



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

**CONFIDENTIAL**

Dated for Reference the 5th day of October 2021

*Inaaknigewin Committee*

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# Mississaugas of the Credit Statement of Law-Making Jurisdiction

## **Preamble**

We are the Mississaugas of the Credit First Nation (“MCFN”), the direct descendants of the Mississaugas of the Credit River - 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 Members, our community, and our Territory.

Flowing from our inherent rights, we possess the jurisdiction to make MCFN Naaknigwenan (“Laws”) for the exercise and protection of our rights and the fulfillment of our responsibilities throughout our Territory.

This jurisdiction has always been held by our people. It has never been surrendered or given up. It continues to inform how we live and relate to each other according to Anishinaabe Mino-Bimaadziwin, or “living the way of a good life.”

MCFN wish to set out this Statement of our Law-Making Jurisdiction (the “Statement”), to outline the process by which our Naaknigwenan (“Laws”) shall be made and the principles that the exercise of our law-making jurisdiction must uphold. This Statement may be cited as the MCFN Approval Law.

Chief and Council met on \_\_\_ day of \_\_\_\_\_, 20 \_\_\_, to approve the following Statement of Law-Making Jurisdiction for the MCFN:

## **MCFN Law-Making Jurisdiction**

### **1 Jurisdiction**

- 1.1 MCFN has the inherent and inalienable right and jurisdiction to make Naaknigwenan for the exercise and protection of our rights and fulfilment of our responsibilities throughout our Territory.
- 1.2 This jurisdiction includes the ability to make rules, regulations, policies, and procedures for the implementation of such Naaknigwenan and to do all other things necessary or incidental to the exercise of this law-making right and jurisdiction.

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## 2 Exercise of Jurisdiction

- 2.1 MCFN has, through our democratic Inaaknigewin processes, elected a Chief and Council, who have the responsibility and authority to exercise MCFN's law-making jurisdiction and to enact or amend all Naaknigwenan, consistent with the principles and process outlined herein.
- 2.2 The exercise of MCFN's jurisdiction by Chief and Council cannot be delegated to any MCFN Department, committee, or other government institution, except as consistent with this Statement.
- 2.3 Chief and Council shall establish rules regarding the approval process required for enacting and amending Naaknigwenan, timelines for the enactment, coming into force, and publication of Naaknigwenan that are consistent with this Statement.
- 2.4 If there is a conflict or discrepancy between any rule, policy, or procedure established under MCFN's jurisdiction and this Statement, this Statement prevails.

### MCFN Law-Making Principles and Process

## 3 Interpretation

- 3.1 In this Statement,

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

“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 MCFN; and,
- (b) is at least eighteen (18) years of age or older on the date of any given Ratification Day.

“Enaaknigejigg” means the individuals who are members of the Inaaknigewin Committee or the Inaaknigewin Legislative Branch, as it may be known from time to time;

“Knowledge Keeper” means an individual who has been recognized, either formally or informally, by the community as having a deep and/or specialized

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knowledge related to the community's culture, language, history, ceremonies, spirituality, land, animals, plants, and/or medicines.

"Inaaknigewin" means self-governance or self-government.

"Member" means a registered member of MCFN, whose name appears on a list maintained by the Membership Administrator.

"Membership Administrator" means the MCFN employee responsible for maintaining MCFN's membership list.

"Ratification Day" means the day set for holding the vote.

- 3.2 All Naaknigwenan shall be consistent with the MCFN Declaration of Rights or MCFN Constitution, as adopted by the MCFN.
- 3.3 All Naaknigwenan shall be interpreted in accordance with the customs and traditions of MCFN, and to uphold the inherent Aboriginal and treaty rights of MCFN and the Mississauga people.
- 3.4 All Naaknigwenan shall incorporate Anishinaabemowin words or concepts, as appropriate, and at the direction of Chief and Council.
- 3.5 Any accompanying rules, regulations, policies, or procedures associated with a Naaknige, as are drafted from time to time, shall be applied and followed in accordance with that Naaknige.

#### **4 Application**

- 4.1 This Statement applies to the exercise of all law-making jurisdiction by MCFN. For greater clarity, this includes Chief and Council and all MCFN Departments, including any committees established thereunder.
- 4.2 Any Naaknige purported to be enacted by MCFN that does not follow and uphold this Statement, including the principles and processes outlined herein, shall be considered of no force and effect.
- 4.3 Where there is a conflict between this Naaknige and a valid provincial or federal law, this Naaknige shall prevail and the provincial or federal law will be inoperative to the extent that it conflicts with this Naaknige.
- 4.4 All existing bylaws that have been approved, and are in force, prior to the coming into force of this Statement, shall be saved in accordance with Section 4.5.
- 4.5 Any existing bylaws, as outlined in Section 4.4, shall be reviewed, updated, and/or repealed, within 5 years of this Statement coming into force, with the option of a one time, 1 year extension, as approved by Council.

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## 5 Law-Making Principles and Process

### 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;
  - 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.

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### 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.

### Amendment

- 5.11 Technical amendments to Naaknigwenan may be made at the direction of the Inaaknigewin Legislative Branch or Chief and Council, without a requirement for the Naaknige to be re-presented at a Members meeting.
- 5.12 For greater clarity, what constitutes a technical amendment will be set out in the rules, regulations, policies, or procedures.
- 5.13 Where the Inaaknigewin Legislative Branch proposes a substantive amendment to the Statement, or to a Naaknige, the Inaaknigewin Legislative Branch will table the proposal for the amendment, in writing, to Council. Where a substantive amendment does not require a vote of the MCFN Members, by a quorum of Council, Council will pass a Council Resolution approving the proposed amendment.
- 5.14 Where a substantive amendment must be voted on by MCFN Members, Council will pass a motion approving the proposed amendment be presented to the MCFN Members for a vote.
- 5.15 For greater clarity, a substantive amendment means an amendment to the Statement, or to a Naaknige, that substantially alters the purpose or meaning of the Statement, or Naaknige.

### Appeals

- 5.16 Any Eligible Voter, who participated in a Vote, may file an appeal with respect to the Statement, or to a Naaknige, in accordance with the MCFN Statement of Law-Making Jurisdiction Rules and Procedures.

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