

Henvey Inlet First Nation Draft Restated Membership Code



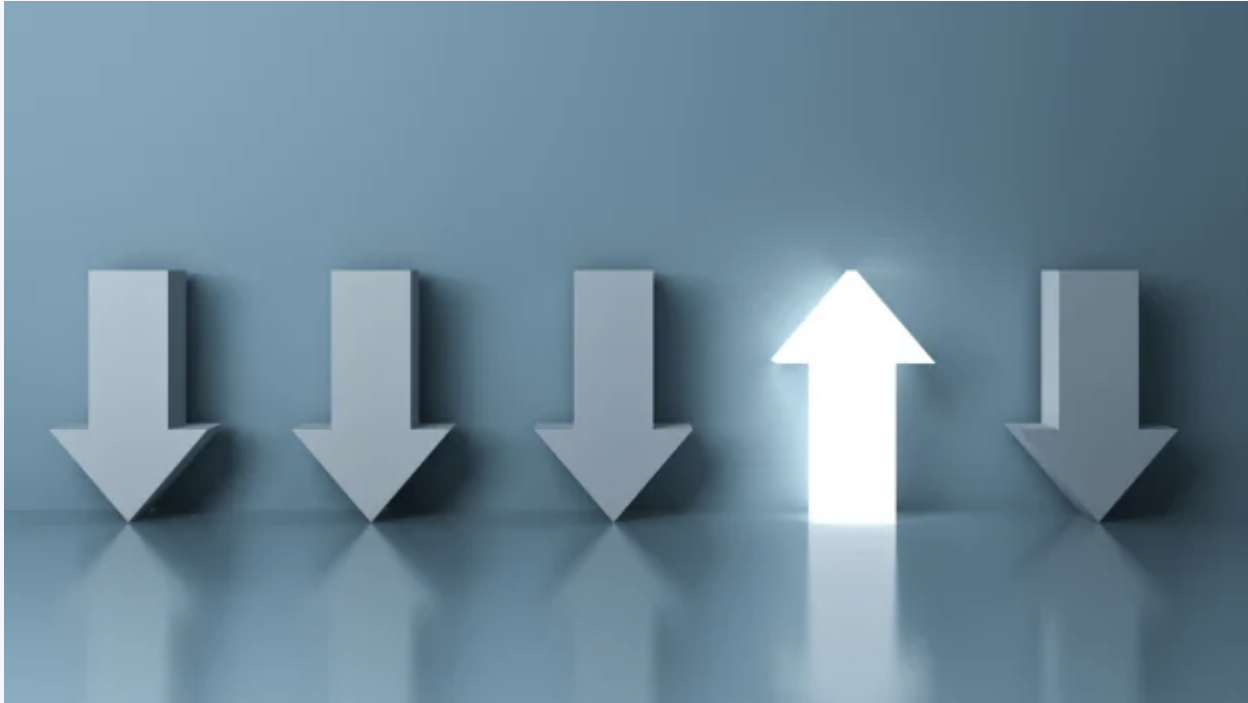
Presentation from the Membership Code Working Group
HIFN Community Consultation Meetings
May 28 and June 2, 2024

fogler
rubinoff

Introduction

- Further to the November 14 and 26, 2023 community meetings, and additional Membership Code Working Group meetings, revisions have been made to the draft Restated Membership Code to reflect the input and discussion from those meetings.
- HIFN Chief and Council have approved this latest draft Restated Membership Code for additional community review, input, and feedback.

May 28 and June 2, 2024



2024 Draft Restated
Membership Code

Key
Differences
Between the
1987 Code and
the Draft
Restated Code

Key Differences Between:

1987 Membership Code

- Based on the concept of blood quantum (which is undefined)
- Without a way of calculating blood quantum, the 1987 Code effectively limits and automatically gives membership to persons with *Indian Act* status
- Decisions on most applications are made by Council, with little guidance on what criteria they can take into account (which raises constitutional issues)
- Difficult to implement with no clear procedural requirements

DRAFT 2024 Restated Code

- Based on Indigenous ancestry (which is defined)
- Decisions on membership applications are made by a Membership Advisory Committee or by a community vote, depending on the applicant's ancestry and other qualifications - a list of criteria for making those decisions is included
- Sets out a clear process for membership applications



2024 Draft Restated
Membership Code

Entitlement
to
Membership

Three ways to obtain membership

1. Be on the “Original List”

- Anyone on the HIFN Membership List when the Restated Membership Code takes effect is automatically a member

2. Have “HIFN Ancestry”

- If you have strong ancestral connection to HIFN, membership is automatic on application

3. Have “Other First Nation Ancestry”

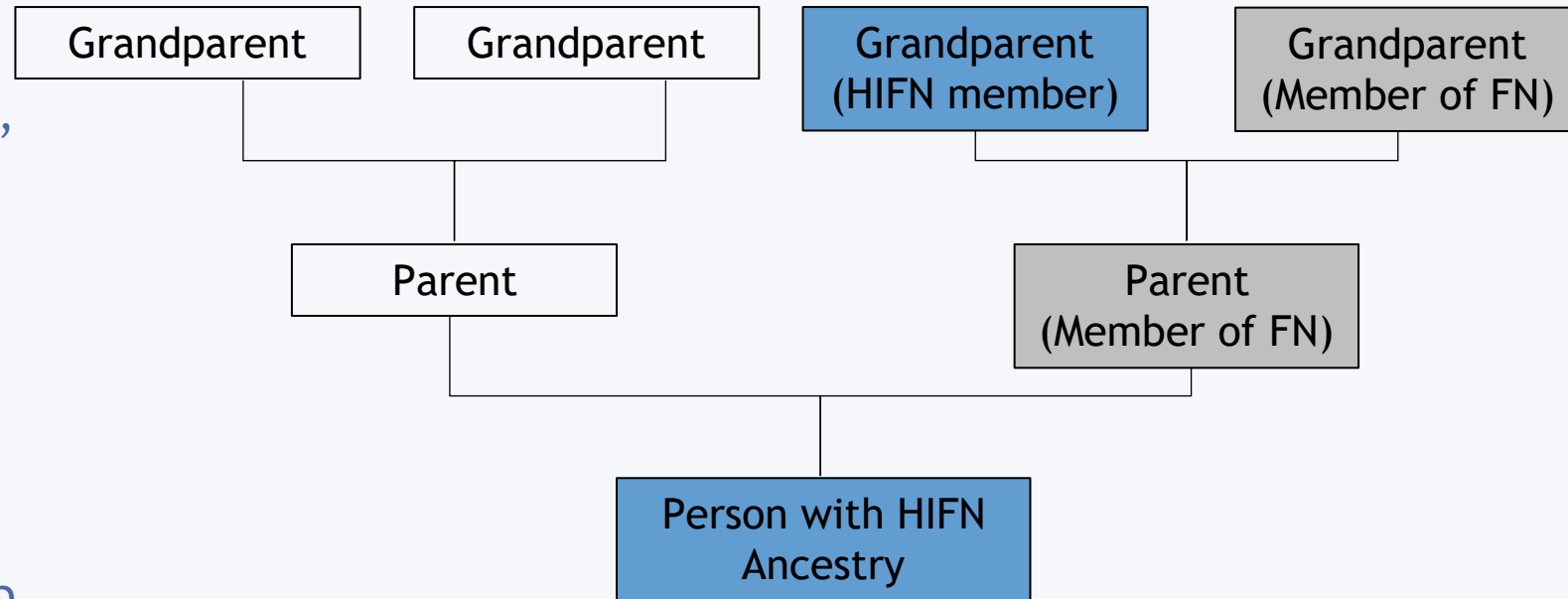
- If you have First Nations ancestry but are not strongly connected to HIFN, your application is put to a vote of the eligible voters

**See the following slides for the definitions of “HIFN Ancestry” and “Other First Nation Ancestry”*

Definition of HIFN Ancestry (1)

(automatic on application)

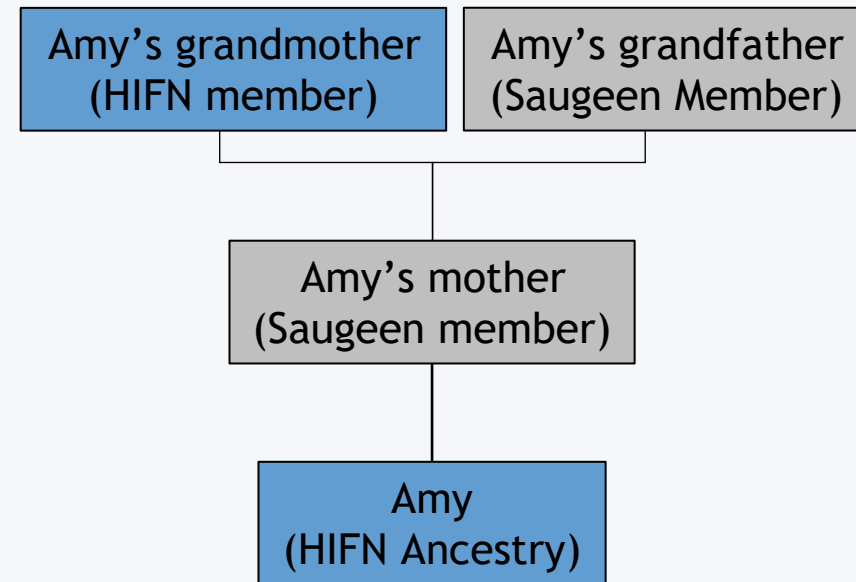
At least three (3) of the person's parents and grandparents are, were, or were entitled to be members of a First Nation, at least one (1) of whom is or was an HIFN member who did not acquire membership by marriage or transfer



Example of HIFN Ancestry (1)

(automatic on application)

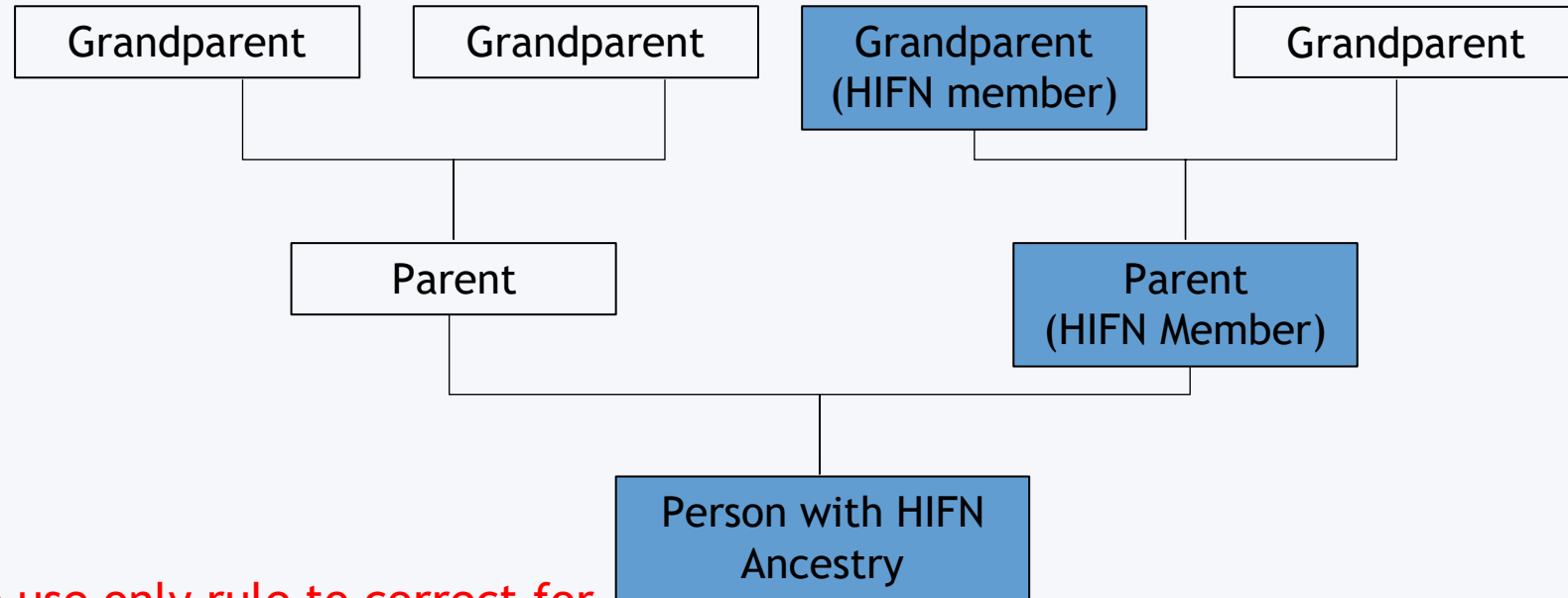
- Amy's maternal grandmother was an HIFN member until her marriage to Amy's maternal grandfather, who is a member of Saugeen First Nation. As a result, Amy's mother is a member of Saugeen First Nation
- When Amy was one year old, Amy's grandparents separated, and Amy's grandmother and mother moved to live in Parry Sound. After the move, Amy's family was able to reconnect with the HIFN community
- Amy's mother is now looking to enroll Amy, who is six years old, as an HIFN member.



Definition of HIFN Ancestry (2)

(automatic on application)

At least two (2) of the person's parents and grandparents are, were, or were entitled to be HIFN members who did not acquire membership by marriage or transfer



NOTE: This is a one-time use only rule to correct for the discriminatory effects of the Indian Act.

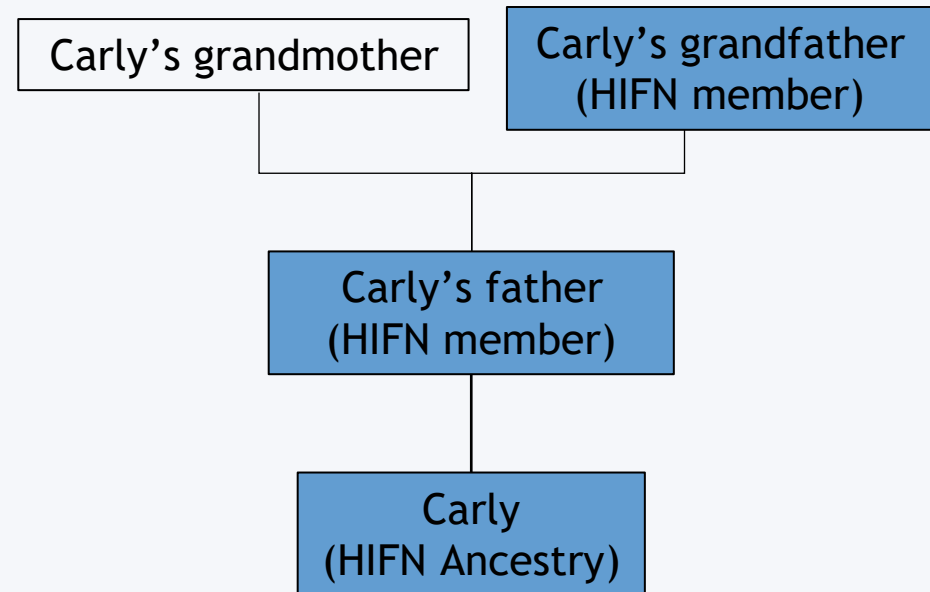
One-time Use Only Rule

- Recognizing that the *Indian Act* displaced Indigenous peoples' own systems of governance, and that it prevented many from acquiring or maintaining Indian status (through sex-based criteria, enfranchisement rules, the impact of the second-generation cut-off, etc.), this option is a measure that seeks to provide some redress in relation to the discriminatory provisions of the *Indian Act*.
- An individual would be able to apply for membership under the 2/6 rule, provided none of their ancestors have applied under the same rule. For example, the 2/6 rule would be unavailable to the child of a parent who applied under the 2/6 rule.

Example of HIFN Ancestry (2)

(automatic on application)

- Carly is 22 years old and goes to school at the University of Alberta.
- Carly's father is an HIFN member and her mother is non-Indigenous. The relationship between Carly's parents broke down before she was born, and as a result of the divorce, her mother moved to Edmonton soon after she was born and Carly has never known her father.
- Carly recently discovered that her father and grandfather are HIFN members and is now looking to apply for membership.

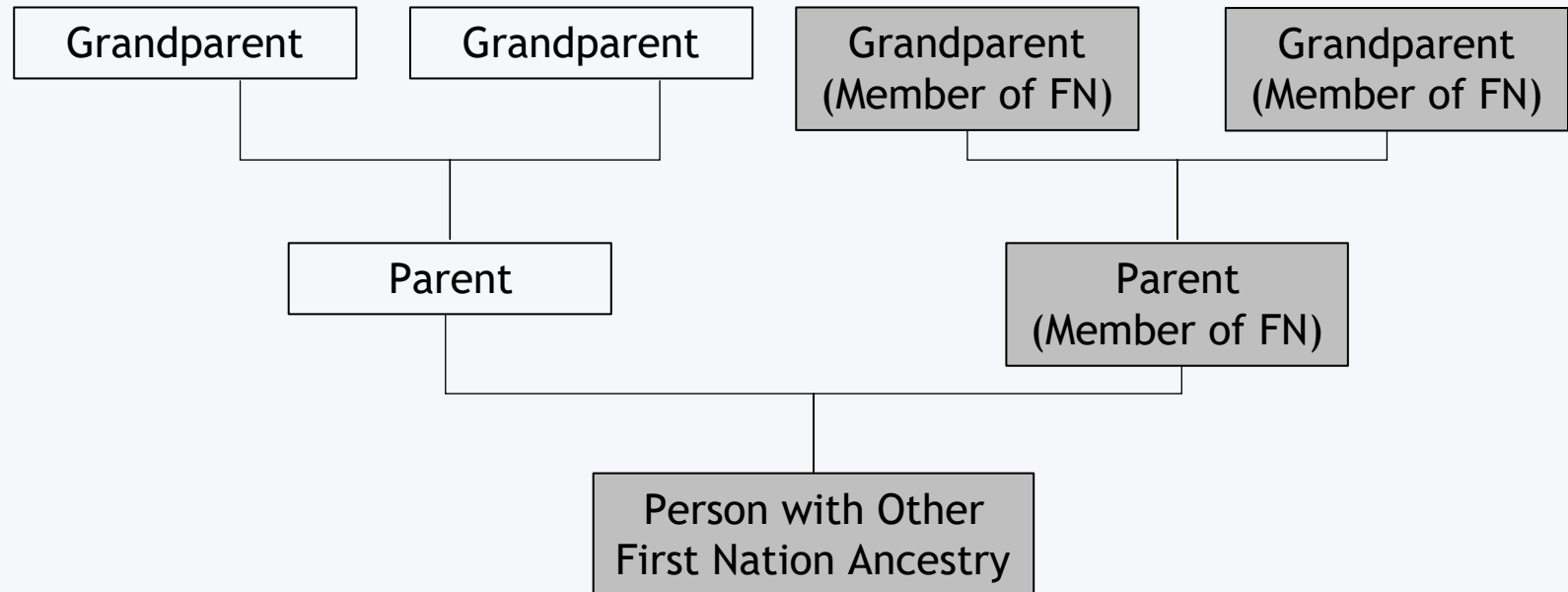


NOTE: Because this is a one-time use only rule, Carly's children would not be able to apply for membership using this same rule if Carly parents with a non-Indigenous individual.

Definition of Other First Nation Ancestry (1)

(subject to community vote on application)

At least three (3) of the person's parents and grandparents are, were, or were entitled to be members of a First Nation who did not acquire membership by marriage

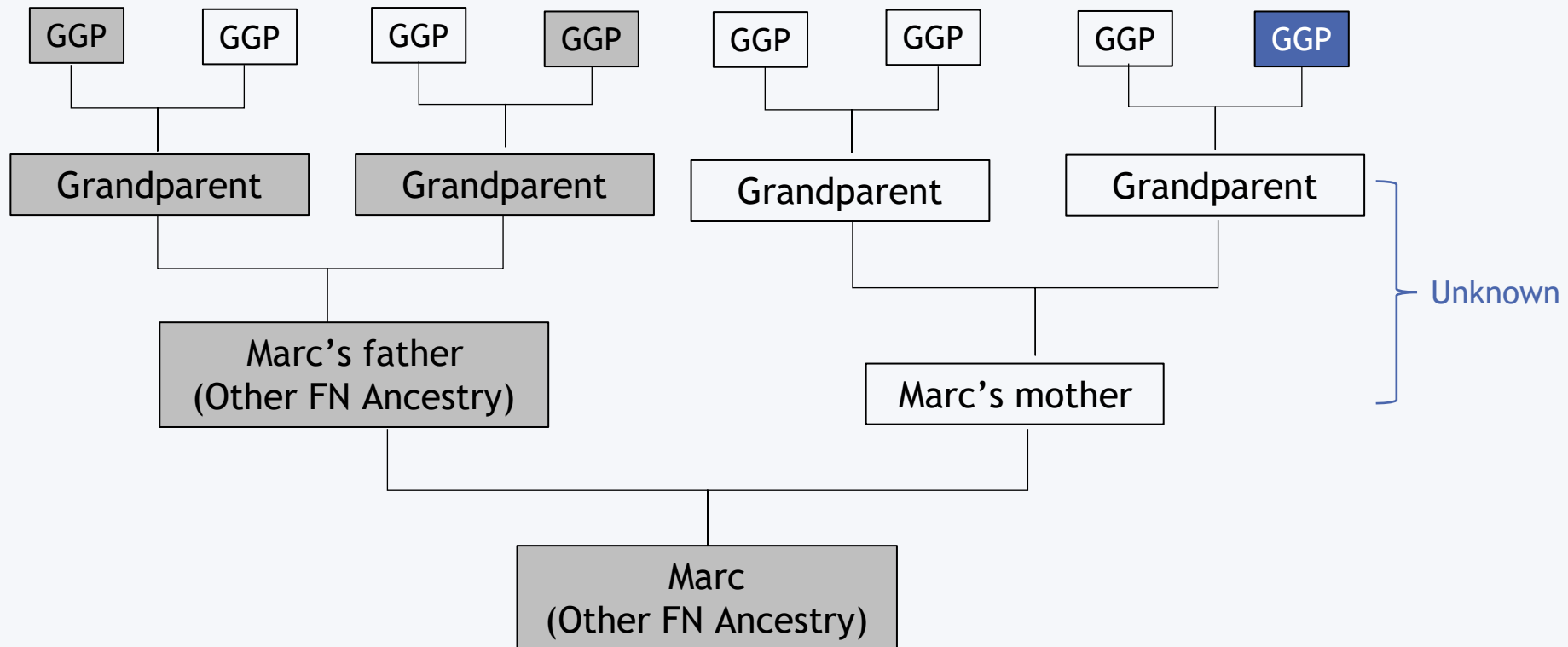


NOTE: This rule essentially addresses transfers.

Example of Other First Nation Ancestry (1)

- Since a young age, Marc, who is a minor, has been placed in a series of foster homes in Sudbury. Marc no longer has any connection to his family, but the Children's Aid Society is aware that he has some First Nations ancestry on the paternal side of his family, and some HIFN ancestry on the maternal side of his family.
- The Children's Aid Society notes that Marc's mother was unwilling to talk about her Indigeneity apart from mentioning that her grandmother lives on reserve at HIFN.
- In his most recent placement, Marc's foster parents brought him for activities being held by the Friendship Centre in Sudbury. Through the Friendship Centre, Marc and his family have developed a circle of support, that includes HIFN members, and they have even started attending events on reserve.
- Marc's foster parents are now looking into submitting a membership application for Marc to get him more involved and connected in the community.

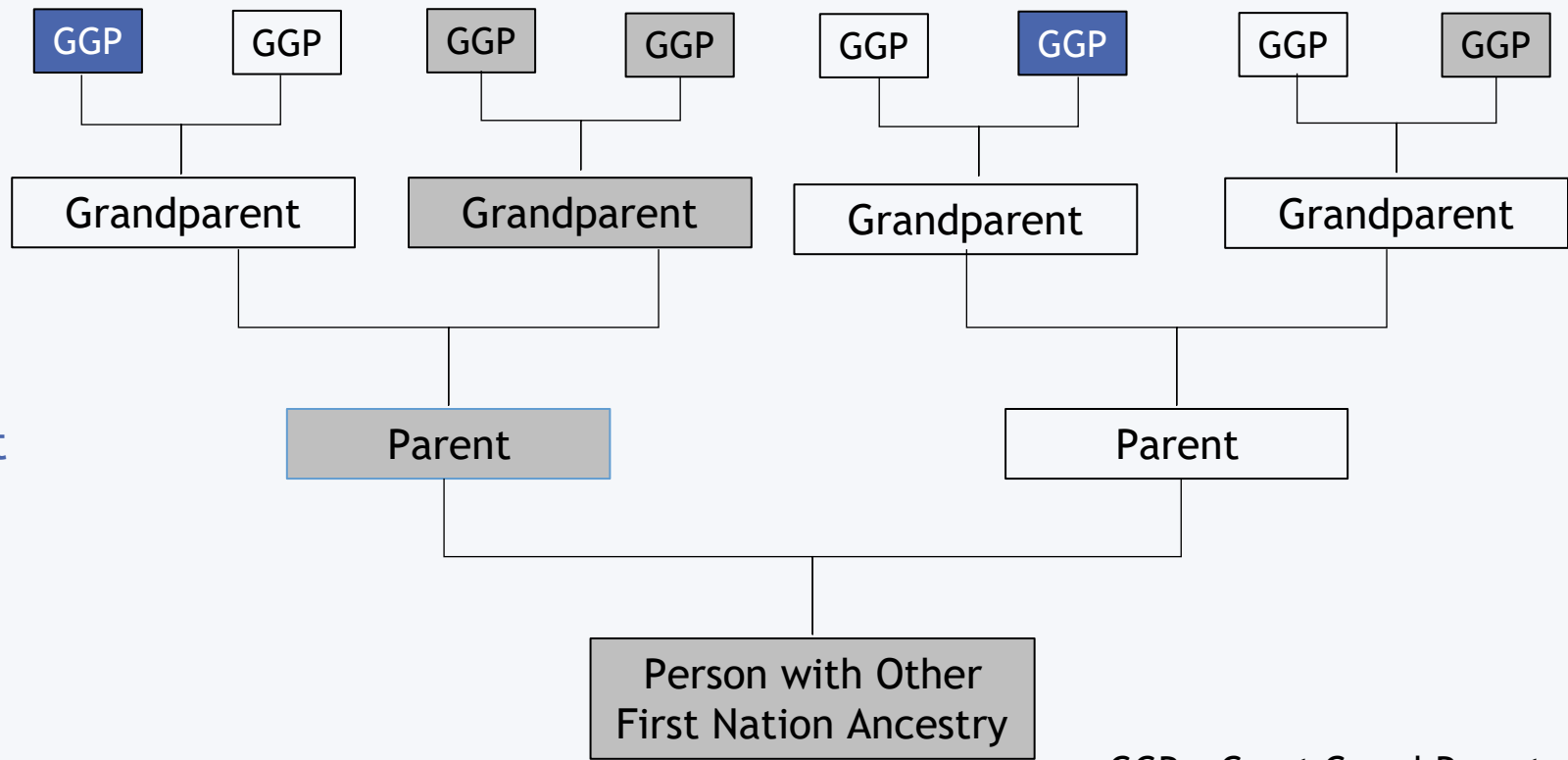
Marc Example (cont'd)



Definition of Other First Nation Ancestry (2)

(subject to community vote on application)

At least seven (7) of the person's parents, grandparents, and great-grandparents are, were, or were entitled to be members of a First Nation who did not acquire membership by marriage



GGP = Great Grand-Parent

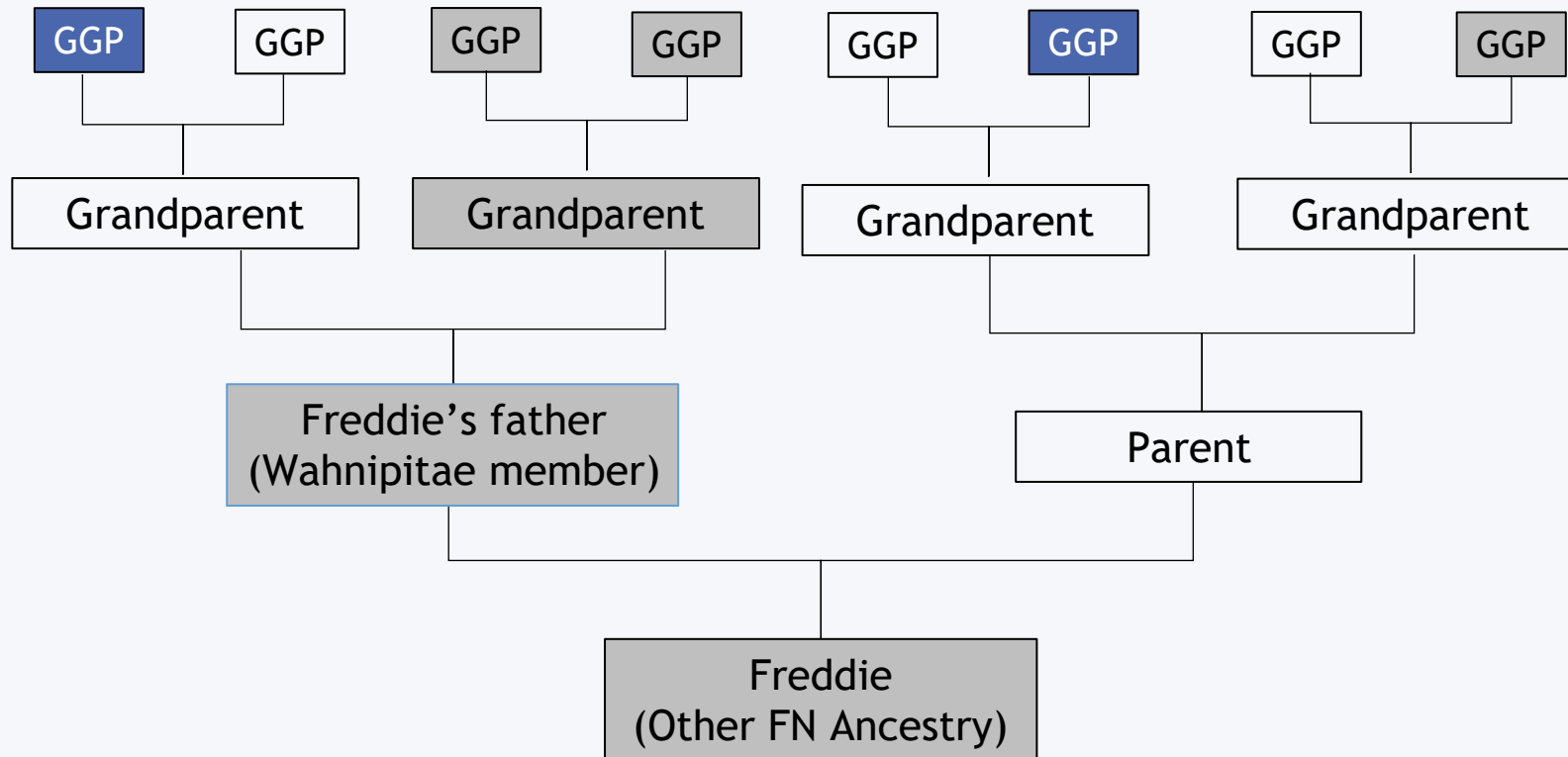
Grey = Other First Nation Member

Blue = HIFN Member

Example of Other First Nation Ancestry (2)

- Freddie's father is a member of Wahnipitae First Nation. Freddie has lived with his father in Parry Sound since he was a child. Freddie visits the reserve often with his father, who goes on fishing trips with his cousins, who are HIFN members. Freddie himself has two great-grandparents that were HIFN members.
- Freddie has never known his family from Wahnipitae First Nation due to the estranged relationship between his father and grandfather. Given that Freddie has spent much of his childhood in the HIFN community and with family members from HIFN, Freddie's father is hoping to enroll him as a member with HIFN.
- See family tree diagram on following slide.

Freddie Example (cont'd)



GGP = Great Grand-Parent

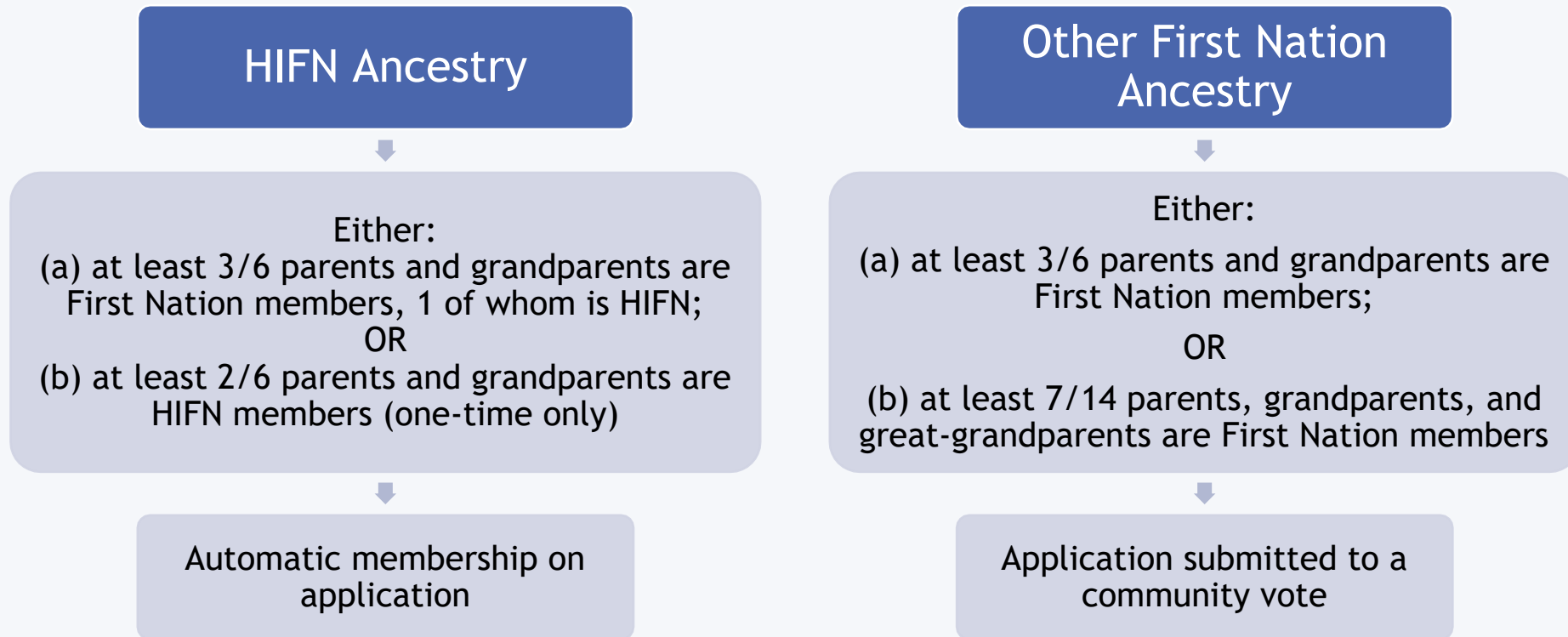
Grey = Other First Nation Member

Blue = HIFN Member

A note on adoptions

- In determining the number of ancestors for entitlement to membership, an applicant who was adopted can choose either their birth parent or their adoptive parent, but not both.

Membership Eligibility - Summary Chart





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Membership Code

Membership Application Process

Application Form and Supporting Documents

- Each person who wishes to be enrolled as an HIFN member must submit an application.
- Applications on behalf of a minor (up to 18) must include the consent of every person having a right to custody of the minor or a court order dispensing with the consent.
- Police record checks are required for all applications except for those applications submitted for a minor.

Police Record Checks

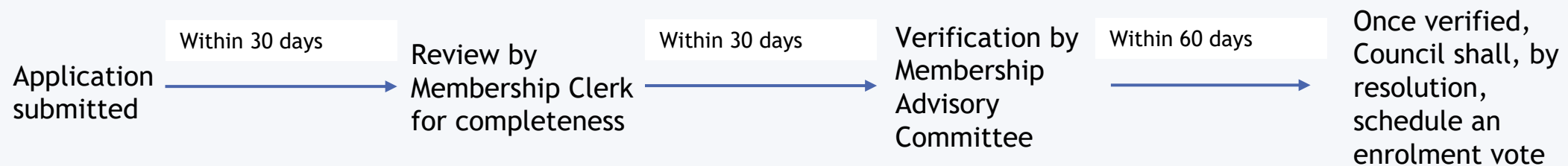
- Will be kept confidential and only reviewed by a Liaison Officer (or the Membership Clerk if a Liaison Officer is not available).
- “Red light, green light” system:
 - The Liaison Officer will review the police record check against the HIFN CPIC Policy: no serious offence convictions within the previous ten (10) years and not designated as a dangerous/sexual offender.
 - Once reviewed, the Liaison Officer will advise the Membership Clerk whether the police record check meets or fails the HIFN CPIC Policy. No details from the police record check will be included or communicated.
- All police record checks will be returned to the applicant following the Liaison Officer’s review - no copies will be kept.

HIFN Ancestry Applicants

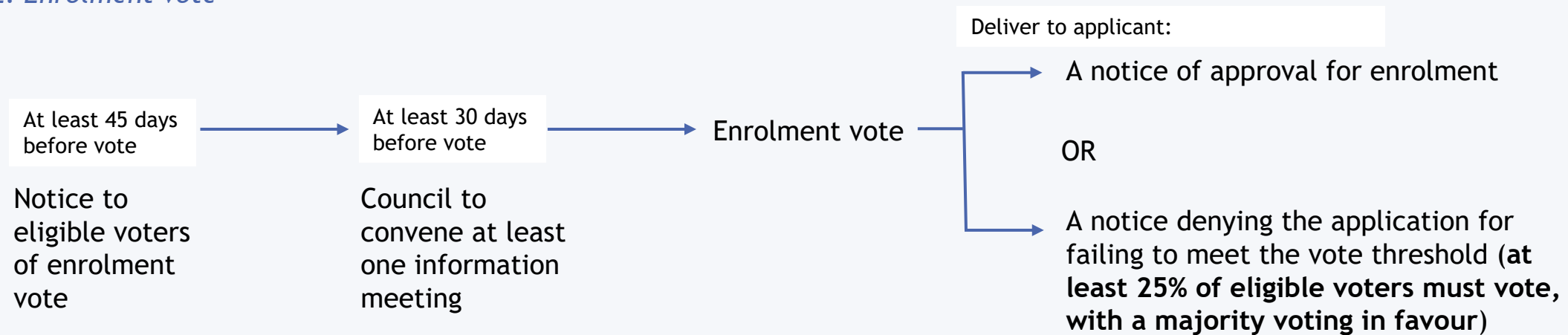


Other First Nation Ancestry Applicants

1. Application



2. Enrolment vote



Criteria for Decision-Making

In deciding applications which go to a community vote, the eligible voters shall consider:

- the applicant's ancestry, family, and dependents;
- any history of community involvement or other connection with HIFN;
- contributions which the applicant may make to HIFN through their occupation, profession, or their knowledge of HIFN's language, culture, or community;
- the importance of HIFN identity and participation in the HIFN community to the applicant;
- whether the applicant has been banished by any First Nation; and
- any other consideration or information Council deems to be relevant.

Appeals and Protests

Right to Appeal

- Any member or applicant may appeal a decision, action, or failure to act of the Membership Clerk or Membership Advisory Committee to Council.
- The decision of Council on the matter shall be binding and not subject to further appeal.
- The decision of the community in an enrolment vote is also not subject to appeal.

Protests

- Any member may protest the granting of membership to a person, based on any factual inaccuracies in their application, within three (3) years of the date their membership was granted.
- Council will then make enquiries as required and issue a decision on whether the person should be struck from the membership list.

Limitations on Re-applications

Second Application

- Where a person receives a Notice of Decision refusing enrolment, they must wait two (2) years before re-applying.

Subsequent Re-applications

- Where a person re-applies and receives a Notice of Decision refusing enrolment, they must wait five (5) years before re-applying.



2024 Draft Restated
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Administrative
Matters

Membership Advisory Committee

- Appointed by Council.
- Comprised of one (1) Councillor and at least five (5) other individuals who are not Councillors.
- The Membership Clerk supports the Committee but is **not** a voting member.
- Council will solicit applications from HIFN members to fill positions on the Committee.
- Committee members will be compensated on a per diem basis.
- The Committee will develop rules of procedure which will be presented to the HIFN community for input and feedback and for Council's approval.

Annual Report

- The Membership Clerk will prepare an Annual Membership Report for Council's review and approval, for distribution to HIFN members.
- The Report will include:
 - a summary of applications and appeals received, approved, denied, pending, or otherwise disposed of; and
 - a list of individuals newly enrolled on the HIFN Membership List.

Ratification of the Restated Code

- Unfortunately, the 1987 Membership Code does not include an amendment clause.
- This means that HIFN needs to adopt a Ratification Vote Procedure that sets out a standard approval vote threshold, to properly enact the Restated Membership Code.
- We have received input and feedback from Council and community and are in the process of updating the draft Ratification Vote Procedure. We will be returning to consult the community on the Ratification Vote Procedure once all questions and concerns on the Restated Membership Code have been addressed.
- Only once a Ratification Vote Procedure is adopted can HIFN move forward with restating the 1987 Membership Code.

Miigwech for your attendance and participation!

Next steps:

- The Membership Code Working Group will take back and discuss your feedback and input and how it might be incorporated.
- Any additional questions, comments, and concerns can be directed to the Membership Code Working Group:
 - Brenda Contin
 - Debbie Newton
 - Millie Pawis
 - Annette Cristo
 - Megan Bradley
 - Irvin Contin