

FOR IMMEDIATE RELEASE, THIS 21st DAY OF FEBRUARY, 2023

Dear Members of the Whitefish Lake First Nation #128:

As you are by now aware, the Whitefish Lake First Nation #128 (the "Nation") 2021 Election (the "Election") was challenged on May 14, 2021, on the grounds that the Nation's Bill C-31 Voting Policy, as well as the Common Law Prohibition in Section 1(c) of the Saddle Lake Tribal Customs, were unconstitutional and violated Section 15 of the Charter.

It is important to note that Saddle Lake was initially named as a Joint Respondent, with Whitefish Lake. However, Saddle Lake not only took the position that they did not recognize the Election Regulations used by the Nation as Saddle Lake used a 2019 set of Election Regulations, but Saddle Lake also requested that they be removed as a Respondent, leaving only the Nation to respond to the Judicial Review Applications, which did in fact occur very early on in the Federal Court process.

A hearing took place in April 2022. The Federal Court, on February 15th, 2023, finally rendered its decision.

In the course of its decision, the Federal Court made several key findings:

1. On multiple occasions, the Federal Court recognizes and acknowledges Whitefish Lake First Nation #128 as a "Treaty 6 Nation";
2. The Judge further found that the election regulations used by Saddle Lake in the previous elections should have been the ones that the Nation used in their last election, as they were not amended by way of referendum of the members;
3. The Federal Court also declared that the Nation's Bill C-31 Voting Policy and the Common Law Prohibition (Section 1(c) of the current Tribal Customs) were unconstitutional and could not be shielded by Section 25 of the Charter. However, the Federal Court suspended that declaration for a period of 7 months;
4. Why did the Federal Court do that? The Judge did so for two reasons: (1) to enable the Nation to establish their own membership code pursuant to Section 10 of the *Indian Act* to address membership issues facing the Nation; and (2) to make amendments and adopt its own Customary Election Regulations;
5. Put another way, the Judge determined that the Nation is entitled to have its own membership code (meaning the Nation and the Nation alone can make decisions about its own membership, separate from Saddle Lake) and their own Election Regulations (again, separate from Saddle Lake); and
6. The Judge also declined to grant a new election, meaning that the 2021 election results stand.

The decision of the Federal Court simply put is this: the Whitefish Lake First Nation #128 has 7 months to develop and implement its own rules and regulations, by way of a referendum, with respect to membership and election decisions, separate and apart from Saddle Lake.



WHITEFISH LAKE FIRST NATION # 128

BAND ADMINISTRATION

BOX 271, GOODFISH LAKE, ALBERTA T0A 1R0

Ph: 780-636-7000

Fax:780-636-3534

This is, undoubtedly, historic in nature. This represents a significant first step in what we believe will result in the recognition of the Whitefish Lake First Nation #128 as an independent First Nation. We therefore strongly encourage Members to review the draft Customary Election Regulations and vote on February 23rd or 24th, 2023.

We also urge Members to use caution when assessing the source of rumours concerning what the impact of this referendum will be on Members' inherent Treaty and Indigenous rights. The Nation condemns, in the strongest way possible, any attempts by individuals encouraging others to vote "no" on this referendum by suggesting Members will lose Treaty rights. This is categorically false. Chief and Council take this allegation very seriously as the leadership of the Nation fights zealously with provincial and federal government to protect, enforce and strengthen inherent individual and collective rights of the Members of our Nation.

A "yes" vote will mean that, for the first time since 1955, the Whitefish Lake First Nation #128 will be able to make its own decisions with respect to its own elections.

Should any Members of the Whitefish Lake First Nation #128 have any questions with respect to this matter, please contact the Band Office.

Kinanaskomitin,

Evan Steinhauer

Band Administrator

Whitefish Lake First Nation #128