



Beaverhouse First Nation
Appeal Body Naaknige

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PREAMBLE

We are Beaverhouse First Nation (“BHFN”) - an Anishinaabeg-Algonquin people.

We possess the inherent and inalienable right of *inaaknigewin*¹. This includes the right of *inaaknigewin*² and autonomy over ourselves, our community, and our Territory.

Flowing from our inherent rights, we possess the jurisdiction to make BHFN *naaknigwenan*³ 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.”

We recognize that in exercising our right to *inaaknigewin*⁴, that we have the right to autonomy or *inaaknigewin*⁵, in matters relating to our internal and local affairs. We recognize the need of the Crown to respect and promote our inherent rights, which derive from our political, economic, and social structures, and from our culture, spiritual traditions, histories, and philosophies, especially our rights to our lands, Territory, and resources beyond the rights set out in section 35 of the *Constitution Act, 1982*.

We look to our Anishinaabeg roots to guide our vision for the future, led by the Seven Grandfather or Seven Sacred Teachings of Ma-Na-Wee-Ko-Wic (Humility); Ma-Sko-C-Win (Bravery); Minaadendamowin (Respect); A-Ken-Dum-Win (Wisdom); Ka-Wa-Yak-E-Nada-Sa-Win (Honesty); Saki-E-Wai-Win (Love); and Debwewin (Truth), so that we continue to strive to be a strong, caring, connected membership who respects the Earth’s gifts and protects the environment for seven generations; past, present, and future.

BHFN wishes to enact this appeal body law by which BHFN will work to resolve disputes in accordance with the principles of natural justice and which conforms to the *Canadian Charter of Rights and Freedoms*, s 7, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 a.

Council met on 20 day of March, 2025, to approve the following Appeal Body Naaknige⁶ for BHFN:

¹ *inaaknigewin* means self-governance or self-government.

² *inaaknigewin* means self-governance or self-government.

³ *naaknigwenan* means laws.

⁴ *inaaknigewin* means self-governance or self-government.

⁵ *inaaknigewin* means self-governance or self-government.

⁶ Naaknige means the BHFN Appeal Body Law.

BHFN LAW-MAKING JURISDICTION

1 Authority

- 1.1 BHFN has the inherent and inalienable right and jurisdiction to make naaknigwenan⁷ to set out the process by which appeals within BHFN shall take place and the principles that the Appeal Body must uphold so as to exercise and protect our rights and fulfil our responsibilities throughout our Territory.
- 1.2 BHFN has, through our democratic inaaaknigewin⁸ processes, approved this appeal body law and given responsibility and authority to the chief and councillors to enact or amend this Naaknige,⁹ consistent with the principles and processes outlined herein.
- 1.3 This authority includes the ability to make rules, regulations, policies, and procedures for the implementation of this Naaknige¹⁰, and to do all other things necessary or incidental to the exercise of this Naaknige.
- 1.4 The exercise of BHFN's jurisdiction by Council cannot be delegated to any BHFN Department, committee, or other government institution, except as consistent with this Naaknige.¹¹
- 1.5 Council shall establish rules, procedures, and policies to effectively govern and manage the appeals process for BHFN that are consistent with this Naaknige¹² and provide for accountable and transparent processes for the Appeal Body.
- 1.6 If there is a conflict or discrepancy between any naaknige,¹³ rule, policy, or procedure established under BHFN's jurisdiction and this Naaknige,¹⁴ as it relates to the Appeal Body, this Naaknige governs.
- 1.7 If there is a conflict or discrepancy between any naaknige¹⁵, rule, policy, or procedure established under BHFN's jurisdiction as it relates to this Naaknige¹⁶ and any federal or provincial law, this Naaknige governs.

PURPOSE

2 Purpose of this Naaknige

- 2.1 The purpose of this Naaknige is to:

⁷ naaknigwenan means laws.

⁸ inaaaknigewin means self-governance or self-government.

⁹ Naaknige means the BHFN Appeal Body Law.

¹⁰ Naaknige means the BHFN Appeal Body Law.

¹¹ Naaknige means the BHFN Appeal Body Law.

¹² Naaknige means the BHFN Appeal Body Law.

¹³ naagknige means law.

¹⁴ Naaknige means the BHFN Appeal Body Law.

¹⁵ naaknige means law.

¹⁶ Naaknige means the BHFN Appeal Body Law.

- (a) establish the Appeal Body;
- (b) set out the process by which appeals in BHFN shall take place; and
- (c) set out the principles that Appeal Body Members shall uphold in making their decisions.

2.2 Any accompanying rules, regulations, policies, or procedures associated with this Naaknige,¹⁷ as may be drafted from time to time, shall be applied and followed in accordance with this Naaknige and are a part of this Naaknige.

INTERPRETATION

3 Interpretation

3.1 In this Naaknige,¹⁸

“Agreement for the Recognition of Beaverhouse First Nation as a Band” means the agreement between the Beaverhouse First Nation Secretariat and His Majesty the King in Right of Canada as represented by Indigenous Services Canada, for the purpose of formally establishing a pathway by which Beaverhouse First Nation may be recognized as a band under the *Indian Act*;

“Appeal Body Advisory Council” means the group of persons who will appoint Appeal Body Members, and is comprised of:

- (a) a representative from each of BHFN’s core families; and
- (b) the BHFN Band Manager,

and which is shortened to the “Advisory Council”, from time to time;

“Appeal Body Coordinator” means a person responsible for the administration and coordination of the Appeal Body, as appointed by the Band Manager in accordance with BHFN hiring policies and procedures, as is in place, from time to time;

“Appellant” means an individual who submits an application for appeal, in accordance with this Naaknige¹⁹ and associated rules and procedures;

“Band 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, and is shortened to “BCR”, from time to time;

“Band List” means a list of persons that is maintained under sections 8 and 11 of the *Indian Act* by the Department of Indigenous Services;

¹⁷ Naaknige means the BHFN Appeal Body Law.

¹⁸ Naaknige means the BHFN Appeal Body Law.

¹⁹ Naaknige means the BHFN Appeal Body Law.

“Band Manager” means the person responsible for the administration and management of the BHFN organization, including overseeing staff and the coordination of activities, or their designate, from time to time;

“Beaverhouse First Nation” means the ancestors of Beaverhouse First Nation and its current members, and is shortened to “BHFN” from time to time;

“Beaverhouse First Nation Administration” means the BHFN organization overseen by the Band Manager, and includes all BHFN departments listed in section 18.5 of this Naaknige²⁰, and for greater clarity, excludes any and all decisions made directly by Council, and is shortened to “BHFN Administration” from time to time;

“Beaverhouse First Nation Governance Orientation Manual” means a document containing the governance model for Council, inclusive of all governance related policies, and is shortened to the “Governance Manual” from time to time;

“Beaverhouse First Nation Secretariat” means a body corporate duly incorporated and existing under the Ontario *Not-for-Profit-Corporations Act, 2010*, which was established for the purpose of negotiating, executing, and implementing the Agreement for the Recognition of Beaverhouse First Nation as a Band;

“Chair” means is a Member appointed by the Members of the Appeal Body, as set out in section 8.4 of this Naaknige;²¹

“Council” means the Beaverhouse First Nation government; a body composed of those persons elected pursuant to the BHFN *Election Law* and any associated rules and procedures, or regulations, adopted by BHFN from time to time, and includes the Youth Representative and the Elder Representative in their advisory role to Council;

“Declaration of Rights” means the supreme law under which all other naaknigewnan can be created and that we, the citizens of BHFN, have our inherent Indigenous and traditional rights to govern ourselves and our Territory;

“Department Registrar” means the officer in the Department of Indigenous Services Canada who is in charge of the Indian Register and the Band Lists maintained in the Department of Indigenous Services Canada;

“Department of 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, replaced, or re-enacted from time to time;

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²¹ Naaknige means the BHFN Appeal Body Law.

“Deputy Chair” means a Member appointed by the Members of the Appeal Body, as set out in section 8.4 of this Naaknige²², and who will serve as the Chair of the Appeal Body during those times when the Chair is unable to carry out their duties;

“Designated Public Locations” include:

- (a) Administration building;
- (b) official BHFN website (<https://beaverhousefn.com/>); or
- (c) any additional locations as deemed prudent.

“Elder Representative” means a person who:

- (a) is a Member of BHFN; and
- (b) is at least sixty (60) years of age on the date of any given election;

“election” means a general election or by-election of BHFN, held pursuant to the BHFN *Election Law* and any associated rules and procedures, as may be amended from time to time;

“Founding Members List” (or **“List”**) refers to the applicable lists of Founding Members confirmed by the Beaverhouse Leadership, by way of the band recognition process, and is limited to 1) an initial list of Members based on the Working Draft List, as determined after the first stage of the enrolment process (the “first founding members list”), and, as applicable, 2) the first founding members list as further amended by the addition of names as determined after the second stage of the enrolment process (the “second founding members list”);

“Indian Act” means the *Indian Act*, RSC 1985 c I-5, and any regulations thereunder;

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

“Ratification Vote” means a general BHFN vote held pursuant to the provisions of the BHFN *Community Approval Process*, and any associated rules and procedures, as may be amended from time to time;

“Member” means an individual appointed to serve on the Appeal Body, as set out in this Naaknige²³;

“members of Beaverhouse First Nation” means, for the Ratification Vote on the Agreement for the Recognition of Beaverhouse First Nation as a Band, and for the purposes of the Appeal Body Naaknige²⁴, a person whose name appears on the Working Draft List as maintained by BHFN, and for the purposes of the Appeal Body Naaknige, following the Ratification Vote on the Agreement for the Recognition of Beaverhouse First Nation as a Band, a person whose name appears on the list which will be maintained by ISC until such further time that BHFN

²² Naaknige means the BHFN Appeal Body Law.

²³ Naaknige means the BHFN Appeal Body Law.

²⁴ Naaknige means the BHFN Appeal Body Law.

regains control of its membership list pursuant to section 10 of the *Indian Act* and a BHFN membership code;

“substantive amendment” means an amendment to this Naaknige²⁵ that substantially alters the purpose or meaning of this Naaknige;

“technical amendment” means an amendment to this Naaknige²⁶ as a result of changes in naaknige,²⁷ defects in this Naaknige, or to improve the administrative efficiency of this Naaknige;

“Territory of Beaverhouse First Nation” means the geographical area in which the Beaverhouse First Nation Council holds jurisdiction, and is shortened to “Territory” from time to time;

“Working Draft List” means the list maintained by BHFN, of individuals identified whose lineage can be traced back to the five core families of the historical BHFN community in the 1920s, which will be used and updated to determine founding member eligibility for the purposes of band recognition pursuant to the Agreement for the Recognition of Beaverhouse First Nation as a Band, and which will become the Founding Members List; and

“Youth Representative” means a person who:

- (a) is a Member of BHFN; and
- (b) is between sixteen and twenty-nine (16-29) years of age on the date of any given election.

- 3.2 When calculating time, a reference to a number of days between two events is calculated by excluding the day on which the first event occurs and including the day on which the second event occurs. Any reference to days will mean consecutive calendar days, and is inclusive of Saturdays, Sundays, and any holidays, unless otherwise identified.
- 3.3 This Naaknige²⁸ shall be interpreted in accordance with the customs and traditions of BHFN, and shall uphold the inherent Aboriginal and Treaty Rights of BHFN and its people.

DECLARATION OF PRINCIPLES OF ANISHINAABE LAW

4 Seven Grandfather or Seven Sacred Teachings

- 4.1 Since time immemorial, BHFN has strived to live by the teachings of the Medicine Wheel and to honour the Seven Sacred Teachings, also known as the Seven Grandfather Teachings.

²⁵ Naaknige means the BHFN Appeal Body Law.

²⁶ Naaknige means the BHFN Appeal Body Law.

²⁷ naagknige means law.

²⁸ Naaknige means the BHFN Appeal Body Law.

- 4.2 BHFN turns to the Sacred Teachings to support the implementation of this Naaknige.²⁹
- 4.3 Members shall act with humility as they make decisions. This means that all voices are heard and respected in the Appeal Body process.
- 4.4 Members shall act with bravery as they make decisions. This means that Appeal Body Members may need to make decisions that are difficult, and that not everyone will agree on.
- 4.5 The Appeal Body shall make decisions with the utmost respect for community members. This means that Appeal Body decisions shall be made with the objective of restoring community harmony. Individual freedoms must also be balanced with our reciprocal relationship with the community as a whole.
- 4.6 Appeal Body Members shall incorporate BHFN traditional wisdom in their decision-making process. It is a privilege to uphold family teachings in this system, and they will be a guide in decision-making.
- 4.7 As part of the appeal process, Members will expect that all involved shall act with honesty. This means that individuals shall be truthful in their appeal submissions, and that Members shall be honest about any conflicts of interest or biases they may hold.
- 4.8 Members shall make decisions with love for the community as a whole, as well as for individual community members. This means that the Appeal Body does not believe that people are inherently bad, but recognizes that their behaviours may harm others.
- 4.9 Members shall seek the truth in its decision-making process. This means that Appeal Body Members shall strive to make a decision that is fair and transparent.

5 Principles of Decision-Making

- 5.1 The Appeal Body shall make all decisions according to the Sacred Teachings, as set out in Part 4 of this Naaknige.³⁰
- 5.2 The following principles shall guide the Appeal Body in its decision-making process:
 - (a) the collective nature of Beaverhouse First Nation as a community;

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³⁰ Naaknige means the BHFN Appeal Body Law.

(b) the obligation to preserve the land, waters, environment, and all resources within the Territory of Beaverhouse First Nation, for the well-being of both present and future Beaverhouse generations; and

(c) Beaverhouse culture, which is based on traditional knowledge, customs, language, oral history, and spiritual beliefs and practices, and is important for the well being of present and future generations.

- 5.3 Members may take part in ceremonial traditions throughout the appeal and decision-making process, including, but not limited to, smudging, praying, and giving thanks.
- 5.4 Decisions by Members shall be made by consensus.
- 5.5 If a decision cannot reasonably be made by consensus, Members may make a final decision by a majority vote.
- 5.6 In any matter that comes before it, the Appeal Body shall:
- (a) give effect to the purpose, objectives, and principles expressed by the Beaverhouse First Nation *Declaration of Rights* and laws;
 - (b) ensure proceedings are conducted in accordance with principles of natural justice;
 - (c) ensure justice is administered without unreasonable delay; and
 - (d) promote healing, rehabilitation, and harmony within the Beaverhouse community.

APPEAL BODY MEMBERS

6 Appeal Body Advisory Council

- 6.1 The Appeal Body Advisory Council shall be created by Band Council Resolution and shall be established within thirty (30) days of this Naaknige³¹ coming into effect.
- 6.2 For the purposes of the Ratification Vote on the Agreement for the Recognition of Beaverhouse First Nation as a Band, an interim Advisory Council shall be established within seven (7) days of this Naaknige³² coming into effect.
- 6.3 The Advisory Council shall be comprised of the BHFN Band Manager and one (1) representative from each of the core BHFN families:
 - (a) MacPherson;
 - (b) McKenzie/Rodrigue;
 - (c) Mathias/Chiechie;
 - (d) Maurer;
 - (e) Meaniss; and
 - (f) Wabie.
- 6.4 Representatives from each of the core BHFN families on the Advisory Council must be members of BHFN.
- 6.5 The Advisory Council shall represent BHFN and shall not operate as representatives of respective core families. For greater certainty, this means that Advisory Council members shall make decisions for the good of the BHFN community as a whole.
- 6.6 The Advisory Council shall exercise its authorities and responsibilities in accordance with the principles set out herein, as well as the principles of unity and fairness.
- 6.7 The Advisory Council shall appoint Members in accordance with this Naaknige³³ and any rules, policies, or procedures.
- 6.8 An Advisory Council member is not liable for damages caused by anything they have done or not done in the performance of their official function, unless it is proven that the Advisory Council member acted in bad faith, with gross negligence, or with willful misconduct.

7 Term of Service

- 7.1 The term of service of all Members shall be for three (3) years.

³¹ Naaknige means the BHFN Appeal Body Law.

³² Naaknige means the BHFN Appeal Body Law.

³³ Naaknige means the BHFN Appeal Body Law.

- 7.2 The term of service of Members shall be staggered so as to ensure corporate knowledge is preserved:
- (a) Three (3) Members shall be appointed within three (3) months of this Naaknige coming into force;³⁴
 - (b) Two (2) Members shall be appointed one (1) year after the appointment of the first three (3) Members, as set out at paragraph 7.2(a); and
 - (c) Two (2) Members shall be appointed two (2) years after the appointment of the first three (3) Members, as set out at paragraph 7.2(a).
- 7.3 Members may serve a maximum of four (4) terms in their lifetime.
- 7.4 Members may serve a maximum of two (2) terms consecutively. For greater clarity, if Members serve two (2) terms consecutively, Members must take a minimum of three (3) years off, or one (1) term, between serving their second and third term.
- 7.5 For the purposes of the Ratification Vote on the Agreement for the Recognition of Beaverhouse First Nation as a Band, five (5) Members shall be appointed on an interim basis, within twenty-three (23) days of the Advisory Council being established, as set out at Part 6 of this Naaknige.³⁵
- 7.6 For the purposes of the Ratification Vote on the Agreement for the Recognition of Beaverhouse First Nation as a Band, the term of service of the Members appointed on an interim basis, pursuant to section 7.5 shall end forty-five (45) days after the Ratification Vote.

8 Recruitment

- 8.1 Where a Member's term of service is expiring, at least six (6) months before the end of the term of service of the Member, the Advisory Council shall post a public notice in the Designated Public Locations, to the community, stating that a new selection process will take place.
- 8.2 Where a Member resigns from their position on the Appeal Body, at least twenty-five (25) days prior to the effective date of the Member's resignation, the Advisory Council shall post a public notice in the Designated Public Locations, to the community, stating that a new selection process will take place.
- 8.3 In accordance with sections 8.1 and 8.2, the Advisory Council shall post a notice to recruit Members to the Appeal Body, as set out in any rules, procedures, or policies.
- 8.4 *Criteria for Selection*

³⁴ Naaknige means the BHFN Appeal Body Law.

³⁵ Naaknige means the BHFN Appeal Body Law.

For the purposes of recruiting Members to the Appeal Body, the Advisory Council shall consider the following:

- (a) there shall be a minimum of three (3) and a maximum of seven (7) Members at any time.
- (b) when the Advisory Council appoints the first Members, as set out at paragraph 7.2(a), the Advisory Council shall select the Chair and the Deputy Chair.
- (c) After the first Members have been appointed, as set out at paragraph 8.4(b), any subsequent Members shall select a Chair and Deputy Chair among themselves, on an annual basis every June.
- (d) The Advisory Council shall appoint Members whom:
 - i. are members of Beaverhouse First Nation;
 - ii. are familiar with the Beaverhouse First Nation community, values, traditions, and culture;
 - iii. are familiar with Anishinaabe dispute resolution practices and traditions;
 - iv. have relevant life experience related to the administration of elections, the administration of ratification votes, governance, dispute resolution, or law; and
 - v. any other criteria as set out in this Naaknige³⁶ and any rules, policies, or procedures, as may be determined by Council from time to time.
- (e) For greater certainty, the criteria set out at paragraph 8.4(d) shall only be modified by adding, and not removing, detail.
- (f) For greater certainty, an individual in the position of the Band Manager cannot be appointed to the Appeal Body during their tenure as the Band Manager.
- (g) Where an individual has applied to be a Member, and is directly or indirectly employed by BHFN prior to being appointed, that individual shall apply for a leave of absence from their employment for the first term that they are appointed as a Member, as set out in any rules, policies, or procedures. No Member shall be permitted to serve as a Member until they have resigned or have submitted a leave of absence, which has subsequently been approved by the Band Manager. Where an individual is reappointed for a subsequent term, that individual shall resign from their employment, and no further leave of absences will be available to them.

³⁶ Naaknige means the BHFN Appeal Body Law.

(h) Individuals who are interested in becoming Members, must maintain confidential and private information while they are a member of the Appeal Body, as well as after their term(s) end.

(i) All individuals who apply to be a Member must provide a Vulnerable Sector Check and criminal record check, the results of which are clear of any records of conduct that are inconsistent with duties of Members or the best interests of BHFN.

(j) Sitting members of Council will not be eligible to be Members of the Appeal Body.

9 Appeal Body Member Application

9.1 Interested individuals must complete an application as set out in any associated rules, procedures, or policies to be considered for an appointment to the Appeal Body.

9.2 The Advisory Council will use their best judgement to select, by majority vote if consensus cannot be reached in a reasonable time, a Member panel that reflects a diversity of experiences, as set out in any associated rules, procedures, or policies.

10 Compensation

10.1 Members shall be compensated according to any BHFN policies, bylaws, or laws as put in place by Council from time to time, and as may be set out in this Naaknige³⁷, and any rules, policies, or procedures.

10.2 The source of the Members compensation must be determined by Council, who shall consult with the Band Manager, prior to the Members beginning their terms.

11 Training

11.1 Individuals who are interested in becoming Members must be willing and able to attend training at least twice yearly.

11.2 Members shall complete mandatory training sessions as set out in this Naaknige³⁸ and any rules, policies, or procedures.

12 Removal

12.1 Members may be removed by the Advisory Council where the Member:

³⁷ Naaknige means the BHFN Appeal Body Law.

³⁸ Naaknige means the BHFN Appeal Body Law.

- (a) has criminal charges, convictions, or vulnerable sector reports against them that are not consistent with their duties as a Member or in the best interests of BHFN;
 - (b) has violated confidentiality or privacy obligations;
 - (c) has violated conflict of interest guidelines; or
 - (d) has a pattern of non-attendance at scheduled sessions.
- 12.2 Members may resign at any point during their term, as set out in this Naaknige³⁹, and any rules, policies, or procedures.
- 12.3 For greater clarity, a Member who has resigned, may seek re-appointment at any time after the date of their resignation, by following the appointment process outlined herein.

APPEAL BODY POLICY

13 Policy

- 13.1 The Appeal Body Policy must be approved by Council within one (1) year of this Naaknige⁴⁰ coming into force.
- 13.2 The Appeal Body Policy must be approved by BCR.
- 13.3 Sections of the Policy must include:
- (a) Terms of Reference for the Advisory Council;
 - (b) Terms of Reference for Members;
 - (c) A complaints process for Member conduct;
 - (d) A procedure for the removal of Members;
 - (e) Compensation or remuneration of the Members;
 - (f) A process to define and address Conflicts of Interest;
 - (g) A process for succession planning;
 - (h) Debriefing and Member Care;
 - (i) A description of the roles and responsibilities of the Appeal Body Coordinator;
 - (j) Resources for Appellants, including Community Resources, Mediation Services, and support people; and
 - (k) The appeal process for Appellants.

14 Community Resources

³⁹ Naaknige means the BHFN Appeal Body Law.

⁴⁰ Naaknige means the BHFN Appeal Body Law.

- 14.1 The Appeal Body Coordinator shall maintain a list of community resources that may be utilized by individuals and families who access or would like to access the Appeal Body, as set out in the Appeal Body Policy.
- 14.2 BHFN departments, as they are able, will assist the Appeal Body and accept applicable referrals for services within their respective programs.

APPEAL BODY AUTHORITY

15 Independence and Impartiality of the Appeal Body

- 15.1 The Appeal Body is independent and at arms-length from Council.
- 15.2 The Appeal Body shall exercise its authorities and responsibilities in an impartial manner, in accordance with the BHFN *Declaration of Rights* and principles outlined herein.
- 15.3 The Appeal Body may retain legal counsel, or any other expert, where required.

16 Liability of the Appeal Body Members

- 16.1 A Member is not liable for damages caused by anything done or not done:
 - (a) in the performance of the Member's official functions; or
 - (b) in respect of a matter in which the Member lacked jurisdiction, or exceeded the jurisdiction of the Appeal Body,
 unless it is proven that the Member acted in bad faith or with gross negligence.
- 16.2 No action for recovery of damages lies against any Member in respect of an act done, purported to be done, or not done, in the execution of, in compliance with, or incidental to, an order, warrant, or decision issued by the Appeal Body.

17 Appeal Body Jurisdiction

- 17.1 The Appeal Body has jurisdiction to exercise all of the authorities and perform all of the responsibilities imposed on it as set out in this Naaknige⁴¹, and within the law-making authority of Council.
- 17.2 Without limiting the generality of section 17.1, the Appeal Body has jurisdiction over:
 - (a) Elections, in accordance with the BHFN *Election Law*;

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- (b) Ratification Votes, in accordance with the BHFN *Community Approval Process*;
- (c) The conduct of Council;
- (d) Decisions made by the BHFN Administration;
- (e) Decisions made by Council, as set out in laws, policies, or procedures; and
- (f) Other jurisdictions that BHFN Council may determine appropriate from time to time.

17.3 For greater certainty, the Appeal Body cannot hear a matter that is not outlined herein.

18 Administrative Appeal Review

- 18.1 In the provision of services, there are times when BHFN departments or committees make service provision decisions, including the allocation of resources that affect the lives or interests of BHFN members. The Appeal Body shall have the authority to review those decisions made by the BHFN Administration (departments).
- 18.2 To ensure fairness, accountability, and transparency, such a decision may be reviewed by the Appeal Body to ensure it was reasonable, and that appropriate fundamental justice and procedural fairness have been given to the affected individual.
- 18.3 The time limit to appeal an administrative decision is twenty-one (21) days from the date of delivery of the decision, or from the date when the individual was first made aware of the decision, whichever is later.
- 18.4 When reviewing a decision, the Appeal Body shall ensure that the approved law, bylaw, policy, or procedures were followed, and that all applications of the law, bylaw, policy, or procedures were reasonable.
- 18.5 Decisions made by the following departments may be reviewed:
 - (a) Finance;
 - (b) Administration;
 - (c) Lands and Resources; and
 - (d) Health and Social Services.

19 Administrative Remedies

- 19.1 The Appeal Body may overturn section(s) of an administrative policy on the grounds that it conflicts with the BHFN *Declaration of Rights*, giving a ninety (90) day timeframe for revisions and Council approval of the policy, as set out in a BHFN governance orientation manual, as amended from time to time.

- 19.2 The Appeal Body may order that the decision of a BHFN department, as listed in section 18.5, be rescinded if the Appeal Body finds that a law, bylaw, policy, or procedure was not followed, or a decision was unreasonable, and order changes by the BHFN department.
- 19.3 When a BHFN Administration decision has been rescinded, the Appeal Body shall issue a written ruling setting out their findings, and the matter shall be returned to the responsible department to be reconsidered accordingly.
- 19.4 If the Appeal Body determines the matter to have been reasonably followed according to law, bylaw, policy, or procedure, the review shall be dismissed.
- 19.5 For greater certainty, where an application for review is dismissed, as set out in section 19.4, the Appeal Body shall issue a written ruling setting out their findings.
- 19.6 The Appeal Body, through its decisions, may give recommendations to Council on amendments to laws, bylaws, policies, or procedures that it believes would result in greater administrative fairness.

20 Governance Review

- 20.1 The Appeal Body may overturn a decision of Council only if the decision breaches the BHFN *Declaration of Rights* any BHFN law, policy, or procedure, or the *Canadian Charter of Rights and Freedoms*, s 7, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
- 20.2 An individual may apply to the Appeal Body to review a governance decision, provided that the individual is directly and personally affected by that decision.
- 20.3 The time limit to request a Governance Review is ninety (90) days from the date of the decision.
- 20.4 The Appeal Body will review the relevant Council motion, directive, BCR, law, or other decision. If the Appeal Body determines that the decision does not comply with the BHFN *Declaration of Rights*, it has the authority to decide an appropriate remedy, as set out in Part 21.
- 20.5 The Appeal Body must provide detailed and written reasons for its decision in relation to the breach of the BHFN *Declaration of Rights*.

21 Governance Remedies

- 21.1 The Appeal Body may order the rescission of a Council decision if it breached the BHFN *Declaration of Rights*, any BHFN law, policy, or procedure, or the *Canadian Charter of Rights and Freedoms*, s 7, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, giving a ninety (90) day timeframe for revisions and Council approval. For greater clarity, any Ratification

Vote process that may be required under the BHFN *Community Approval Process*, will not be included within this ninety (90) day timeframe.

- 21.2 The Appeal Body may strike down all or part of a BHFN law if it breached the BHFN *Declaration of Rights*, any BHFN law, policy, or procedure, or the *Canadian Charter of Rights and Freedoms*, s 7, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, giving a ninety (90) day timeframe for revisions and Council approval. For greater clarity, any Ratification Vote process that may be required under the BHFN *Community Approval Process*, will not be included within this ninety (90) day timeframe.

22 Conduct of BHFN Council Member

- 22.1 BHFN Council Members are expected to abide by the Code of Conduct, Code of Ethics, and Council Oath of Office, as set out in the BHFN *Election Law* and BHFN Governance Orientation Manual, as may be amended from time to time.
- 22.2 The time limit to request a review of conduct of a BHFN Council Member(s) is ninety (90) days from the date of the alleged act, behaviour, or incident. For greater clarity, a request for a review of the conduct of a BHFN Council Member may be submitted for each alleged act, behaviour, or incident.

23 Conduct of BHFN Council Member Remedies

- 23.1 The Appeal Body may order the removal of an individual from Council, or order any other penalty as the Appeal Body determines appropriate, as set out in the BHFN *Election Law* or any other BHFN law, rule, policy, or procedure in place from time to time.

24 Other Appeals

24.1 Election Appeals and Remedies

- (a) Members shall decide on appeals regarding elections in accordance with the *Election Law* and any associated rules and procedures.
- (b) The Appeal Body may call for a new election or by-election, in accordance with the *Election Law* and any associated rules and procedures.

24.2 Ratification Vote Appeals and Remedies

- (a) Members will decide on Ratification Votes in accordance with the *Community Approval Process* and any associated rules and procedures.
- (b) The Appeal Body may call for a new Ratification Vote, in accordance with the *Community Approval Process* and any associated rules and procedures.

24.3 Other Appeals

(a) Unless otherwise outlined within a BHFN naaknige⁴², the Appeal Body will review applications on appeal in accordance with this Naaknige⁴³ and the BHFN *Declaration of Rights*.

(b) The Appeal Body shall only strike down all or part of a BHFN naaknige⁴⁴ if it breaches the BHFN *Declaration of Rights*.

25 Appeals to the Federal Court

25.1 For greater clarity, unless otherwise set out herein, a decision of the Appeal Body may be appealed to the Federal Court on any procedural matters, and shall be subject to the *Federal Courts Act*, RSC, 1985, c F-7, and any rules or regulations, as may be amended and in place from time to time.

26 Mediation Services

26.1 An Appellant may request the use of mediation services from the Appeal Body as long as all parties agree to the process and outcome, according to any rules and procedures, as may be amended and in place from time to time.

26.2 Mediation services are based on voluntary participation of all parties.

26.3 The Appeal Body may facilitate referrals if an Appellant requests the use of mediation services.

APPEAL BODY PROCESS

27 Hearings

27.1 All Appeal Body hearings shall be conducted by at least three (3) Members.

27.2 The Members who conduct a hearing shall be appointed according to the associated rules and procedures, as may be amended and in place from time to time.

27.3 The Appeal Body may conduct its business at any place on BHFN Territory.

27.4 The Appeal Body may hold public in-person or virtual hearings.

27.5 The Chair is responsible for ensuring that the public may observe all hearings, including but not limited to, the preparation of a public hearing schedule that sets out the dates, times, and places of all scheduled hearings.

27.6 The Appeal Body shall conduct hearings in accordance with any rules, regulations, policies, or procedures in place from time to time.

⁴² naaknige means a law.

⁴³ Naaknige means the Community Approval Process.

⁴⁴ naaknige means a law.

- 27.7 For greater clarity, where a hearing involves vulnerable persons, families, or safety, hearings may be held in-camera.

28 Final Decisions

- 28.1 Final decisions by the Appeal Body shall be made in writing, with reasons.
- 28.2 Final decisions regarding elections or Ratification Votes shall be made in accordance with the Election Law and Community Approval Process, and any associated rules and procedures in place from time to time.
- 28.3 Except for those decisions made in accordance with section 28.2, final decisions shall be made within thirty (30) days upon the receipt of an application.

ENFORCEMENT

29 Administrative Appeals

- 29.1 Administrative review decisions shall be final.

30 Governance Review

- 30.1 The Appeal Body shall issue an order to amend or repeal the law to Council when it considers the Council decision to be a breach of the BHFN *Declaration of Rights*.
- 30.2 Any governance decision made by the Appeal Body shall, in regards to a decision of Council, be made public and posted to the Designated Public Locations and the BHFN Members-only website.

31 Conduct of BHFN Council Member

- 31.1 Any decision regarding the conduct of a BHFN Council Member shall be made public, unless there is agreement among all Members who participate in the hearing that it should not be made public for reasons of the involvement of vulnerable persons, families or safety.

32 Other

- 32.1 Election Appeals
- (a) Members will enforce appeals regarding elections in accordance with the *Election Law* and any rules and procedures.
- 32.2 Ratification Vote Appeals
- (a) Members will enforce appeals regarding Ratification Votes in accordance with the *Community Approval Process* and any rules and procedures.

33 General Enforcement

- 33.1 Any decision made by the Appeal Body is final.
- 33.2 Where an individual or organization does not abide by an Appeal Body decision, the Appeal Body may choose to impose a fine on that individual or organization in accordance with any associated rules, policies, or procedures.
- 33.3 Decisions by the Appeal Body shall be enforced by an individual(s) or body as may be appointed by the administration or Council from time to time.
- 33.4 For greater certainty, any fines imposed under this Naaknige⁴⁵ shall not be subject to any restrictions in the *Indian Act*.

AMENDMENTS

34 Amendments

- 34.1 Where any technical or substantive amendments are made to this Naaknige,⁴⁶ or any associated rules, policies, or procedures, Council will approve such amendment by passing a BCR and providing notice of such amendment taking effect to the Members.
- 34.2 For greater clarity, notice of such amendment, as set out in section 34.1, will be posted in the Designated Public Locations and on BHFN's Members-only website, in accordance with any rules, regulations, policies, or procedures, as established by Council from time to time.

REGULATIONS

35 Regulations or Rules and Procedures

- 35.1 Council may make rules and procedures (regulations) for the purpose of enabling provisions of this Naaknige,⁴⁷ including amendments to rules and procedures, as set out in the rules and procedures.
- 35.2 The rules and procedures will be consistent with the provisions of this Naaknige⁴⁸ and will not supersede, contradict, or in any way change this Naaknige.

⁴⁵ Naaknige means the BHFN Appeal Body Law.

⁴⁶ Naaknige means the BHFN Appeal Body Law.

⁴⁷ Naaknige means the BHFN Appeal Body Law.

⁴⁸ Naaknige means the BHFN Appeal Body Law.

COMING INTO FORCE

36 Coming into Force and Effect

- 36.1 This Naaknige⁴⁹ will come into force the day after it is approved by a quorum of Council and signed by a voting quorum of Council, in accordance with the BHFN *Community Approval Process*, also known as the BHFN Approval Law.

⁴⁹ Naaknige means the BHFN Appeal Body Law.