

Participation Decision

1. CONTENTS

I.	Overview.....	2
II.	Our Mandate.....	3
III.	The Application Process	4
IV.	Substantial and Direct Interest.....	5
V.	The Applicants.....	8
1.	Those Most Affected	8
A.	Families of the Deceased	8
B.	Individuals Currently Without Counsel	9
C.	Individuals With Counsel	9
2.	Other Individual Applicants	10
3.	Group Applicants.....	11
A.	Victim Advocacy Organizations.....	11
B.	Health-Related Organizations	13
C.	Firearm Organizations	14
D.	Justice Organizations.....	15
E.	Gender-Based Organizations.....	16
F.	Police-Related Organizations.....	19
VI.	Next Steps	20
1.	COVID-19.....	20
2.	Investigation into What Happened on April 18 and 19, 2020.....	21
3.	Continued Engagement with Those Most Affected	21
4.	Research and Policy	21
5.	Rules of Practice and Procedure	21
6.	Commission Proceedings	21

I. Overview

- [1] By joint Orders in Council dated October 21, 2020, the Governments of Canada and Nova Scotia established this Mass Casualty Commission to examine the April 18-19, 2020 mass casualty in Nova Scotia and to provide meaningful recommendations to help protect Canadians in the future. The goal is to make us all safer in our homes and our communities. We are mandated to report our findings and make recommendations by November 2022.
- [2] One of our first important tasks is to identify individuals and groups who may assist us by participating in our various proceedings. The extent of their participation can cover a wide spectrum – from a role involving a particular aspect of our mandate to those who will participate more frequently across a range of Commission proceedings. The form of participation may be required or it may be by invitation and can include, for example, testifying under oath (or a promise to tell the truth) to partaking in roundtable discussions to providing expert reports and opinion evidence. Groups of participants can also contribute in coalitions.
- [3] Our Orders in Council prescribe “an opportunity for appropriate participation” (also known as standing) to:
 - (a) the Government of Canada,
 - (b) the Government of Nova Scotia, and
 - (c) “the victims and families of the victims”.
- [4] Therefore, our present task is to grant an opportunity for appropriate participation to others with “a substantial and direct interest in the subject matter.” We can also recommend that the Clerk of the Privy Council provide funding for those who “would not otherwise be able to participate”. However, it is important to note that funding is disbursed based on Treasury Board guidelines and may not cover all costs of participation.
- [5] To complete this aspect of our mandate, we broadly circulated a Call for Applications to prospective Applicants, through a variety of media.
- [6] In our analysis that follows, we will:
 - a) provide a summary of our mandate;
 - b) describe our application process;
 - c) consider what it means to have a “substantial and direct interest in the subject matter”;
 - d) identify the various Applicants, the nature of their potential contribution, and our decision for each (including funding recommendations and directions regarding coalitions); and
 - e) describe the next steps in our process.

II. Our Mandate

- [7] Public inquiries, such as ours, are expected to go beneath the surface to examine the broader context in which the mass casualty of April 18 and 19, 2020 occurred.
- [8] In general terms, the Orders in Council direct us to examine:
- (1) The causes, context and circumstances giving rise to the mass casualty;
 - (2) Responses by police and other service providers;
 - (3) Applicable policies and training for the police and other various service providers;
 - (4) Communication by the police and other service providers with those most affected and the public generally;
 - (5) Communications among all the various service providers;
 - (6) The role of intimate partner violence and gender-based violence;
 - (7) Access to firearms; and
 - (8) The disposal of surplus police equipment.
- [9] Our Commission, from the outset, has been and will continue to be completely independent from the federal and provincial governments, in fulfilling its mandate. We started our work from scratch when the Orders in Council were issued. Since then, we have independently built our team, secured our offices (away from government offices) and begun our work.
- [10] Being independent also means that we have the ability to control our own process and to make rules regarding the procedures that will govern the Inquiry. Some of the powers of the Commissioners are described in the federal and Nova Scotia Public Inquiries legislation.¹
- [11] Our independence will continue for the duration of our mandate.
- [12] It is important to understand that our Commission is not a court nor a branch of the judiciary. Instead, public inquiries such as ours are investigative.
- [13] The function of our Commission is therefore very different from a civil trial or criminal prosecution, which are adversarial. We will not make findings of civil or criminal liability. Assigning punishment is not the purpose of an inquiry. In fact, the Orders in Council explicitly prevent us from doing this.
- [14] Another characteristic of public inquiries is that, unlike civil and criminal proceedings, which focus on narrow issues between parties, public inquiries focus on broader systemic and institutional issues.

¹As a joint federal and provincial public inquiry, the relevant legislation is the federal *Inquiries Act*, R.S.C., 1985, c. I-11 and the Nova Scotia *Public Inquiries Act*, R.S., c. 372, s. 1.

- [15] It is also helpful to highlight the role of Commission Counsel, a function that is not always understood. They are lawyers who provide advice to the Commissioners. Commission Counsel, like the Commissioners, are objective and impartial. However, they report to and act under the direction of Commissioners.
- [16] The Commission must serve the public interest in achieving its mandate and the primary role of Commission Counsel is to represent the public interest. They are responsible for ensuring that all issues that bear on the public interest are brought to the attention of the Commissioners. They are not adversarial nor are they partisan. Commission Counsel are not criminal prosecutors nor is their role similar to lawyers who represent plaintiffs or defendants in civil proceedings.
- [17] Commission Counsel will assist the Commissioners throughout the public inquiry in discharging their mandate and will ensure the orderly conduct of the inquiry process. We have directed Commission Counsel to consult with Participants in order to inform our determinations regarding the appropriate extent of their involvement.
- [18] While today marks the first public proceeding of the Commission, we have been fully engaged since receiving our mandate. Our first priority has been engaging with families of the deceased and with survivors. In addition, we have been hiring the Commission team, building our website, establishing our offices in Truro and Halifax, drafting Rules on Participation and Funding, and developing a community engagement plan. All team members have been selected independently. This includes Commission Counsel, Investigators, Policy Analysts, Community Liaison, Mental Health and Public Engagement Officers, Document Management Personnel, and other administrative staff to assist the Commission in its important work. The Commission team has been gathering and analyzing documents, conducting research, identifying witnesses and experts, and making preparations for the public proceedings.
- [19] We are committed to working in a respectful, transparent and independent way.
- [20] In honouring this commitment, we will regularly post information on the website. This will include the rules that govern our work, expert reports, our schedule of proceedings (including community engagement events), transcripts of the public hearings (in both official languages), the schedule and content of the roundtables and other policy meetings. We invite everyone to consult our website which will be updated regularly and will provide timely information on the work of the Commission.

III. The Application Process

- [21] The rules governing this application process were included in the Call for Participants and are posted on the [website](#).
- [22] With regard to funding requests by Applicants, Rule 17 states:

Pursuant to the mandate of the Commission, the Commissioners may make recommendations to the Clerk of the Privy Council regarding funding for a participant, where, in the view of the Commissioners, the person would not otherwise be able to participate in the Commission without such funding. Funding recommendations will correlate with the Commissioners' determination of the appropriate degree of participation for each application for funding.

- [23] It is important to note that under our Orders in Council, we can only *recommend* funding for Participants. It will be up to the Clerk of the Privy Council to approve all funding "in accordance with approved [Treasury Board] guidelines respecting the remuneration and reimbursement and the assessment of accounts". Again, funding is disbursed based on these guidelines and may not cover all costs of participation.
- [24] Upon being granted the opportunity for appropriate participation, a Participant agrees to adhere to the Commission's Rules of Practice and Procedure.
- [25] As noted, there will be a variety of ways to participate. These may include written or oral submissions on a particular issue, the opportunity to suggest witnesses to be called by Commission Counsel, the opportunity to make closing submissions in a proceeding, or the opportunity to participate in a community meeting or a policy roundtable.
- [26] We would like to thank the many individuals and groups who applied for an opportunity to participate in the Commission's process. We very much appreciate your interest in our public inquiry, which is of great importance to the people of Nova Scotia and to the entire country.
- [27] It is also important to highlight that it is not necessary to have applied to be a Participant in order to be involved in the Commission's work. For example, members of the public may attend community engagement events and public proceedings. They may also follow our website which will contain updated information on our work, including Rules of Practice and Procedure, various rulings, expert reports, and proceeding schedules.

IV. Substantial and Direct Interest

- [28] As noted above, our Orders in Council prescribe "an opportunity for appropriate participation" to:
- (a) the Government of Canada,
 - (b) the Government of Nova Scotia, and
 - (c) "the victims and families of the victims".
- [29] While the Orders in Council refer to "victims and families of victims", the Commission will generally use the more inclusive phrase "those most affected". Our present task is to grant an opportunity for appropriate participation to others with "a substantial and direct interest in the subject matter of this Inquiry." A "substantial and direct interest" is not defined in the Orders in Council or in any

of the legislation that governs the Mass Casualty Commission. However, it is a concept frequently used in public inquiries to help determine which people and groups will be permitted to formally participate in the inquiry process. Sometimes the term “standing” is used to describe this role, but our Orders in Council instead refer to “an opportunity for appropriate participation.”

- [30] We received applications for participation from a number of individuals and groups who expressed an interest in participating in all or part of the Commission’s work. In their applications, they explained their particular connection to the events of April 18 and 19, 2020 or their experience and knowledge in areas that relate to the Commission’s mandate.
- [31] Nova Scotians, Canadians, and people around the world felt the impact of the April 18 and 19, 2020 mass casualty. People continue to be affected by what happened and many will be watching the work of the Commission closely. However, the Commissioners are generally expected to provide individuals and groups with a ‘substantial and direct interest’ with the opportunity for appropriate participation in the inquiry. For example, while witnesses have an important role to play in the fact-finding work of the Commission, they do not necessarily have a substantial and direct interest. Individuals and groups who have a genuine concern about the subject matter of the Commission or have an expertise in an area that will be considered by the Commission may not have substantial and direct interest in the subject matter of the Inquiry.² This does not mean, however, that they will not play a significant role in the work of the Inquiry. Their participation in community engagement activities or through contributions to the research and policy work of the Commission will be of great assistance.
- [32] Public inquiries are well-served by taking a broader approach to the question of participation.³ Past inquiries have identified factors that Commissioners may consider in determining whether an Applicant has a substantial and direct interest in the Inquiry’s work. In the Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar Inquiry, Commissioner Dennis O’Connor identified four such factors: 1) the mandate of the inquiry; 2) the “nature of that aspect of the public inquiry for which standing is sought;” 3) the type of interest the Applicant has; and 4) the connection of the particular applicant to the Inquiry’s mandate.⁴ Another factor is whether Applicants have a “continued interest and involvement in the subject matter of the inquiry”.⁵

² Hon. Dennis R. O’Connor, *Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar*, Ruling on Standing and Funding (2009) [*Arar Standing Ruling*] at 7-8 available online: [RULING ON STANDING AND FUNDING \(lac-bac.gc.ca\)](https://www.lac-bac.gc.ca/en/standing-and-funding).

³ See for example: *Arar Standing Ruling*, *ibid* and Hon. Eileen E. Gillese, *Public Inquiry into the Safety and Security of Residents in the Long-Term Care Homes System*, Ruling on Participation (2018) at 5-9 available online: [Ruling-on-Participation.pdf \(longtermcareinquiry.ca\)](https://www.longtermcareinquiry.ca/en/standing-and-funding).

⁴ *Arar Standing Ruling*, *supra* note 2 at 6 -7.

⁵ Ronda Bessner and Susan Lightstone, *Public Inquiries in Canada: Law and Practice* (Toronto: Thomson Reuters, 2017) at 134.

- [33] In his decision on standing for the Inquiry into Pediatric Forensic Pathology in Ontario, Commissioner Stephen Goudge identified three additional considerations: 1) whether an Applicant may be significantly affected by the Commission’s recommendations; 2) whether an Applicant is uniquely situated to offer information that will assist the Commission with its work; and 3) the requirement to balance the need for a thorough inquiry with the need to avoid duplication.⁶
- [34] Applicants who have demonstrated a continued interest and involvement, or a significant expertise which form the substance of the Mass Casualty Commission’s mandate, may be able to meet the “substantial and direct interest” test even if they were not directly involved in the events of April 18 and 19, 2020. They may be invited to participate in appropriate ways in relation to the issues where their contribution will help the Commission fulfill its obligation to conduct a comprehensive public inquiry to determine what happened and to make recommendations to help protect Canadians in the future.⁷ This could include providing written submissions on particular aspects of the mandate, participating in policy roundtables or community engagement sessions, or giving expert testimony.
- [35] Directing individuals and groups to participate in relation to the specific issues in which they have a substantial and direct interest ensures the Commission receives the benefits of their contribution without the process becoming unwieldy. Focusing the scope of a Participant’s appropriate participation can assist with efficiency, cost-effectiveness, and timeliness.⁸
- [36] In the Arar Inquiry, Commissioner O’Connor decided that granting some applicants limited participation rights allowed the Commission to “obtain the maximum amount of assistance without unduly expanding on the time and expense necessary to achieve [the] mandate.”⁹ In that instance, such participants were permitted to make submissions about the procedures that would be used at the Inquiry, receive copies of exhibits and make opening and closing submissions. They were also able to participate in the policy review that was the bulk of the recommendation and preventative aspect of the Commission. Similarly in the Walkerton Inquiry, some participants were granted more limited rights, which included the right to access documents, make public submissions, and participate directly in one or more public meetings where the Commissioner was of the view that such participation would make a contribution to the subject matter of the meeting.¹⁰

⁶ Hon. Stephen T. Goudge, *Inquiry into Pediatric Forensic Pathology in Ontario*, Ruling on Standing and Funding (2007) at 3, available online: [Decision on Standing and funding \(gov.on.ca\)](https://www.gov.on.ca/decision/standing-funding).

⁷ *Public Inquiries in Canada: Law and Practice*, *supra* note 5 at 134.

⁸ *Public Inquiries in Canada: Law and Practice*, *supra* note 5 at 138.

⁹ *Arar Standing Ruling*, *supra* note 2 at 9.

¹⁰ Ontario: *Report of the Walkerton Inquiry, Part One: The Events of May 2000 and Related Issues, Appendix E(ii)* (Toronto: Ministry of the Attorney General, 2002) (Commissioner: The Honourable Dennis R. O’Connor) available online: [THE WALKERTON INQUIRY - Legal Information - RULING ON STANDING AND FUNDING \(gov.on.ca\)](https://www.gov.on.ca/the-walkerton-inquiry-legal-information-ruling-on-standing-and-funding).

- [37] The April 2020 mass casualty visited unthinkable pain upon the families of those who were killed and their communities. It sent shock waves throughout the Province of Nova Scotia that reverberated throughout our entire country. The sheer magnitude of its repercussions prompts us to interpret “substantial and direct interest” broadly so that we may hear as many affected and interested voices as possible.
- [38] At the same time, we have a very extensive mandate to fulfill in a limited period of time. The challenge therefore becomes one of promoting inclusiveness while honouring our time constraints. We will meet this challenge by (a) finding creative and effective ways to efficiently engage Participants, and (b) creating appropriate coalitions so that several Participants with common interests may speak together regarding issues about which they have a particular interest or expertise. Coalitions also offer the advantage of creating balance and reducing duplication where various organizations have similar areas of expertise.

V. The Applicants

- [39] In this decision, where we determine that an Applicant is granted the opportunity for appropriate participation, we are satisfied that they have met the substantial and direct connection test. Commission Counsel will collaborate with all Participants to determine the extent of their participation.
- [40] Where we recommend that the Clerk of the Privy Council provide funding, we are satisfied that those Participants have met the substantial and direct connection test and “would not otherwise be able to participate”. For all Participants for whom we make a funding recommendation, Commission Counsel will collaborate with them to gather further input before the recommendations are finalized.
- [41] The various Applicants fall into three general categories:
- a) Those most affected;
 - b) Other individuals from whom we require more information; and
 - c) Group applicants.

1. Those Most Affected

A. Families of the Deceased

- [42] A number of people have applied to participate through their legal counsel. Based on their applications, we have identified these Applicants as follows:
1. Bagley Family
 2. Beaton Family
 3. Blair Family
 4. Bond Family
 5. Campbell Family
 6. Ellison Family
 7. Goulet Family

8. Gulenchyn/Madsen Family
9. Jenkins Family
10. McCully Family
11. McLeod Family
12. O'Brien Family
13. Oliver/Tuck Family
14. Thomas/Zahl Family
15. Webber Family

B. Individuals Currently without Counsel

[43] The following Applicants currently do not have Counsel:

16. Beverly Beaton
17. Tara Long
18. Andrew MacDonald

C. Individuals with Counsel

[44] A number of people have applied to participate through their legal counsel, who listed them as follows:

19. Lisa Banfield
20. Mallory Colpitts
21. Darrell Currie
22. Adam Fisher
23. Carole Fisher
24. Leon Joudrey
25. Greg Muise
26. Bernie Murphy
27. Deb Thibeault

Decision: Those Most Affected

[45] The Participants listed above have an opportunity for appropriate participation by virtue of the Orders in Council. Most have retained counsel; several have retained the same law firm. That is appropriate and will reduce the cost to the public. All have requested funding and we accept the assertion made in their applications that without funding, they would not otherwise be able to participate in the Commission's process. We therefore recommend funding for all of them.

2. Other Individual Applicants

[46] We have also received applications from the following individuals:

1. **Fonda Smyth** is from the west Colchester County region and states that she has been deeply affected by the mass casualty.
2. **Jenn Gregory** is from Halifax and states that she is friends with two of the victims' families.
3. **Bradley McLellan** is a community member who was in the area of Portapique during the incident.
4. **Nick Cardone** is a registered counselling therapist operating a private practice in Nova Scotia. He would like to share his expertise regarding the gender-based and intimate partner violence aspect of our mandate.
5. **Alan David Schmeglesky** is a resident of British Columbia. His application states that his son was involved in a major RCMP manhunt. He would like to share lessons learned from that experience.
6. **Dr. Anthony Gracey** is a social scientist who researches public inquiries and analyzes transcripts from inquiries. He would like to share his expertise with the Commission.
7. **Dr. Sarah Jodi McDavid** is an instructor at Cape Breton University and the Chair of the Cape Breton Centre for Sexual Health. She would like to share her expertise regarding the gender-based and intimate partner violence aspect of our mandate.
8. **Marlene Gibbons** was born and raised in Nova Scotia. She has a Masters in Project Management, with an expertise in data analysis. She believes she can offer a unique perspective in analyzing the circumstances of this mass casualty.
9. **Raymond Ridgeway** states that he is retired from the Canadian Army and has been involved with the responsible and careful use of firearms throughout his life.
10. **Ricky Osborne** is a resident of Nova Scotia who believes he has a unique perspective on gun violence in Canada.
11. **Eleanor Cowan** is a retired teacher who would like to offer her perspective on the gender-based and intimate partner violence aspect of our mandate.

[47] We very much appreciate the interest these eleven Applicants have expressed in our Commission. However, we require more information from them to better assess their potential contribution. We therefore invite them to provide a written submission with more details about how they propose to participate. So that this may be accomplished efficiently, we would direct that this submission be limited to a maximum of 1500 words and provided to the Commission by email to participation@masscasualtycommission.ca within two weeks of the date of this decision.

3. Group Applicants

[48] A number of groups and organizations applied for an opportunity to participate in the Commission's process based upon their interest in various aspects of the mandate. They include some based in Nova Scotia and some based in other parts of the country. Some are grassroots organizations while others are national in scope.

[49] In order to ensure an expeditious review of the issues in the mandate while making the best use of government funding, we have grouped some Applicants into coalitions. If these coalitions prove to be unworkable, we would be prepared to hear further from them. However, our funding recommendations are premised on these coalitions.

[50] We have categorized these group Applicants according to their purpose, focus and characteristics as follows:

- A. Victim Advocacy Organizations
- B. Health-Related Organizations
- C. Firearm Organizations
- D. Justice Organizations
- E. Gender-Based Organizations
- F. Police-Related Organizations

A. Victim Advocacy Organizations

1. Canadian Resource Centre for Victims of Crime (CRCVC)

[51] The Canadian Resource Centre for Victims of Crime (CRCVC) describes itself as a national not-for-profit organization providing emotional support and advocacy for survivors of violent crimes, including Canadians impacted by terrorism and mass casualties. It grounds its work in trauma-informed care and a victim-centred approach. It has decades of experience and knowledge on best practices, strengths and the weaknesses or gaps in the provision of victim support to Canadians involved in mass casualty/mass fatality incidents.

2. Canadian Association of Chiefs of Police - National Working Group Supporting Victims of Terrorism and Mass Violence (CACP NWG)

- [52] The Canadian Association of Chiefs of Police (CACP) has represented policing interests since 1905, dedicating its efforts to “efficient law enforcement and to the protection and security of the people of Canada”. The CACP accomplishes its work through a variety of working groups and committees and by actively liaising with all levels of government. While the CACP proper did not apply to participate, its National Working Group, *Supporting Victims of Terrorism and Mass Violence* (“CACP NWG”), has done so.
- [53] The CACP NWG was established in recognition of the need for, and value of, developing a victim-centred response to terrorism, mass violence, and mass casualty tragedies. It includes representatives from police services across Canada with a common aim to develop frameworks and programs to optimize a victim-centred response to mass violence and terrorist events. A central focus of its work involves the identification and refinement of trauma-informed models aimed at informing, supporting, and engaging victims, families, survivors, first responders, communities and all those impacted, while also upholding the rights and dignity of all persons.

3. Office of the Federal Ombudsman for Victims of Crime (OFOVC)

- [54] The Office of the Federal Ombudsman for Victims of Crime (OFOVC) independently reviews complaints about government programs or services supporting victims of crime. Part of its function includes recommending solutions or proposing changes to laws, programs or policies to improve how victims are treated across the criminal justice system at the federal level. Its work is victim-centred and evidence and trauma-informed. Some work of the OFOVC includes:
- Engaging in work to support survivors of mass violence incidents;
 - Engaging with police officers to encourage them to use trauma-informed approaches in their work to prioritize victims’ needs and well-being;
 - Engaging with survivors of gender-based and intimate partner violence and make recommendations related to violence prevention;
 - Engaging with stakeholders, victims and survivors related to gun violence;
 - Engaging with key stakeholders and knowledge holders, through the Indigenous advisory circle, in areas of gender-based and intimate partner violence, victimization, and trauma;
 - Increasing the respect of victims’ rights and support improved responses;
 - Working to address the use of firearms in gender-based and intimate partner violence; and
 - Making recommendations to Canada’s Chief Public Health Officer related to prevention strategies for community safety to address the heightened instances of domestic violence experienced during COVID-19.

Decision: Victim Advocacy Organizations

- [55] The CRCVC, the OFOVC and the CACP NWG are well placed to assist the Commission as Participants, given their extensive experience in supporting victims of mass casualties. Furthermore, because of their common experience, they shall form a coalition to assist the Commission in understanding the relationships among police, government and victims of mass casualties. They could do so in a variety of ways including preparing expert reports and participating in roundtable discussions.
- [56] The CRCVC has requested, and we recommend, that its participation be funded.

B. Health-Related Organizations

1. Nova Scotia Nurses Union (NSNU)

- [57] The Nova Scotia Nurses (NSNU) represents nearly 8000 nurses. Many, as community-based and emergency department nurses, are directly impacted by this mass casualty. The NSNU has played a key role in shaping policies to address workplace safety and they characterize their potential contribution this way.
- [58] The NSNU says that violence in the community has an impact on those who provide care, including their member nurses and they want to participate to share this perspective with the aim of preventing future violence.
- [59] The NSNU represents the views of nurses working in community and can speak specifically about those experiences and perspectives.

2. Nova Scotia Government and General Employees Union (NSGEU)

- [60] The Nova Scotia Government and General Employees (NSGEU) is the largest union in Nova Scotia with 30,000 members. The NSGEU has a history of participating in public inquiries involving the health and safety of its members. The NSGEU states that one of its members, Kristen Beaton, was killed in the mass casualty while on duty as a Homecare Worker. It further states that many other members of the NSGEU who live and work in the same geographic area were exposed to the events and were deeply traumatized.
- [61] The NSGEU represents a number of occupational groups whose work is included in the mandate of the Commission including: 720 Homecare Workers, 170 employees of the Victorian Order of Nurses (VON), employees of the Emergency Management Office, Forensic Technicians and Medical Investigators, Cape Breton Regional Police Service and wide range of employees in Acute Care, Nova Scotia Health Authority and the IWK Health Centre. The NSGEU says that its involvement with a large number of workers in a broad range of work places

involving different kinds of risk gives them a unique perspective on many matters of interest to the Inquiry.

3. *Along the Shore Health Board (ATSHB)*

- [62] The “Along the Shore Health Board” (“ATSHB”) is the volunteer Community Health Board that serves the area from Onslow to Five Islands, Nova Scotia. As the Community Health Board supporting the geographic communities most affected by the events of April 18 and 19, 2020, the ATSHB has applied to participate in order to share what it has learned about the events themselves and the ongoing impacts on the individuals, children, and families that make up their community.

Decision: Health-Related Organizations

- [63] Each of the NSNU, the NSGEU and the ATSHB are well positioned to assist the Commission with its mandate. As on the ground community-based organizations with vast experience, they can contribute significantly with recommendations on how to keep our communities safer and healthier.
- [64] As Participants, they may engage the Commission in a variety of ways, including preparing expert reports, attending community sessions and participating in roundtable discussions.
- [65] Given the importance of their respective contributions and the breadth of their memberships, each may participate individually.

C. Firearm Organizations

1. *Canadian Coalition for Gun Control (CCGC)*

- [66] The Canadian Coalition for Gun Control (CCGC) describes themselves as “the leading voice on firearm control in Canada. It is a globally recognized non-profit organization that has worked to reduce firearm death, injury and crime for thirty years. [...] The [CCGC] is supported by over 200 organizations that represent diverse interests, including: victims, women, physicians, lawyers, religious communities, universities, municipal governments, and law enforcement.”

2. *Canadian Coalition for Firearms Rights (CCFR)*

- [67] In their application, the Canadian Coalition for Firearms Rights (CCFR) notes that they “bring high level expertise in firearms, firearms policy, regulation, and community opinions.” Their website describes a volunteer organization that represents the Canadian firearm owning community. Their vision is to maintain, protect and promote private firearm ownership.

Decision: Firearms Organizations

- [68] The use of firearms represents an important aspect of our mandate. The CCGC and the CCFR can contribute to this work in an informative and balanced way. They are granted the right to participate on those aspects of our mandate dealing with the use of firearms. This can be done in a variety of ways, including providing expert reports and participating in expert roundtable discussions.
- [69] The CCGC has requested, and we recommend, that its participation be funded.

D. Justice Organizations

1. *BC Civil Liberties Association (BCCLA)*

- [70] In their application, the BC Civil Liberties Association (BCCLA) says they are the “oldest and most active civil liberties and human rights group in Canada.” In existence for more than 50 years, they are a non-partisan, charitable society based in British Columbia, but their work has a national scope with legal interventions and law reform advocacy in multiple jurisdictions and at various appellate courts. The BCCLA has a unique perspective and expertise related to how powers of law enforcement agencies may be open to abuse, including how information is shared with other public entities such as Canadian Border Services Agency and intelligence bodies.

2. *East Coast Prison Justice Society (ECPJS)*

- [71] Based in Halifax, East Coast Prison Justice Society (ECPJS) is a non-profit, mainly volunteer-run, organization comprised of a collaborative group of individuals and organizations helping criminalized and imprisoned individuals. It does so through advocacy, research, scholarship, legal support, education, public service, and the provision of grassroots services. In recent years, its work has focused primarily in four main areas: (i) jails and prisons; (ii) correctional health; (iii) policing, and (iv) fatality inquiries.

3. *Nova Scotia Legal Aid (NSLA)*

- [72] Nova Scotia Legal Aid (NSLA) represents people charged in criminal matters and people who are victims of violence in the areas of family, social justice and criminal law. NSLA participates in many different aspects of the justice system. Its application states that it is “uniquely situated to provide information on police decisions and behaviours during investigation, response to domestic violence situations, the court and other responses, as well as process in all stages of criminal, family and social justice proceedings.”

Decision: Justice Organizations

- [73] BCCLA and ECPJS are granted the opportunity to participate in the Commission's process as a coalition.
- [74] These two organizations have requested, and we recommend, that their participation be funded.
- [75] NSLA has the potential to make a similar contribution but from a unique perspective. It therefore is granted a separate opportunity to participate in the Commission's process.

E. Gender-Based Organizations

1. *Avalon Sexual Assault Centre (Avalon)*

- [76] Avalon Sexual Assault Centre (Avalon) is a Halifax-based non-profit that has been engaged in community-based work to eliminate sexualized and gender-based violence since 1983. Its staff includes professional counsellors, educators, health practitioners and activists who provide various front-line services to victims and survivors of gender-based violence.

2. *Women's Legal Education and Action Fund (LEAF)*

- [77] The Women's Legal Education and Action Fund (LEAF) is a national, non-profit organization and registered charity founded in April 1985 to advance the equality rights of women and girls in Canada as guaranteed by the *Canadian Charter of Rights and Freedoms*. LEAF uses litigation, law reform, and public education as tools to push for substantive gender equality.
- [78] LEAF has a particular interest in participating in any community, expert, and institutional proceedings, and in policy roundtables. LEAF has a long history of working in coalition with other organizations.

3. *Feminists Fighting Femicide (FFF)*

- [79] Feminists Fighting Femicide (FFF) is an *ad hoc* group of Nova Scotia women, formed in response to the mass casualty. They work to support survivors of male violence.

4. *Persons Against Non-State Torture (PANST)*

- [80] Persons Against Non-State Torture (PANST) describes itself as supporting women who disclose and/or survive acts of torture and trafficking perpetrated within family relationships.

- [81] PANST seeks the opportunity to participate in policy roundtables on intimate partner violence/gender-based violence or provide written submissions at the close of the proceedings.

5. *Women’s Shelters Canada (WSC)*

- [82] Women’s Shelters Canada (WSC) describes itself as “a Pan-Canadian organization with a mission to make ending violence against women (VAW) a priority.” A registered charity since 2012, WSC works with its members – the provincial and territorial shelter networks – to ensure that policies, legislation, and regulations are informed by the knowledge and experience of those working in the shelter networks.
- [83] WSC seeks to participate in the Commission’s public hearings and roundtable discussions. WSC identifies a common interest with the Transition House Association of Nova Scotia (THANS), which is one of the fifteen full members of WSC.

6. *Transition House Association of Nova Scotia (THANS)*

- [84] Transition House Association of Nova Scotia (THANS) is a registered not-for-profit and charity representing 11 transition houses in Nova Scotia, including two that are designated to serve First Nation communities. These houses provide crisis and transitional services to women and children experiencing violence and abuse. THANS’ application outlines the historical role that three of its member organizations (Third Place in Truro, Autumn House in Amherst and Tearmann House in New Glasgow) have played and continue to play in raising awareness, responding to the harms of family violence and intimate partner violence, and creating a network of transition and shelter services to the communities most affected by the events of April 18 and 19, 2020.

7. *Be the Peace Institute*

- [85] Be the Peace Institute is a non-profit working to address the roots and consequences of gender-based violence and advance systemic change for gender equity and social justice in Nova Scotia.

8. *Elizabeth Fry Society of Mainland Nova Scotia (EFMNS)*

- [86] Elizabeth Fry Society of Mainland Nova Scotia (EFMNS) is a non-profit, charitable organization that engages with vulnerable women and girls to foster reintegration, rehabilitation, personal empowerment and to address the root causes of criminalization. With locations in both Dartmouth and Truro, EFMNS supports women who are often at a high risk of returning to the cycle of poverty, homelessness and self-harm that can cause criminalization.

9. Wellness Within: An Organization for Health & Justice

- [87] Wellness Within: An Organization for Health and Justice was established in 2012 and incorporated as a registered non-profit in 2017. It is a volunteer-based non-profit organization. It works for reproductive justice, prison abolition, and health equity. Its members include doulas, nurses, midwives, physicians, social workers, lawyers, students, researchers, writers, educators, and people who have experienced criminalization.
- [88] Wellness Within identifies that it shares common interests and concerns with the Women's Legal Education and Action Fund (LEAF) and Avalon Sexual Assault Centre.

Decision: Gender-Based Organizations

- [89] All of the gender-based organizations who applied have a genuine concern about the subject matter of the Commission or have an expertise in an area that will be considered by the Commission. Their applications demonstrated a varying degree of ability to satisfy the threshold of a substantial and direct interest in the subject matter of the Inquiry. Some of the organizations indicated that they would be willing to form a coalition with others. We have taken these indications into account and make the following decisions:

I. Women's Legal Education and Action Fund (LEAF), Avalon Sexual Assault Centre and Wellness Within

- [90] We direct that the Women's Legal Education and Action Fund (LEAF), Avalon Sexual Assault Centre, and Wellness Within form a coalition.
- [91] LEAF and Wellness Within have requested, and we recommend, that their participation be funded.

II. Feminists Fighting Femicide and Persons Against Non-State Torture

- [92] Feminists Fighting Femicide (FFF) and Persons Against Non-State Torture (PANST) indicated a willingness to work together. We direct that they do so.

III. Women's Shelters Canada, Transition House Association of Nova Scotia and Be the Peace Institute

- [93] We direct that the Women's Shelters Canada (WSC), Transition House Association of Nova Scotia (THANS) and Be the Peace Institute form a coalition. WSC and THANS have requested, and we recommend, that their participation be funded.

IV. Elizabeth Fry Society of Mainland Nova Scotia

- [94] Elizabeth Fry Society of Mainland Nova Scotia (EFMNS) is permitted to provide written submissions regarding the intimate partner violence/gender-based violence aspects of the mandate.
- [95] EFMNS has requested, and we recommend, that its participation be funded.

F. Police-Related Organizations

1. Atlantic Police Association (APA) affiliated

- [96] The Atlantic Police Association (APA) subsumed the former Police Association of Nova Scotia. The APA plays an administrative and advocacy role for unionized municipal police officers, including those from Truro, Amherst, New Glasgow, Westville, Stellarton, and Charlottetown. In its application, the APA states that the members it represents were in a position to provide policing to assist in preventing/limiting this mass casualty.

2. Canadian Police Association (CPA)

- [97] The Canadian Police Association (CPA) is a national association that represents police unions and associations including 27 regional chapters at municipal, federal, Aboriginal and provincial levels totaling, approximately 60,000 civilian and sworn members and 160 police services. The CPA claims to be the only organization that has the ability to speak from a national perspective to the operation of front-line police personnel in all types of policing. The CPA has provided expert testimony before Parliamentary Committees and obtained intervener status in judicial proceedings that have a direct impact on the law enforcement sector. Their principal focus is on the role of police officers in the communities that their members serve. The Halifax Regional Police Union, the Amherst Police Association, the Truro Police Association and the Atlantic Police Association are members of the CPA.

3. National Police Federation (NPF)

- [98] The National Police Federation (NPF) became the RCMP's sole certified bargaining agent in 2019 for 20,000 regular member, reservists and non-commissioned officers, below the rank of Inspector. Many NPF members were directly involved in the RCMP response to the mass casualty.

4. Nova Scotia Chiefs of Police Association (NSCPA)

- [99] The Nova Scotia Chiefs of Police Associations (NSCPA) represents Police Chiefs and the executive and management levels above the rank of non-commissioned officers in all municipal forces in Nova Scotia including military police and other related law enforcement agencies. Commissioned ranking

officers of the RCMP in Nova Scotia are also invited members. The NSCPA is a member of the Canadian Association of Chiefs of Police.

5. RCMP Veterans Association of Nova Scotia (RCMP-VANS)

[100] RCMP Veterans Association of Nova Scotia (RCMP-VANS) is a division of the National Veterans Association and one of 30 divisions across Canada representing retired RCMP officers. It represents a wealth of policing experience in Nova Scotia and wishes to share its insights with the Commission.

6. Truro Police Service (TPS)

[101] The Truro Police Service (TPS) is a municipal police agency located in Colchester County and TPS has been serving the people of central Nova Scotia since 1875. It provides policing service in the local municipal area and can be described as a mid-sized police agency that provides 24/7 policing coverage and has a variety of human and capital resources and specialized policing skills. Members of the Truro police service were working on April 18 and 19, 2020 and had some involvement in the mass casualty.

Decision: Police Related Organizations

[102] Policing in rural Nova Scotia is fundamental to our mandate. All six Applicants can offer important perspectives in this regard. Many offer unique perspectives and some were directly involved with this mass casualty. They bring national and local perspectives to our mandate. All six shall participate in the policing aspects of our mandate. While most organizations offer important unique perspectives, those of the APA and the CPA are sufficiently aligned to warrant a coalition, which we direct.

[103] The APA has requested, and we recommend, that its participation be funded.

[104] Again, we express our thanks to all of the Applicants who took the time to apply for an opportunity to participate in the Commission process.

[105] We will now briefly identify our next steps to assist the public in knowing what to expect in the coming months.

VI. Next Steps

1. COVID-19

[106] At the outset, we must acknowledge the grim reality that has been and continues to be the COVID-19 pandemic. Since our Orders in Council on October 21, 2020, COVID-19 cases have spiked twice in Nova Scotia; once in November/December 2020 and now again in April/May 2021. This has complicated our work, making it particularly difficult to plan next steps with certainty. Nonetheless, like everyone,

we will remain agile and move forward with our mandate as best we can with the use of technology, personal protective equipment and social distancing. Nova Scotians can rest assured that we will proceed with extreme care for everyone's health. Since the first weeks of our mandate, we have coordinated our work with the Chief Medical Officer of Health, Dr. Robert Strang, and his office. We will continue to do so, making sure that we fully understand and fully comply with all applicable protocols.

2. Investigation into What Happened on April 18 and 19, 2020

[107] Our most pressing priority is to determine exactly what happened on April 18 and 19 of last year. We recognize that those most affected and the public generally are looking for and deserve answers. To this end, our investigative and legal teams will continue to review thousands of documents, interview witnesses (with the collaboration of our Community Liaison and Mental Health teams) and otherwise pursue this important part of the Commission mandate.

3. Continued Engagement with Those Most Affected

[108] While many contingencies remain, in the coming months we expect to continue our engagement with the individuals, organizations and communities most affected.

4. Research and Policy

[109] Our mandate requires us to make recommendations that could help protect communities in the future. This means that our work has a very important research and policy component, helping us to take the information gathered in the investigation and inform our ability to make meaningful recommendations. To this end, our research and policy team will review the factual record and relevant policies and procedures and with our direction, commission expert reports and conduct various roundtable proceedings with experts and community leaders. This work will be evidence-based, and will be balanced so that all sides of the various issues are heard. This work has already begun and is integral to our proceedings.

5. Rules of Practice and Procedure

[110] We are in the process of completing Rules of Practice and Procedure, in addition to those relating to this participation process (which have already been published on our website). Participants will have the opportunity to provide input on the draft Rules before they are formally adopted and posted on our website.

6. Commission Proceedings

[111] Following the issuance of this decision, Commission Counsel will engage Participants on the parameters of their respective participation and the types of proceedings that will best accommodate their contribution to the mandate of the Mass Casualty Commission.

- [112] Members of the public will have access to the public proceedings and transcripts of the evidence of witnesses who give public testimony.
- [113] We would like to conclude by saying that it is an honour for us to have been selected to lead the Mass Casualty Commission. Each and every member of the Commission team is deeply committed to fulfilling the important mandate of this Commission.