



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

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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-governance). This includes the right of *inaaknigewin* (self-government) and autonomy over ourselves, 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. This inherent right to govern ourselves 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 Statement of Law-Making Jurisdiction.

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.

2 Exercise of Jurisdiction

- 2.1 MCFN has, through our democratic inaaknigewin processes, elected an Ogimaa (chief) and Gimaa (councillor), 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 Council cannot be delegated to any MCFN department, committee, or other government institution, except as consistent with this Statement.
- 2.3 Council shall establish rules or procedures regarding the approval process required for enacting and amending naaknigwenan, agreements, or other Proposed Documents, timelines for the enactment, coming into force, and publication of naaknigwenan that are consistent with this Statement, and that require a community vote.
- 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.

"Council" means the Mississaugas of the Credit First Nation government; a body composed of those persons elected pursuant to the *Mississaugas of the Credit First Nation Constitution* and the *Indian Act*, as an initial step towards MCFN inaaknigewin (self-government), or in any MCFN election law and rules or procedures adopted by the MCFN, from time to time.

"Council Resolution" means a resolution of Council approved by, and signed by, a quorum of Council, and accepted at a duly convened meeting of Council.

"Department's Registrar" means the officer in the Department of Indigenous Services Canada who is in charge of the Indian Register and the band or membership lists maintained in the Department of Indigenous Services Canada.

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

“inaaknigewin” means self-governance or self-government.

“Indian Act” means the *Indian Act*, RSC 1985, c I 5, and any regulations thereto, as amended from time to time.

“Indian Register” means the register of persons that is maintained under section 5 of the *Indian Act*.

“Indigenous Services Canada” means the Department of Indigenous Services, established pursuant to the *Department of Indigenous Services Act*, SC 2019, c 29, s 336, and any regulations thereto, as amended from time to time.

“Member” means a registered member of MCFN, whose name appears on a list maintained by the Department’s Registrar, Indigenous Services Canada.

“Membership Administrator” means the MCFN staff member responsible for maintaining the addresses of MCFN’s Members, as set out in the official electoral list provided by the Department’s Registrar, Indigenous Services Canada.

“membership list” means a list of persons that is maintained under section 8 of the *Indian Act*, by a band or in the Department of Indigenous Services Canada.

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

“Ratification Day” means the day set for holding the vote.

“Ratification Vote” means a general MCFN vote held pursuant to the provisions of this Statement and any associated rules, regulations, policies, or procedures.

- 3.2 All naaknigwenan shall be consistent with the MCFN *Constitution*.
- 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 Council.
- 3.5 Any accompanying rules, regulations, policies, or procedures associated with a naaknige, as may be drafted from time to time, shall be applied and followed in accordance with this Statement.

4 Application

- 4.1 This Statement applies to the exercise of all law-making jurisdiction by MCFN. For greater clarity, this includes 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 laws or 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 laws or bylaws, as outlined in section 4.4, shall be reviewed, updated, and/or repealed, within five (5) years of this Statement coming into force, with the option of a one time, one (1) year extension, as approved by Council.

5 MCFN Members Meeting and Notice

- 5.1 All Proposed Documents shall be presented at a public meeting of the Members, either in person and/or virtually, with the use of an electronic device. At minimum, three (3) public meetings shall be held for Members for information, engagement, and consultation, as required.

- 5.2 Notice of the public meeting shall be communicated to the Members, in accordance with any rules, regulations, policies, or procedures, and shall include either a hard copy, if requested, or an electronic link, of the Proposed Document to be discussed.
- 5.3 To determine whether a Ratification Vote is required, Council shall consider the following:
 - 5.3.1 The subject matter of the Proposed Document, including the intended scope of its application (e.g. on-reserve, off-reserve, all members, non-members, etc.);
 - 5.3.2 Whether the Proposed Document engages or relates to any collectively held Aboriginal or Treaty right of MCFN;
 - 5.3.3 Whether a Ratification Vote would be required under any federal or provincial law regarding the subject matter, to ensure MCFN is meeting or exceeding legislative or policy standards;
 - 5.3.4 Any recommendation regarding a Ratification Vote made by a MCFN committee or department; and
 - 5.3.5 Any other factors that Council have set out in any associated rules, regulations, policies, or procedures.
- 5.4 Where a Ratification Vote is required, the Proposed Document will not be considered to be in force and effect until it has been approved of by a majority of the votes cast by at least twenty-five percent plus one (25% + 1) of Eligible Voters in accordance with the voting rules established herein. For example, if there are 100 Eligible Voters of MCFN, 26 of them must vote at the Ratification Vote, and at least 14 (50% + 1) Eligible Voters must vote “yes” to the Proposed Document.

Coming into Force and Effect, Public Notice, and Appeal

- 5.5 The Proposed Document will come into force and effect fifteen (15) days after it is enacted, as set out in any associated rules, regulations, policies, or procedures, unless otherwise provided for in the Proposed Document. For greater clarity and in accordance with our traditions, the Proposed Document will not be considered to be in force or effect until it is approved and signed by a quorum of Council.
- 5.6 All naaknigwenan will be publicly posted and available to Members once enacted by Council.
- 5.7 All persons will be considered to have notice of a naaknige once it is publicly posted.
- 5.8 An Eligible Voter may appeal and raise concerns about any Ratification Vote, pursuant to the process set out in any accompanying rules, regulations, policies, or procedures, as may be amended by Council from time to time.

6 Amendment

- 6.1 Technical amendments to a naaknige may be made at the discretion of Council, without a requirement for the naaknige to be re-presented at a Members meeting, where a Ratification Vote was initially required.
- 6.2 For greater clarity, technical or administrative amendments are amendments that result from changes in law, defects in the naaknige, or to improve the administrative efficiency of the naaknige, but do not substantially alter the purpose of the naaknige.
- 6.3 Where a substantive amendment must be voted on by Members, Council will pass a motion approving the proposed amendment be presented to the Members for a vote and any rules, regulations, policies, or procedures respecting a Ratification Vote will be followed.
- 6.4 For greater clarity, a substantive amendment means an amendment to a naaknige that substantially alters the purpose or meaning of the naaknige.
- 6.5 For greater clarity, where any technical or substantive amendments are made to this Statement, Council will approve such amendment by passing a CR and providing notice of such amendment taking effect to the Members.
- 6.6 For greater clarity, notice of such amendment, as set out in section 6.5, will be posted in the Designated Public Locations and on MCFN's Members-only website, in accordance with any rules, regulations, policies, or procedures, as established by Council from time to time.

7 Appeals

- 7.1 Any Eligible Voter, who participated in a Ratification Vote, may file an appeal with respect to such vote, in accordance with any associated rules, regulations, policies, or procedures in place from time to time.