



CHAMPAGNE AND AISHIHIK FIRST NATIONS

Shadhäla yè Äshèyi kwädän

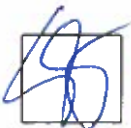
Legislative Process Regulation

This is how we make laws

Approved by First Nations Council: April 28, 2022
Effective Date: April 28, 2022

Kaaxnox, Dän nätthe äda
Chief Steve Smith

06-02-2022



1.0 Authority

The First Nations Council, consistent with their inherent right to self-government, the provisions of the Champagne and Aishihik First Nations *Self-Government Agreement* and the Champagne and Aishihik First Nations Constitution, the *Government Administration Act, 2020*, and the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”), makes the following Regulation.

2.0 Purpose

The purpose of this Regulation is to establish a process to develop, pass and amend laws (including regulations).

3.0 Definitions

The following definitions apply in this Regulation:

“ECW”	means Executive Council of the Whole and includes Senior Directors and members of the First Nations Council;
“EC”	means Executive Council and includes Senior Directors and the Chief;
“law, regulation or amendment”	means a law or regulation and includes an amendment to a law or regulation - a law, regulation or amendment is a “draft” until it has been finally approved by the First Nations Council under the process in this Regulation;
“Legislative Proposal”	means the document prepared under s. 4;
“Legislative Review”	means the review process under this Regulation described in s. 10.0; and
“Working Group”	means a group of people collected together by a Senior Director to draft and review a law and take it through the legislative process set out in this Regulation.

4.0 Step 1 - Legislative Proposal (Review by EC and ECW)

- 4.1 When the First Nations Council identifies a need for a law, regulation or amendment, whether because they identify it internally or through a recommendation from EC or ECW, the first step in the legislative process is for a

Senior Director to have a Legislative Proposal drafted for discussion first at EC, and then at ECW.

4.2 A Legislative Proposal shall include the following:

- a. an explanation of why a law, regulation or amendment is required and, if relevant, which law, regulation or amendment it is being passed pursuant to;
- b. a description of who will be most impacted by the law, regulation or amendment, and how they will be most impacted;
- c. a timeline for drafting the law, regulation or amendment, including a plan for when the law, regulation or amendment will pass through each step of the process;
- d. a plan for consultation (if required);
- e. a general budget (including financial and human resources);
- f. a list of other CAFN laws, regulations, policies and/or procedures that may be required to implement the law, regulation or amendment;
- g. a list of any consequential amendments to existing laws or regulations that may be required;
- h. a plan to do a thorough analysis of how Dän K'e is foundational to the law, regulation or amendment taking into account the following:
 - i. a statement of how Dän K'e is foundational and an explanation of how Dän K'e will be included in the review process and embedded into the law, regulation or amendment;
 - ii. CAFN's traditional laws and law-making processes;
 - iii. the opinions of Elders or other community experts about the content of the law or regulation and how to make traditional laws and/or values foundational in the drafting;
- i. what laws or regulations other governments have in place in relation to the subject matter of the proposed law, regulation or amendment, and an analysis of whether or not CAFN is assuming jurisdictional responsibility for a subject matter that is currently being filled by another government, and



- j. a summary of any laws or regulations passed by other governments that may be impacted by the law, regulation or amendment and what the impacts may be.
- 4.3 After receiving and discussing a Legislative Proposal, the EC (first) and the ECW (second) may do one of the following:
- a. recommend that the law, regulation or amendment be drafted based on the Legislative Proposal;
 - b. send the Legislative Proposal back to the Department with instructions; or
 - c. reject the Legislative Proposal and instruct the Department how to proceed.
- 4.4 A law, regulation or amendment shall not be drafted until EC (first) and ECW (second) have reviewed the Legislative Proposal and recommended that the law, regulation or amendment be drafted under s. 4.3(a).

5.0 STEP 2 - Working Group

- 5.1 When EC and ECW have reviewed a Legislative Proposal and recommended that a law, regulation or amendment be drafted under s. 4.3(a), a Senior Director may appoint a Working Group to assist them in taking the law, regulation or amendment through the legislative process.
- 5.2 The Working Group shall include the Senior Director and may include:
- a. the Director of the Department;
 - b. a policy analyst;
 - c. a lawyer;
 - d. an employee within the department;
 - e. a person to conduct or oversee any required consultations (ie. Citizen) in respect of the law or regulation (i.e. communications);
 - f. a legislative drafter;
 - g. a member of the Elder Senate or Youth Council;
 - h. a member of a standing committee if a standing committee is in place in respect of the legislative subject-matter, and



- i. any other person identified through a review of the Legislative Proposal as being required to take the draft law, regulation or amendment from the proposal stage to passage and implementation.

5.3 The Working Group shall complete drafting instructions and provide them, along with CAFN's Legislative Drafting Manual, to the legislative drafter before drafting begins.

5.4 When legislative drafting begins, the Working Group shall inform the Registrar that a law, regulation or amendment is being drafted and the registrar shall keep a legislative history sheet to record all meetings and consultations that occur in relation to the development of the draft law, regulation or amendment.

6.0 STEP 3 – EC Review of First Draft

6.1 When a first draft of a law, regulation or amendment is complete, the Senior Director or the Director shall present the draft law, regulation or amendment to EC.

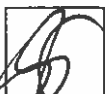
6.2 EC may do the following:

- a. recommend the draft law, regulation or amendment for presentation at a meeting of the ECW as it is and ensure that recommendation is recorded in the minutes or in whatever way EC records its recommendations;
- b. recommend the draft law, regulation or amendment for presentation at a meeting of the ECW with amendments and ensure that recommendation is recorded in the minutes or in whatever way EC records its recommendations;
or
- c. send the draft law, regulation or amendment back to the Working Group with instructions for further work and ensure that recommendation is recorded in the minutes or in whatever way EC records its recommendations.

7.0 STEP 4 – ECW Review of First Draft

7.1 When a draft law, regulation or amendment has been recommended by EC under s. 6.2 a. or b., the Senior Director or the Director shall present the draft law, regulation or amendment to ECW.

7.2 ECW may do one of the following:



- a. recommend the draft law, regulation or amendment for First Reading at a meeting of the First Nations Council as it is and ensure that recommendation is recorded in the minutes or in whatever way EC records its recommendations;
- b. recommend the draft law, regulation or amendment for First Reading at a meeting of the First Nations Council with amendments and ensure that recommendation is recorded in the minutes or in whatever way EC records its recommendations; or
- c. send the draft law, regulation or amendment back to the Working Group with instructions for further work and ensure that recommendation is recorded in the minutes or in whatever way EC records its recommendations.

8.0 STEP 5 - First Reading

- 8.1 Once a draft law, regulation or amendment has been recommended by ECW under s. 7.2 (a) or (b), the draft law, regulation or amendment may be presented to the First Nations Council for First Reading.

Draft Laws at First Reading

- 8.2 At First Reading of a law, the Senior Director or the Director shall read the title of the draft law into the record and give a brief summary of the draft law, including its purpose.
- 8.3 Discussion about the draft law is permitted at First Reading.
- 8.4 After discussion about the draft law is complete, the First Nations Council may do any of the following:
 - a. recommend that the draft law be allowed to pass to Second Reading;
 - b. recommend that the draft law be allowed to pass to Second Reading with specific amendments;
 - c. send the draft law back to the Working Group with instructions for further work and have the Working Group return to a meeting of the First Nations Council to complete First Reading; or
 - d. reject the draft law and stop the legislative initiative.
- 8.5 If the First Nations Council recommends that the draft law be allowed to pass to Second Reading under s. 8.4(a) or (b), the First Nations Council shall:



- a. pass a resolution stating that the draft law has been accepted for First Reading;
- b. adopt an official version of the draft law into the record by reference; and
- c. cause a copy of the draft law to be printed so that it can be provided to other Departments, Citizens and others for the purpose of consultation.

Draft Regulations and Amendments – Passage at First Reading

- 8.6 Draft regulations or amendments may be passed by the First Nations Council at First Reading, and may become effective immediately unless consultation is required.
- 8.7 At First Reading of a draft regulation or amendment, the Senior Director or the Director shall
 - a. read the title of the draft regulation or amendment into the record
 - b. give a brief summary of the draft regulation or amendment, including its purpose, and
 - c. describe how Dän K'e is foundational to the law, regulation or amendment.
- 8.8 Discussion about the draft regulation or amendment is permitted at First Reading.
- 8.9 If the draft regulation or amendment is being considered by the First Nations Council for passage at First Reading, the Senior Director or the Director shall conduct a line-by-line review of the draft regulation or amendment with the First Nations Council.
- 8.10 After review under ss. 8.8 and 8.9, the First Nations Council may do any of the following:
 - a. pass the regulation or amendment;
 - b. pass the regulation or amendment with specific amendments;
 - c. send the draft regulation or amendment back to the Working Group with instructions for further work and have the Working Group return to a meeting of the First Nations Council to complete First Reading;
 - d. direct the Working Group to take the draft regulation or amendment through the rest of the legislative process without passing it at First Reading; or
 - e. reject the draft regulation or amendment and stop the legislative initiative.



- 8.11 If the First Nations Council decides to pass the draft regulation or amendment at First Reading under s. 8.10 (a) or (b), the First Nations Council shall:
- a. read the draft regulation or amendment into the record or adopt an official version of the draft regulation or amendment into the record by reference; and
 - b. state in the resolution when the regulation or amendment will come into force.
- 8.12 Regulations and amendments that require consultation should go through the entire legislative process and be passed by the First Nations Council at Third Reading, after consultation in relation to the regulation or amendment has occurred under s. 10.2.
- 8.13 Consultation with CAFN Citizens in relation to regulations and amendments is required if the regulation or amendment has a direct impact on the rights of CAFN Citizens.

9.0 STEP 6 - Second Reading

- 9.1 After a draft law, regulation or amendment has been accepted at First Reading under s. 8, it may be presented to the First Nations Council for Second Reading.
- 9.2 At Second Reading, the First Nations Council may do the following:
- a. review the draft law, regulation or amendment;
 - b. consider the principle and object of the draft law, regulation or amendment in detail;
 - c. provide comments on the draft law, regulation or amendment to the Senior Director or the Director for consideration during Legislative Review under section 10; and
 - d. provide any comments or amendments to the Senior Director or the Director for incorporation into the draft law, regulation or amendment.
- 9.3 At Second Reading, the First Nations Council shall pass a resolution accepting a draft law, regulation or amendment for Second Reading, and referring the draft law, regulation or amendment for Legislative Review under s. 10 or rejecting the draft law, regulation or amendment and providing further instructions about next steps.

10.0 STEP 7 - Legislative Review



10.1 After a draft law, regulation or amendment has been accepted at Second Reading, it goes through a Legislative Review under the supervision of the Working Group.

10.2 During the Legislative Review, the Working Group shall:

- a. consider how Dän K'e is foundational to the law, regulation or amendment.
- b. consider whether the draft law, regulation or amendment impacts the individual or collective rights of CAFN Citizens;
- b. consider whether the draft law, regulation or amendment impacts existing CAFN laws or the laws of other governments and manage any consequences of the impacts including notifying Yukon Government or Canada if required;
- c. conduct consultation sessions, if required;
- d. consider and incorporate information provided about the draft law, regulation or amendment gathered through Citizens consultations and/or consultations with other Departments or governments, and
- e. complete a thorough clause-by-clause review of the draft law, regulation or amendment, and approve each clause (by way of consensus amongst Legislative Committee members) when the review is complete.

10.3 When the Legislative Review is complete and the draft law, regulation or amendment is approved by the Working Group under s. 10.2(e), the law may be presented to the First Nations Council for Third Reading.

11.0 STEP 8 - Third Reading

11.1 At Third Reading, the First Nations Council shall pass a resolution accepting the draft law, regulation or amendment for Third Reading, and the draft law, regulation or amendment shall either:

- a. be read into the minutes in its entirety; or
- b. an official version of the draft law, regulation or amendment may be adopted into the minutes by reference.

11.2 The resolution shall indicate whether the First Nations Council:

- a. passes the law, regulation or amendment as it is;
- b. passes the law, regulation or amendment with specific amendments;



- c. rejects the draft law, regulation or amendment and returns it to the Working Group with instructions for further work; or
 - d. rejects the draft law, regulation or amendment and decides not to pursue the legislative initiative.
- 11.3 When the First Nations Council passes a draft law, regulation or amendment under s. 11.2 (a) or (b), the law, regulation or amendment is no longer considered a draft and has the force of law, unless it contains a provision that it, or some of its provisions, should come into force on a specific day or on a day to be fixed by resolution.
- 11.4 The law, regulation or amendment shall state within it whether other laws, regulations or amendments shall be repealed in conjunction with its passage under s. 11.3.
- 11.5 Once a law, regulation or amendment is passed under s. 11.2 (a) or (b), it must be filed with the Registrar, who shall adhere to the Registry Regulation in their handling of the law, regulation or amendment.



