

**Little Salmon/Carmacks  
First Nation**

**Constitution**

**2015 Consolidated  
Edition**

## NOTE

This 2015 Consolidated Edition of the Little Salmon/Carmacks Constitution incorporates the Constitution as approved by the Assembly in October 1995, as amended by:

<b>Amendment</b>	<b>Subject</b>	<b>Date</b>
1	Part 6	June 10, 1999
2	Council Elections Removal from Office	June 15, 2000
3	Conduct of Elections	June 15, 2000
4	Youth Council	June 15, 2000
5	Qualifications for Office	June 15, 2000
6	Elders Council	June 15, 2000
7	Choosing the Deputy Chief	September 2, 2005
8	Election of Deputy Chief	September 16, 2008
9	Election of the Elder Councillor	September 16, 2008
10	Conduct of Elections	June 14, 2010
11	Composition of the Council and Council Operations	June 9, 2013
12	Qualifications for Holding Office	June 9, 2013
13	Age Requirement for Youth	June 19, 2015
14	Mandate of Chief Electoral Officer	June 19, 2015

<b>Amendment</b>	<b>Subject</b>	<b>Date</b>
15	Affirmation of Candidacy and Qualifications for Office	June 19, 2015
16	Verification of Qualifications for Office	June 19, 2015

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# **Little Salmon/Carmacks First Nation**

## **- Constitution -**

### **Preamble**

We the people of Little Salmon/Carmacks First Nation wish to remain together so that we may collectively preserve, protect and promote our culture, language, heritage, lands and resources for all of our Citizens today and for at least seven generations to come. We are Aboriginal people with the inherent right of self-government and as one of the Aboriginal peoples living within Canada, we have Aboriginal and Treaty rights and title in our traditional territory.

We the people of Little Salmon/Carmacks First Nation have written into this document our traditions and values, our principles and our beliefs on how we wish to govern ourselves. This document is based on respect for the teachings of our Elders. It will rule our leaders and is to be a guide for our children who are our future. This document is the foundation for our laws and government.

We the people of Little Salmon/Carmacks First Nation say that this document is our Constitution.

## **PART 1 – Definitions**

### **1.0 Definitions**

- 1.1 **“Citizen”** means a person who is a citizen under Part 5 of this Constitution.
- 1.2 **“Compensation Funds”** means monies for Little Salmon/Carmacks First Nation flowing from the Little Salmon/Carmacks First Nation Final Agreement.
- 1.3 **“Consensus”** is reached when a question, motion or proposal is put to the Citizens in attendance at an Assembly or meeting and no one disagrees with the question, motion or proposal.
- 1.4 **“Governing Body”** means the Assembly, Council, Chief, Elders Council and Youth Council.
- 1.5 **“Final Agreement”** means the Little Salmon/Carmacks First Nation Final Agreement.
- 1.6 **“Little Salmon/Carmacks First Nation Laws”** means laws, policies, regulations and resolutions passed by Governing Bodies.
- 1.7 **“Settlement Agreements”** means a Yukon First Nation Final Agreement or a Transboundary Agreement.
- 1.8 **“Settlement Lands”** means Category A Settlement Lands, Category B Settlement Lands, Fee Simple Lands or Reserves as defined in the Little Salmon/Carmacks First Nation Final Agreement.
- 1.9 **“Yukon First Nation Final Agreement”** means a Land Claim Agreement for a Yukon First Nation that includes provisions specific to that Yukon First Nation and incorporating the provisions of Umbrella Final Agreement.

## **PART 2 – Fundamental Principles**

### **2.0 The Foundations of our Constitution**

- 2.1 The fundamental principles which form the foundations of our Constitution are: our values and beliefs; our traditions; the responsibilities of our Citizens and our Governing Bodies; the protection of our rights as a people; and that this Constitution is the highest law of Little Salmon/Carmacks First Nation.
- 2.2 The fundamental principles in this Constitution are the ideas and beliefs that we the people of Little Salmon/Carmacks First Nation live from the cradle to the grave. These principles form the foundations of our Constitution and when we are in doubt about how to deal with or resolve conflicts or when we need to understand other parts of the Constitution we will reach to these fundamental principles.

### **3.0 Values and Beliefs**

- 3.1 We the people of Little Salmon/Carmacks First Nation believe and live by our values. These are values which affirm our relationship to the Creator God and to each other. We live our lives based on the fundamental value of respect. We respect each person, each family and our nation First Nation. We respect our First Nation as the continuing voice of our people. We govern ourselves by always having respect for the spirit, the needs and the connection of all living things. We value our traditions which we have learned from the wisdom and teachings of our Elders. We believe in the primary importance of healing, sobriety and harmony within our First Nation and we value our self-respect and our self-sufficiency. Based on our respect for all people we believe in sharing our resources and our knowledge with others.

### **4.0 Traditions**

- 4.1 Since time immemorial we the people of Little Salmon/Carmacks First Nation have made our lives together on these lands. For all those years we, as a people have maintained our traditions from one generation to another. These traditions explain who we are as a

people. These traditions are protected in our language, our culture and our heritage. It is one of our traditions that the Creator God has given us the responsibility to serve for all time as the caretakers of our land, water, air and resources, both above and below the surface. It is one of our traditions that we respect our ancestors and Elders. We respect them, because they have always maintained our values and way of life and our language. We, as a people accept that we have a responsibility to maintain these traditions for our future generations.

## **5.0 Responsibilities of Citizens and Governing Bodies**

- 5.1 The people of Little Salmon/Carmacks First Nation have the primary responsibility to maintain our values and traditions and to look after and improve the well-being of our people no matter where they are. That responsibility is one that the people have for all time. The creation of governing Bodies to help maintain those values and traditions does not end the responsibility of the people. Some of our values and traditions are maintained by the people acting as a collective and some are maintained by individual Citizens.
- 5.2 As individual Citizens we carry out our ongoing responsibilities by living our lives based on:
  - 5.2.1 making sure that our language is protected and taught by our Citizens;
  - 5.2.2 respect for each individual person, for the family and for our people as a collective;
  - 5.2.3 learning from the examples and stories of our Elders and passing them on to future generations;
  - 5.2.4 a foundation of sobriety, honesty, unselfishness, life-long learning, faith in God and love of our fellow human beings;
  - 5.2.5 making sure that all of our people will always have adequate food, clothing and shelter;
  - 5.2.6 active participation in the exercise of our First Nation

government;

- 5.2.7 honor and observation of this Constitution.
- 5.3 As a collective, we the people of Little Salmon/Carmacks First Nation shall protect and promote our way of life through our Governing Bodies as established in this Constitution. Those Governing Bodies shall be created and shall operate according to the following principles:
- 5.3.1 in making decisions our Governing bodies shall strive for Consensus;
- 5.3.2 all decisions about economic development shall be balanced by the knowledge that all powers and authority are to be exercised to protect the lands and waters of Little Salmon/Carmacks First Nation for the conservation and enhancement of all living things which includes wildlife habitats and renewable and non-renewable resources;
- 5.3.3 all powers and authority are to be exercised so as to protect, secure and enhance the spiritual, physical, mental, emotional and social well-being of all of the Citizens of Little Salmon/Carmacks First Nation, including future generations;
- 5.3.4 subject to 5.3.2 and 5.3.3 all powers and authority are to be exercised so as to recognize and respect the needs and interests of Citizens of other First Nations and our non-Indian neighbors, and of their governments.

*Amendment No. 12 - June 9, 2013 - deleted former 5.3.5.*

## **6.0 Protection of our Rights and Freedoms**

- 6.1 The exercise of authority by the Little Salmon/Carmacks First Nation Governing Bodies shall be carried out in order to secure the well-being, rights and freedoms of all Citizens for all time and consistent with the following principles:

- 6.1.1 all powers and authority are to be exercised with respect, and in a fair, non discriminatory and non-abusive manner;
- 6.1.2 all powers and authority are to be exercised so as to allow for the full and free expression and participation of all Citizens;
- 6.1.3 subject to Settlement Agreements a Governing Body shall not directly or indirectly cede, release, surrender, extinguish, diminish or waive any Aboriginal or Treaty right, title or interest of the Little Salmon/Carmacks First Nation, including such right, title or interest in Settlement Land;
- 6.1.4 Compensation Funds received under the Final Agreement shall be managed in a manner which will preserve those funds as a perpetual endowment for the benefit of all present and future Citizens of Little Salmon/Carmacks First Nation. A Governing Body shall not directly or indirectly distribute or disburse the principal amount of that endowment or the portion of investment income required to maintain its constant value after inflation;
- 6.1.5 An Amendment to either the Final Agreement or to the Little Salmon/Carmacks First Nation Self-Government Agreement shall only be approved by the Assembly in a manner which is consistent with those Agreements.

## **7.0 The Highest Law of Little Salmon/Carmacks First Nation**

- 7.1 This Constitution is our highest law. Its application to Citizens is not limited by time or place. All Little Salmon/Carmacks First Nation Laws and all other actions by Governing Bodies shall be consistent with the provisions of this Constitution.
- 7.2 All parts of this Constitution are to be interpreted and applied consistently with the Fundamental Principles in this Part.

- 7.3 This Constitution shall come into force and effect on the Effective Date of the Final Agreement.

## **PART 3 – Governing Bodies**

### **8.0 Responsibilities of Governing Bodies**

- 8.1 Governing Bodies are responsible to carry out the management, administration and government of the Little Salmon/Carmacks First Nation. Governing Bodies are fully accountable to the Citizens for carrying out their responsibilities and shall provide reports on their activities as required by the Assembly, the Council or as set out in Little Salmon/Carmacks First Nation Laws.
- 8.2 The responsibilities of the Governing Bodies are as laid out in this Constitution. In addition to those responsibilities each Governing Body which has the authority to spend Little Salmon/Carmacks First Nation monies, including transfer payments, shall present a full audited financial statement to the Assembly.

### **9.0 Assembly**

- 9.1 The Assembly is the gathering of the Citizens who are sixteen (16) years or older. Citizens participate in their government by hearing the reports of the Governing Bodies and by giving directions to the Governing Bodies to carry out the wishes of the Citizens. The General Assembly has overall responsibility for the First Nation government powers and responsibilities.

#### **Annual Meetings**

- 9.2 The Assembly shall be held at least once per calendar year.

#### **General Meetings**

- 9.3 At least three (3) general meetings of the Little Salmon/Carmacks First Nation shall be called by the Council in addition to and before the Assembly.

**Special meetings of the Assembly**

- 9.4 Council may call for a special meeting of the Assembly to deal with special issues.

**Emergency meetings of the Assembly**

- 9.5 Council may call for an emergency meeting of the Assembly at its discretion.

**Notice**

- 9.6 Notice for all meetings of the Assembly shall include public posting at Little Salmon/Carmacks First Nation offices, public buildings, and other locations and in the media as determined by Council. When required by special circumstances, the Council may convene an emergency meeting on shorter notice, in order to deal with particularly urgent matters. Council shall make best efforts to give notice for all meetings of the Assembly as follows:

- 9.6.1 thirty (30) days notice for the Assembly or a special meeting of the Assembly;
- 9.6.2 fourteen (14) days notice for general meetings;
- 9.6.3 seven (7) days notice for emergency meetings of the Assembly.

**Decision Making**

- 9.7 The Assembly shall try to reach Consensus in all decision making. When Consensus cannot be reached the Assembly will proceed by a majority vote. Subject to Part 6 – The Amendment Procedure, when Consensus cannot be achieved and the Assembly proceeds to make a decision by voting, then a minimum of seventy-five percent (75%) of those present, eligible and participating in the vote is required in order for the decision to pass.
- 9.7.1 A quorum consists of at least thirty-five (35) Citizens who are present and participating in the Assembly.

- 9.7.2 The voting age is sixteen (16) years old.
- 9.8 The Assembly has overall authority for the protection and good government of Citizens and their rights, titles and interests and subject to this Constitution, the Assembly may enact Little Salmon/Carmacks First Nation Laws in relation to all matters including but not limited to the following:
- 9.8.1 protection, management and administration of First Nation rights and benefits pursuant to Settlement Agreements;
  - 9.8.2 use, management, administration, control and protection of Settlement Land;
  - 9.8.3 implementation of Settlement Agreements;
  - 9.8.4 use, management, administration, control and protection of renewable and non-renewable resources under the ownership, control or jurisdiction of Little Salmon/Carmacks First Nation;
  - 9.8.5 Little Salmon/Carmacks First Nation Citizenship;
  - 9.8.6 Justice, which may include courts, Justice Officials, the administration of criminal justice and other dispute resolution mechanisms;
  - 9.8.7 intergovernmental relations, including agreements for transfer payments and participation in inter-jurisdictional bodies;
  - 9.8.8 gathering, hunting, trapping, fishing or traditional medicines and the conservation of fish and wildlife and their habitat;
  - 9.8.9 pollution and environmental protection;
  - 9.8.10 culture and language;
  - 9.8.11 spiritual beliefs and practices;

- 9.8.12 education and training;
- 9.8.13 economic development and employment opportunities;
- 9.8.14 health and health care;
- 9.8.15 healing & well being of the Citizens;
- 9.8.16 social and welfare services;
- 9.8.17 public health and safety;
- 9.8.18 allocation or disposition of rights, titles or interests in and to Settlement Land, including expropriation for the benefit of the Little Salmon/Carmacks First Nation;
- 9.8.19 use, management, administration, control and protection of Little Salmon/Carmacks First Nation monies, including Compensation Funds and other monies provided under Settlement Agreements;
- 9.8.20 raising of money by levying or collecting fees or taxes for the use or occupation of Settlement Land, or other types of fees or taxes from Little Salmon/Carmacks First Nation Citizens or purchasers of services on Settlement Land;
- 9.8.21 rules of procedure and accountability for Governing Bodies;
- 9.8.22 establishment, organization and maintenance of corporations or other entities owned or controlled by Little Salmon/Carmacks First Nation;
- 9.8.23 appointment, remuneration, tenure and removal from office of officers, employees, agents and servants of Governing Bodies;
- 9.8.24 borrowing of money for Governing Bodies;
- 9.8.25 communications;

- 9.8.26 family matters, including marriage, adoption and divorce;
  - 9.8.27 well-being of children, including guardianship, custody, care and placement;
  - 9.8.28 inheritance, wills, intestacy and administration of estates;
  - 9.8.29 safeguarding the well-being or property of persons under a disability;
  - 9.8.30 licensing and regulation of any business, trade, profession or other occupation on Settlement Land;
  - 9.8.31 labour relations;
  - 9.8.32 public works and other services or facilities on Settlement Lands;
  - 9.8.33 registration and enforcement of Little Salmon/Carmacks First Nation Laws and the maintenance of law and order, including policing;
  - 9.8.34 other subjects within Little Salmon/Carmacks First Nation authority, pursuant to the Little Salmon/Carmacks First Nation Self-Government Agreement.
- 9.9 In order to carry out its functions and responsibilities the Assembly may:
- 9.9.1 expressly delegate some of its powers or authorities, on terms;
  - 9.9.2 authorize the collection or expenditure of funds by Governing Bodies;
  - 9.9.3 review the performance of Governing Bodies;
  - 9.9.4 authorize agreements between Little Salmon/Carmacks

First Nation or Governing Bodies and other First Nations, governments, bodies, entities or persons;

- 9.9.5 establish committees of the Assembly;
- 9.9.6 appoint or remove from office, officials, employees or agents of the Assembly;
- 9.9.7 seek and consider the advice of the Elders Council;
- 9.9.8 appoint persons to inquire into and report upon particular matters;
- 9.9.9 take other steps to give effect to this Constitution and Little Salmon/Carmacks First Nation Laws.

## **10.0 Council**

- 10.1 The Council of Little Salmon/Carmacks First Nation has the overall responsibility for the administration of the Little Salmon/Carmacks First Nation government.
- 10.2 The Council shall be composed of eight (8) Citizens: two Wolf Clan Councillors, two Crow Clan Councillors, one Elder Councillor, one Youth Councillor, the Deputy Chief and the Chief.

*Amendment No. 11 - June 9, 2013.*

- 10.3 The Council shall be collectively responsible for the ongoing decision making authority and good government for the benefits of all Clan Citizens.
- 10.4 The Council shall exercise overall administrative authority for Little Salmon/Carmacks First Nation and shall implement Little Salmon/Carmacks First Nation Laws. For those purposes it shall implement resolutions of the Assembly and may take other steps allowed under this Constitution, including but not limited to the following:
  - 10.4.1 administer and implement Little Salmon/Carmacks First Nation Laws;

- 10.4.2 enact regulations authorized by Little Salmon/Carmacks First Nation Laws;
  - 10.4.3 develop and enact policies;
  - 10.4.4 develop and administer programs to provide services;
  - 10.4.5 protect, administer and manage all Little Salmon/Carmacks First Nation interests, including interests in and to Settlement Lands, monies, capital and other assets;
  - 10.4.6 make recommendations to the Assembly;
  - 10.4.7 provide for the registration and publication of Little Salmon/Carmacks First Nation Laws, regulations and the policies, actions and decisions of Governing Bodies;
  - 10.4.8 negotiate and conclude agreements on behalf of the Little Salmon/Carmacks First Nation;
  - 10.4.9 expressly delegate some of its functions, on terms;
  - 10.4.10 provide for the appointment, duties, remuneration, tenure and termination of officers, employees, servants and agents of Governing Bodies;
  - 10.4.11 establish continuing or temporary committees;
  - 10.4.12 convene meetings of the Assembly;
  - 10.4.13 other matters as the Council feels necessary to carry out its responsibilities under this section.
- 10.5 At every meeting of the Assembly, the Council shall report on its activities. At every Assembly the Council shall report on the activities of all Governing Bodies, including financial matters. Minutes of Council meetings shall be posted at the Little Salmon/Carmacks First Nation office and shall be available on request to any Citizen.

## **Decision Making**

10.6 The Council of the Little Salmon/Carmacks First Nation shall endeavor to make decisions by Consensus.

10.6.1 The quorum for any Council meeting shall be a majority of the members of Council, with at least one Clan Councillor present from each Clan. However, if at least one Clan Councillor from each Clan is not present and there are extraordinary circumstances in which the absence of a decision by Council will threaten the ability of our government to function, then a quorum of Council shall be all of its remaining members and the Council shall decide matters by consensus.

*Amendment No. 11 - June 9, 2013.*

10.7 The Council shall exercise its authorities and discharge its responsibilities in accordance with this Constitution, with honesty and in the best interests of the Little Salmon/Carmacks First Nation.

*Amendment No. 11 - June 9, 2013.*

## **Clan Councillors**

10.8 The Wolf Clan Councillors and the Crow Clan Councillors shall be elected in an election at large. In an election, a Citizen entitled to vote may vote for up to four candidates for Clan Councillor, regardless of Clan. The two candidates for Wolf Clan Councillor who receive the highest number of votes shall become the Wolf Clan Councillors, and the two candidates for Crow Clan Councillor who receive the highest number of votes shall become the Crow Clan Councillors.

*Amendment No.2 – June 15, 2000.*

10.9 Clan Councillors are responsible to inform Clan members about issues affecting the Little Salmon/Carmacks First Nation and to relate Clan members' issues at Council meetings.

10.10 The length of office for Clan Councillors is four (4) years.

10.11 Clan Councillors may be removed from office under the procedures set out in Part 4: General Matters, in this Constitution.

10.12 In the event that a Clan Councillor is unable to continue in office, a by-election shall be held at the earliest convenient date after that office is declared vacant by the Council.

*Amendment No. 2 – June 15, 2000.*

### **Elder Councillor**

10.13 The term of the Elder Councillor shall be for four (4) years. The Elder Councillor shall be elected by the Citizens in an election at large. The candidate receiving the highest number of votes shall be appointed as the Elder Councillor. The candidate receiving the second highest number of votes shall be the alternate. If the Elder Councillor cannot continue in office and there is 6 months or less left in the term the alternate shall complete the term. If the Elder Councillor cannot continue in office and there is more than 6 months remaining in the term Council shall call a by-election at the earliest appropriate opportunity. Both the Elder Councillor and the alternate shall be determined from the results of the by-election in the same manner as the original election. The Elder Councillor will report to the Elders Council.

*Amendment No.9 – September 16, 2008.*

10.14 The Elder Councillor acts as the political voice of both the Crow and Wolf Clans. Therefore, when fulfilling the responsibilities of that position the Elder Councillor shall not represent his/her own Clan, but shall act in the best interest of both Clans and all Clan members.

### **Youth Councillor**

10.15 A Youth Councillor and an alternate shall be elected by the Youth Council by the highest number of votes, and the second highest number of votes, respectively, cast by members of the Youth Council in an election to be held within thirty (30) days after the date of each general election for Council, and thereafter on each anniversary of the general election during the term of the Council. If the Youth Councillor cannot continue in office, the alternate will assume office

until the next General Assembly. The Youth Councillor will report regularly to the Youth Council. If the Youth Councillor is under 19 years of age, then any decision of the Council that is intended to legally bind the Little Salmon/Carmacks First Nation to a contract or financial commitment shall require consensus or, failing consensus, the affirmative vote, of a majority of the members of Council who are 19 years of age or older.

*Amendment No. 11 - June 9, 2013 (last sentence only).*

- 10.16 The Youth Councillor acts as the political voice of the youth of both the Crow and Wolf Clans. Therefore, when fulfilling the responsibilities of that position the Youth Councillor shall not represent his/her own Clan, but shall act in the best interest of both Clans and all Clan members.

## **11.0 Chief**

- 11.1 The Chief acts as the voice of both the Crow and Wolf Clans. Therefore, when fulfilling the responsibilities of that position the Chief shall not represent his/her own Clan, but shall act in the best interest of both Clans and all Clan members.
- 11.2 The Chief is responsible to provide overall leadership for Little Salmon/Carmacks First Nation.
- 11.3 The Chief shall be elected in an election at large. In an election, a Citizen entitled to vote may vote for only one candidate for Chief. The candidate for Chief who receives the highest number of votes shall become the Chief.

*Amendment No.2 – June 15, 2000.*

- 11.4 The length of office for the Chief shall be four (4) years.
- 11.5 If the Chief cannot continue in office, and there is six months or less remaining in the Chief's term of office, the Deputy Chief shall assume the duties of the Chief and the Elders Council shall select a Clan Councillor to assume the duties of the Deputy Chief, both until the next general election. If the Chief cannot continue in office, and there is more than six months remaining in the Chief's term of office,

the same measures shall be taken, but they may continue in force only until a by-election is completed, and a by-election shall be held at the earliest convenient date after the Chief is declared by the Council to be unable to continue in office.

*Amendment No.2 – June 15, 2000; Amendment No.7 – September 02, 2005.*

- 11.6 The Chief shall exercise overall leadership to represent and protect Citizens and their rights, titles and interests and to implement Little Salmon/Carmacks First Nation Laws. For those purposes the Chief shall ensure that resolutions of the Assembly or Council are implemented, and may take other steps allowed under this Constitution, including but not limited to the following:
- 11.6.1 act as principal spokesperson and representative of Little Salmon/Carmacks First Nation;
  - 11.6.2 encourage the resolution of internal disputes and conflicts within Little Salmon/Carmacks First Nation communities and Governing Bodies;
  - 11.6.3 participate in Governing Bodies;
  - 11.6.4 promote the fundamental principles of Little Salmon/Carmacks First Nation as stated in Part 1 of this Constitution;
  - 11.6.5 oversee the general administration and management of Little Salmon/Carmacks First Nation operations; and
  - 11.6.6 provide direction to the Deputy Chief and other staff employed by Little Salmon/Carmacks First Nation.
  - 11.6.7 From time to time the Chief may delegate his/her authority to the Deputy Chief.

## **12.0 Deputy Chief**

- 12.1 The Deputy Chief represents the Crow and Wolf Clans. Therefore, when fulfilling the responsibilities of that position the Deputy Chief shall not represent his/her own Clan, but shall act in the best interest

of both Clans and all Clan members.

- 12.2 The Deputy Chief has the responsibility to work together with, and under the direction of the Chief to provide overall leadership to Little Salmon/Carmacks First Nation. The Deputy Chief shall support the actions and authority of the Chief.
- 12.3 The Deputy Chief shall be elected in an election at large. Candidates for this office shall only run for this position. The candidate who receives the highest number of votes shall become the Deputy Chief.

*Amendment No.8 – September 16, 2008.*

- 12.4 The term of the Deputy Chief shall be four (4) years. If the Deputy Chief cannot continue in office and there is 6 months or less left in the term Council shall appoint a Council member other than the Chief to hold the office until the next general election. If the Deputy Chief cannot continue in office and there is more than 6 months remaining in the term Council shall call a by-election at the earliest appropriate opportunity for a Deputy Chief to serve until the next general election.

*Amendment No.8 – September 16, 2008.*

## **13.0 Elders Council**

- 13.1 All Citizens who are sixty (60) years and older shall be members of the Elders Council. All members of the Elders Council shall have equal authority. The Elders Council shall strive to conduct its business by Consensus, but if Consensus in a matter cannot be reached, the Elders Council may make a decision in that matter by an affirmative vote of the majority of the members of the Elders Council present at the time a vote is taken.

*Amendment No.6 – September 16, 2000.*

- 13.2 To ensure the continuity of values and traditions the Elders Council is responsible to provide advice, assistance and recommendations to the Governing Bodies and may take other steps allowed under this Constitution including but not limited to the following:
- 13.2.1 advise the Council and Assembly on relevant matters,

including law and policy;

- 13.2.2 advise other Governing Bodies;
- 13.2.3 participate in Citizenship matters;
- 13.2.4 assist the Council and other Governing Bodies to resolve conflicts;
- 13.2.5 arrange programs for Little Salmon/Carmacks First Nation Elders.

*Amendment No.9 – September 16, 2008.*

- 13.3 The quorum for a meeting of the Elders Council shall be 50% (1/2) of the Citizens who are members of the Elders Council.

*Amendment No.6 – June 15, 2000.*

## **14.0 Youth Council**

- 14.1 The Youth Council will provide leadership to Little Salmon/Carmacks First Nation youth regarding participation by youth in the community and the Little Salmon/Carmacks First Nation government.
- 14.2 The Youth Council shall be composed of seven (7) Citizens who are from sixteen (16) to twenty-four (24) years of age. Its members shall be selected from those young Citizens recognized for their maturity, potential leadership capabilities and desire to be involved in First Nation government. Youth Council members shall be elected by the Citizens entitled to vote in a Youth Council election for a term of office of four years. A Youth Council election shall be held at the same time as the general election for Council. The seven candidates for office as a Youth Council member who receive the highest number of votes shall become the Youth Council members.

*Amendment No.4 – June 15, 2000.*

*Amendment No. 13 - June 19, 2015*

- 14.3 If a member of the Youth Council cannot continue in office, a by-election shall be held at the earliest convenient date after the Youth Council declares that the member cannot continue. A member of the

Youth Council who turns twenty-five years of age during his or her term as a member shall be entitled to serve for the balance of his or her term.

*Amendment No.4 – June 15, 2000.*

- 14.4 The Youth Council shall strive to conduct its business by Consensus, if Consensus cannot be reached, a majority vote will prevail.
- 14.5 The Youth Council shall provide advice, assistance and recommendation on matters concerning youth, to the Governing Bodies and may also take other steps, including but not limited to the following:
  - 14.5.1 learn about Little Salmon/Carmacks First Nation values, traditions and the operation of Governing Bodies;
  - 14.5.2 assist members of the Council and Elders Council in their functions and responsibilities;
  - 14.5.3 attend meetings of Governing Bodies;
  - 14.5.4 advise Governing Bodies on matters of concern to Little Salmon/Carmacks youth;
  - 14.5.5 encourage youth to honour and observe this Constitution and the Little Salmon/Carmacks First Nation Laws;
  - 14.5.6 arrange programs for Little Salmon/Carmacks youth.
- 14.6 The Youth Council shall convene a meeting of the Youth at least once each year.

*Amendment No.4 – June 15, 2000.*

## **15.0 Administration of Justice**

- 15.1 Little Salmon/Carmacks First Nation may establish a Justice System.

- 15.1.1 In the event that Little Salmon/Carmacks First Nation determines to establish a Justice System it shall be established, maintained and organized according to Little Salmon/Carmacks First Nation Laws, the fundamental principles in Part 1 of this Constitution and shall function independently of Governing Bodies.

## 15A. Elections

*Amendment No.3 – June 15, 2000.*

- 15A.1 A Citizen who is sixteen (16) years of age or older is entitled to vote in any election for Wolf Clan Councillor, Crow Clan Councillor, Elder Councillor, Deputy Chief or Chief, and to nominate any other Citizen to be a candidate for office as Wolf Clan Councillor, Crow Clan Councillor, Elder Councillor, Deputy Chief or Chief.

*Amendment No. 11 - June 9, 2013.*

- 15A.2 A Citizen who is from sixteen (16) to twenty-four (24) years of age is entitled to vote in a Youth Council election and to nominate any other Citizen who is from sixteen (16) to twenty-four (24) years of age, to be a candidate for office in the Youth Council.

*Amendment No. 13 - June 19, 2015*

- 15A.3 A Citizen who is a member of the Youth Council is entitled to vote in an election of the Youth Councillor, and is entitled to nominate any other member of the Youth Council to be a candidate for office as the Youth Councillor.

- 15A.4 The Council shall appoint a Chief Electoral Officer for each election.

*Amendment No. 10 - June 14, 2010.*

- 15A.5 Except as this Constitution otherwise provides, the Chief Electoral Officer shall have responsibility for the conduct of all elections required under this Constitution, including all related procedures, polls and returns, and shall serve as the Chair of any nomination meeting.

*Amendment No. 14 - June 19, 2015*

- 15A.5.1 The Chief Electoral Officer may appoint such deputies, agents and assistants as he/she may deem necessary for the discharge of his/her responsibility.
- 15A.5.2 The Council shall authorize the expenditures reasonably necessary to be made in order to enable an election to occur and to enable the Chief Electoral Officer to discharge his/her responsibility in respect of that election.

15A.6 In the conduct of his/her office, the Chief Electoral Officer at all times shall be at arms-length from the Council, avoid personal conflicts-of-interest, and strive to ensure that each election is held lawfully and fairly.

15A.7 All decisions of the Chief Electoral Officer shall be final and binding, and not subject to appeal or judicial review in any Court; provided that a candidate affected by a decision of the Chief Electoral Officer shall have the right, which must be exercised within thirty (30) days after the date an election is held, to apply for judicial review on the grounds that the Chief Electoral Officer:

- 15A.7.1 failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise his/her jurisdiction;
- 15A.7.2 erred in law in his/her decision, whether or not the error appears on the face of the record; or
- 15A.7.3 based his/her decision on an erroneous finding of fact that he/she made in a perverse or capricious manner or without regard for the evidence before him/her; and

further provided that a Court shall not disturb the election result unless a wrongful decision of the Chief Electoral Officer had a demonstrable and substantial effect on that result.

15A.8 The Chief Electoral Officer and the Standing Committee for Constitutional Development jointly shall identify and recommend to the Council such procedures as they may deem suitable for the better conduct of elections and which provide, amongst other things,

for each process of election to include a nomination meeting, and for the election to be held within two weeks thereafter.

## **Part 4 – General Matters**

### **16.0 Qualifications for Holding Office**

*Amendment No. 12 - June 9, 2013. Replaced former 16.0 (Leaving Office) with the above title and the following provisions.*

16.1 Each member of the Council shall have the qualifications required under 16.2 to 16.8 as of the date of his or her election to office.

Each Citizen who wishes to be a candidate for office as a member of the Council shall affirm in writing to the Chief Electoral Officer by the close of nominations for that election that:

16.1.1 he or she wishes to be a candidate for the office for which he or she has been nominated; and that

16.1.2 he or she will have, as of the date of that election, the qualifications required for that office.

*Amendment No. 15 - June 19, 2015*

#### **Age**

16.2 The Chief and the Deputy Chief shall each be a Citizen who is at least nineteen (19) years of age.

16.3 Each Wolf Clan Councillor shall be a Citizen who is at least nineteen (19) years of age and a member of the Wolf Clan.

16.4 Each Crow Clan Councillor shall be a Citizen who is at least nineteen (19) years of age and a member of the Crow Clan.

16.5 The Elder Councillor shall be a Citizen at least sixty (60) years of age.

16.6 The Youth Councillor shall be a Citizen who is from sixteen (16) to

twenty-four (24) years of age.

*Amendment No. 13 - June 19, 2015*

### **Residency**

- 16.7 Each member of the Council shall have been ordinarily resident in the Yukon Territory for not less than twelve (12) consecutive months immediately prior to the date of his or her election to office (temporary absences for medical or educational reasons excepted).

### **Criminal Record**

- 16.8 Unless the record thereof is the subject of a continuing suspension under the *Criminal Records Act (Canada)*, a member of the Council shall not have been convicted of an offence under the *Criminal Code of Canada* (or foreign equivalent) as an adult by way of indictment within the previous ten (10) years and shall not be serving a sentence in prison or be on probation or parole for such an offence.

### **Conduct in Office**

- 16.9 During his or her term of office, each member of the Council shall remain free from a conviction described in 16.8 and shall, in addition, comply with 16.10 to 16.12.
- 16.10 The Chief and Deputy Chief shall be ordinarily resident in the Traditional Territory of Little Salmon/Carmacks First Nation. Each of the Clan Councillors, the Elder Councillor and the Youth Councillor shall be ordinarily resident in the Yukon Territory.
- 16.11 Each member of the Council shall conduct himself or herself:
- 16.11.1 with the dignity and integrity becoming of their office;
  - 16.11.2 with respect;
  - 16.11.3 with a focus on the matters to be discussed and decided;
  - 16.11.4 so as to avoid impasse in the Council due to personal conflict;

- 16.11.5 free from substance abuse; and
- 16.11.6 in accordance with any further code of conduct which the Little Salmon/Carmacks First Nation may adopt for its Governing Bodies.

16.12 In any matter to be discussed or decided by the Council, each member of the Council shall avoid any conflict between their personal interests (and those of their immediate family) and the best interests of the Little Salmon/Carmacks First Nation. If such a conflict arises in respect of any matter, the Council member affected shall declare the conflict to the Council and shall take no part in the discussion or decision in respect of that matter.

### **Verification**

- 16.13 Until the Little Salmon/Carmacks First Nation Justice System is established and subject to the provisions made for the Justice System, the Standing Committee on Constitutional Development created by Resolution of the Assembly (the "Committee") shall have the powers provided to it in 16.14 to 16.16.
- 16.14 Upon receipt of a report from the Chief Electoral Officer which identifies each Citizen who has affirmed his or her wish to be a candidate in an election, the Committee shall initiate procedures to verify the qualifications of each candidate as to his or her age and residency.
- 16.14.1 The Committee shall endeavour to complete its verification of the age and residency qualifications of each candidate within seven (7) LSCFN business days after the date it receives the Chief Electoral Officer's report. If the Committee deems it reasonable in the circumstances, the Committee may extend the time for this verification procedure to be completed, but may do so only once and only for a period not exceeding seven (7) LSCFN business days.
  - 16.14.2 Each candidate shall endeavour to provide the Committee prior to the expiry of the permitted time with such information as the Committee may require to determine that candidate's age and residency qualifications.

- 16.14.3 If the Committee determines that a candidate for office in an election will be in compliance with the age and residency qualifications for that office as of the date of that election, the Committee shall so declare and so advise both the candidate and the Chief Electoral Officer in writing.
- 16.14.4 If the Committee determines that a candidate for office in an election will not be in compliance with the age and residency qualifications for that office as of the date of that election; or the Committee is unable to verify the candidate's qualifications due to, in the Committee's opinion, a failure by the candidate to provide within the permitted time the information the Committee requires to make that determination, the Committee:
- (a) shall give the affected candidate notice in writing of that result and the candidate may then advise the Chief Electoral Officer that he or she withdraws his or her candidacy; provided that
  - (b) if the candidate does not voluntarily withdraw his or her candidacy within 2 LSCFN business days after the date of the Committee's notice, the Committee shall declare that candidacy to be null and void and shall so advise both the candidate and the Chief Electoral Officer in writing.
- 16.14.5 The election process shall not proceed until the Committee has made its determination of the age and residency qualifications in respect of all of the candidates in that election and has advised the Chief Electoral Officer in writing of its declarations.

*Amendment No. 16 - June 19, 2015*

- 16.14A The Committee shall initiate procedures to verify the criminal record of a Citizen only if that Citizen is elected to office. The Committee shall initiate those procedures as soon as practicable after the date of the election and may take such time as the circumstances may require to make that determination.
- 16.14A.1 Each candidate who is elected to office shall provide the results of his or her criminal record check to the Committee forthwith after they are received or, alternatively, may identify

the Committee as the party designated by that candidate to request and receive that information.

- 16.14A.2 If the Committee determines that a Citizen who was elected to office was in compliance with the criminal record qualification as of the date of the election, the Committee shall so advise both the candidate elected and the Council in writing.
- 16.14A.3 If the Committee determines that a Citizen who was elected to office was not in compliance with the criminal record qualification as of the date of the election, the Committee shall so advise both the candidate elected and the Council in writing and shall declare the office to which that Citizen was elected to be vacant as of the date that declaration is made.
- 16.14A.4 A declaration made by the Committee under clause 16.14A.3 shall not affect the validity of any decision of the Council made prior to the date of that declaration.

*Amendment No. 16 - June 19, 2015*

- 16.14B A determination made by the Committee with respect to a Citizen's qualifications for office as of the date of an election shall be without prejudice to any later process and determination made by the Committee on request or petition in respect of the same Citizen, if that Citizen has been elected to office, on the basis of information that is different or, despite the Committee's endeavour, was not previously considered.

*Amendment No. 16 - June 19, 2015*

- 16.15 After an election, upon receipt by the Committee of a request by the Council or a petition of 75 electors in writing and stating particulars, the Committee shall initiate proceedings to determine whether a member of the Council, in respect of those particulars, is or was in compliance with 10.7, 16.9, 16.10, 16.11 or 16.12, as the case may be. If the Committee finds a member of the Council not to be or not to have been in compliance, the Committee shall prescribe such remedy as it deems appropriate in the circumstances. If deemed appropriate, the Committee may declare that the Council member shall be removed from office and that the office shall be vacant as of a date specified by the Committee.

16.15.1 The Committee shall have no obligation to initiate proceedings under 16.15 if, in the Committee's opinion, the request or petition is frivolous, vexatious or capricious.

16.16 In any proceedings of the Committee under 16.14 or 16.15:

- 16.16.1 at the Committee's request, any person who is the subject of the proceedings shall, at that person's expense, provide any necessary consents and otherwise co-operate with the Committee in the Committee's effort to determine the facts;
- 16.16.2 the Committee shall make any finding and declaration by consensus or, failing consensus, by a majority vote of the members of the Committee;
- 16.16.3 a finding and declaration shall be made by the Committee only on evidence the Committee deems relevant and satisfactory and only after reasonable notice to the candidate or member of Council involved and reasonable opportunity for that person and the complainant to be heard by the Committee;
- 16.16.4 the candidate or member of Council involved shall be provided reasons in writing for the Committee's decision; and
- 16.16.5 the privacy interests of the person who is the subject of the proceedings shall be respected. Committee members shall keep the subject's personal information confidential and the Committee's record of proceedings in respect of that information shall be kept confidential. The Committee shall not be obliged to disclose such information as part of any finding, declaration or reasons for decision that it may provide for the benefit of the Little Salmon/Carmacks First Nation and its Citizens.

## **Judicial Review**

16.17 The proceedings and any finding or declaration made by the Committee under 16.14 to 16.16 shall be final and binding on all parties and shall not be subject to appeal or judicial review under Article 17.0 of this Constitution or otherwise by the Little Salmon/Carmacks First Nation or any of its governing bodies, the Citizen alleged or found not to be or not to have been in compliance or any other person except that, within 30 days after a declaration is made, an application for judicial review by that Citizen or the Little Salmon/Carmacks First Nation may be made to the Supreme Court of Yukon upon the grounds that the Committee:

- 16.17.1 failed to observe a principle of natural justice;
- 16.17.2 erred in law in making its finding or declaration, whether or not the error appears on the face of the record; or
- 16.17.3 based its finding or declaration on an erroneous finding of fact that it made in a perverse or capricious manner or without regard to the material before it.

The Committee shall be entitled to be a party in any judicial review.

### **Leaving Office**

16.18 A member of the Council may leave office by voluntary resignation at any time and shall use best efforts to give not less than 14 days notice in writing to the Council.

16.19 The office of a member of the Council who has passed away shall become vacant as of the date of his or her death.

16.20 The office of a member of the Council who is the subject of an order under the Yukon *Mental Health Act* appointing a committee of their person or property or both or who has been found to be mentally incompetent by a Court shall become vacant as of the date of that order or finding.

16.21 The Council may grant any member of the Council a leave of absence from their office for compassionate, health, disability or any other reason the Council deems acceptable for a period not exceeding 6 months.

16.22 A Council member who, without grant of leave or excuse acceptable to the Council, misses three (3) consecutive meetings of the Council in a three (3) month period or one-fourth (1/4) of the meetings of the Council in a twelve (12) month period, as to which meetings the Council member has received due notice, may be declared by the Council, on reasonable notice to the member, to have forfeited his or her office as a Council member.

16.23 Each grant of leave or acceptance of an excuse for absence from a Council meeting shall be recorded in the minutes of the Council.

## **17.0 Appeals**

17.1 The Assembly shall enact Little Salmon/Carmacks First Nation Laws to provide for appeals from all decisions or actions of Governing Bodies which shall be based on the following principles:

17.1.1 Appeals from all decisions or actions made or taken by Governing Bodies pursuant to Little Salmon/Carmacks First Nation Laws, shall be determined according to Little Salmon/Carmacks First Nation Laws.

17.1.2 Judicial review of a decision or action may be commenced only after all appeals pursuant to Little Salmon/Carmacks First Nation Law have been exhausted.

17.1.3 Only persons directly affected by a decision or action shall have a right of appeal.

17.1.4 The first appeal shall be to the Governing Body which made the decision. In that first appeal the Governing Body shall review all aspects of the appeal and shall make what ever decision it considers appropriate.

17.1.5 A second appeal from a Governing Body other than the Council shall go to the Council. If the Governing Body which made the decision is the Council the second appeal shall go to the Assembly pursuant to 17.1.7.

- 17.1.6 In the event there is a further appeal, Council shall determine whether that appeal shall go to a general meeting or the Assembly.
- 17.1.7 If a third appeal is dealt with in a general meeting it may be further appealed to the Assembly.
- 17.1.8 A final appeal decision of the Assembly, shall be final and binding on all parties, and not subject to further appeal or review in any Court.
- 17.1.9 Nothing in this section is intended to restrict the right of a Citizen to challenge the validity of any Little Salmon/Carmacks First Nation law or seek a ruling that a law is of no force and effect.

## **PART 5 – Citizenship Code**

### **18.0 Authority for Citizenship Matters**

18.1 In this section the following definitions apply:

- 18.1.1 **“Proof of Marriage”** may be a marriage license, a traditional Little Salmon/Carmacks First Nation ceremony, or proof of living together with the intention of being husband and wife for at least (3) years.
- 18.1.2 **“Adoption Order”** means Little Salmon/Carmacks First Nation custom adoption, or any other adoption orders recognized under the laws of Canada or its provinces and territories.
- 18.1.3 **“Child”** means a person 18 years old and under.
- 18.1.4 **“Yukon First Nation Person”** means a person who is enrolled or is eligible to be enrolled under a Yukon First Nation Final Agreement.
- 18.1.5 **“North American Aboriginal Person”** includes the Indian, Inuit and Metis peoples of North America.

- 18.2 All matters concerning Little Salmon/Carmacks First Nation Citizenship are within the exclusive jurisdiction of Little Salmon/Carmacks First Nation and shall be determined according to this Constitution and Little Salmon/Carmacks First Nation Laws.

## **19.0 Citizenship Committee**

- 19.1 Little Salmon/Carmacks First Nation shall create a Citizenship Committee whose responsibility shall be to make recommendations on citizenship matters to the Assembly.
- 19.2 The Citizenship Committee shall be selected at an Assembly by a process to be determined by the Assembly. The Citizenship Committee shall be composed of three (3) elders and an alternate and two (2) adult Citizens and an alternate. If a member of the Citizenship Committee is unable to continue in office, the respective alternate shall assume office until such time as the Assembly can select a replacement or the member is able to continue in office again.
- 19.3 The Citizenship Committee shall publish notice of applications for Citizenship in a local newspaper and post a list at the Little Salmon/Carmacks First Nation office.
- 19.4 The Citizenship Committee shall consult with a member of the family concerned with the application.
- 19.5 A quorum of the Citizenship committee is five (5).

## **20.0 Little Salmon/Carmacks First Nation Citizens**

- 20.1 The following are Citizens:
- 20.1.1 A person registered on Little Salmon/Carmacks Indian Band list of the Department of Indian Affairs and Northern Development prior to the enactment of this Code and who is enrolled or entitled to be enrolled under the Final Agreement and who has Little Salmon/Carmacks First Nation ancestry.

- 20.1.2 A person who is enrolled under the Final Agreement;
- 20.1.3 A person who can claim ancestry to the Little Salmon/Carmacks First Nation by proving a twenty-five (25%) genetic connection;
- 20.1.4 A person who can claim ancestry to the Northern Tutchone by proving a twenty-five (25%) percent genetic connection and married to a Citizen.
- 20.1.5 A child adopted by a Citizen who is:
  - 20.1.5.1 Northern Tutchone, or
  - 20.1.5.2 a Yukon First Nation Person, or
  - 20.1.5.3 a North American Aboriginal Person.

## **21.0 Associate Citizens**

- 21.1 A person may become a Little Salmon/Carmacks First Nation Associate Citizen if that person has a special relationship with a Little Salmon/Carmacks First Nation; and is sponsored for citizenship by a Citizen; and is recommended as an Associate Citizen by the Citizenship Committee and accepted by the Assembly.
- 21.2 Any person with less than twenty-five (25%) percent genetic connection to Little Salmon/Carmacks First Nation may apply to be an Associate Citizen.
- 21.3 Any person who is non-aboriginal may apply to be an Associate Citizen if he/she was a child adopted by a Citizen.
- 21.4 When a person marries a Citizen, he/she can apply to be an Associate Citizen if he/she is a:
  - 21.4.1 Yukon First Nation Person, or
  - 21.4.2 North American Aboriginal Person.

- 21.5 Being accepted as an Associate Citizen does not confer any rights of enrollment under the Final agreement.
- 21.6 Associate Citizens cannot be Councillors.
- 21.7 Associate Citizens cannot vote in any Governing Body.
- 21.8 In determining whether to accept a person as an Associate Citizen, the Citizenship Committee shall consider all relevant factors including the following:
  - 21.8.1 shared language, spiritual and cultural traditions;
  - 21.8.2 knowledge of the land and the traditional Indian way of life;
  - 21.8.3 length of residence in Little Salmon/Carmacks First Nation communities;
  - 21.8.4 place of birth;
  - 21.8.5 length of residence in Yukon.
- 21.9 The descendants of Associate Citizens must individually apply to the Citizenship Committee for any citizenship status, pursuant to this Code.

## **22.0 Loss or Removal of Citizenship**

- 22.1 A person ceases to be a Citizen when one of the following occurs:
  - 22.1.1 after giving written notice to the Citizenship Committee of an intention to renounce Little Salmon/Carmacks First Nation citizenship and receiving written acknowledgment from the Citizenship Committee that the citizenship has ceased;
  - 22.1.2 A person becomes a Citizen of another Yukon First Nation;
  - 22.1.3 Termination of marriage of a person whose citizenship

was derived solely from that marriage, which includes separation for one year with the intention of terminating the marriage;

- 22.1.4 Where the Citizenship Committee determines, after appropriate notice and consideration of all relevant information, that a person was enrolled by mistake or fraud, and did not initially qualify as a Citizen. Such a person shall be deemed to never have been a Citizen.

## **23.0 Citizenship Appeals**

- 23.1 Decisions pertaining to citizenship may be appealed to the Citizenship Committee by an applicant for citizenship or by a Citizen interested in a particular application. On such appeal the Citizenship Committee shall give its recommendation to the Assembly in writing.
- 23.2 Further appeals shall be provided pursuant to paragraph 17 of this Constitution.

## **PART 6 – Amendments**

*Amendment No.1 – October 6, 1999.*

- 24.1 Any proposed amendment to the Constitution shall be provided to the Council in writing no later than thirty (30) days prior to the Assembly.
- 24.2 The Council, if satisfied that a proposed amendment is not frivolous, vexatious or contrary to law, shall cause adequate notice of the proposed amendment to be given to the Citizens by such means as the Council may deem effective, not less than fourteen (14) days prior to the Assembly.
- 24.3 A proposed amendment shall be presented to the Assembly, firstly, for approval by Consensus.
- 24.4 If Consensus cannot be reached, the proposed amendment shall be put to a vote in which at least fifty (50) Citizens eligible to vote participate.

- 24.5 Not less than 40 Citizens must approve the proposed amendment in order for the proposed amendment to pass.
- 24.6 An amendment approved at an Assembly shall take effect as of the date it is approved, unless the Assembly otherwise provides.
- 24.7 In circumstances deemed by an Assembly to be urgent, an Assembly, by consensus, may waive the application of the time and notice requirements set out in paragraphs 24.1 and 24.2 to a proposed amendment.