

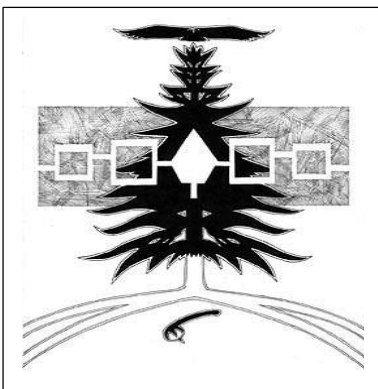


July 2014

Wahta Atenhros:sera Ori:wa

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We're on the Web!
www.wahtamohawks.com

National Aboriginal Day

On June 21st we celebrated National Aboriginal Day. All walks of life were invited to participate in events from coast to coast. This was a special day to celebrate the unique heritage, diverse cultures and outstanding achievements of First Nations, Inuit and Métis peoples in Canada.

Here at Wahta we enjoyed a beautiful day which began with the thanksgiving address, a traditional healing fire while the women's drum group provided music during lunch. Scales also participated by setting up an educational display. A wonderful day was had by all.

Upcoming Events for July

Many events and activities are planned
for the month of July,

Wahta Mohawks invites all members to participate and join in the programs, please feel free to inquire or reserve your spot by calling (705) 762-3344



Council Update

Council and the Administration staff continue to deal with our ongoing situation regarding the Administration and Community centre. As this report goes to print we are awaiting a formal proposal from Bob Antone of the Oneida Nation who has agreed to assist in facilitating discussions between Council and the group camped at the Centre. Bob Antone has been involved in this type of work in the past, he has been doing community development work with First Nations for many years, as a trainer, facilitator, mediator, and consensus builder. Bob sits on the Turtle Bench at the Oneida Longhouse. Mr. Antone has been in touch with both sides, has reviewed their issues and finds that the fundamental common issue is one of governance. As such he is recommending an initial review of the Codes. Council has been in support of this approach since taking office in March 2014 and is looking forward to having further discussion in this regard before months end.

In the meantime services continue to be delivered to the community and membership from the old community centre. Administration is tasked with

fulfilling our legal commitments to funding agencies that we deliver services for. One of the key issues at the moment is having access to the Centre to complete the annual audit. There are deadlines to be met for reporting and accountability; failing to provide this information as scheduled is a breach of our agreements and can result in serious implications including a delay in funding and possible service interruptions at a minimum. We continue to work through and meet these challenges as they present themselves.

On June 21st we were saddened to hear of the passing of Bob Schell. Bob has lived at the senior's subdivision for many, many years. He was always there to help his neighbours if they needed anything, to watch and make sure they were alright if they were not well. Bob is going to be missed, his cheerful attitude, gentle demeanour, and smile will be hard to replace. Our sympathies go out to his extended family. As usual when the community loses a member, the regular business of Council for the June Council meeting has been postponed.

Council has continued to consider and respond to external requests. Consent has

been given to the Gibson Lake Cottagers Association to use the island south of the narrows for their annual regatta, with the usual terms that it be left cleaned up.

There have been a couple of requests from Six Nations members to be able to spend some time hunting and fishing on the territory. This has been deemed acceptable under the conditions that the persons obtain a permit, must be doing so for personal use only, and are encouraged to be accompanied by a Wahta member. Consideration for spouses of members fishing with their families has also been deemed acceptable.

Regarding the Land Claim, delegates from the Federal and Provincial departments charged with furthering the implementation have been put on hold while a resolution to our ongoing situation at the Administration building is worked out. In the meanwhile a meeting will occur with the lawyer from Aird Berlis on June 25th to hear their proposal for moving forward on the claim. Council wants to consider the estimated additional legal fees, validity and probability of the strategies proposed by this firm.

Council was informed that the administration is looking into renewing a bulk price for propane for the community from local suppliers. The intent is that community members and businesses on territory can benefit by a reduced rate based on the total amount of propane sold on territory. When the details are finalized it is expected Council will enter into such an agreement.

On the political side of things Council has had representation at the Iroquois Caucus of Chiefs, the Association of Iroquois and Allied Indians, and the Ontario First

Nations Limited Partnership (Rama Casino distribution of revenues), general assemblies this past month. Upcoming meetings include the Iroquois Caucus and the general meeting of the Assembly of First Nations. We expect when Council is able to hold a general community meeting again we will include representation of these organizations to include the work they do for members knowledge and understanding.

Council and staff will be working through a number of issues arising from new federal and provincial legislation affecting Wahta. This will include a series of community meetings with respect to tobacco sales, matrimonial property, and education. There are many ramifications that come with these new laws put in place by outside governments and its First Nation opinion they are being passed without adequate input or consideration, we now have to deal with the aftermath of those decisions. Please try to attend these community meetings when they occur. Council is also working to improve our communications through other means as well so we can all be informed about ongoing issues that affect us. Remember to check the website regularly for updates in the community.

Council would also like to thank the Women's Drum Group, Ryan DeCaire, Brian and Basil George, Scales and the staff of Wahta Mohawks for their contributions and participation in making Aboriginal Day a special event here at Wahta.

Nia:wen kowa

UPCOMING

WAHTA MOHAWKS GENERAL MEETING

The Regular Council meeting has been changed to Saturday July 12, 2014 at the Torrance Community Centre from 10 a.m. to 12 p.m.

The change in location is due to ongoing unrest within the community and the meeting is open to all members of Wahta. Council apologizes for the inconvenience of the few extra kilometres it will take to attend. Please join us in attendance for your input to council

The intent of the meeting is to give members input into the options for Council to pursue regarding ending the ongoing occupation of the Administration grounds. This occupation has been in place since May 5, 2014 and has affected the delivery of services with the potential to jeopardize the ongoing funding flow to the community.

This meeting will be moderated and will not be a place to argue who is right or wrong or discuss the issues of any party. We are looking for positive input and a healthy approach in the best interest of the members of Wahta to move the community forward. The meeting will be consultation style strictly regarding the ongoing occupation of the grounds.

Some options Council has considered and will discuss are:

1. Continue with a resolution process with the assistance of a neutral third under status quo conditions;
2. Continue with a resolution process with the assistance of a neutral third with the grounds cleared of protesters;
3. Use legal and peaceful enforcement to bring the occupation to an end.

For those who cannot attend the meeting you are encouraged to voice your views by email or regular mail. You can send email to; philip.franks@wahtamohawksCouncil.ca

or regular mail addressed to: Chief and Council
Wahta Mohawks
Box 260, Bala, ON.
POC 1A0

If you are unable to attend please include your comments on the following page and send back to Chief and Council. We appreciate your input on this important community matter.

To the Attention of: Wahta Mohawks Chief and Council

I BELIEVE THE CHIEF AND COUNCIL SHOULD ATTEMPT TO RESOLVE THE PROTEST IN THE FOLLOWING MANNER:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Please mail to: Wahta Mohawks
 Chief and Council
 Box 260 Bala, ON.
 P0C 1A0

PERSONAL AND CONFIDENTIAL

AIAI's 2014 Elders Gathering

"Good Minds in Unity, Balance for Our Future"

At: Oneida Nation of the Thames

August 19th, 20th & half day on the 21st.

Bus will be leaving on August 18th limit of 15 seats available.

More information to follow closer to the date.

Contact Sherry Byrne to register or for more information.

762-3343 ext. 202 or 203

HEALTH SERVICES PROGRAMMING

Wild Water Kingdom

Wednesday July 16th bus leaves at 8 am from the Old Band Hall. Please call Colleen (705) 762-3343 ext. 2 or 3 to reserve your spot. There is a maximum of 14 participants for this trip due to bus size.

Kids Summer Fun Day

Thursday July 17th 10:00 am to 2:00 am, games, prizes, storytelling and lunch included. Please call Colleen or Christine at (705) 762-3343 ext. 2 or 3 if your child(ren) would like to participate.

Santa's Village

Monday July 21, 2014. The bus will be leaving the Old Band Hall at 9:00 am and returning at 4:00PM. Please call Colleen at (705) 762-3343 ext. 2 or 3 if you would like to attend. Please note that this outing includes admission, lunch, and cookie decorating. There is a maximum of 14 participants due to bus size.

Canoe and Kayak Lessons

For children aged 7 to 18 years of age. Wednesday July 23rd and Thursday July 24th. Please call Colleen at (705) 762-3343 ext. 2 or 3.

"REZ KIDS"

A workshop for school aged children on how to deal with racism, oppression and the stigmas associated with being Aboriginal. Thursday August 14th 10:00 am. Call Colleen (705) 762 3343 ext. 2 or 3.



Stand Up Paddleboard, Yoga & Empowerment

Mothers and Daughters (12 and up)

Thursday August 14, and Thursday August 28

Bus will leave at 6 pm.

Please register by August 8th with Christine ext 203



Couples Movie Night

Enjoy a stress free night out

Midland Galaxy

Tuesday, July 8 bus leaves at 6 pm

Register by July 4 with Christine at ext 203



Family trip to the Toronto Zoo

Tuesday, August 12th

Bus will leave at 8 am sharp

Please register by August 1st with Christine ext 203



Paintball

A stress free night out for men only...

Monday, August 11th

Bus will leave at 6:30 pm

Please register by August 8th with Christine ext 203

Charm-Bracelet Making with Wendy Pegahmagabow

Thursday, July 3 from 10:30-1 in the Triplex Community Room. Lunch is included.

Call Kirstie to register by July 2nd, at 705-762-3343 ext. 202

Youth Bowling & Dinner

Monday, July 14 at Bowlerama in Barrie. We will leave the Old Hall at 2:30 and return around 7:30.

There is no cost to this event, youth only ages 13-18.

This is a drug and alcohol-free event.

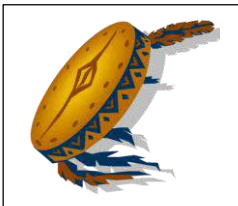
Please call Kirstie to register by July 9th, at 705-762-3343 ext. 202

Community Shopping: Orillia

Tuesday, July 15. Bus departs the Old Hall at 9 am.

Transportation only; meals are at participant own expense.

Please call Kirstie to register by July 10th, at 705-762-3343 ext. 202



Kids Traditional Camp

When: July 8-10/14

Time: 9-4

Drop off and pick up at The Mohawk Longhouse located at 2591 Muskoka Rd 38

This is open to kids going into Senior Kindergarten and up to including youth that are in high school.

Terry and Lucia Sahanatien will be the instructors of the camp. Some of the things the kids will be learning are: Mohawk language, using rattles and water drum, Mohawk dancing, storytelling and other activities.

Lunch and snacks will be provided.

Please call Kristal @ 705-762-3343 x. 204 to sign your child up. I will require a call back number in case there are any changes in the schedule. If your child has any food allergies please state this.

Please make sure your child has a swimsuit, towel and sunscreen packed each day.

COMMUNITY VISION: WAHTA MOHAWKS are of One Mind in preserving our inherent and treaty rights to sustain future generations by respecting the Creator, Iethínístenha Ohwen:tsía (Mother Earth), oneself, others and our culture.

Health Services update

We are creating a 3 year plan health services planrecognizing that the community needs to be actively involved in creating a Healing and Wellness plan, we will be sending out a survey for community members to fill out anonymously if they choose, and return to Health Services...

This survey will include the following questions:

1. What would make you feel good about your community?
2. How important are traditional programs to you?
3. What large community gatherings would you like to see?
4. Are there smaller specific programs that you would like us to offer?
5. How do you feel about being involved in a Wahta Mohawk documentary project?

At the end of year one we would like to offer a trip to the Iroquois Indian Museum in Howes Cave, New York. You are required to fundraise in order to go on this trip...it would be a trip consisting 2 nights, 2 days trip. Please contact Health Services at extension 202 or 203 to let us know.

Wahta Mohawks Health Services:

3 Year Video Project

“The Journey of Wahta”

We want YOU to help in creating and documenting a video journey of Wahta Mohawks...

Where we are...

Where we're going...

PAST – PRESENT – FUTURE

Over the next 3 years, we would like to create a video from different angles, perspectives, families and community members. We will document programs, events & socials, and performing interviews.

We would love to receive photos, videos, stories and memories that help in telling the story of and community members then and now. We will document programs, events & socials, and performing interviews. This is YOUR story to tell. Positive feedback on this project would be appreciated.

Please contact us with any questions, input or interest in involvement. Our extensions are 202 and 203.

Alcoholics Anonymous

Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is a desire to stop drinking. There are no dues or fees for A.A. membership; we are self-supporting through our own contributions. A.A. is not allied with any sect, denomination, politics, organization or institution; does not wish to engage in any controversy, neither endorses nor opposes any causes. Our primary purpose is to stay sober and help other alcoholics to achieve sobriety.

Meetings*

***Registration is not necessary for meetings. They are on a drop-in basis.**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10:30 am Open to ALL Gravenhurst Senior's Centre 480 First St. N. Gravenhurst	8:00 pm Alcoholics ONLY Bala United Church 3115 Muskoka Rd Bala	6:00 pm Alcoholics ONLY Trinity United Church 290 MuskokaRd. N. Gravenhurst	8:00 pm. Alcoholics ONLY Trinity United Church 290 Muskoka Rd. N. Gravenhurst	No Meeting	12:00 pm Alcoholics ONLY Trinity United Church 290 Muskoka Rd. N. Gravenhurst	8:00 pm. Alcoholics ONLY Trinity United Church 290 Muskoka Rd. N. Gravenhurst

To speak directly to Alcoholics Anonymous or Al-Anon, please call their Bracebridge office at 705-646-2491. For more information or help making the first step, call Kirstie at 705-762-3344 Ext. 203.

Prevent Lyme-infected tick bites

The best way to protect yourself from Lyme disease is to prevent tick bites. Protect yourself if you venture into forested or overgrown areas:

- wear closed-toe shoes, long-sleeved shirts and pants
- pull your socks over your pant legs
- wear light coloured clothes to spot ticks easier
- use insect repellent that contains DEET (common active ingredient to keep biting bugs away) or Icaridin (always read and follow label directions)
- shower or bathe within two hours of being outdoors to wash away loose ticks
- do daily "full body" checks for ticks on yourself, your children and pets

Ticks attach themselves to the skin and removing them within 24-36 hours usually prevents infection.

How to reduce tick habitats near your home

Keep your lawn and yard well maintained to prevent ticks from living near your home:

- keep the grass mowed
- remove leaf litter, brush and weeds at the edge of the lawn and around stonewalls and woodpiles
- discourage rodent activity by cleaning up and sealing stonewalls and small openings around the home
- move firewood piles and bird feeders away from the house
- keep your pets, particularly dogs, out of the woods and talk to your vet about tick repellents for your pets
- move children's swing sets and sand boxes away from the woodland edge and place them on a woodchip or mulch foundation
- adopt hard landscape practices (using hard materials like stone and metals instead of soft materials like soil for planting)

PROPERTY FOR SALE

25 ACRES, BUSH LOT

Located along Muskoka Road #38, Lot 5-2, Concession 5, R504808R

For more information call Teresa DeCaire (705) 646-3784

WAHTA MOHAWKS GOLF DAY AT BONAIRE GOLF CLUB

Saturday, July 12 – 8am tee-off, Shotgun Start

Cost: Rental fee for golf clubs if needed: \$10.00 (limited sets available; reserve when calling to register)

Golf Day includes entry into all events, 9 holes of golf with cart (if available) and lunch

Men's and ladies longest drive & closest to the pin

24 spots REMAINING - All participants must be at least 18 years of age

This is a DRUG AND ALCOHOL-FREE EVENT

Deadline to register is July 2nd at 4 PM – Call to reserve your spot at 705-762-3343 ext. 202 or 203



Directions from 400 North

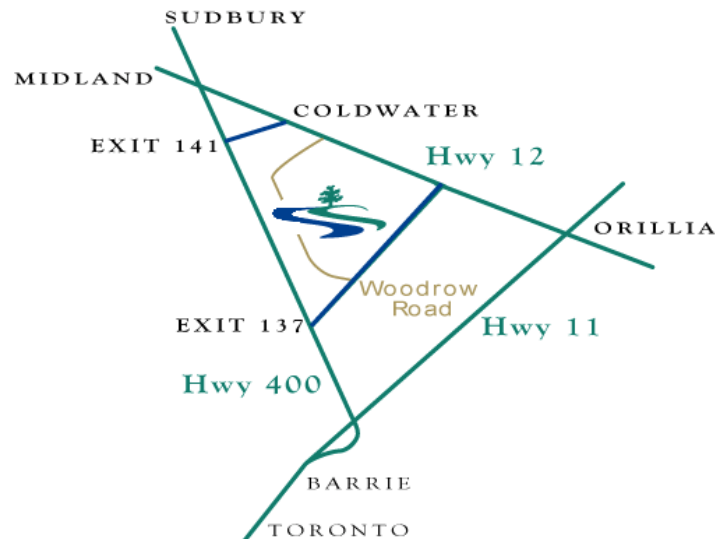
Take exit 141 for County Road 23/Vasey Road toward ON-12 E/Coldwater/Waverley

Turn left onto Vasey Road/County Road 23

Turn right onto ON-12 E

Take 1st right onto Woodrow Road

Bonaire Golf Club – 1699 Woodrow Road, Coldwater, ON L0K 1E0



* We will meet in the main parking lot outside of the Clubhouse at 7:45 am

* Please dress appropriately for the occasion – no jeans or spaghetti straps & closed-toe shoes required



EDUCATION NEWSLETTER

Congratulations to all students for the successful completion of the school year. As always we had a heartfelt end of year education banquet hosted this year at the Mohawk Longhouse. The evening began with a welcome to students, parents, and Elders. We acknowledged that this was our 20th year celebrating the educational success of our students. Special recognition was given to Lyla Commandant, who at the time was Chief, and supported the idea to recognize the students for their hard work and dedication. A delicious meal of corn soup and Indian Tacos was provided by Lucia Sahanatien and thoroughly enjoyed by all. The students were awarded a certificate of accomplishment and a gift for their hard work over the year. Elected Chief Philip Franks together with Appointed Traditional Chief Terry Sahanatien assisted with the student presentations along with Principal of Glen Orchard School Peggy Barrette. Children who have been attending Longhouse ceremonies were given recognition for their traditional learning as well. We ended the evening with a small social with teachings. It was a night to remember! Such positive feedback was given the next day. It was an enjoyable time; the venue was perfect and it was a great feeling bringing families together with a common purpose.

The post-secondary program is running efficiently at the temporary location. New files have been created, therefore students have been required to resend some of their information. Having said that, I believe the glitches are behind us and we can continue with few barriers. There are some students however, who did not provide contact information on the application form or the number provided is no longer in service. Without being able to access older emails I am unable to retrieve the contact list that was created in April. If anyone has not heard from me please contact me at carol.holmes@wahtamohawks.ca or 705-762-3343 x 204. Thanks!

As for post-secondary we have not received any notice from INAC regarding discontinuation or change of delivery mechanism regarding the program. There is concern that there may be changes in 2014-2015, however at this time we do not know what this may look like.

Our political voices continue to lobby against Bill C-33 which involves a First Nation Education Act. The concerns regarding this Bill have not changed since the first hint of this surfacing. The concerns continue to be in the areas of jurisdiction, increased federal control resulting in lack of local control of culture/language within the education system, and less funding than non-native systems. The First Reading of Bill C-33 was presented to the House of Commons on April 10, 2014.



HAPPY BIRTHDAY TO ALL MEMBERS CELEBRATING THEIR BIRTHDAY IN JULY!



KAGITA MIKAM EMPLOYMENT &



Intake applications are ongoing for Kagita Mikam Employment & Training Programs. If you are unemployed, underemployed or out of school and would like to receive training to get back into the workforce then support is available upon meeting the criteria and funding availability.

Programs available through Kagita Mikam are: Purchase of Training, Targeted Wage Subsidy, Mobility Assistance, Youth Work Experience, Employment Assistance Supports and Self Employment Assistance. Funding for training is for 1 year only. Members of Wahta Mohawks without status are eligible for funding. A Letter from Wahta Mohawks stating that you have membership must be provided. Members with status must provide status number and membership letter. For more information on the program please contact Kristal at 705-762-3343 x. 204 or by email kristal.berwick@wahtamohawks.ca

TIPS FOR JOB HUNTERS

Use the Internet:

- There are many different job vacancy websites. Some list vacancies for a variety of jobs, while others have job in specific industries
- Many recruitment agencies use job vacancy websites, but also have job listings on their own websites
- If you are interested in working at a certain business or a particular employer, keep an eye on their website. Most organizations will list vacancies on their own website.

Check daily and local newspapers

- Major daily newspapers usually have one issue a week that features most of the job postings. Papers with a weekend edition will generally have a large employment section too.

Recruitment agencies

- Recruitment agencies often advertise vacancies in newspapers or on their own websites on behalf of employers. You will normally need to register with an agency before you can apply for the vacancy, but registration should be free, as recruitment companies get paid by employers
- Recruitment agencies will often contact you about other jobs they think will suit you, which can be an effective way to access jobs that are not publicly advertised

Other places where jobs are advertised

- Career expos-recruitment agencies, universities and industries hold job expos, where employers provide information about job opportunities at their companies, and list vacancies. You can often apply for the positions at the expo, so take a few copies of your resume and be prepared for impromptu interviews.

WAHTA MOHAWK COMMUNITY TRUST

JOB POSTING

WAHTA MOHAWK TRUST COORDINATOR – PART TIME

The Wahta Mohawk Community Trust was created following the signing of a land claim agreement in 2005 which included financial compensation. The funds were placed in Trust which is governed by a Trust Agreement overseen by five Trustees, three elected by the community and two appointed by the Wahta Mohawk Council. The Trust accepts proposals and funds projects which will benefit the Wahta Mohawk people. The Trust is a separate legal entity from the Wahta Mohawk Council.

Job Description: Coordinator – Part Time - The Wahta Mohawk Trust Coordinator facilitates the work of the Wahta Mohawk Community Trust by implementing administrative measures, assisting in the development and implementation of policies and procedures, advising Trustees, preparing for meetings of the Trust, and overseeing the implementation of decisions by the Trust. On a day to day basis, the Coordinator – Part Time will be the primary point of contact for administrative matters and will report to the Chair of the Trust. The Coordinator – Part Time will work from time to time with the financial staff of the Wahta Mohawks, the Trust Manager, and the Trust Auditor to enable efficient administration of the Trust.

Job Requirements and Qualifications: The Coordinator – Part Time is expected to have good writing skills and basic computer skills in order to maintain minutes of meetings and prepare correspondence. The successful applicant must have the ability to do basic bookkeeping maintain the filing system. The Trust expects professional communications and respect for confidentiality. The successful applicant must be available evenings and weekends. A college degree or equivalent experience is required.

How to Apply:

Applications may be submitted in person or received by mail no later than July 18th, 2014 to:

WAHTA MOHAWK COMMUNITY TRUST

WAHTA MOHAWK TERRITORY

P.O. BOX 260,

BALA, ONTARIO P0C 1A0

Applications and questions will also be accepted by e-mail at WahtaMohawkTrust@yahoo.ca

THE WAHTA NURSING STATION

Dana Strength NP – PHC

T: (705) 762-1274

F: (705) 762-4809

Important Announcement

Due to a demonstration at the Community Administration Building, the Wahta Nursing Station has been temporarily relocated.

If you wish to book an appointment with the Nurse Practitioner please call the Nursing Station at 705-762-1274 and speak to the receptionist.

We are currently NOT accepting walk-in appointments.

Please note that during this time we have minimal services and hours and are also not wheel chair accessible.

If you are looking for a prescription renewal please have your pharmacist fax an authorization to 705 762-4809.

Please remember our policy is still 5 business days to process all prescription renewals

The Rosseau Nursing Station (705) 732-1095 and Moose Deer Point Nursing Station (705) 375-9900 as well as any walk-in-clinic of your choosing is available to all our patients.

We apologize for this inconvenience and thank you for your understanding.

Dana and Misty



Important Information for Wahta Mohawk Members



Matrimonial Real Property is changing. Please review some of the frequently asked questions.

The federal Provisions for this act came into effect as of December 16th 2014

Our community has an opportunity to develop our own law on this matter, if desired.

The community will be deciding our response, either to develop and enact our own law or to follow the Provisional Federal Rules.

Check out this web site for more information <http://www.coemrp.ca>

Introduction

Q.1) What is the on-reserve matrimonial real property issue?

A1. Matrimonial real property refers mainly to the family home where both spouses or common-law partners live during a marriage or common-law relationship. Generally speaking, provincial and territorial laws protect the matrimonial real property interests and rights of both spouses or common-law partners during a relationship, or in the event of separation, divorce or death. For most Canadians undergoing a breakdown of their marriage or common-law relationship or on the death of a spouse or common-law partner, there is legal protection to ensure that their matrimonial real property is dealt with equitably. Many provincial laws also permit a judge to order a spouse or common-law partner to temporarily leave the family home, particularly in cases of domestic or physical abuse. These provincial and territorial laws do not apply on reserve lands.

Provincial or territorial family laws related to matrimonial personal property, such as money in bank accounts and cars, apply on reserves. However, in 1986 the Supreme Court of Canada ruled that courts cannot apply provincial or territorial family laws on reserves governed by the *Indian Act* if doing so would alter individual interests in matrimonial real property on reserves. As a result, many of the legal protections relating to matrimonial interests or rights that are applicable off reserves are not available to individuals on reserves. Further, the *Indian Act* is silent on this issue.

When the *Family Homes on Reserves and Matrimonial Interests or Rights Act* comes into force many of the legal protections relating to matrimonial real property applicable off reserves will be available to individuals on reserves, for example:

- A spouse or common law partner will not be able to sell an on-reserve family home without the consent of the other spouse or common law partner and keep all the proceeds of sale;
- One spouse or common law partner will not be able to bar the other spouse or common law partner from their on-reserve family home;
- In cases of domestic violence, a court will be able to order one spouse or common law partner to leave a family home situated on reserve, even on a temporary basis.

Q.2) Do provincial/territorial matrimonial property laws apply on reserve?

A2. Some rights and protections under provincial/territorial matrimonial property laws apply on reserves and some do not. Provincial/territorial laws can be used to assist couples living on reserve to determine how to divide the overall value of all matrimonial property (house, cash, cars, etc.). Either spouse can ask a court to determine his or her share of the couple's matrimonial property. The court can order one spouse or common-law partner to pay the other a sum of money to make an equal division of the couple's total matrimonial property. However, a court cannot apply provincial laws to force the sale of a home on a reserve or re-allocate rights of possession or occupation of a home. Provincial/ territorial laws cannot change the rights of individual First Nation members to their land.

With the provisional federal rules in force, if a Certificate of Possession has been issued to only one spouse for land where the family home is located, the other spouse may be able to obtain temporary possession of the home, especially if that spouse has custody of the children. This will align with the situation off reserves where courts can decide which spouse or common-law partner gets to stay in the family home, regardless of whose name is on the legal documents.

If the federal rules in the *Act* apply, they will prevent a spouse or common-law partner living on reserve and whose name is on the Certificate of Possession from selling the family home without the consent of the other spouse or common-law partner, whose name does not appear on the Certificate of Possession. This will apply during a marriage or after a separation.

Q.3) Why is this *Act* needed?

A3. This *Act* addresses an issue that has been outstanding since 1986 when the Supreme Court of Canada ruled in *Paul v. Paul* and *Derrickson v. Derrickson* that provincial matrimonial real property laws cannot alter rights of possession of reserve land. These rulings identified a legislative gap which meant that on reserve residents would continue to lack basic rights and protections in relation to matrimonial real property since the *Indian Act* was silent on the issue. As a result, relationship breakdown in a First Nation on-reserve community can sometimes lead to homelessness, poverty and separation from cultural and family support if spouses are forced out of their home.

Q.4) Who does this *Act* apply to?

A4. The *Act* will apply to married couples and common-law partners living on reserve, where at least one of them is a First Nation member or an Indian.

There is a 12-month transition period from the coming into force of the *Act* for First Nations to enact their own laws before the federal rules apply. After the 12-month period, the provisional federal rules will automatically apply to all First Nations with reserve land, with the following exceptions:

- First Nations that have enacted matrimonial real property laws under this *Act* during the 12-month period;
- First Nations with a self-government agreement unless they have reserve land and opt into the provisional federal rules;
- First Nations with land codes in place under the *First Nations Land Management Act*;
- First Nations without land codes in place that are on the schedule to the *First Nations Land Management Act* will be exempted for a period of three years from the date of Royal Assent.

Once First Nations enact their own matrimonial real property law under the *Act*, the provisional federal rules will no longer apply to their community.

Q.5) What is the definition of "spouse" in the *Act*?

A5. The *Act* applies to married couples and common-law partners, where at least one of them is a First Nation member or an Indian. The definition of spouse includes "either of two persons who have entered in good faith into a marriage that is voidable or void." The *Indian Act* definition of "common-law partner" will apply in this *Act*, and means "a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year."

Q.6) Why is it important that the *Act* balance individual and collective rights?

A6. Equality rights are guaranteed under sections 15 and 28 of the *Canadian Charter of Rights and Freedoms (Charter)*, and existing collective Aboriginal rights are recognized under section 35 of the *Constitution Act, 1982*, and referred to in section 25 of the *Charter*. The *Act* is intended to balance individual rights, specifically the need for spouses and common-law partners on reserves to have access to matrimonial real property protections and rights, and the collective interest of First Nations in their reserve lands.

Traditional practices and values vary among First Nations. For this reason, the provisional federal rules in the *Act* provide for First Nation councils to be notified of court proceedings brought forward under the *Act*, with the exception of emergency protection or confidentiality orders. First Nation councils will be able to make representations to the courts about the collective interests of the First Nation members in their reserve lands, the cultural, social and legal context relevant to the application.

Estates

Q.7) How do the provisional federal rules in this *Act* affect survivors of estates?

A7. The provisional federal rules in the *Act* provide that:

- A surviving spouse or common-law partner who does not hold an interest or right in or to the family home will have an automatic right to occupy the family home for a minimum of 180 days after the death of their spouse or common-law partner.
- The survivor will be entitled to apply for exclusive occupation of the matrimonial home for longer than the 180-day period. Various considerations will be taken into account by the court to determine whether to grant exclusive occupation and the period of such occupation.
- The surviving spouse or common-law partner will be able to make an application to receive half the value of the deceased spouse's or common-law partner's interest or right in the family home and of other matrimonial interests or rights. If the court determines that the surviving spouse or common-law partner is entitled to an amount in respect of that interest or right, the surviving spouse or common-law partner will not be able to benefit from the deceased's will or from the provisions of the *Indian Act* in respect of the same interest or right. In other words, the surviving spouse or common-law partner will have to choose between receiving an amount under this *Act* or an amount or right under the will or the *Indian Act*. Administrators and executors of estates will have access to information regarding the options for survivors that may affect the estate administration.

First Nations Matrimonial Real Property Laws

Q.8) What if a First Nation never develops its own matrimonial real property law?

A8. It is the choice of each First Nation whether or not to develop and enact its own laws to address matrimonial real property interests or rights on their reserve land. Until a First Nation community develops and enacts its own matrimonial real property law under the *Act* the provisional federal rules, once in force, apply.

Q.9) What will be the voting requirements for enacting First Nation matrimonial real property laws?

A9. If a First Nation intends to enact matrimonial real property laws under section 7 of the *Act*, the council of the First Nation will have to submit the proposed First Nation laws to the First Nation members for their approval. Every person who is 18 years of age or over and a member of the First Nation, whether or not they are a resident on a reserve of the First Nation, will be eligible to vote in the community approval process.

The council will have to, before proceeding to obtain community approval, take reasonable measures in accordance with the First Nation's practices to locate voters and inform them of their right to vote, the means of exercising that right and the content of the proposed laws. The council will have to publish a notice of the date, time and place of a vote.

The proposed First Nation laws will be considered approved if at least 25 per cent of the eligible voters participated in the vote and a majority of those who participated in the vote voted to approve them.

A First Nation council may, by resolution, increase the percentage of eligible voters required.

Q.10) What measures exist if a First Nation member is unsatisfied with a First Nation matrimonial real property law?

A10. As a First Nation develops its own laws, the rights of individuals on reserves are protected, as they are off-reserve, by the *Canadian Charter of Rights and Freedoms* (*Charter*) and the *Canadian Human Rights Act*, to the extent that complaints fall within its scope. Should a First Nation not follow the requirements in the *Act* for the community vote, or if an individual community member feels that the content of the law is not *Charter* compliant or otherwise legally valid, the community member will have recourse to the courts.

Q.11) Why are there no additional minimum standards required of First Nations in the development of First Nation laws to address matrimonial interests or rights?

A11. There are no stronger legal protections available to Canadians than those in the *Canadian Charter of Rights and Freedoms* (*Charter*) and the *Canadian Human Rights Act*, both of which may be enforced through the courts. Both the *Charter* and the *Canadian Human Rights Act*, where applicable, will apply to First Nation laws. This approach makes First Nation governments accountable to First Nation members and will respect First Nations' ability to make laws to suit their community needs.

Please.....

Please advise Wahta Mohawks of any change in address as soon as possible so we can continue to serve you.

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