

Band council moves on residency changes without vote

By Donna Duric
Writer

Band Council is moving forward with plans to re-draft its residency by-law but there may not be a referendum on it.

Council's corporate and emergency services committee voted Wednesday to direct its communication department to deliver a letter to the community outlining why it plans to re-draft the law.

But council's Policy Analyst Andrew Joseph, who drafted a residency by-law work plan, said he didn't think a referendum was needed to pass the by-law. "We're not going to recommend a referendum be held," he told the committee. "In reviewing the past

few referendums, there aren't that many people that get out to vote and it does cost quite a bit of money, so the cost might be prohibitive. However, it is an option if council wants to entertain that."

Council says it wants to re-draft the law to preempt the federal government's proposed Matrimonial Real Property (MRP) law it fears will have negative consequences for band members sharing a home with a non-native spouse in the event of a marital break-up.

The proposed law, Bill S-2, states that federal rules regarding matrimonial real property will apply on reserves unless First Nations come up with their own

MRP laws. Under federal law, matrimonial real property is usually divided in half between spouses. Council says it fears that might mean a non-native spouse could stay in the matrimonial home, while the Six Nations band member is forced to leave in the event of a break-up.

Bill S-2 passed first reading in parliament last December and is currently awaiting second reading. There is no word on when that will be.

Council says it wants to implement a permit system allowing non-natives to live on the reserve under certain conditions. The current residency by-law only allows Six Nations members to live on reserve.

Councillors will be inviting community members to sit on a committee devoted to re-drafting the by-law, which could include a permit system allowing non-native people to live here. "I believe this permit system is a solution," said Counc. Ross Johnson. "All our kids pretty much go to school off the reserve and they mingle with the non-native people and one thing leads to another and we've got another mixed family coming to the community."

He said his own daughters married non-native men and rather than face a "hassle" they built homes off the territory.

"We're forcing our people off the reserve," said John-

son.

Joseph said the first plan of action is to ensure as many Six Nations members as possible are aware that the by-law is being redeveloped. He said council will send letters to community members, post announcements on its Web site and newsletter, and notify area Indian Friendship Centres so that off-reserve band members are aware of the proposed new by-law.

Joseph said council's policy department is reviewing residency by-laws from other First Nation territories and will include "best practices" from those by-laws, along with Six Nations' community input, in a draft by-law expected to be finished by December.

Joseph said he expects the 'by-law to come into effect by next June.

Councillor Roger Jonathan said the community needs to get involved in re-drafting the residency by-law.

"We did that in 2004 and because the community wasn't as involved as it should have been, there was a whole bunch of fear-mongering going on and it was voted down," he said. "Here we are 10 years later and we're going to try again. We could have been way ahead of this game but the fear-mongering in the community caused it to be voted down."

Counc. Johnson will sit on the residency by-law committee as council's representative.