

Henvey Inlet First Nation Draft Restated Membership Code

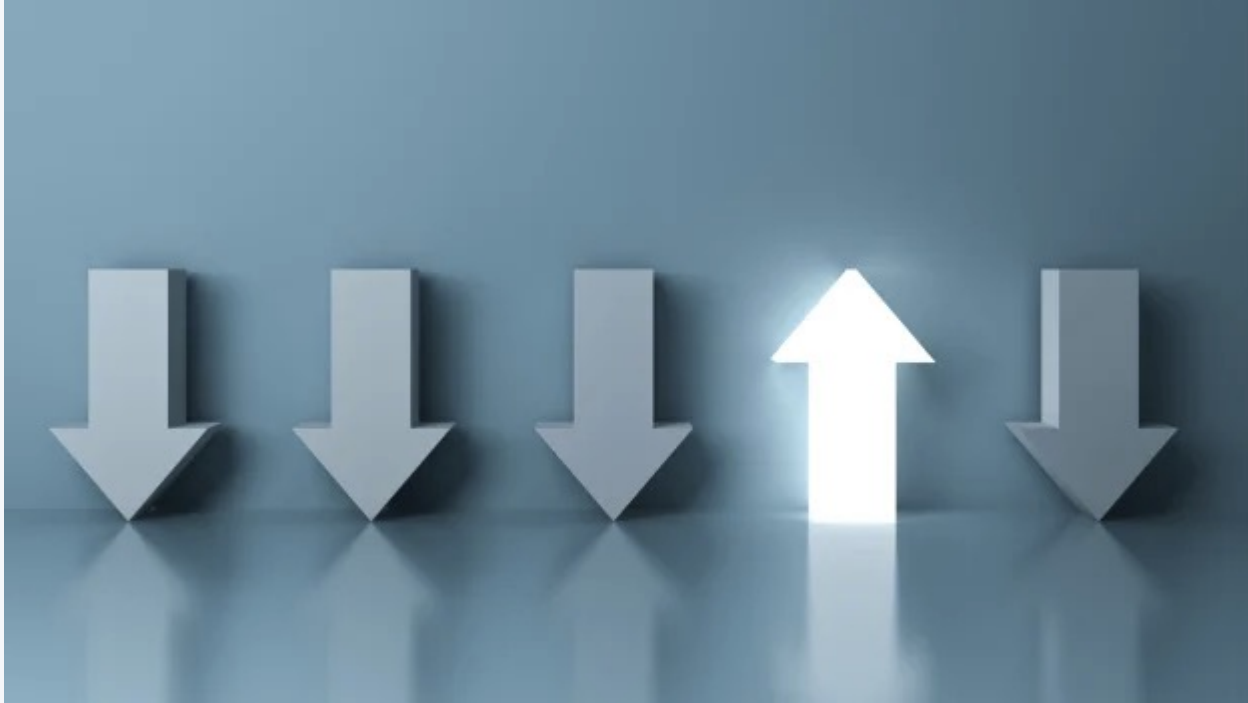


Presentation from the Membership Code Working Group
Community Consultation Meetings
November 14 and 26, 2023

fogler
rubinoff

Introduction

- In both our last community meetings, members stated that they wanted an understanding of the draft new Restated Membership Code before discussing or voting on a ratification procedure.
- Council accordingly cancelled the vote on the Ratification Protocol and directed the Working Group to begin community consultation on the Restated Membership Code itself.
- In the meantime, the Membership Clerk, with the support of the Membership Code Working Group, has also begun to process the membership applications already received, using the rules in the 1987 Code.



2023 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 2023 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
- New “friends” list for persons who are part of the HIFN community but who do not qualify as members
- Sets out a clear process for membership applications



2023 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

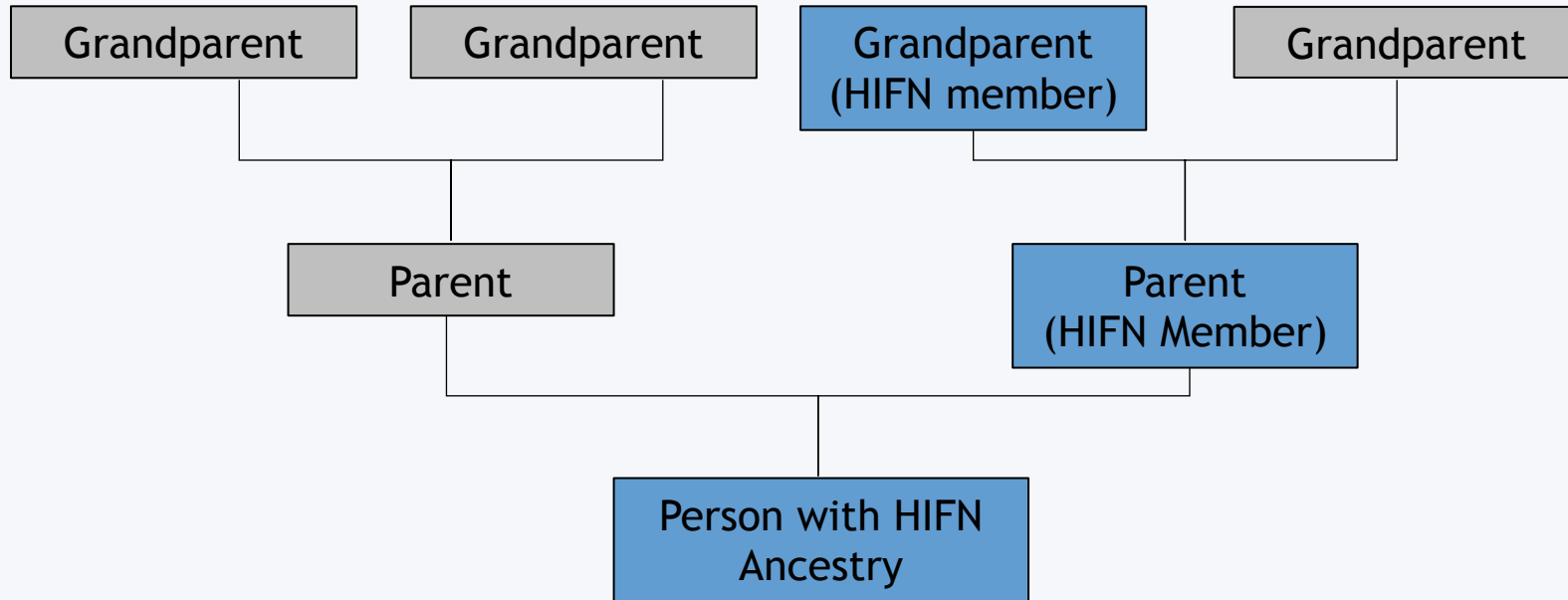
3. Have “Other First Nation Ancestry”

- 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)

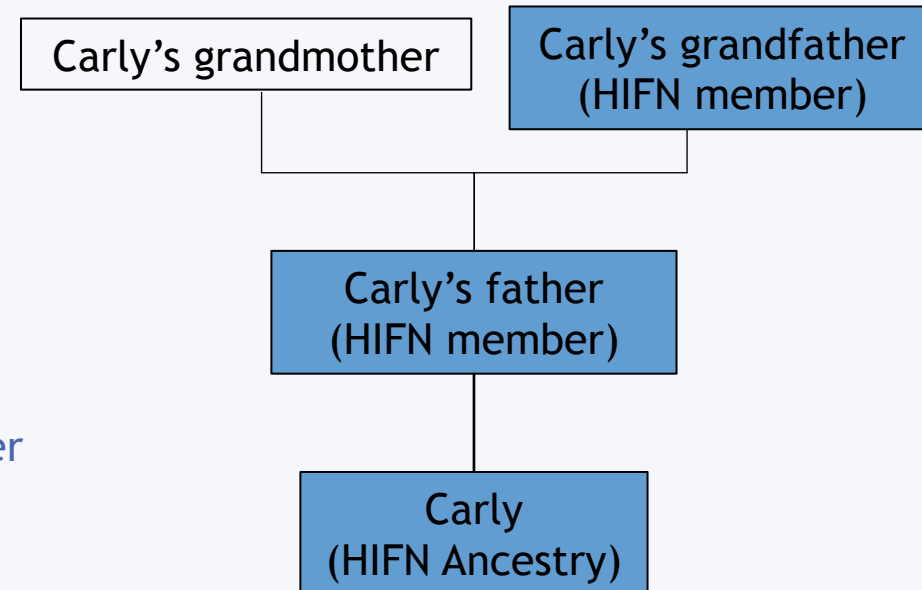
At least two (2)* of the person's parents and grandparents are or were HIFN members who did not acquire membership by marriage or transfer



**Note that this proposed definition will result in some individuals who will be eligible for HIFN membership but not eligible to be registered under the Indian Act (i.e., eligible for status) due to the second-generation cut-off. However, s. 4.1 of the Indian Act provides that, with a few exceptions, non-status band members are entitled to receive most of the benefits of status band members.*

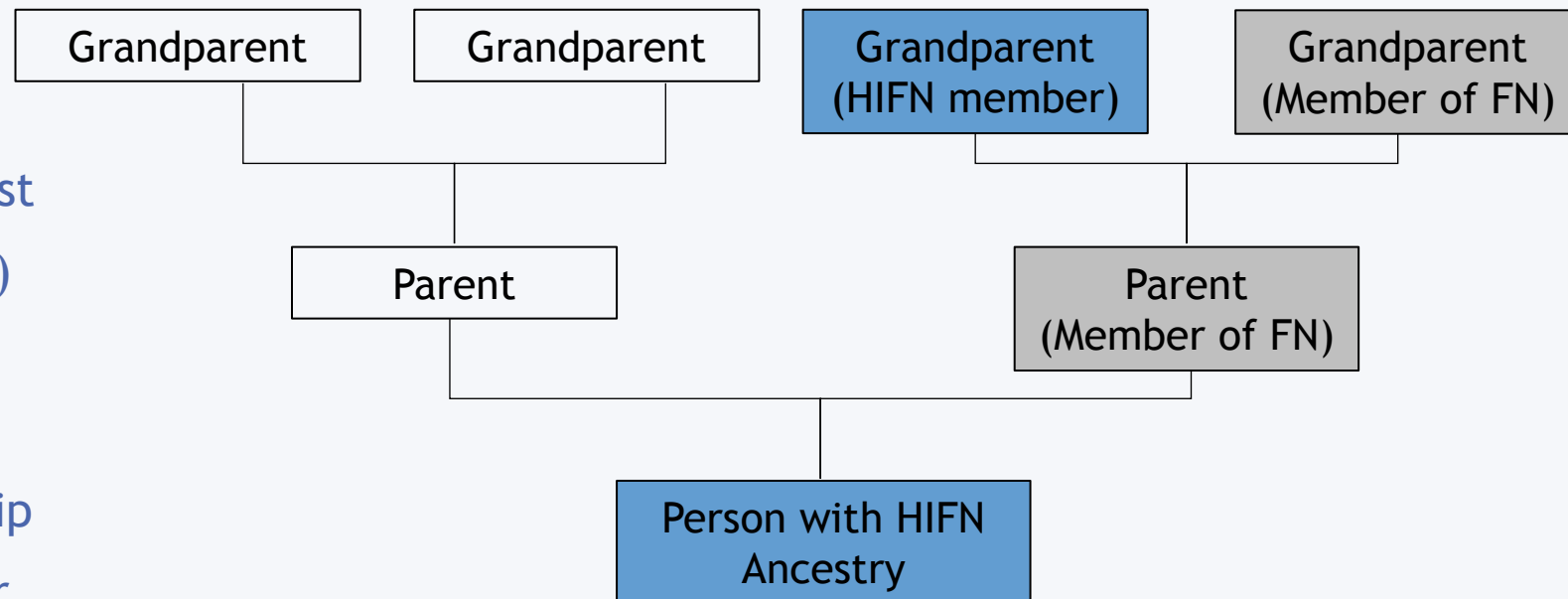
Example of HIFN Ancestry (1)

- 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.



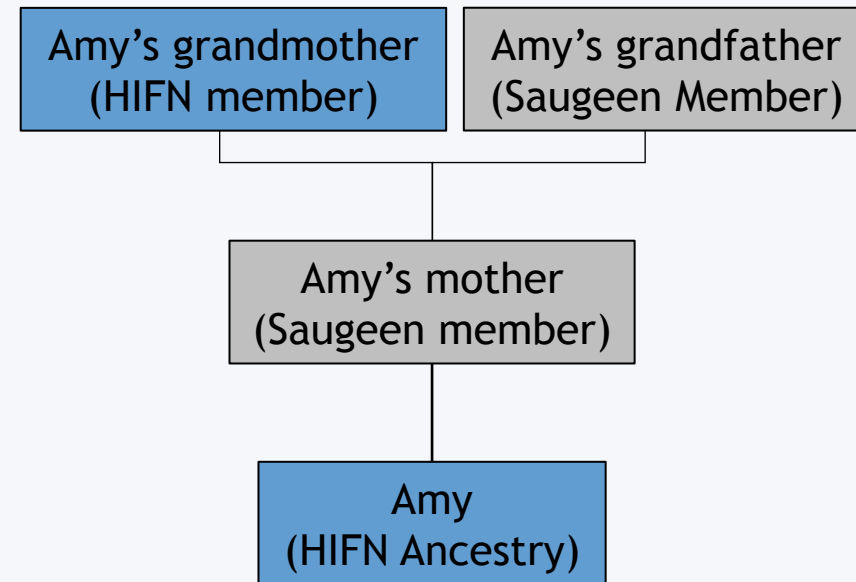
Definition of HIFN Ancestry (2)

At least three (3) of the person's parents and grandparents are or were 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



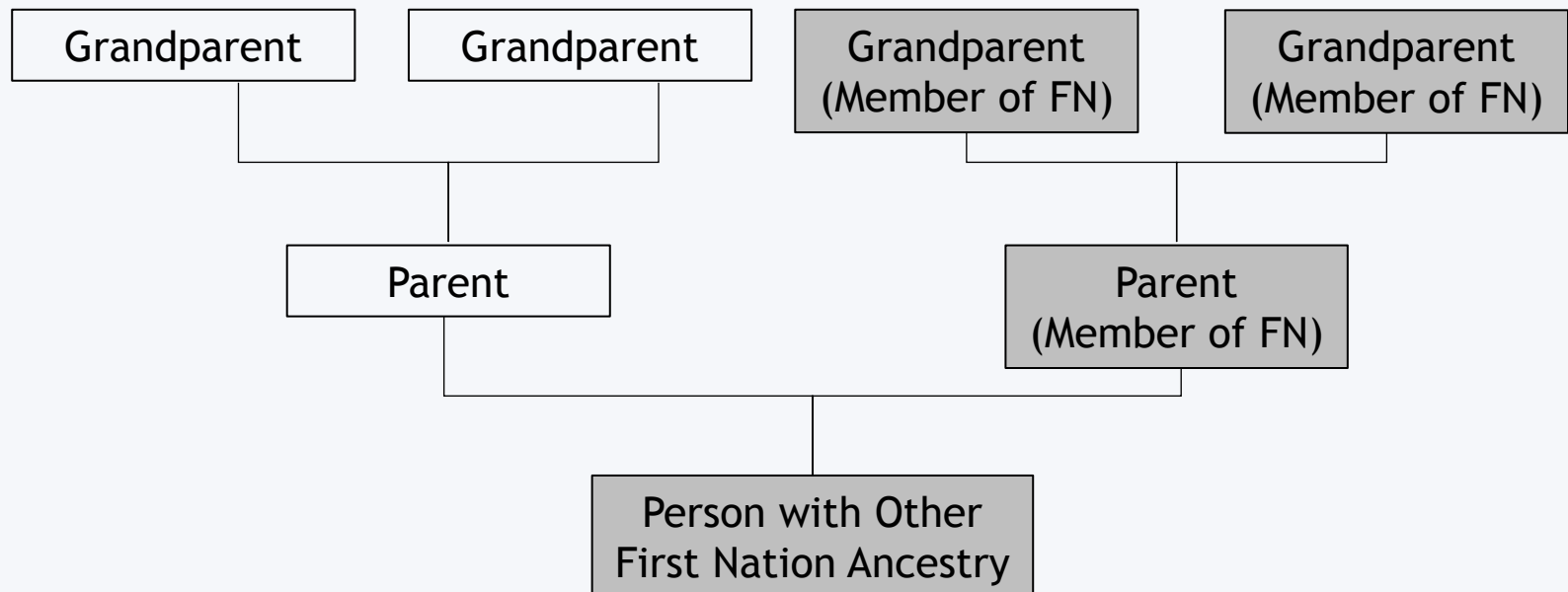
Example of HIFN Ancestry (2)

- 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 Other First Nation Ancestry (1)

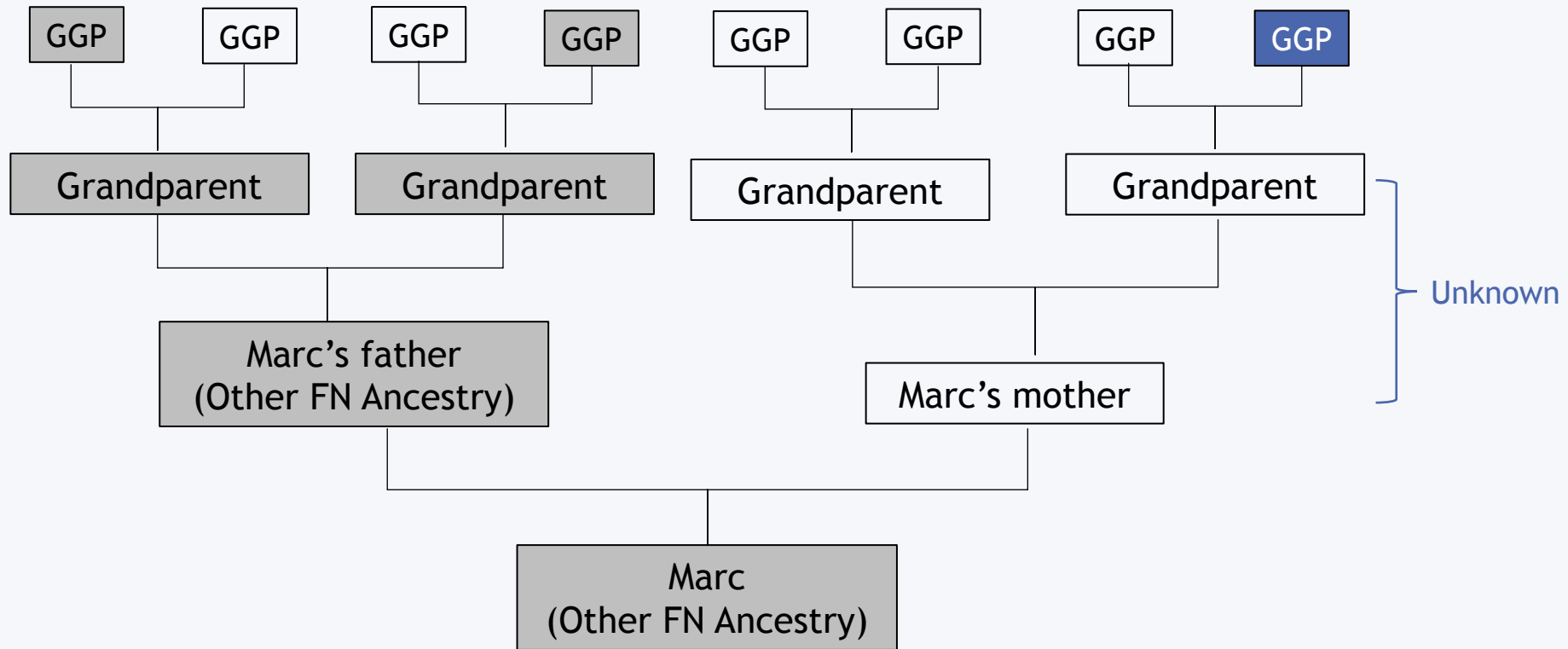
At least three (3) of the person's parents and grandparents are or were members of a First Nation who did not acquire membership by marriage



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)



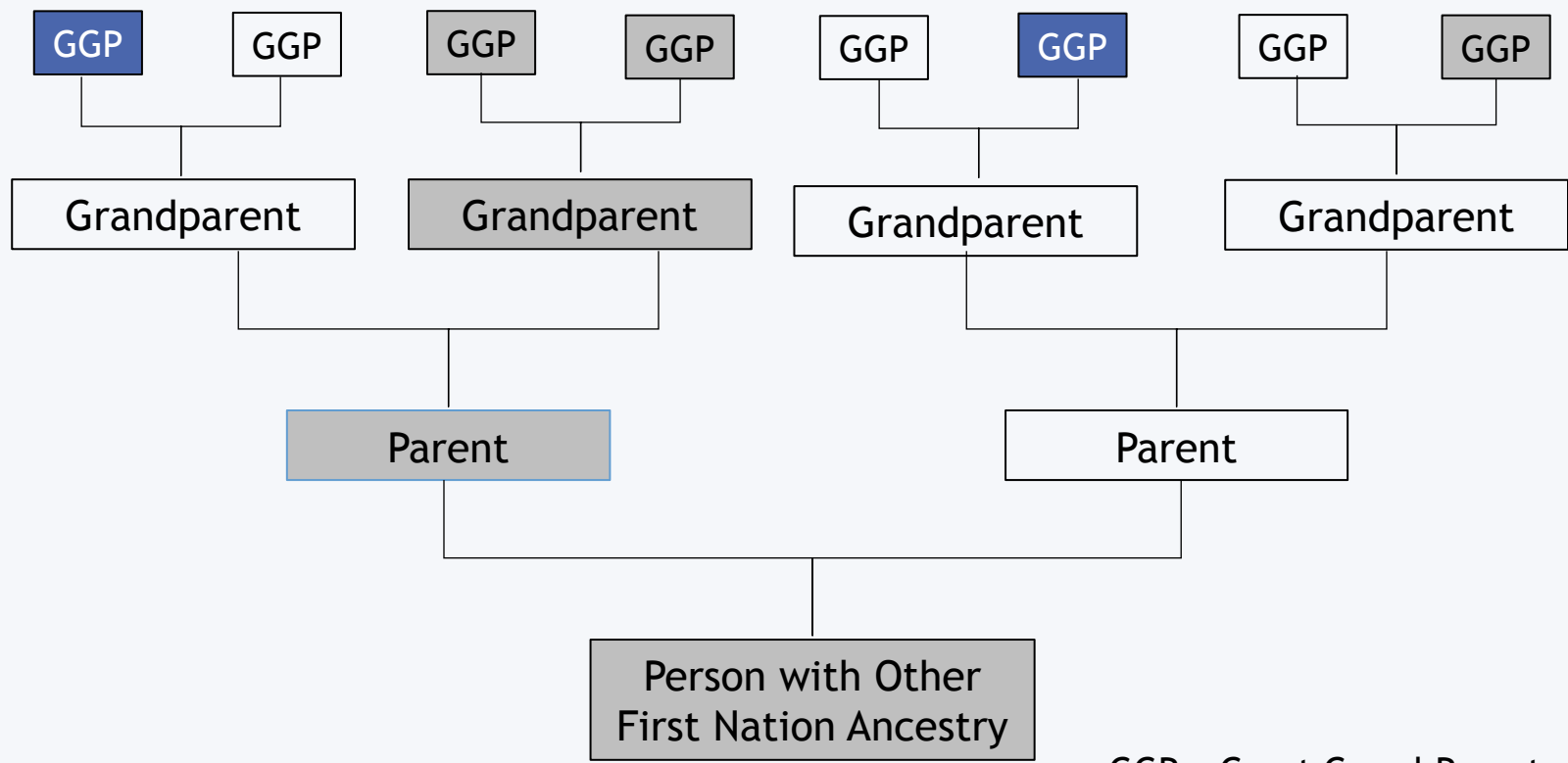
GGP = Great Grand-Parent

Grey = Other First Nation Ancestry

Blue = HIFN Ancestry

Definition of Other First Nation Ancestry (2)

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



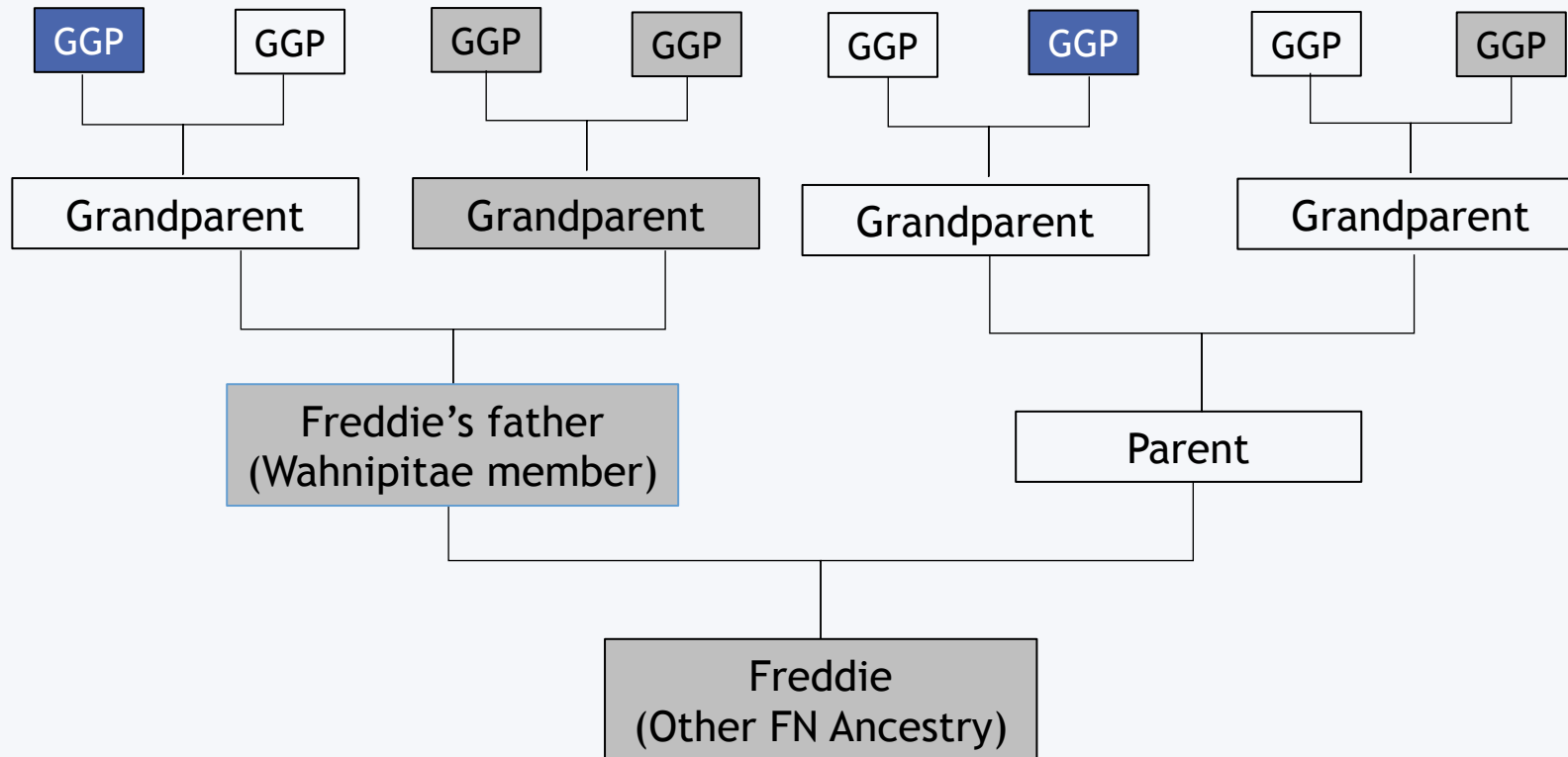
GGP = Great Grand-Parent

Grey = Other First Nation Ancestry
Blue = HIFN Ancestry

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 Ancestry

Blue = HIFN Ancestry

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.



2023 Draft Restated
Membership Code

Nda-
nwendaaganag
(My Relatives)

Nda-nwendaaganag List

- The draft Restated Code currently provides for a separate list for nda-nwendaagan.
- This list is meant to recognize persons who are NOT eligible to be enrolled as a member of HIFN, but who are active participants in and contributors to the HIFN community.
- Applications are put to a community vote.
- A person enrolled on the Nda-nwendaaganag List is not entitled to any membership rights - the Nda-nwendaaganag List is meant to instill a sense of community recognition and belonging. However, Council may determine, by Council resolution, whether any rights or benefits should be extended to nda-nwendaagan, and any related user fees.

Example of a nda-nwendaagan

- Evan, who has one Indigenous grandparent, married Lucy, an HIFN member. They live together on the Pickerel reserve. Evan often participates in HIFN events, supports HIFN initiatives, and is very integrated into the community on-reserve. They have two children who are also HIFN members.
- Given Evan's integration into the HIFN community, he applies for enrollment on the Nda-nwendaaganag List.
- In recognition of Evan's participation in and contribution to the HIFN community, it is open to the eligible voters to approve his application for the Nda-nwendaaganag List.



2023 Draft Restated
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:
 - Adult HIFN Ancestry applicants claiming entitlement to membership as a child of a former member who transferred to another First Nation;
 - Other First Nation Ancestry applicants; and
 - Nda-nwendaaganag applicants.

Police Record Checks

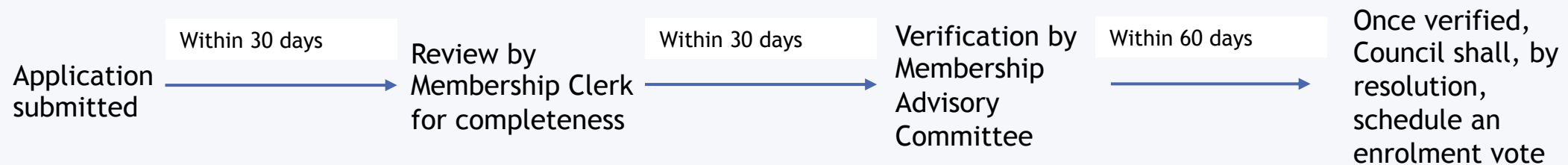
- Will be kept confidential and only reviewed by the Membership Advisory Committee.
- “Red light, green light” system:
 - The Committee will review the police record check against the HIFN CPIC Records Policy (needs to be developed - until it is developed, the default standard is no serious offence convictions within the previous 5 years and not a dangerous/sexual offender).
 - Once reviewed, the applications will either be approved for further processing or denied. No details from the police record check will be included in the Committee’s written decision - just simply that it did not meet the requirements of the CPIC Records Policy.
- All police record checks will be returned to the applicant following the Committee’s review - no copies will be kept.

HIFN Ancestry Applicants

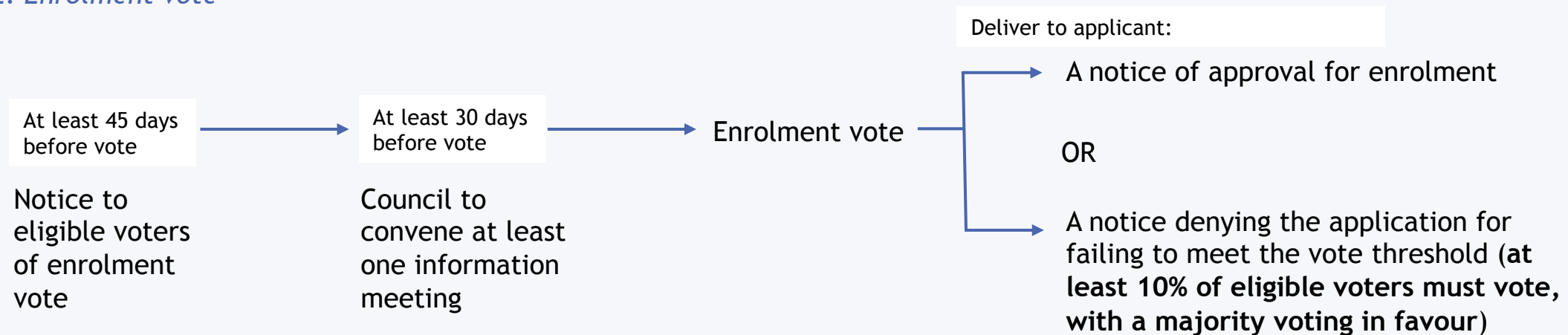


Other First Nation Ancestry Applicants

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 potential impact of a grant of membership on HIFN resources;
- the importance of HIFN identity and participation in the HIFN community to the applicant; 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.



2023 Draft Restated
Membership Code

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 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.

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 your input and feedback from the September 2023 meetings 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 trying to amend 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

