

Wiiikwemkoong
UNCEDED TERRITORY



**MATRIMONIAL
REAL PROPERTY LAW**



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PREAMBLE

We are Wiikwemkoong Anishinaabek. Our home is Odawa Mnis and surrounding Islands. Our lands are Unceded.

We have retained these lands for our future generations so they can continue to be Anishinaabe. We have not relinquished any of our rights to any of the lands in the Great Lakes Basin to any Nation. We continue to govern ourselves and the waters, airs, and lands including the Islands, as our ancestors have since time immemorial.

We, the Wiikwemkoong Anishinaabek retain our authority and jurisdiction over our unceded lands and people as we continue to govern as our ancestors have since time immemorial.

The Wiikwemkoong Gchi-Naaknigewin will ensure the protection of our rights, both as individuals and as a collective. The Wiikwemkoong Gchi-Naaknigewin is the Supreme Law or Constitution of the Anishinaabek of Wiikwemkoong and was ratified in June 2014.

The Wiikwemkoong Gchi-Naaknigewin established a government known as the Wiikwemkoong Chief and Council to protect the rights, both as individuals and as a collective of its members.

Under the Jurisdiction and Authority of the Gchi-Naaknigewin, Chief and Council ensures the protection of the Wiikwemkoong Anishinaabek rights, freedoms and liberties.

Under the Governance Authority of the Gchi-Naaknigewin, Chief and Council may delegate its authority or part of it to other entities in a manner consistent with Wiikwemkoong laws under the condition that the entity remains accountable to Chief and Council.

This Law is developed under the Governance Authority of the Gchi-Naaknigewin, and is to promote the best interests, protection, and well being of the Wiikwemkoong Unceded Territory in determining the rights and interests of Wiikwemkoong Anishinaabek and their spouses and children that reside within Wiikwemkoong Unceded Territory upon separation, divorce, or death.

PART I – TITLE AND DEFINITIONS

TITLE

1. The title of this Law is the Wiikwemkoong Unceded Territory Matrimonial Real Property Law.

DEFINITIONS

2. In this Law, the following definitions apply:
 - a. “Anishinaabek” means the good people of the land, the Wiikwemkoong Anishinaabek of Wiikwemkoong Unceded Territory which consists of the Wiikwemkoong Anishinaabek of the Three Fires Confederacy; which is the Odawa known as the Traders, the Ojibway known as the Faith keepers, and the Pottawatomi known as the Fire Keepers.
 - b. “Anishinabek Nation Tribunal and Commission” means this dispute resolution process established for the Anishinabek Nation.

- c. "child" means:
 - i. A child of the spouses, whether or not born in wedlock;
 - ii. A child adopted by the spouses in accordance with traditional practices or by a provincial law;
 - iii. A child of one of the spouses and adopted by the other spouse; or
 - iv. A child whom the person has demonstrated a settled intention to treat as a child of his or her own.
- d. "common-law relationship" means the relationship between two (2) people who are not married but live together for a continuous twelve (12) month period in a marriage-like relationship, and includes same-sex relationships.
- e. "Council" means the Chief and Council of Wiikwemkoong Unceded Territory.
- f. "dispose" includes to give, to sell, to exchange and any other method of disposal or instrument, including by a will.
- g. "domestic agreement" means an agreement that the parties agree to their rights and obligations:
 - i. Under their marriage or on separation;
 - ii. On the annulment or dissolution of their marriage; or
 - iii. While living together or on ceasing to live together;
 - iv. Or on the death of one or both of them.
- h. "family home" means a structure:
 - i. Where the spouses normally live; or
 - ii. If they are separated or one of them died, where the spouses normally lived on the day that they separated or the death occurred.
- i. "family real property" means a right or interest held by at least one of the spouses that was acquired during the marriage or common-law relationship, or before that in specific contemplation of the marriage or common-law relationship.
- j. "marriage" means the union of two (2) persons and includes marriages that are solemnized by a traditional customary, religious or civil ceremony;
- k. "non-Band member" means a person who is not a Wiikwemkoong Anishinaabek but who is spouse or child of a Wiikwemkoong Anishinaabek.
 - l. "right or interest" means:
 - i. A Certificate of Possession;
 - ii. A custom allotment;
 - iii. Any other right to possession allotted in accordance with section 20 of the Indian Act;
 - iv. A permit referred to in subsection 28(2) of the Indian Act;
 - v. A lease under section 53 or 58 of the Indian Act; or
 - vi. Any other right or interest in or to a structure recognized by the Council.
- m. "spouse" means a person who is married to another, whether by a traditional customary, religious or civil ceremony, and includes a common-law partner.
- n. "Wiikwemkoong Anishinaabek" means a person who is a registered Wiikwemkoong Anishinaabek of the Wiikwemkoong Unceded Territory and whose name appears on the Wiikwemkoong Anishinaabek List in accordance with the Wiikwemkoong Gchi-Naaknigewin and Wiikwemkoong Unceded Territory Wiikwemkoong Anishinaabek Law and, until Wiikwemkoong passes its Wiikwemkoong Anishinaabek Law, it includes members on the Band membership list as defined under the Indian Act.

- o. “Wiikwemkoong Tribunal” means the body that is established to provide dispute resolution services under this Law.
- p. “Wiikwemkoong Unceded Territory” means We Are the Bay of Beavers. Our land base is currently comprised of approximately 54,000 hectares and is located on the eastern portion of Manitoulin Island located within Georgian Bay and Lake Huron. Point Grondine is located between the French River Provincial Park and the Killarney Provincial Park. The southern boundary comprises of the northern shoreline of Georgian Bay and Collins Inlet. Our territory includes the main village of Wiikwemkoong and satellite areas known as Pointe Grondine, Rabbit Island, Cape Smith, Wikwemkoongsing, Kaboni, South Bay, Murray Hill, and Buzwah.

PART II – APPLICATION AND INTERPRETATION

RECOGNITION AND RESPECT

- 3. This Law shall recognize and respect:
 - a. The culture, heritage, and traditions of the Wiikwemkoong Unceded Territory;
 - b. The division and distribution of the rights or interests in the family home or family real property in a manner that:
 - i. Protects the land;
 - ii. Protects the best interest of the children; and
 - iii. Protects the best interest of Wiikwemkoong Unceded Territory.

APPLICATION

- 4. This Law applies in respect of:
 - a. The use, enjoyment, occupation and possession of family homes on Wiikwemkoong Unceded Territory;
 - b. The rights and interests of spouses in or on Wiikwemkoong Unceded Territory;
 - c. Spouses if at least one of them is a Wiikwemkoong Anishinaabek; and
 - d. Rights and interests acquired both before and after this Law come into effect.

DOES NOT APPLY TO

- 5. This Law will not apply to:
 - a. Wiikwemkoong Anishinaabek who do not reside within the territory of Wiikwemkoong Unceded Territory;
 - b. Non-Band members that do not have a Wiikwemkoong Anishinaabek spouse, but reside within the territory of Wiikwemkoong Unceded Territory;
 - c. Rights or interests in a family real property that is not situated within the territory of Wiikwemkoong Unceded Territory;
 - d. Granting and issuance of a divorce;
 - e. Child custody and access;
 - f. Child support;
 - g. Spousal support; and
 - h. Bank accounts, household goods or other personal property.

For greater certainty, the above matters shall continue to come under the authority of Canada and/or Ontario, until such time as the Wiikwemkoong Unceded Territory may determine.

ABORIGINAL AND TREATY RIGHTS

6. Nothing in this Law will be construed so as to abrogate or derogate from the aboriginal and treaty rights of the Aboriginal Peoples recognized and affirmed by section 35(1) of the Constitution Act, 1982.

NATURE AND SCOPE

7. For greater certainty, nothing in this Law will be construed as intending to, or defining the nature and scope of aboriginal and treaty rights, any right of self-government, or to prejudice the outcome of any treaty or self-government negotiation.

FIDUCIARY RELATIONSHIP

8. The fiduciary relationship between Canada and the Wiikwemkoong Unceded Territory will continue.

RELATIONSHIP OF LAWS

9. This Law, federal laws, and provincial laws will exist concurrently. This Law will prevail to the extent of any inconsistency or conflict with other such laws.

SUPREME LAW

10. For greater certainty, the Gchi-Naaknigewin is the supreme law of the Wiikwemkoong Unceded Territory.

RULES OF INTERPRETATION

11. For greater certainty, the following rules apply to the interpretation and application of this Law:
 - a. A person is no longer considered to be a child when they reach the age of eighteen years old, unless they are dependent on one of the spouses for care or financial support because they are attending school or has an illness or disability.
 - b. Persons are deemed to have lived separate and apart for any period during which they lived apart and intended to live separate and apart; or they continued to live together but their marriage or common-law relationship had ended.
 - c. The period of living separate and apart will not be considered interrupted or ended only because the persons attempted to live together to reconcile if that period is less than ninety (90) days.
 - d. Structures located on but not affixed to the Wiikwemkoong Unceded Territory are subject to this Law.
 - e. If the family home is also normally used for more than just a residential purpose, the rules on family homes include only the portion of the structure that may reasonably be regarded as necessary for the residential purpose.
 - f. Family real property does not include any asset acquired by a spouse through an inheritance unless it can be shown that the inheritance was devised or intended to benefit both spouses.
 - g. This Law does not limit or preclude any right or remedy available under any other Wiikwemkoong law.

FAIR INTERPRETATION

12. This Law shall be interpreted in a fair, large, and liberal manner.

NO DISCRIMINATION BASED ON SEX AND GENDER

13. Nothing in this Law shall be interpreted or administered as discriminating on the basis of sex and gender.

DISTINGUISH BETWEEN WIIKWEMKOONG ANISHINAABEK AND NON-BAND MEMBERS

14. This Law will distinguish between Wiikwemkoong Anishinaabek and non-Band members in determining the rights and interest that may be held in the Wiikwemkoong Unceded Territory.

DOUBTFUL EXPRESSIONS, TERMS OR PROVISIONS

15. There is no presumption that doubtful expressions, terms or provisions in the Law are to be resolved in favour of any particular person or party.

INTERPRETATION

16. In this Law:
- a. The provisions will be governed by and construed in accordance with the laws of the Wiikwemkoong Unceded Territory;
 - b. Headings and sub-headings are for convenience only and do not form part of this Law, and in no way define, limit, alter, or enlarge the scope or meaning of any provision;
 - c. A reference to a statute includes every amendment to it, every regulation made under it and any law enacted in substitution for, or in replacement of it;
 - d. Unless otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular; and
 - e. Unless otherwise clear from the context, whenever the masculine is used, it will include the feminine, and the use of the feminine includes the masculine.

DOMESTIC AGREEMENTS

17. People entering into or in a marriage or common-law relationship may choose to enter into a domestic agreement that may divide the rights and interests differently than under this Law. A domestic agreement will be enforceable if it is in writing, signed by the parties, and the signatures are witnessed. A domestic agreement may only be overridden if it is determined by the Wiikwemkoong Tribunal that it is unfair or inequitable.

PART III – USE, ENJOYMENT, OCCUPATION

USE, ENJOYMENT AND OCCUPATION OF FAMILY HOME

18. A family home is for the use, enjoyment and occupation of the spouses and their children. This is a personal right.

RIGHT OF CHILD

19. The child has a paramount right to use, enjoy and occupy the family home. That right continues until the Wiikwemkoong Tribunal makes an order, or other accommodation is arranged, that is in the best interest and welfare of the child.

DEATH OF SPOUSE

20. Where the spouse dies, the following rules will apply to the surviving spouse:
- a. If the surviving spouse is a Wiikwemkoong Anishnaabek, they may continue to occupy the family home until the estate matter is resolved through the estate process.
 - b. If the surviving spouse is a non-Band member and has no children that are Wiikwemkoong Anishnaabek, they may continue to occupy the family home upon written application to and approval by Council.
 - c. If the surviving spouse is a non-Band member and has children that are Wiikwemkoong Anishnaabek, they may continue to occupy the family home upon written application to and approval by Council.

DESIGNATE STRUCTURE AS FAMILY HOME

21. To avoid uncertainty, a spouse may, in a form approved by the Council, designate a structure as the family home, if at least one spouse has a right or interest in it.

RESTRICTIONS ON DISPOSING OR ENCUMBERING

22. No spouse shall dispose of or encumber a right or interest in a family home unless:
- a. The other spouse consents to the disposition of or encumbrance;
 - b. The other spouse has released all rights or interests in the family home by a domestic agreement; or
 - c. The Council consents to or authorizes the transaction or releases the property from this section of the Law.

NO EFFECT

23. A disposition or encumbrance that does not comply with section 22 will have no effect.

SALE OR ENCUMBRANCE

24. For greater certainty, the sale or encumbrance is subject to any other applicable laws of Wiikwemkoong Unceded Territory and the Indian Act.

PART IV – EXCLUSIVE OCCUPATION

EXCLUSIVE OCCUPATION ORDER

25. The Wiikwemkoong Tribunal may, on application, order that:
- a. One spouse or child be given exclusive rights to use, enjoy and occupy the family home or part of it for the period that the Wiikwemkoong Tribunal directs and releases other property that is a family home from the application of all or part of this Law;
 - b. A spouse or other person preserve and provide the family home and its contents to a spouse, a child, another person, or to Wiikwemkoong Unceded Territory;
 - c. A spouse or other person not disturb the occupants of the family home;
 - d. A spouse may make periodic payments to the other spouse for the exclusive use, enjoyment and occupation;
 - e. All or part of the contents of the family home remain in the home or be removed from the home;
 - f. A spouse pay for all or part of the repair and maintenance of the family home and other related liabilities, or to make periodic payments to the other spouse for these purposes; and
 - g. Exclusive occupation extends to the portion of any land that is connected to the family home and that is necessary for the use and enjoyment of the family home.

CONSIDERATIONS IN MAKING ORDER

26. In making an order for an exclusive occupation, the Wiikwemkoong Tribunal shall consider all the circumstances of the parties, including:
- a. The best interests and welfare of any affected children and their paramount right to use, enjoy and occupy the family home;
 - b. Any existing orders under this Law and any existing support orders;
 - c. The financial position and medical condition of the spouses;
 - d. The provisions of any domestic agreement;
 - e. The availability of other suitable and affordable accommodations;
 - f. Any risk of violence or harm to a spouse or child or another person occupying the family home;
 - g. The length of time each spouse has resided in the family home;
 - h. Whether any third party holds a right or interest in the family home;
 - i. The interests of any elderly person, or person with a disability, who normally resides in the family home, if one of the spouses is that person's caregiver;
 - j. Any other exceptional circumstances related to a person, other than the spouse or children, who is occupying the family home;
 - k. The collective rights of Wiikwemkoong Unceded Territory and any financial interest of Wiikwemkoong Unceded Territory in the family home.

LEASE

27. If the family home was occupied under a lease, the terms of the lease apply to the person granted exclusive occupancy during the period of the order.

EMERGENCY BASIS

28. An order for exclusive occupation may be made on an emergency basis.

EFFECT OF THE EXCLUSIVE OCCUPATION ORDER

29. For greater certainty, an exclusive occupation order does not:
- a. Change who holds a right or interests in or to the family home; or
 - b. Prevent an executor of a will or an administrator of an estate from transferring such an interest or right to a named beneficiary under the will or to a beneficiary on intestacy.

PART V – DIVIDING AND SHARING

DIVIDING THE VALUE

30. On the breakdown of the marriage or common-law relationship, a spouse may apply to the Wiikwemkoong Tribunal to divide the value of their family real property.

EQUAL SHARE

31. Each spouse is entitled to an equal share of the value of the family real property.

RIGHTS AND INTERESTS THAT CANNOT BE TRANSFERRED OR HELD

32. For greater certainty, when dividing or sharing the value of family real property, the following rights and interests cannot be transferred or held by a person who is not Wiikwemkoong Anishinaabek:
- a. A Certificate of Possession; or
 - b. Any other right to possession allotted in accordance with section 20 of the Indian Act.

PART VI – COMPENSATION FOR OTHER REAL PROPERTY

FOR OTHER REAL PROPERTY

33. If one spouse has a right or interest that is not family real property, the other spouse, is entitled on division of the family real property to compensation for that right or interest.

IF A WIIKWEMKOONG ANISHINAABEK

34. If the spouse is a Wiikwemkoong Anishinaabek, he or she is entitled to be paid the greater of the following amounts calculated for each right or interest:
- a. One half of the amount by which the right or interest appreciated in value from the beginning of the marriage or common-law relationship to the valuation date; and
 - b. The difference between any amounts made by the spouse for improvements to the structure and any liability incurred to make those payments.

IF A NON-BAND MEMBER

35. If the spouse is a non-Band member, upon written application he or she is entitled to be remunerated:
- a. In the case of a structure, the greater of the following amounts:
 - i. One half of the amount by which the structure appreciated in value from the beginning of the marriage or common-law relationship to the valuation date, and
 - ii. The difference between any amounts made by the spouse for improvements to the land and any liability incurred to make those payments; and
 - b. In the case of any other rights and interests, the difference between any amounts made by the spouse for improvements to the land and any liability incurred to make those payments.

PART VII – VALUATION OF REAL PROPERTY

DETERMINING VALUE

36. Rights and interests must be valued at the amount that a buyer would reasonably be expected to pay for comparable rights or interests minus the amount of any outstanding debts or other liabilities assumed for acquiring the rights or interests or for improving or maintaining the structures and lands that are the object of the of the rights or interests, unless the Wiikwemkoong Tribunal determines that another value is more appropriate in the circumstances.

VALUE OF INSURANCE OR OFF RESERVE

37. For greater certainty, the value of a right or interests does not necessarily mean its insured value or the value of equivalent property off reserve.

DATE FOR DETERMINING VALUE

38. The date for determining the value of the rights and interests is the earliest of the following dates:
- a. The date a divorce is granted;
 - b. The date the marriage is declared a nullity;
 - c. The date the spouses began to live separate and apart;
 - d. The date on which a spouse displayed the intention not to continue the marriage or common-law relationship;
 - e. The date one spouse dies;
 - f. The date an application is made to the Wiikwemkoong Tribunal for:
 - i. Exclusive occupation of the family home;
 - ii. Division of family real property; or
 - iii. Irresponsible depletion.

PART VIII - MEDIATION

MEDIATION

39. Spouses who have a dispute about matters under this Law should make a reasonable attempt to resolve it through the efforts of a mutually agreed upon mediator in a process that accords to the traditions, customs and practices of the Wiikwemkoong Unceded Territory.

PART IX – WIIKWEMKOONG TRIBUNAL

ESTABLISHMENT OF WIIKWEMKOONG TRIBUNAL

40. The Wiikwemkoong Unceded Territory will establish a Wiikwemkoong Tribunal and the necessary structure and policies to resolve disputes that arise under this Law.

DELEGATION

41. Until such time as the Wiikwemkoong Tribunal is established, the Wiikwemkoong Unceded Territory will authorize the Anishinabek Nation Tribunal and Commission to resolve disputes that arise under this Law.

POWERS OF DETERMINATION, AUTHORIZATION, AND DECLARATION

42. The Wiikwemkoong Tribunal may, on application:
- a. Determine whether or not a structure is a family home and if so, its extent;
 - b. Authorize the disposition or encumbrance of the family home without the consent of a spouse, if the spouse:
 - i. Cannot be found or does not contest the application;
 - ii. Is not capable of giving or withholding consent; or
 - iii. Is unreasonably withholding consent;
 - c. Declare as of no effect and set aside any sale or encumbrance of a family home made in contravention of this Law.

IRRESPONSIBLE DEPLETION

43. The Wiikwemkoong Tribunal may, on application, make any order that it considers necessary to stop or restrict the irresponsible depletion of family real property.

POWERS OF VALUE AND COMPENSATION

44. The Wiikwemkoong Tribunal may, on application:
- a. Determine what the family real property is and its value;
 - b. Determine the date for fixing the value of the family real property;
 - c. Determine the amount payable by one spouse to the other;
 - d. Provide for the method by which the amount payable be settled, including:
 - i. Payment of the amount in a lump sum,
 - ii. Payment of the amount by instalments,
 - iii. The transfer of a right or interest in accordance with this Law,
 - iv. The set-off or compensation of any amounts owed by one spouse to the other, or
 - v. Any combination of the methods above.

DIVISION OF FAMILY REAL PROPERTY

45. Despite Parts V and VI, the Wiikwemkoong Tribunal may divide the family real property in unequal shares or adjust the payments under Part VI, if the Wiikwemkoong Tribunal considers that would be unfair and inequitable after considering the following:
- a. The best interests and welfare of any affected child, including the need to provide accommodation or to properly support any affected child;
 - b. Any payments payable for the support of a child and any financial responsibility related to the care and upbringing of the child;
 - c. Any domestic agreement;
 - d. Any agreement between one or both spouses and a third party;
 - e. The length of time that the spouses have lived together;
 - f. The length of time, if any, that the spouses have lived separate and apart;
 - g. The date when the property was acquired;
 - h. Any significant change in the value of the interests or rights in question between the day for fixing the value date and the day in which the order is made;
 - i. Whether one spouse has exclusive occupation of the family home by agreement or order;
 - j. Any contribution, whether financial or in some other form, made directly or indirectly by a third party on behalf of a spouse to the acquisition, disposition, operation, management or use of the property;
 - k. Any direct or indirect contribution made by one spouse to the career or career potential of the other spouse;
 - l. The extent to which the financial means and earning capacity of each spouse have been affected by the responsibilities and other circumstances of the marriage or common-law relationship;
 - m. Any substantial gift of property by a spouse to a third party or any transfer of property by a spouse to a third party other than a bona fide purchaser for value;
 - n. Any previous distribution of property between the spouses by gift or agreement or pursuant to an order of any court;
 - o. Any tax liability that may be incurred by a spouse as a result of any transfer or sale of property or any order made by a court;
 - p. Any dissipation or reduction in value of the property caused by a spouse;
 - q. Any benefit received or receivable by the surviving spouse as a result of the death of his or her spouse;
 - r. Any financial or other interests of the First Nation or third parties in the family real property;

- s. Any debts or liabilities of a spouse, including debts paid during the course of the marriage or common-law relationship;
- t. The value of other property that is subject to division or has been divided under the applicable family law of a province; or
- u. Any other relevant fact or circumstance.

ATTACHMENT OF CONDITIONS

46. The Wiikwemkoong Tribunal may attach any conditions it considers appropriate to its decision or order under this Law and give such directions as are necessary for those purposes.

MAKING OF DECISIONS

47. The Wiikwemkoong Tribunal may, on application to make a decision or order under one section of this Law, make a decision or order under another section, or combine them.

EMERGENCY OR TEMPORARY BASIS

48. The Wiikwemkoong Tribunal may make a decision or order on an emergency or temporary basis.

WITHOUT NOTICE

49. The Wiikwemkoong Tribunal may make a decision or order without prior notice to another party, if the Wiikwemkoong Tribunal believes it is justified in the circumstances.

WIIKWEMKOONG UNCEDED TERRITORY ENTITLED

50. The Wiikwemkoong Unceded Territory is entitled to:
- a. Receive a copy of every application to the Wiikwemkoong Tribunal;
 - b. To make representations to the Wiikwemkoong Tribunal on the application; and
 - c. To receive a copy of any order made under this Law.

BEST INTERESTS OF THE CHILD

51. In determining the best interests and welfare of a child, the Wiikwemkoong Tribunal shall also consider the possible disruptive effects on the child to move to another accommodation; and the child's preferences, if they can be reasonably ascertained.

TIME LIMIT

52. No application may be made to the Wiikwemkoong Tribunal more than three (3) years after the day the spouses lived separate and apart, unless the Wiikwemkoong Tribunal grants leave on the grounds that exceptional circumstances justify the late application.

CONFIRM, VARY OR REVOKE

53. The Wiikwemkoong Tribunal may, on application, confirm, vary or revoke any order or decision made under this Law.

APPEALS

54. Decisions or orders of the Wiikwemkoong Tribunal may be appealed to Council.

CONTRAVENTION OF EXCLUSIVE OCCUPATION

55. The Wiikwemkoong Tribal Police may arrest without warrant any person they believe on reasonable and probable grounds to have contravened an order for exclusive occupation.

APPLICATION WITH LEAVE

56. The Wiikwemkoong Tribal Police may assist in making an application on behalf of a spouse or child with that person's consent, or if that person does not consent, with leave of the Wiikwemkoong Tribunal.

ENFORCEMENT

57. The Wiikwemkoong Tribal Police shall, on the request of an applicant or if directed by the Wiikwemkoong Tribunal, assist in the enforcement of any order made under this Law, including;

- a. Serving notice of an order or decision upon any person; and
- b. Accompanying the applicant or any specified person to the family home or other location in order to supervise compliance with the order or decision.

OFFENCE

58. Any person who contravenes the provisions of an order or decision made under this Law is guilty of an offence and is liable of sanctions as deemed appropriate by the Wiikwemkoong Tribunal.

PART X – PASSAGE, AMENDMENT, COMING INTO FORCE

CERTIFIED TRUE COPY

59. A copy of this Law appearing to be certified as a true copy by an officer of the Wiikwemkoong Unceded Territory is proof of the original without proof of the officer's signature or official character.

PUBLIC INSPECTION

60. The Council shall ensure that a copy of this Law, as amended from time to time, is available for public inspection at locations designated by the Council and may make it public by any other means of communication that the Council considers appropriate.

PASSAGE OF LAW

61. This Law will be passed in accordance with section 5 of the Gchi-Naaknigewin which requires:

- a. The draft Law has been introduced in accordance with section 5.1 of the Gchi-Naaknigewin and considered by Chief and Council;
- b. The Law has been passed by Chief and Council in accordance with its Rules, but those Rules must require at least three (3) public readings of the draft Law at least one month apart and at least 50% plus 1 of the Council who vote on the draft Law will vote in favour of the draft Law; and
- c. The draft Law has been signed by Chief and Council.

WHO CAN BRING AN AMENDMENT

62. A request to amend to this Law may be made by:
- a. A written request by Council; or
 - b. A written petition signed by a minimum of one hundred and twenty-five (125) eligible voters who are at least eighteen (18) years old; or,
 - c. By the governance committee appointed by Council after the committee conducts its review of this Law every three to five (3 to 5) years.

TIMEFRAME

63. The proposed amendment cannot be presented to Council until three (3) months after Council are elected into office.

PROCESS FOR AMENDMENT

64. Amendments to this Law must be in accordance with the process of:
- a. The proposed amendment of this Law is first presented at a meeting of Council held at least ninety (90) days before the amendment is to be decided by Council in a first reading when any Wiikwemkoong Anishinaabek in attendance was given a reasonable opportunity to ask any questions and voice any concerns on the proposed amendment.
 - b. At the first reading, the Councillor may ask any question and voice any concerns on the proposed amendment of this Law.
 - c. Council will determine after the first reading if any amendments to the proposed amendment of this Law are required or advisable.
 - d. The proposed amendment of this Law will be posted in a public place in the Administration/Band office of Wiikwemkoong.
 - e. The proposed amendment of this Law will be published in a community newsletter before Council decides it upon.
 - f. The proposed amendment of this Law will be presented to Council in a second reading, at least thirty (30) days before the proposed amendment is to be decided by Council. At this second reading, the proposed amendment may, at Council's discretion, have been amended in accordance with the questions or concerns raised at the first reading.
 - g. At the second reading, as at the first reading, any Wiikwemkoong Anishinaabek present at the meeting may ask any question and voice any concerns about the proposed amendment of this Law.
 - h. Council will determine after the second reading if any amendments to the proposed amendment of this Law are required or advisable.
 - i. A meeting of Council is held to approve the proposed amendment of this Law if at least seventy-five percent plus one (75% + 1) of Council votes in favour of the proposed amendment of this Law. There will be no second vote.

COMING INTO FORCE

65. This Law comes into force on December 15, 2014



To Learn More Please Contact:

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