
CODE GOVERNING THE ENACTMENT AND PUBLICATION OF LAWS

WHEREAS the Kapawe’no First Nation has the inherent Aboriginal rights, Treaty rights and authority to govern relations among its members and between the Kapawe’no First Nation and other governments.

AND WHEREAS the current customs and traditions of the Kapawe’no First Nation require democratic, fair and open decision-making.

AND WHEREAS the peoples of our Nation have approved by vote the adoption of the code Governing the Enactment and Publication of Laws as outlined herein.

AND HAVING by the consent of the peoples of our Nation confirmed that this written code represents the accepted process to be followed for the enactment and publication of laws of the Kapawe’no First Nation.

AND THEREFORE the Chief and Council of the Kapawe’no First Nation at a duly convened meeting of the Chief and Council hereby enact the following code to govern the enactment and publication of laws.

SHORT TITLE

1. This code may be cited as the “Kapawe’no First Nation Code Governing the Enactment and Publication of Laws”.

INTERPRETATION

2. This Code shall be interpreted:
 - (a) In accordance with the values, traditions, customs and laws of the Nation; and
 - (b) And applied to protect and preserve the cultural integrity, social unity, and historical traditions of the Nation; and
 - (c) Consistent with the spirit and intent of all Treaty 8 and Aboriginal rights of the Nation.
3. Every section of this Code is severable and in the event any part is declared void, the remainder continues to be valid and in full force and effect.



4. In this Code:
- a. “Council” means the Chief and Council of the Kapawe’no First Nation;
 - b. “First Nation” means the Kapawe’no First Nation;
 - c. “Law” means the rules of conduct established by Chief and Council and applicable to the people of Kapawe’no First Nation.
 - d. “Indian Act” means the Indian Act being chapter I-6 of the Revised Statutes of Canada 1970, as amended;
 - e. “Constitution Act” means the Constitution Act of Canada, 1982;
 - f. “Traditional Laws and Practices” means the traditional laws and practices of Kapawe’no First Nation band;

AUTHORITY

5. The Chief and Council of the Kapawe’no First Nation are the governing body of the Nation.
6. The Chief and Council derive their authority from:
- a. Traditional laws and practices
 - b. The authorities and powers delegated to Chief and Council as outlined through governance codes, regulations, policies and procedures of Kapawe’no First Nation
 - c. New Constitution of Kapawe’no First Nation
 - d. Recognition of nationhood by Treaty 8
 - e. Constitution Act
 - f. Indian Act



JURISDICTION

7. The Chief and Council of Kapawe'no First Nation has complete authority and can make laws over all matters affecting the Nation, using provincial and federal law making bodies as a law-making process, and shall have clear jurisdiction in the following areas as it relates to Kapawe'no First Nation:
 - (a) Lands, resources, and environment
 - (b) Collective self-government or self-determination
 - (c) Citizenship/membership in the Nation
 - (d) Economic development, employment and training
 - (e) Hunting, fishing, harvesting, and gathering
 - (f) Customary law and enforcement
 - (g) Languages, culture and religion
 - (h) Fiscal relations and arrangements
 - (i) Education
 - (j) Health and social services
 - (k) Relationships with other forms of government
 - (l) Relationships with other Aboriginal groups
8. The Council has the power to adopt any laws of Alberta as its own law if it is authorized by the constitution to make laws in relation to the subject matter of those laws.
9. A law made by Council may require the holding of a license or permit and may provide for the issuance thereof and fees therefore.

ENACTMENT

10. In keeping with the Kapawe'no Code Governing the Ratification of Government Decisions, every proposed law that may be passed by Council, before it becomes a law, shall be voted and accepted by a majority of Council, and then presented to the members of Kapawe'no First Nation for ratification.
11. Within 60 days of acceptance by Chief and Council, the decision must be discussed and ratified by a majority vote of Kapawe'no First Nation members in attendance at the members meeting. A majority vote shall consist of 50% plus one (1) of the total number of members in attendance at the meeting and eligible to vote.
12. The date for the membership meeting shall be established by Council Resolution and posted at locations on Kapawe'no First Nation as determined by Chief and Council.
13. Notice of membership meetings shall be communicated using posted notices, mail, phone, internet and newsletters with members of the Nation living on and off reserve.



14. The notice of membership meetings shall include the date of the meeting, time, location and purpose. A copy of the proposed law requiring ratification, or information pertaining to such law, shall also be included.
15. Minutes of the membership meeting held of ratification of proposed laws shall be maintained by the Band Manager or designate, and distributed to members within two weeks of the meeting. Such minutes shall include the results of the vote taken on the proposed law.
16. Majority decision by the Kapawe'no First Nation members shall mean a vote of 50% plus one (1) of the members in attendance at the meeting.
17. Upon receiving Kapawe'no First Nation members ratification of the proposed law, the Chief and Council shall approve the law and document such decision through Council Resolution.

PUBLICATION

18. All decisions approved by the Council of Kapawe'no First Nation will be posted publicly on the reserve of Kapawe'no First Nation immediately following their passing, and shall remain posted for period of ninety (90) days.
19. All decisions approved by the Council of Kapawe'no First Nation will be entered onto the record immediately following their passing.

THIS CODE IS HEREBY ENACTED at a duly convened meeting of the Chief and Council of the Kapawe'no First Nation this ____ day of _____, 2003.

Chief Frank T. Halcrow

Witness

Councillor Sydney Lee Halcrow

Witness

Councillor Peter H. Chalifoux

Witness

