

January 2025

# Indian Act Second-Generation Cut-off and Section 10 Voting Thresholds

Reading List



This document directs First Nations to key sources of information on sex, race, and family-based discrimination in the *Indian Act*.

## First Nation Materials

<b>Watch</b>	Kahnawàk:e filmmaker <a href="#">Tracey Deer</a> <a href="#">Club Native</a>
	Kahnawàk:e filmmaker Courtney Montour <a href="#">Mary Two-Axe Earley: I am Indian again</a>
<b>Read</b>	Assembly of First Nation Fact Sheets <ul style="list-style-type: none"><li>• <a href="#">What is Bill C-31 &amp; Bill C3</a></li><li>• <a href="#">Enfranchisement</a></li><li>• <a href="#">Second Generation Cut Off</a></li><li>• <a href="#">What does it Mean to be Registered as 6(1) or 6(2)</a></li></ul>
	Assembly of First Nation <a href="#">Sector Update: Bill S 3 &amp; First Nations Citizenship</a> , June 2021
	Assembly of First Nation <a href="#">Bill C-38 and Citizenship Update</a> , December 2023.
	BC Assembly of First Nations, <a href="#">Gender Equity Strategic Action Plan</a> 2024 – 2027.
	<i>Indian Act</i> Sex Discrimination Working Group, <a href="#">Briefing Note on ISC Proposed Amendment to the Indian Act</a> , October 2022.

---

Native Women's Association of Canada

- Board Engagement on Bill C-38, [\*An Act to amend the Indian Act \(new registration entitlements\)\*](#) Final Report, August 2023.
- Policy Fact Sheet: [Bill S-3](#)
- [Indigenous gender-based analysis of Bill S-3 and the Registration Provisions of the Indian Act](#): Final report. May 2022.
- [Indian Act: Making it Right](#), KCI-NIWESQ Volume 9, 2022.
- [Discussion Paper Bill S-3 and Inequities under the Indian Act](#), undated.
- [Ongoing Indian Act Inequity Issues: Enfranchisement](#), undated. (translated 2-pager)

# Case Law

<b>Read</b>	<p><a href="#">Sandra Lovelace v. Canada, Communication No. 24/1977, UN Doc. CCPR/C/OP/1 at 83 (1984).</a> Found at the Human Rights Library.</p>
	<p><a href="#">Bill S-3</a> Statutes Of Canada 2017, Chapter 25: An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général), S.C. 2017, c. 25, s. 15(2).</p>
	<p><a href="#">Bill C-38</a> An Act to amend the Indian Act (new registration entitlements) was introduced in the House of Commons by the Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario on 14 December 2022.</p>
	<p>McIvor v. Canada (Registrar of Indian and Northern Affairs), 2009 BCCA 153. <a href="#">Supreme Court of Canada - SCC Case Information - Summary - 33201</a></p> <ul style="list-style-type: none"><li>• Archived: <a href="#">Gender Equity in Indian Registration Act (Bill C-3)</a> Comes Into Force on January 31, 2011. News Release Ottawa, Ontario January 31, 2011.</li><li>• <a href="#">Explanatory Paper: Proposed Amendments to the Indian Act Affecting Indian Registration</a>, McIvor Vs Canada, March 2010.</li><li>• <a href="#">Changes to the Indian Act affecting Indian Registration and Band Membership</a>, McIvor Vs Canada, March 2010.</li><li>• <a href="#">Estimates of demographic implications from Indian Registration Amendment</a>, McIvor v. Canada, March 2010.</li></ul>

# Federal Materials on Collaborative Process

<p><b>Watch</b></p>	<p>Indigenous Services Canada  <a href="#">How Section 3 Changed the Indian Act</a></p>
<p><b>Read</b></p>	<p>Indigenous Services Canada          The Collaborative Process on the Second-Generation Cut-off and Section 10 Voting Thresholds" <a href="#">An Information Kit for Rights-Holders</a>, 2024.          (Catalogue: R122-53/2024E-PDF ISBN 978-0-660-69359-0)</p> <hr/> <p>Collaborative Process on the Second-Generation Cut-off and Section 10 Voting Thresholds: <a href="#">Community Specific Data Sheets</a></p> <hr/> <p><a href="#">The Consultation Readiness Form</a> to advise ISC of your Nation’s readiness to participate in consultation</p> <hr/> <p>Federal Collaborative Process Fact Sheets: <a href="#">The Collaborative Process on the Second-Generation Cut-off and Section 10 Voting Thresholds</a> (accessed June 24, 2024)</p> <ul style="list-style-type: none"> <li>● <a href="#">The need for a collaborative process</a></li> <li>● <a href="#">How the collaborative process will work</a> <ul style="list-style-type: none"> <li>○ <a href="#">Indigenous advisory process</a></li> <li>○ <a href="#">Rights-holders information sharing kit</a></li> <li>○ <a href="#">Information sessions</a></li> <li>○ <a href="#">Consultation readiness declaration form</a></li> </ul> </li> </ul>
	<p>Federal Collaborative Process Fact Sheets: <a href="#">Removal of the 1951 Cut Off</a></p> <ul style="list-style-type: none"> <li>● <a href="#">History of registration in the Indian Act</a></li> <li>● <a href="#">Section 6(1) and 6(2) registrations</a></li> <li>● <a href="#">Bill C-31 and Bill C-3 amendments</a></li> <li>● <a href="#">Bill S-3 amendments</a></li> <li>● <a href="#">What is the "1951 cut-off"?</a></li> <li>● <a href="#">Removing the 1951 cut-off</a></li> <li>● <a href="#">Why is the removal of the 1951 cut-off important?</a></li> <li>● <a href="#">Projected demographic impacts</a></li> </ul>

---

Federal Collaborative Process Fact Sheets: [Remaining inequities related to registration and membership](#)

- [Second-generation cut-off](#)
- [Unknown or unstated parentage](#)
- [Enfranchisement](#)
- [Deregistration](#)
- [Gender identity and registration for Indian status](#)
- [Indian registration for children of same-sex parents](#)
- [Registration and the Canada-United States border](#)
- [Adoption in Indian registration](#)

---

APPA Standing Senate Committee on Indigenous Peoples "[Make it stop! Ending the remaining discrimination in Indian registration](#)", presented to the Senate of Canada on September 21, 2022.