

December 15, 2006

**SEVEN COURTS APPROVE NATIONAL
RESIDENTIAL SCHOOL
SETTLEMENT AGREEMENT**

Today, after having conducted extensive hearings into the fairness of the National Residential School Settlement Agreement (the "Agreement"), seven of nine courts across Canada approved the Agreement. The two courts who did not render their decisions today (Northwest Territories and Nunavut) have indicated that they will release their decisions early in 2007.

Chief Justice Brenner of British Columbia acknowledged in his decision the impact of hearing over eighty objectors who spoke directly to the court during five days of hearings in British Columbia. While each had an individual story to tell, there were common themes that ran through many of the submissions: being taken from home, often forcibly, at an early age, having their language and culture banned, and being prevented from even communicating with their siblings at the same school.

Chief Justice Brenner acknowledged that many of the objectors had concerns about the Agreement while others supported it and still others spoke of being torn between the advantage of accepting the proposed settlement and their concerns with a number of the provisions of the Agreement.

Chief Justice Brenner requested "counsel for Canada to ask that the Prime Minister give consideration to issuing a full and unequivocal apology on behalf of the people of Canada in the House of Commons." The Chief Justice believes such an apology "would be extremely positive and would assist the objective of all parties in achieving the goal of a national reconciliation."

This is a recognition by the Chief Justice of British Columbia of the importance to survivors of an apology.

TEL 604 685 1229 Peter Grant & Associates*
TOLL FREE 1 800 428 5665 Barristers & Solicitors
FAX 604 685 0244 900—777 Hornby Street
WEB grantnativelaw.com Vancouver, BC Canada, V6Z 1S4



Aboriginal Rights & Title Indian Residential School Claims Assistance to Aboriginal Governments
Treaty Negotiations Consultation & Accommodation Test Cases Economic Development

**Personal Law Corporation*

In his decision, Mr. Justice Winkler of the Ontario Superior Court of Justice confirmed that the residential school policy Canada pursued for over 100 years has now been acknowledged as a seriously flawed failure. Mr. Justice Winkler held that the Agreement is intended to offer a measure of closure for the former residents of the schools and their families.

Mr. Justice Winkler identified a number of areas which required the courts to perform an ongoing supervisory role to protect the interests of the survivors and other class members.

Mr. Justice Ball of Saskatchewan, in his decision, summarized four matters identified by Justice Winkler which still need to be addressed, 1.) provide financial information to the court regarding the cost of administration of the IAP on an ongoing basis, 2.) An autonomous supervisor or supervisory board to oversee the administration of the IAP, reporting ultimately to the court. 3.) Regulation of counsel fees by the adjudicator of each case. 4.) Establish a protocol for determining the manner in which issues relating to the ongoing administration of the settlement will be submitted to the courts in each jurisdiction.

All of the issues raised by Mr. Justice Winkler as summarized by Mr. Justice Ball and agreed with by Chief Justice Brenner go to insuring the fairness of the Agreement.

The approval process is not complete. The Agreement still requires the approval of the courts in the Northwest Territories and Nunavut, and, resolution of the outstanding administrative issues referred to by the courts who have already rendered their decisions. It is anticipated that these issues will be addressed in January.

Nonetheless, the decisions released today are a very significant step in the approval process and bode well for the final approval of the Agreement. We look forward to receiving the decisions of the courts in the Northwest Territories and Nunavut early in the New Year and meeting with the judges to resolve the outstanding administrative issues identified by the courts to ensure that the settlement is implemented fairly for the survivors.

TEL 604 685 1229 Peter Grant & Associates*
TOLL FREE 1 800 428 5665 Barristers & Solicitors
FAX 604 685 0244 900-777 Hornby Street
WEB grantnativelaw.com Vancouver, BC Canada, V6Z 1S4



Aboriginal Rights & Title Indian Residential School Claims Assistance to Aboriginal Governments
Treaty Negotiations Consultation & Accommodation Test Cases Economic Development

**Personal Law Corporation*