



Province of Alberta  
Order in Council

O.C. 232 /2016

SEP 08 2016

# ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor  
or  
Administrator

The Lieutenant Governor in Council makes the order set out in the attached Appendix.

CHAIR

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For Information only

Recommended by: Minister of Indigenous Relations

Authority: Public Inquiries Act  
(section 2)

## **APPENDIX**

### **ORDER**

WHEREAS the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

AND WHEREAS the Government of Canada has launched an inquiry by PC 2016-0736 under the name of the National Inquiry into Missing and Murdered Indigenous Women and Girls (“National Inquiry”) to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;

AND WHEREAS the Government of Alberta is committed to effective action that would prevent and eliminate violence against Indigenous women and girls in Canada;

AND WHEREAS it is important that inquiries be made with respect to matters within Alberta’s jurisdiction;

AND WHEREAS the Lieutenant Governor in Council considers it expedient and in the public interest to cause a provincial inquiry to be established jointly with the National Inquiry for the period beginning on September 1, 2016 and ending on December 1, 2018 and to appoint as Commissioners the same persons appointed as Commissioners to the National Inquiry;

THEREFORE, pursuant to the Public Inquiries Act, the Lieutenant Governor in Council declares that a provincial inquiry be held and orders as follows:

#### **Establishment of Commission**

**1** The following are appointed as Commissioners to the provincial inquiry:

- (a) Honourable Marion R. Buller, Chief Commissioner;
- (b) Michèle Taïna Audette;
- (c) E. Qajaq Robinson;
- (d) Marilyn Poitras;
- (e) Brian Eyolfson.

#### **Mandate of Commission**

**2(1)** The Commissioners must

- (a) conduct the provincial inquiry under the name of the National Inquiry;

- (b) inquire into and report on the following:
  - (i) systemic causes of all forms of violence - including sexual violence – against Indigenous women and girls in Alberta, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Alberta;
  - (ii) institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Alberta, including the identification and examination of practices that have been effective in reducing violence and increasing safety;
- (c) make recommendations on the following:
  - (i) concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Alberta;
  - (ii) ways to honour and commemorate the missing and murdered Indigenous women and girls in Alberta;
- (d) adopt any procedures that the Commissioners consider expedient for the proper conduct of the National Inquiry, sit at the times and in the places, especially in Indigenous communities in Alberta, that the Commissioners consider appropriate and conduct the National Inquiry, to the greatest extent possible, by means of informal processes such as the gathering of statements by qualified trauma-informed persons to record the experiences of families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls participating in the National Inquiry;
- (e) take into account, in conducting the National Inquiry, that the National Inquiry process is intended, to the extent possible,
  - (i) to be trauma-informed and respect the persons, families and communities concerned,
  - (ii) to provide an opportunity for persons, families and community members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Alberta,

- (iii) to be culturally appropriate and to acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of Indigenous peoples, and
  - (iv) to promote and advance reconciliation and to contribute to public awareness about the causes of and solutions for ending violence experienced by Indigenous women and girls in Alberta;
- (f) provide any person having a substantial and direct interest in the subject matter of the National Inquiry with an opportunity to participate in the National Inquiry;
- (g) as the Commissioners consider appropriate, work with the Government of Alberta and Indigenous families and Indigenous organizations in Alberta to identify possible membership on any federal, regional or issue-specific advisory bodies;
- (h) conduct the National Inquiry as they consider appropriate with respect to accepting as conclusive or giving due weight to the findings of fact set out in relevant reports, studies, research and examinations, whether national or international, including
- (i) Final Report of the Truth and Reconciliation Commission of Canada (2015),
  - (ii) The Report of the Royal Commission on Aboriginal Peoples (1996),
  - (iii) Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women in Canada, Report of the Special Committee on Violence Against Indigenous Women (2014),
  - (iv) Missing and Murdered Aboriginal Women: A National Operational Overview, Royal Canadian Mounted Police (2014),
  - (v) What Their Stories Tell Us: Research findings from the Sisters In Spirit initiative, Native Women’s Association of Canada (2010),
  - (vi) Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (30 March 2015),
  - (vii) Missing and Murdered Indigenous Women in British Columbia, Canada, Inter-American Commission on Human Rights (21 December 2014), and

- (viii) reports of the Missing Women Commission of Inquiry (Oppal Commission, British Columbia);
- (i) review the results of the Government of Canada's pre-Inquiry engagement process;
- (j) participate jointly with the National Inquiry without cost, as Canada has committed to pay all expenses of the National Inquiry;
- (k) make available to members of the families of missing and murdered Indigenous women and girls and to survivors of violence against Indigenous women and girls, for the duration of their appearance before the National Inquiry, the trauma-informed and culturally appropriate counselling services that the Commissioners consider appropriate;
- (l) perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization;
- (m) perform their duties in such a way as to ensure that the conduct of the National Inquiry does not jeopardize any ongoing criminal investigation or criminal proceeding;
- (n) if the Commissioners consider it necessary or required by law to do so, file records and papers of the National Inquiry with the Clerk of Executive Council;
- (o) assist the National Inquiry in providing reports to the Governor in Council as required in PC 2016-0736, and contemporaneously submit those same reports to the Executive Council;
- (p) deal with records management in accordance with provincial processes and procedures.

**(2) The Commissioners are authorized**

- (a) to refer the families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls who contact the National Inquiry for information and assistance with respect to matters such as ongoing or past investigations, prosecutions or inquests to the appropriate authority that is responsible for the provision of victim services;
- (b) if the Commissioners have reasonable grounds to believe that any information obtained in the course of the National Inquiry may be used in the investigation or

prosecution of an offence under the Criminal Code (Canada), to remit that information to the appropriate authorities;

- (c) to remit to the appropriate authorities any information that was obtained in the course of the National Inquiry that the Commissioners have reasonable grounds to believe relates to misconduct;
- (d) to engage the services of experts and other person referred to in section 3 of the Public Inquiries Act, keeping in mind Canada's undertaking to cover the costs of the National Inquiry.

### **Prohibitions**

#### **3(1)** The Commissioners must not

- (a) disclose publicly or in any report any personal information, as defined in section 1(n) of the Freedom of Information and Protection of Privacy Act, that has been received in evidence during any portion of the National Inquiry conducted in camera, unless, in the opinion of the Commissioners, the public interest in the disclosure outweighs any invasion of privacy that could result from the disclosure;
- (b) disclose publicly or in any report any individually identifying health information, within the meaning of the Health Information Act unless such disclosure is in accordance and compliance with that Act;
- (c) publish the name or a photograph of a child or the child's parent or guardian in a manner that reveals that the child is receiving or has received intervention services as contemplated in the Child, Youth and Family Enhancement Act or otherwise breach any confidentiality provision in that Act.

**(2)** The Commissioners must make any disclosure or publication referred to in subsection (1)(a) and (b) in such a fashion as to minimize, to the greatest extent possible, any invasion of privacy that could result from the disclosure.