

Bill 3

The First Nations Recognition Act

WHEREAS “... Indigenous peoples should be able to regulate and integrate non-Indigenous peoples on a territorial basis within their communities”¹; and

WHEREAS “The *Indian Act* has imposed a scheme of registration upon individuals which gives them different status and rights”²; and

WHEREAS the current Indian status system creates limitations that inhibits up to 743,764 people from reclaiming their Indian status.³

THEREFORE, HER MAJESTY, BY AND WITH THE ADVICE AND CONSENT OF THE YOUTH PARLIAMENT OF MANITOBA ENACTS AS FOLLOWS:

- 1) As of January 1, 2018, the Government of Canada shall abolish the current Indian Status system, and create National Establishment of Exclusive Citizenship to Honour Indigenous Entities (NEECHIE) to ensure First Nations bands follow regulation when they seek to distribute their own citizenship.
 - (1) NEECHIE will be a federal sub department that will be divided into 12 sections (one for each province and territory excluding for Nunavut) within Indigenous and Northern Affairs of Canada (INAC), which will be comprised of:
 - (a) One elected First Nations Citizen for every 5 First Nations bands within each district.
 - (b) Two appointed INAC employees for every 5 First Nations bands within each district.
 - (2) NEECHIE shall ensure that each First Nations band (within their respective sections) that distributes their own citizenship shall respect the following regulations:
 - (a) Each First Nations band can only grant citizenship up to 5% of their current population each year.
 - (b) That First Nations bands do not give out citizenship to those that already have citizenship with another First Nation.
 - (c) That First Nations bands can only distribute citizenship to those who have lived on reserve for a minimum of one year.
 - (d) That each First Nations band can only distribute citizenship if the elder’s council within each band determines that any applicant meets a certain set of cultural standards.
 - (e) People with Metis citizenship may not be granted First Nations citizenship
- 2) First Nation bands can revoke citizenship from anyone if:
 - (1) The citizen in question poses a large enough threat to the safety of the band
 - (2) The citizen in question is found to be caught up in a political scandal causing damage to the economic, social, or cultural security of the band.
 - (3) The citizen in question has physically or sexually harmed a First Nations woman or child.

1. Borrows, J. (2016). Freedom and indigenous constitutionalism. Toronto: University of Toronto Press.

2. Palmater, P. D. (2013). Beyond blood rethinking indigenous identity. Toronto: CNIB.

3. Clatworthy, S. (2017). An Assessment of the Population Impacts of Select Hypothetical Amendments to Section 6 of the Indian Act. Retrieved from http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-BR/STAGING/texte-text/pop_ass_section6_1510356723327_eng.pdf

- 3) If a First Nations band is found revoking citizenship for any reason not stated in clause (2), the member may make an appeal to NEECHIE to attempt to regain citizenship.
 - (1) If the First Nations band in question is found at fault by NEECHIE, the band must reinstate citizenship to the appellant and pay for any damages caused by the illegal revoking of citizenship.

- 4) First Nations citizens are entitled to Treaty and Aboriginal rights after five years of being a First Nations citizen; which include but are not limited to:
 - (1) Free tuition for First Nation members who are attending any post-secondary education.
 - (2) Free housing for band members that live on crown land.
 - (3) Tax breaks for First Nation citizens that purchase goods or make an income on an Urban Reserve.
 - (4) Treaty annuity payments.
 - (5) Any rights given by Treaty 6's "medicine chest" clause.

- 5) All First Nations Bands have the right to enforce the following taxing laws:
 - (1) A First Nations income tax at a minimum of 15% up to a maximum of 33% for any member on reserve.
 - (a) Any First Nations citizen that pays on reserve income tax does not have to pay any type of Canadian income tax.
 - (2) An additional 2% income tax, on top of any other forms of income tax, for any First Nations citizen that lives off reserve.

- 6) Each First Nations Citizen have the following rights;
 - (1) The right to vote within band elections.
 - (2) All rights derived from Section 35 (1) of the constitution.
 - (3) All rights derived from any Canadian - Aboriginal Treaties.
 - (4) Any services a First Nations band may offer
 - (5) To own a Federally recognized 'First Nations Band Photo Identification'.
 - (6) The right to pass on citizenship to any of their children.