



SELKIRK FIRST NATION
CONSTITUTION

2013 Consolidation

Note

This 2013 Consolidation of the Selkirk First Nation Constitution includes the original text as adopted by the Assembly in September, 1997, as amended by the Assembly as follows:

2007 Amendment to 10.3

2013 Amendment No. 1 - Council Composition and Operations

2013 Amendment No. 2 - Elections

(Note: please see endnotes for original text)

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SELKIRK FIRST NATION

CONSTITUTION

PREAMBLE

We, the Selkirk People, in the exercise of our inherent right of self-government, and having aboriginal rights, title and interests since time immemorial in a vast area of land, do herein provide for ourselves a basis for our First Nation, for our law and for our government, in order to assure for ourselves today, and for countless generations in the future, protection of our land and resources, protection of our language and culture, and a life that fulfills our uniqueness as human beings and sustains our well-being.

1.0 Citation

- 1.1 This document shall be cited as the “Selkirk First Nation Constitution”.

2.0 Interpretation

- 2.1 In this Constitution,

“Assembly” means an Assembly as provided in section 7.0;

“Chief” means the Chief as provided in sections 10.0 and 13.0;

“Citizen” means a person described in section 4.1;

“Citizenship Committee” means the Citizenship Committee described in section 4.7;

“Council” means the Council described in section 10.0;

“Elder” means a Citizen who is at least 55 years of age;

2013 Amendment No. 1.¹

“Family Elder” means the person so described in section 9.2;

“Family Heads” means the persons described in section 9.1;

“Family Spokesperson” means the person so described in section 9.2;

“Honourary Citizen” means a person described in section 4.2;

“Selkirk First Nation Final Agreement” means the comprehensive land claim settlement agreement to which the Selkirk First Nation is a party and which is brought into effect by legislation;

“Selkirk First Nation Self-Government Agreement” means the Self-Government Agreement to which the Selkirk First Nation is a party and which is brought into effect by legislation;

“Selkirk Land” means Settlement Land of the Selkirk First Nation pursuant to the Selkirk First Nation Final Agreement;

“Selkirk Law” includes a law enacted pursuant to this Constitution, the Selkirk First Nation Final Agreement or the Selkirk First Nation Self- Government Agreement, or in the exercise of our inherent right of self-government, and includes the customary law of the Selkirk People;

“Selkirk People” means the aboriginal persons of Northern Tutchone descent who have been associated together heretofore as a distinct community of people known as the Selkirk First Nation, and includes the Citizens;

“Traditional Territory” has the same meaning as in the Selkirk First Nation Final Agreement;

“Youth” means a Citizen who is 25 years of age or younger.

*2013 Amendment No. 1.*²

3.0 Objects

- 3.1 The Selkirk People, together and through the Selkirk First Nation and our governing institutions, shall:
- 3.1.1 follow our traditional code of conduct of respect, caring and sharing;
 - 3.1.2 protect our people, our land and our resources;
 - 3.1.3 at all times, promote respect for our language, culture, values and land;
 - 3.1.4 maintain our Selkirk First Nation traditions and preserve our clan system of Wolf and Crow;
 - 3.1.5 ensure protection of the rights and freedoms of the Selkirk People;
 - 3.1.6 promote social, political and economic growth of the Selkirk First Nation and the Selkirk People, and ensure that the Selkirk First Nation and Selkirk Citizens obtain the economic benefits that flow from the Selkirk First Nation Final Agreement and the Selkirk First Nation Self-Government Agreement;
 - 3.1.7 ensure that the ownership of Selkirk Land remains with the Selkirk First Nation;
 - 3.1.8 ensure that the financial compensation received under the Selkirk First Nation Final Agreement is managed for the benefit of the Selkirk First Nation and its Citizens, in accordance with direction and policy established by the Assembly;

- 3.1.9 promote the traditional and modern education of the Selkirk People;
- 3.1.10 promote the spiritual and physical health of the Selkirk People;
- 3.1.11 carry out any functions, activities or responsibilities as are necessary to fulfill the intentions of the Selkirk People, as we have expressed ourselves herein;
- 3.1.12 ensure that the Selkirk First Nation meets its obligations and discharges its responsibilities under this Constitution, Selkirk Law, the Selkirk First Nation Final Agreement, the Selkirk First Nation Self-Government Agreement and agreements ancillary thereto;
- 3.1.13 promote good communications among our governing institutions and with our Citizens; and
- 3.1.14 promote attendance by Citizens at traditional and ceremonial gatherings.

4.0 Citizenship

- 4.1 A person is a Citizen if he or she is:
- 4.1.1 enrolled as a beneficiary of the Selkirk First Nation in accordance with the Selkirk First Nation Final Agreement and this Constitution;
 - 4.1.2 a descendant of such a person;
 - 4.1.3 an adopted aboriginal child of such a person;
 - 4.1.4 an aboriginal person determined in accordance with the Selkirk First Nation Final Agreement and this Constitution to have sufficient affiliation to the Selkirk First Nation so as to justify enrollment and citizenship; or
 - 4.1.5 an aboriginal person determined in accordance with this Constitution to have sufficient affiliation to the Selkirk First Nation so as to justify citizenship.
- 4.2 A person shall be an Honourary Citizen of the Selkirk First Nation if he or she is proposed by a Citizen to be an Honourary Citizen and is approved by an Assembly to be an Honourary Citizen.
- 4.3 A person may not be a Citizen of the Selkirk First Nation and a citizen of another First Nation at the same time. A person who is entitled to be a Citizen of the Selkirk First Nation and also to be a citizen of another First Nation shall choose in which First Nation he or she wishes to have citizenship.
- 4.4 The Council shall ensure that a Citizenship list is established and maintained for the Selkirk First Nation. The Citizenship list shall state the name of each person who is a Citizen in accordance with this Constitution. The Council also shall ensure that a list of the Honourary Citizens is established and maintained. The Citizenship list and the list of Honourary Citizens shall be posted in the office of the Selkirk First Nation.

Loss or Removal of Citizenship

4.5 A person shall cease to be a Citizen if he or she gives notice in writing to the Selkirk First Nation that he or she intends to renounce his or her Citizenship.

Citizenship Committee

4.6 A Citizenship Committee is hereby established.

4.7 The Citizenship Committee shall consist of five persons, including three members of the Elders Council, chosen by the Elders Council.

4.8 A person who wishes to be recognized as a Citizen shall apply to the Citizenship Committee. A person also may apply on behalf of his or her minor or adopted child.

4.9 The Citizenship Committee shall review each application for Citizenship made under 4.8 and, within a reasonable time, determine whether the applicant is qualified to be a Citizen.

4.9.1 If the Citizenship Committee determines that the applicant is qualified to be a Citizen, the Citizenship Committee shall so notify the applicant and the name of that person as a Citizen shall be entered forthwith on the Citizenship List.

4.9.2 If the Citizenship Committee determines that the applicant is not qualified to be a Citizen, the Citizenship Committee shall so notify the applicant forthwith after it makes that determination.

4.10 The Citizenship Committee, for the purposes of 4.9, upon the request of any affected person, shall use its best efforts to protect the privacy of that person in respect of information relevant to the determination

of his or her Citizenship or the Citizenship of his or her child.

- 4.11 A person who is denied recognition as a Citizen by virtue of a determination made by the Citizenship Committee may appeal to the Justice Council for relief. The Justice Council may provide such remedy as it deems appropriate in all the circumstances.

5.0 Rights of Citizens and Privileges of Honourary Citizens

5.1 A Citizen shall have:

- 5.1.1 a right to use and occupy Selkirk Land for domestic and traditional purposes;
- 5.1.2 a right to enjoy and participate in the benefits and opportunities arising under the Selkirk First Nation Final Agreement and the Selkirk First Nation Self-Government Agreement;
- 5.1.3 a right and duty to support and to participate in the governing institutions of the Selkirk First Nation;
- 5.1.4 if at least eighteen years of age or older, a right to vote in Selkirk First Nation elections and a right to attend, have voice and vote at an Assembly;
*2013 Amendment No. 1.*³
- 5.1.5 if nineteen years of age or older, a right to hold office in a governing institution of the Selkirk First Nation;
- 5.1.6 all the rights, duties, responsibilities and obligations of a Citizen set out in this Constitution or Selkirk Law;
- 5.1.7 a duty to honour and maintain the traditions and customs of the Selkirk People;
- 5.1.8 a right to be served by the governing institutions of the Selkirk First Nation in a manner that is free from discrimination or arbitrary or capricious decision and that otherwise is in accordance with applicable law;
- 5.1.9 a right to life and liberty, and the pursuit of a way of life that promotes his or her language, culture, heritage and

material well-being;

- 5.1.10 freedom of religion, freedom of speech, freedom of peaceful assembly and freedom to petition for redress of grievances;
- 5.1.11 a right to be secure in his or her person and property against search and seizure that is unreasonable or is not supported by warrant issued for probable cause under oath or on information and specifically describing the place, person or thing that is its subject;
- 5.1.12 a right not to be twice put in jeopardy for the same offence;
- 5.1.13 a right not to be compelled in any criminal prosecution to be a witness against himself or herself;
- 5.1.14 in any proceeding against him or her, a right to counsel, to know the nature and cause of any accusation, to confront an adverse witness, to compel the attendance of a witness in his or her favour, and to speedy trial and decision;
- 5.1.15 a right not to be subject to cruel or unusual punishment;
- 5.1.16 a right to equal treatment under Selkirk Law;
- 5.1.17 a right not to be deprived of liberty or property without due process; and
- 5.1.18 a right not to have his or her personal property or interest in land, including the Selkirk Land selected by the Selkirk First Nation for his or her beneficial use, taken for the use of the Selkirk First Nation without compensation.
 - 5.1.18.1 Where the property or interest of a Citizen is a part of property or an

interest of that Citizen's family, the right to compensation set out in 5.1.18 shall lie with the family and be represented for all purposes of 5.1.18 by the Family Head.

- 5.2 An Honourary Citizen shall have the privilege to participate with Citizens in their cultural and traditional pursuits in accordance with Selkirk Law and the traditions and customs of the Selkirk People and, for greater certainty, is not a Citizen.
- 5.3 The rights and duties described in 5.1, and the privilege described in 5.2, are subject to this Constitution and to such reasonable limits as may be demonstrable for the good governance of the Selkirk First Nation.
- 5.4 A person who believes that his or her right under 5.1 has been violated may petition the Justice Council for redress. The Justice Council may provide such remedy as it may deem appropriate in all the circumstances.
- 5.5 A person described in 5.4 who has an administrative grievance against the Justice Council may petition an Assembly for redress. The Assembly may make such recommendation to the Justice Council as the Assembly may deem appropriate in all the circumstances.

6.0 Governing Institutions

6.1 We hereby establish a government, to be known as the Selkirk First Nation, for the Selkirk People. Our government, within its jurisdiction and our inherent right of self-government, shall have authority over the rights, titles, property, interests and affairs of the Selkirk First Nation, and in relation to Citizens in Yukon and persons on Selkirk Land.

6.2 Our governing institutions consist of:

6.2.1 the Assembly;

6.2.2 the Elders Council;

6.2.3 the Family Heads;

6.2.4 the Council; and

6.2.5 the Justice Council;

each as provided in this Constitution.

6.3 Each governing institution shall exercise its authority and discharge its responsibilities in accordance with this Constitution, with honesty, in good faith and in the best interests of the Selkirk First Nation.

6.4 The members of each governing institution each shall have the duty to conduct themselves in office in accordance with 6.3, and also shall conduct themselves with respect and so as to avoid personal conflict and to focus on the matters to be discussed and decided.

6.5 The Elders Council, the Family Heads, the Council and the Justice Council shall be accountable to the Assembly. An Assembly may review the performance and activities of any governing institution. If an Assembly determines that a governing institution is not acting in accordance with 6.4, the Assembly may provide any remedy it deems appropriate in all the circumstances.

6.6 The members of the Council, Citizens, the members of the Elders Council and the Family Heads shall use best efforts to attend each Assembly.

7.0 The Assembly

- 7.1 An Assembly may be either a General Assembly or a Special Assembly.
- 7.2 All Citizens who attend an Assembly shall conduct themselves at the Assembly with respect, avoid personal conflict, and focus on the matters to be discussed and decided.

Organization

- 7.3 There shall be a General Assembly of the Citizens not less often than once every twelve calendar months.
- 7.4 Any Assembly of the Citizens which is not a General Assembly shall be a Special Assembly. A Special Assembly may occur at any time, as provided herein.
- 7.5 An Assembly shall take place at the call of the Elders Council at such time and at such place within the Traditional Territory of the Selkirk First Nation as the Elders Council may prescribe.
 - 7.5.1 If the Elders Council does not call a General Assembly as provided in 7.5, the number of Citizens required to form the quorum for an Assembly may petition the Council in writing to call a General Assembly. The Council must call a General Assembly within thirty days after the receipt of such a petition.
 - 7.5.2 If the Elders Council does not call a Special Assembly when one is requested by the Council or otherwise is required, the number of Citizens required to form the quorum for an Assembly may petition the Council in writing to call a Special Assembly. The Council must call a Special Assembly within thirty days after the receipt of such a petition.

- 7.5.3 Notice of a General Assembly must be given not less than twenty-one days in advance. Notice of a Special Assembly must be given not less than fourteen days in advance, unless the Elders Council, in urgent circumstances, waives the time requirement. Notice may be given by any appropriate means and may be given by way of posting in the general offices of the Selkirk First Nation and advertisement in media in general circulation in the Yukon Territory.
- 7.5.4 The chairperson of an Assembly shall be chosen by the Family Heads, subject to ratification by the Assembly. A chairperson shall be neutral and shall ensure that the proceedings of the Assembly are conducted fairly and in a manner consistent with 6.4.

Capacity, Duties, Powers and Responsibilities

- 7.6 Except as this Constitution or an Assembly otherwise provides for a governing institution, the Assembly:
- 7.6.1 shall have and may exercise all the legal capacity, rights, powers and privileges of the Selkirk First Nation as a legal entity;
- 7.6.2 shall manage the interests, affairs and property of the Selkirk First Nation;
- 7.6.3 shall carry out the duties and may exercise the jurisdiction, powers and authority of the Selkirk First Nation by virtue of any law, any custom or right of the Selkirk People, this Constitution, the Selkirk First Nation Final Agreement, the Selkirk First Nation Self-Government Agreement or any agreement ancillary thereto;

- 7.6.4 shall implement and enforce Selkirk Law;
 - 7.6.5 may, as it deems advisable, establish any trust for the benefit of the Selkirk First Nation or the Selkirk People, in whole or part, and may constitute any person as a trustee thereof and may vest therein any property of the Selkirk First Nation;
 - 7.6.6 may exercise such other powers and do such other things as may be incidental to the foregoing; and
 - 7.6.7 may delegate its capacity, powers, privileges, jurisdiction or authority as it may deem conducive to the best interests of the Selkirk First Nation and the Selkirk People.
- 7.7 An Assembly may:
- 7.7.1 subject to the general supervision of the Elders Council, establish such rules and procedures and establish such committees and processes as are consistent with this Constitution and the Assembly may deem convenient for the good conduct of the business of the Assembly;
 - 7.7.2 enact any law for the good government of the Selkirk First Nation and the Selkirk People which is consistent with this Constitution and which the Assembly may deem conducive to the best interests of the Selkirk First Nation and the Selkirk People;
 - 7.7.3 approve an amendment or amendments to the Selkirk First Nation Final Agreement or the Selkirk First Nation Self-Government Agreement; and
 - 7.7.4 approve an amendment or amendments to this Constitution, as provided herein.
- 7.8 The General Assembly shall provide leadership, direction, priorities and mandates for the Selkirk First Nation and our governing

institutions and may:

- 7.8.1 receive and approve reports from the Council and Selkirk First Nation administrators and from any Selkirk First Nation company or organization;
 - 7.8.2 set general policy guidelines for the Selkirk First Nation;
 - 7.8.3 review any financial activity of the Selkirk First Nation or a Selkirk First Nation company or organization;
 - 7.8.4 establish policy guidelines for the Council to follow in the exercise of its duties, powers and responsibilities;
 - 7.8.5 conduct such other business as it may deem convenient for the good government of the Selkirk First Nation or for the well-being of the Selkirk People.
- 7.9 The General Assembly shall:
- 7.9.1 receive the audited financial statements of the Selkirk First Nation and any company or organization owned by the Selkirk First Nation for its immediately preceding fiscal year; and
 - 7.9.2 consider for ratification the selection by the Family Heads of the auditor for the Selkirk First Nation for the ensuing fiscal year.
- 7.10 A Special Assembly may only conduct the business for which it was called.

Procedures

- 7.11 The quorum for the commencement of an Assembly shall be forty Citizens who are entitled to vote. If, after the commencement of an Assembly, less than a quorum and less than three-quarters of the

Family Heads remain present, the Assembly shall be adjourned to a time and place to be determined by the Elders Council.

- 7.12 An Assembly shall make decisions by consensus, if possible, but if consensus on a matter cannot be reached, and a quorum is present, or three-quarters of the Family Heads are present, the Assembly may decide the matter by a vote of not less than ninety per cent of the Citizens eligible to vote and present at the time the vote is taken.

8.0 The Elders Council

- 8.1 The Elders Council shall consist of the Citizens who are 55 years old and older. A qualified Citizen is entitled to be a member of the Elders Council for life.
- 8.2 The Elders Council shall demonstrate the traditions of compassion and respect as a guide to our other governing institutions.

Organization

- 8.3 Any Citizen who is 55 years old or older shall be entitled to attend and have a voice at any meeting of the Elders Council.
- 8.4 The Elders Council shall meet at the call of the Principal Elder at such time and place as the Principal Elder may prescribe.

Duties, Powers and Responsibilities

- 8.5 The Elders Council shall:
- 8.5.1 except as provided in 10.7, determine whether a Council member is carrying out his or her responsibilities in a manner consistent with this Constitution and Selkirk Law and decide the appropriate remedy;
 - 8.5.2 ensure that the language, traditions, custom and culture of the Selkirk People are preserved and continued through the actions of the Assembly and the Council;
 - 8.5.3 take whatever action it deems necessary to mediate and settle any dispute within the governing institutions of the Selkirk First Nation or between the Selkirk First Nation and any other First Nation;
 - 8.5.4 carry out the duties assigned to it by this Constitution or

Selkirk Law;

8.5.5 appoint an Elder who shall be the Principal Elder for the ensuing year;

8.5.6 *(Deleted text; topic addressed in 2013 Election Act)*
*2013 Amendment No. 1.*⁴

8.5.7 appoint, jointly with the Family Heads, the members of the Justice Council.

8.5.8 advise the Chief, the Council and the Deputy Chief in the discharge of their respective responsibilities;

8.5.9 choose two of its members to act on its behalf for the purposes of 8.5.7 *(renumbered as 8.5.6)* between meetings of the Elders Council; and

8.5.10 choose any of its members to represent the Selkirk First Nation when requested or required.

*2013 Amendment No. 1.*⁵

8.6 The Elders Council may establish such rules and procedures as are consistent with this Constitution and which it may deem convenient for the good conduct of the business of the Elders Council.

Procedures

8.7 The quorum required for the commencement of a meeting of the Elders Council shall be three-quarters of the Family Elders.

8.8 The Elders Council shall make decisions by consensus.

9.0 Family Heads

Organization

9.1 For the purposes of this 9.0, the Family Heads shall consist of one Family Elder and one Family Spokesperson for each of the following families:

- 9.1.1 Alfred;
- 9.1.2 Blanchard/Baum
- 9.1.3 Edwards/Johnny;
- 9.1.4 Harper;
- 9.1.5 Isaac;
- 9.1.6 Joe (Danny);
- 9.1.7 Joe (Tommy);
- 9.1.8 Johnson;
- 9.1.9 Jonathan/Silas/Simon;
- 9.1.10 McGinty;
- 9.1.11 Roberts/Luke;
- 9.1.12 Sam;
- 9.1.13 Silverfox/Tom Tom; and
- 9.1.14 Van Bibber.

- 9.2 Each family, in a manner of its own choosing, shall decide who its Family Elder and Family Spokesperson shall be. A family may change its choice as to either the Family Elder or the Family Spokesperson as and when that family so decides.
- 9.3 For the purposes of this 9.0, the family affiliation of each Citizen who is sixteen years old or older may be determined by that Citizen by reference to that Citizen's line of maternal or paternal antecedents, or by reference to that Citizen's spouse's line, as that Citizen may choose. The family affiliation of a Citizen who is less than 16 years old shall be the same as his or her mother.
- 9.4 The Family Heads may meet as often as required and shall meet not less often than once every three months.
- 9.5 The Family Heads shall meet at the call of any Family Spokesperson, or at the call of the Council, at such time and place in the general vicinity of Pelly Crossing as the Family Heads may choose.

Duties, Powers and Responsibilities

- 9.6 The Family Heads shall:
- 9.6.1 appoint, jointly with the Elders Council, the members of the Justice Council;
 - 9.6.2 review and make recommendations to the Council with respect to the annual budget of the Selkirk First Nation for programs and services, and any supplementary estimate, in a timely manner;
 - 9.6.3 provide advice to the Council on other financial matters as circumstances may require from time to time;
 - 9.6.4 monitor and review the implementation by Selkirk First Nation of Assembly resolutions;
 - 9.6.5 provide advice to the Council on the co-ordination and

preparation for an Assembly;

- 9.6.6 subject to this Constitution, select the chairperson of an Assembly and the auditor of the Selkirk First Nation; and
 - 9.6.7 except as provided in 7.6.5, recommend the persons to be nominated to serve as directors of Selkirk First Nation companies or organizations, or as Selkirk First Nation nominees for appointment to boards, commissions and committees established under the Selkirk First Nation Final Agreement.
- 9.7 The Family Heads may:
- 9.7.1 advise the Chief, the Deputy Chief or the Council in the discharge of their respective responsibilities; and
 - 9.7.2 propose and make recommendations upon matters for action by the Council.
- 9.8 Each Family Elder and Family Spokesperson shall:
- 9.8.1 advise and assist the members of his or her family when necessary or upon request;
 - 9.8.2 represent the interests and concerns of his or her family, while keeping a balanced view of the best interests of the Selkirk First Nation and the Selkirk People; and
 - 9.8.3 keep the members of his or her family reasonably informed of Selkirk First Nation affairs.
- 9.9 The Family Heads may establish such rules and procedures as are consistent with this Constitution which they may deem convenient for the good conduct of their business.

Procedures

- 9.10 Each Family Elder and Family Spokesperson shall be entitled to attend and to have voice in the proceedings of the Family Heads, and each family shall be entitled to one vote.
- 9.11 The quorum for the commencement of a meeting of the Family Heads shall be three-quarters of the Family Elders or the Family Spokespersons of each of the families.
- 9.12 The Family Heads shall make decisions by consensus if possible, but if consensus cannot be reached, the Family Heads may make decisions by a majority vote of the families present.

10.0 The Council

Organization

10.1 The Council shall consist of the Chief, four Clan Councillors, one Elder Councillor and one Youth Councillor.

2013 Amendment No. 1.⁶

10.2 The Chief may be a member of the Wolf Clan or the Crow Clan. Two Clan Councillors shall be members of the Wolf Clan. Two Clan Councillors shall be members of the Crow Clan. The Elder Councillor may be a member of the Wolf Clan or the Crow Clan. The Youth Councillor may be a member of the Wolf Clan or the Crow Clan.

2013 Amendment No. 1.⁷

10.3 The Council shall be chosen by the Citizens eligible to vote by way of general election. Any vacancy arising in the Council during its term of office shall be filled by way of a by-election.

2013 Amendment No. 1.⁸

10.4 *(Deleted text; topic addressed in 2013 Election Act)*

2013 Amendment No. 2.⁹

10.5 The Council shall meet at the call of any member of the Council and, as the Council may determine, at such time and place and by such means of communication which enables all participants to be heard.

10.6 The Council may meet as often as required but shall meet not less often than once every month.

10.7 Any member of the Council who misses three consecutive meetings of the Council or one-fourth of the meetings of the Council in a twelve month period, as to which the member has received due notice, shall be deemed to have forfeited his or her office as a member of the

Council and shall not be eligible to be a member of the Council for a period of one year following the date of forfeiture.

10.7.1 The Council by consensus may excuse in writing the absence of a member of the Council from a Council meeting, and such excused absence shall not be counted for the purposes of 10.7.

10.7.2 The Council shall provide written notice of forfeiture to a member who is deemed to have forfeited his or her office, and notice to the Elders Council of the vacancy, no later than fourteen days after the Council determines that the conditions for forfeiture exist.

10.8 *(Deleted text; topic addressed in 2013 Election Act)*
2013 Amendment No. 2.¹⁰

10.9 *(Deleted text; topic addressed in 2013 Election Act)*
2013 Amendment No. 1.¹¹

Duties, Powers and Responsibilities

10.10 The Council shall represent the interests of the Selkirk First Nation and the Selkirk People and shall manage the property, interests and affairs of the Selkirk First Nation in accordance with and subject to the provisions of this Constitution and the direction, priorities and mandate established by the Assembly. For these purposes, the Council shall have the legal capacity, rights, powers and privileges of a natural person and of the Selkirk First Nation, as it may require to discharge its duties and responsibilities.

10.10.1 The Council shall have authority to appoint such committees and to retain and remunerate such employees, contractors, agents, consultants and advisors as may be consistent with Selkirk First Nation policy and the Council may deem helpful for the better government of Selkirk First Nation.

10.11 In its activities under 10.10, the Council shall not:

- 10.11.1 borrow or to guarantee the repayment of funds in excess of \$100,000 without the prior approval of the Family Heads;
- 10.11.2 pledge Selkirk Land or any portion of the principal of the financial compensation due to the Selkirk First Nation under the Selkirk First Nation Final Agreement as security for any borrowing or guarantee by the Selkirk First Nation;
- 10.11.3 knowingly cause the program and service expenditures of the Selkirk First Nation to exceed the budget and any supplementary estimate approved for the Selkirk First Nation for those purposes; or
- 10.11.4 commit or pledge any funds of the Selkirk First Nation in excess of \$100,000 for any commercial purpose without the prior approval of the Family Heads.

10.12 In its activities under 10.10, the Council shall:

- 10.12.1 comply with the direction, priorities and mandates established by the Assembly;
- 10.12.2 promote development of the capacity of the Selkirk First Nation, including by means of the education, training and employment of Citizens; and
- 10.12.3 provide for the involvement of Citizens in the community-based planning of Selkirk First Nation affairs.

10.13 The Council shall choose the Deputy Chief from amongst its members and may fix the term of office of the Deputy Chief at the time its selection is made or as the Council may subsequently decide.

10.14 The Council may establish such rules and procedures as are consistent with this Constitution and which it may deem convenient for the good conduct of the business of the Council.

10.15 The Council, upon the request of the Family Heads or the Elders Council, shall provide administrative co-ordination and support for that governing institution to assist that governing institution to function effectively.

Procedures

10.16 Each member of the Council shall be entitled to voice and one vote in the proceedings of the Council.

10.17 The quorum for a meeting of the Council shall be the Chief and three of the members of the Council except that, if the Chief is absent and a Deputy Chief has been appointed, the quorum shall be the Deputy Chief and three of the members of the Council.

2013 Amendment No. 1.¹²

10.18 The Council shall make decisions by consensus.

10.19 The Elder who is a member of the Council shall ensure that the Elders Council receives a copy of the minutes of a Council meeting within seven calendar days after the Council meeting is held.

11.0 The Justice Council

- 11.1 The Justice Council shall consist of such persons, and such number of persons, as the Elders Council and the Family Heads, acting in a manner consistent with this Constitution, and with the advice and consent of the Council, may appoint; provided always that:
- 11.1.1 the Justice Council shall consist of an equal number of persons who belong to the Wolf Clan and the Crow Clan; and
 - 11.1.2 only those persons with a reputation for honesty, fairness, high moral standards, compassion and good working habits may be appointed.
- 11.2 The term of office of a Justice Council member shall be fixed by the Elders Council at the time the appointment is made.
- 11.3 The Justice Council shall be the independent judicial authority of the Selkirk First Nation and shall have the jurisdiction, power and authority:
- 11.3.1 on application, to hear, mediate, adjudicate or settle any dispute, except in a matter described in 8.5.3;
 - 11.3.2 to receive and determine the appropriate response to complaints and public safety concerns of the community;
 - 11.3.3 to hear and determine any matter under this Constitution or Selkirk Law, and to impose such penalties or provide such remedies in its discretion as this Constitution or Selkirk Law may require or permit; and
 - 11.3.4 to make representations, whether directly or by its duly authorized representative, to any Court established under laws of general application, as the Justice Council may

deem appropriate.

- 11.4 Subject to Selkirk Law, the Justice Council may establish its own rules and procedures consistent with this Constitution and which it may deem conducive to the good conduct of its business and the matters before it.
- 11.5 A decision of the Justice Council shall be final and binding upon the parties before it and shall not be liable to review by any Court except on the ground that the Justice Council failed to adhere to the principles of natural justice.

12.0 The Principal Elder

12.1 The Principal Elder shall:

- 12.1.1 preside at meetings of the Elders Council;
- 12.1.2 determine whether there is consensus in the Elders Council on a matter; and
- 12.1.3 carry out such duties as may be assigned to the Principal Elder by this Constitution or any Selkirk Law, or as the Council may request.

*2013 Amendment No. 1.*¹³

12.2 *(Deleted text; topic addressed in 2013 Election Act)*

*2013 Amendment No. 1.*¹⁴

13.0 The Chief

- 13.1 The Chief at all times must act in the best interests of the Selkirk First Nation and the Citizens and shall:
- 13.1.1 maintain the Selkirk First Nation and enhance the well-being of the Selkirk First Nation and its Citizens;
 - 13.1.2 ensure that any proposals for action by the Council receive appropriate response;
 - 13.1.3 advise and assist Citizens when necessary or upon request;
 - 13.1.4 keep the Citizens informed of Selkirk First Nation affairs;
 - 13.1.5 represent the Selkirk First Nation at traditional and ceremonial gatherings;
 - 13.1.6 represent the Selkirk First Nation in its dealings with other aboriginal and non-aboriginal governments; and
 - 13.1.7 demonstrate responsibility and leadership at meetings of the Assembly and the Council.

14.0 The Deputy Chief

- 14.1 There shall be a Deputy Chief. The Deputy Chief may be a member of the Wolf Clan or the Crow Clan.
- 14.2 The Deputy Chief shall:
- 14.2.1 have such executive responsibility as may be provided by the terms of his or her appointment;
 - 14.2.2 discharge his or her responsibilities in accordance with this Constitution and such direction as the Council may provide from time to time; and
 - 14.2.3 undertake the responsibilities of the Chief in the event the Chief is absent or otherwise unable to act.

15.0 Qualifications for Office

- 15.1 *(Deleted text; topic addressed in 2013 Election Act)*
2013 Amendment No. 2.¹⁵
- 15.2 A person who is chosen as a Chief or Deputy Chief shall participate in such program of preparation for office as the Elders Council may require.
- 15.3 A person may not be a Chief or Deputy Chief and, at the same time, participate as a member of the Elders Council.
- 15.4 A person may not be a member of the Justice Council and be a Chief, Councillor or Deputy Chief at the same time.
- 15.5 In any matter which pertains to the affairs of his or her immediate family, the Chief, a Councillor, and the Elder who is a member of the Council shall be entitled to voice but not vote. A member of the Justice Council shall be entitled to neither voice nor vote in any proceeding of the Justice Council which pertains to his or her immediate family.

16.0 Accountability

- 16.1 All proceedings of the Assembly, the Elders Council, the Family Heads, the Council and the Justice Council shall be open to any Citizen of the Selkirk First Nation unless:
- 16.1.1 when the Council is dealing with a property, personnel or personal matter, the Council may determine that the matter ought to be addressed in camera, in which case a minute of Council's decision in the matter shall be made; and
 - 16.1.2 in the case of the Justice Council, the Justice Council determines that, taking all interests into account, all or any portion of its proceedings in a particular matter ought to occur in camera.
- 16.2 The books, accounts and records of the Selkirk First Nation shall be audited at least once per fiscal year by a chartered public accountant.
- 16.3 The approved budget, monthly financial statements and the audit reports of the Selkirk First Nation, and the Council record of any borrowing or property transaction of or by the Selkirk First Nation, shall be made available to any Citizen so requesting in writing within twenty-one days after the request is made.
- 16.4 At any time during regular office hours, or at any other time upon giving reasonable notice and arranging a time satisfactory to the Council, the records of the proceedings of a governing institution, the approved budget and the audited financial statements of the Selkirk First Nation may be inspected at the administrative office of the Selkirk First Nation by any Citizen.
- 16.5 The fiscal year of the Selkirk First Nation shall begin on April 1 and end on the following March 31.

16.6 The Council may convene a community meeting in Pelly Crossing when required, and shall convene a community meeting in Pelly Crossing not less often than once every two months, to provide an opportunity for the Citizens to be informed about, and to discuss, Selkirk First Nation affairs.

17.0 Ratification, Amendment and Saving

- 17.1 This Constitution shall have full force and binding effect upon the Selkirk First Nation and its Citizens when this Constitution is adopted at an Assembly at which a quorum of Citizens eligible to vote is present and this Constitution is adopted by consensus or, if a consensus cannot be reached, and a quorum of Citizens eligible to vote is present, this Constitution may be adopted by the affirmative vote of ninety per cent of those Citizens present and eligible to vote.
- 17.2 This Constitution may be amended at any Assembly provided that a Declaration of Proposed Amendment setting forth in writing and in detail the changes desired is provided to the Elders Council at least fourteen days before the Assembly.
- 17.3 The Declaration of Proposed Amendment shall be provided by the Elders Council to the Citizens present at the commencement of the business of that Assembly. The proposed amendment shall be approved if a quorum of persons eligible to vote is present and it is approved by consensus or, if consensus cannot be reached, if a quorum of Citizens eligible to vote is present and it is approved by an affirmative vote of ninety per cent of those Citizens present and eligible to vote.
- 17.4 Provided a quorum of Citizens eligible to vote is present, an Assembly, by resolution approved by consensus or, if consensus cannot be reached, by an affirmative vote of ninety per cent, of those Citizens present and eligible to vote, may waive the application of 17.2 and 17.3 in order to enable the Assembly to deal with a proposed amendment to this Constitution.
- 17.5 Any Constitution previously adopted by the Selkirk People is hereby repealed and declared null and void.
- 17.6 Any Selkirk Law, resolution or agreement hitherto established by the Assembly or by the Council shall remain in full force and effect to the

extent that it is consistent with this Constitution.

- 17.7 If the Justice Council or a Court finds any provision of this Constitution to be null and void or of no force and effect, that finding shall apply only to that provision and shall have no force or effect on any other provision of this Constitution.
- 17.8 A person to whom Selkirk Law applies may challenge the validity of that Selkirk Law, provided always that a challenge first shall be taken to the Justice Council for its determination.
- 17.9 If the Justice Council or a Court finds any Selkirk Law to be invalid, the Selkirk Law shall be inoperative to the extent of the invalidity.

Endnotes:

¹ Addition of “Elder”.

² Addition of “Youth”.

³ Original text “*if sixteen years of age or older, a right to vote in the Selkirk First Nation elections and a right to attend, have a voice and vote at an assembly;*”

⁴ Deleted text: “*appoint the Elder who shall be a member of the Council, and an alternate for that Elder, and rotate its selection of the alternate as it deems appropriate;*”. Topic addressed in 2013 Election Act.

⁵ Subsections 8.5.4 to 8.5.10 renumbered (to correct numbering).

⁶ Original text; topic addressed in 2013 Election Act: “*The Council shall consist of the Chief, four Councillors and one Elder.*”

⁷ Original text; topic addressed in 2013 Election Act: “*The Chief may be a member of the Wolf Clan or the Crow Clan. Two Councillors shall be members of the Wolf Clan. Two Councillors shall be members of the Crow clan. The Elder may be a member of the Wolf Clan or the Crow Clan. The Elder may be a member of the Wolf Clan or the Crow Clan.*”

⁸ Original text; topic addressed in 2013 Election Act: “*The Chief and the Councillors shall be chosen by the Citizens who are sixteen years old or older in a general election. The candidate for Chief who receives the highest number of votes shall be deemed to be elected. The two Crow candidates and the two Wolf candidates who, respectively, receive the highest number of votes shall be deemed to be elected. The Elder shall be chosen by the Elders Council, and may have an alternate also chosen by the Elders Council.*”

⁹ Deleted text; topic addressed in 2013 Election Act: “*The term of office for an elected member of the council shall be three years. The term of office of the Elder who is appointed to be a member of the council shall expire when the term of office of the elected members of the council otherwise expires.*”

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- ¹⁰ Deleted text; topic addressed in 2013 Election Act: *“A vacancy amongst the elected members of the Council shall be filled by way of a by-election to be held within thirty days from the date that the Elders Council has notice that a vacancy exists. The term of office of a person chosen by way of a by-election shall expire when the term of office of the Council otherwise expires.”*
- ¹¹ Deleted text; topic addressed in 2013 Election Act: *“A vacancy as to the position of the Elder who is a member of the Council may be filled by the selection of an Elder by the Elders Council within thirty days from the date that the Elders Council has notice that a vacancy exists. In the event that the Elders Council selects the alternate Elder to be a member of the Council, the Elders Council shall select an alternate to fill the vacancy thus created. The term of office of the Elder selected to be a member of the Council shall expire when the term of office of the Council otherwise expires.”*
- ¹² Original text; topic addressed in 2013 Election Act: *“The quorum for a meeting of the Council shall be three of the elected members of the Council.”*
- ¹³ Original text *“carry out such duty as may be assigned to the Principle Elder by this Constitution or by Selkirk Law.”*
- ¹⁴ Deleted text; topic addressed in 2013 Election Act: *“12.2 The Principle Elder may:*
12.2.1 carry out such duty or perform such function as the Council may request; and
12.2.2 with the advice and consent of the Elders Council, and with notice to the Citizens, waive the requirement that a person who wishes to be a candidate for a Council office must reside within the Traditional Territory of the Selkirk First Nation.”
- ¹⁵ Deleted text; topic addressed in 2013 Election Act: *“Any person who is a candidate for office, or who holds office, in a governing institution of the Selkirk First Nation shall:*
15.1.1 be nineteen years old or more;
15.1.2 be a resident of the Selkirk First Nation Traditional Territory;
15.1.3 be a Citizen of the Selkirk First Nation under 4.1.1 or 4.1.2 of this Constitution;
15.1.4 not abuse alcohol, drugs or other like substance to an extent which impairs his or her ability regularly to perform his or her office;
15.1.5 be of sound mind;
15.1.6 have the reputation of being respectable, honest and trustworthy;
15.1.7 care about people;
15.1.8 be able to listen to people, seek consensus, show leadership and represent all persons equally;
15.1.9 personally be familiar with the Selkirk People, our interests and concerns;
15.1.10 otherwise personally be able to accept the responsibility of the office for which he or she has been chosen; and
15.1.11 be free of conflict as between his or her personal interests and the responsibilities of his or her office.”