

WASAUKSING FIRST NATION CONSTITUTION

PREAMBLE

We are the Anishnabe of Wasauksing. The Creator gave us the blood memory - the birthright - to be Anishnabe.

Mother Earth, her plants, her animals and the Anishnabe were created in that order. The earth, plants and animals were created first to sustain Anishnabe. Anishnabe have a continuous responsibility to maintain that balance of life seven generations into the future. Nation to Nation, the Anishnabe entered into the Treaty of Niagara in 1764 and the Robinson Huron Treaty in 1850. Our Treaty partners guaranteed that sharing relationship initially in the *British North America Act (1867)* and further in the *Constitution Act of Canada (1982)*.

Family and community are central values of Wasauksing Anishnabe. We are a strong people bound by our ancestors, a common history and common ties to Mother Earth. We have supported each other for generations, and will continue to do so.

Elders are a strength of our community. They are a source of inspiration, guidance and the living memory of our people – they store much of our history, language, culture, and heritage. They are our foundation.

Our children and youth are our future who will grow and become our next generation of leaders; decisions made today must take into consideration their future and that of their children's children.

We have a responsibility to ensure the education, health and well-being of our Citizens. We also have a responsibility to preserve, protect and enhance the heritage of our ancestors. The emphasis placed on traditional ways of doing and thinking must be reflected in our decision-making processes and structures.

Equity and protection is a principle that relates strongly to good governance. We must ensure that Citizens are treated on a basis of fairness and equality – meaning all Citizens receive the same standard of service.

Actions of our Government must be founded on effective communication and openness with the community about the immediate and future impact of decisions.

FOUNDING PROVISIONS

1. We, the Anishnabe of Wasauksing First Nation determined who we were in the past, who we are today and who we will be in the future.
2. Our home territory of jurisdiction is Wasauksing First Nation. Our traditional territory of shared jurisdiction includes the region of the northern and eastern shores of Lakes Huron and Superior as it will forever.

3. Our guiding principles come from the Seven Grandfather teachings of Wisdom, Love, Respect, Bravery, Honesty, Humility, and Truth. Through the practice of these principles, we aspire to live the good life and to work together to maintain a community of care, respect, acceptance and love in all that we do.

SUPREME LAW

4. This Constitution is the supreme law of Wasauksing First Nation.
5. All existing and future Wasauksing First Nation laws, codes, regulations and policies shall be consistent with this Constitution.
6. In the event of an inconsistency or conflict between this Constitution and the provisions of any Wasauksing First Nation law, regulation, code or policy, this Constitution will prevail to the extent of the conflict.

RIGHTS OF CITIZENS

7. Wasauksing First Nation Citizens have the right to:
 - 7.1 basic human and civil rights;
 - 7.2 learn and speak Anishnabe;
 - 7.3 be safe;
 - 7.4 be Anishnabe as the Creator put us on this earth to be;
 - 7.5 use land in stewardship;
 - 7.6 traditional harvest including hunting, fishing, trapping and gathering;
 - 7.7 learn our history;
 - 7.8 assert our aboriginal and treaty rights;
 - 7.9 participate in the selection of Wasauksing First Nation leadership;
 - 7.10 participate in the decision making process as set out in the Wasauksing First Nation Constitution and Wasauksing First Nation Law;
 - 7.11 apply for programs and services offered by Wasauksing First Nation;
 - 7.12 be treated equally under the laws of Wasauksing First Nation; and
 - 7.13 choose our own spirituality and religion.

REASONABLE LIMITS

8. The rights set out in the Wasauksing First Nation Constitution are subject to such reasonable limits as can be justified to protect the collective interests of Wasauksing First Nation Citizens.

FIRST NATION GOVERNMENT

9. Wasauksing First Nation governing institutions include:

- 9.1 Council, which consists of one Chief and a number of Councillors selected under the law that governs Wasauksing First Nation elections.
 - 9.2 Administration which includes human, financial, physical and other resources assigned by Council to deliver programs and services to the Citizens; and
 - 9.3 Committees established by Council to seek community input and make recommendations.
10. The Council shall act to ensure the Citizens may exercise their rights, powers and obligations to their benefit.

POWERS OF COUNCIL

11. Unless Citizen ratification is required under this Constitution, Wasauksing First Nation Council has the authority to develop, pass and implement laws, regulations, codes and policies that support good governance for the Citizens of Wasauksing First Nation.
12. Citizen ratification is required for the following:
- 12.1 any proposed name change of the Wasauksing First Nation;
 - 12.2 a Wasauksing First Nation Leadership Selection Code;
 - 12.3 a Wasauksing First Nation Lands Management Code;
 - 12.4 a Wasauksing First Nation Citizenship Code;
 - 12.5 a Matrimonial Real Property Law;
 - 12.6 any amendment to the Wasauksing First Nation Constitution;
 - 12.7 any claims Settlement Agreements with other governments; and
 - 12.8 the signing of any Self-Government Agreements or Treaties with other governments.
13. Citizen approval is required for any matter, law, or class of law that Council, by Resolution, declares to be subject to this section.

LAW-MAKING PROCESS

14. A draft law may be proposed at a duly convened meeting of Council by a Citizen, the Chief, a Councillor or a representative of a body authorized by Council to do so.
15. If the proposed law is accepted for consideration by Council, Council shall inform Citizens of the intent to consider approval of a law, allow Citizens the time and opportunity to review and comment on the draft law, amend the draft law if required from Citizen engagement, confirm a final draft, obtain community approval or ratification, if required, then pass the law under the appropriate authority.
16. For greater certainty, Council may develop a policy or enact Laws to further implement this section.

17. Council may enact a law without following the preliminary law-making process outlined in this Constitution if, in their opinion, that law is needed urgently in the interest of public safety and health or to protect Wasauksing First Nation Citizens. Any such law shall expire within one hundred and twenty (120) days following its enactment unless the law is re-enacted through the law-making process outlined in this Constitution.

LAW APPROVAL PROCESS – COUNCIL APPROVAL

18. Where the proposed law has passed through the law-making process outlined in this Constitution and the proposed law does not require ratification or Citizen approval, Council may approve the law by a majority vote of a quorum of Council members voting in favour of it at a duly convened meeting of Council.
19. If a quorum of Council is present at the duly convened meeting of Council and a majority of the quorum of Council members does not vote in favour of the proposed law, the law shall not be proclaimed and shall have no effect.

LAW APPROVAL PROCESS – CITIZEN RATIFICATION

20. Where Citizen ratification is required, Council shall call a vote of Citizens eighteen (18) years of age and older as of the day of the vote, to vote on the final draft of a law through use of polling stations, mail-in ballots, or alternative voting methods such as electronic and telephone voting or combination thereof.
21. For Citizen ratification, the matter shall be considered approved if fifty percent plus one (50% + 1) of the required quorum of eligible voters cast a vote to approve.
22. In order to obtain a quorum for ratification, at least 25% of eligible voter Citizens shall participate in the vote. If the 25% quorum is not met in a first vote, a second vote may be held with a quorum of 10%.
23. If, after any attempt at ratification where a quorum was met and the matter was not approved, the matter shall not be proclaimed and shall have no effect.

PROCLAMATION AND REGISTRATION OF LAWS

24. All laws enacted by the Council will be registered and stored in a public registry of laws maintained in the English language.

APPEALS AND REDRESS

25. Council shall develop, implement and maintain procedures for the appeal or review of:
 - 25.1 Council, Administration or Public Institution decisions; and

25.2 Wasauksing First Nation laws.

ENFORCEMENT OF LAWS, CODES AND REGULATIONS

26. Council may exercise any enforcement obligation of the laws, codes and regulations passed in accordance with this Constitution.

PUBLIC INSTITUTIONS

27. Public Institutions are bodies, boards, commissions, tribunals, corporations, committees or other authorities established by Council to which certain functions, jurisdictions and authorities or parts thereof may be delegated in writing by Council.

28. Council will remain accountable to its Citizens for the exercise of any delegated functions, jurisdictions and authorities.

29. Where functions, jurisdictions, authorities are delegated by Council they may not be sub-delegated without written consent of Council.

FINANCIAL ADMINISTRATION

30. Wasauksing First Nation financial matters shall be managed in accordance with the Wasauksing First Nation Financial Administration Law as may be amended from time to time.

PUBLIC ADMINISTRATION

31. Wasauksing First Nation Citizens expect the Council and their public administrators to:

- 31.1 follow high standards of ethics, including avoiding conflict of interest;
- 31.2 make efficient, effective and prudent use of Wasauksing First Nation resources;
- 31.3 be impartial and equitable in providing programs and services;
- 31.4 be responsive to Wasauksing First Nation public needs;
- 31.5 provide timely, accessible and accurate information as required by their position;
- 31.6 be financially and politically accountable to the Citizens of Wasauksing First Nation;
- 31.7 respect individual privacy and protect personal information.

CONFLICT OF INTEREST

32. Council, Administration and Public Institutions shall be governed by the Wasauksing First Nation Conflict of Interest Policy as may be amended from time to time.

CONSTITUTIONAL AMENDMENT

33. For greater certainty, this Constitution may only be amended in accordance with the Wasauksing First Nation citizen ratification process.

GENERAL PROVISIONS




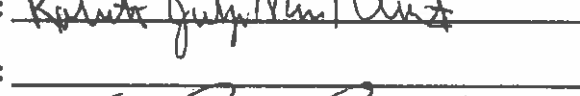
34. In this Constitution:

- 34.1 "Citizen" means a person who belongs to the First Nation and whose name appears on the Wasauksing First Nation Citizenship List in accordance with the Wasauksing (Parry Island) Citizenship Code;
- 34.2 "Chief" means a Citizen selected as Chief in accordance with the Wasauksing First Nation law that governs elections and who is the political leader and spokesperson for Wasauksing First Nation;
- 34.3 "Council" means the elected council of Wasauksing First Nation;
- 34.4 "Councillor" means a Citizen selected as Councillor in accordance with the law that governs Wasauksing First Nation elections; and
- 34.5 "Lands" means those lands set apart for the use and benefit of Wasauksing First Nation Citizens.

ENACTMENT

35. This Constitution was ratified by the Citizens of Wasauksing First Nation on the 2nd day of December in the year 2016.

36. Signed into law on behalf of the Wasauksing First Nation Citizens the 24th day of the month of January in the year 2017.

CHIEF: 
COUNCILLOR: 
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