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ROSEAU RIVER ANISHINABE FIRST NATION

CONSTITUTION

This is Exhibit "C" to the referred to
in the Affidavit of CHIEF TERRANCE
NELSON, sworn before me this 5th
day of December, 2007.

(DRAFT)

J. L. Bernard
A Commissioner for Oaths in and for
the Province of Manitoba.
My commission expires: June 19, 2009

OCTOBER 1991

ROSEAU RIVER ANISHINABE FIRST NATION
CONSTITUTION

PREAMBLE

We, the people of the Roseau River Anishinabe First Nation, in order to promote better governance, the general welfare, to provide for public peace and safety, establish justice, and secure and exercise for ourselves and our descendants, our customs and traditions, and inherent right of self-government in accordance with our Declaration and customary and natural laws as transcends from the Creator, do hereby ordain and establish this Constitution of the Roseau River Anishinabe First Nation.

ARTICLE I: NAME

The name of this body shall be the "Roseau River Anishinabe First Nation."

ARTICLE II: CITIZENSHIP/MEMBERSHIP

Section 1. The Roseau River Anishinabe First Nation shall consist of all Anishinabe people by blood whose names appear on the official Citizenship and Membership Rolls of the Roseau River Anishinabe First Nation as of the date of the ratification of this Constitution.

Section 2. All persons now living and eligible for citizenship and membership under Section 3, Article II of the Constitution and laws as may be established by the Roseau River Anishinabe First Nation.

Section 3. The Roseau River Anishinabe First Nation legislative body shall have the power to enact laws and policies governing future citizenship and loss of citizenship in the Roseau River Anishinabe First Nation.

ARTICLE III: RIGHTS TO SUFFRAGE

Section 1. All citizens as of the date of the age of majority and older shall be deemed qualified electors under the authority of this Constitution; provided, they have been duly registered to vote.

Section 2. No person who is a citizen of, or who votes as a citizen of; or member of another nation shall be eligible to vote.

ARTICLE IV: BILL OF RIGHTS

Section 1. Nothing in this Constitution shall be interpreted in a way which would change the collective and individual rights and privileges the Anishinabe people have as citizens of the Roseau River Anishinabe First Nation.

Section 2. All political power is inherent in the people, and free governments are founded on their authority, and instituted for their benefit, and they have at all times the inalienable right to alter, reform or abolish their form of government, in such a manner as they may deem expedient; provided, such action is taken pursuant to this Constitution.

Section 3. No law shall be made or enforced to prohibit the free exercise of religion, or abridging the freedom of speech, or the right of the people peaceably to assemble or to petition for a redress of grievances or other purposes.

Section 4. No religious test shall ever be required as a qualification for any office of public trust in the Roseau River Anishinabe First Nation.

Section 5. Every citizen shall have the right to speak, write, or publish their opinions on any subject, being responsible for the abuse of that privilege, and no law shall ever be passed curtailing the freedom of speech.

Section 6. The citizens shall have the right in a peaceable manner, to assemble together for their common good, and to apply to those vested with powers of government; for redress of grievances or other purposes.

ARTICLE V: DIVISION OF POWERS

Section 1. The powers of the government of the Roseau River Anishinabe First Nation shall be divided into three (3) distinct institutions;

- i) Legislative Branch comprising of the Custom Council and tribal membership.
- ii) Executive Branch comprising of the Chief and Council, middle management, and the Administration.
- iii) Judicial Branch comprising of the Tribunal of Elders and Tribal Judiciary.

Section 2. The officers of the three (3) branches of the Roseau River Anishinabe First Nation shall be citizens of the Roseau River Anishinabe First Nation.

ARTICLE VI: LEGISLATIVE BRANCH

Section 1. The supreme legislative authority of the Roseau River Anishinabe First Nation shall be vested in the Custom Council, having all the powers herein defined by this Constitution.

Section 2. The membership of the Custom Council must be citizens and residents of the Roseau River Anishinabe First Nation and must remain residents for the tenure of their office, and must be the age of maturity to serve as members of the Custom Council.

Section 3. The Custom Council shall consist of family representatives as appointed by the family units of the Roseau River Anishinabe First Nation.

Section 4. The Custom Council representatives shall register all citizens and membership on whose behalf they act upon and such register to be filed in the Custom Council offices.

Section 5. The Custom Council shall exercise exclusive jurisdiction within Roseau River Anishinabe First Nation territory and concurrent jurisdiction with other governments in Roseau River Anshinabe First Nation traditional territory as deemed necessary.

Section 6. The Custom Council shall on an annual basis reaffirm their respective appointments from their family units.

Section 7. There is reserved to the Custom Council the authority to approve all actions of the Roseau River Anishinabe First Nation which result in:

- i) The appropriation and budgeting of available funds held in trust as proceeds of any claims against Canada, or as an annuity from, or as a result of any Treaty obligation, received from Canada including interest earned thereon for expenditures for the benefit of the citizens of the Roseau River Anishinabe First Nation.
- ii) The sale of any land or interests in lands, and in with the purchase of lands, or interests in lands, to authorize and cause to be executed a mortgage or encumbrance covering or extending to land not being purchased with the money received due to such mortgage or encumbrance.
- iii) Approval of any settlement of any claim of the Roseau River Anishinabe First Nation against Canada and other governments.

Section 8. No person who has been convicted of an offense against the Roseau River Anishinabe First Nation by a court of competent jurisdiction, shall be eligible for office in the Roseau River Anishinabe First Nation.

ARTICLE VII: POWERS OF LEGISLATIVE BRANCH

Section 1. The Custom Council, at its' first regular session annually, shall organize its' membership in selecting and appointing a Chairperson and Co-Chairperson.

Section 2. The Chairperson and Co-Chairperson shall cause to be placed in office, a Recording Secretary, with the advice and consent of the Custom Council.

Section 3. The Secretary of the Custom Council shall maintain all records and enactments of the Custom Council, which shall be kept on file in the Roseau River Anishinabe First Nation office, Ginew, Manitoba, and available for inspection by the Roseau River Anishinabe First Nation citizens during normal working hours. All such records and enactments of the Custom Council shall bear the seal of the Roseau River Anishinabe First Nation.

Section 4. The Custom Council shall legislate laws and policies pertaining to the Roseau River Anishinabe First Nation.

Section 5. The Custom Council shall prescribe;

- i) election procedures and regulations for tribal elections.
- ii) procedures and regulations for voter registration.

Section 6. The Custom Council shall make decisions pertaining to the acquisition, leasing, disposition and management of real property, subject to Roseau River Anishinabe First Nation laws.

Section 7. The Custom Council shall sit as a Court in all cases of impeachment, its' decision shall be final.

Section 8. The Treasury Board shall prepare an annual Tribal Budget and present it to Custom Council for approval. Approval shall require a consensus of the Custom Council, any rejection, amendment or alteration shall be by legislative authority and directive.

Section 9. All business of the Custom Council shall be by consensus.

Section 10. The Custom Council shall have the power to fix and prescribe salaries and allowances for all elected or appointed officials and employees of the Roseau River Anishinabe First Nation. The Custom Council will set the pay scales and rates for allowances of the Roseau River Anishinabe First Nation.

ARTICLE VIII: SESSIONS OF THE CUSTOM COUNCIL

Section 1. Regular meetings of the Custom Council shall be held every Tuesday at 10:00 A.M. at the Roseau River Anishinabe First Nation Community Hall, Ginew, Manitoba, unless and until otherwise provided by the Custom Council.

Section 2. A minimum of (10) ten members of the Custom Council must be present to constitute a session.

Section 3. The Chairperson may call a special session of the Custom Council at any time deemed necessary by notifying each member, by the most expedient way, at least twenty-four (24) hours in advance of the meeting, and shall call a special session upon receipt of a letter signed by either the Elders' Council or Chief and Council.

Section 4. All regular and special sessions of the Custom Council shall be open to the citizens of the Roseau River Anishinabe First Nation.

Section 5. Roll call votes shall be recorded, showing how the Custom Council rendered their decision.

Section 6. Proper rules of order shall be followed in conducting Roseau River Anishinabe First Nation business unless in conflict with this Constitution.

ARTICLE IX: ORDER OF BUSINESS

The order of business at any regular or special session of the Custom Council shall be as follows; provided, this order of business, may be suspended by the Custom Council for any meeting:

1. Opening of meeting
2. Call to order
3. Roll Call
4. Reading of minutes of last session
5. Unfinished business
6. Reports of Committees, Commissions, Institutions
7. New Business
8. Adjournment

ARTICLE X: EXECUTIVE BRANCH

Section 1. The supreme Executive power of the Roseau River Anishinabe First Nation shall be vested in a Chief, who shall be titled "Chief of the Roseau River Anishinabe First Nation."

Section 2. The elected Council shall assist the Chief and perform all duties assigned to them by the Chief.

Section 3.

The Chief and the Council shall run as a team and shall be elected and shall serve until their successors have been elected and installed; subject to the Roseau River Anishinabe First Nation Election Act 1991, and any amendments thereto.

Section 4.

Any citizen of the Roseau River Anishinabe First Nation, who is at least the age of maturity may be eligible to become a candidate for the office of Chief or Councillor in accordance to this Constitution.

Section 5.

The Chief and the Councillors must be citizens and residents of the Roseau River Anishinabe First Nation and must remain residents of the Roseau River Anishinabe First Nation during the tenure of their office.

Section 6.

No person who has been convicted of an offense against the Roseau River Anishinabe First Nation by a Court of competent jurisdiction shall be considered eligible for either of the executive offices.

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ARTICLE XI: ROSEAU RIVER ANISHINABE FIRST
NATION ADMINISTRATION

Section 1. The administrative institution of the Executive Branch shall be titled "Roseau River Anishinabe First Nation Tribal Administration."

Section 2. The Chief Executive Officer of the Roseau River Anishinabe First Nation shall be titled "Director of Operations."

Section 3. The Director of Operations and Directors of programs and institutions shall be the middle management of the Roseau River Anishinabe First Nation Tribal Administration.

Section 4. The Roseau River Anishinabe First Nation Tribal Administration shall be charged with providing for program and service delivery for the Roseau River Anishinabe First Nation.

Section 5. The Roseau River Anishinabe First Nation Tribal Administration shall have administrative authority as prescribed by the laws of this Constitution and shall action policy directives and statements of the Custom Council and the Chief and Council.

Section 6. No person who has been convicted of an offense against the Roseau River Anishinabe First Nation by a Court of competent jurisdiction shall be considered eligible for the executive administrative offices.

ARTICLE XII: POWERS OF EXECUTIVE BRANCH

Section 1. The Chief shall perform all duties appertaining to the office of Chief. The Chief shall sign all official papers on behalf of the Roseau River Anishinabe First Nation.

Section 2. The Chief shall have power to establish and appoint committees, members and delegates to represent the Roseau River Anishinabe First Nation, by and with the advice and consent of the Custom Council.

Section 3. The Chief shall prepare and submit an Annual Budget of the Executive Branch to the Custom Council for approval.

Section 4. The Councillor appointed as Vice-Chief shall serve in the absence of the Chief and when serving shall have all the privileges, duties and powers of the Chief.

ARTICLE XIII: JUDICIAL BRANCH

Section 1. The Judicial Department of the Roseau River Anishinabe First Nation shall consist of a three (3) member court appointed by the Custom Council of the Roseau River Anishinabe First Nation.

Section 2. Members of the Judicial Department must be qualified electors; citizens of the Roseau River Anishinabe First Nation and resident of the Roseau River Anishinabe First Nation during tenure of their office.

Section 3. Tribal Judges shall be appointed for terms of three (3) years and shall serve until successors are appointed and installed.

Section 4. On an Annual basis, the three (3) judges shall select the presiding judge from among their number.

Section 5. No person, who has been convicted of an offense against the Roseau River Anishinabe First Nation by a Court of competent jurisdiction shall be eligible for Judicial office.

ARTICLE XIV: POWERS OF JUDICIAL BRANCH

Section 1. The Judicial Department shall have jurisdiction to decide disputes by vote of two (2) members, arising under any provisions of this Constitution or any legislation enacted by the Custom Council and such other jurisdictions as may be conferred on it by the Custom Council.

Section 2. Rules of procedure for the Judicial Department shall be prescribed by the Judicial Department, by and with the advice and consent of the Tribunal of Elders, and shall ensure that the citizens receive due process of law and a prompt and speedy trial. Those procedures shall be presented to the Custom Council which must act on those procedures within sixty (60) days after such presentation, otherwise, those procedures will become effective.

Section 3. The decisions of the Judicial Department shall be final.

Section 4. The Judicial Department shall have jurisdiction to hear claims and appeals and shall have jurisdiction to pronounce decisions and prepare for submission of decisions to the Custom Council.

- iii) The official against whom charges may be preferred shall be entitled to a hearing by the Custom Council under rules and proceedings prescribed by the Custom Council.
- iv) The official against whom articles of impeachment are preferred, shall be suspended from the exercise of duties of their office during the pending of their impeachment proceedings.
- v) The Custom Council shall appoint a Prosecutor to present the charges before the Custom Council. Such Prosecutor shall be a citizen of the Roseau River Anishinabe First Nation and shall not be employed or hold office in the Roseau River Anishinabe First Nation.
- vi) The Custom Council shall sit as a Court in all cases of impeachment and its' decision shall be final.
- vii) The Custom Council shall prescribe rules and procedures that are necessary to give effect to the provisions of this Article.
- viii) Total consensus of the Custom Council shall be required to impeach an official.

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ARTICLE XVII: OATH OF OFFICE

All elected and appointed officials shall take an oath of office;

"I _____ do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the Roseau River Anishinabe First Nation and will diligently discharge the duties of my office."

ARTICLE XVIII: AMENDMENT

Section 1. Proposed amendments to this Constitution may be initiated by resolution of the Custom Council.

Section 2. Amendments proposed shall be submitted to a vote of the electorate in a Publicite called for that purpose by the Custom Council and conducted pursuant to rules and procedures prescribed by the Custom Council.

Section 3. Any amendment adopted by a majority vote in the publicite shall be submitted to the Custom Council and the Chief and Council for proper action. If no action is taken within thirty (30) days following its' receipt, the amendment shall be deemed effective and in full force.

ARTICLE XIX: EFFECTIVE DATE OF CONSTITUTION

This Constitution shall become into full force and effect when approved by the Custom Council and ratified by the people of the Roseau River Anishinabe First Nation.