

**BY-LAW NO.10,1997  
OF THE MATHIAS COLOMB CREE NATION  
A BY-LAW GOVERNING THE RESIDENCE OF  
THE MATHIAS COLOMB CREE NATION AND OTHER PERSONS  
ON THE MATHIAS COLOMB INDIAN RESERVE .**

**WHEREAS** the Chief and Council of the Mathias Colomb Band also known as the Mathias Colomb Cree Nation desires to make a by-law governing the residence of the Mathias Colomb Cree Nation and other persons on the reserve;

**WHEREAS** the Chief and Council of the Mathias Colomb Band also known as the Mathias Colomb Cree Nation is empowered to make such by-law pursuant to paragraphs 81(1)(p.1), (q) and (r) of the Indian Act;

**AND WHEREAS** it is considered necessary for the health and welfare of the Mathias Colomb Band also known as the Mathias Colomb Cree Nation to regulate the residence of Band members and other persons on the reserve;

**NOW THEREFORE** the Chief and Council of the Mathias Colomb Band also known as the Mathias Colomb Cree Nation hereby makes the following by-law:

1. This by-law may be cited as the "Mathias Colomb Cree Nation Residency By-Law".

2. In this by-law

"applicant" means a person who has submitted an application for permission to be a resident of the reserve in accordance with section 5;

"Band" means the Mathias Colomb Band also known as the Mathias Colomb Cree Nation;

"Child" , includes a child born in or out of wedlock, a legally adopted child and a child adopted in accordance with Indian custom;

"Chief" means the Chief , as defined in the Indian Act, of the Mathias Colomb Cree Nation;

"Council" means the Council, as defined in the Indian Act, of the Mathias Colomb Cree Nation;

"Dwelling" means any house, apartment, mobile home, or a room located therein, or any similar lodging suitable for habitation;

"Member of the Band" means a person whose name appears on the Mathias Colomb Band list or who is entitled to have his/her name appear on the Mathias Colomb Band list pursuant to the Indian Act or the membership rules of the Band;

"Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any by-law enforcement officer or other person

appointed by the Chief and Council for the purpose of maintaining law and order on the reserve;

“Principal residence” means the place at which a person resides on a more permanent basis than at any other place at which the person may reside from time to time;

“Reserve” means the Mathias Colomb Indian Reserve number(s) 198, 199;

“Reside” means to live in dwelling, otherwise than as a visitor to the reserve;

“Resident” means a person who is entitled to reside on the reserve, as provided by section 3;

“Spouse” means a person who is married to, or who co-habits in a relationship of some permanence and commitment, akin to a conjugal relationship, with a resident of the Mathias Colomb Cree Nation.

3. (1) A person is entitled to reside on the reserve only if the person
    - (a) has his / her residence on the reserve at the time this by-law comes into force and only until he / she ceases to have a principal residence on the reserve;
    - (b) is authorized to reside on the reserve pursuant to one of the following provisions of the Indian Act: sections 18.1, 20, and 24 and subsections 28(2) and 58(3); or
    - (c) has the permission of the Chief and Council pursuant to section 7, or of the Committee of Elders pursuant to section 12, to be a resident of the reserve.
  - (2) A spouse or dependent child of a person who is entitled to reside on the reserve under subsection (1), who actually resides with that person at or after the time the entitlement arises, is entitled to reside on the reserve until such time as the spouse or dependent child ceases
  - (3) Notwithstanding subsection (2), any spouse or dependent child of a person who has been granted permission to reside on the reserve for a defined period is not entitled to reside on the reserve after the end of the defined period.
4. (1) The Chief and Council shall appoint a Registrar of Residents to provide for the administration of applications, petitions and appeals made under this by-law and to maintain records related to the residents of the reserve.
  - (2) The Registrar of Residents shall maintain a Residents List, on which is recorded
    - (a) the name of each resident;
    - (b) an indication as to whether each resident is a resident for an indefinite or defined period;
    - (c) the length of any defined period of residence; and
    - (d) the location of each resident's dwelling.

5. (1) Any person may apply to the Chief and Council for permission to be a resident of the reserve or to extent any defined period for which permission was previously granted to the person by the Chief and Council to be a resident of the reserve.
- (2) The application shall be filed with the Registrar of the Residents and shall include
  - (a) the applicant's reasons for applying to be a resident;
  - (b) if the applicant proposes to reside on the reserve for a limited time, the approximate duration of the proposed residence;
  - (c) the location at which the applicant proposes to reside;
  - (d) the name of the applicant's spouse, if any;
  - (e) the names of the applicant's dependent children, if any; and
  - (f) any additional information the applicant wishes to provide relating to the considerations listed in subsection 7(2).
6. (1) Within ninety (90) days after the filing of a property completed application, the Chief and Council shall hold a hearing with respect to the application.
- (2) At least fourteen (14) days prior to the hearing, the Registrar of Residents shall
  - a) give written notice to the applicant of the date, time and place of the hearing and inform the applicant that he / she has a right to appear at the hearing and be heard in support of the application; and
  - b) post in public viewing areas and Band office a copy of the notice.
- (3) At the hearing, the Chief and Council shall
  - (a) provide the applicant with an opportunity to present evidence and to make oral and written submissions, or both, in support of the application; and
  - (b) provide any resident present at the hearing with an opportunity to be heard.
- (4) The Chief and Council may make rules of procedure governing the hearing of applications and shall keep records of its proceedings.
7. (1) After it has heard all of the evidence and submissions, the Chief and Council shall meet in private to consider the application.
- (2) In determining whether an application for permission to be a resident of the reserve should be granted, the Chief and Council shall take into consideration each of the following:
  - (a) whether the applicant has arranged for the a place to reside on the reserve;
  - (b) whether the applicant's residing on the reserve would be compatible with the culture, society and welfare of the citizens of the Band residing on the reserve;
  - (c) whether the applicant is of good moral character;
  - (d) the extent to which the applicant is prepared to commit his / her personal and economic resources to the welfare and advancement of the community residing on the reserve;
  - (e) the availability on the reserve of adequate housing, land and services; and

(f) whether the applicant is or will be employed on the reserve.

(3) Where the applicant is a member of the Band, the Chief and Council shall consider only the criteria enumerated in paragraphs (2) (a) and (e).

- (4) Within ten (10) days after the hearing, the Chief and Council shall dispose of the application by
- (a) granting the applicant permission to be resident of the reserve for an indefinite period until such time as the applicant ceases to reside on the reserve;
  - (b) granting the applicant permission to be a resident of the reserve for a defined period;
  - (c) extending any defined period for which permission was previously granted to the person by the Chief and Council to be a resident of the reserve; or
  - (d) refusing the application,

and shall give written notice of its decision to the applicant, incorporating reasons in support of its decision.

(5) Within five (5) days after disposing of the application, the Chief and Council shall post a notice of its decision in the public viewing areas and Band Office.

(6) Any applicant whose application is refused under this section may appeal to the Committee of Elders pursuant to section 12.

8. Where an application made under section 5 is refused pursuant to the provisions of section 8, the Chief and Council is not required to consider any further application by the person for a period of one (1) year from the date of the refusal, unless the applicant can show that there has been a material change of circumstances.

9. (1) An officer may order any person who is residing on the reserve, and who is not a resident, to cease to reside on the reserve.

(2) Where a person who has been ordered under subsection (1) to cease to reside on the reserve fails or refuses to do so within thirty (30) days after the order is made under subsection (1), an officer may issue a further order prohibiting the person from being on or re-entering the reserve for a period of sixty days . .

(3) Any person who fails or refuses to comply with an order made under subsection (2), commits an offence.

(4) Every one who assists a person who has been ordered to cease to reside on the reserve, to continue to reside on the reserve commits an offence.

10. (1) On the petition of any ten (10) residents, the Chief and Council may revoke the entitlement of any person to reside on the reserve who is in section 3, other than a citizen of the Band or a person referred to in paragraph 3 (1) (b), where, after a hearing, it has been shown that

- (a) the person, while a resident of the reserve, has been convicted of an indictable offence under the Criminal Code (Canada) for which a pardon has not been granted; or
- (b) the person, within any period of two years while residing on the reserve, has committed two (2) or more offences under the Criminal Code (Canada), against the person or property of another resident, for which he has been convicted and for which a pardon or pardons have not been granted;

and that it would be detrimental to the best interests of the Band to permit the person to continue to be a resident of the reserve.

- (2) Within thirty (30) days after the petition referred to in subsection (1) is received by Chief and Council, the Council shall hold a hearing into the matter.
- (3) At least fourteen (14) days prior to the hearing, the Registrar of Resident shall
  - (a) give written notice to each petitioner and to the affected resident of the date, time and place of the hearing and informing the petitioner and the affected resident that he /she has a right to appear at the hearing and to be heard; and
  - (b) post in a public viewing area and Band office a copy of the notice.
- (4) At the hearing, the Chief and Council shall
  - (a) provide each petitioner and the affected resident with an opportunity to present evidence and to make oral and written submission, or both, on the petition; and
  - (b) provide any resident at the hearing with an opportunity to be heard.
- (5) The Chief and Council may rules of procedure governing the hearing of petitions under this section and shall keep records of its proceedings
- (6) After it has heard all of the evidence and submissions, the Chief and Council shall meet in private to consider the petition.
- (7) Any revocation of entitlement of a person to reside on the reserve shall require a special majority of three-quarters (3/4) of the Chief and Council voting in favor of the petition and shall incorporate written reasons in support thereof.
- (8) Within ten (10) days after the hearing, the Chief and Council shall render its decision in writing to the petitioners and the affected resident.
- (9) Within five (5) days after the Chief and Council decision, the Chief and Council shall post a notice of the decision in a public viewing area and Band office.
- (10) A petition shall not be considered under this section in respect of a resident who, at the time of the petition, is under the age of sixteen (16) years.

- (11) No revocation of a resident's entitlement to reside on the reserve shall affect the entitlement of the spouse and children of that resident to continue to reside on the reserve.
  - (12) A resident whose entitlement to reside on the reserve has been revoked by the Chief and Council under this section may appeal the decision of Chief and Council to the Committee of the Elders pursuant to section 12.
- 11.(1) The Chief and Council shall appoint a Committee of Elders, consisting of five (5) Elders of the Mathias Colomb Cree Nation, to hear appeals pursuant to section 7 and 10 and to make recommendations to the Band Chief and Council.
- (2) Any recommendations of the Committee of Elders requires the support of at least three (3) Elders.
  - (3) The Committee of Elders may make rules of procedures governing appeals and shall keep records of its proceedings.
- 12.(1) Within thirty (30) days after the posting of a notice of the Chief and Council's decision in a public viewing area and Band office, the applicant in the case of section 7, or the affected resident in the case of section 10, may appeal the Chief and Council's decision to the Committee of Elders by filing a written request with the Registrar of Residents that the Committee of Elders hear the appeal.
- (2) Within thirty (30) days after the filing of the request, the Committee of Elders shall conduct a hearing with respect to the appeal.
  - (3) At least fourteen (14) days prior to the date of the hearing, the Registrar of Residents shall
    - (a) give written notice to the appellant of the date, time and place of the hearing and shall inform the appellant that she / he has the right to appear and make oral or written submissions, or both, at the hearing in support of the appeal; and
    - (b) post in a public viewing area and Band office a copy of the notice.
  - (4) At the hearing, the Committee of Elders shall
    - (a) provide the appellant with an opportunity to present evidence and to make oral or written submissions, or both, in support of the appeal; and
    - (b) provide any resident present at the hearing with the opportunity to be heard.
  - (5) After it has heard all of the evidence and submissions, the Committee of Elders shall meet in private to consider the appeal.

- (6) In determining whether an appeal should be allowed, the Committee of Elders shall take into consideration the criteria set out in subsections 7(2) and (3) in the case of a section 7 appeal, and the criteria set out in subsection 10 (1) in the case of a section 10 appeal.
  - (7) Within ten (10) days after hearing the appeal the Committee of Elders shall make written recommendations to the Chief and Council .
  - (8) The Committee of Elders shall give written notice of its decision to the appellant .
13. (1) Within ten (10) days after the Chief and Council has received the recommendations referred to in subsection 12 (7) , the Chief and Council shall dispose of the application by
- (a) granting the applicant permission to be resident of the reserve for an indefinite period until such time as the applicant ceases to reside on the reserve;
  - (b) granting the applicant permission to be a resident of the reserve for a defined period;
  - (c) extending any defined period for which permission was previously granted to the person by the Chief and Council to be a resident of the reserve; or
  - (d) refusing the applicant,
- (2) Within five (5) days after disposing of the application, the Chief and Council shall post a notice of its decision in a public notice area and Band office.
14. Any person who contravenes any of the provisions of this by-law commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

THIS BY-LAW IS HEREBY enacted at a duly convened meeting of the Chief and Council of the Mathias Colomb Band this 25 day of November, 1997



# Mathias Colomb Cree Nation

MISSISSIPPI RIVER, PUKATAWAGAN, MANITOBA, R0B 1G0  
TELEPHONE 1-204-553-2089-2090 FAX 1-204-553-2419

THIS BY-LAW IS HEREBY enacted at a duly convened meeting of the Chief and Council of the Mathias Colomb Cree Nation this 25 day of November 1997.

Voting in favor of the by-law are the following members of the Chief and Council:

<u>[Signature]</u>	Chief		
<u>[Signature]</u>	Councillor	<u>[Signature]</u>	Councillor
<u>[Signature]</u>	Councillor		Councillor
<u>[Signature]</u>	Councillor	<u>[Signature]</u>	Councillor
<u>[Signature]</u>	Councillor		Councillor
	Councillor		Councillor

being a majority of these members of the Chief and Council of the Mathias Colomb Band present at the aforesaid meeting of the Chief and Council.

The quorum of the Chief and Council is 6 members.

I, Pascal Biggott Chief / Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the Indian Act, this 25 day of November 1997.

[Signature] Witness



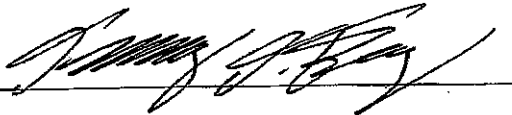
**BAND BY-LAW TRUE COPY CERTIFICATION FORM**

**CANADA**

**PROVINCE OF MANITOBA**

**TO WIT**

I, JEREMY J. FRY, MANAGER, ESTATES AND BAND GOVERNANCE residing at WINNIPEG, MANITOBA, make oath and swear that the paper writing on (to) which this affidavit is endorsed (attached) is a true copy of a document produced and shown to me and purporting to be the original by-law No. 10, 1997 BY-LAW GOVERNING THE RESIDENCE OF THE MATHIAS COLOMB CREE NATION AND OTHER PERSONS on the MATHIAS COLOMB INDIAN RESERVE and dated NOVEMBER 25, 1997 the said copy having been compared by me with the said original document.



A handwritten signature in black ink, appearing to read 'Jeremy J. Fry', is written over a horizontal line.

Sworn to before me at WINNIPEG REGIONAL OFFICE D.I.A.N.D., MANITOBA, this 23<sup>RD</sup> day of JUNE 1998. Commissioner of Oaths in and for the Province of MANITOBA.

My Commission expires \_\_\_\_\_

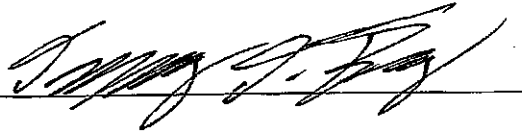
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Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

1100-275 Portage Avenue  
WINNIPEG, Manitoba R3B 3A3

Your file    Votre référence

June 23, 1998

Our file    Notre référence

E4216-311 (RT6)

Chief and Council  
Mathias Colomb Cree Nation  
General Delivery  
PUKATAWAGAN, MB R0B 1G0

Dear Chief and Council:

**RE: By-Law No. 10, 1997 Respecting Residency**

Enclosed is the original above-captioned by-law which came into force on January 4, 1998. Please ensure that the original copy is kept in a safe place.

Also enclosed are three (3) certified copies. Certified true copies of this by-law has also been retained in our files. If you have any questions, please call me at (204) 983-3665.

Yours truly,

Jeremy J. Fry  
Manager, Estates and Band Governance  
Lands and Trust Services  
Indian and Northern Affairs Canada  
Manitoba Region

Encl.

Canada

**BY-LAW NO.10,1997  
OF THE MATHIAS COLOMB CREE NATION  
A BY-LAW GOVERNING THE RESIDENCE OF  
THE MATHIAS COLOMB CREE NATION AND OTHER PERSONS  
ON THE MATHIAS COLOMB INDIAN RESERVE .**

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**WHEREAS** the Chief and Council of the Mathias Colomb Band also known as the Mathias Colomb Cree Nation is empowered to make such by-law pursuant to paragraphs 81(1)(p.1), (q) and (r) of the Indian Act;

**AND WHEREAS** it is considered necessary for the health and welfare of the Mathias Colomb Band also known as the Mathias Colomb Cree Nation to regulate the residence of Band members and other persons on the reserve;

**NOW THEREFORE** the Chief and Council of the Mathias Colomb Band also known as the Mathias Colomb Cree Nation hereby makes the following by-law:

1. This by-law may be cited as the "Mathias Colomb Cree Nation Residency By-Law" .

2. In this by-law

"applicant" means a person who has submitted an application for permission to be a resident of the reserve in accordance with section 5;

"Band" means the Mathias Colomb Band also known as the Mathias Colomb Cree Nation;

"Child" , includes a child born in or out of wedlock, a legally adopted child and a child adopted in accordance with Indian custom;

"Chief" means the Chief , as defined in the Indian Act, of the Mathias Colomb Cree Nation;

"Council" means the Council, as defined in the Indian Act, of the Mathias Colomb Cree Nation;

"Dwelling" means any house, apartment, mobile home, or a room located therein, or any similar lodging suitable for habitation;

"Member of the Band" means a person whose name appears on the Mathias Colomb Band list or who is entitled to have his/her name appear on the Mathias Colomb Band list pursuant to the Indian Act or the membership rules of the Band;

"Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any by-law enforcement officer or other person

appointed by the Chief and Council for the purpose of maintaining law and order on the reserve;

“Principal residence” means the place at which a person resides on a more permanent basis than at any other place at which the person may reside from time to time;

“Reserve” means the Mathias Colomb Indian Reserve number(s) 198,199;

“Reside” means to live in dwelling, otherwise than as a visitor to the reserve;

“Resident” means a person who is entitled to reside on the reserve, as provided by section 3;

“Spouse” means a person who is married to, or who co-habits in a relationship of some permanence and commitment, akin to a conjugal relationship, with a resident of the Mathias Colomb Cree Nation .

3. (1) A person is entitled to reside on the reserve only if the person
  - (a) has his / her residence on the reserve at the time this by-law comes into force and only until he / she ceases to have a principal residence on the reserve;
  - (b) is authorized to reside on the reserve pursuant to one of the following provisions of the Indian Act: sections 18.1, 20, and 24 and subsections 28(2) and 58(3); or
  - (c) has the permission of the Chief and Council pursuant to section 7, or of the Committee of Elders pursuant to section 12, to be a resident of the reserve.
- (2) A spouse or dependent child of a person who is entitled to reside on the reserve under subsection (1), who actually resides with that person at or after the time the entitlement arises, is entitled to reside on the reserve until such time as the spouse or dependent child ceases
- (3) Notwithstanding subsection (2), any spouse or dependent child of a person who has been granted permission to reside on the reserve for a defined period is not entitled to reside on the reserve after the end of the defined period.
4. (1) The Chief and Council shall appoint a Registrar of Residents to provide for the administration of applications, petitions and appeals made under this by-law and to maintain records related to the residents of the reserve.
- (2) The Registrar of Residents shall maintain a Residents List, on which is recorded
  - (a) the name of each resident;
  - (b) an indication as to whether each resident is a resident for an indefinite or defined period;
  - (c) the length of any defined period of residence; and
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5. (1) Any person may apply to the Chief and Council for permission to be a resident of the reserve or to extend any defined period for which permission was previously granted to the person by the Chief and Council to be a resident of the reserve.
- (2) The application shall be filed with the Registrar of the Residents and shall include
  - (a) the applicant's reasons for applying to be a resident;
  - (b) if the applicant proposes to reside on the reserve for a limited time, the approximate duration of the proposed residence;
  - (c) the location at which the applicant proposes to reside;
  - (d) the name of the applicant's spouse, if any;
  - (e) the names of the applicant's dependent children, if any; and
  - (f) any additional information the applicant wishes to provide relating to the considerations listed in subsection 7(2).
6. (1) Within ninety (90) days after the filing of a property completed application, the Chief and Council shall hold a hearing with respect to the application.
- (2) At least fourteen (14) days prior to the hearing, the Registrar of Residents shall
  - a) give written notice to the applicant of the date, time and place of the hearing and inform the applicant that he / she has a right to appear at the hearing and be heard in support of the application; and
  - b) post in public viewing areas and Band office a copy of the notice.
- (3) At the hearing, the Chief and Council shall
  - (a) provide the applicant with an opportunity to present evidence and to make oral and written submissions, or both, in support of the application; and
  - (b) provide any resident present at the hearing with an opportunity to be heard.
- (4) The Chief and Council may make rules of procedure governing the hearing of applications and shall keep records of its proceedings.
7. (1) After it has heard all of the evidence and submissions, the Chief and Council shall meet in private to consider the application.
- (2) In determining whether an application for permission to be a resident of the reserve should be granted, the Chief and Council shall take into consideration each of the following:
  - (a) whether the applicant has arranged for the a place to reside on the reserve;
  - (b) whether the applicant's residing on the reserve would be compatible with the culture, society and welfare of the citizens of the Band residing on the reserve;
  - (c) whether the applicant is of good moral character;
  - (d) the extent to which the applicant is prepared to commit his / her personal and economic resources to the welfare and advancement of the community residing on the reserve;
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(f) whether the applicant is or will be employed on the reserve.

(3) Where the applicant is a member of the Band, the Chief and Council shall consider only the criteria enumerated in paragraphs (2) (a) and (e).

(4) Within ten (10) days after the hearing, the Chief and Council shall dispose of the application by

- (a) granting the applicant permission to be resident of the reserve for an indefinite period until such time as the applicant ceases to reside on the reserve;
- (b) granting the applicant permission to be a resident of the reserve for a defined period;
- (c) extending any defined period for which permission was previously granted to the person by the Chief and Council to be a resident of the reserve; or
- (d) refusing the application,

and shall give written notice of its decision to the applicant, incorporating reasons in support of its decision.

(5) Within five (5) days after disposing of the application, the Chief and Council shall post a notice of its decision in the public viewing areas and Band Office.

(6) Any applicant whose application is refused under this section may appeal to the Committee of Elders pursuant to section 12.

8. Where an application made under section 5 is refused pursuant to the provisions of section 8, the Chief and Council is not required to consider any further application by the person for a period of one (1) year from the date of the refusal, unless the applicant can show that there has been a material change of circumstances.

9. (1) An officer may order any person who is residing on the reserve, and who is not a resident, to cease to reside on the reserve.

(2) Where a person who has been ordered under subsection (1) to cease to reside on the reserve fails or refuses to do so within thirty (30) days after the order is made under subsection (1), an officer may issue a further order prohibiting the person from being on or re-entering the reserve for a period of sixty days .

(3) Any person who fails or refuses to comply with an order made under subsection (2), commits an offence.

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10. (1) On the petition of any ten (10) residents, the Chief and Council may revoke the entitlement of any person to reside on the reserve who is in section 3, other than a citizen of the Band or a person referred to in paragraph 3 (1) (b), where, after a hearing, it has been shown that

- (a) the person, while a resident of the reserve, has been convicted of an indictable offence under the Criminal Code (Canada) for which a pardon has not been granted; or
- (b) the person, within any period of two years while residing on the reserve, has committed two (2) or more offences under the Criminal Code (Canada), against the person or property of another resident, for which he has been convicted and for which a pardon or pardons have not been granted;

and that it would be detrimental to the best interests of the Band to permit the person to continue to be a resident of the reserve.

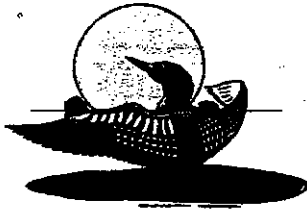
- (2) Within thirty (30) days after the petition referred to in subsection (1) is received by Chief and Council, the Council shall hold a hearing into the matter.
- (3) At least fourteen (14) days prior to the hearing, the Registrar of Resident shall
  - (a) give written notice to each petitioner and to the affected resident of the date, time and place of the hearing and informing the petitioner and the affected resident that he /she has a right to appear at the hearing and to be heard; and
  - (b) post in a public viewing area and Band office a copy of the notice.
- (4) At the hearing, the Chief and Council shall
  - (a) provide each petitioner and the affected resident with an opportunity to present evidence and to make oral and written submission, or both, on the petition; and
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- (6) After it has heard all of the evidence and submissions, the Chief and Council shall meet in private to consider the petition.
- (7) Any revocation of entitlement of a person to reside on the reserve shall require a special majority of three-quarters (3/4) of the Chief and Council voting in favor of the petition and shall incorporate written reasons in support thereof.
- (8) Within ten (10) days after the hearing, the Chief and Council shall render its decision in writing to the petitioners and the affected resident.
- (9) Within five (5) days after the Chief and Council decision, the Chief and Council shall post a notice of the decision in a public viewing area and Band office.
- (10) A petition shall not be considered under this section in respect of a resident who, at the time of the petition, is under the age of sixteen (16) years.



- (11) No revocation of a resident's entitlement to reside on the reserve shall affect the entitlement of the spouse and children of that resident to continue to reside on the reserve.
  - (12) A resident whose entitlement to reside on the reserve has been revoked by the Chief and Council under this section may appeal the decision of Chief and Council to the Committee of the Elders pursuant to section 12.
11. (1) The Chief and Council shall appoint a Committee of Elders, consisting of five (5) Elders of the Mathias Colomb Cree Nation, to hear appeals pursuant to section 7 and 10 and to make recommendations to the Band Chief and Council.
- (2) Any recommendations of the Committee of Elders requires the support of at least three (3) Elders.
  - (3) The Committee of Elders may make rules of procedures governing appeals and shall keep records of its proceedings.
12. (1) Within thirty (30) days after the posting of a notice of the Chief and Council's decision in a public viewing area and Band office, the applicant in the case of section 7, or the affected resident in the case of section 10, may appeal the Chief and Council's decision to the Committee of Elders by filing a written request with the Registrar of Residents that the Committee of Elders hear the appeal.
- (2) Within thirty (30) days after the filing of the request, the Committee of Elders shall conduct a hearing with respect to the appeal.
  - (3) At least fourteen (14) days prior to the date of the hearing, the Registrar of Residents shall
    - (a) give written notice to the appellant of the date, time and place of the hearing and shall inform the appellant that she / he has the right to appear and make oral or written submissions, or both, at the hearing in support of the appeal; and
    - (b) post in a public viewing area and Band office a copy of the notice.
  - (4) At the hearing, the Committee of Elders shall
    - (a) provide the appellant with an opportunity to present evidence and to make oral or written submissions, or both, in support of the appeal; and
    - (b) provide any resident present at the hearing with the opportunity to be heard.
  - (5) After it has heard all of the evidence and submissions, the Committee of Elders shall meet in private to consider the appeal.

- (6) In determining whether an appeal should be allowed, the Committee of Elders shall take into consideration the criteria set out in subsections 7(2) and (3) in the case of a section 7 appeal, and the criteria set out in subsection 10 (1) in the case of a section 10 appeal.
  - (7) Within ten (10) days after hearing the appeal the Committee of Elders shall make written recommendations to the Chief and Council .
  - (8) The Committee of Elders shall give written notice of its decision to the appellant .
13. (1) Within ten (10) days after the Chief and Council has received the recommendations referred to in subsection 12 (7) , the Chief and Council shall dispose of the application by
- (a) granting the applicant permission to be resident of the reserve for an indefinite period until such time as the applicant ceases to reside on the reserve;
  - (b) granting the applicant permission to be a resident of the reserve for a defined period;
  - (c) extending any defined period for which permission was previously granted to the person by the Chief and Council to be a resident of the reserve; or
  - (d) refusing the applicant,
- (2) Within five (5) days after disposing of the application, the Chief and Council shall post a notice of its decision in a public notice area and Band office.
14. Any person who contravenes any of the provisions of this by-law commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

THIS BY-LAW IS HEREBY enacted at a duly convened meeting of the Chief and Council of the Mathias Colomb Band this 25 day of November, 1997.



# Mathias Colomb Cree Nation

MISSINIPPI RIVER, PUKATAWAGAN, MANITOBA, R0B 1G0

TELEPHONE 1-204-553-2089-2090 FAX 1-204-553-2419

THIS BY-LAW IS HEREBY enacted at a duly convened meeting of the Chief and Council of the Mathias Colomb Cree Nation this 25 day of November 1997.

Voting in favor of the by-law are the following members of the Chief and Council:

<u>[Signature]</u>	Chief		
<u>[Signature]</u>	Councillor	<u>[Signature]</u>	Councillor
<u>[Signature]</u>	Councillor		Councillor
<u>[Signature]</u>	Councillor	<u>[Signature]</u>	Councillor
<u>[Signature]</u>	Councillor		Councillor
	Councillor		Councillor

being a majority of these members of the Chief and Council of the Mathias Colomb Band present at the aforesaid meeting of the Chief and Council.

The quorum of the Chief and Council is 6 members.

I, Pascale Biggott Chief / Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the Indian Act, this 25 day of November 1997.

Suzanne Biggott Witness