



# Summary of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* National Engagement

   11th National Lands Managers Gathering

Thursday, September 13, 2018



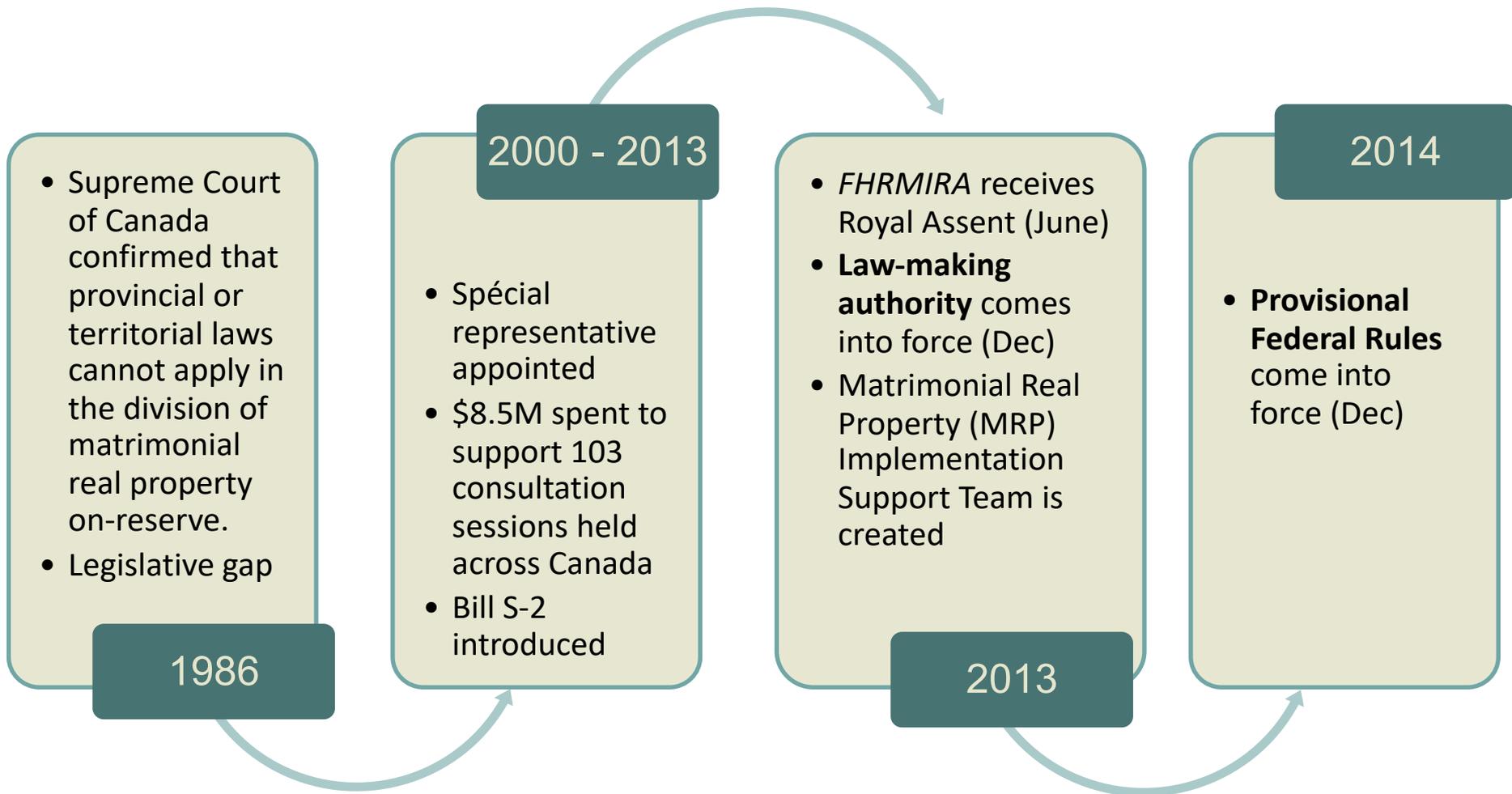


# Purpose of today's presentation

- Provide an overview of the national engagement on the *Family Homes on Reserves and Matrimonial Rights or Interests Act* (FHRMIRA / the Act)
- Share what we have heard
- Outline next steps



# What is FHRMIRA?





## FHRMIRA national engagement in a nutshell...

- INAC partnered with the National Aboriginal Land Managers Association and the First Nation Land Management Resource Centre to solicit First Nations' feedback on progress-to-date and new features or program improvements that could support the implementation of the FHRMIRA.
- Overall, 261 participants from 145 First Nations attended the engagement sessions, including Chiefs, Counselors, Land Managers, Matrimonial Real Property Officers and other First Nation Administration.
- Regional summaries are posted online and were shared with all participants.

Wendake	October 24 – 25, 2017
Calgary	November 14 – 15, 2017
Toronto	December 5 – 6, 2017
Halifax	January 23 – 24, 2018
Kelowna	January 30 – 31, 2018
Saskatoon	February 20 – 21, 2018
Winnipeg	March 6 – 7, 2018



# What we've heard





# What we've heard

## Training and awareness

- Continued awareness and training activities for First Nation and leadership as well as for enforcement officers, law societies and other front line workers



## Capacity and funding

- Additional tools and resources along with ongoing funding to support law-development, implementation and enforcement

## Enforcement

- Designation of provincial judges, access to culturally competent law enforcement officers and justice services as well as support for the implementation of culturally-relevant justice systems and alternative dispute resolution processes

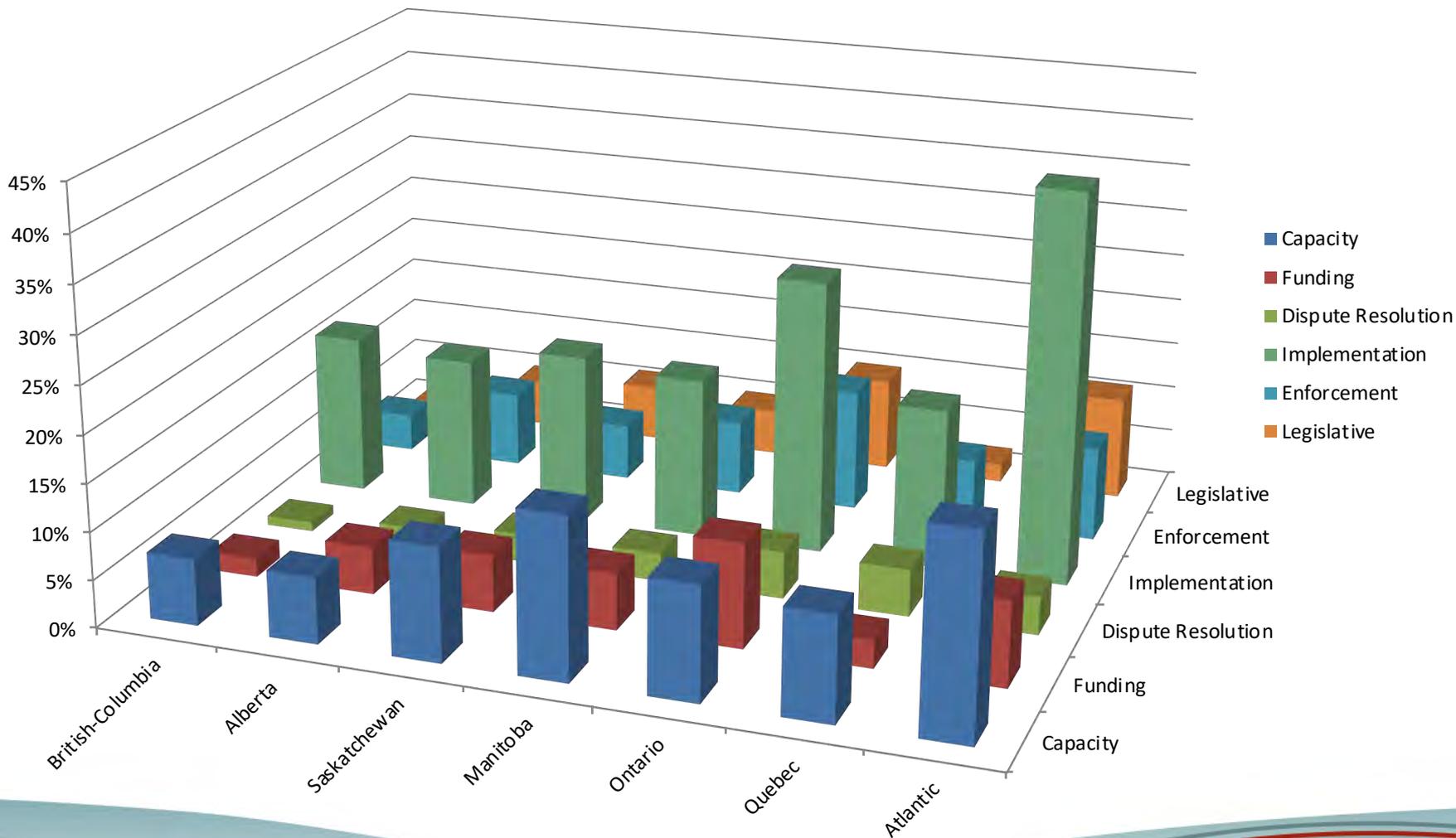
## Legislative amendments

- Lowering the 25% voting participation threshold, alignment and recognition of First Nation traditional practices, added privacy considerations and review clauses
- Clarity over enforcement jurisdiction, jointly owned reserves and inheritance and alternatives to designation of judges



# What we've heard

## Percentage of discussion where solutions were offered by themes and province





# What a great team!





## Next Steps

- Engagement echoed findings from previous consultations, 2017 Program Evaluation, Conference Board report and other reports commissioned by the Centre of Excellence.
- Budget 2018 funds activities that contribute to the implementation of proposed recommendations (e.g. Centre of Excellence, scenario-based training for law enforcement, training for law societies, alternative dispute resolution.)
- Findings from this engagement will be used, along with recommendations from other sources, to inform the Minister on options for future program direction.



# Annex A: Quebec recommendations

## Training and awareness

- Resources for community-led awareness activities and scenario-based training
- Will and estate planning workshops

## Capacity and Funding

- Funding for community law development and implementation, including revision of band-level policies, property appraisals reflecting on-reserve housing market
- Resources to maintain up to date contact information for membership

## Enforcement

- Enhanced training for the law society of Quebec to solve the uncertainty of the application of FHRMIRA in the province and to encourage the designation of provincial judges
- Funding to establish and maintain traditional dispute resolution mechanisms

## Legislative Amendments

- Recognition of traditional processes to ratify community laws and traditional marriages in the definition of spouse.
- Increased 180-day occupancy right following the death of a spouse or common-law partner



# Annex B: Alberta recommendations

## Training and awareness

- Increased awareness activities among National Indigenous Organizations and the associated support services available to First Nation communities
- Additional tools and resources, including a 1-800 number for information on FHRMIRA
- Mandatory in-person training for law enforcement officers and court administrators

## Capacity and Funding

- Adequate funding for the development and implementation of laws and to translate them into Indigenous languages
- Provide emergency shelters and supports
- Consolidate and simplify departmental forms

## Enforcement

- Build better relationships with policing organizations
- Designation of judges
- Funding for First Nations to represent the interests of the band in court
- Justice supports, including traveling alternative dispute resolution tribunal, mediation

## Legislative Amendments

- Integrate cultural and traditional processes in First Nations law ratification (e.g. voting age)



# Annex C: Ontario recommendations

## Training and awareness

- Additional training and awareness for band support staff, frontline service workers as well as scenario-based in the First Nations' high school curriculum
- On-going and mandatory training for members of law-enforcement and legal communities

## Capacity and Funding

- Core funding for law-development, ratification and implementation
- Review departmental membership to remove deceased individuals from membership lists
- Financial support to hire and retain a community-level matrimonial real property champion
- Funding for emergency homes or shelters with surge capacity
- Proactive measures, e.g., template for domestic contracts and prenuptial agreements

## Enforcement

- Standardized enforcement protocols for peace officers and the courts
- Investments for agreements with policing entities to enforce community laws
- Core funding to establish alternative dispute resolution and mediation services

## Legislative Amendments

- For law ratification, use custom election codes and established constitutions
- Allow justices of the peace to issue emergency protection orders



# Annex D: Atlantic recommendations

## Training and awareness

- Mandatory scenario-based toolkit training for law enforcement agencies
- Culturally-relevant legal curriculum with continuous training to legal societies
- Matrimonial real property awareness activities in the school curriculum
- Develop cellphone application with online chat platform to assist and guide communities

## Capacity and Funding

- Funding to hire resources for law-making and to inform and support community members
- Resources in Indigenous Services Canada's regional offices to support communities
- Additional shelters and other supports and services for victims

## Enforcement

- Online list of designated judges and process to apply for emergency protection orders
- Mechanism for case law to be funneled down to First Nations
- Funding for dispute resolution and mediation services in communities

## Legislative Amendments

- Clarity on the application of the law in jointly owned reserves
- Clarity around peace officers' authority to enforce orders made under the act
- Voting threshold adapted to the demographics of the communities
- Privacy clauses to ensure personal information is properly safeguarded



# Annex E: British-Columbia recommendations

Session dedicated to First Nations operating under the *First Nations Land Management Act*

## Training and awareness

- Training for leadership and members with established guidebooks and processes
- 1-800 telephone number to seek information on FHRMIRA
- Educate enforcement bodies on their jurisdiction and obligations
- Estates planning workshops

## Capacity and Funding

- Funding for law implementation, including human resources, training, support programs (counselling, rehabilitation, mental health), shelters, first responders, property evaluator

## Enforcement

- Satellite courts and culturally appropriate dispute resolution mechanisms
- Designation of judges
- Means to support dialogues and partnerships with enforcement bodies

## Legislative Amendments

- Requirement to determine a timeframe to review community-specific laws
- Enabling First Nations to establish their voting threshold to pass laws
- Confidentiality clauses to protect personal information
- Clarity on jurisdiction over enforcement of the act and community-specific laws



# Annex F: Saskatchewan recommendations

## Training and awareness

- Continued training and services for community residents, leadership, law societies, frontline workers, off-reserve members and all other key players
- Mandatory training for law enforcement with monitoring and evaluation requirements

## Capacity and Funding

- Building strong relationship with provinces to support implementation of First Nations laws
- Funding easily granted on a case-by-case basis, proportionate to the community's population and based on actual expenses related to developing and applying the law
- Additional shelters or provide for hotel rooms and basic needs

## Enforcement

- Provincial telephone line where individuals make applications for orders under FHRMIRA
- Support for First Nations tribunals and alternative dispute resolution processes

## Legislative Amendments

- Lowering the voting threshold of the act (formula on-reserve versus off-reserve members or exceptions for communities having exercised due diligence in their voting process)
- Recognition that FHRMIRA will not supersede treaties and Indigenous rights
- Review of rights given to non-members
- Increased number of days of occupancy after the loss of a loved one



# Annex G: Manitoba recommendations

## Training and awareness

- Information sessions in communities and fund to include MRP in the school curriculum
- Additional training, as part of the provincial program and curriculum, to law enforcement officers, law societies, frontline workers
- Estate planning workshops

## Capacity and Funding

- Tripartite partnerships to support First Nations laws-making and implementation
- Funding for the development (experts, consultation) and implementation (shelters, policies, agreements, property appraisers) of laws

## Enforcement

- Designation of judges
- Accessible legal advice and support, including legal aid for those on welfare
- Support for alternative dispute resolution mechanisms

## Legislative Amendments

- Provinces to post First Nations laws on their website
- Recognition and codification of pre-established law-making processes and nation laws
- Harmonization and standardization all voting requirements established by the Government
- Clarity over inheritance (for example, inherited other matrimonial rights and interests)