

News Release:

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Recent Court Hearings on the Court approval process of the National Settlement Agreement, Re: Indian Residential School Claims

All nine Canadian Courts charged with approving the National Agreement on Indian Residential School claims (“the Agreement”) have now held hearings with respect to approval of the Agreement. None of the Courts have made a decision at this time. The longest hearing was held in British Columbia, over the course of five days, before Chief Justice Brenner of the British Columbia Supreme Court.

Chief Justice Brenner was the trial judge who heard over 100 days of evidence with respect to the sexual and physical assaults suffered by 28 survivors at the Alberni Indian Residential School. He was very sensitive to ensuring that survivors had the opportunity to speak to him and over 80 individuals spoke directly to him with regard to their comments on the Agreement. Under Class Action legislation, the Courts must either approve the Agreement as it is or reject it. The Courts are not allowed to make substantive changes to the Agreement.

However, there are issues of process that the Courts can raise questions on, and for which they may seek answers from the parties’ legal counsel. There appears to have been **three key issues raised by the Courts:**

Firstly, they wanted to ensure that there would be sufficient resources provided by Canada to make sure that all of the claims could be addressed within the five year time period proposed in the Agreement;

Secondly, the Courts wanted to know whether there would be adequate notice to individuals affected by the Agreement informing them that they had the right to opt-out of the Agreement and lawsuits. This is the outstanding Notice Issue and all counsel advised the Courts that they would be sitting down to work on a solution to ensure there was proper and full notice before the end of November;

Thirdly, the Courts were concerned with respect to the verification of attendance at the schools since there appears to have been significant problems with respect to the Advance Payment to elders because of inadequate school records. Canada committed to meet with all parties, including plaintiffs’ representatives, prior to the end of November to propose a solution on the issue of verification of attendance at a residential school for the purpose of the Common Experience Payment.

At this time it is not known when or if all Courts will approve the Agreement. However, if all nine Courts approve the Agreement, there will be a five-month period of time for individuals to decide if they wish to opt-out of the Agreement. We will provide a further update on the status of the Court Approval as soon as this information is known.