



Beaverhouse First Nation
Community Approval Process

Version #	Implemented By	Revision Date (D/M/Y)	Approved by	Approval Date	Reason
Draft 1	Legal Counsel	26/07/2023			Initial draft
Draft 1	Legal Counsel and Band Manager	29/11/2023			Review
Draft 1	Legal Counsel	30/11/2023			Minor Revisions
Draft 1	Council	11/12/2023			Review
Draft 2	Legal Counsel	14/12/2023			Revisions – removal of law making jurisdiction
Draft 2	Council	6/01/2024			Review
Draft 3	Legal Council	8/01/2024			Minor Revisions
Draft 3	Council		Council	18/01/2024	Final Approval

Example - Approved by:
Chief & Council

Example - Reasons:
Revisions
Minor revisions
Approval

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Beaverhouse First Nation Community Approval Process

Preamble

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

We possess the inherent and inalienable right of Inaaknigewin¹ (self-governance). This includes the right of Inaaknigewin² (self-government) and autonomy over ourselves, our community, and our Territory.

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.”

BHFN wish to set out this Community Approval Process, to outline the process by which BHFN will make community decisions that are put forward to Members for ratification. It provides Members with the opportunity to participate in the BHFN governance process with both input and by casting a vote. This Community Approval Process may be cited as the BHFN Community Approval Law.

Council met on 18 day of January, 2024, to approve the following Community Approval Process for BHFN:

1 Exercise of Jurisdiction

- 1.1 BHFN has, through our democratic Inaaknigewin³ processes, elected a chief and councillors, who have the responsibility and authority to establish rules regarding when the ratification process may take place and when it is required for enacting and amending Naaknigwenan,⁴ agreements, or other Proposed Documents that require a community vote.

BHFN Law-Making Principles and Process

2 Interpretation

- 2.1 In this Community Approval Law,

¹ Inaaknigewin means self-governance or self-government.

² Inaaknigewin means self-governance or self-government.

³ Inaaknigewin means self-governance or self-government.

⁴ Naaknigwenan means laws.

“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 section 8 of the *Indian Act*, by a band or in the Department of Indigenous Services Canada.

“Beaverhouse First Nation” means the Beaverhouse Band of Indians, and may be shortened to “BHFN” from time to time;

“Department’s 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.

“Designated Public Locations” include:

- (a) Administration Building;
- (b) official BHFN website (<https://beaverhousefn.com/>); or
- (c) 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 BHFN; and,
- (b) is at least eighteen (18) years of age or older on the date of any given Ratification Day.

“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*.

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

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

“Proposed Document” means a naagknige,⁵ act, legislation, agreement, consultation, or any possible written document that is to be voted on by Members.

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

“Ratification Vote” means a general BHFN vote held pursuant to the provisions of the Community Approval Law and any associated rules, regulations, policies, or procedures.

- 2.2 The Community Approval Law shall be interpreted in accordance with the customs and traditions of BHFN, and uphold the inherent Aboriginal and Treaty rights of BHFN and its people.
- 2.3 Any accompanying rules, regulations, policies, or procedures associated with the Community Approval Law, as may be drafted from time to time, shall be applied and followed in accordance with this Community Approval Law.

3 BHFN Members Meeting and Notice

- 3.1 All Proposed Documents to be presented to the Members for a Ratification Vote 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.
- 3.2 Notice of the public meeting shall be communicated to 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.
- 3.3 To determine whether a Ratification Vote is required, Council shall consider the following factors in determining whether a Ratification Vote is required:
 - 3.3.1 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.);
 - 3.3.2 Whether the Proposed Document engages or relates to any collectively held Aboriginal or Treaty right of BHFN;
 - 3.3.3 Whether a Ratification Vote would be required under any federal or provincial law regarding the subject matter, to ensure BHFN is meeting or exceeding legislative or policy standards;
 - 3.3.4 Any recommendation regarding a Ratification Vote made by a BHFN committee or department; and
 - 3.3.5 Any other factors that Council have set out in any associated rules, regulations, policies, or procedures.

⁵ naagknige means law.

- 3.4 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 simple majority of the Members in accordance with the voting rules established herein.

Coming into Force and Effect, Public Notice, and Appeal

- 3.5 The Proposed Document will come into force and effect 22 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.
- 3.6 An Eligible Voter may appeal and raise concerns about any Ratification Vote, pursuant to the process set out in accompanying rules, regulations, policies, or procedures, as may be amended by Council from time to time.

4 Amendments

- 4.1 Technical amendments to a naaknige⁶ 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.
- 4.2 For greater clarity, technical or administrative amendments are amendments that result from changes in law, defects in the naaknige,⁷ or to improve the administrative efficiency of the naaknige, but do not substantially alter the purpose of the naaknige.
- 4.3 Where a substantive amendment must be voted on by Members, Council will pass a motion approving the proposed amendment be presented to Members for a vote and any rules, regulations, policies, or procedures respecting a Ratification Vote will be followed.
- 4.4 For greater clarity, a substantive amendment means an amendment to a naaknige⁸ that substantially alters the purpose or meaning of the naaknige.
- 4.5 For greater clarity, where any technical or substantive amendments are made to this Naaknige,⁹ Council will approve such amendment by passing a BCR and providing notice of such amendment taking effect to the Members.
- 4.6 For greater clarity, notice of such amendment, as set out in section 4.5, will be posted in the Designated Public Locations and on BHFN's Members-only website,

⁶ naaknige means law.

⁷ naaknige means law.

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⁹ Naaknige means the Community Approval Process.

in accordance with any rules, regulations, policies, or procedures, as established by Council from time to time.

5 Appeals

- 5.1 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.