction or a gap in services

(the “**Essential Services Class**”)

C. The mother, father, or the caregiving grandmother or grandfather of a person who meets the definition in A and/or B, above:

(the “**Family Class**”).

### 3. **The Parties**

- 3.1. Petitioner Lucy Tookalook is an Inuit resident of Nunavik. She was removed from her mother at birth due to the Respondents' failure to adequately fund and provide child and family services in Nunavik;
- 3.2. Petitioner Tanya Jones is also Inuit and was removed from her mother when she was three years old and placed into foster care. Her removal was also due to the Respondents' failure referred to above;
- 3.3. The Respondent Attorney General of Canada is the legal representative of Her Majesty the Queen (the "**Federal Crown**"), and is liable and vicariously liable for the conduct described herein. Federal legislative authority over the Inuit is established by s. 91(24) of the *Constitution Act, 1867*;
- 3.4. The Respondent, the Attorney General of Québec, represents Her Majesty the Queen ("**Québec**" or the "**Provincial Crown**"), the Ministry of Justice of Québec as well as the Ministry of Health and Social Services. These ministries are responsible for enforcing the *Youth Protection Act*, c. P-34.1, the *Act Respecting Health Services and Social Services*, S-4.2, and the *Youth Criminal Justice Act*, S.C. 2002, c. 1;

### 4. **The Petitioners' personal claims against the Respondents are based on the following facts:**

#### **A. CONTEXT**

##### **I. Nunavik and the Legacy of Family Separations**

- 4.1. In 2014, several Nunavik regional organizations jointly published a report titled "Parnasimautik Consultation Report on the Consultation with Nunavik Inuit in 2013" (the "**Parnasimautik Report**"), a copy of which is attached herewith as **Exhibit R-1**;
- 4.2. The Parnasimautik Report is the result of the most extensive consultation ever conducted with Nunavik communities. The 213-page report recalls the following in its Introduction (pp. 3 to 5):
  - 4.2.1 Nunavik is the northern region of Québec. It is bounded to the south by the 55th parallel and to the east by Labrador. Nunavik is the homeland of the Inuit in Québec;
  - 4.2.2 Upon the arrival of Europeans in Nunavik, the Inuit contracted infectious diseases that ravaged their camps and families. With the introduction of the fur trade, the Inuit became dependent on trade goods that drew them into a debt and credit relationship with the

trading posts based on their ability to produce furs. Missionaries challenged Inuit spiritual beliefs and social norms;

- 4.2.3 During the decades that followed, land grabs captured the entirety of Nunavik. During these land grabs, both the Federal Crown and Québec ignored their obligations to the Inuit people living in Nunavik and failed to address their most basic needs. The Inuit were entirely neglected by these governments in the face of disease and starvation;
  - 4.2.4 In the 1950s, the Federal Crown established a policy of enticing the Inuit off the land and settling them into small communities that were more easily governed. As a result, almost all of the approximately 13,188 inhabitants of the region now live in fourteen villages on the coast of Nunavik on Hudson Bay, Hudson Strait, and Ungava Bay;
  - 4.2.5 The family (or *ilagiinniq*) is an essential part of the Inuit culture. Over the decades, Inuit families have suffered significant trauma and disruption at the hands of the Federal Crown and Québec;
  - 4.2.6 As the Truth and Reconciliation Commission found, from the 1950s to the 1970s, Inuit children from Nunavik were sent to Indian Residential Schools as far away as Yellowknife, Northwest Territories and Manitoba, and to Federal Day Schools in several Nunavik communities;
  - 4.2.7 Families were torn apart and many left dependent and helpless without their primary providers or caregivers. Many individuals contracted tuberculosis and were sent south for long periods, some never to return;
  - 4.2.8 Starting in the 1960s, pregnant Inuit women were sent away from their homes and communities to give birth at hospitals thousands of miles away. These mothers had to stay away, sometimes for months, before scarce air travel allowed them to return home. Left without childcare, Inuit fathers would be prevented from leaving home to harvest food, adding further stress to the Inuit family unit;
- 4.3. The legacy of the past endures to this day, making the Inuit in Nunavik one of the most marginalized and neglected communities in Canada. For example, Statistics Canada's 2011 National Household Survey and the 2012 Aboriginal Peoples Survey in Nunavik, respectively attached herewith as **Exhibits R-2 and R-3**, found the following:
- 4.3.1 Only 58% of Inuit children aged 14 and younger lived in a family with both their parents in 2011 (compared to 85% of non-Aboriginal children);

- 4.3.2 30% of Inuit children lived in a lone-parent family (while their non-Aboriginal peers were at 12%);
- 4.3.3 49% of Inuit in Nunavik lived in crowded homes (while the comparable figure for the non-Aboriginal population was 7%); and
- 4.3.4 Over a third of Inuit (39%) lived in homes in need of major repairs;

## **II. The JBNQA**

- 4.4. In the early 1970s, Québec initiated a major hydroelectric project in Nunavik without consultation with the Indigenous population. Litigation to halt the project ensued, which was settled through the JBNQA;
- 4.5. In 1975, the Federal Government, the Northern Québec Inuit Association, the Government of Québec, and three Québec Crown corporations entered into the JBNQA, a copy of which is attached herewith as **Exhibit R-4**;
- 4.6. Since 1978 and pursuant to the JBNQA, the Makivik Corporation ("**Makivik**") has been the corporation that administers funds of the Inuit in Nunavik and is the successor to the Northern Québec Inuit Association as a signatory of JBNQA. Makivik is incorporated pursuant to the *Act Respecting the Makivik Corporation*, CQLR c. S-18.1;
- 4.7. In a speech presenting the JBNQA to the Québec National Assembly, John Ciaccia, representative of then Québec Premier Robert Bourassa, represented the purpose and structure of the JBNQA as follows, the whole as appears from the section entitled Philosophy of the Agreement at pages 2-12 of the JBNQA (**Exhibit R-4**):

These [Inuit and other Indigenous] people are inhabitants of the territory of Québec. It is normal and natural for Québec to assume its responsibilities for them, as it does for the rest of the population. And that is what the Québec Government will be in a position to do as a result of this Agreement [JBNQA]. It will be the guarantor of the rights, the legal status and the well-being of the native peoples of its northern territory.

...

The inhabitants of Québec's North, like everybody else, have to have schools. They have to be able to depend on health services. They have to have the security of justice and a system of law enforcement. This Agreement responds to these needs, and provides the structures through which they can be met. There will be local school boards, health and social services boards, police units, fire brigades, municipal courts, public utilities, roads, and sanitation services. And all of these agencies will answer to the appropriate ministry of the Québec

Government. The proper jurisdiction of all ministries, such as, for example, the Ministry of Education, will remain intact. The services will all be provided through structures put in place by the Government of Québec.

- 4.8. The JBNQA has been recognized as a modern treaty. However, unlike most other modern treaties, the JBNQA was an out-of-court settlement reached with the Inuit under extreme pressure. Québec had resumed work on the hydroelectric project as JBNQA negotiations continued. While the Inuit in Nunavik were negotiating, their lands were being destroyed;
- 4.9. The Federal Crown and Québec required that the Inuit surrender their aboriginal title to land in exchange for essential services available to any Canadian citizen, while at the same time confirming the rights of Québec and Hydro-Québec to develop Nunavik's resources, the whole as appears from the *James Bay and Northern Quebec Native Claims Settlement Act*, a copy of which is attached herewith as **Exhibit R-5**;
- 4.10. The JBNQA did not include an implementation or funding plan for the Respondents' obligations to provide basic services to the Inuit. The Respondents instead adopted a policy of avoiding their legal and constitutional obligations, and a policy of dire neglect toward the Inuit;
- 4.11. In 1981, the Federal Crown and Québec signed the *Northern Québec Transfer Agreement* through which the Federal Crown transferred its responsibilities for housing and the delivery of basic services in Nunavik to Québec. The two governments never consulted Makivik, or the Kativik Regional Government. The Inuit in Nunavik strongly objected to the Respondents' course of conduct, their objections being memorialized in the *James Bay and Northern Quebec Agreement Implementation Review* (February 1982) of the Federal Crown's Department of Indian and Northern Affairs, a copy of which is attached herewith as **Exhibit R-6**. (The text of the *Northern Québec Transfer Agreement* was not immediately accessible at the time of the filing of this application but a description of same can be found in **Exhibit R-6**.);

### **III. Child and Family, and Other Essential Services in Nunavik**

- 4.12. Section 15 of the JBNQA is titled "Health and Social Services (Inuit)". It creates for the Inuit in Nunavik a legal regime similar to the "laws of general application" provision in the *Indian Act*, R.S.C., 1985, c. I-5, regarding First Nations:
  - 15.0.1 The Kativik Health and Social Services Council and the establishments shall be governed, mutatis mutandis, by the provisions of the *Act respecting Health Services and Social Services* (1971, c.48) and all other laws of general application in the province, save where



these laws are inconsistent with this Section, in which event the provisions of this Section shall prevail.

- 4.13. The *Youth Protection Act*, particularized below, has now replaced the *Act Respecting Health Services and Social Services* (1971, c.48) in child protection services;
- 4.14. Subsections 15.0.19 through 15.0.21 of the JBNQA govern the funding and budget for health and social services, requiring specifically:
- 15.0.21 In implementing the Agreement, Québec should recognize and allow to the maximum extent possible for the unique difficulties of operating facilities and services in the North:
- a) in recruiting and retaining staff, generally; working conditions and benefits should be sufficiently attractive to encourage competent personnel from outside Region 1 OA to accept posts for periods of time ranging from three (3) to five (5) years.
- b) in providing employment and advancement opportunities for Native people in the fields of health and social services, and in providing special educational programs to overcome barriers to such employment and advancement.
- c) in budgeting for the development and operating of health and social services and facilities so as to compensate for the disproportionate impact of northern costs, including transportation, construction and fuel costs.
- 4.15. These subsections of the JBNQA reaffirmed the substantive equality rights of the Inuit children and families in Nunavik that are also recognized and protected under Québec's *Charter of Human Rights and Freedoms* ("**Québec Charter**") and the *Canadian Charter of Rights and Freedoms* ("**Canadian Charter**"), and the *Canadian Bill of Rights* ("**Bill of Rights**");
- 4.16. Since 1975, the parties have signed several complementary agreements dealing with a variety of issues such as Indigenous governance and housing;
- 4.17. Pursuant to its historical, legal and constitutional responsibilities, the Federal Crown has been a major player in Nunavik at all times. It subsidizes many services that are now provided by local governments and Québec;
- 4.18. In 1990, Makivik and the Federal Crown signed a supplementary agreement relating to JBNQA ("**1990 Makivik Agreement**"), a copy of which is attached herewith as **Exhibit R-7**. Under the 1990 Makivik Agreement, the Federal Crown expressly acknowledged its existing obligations and reiterated its obligations to provide substantively equal social services to the Inuit of Québec:

4.1.1. Federal programs and services shall be deemed to apply to the Inuit of Québec unless the subject matter of such programs and services has been the object of special provisions and benefits under the JBNQA (James Bay and Northern Québec Agreement) *under which the Inuit of Québec have access to equivalent benefit in the place and stead of such programs and services;*

4.1.2. Federal programs and services shall be deemed to apply to the Inuit of Québec unless responsibility for the delivery of such programs and services has been wholly assumed by Québec pursuant to the provisions of the JBNQA (James Bay and Northern Québec Agreement), *without reduction to such programs and services;*

...

### **11. Health and Social Programs**

The Inuit of Québec shall have access to applicable federal health and social programs *where there are no equivalent programs offered by Québec*, without prejudice to any rights Canada may have to claim a contribution from Québec for such federal programs. [emphasis added]

### **IV. Youth Protection Services in Nunavik**

- 4.19. The Directors of Youth Protection (“DYP”) under the Québec Ministry of Health and Social Services (*Ministère de la santé et des services sociaux*) are responsible for child protection in Québec, which is now legislated under the *Youth Protection Act* and *An Act Respecting Health and Social Services*;
- 4.20. Pursuant to the sections 2.3, 4 and 5 of the *Youth Protection Act*, any intervention in respect of a child and the child’s parents in Québec must be designed to put an end to and prevent the recurrence of a situation in which the security or development of a child is in danger. If the circumstances are appropriate, interventions must focus on allowing the child and the child’s parents to take an active part in decisions and choosing measures that concern them. Every decision made regarding a child must aim at keeping the child in the family environment. If the child cannot stay within the family environment, every effort must be made to place the child with extended family or closest to a family environment. In addition, the involvement of parents must always be encouraged with a view to helping them exercise their parental responsibilities. Parents are entitled to full information regarding the proposed intervention strategy and must be given an opportunity to be heard:

2.3. Any intervention in respect of a child and the child’s parents under this Act

(a) must be designed to put an end to and prevent the recurrence of a situation in which the security or the development of the child is in danger; and

(b) must, if the circumstances are appropriate, favour the means that allow the child and the child's parents to take an active part in making decisions and choosing measures that concern them.

Every person, body or institution having responsibilities under this Act towards a child and the child's parents must encourage the participation of the child and the parents, and the involvement of the community.

The parents must, whenever possible, take an active part in the application of the measures designed to put an end to and prevent the recurrence of the situation in which the security or development of their child is in danger.

[...]

4. Every decision made under this Act must aim at keeping the child in the family environment.

If, in the interest of the child, it is not possible to keep the child in the family environment, the decision must aim at ensuring that the child benefits, insofar as possible with the persons most important to the child, in particular the grandparents or other members of the extended family, from continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age and as nearly similar to those of a normal family environment as possible. Moreover, the parents' involvement must always be fostered, with a view to encouraging and helping them to exercise their parental responsibilities.

If, in the interest of the child, returning the child to the family is impossible, the decision must aim at ensuring continuity of care, stable relationships and stable living conditions corresponding to the child's needs and age on a permanent basis.

[...]

5. Persons having responsibilities regarding a child under this Act must inform him and his parents as fully as possible of their rights under this Act and in particular, of the right to consult an advocate and of the rights of appeal provided for in this Act.

In the case of an intervention under this Act, a child as well as his parents must obtain a description of the means and stages of

protection and rehabilitation envisaged towards ending the intervention.

- 4.21. In addition, pursuant to sections 3 and 4 (4), in the case of an Indigenous child, the preservation of the child's cultural identity must be taken into account. If an Indigenous child is unable to stay within his or her family environment, attempts must be made for the child to be placed in a living environment capable of preserving his or her cultural identity, by giving preference to a member of the extended family or the community;

3. Decisions made under this Act must be in the interest of the child and respect his rights.

In addition to the moral, intellectual, emotional and material needs of the child, his age, health, personality and family environment and the other aspects of his situation must be taken into account. In the case of a Native child, the preservation of the child's cultural identity must also be taken into account.

[...]

4. [...] A decision made under the second or third paragraph regarding a Native child must aim at entrusting the child to an alternative living environment capable of preserving his cultural identity, by giving preference to a member of his extended family or his community or nation.

- 4.22. In Nunavik, these services are managed pursuant to the JBNQA;

**V. Systemic underfunding and under-provision of child and family, and other essential services in Nunavik**

- 4.23. Many Nunavik families and youth have been in a state of crisis resulting from the provincial youth protection system. The provincial legislative regime has long proven inadequate to secure the well-being and cultural continuity of Inuit children, youth and families. Instead of taking action to resolve the crisis, the Respondents have subjected the Inuit in Nunavik to neglect, underfunding and under-provision of child welfare, and other essential services;
- 4.24. Inuit children and families in Nunavik experience this policy of neglect, gross underfunding and deprivation at the hands of the Federal Crown, and as of 1975, both Québec and the Federal Crown;
- 4.25. As a result of the Respondents' conduct, throughout the class period:
- 4.25.1 Inuit children in Nunavik have been deprived of adequate child welfare prevention and protection services aimed at protecting them against abuse and neglect. They have also been removed from their homes

in disproportionate numbers. While in care, these children have been moved through sometimes dozens of placements in and outside their community, where they had no sense of stability and found themselves vulnerable to horrendous abuse;

- 4.25.2 Inuit children in Nunavik have been denied the essential services that they needed, or received them after delays. These Inuit children also needed but did not receive essential services including, but not limited to, services relating to allied health, education, infrastructure, medical equipment and supplies, medical transportation, medications, mental wellness, oral health, respite care, and vision care;
- 4.25.3 Inuit families in Nunavik have suffered the loss and witnessed the pain and suffering of their children without receiving the most basic child and family services and essential supports to assist them in caring for their children at home or to meet the needs of their children for essential services;

## **VI. Child and Family Services**

- 4.26. Throughout the class period, the Respondents, through lack of funding, have neglected Inuit children and families in Nunavik in need of child and family services;
- 4.27. The child and family program in Nunavik demonstrated major deficiencies at each stage in the application of the *Youth Protection Act*. The Respondents created a system that failed to ensure that Inuit children and families received substantively equal services. The Respondents also failed to ensure that Inuit children received services superficially equal to other children and families in Québec, even though superficially equal services would have also been grossly inadequate given the class members' historic disadvantages, inter-generational trauma, and geographic remoteness and isolation;
- 4.28. The DYP in charge of child and family services in Nunavik lacked resources and support to such an extent that a general lack of knowledge of *Youth Protection Act* provisions has prevailed. Limited or no trained staff existed; no intervention plans or follow-ups were provided for children whose security or development were determined to be in danger; many prevention programs and specialized resources, including social services offered in schools, were unavailable;
- 4.29. In 2002, Québec's *Commission des droits de la personne et des droits de la jeunesse* ("**Commission**") received complaints about Inuit children not receiving adequate social services in Nunavik. The Commission launched an investigation, authorizing a systemic investigation into the youth protection services provided to children in Nunavik and examining 139 files—amounting to approximately 25% of all files at the time;

- 4.30. The Commission issued a scathing report in 2007, attached herewith as **Exhibit R-8**, making findings of gross neglect and underfunding;
- 4.31. In its report, the Commission states the following:
- 4.31.1 Children faced living conditions of economic and social hardship, housing problems, poor organization of health and social services and the precarious situation of the safety net available to them, which was practically non-existent;
  - 4.31.2 There were not enough staff to ensure the adequate, ongoing and personalized delivery of services, which meant that the organizations had to operate in a continual state of crisis;
  - 4.31.3 Not only were prevention services lacking, even protection services were not provided in a meaningful way;
  - 4.31.4 The Nunavik health centers did not have funds available to provide prevention services;
  - 4.31.5 The most common ground for reporting a child to Youth Protection Services was neglect (as opposed to physical or sexual abuse), as repeatedly confirmed by judges of the Court of Québec; the neglect originates from lack of prevention and support services;
  - 4.31.6 Often no urgent protection measures were taken even though the reported facts showed that the child was in imminent danger;
  - 4.31.7 Serious deficiencies affected the way in which the situation of children whose security or development was considered to be in danger was taken into care. In several situations examined, the child who was taken into care continued to suffer abuse or neglect, whether in the child's natural or foster family;
  - 4.31.8 In cases of imminent harm to a child, proper investigation was lacking. For instance, in situations of physical or sexual abuse, the evaluation involved only having the child undergo a medical examination. The lack of marks or physical traces of abuse led to a decision that the child was not in danger;
  - 4.31.9 In many cases where an investigation was carried out and danger to the child identified, nothing or only voluntary measures were undertaken;
  - 4.31.10 In cases where the Youth Division of the Court of Québec declared that the child's security or development was in danger, not much if anything was done to protect the child. (Despite the fact that the overall situation of the children was seldom presented to the Court,

which was generally only informed of the child's behavioural difficulties, in 17% of the files examined the Court made a finding of danger.);

- 4.31.11 Despite the legal requirement that the DYP review the cases of all children whose situation was taken in charge, the DYP rarely did so. Some 10% of the files were reviewed and contained a written report;
- 4.31.12 Most of the files were closed when the voluntary or court-ordered measures expired, even if the initial situation that placed the child in danger persisted;
- 4.31.13 Cases that were investigated, were evaluated in a very summary manner ridden with flaws, omitting some of the elements required to understand the child's overall situation and offer appropriate social services where necessary. None of the evaluations involved the use of evaluation tools recognized by the Association des centres de jeunesse du Québec;
- 4.31.14 All voluntary agreements included apprehension of the child. In many cases this was the only measure implemented to help the child and the family;
- 4.31.15 Most voluntary agreements included no prevention measures;
- 4.31.16 Major deficiencies existed in the evaluation, follow-up and the training of foster families. In general, there were no guidelines. There were no assessment grids or model contracts. Intervention and service plans and general support for foster families were, in practice, non-existent;
- 4.31.17 Some foster parents were related to the child's parents, received threats, or were retained to be foster families because they did not want to fall out of favour with their family; others did not have the basic skills needed to foster a child, or were themselves dealing with problems of conjugal violence or alcohol abuse;
- 4.31.18 Some families acted as foster families even though their own children were considered to be compromised;
- 4.31.19 Children had to be placed outside their home village because foster families were not available;

4.32. The Commission concluded as follows:

As a result of its investigation, the Commission declares that the rights of the Inuit children and young people of Nunavik, as recognized in the *Youth Protection Act* and the *Youth Criminal Justice Act*, have been infringed.

In addition, the Commission declares that the fundamental rights of the children and young people, as recognized in sections 1, 4 and 39 of *Québec's Charter of human rights and freedoms*, have been infringed, in particular the right to personal inviolability, to the safeguard of their dignity, and to the protection, security and attention that their parents or the persons acting in their stead are capable of providing.

- 4.33. The Respondents did not correct the situation. Québec did not stop the harm to the class by providing the necessary supports and resources. The Federal Crown did not offer supplemental support to the class in compliance with its constitutional and other legal obligations to the Inuit children and families in Nunavik, including under the 1990 Makivik Agreement, nor did it compel Québec to do so under the JBNQA;
- 4.34. In 2010, the Commission published a follow-up report on the implementation of its 2007 recommendations, attached herewith as **Exhibit R-9**. In its 2010 report, the Commission concluded that, although regional agencies had made significant efforts, the situation remained precarious and conveyed a sense of urgency;
- 4.35. The Respondents continued their policy of neglect and avoidance;
- 4.36. The Parnasimautik Report (**Exhibit R-1**) released in 2014 referenced above made findings similar to the Commission's:
  - 4.36.1 There were alarming rates of children in the child welfare system;
  - 4.36.2 Cycles of trauma, such as the imposition of Christianity, residential schools and day schools, the Western legal and education systems as well as social and youth protection services undermined the ability of many Inuit to transmit their Inuit life model and identity for the proper education, protection and support of their children;
  - 4.36.3 Mental health problems, such as post-traumatic stress and depression, addiction and incarceration prevented some parents from caring for their children in the absence of prevention services and supports for parents, families and youth in difficulty;
  - 4.36.4 Direct support services were unavailable to Inuit children identified as at risk and their parents; and
  - 4.36.5 Inuit workers were not being recruited or trained on a priority basis;
- 4.37. The Parnasimautik Report also made a number of recommendations regarding a number of social issues in Nunavik, including the urgent need for well-trained front-line workers and prevention services in youth protection;



- 4.38. In 2014, the Commission was informed of more cases involving children in Ungava Bay, and alerted the Québec Minister of Justice and the Minister of Health and Social Services regarding the protection of children in Nunavik. The Commission asked them to take urgent action in response to these persistent and recurrent situations of children in danger (**Exhibit R-10**);
- 4.39. In 2018, the Commission expressed once more the recurrence of the same problems and findings in its investigations. The Commission “presented the findings of an investigation report to its Investigation Committee members, which clearly demonstrate that the findings leading to the action plan in Nunavik are still very current” (**Exhibit R-10**);
- 4.40. In 2019, the Commission sent a letter to the Québec Minister of Health and Social Services and the Minister Delegate for Health and Social Services regarding the child and youth protection services in Nunavik. The Commission stated: “The various problems identified regarding the application of the Youth Protection Act to Nunavik children and youth and their families persist”, the whole as appears from a copy of the letter, communicated herewith as **Exhibit R-10**;
- 4.41. In 2019, the “Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress” (the “**2019 Public Inquiry**”) issued its final report after a two-year inquiry (the “**Viens Report**”), a copy of which is attached herewith as **Exhibit R-11**;
- 4.42. As stated in the Viens Report, the 2019 Public Inquiry found that:
- Not only are parents and children separated very quickly, but placing them in non-Indigenous foster homes makes it hard to preserve children’s culture and maternal language, as many of the testimonies demonstrate;
- 4.43. For some witnesses, the current approach to child placement is just part of a continuum of disappearances, like the residential school system and the illegal adoptions known as the Sixties Scoop, it contributes to the erasure and weakening of the Indigenous communities’ social fabric. In the Viens Report, the 2019 Public Inquiry also reaffirmed the Commission’s concerns regarding the child and family system for Inuit children in Nunavik, including lack of training for youth protection workers, lack of communication, concerns regarding mainstream approaches and understandings of Inuit family structures, and a lack of prevention services;
- 4.44. The 2019 Public Inquiry issued several Calls For Action, to change the broken child and family system imposed on the Inuit, including:
- Increase availability and funding for local services intended for Indigenous children and their families, including crisis management

services, in communities covered by an agreement and in urban environments.

- 4.45. Once the removed Inuit children in the Québec child welfare system reached the age of majority, they were abandoned without any post-majority services to enable them to transition to adulthood. Post-majority services include a range of services provided to individuals who were formerly in out-of-home care as children, to assist them with their transition to adulthood upon reaching the age of majority. The Respondents did not fund those services for the class members;

## **VII. Lack of Essential Services**

- 4.46. The Federal Crown, via the First Nations and Inuit Health Branch of Indigenous Services Canada, has funded or delivered health programs and services for the Inuit population in Nunavik. Under section 15.0.1 of the JBNQA, Québec also assumed responsibility for the delivery of health and social services to the Inuit in Quebec;
- 4.47. The Respondents failed to provide substantively, or otherwise, equal essential services to the Inuit children in Nunavik;
- 4.48. The House of Commons signaled in 1981 that the Inuit faced discriminatory jurisdictional impediments to the receipt of essential services. In February 1981, the House of Commons' Special Committee on the Disabled and the Handicapped issued a report titled "Obstacles". Chapter 18 of the report was titled "Native Population", a copy of which is attached herewith as **Exhibit R-12**. It raised concerns with the services that Indigenous people with disabilities received in Canada, and made some recommendations to address those concerns. One of the concerns of the Committee was:

Indian and Inuit people do not understand or appreciate the concept of different government departments. ... They become discouraged when poor coordination among these organizations means that promised services are not delivered, or are delivered badly.

- 4.49. In December 1981, the House of Commons' Special Committee on the Disabled and the Handicapped issued a report titled "Follow-Up Report – Native Population", a copy of which is attached herewith as **Exhibit R-13**. In March 1993, the House of Commons' Standing Committee on Human Rights and the Status of Disabled Persons issued a report titled "Completing the Circle: A Report on Aboriginal People with Disabilities", a copy of which is attached herewith as **Exhibit R-14**, where the Committee reaffirmed:

The federal/provincial jurisdictional logjam shows up most graphically in the provision of health and social services to Aboriginal people [including the Inuit] ... Aboriginal people with disabilities have every right to expect the federal government to assume ultimate

responsibility for their needs and concerns. Since their need for services cuts across federal/provincial boundaries, the federal government must assume leadership in removing these barriers.

- 4.50. These jurisdictional obstacles were the same circumstances that eventually gave rise to Jordan's Principle in the First Nations context. Jordan's Principle is a child-first and needs-based principle of substantive equality to ensure that First Nations children have equitable access to all essential services. Children should not be denied access to public services while governments or government departments fight over jurisdiction and who should pay for those services or as a result of gaps in essential services, the whole as set out in an explanatory document from Indigenous Services Canada, regarding the implementation and content of Jordan's Principle, attached herewith as **Exhibit R-15**;
- 4.51. The explanatory document from Indigenous Services Canada titled "Jordan's Principle and the Inuit Child First Initiative" highlights the following facts:
- 4.51.1 Compelled by orders of the Canadian Human Rights Tribunal, the Federal Crown stopped discriminating against First Nations children in the provision of essential services as of November 2, 2017 and complied with Jordan's Principle;
- 4.51.2 It was only on September 10, 2018 when the Federal Crown announced the implementation of a program named the "Inuit Child First Initiative" similar to Jordan's Principle for Inuit children;
- 4.52. Despite the Inuit Child First Initiative, the Inuit in Nunavik have continued to suffer gaps, denials and delays in essential services. The Viens Report (**Exhibit R-11**), found "major weaknesses in access to services for Indigenous peoples ... in Inuit villages and in urban settings", such as:
- 4.52.1 lack of ambulatory and aero-medical evacuation in some communities;
- 4.52.2 lack of social services, such as those needed by special needs children; and
- 4.52.3 lack of services to prevent and deal with the implications of sexual violence, addictions, and suicide.
- 4.53. An Inuit witness testifying before the 2019 Public Inquiry, whose testimony is included in the Viens Report (see p. 385, **Exhibit R-11**), summarized the current situation in Nunavik and its impact on Inuit children and families as follows:

There have been no counselling or support for the victims, and this—there is no aftercare, and that has led to many families being destroyed

by addictions and suicides, homicides, and not diagnosed, and there was family violence and because of addictions that led to poverty. We see that in the communities and it is transferred to the next generation. I'll use sexual abuse victims as becoming the abusers themselves, and then, the victims transfer it to the next generation, so but has led to many problems in the families and the communities, and we don't see any counselling or care [] I have tried counselling with the psychologist over visioconferencing [sic], but it's not very pleasant: you have all the staff or all the other patients listening in the back. So, that didn't work. The psychologist was sent to Inukjuak every six months, and it is always a new counsellor [...] But, before, we had to travel to another community by plane to go see the psychologist.

### **VIII. The Specific Situations of Petitioners**

#### ***Lucy Tookalook***

- 4.54. The petitioner, Lucy Tookalook, is Inuit registered with the Inuit land claim organization in Nunavik, and is a resident of Nunavik;
- 4.55. Ms. Tookalook was born in Nunavik in 1975. She was removed from her mother at birth for unknown reasons. She was sent to live with an adoptive family, but caught meningitis as a newborn and was sent to a hospital in Montreal, alone and with no escort, where she was hospitalized for seven months;
- 4.56. She was then returned to the adoptive family. As a child, her adoptive mother physically abused her, and her adoptive brother sexually abused her until she turned eight. She was sent to kindergarten while with her adoptive family where her teacher also physically abused her;
- 4.57. She remained in care in Val-d'Or, Québec, until approximately the age of 17 years old. She received no support, therapy or other essential services. She turned to alcoholism as a child to cope with the abuse that she suffered. When she turned 18, she was left to fend for herself with no support to transition to adulthood or cope with the trauma that she carried with her;
- 4.58. Two of her classmates suffered similar abuse together with her at the school they were sent to as removed Inuit children. Ms. Tookalook witnessed her friends being abused. Her friends have both committed suicide;
- 4.59. Ms. Tookalook has been struggling to cope with the scars of her childhood throughout her life. She is now the single mother of five Inuit children, living in Nunavik. She cannot work, and lives on welfare. Given her circumstances of poverty and trauma, Québec has removed one of her two remaining minor children and placed him initially in group homes and currently in kinship care. Her youngest child, who is nine years old, is also in the process of being removed from her;

- 4.60. Whether as an infant, a child or a mother, Ms. Tookalook has never received prevention and other essential services required to enable her parents and her to enjoy normal family life. Ms. Tookalook's mother received no support and her child was removed at birth. Ms. Tookalook has received no support to cope with her trauma and to care for her children at home; she has lost one child to the child welfare system and is currently facing the prospects of her last remaining child being taken away from her;
- 4.61. Until this year, Ms. Tookalook was unaware of the connection between the Respondents' systemic underfunding of child and family services in Nunavik and the multiple placements and associated harms she has suffered;

***Tanya Jones***

- 4.62. The petitioner, Tanya Jones, is Inuit registered with the Inuit land claim organization in Nunavik, and currently resides in Lasalle, Québec. She was born in 1984;
- 4.63. Ms. Jones lived with her mother in Kuujuaq, Nunavik, until she turned three years old. Her mother received no services or supports to deal with her own trauma and difficulties and to be able to keep her children at home. Despite her grandfather's many efforts to keep the children in the family, Ms. Jones and her brother were removed from their mother, and placed in foster care;
- 4.64. She was moved through over 10 placements inside and outside Nunavik during this time. She was reunited and separated from her mother, younger sister, and brother several times;
- 4.65. Shortly after her removal from her mother, Ms. Jones was placed in a foster home where she was repeatedly subjected to sexual and other abuse. Her foster father and foster brother were both later convicted of child molestation regarding other children;
- 4.66. As a teenager, Ms. Jones received no therapy or other essential services to cope with her trauma. She took to drugs and alcohol to alleviate her pain;
- 4.67. Even though Ms. Jones has been diagnosed with post-traumatic stress disorder from her traumatic childhood and still suffers from paralyzing anxiety and panic attacks, she has rebuilt her life by focusing on her Inuit art;
- 4.68. Ms. Jones only learned of the systemic underfunding of child and family services and its connection to her placement in foster care in the past year;
- 4.69. Until that time, Ms. Jones was unaware of the causal role that the Respondents' discriminatory and inadequate delivery of child and family services has had in her placement in foster care, the multiple homes and centres to which she was sent, and the abuses inflicted upon her, among the lifelong trauma and associated harms that she has endured;

## **B. The Respondents' Liability**

### **I. Breach of Fiduciary Duty**

- 4.70. The Respondents stand in a special, fiduciary relationship with the Inuit in Nunavik;
- 4.71. The Respondents have assumed and maintain a large degree of discretionary control over Inuit lives and interests in general, and the care and welfare of the members of the class in particular;
- 4.72. The Respondents exercised this discretionary authority by undertaking, in the JBNQA and elsewhere, to fund, deliver, and/or maintain equality in the provisioning of child and family services to members of the class in Nunavik; they consequently assumed discretionary control over the interests of members of the class;
- 4.73. Class members were vulnerable to the Respondents' exercise of this authority, which failed to meet the needs of class members and failed to meet standards of care applicable to child and family services;
- 4.74. This failure has had well-documented adverse effects on the Child Welfare Class members who have been denied basic protection and prevention services, placed in care at alarming rates, removed from their families and their communities, often losing or being denied the opportunity to speak their language and practice their culture, and denied post-majority services once they reached the age of eighteen;
- 4.75. Further, the Respondents bore a responsibility and undertook to maintain substantively equal access to essential health and social services and products for Inuit children regardless of which level of government or which government department had the ultimate spending responsibility;
- 4.76. It was in fact precisely disputes over the payment for services between levels of government or governmental departments that caused denials or delays in the provision of treatment and care as well as essential service gaps, which eventually led the Federal Crown to put a name to the injustice that Inuit children have endured, namely the Inuit Child First Initiative, and implement a program as of 2018 to address it;
- 4.77. The Inuit Child First Initiative is similar to and follows the footsteps of Jordan's Principle, in that it ensures that a child is not denied or delayed receipt of an essential public service as a result of a disagreement between the federal and provincial government or a dispute between departments within the same government over which is responsible for funding the service or product, and that an Inuit child does not suffer gaps in essential services;

- 4.78. Petitioners assert that the Provincial Crown bore a fiduciary duty toward the Essential Services Class to ensure that its essential service obligations set out in the JBNQA (as most recently recognized in the Inuit Child First Initiative) were met during the class period;
- 4.79. Despite the Federal Crown's recognition that Inuit children should not suffer because of these types of disputes, and despite the Provincial Crown being similarly bound by its fiduciary obligations to ascertain that Inuit children in Nunavik do not suffer delays, denials or gaps in the receipt of essential services, both Respondents have failed to meet their obligations in this respect;
- 4.80. The Respondents' breaches of their fiduciary duties toward class members have included:
1. failure to deliver an appropriate child welfare program for the class members as Inuit children living in remote communities and as victims of intergenerational trauma;
  2. maintaining funding formulas that were structured in such a way that they promoted negative outcomes for Inuit children and families, namely the incentive to take children into out-of-home care. As a result, many Inuit children and their families were denied the opportunity to remain together or be reunited in a timely manner;
  3. failure to provide substantively, or otherwise, equal essential services factoring in the specific needs of the Inuit communities or the individual families and children residing therein;
  4. failure to adjust funding for increasing costs over time for items such as salaries, benefits, capital expenditures, cost of living, and travel for service providers to attract and retain staff and, generally, to keep up with provincial requirements;
  5. failure to consider the actual needs of the Inuit communities and class members, making provincial operational standards unattainable for them;
  6. failure by the Federal Crown to respect the class members' substantive equality rights underlying Jordan's Principle in Nunavik until the implementation of the Inuit Child First Initiative in 2018;
  7. failure by the Provincial Crown to recognize its obligations similar to the Inuit Child First Initiative;
- 4.81. These breaches deprived the Essential Services Class members of their right to non-discriminatory essential services. The Petitioners, for example, needed

mental wellness support as children to cope with their trauma, but did not receive adequate support;

- 4.82. The breaches resulted in Essential Services Class members being deprived of access to essential public services;

**II. Breach of the Canadian Charter and of the Quebec Charter**

- 4.83 The Respondents have breached sections 7 and 15 of the Canadian Charter, which provide:

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

[...]

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

- 4.84. In addition, the Respondents have breached sections 1, 4 and 10 of the Quebec Charter, which provide:

1. Every human being has a right to life, and to personal security, inviolability and freedom.

[...]

4. Every person has a right to the safeguard of his dignity, honour and reputation.

[...]

10. Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

- 4.85. The Respondents' failure to provide adequate child and family services or essential services was directed exclusively to Inuit children and families,



therefore discriminated on an enumerated ground, i.e., race, national or ethnic origin;

- 4.86. The discriminatory underfunding of child and family, and other essential services in Nunavik occurred because members of the classes were Inuit and caught in the neglect and jurisdictional uncertainty of which the Respondents took advantage;
- 4.87. This discrimination exacerbated the disadvantages of members of the classes by perpetuating historical prejudice caused by the legacy of the Residential Schools and the 60s Scoop;
- 4.88. In turn, this discriminatory treatment directly resulted in the violation of the class members' constitutional rights to life, liberty, security, inviolability and dignity provided by the Canadian Charter and the Quebec Charter in a way that violated the principles of fundamental justice. The Respondents' policies of neglect and avoidance particularized herein impinged on class members' life, liberty, security and dignity in an arbitrary and all-encompassing fashion, bearing grossly disproportionate consequences in light of the class members' situation as children and historically disadvantaged as Inuit;

### **III. Civil Liability**

- 4.89. The Respondents' conduct also constituted a fault within the meaning of Article 1457 of the Civil Code of Quebec;
- 4.90. The Respondents knew or ought to have known that their failure to provide services to class members on a substantively equal level to what non-Inuit children receive would cause them tremendous harm;
- 4.91. Members of the classes sustained bodily and moral injuries as a direct and immediate consequence of the Respondents' conduct including, but not limited to, loss of language, culture, community ties and resultant pain and suffering, psychological trauma and substance abuse;

### **IV. The Class Period**

- 4.92. The Truth and Reconciliation Commission of Canada (the "TRC") made the following calls to action in 2015 regarding child welfare for Aboriginals, including Inuit, as appears from the Department's webpage, "Delivering on Truth and Reconciliation Commission Calls to Action", an image of which is attached herewith as **Exhibit R-16**:

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:

- i. Monitoring and assessing neglect investigations.

ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.

iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.

iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.

v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.

2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

3. We call upon all levels of government to fully implement Jordan's Principle.

4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:

i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.

ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.

iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.

5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

4.93. The TRC further called on the Federal Crown to cease relying on limitation/prescription to defend actions of historical abuse;

- 4.94. In response to this call to action, the Attorney General of Canada issued a directive through the Department of Justice's Litigation Guidelines, which eschews reliance on limitations/prescription and equitable defences, particularly where reconciliation is at issue, as appears on the website of the Department of Justice, an image of which is attached herewith as **Exhibit R-17**;
- 4.95. Notwithstanding the foregoing, the class members were born into the discriminatory framework, and it was impossible in fact for them to understand that the problems from which they suffer are linked to the systemic and discriminatory failure on the part of the Respondents to ensure the provision of necessary services for which they have at all times been responsible;
- 4.96. It is accordingly appropriate to begin the Class Period on November 11, 1975, namely, the date of the signing of the JBNQA;
- 4.97. Class members have suffered damages as a result of the Respondents' failures to meet their obligations under the JBNQA, which have continued unabated until today;

### **C. The Remedies**

- 4.98. Due to the Respondents' conduct, Petitioners claim compensatory damages ranging from \$40,000 to \$300,000, per class member, depending on the severity and extent of damages suffered, as well as punitive damages and Charter damages in application of section 24(1) of the Canadian Charter in an amount to be determined by the Court;
  - 4.99. Petitioners request that the Court order collective recovery of the amounts claimed for class members based on a sufficiently precise determination of the number of children who have been affected by the Respondents' systemic and discriminatory failure to ensure the provision of adequate resources for child and family services;
5. **The personal claims of each of the members of the class against Respondents are based on the following facts:**
- 5.1. All Child Welfare Class members were denied prevention and protection services, or were removed from their homes due to the chronic deficiencies associated with the provision of child and family services in Nunavik and placed in foster homes, which caused class members to suffer abuse and neglect or severed class members' ties to their communities and caused them to lose their culture and/or language;
  - 5.2. All members of the Child Welfare Class are consequently entitled to recover damages from Respondents for the harms they suffered due to the denial of proper and adequate child and family care that they were owed;

- 5.3. All members of the Essential Services Class were owed essential health and social services and products without delay;
  - 5.4. All members of the Essential Services Class were denied or delayed receipt of said services and products due to Respondents' failure to meet their obligations in this respect;
6. **The composition of the classes makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings:**
- 6.1. According to the 2016 Canadian Census, there were 12,570 Inuit living in the Province of Quebec;
  - 6.2. The majority of Inuit in Quebec reside in the territory of Nunavik, which spans over 500,000 square kilometers;
  - 6.3. Petitioners estimate that there are several thousand members of both the Child Welfare Class and the Essential Services Class, and they are geographically dispersed throughout the Province of Quebec;
  - 6.4. Given the foregoing, Petitioners submit that it would be impractical and impossible to obtain mandates to institute proceedings on their behalf or proceed by consolidating proceedings;
7. **The identical, similar or related questions of law or of fact between each member of the class and the Respondents, which Petitioners wish to have decided by this class action, are:**
- 7.1. With respect to the Child Welfare Class:
    - 7.1.1 Did the Respondents have a fiduciary duty toward the Child Welfare Class members in their design, implementation, funding and delivery of child and family services?
    - 7.1.2 If so, did the Respondents breach their fiduciary duty?
    - 7.1.3 Did the Respondents commit a fault in their design, implementation, funding and delivery of child and family services to the Child Welfare Class members?
    - 7.1.4 Did the Respondents discriminate against class members, or otherwise breach their constitutional rights under sections 7 and 15 of the Canadian Charter and under sections 1, 4 and 10 of the Quebec Charter, in their design, implementation, funding and delivery of child and family services to the Child Welfare Class members?

- 7.1.5 If the Respondents failed to fulfil their fiduciary obligation and/or committed a fault and/or engaged in discrimination and/or breached constitutional rights, are the Respondents liable for the damages caused to the Child Welfare Class members?
  - 7.1.6 If the answer to the foregoing question is “yes”, is there an amount of compensatory damages that can and should be awarded to each of the Child Welfare Class members, to be recovered collectively?
  - 7.1.7 Is the Respondent required to pay punitive damages and Charter damages as a result of the systemic discriminatory conduct and breach of constitutional rights engaged in, to the detriment of the Child Welfare Class members and, if so, what amount of punitive damages and Charter damages should be ordered, to be recovered collectively?
- 7.2. With respect to the Essential Services Class members:
- 7.2.1 Did the Respondents have an obligation to ensure that Essential Services Class members received essential public products or services without delay or service gaps without regard to jurisdictional disputes between the federal and provincial governments over funding or inter-departmental disputes within the same level of government?
  - 7.2.2 Did the Respondents delay or deny the delivery of essential health and social services and products that were owed to Essential Services Class members in violation of their obligations stated in the question above?
  - 7.2.3 Did the Respondents owe a fiduciary duty to Essential Services Class members with respect to question 7.2.1?
  - 7.2.4 If so, did the Respondents breach their fiduciary duty and/or commit a fault and/or breach constitutional rights and/or discriminate, against Essential Services Class members?
  - 7.2.5 If the answer to the foregoing question is “yes”, are the Respondents liable to pay compensatory damages, Charter damages and/or punitive damages and, if so, in what amount?
  - 7.2.6 If the Respondents are required to pay compensatory damages, Charter damages and/or punitive damages, should these damages be recovered collectively?
- 7.3. With respect to the Family Class:

- 7.3.1 Did the Respondents have an obligation to ensure that the design, implementation, funding and delivery of child and family services would only remove a child as a last resort?
- 7.3.2 Did the Respondents have an obligation to ensure that the design, implementation, funding and delivery of child and family services keep families together, wherever possible?
- 7.3.3 If so, did the Respondents breach their obligations and/or commit a fault and/or breach constitutional rights and/or discriminate against Family Class members?
- 7.3.4 If the answer to the foregoing question is "yes", are the Respondents liable to pay compensatory damages, Charter damages and/or punitive damages and, if so, in what amount?
- 7.3.5 If the Respondents are required to pay compensatory damages, Charter damages and/or punitive damages, should these damages be recovered collectively?
- 7.4. With respect to both Classes:
  - 7.4.1 What is the applicable Class Period?
  - 7.4.2 What factors do the Class members have in common with respect to their situation of impossibility in fact to act?
- 8. **The questions of law or of fact which are particular to each of the members of the class are:**
  - 8.1. With respect to the Child Welfare Class:
    - 8.1.1 How long was the placement into care?
    - 8.1.2 How many placements did each member incur?
    - 8.1.3 Did class members suffer abuse while in care?
  - 8.2. With respect to the Essential Services Class:
    - 8.2.1 What health and/or social services and products were class members owed and failed to receive or received with delay due to Respondents' breach of their legal obligations?
    - 8.2.2 What type of injury was caused to each class member because of Respondents' breaches?

9. **The nature of the recourse which the Petitioners wish to exercise on behalf of the class members is:**

9.1. An action to recover compensatory, Charter and punitive damages for breach of fiduciary obligations and constitutional rights, for negligence on the part of the Respondents, and for discrimination on the basis of section 15 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (UK), 1982, c 11, the *Charter of Human Rights and Freedoms*, CQLR c C-12, and the *Canadian Bill of Rights*, SC 1960, c 44;

10. **The conclusions sought by Petitioners against the Respondents are as follows:**

**GRANT** the Class Action against the Respondents;

**CONDEMN** the Respondents to pay members of the Child Welfare Class compensatory damages in the amount to be determined by the Court, to be recovered collectively, with interest and the additional indemnity provided by law;

**CONDEMN** the Respondents to pay members of the Essential Services Class compensatory damages in the amount to be determined by the Court, to be recovered collectively, with interest and the additional indemnity provided by law;

**CONDEMN** the Respondents to pay Charter and punitive damages in an amount to be determined by the Court, to be recovered collectively, the whole with interest and the additional indemnity provided by law;

**ORDER** that the claims of the members of the Class be the object of individual liquidation in accordance with Articles 599 to 601 C.C.P. or, if impractical or inefficient, order the Respondents to perform any remedial measures that this Honourable Court deems to be in the interests of the members of the Class;

**CONDEMN** the Respondents to any further relief as may be just and proper;

**THE WHOLE** with legal costs, including the costs of all exhibits, reports, expertise and publication of notices;

11. **Petitioners request that they be ascribed the status of representatives. Petitioners are in a position to represent the members of the classes adequately for the following reasons:**

11.1. Petitioners are both victims of the Respondents' conduct and are accordingly members of the Child Welfare Class and of the Essential Services Class;

11.2. Petitioner Tookalook is also a member of the Family Class, given that she has already lost one child to the child welfare system;

- 11.3. Petitioners wish to correct the wrongs of the system of child placement and to seek change for the benefit of children today and for future generations;
  - 11.4. Prior to the filing of the present Application, Petitioners discussed their roles and obligations with the undersigned attorneys;
  - 11.5. Petitioners are aware of the fact that they will be required to attend hearings, make themselves available to attend court and out-of-court depositions, and they are committed to collaborating with their legal counsel and devoting the time necessary to fulfil their obligations in this respect;
  - 11.6. Despite the psychological hardship of having to reveal and relive the trauma of their experiences in the child welfare system and the intergenerational trauma of their parents, Petitioners are willing and prepared to represent the members of the classes;
  - 11.7. Petitioners consider that they have an important function to represent the best interests of the class members, in order to ensure that the Respondents' conduct does not continue, does not go unpunished and does not leave the class members without remedy;
  - 11.8. Petitioners have overcome many hardships, and have the courage, commitment and desire to serve as the representatives of this class action;
  - 11.9. Petitioners have no conflict with members of the classes and are acting in good faith and with the desire to vindicate their rights and those of the class;
12. **Petitioners suggest that the class action be brought before the Superior Court for the district of Montréal for the following reasons:**
- 12.1. The Attorney General of Canada has an office in Montreal;
  - 12.2. The Attorney General of Quebec has an office in Montreal;
  - 12.3. The Petitioners' attorneys are located in Montreal;
  - 12.4. Petitioner Jones resides in Lasalle, in the City of Montreal;
  - 12.5. It was estimated in 2014 that approximately 800 Inuit live in Montreal, according to the Parnasimautik Report (**Exhibit R-1**);
13. The present Application is well founded in fact and in law;



**WHEREFORE THE PETITIONERS PRAY THAT BY JUDGMENT TO BE RENDERED HEREIN, MAY IT PLEASE THIS HONOURABLE COURT TO:**

**GRANT** the present Application;

**AUTHORIZE** the institution of the Class action;

**GRANT** the status of representative to Petitioner Lucy Tookalook and to Petitioner Tanya Jones for the purpose of instituting the said class action for the benefit of the following groups of persons, namely:

A. All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under The James Bay and Northern Québec Agreement (“**JBNQA**”) or registered with an Inuit land claim organization who between November 11, 1975 and the date of authorization of this action:

- (a) were under the age of 18; and
- (b) were reported to, or otherwise brought to the attention of, the Directors of Youth Protection in Nunavik (*recevoir le signalement*), including but not limited to all persons taken in charge, apprehended and placed in care whether through a voluntary agreement, by court order or otherwise

(the “**Child Welfare Class**”);

B. All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under The James Bay and Northern Québec Agreement (“**JBNQA**”) or registered with an Inuit land claim organization who between November 11, 1975 and the date of authorization of this action:

- (a) were under the age of 18; and
- (b) needed an essential health and social service but did not receive such service or whose receipt of the service was delayed by either respondent or their departments or agents, on grounds including but not limited to lack of jurisdiction or a gap in services

(the “**Essential Services Class**”)

C. The mother, father, or the caregiving grandmother or grandfather of a person who meets the definition in A and/or B, above:

(the “**Family Class**”).

**IDENTIFY** the principal questions of law and of fact to be dealt with collectively as follows:

13.1. With respect to the Child Welfare Class:

- 13.1.1 Did the Respondents have a fiduciary duty toward the Child Welfare Class members in their design, implementation, funding and delivery of child and family services?
- 13.1.2 If so, did the Respondents breach their fiduciary duty?
- 13.1.3 Did the Respondents commit a fault in their design, implementation, funding and delivery of child and family services to the Child Welfare Class members?
- 13.1.4 Did the Respondents discriminate against class members, or otherwise breach their constitutional rights under sections 7 and 15 of the Canadian Charter and under sections 1, 4 and 10 of the Quebec Charter, in their design, implementation, funding and delivery of child and family services to the Child Welfare Class members?
- 13.1.5 If the Respondents failed to fulfil their fiduciary obligation and/or committed a fault and/or engaged in discrimination and/or breached constitutional rights, are the Respondents liable for the damages caused to the Child Welfare Class members?
- 13.1.6 If the answer to the foregoing question is “yes”, is there an amount of compensatory damages that can and should be awarded to each of the Child Welfare Class members, to be recovered collectively?
- 13.1.7 Is the Respondent required to pay punitive damages and Charter damages as a result of the systemic discriminatory conduct and breach of constitutional rights engaged in, to the detriment of the Child Welfare Class members and, if so, what amount of punitive damages and Charter damages should be ordered, to be recovered collectively?

13.2. With respect to the Essential Services Class members:

- 13.2.1 Did the Respondents have an obligation to ensure that Essential Services Class members received essential public products or services without delay or service gaps without regard to jurisdictional disputes between the federal and provincial governments over funding or inter-departmental disputes within the same level of government?
- 13.2.2 Did the Respondents delay or deny the delivery of health and social services and products that were owed to Essential Services Class

members in violation of their obligations stated in the question above?

- 13.2.3 Did the Respondents owe a fiduciary duty to Essential Services Class members with respect to question 13.2.1?
  - 13.2.4 If so, did the Respondents breach their fiduciary duty and/or commit a fault and/or breach constitutional rights and/or discriminate against Essential Services Class members?
  - 13.2.5 If the answer to the foregoing question is “yes”, are the Respondents liable to pay compensatory damages, Charter damages and/or punitive damages and, if so, in what amount?
  - 13.2.6 If the Respondents are required to pay compensatory damages, Charter damages and/or punitive damages, should these damages be recovered collectively?
- 13.3. With respect to the Family Class:
- 13.3.1 Did the Respondents have an obligation to ensure that the design, implementation, funding and delivery of child and family services would only remove a child as a last resort?
  - 13.3.2 Did the Respondents have an obligation to ensure that the design, implementation, funding and delivery of child and family services keep families together, wherever possible?
  - 13.3.3 If so, did the Respondents breach their obligations and/or commit a fault and/or breach constitutional rights and/or discriminate against Family Class members?
  - 13.3.4 If the answer to the foregoing question is “yes”, are the Respondents liable to pay compensatory damages, Charter damages and/or punitive damages and, if so, in what amount?
  - 13.3.5 If the Respondents are required to pay compensatory damages, Charter damages and/or punitive damages, should these damages be recovered collectively?
- 13.4. With respect to both Classes:
- 13.4.1 What is the applicable Class Period?
  - 13.4.2 What factors do the Class members have in common with respect to their situation of impossibility in fact to act?

**IDENTIFY** the conclusions sought by the class action to be instituted as being the following:

**GRANT** the Class Action against the Respondents;

**CONDEMN** the Respondents to pay members of the Child Welfare Class compensatory damages in the amount to be determined by the Court, to be recovered collectively, with interest and the additional indemnity provided by law;

**CONDEMN** the Respondents to pay members of the Essential Services Class compensatory damages in the amount to be determined by the Court, to be recovered collectively, with interest and the additional indemnity provided by law;

**CONDEMN** the Respondents to pay Charter and punitive damages in an amount to be determined by the Court, to be recovered collectively, the whole with interest and the additional indemnity provided by law;

**ORDER** that the claims of the members of the Class be the object of individual liquidation in accordance with Articles 599 to 601 C.C.P. or, if impractical or inefficient, order the Respondents to perform any remedial measures that this Honourable Court deems to be in the interests of the members of the Class;

**CONDEMN** the Respondents to any further relief as may be just and proper;

**THE WHOLE** with legal costs, including the costs of all exhibits, reports, expertise and publication of notices.

**DECLARE** that any member of the Class who has not requested his/her exclusion from the Class be bound by any judgment to be rendered on the Class action, in accordance with law;

**FIX** the delay for exclusion from the Class at sixty (60) days from the date of notice to the members, and at the expiry of such delay, the members of the Class who have not requested exclusion be bound by any such judgment;

**REFER** the record to the Chief Justice so that he may fix the district in which the Class action is to be brought and the Judge before whom it will be heard;

**THE WHOLE** with legal costs, including the costs of publication of notices.

MONTREAL, February 21, 2022

*Kugler Kandestin LLP*

---

**KUGLER KANDESTIN LLP**

Me Alexandre Brosseau-Wery  
Me William Colish  
Me Mélissa Des Groseilliers  
1 Place Ville Marie, suite 1170  
Montréal, Québec, H3B 2A7  
Tel.: 514 878-2861  
Fax: 514 875-8424  
[awery@kklex.com](mailto:awery@kklex.com)  
[wcolish@kklex.com](mailto:wcolish@kklex.com)  
[mdesgroseilliers@kklex.com](mailto:mdesgroseilliers@kklex.com)

MONTREAL, February 21, 2022

*Coupal Chauvelot*

---

**COUPAL CHAUVELOT**

Me Louis-Nicholas Coupal  
Me Victor Chauvelot  
460 Saint-Gabriel, suite 500  
Montréal QC, H2Y 2Z9  
Tel.: 514 903-3390  
Fax: 514 221-4064  
[victor@coupalchauvelot.com](mailto:victor@coupalchauvelot.com)  
[inc@coupalchauvelot.com](mailto:inc@coupalchauvelot.com)

MONTREAL, February 21, 2022

*SOTOS LLP*

---

**SOTOS LLP**

Mr. David Sterns  
Mr. Mohsen Seddigh  
Ms. Michelle Logasov  
180 Dundas St. West, Suite 1200  
Toronto, Ontario M5G 1Z8  
Tel.: 416 977-0007  
Fax: 416 977-0717  
[dsterns@sotos.ca](mailto:dsterns@sotos.ca)  
[mseddigh@sotos.ca](mailto:mseddigh@sotos.ca)  
[mlogasov@sotos.ca](mailto:mlogasov@sotos.ca)

Attorneys for Petitioners

C A N A D A

PROVINCE OF QUEBEC  
DISTRICT OF MONTREALS U P E R I O R    C O U R T  
(Class Actions)

NO: 500-

LUCY TOOKALOOK

-and-

TANYA JONES

Petitioners

-vs-

ATTORNEY GENERAL OF QUEBEC

-and-

ATTORNEY GENERAL OF CANADA

Respondents

**PETITIONERS' LIST OF EXHIBITS**  
**(Application for Authorization to Institute a Class Action**  
**and to Obtain the Status of Representatives)**

- |                    |  |
|--------------------|--|
| <b>Exhibit R-1</b> | Parnasimautik Consultation Report on the Consultation with Nunavik Inuit in 2013, dated November 14, 2014 (" <b>Parnasimautik Report</b> "); |
| <b>Exhibit R-2</b> | Extract of Statistics Canada's 2011 National Household Survey;   |
| <b>Exhibit R-3</b> | 2012 Aboriginal Peoples Survey in Nunavik;   |
| <b>Exhibit R-4</b> | <i>James Bay and Northern Quebec Agreement</i> (" <b>JBNQA</b> ");   |
| <b>Exhibit R-5</b> | <i>James Bay and Northern Quebec Native Claims Settlement Act</i> ;  |

- Exhibit R-6** *James Bay and Northern Quebec Agreement Implementation Review* issued by the Federal Crown's Department of Indian and Northern Affairs;
- Exhibit R-7** Agreement Respecting the Implementation of the James Bay and Northern Quebec Agreement Between Her Majesty the Queen in Right of Canada and Makivik Corporation ("**1990 Makivik Agreement**");
- Exhibit R-8** Report of the *Commission des droits de la personne et des droits de la jeunesse* titled "Nunakiv: report, conclusions of the investigations and recommendations", dated April 2007;
- Exhibit R-9** Report of the Commission des droits de la personne et des droits de la jeunesse titled "Follow-up report on the recommendations of the investigation into youth protection services in Ungava Bay and Hudson Bays", dated June 2010;
- Exhibit R-10** Letter from the Commission des droits de la personne et des droits de la jeunesse addressed to the Québec Minister of Health and Social Services and the Minister Delegate for Health and Social Services regarding the child and youth protection services in Nunavik, dated March 18, 2019;
- Exhibit R-11** Final Report from the "Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress", dated September 30, 2019 ("**Viens Report**");
- Exhibit R-12** Report of the House of Commons' Special Committee on the Disabled and the Handicapped titled "Obstacles", dated February 1981 (extract);
- Exhibit R-13** Report of the House of Commons' Special Committee on the Disabled and the Handicapped titled "Follow-Up Report – Native Population", dated December 1981;
- Exhibit R-14** Report of the House of Commons' Standing Committee on Human Rights and the Status of Disabled Persons titled "Completing the Circle: A Report on Aboriginal People with Disabilities", dated March 1993;
- Exhibit R-15** Explanatory document from Indigenous Services Canada titled "Jordan's Principle and the Inuit Child First Initiative" dated November 20, 2019;



- Exhibit R-16** Extract of Indigenous Services Canada website "Delivering on Truth and Reconciliation Commission Calls to Action";
- Exhibit R-17** Extract of the Department of Justice website.

*Copies of said exhibits are available upon request.*

MONTREAL, February 21, 2022

  
\_\_\_\_\_  
**KUGLER KANDESTIN LLP**

Me Alexandre Brosseau-Wery  
Me William Colish  
Me Mélissa Des Groseilliers  
1 Place Ville Marie, suite 1170  
Montréal, Québec, H3B 2A7  
Tel.: 514 878-2861  
Fax: 514 875-8424  
[awery@kklex.com](mailto:awery@kklex.com)  
[wcolish@kklex.com](mailto:wcolish@kklex.com)  
[mdesgroseilliers@kklex.com](mailto:mdesgroseilliers@kklex.com)

MONTREAL, February 21, 2022

  
\_\_\_\_\_  
**COUPAL CHAUVELOT**

Me Louis-Nicholas Coupal  
Me Victor Chauvelot  
460 Saint-Gabriel, suite 500  
Montréal QC, H2Y 2Z9  
Tel.: 514 903-3390  
Fax: 514 221-4064  
[victor@coupalchauvelot.com](mailto:victor@coupalchauvelot.com)  
[inc@coupalchauvelot.com](mailto:inc@coupalchauvelot.com)

MONTREAL, February 21, 2022

*SOTOS LLP*

---

**SOTOS LLP**

Mr. David Sterns  
Mr. Mohsen Seddigh  
Ms. Michelle Logasov  
180 Dundas St. West, Suite 1200  
Toronto, Ontario M5G 1Z8  
Tel.: 416 977-0007  
Fax: 416 977-0717  
[dsterns@sotos.ca](mailto:dsterns@sotos.ca)  
[mseddigh@sotos.ca](mailto:mseddigh@sotos.ca)  
[mlogasov@sotos.ca](mailto:mlogasov@sotos.ca)

Attorneys for Petitioners

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

SUPERIOR COURT  
(Class Actions)

NO: 500-

LUCY TOOKALOOK  
-and-  
TANYA JONES

Petitioners

-vs-

ATTORNEY GENERAL OF QUEBEC  
-and-  
ATTORNEY GENERAL OF CANADA

Respondents

---

**ATTESTATION OF ENTRY IN THE NATIONAL CLASS ACTION REGISTER**  
**(Art. 55 of the *Regulation of the Superior Court of Québec in civil matters*)**

---

The Petitioner, through its undersigned attorneys, attests that the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* will be entered in the National Class Action Registry.

MONTREAL, February 21, 2022

  
KUGLER KANDESTIN LLP

Me Alexandre Brosseau-Wery  
Me William Colish  
Me Mélissa Des Groseilliers  
1 Place Ville Marie, suite 1170  
Montréal, Québec, H3B 2A7  
Tel.: 514 878-2861  
Fax: 514 875-8424

[awery@kklex.com](mailto:awery@kklex.com) / [wcolish@kklex.com](mailto:wcolish@kklex.com)  
[mdesgroseilliers@kklex.com](mailto:mdesgroseilliers@kklex.com)

MONTREAL, February 21, 2022

*Coupal Chauvelot*  
**COUPAL CHAUVELOT**

---

Me Louis-Nicholas Coupal  
Me Victor Chauvelot  
460 Saint-Gabriel, suite 500  
Montréal QC, H2Y 2Z9  
Tel.: 514 903-3390  
Fax: 514 221-4064  
[victor@coupalchauvelot.com](mailto:victor@coupalchauvelot.com)  
[inc@coupalchauvelot.com](mailto:inc@coupalchauvelot.com)

MONTREAL, February 21, 2022

*Sotos LLP*  
**SOTOS LLP**

---

Mr. David Sterns  
Mr. Mohsen Seddigh  
Ms. Michelle Logasov  
180 Dundas St. West, Suite 1200  
Toronto, Ontario M5G 1Z8  
Tel.: 416 977-0007  
Fax: 416 977-0717  
[dsterns@sotos.ca](mailto:dsterns@sotos.ca)  
[mseddigh@sotos.ca](mailto:mseddigh@sotos.ca)  
[mlogasov@sotos.ca](mailto:mlogasov@sotos.ca)

Attorneys for Petitioners

No: 500-06-001177-225

SUPERIOR COURT (Class Action)  
DISTRICT OF MONTREAL

LUCY TOOKALOOK  
-and-  
TANYA JONES

Petitioners

-vs-

ATTORNEY GENERAL OF QUEBEC  
-and-  
ATTORNEY GENERAL OF CANADA

Respondents

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A  
CLASS ACTION AND TO OBTAIN THE STATUS OF  
REPRESENTATIVE**

**(Articles 574 et seq. C.C.P.),**  
List of Exhibits and Attestation of Entry in the National Class  
Action Register

ORIGINAL

Me Alexandre Brosseau-Wery / Me William Colish /  
Me Mélissa Des Groseilliers

**KuglerKandestin**

1, Place Ville Marie, bureau 1170  
Montréal (Québec) Canada H3B 2A7  
T: 514 878-2861  
F: 514 875-8424

[awery@kklex.com](mailto:awery@kklex.com) / [wcolish@kklex.com](mailto:wcolish@kklex.com) / [mdesgroseilliers@kklex.com](mailto:mdesgroseilliers@kklex.com)

BG 0132



7081-001