

Wahnapiatae First Nation Constitution

Preamble

We, The Ojibway's of Wahnapiatae First Nation known as the Tahgaiwinini Band #11 signatories of the 1850 treaty of the Robinson Huron have hereby adopted our own Constitution.

We have our own custom elections and we have developed our own government and policies that govern our own people and the people that live in the community. We have the inherent right to make our own laws.

General Provisions

Definitions,

1. In this Constitution:

- a. "Member" or "Membership" means a person or people whose name appears on the Wahnapiatae First Nation Membership List;
- b. "Chief" means the person elected as Chief under Wahnapiatae First Nation Band Custom Election Code;
- c. "Council" means the executive decision-making body made up of the Chief and Councillors of the Wahnapiatae First Nation;
- d. "Councillor" or "Councillors" means a member or members of Wahnapiatae First Nation Council;
- e. "Elected Officials" means the Chief and Councillors of Wahnapiatae First Nation;
- f. "Eligible Voter" means a person who is eligible to vote as defined in the Wahnapiatae First Nation Band Custom Election Code;
- g. "First Nation" means Wahnapiatae First Nation;
- h. "Public Institution" means a board, commission, tribunal, committee established by the Wahnapiatae First Nation.

Founding Provisions

2. We, the Anishinabek of Wahnapiatae First Nation have occupied this territory since time immemorial. It is the collectivity of our Anishinaabe people who share the language, culture, laws and land in our Traditional Territory.

Fundamental Values of the Wahnapiatae First Nation

3. The Wahnapiatae First Nation supports the values that have always been shared by all Members of the First Nation:
- a. Creator placed the Anishinaabe on the earth along with the gifts of spirituality;
 - b. Here on Mother Earth, there were gifts given to the Anishinaabe to look after, fire, water, earth and wind;

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- c. The Creator also gave the Anishinaabe seven (7) sacred gifts to guide them: Love, Truth, Respect, Wisdom, Humility, Honesty, and Bravery;
- d. Creator gave us Sovereignty to govern ourselves; and
- e. We respect and honour the past, present and future.

Language and Culture

4. The official language of Wahnapiatae First Nation are Anishnabemowin and English;
5. Wahnapiatae First Nation Council shall respect and encourage the use of the Anishnabemowin language and the practice of our Anishinaabe culture.

Supreme Law

6. The Wahnapiatae First Nation Constitution is the Supreme Law of Wahnapiatae First Nation. All Wahnapiatae First Nation laws or regulations shall be consistent with this Constitution.
7. In the event of a conflict between this Constitution and a Wahnapiatae First Nation law or regulation, the Wahnapiatae First Nation Constitution will prevail to the extent of the conflict.

Member's Rights and Freedoms

The Principles of the First Nation

8. Every member of Wahnapiatae First Nation has the right to exercise the following freedoms:
 - a. To practice his/her aboriginal and inherent rights including the right to harvest the gifts of the creator in a sustainable manner;
 - b. To practice his/her culture;
 - c. To learn to speak Anishnabemowin;
 - d. To live in a manner that is in keeping with his/her aboriginal traditions;
 - e. To participate in the selection of Wahnapiatae First Nation leadership;
 - f. To participate in the public decision-making processes set out in the Constitution and Wahnapiatae First Nation law
9. Every Member of the Wahnapiatae First Nation is equal before and under the laws of the First Nation.

Review and Appeal of Decisions

10. The Wahnapiatae First Nation shall provide procedures for the appeal, challenge, or review of decision made by the First Nation Council and administration.

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Reasonable Limits

11. This Constitution guarantees the rights and freedoms set out above subject only to such reasonable limits set out in First Nation law as can be demonstrably justified to protect the collective interest of the First Nation.

Governing Institutions

12. The Wahnapiatae First Nation acts through the Wahnapiatae First Nation Council in exercising its rights, powers, privileges, jurisdiction and authority and in carrying out its duties and functions.
13. Wahnapiatae First Nation may create and maintain additional institutions such as committees, boards, advisory councils or agencies it feels are necessary to help with the effective governance of Wahnapiatae First Nation.
14. Each governing institution shall exercise its authority and discharge its responsibilities in accordance with this Constitution, the principles and values set out herein, with honesty, good faith and in the best interests of the Wahnapiatae First Nation.

Composition of Council

15. The Wahnapiatae First Nation Council shall be elected in accordance with Wahnapiatae First Nation Band Custom Election Code.

Jurisdiction

16. Wahnapiatae First Nation has the inherent right of governance and may pass laws with respect to the following matters, including:
 - a. our governance structures including the selection of leadership and the delegation of jurisdiction or authority;
 - b. the preservation and maintenance of our land, water, air and other natural resources;
 - c. Citizenship;
 - d. education;
 - e. economic development;
 - f. social services including child welfare, guardianship and adoption;
 - g. administration of justice;
 - h. health and safety of community;
 - i. lands and resource management;
 - j. labour relations;
 - k. employment and training;
 - l. marriage and divorce;
 - m. public works and infrastructure;
 - n. wills and estates;
 - o. emergency preparedness;

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- p. taxation;
- q. environment protection and assessment; and,
- r. other areas approved by the First Nation Members.

Law-Making Authority

17. Council will have power to enact laws in accordance to the law-making process set out in this Constitution.

Law Making Process

18. A draft law may be introduced at a regular meeting of the First Nation Council:

- a. By the Chief;
- b. By a quorum of Council;
- c. By a petition signed by minimum of 15% of total Eligible Voters who support the proposed draft law; or
- d. By a duly formed and recognized institution.

19. A draft law shall be enacted through the law-making process set out below:

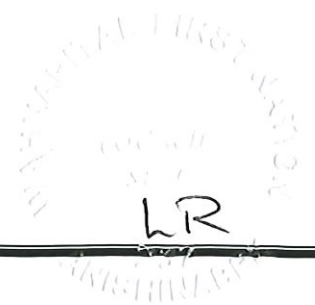
- a. A draft law is introduced and considered by the Council in accordance with this constitution;
- b. There is opportunity for community participation and consultation on the draft law;
- c. The draft law is approved by at least a simple majority of the Council and afterward must be approved by the Eligible Voters of Wahnapiatae First Nation, according to band custom election code;
- d. After the law is approved by the First Nation, the law must be signed by Wahnapiatae First Nation Council.

20. The Council will;

- a. Establish rules and procedures to allow member's participation and consultation in its law-making process;
- b. Establish rules regarding the process and timelines for the enactment, coming into force, and publication of Wahnapiatae First Nation laws;
- c. Establish procedures for appealing or challenging the validity or application of a First Nation law.

Conflict of Interest

21. The Wahnapiatae First Nation Shall follow the Wahnapiatae First Nation Conflict of Interest Policy.



Delegation of Jurisdiction and Authority

22. Wahnapiatae First Nation may delegate its jurisdiction or authority, or part thereof, in writing, to a legal entity. The legal entity must be accountable to Wahnapiatae First Nation and may withdraw this jurisdiction at any time.

Financial Administration

Principals of Financial Administration of Wahnapiatae First Nation

23. Wahnapiatae First Nation expects the financial management and administration of the First Nation Council to be in accordance with the Wahnapiatae First Nation Financial Policy and:
- a. To be accountable to the First Nation members for the exercise of First Nation jurisdiction and the financial administration of the First Nation.
 - b. To provide annual audit reports of Wahnapiatae First Nation in accordance to Wahnapiatae First Nation Band Custom Election Code.

Control and Financial Administration

24. Wahnapiatae First Nation Members have the right to access information on matters dealing with the financial management and administration of the First Nation's programs and services, excluding information related to personnel matters and any other confidential personal information which, without limiting the foregoing, includes any financial information about members or non-members utilizing the programs and services of the First Nation or any Institution created under this Constitution.
25. Wahnapiatae First Nation Council and the First Nation administration shall abide by the First Nation laws and policies governing financial management, accountability and access to information.
26. Wahnapiatae First Nation has policies for financial administration which the Council is financially accountable to First Nation members, and it includes standards comparable to those generally accepted for other governments in Canada.

Constitutional Amendments

27. This Constitution was ratified on January 18, 2020 by the members of Wahnapiatae First Nation in accordance with the process of the Band Custom Election Code.
28. This Constitution may be amended by following each of the steps in the process outlined below:
- a. The First Nation Band Council passes a resolution proposing an amendment or amendments to the Constitution;

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- b. The proposed Constitution amendment or amendments are presented to the First Nation membership at a community meeting called for that purpose for consideration and discussion;
- c. Following the community meeting, the Council may authorize a vote on the proposed amendment. This vote will happen within three (3) months after the community meeting referred to in paragraph b) above. If at least twenty-five (25%) percent of Eligible Voters participate and at least fifty plus one (51%) percent of the eligible voters in the referendum approve of the proposed amendment(s), the amendment(s) become effective immediately.

29. Notwithstanding section 27 of this Constitution, the Wahnapiatae First Nation Council may amend this Constitution by unanimous resolution at any time to changing the existing name of the First Nation to a new name as approved by the First Nation members.

Enactment Clause

30. This Constitution was ratified by the Members of the Wahnapiatae First Nation this 18th day of January in the year 2020 and signed into law on behalf of the Wahnapiatae First Nation. This 12th day of March in the year of 2020.

WAHNAPITAE FIRST NATION CHIEF AND COUNCIL SIGNATURES

Chief Larry Roque	
Councillor Craig Tyson	
Councillor Bob Pitfield	
Councillor Ted Roque	
Councillor Mary Nicholls Russell	

