

Carcross/Tagish First Nation



Location:	Yukon Territory, Canada
Population	609
Date of Constitution	2005

MISSION STATEMENT 1997

The Carcross/Tagish First Nation is mandated to protect the environment, health and wellness, education and aboriginal rights of our citizens; to continue to preserve and protect our culture, traditions, and languages; to protect and develop our natural resources and strengthen our economy and the Carcross/Tagish First Nation government for our future generations.

PREAMBLE

Whereas the Carcross/Tagish First Nation shall:

- (i) recognize and celebrate the common history of the Carcross/Tagish people who make up the citizenship of the Carcross/Tagish First Nation;
- (ii) promote unity to ensure citizens work together to build a strong government and nation which will protect its lands and resources for the welfare of future generations;
- (iii) protect the environment, health and wellness, education and aboriginal rights of the Carcross/Tagish people;
- (iv) preserve and protect the culture, traditions, and languages of the Carcross/Tagish people; and
- (v) protect and develop its natural resources and strengthen the economy and government of the Carcross/Tagish people for future generations.

Therefore, we, the traditional clans of the Carcross/Tagish people, consisting of the Deisheetaan, Daklaweidi, Ishkahittaan, Ganaxtedi, Yenyedi, and Xooxataan clans, by virtue of our inherent rights as aboriginal people, do hereby adopt this Constitution and declare it to be the expression of our traditional system of government and principles for fair treatment of our citizens.

OBJECTIVES

PART I GENERAL

The objectives of the Carcross/Tagish people in adopting this Constitution are to establish a government which shall:

provide a unified voice for the Carcross/Tagish people and adhere to a system of government prescribed by this Constitution to ensure equality and unity of the Carcross/Tagish people; strengthen and revitalize

the traditional clan system of the Carcross/ Tagish people; model integrity and respect in all functions of government for the benefit and protection of its people; provide responsible government including fiscal accountability and responsibility; establish laws and policies consistent with the customs and traditions of the Carcross/Tagish people to foster the unity of the Carcross/Tagish First Nation; provide law and policy for the use, management, administration, regulation and development of the land and resources of the Carcross/ Tagish First Nation; manage and administer the finances and assets of the Carcross/ Tagish First Nation including any and all benefits realized from any land claims settlement; accept a trust responsibility for those Carcross/Tagish people requiring protection; support and represent the interests of the Carcross/Tagish people in all areas of responsibility in local, regional, territorial, national and international forums; negotiate land claim agreements with other orders of governments and ensure the implementation of those agreements; safeguard the territories of the Carcross/Tagish people as their heritage in perpetuity; and carry out other functions and responsibilities required to achieve the objectives of this Constitution.

DEFINITIONS

In this Constitution, Assembly means the Carcross/Tagish First Nation Assembly established pursuant to section 9.0 of this Constitution; associate member means a person who is entitled to be enrolled pursuant to the Carcross/Tagish First Nation citizenship code, or who is associated with the Carcross/Tagish First Nation in any other way, but who is not of Carcross/Tagish ancestry, and whose rights are set out in this Constitution and prescribed from time to time by the Carcross/Tagish First Nation government; A Carcross/Tagish First Nation government means all the branches of the Carcross/Tagish First Nation government, including the administration; A Carcross/Tagish First Nation lands means all lands owned by the Carcross/Tagish First Nation, including Category AA Settlement Land, Category AB Settlement Land, and Fee Simple Settlement Land identified in the Carcross/Tagish First Nation Final Agreement as Settlement Land of the Carcross/Tagish First Nation; A citizens means both associate members and members;

A clan means the traditional clans of the Carcross/Tagish First Nation consisting of the Deisheetaan, Daklaweidi, Ishkahittaaan, Ganaxtedi, Yenyedi, and Xooxataan clans;

A Council means the executive branch of the Carcross/Tagish First Nation government established pursuant to section 11.0 of this Constitution; A Elders Council means the body established pursuant to section 8.0 of this Constitution; A Haa Shaa du Hen means the spokesperson of the Carcross/Tagish First Nation appointed under section 13.0 of this Constitution; A Justice Council means the body established pursuant to section 14.0 of this Constitution; and A member means a person who is entitled to be enrolled pursuant to the Carcross/Tagish First Nation citizenship code and who is of Carcross/Tagish ancestry and is eligible to enjoy the rights set out in this Constitution or prescribed from time to time by the Carcross/ Tagish First Nation government.

PART II CITIZENSHIP

MEMBERS AND ASSOCIATE MEMBERS

Members of the Carcross/Tagish First Nation may:

be appointed to any branch of the Carcross/Tagish First Nation government;

speak at meetings of the Assembly or Council; make a petition for redress in relation to any act of the Carcross/Tagish First Nation government to the Justice Council in accordance with its procedures; access any programs and services provided by the Carcross/Tagish First Nation government in accordance with the laws, policies and procedures of the Carcross/Tagish First Nation government; hunt, fish and gather in the traditional territory of the Carcross/Tagish First Nation in accordance with the laws, customs and traditions of the Carcross/Tagish First Nation; access any rights and benefits which are realized pursuant to a land claim agreement which are controlled by the Carcross/Tagish First Nation government; occupy, use and develop Carcross/Tagish First Nation lands in accordance with the land use and development laws, policies and procedures of the Carcross/Tagish First Nation government; and access any other benefits prescribed by the Carcross/Tagish First Nation government.

Associate members of the Carcross/Tagish First Nation may enjoy privileges, benefits and rights as prescribed by the Carcross/Tagish First Nation government. The rights of associate members shall be exercised in accordance with this Constitution and the laws, customs, and traditions of the Carcross/Tagish First Nation government, and may include the right to:

hunt, fish and gather in the traditional territory of the Carcross/Tagish First Nation; access benefits prescribed by the Carcross/Tagish First Nation government from time to time; and reside on Carcross/Tagish lands with the approval of the Carcross/Tagish First Nation government.

CITIZENSHIP RIGHTS

The Carcross/Tagish First Nation shall maintain a current list of its citizens and shall keep a copy of this list available for review at the principal administrative offices of the Carcross/Tagish First Nation. Citizens of the Carcross/Tagish First Nation shall enjoy equal rights to life and liberty and the pursuit of a way of life that promotes their language, culture, and heritage. In exercising any of its powers, the Carcross/Tagish First Nation government shall not: enact or enforce any law which restricts freedom of religion, speech, the press, or the rights of citizens to assemble peaceably or to petition for redress of grievances; violate the right of any citizen to be secure in his or her person and in his or her places of residence against unreasonable search or seizure, or issue warrants except for reasonable cause supported by oath or information particularly describing the place to be searched and the person or thing to be seized; subject any citizen to be twice put in jeopardy for the same offence or compel any citizen in any criminal proceeding to provide evidence harmful to himself or herself; take any personal or family property or interest for public use without due process and fair compensation; deny to any citizen accused of an offence the right to know the full nature of the charge, to have a prompt and public trial, to hear all testimony, to have a compulsory process for having witnesses called by him or her at his or her expense, and to have counsel for his or her defense; require excessive bail, impose any cruel or unusual punishment, or set any fine greater than five thousand dollars or any imprisonment for a term greater than six months; and deny any citizens the equal protection of its laws.

Every citizen shall have the right to petition for redress for the violation of any rights prescribed by this Constitution, by any act of the Carcross/Tagish First Nation government. A petition for redress shall be made to the Justice Council in accordance with section 15.2 of this Constitution.

PART III GOVERNMENT

JURISDICTION OF THE CARCROSS/TAGISH FIRST NATION GOVERNMENT

The Carcross/Tagish First Nation government shall have exclusive jurisdiction to enact laws and regulations in relation to the Carcross/Tagish First Nation lands and citizens in accordance with the Carcross/Tagish First Nation Self-Government Agreement and the inherent rights of its members.

THE CLAN SYSTEM OF GOVERNMENT

The Carcross/Tagish First Nation government shall be structured upon the clans of the Carcross/Tagish First Nation to ensure equal representation of all clans in all its branches. The membership and organization of each clan shall be determined by that clan=s traditions and customs. Each clan shall appoint a clan house master. At the time that this Constitution was brought into effect, the following clan house masters and emblems represented the respective clans:

Clan:

Deisheetaan Daklaweidi Ishkahittaa Ganaxtedi Yenyedi Xooxataan

Emblem:

Split Tail Beaver Eagle, Killer Whale,

Clan House Master:

Each clan shall provide written notice to the Assembly regarding the appointment of subsequent clan house masters.

The emblem of each respective clan shall not be used by any other clan.

GOVERNING BODIES

The powers, authority, and jurisdiction of the Carcross/Tagish First Nation government shall be exercised by the following branches established by this Constitution: the Elders Council; the Assembly; the Council; and the Justice Council

No branch of the Carcross/Tagish First Nation government shall have authority beyond the jurisdiction prescribed to it by this Constitution. Any representative of the four branches of the Carcross/Tagish First Nation government must be members of the Carcross/Tagish First Nation. Associate members shall not be appointed to any branch of the Carcross/Tagish First Nation. The meetings of the Elders Council, Assembly, and Council shall be governed by the A Code of Conduct and Ethics which is attached to this Constitution as Schedule A. The A Code of Conduct and Ethics shall take effect on the same date as this Constitution is brought into effect. The removal of a representative from the Assembly or Council shall be the responsibility of that representative=s respective clan. A representative of the Assembly or Council may be removed for:

failure to attend three consecutive regular meetings, unless the absence is approved by the representative=s clan and notice is given to the Assembly or Council; failure to conduct himself or herself at meetings and at all times in a manner consistent with the A Code of Conduct and Ethics; misrepresenting the interests of his or her clan or acting independently of his or her clans instructions; or any other reason the representatives clan believes to warrant removal from the Assembly or Council. 7.6

An appointment to the Assembly or Council shall be revoked upon receipt by the Assembly or Council of a resolution, signed by the respective clan house master and at least five members of the clan, indicating the date of removal and reasons for removal. If a representative of the Assembly or Council is removed pursuant to the provisions of this Constitution, or if there is a vacancy in the Assembly or Council, the respective clan shall immediately appoint a member to the Assembly or Council, according to its procedure, who shall complete the remaining term.

Any delegation of authority or responsibility by the Assembly or Council shall be expressly set out in writing and shall include the authorities or responsibilities delegated and any time limits on the delegation.

THE ELDERS COUNCIL

The elders of the Carcross/Tagish First Nation are the advisors to the Carcross/Tagish First Nation government. The Elders Council shall provide advice and guidance to the Assembly, and Council upon request and may provide such advice and guidance on matters as it deems appropriate. There shall be an Elders Council as a branch of the Carcross/Tagish First Nation government. The Elders Council shall establish the criteria for the determination of its membership based on the tradition and customs of the Carcross/Tagish First Nation. The Elders Council shall appoint an elder to sit on the Council in accordance with its procedures. The representative of the Elders Council shall be responsible for keeping the Elders Council informed of the business of the Carcross/Tagish First Nation government. The Elders Council shall provide direction to the Assembly and Council on any law, policy, or procedure directed to enhancing, maintaining or revitalizing the clan system of the Carcross/Tagish First Nation.

THE ASSEMBLY

The Assembly shall be the main governing body of the Carcross/Tagish First Nation government. The Assembly shall provide the opportunity for members to voice their concerns and opinions and make decisions regarding the Carcross/Tagish First Nation governments laws, policies and procedures. The authorities and responsibilities of the Assembly shall be those prescribed by this Constitution, including those recognized by any treaties concluded by the Carcross/Tagish First Nation with any other order of government. The Assembly shall be comprised of eighteen representatives. Each of the six clans shall, according to its own procedure, appoint three representatives, including one elder, from their clan membership to sit in the Assembly. In addition, each clan

shall designate two alternates to represent their clan at meetings of the Assembly in the absence of the clan representatives. Each clan shall provide notice to the Council identifying its two designated alternates.

Appointments to the Assembly shall be for a term of four years from the date of the annual meeting of the Assembly at which the appointments occurred.

Each newly appointed Assembly shall take office seven days following the annual meeting of the Assembly at which the appointments occurred.

The rules of procedure for the meetings of the Assembly shall be established by the Assembly.

The Assembly shall hold a meeting at least once each year as directed by the Council. The Assembly may hold meetings at other times when deemed necessary by the Council to ratify agreements, enact laws, or

to deal with urgent government matters.

The quorum for the meetings of the Assembly shall be fourteen, provided that at least two of the representatives, or designed alternatives, from each of the six clans are present.

Each clan shall, according to its established custom, call a clan meeting to discuss the information provided by their Assembly representatives and to provide instruction to the representatives in relation to the business of the Assembly.

All business of the Assembly shall be conducted by consensus. In circumstances where consensus cannot be reached, a motion, resolution or law may be passed if seventy-five percent of the representatives present vote in favor of the motion, resolution or law.

The duration of the meetings of the Assembly shall be the time it takes to deal with all the business of the Assembly.

POWERS OF THE ASSEMBLY

At its annual meeting, the Assembly shall:

provide a mandate to the Council, including the establishment of general policy guidelines for the Council to conduct its business for the forthcoming year;

approve the fiscal policy and practices of the Council, including the proposed budget for the forthcoming year; review and approve reports from the Council on the Carcross/Tagish First Nation government, including programs and services;

enact laws and regulations in accordance with the legislative process prescribed by this Constitution; and provide direction to the Council on any matter.

The Assembly shall have the exclusive legislative authority to enact laws and regulations of the Carcross/Tagish First Nation in accordance with the Carcross/Tagish First Nation Self- Government Agreement and the inherent rights of the members. The legislative process for the enactment of laws and regulations of the Carcross/Tagish First Nation is set out in section 16.0 of this Constitution.

The Assembly, with the approval of the Council and Elders Council, shall be responsible for directing the development and implementation of laws, regulations and policies for the use, alienation and allocation of Carcross/Tagish First Nation lands.

The Assembly may, as prescribed by this Constitution, delegate any of its authorities or responsibilities to any of the other branches of the Carcross/Tagish First Nation government.

THE COUNCIL

The Council shall be the executive branch of the Carcross/Tagish First Nation government. For purposes of the

Indian Act, the Council shall be the Carcross/ Tagish Band Council.

The Council shall be comprised of seven members. At the annual meeting of the Assembly, every fourth year, each clan shall appoint one representative to sit on the Council for a term of four years. The Elders Council shall appoint one elder to sit on the Council for the same term as the clan representatives.

Each newly appointed Council shall take office within seven days following the Assembly at which the appointments occurred.

The Council shall establish a meeting schedule in order to have at least two meetings each month.

The meetings of the Council shall be presided over by the Haa Shaa du Hen.

The quorum for the meetings of the Council shall be five members.

All business of the Council shall be conducted by consensus. In circumstances where consensus cannot be reached, a motion or resolution may be passed if seventy-five percent of the representatives present vote in favour of the motion or resolution.

Each representative of the Council shall report to his or her fellow Assembly representatives, clan house master and clan membership according to the custom and traditions of his or her clan in relation to the business of the Council.

The Council, with the approval of the Haa Shaa du Hen, shall appoint one of the representatives of the Council to the office of Deputy Haa Shaa du Hen. The powers of the Deputy Haa Shaa du Hen shall be prescribed by the Council.

POWERS OF THE COUNCIL

Subject to the approval of the Assembly, the Council shall have the following authorities and responsibilities:

organize the annual meeting of the Assembly, including:

setting the date of the annual meeting; establishing the agenda;

providing notice of the date and agenda to the representatives of the Assembly at least thirty days prior to the annual meeting; providing all necessary information to the representatives of the Assembly at least thirty days prior to the annual meeting, such as reports, proposed resolutions, draft laws and any other information related to the agenda; and providing a location and facilities for the annual meeting.

call special meetings of the Assembly to deal with urgent business by providing written notice to the representatives of the Assembly at least twenty days prior to the date of the meeting; establish the fiscal priorities of the Carcross/Tagish First Nation in accordance with any direction provided by the Assembly and develop an annual budget based on those priorities; formulate policy to guide the development and implementation of Carcross/Tagish First Nation government programs and services;

formulate and implement policy, based on the direction of the Elders Council and Assembly, in order to enhance, maintain and revitalize the clan system of the Carcross/Tagish First Nation; develop laws based on the custom and traditions of the Carcross/Tagish First Nation and in accordance with this Constitution and the Carcross/Tagish First Nation Self-Government Agreement and the inherent rights of its members; borrow money based on established policy approved by the Assembly;

formulate laws, regulations and policies for the allocation, lease, alienation and use of Carcross/Tagish First Nation lands; approve salary, expense and honoraria rates for: employees of the Carcross/Tagish First Nation government;

representatives of the Elders Council, Assembly, and Council; and

appointees to any other board or committee established by the Assembly.

approve the policies and procedures of the Carcross/Tagish First Nation government, including the personnel, administrative and financial policies;

establish and implement policies relating to all aspects of the education of citizens;

establish and mandate boards or committees or other institutions as may be required for the conduct of the business of the Carcross/Tagish First Nation government;

provide for the safekeeping of this Constitution and any subsequent amendments;

review and approve reports from staff or consultants of the Carcross/ Tagish First Nation government;

assess property for the purpose of establishing tax rates and collecting taxes, user fees and other charges from citizens and others using, residing on or conducting business on Carcross/Tagish First Nation

lands; delegate any of its authorities or responsibilities, as prescribed in this Constitution, to any other branch of the Carcross/Tagish First Nation government or member; and exercise any other authority or responsibility delegated or granted to it in accordance with this Constitution.

In the Constitution, the Council shall not have the authority and responsibility to enact laws and regulations of the Carcross/Tagish First Nation.

HAA SHAA DU HEN

The Haa Shaa du Hen shall be appointed by the clan house masters from among the six representatives of the Council and shall serve a term of four years from the date of the annual meeting of the Assembly at which the appointment occurred.

absence of a delegation pursuant to section 10.4 of this.

The Haa Shaa du Hen may be removed as Haa Shaa du Hen by a resolution of the Assembly passed by consensus at a duly called meeting of the Assembly at which all representatives of the Assembly are present. The resolution shall set out the reason for removal.

In the event of the removal of the Haa Shaa du Hen, or if the office of the Haa Shaa du Hen becomes vacant for any other reason, the Assembly shall immediately appoint another representative of the Council to complete the term of that Haa Shaa du Hen.

The Haa Shaa du Hen, or in his or her absence or incapacity, the Deputy Haa Shaa du Hen appointed pursuant to section 11.9 of this Constitution, shall:

preside over meetings of the Assembly and Council; and

serve as the spokesperson and representative of the Carcross/Tagish First Nation in its relations with other orders of government.

The Haa Shaa du Hen shall:

provide leadership and direction for the development and implementation of laws, regulations and policies consistent with the provisions of this Constitution, including the mission statement; ensure that the mandate provided to the Council by the Assembly is respected and complied with; and exercise such other authorities and responsibilities as delegated to him or her by the Assembly or Council in accordance with this Constitution.

The Haa Shaa du Hen shall not hold any other office other than as a representative of the Assembly, or Council.

If the Haa Shaa du Hen wishes to resign, he or she shall provide written notice to the Assembly and Council at least thirty days prior to the effective date of the resignation.

JUSTICE COUNCIL

The Justice Council of the Carcross/Tagish First Nation shall be established pursuant to this Constitution. The composition and structure of the Justice Council shall be determined by the Assembly.

The Justice Council shall establish its procedures based on the direction and guidance of the Elders Council, including procedures for the appointment and removal of members of the Justice Council.

POWERS OF THE JUSTICE COUNCIL

The Justice Council shall be responsible for all matters relating to the administration of justice for the Carcross/Tagish First Nation.

The Justice Council shall determine a citizen=s petition for redress made pursuant to section 4.4 of this Constitution in relation to any act of the Carcross/Tagish First Nation government.

A petition for redress shall be made by a citizen to the Justice Council in accordance with procedures established by the Justice Council. The Justice Council shall establish such procedures within five months from the date that this Constitution is brought into effect.

PART IV LEGISLATIVE PROCESS AND REVIEW

LEGISLATIVE PROCESS

The Assembly shall have exclusive jurisdiction to enact laws and regulations for the Carcross/Tagish First Nation in accordance with the Carcross/Tagish First Nation Self- Government Agreement and the inherent rights of its members.

The Council shall develop laws and regulations based on the custom and traditions of the Carcross/Tagish First Nation.

The Assembly may enact any proposed laws or regulations at a duly convened meeting of the Assembly.

The Council shall provide any draft laws or regulations to the representatives of the Assembly at least thirty days before the date of the meeting of the Assembly at which they are proposed to be enacted.

Any law or regulation of the Carcross/Tagish First Nation shall be consistent with the custom and traditions of the Carcross/Tagish First Nation and the provisions of this Constitution, including the rights of citizens set out in section 4.0 of this Constitution.

The Carcross/Tagish First Nation government shall establish and maintain at its principal administrative offices a register of all laws and regulations enacted by the Carcross/Tagish First Nation. Any person shall have reasonable access to the register during normal business hours.

LEGISLATIVE REVIEW

Any existing law or regulation of the Carcross/Tagish First Nation may be challenged by a citizen in accordance with the process set out in this Constitution and shall be quashed by the Justice Council if found to be inconsistent with:

the custom and traditions of the Carcross/Tagish First Nation;

the provisions of the Carcross/Tagish First Nation Self- Government Agreement; or

any provision of this Constitution.

Any existing law or regulation of the Carcross/Tagish First Nation may be reviewed and, if necessary, quashed by the Justice Council if:

a petition is submitted to the Council with:

the signatures of any three clan house masters and the signatures of at least thirty percent of the members over the age of eighteen years; or

the signatures of the six clan house masters;

the petition sets out the reasons for the review of the existing law or regulation; and

written notice of the petition to review and quash an existing law or regulation is provided to all the clan house masters at least twenty days before the Council submits the petition to the Justice Council.

Upon receipt of a petition which complies with the requirements of section 17.2 of this Constitution, the Council shall submit the petition to the Justice Council for its review of the law or regulation. The

Justice Council shall determine whether or not the challenged law or regulation is valid. The challenged law or regulation shall remain in force unless it is quashed by the Justice Council.

PART V FINANCE

FINANCIAL ACCOUNTABILITY

The Council shall develop financial policies and procedures in order to provide an effective financial management reporting system. The financial policies and procedures shall be approved by the Assembly and implemented on the date which this Constitution is brought into effect.

The financial policies and procedures shall only be amended with the approval of the Assembly at a duly convened meeting of the Assembly.

The financial policies and procedures shall include systems for:

developing the annual budget for approval by the Assembly;
monitoring budget expenditures; proper collection, receipt, recording and disposition of all funds received by the Carcross/Tagish First Nation government;
proper authority for the expenditure of all funds of the Carcross/Tagish First Nation government; maintaining all accounts of the Carcross/Tagish First Nation government;
contracts for goods and services; accounting for public property; paying and collecting debts; and raising, investing, expending and borrowing money.

The Carcross/Tagish First Nation government shall annually publish a fiscal year-end report, including statements of:

the assets and liabilities confirming the fiscal year-end financial position of the Carcross/Tagish First Nation government; and the revenues and expenditures setting out the total cost of operations of the Carcross/Tagish First Nation government for that fiscal year.

All accounts and financial records of the Carcross/Tagish First Nation government shall be audited at least once each fiscal year by a certified public auditor. An auditor's report of the accounts and financial records shall be approved by the Assembly.

All financial records and reports shall be available during normal business hours for review by any citizen at the principal administrative offices of the Carcross/Tagish First Nation government.

The annual budget of the Carcross/Tagish First Nation government shall set out an estimate of revenues and expenditures by each division and department and by program and activity for all goods and services for the forthcoming fiscal year. The annual budget shall be presented by the Council to the Assembly for its approval prior to that fiscal year.

PART VI AMENDMENT This Constitution may only be amended if:

a notice of any proposed amendment is provided to the clan house masters at least thirty days prior to the meeting of the Assembly at which the amendment will be tabled;

the notice of the proposed amendment includes the complete text of the proposed language with supporting rationale; and

the proposed amendment is approved by the Assembly at a duly convened meeting.

The Council shall maintain a chronological record of all amendments to this Constitution with the full

text of the language added and the provisions repealed.

RATIFICATION

This Constitution shall become the constitution of the Carcross/Tagish First Nation following its ratification by way of a resolution approved by a majority vote at a duly convened general assembly of the Carcross/Tagish First Nation. The resolution shall specify the date at which the Constitution will be brought into effect.

We, the elected Chief and Councillors of the Carcross/Tagish First Nation have, this 5th day of October, 1997, signed this Constitution of the Carcross/Tagish First Nation, pursuant to the resolution ratifying this Constitution at the General Assembly of the Carcross/Tagish First Nation, held at the Carcross Community Club, in Carcross, Yukon, on the 4th to 6th days of October, 1997.