

NISGA'A CITIZENSHIP REGULATION

NISGA'A LISIMS GOVERNMENT

NISGA'A LISIMS GOVERNMENT EXECUTIVE

NISGA'A CITIZENSHIP REGULATION

made under the

NISGA'A CITIZENSHIP ACT

The Nisga'a Lisims Government Executive enacted this regulation on

_____.

Signed _____
Kevin McKay, Chairperson

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Definitions

1. (1) In this Regulation:

“**Act**” means the *Nisga'a Citizenship Act*;

“**alternate Committee member**” means a person appointed as an alternate member of the Enrolment Committee under section 2(2) or (4);

“**appropriation**” means an appropriation as defined in the *Nisga'a Financial Administration Act*;

“**chairperson**” means the chairperson of the Enrolment Committee;

“**member of the Committee**” means a regular Committee member or an alternate Committee member;

“**Nisga'a representative**” means a Nisga'a representative as defined in the Members' Code of Conduct;

“**regular Committee member**” means a person appointed as a regular member of the Enrolment Committee under section 2(2) or (4).

(2) The words and expressions defined in section 1 of the Act have the same meanings in this Regulation.

PART 1 – ENROLMENT COMMITTEE**Appointment of Enrolment Committee**

2. (1) A person is eligible to be a member of the Enrolment Committee if the person
- (a) satisfies the requirements of section 11(2) of the Act,
 - (b) is a Nisga'a citizen,
 - (c) is a Sim'oogit, Sigidimnak' or other respected Nisga'a elder,
 - (d) is ordinarily resident on Nisga'a Lands, and
 - (e) is not
 - (i) a member of Wilp Si'ayuukhl Nisga'a,
 - (ii) a member of the Nisga'a Administrative Decisions Review Board, or
 - (iii) the Nisga'a Elections Officer.
- (2) During January of 2009, and during every second January thereafter, the Executive must
- (a) appoint four regular members and four alternate members to the Enrolment Committee, each for a term of office of two years as provided for under section 3(1), and
 - (b) designate each alternate member appointed under paragraph (a) as the alternate for a particular regular member appointed under that paragraph.
- (3) Under subsection (2) the Executive may re-appoint a member of the Committee.
- (4) If a vacancy occurs in the office of a member of the Committee during the term of office of that member, the Executive must, as soon as practicable after the occurrence of that vacancy,
- (a) appoint a person to that vacant office for the remainder of that term of office, and
 - (b) in the case of the appointment of a person to the office of an alternate Committee member, designate that person as the alternate for the regular Committee member then lacking an alternate.
- (5) If the Executive appoints an alternate Committee member to the vacant office of a regular

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- Committee member under subsection (4), the office of that alternate Committee member is vacated.
- (6) The Executive may appoint to the Enrolment Committee only persons who meet the qualifications set out in subsection (1).
- (7) In making appointments to the Enrolment Committee, the Executive must
- (a) ensure that the Committee includes one regular Committee member and one alternate Committee member from each Nisga'a tribe, and
 - (b) consider the additional objectives that
 - (i) the Committee include one regular Committee member and one alternate Committee member ordinarily residing in each Nisga'a Village, and
 - (ii) the Committee include one or more members of the Council of Elders.
- (8) The following criteria must be applied in a determining whether a person is "ordinarily" resident on Nisga'a Lands for the purposes of appointment to the Enrolment Committee under this section:
- (a) a person can be "ordinarily" resident in only one place at one time;
 - (b) a person is not "ordinarily" resident in a place unless that person
 - (i) lives and sleeps in that place,
 - (ii) intends to return to the place whenever absent from the place, and
 - (iii) is physically present in the place on one half or more of the days in the six months before the date of their appointment;
 - (c) for the purposes of paragraph (b)(iii), a day on which a person who otherwise resides in a place is away from the place in order to
 - (i) exercise powers or perform duties as a Nisga'a representative, or
 - (ii) obtain medical treatmentis counted as a day on which that person is physically present in the place;
 - (d) a person does not cease to be "ordinarily" resident in a place by leaving the place for temporary reasons only.

Terms of office

3. (1) The term of office of each member of the Committee appointed under section 2(2)
- (a) commences on February 1 in the calendar year of their appointment, and
 - (b) expires on January 31 in the second calendar year following their appointment.
- (2) The term of office of each member of the Committee appointed under section 2(4)
- (a) commences on the date of their appointment, and
 - (b) expires when the term of office of their predecessor in that office would have expired, if that predecessor had not vacated the office.

Resignation from Enrolment Committee

4. (1) A member of the Committee may resign from the Enrolment Committee by
- (a) announcing at a meeting of the Committee their decision to resign, or
 - (b) delivering a written notice of their decision to resign to the director.
- (2) Subject to subsection (3), the resignation of a member of the Committee under subsection (1) takes effect on the later of
- (a) the date on which that person announces or delivers written notice of their decision to resign, and
 - (b) any other date which the person specifies as the date their resignation is effective in the announcement or written notice of their decision to resign.
- (3) A member of the Committee who under subsection (1)(a) announces at a meeting of the Enrolment Committee their decision to resign from the Committee may withdraw that resignation by delivering to the director a written notice of the withdrawal of the resignation within seven days after making that announcement.
- (4) The chairperson must table at a meeting of the Enrolment Committee
- (a) a written notice of a decision to resign delivered under subsection (1)(b), or
 - (b) a written notice of the withdrawal of a resignation delivered under subsection (3) as soon as practicable after that notice is delivered to the director.

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- (5) If a member of the Committee resigns from the Enrolment Committee by announcing their decision to resign under subsection (1)(a), and if that member does not withdraw that resignation under subsection (3), the director must notify the President and the chairperson in writing as soon as practicable after the eighth day following the making of that announcement.
 - (6) If a member resigns from the Enrolment Committee by giving written notice of their decision to resign under subsection (1)(b), the director must notify the President and the chairperson in writing as soon as practicable after receiving that written notice.

Removal from Enrolment Committee

5. The Executive may remove from the Enrolment Committee any member of the Committee who the Executive determines
 - (a) does not, or did not at the time of their appointment to the Committee, meet the qualifications set out in section 2(1), or
 - (b) is not willing or able to perform their duties as a member of the Committee.

Meetings of Enrolment Committee

6. (1) The Enrolment Committee
 - (a) must meet six times each calendar year, and
 - (b) subject to a sufficient appropriation, may meet one or more additional times in a calendar year.
- (2) The director must
 - (a) determine the date of each meeting of the Enrolment Committee,
 - (b) prepare a proposed agenda for each such meeting, and
 - (c) subject to subsection (3), provide the members of the Committee with at least seven days' written notice of the date, time and place of each such meeting and the proposed agenda for each such meeting.
- (3) If the director considers that circumstances require the holding of a special meeting of the Enrolment Committee with less than seven days' notice, the director must provide the members of the Committee with at least one day's written notice of the date, time and place of the special meeting and the proposed agenda for the special meeting.

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- (4) Subject to subsection (5), meetings of the Enrolment Committee must take place at the principal administrative office of Nisga'a Lisims Government.
- (5) A meeting of the Enrolment Committee may, at the discretion of the director, be held by a telephone conference call that permits every member of the Committee attending the meeting to hear and be heard by all of the other members of the Committee attending the meeting.

Rules for meetings

- 7.
 - (1) Subject to subsection (2), only a regular Committee member may vote at a meeting of the Enrolment Committee, and only a regular Committee member or a person invited by the chairperson may participate in the deliberations of the Enrolment Committee.
 - (2) If a regular Committee member is not in attendance at a meeting of the Enrolment Committee, the alternate Committee member designated as the alternate for that regular Committee member under section 2(2)(b) or 2(4)(b) may exercise all of the rights of the regular Committee member at that meeting.
 - (3) If a regular Committee member is unable to attend a meeting of the Enrolment Committee, that regular Committee member must notify the director, who must endeavour to have the regular Committee member's designated alternate called to attend the meeting.
 - (4) To vote at a meeting of the Enrolment Committee, a person must be in attendance when the vote is called.

Records of meetings

- 8. The decisions made by the Enrolment Committee under Parts 2 to 4 of the Act must be recorded in writing and must be signed by the chairperson as soon as practicable after being recorded.

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PART 2 – APPLICATIONS**Required information for applications**

9. The application forms required by the director under sections 4(1) and 6(2) of the Act
- (a) must include
 - (i) the applicant's name and address,
 - (ii) the applicant's birth date,
 - (iii) a declaration by the applicant that the information set out in the application form is true, to the best of the applicant's knowledge, and
 - (iv) the applicant's signature, and
 - (b) may include any other information the director considers necessary to enable the Enrolment Committee to determine whether the applicant should be enrolled or be granted Nisga'a citizenship under the Act.

Acknowledgement of applications

10. As soon as practicable after an application under section 4(1) or 6(2) of the Act is received by the director, the director must provide to the applicant an acknowledgement of receipt, setting out the date on which the Enrolment Committee is expected to consider the application.

PART 3 – ENROLMENT REGISTER AND LIST OF NISGA'A CITIZENS

Access to Enrolment Register and List of Nisga'a Citizens

11. (1) On any terms and conditions set by the director, a person may inspect the Enrolment Register and the List of Nisga'a Citizens at the principal administrative office of Nisga'a Lisims Government during normal business hours.
- (2) The director must provide a true copy of the Enrolment Register and the List of Nisga'a Citizens to Canada and British Columbia once each calendar year and at other times on their request.

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PART 4 – MISCELLANEOUS**Transition**

12. The terms of office of the members of the Committee who hold office on the coming into force of this Regulation expire on January 31, 2009.

Repeal and replacement

13. The *Nisga'a Citizenship Regulations*, NLGSR 2000/20, are repealed and replaced by this Regulation.