

April 16, 1987

SOR/87-285

RESIDENCY BY-LAW
FOR THE RESERVES OF
THE SADDLE LAKE INDIAN TRIBE

Whereas the Chief and Council of the Saddle Lake Indian Tribe derive their authority from and are responsible to the membership for the peace, order and good government of the Whitefish Lake Indian Reserve #128, the Saddle Lake Indian Reserve #125 and the Cache Lake Indian Reserve #125A ; and

Whereas the members and the Council of the Whitefish Lake Indian Reserve #128 desire to establish laws governing residency on the Reserves; and

Whereas the members and the Council of the Saddle Lake Indian Reserve #125 and the Cache Lake Indian Reserve #125A desire to establish laws governing residency on the Reserves; and

Whereas the Tribal Council, as the Indian Government of the Reserves, desires to assert its inherent and traditional authority to reflect the traditions and customs of the Tribe and thereby preserve the cultural heritage of its people and the order and harmony of its communities by a by-law governing residency on the Reserves of the Tribe;

BE IT RESOLVED THAT:

CITATION

1 This by-law may be cited as the Residency By-law and is a by-law of general application on the Whitefish Lake, Saddle Lake and Cache Lake Indian Reserves numbered #128, #125 and #125A, respectively.

DEFINITIONS

2 For the purpose of this by-law:

- (a) "Act" means the Indian Act being chapter I-6 of the Revised Statutes of Canada 1970, as amended;
- (b) "applicant" means a person on whose behalf an application for residency has been submitted in accordance with this by-law;
- (c) "application" means an application for residency, unless the context clearly indicates otherwise;
- (d) "Council" means the Reserve Council as determined by context, unless otherwise explicitly stated;

- (e) "Elders" means Council of Elders unless the context clearly implies otherwise;
- (f) "Indian" means a person
 - (i) whose name appears on the Indian Register as defined in the Act, or
 - (ii) who, by the tribal law, custom and tradition adopted by the Tribal Council, is recognized as a descendant of a signatory to a treaty with Her Majesty the Queen or a treaty with the Government of the United States of America;
- (g) "member" means a person who belongs to the Tribe pursuant to the Tribe's membership code or traditional membership rules;
- (h) "Reserve Council" means the Saddle Lake Council for the Saddle Lake Indian Reserve #125 and Cache Lake Indian Reserve #125A, and the Whitefish Lake Council for the Whitefish Lake Indian Reserve #128;
- (i) "Reserve" means Whitefish Lake Indian Reserve #128, Saddle Lake Indian Reserve #125, or Cache Lake Indian Reserve #125A;
- (j) "resident" means a person who is a permanent, provisional, conditional or associated resident pursuant to this by-law;
- (k) "Saddle Lake Council" means the Chief and Council of the Saddle Lake Indian Reserve #125 and Cache Lake Indian Reserve #125A;
- (l) "Tribal Council" means the combined Whitefish Lake Council and Saddle Lake Council;
- (m) "Tribe" means Saddle Lake Tribe of Indians, also referred to as Saddle Lake Indian Band, including all members residing on the Whitefish Lake, Saddle Lake or Cache Lake Reserves numbered #128, #125 and #125A, respectively;
- (n) "Whitefish Lake Council" means the Chief and Council of the Whitefish Lake Indian Reserve #128.

Residency

3 For the purposes of this by-law a person resides on a Reserve if, and only if:

- (a) the person lives at a particular location on the Reserve, referred to as his residence, either on a temporary or permanent basis; or
- (b) the person has a permanent home or residence on the Reserve from which he is temporarily absent and to which he intends to return.

DEEMED PERMANENT RESIDENTS

4 Every member who resides permanently on a Reserve at the effective date of this by-law shall be deemed to be a permanent resident of that Reserve.

PROHIBITION ON RESIDENCY

5 Subject to section 4, no person may reside on a Reserve at any time unless

- (a) he has the permission of the Council to reside there as a permanent, provisional, conditional or associated resident, and
- (b) he maintains his residency in accordance with the conditions of the permission.

6 No person may at any time use, occupy or temporarily reside on any land on a Reserve unless the use, occupation or temporary residency

- (a) has been specifically permitted by the Council; or
- (b) is pursuant to a permit or lease granted under section 28(2) or 58(3) of the Act.

7 Any person who provides a residence, either temporary or permanent, for some other person who does not have permission pursuant to this by-law to reside on a Reserve is in contravention of this by-law.

CONDITIONAL RESIDENTS

8 (1) A person seeking to reside on a Reserve for a limited time and purpose may apply for permission to become a conditional resident of the Reserve.

(2) Subject to the procedural requirements of this by-law, on being satisfied that it would be in the best interests of the Reserve the Council may permit the applicant to reside on the Reserve as a conditional resident.

(3) The permission may specify the conditions on which the person may reside on the Reserve, including

- (a) where the person may reside,
- (b) how long he may reside there,
- (c) what use he may make of that location, and
- (d) any other conditions the Council deems appropriate.

(4) An application for permission to become a conditional resident shall include a statement of the purpose for which residency is being sought, the location at which the applicant wishes to reside and the period of time during which the applicant wishes to be a resident.

ASSOCIATED RESIDENTS

9 (1) A resident of a Reserve may sponsor the application of a dependent or spouse for permission to reside with him on the Reserve as an associated resident.

(2) The Council shall approve the application if it is satisfied that the applicant is in fact a dependent or spouse of the sponsor and that the sponsor is properly a resident of the Reserve.

(3) For the purposes of this section:

- (i) a dependent of a sponsor is a person who relies on the sponsor for financial or physical support; and
- (ii) a spouse of a sponsor is a person who is currently married to the sponsor, whether by virtue of a civil marriage recognized by Canadian law or by virtue of a marriage in accordance with the customs and traditions of the Tribe, but does not include a person who merely co-habits with the sponsor.

(4) An application for permission to become an associated resident shall include the name of the resident sponsor with whom the applicant is associated, the nature of the association and the date on which the applicant became a dependent of spouse of the sponsor.

PROVISIONAL RESIDENTS

10 (1) A person seeking to make a home on a Reserve may apply for permission to become a provisional resident of the Reserve.

(2) The Council may permit the applicant to reside on the Reserve as a provisional resident for a period of not more than 3 years provided it is satisfied that

- (a) the applicant is an Indian;
- (b) there is adequate housing, land and services available on the Reserve to ensure that the applicant will have a safe and suitable residence; and
- (c) the applicant has made an express written commitment to respect and preserve the laws, customs and traditions of the Tribe and to maintain the peace of the community.

(3) An application for provisional residency shall include the reason or reasons for which the applicant seeks residency, the training or qualifications of the applicant, the means by which the applicant intends to support himself, the location at which the applicant seeks to reside and the number of dependents of the applicant.

PERMANENT RESIDENTS

11 (1) A person who wishes to make a permanent home on a Reserve may apply for permission to become a permanent resident of the Reserve.

(2) The Council may permit a person to become a permanent resident of the Reserve if it is satisfied that

- (a) the applicant is a resident of the Reserve;
- (b) there is adequate housing, land and services available on the Reserve to ensure that the applicant will have a safe and suitable residence;
- (c) the applicant has been a member of the Tribe continuously for the 5 year period immediately preceding the application; and
- (d) the applicant has made an express written commitment to preserve the customs and traditions of the Tribe and to maintain the peace of the community.

(3) An application for permanent residency shall include a declar-

ation as to when the applicant became a resident, the nature of the current residency, a description of the location at which the applicant seeks to reside and the number of dependents of the applicant.

APPLICATION FOR RESIDENCY

12 (1) All applications for permission to reside on a Reserve must be made to the Council of the Reserve on which the applicant seeks to reside by submitting an application in a form approved by Council.

(2) All applications shall include a commitment by the applicant, or the sponsor if the applicant is a minor, that on becoming a resident the applicant will seek to uphold the customs and traditions of the Tribe and will conduct himself so as to maintain the peace and tranquility of the community.

(3) Except where disclosure is required for the purposes of this by-law, all information provided in respect of an application shall be treated as confidential.

(4) A Reserve Council may appoint a Registrar of Residency to provide for the administration of applications and to maintain records related to residency permits.

COUNCIL OF ELDERS

13 (1) Each Reserve Council shall appoint from among its permanent residents a Council of Elders to review applications for residency and to provide advice to the Council with respect to those applications.

(2) Subject to the approval of the Reserve Council, the Elders may determine the practices and procedures it will follow in reviewing applications and preparing advice for Council.

(3) The initial appointment of Elders shall specify respective terms of 1, 2, 3, 4 and 5 years, and all subsequent appointments, except for appointments to fill vacancies during a term, shall be for 5 years.

(4) Within 21 days of a vacancy occurring on the Council of Elders the Council shall appoint a replacement to serve for the balance of the term vacated.

(5) If an Elder is incapable of performing his duties the Council shall terminate his appointment and appoint another Elder in his stead.

ELDERS REVIEW

14 (1) When a properly completed application has been received, the Council shall post, at the administrative offices of the Reserve, notice of the name of the applicant and the nature of the residency sought.

(2) The Council may refer any application to the Elders for advice, and where such advice is requested, the Elders shall, within 30 days of the request, meet and review the application.

(3) In reviewing the application the Elders may make any reasonable inquiries they deem appropriate to assist in formulating advice with respect to the application.

(4) If the Elders are of the opinion that it would be useful, the inquiries may include interviews with the applicant and other persons.

(5) In their deliberations and inquiries the Elders are not bound by any formalities, procedures, or rules of evidence or natural justice, but may conduct their review in a manner that is consistent with tribal customs, traditions and values.

(6) Within 5 days of completing their inquiries and deliberations the Elders shall provide the Council with their advice as to the disposition of the application.

(7) The advice of the Elders may be conveyed in writing, on video or audio tape, or by any other means deemed appropriate by the Council.

(8) If the Reserve Council so directs, the advice shall be in writing and state the reasons for the advice.

COUNCIL DETERMINATION

15 (1) Within 90 days of receiving a properly completed application, the Reserve Council shall hold a hearing to determine the disposition of the application.

(2) At least 14 days prior to the hearing the applicant shall be provided with a notice identifying the date, time and place of the hearing and informing the applicant that he has a right to appear at the hearing and present his case.

(3) The Reserve Council shall conduct the hearing informally and shall not be bound by any formal rules of evidence.

(4) At the hearing the Reserve Council

- (a) may consider the advice, if any, provided by the Elders;
 - (b) shall provide the applicant or his sponsor with an opportunity to present his case in support of the application; and
 - (c) shall provide any other person, who is present and has a legitimate interest in the application, an opportunity to be heard.
- (5) Once it has heard all the evidence the Reserve Council may meet in private to make a decision on the application.
- (6) Within 10 days of the hearing the Reserve Council shall, by resolution,
- (a) provide that the application is approved, disapproved, or approved subject to conditions, and
 - (b) provide, if necessary, the conditions of residency and the date on which the permission becomes effective.
- (7) The Reserve Council shall provide written reasons for the decision.
- (8) Within 5 days of passage, the resolution shall be posted in the administrative offices on the Reserve and provided to the applicant together with the reasons therefor.
- (9) If an initial application is denied, the applicant may not apply again for at least 1 year.
- (10) No application after a second rejection shall be considered unless it is for a different status, or is made at least 5 years after the applicant's last rejection and is accompanied by evidence of significantly changed circumstances.

RESIDENTS LIST

- 16 (1) The Reserve Council shall maintain a Residents List on which is recorded, for each person residing on the Reserve,
- (a) the person's name,
 - (b) the date of the resolution, if any, whereby the person acquired the right to reside on the Reserve,

- (c) the effective date of the permission or change in permission to reside on the Reserve, and
 - (d) an indication as to whether the person is a permanent, provisional, conditional, or associated resident.
- (2) When an application has been approved the applicant's name and related information shall be immediately placed on the Residents List.
- (3) The name of a Resident shall be removed from the Residents List
- (a) upon the adoption of a resolution of Council revoking or terminating the person's permission to reside on the Reserve, or
 - (b) upon receiving proper notice of the death of the Resident.

REVOCATION OF RESIDENCY

- 17 (1) Any resident may have his permission to reside on a Reserve revoked by a resolution of Council if
- (a) he has been convicted of an indictable offense against the property or person of another resident,
 - (b) he has been convicted of 4 or more lesser offenses against the property or person of another resident,
 - (c) after reasonable notice that he is failing to meet one or more of the essential qualifications or conditions of his residency, including written commitments made when applying, he continues to fail to satisfy one or more of those qualifications or conditions, or
 - (d) after reasonable notice that he is providing someone with a residence in contravention of this by-law, continues to provide such residence.
- (2) Notwithstanding anything else in this section, no permanent resident may have his status as a permanent resident revoked except by an extraordinary resolution of the Council.
- (3) For the purposes of this section an extraordinary resolution is a resolution of Council
- (a) that is made at a Council meeting for which there was at least 14 days notice given that the resolution will be

considered, and

- (b) that is supported by at least two thirds of Council in a vote taken at that meeting.

18 Where a person is a resident other than a permanent resident, Council may by ordinary resolution terminate the person's permission to reside on the Reserve if it is satisfied that

- (a) he has been continuously absent from the Reserve for one year or more, or
- (b) he has decided to make his real home somewhere else.

19 (1) No resident shall have his permission to reside on the Reserve revoked or terminated unless reasonable efforts have been made to inform him of the meeting at which the issue is to be determined and he is provided an opportunity to speak to the matter.

(2) In particular, at least 14 days prior to the meeting the resident shall be provided with a written notice identifying the date, time and place of the meeting and informing him that he has a right to appear and present his case.

PENALTIES

20 Any person residing on a Reserve in violation of this by-law, or assisting a person in residing on a Reserve in violation of this by-law, is guilty of an offense punishable on conviction by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

GENERAL

21 Words in this by-law that would normally imply singularity or male gender should be interpreted as including the singular and plural and the masculine and feminine or neuter gender where the context requires.


22 If any part of this by-law is found by the Courts to be ineffective or inoperative, it should be severed in order to preserve the intent of the whole.


23 This by-law should be interpreted in a manner consistent with tribal custom and tradition, and nothing in this by-law should be construed so as to abrogate or derogate from the aboriginal and Treaty rights of the Tribe.

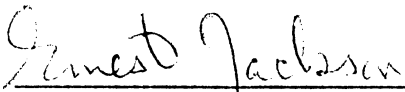
24 This by-law comes into force on the 1st day of June, 1987.


WHITEFISH LAKE BAND #128

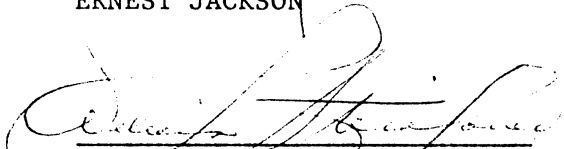
SADDLE LAKE BAND #125

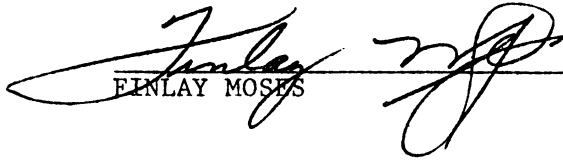

CHIEF MORRIS JACKSON

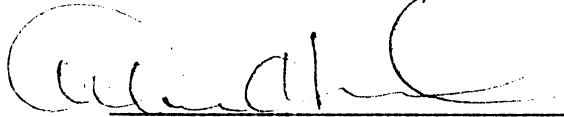

CHIEF EUGENE HOULE



ERNEST JACKSON


ALEX REDCROW


MELVIN STEINBAUER


FINLAY MOSES


ALAN HOULE


NOAH CARDINAL