

Governance Pilot Project: Key First Nation

The constitution of the Key First Nation is a relatively brief document. It is accompanied however, by:

- the *Key First Nation Financial Management Act* (and associated regulations and policies)
- the *Key First Nation First Nation Citizenship Act*, and
- *An Act Respecting the Government Elections of the Key First Nation*

The constitution was developed by a Governance Committee. The Committee consulted with the membership both on and off reserve, organizing meetings in seven major urban centers located in four provinces. The package has not yet been submitted to the membership for ratification. The Key First Nation Constitution is founded on the autonomy and the treaty making history of the First Nation, which signed an adhesion to Treaty #4 in 1875. The Constitution is recognized as the basis for the First Nation government's authority, its jurisdiction and laws. It provides a framework for implementing the inherent right of self-government and the First Nation's treaty rights.

In the opening provisions of the constitution, the First Nation expresses its view of its inherent right of self-determination and the right to govern itself. It recognizes that certain rights and responsibilities rest with the people, including the responsibility to:

- respect and abide by the constitution, laws and policies,
- exercise ultimate authority in making and amending laws,
- participate in governance through legislative assemblies and membership meetings, and
- participate in leadership selection.

The core government structures and procedures of the First Nation are established. A Legislative Assembly, comprising all First Nation electors, is recognized. The roles of the Legislative Assembly are to review, ratify and amend laws. The Assembly also has a role in the review and monitoring of financial management and accountability, the management and development of land and resources, and providing guidance to Council and other government institutions. It is to meet at least twice a year.

A Council, or executive arm of government, also is established. This comprises a Chief and Councilors. The Chief is acknowledged as the traditional representative and spokesperson of the First Nation. Chief and Councilors are elected in accordance with *An Act Respecting the Government Elections of the Key First Nation*. Their primary function is to apply and follow the laws and policies of the First Nation, as set by electors. Other roles and responsibilities are defined, including a role in appeals and grievances, intergovernmental relations, establishing policies, and promoting and protecting rights. Tribunals, boards, commissions and committees may be established by First Nation law and policy, for the purposes of carrying out activities related to the good governance of the Key First Nation.

Finally, the civil service of the First Nation government is recognized as part of the government structure. It includes all program and administrative staff and contractors and is governed by the First Nation's finance and personnel laws. With respect to government procedure, the constitution only specifies a law making process. First Nation laws are developed at the direction of Council by committees. They are then subject to community discussion, review and amendment by the Legislative Assembly. Major First Nation laws must be approved by a majority of electors attending a Legislative Assembly. If the

number of electors at the Legislative Assembly is less than 51% of all eligible electors a second or subsequent meeting can be called with thirty days notification. At the second or subsequent meeting, a law can be approved by 51% or more of electors present at a meeting, provided at least 25% of electors are in attendance. Major laws requiring approval by the Legislative Assembly include, for example, ratification or amendment of the constitution, disposition or designation of First Nation land, and laws in relation to citizenship and elections. Matters of a policy nature require either the approval of Council or a designated portfolio board or committee. Alternatively, a consensus of on-reserve electors may approve policy matters, defined as those related to the operation of programs, portfolio areas, capital works, general operations and administration, and service delivery.

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