

**IN THE MATTER OF
SIXTIES SCOOP CLASS ACTION SETTLEMENT AGREEMENT**

**DIRECTION OF THE EXCEPTIONS COMMITTEE
TO THE CLAIMS ADMINISTRATOR**

RE: TIMING OF ACQUISITION OF INDIGENOUS STATUS

WHEREAS, a class action settlement agreement, dated November 30, 2017, was signed by the parties, and approved by the Federal Court of Canada in *Riddle v. HMTQ*, Court File Number T-2212-16 and by the Ontario Superior Court of Justice in *Brown v. AGC*, Court File Number CV-09-00372025 CP (the “Settlement Agreement”);

AND WHEREAS, an Exceptions Committee pursuant to section 9 of the Settlement Agreement has been constituted;

AND WHEREAS, the Exceptions Committee may provide directions to the Claims Administrator pursuant to 9.02(2)(c) of the Settlement Agreement;

AND WHEREAS, from the 1876 *Indian Act* (S.C. 1876 c.18) until the coming into force of Bill C-31 on April 17, 1985, women could gain “Indian status” through marriage to an Indian man, whether they had Indian ancestry or not, and as a result of amendments to the *Indian Act* (Bill C-31), and in later years, (2011 – Bill C-3; 2017 – Bill S-3), some of those who gained “Indian status” through marriage to an Indian man with Indian ancestry acquired the right to “Indian status” independent of their marriage;

AND WHEREAS, Indian status, or eligibility for status, is a required element of eligibility under

the Settlement Agreement;

AND WHEREAS, in applying the Settlement Agreement for claimants the issue of the timing of the acquisition of that status, or eligibility for status could be argued as either 1) the date of removal or 2) the date of registration under the Settlement Agreement or presently;

AND WHEREAS, it could be personally intrusive for claimants for the Claims Administrator to seek to investigate and determine whether claimants had status, or were eligible for status, at the time of their removal, as opposed to simply allowing their status, or eligibility for status, at the time of their registration under the Settlement Agreement or subsequently to stand as is;

AND WHEREAS, the number of claimants who might have acquired status, or eligibility for status, subsequent to their date of removal, and independent of any ancestry, appears to be quite small in any event;

THE EXCEPTIONS COMMITTEE HEREBY DIRECTS THE CLAIMS ADMINISTRATOR AS FOLLOWS:

1. The Claims Administrator may determine a class member's indigenous status, or eligibility to status, as of the present, and need not investigate whether the class member had status, or was entitled to status, as of the date of their removal.

Dated: November 27, 2019

R. A. Blair

The Honourable Robert A. Blair Q.C.
for the Exceptions Committee