



# ***SHESHEGWANING FIRST NATION***

## **Sheshegwaning Legislative Enactment Regulation**

Introduced By: Chief Dean Roy

Date: December 11, 2017

Accepted in Principle for Phase II: Edbendaagzijig Consultation by

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## PREAMBLE

**WHEREAS**, Sheshegwaning First Nation has enacted and signed into law its Kchi-Naaknigewin on January 17, 2017 ;

**AND WHEREAS**, Article 24 of Kchi-Naaknigewin states that *The Council will establish rules to allow Edbendaagzijig participation and consultation in its law-making process;*

**AND WHEREAS**, Article 25 of Kchi-Naaknigewin states that *The Council shall establish rules regarding the process and timelines for the enactment, coming into force and the publication of the First Nation laws;*

**THEREFORE BE IT RESOLVED**, that Sheshegwaning First Nation enacts this Sheshegwaning Legislative Enactment Regulation.

## PURPOSE

The purpose of this Regulation is to ensure open, transparent and accountable law making and enactment procedure for Sheshegwaning First Nation. The Chief and Council strives to engage the Sheshegwaning Edbendaagzijig, and this Regulation establishes standardized legislative enactment procedures for the development, enactment, amendment and repeal of Sheshegwaning Laws.

### Section 1.0 Title

This Regulation may be referred to as the “Sheshegwaning Legislative Enactment Regulation”.

### Section 2.0 Definitions

**2.1** In this Regulation:

“**Council**” means the Chief and Council of Sheshegwaning as duly elected pursuant to *Sheshegwaning Election Law*;

“**Council Meeting**” means a duly convened meeting of the Chief and Council of Sheshegwaning;

“**General Meeting**” means a meeting convened by the Chief and Council to communicate information to, consult with, and/or provide updates to the Sheshegwaning Edbendaagzijig.

“**Special General Meeting**” means a meeting of the Sheshegwaning Edbendaagzijig and the Chief and Council held to consider a specific issue;

“**Jurisdiction**” means having authority to make and enforce laws within the territory of Sheshegwaning;

“**Edbendaagozid**” means a person who is enrolled on the Sheshegwaning Citizenship Roll under the *Sheshegwaning Edbendaagzijig Law*, but does not include Endaajig or probationary members;

“**Regulation**” means the guidelines made by Resolution for the purpose of setting out procedures and administrative matters for this Law;

“**Resolution**” means a Band Council Resolution (BCR) formally adopted by Chief and Council pursuant to its governing authority;

## **Section 3.0      General Provisions**

### **3.1 Interpretation:**

- a) words in singular include the plural, and words in the plural include the singular;
- b) unless otherwise clear from the context, whenever “he” is used, it will include “she” and the use of “she” includes “he”;
- c) if a word or expression is defined, other parts of speech and grammatical forms of the same word or expressions have corresponding meanings;
- d) the expression “shall” is to be understood as mandatory and the expression “may” is to be understood as optional;
- e) unless the context indicates otherwise, “including” means “including, but not limited to”, and “includes” means “includes, but not limited to”;
- f) a reference to a Sheshegwaning Law, Charter or Regulation includes any amendment, replacement or successor of that Sheshegwaning Law, Charter or Regulation;
- g) a “person”, in addition to a natural person, includes a corporation, partnership, agency, government or any agent, employee, successor or legal representative of such person to whom the context can apply according to law;
- h) a reference to a Sheshegwaning court, board, commission, body, or tribunal in this Law includes any successor body established by Sheshegwaning Law or Resolution carrying out all or some of the functions.

### **3.2 Calculation of Time** – When calculating the number of days for the purposes of establishing a deadline, the following guidelines shall be used:

- a) unless otherwise provided, Saturdays, Sundays, federal holidays, provincial holidays, Council declared holidays or the day of an event are not included in the calculation of number of days for completing an act or meeting a deadline;
- b) if the Administration office is closed on a day when a time limit expires, the act may be done on the next day that the office is open; and
- c) if there is no deadline identified, and unless otherwise provided in a Sheshegwaning Law or Regulation, the deadline for completion of acts is ten (10) days.

### **3.3** Wherever the term “Sheshegwaning Law” is used, it shall refer to the version of the law at the appropriate phase of the Sheshegwaning Legislative Enactment Regulation.

### **3.4** A reasonable number of copies for a Sheshegwaning Law shall be made available to Edbendaagzijig attending a General Meeting, or Special General Meeting.

- 3.5 Notice** – Unless specified otherwise, notice of a General Meeting or Special General Meeting shall be provided to the Edbendaagzijig by any or all of the following methods:
- a) separate written notice delivered, mailed or emailed to Edbendaagzijig;
  - b) posting the notice in a public area of Sheshegwaning public buildings;
  - c) posting the notice on the Sheshegwaning First Nation website and/or an online group or page moderated or administered by the First Nation;
- 3.6** Unless specified otherwise, notice shall be provided at least seven (7) days before the meeting date, and shall include:
- a) the type of meeting;
  - b) the date, time and place of the meeting;
  - c) a plain language summary of the Sheshegwaning Law;
  - d) a statement where the Sheshegwaning Law may be obtained by Edbendaagzijig; and
  - e) the purpose of the meeting.
- 3.7** In the specific case of a General Meeting for Phase II Edbendaagzijig Consultation; Instructions and closing date for the submission of written comments by Edbendaagzijig will be included in the meeting notice given in accordance with subsection 3.5.
- 3.8** Wherever the term “Edbendaagzijig Law” is used, it shall include any applicable law or regulation used by Sheshegwaning to determine its citizenship.
- 3.9** Wherever the term “Election Law” is used, it shall include any applicable law or regulation used by Sheshegwaning for the selection of its government.

#### **Section 4.0 Phase I: Acceptance in Principle of a Sheshegwaning Law**

- 4.1** The Sheshegwaning Law may be presented at a Council Meeting, in accordance with Section 22 of Kchi-Naaknigewin (Constitution), provided that a copy of the Sheshegwaning Law has been provided to each member of the Council at least 1 week in advance of the meeting.
- 4.2** By majority vote of the Chief and the Councillors present, the Council shall by Resolution:
- a) accept the Sheshegwaning Law in principle; or
  - b) reject the Sheshegwaning Law.
- 4.3** Where a Sheshegwaning Law has been accepted in principle under subsection 4.2, notice shall be provided as specified in subsection 3.5 to Edbendaagzijig.
- 4.4** The Sheshegwaning Law that is accepted in principle under subsection 4.2(a) shall be labelled with the chronological number of the Resolution, and the date of acceptance.
- 4.5** Upon the request of any Edbendaagozid, the Council shall explain the reasons for rejecting a Sheshegwaning Law in subsection 4.2(b).

## **Section 5.0 Phase II: Edbendaagzijig Consultation**

- 5.1** Where a Sheshegwaning Law has been accepted in principle under subsection 4.2(a), a General Meeting shall be scheduled within 2 weeks of the acceptance in principle of the Sheshegwaning Law.
- 5.2** Upon request by 10 or more Edbendaagzijig residing in a specific district or urban center, additional General Meetings may be scheduled for those specific districts or urban centers.
- 5.3** Notice of each General Meeting shall be provided, in accordance with subsection 3.5.
- 5.4** **Consultation** – At the General Meeting, a clause by clause review of the law will take place, with technicians available to provide explanations.
- 5.5** Edbendaagzijig may ask questions and provide comments on the Sheshegwaning Law.
- 5.6** Edbendaagzijig who are unable to attend a General Meeting may submit their written comments by the deadline identified in the notice.
- 5.7** All comments received from the Edbendaagzijig shall be recorded, and considered along with First Nation needs and other relevant matters for further revision and incorporation into a post-consultation draft.
- 5.8** **Legal Review** - The post-consultation draft of the Sheshegwaning Law under subsection 5.7 shall be reviewed by a legal advisor to:
- a) determine liability and other matters; and
  - b) identify additional proposed revisions, if required.
- 5.9** **Council Review** – At a meeting of the Council following the Legal Review, the Council will again review the law, for the purpose of determining if the Sheshegwaning Law is ready for enactment.
- 5.10** The Council Review Meeting under subsection 5.9 will be open for Edbendaagzijig to attend.
- 5.11** Following the review, the Council shall by resolution, decide to:
- a) accept the Sheshegwaning Law in principle, with or without amendments, and proceed to Phase III Enactment of a Sheshegwaning Law; or
  - b) require further Edbendaagzijig Consultation in accordance with subsection 5.1; or
  - c) reject the Sheshegwaning Law.
- 5.12** Where a Sheshegwaning Law has been accepted in principle under subsection 5.11, notice shall be provided as specified in subsection 3.5 to Edbendaagzijig.
- 5.13** The Sheshegwaning Law that is accepted in principle under subsection 5.11(a) shall be labelled with the chronological number of the Resolution, and the date of acceptance.
- 5.14** Upon the request of any Edbendaagozid, the Council shall explain the reasons for rejecting a Sheshegwaning Law in subsection 5.11(c).

## **Section 6.0 Phase III: Enactment of a Sheshegwaning Law**

- 6.1** Where a Sheshegwaning Law has been accepted in principle under subsection 5.11(a):
- a) a Special General Meeting shall be convened within 2 weeks of the acceptance in principle of the Sheshegwaning Law; and
  - b) Notice of intent to enact a Sheshegwaning Law in a Special General Meeting shall be provided in accordance with subsection 3.5.
- 6.2** At the Special General Meeting convened under subsection 6.1(a):
- a) the Sheshegwaning Law will be read aloud; and
  - b) the Sheshegwaning Law shall be duly moved and seconded; and
  - c) by a standing vote, all Edbendaagzijig present at the Special General Meeting, including the Chief and Councillors, shall indicate whether they are in favour of, or in opposition to enactment of the Sheshegwaning Law.
  - d) In consideration of the support or opposition indicated by the standing vote in subsection 6.2(c), the Chief and Councillors present, shall vote on the Sheshegwaning Law.
- 6.3** Where a majority vote in favour of enactment of the Sheshegwaning Law under subsection 6.2(d), the Council shall:
- a) identify the date of coming into force of the Sheshegwaning Law; and
  - b) sign and date the enactment clause of the Sheshegwaning Law; and
  - c) the Sheshegwaning Law shall be entered into the registry of laws in accordance with Kchi-Naaknigewin
- 6.4** Where a majority vote in opposition of enactment of the Sheshegwaning Law under subsection 6.2(d), the Council shall:
- a) reject the Sheshegwaning Law; and
  - b) provide notice to the Sheshegwaning Edbendaagzijig of the rejection of the Sheshegwaning Law; and
  - c) not consider for sixty (60) days, any other Sheshegwaning Law that is substantially of the same subject matter as the Sheshegwaning Law that has been rejected under subsection 6.4(a).

## **Section 7.0 Repeals and Amendments to a Sheshegwaning Law**

- 7.1** A Sheshegwaning Law is repealed, only when an Act to repeal the Sheshegwaning Law is enacted in accordance with the Sheshegwaning Legislative Enactment Regulation.
- 7.2** A Sheshegwaning Law is amended, only when an Act to amend the Sheshegwaning Law is enacted in accordance with the Sheshegwaning Legislative Enactment Regulation.

**Section 8.0 Enactment and Coming into Force**

**8.1** Signed into Law on behalf of the Sheshegwaning First Nation. This \_\_\_\_\_ day of  
the month of \_\_\_\_\_ in the year of \_\_\_\_\_ .

Egiigdajig (Council) Signatures

Gimaa (Chief)	
Councillor	
Councillor	
Councillor	
Councillor	

**8.2 Coming into force** – This Regulation shall be in force on the \_\_\_\_\_ day of  
the month of \_\_\_\_\_ in the year of \_\_\_\_\_ .