

REGULATIONS FEEDBACK REPORT
Kanien'kehá:ka of Kahnawà:ke Law &
Kahnawà:ke Residency Law

DATE RECEIVED	FEEDBACK	RESPONSES
Focus Groups scheduled on Feb 8, Feb 10 and Feb 15.	The feedback is from the focus groups combined	
	<p>Regulation #6</p> <p>1) Applicant names are not published when they apply. It was very clear in the CDMP process, question is why and when it changed.</p>	This concern was discussed with Leslie Skye – would be brought back up when the KKL goes through the 5-year law review in 2023.
	2) Registrar and Compliance Officer determine whether they are in a conflict of interest. There should be others in the office who can determine as well.	It is expected that the Registrar and CO have the integrity to determine when they are at least in a familial conflict of interest. A procedure to identify conflict of interest will be drafted by OKKR
	3) In the definition of “related” for the purposes of conflict of interest, it can be reworded to read, “current and former spouses/relationships” and list the types of in laws included.	The proposed changes to be discussed with Legal Services to ensure a concise reflection of the recommendation.
	<p>Regulation #7</p> <p>1) In relation to the dependent children in foster care, are foster parents considered guardians who can make an application on the KKR</p>	The definition of “Guardian” in the KKL means, “ any person who is under a legal duty to provide for the Minor Child or Dependent Person”. Further to that, documentation is also required.

April 25, 2022

Submitted by Melanie Gilbert – General Manager, Office of the Kahnawà:ke Kanien'kehá:ka Registry

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	<p>Regulation #7</p> <p>2) Should a qualifier for a birth certificate be on the checklist to identify that parental information must be included</p>	The requirement of a birth certificate to accompany an application to the KKL is part of KKL Regulation #7
	3) "other proof" is too vague, be specific to what other proof is....could be anything."	It was meant to be vague in the drafting to ensure no type of proof can be overlooked.
	<p>Regulation #8</p> <p>1) Vacancy timelines for the Registrar and the Compliance Office need a limit. E.g. no longer than 1 year. It was noted that MCK defines short term leave as "2 years"</p>	May not be possible to limit the vacancy due to MCK Human Resources policy and Sun Life Insurance specifications. Case by case basis.
	<p>Regulation #8</p> <p>1) Vacancy timelines for the Registrar and the Compliance Office need a limit. E.g. no longer than 1 year. It was noted that MCK defines short term leave as "2 years"</p>	May not be possible to limit the vacancy due to MCK Human Resources policy and Sun Life Insurance specifications. Case by case basis.

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	<p>2) In the definition of “related” for the purposes of conflict of interest, it can be reworded to read, “current and former spouses/relationships” and list the types of in laws included.</p>	<p>The proposed changes to be discussed with Legal Services to ensure a concise reflection of the recommendation.</p>
<p>April 8, 2022 – via email</p>	<p>Regulation #8 – Respecting the Compliance Officer in the Kahnawà:ke Residency Law</p> <p>1) A notice of eviction must be delivered by hand to the person in question by bailiff, and must include:... d) the date, time, and place when an eviction order will be sought before a Justice and the persons right to be present and be heard...”.</p> <p>Comment:</p> <p>A date and time for when an eviction order will be sought may not yet be available at this stage and consequently could not be included in the Notice of Eviction. The process and requirements for setting a date and time have not yet been developed. Once established in the forthcoming <i>Regulation Respecting Eviction Orders</i> this provision may need to be amended to ensure consistency.</p>	<p>Provisions can be proposed for amendment when the Kahnawà:ke Residency Law proceeds through the regular CDMP process in 2023.</p>

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<p>April 8, 2022 – via email</p>	<p>Regulation #8 – Respecting the Compliance Officer in the Kahnawà:ke Residency Law</p> <p>2) The Compliance Officer must send a copy of any Notice of Eviction or a Notice of Eviction to MCK Justice Services</p> <p>Comment:</p> <p>There is no need to send a copy of the decisions of the Community Review Board or Justice to MCK Justice Services. MCK Justice Services will already have them.</p> <p>3) The Compliance Officer will create and bring forward a motion to evict to the Court of Kahnawake. The motion to evict will be brought to the Court Clerk as per the <i>Regulation Respecting Eviction</i>.</p> <p>Comment:</p> <p>These provisions could be combined into one and read something like “The Compliance Office will file a motion at the Court of Kahnawake requesting the issuance of an Eviction Order in accordance with the <i>Regulation Respecting Eviction Orders</i>.”</p>	<p>Provisions can be proposed for amendment when the Kahnawà:ke Residency Law proceeds through the regular CDMP process in 2023.</p>

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<p>April 8, 2022 – via email</p>	<p>Regulation #9 Respecting the Registrar of the Kahnawà:ke Residency Law</p> <p>Comments:</p> <p>Section 1.3: If the Registrar requires more time to provide the written decision, they must inform the applicant of the delay in writing prior to the deadline in s.1.3 in the KKL</p> <p>There is no section 1.3 in the KKL, this may be a typo.</p>	<p>This error will be corrected in the final review</p>
<p>General Comments received from focus groups;</p>	<p>Laws are adversarial, no “skennen”. If an individual makes a complaint, the complainant knows who they are and make the person making the complaint the “bad guy”</p> <p>Complaints on applicants applying for land allotment or cabin sites in Tiowero:ton are accepted when signed, but the applicant does not know.</p> <p>Not all organizations are open to employees making complaints or making their opinion known regarding membership. Not clear what will happen if they make a complaint.</p> <p>Spelling and grammatical errors noted</p>	<p>Provisions can be proposed for amendment when the Kahnawà:ke Residency Law proceeds through the regular CDMP process in 2023.</p>

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