



# **Mississaugas of the Credit First Nation**

## **Legal Development Guidebook**

**CONFIDENTIAL**

*Dated for Reference the 5th day of October 2021*

*Inaaknigewin Committee*

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Draft 5	Legal Counsel	10/14/2020			Minor Revisions
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## **PREAMBLE**

As the Mississaugas of the Credit First Nation (the “MCFN”), we are the direct descendants of the Mississaugas of the River Credit, an Anishinabek people, and part of the larger Mississauga Nation. We possess the inherent and inalienable right of Inaaknigewin (self-government). This includes the right of Inaaknigewin (self-government) and autonomy over ourselves, our community, and our Territory.

As we move forward in asserting jurisdiction over ourselves, our community, and our Territory, MCFN laws will be drafted and implemented to guide us on our path. The Members of the MCFN will be a driving force in this process. You, the Members, will guide law makers; ensuring that they support your needs and respect Anishinaabe Naaknige (law) and Mino-Bimaadziwin (living the way of a good life).

We also look to our Anishinaabek roots to guide us on our path to Inaaknigewin (self-government); led by the Seven Grandfather Teachings of:

***Dabaadendiziwin - Humility:*** Humility is to know yourself as part of Creator’s larger vision  
***We always look to the 7 Generations – past, present, and future***

***Aakode’ewin - Bravery:*** Bravery is to face challenges with integrity  
***We will be brave as we follow our path forward to self-government***

***Minaadendamowin - Respect:*** To honour all creation is to have Respect  
***We respect all creation and honour our responsibility as environmental stewards***

***Nibwaakaawin - Wisdom:*** To cherish knowledge is to know Wisdom  
***We prioritize education for all Members as a path to Nation building and prosperity***

***Gwayakwaadiziwin - Honesty:*** Honesty is to act correctly and with virtue  
***We believe in self-sufficiency, economic growth, and prosperity***

***Zaagi’idiwin - Love:*** Love is unconditional and exists between “All Our Relations”  
***We love and care for our children and elders***

***Debwewin - Truth:*** Truth is to know where we come from and to speak the truth  
***We must know and preserve our true history, culture, and language***

## DEFINITIONS

In this guidebook,

“community” means any individual or individuals, collectively, who is a Member or non-member of the MCFN and who resides on-reserve and is subject to MCFN naaknigewnan (laws), rules, policies, or procedures, as determined by Council from time to time;

“Council Resolution” means a resolution of Council approved by, and signed by, a Quorum of Council, present at a duly convened meeting of Council and is shortened to CR. A Council Resolution may also be referred to as a Council Motion;

“Designated Public Locations” include:

- (a) Administration Building;
- (b) Official MCFN website (<http://mncfn.ca/>);
- (c) Lloyd S. King Elementary School;
- (d) MCFN Community Centre;
- (e) Social and Health Services;
- (f) Lands, Membership, and Research; or
- (g) Any additional locations as deemed prudent;

“electronic device” means a device, such as a desktop or laptop computer, handheld device, smartphone, tablet, or other electronic product or device, that has a platform on which to download, install, or run any software program, code, script, or other content, and is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data;

“Eligible Voter” means a person who:

- (a) is a Member of the MCFN; and,
- (b) is at least eighteen (18) years of age on the date of any given Ratification Day;

“Operations Management Team” consists of senior managers/directors of each MCFN Department or Unit;

“Inaaknigewin” means self-governance or self-government;

“Inaaknigewin Legislative Branch” means the legislative branch of the MCFN Governance Department that is responsible for writing all of MCFN’s laws;

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“*Kina naaknigewnan teg*” means a public law registry or database where all approved laws are registered and kept by the Inaaknigewin Legislative Branch for retention purposes;

“Knowledge Keeper” means an individual who has been recognized, either formally or informally, by the community as having a deep and/or specialized knowledge related to the community’s culture, language, history, ceremonies, spirituality, land, animals, plants, and/or medicines.

“Member” means a registered Member of the MCFN whose name appears on a list maintained by the Membership Administrator, on any given Ratification Day;

“Membership Administrator” means the MCFN staff Member responsible for maintaining MCFN’s Membership list;

“Members Meeting” means a public meeting of the MCFN Members, either in small or large groups, on or off-reserve, in-person or virtually;

“Mississaugas of the Credit First Nation Declaration of Rights” means the supreme law under which all other laws can be created and that we the citizens of MCFN have our inherent Indigenous and traditional rights to govern ourselves and our Territory;

“Proposed Document” means the naaknige, act, legislation, agreement, consultation, or any possible written document that is to be voted on by MCFN Members;

“Ratification Day” means the day set for holding the Ratification Vote;

“Ratification Officer” means a person, selected by the Chief Operating Officer and approved of by Council before each Ratification Vote, who has been authorized to conduct the Ratification Vote under the *Statement of Law-Making Jurisdiction* or means the person whom is contracted by the Chief Operating Officer and approved of by Council to conduct the Ratification Vote;

“Ratification Vote” means a general MCFN vote held pursuant to the provisions of the *Statement of Law-Making Jurisdiction*;

“sponsoring MCFN department” means the individual MCFN Department or Departments that oversee the creation of a Proposed Document;

“Statement of Law-Making Jurisdiction” means the law under which the Rules and Procedures are created and govern the Ratification process by which MCFN naaknigewnan shall be made, and is shortened to the MCFN *Approval Law*, from time to time.

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## INTRODUCTION

The making of law is arguably the most important activity of the Mississaugas of the Credit First Nation (the “MCFN”). This guidebook describes the framework for this activity and the principles that govern it. It is of the utmost importance that leadership and the MCFN departments utilize this guidebook to ensure adherence to a good law-making process. The following are some of the main goals of this guidebook:

- Guide law makers through the Mississaugas of the Credit First Nation Declaration of Rights law-making process;
- Ensure that proposed laws respect Anishinaabe Naaknige (law) and Mino-Bimaadziwin (living the way of a good life);
- Ensure that Chief & Council (“Council”) have the information and other support it needs to make sound decisions about proposed laws;
- Ensure that Chief & Council consider any possible overlap of laws or human rights aspects with laws of Canada, and that all laws fall under the law-making powers outlined in the Mississaugas of the Credit First Nation Declaration of Rights and *Statement of Law Making Jurisdiction*;
- Ensure that laws do not conflict with the Mississaugas of the Credit First Nation Declaration of Rights or the *Canadian Charter of Rights and Freedoms*;
- Consider the enforcement of any law during the drafting process;
- Make it clear that law-making initiatives can be very complex and must be properly planned and managed; and
- Ensure that Members of Chief & Council, the community, and the Operations Management Team, who are involved in law-making activities, understand their roles and have the knowledge and skills they need to perform their roles effectively.

This guidebook sets out principles and general directions on how these objectives are to be met, as well as considerations for providing information to MCFN Members.

### **Rule of Law**

There are core principles of law-making, both for Anishinaabek people and globally. Anishinaabek Rule of Law is entwined in the social, historical, political, biological, economic, and spiritual circumstances of each group; based on many sources, including, but not limited to, sacred teachings, natural law and observations of the world around them, deliberative practices through actions of the Members of a First Nation, and local customs.

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For the MCFN, there are also specific principles that form good law-making and that are applicable to all Members of the MCFN, as set out in the Mississaugas of the Credit First Nation Declaration of Rights. These include:

1. Laws must consider the impact on the Seven Generations, inclusive of the past, present, and future;
2. Laws should consider that Anishinaabek people have a free mind, they make decisions for themselves and have the right to Mino-Bimaadziwin (living the way of a good life);
3. Laws should respect the Seven Grandfather Teachings of the Mississaugas of the Credit First Nation;
4. Laws should preserve and promote the peace, unity, equality, and well-being of the Mississaugas of the Credit First Nation; and
5. Laws should provide effective and clear processes that hold the government accountable to the Members of the Mississaugas of the Credit First Nation.

These principles are to serve as a guide in the development and implementation of the transition between oral and written legal systems.

## UNDERSTANDING

This guidebook sets out the expectations of Chief & Council in relation to the process for making Mississaugas of the Credit First Nation laws and regulations, and generally orients the activities of the MCFN leadership in this process.

Officials involved in law-making activities must understand the fundamentals that underlie our developing system of law. They must also appreciate the steps involved in these activities, as well as the need to plan them.

Chief & Council approved the Mississaugas of the Credit First Nation Declaration of Rights on October 13, 2020. The legal position of First Nation communities is unique; we are a self-determining entity who has made treaty with the government of Canada. Historically, Canada has determined Indigenous peoples to have surrendered law-making authority to Canada. Through a number of legal victories in the Canadian courts, Indigenous nations in Canada have begun to revitalize their legal authority and governmental jurisdiction. The path to legal reconciliation may start with the assertion of our law-making authority. However, we will continue to work with Canada and Ontario to continue negotiating agreements where possible; working together for reconciliation.

The leadership of the MCFN must decide upon whether a law is required, the content of the law, and whether it should be passed under the Mississaugas of the Credit First Nation Declaration of Rights.

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## PLANNING

### **Deciding Whether a Law is Needed<sup>1</sup>**

Making a new law, whether by obtaining Chief & Council assent to a law or by making rules, procedures, or regulations, is just one of several ways of achieving Chief & Council policy objectives, as driven by the needs of Members. Others include policies, agreements, or guidelines. In addition, a law may include many different kinds of provisions, ranging from simple prohibitions, through to a wide variety of regulatory requirements, such as licensing or compliance monitoring. A law should be used only when it is the most appropriate.

The decision to address a matter through a law or regulation is made by Council, on the basis of information developed by MCFN departments, and assisted by the MCFN Governance Department and the Inaaknigewin Legislative Branch. The information must be accurate, timely, and complete. To provide it, any MCFN department should:

- analyze the matter and its alternative solutions (*weight of using a law to achieve an objective versus an alternative document, such as a policy or directive*);
- engage in consultation with those who have an interest in the matter, including other departments that may be affected by the proposed solution and MCFN Members, if required;
- analyze the impact of the proposed solution; and
- analyze the resources that the proposed solution would require, including those needed to implement or enforce it (*i.e. implementation cost and social cost, staff required, budget and funding considerations*).

There are a number of mechanisms that can be used to start the law-making process:

1. The program is set out by Chief & Council;
2. Motion by Chief and/or Councillor(s);
3. Proposal by a Pillar Lead, on behalf of Chief & Council, brings the matter to the attention of a MCFN department; or
4. A “Law Development Proposal” (Form 1), submitted by a MCFN department to the Inaaknigewin Legislative Branch for approval by Chief & Council.

It will be an important and necessary step, to do some research into similar laws in other communities, so that they may be used as a reference that can serve MCFN’s needs.

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<sup>1</sup> See “In Contemplation of Drafting a Law” Checklist at Schedule 3 for a checklist on these considerations.

### *Efficiency*

When a law-making initiative is being considered, and where it is appropriate and consistent with legal drafting principles, related matters should be combined into one law, rather than being divided among several laws on similar subjects. A single law allows Council to make the most effective and efficient use of their time for debate and study at regularly scheduled Council meetings.

### **Strategic Planning**

Each year, Chief & Council and the Operations Management Team will do a joint strategic planning session. If there are matters that require a Code, Law, or Policy to be drafted, this is where they may be identified.

Immediately after the orientation session for a new Chief & Council, the Chief Operating Officer, or designate, will communicate with all of the Operations Management Team, asking them to submit any proposed laws, policies, or strategies. Subsequently, this “call letter” will be sent once per year (3 months prior to the annual strategic planning session) in order to deal with new or changing priorities. The Operations Management Team will respond to the “call letter” by providing a “letter of intent” within two (2) weeks of receipt of the “call letter.”

It will be the responsibility of a Department to secure funding for any work involving proposed laws, policies, or strategies brought forward by a Department.

### *Prioritizing and Managing Law-Making Activity*

At the first level, there is a Chief & Council-wide process to co-ordinate and set priorities among proposals for laws from different departments. For the MCFN organization, the Inaaknigewin Manager, of the Inaaknigewin Legislative Branch, supports Council in this activity, as part of the overall scheme of the Strategic Plan developed by Council and the Chief Operating Officer, on behalf of all MCFN departments. In addition, the Inaaknigewin Legislative Branch, supports and advises on legal issues requiring decisions by Council.

At the second, departmental level, each department manages the law-making proposals in its areas of responsibility. It must ensure that it has identified and allocated the resources necessary to carry its proposals through the law-making process.

At the third, project level, departments must plan their law-making activities as they relate to particular laws or regulations. These activities are to be managed as projects, with tools for determining what resources are needed, what tasks must be performed, and what timeframes are appropriate (minimum timeframes should be set for each aspect in the drafting process).

### *Review and Approval by Council*

The proposals are prioritized by Chief & Council and a tentative outline of the Governance Plan will be developed by the Inaaknigewin Manager, the Director of Governance, and the

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Inaaknigewin Legislative Branch for the following year. Long term forecasts should be developed every 3 years,<sup>2</sup> to outline as many legal priorities as is possible within the strategic plan.

## CREATION

### *Drafting*

It is essential that the Inaaknigewin Manager or other responsible drafter has all of the necessary information to complete the draft law, rules, policies, and/or procedures related to the law. This includes both what the law should and should not cover. Directors or sponsors should complete the appropriate “Law Proposal Form” (Form 1) to the best of their ability. Should additional information be required, the director of the sponsoring MCFN department, should be prepared to support the drafting process.

### *Revision*

Once a law has been drafted and approved by the responsible director, the Inaaknigewin Manager or other responsible drafter shall have the draft law reviewed by a number of interested parties; firstly, their Pillar Lead. The Inaaknigewin Manager or other responsible drafter, will also liaise with OMT, to ensure all departments have an opportunity to provide feedback on the draft law, rules, policies, and/or procedures related to the law. There will be a “Law Development Tracking Form” (Form 2) completed along the way, chronicling all of the revisions, but with particular attention to the policy questions that arise through the revisions, as well as any clarification required or changes that need to be made.

At this stage, the sponsoring MCFN department:

- prepares material for use in presenting the law to MCFN Members; and
- prepares a briefing note to be used by the Chief, Councillors, or the Operations Management Team when the law is referred to in the community.

At each stage, Chief & Council shall be kept apprised of the progress of the draft law and will be provided with the Tracking Document when the law moves from one stage to the next. Council will have an ongoing opportunity to review the draft law and make suggestions or request changes by the Inaaknigewin Legislative Branch. This process will repeat until Council is satisfied that the draft law meets the needs of the MCFN and respects the principles that were agreed upon at the outset.

Following the final Members Meeting, the Inaaknigewin Manager and sponsoring MCFN department director submits the law in its final form to Chief & Council to continue with the law-making process. Here, Council will approve the draft law, which will then be presented to the Members in its final form. Once this is completed, the process moves to the Ratification stage, if required.

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<sup>2</sup> This is to align with the term of Council.

If there is strong objection to the draft law, as drafted, Council will have the option of sending it back to the drafting stage with recommendations; or may decide not to move forward with such a law at that time.

## LAW-MAKING PROCESSES

### Mississaugas of the Credit First Nation Declaration of Rights

Chief & Council must only make laws in accordance with the subject areas outlined in the Mississaugas of the Credit First Nation Declaration of Rights:

The Law-Making Powers of the Mississaugas of the Credit First Nation include:

1. **Jurisdiction:** to make laws for the exercise and protection of our rights and fulfilment of our responsibilities throughout our Territory;
2. **Self-Determination:** to determine for ourselves, according to our distinct customs and traditions as an Indigenous people, how we will govern ourselves, including the structure of our government and the selection of our leaders;
3. **Good Governance:** to govern according to our laws and in keeping with the sacred trust and responsibility as stewards of our Territory;
4. **Accountability:** to be accountable to each other for our actions and decisions;
5. **Intergovernmental Relation and Agreements:** to determine how we will relate with other communities, governments, and peoples, including through choosing to enter into treaties and other constructive agreements;
6. **Uphold our Relationships and Agreements:** to uphold our relationships with others, including by respecting peoples' individual rights and freedoms and honouring the collective rights and responsibilities set out in the treaties and agreements our ancestors made with other Indigenous people or with the Crown;
7. **Transparency and Right to be Heard:** to speak openly and freely with each other about our concerns, to have our voice heard and attempt to reach consensus on significant decisions affecting our community and our Territory;
8. **Protection of Future Generations:** to exercise our rights, maintain our traditions, and take steps to ensure the preservation of the same so that future generations of our community will thrive;
9. **Pursue our Advancement as a People:** to pursue our social, political, cultural, and economic advancement as a community;
10. **Citizenship/Membership:** to determine who belongs to our community and the responsibilities that come with belonging;

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**11. Dispute Resolution:** to determine what reparations or acts of restoration are required should a Member of our community be found to not be honouring their rights and responsibilities; and

**12. All Other Necessary Actions:** to do all other things necessary as a part of fulfilling our rights and responsibilities as an Indigenous people and government.

### **Mississaugas of the Credit First Nation Statement of Law Making Jurisdiction**

#### **Inaaknigewin Legislative Branch**

- 5.1 An Inaaknigewin Legislative Branch is established that is responsible for drafting all Naaknigwenan of the MCFN, to maintain a record of the law-making process, and to keep the Naaknigwenan approved of by Chief and Council.
- 5.2 The Inaaknigewin Legislative Branch shall work with the relevant MCFN Department on a Naaknige, and shall work with the MCFN Department and Legal Counsel in the drafting process. For greater clarity, the Inaaknigewin Legislative Branch may consult with any other individual or MCFN Department, during the drafting process, at its discretion.

#### **MCFN Members Meeting and Notice**

- 5.3 All draft Naaknigwenan shall be presented at a public meeting of the MCFN Members, either in person or virtually, with the use of an electronic device. At minimum, three (3) public meetings shall be held for MCFN Members for information, engagement, and consultation, as required.
- 5.4 Notice of the public meeting shall be communicated to the MCFN Members, in accordance with the MCFN Statement of Law-Making Jurisdiction Rules and Procedures, and shall include either a hard copy, if requested, or an electronic link, of the draft Naaknige or Naaknigwenan to be discussed.
- 5.5 At the direction of Chief and Council, a vote of the MCFN Members may be required as part of approving any draft Naaknige. Chief and Council shall consider the following factors in determining whether a Member vote is required:
  - 5.5.1 The subject matter of the draft Naaknige, including the intended scope of its application (e.g. on-reserve, off-reserve, all Members, non-members, etc.);
  - 5.5.2 Whether the draft Naaknige engages or relates to any collectively held Aboriginal or treaty right of MCFN;

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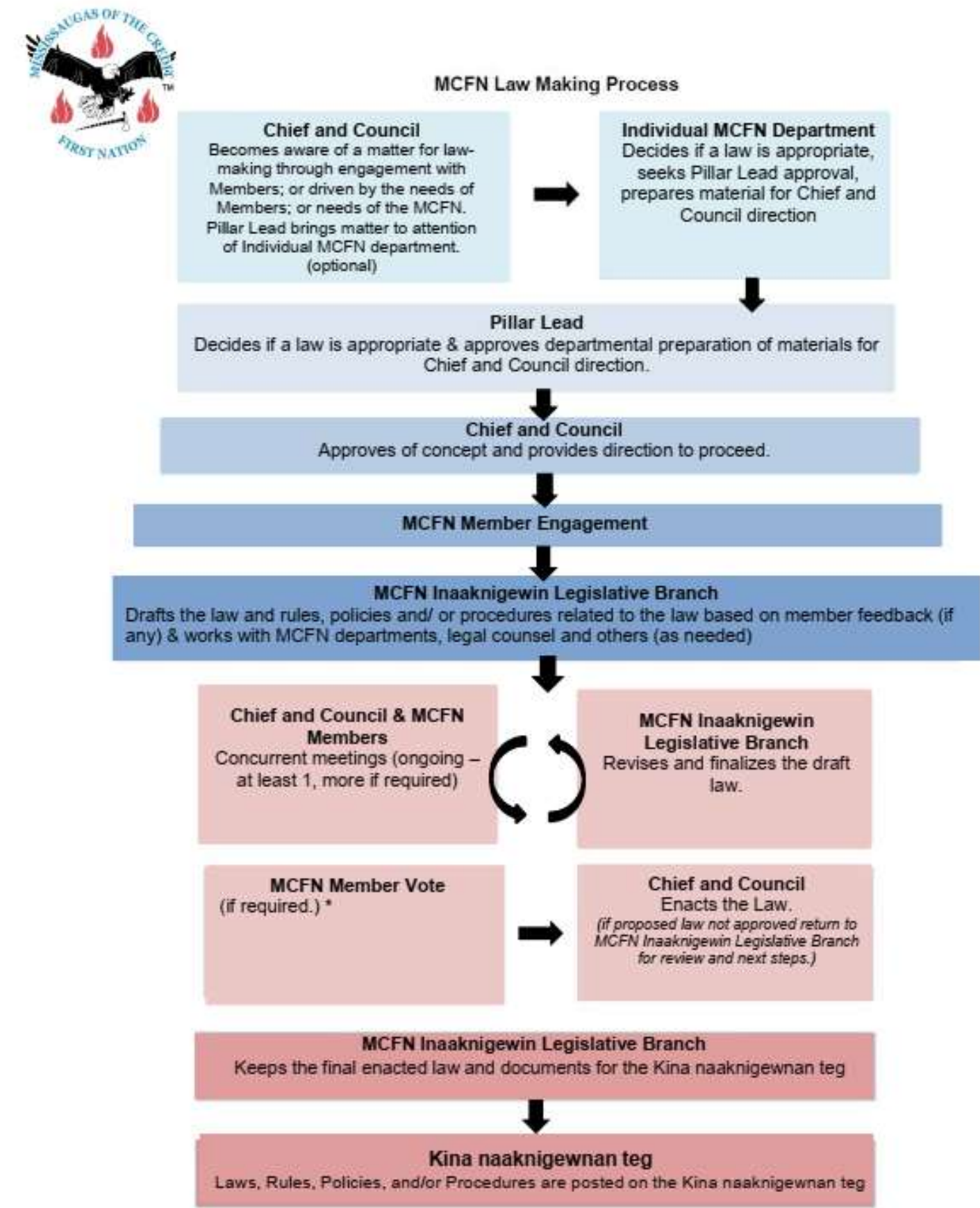
- 5.5.3 Whether a Member vote would be required under any federal or provincial law for the subject matter, to ensure MCFN is meeting or exceeding legislative or policy standards;
  - 5.5.4 Any recommendation regarding a Member vote made by the Inaaknigewin Legislative Branch; and
  - 5.5.5 Any other factors that Chief and Council have set out in the MCFN Statement of Law-Making Jurisdiction Rules and Procedures.
- 5.6 Where a Member vote is required, no Naaknige will be considered to be in force and effect until it has been approved of by the MCFN Members in accordance with the voting rules established herein.

Coming into Force and Effect, Public Notice, and Appeal

- 5.7 This Statement, and all subsequent Naaknigwenan, will come into force and effect 15 days after it is enacted, as set out in the rules and procedures, unless otherwise provided for in the Naaknige. For greater clarity and in accordance with our traditions, no Naaknige will be considered to be in force or effect until it is approved of by a quorum of Council and signed by the Chief and voting quorum of Council.
- 5.8 All Naaknigwenan will be publicly posted and available to MCFN Members once enacted by Chief and Council.
- 5.9 All persons will be considered to have notice of a Naaknige once it is publicly posted.
- 5.10 An Eligible Voter may appeal and raise concerns about any Naaknige, or the application of any Naaknige, pursuant to the procedures set out in accompanying rules, regulations, policies, or procedures.



Inaaknigewin Flowchart



\*See Legal Development Guidebook for examples of laws that will require a Member vote



## MEMBER ENGAGEMENT

Member engagement and consultation may not be required for all laws proposed by a sponsoring MCFN department. All draft laws, however, must be presented to Members at public information meetings. The MCFN Governance Engagement and Communications Strategies must be referred to, and followed, as it relates to engaging with MCFN Members. These Strategies shall be used by each Department of the MCFN. The MCFN *Statement of Law Making Jurisdiction* (the “Approval Law”), sets out how, and when, Members are to be engaged with. Where Members should be, or must be, engaged, the sponsoring MCFN department will want to work with the MCFN Governance Department and Inaaknigewin Legislative Branch to ensure that Members are engaged with in a good way.

### *Preliminary Information for Members*

The sponsoring MCFN department will need to prepare information for the Members. It may take the form of an information brochure, package, or Frequently Asked Questions (“FAQ”) sheet. It must include:

- background information on the law;
- the current practices of the MCFN and how/where the intended law will apply;
- any current or provisional federal legislation or rules, such as the *Indian Act*;
- any current or provisional provincial legislation or rules (as applicable);
- the importance and need for having a well-defined law; and
- the basic principles on which the MCFN should base the law.

With this information, Members will be prepared to provide informed ideas and feedback on the principles that must be entrenched in the new law.

The sponsoring MCFN department will work with the MCFN Governance Department, the Inaaknigewin Legislative Branch, and the Communications Department to create a specific page on the MCFN official website for distributing information to Members. Distribution to Members could also be done by way of a community bulletin board, delivery, email, or mailing a copy to each household (also see Schedule 1, “Membership Engagement Checklist”).

### *Engagement Process*

To gain support from Members, they must be a part of the process and be involved from the beginning. Engaging Members in a variety of ways will not only encourage their support, but may well be a source of solid suggestions.

Engagement with MCFN Members will occur at various levels. Before any Members Meetings, the sponsoring MCFN department should prepare its ideas, and anticipate any of the objections and questions that may arise. The sponsoring MCFN department should prepare in advance, a reasonable response to foreseeable objections or questions, and have answers and explanations for

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each. If a sponsoring MCFN department cannot answer an unanticipated question, make note of it, and follow-up as soon as possible.

One important aspect, is to meet with Knowledge Keepers. Meeting with Knowledge Keepers at the outset to obtain their input is critical. Record their ideas, suggestions, and objections.

Another valuable method to provide information and to gain support is through small meetings with women's, men's, and youth groups. This approach, while time-consuming, often yields very good results. These settings are generally more relaxed and may therefore, provide more feedback and questions.

The third approach, is the communal (public) meeting. The advantage of this type of meeting is that everyone hears about ideas and suggestions they might not otherwise hear. It provides transparency to the process. No one feels left out and everyone will have an opportunity to voice their views. While one of the goals of this meeting is to inform the Members, another important goal, is to compile views and suggestions. Plan to have a record keeper who will make note of ALL suggestions, views, questions, and objections. The sponsoring MCFN department and/or Council will do its best to address each concern, in writing, and present or post it for Members review. It may also be prudent to have the Membership Administrator present to collect and update on and off-reserve Member information.

If the sponsoring MCFN department is engaging with Members prior to drafting a law, the feedback from Members will assist in informing the list of principles that will be included in the law. This list can be shared with Members and posted publicly for Members' review. This list can also be provided to Council, to assist Council in providing guiding input for the drafting of the law. Some items may also be removed, if they are deemed to be litigious or that might leave the MCFN open to litigation. Legal counsel can assist with identifying these items. If Council is not satisfied with the list of principles and believe that the law may not be ratified based on them, it may send the list back for further Member input. Once Council is satisfied with the list, drafting of the law may begin.

## **RATIFICATION OF PROPOSED LAW**

Once Council has approved the final version of the law, and has completed the "Chief & Council Certification Form" (Form 3), the MCFN will be able to ratify it, if a Ratification Vote is required. The decision to have a Ratification Vote will depend on the type of law that Council is trying to approve. Some examples of these types of laws may include, but are not limited to:

- election law;
- Membership or citizenship law;
- matrimonial real property law;
- lands or water law; and

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- constitution.

The vote will be by simple majority. This means that of the number of Members who participate in the vote, 50% + 1 must vote “Yes” for the law to be passed, as is outlined in the MCFN *Approval Law* and MCFN Statement of Law Making Jurisdiction Rules and Procedures. For example, if 200 Members participate in a vote, for the draft law to succeed, 101 Members must vote “Yes.” This ensures that no matter how many Eligible Voters there are in the MCFN, a majority of those who actually cast a ballot will have voted in favour of the proposed law.

### *Informing Members*

Once it is determined if a ratification vote is required by Council, an information package must be prepared and mailed or emailed out to all Members to ensure that they have all of the information required to make an informed decision about the proposed law. A “Ratification Information Package Checklist” (Schedule 2) is provided to assist you at this stage. The timing of the mail-out or email-out should be 72 days before the vote date.

Off-reserve Members will receive the same information package as on-reserve Members. Eligible Voters may cast their vote electronically, by mail-in ballot, or in person. ***Please note that mail-in ballots must be specifically requested from the Ratification Officer and will not automatically be provided to Members.*** You should remind Members of this requirement when meeting with them.

### *Ratification Information Meeting*

Prior to Ratification Day, MCFN must host at least one (1) public information meeting to explain to Members the purpose and features of the proposed law. Although several meetings have previously been held in the drafting phase of the proposed law, the Ratification information meeting can serve to inform Members on:

- the principles on which the proposed law is based;
- the proposed law itself;
- the importance and need for such a law; and
- information on the voting process itself, such as eligibility, date, time, and location.

### *Ratification Day*

It would be prudent for the Ratification Officer to arrange for a Commissioner of Oaths to be present to sign the necessary forms.

### *Approval of Proposed Law*

Following Ratification Day, and if the majority voted in favour of the proposed law, Council will pass a Council Resolution (“CR”) accepting the results of the simple majority achieved and will inform all Members.

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### *Notification to Governments*

As a courtesy, the Inaaknigewin Legislative Branch, on behalf of Council and the sponsoring department, will inform in writing, along with providing a copy of the newly ratified law and the CR, to:

- the Minister of Crown-Indigenous Relations and Northern Affairs Canada (“CIRNA”) and Indigenous Services Canada (“ISC”);
- the Attorney General of Ontario; and
- any other government or organization as required.

### *Rejection of Proposed Law*

Following Ratification Day, and if the majority of Members voted against the proposed law, or the result is a tie vote, Council will return the draft law to the Inaaknigewin Legislative Branch for review and recommendations on next steps. These may include, but are not limited to:

- further engagement and feedback from MCFN Members;
- redrafting of the proposed law; or
- Council deciding not to move forward with the proposed law at that time.

Where Council believes that significant engagement with MCFN Members has taken place, and believes that the proposed law significantly benefits the needs of the MCFN, Council may approve the law regardless of whether it passed a Ratification Vote of the Members, after obtaining legal advice.

For greater clarity, “significant engagement” means at least two and one half (2 ½) years of ongoing, regular engagement has passed since the proposed law was initially presented to Members, with no reasonable feedback being provided by the Members regarding the proposed law, and at least two (2) additional Ratification Votes have been held.

### *Declaration of Emergency*

Council may, after obtaining legal advice, approve a law in order to preserve public safety, whereby a Ratification Vote would have otherwise taken place. This law shall expire three (3) months from the date of the approval or at the end of the declaration of emergency, whichever comes first. Similarly, any law approved under a declaration of emergency, may be renewed for another three (3) months, prior to the expiration of the law, in accordance with the Rules and Procedures.

## **NAAKNIGWE’NAN TEMGAK (REGISTRY OF LAWS)**

Following the approval of the law by Members, if required, and Council has approved and signed the law, the original signed copies must remain with the MCFN Governance Department; specifically the Naaknige Kwe / Nini (Laws Librarian). The Naaknige Kwe / Nini will be the

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keeper of the laws, will answer questions, and provide information about the laws and the process of making a law to the public.

All laws must be made available upon the request of a MCFN Member. A copy must be kept available at the MCFN Governance Department office and also online on the official Mississaugas of the Credit First Nation website (<http://mncfn.ca/>).

#### **ADMINISTRATION AND ENFORCEMENT OF THE LAW**

Once the law has been ratified by Council, the sponsoring MCFN department will implement the law. The Justice Division of the MCFN Governance Department will enforce the law, where required, utilizing the MCFN Peacekeepers.

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## **Mississaugas of the Credit First Nation Law Development Proposal - Form 1**

### **INFORMATION**

Law Name	
Requested by (Name/Dept)	
Requested Enactment Date	

- attach any relevant documentation;
- analyze the matter and its alternative solutions;
- engage in consultation with those who have an interest in the matter, including other departments that may be affected by the proposed solution and/or Members (as required);
- analyze the impact of the proposed solution; and
- analyze the resources that the proposed solution would require, including those needed to implement or enforce it.

<b>RATIONALE</b>

<b>OPTIONS</b>

Approved by Inaaknigewin Legislative Branch	
Date	
Additional Comments	

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**Mississaugas of the Credit First Nation Law Development Tracking - Form 2****INFORMATION**

Name		Purpose	
First Draft		By	
Revised		By	

**TRACKING**

Review Date		Name/Committee	
Policy Concerns			

Revisions List

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**Mississaugas of the Credit First Nation Chief & Council Certification - Form 3**

This is to certify that the law titled \_\_\_\_\_  
has been approved as a final draft.

The law will continue to a Ratification Vote on Day, Month, Year.

Signed by the following Members of Chief & Council:

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

Date: \_\_\_\_\_

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## **Member Engagement Checklist – Schedule 1**

### **Preliminary Information to Members**

- Have the principles on which the law will be based been drafted?
- Have you thought of the questions that may be raised and prepared responses?
- What steps will you take to notify Members of the Members Meeting?
- FAQ Sheet, information brochure, or package may want to include:
  - What Members must know at each stage;
  - Background information on the law;
  - Current practices dealing with the area in question;
  - Summary of any federal laws or rules in effect;
  - Summary of any provincial laws or rules in effect, as applicable;
  - Importance of having a MCFN specific law;
  - Basic values and principles on which this new law should be based; and
  - Announcement of date and time of Members Meeting.

### **Engagement Process – Members Meeting**

#### ***When to schedule the meeting***

- Avoid days or evenings when other activities will compete with your meeting.
- Choose days when Members tend to come to the community, such as wellness days.
- Try NOT to have the meeting in the 6 months preceding an election, in order to avoid campaigning.
- Several meetings will likely be necessary to:
  - Gain additional information and to provide updates on an ongoing basis;
  - Ensure that all Members, both on and off-reserve, have an opportunity to be briefed on the drafting of the law; and
  - Address or re-address significant issues or concerns that were raised by Members or become apparent in the drafting of the law.

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### ***To Maximize Participation***

- Advance promotion of these meetings in the form of notices, advertisements in local papers, and telephone calling, will assist in maximizing participation.
- Have drivers available for elderly Members or those who may not be able to get there easily.
- Encourage staff and Council to talk to their friends and neighbours in advance of the meetings.
- Set up a webcast of the meeting to reach those who cannot attend and for off-reserve Members and provide for real-time questions and answers.
- Will you provide any incentives to encourage attendance at the meeting, such as snacks or full meal or prizes?
- You may wish to provide childcare for these meetings so that Members can attend and ensure that you will have everyone's full attention.

### ***Running a Successful Meeting***

- Make sure you have a designate chair, who will likely also be the main presenter.
- A proper presentation should be prepared, with a few key slides and speakers should be confirmed. Have extra copies of the FAQ Sheet or Information Package previously provided. Communicate the fundamentals of the principles that will form the basis of the new law and create enthusiasm about it. This will help in securing the support you need.
- Chief & Council should be present to show their support and to answer questions. Make sure Council is informed well in advance and reminded closer to the event.
- Legal counsel should be present to assist in presenting the ideas and answering any questions.
- Provide a summary page for Members to take home and review.

### ***Meeting Specifics***

- Plan on a 2-hour meeting maximum.
- Complete a dry-run of the meeting before the actual day of the event.
- Begin the meeting with a prayer.

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- Have an agenda and stick to it as much as possible. **Do not** let other issues not related to the draft law creep into the discussions. Some will likely come up, but they should be noted and addressed at a later date.
- Plan time for an open Q & A session at the end. The Chairperson can direct the questions to the appropriate person to answer.
- You may wish to evaluate the setup of the meeting – a podium at the front with Members facing you can appear confrontational. If the group is not too large, you may wish to set up the meeting in a “sharing circle” format or the tables in a “U” shape.
- If controversy is expected, you may wish to use a “talking stick or stone” to ensure that only one person has the floor at any one time.

#### **Engagement Process – Off-Reserve Members**

- You may wish to mail out or email questionnaires to off-reserve Members to receive feedback.
- Holding engagement sessions outside of MCFN but within MCFN Territory may assist in receiving feedback from all Members.

## **Ratification Information Package Checklist – Schedule 2**

The following documents should be included within the information package sent to Members regarding Ratification Day, at least 72 days ahead of vote day:

<b>Ratification Package Documents</b>	<b>Who is Responsible for Preparing</b>
Electronic Link to the Final draft of proposed law	Inaaknigewin Legislative Branch
Notice of Ratification Vote, which contains: <ul style="list-style-type: none"> <li>• the date, place, and time of the Vote;</li> <li>• the Ballot question;</li> <li>• instructions for obtaining paper copies of the Proposed Document;</li> <li>• the name of the Ratification Officer and their office address, email address, and telephone number;</li> <li>• instructions for completing a request for a mail-in ballot package from the Ratification Officer, and</li> <li>• how to register for online voting</li> </ul>	Ratification Officer  with input from the Inaaknigewin Legislative Branch and Sponsoring MCFN Department

This information, as well as further information on the entire ratification process, is also included within Schedule 1 of the MCFN Statement of Law-Making Jurisdiction Rules and Procedures – the Model Law Ratification Process Flow Chart.

Prior to mailing or emailing out the information package, it is a good idea for the Inaaknigewin Legislative Branch to draft and send an executive summary and/or cover letter on behalf of Council explaining the need and importance of having the proposed law in place to all voting Members (both on and off-reserve). If Members are advised that an information package will be sent out shortly, Members are more likely to review the documents.

Other things to consider, include:

- Have you identified who will draft the required documents?
- Have you identified another person to edit the documents?
- Have you asked for input from Council?

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- Have you reviewed and completed all the required components of the mail-out/email-out?
- Has the proposed law been finalized and reviewed?
- Has the Ratification Officer posted the voters list, the draft proposed law, and the notice of vote?

### ***Post the Ratification Notice***

Posting includes:

- The date, place, and time of the vote;
- The ballot question;
- Instructions for obtaining copies of the proposed law;
- The name of the Ratification Officer and their office address, email address, and phone number; and
- Instructions for completing a request for receiving a mail-in ballot package from the Ratification Officer; and
- How to register for online voting.

All of these documents should be posted in the Designated Public Locations, and may also be included in newspapers or newsletters, at least 72 days ahead of vote day.

### ***Ratification Information Meeting***

In considering the planning of the Ratification information meeting, you should think about:

- Does the date of the meeting conflict with any other activities involving the Members?
- Have you identified or anticipated issues, questions, or objections from Members?
- Have you confirmed legal counsel's attendance for the meeting?
- Have you made arrangements to assist any Members who may need help in attending the meeting?
- Have you made arrangements for childcare at the meeting?
- Will you provide any incentives to encourage attendance at the meeting, such as snacks or full meal or prizes?

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- Will you be holding another meeting(s) off-reserve?
- Have you set an agenda for the meeting and arranged for the appropriate speakers?
- Have you thought of the questions that may be raised and prepared responses?
- Have you an idea of who may be opposed to the proposed law and addressed their concerns?
- What steps will you take to notify Members of the Ratification information meeting?
- Have you provided sufficient notice and advertised meeting in newsletter, newspaper, and website?
- Has at least one meeting been held on-reserve?
- Has at least one meeting been held off-reserve?
- Have you identified someone to take minutes of the meeting?
- Has at least one meeting taken place? More meetings should occur if large numbers of attendees are expected; if more follow up work needs to be done; or for off-reserve Members to be informed.
- Has the Ratification Officer explained the Ratification requirements and process?

Also see items in Members Engagement Checklist for Members Meeting (Schedule 1 of this Guidebook) for further items to consider.

### ***Ratification Day***

In considering the planning of the Ratification Day, you should think about:

- Has the polling station(s) been booked ahead of time? Are they easily accessible?
- Have tables and chairs been arranged?
- Has the polling station(s) been set up the night before (with the exception of ballot boxes, ballots, and voters list)
- Has the Ratification Officer completed:
  - Document preparation;
  - Voting items preparation; and
  - Arranging for all printing?

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- Is the vote at least 6 weeks after the posting of notice?
- Are the polling stations in well-known places and easy to access?

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### **In Contemplation of Drafting a Law Checklist – Schedule 3**

***\*Note: This is a high level checklist to assist a department in going through the steps outlined in the MCFN Legal Development Guidebook and is not exhaustive\****

- 1. What is the current legislative authority for making \_\_\_\_\_ laws?**
  - a. Gather samples – what else is out there and what are the themes across other \_\_\_\_\_ laws? – put into framework/templates
- 2. How does MCFN get jurisdiction?**
  - a. Through negotiation – have inherent right but now need to get you the jurisdiction;
  - b. Self-government agreement – stating that the FN law has the same weight as that of Canadian or provincial law;
  - c. \_\_\_\_\_ agreement – transfer from federal (or provincial) govt to FN; set out procedures and specific powers you are exercising under these agreements; or
  - d. Asserting jurisdiction – MCFN takes up the space in the community/Territory
- 3. Build capacity – who is your team? What is going to be best for you? Working as one team, what is the end goal - that we are all traveling down the same path?**
  - a. Pre-prep work before ask authority (Council) - authority still sitting with Council but decision making to the legislators/departments/etc?? - confirm
  - b. Build capacity of your leadership for what is coming into force
  - c. Need on your team:
    - i. Historian (who can chart your history in this jurisdiction in your community?);
    - ii. Level of Consciousness (LOC) Coordinator/Lead – to ensure all Members are included (introverts, extroverts, etc) when engaging with Members; and
    - iii. Cheerleader/Champion – can gage if other Members on the team need a break and pick up the slack so those Members can take that break
  - d. develop funding formula, if needed
  - e. develop templates (make sure they are inclusive (ex. Education – bullying) [can use what province/Canada has as a starting point but then take out/add what works for MCFN]



4. **Declutter policy space in your community** – one stop shop where all staff know can go to find the policies – if don't have one, find one
  - a. Build every \_\_\_\_\_ policy and any additional policies that feed into the \_\_\_\_\_ policy – clear policies to support the law – can put a lot in the policies (one or two provisions in the law and then have supporting policies)
 

Exs. Education law

    - Child well-being laws
    - Guardianship – consent
    - Language declarations
    - Water declarations
    - Use of sacred medicines
    - Harvesting and use of Territory, etc
  - b. Where does jurisdiction overlap, and make space for that
5. **Begin process of drafting law** – suggested procedure (in order) [high level]
  - a. Community engagement (what is \_\_\_\_\_ law meant to do?) (being able to explain or answer a question in a clear and concise manner so that it can be understood exactly what doing)
  - b. Drafting/framework development (use findings from first round of community engagement (ie. collective working on draft); what want in new system? Be inclusive – all Members with no judgment)
  - c. Community presentations on draft
  - d. Revisions to draft
  - e. Community approval of law (if required)
  - f. Council approval of law
  - g. Implementation of law – generation of regulations and policies; appointments; staff carrying out of plans
  - h. Enforcement of law, if required
6. **Interaction with/approval by the federal government** to be considered and included (and Province, as needed?)
7. **Explaining** why didn't include what Members input was (as required)
8. **Funding** – how to? (Canada, province, self)?

*\*\*\*Easier to transition into new law if already occupying and exercising the field\*\*\**

- *I.e. start living the law before it has even been passed*