

# Aboriginal Healing Foundation



*Letters Patent*

**CANADA**

**LETTERS PATENT**

WHEREAS an application has been filed to incorporate a corporation under the name

**ABORIGINAL HEALING FOUNDATION**

THEREFORE the Minister of Industry by virtue of the powers vested in him by the Canada Corporations Act, constitutes the applicants and such persons as may hereafter become members in the corporation hereby created, a body corporate and politic in accordance with the provisions of the said Act. A copy of the said application is attached hereto and forms part thereof.

Date of Letters Patent – March 30, 1998

GIVEN under the seal of office of the Minister of Industry.

*<Original signed>*  
for the Minister of Industry

RECORDED 30<sup>th</sup> March, 1998  
File Number: 347994-3

*<Original signed>*  
Deputy Registrar General of Canada

*<Seal>*  
Canada

*\* Reformatted from original*

**APPLICATION FOR INCORPORATION OF A CORPORATION  
WITHOUT SHARE CAPITAL UNDER PART II OF  
THE *CANADA CORPORATIONS ACT***

To the Minister of Industry Canada

I

The undersigned hereby apply to the Minister of Industry Canada for the grant of a charter by letters patent under the provisions of Part II of the *Canada Corporations Act* constituting the undersigned, and such others as may become Members of the Corporation thereby created, a body corporate and politic under the name of

**ABORIGINAL HEALING FOUNDATION**

The undersigned have satisfied themselves and are assured that the proposed name under which incorporation is sought is not the same as or similar to the name under which any other company, society, association or firm in existence is carrying on business in Canada or is incorporated under the laws of Canada or any province thereof or so nearly resembles the same as to be calculated to deceive and that it is not a name which is otherwise on public grounds objectionable.

II

The applicants are individuals of the full age of eighteen years with power under law to contract. The name, address and the calling of each of the applicants are as follows:

<b><u>Name</u></b>	<b><u>Address</u></b>	<b><u>Occupation</u></b>
Georges Erasmus	27 Ferguson Road Chelsea, Quebec, J0X 1N0	Dene at large
Gene Rheaume	28 Hillview Road Nepean, Ontario, K2H 5G5	Consultant
Paul Chartrand	1378 Charles Place Victoria, BC, V8P 5M6	Consultant
Janet Brewster	804 Trojan Avenue Ottawa, Ontario, K1K 2P7	Intervenor
Wendy Grant-John	6508 Salish Drive Vancouver, BC, V6N 2C7	Public Servant

Jerome Berthelette	416 Oxford Street Winnipeg, Manitoba, R3M 3J8	Public Servant
Marjorie Hodgson	12775-117 <sup>th</sup> Street Edmonton, Alberta, T5E 5J6	Consultant
Debbie Reid	820-160 Chapel Street Ottawa, Ontario, K1N 8P5	Senior Policy Analyst
Teresa Nahanee	Box 213, 1964 Quichena Avenue Merritt, BC, V1K 1B8	Lawyer

The said Georges Erasmus, Gene Rheaume, Paul Chartrand, Janet Brewster, Wendy Grant-John, Jerome Berthelette, Marjorie Hodgson, Debbie Reid and Teresa Nahanee will be the first directors of the Corporation. The Corporation shall have a minimum of nine (9) directors and a maximum of seventeen (17) directors.

### III

The objects of the Corporation are:

- (a) Notwithstanding any other provision herein, to address the healing needs of all Aboriginal people affected by the Legacy of Physical and Sexual Abuse in Residential Schools, taking into account and honouring, in a fair and equitable manner, the geographical and demographic reality and the concentration across Canada of those who are affected by this Legacy;
- (b) To ensure that the specific healing needs of the Inuit and Métis who are affected by the Legacy of Physical and Sexual Abuse in Residential Schools are addressed and that their access to the funding process is reflected in the criteria for guidelines for funding;
- (c) To support the objective of addressing the healing needs of Aboriginal People affected by the Legacy of Physical and Sexual Abuse in Residential Schools, including intergenerational impacts, by supporting holistic and Community-Based healing to address needs of individuals, families and communities, including Communities of Interest;
- (d) To foster and promote understanding and an appreciation of the nature and effect of such abuses on victims, their families and their communities and to consider, evaluate and implement culturally appropriate approaches and institutions to commence and sustain the healing process;
- (e) To support projects which address the special needs of all segments of the Aboriginal community affected by the Legacy of Physical and Sexual Abuse in Residential Schools including the elderly, youth and women;
- (f) To support holistic innovative approaches in projects which reflect local differences, needs, geography and other realities, relating to the healing process;

- (g) To support projects that focus on the early detection and prevention of the effects of the Legacy of Physical and Sexual Abuse in Residential Schools on all generations of Aboriginal people;
- (h) To support projects which establish complementary linkages, where possible and appropriate, to other health and social programs and services (federal, provincial, territorial and aboriginal) and build on existing achievements and successes;
- (i) To not act as a substitute for financial or fiscal relief, or for existing programs, activities or services provided by or with funding from the Federal Government and/or other levels of government;
- (j) To support projects which, where possible, include an element of capacity building;
- (k) To support healing initiatives based on a community healing approach designed to address the needs of individuals, families and communities;
- (l) To encourage government at all levels to continue to provide existing funding and programs relating to Aboriginal people and to not withdraw, cancel or reduce any such programming or funding nor refrain from providing new programming;
- (m) To receive funds from the Government of Canada and other parties and to maintain a fund or funds and apply from time to time all or part thereof and/or the income in furtherance of the above objects; and to do all such things as are incidental or conducive to the attainment of the above objects and in particular :
  - (i) to use, apply, give, devote, accumulate or distribute from time to time all or part of the fund or funds of the Corporation and/or the income therefrom by such means as may from time to time seem expedient to its directors, including research, publication, education, meetings, seminars and conferences, subject always to compliance with the Funding Agreement;
  - (ii) to use, apply, give, devote, accumulate or distribute from time to time all or part of the fund or funds of the Corporation and/or the income therefrom, to or for any person, organization or organizations which in the judgment of the directors or the Corporation will promote the objects of the Corporation, subject always to compliance with the Funding Agreement;
  - (iii) for the further attainment of the above objects, to acquire, accept, solicit or receive, by purchase, lease, contract, donation, legacy, gift, grant, bequest or otherwise, any kind of personal property;
  - (iv) to enter into and carry out agreements, contracts and undertakings incident to its objects;
  - (v) to hold, manage, sell or convert to cash any personal property from time to time owned by the Corporation;
  - (vi) to retain, invest or reinvest any money or personal property of the Corporation but only in Eligible Securities, as defined in the Funding Agreement with Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development (the "Funding Agreement") denominated in Canadian dollars; for the purposes hereof, Eligible Securities are defined as bankers acceptances, bank certificates of

- deposit, commercial paper, bonds and notes issued and guaranteed by the federal government, provincial governments, municipal governments and corporations, government and corporate strip bonds, deposits at deposit taking institutions in Canada, asset backed securities and collateralized mortgage obligations, with a maximum remaining term to maturity of 6 years; for greater certainty, Eligible Securities does not include shares, warrants or other equities, convertible debt securities, derivatives, swaps, options or futures;
- (vii) to establish and operate a National Aboriginal Archive and Library to house records concerning Residential Schools;
  - (viii) for the further attainment of the above objects, to acquire, accept, solicit or receive any gift or personal property, either as an annual or other contribution or as an addition to the fund or funds of the Corporation;
  - (ix) to demand, receive, sue for, recover and compel the payment of all sums of money that may become due and payable to the Corporation, and to apply the said sums for the objects and purposes of the Corporation, and generally to sue and be sued in its corporate name;
  - (x) to employ and pay such assistants, clerks, agents, representatives and employees;
  - (xi) to draw, make, accept, endorse, execute and issue cheques and other negotiable or transferrable instruments; and
  - (xii) to pay all costs and expenses of, or incidental to, the incorporation of the Corporation;
  - (xiii) to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Corporation.

#### IV

The operations of the Corporation may be carried on throughout Canada.

#### V

The place within Canada where the head office of the Corporation is to be situated is at the Regional Municipality of Ottawa-Carleton, in the province of Ontario.

#### VI

- (i) it is specially provided that subject to the applicable requirements of the *Income Tax Act (Canada)* and any other applicable legislation with respect to non-profit organizations or charitable organizations, as the case may be, where the Corporation and Her Majesty the Queen in Right of Canada, as represented by the Minister of Indian Affairs and Northern Development agree that the Corporation shall wind up and dissolve, the uncommitted balance of the Amount as described in the Funding Agreement shall be distributed, by agreement of the Corporation and Her Majesty the Queen in Right of Canada, as represented by the Minister of Indian Affairs and Northern Development,

to either or both of the following:

- (a) one or more non-profit organization(s) in Canada whose objects are the same as or similar to the objects of the Corporation, with preferences given to aboriginally controlled organization(s);
  - (b) one or more charitable organizations, with preference given to aboriginally controlled organization(s).
- (ii) Where the Corporation and Her Majesty the Queen in Right of Canada, as represented by the Minister of Indian Affairs and Northern Development do not agree that the Corporation shall wind up and dissolve nor agree on the distribution of the uncommitted balance of the Amount as described in the Funding Agreement the matter shall be referred to arbitration in accordance with the Funding Agreement.
- (iii) Before dissolution the Corporation shall liquidate all assets and meet all debts and obligations and prepare and deliver a final report of the Corporation in accordance with the Funding Agreement.

## VII

The by-laws of the Corporation shall be those filed with the application for letters patent until repealed, amended, altered or added to.

## VIII

The Corporation is to carry on its operations without pecuniary gain to its members, provided that the Corporation may pay reasonable remuneration to directors and officers who are Members, in their capacity as directors and officers, to the extent permitted by law, and any profits or other accretions to the Corporation are to be used in promoting its objects.

## IX

The Corporation shall not borrow money, issue any debt obligations or securities, give any guarantees to secure a debt or other obligation of another person or mortgage, pledge or otherwise encumber property of the Corporation. The Amount as defined under the Funding Agreement shall not be used to purchase, directly or indirectly, or to repair or maintain real property owned directly or indirectly by the Corporation.

## X

The purposes and objects of the Corporation, all funds received and expended by the Corporation, and all programs, expenditures or policies of the Corporation are independent of, will not affect in any way and will not diminish in any way any claim to compensation or redress against those responsible made by a survivor or survivors of the Residential School experience, their families, or their communities, or to fund, in any way, any such claims.

## XI

The Corporation shall not provide funding to any federal department (as defined in Schedule 1 to the *Financial Administration Act*, R.S.C. 1985, c.E-11), departmental corporation (as defined in Section 2 of the *Financial Administration*

*Act*), parent Crown Corporation or wholly owned subsidiary of a parent Crown Corporation (as defined in Section 83(1) of the *Financial Administration Act*), any not-for-profit corporation or trust established by a federal department, departmental corporation, parent Crown Corporation or wholly owned subsidiary of a parent Crown Corporation.

## XII

No Member of the House of Commons or Senate shall be admitted to any share or part of this Corporation, nor to any benefit to arise therefrom.

## XIII

The Corporation shall not provide funding to any provincial or territorial department, agency, territorial or provincial Crown Corporation.

DATED at the City of Ottawa, in the province of Ontario, as of the 30<sup>th</sup> day of March 1998.

<Original signed>

Georges Erasmus, Gene Rheaume, Paul Chartrand,  
Janet Brewster, Wendy Grant-John, Jerome Berthelette,  
Marjorie Hodgson, Debbie Reid, Teressa Nahanees



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