

**BIIGTIGONG NISHNAABEG GCHI-NAAKNIGEWIN**

**PREAMBLE**

1. We are the Biigtigong Nishnaabeg.
2. We affirm and honour our inherent responsibilities to our ancestors and future generations.
3. We affirm that we have inherent rights to govern ourselves.
4. We affirm our responsibility for our Aboriginal Rights Area and our inherent rights to govern this Area exclusively or jointly with other Nishnaabeg(s). Attached at Schedule "A" is a map of our Aboriginal Title Area.
5. We affirm that this *Biigtigong Nishnaabeg Gchi-naaknigewin* is our main law which is consistent with the values, principles and spiritual beliefs upon which our lives are based.

**CITATION**

6. This document shall be referred to as the *Biigtigong Nishnaabeg Gchi-naaknigewin* or "*Biigtigong Nishnaabeg Constitution*".

**OFFICIAL LANGUAGE**

7. Nishnaabemwin is the official language of the Biigtigong Nishnaabeg.
8. English is the working language of the Biigtigong Nishnaabeg.

**INTERPRETATION**

9. For the purposes of this law, the following definitions will apply:

"Biigtigong Nishnaabeg" means members or citizens of our Nishnaabeg;

"Chief and Council" means the executive decision making body made up of the Chief and Councillors of the Biigtigong Nishnaabeg selected in accordance with our Nishnaabeg laws passed pursuant to the Biigtigong Gchi-naaknigewin. Prior to such laws being enacted, consistent with the election sections of the *Indian Act*, R.S.C. 1985 C. I-5, as amended from time to time.

## Final Draft July 16, 2015

“Court of Competent Jurisdiction” unless otherwise indicated, means the Federal Court of Canada, or any other court that has the jurisdiction to hear a matter under this law;

“Eligible Voter” means a citizen of Biigtigong Nishnaabeg who has attained the age of Eighteen (18) years by or on the date of the vote or referendum;

“Nishnaabeg Law” means a law made by our Nishnaabeg in accordance with the *Biigtigong Gchi-naaknigewin*;

### PURPOSE AND APPLICATION

10. The purpose of this *Biigtigong Nishnaabeg Gchi-naaknigewin* is to set out the applicable laws and law making process of Biigtigong Nishnaabeg.
11. This *Biigtigong Nishnaabeg Gchi-naaknigewin* is the main law of Biigtigong Nishnaabeg.
12. All applicable laws, regulations, rules and policies shall be harmonized with and consistent with this *Biigtigong Gchi-naaknigewin*.
13. In the event of a conflict or inconsistency between this *Biigtigong Nishnaabeg Gchi-naaknigewin* and other laws, regulations, rules, practices and policies, the *Biigtigong Nishnaabeg Gchi-naaknigewin* shall prevail to the extent of the conflict.

### GOVERNING INSTITUTIONS

14. The members/citizens of Biigtigong Nishnaabeg consistent with our customs, traditions and practices hereby establish and recognize Biigtigong Nishnaabeg Chief and Council as the official elected government of our members/citizens.
15. The Chief and Council may establish or delegate some of their authority to other entities, committees, boards, etc. in the best interest of Biigtigong Nishnaabeg.

### JURISDICTION AND AUTHORITY

16. Chief and Council of the Biigtigong Nishnaabeg may pass any Nishnaabeg Law for the betterment of our citizens and our lands including, but not limited to:
  - membership/citizenship;
  - elections and referendum;
  - access to and residence in the territory;
  - lands, waters, air and resources;

## Final Draft July 16, 2015

- preservation, protection and management of the environment, including animals and fish;
  - economic life, including commerce, labour, agriculture, grazing, hunting, trapping, fishing, forestry;
  - fishing, forestry, mining, and management of natural resources in general
  - the operation of businesses, trades and professions;
  - transfer and management of public monies and other assets;
  - taxation;
  - family matters, including marriage, divorce, adoption and child custody
  - property rights, including succession and estates;
  - education;
  - social services and welfare, including child welfare;
  - health;
  - language, culture, values and traditions;
  - criminal law and procedure;
  - the administration of justice, including the establishment of courts and tribunals with civil and criminal jurisdiction;
  - policing;
  - public works and housing;
  - local institutions; and
  - all other areas as deemed necessary by our Chief and Council including, but not limited to, laws applicable to the Biigtigong Nishnaabeg and other governments.
17. Chief and Council will determine the process and timing for the enactment of Nishnaabeg laws to come into force consistent with our customs, traditions and practices.

### AMENDMENT/REPEAL

18. This *Biigtigong Nishnaabeg Gchi-naaknigewin* may be amended by following each of the following steps:
- a. Resolution of Biigtigong Nishnaabeg Chief and Council proposing an amendment or amendments to the *Biigtigong Gchi-naaknigewin*;
  - b. Biigtigong Nishnaabeg Chief and Council to ensure information sessions for Biigtigong Nishnaabeg are conducted regarding the amendment(s) to the *Biigtigong Gchi-naaknigewin*;
  - c. Presenting the proposed amendment(s) to Biigtigong Nishnaabeg Eligible Voters to approve by vote at a meeting of our Nishnaabeg called by Chief and Council; and
  - d. If at least fifty percent plus one (50 % +1) of Eligible Voters in attendance at a meeting approve the proposed amendment(s), the amendments become effective in law, the next business day or a day set by Chief and Council.

**ENACTMENT CLAUSE**

19. The *Biigtigong Nishnaabeg Gchi-naaknigewin* shall be ratified by a vote of eligible voters of Biigtigong Nishnaabeg pursuant to the ratification process set out in Schedule “B” to this Law.

**GENERAL PROVISIONS**

Severability

20. If any part, sub-part, section and sub-section of this Law is for any reason held invalid by a decision of a Court of Competent Jurisdiction, the invalid section will be severed from and not affect the remaining provisions of this Law.

Singular

21. For purposes of interpretation of this Law, the plural includes the singular and singular includes the plural.

Headings

22. The section headings contained in this Law are for reference purposes only and shall not affect in any way the meaning or interpretation of this Law.

Enforcement

23. Chief and Council or its’ designates have full authority to enforce any provision of this Law.

Coming into force

24. This Law shall come into force and effect on OCTOBER 16, 2015.

SCHEDULE "A"



**SCHEDULE “B”  
RATIFICATION PROCESS**

- Definitions
- General
- Ratification Committee
- Official Voters List
- Information Campaign
- Notification of Ratification Vote
- Voting Process
- Ratification of this Law

**DEFINITIONS**

1. In this Schedule, definitions are consistent with the *Biigtigong Gchi-naaknigewin*.

**GENERAL**

2. Ratification by the Biigtigong Nishnaabeg of the *Biigtigong Nishnaabeg Gchi-naaknigewin* or any laws to be enacted pursuant to those laws unless specified otherwise by Chief and Council will be ratified in accordance with this Schedule and shall be considered final and binding.
3. The costs of the ratification process shall be covered by the Biigtigong Nishnaabeg.
4. The use of titles and headings are merely for reference and do not change the meaning of the ratification process.

**RATIFICATION COMMITTEE**

5. A Ratification Committee of a minimum of three (3) and a maximum of seven (7) members will be established with responsibility to prepare the Official Voters List and to conduct the Ratification Vote in accordance with the provisions of this Schedule.
6. The Ratification Committee shall consist of members of our Biigtigong Nishnaabeg who are at least eighteen (18) years of age or older and shall be appointed by Council.
7. Following discussions with our Biigtigong Nishnaabeg, the Ratification Committee shall prepare a budget for the Biigtigong Nishnaabeg ratification process subject to review and approval by Chief and Council.
8. The budget shall include the cost of materials such as information packages, ballots, postage, travel, hosting of information sessions and any other such costs as are required to support the ratification process.
9. At least one of the representatives of the Ratification Committee shall explain the mode of voting to an Eligible Voter when requested to do so by the Eligible Voter.

## Final Draft July 16, 2015

10. In instances where an Eligible Voter requests assistance because he or she is unable to responsibly fill out the ballot, two representatives of the Ratification Committee shall assist the Eligible Voter; one by marking his or her ballot in the manner directed by the Eligible Voter and shall place such ballot in a sealed ballot box; the other to witness the assisted vote is conducted in accordance with the direction of the Eligible Voter and the ratification process.

### OFFICIAL VOTERS LIST

11. At least forty-five (45) days prior to the voting date, the Ratification Committee shall prepare and post a list comprised of all persons whose names appear on the Membership List and who will be, as of the date of the vote, at least 18 years of age and thereby eligible to vote.
12. The voters list shall constitute the Official Voters List for purposes of the Ratification Vote.
13. The Ratification Committee shall post the Official Voters List in the administration office of our Biigtigong Nishnaabeg and, as determined by the Ratification Committee, in other prominent places where our Biigtigong Nishnaabeg members may review the list.
14. Any Member may apply to the Ratification Committee within ten (10) days of the posting of the Official Voters List to have the list revised on the grounds that:
  - a. the name of a Member has been omitted;
  - b. the name of a Member is incorrectly set out; or
  - c. the name of a person, not entitled to vote, is included.
15. Where the Ratification Committee is satisfied that a revision to the Official Voters List is necessary, the Ratification Committee shall within ten (10) days, make the revision and the revision shall be added to the posted Official Voters List.
16. The Ratification Committee will immediately advise the Parties of the name and reason for the Member being deleted, or not being added, to the Official Voter List.
17. Only persons who are on the Official Voters List shall be entitled to vote at the Ratification Vote unless they have proof of membership and were omitted from the Official Voters List.

### INFORMATION CAMPAIGN

18. The Ratification Committee shall take all reasonable steps necessary to ensure that Eligible Voters have sufficient opportunity to learn about the ratification process and the substance of the proposed *Biigtigong Nishnaabeg Gchi-naaknigewin* and any other law to being proposed pursuant to that Law.

## Final Draft July 16, 2015

19. The Ratification Committee shall make copies of the proposed *Biigtigong Nishnaabeg Gchi-naaknigewin* available online and drop off a copy to all on reserve residences of Eligible Voters at least thirty (30) days prior to the Ratification Vote date. The Ratification Committee will make available a copy of the proposed *Biigtigong Nishnaabeg Gchi-naaknigewin* to each Eligible Voter on the Official Voter List located off the reserve, but off reserve Eligible Voters must request a copy. Once requested, the Ratification Committee will send a copy of the proposed *Biigtigong Nishnaabeg Gchi-naaknigewin* with any other supporting materials deemed appropriate such as a summary document and a means to contact the Ratification Committee members along with Chief and Council, if the Eligible Voter has any questions on the *Biigtigong Gchi-naaknigewin*.
20. The Ratification Committee shall hold at least one information meeting at our no earlier *Biigtigong Nishnaabeg* than 10 days and no later than 21 days after posting the notice of the Ratification Vote date and information. The Ratification Committee may hold further information meetings as, when, and where it may determine.

### NOTIFICATION OF RATIFICATION VOTE

21. The date or dates for the Ratification Vote and the wording for the Ratification Vote question shall be set by resolution of Council of our *Biigtigong Nishnaabeg* and they shall advise the Ratification Committee in writing of the date or dates at least 35 days before the date of the vote.
22. Within five (5) days of the Council advising the Ratification Committee of the date or dates, the Ratification Committee shall post a notice of the Ratification Vote in the locations where the Official Voters List was posted pursuant to section 13.
23. The notice of the Ratification Vote shall include the following information:
  - a. the date(s), time(s) and location(s) of the Ratification Vote;
  - b. the date(s), time(s) and location(s) of any advance vote held in accordance with section 27; and
  - c. the wording of the Ratification Vote question(s).

### VOTING PROCESS

24. The Ratification Vote shall be held at such locations as the Ratification Committee considers necessary.
25. The Ratification Committee may hold an advance vote, which may include a mail-in vote, in a manner it determines, for Eligible Voters who anticipate being unavailable to vote in-person on the date(s) set for the Ratification Vote.
26. The Ratification Vote shall be by secret ballot.



## Final Draft July 16, 2015

27. The appearance, format, and contents of the ballot shall be approved by Chief and Council prior to the posting of the notice of the Ratification Vote.

28. The Ratification Committee as a whole shall receive and tabulate all ballots.

### **RATIFICATION OF THIS LAW BY OUR ANISHNAABEG**

29. Our Biigtigong Nishnaabeg shall be considered to have ratified this *Biigtigong Nishnaabeg Gchi-naaknigewin* if at least 50 percent plus one (50% + 1) of all Eligible Voters who participated in the Ratification Vote cast a ballot in favour of the *Biigtigong Gchi-naaknigewin*.

30. The Ratification Committee shall, as soon as practical and in any event no later than seven (7) days after the date of the vote, tabulate the results of the vote showing the total number of ballots:

- a. cast;
- b. in-favour;
- c. against;
- d. spoiled; and
- e. rejected.

31. The Ratification Committee shall thereafter publish the tabulated results in the locations where the Official Voters List was posted pursuant to section 13 and may publish the tabulated results in such other locations as the Ratification Committee determines.

32. The Ratification Committee shall, within fourteen (14) days after publication of the tabulated results, pursuant to section 32, prepare and submit a report to Chief and Council setting out the tabulated results and the details of the carrying out of its responsibilities in the Anishnaabeg ratification process.

### **POST-VOTE**

33. In the event of a vote in favour of our *Biigtigong Gchi-naaknigewin*, Chief and Council will pass a Council Resolution adopting the law on behalf of our Biigtigong Nishnaabeg and take actions to implement the Law.