



ATTAWAPISKAT FIRST NATION

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FOR IMMEDIATE RELEASE

(Attawapiskat, ON, February 3, 2012) In today's decision, the Court has declined to remove the Third Party Manager on a temporary basis. This decision does not affect the First Nation's overall legal challenge of third party management, which will be heard on April 24th. In the hearing on April 24th, the Federal Court will fully consider the lawfulness of the Minister's appointment of the Third Party Manager.

Today's decision confirms that the First Nation has raised serious issues concerning the lawfulness of the Minister's appointment. The Court rejected Canada's arguments that there was no serious legal issue raised by the First Nation's complaints, and also rejected Canada's argument that the Court had no jurisdiction to grant an injunction.

However, in order to obtain a temporary injunction without a full hearing, the Court must find that the harm that will occur in the meantime is of a nature that cannot be repaired by a later Court order after a full hearing. The Federal Court today decided that any harm to the First Nation's relationship with Canada and right to self-governance can be later addressed, if the Court ultimately rules in its favour in the April 24th hearing.

The Court has also imposed temporary measures to address some of the First Nation's concerns about Canada's actions as the First Nation seeks to resolve the housing crisis. Specifically, the Court has confirmed that the First Nation is not required to accept the legality of the Third Party Manager's appointment. As well, the Third Party Manager has been directed to make immediate payment of any invoices issued for use in the housing project, as soon as the Project Manager – who is independent, and not controlled by the Third Party Manager or AANDC – confirms that the invoices properly relate to resolving the housing crisis.

The First Nation will consider its further legal options after studying the decision, including the possibility of appeal. Chief and Council are confident that their management of the First Nation, its finances, and operations, is sound. The Third Party Manager therefore will have no reason to interfere with the decision-making and autonomy of Chief and Council.