

NISGA'A GOVERNMENT ACT

NISGA'A LISIMS GOVERNMENT

WILP SI'AYUUKHL NISGA'A

NISGA'A GOVERNMENT ACT

**UNOFFICIAL CONSOLIDATION
CURRENT TO JANUARY 31, 2007**

NISGA'A GOVERNMENT ACT

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PART 1 – DEFINITIONS AND INTERPRETATION

Definitions

1. In this Act:

“**alternate Council member**” means a person appointed as an alternate member of the Council of Elders under section 44(4) or (6);

“**appropriation**” means an appropriation as defined in the *Nisga'a Financial Administration Act*;

“**Chairperson-elect**” means the person declared elected as the Chairperson in a regular election or a by-election under the *Nisga'a Elections Act*, before that person assumes office;

“**chamber**” means the room in which Ganim Siwilyeenskwa is present during a sitting;

“**Code**” means the Members' Code of Conduct set out in Schedule 3 to this Act;

“**Deputy Chairperson of the Council**” means the person selected as the Deputy Chairperson of the Council under section 47(1) or (7);

“**Deputy Speaker**” means the person elected as the Deputy Speaker under section 12(1) or 15(1);

“**Executive committee**” means a committee established under section 35(1);

“**Executive Rules**” means the rules made under section 29;

“**extraordinary sitting**” means a sitting called under section 6(3);

“**House**” means Wilp Si'ayuukhl Nisga'a;

“**House committee**” means a House standing committee or a House special committee;

“**House Rules**” means the rules made under section 17;

“**House special committee**” means a committee struck under section 24(6);

“**House standing committee**” means the Striking Committee or the Rules Committee;

“**in attendance**” includes

- (a) in respect of a sitting, attending by electronic means as may be permitted under

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the House Rules, or

- (b) in respect of a meeting of the Executive, attending by electronic means as may be permitted under the Executive Rules;

“Law Clerk” means the person appointed as the Law Clerk under section 25(1);

“member of the House” means an Officer of Nisga'a Lisims Government, the Chief Councillor or a Village Councillor of a Nisga'a Village Government, or a Nisga'a Urban Local Representative;

“member of the Council” means a regular Council member or an alternate Council member;

“Nisga'a Urban Local Executive member” means a Nisga'a Urban Local Representative who is a member of the Executive under section 55(3) or (4);

“Nisga'a Urban Local Representative” means a representative to Nisga'a Lisims Government from a Nisga'a Urban Local;

“oath of office” means

- (a) in relation to a member of the House, the oath of office set out in Schedule 1, and
(b) in relation to a member of the Council, the oath of office set out in Schedule 2;

“ordinary sitting” means a sitting called under section 5;

“President-elect” means the person declared elected as the President in a regular election or a by-election under the *Nisga'a Elections Act*, before that person assumes office;

“presiding Executive member” means the member of the Executive presiding over a meeting of the Executive;

“registry” means the registry of Nisga'a laws established under section 63(1);

“regular Council member” means a person appointed as a regular member of the Council of Elders under section 44(4) or (6);

“regular election” means an election referred to in section 28 of the *Nisga'a Constitution*;

“Rules Committee” means the Rules Committee of the House constituted under section 24(3);

“sitting” means a meeting of the House;

“Speaker” means the person elected as the Speaker under section 12(1) or 15(1);

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“**Special Assembly**” means a Special Assembly within the meaning of section 30 of the *Nisga'a Constitution*;

“**special sitting**” means a sitting called under section 6(1);

“**Striking Committee**” means the Striking Committee of the House constituted under section 24(1).

Dates of elections

2. For the purposes of this Act, the date of a regular election or a by-election under the *Nisga'a Elections Act* is the date on which the Nisga'a Elections Officer declares the official results of that election under the *Nisga'a Elections Act*.

PART 2 – WILP SI'AYUUKHL NISGA'A**Sessions, terms and sittings**

3. (1) There is a session of the House corresponding to each calendar year.
- (2) Each session of the House consists of
 - (a) a spring term, from January 1 to June 30, and
 - (b) a fall term, from July 1 to December 31.
- (3) At least one sitting must be held during each term referred to in subsection (2).
- (4) A sitting may be adjourned at any time and resumed at any later time within 14 days after the adjournment.

First sitting after regular election

4. (1) Subject to subsection (2), the President-elect must call the first sitting after a regular election at a location and on a date that the President-elect determines.
- (2) The first sitting after a regular election must be held within seven days after that election.
- (3) The agenda of the first sitting after a regular election is
 - (a) the presentation of Ganim Siwilyeenskw,
 - (b) opening prayers,
 - (c) the swearing-in of members of the House,
 - (d) the election of the Speaker and Deputy Speaker,
 - (e) the constituting of the Striking Committee, and
 - (f) any other business brought before the House.

Ordinary sittings

5. In consultation with the Executive, the Speaker

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- (a) must call an ordinary sitting to consider and debate each provisional and final budget of the Nisga'a Nation by the date specified for the adoption of that budget in the *Nisga'a Financial Administration Act*,
 - (b) may call an ordinary sitting in addition to those required under paragraph (a) at any time, and
 - (c) must determine the date, anticipated duration and location of each ordinary sitting.

Special sittings and extraordinary sittings

6.
 - (1) The Speaker must call a special sitting if required by the Executive or the President to do so at any time.
 - (2) In consultation with the Speaker, the Executive or the President must determine the date, anticipated duration and location of each special sitting.
 - (3) The President may call an extraordinary sitting at any time, if the President has first declared in writing that it is necessary to do so.
 - (4) The President must determine the date, anticipated duration and location of each extraordinary sitting.

Notice of sittings

7.
 - (1) At least 14 days before the first day of an ordinary sitting, the Speaker must issue a notice of that sitting and provide that notice to the Chief Executive Officer and the Law Clerk.
 - (2) At least seven days before the first day of a special sitting, the Speaker must issue a notice of that sitting and provide that notice to the Chief Executive Officer and the Law Clerk.
 - (3) As soon as practicable after an extraordinary sitting is called, the President must issue a notice of that sitting and provide that notice and the declaration made by the President in respect of the sitting under section 6(3) to the Chief Executive Officer and the Law Clerk.
 - (4) A notice required by this section must be in writing, and must include a proposed agenda for the sitting, prepared in accordance with section 8.
 - (5) As soon as practicable after being provided with a notice under this section, the Chief Executive Officer must ensure that the notice, including any declaration provided under subsection (3), is delivered by hand, or sent by fax or electronic mail, to
 - (a) each Officer of Nisga'a Lisims Government,

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- (b) the principal administrative office of each Nisga'a Village Government, and
- (c) the principal administrative office of each Nisga'a Urban Local.

Agendas for sittings

- 8. (1) In consultation with the Speaker and at least two Officers of Nisga'a Lisims Government, the Chief Executive Officer must prepare a proposed agenda for each ordinary sitting or special sitting.
- (2) In consultation with the President and at least one other Officer of Nisga'a Lisims Government, the Chief Executive Officer must prepare a proposed agenda for each extraordinary sitting.

Final sitting before regular election

- 9. (1) After the completion of any other business of the House at the final ordinary sitting before a regular election, the Speaker must call on the Chairperson of the Council of Elders, and any Simgigat, Sigidimhaanak and respected Nisga'a elders who are present, to receive Ganim Siwilyeenskw on behalf of the Nisga'a Nation.
- (2) At any special or extraordinary sitting called after an ordinary sitting referred to in subsection (1) and before the regular election referred to in that subsection,
 - (a) the first item on the agenda is the presentation of Ganim Siwilyeenskw, and
 - (b) after the completion of any other business of the House, the Speaker must call on the Chairperson of the Council of Elders, and any Simgigat, Sigidimhaanak and respected Nisga'a elders who are present, to receive Ganim Siwilyeenskw on behalf of the Nisga'a Nation.

Speaker

- 10. (1) Whenever the Speaker is in the chamber during a sitting, the Speaker presides over the sitting.
- (2) The Speaker has the responsibility and authority to preserve order and decorum in the chamber and to decide questions of order and practice of the House.
- (3) Before deciding a question of order or practice of the House, the Speaker may invite submissions from members of the House.

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- (4) The Speaker must announce, and give reasons for, the Speaker's decision on any question of order or practice of the House.
- (5) Members of the House may not debate a decision made by the Speaker on a question of order or practice of the House.
- (6) The Speaker may not take part in any debate before the House.

Deputy Speaker

- 11. (1) Whenever the Deputy Speaker is in the chamber and the Speaker is absent from the chamber during a sitting, the Deputy Speaker presides over that sitting, and exercises all the powers and performs all the duties of the Speaker in relation to the sitting.
- (2) By written notice to the Deputy Speaker and the Speaker, the President may authorize the Deputy Speaker to exercise powers and perform duties of the Speaker when the Speaker is temporarily unable to exercise those powers or perform those duties.

Term of office of Speaker and Deputy Speaker

- 12. (1) The House must elect a member of the House as the Speaker and a second member of the House as the Deputy Speaker
 - (a) at the first sitting after a regular election, and
 - (b) at the first sitting in the third calendar year after a regular election.
- (2) The term of office of the Speaker and Deputy Speaker elected under subsection (1)(a)
 - (a) commences on their election, and
 - (b) expires on the commencement of the first sitting in the third calendar year following their election.
- (3) The term of office of the Speaker and Deputy Speaker elected under subsection (1)(b)
 - (a) commences on their election, and
 - (b) expires on the commencement of the first sitting after the next following regular election.
- (4) The Chairperson-elect or the Chairperson, as the case may be, presides over the first sitting after a regular election and the first sitting in the third calendar year after a regular

election, until the Speaker and Deputy Speaker are elected at those sittings.

Resignation of Speaker or Deputy Speaker

- 13.** (1) The Speaker may resign from that office by
- (a) announcing at a sitting their decision to resign, or
 - (b) delivering a written notice of their decision to resign to the Deputy Speaker.
- (2) The Deputy Speaker may resign from that office by
- (a) announcing at a sitting their decision to resign, or
 - (b) delivering a written notice of their decision to resign to the Speaker.
- (3) Subject to subsections (4) and (5), the resignation of the Speaker or the Deputy Speaker under this section takes effect on the later of
- (a) the date on which that person announces at a sitting or delivers written notice of their decision to resign, and
 - (b) any other date which the person specifies as the date their resignation is effective in the announcement at a sitting or written notice of their decision to resign.
- (4) A Speaker who under this section announces at a sitting their decision to resign from that office may withdraw that resignation by delivering to the Deputy Speaker a written notice of the withdrawal of the resignation within seven days after making that announcement.
- (5) A Deputy Speaker who under this section announces at a sitting their decision to resign from that office may withdraw that resignation by delivering to the Speaker a written notice of the withdrawal of the resignation within seven days after making that announcement.
- (6) As soon as practicable after receiving a written notice under subsection (1), (2), (4) or (5), the Speaker or Deputy Speaker, as the case may be, must table that notice in the House.

Removal of Speaker or Deputy Speaker

- 14.** (1) A member of the House may make a motion at a sitting to remove the Speaker or Deputy Speaker from that office.
- (2) If a motion under subsection (1) is supported by two-thirds of the members of the House who vote on the motion, the Speaker or Deputy Speaker, as the case may be, is removed

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from that office.

Vacancy in office of Speaker or Deputy Speaker

15. (1) If a vacancy occurs in the office of the Speaker or Deputy Speaker during a term of office described in section 12(2) or (3), the House must, as soon as practicable after the occurrence of that vacancy, elect a member of the House as the Speaker or the Deputy Speaker, as the case may be, to fill the vacancy for the remainder of that term of office.
- (2) If a vacancy occurs in the office of the Speaker during a term of office described in section 12(2) or (3), the Deputy Speaker must exercise the powers and perform the duties of the Speaker until the earlier of
- (a) the expiry of that term of office, or
 - (b) the filling of that vacancy under subsection (1).

Other presiding members of House

16. Whenever both the Speaker and the Deputy Speaker are absent from the chamber during a sitting, a member of the House then designated by the Officers of Nisga'a Lisims Government who are present in the chamber presides over that sitting, and exercises all the powers and performs all the duties of the Speaker in relation to the sitting.

House Rules

17. Subject to this Act, the House may make rules concerning its practices and procedures.

Attendance and quorum

18. (1) A sitting may not begin unless at least 40% of the members of the House are in attendance.
- (2) During a sitting the Speaker may conduct a vote on any matter, other than a motion to adjourn the sitting, only if at least 30% of the members of the House are in attendance.
- (3) Even if 30% or more of the members of the House are in attendance at a sitting, a member of the House may move to adjourn discussion of a matter or the calling of a vote on the grounds that the Nisga'a Nation is insufficiently represented with respect to that matter at that sitting.

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- (4) Subject to subsection (5), if a member of the House makes a motion under subsection (3), the Speaker must call for a vote on the motion, without debate.
 - (5) If a member of the House makes a motion at a sitting under subsection (3), and the discussion of the matter or the calling of the vote in question has previously been adjourned during that sitting on the same grounds, the Speaker must rule the motion out of order.
 - (6) If a motion under subsection (3) is put to a vote and supported by at least a simple majority of the members of the House who vote on the motion, the Speaker must
 - (a) adjourn the discussion of the matter or the calling of the vote in question, and
 - (b) determine when the matter will next be discussed or the vote next called.

Motions and resolutions

- 19.** (1) Except as otherwise provided in this Act or the House Rules, a matter to be decided by the House must be introduced as a motion.
- (2) Nisga'a Lisims legislation proposed to be enacted or a budget proposed to be adopted by the House must be attached as an appendix to the motion by which it is proposed to be enacted or adopted.
- (3) A motion passed by the House is a resolution of the House.
- (4) The House may not by name or office give direction to a Nisga'a public officer other than the Law Clerk.

Participation in proceedings

- 20.** (1) Only a member of the House, or other person invited by the Speaker, may speak in the chamber while the House is sitting.
- (2) A member of the House may not delegate to another person the right to participate in proceedings of the House.
- (3) Subject to this Act and the House Rules, a member of the House may introduce any motion in the House.
- (4) A member of the House must give at least 30 days written notice to the Secretary-Treasurer before introducing a motion in the House that concerns

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- (a) an appropriation,
- (b) Nisga'a Government taxation powers,
- (c) a fiscal agreement with a senior government,
- (d) a Nisga'a settlement trust or the Lisims Fisheries Conservation Trust,
- (e) an annual budget, or
- (f) the financial administration of Nisga'a Government.

Voting

- 21.** (1) To vote in the House, a member of the House must be in attendance at a sitting when the vote is called.
- (2) Only a member of the House may vote in the House.
- (3) The Speaker may not vote in the House.
- (4) Subject to this Act and the House Rules, a motion before the House passes if it is supported by at least a simple majority of the members of the House who vote on the motion.
- (5) If a vote on any motion in the House results in a tie, the motion fails.

Legislation

- 22.** (1) Legislation is enacted by the House when
- (a) the House
 - (i) votes to accept proposed legislation for introduction,
 - (ii) considers that proposed legislation, and votes to approve it, with or without amendments, in a second vote, and
 - (iii) votes to approve the proposed legislation, with or without further amendments, in a third and final vote, and
 - (b) the President signs the proposed legislation, as approved by the House under paragraph (a)(iii).

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- (2) Subject to subsection (3), the House may not
- (a) vote to accept proposed legislation for introduction under subsection (1)(a)(i), and
 - (b) consider that proposed legislation in detail and vote to approve it under subsection (1)(a)(iii)
- on the same day.
- (3) Subsection (2) does not apply to proposed legislation if the House, by a motion supported by at least two-thirds of the members of the House who vote on the motion, resolves that the proposed legislation proceed by an expedited procedure that may be set out in the House Rules.

Unfinished business

- 23.** (1) In this section, “**unfinished business**” means
- (a) a notice of motion that has been submitted to the House and has not been withdrawn or introduced as a motion in the House, or
 - (b) a motion that has been introduced in the House and has not been ruled out of order, withdrawn or brought to a final vote.
- (2) Subject to subsection (3), unfinished business on the agenda of the House at the end of a sitting may by resolution of the House at that sitting be carried over, in the state to which it has advanced at that sitting, to the agenda of a subsequent sitting,
- (3) Unfinished business on the agenda of the House at the end of the last sitting before a regular election may not be carried over to a sitting after that election.
- (4) If unfinished business on the agenda of the House at the end of a sitting is not carried over under subsection (2), that unfinished business expires on that agenda and the subject matter of the unfinished business may be introduced at a subsequent sitting only by a new motion.

Committees

- 24.** (1) At the first sitting after a regular election, the House must constitute the Striking Committee of the House by appointing at least three members of the House to that Committee and designating one of those members of the House as the chair of the Committee.

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- (2) The Striking Committee is responsible for
 - (a) appointing the members of all other House committees, and
 - (b) subject to subsection (4), designating the chair, and deputy chair, if any, of all other House committees.
 - (3) As soon as practicable following the first sitting after a regular election, the Striking Committee must constitute the Rules Committee of the House by appointing the Speaker and at least two other members of the House to that Committee.
 - (4) The Speaker is the chair of the Rules Committee.
 - (5) The Rules Committee is responsible for
 - (a) reviewing any proposals to amend the House Rules submitted to the Committee by members of the House, and
 - (b) introducing in the House any motions to amend the House Rules that the Committee considers advisable.
 - (6) Subject to subsections (7) and (8), the House may strike a special committee of the House for any purpose, on a motion made with or without notice.
 - (7) A resolution of the House striking a House special committee must
 - (a) establish terms of reference for that committee,
 - (b) set out time limits within which the committee must report to the House, and
 - (c) specify whether the committee may meet outside of Nisga'a Lands.
 - (8) In deciding whether to strike a House special committee for a particular purpose, the House must
 - (a) consider whether an Executive committee has been established in connection with any part of that purpose, and
 - (b) endeavour to avoid duplicating any part of the mandate of an established Executive committee.
 - (9) Subject to any terms the House imposes, a House committee may
 - (a) meet at any time and place within Nisga'a Lands that the Committee decides,

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- (b) meet outside Nisga'a Lands if permitted by the House to do so under subsection (7)(c), and
 - (c) hear witnesses or representations from any person or organization.
- (10) Despite any other provision of this section, the President, the Chairperson and the Secretary-Treasurer are members of each House committee.

Law Clerk

25. (1) The Executive must appoint a person as the Law Clerk.
- (2) The Law Clerk's responsibilities to the House are
- (a) to advise the Speaker and other members of the House in respect of the interpretation and application of this Act and the House Rules,
 - (b) to assist members of the House in drafting notices and motions,
 - (c) to certify that legislation submitted to the President for signing is a true copy of that legislation as approved by the House,
 - (d) to assist the Chief Executive Officer in preparing agendas for sittings and ensuring delivery of notices of sittings,
 - (e) to ensure the preparation and safe preservation of records of votes and proceedings, and other records of the business of the House and House committees including, but not limited to, records of all motions introduced, votes taken and resolutions adopted,
 - (f) to ensure public access to the records of votes and proceedings prepared in respect of public sittings, and
 - (g) to carry out any other functions relating to the House assigned to the Law Clerk by a Nisga'a Lisims enactment or by the House.
- (3) The Law Clerk's responsibilities to the Executive are
- (a) to advise the Chairperson and other members of the Executive in respect of the interpretation and application of this Act and the Executive Rules,
 - (b) to assist members of the Executive in drafting notices and motions,
 - (c) to certify that regulations submitted to members of the Executive for signing are

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true copies of those regulations as adopted by the Executive,

- (d) to ensure the preparation and safe preservation of records of votes and proceedings, and other records of the business of the Executive and Executive committees including, but not limited to, records of all motions introduced, votes taken and resolutions adopted,
- (e) to ensure public access to the records of votes and proceedings prepared in respect of public meetings of the Executive, and
- (f) to carry out any other functions relating to the Executive assigned to the Law Clerk by a Nisga'a Lisims enactment or by the Executive.

PART 3 – NISGA'A LISIMS GOVERNMENT EXECUTIVE**Rights, powers and privileges of Nisga'a Nation**

26. Subject to this Act and any other Nisga'a Lisims enactment, the Executive may exercise the rights, powers and privileges of the Nisga'a Nation referred to in paragraph 5 of the Nisga'a Government Chapter of the Nisga'a Treaty.

Payments and benefits

27. (1) In this section, “**payments and benefits**” includes stipends, honoraria and reimbursement of expenses.
- (2) The Executive must determine the payments and benefits that may be provided to members of the House and members of the Council by, and that members of the House and members of the Council may receive from, the Nisga'a Nation, a Nisga'a Village or a Nisga'a Urban Local.
- (3) The Executive may determine the payments and benefits that members of the House or members of the Council may receive from sources other than the Nisga'a Nation, a Nisga'a Village or a Nisga'a Urban Local, in respect of any function performed or position occupied by members of the House or members of the Council as representatives or appointees of the Nisga'a Nation, a Nisga'a Village or a Nisga'a Urban Local.
- (4) The Executive may establish terms and conditions that apply to the provision or receipt of the payments and benefits referred to in subsection (2) or (3).
- (5) Under subsection (2) or (3), the Executive may make different determinations for different members of the House and members of the Council.

Duty to adhere to Nisga'a law

28. (1) Despite any resolution of the House or the Executive, the Executive or an Officer of Nisga'a Lisims Government must not take any action that is inconsistent with a provision of the Nisga'a Treaty, the *Nisga'a Constitution* or a Nisga'a Lisims enactment.
- (2) Without limiting subsection (1), the Executive or an Officer of Nisga'a Lisims Government must not commit or expend money for which there is no appropriation or an insufficient appropriation.
- (3) If the House or the Executive adopts a resolution that would require the Executive or an Officer of Nisga'a Lisims Government to take any action that, in the opinion of the

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Executive or that Officer, would be contrary to subsection (1), the Executive or that Officer must

- (a) give effect to the intent of that resolution to the extent, if any, that the Executive or the Officer considers would not be contrary to subsection (1), and
- (b) report to the next sitting or meeting of the Executive, as the case may be, on the steps taken to give effect to the intent of the resolution, and the reasons why and the extent to which the Executive or the Officer considered the resolution to have been contrary to subsection (1).

Executive Rules

29. Subject to this Act, the Executive may make rules concerning its practices and procedures.

Meetings and quorum

- 30.** (1) The Executive may meet at any time and location determined by the President.
- (2) A meeting of the Executive may not begin unless at least six members of the Executive, or such greater number as may be required by the Executive Rules, are in attendance.
- (3) Whenever the Chairperson is in attendance at a meeting of the Executive, the Chairperson presides over the meeting.
- (4) Whenever the Chairperson is not in attendance at a meeting of the Executive,
- (a) the President, or
 - (b) if the President is not in attendance, another member of the Executive designated by the members in attendance
- presides over the meeting.
- (5) During a meeting of the Executive, the presiding Executive member may conduct a vote on any matter only if at least six members of the Executive, or such greater number as may be required by the Executive Rules, are in attendance.
- (6) Subsection (5) does not apply to a motion to adjourn a meeting of the Executive.

Agendas for meetings

31. In consultation with the Chairperson or another Officer of Nisga'a Lisims Government, the Chief

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Executive Officer must prepare a draft agenda for each meeting of the Executive.

Motions and resolutions

32. (1) Except as otherwise provided in this Act or the Executive Rules, a matter to be decided by the Executive must be introduced as a motion.
- (2) A motion passed by the Executive is a resolution of the Executive.

Participation in proceedings

33. (1) Subject to the *Nisga'a Lisims Government Executive Alternative Representation Act*, a member of the Executive may not delegate to another person their right to participate in proceedings of the Executive.
- (2) In a meeting of the Executive, the presiding Executive member may introduce motions, take part in debate and vote.
- (3) Subject to this Act and the Executive Rules, a member of the Executive may introduce any motion in a meeting of the Executive.
- (4) To vote in a meeting of the Executive, a member of the Executive must be in attendance at the meeting when the vote is called.
- (5) Only a member of the Executive may vote in a meeting of the Executive.
- (6) Subject to this Act and the Executive Rules, a motion before the Executive passes if it is supported by at least a simple majority of the members of the Executive who vote on that motion.
- (7) If a vote on any motion before the Executive results in a tie, the motion fails.

Enactment of regulations

34. (1) A regulation proposed to be enacted under Nisga'a Lisims legislation by the Executive must be attached as an appendix to the motion by which it is proposed to be enacted.
- (2) A motion that the Executive enact a regulation under Nisga'a Lisims legislation must
- (a) set out the name of the proposed regulation,

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- (b) specify the date on which that regulation is proposed to come into force or the method for determining that date, and
 - (c) identify the member of the Executive authorized to sign the regulation.
- (3) A regulation is enacted by the Executive under Nisga'a Lisims legislation when
- (a) the Executive adopts a resolution to enact a proposed regulation, and
 - (b) that proposed regulation is signed by the member of the Executive authorized to do so.

Committees

- 35.** (1) The Executive may establish committees of the Executive for any purpose.
- (2) The Executive must make rules for the business of Executive committees, including the requirement that every Executive committee report to the Executive in writing at least once each year.
- (3) A resolution establishing an Executive committee must
- (a) establish the terms of reference for that committee,
 - (b) indicate whether the committee is a standing committee or special committee,
 - (c) designate, or authorize an Officer of Nisga'a Lisims Government to designate, the chairperson of the committee, and
 - (d) set out time limits within which the committee must report to the Executive.
- (4) An Executive committee may include persons who are not members of the Executive, but at least one-third of the members of each Executive committee must be members of the Executive.
- (5) The President, the Chairperson and the Secretary-Treasurer are members of each Executive committee.

Assignment of Executive responsibilities

- 36.** (1) When assigning responsibility for the administration, application or enforcement of a particular law or administrative function under section 37(e) of the *Nisga'a Constitution*, the Executive may divide that responsibility among two or more members of the

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- Executive.
- (2) An assignment of responsibility referred to in subsection (1)
- (a) is effective from the date that of the resolution making that assignment, and
 - (b) continues until the earliest of
 - (i) the termination date set out in that resolution, if any,
 - (ii) the date on which the person to whom the responsibility is assigned ceases to be a member of the Executive,
 - (iii) the date of a subsequent resolution of the Executive
 - (A) assigning that responsibility to another person, or
 - (B) assuming the responsibility itself, or
 - (iv) the next following date on which members of the Executive assume office after a regular election.

Powers of appointment

- 37.** (1) Unless the *Nisga'a Constitution* or Nisga'a Lisims legislation expressly provides otherwise, the Executive may appoint persons
- (a) to fill any position that the Nisga'a Nation or Nisga'a Lisims Government may fill,
 - (b) to represent the Nisga'a Nation or Nisga'a Lisims Government in any capacity, or
 - (c) to perform any other function on behalf of the Nisga'a Nation or Nisga'a Lisims Government.
- (2) Without limiting subsection (1), under that subsection the Executive may appoint persons to fill positions, serve in capacities and perform functions as provided for in
- (a) the Nisga'a Treaty,
 - (b) the *Nisga'a Constitution*,
 - (c) any agreement between the Nisga'a Nation and Canada or British Columbia, and

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- (d) the constitution, bylaws or other rules of a body referred to in section 46 of the *Nisga'a Constitution* or of any other corporation, body or panel established under federal, provincial or Nisga'a law or policy.
- (3) Despite any other provision of this section, if
 - (a) following a regular election or a by-election under the *Nisga'a Elections Act*, the Executive is entitled to appoint one or more directors of a Nisga'a Urban Local, and
 - (b) the Executive does not by resolution appoint that director or those directors within seven days after that election,

the Executive is deemed to have appointed as the director or directors the Nisga'a Urban Local Representative or Representatives elected from that Nisga'a Urban Local in the election.

Temporary acting in office

- 38.** (1) The Chairperson acts in the office of the President when the President is temporarily unable to exercise the authorities, responsibilities or functions of that office.
- (2) The Executive may authorize the President or the Chairperson to act in the office of the Secretary-Treasurer when the Secretary-Treasurer is temporarily unable to exercise the authorities, responsibilities or functions of that office.
- (3) The Executive may authorize the President or the Secretary-Treasurer to act in the office of the Chairperson when the Chairperson is temporarily unable to exercise the authorities, responsibilities or functions of that office.

Symbols of Nisga'a Nation and Nisga'a Lisims Government

- 39.** (1) The Executive may establish any symbol by which the Nisga'a Nation or Nisga'a Lisims Government is to be represented or identified, including
- (a) the seal of Nisga'a Lisims Government, or
 - (b) the seal of any office established by the *Nisga'a Constitution* or by any Nisga'a Lisims legislation.
- (2) When establishing a symbol under this section, the Executive
- (a) may determine the title, wording, content, style, or design of that symbol,

- (b) must entrust care of the symbol to a member of the Executive, and
- (c) may prescribe procedures for the safekeeping and appropriate use of the symbol.

Reproduction of President's signature

- 40.** (1) The President may authorize the affixing of a mechanical or electronic reproduction of the President's signature to any document, or category of documents, that the President is required or authorized to sign.
- (2) A reproduction of the President's signature affixed to a document under subsection (1) has the same legal effect as if it were an original signature of the President.

Chief Executive Officer

- 41.** (1) The Executive must appoint a person as the Chief Executive Officer.
- (2) The responsibilities of the Chief Executive Officer are
- (a) to direct the administration of Nisga'a Lisims Government, except as otherwise specifically provided in a Nisga'a Lisims enactment,
 - (b) in consultation with the Chairperson and the Law Clerk, to ensure the preparation and distribution of notices and agendas for meetings of the Executive,
 - (c) to advise the Executive on matters within the responsibility of the Executive,
 - (d) to implement resolutions of the Executive, as required by the Executive, and
 - (e) to carry out any other functions assigned to the Chief Executive Officer by any Nisga'a Lisims enactment or by the Executive.
- (3) By issuing a written notice, the Chief Executive Officer may
- (a) delegate to a Nisga'a Lisims Government Director any power or duty of the Chief Executive Officer, other than a power or duty that a Nisga'a Lisims enactment provides may not be delegated, and
 - (b) establish or change terms and conditions for the exercise of a power or the performance of a duty delegated to a Nisga'a Lisims Government Director under paragraph (a).

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- (4) The Chief Executive Officer must deliver a copy of a notice issued under subsection (3) to the Nisga'a Lisims Government Director concerned and to the Executive.
- (5) On issuing a written notice, the Chief Executive Officer may exercise a power or perform a duty of the Law Clerk or a Nisga'a Lisims Government Director under a Nisga'a Lisims enactment if, in the opinion of the Chief Executive Officer, circumstances require the Chief Executive Officer to do so.
- (6) The Chief Executive Officer must deliver a copy of a notice issued under subsection (5) to the Law Clerk or the Nisga'a Lisims Government Director concerned, as the case may be, and to the Executive.

Administrative review

42. The House may require the Executive to conduct a review of the administration of any Nisga'a Lisims enactment or policy of Nisga'a Lisims Government.

PART 4 – COUNCIL OF ELDERS**Composition**

43. The Council of Elders consists of
- (a) the Chairperson of the Council of Elders,
 - (b) eight regular Council members, and
 - (c) eight alternate Council members.

Appointment of members of Council

44. (1) A person is eligible to hold office as a member of the Council if the person
- (a) is
 - (i) a Nisga'a citizen,
 - (ii) a Sim'oogit, Sigidimnak' or other respected Nisga'a elder,
 - (iii) ordinarily resident on Nisga'a Lands, and
 - (iv) at least 60 years of age,
 - (b) is not
 - (i) a member of the House,
 - (ii) a member of the Nisga'a Administrative Decisions Review Board, or
 - (iii) the Nisga'a Elections Officer, and
 - (c) would not have been disqualified under the *Nisga'a Elections Act* as a candidate for election to office as a member of the House, on a ground other than membership in the Council of Elders, if an election under that Act had been held on the date of the person's appointment as a member of the Council.
- (2) Each year, the Chief Councillor of a Nisga'a Village Government must provide a reasonable opportunity for all persons who ordinarily reside in the relevant Nisga'a Village and who meet the qualifications set out in subsection (1), to advise the Chief Councillor by September 15 of that year whether they would be prepared to accept an

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- appointment in November of the year as a member of the Council.
- (3) By October 1 of each year, or as soon as practicable after that date, and after consulting the Chairperson of the Council of Elders and the Chief Councillor of each Nisga'a Village Government, the President must provide to the Executive a list of the names of eight or more persons who the President recommends for appointment to the Council of Elders.
- (4) In November of each year, the Executive must, from the list provided by the President under subsection (3),
- (a) appoint four regular members and four alternate members of the Council of Elders, each for a term of office of two years, more or less, as determined under section 45(1), and
- (b) designate each alternate member appointed under paragraph (a) as the alternate for a particular regular member appointed under that paragraph.
- (5) Under subsection (4) the Executive may re-appoint a member of the Council.
- (6) If a vacancy occurs in the office of a regular member or alternate member of the Council of Elders during the term of office of that member,
- (a) the President may, after consulting the Chairperson of the Council of Elders and the Chief Councillor of the relevant Nisga'a Village Government, provide to the Executive a list of the names of one or more persons who the President recommends for appointment to the Council, and
- (b) the Executive may, from the list provided by the President under paragraph (a),
- (i) appoint a person to that vacant office for the remainder of that term of office, and
- (ii) in the case of the appointment of a person to the office of an alternate member, designate that person as the alternate for the regular member then lacking an alternate.
- (7) If the Executive appoints an alternate Council member to the vacant office of a regular Council member under subsection (6), the office of that alternate Council member is vacated.
- (8) Under this section, the President may recommend for appointment to the Council of Elders, and the Executive may appoint to the Council of Elders, only a person who
- (a) meets the qualifications set out in subsection (1)(a) and (b), and

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- (b) has delivered to the President, in the form required by the President,
- (i) a declaration that if a regular election were conducted on the date specified by the President, the person would not be disqualified under the *Nisga'a Elections Act* as a candidate for election to office as a member of the House, on a ground other than membership in the Council of Elders, and
 - (ii) a criminal record check or an authorization for a criminal record check.
- (9) When making a recommendation or appointment of a member of the Council under this section, the President and the Executive must
- (a) consider as a first priority the objective that the Council of Elders include two regular Council members and two alternate Council members who ordinarily reside in each Nisga'a Village, and
 - (b) consider the additional objectives that
 - (i) the Council of Elders include two regular Council members and two alternate Council members from each Nisga'a tribe, and
 - (ii) over time, diverse persons from each Nisga'a Village who are knowledgeable about the Ayuuk and who are eligible to hold office under subsection (1) have the opportunity to serve as members of the Council.
- (10) The following criteria must be applied in a decision as to whether a person is “ordinarily” resident on Nisga'a Lands for the purposes of recommendation for appointment to, and appointment to, the Council of Elders under this section:
- (a) a person can be “ordinarily” resident in only one place at one time;
 - (b) a person is not “ordinarily” resident on Nisga'a Lands unless that person
 - (i) lives and sleeps on Nisga'a Lands,
 - (ii) intends to return to Nisga'a Lands whenever absent from Nisga'a Lands, and
 - (iii) is physically present on Nisga'a Lands on one half or more of the days in the six months before the date of their recommendation for appointment;
 - (c) for the purposes of paragraph (b)(iii), a day on which a person who otherwise resides on Nisga'a Lands is away from Nisga'a Lands in order to

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- (i) exercise powers or perform duties as a Nisga'a representative, or
- (ii) obtain medical treatment

is counted as a day on which that person is physically present on Nisga'a Lands;

- (d) a person does not cease to be "ordinarily" resident on Nisga'a Lands by leaving Nisga'a Lands for temporary reasons only.

Terms of office

- 45.** (1) The term of office of each member of the Council appointed under section 44(4)
- (a) commences when that person takes the oath of office following their appointment, and
 - (b) expires in December of the second calendar year following their appointment, when any member of the Council appointed under section 44(4) takes the oath of office.
- (2) The term of office of each member of the Council appointed under section 44(6)
- (a) commences when that person takes the oath of office following their appointment, and
 - (b) expires when the term of office of the predecessor of the person in that office would have expired, if that predecessor had not vacated the office.
- (3) At a meeting of the Executive, or at a sitting, the Chairperson of the Council of Elders must administer the oath of office to each member of the Council appointed
- (a) under section 44(4), in the month of December following the appointment of that person, and
 - (b) under section 44(6), as soon as practicable following the appointment of that person.

Resignation from Council

- 46.** (1) A member of the Council may resign from the Council of Elders by

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- (a) announcing at a meeting of the Council their decision to resign, or
 - (b) delivering a written notice of their decision to resign to the Chairperson of the Council of Elders.
 - (2) Subject to subsection (3), the resignation of a member of the Council under subsection (1) takes effect on the later of
 - (a) the date on which that person announces or delivers written notice of their decision to resign, and
 - (b) any other date which the person specifies as the date their resignation is effective in the announcement or written notice of their decision to resign.
 - (3) A member of the Council who under subsection (1)(a) announces at a meeting of the Council of Elders their decision to resign from the Council may withdraw that resignation by delivering to the Chairperson of the Council of Elders a written notice of the withdrawal of the resignation within seven days after making that announcement.
 - (4) The Chairperson of the Council of Elders must table at a meeting of the Council of Elders
 - (a) a written notice of a decision to resign delivered under subsection (1)(b), or
 - (b) a written notice of the withdrawal of a resignation delivered under subsection (3)as soon as practicable after receiving that notice.
 - (5) If a member of the Council resigns from the Council of Elders by announcing their decision to resign under subsection (1)(a), and if that member of the Council does not withdraw that resignation under subsection (3), the Chairperson of the Council of Elders must notify the President in writing as soon as practicable after the eighth day following the making of that announcement.
 - (6) If a member of the Council resigns from the Council of Elders by giving written notice of their decision to resign under subsection (1)(b), the Chairperson of the Council of Elders must notify the President in writing as soon as practicable after receiving that written notice.

Deputy Chairperson of Council

47. (1) At the first meeting of the Council of Elders following the swearing-in of the members of the Council appointed under section 44(4) each year, the Council must select a regular Council member as the Deputy Chairperson of the Council.
- (2) The term of office of a Deputy Chairperson of the Council selected under subsection (1)

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- (a) commences immediately upon their selection, and
 - (b) expires in the next following December, when any member of the Council appointed under section 44(4) takes the oath of office under section 45(1).
- (3) The Deputy Chairperson of the Council may resign from that office by
- (a) announcing at a meeting of the Council of Elders their decision to resign, or
 - (b) delivering written notice of their decision to resign to the Chairperson of the Council of Elders.
- (4) Subject to subsection (5), the resignation of a Deputy Chairperson of the Council under subsection (3) takes effect on the later of
- (a) the date on which that person announces or delivers written notice of their decision to resign, and
 - (b) any other date which the person specifies as the date their resignation is effective in the announcement or written notice of their decision to resign.
- (5) A Deputy Chairperson of the Council who under subsection (3)(a) announces their decision to resign from that office at a meeting of the Council of Elders may withdraw that resignation by delivering to the Chairperson of the Council of Elders a written notice of the withdrawal of the resignation within seven days after making that announcement.
- (6) The Chairperson of the Council of Elders must table at a meeting of the Council of Elders
- (a) a written notice of a decision to resign delivered under subsection (3)(b), or
 - (b) a written notice of the withdrawal of a resignation delivered under subsection (5)
- as soon as practicable after receiving that notice.
- (7) If a vacancy occurs in the office of the Deputy Chairperson of the Council during a term of office described in subsection (2), the Council of Elders may select a regular Council member as the Deputy Chairperson of the Council for the remainder of that term of office.

Authorization of regular Council member to act

- 48.** By written notice to the Council of Elders, the President may authorize a regular Council member to exercise powers and perform duties of the Chairperson of the Council of Elders when the Chairperson of the Council of Elders is temporarily unable to exercise those powers or perform

those duties.

Meetings of Council

- 49.** (1) The Chairperson of the Council of Elders must call at least one meeting of the Council of Elders each year and, subject to a sufficient appropriation, may call a meeting of the Council at any time.
- (2) The Chairperson of the Council of Elders must determine the location within Nisga'a Lands of each meeting of the Council of Elders.

Notices of meetings and agendas

- 50.** (1) Subject to subsection (2), the Chairperson of the Council of Elders must issue and deliver a notice of a meeting of the Council of Elders at least 14 days before the meeting.
- (2) If the President notifies the Chairperson of the Council of Elders that it is necessary to do so, the Chairperson of the Council of Elders must call a meeting of the Council of Elders with less than 14 days notice and, in that case, the Chairperson of the Council of Elders must issue and deliver a notice of that meeting as far in advance of the meeting as is practicable.
- (3) A notice of a meeting of the Council of Elders under this section must be
- (a) issued in writing, and include a proposed agenda for the meeting prepared by the Chairperson of the Council of Elders, and
 - (b) delivered by hand, or sent by ordinary mail, fax or electronic mail, to
 - (i) each member of the Council, at an address for delivery of that member of the Council known to the Chairperson of the Council of Elders,
 - (ii) the President, the Chairperson, the Secretary-Treasurer and the Chief Executive Officer, at the principal administrative office of Nisga'a Lisims Government,
 - (iii) the Chief Councillor of each Nisga'a Village Government, at the principal administrative office of that Nisga'a Village Government, and
 - (iv) the Nisga'a Urban Local Executive member from each Nisga'a Urban Local, at the principal administrative office of that Nisga'a Urban Local.

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Rules for meetings

- 51.** (1) Whenever the Chairperson of the Council of Elders is not present at a meeting of the Council of Elders, the Deputy Chairperson of the Council presides over that meeting and, in relation to the meeting, exercises all the powers and performs all the duties of the Chairperson of the Council of Elders.
- (2) Subject to this Act, the Council of Elders may determine its practices and procedures.
- (3) Subject to subsection (5), only the Chairperson of the Council of Elders, a regular Council member, or a person invited by the Chairperson of the Council of Elders may speak at a meeting of the Council.
- (4) Subject to subsection (5), only the Chairperson of the Council of Elders or a regular Council member may introduce a motion, take part in debate or vote at a meeting of the Council.
- (5) If a regular Council member is not in attendance at a meeting of the Council of Elders, the alternate Council member designated as the alternate for that regular Council member under section 44(4) or (6) may exercise all of the rights of the regular Council member at that meeting.
- (6) If a regular Council member is unable to attend a meeting of the Council, that regular Council member must notify the Chairperson of the Council of Elders, who must endeavour to have the regular Council member's designated alternate called to attend the meeting.
- (7) To vote at a meeting of the Council of Elders, a person must be in attendance when the vote is called.
- (8) At the beginning of each meeting of the Council of Elders,
- (a) the Chairperson of the Council of Elders must request approval of the proposed agenda that was included with the notice of that meeting issued under section 50, and
- (b) any person entitled to vote at the meeting may propose other business to be added to the proposed agenda.

Quorum

- 52.** (1) A meeting of the Council of Elders may not begin unless at least five persons entitled to vote at the meeting, including either the Chairperson of the Council of Elders or the Deputy Chairperson of the Council, are in attendance.

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- (2) During a meeting of the Council of Elders, a vote may be conducted on any matter, other than a motion to adjourn, only if at least five persons entitled to vote at the meeting, including either the Chairperson of the Council of Elders or the Deputy Chairperson of the Council, are in attendance.

Referral of matters to Council

53. (1) The Executive may refer a matter to the Council of Elders.
- (2) When referring a matter to the Council of Elders, the Executive must specify the time within which the Council must consider the matter and report its views on the matter to the Executive, and the Council must report back within the specified time.

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PART 5 – NISGA'A URBAN LOCALS

Boundaries of Nisga'a Urban Local Areas

54. (1) For the purposes of this section, the boundaries of the Greater Vancouver Regional District, the Capital Regional District, the City of Prince Rupert, the District of Port Edward, the City of Terrace and Electoral Area E of the Kitimat-Stikine Regional District are determined under the laws of the government of British Columbia, and the boundaries of Indian reserves are determined under the *Indian Act* (Canada).
- (2) The Vancouver Nisga'a Urban Local Area comprises the Greater Vancouver Regional District and the Capital Regional District, and all Indian reserves within or abutting either Regional District.
- (3) The Terrace Nisga'a Urban Local Area comprises the City of Terrace and Electoral Area E of the Kitimat-Stikine Regional District, and all Indian reserves within or abutting that City or Electoral Area.
- (4) The Prince Rupert/Port Edward Nisga'a Urban Local Area comprises the City of Prince Rupert and the District of Port Edward, and all Indian reserves within or abutting that City or District.

Nisga'a Urban Local Representatives

55. (1) Each Nisga'a Urban Local is entitled to two Nisga'a Urban Local Representatives.
- (2) During their term of office, each Nisga'a Urban Local Representative must ordinarily reside in the Nisga'a Urban Local Area from which they are elected.
- (3) The Nisga'a Urban Local Representative from a Nisga'a Urban Local who is elected to that office with the highest number of votes
- (a) in a regular election, or
- (b) in a by-election held under the *Nisga'a Elections Act* to fill a vacancy occurring in the office of the Nisga'a Urban Local Representative from that Nisga'a Urban Local who was a member of the Executive
- is the member of the Executive from that Nisga'a Urban Local during their term of office.
- (4) If a vacancy occurs in the office of a Nisga'a Urban Local Representative who is the member of the Executive from a Nisga'a Urban Local under subsection (3), and if at the time that vacancy occurs there is in office another Nisga'a Urban Local Representative

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from that Nisga'a Urban Local, that other Nisga'a Urban Local Representative is the member of the Executive from the Nisga'a Urban Local from the date of the occurrence of the vacancy until the earlier of

- (a) the election of a Nisga'a Urban Local Representative in a by-election held under the *Nisga'a Elections Act* to fill the vacancy, or
- (b) the expiry of their term of office.

Establishing, changing and dissolving Nisga'a Urban Locals

- 56.** (1) After consulting the Nisga'a citizens residing in a Nisga'a Urban Local Area, or in a proposed Nisga'a Urban Local Area, as the case may be, the Executive may recommend to the House that the House change, dissolve or establish a Nisga'a Urban Local.
- (2) A motion before the House to change, dissolve or establish a Nisga'a Urban Local passes only if the motion is supported by at least two-thirds of the members of the House who vote on the motion.

Contracts with Nisga'a Urban Locals

- 57.** The Executive may not authorize a contract between the Nisga'a Nation and a Nisga'a Urban Local unless that Nisga'a Urban Local has adopted bylaws that are satisfactory to the Executive, including, without limitation, a bylaw that applies the Code to the directors of the Nisga'a Urban Local.

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PART 6 – TERM OF OFFICE OF MEMBERS OF THE HOUSE**Term of office**

58. (1) A person elected as a member of the House in a regular election has a term of office of four years, more or less, as determined under subsection (2), (3) or (4), as the case may be.
- (2) The term of office of a person elected as the President, the Chairperson, the Secretary-Treasurer, the Chairperson of the Council of Elders or the Chief Councillor of a Nisga'a Village Government in a regular election or a by-election held under the *Nisga'a Elections Act*
- (a) commences when that person takes the oath of office after that election, and
- (b) expires when the person elected to that office in the next following regular election takes the oath of office after that next following regular election.
- (3) The term of office of a person elected as a Village Councillor of a Nisga'a Village Government in a regular election or a by-election held under the *Nisga'a Elections Act*
- (a) commences when that person takes the oath of office after that election, and
- (b) expires when any person elected as a Village Councillor of that Nisga'a Village Government in the next following regular election takes the oath of office after that next following regular election.
- (4) The term of office of a person elected as a Nisga'a Urban Local Representative from a Nisga'a Urban Local in a regular election or a by-election held under the *Nisga'a Elections Act*
- (a) commences when that person takes the oath of following that election, and
- (b) expires when any person elected as a Nisga'a Urban Local Representative from that Nisga'a Urban Local in the next following regular election takes the oath of office after that next following regular election.

Deemed resignation from other offices

59. If a person is elected to office as a member of the House in a regular election or a by-election held under the *Nisga'a Elections Act* and, at the time that person takes the oath of office after that election, the person holds
- (a) another office as a member of the House, or

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- (b) the office of the Chief Executive Officer or the Law Clerk,
by taking that oath of office, the person resigns from any office referred to in paragraph (a) or (b).

Resignation during term of office

- 60.** (1) The President may resign by
- (a) announcing
 - (i) at a sitting, or
 - (ii) at a meeting of the Executivetheir decision to resign, or
 - (b) delivering a written notice of their decision to resign to the Chairperson.
- (2) An Officer of Nisga'a Lisims Government, other than the President, may resign by
- (a) announcing
 - (i) at a sitting, or
 - (ii) at a meeting of the Executivetheir decision to resign, or
 - (b) delivering a written notice of their decision to resign to the President.
- (3) A Chief Councillor or Village Councillor of a Nisga'a Village Government may resign by
- (a) announcing
 - (i) at a sitting,
 - (ii) at a meeting of the Executive, or
 - (iii) at a meeting of that Nisga'a Village Governmenttheir decision to resign, or
 - (b) delivering a written notice of their decision to resign

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- (i) in the case of the resignation of a Village Councillor, to the Chief Councillor of that Nisga'a Village Government, or
 - (ii) in the case of a resignation of the Chief Councillor, to the Deputy Chief Councillor of that Nisga'a Village Government.
 - (4) A Nisga'a Urban Local Representative may resign by
 - (a) announcing
 - (i) at a sitting,
 - (ii) at a meeting of the Executive, or
 - (iii) at a meeting of the board of the relevant Nisga'a Urban Local
their decision to resign, or
 - (b) delivering a written notice of their decision to resign to the President.
 - (5) If a person resigns under this section by announcing at a sitting their decision to resign, and does not withdraw that resignation under subsection (10), the Speaker must deliver a written record of the announcement to the Nisga'a Elections Officer as soon as practicable after the eighth day following the making of that announcement.
 - (6) If a person resigns under this section by announcing at a meeting of the Executive, a Nisga'a Village Government or the board of a Nisga'a Urban Local, as the case may be, their decision to resign, and does not withdraw that resignation under subsection (10), the person presiding at that meeting must deliver a written record of that announcement to the Speaker as soon as practicable after the eighth day following the making of the announcement.
 - (7) If a person resigns under this section by delivering a written notice of their decision to resign to the President, the Chairperson or a Chief Councillor or Deputy Chief Councillor of a Nisga'a Village Government, as the case may be, the person to whom that notice is delivered must deliver a copy of the notice to the Speaker as soon as practicable.
 - (8) If the Speaker receives a written record of an announcement of resignation under subsection (6) or a copy of a written notice of resignation under subsection (7), the Speaker must, as soon as practicable,
 - (a) deliver a copy of that record or notice to the Nisga'a Elections Officer, and
 - (b) table a copy of the record or notice at a sitting.

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- (9) Subject to subsection (10), a person's resignation under this section takes effect on the later of
- (a) the date on which that person announces or delivers written notice of their decision to resign, and
 - (b) any other date which the person specifies as the date their resignation is effective in the announcement or the written notice of their decision to resign.
- (10) Within seven days after announcing
- (a) at a sitting, or
 - (b) at a meeting of the Executive, a Nisga'a Village Government or the board of a Nisga'a Urban Local

their decision to resign under this section, a person may withdraw their resignation by delivering to the person who presided over that sitting or meeting a written notice of the withdrawal of the resignation.

- (11) If a written notice of the withdrawal of a resignation is delivered under subsection (10) to the person who presided over the sitting or the meeting of the Executive, the Nisga'a Village Government or the board of the Nisga'a Urban Local at which that resignation was announced, that person must as soon as practicable table that notice at a sitting or a meeting of the Executive, the Nisga'a Village Government or the board of the Nisga'a Urban Local, as the case may be.

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PART 7 – PUBLIC PARTICIPATION IN NISGA'A LISIMS GOVERNMENT
Referral of proposed Nisga'a Lisims legislation

- 61.** (1) For the purposes of informing Nisga'a citizens of legislation proposed to be enacted by the House and of receiving comments from Nisga'a citizens in respect of that proposed legislation, the House may refer the proposed legislation to
- (a) a House special committee, or
 - (b) the Executive.
- (2) If the House refers proposed Nisga'a Lisims legislation to the Executive under subsection (1)(b), the Executive may direct the Chief Executive Officer to take such steps as the Chief Executive Officer considers advisable for the purpose of informing Nisga'a citizens of that proposed legislation and receiving comments from Nisga'a citizens in respect of the proposed legislation.

Special Assemblies

- 62.** (1) By passing a motion with the support of at least two-thirds of the members of the Executive who vote on the motion, the Executive may call a Special Assembly.
- (2) The Executive must determine the date, duration and location of
- (a) a Special Assembly called under subsection (1), or
 - (b) a Special Assembly called by the House under section 30 of the *Nisga'a Constitution*, unless the House has determined those matters in the resolution calling the Special Assembly.
- (3) The Executive must publish a notice of a Special Assembly
- (a) in accordance with Nisga'a law, and
 - (b) at least 60 days before the Special Assembly begins.
- (4) Despite subsection (3)(b), the Executive may give less than 60 days notice of a Special Assembly if
- (a) the House has determined a date for the Special Assembly that is less than 60 days after the date the resolution calling the Special Assembly was adopted by the House, or

- (b) the President has determined that it is necessary to do so.
- (5) The rules committee for each Special Assembly consists of
 - (a) the Chairperson,
 - (b) the Secretary-Treasurer,
 - (c) the Chairperson of the Council of Elders, and
 - (d) the Speaker.
- (6) The rules committee for a Special Assembly must
 - (a) determine the rules of procedure for the Special Assembly, and
 - (b) appoint persons to chair the Special Assembly from among the members of the Executive who are not Officers of Nisga'a Lisims Government.

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PART 8 – REGISTRATION AND REVISION OF NISGA'A ENACTMENTS**Registry of Nisga'a laws**

- 63.** (1) The registry of Nisga'a laws is established.
- (2) The Law Clerk must maintain the registry.
- (3) The Law Clerk must deposit in the registry
- (a) the original of each enactment enacted by Wilp Si'ayuukhl Nisga'a,
 - (b) the original of each enactment enacted by the Executive,
 - (c) the original of each enactment enacted by a Nisga'a Village Government, and
 - (d) the original of any other document required or authorized under a Nisga'a Lisims enactment to be deposited in the registry
- as soon as practicable after receiving any of those documents.
- (4) The clerk or other recording officer of a Nisga'a Village Government must deliver to the Law Clerk the original of each enactment enacted by that Nisga'a Village Government, as soon as practicable after it has been signed by the Chief Councillor of the Nisga'a Village Government.
- (5) When the Law Clerk deposits a Nisga'a enactment in the registry under subsection (3), the Law Clerk must
- (a) make three copies of that enactment,
 - (b) certify each copy to be a true copy of the original of the enactment,
 - (c) deliver one of the certified copies of the enactment to each of the government of Canada and the government of British Columbia,
 - (d) keep the third certified copy of the enactment available for public inspection, and
 - (e) archive the original of the enactment.
- (6) The Law Clerk may certify a document to be a true copy of a document that has been deposited in the registry.

Revision of Nisga'a Lisims enactments

- 64.** (1) The Executive may order that Nisga'a Lisims enactments be revised
- (a) to consolidate enactments or provisions of them,
 - (b) to correct obvious errors, including
 - (i) errors in spelling, punctuation, numbering and grammar, and
 - (ii) inconsistencies between the wording of an enactment and the wording of
 - (A) a resolution adopting or amending that enactment, or
 - (B) a notice of revision signed by the President in respect of the enactment,
 - (c) to change the name of a Nisga'a Village to a new name adopted by its Nisga'a Village Government, if the Executive has previously amended the *Nisga'a Constitution* by making that change of name,
 - (d) to change the name of a Nisga'a Urban Local or a Nisga'a Urban Local Area, if the Executive has previously amended the *Nisga'a Constitution* by making that change of name,
 - (e) to change the name of a body listed to in section 46 of the *Nisga'a Constitution* to a new name adopted by that body, if the Executive has previously amended the *Nisga'a Constitution* by making that change of name,
 - (f) to delete the name of a Nisga'a Urban Local that ceases to exist, if the Executive has previously amended the *Nisga'a Constitution* by deleting that name,
 - (g) to replace the word or expression
 - (i) Chairperson,
 - (ii) Chairperson of the Council of Elders,
 - (iii) Chief Councillor,
 - (iv) Council of Elders,
 - (v) Nisga'a Court,
 - (vi) Nisga'a Government,

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- (vii) Nisga'a Lisims Government,
- (viii) Nisga'a Lisims Government Executive,
- (ix) Nisga'a Village Government,
- (x) President,
- (xi) Representative (from a Nisga'a Urban Local),
- (xii) Secretary-Treasurer, or
- (xiii) Village Councillor

with either a different English word or expression or an alternative Nisga'a word or expression, if the Executive has previously amended the *Nisga'a Constitution* by making that replacement of word or expression,

- (h) to replace the word or expression
 - (i) chairperson of the Nisga'a Administrative Decisions Review Board,
 - (ii) Chief Executive Officer,
 - (iii) Director,
 - (iv) Enrolment Committee,
 - (v) Nisga'a Administrative Decisions Review Board,
 - (vi) Nisga'a Elections Officer,
 - (vii) Nisga'a Urban Local Representative, or
 - (viii) Speaker

with either a different English word or expression or an alternative Nisga'a word or expression, or

- (i) to change the spelling of a Nisga'a word or expression to reflect the prescribed spelling of that word or expression.
- (2) If the Executive makes an order under subsection (1), the Law Clerk, in consultation with at least two Officers of Nisga'a Lisims Government and the Chief Executive Officer,

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- must, in accordance with that order, prepare and submit to the President for signature
- (a) a notice of revision which specifies each revision proposed to be made, and
 - (b) one or more revised Nisga'a Lisims enactments which incorporate each revision specified in that notice.
- (3) When the President signs a notice of revision and a revised Nisga'a Lisims enactment submitted under subsection (2),
- (a) each Nisga'a Lisims enactment or provision of a Nisga'a Lisims enactment replaced in that revision is repealed, and
 - (b) if the revision was ordered
 - (i) under subsection (1)(a) or (b), each provision of the revised Nisga'a Lisims enactment operates retrospectively as well as prospectively and is deemed to have been enacted and to have come into force on the date on which the provision it replaces came into force, or
 - (ii) under subsection (1)(c), (d), (e), (f), (g), (h) or (i), each provision of the revised Nisga'a Lisims enactment
 - (A) to the extent that it is unchanged from the provision it replaces, operates retrospectively as well as prospectively and is deemed to have been enacted and to have come into force on the date on which the provision it replaces came into force, and
 - (B) to the extent that it is changed from the provision it replaces, operates prospectively and is deemed to have been enacted and to have come into force on the date of the signing.
- (4) The Law Clerk must deposit in the registry the original of each notice of revision and revised Nisga'a Lisims enactment submitted under subsection (2) and signed by the President, as soon as practicable after receiving those documents.
- (5) When the Law Clerk deposits a notice of revision and revised Nisga'a Lisims enactment in the registry under subsection (4), the Law Clerk must
- (a) make three copies of that notice and revised enactment,
 - (b) certify each copy of the revised enactment to be a true copy of the original of the revised enactment,
 - (c) deliver one of the copies of the notice and one of the certified copies of the

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revised enactment to each of the government of Canada and the government of British Columbia,

- (d) keep the third copy of the notice and the third certified copy of the revised enactment available for public inspection, and
- (e) archive the original of the notice and the revised enactment.

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PART 9 – MISCELLANEOUS**Regulations**

- 65.** (1) Subject to subsection (2), the Executive may make regulations it considers advisable for the purposes of this Act and, without limitation, may make regulations in respect of
- (a) the registry, including to prescribe
 - (i) normal business hours of the registry,
 - (ii) standards to ensure reasonable access to Nisga'a enactments in each Nisga'a Village and Nisga'a Urban Local Area,
 - (iii) procedures to be followed in depositing and recording the deposit of Nisga'a enactments and other documents in the registry,
 - (iv) standards or procedures for archiving and protecting original documents in the registry, and
 - (v) fees for services to be provided by the registry,
 - (b) the spelling of Nisga'a words or expressions to be used in any Nisga'a enactment, and
 - (c) the Code, including to prescribe
 - (i) the information that is "confidential information" within the meaning of section 6(1) of the Code, and conditions on the use and disclosure of that confidential information,
 - (ii) the categories of documents that require secure handling or destruction under section 6(3) of the Code, the manner of identifying those documents, the permissible use of, methods for storing and retention periods for those documents, and the permissible procedures for destroying those documents,
 - (iii) the form and content of documents to be used under sections 13 and 14 of the Code, the exclusion of disclosure forms or parts of disclosure forms under section 14(c) of the Code, and fees to be paid for inspecting disclosure forms or parts of disclosure forms under section 14(c) of the Code, and
 - (iv) the form and content of documents to be used under Part 5 of the Code,

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and procedures for the delivery of those documents.

- (2) The Executive must consult with
 - (a) the Speaker before making regulations in respect of Part 2 of this Act, and
 - (b) the Finance Committee before making regulations in respect of any disclosure of financial information under Part 4 of the Code.

Schedules

66. The Schedules to this Act form part of this Act.

Transitional

- 67.** (1) The terms and conditions of office applicable to the holders of offices under this Act apply to the persons who hold those offices on the coming into force of this Act.
- (2) Without limiting the generality of subsection (1),
- (a) the terms of office of the Speaker and Deputy Speaker who hold office on the coming into force of this Act expire on the commencement of the first sitting in 2007,
 - (b) the term of office of the Deputy Chairperson of the Council of Elders who holds office on the coming into force of this Act expires when any member of the Council appointed under section 44(4) takes the oath of office in December of 2006,
 - (c) the terms of office of the members of the Council who
 - (i) hold office on the coming into force of this Act, and
 - (ii) are designated by the Executive under subsection (3)(a)
 expire when any member of the Council appointed under section 44(4) takes the oath of office in December of 2006, and
 - (d) the terms of office of the members of the Council who
 - (i) hold office on the coming into force of this Act, and
 - (ii) are designated by the Executive under subsection (3)(b)

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expire when any member of the Council appointed under section 44(4) takes the oath of office in December of 2007.

- (3) The Executive may designate
 - (a) up to eight members of the Council who hold office on the coming into force of this Act as having terms of office expiring in December of 2006,
 - (b) up to eight members of the Council who hold office on the coming into force of this Act as having terms of office expiring in December of 2007, and
 - (c) any alternate Council member who holds office on the coming into force of this Act as the alternate for a particular regular Council member.
- (4) The Executive may make regulations it considers advisable for the purpose of facilitating the transition from any Nisga'a Lisims enactment, including the *Nisga'a Lisims Government Act* and the regulations made under that Act, to this Act and the regulations made under this Act.

Repeal

68. (1) The *Nisga'a Lisims Government Act*, enacted on May 11, 2000, as amended, is repealed.
- (2) The *Members' Code of Conduct Implementation Act*, enacted on July 5, 2002, as amended, is repealed.

Commencement

69. This Act comes into force by regulation of the Executive.

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SCHEDULE 1 – OATH OF OFFICE FOR MEMBERS OF THE HOUSE

Each person who is elected to office as a member of the House and required by the *Nisga'a Constitution* to swear or affirm loyalty to the Nisga'a Nation and obedience to the *Nisga'a Constitution*, must, while holding Ganim Siwilyeenskwa, answer the following questions asked by an elder:

“Will you accept from the people the sacred responsibility of government? Will you be loyal to the Nisga'a Nation, uphold its values, and protect and obey its Constitution?”

“I will.”

“Will you seek the guidance of the elders, Simgigat and Sigidimhaanak and respect their wisdom and interpretation of the Ayuuk? Will you be a faithful counsellor to those who seek your advice, and will you keep secret all matters entrusted to your confidence?”

“I will.”

“Will you work to preserve the peace and unity of the Nisga'a Nation, to secure the well-being of the people, and to provide good, effective, and accountable government for the Nisga'a Nation as a whole?”

“I will, and may K'amligiihahlhat grant me wisdom and continue to protect our land and our people.”

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SCHEDULE 2 – OATH OF OFFICE FOR MEMBERS OF THE COUNCIL

Each person who is appointed to serve the Nisga'a Nation as a regular or alternate member of the Council of Elders, must, while holding Ganim Siwilyeenskwa, swear or affirm loyalty to the Nisga'a Nation and obedience to the *Nisga'a Constitution*, by, upon being asked the following questions by the Chairperson of the Council of Elders, giving the following answers:

“Will you accept the sacred responsibility of counselling and advising Nisga'a Government in the ways of Ayuukhl Nisga'a? Will you be loyal to the Nisga'a Nation, uphold its values, and protect and obey its Constitution?”

“I will.”

“Will you provide guidance, wisdom and interpretation of the Ayuuk to all those who seek it from you? Will you be a faithful counsellor to those who seek your advice, and will you keep secret all matters entrusted to your confidence?”

“I will.”

“Will you work to preserve the peace and unity of the Nisga'a Nation, to secure the well-being of the people, and when called upon to do so, will you assist Nisga'a Government in its task of providing good, effective, and accountable government for the Nisga'a Nation as a whole?”

“I will, and may K'amligiihahlhat grant me wisdom and continue to protect our land and our people.”

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SCHEDULE 3 – MEMBERS' CODE OF CONDUCT**PREAMBLE**

The members of Wilp Si'ayuukhl Nisga'a,

Bearing in mind that the *Nisga'a Constitution* calls upon each of us to provide good, effective and accountable government to the Nisga'a Nation as a whole,

Recalling that each of us, in taking our oath of office, promised to work to preserve the peace and unity of the Nisga'a Nation, to secure the well-being of the people, and to keep private all matters entrusted to our confidence,

Accepting the responsibility we each bear to uphold the integrity, dignity and trust of the Nisga'a Nation and our Ayuuk, and to uphold Nisga'a law, and

Committed to bring honour to the Nisga'a Nation in everything we do,

Adopt this Code of Conduct in accordance with the traditions and values of the Nisga'a Nation.

PART 1 – DEFINITIONS AND INTERPRETATION**Definitions****1.** In this Code:

“**asset**” includes real and personal property, and an interest in real or personal property;

“**chief administrator**”, depending on the context, means the Chief Executive Officer, the Chief Administrator of a Nisga’a Village Government, or the person designated by a Nisga’a Urban Local or a Nisga’a Public Institution as the chief administrator of that Nisga’a Urban Local or Nisga’a Public Institution;

“**decision**” includes

- (a) the determination of a use, disposition or acquisition of an asset,
- (b) the making of a contract or agreement,
- (c) the development or enactment of a Nisga’a law, and
- (d) the development or implementation of a policy relating to
 - (i) a use, disposition or acquisition of an asset,
 - (ii) a contract or agreement, or
 - (iii) a Nisga’a law;

“**employment**”, in relation to a Nisga’a representative, does not include the exercise of the powers or the performance of the duties of that Nisga’a representative’s office;

“**meeting**” means

- (a) a session of a Special Assembly, or
- (b) a meeting of a Nisga’a governmental body;

“**Nisga’a governmental body**” means the House, the Executive, the Finance Committee, a Nisga’a Village Government, the Council of Elders, a Nisga’a Urban Local or a Nisga’a Public Institution, and includes any board, committee, commission or other agency of, or established under Nisga’a law by, any of them;

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“**Nisga’a representative**” means a member of the House, a member of the Council or a director of a Nisga’a Urban Local;

“**official duties**” means the responsibilities and activities related to a Nisga’a representative’s office or position as a member of the House, a member of the Council or a director of a Nisga’a Urban Local;

“**presiding officer**” means the person presiding over a meeting;

“**Reporting Officer**” means the person appointed under section 12;

“**spouse**” means a person who

- (a) is married to another person, or
- (b) is, and has been for a period of at least one year, living in a marriage-like relationship with another person;

“**superior body**”, in relation to a committee, means the Nisga’a governmental body

- (a) that established the committee, or
- (b) to which the committee is required to report under Nisga’a law.

References to Parts and sections

2. In this Code, a reference to a Part or section by number is a reference to the Part or section of that number in this Code, unless otherwise provided.

PART 2 – CONDUCT OF NISGA'A REPRESENTATIVES**General duties**

3. (1) Every Nisga'a representative must uphold, respect and obey Nisga'a laws.
- (2) When acting in their official capacity, Nisga'a representatives must treat Nisga'a citizens fairly, honestly and impartially.
- (3) Nisga'a representatives have a responsibility to make reasonable efforts, from time to time, to
 - (a) make themselves available to hear their constituents' opinions and questions on matters of public interest, and
 - (b) attend official public events that do not conflict with their official duties.
- (4) For the purposes of subsection (3), an "official public event" is an event, other than a meeting, that is
 - (a) organized by Nisga'a Government or a Nisga'a governmental body, and
 - (b) generally open to be attended by Nisga'a citizens.
- (5) If a constituent consults a Nisga'a representative in that Nisga'a representative's official capacity, the Nisga'a representative must
 - (a) endeavour to direct the constituent to the official or department of Nisga'a Government or the representative of a Nisga'a governmental body best able to respond to the constituent, if it is appropriate to do so given the nature of the constituent's concern,
 - (b) endeavour to avoid giving advice beyond the Nisga'a representative's knowledge, or making a commitment that the Nisga'a representative may be unable to fulfil, and
 - (c) avoid making any commitment that exceeds the Nisga'a representative's authority.

Attendance at meetings

4. (1) A Nisga'a representative must make all reasonable efforts to attend every meeting to which they are called.

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- (2) Subject to subsection (3), a Nisga'a representative who for any reason is unable to attend, or continue to attend, a meeting to which they are called must notify the presiding officer in writing before the meeting, or orally during the meeting, and explain why they are unable to attend, or continue to attend, the meeting.
- (3) If, despite a Nisga'a representative's best efforts to do so, that Nisga'a representative does not notify the presiding officer as required in subsection (2), the Nisga'a representative must notify the presiding officer in writing within five days after the meeting concerned, and explain why the Nisga'a representative was unable to attend, or continue to attend, that meeting, and was unable to notify the presiding officer as required.
- (4) Within a period of 24 months, a Nisga'a representative must not fail to attend three meetings, to which the Nisga'a representative is called, of any of the following Nisga'a governmental bodies:
- (a) the House;
 - (b) the Executive;
 - (c) a Nisga'a Village Government;
 - (d) the Council of Elders;
 - (e) the board of a Nisga'a Urban Local.
- (5) Subsections (1) through (4) do not apply if a Nisga'a representative fails to attend, or fails to continue to attend, a meeting to which they are called,
- (a) due to a serious medical condition of the Nisga'a representative,
 - (b) due to a bereavement of the Nisga'a representative,
 - (c) due to the fulfilment of other official duties of the Nisga'a representative, or
 - (d) while the Nisga'a representative is on leave or vacation.
- (6) For the purposes of this section, a Nisga'a representative is "called" to a meeting if
- (a) a notice of the meeting is delivered to that Nisga'a representative, and
 - (b) the meeting is
 - (i) a scheduled session of a Special Assembly, or

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- (ii) a regularly scheduled meeting of a Nisga'a governmental body of which the Nisga'a representative is
 - (A) a regular member, or
 - (B) an alternate member who is notified that the regular member for whom they are the alternate is unable to attend the meeting.
 - (7) Subsections (1) to (6) do not apply to the attendance of the President, the Chairperson or the Secretary-Treasurer at meetings of House committees or Executive committees.

Speaking in public

- 5. (1) A Nisga'a representative must not speak publicly on behalf of the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution, except in accordance with this section.
- (2) The President is the chief spokesperson for the Nisga'a Nation and may speak publicly on behalf of the Nisga'a Nation at any time.
- (3) An Officer of the Nisga'a Lisims Government may speak publicly on behalf of the Nisga'a Nation from time to time.
- (4) The Chief Councillor of a Nisga'a Village Government may speak publicly on behalf of the relevant Nisga'a Village at any time.
- (5) The Nisga'a Urban Local Executive member from a Nisga'a Urban Local may speak publicly on behalf of that Nisga'a Urban Local at any time.
- (6) Except as set out in subsections (2) through (5), a Nisga'a representative may speak publicly on behalf of
 - (a) the Nisga'a Nation only to the extent that the Nisga'a representative is authorized to do so by the House, the Executive or the President,
 - (b) a Nisga'a Village only to the extent that the Nisga'a representative is authorized to do so by the relevant Nisga'a Village Government or the Chief Councillor of that Nisga'a Village Government,
 - (c) a Nisga'a Urban Local only to the extent that the Nisga'a representative is authorized to do so by that Nisga'a Urban Local or the Nisga'a Urban Local Executive member from the Nisga'a Urban Local, or

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- (d) a Nisga'a Public Institution only to the extent that the Nisga'a representative is authorized to do so by that Nisga'a Public Institution.
- (7) A Nisga'a representative must not purport to make any oral or written commitment, on behalf of the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution, that exceeds the authority of that Nisga'a representative.
- (8) A Nisga'a representative representing the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution at a public presentation, gathering or event must avoid making any statement or engaging in any behaviour that could bring into disrepute the Nisga'a Nation, the Nisga'a Village, the Nisga'a Urban Local or the Nisga'a Public Institution.

Confidentiality and discretion

- 6. (1) If a Nisga'a representative in the course of their official duties acquires information about a person that is prescribed as confidential information, the Nisga'a representative must not use or disclose that information, except in accordance with any applicable Nisga'a Lisims enactment and
 - (a) with the consent of that person, or
 - (b) in so far as is necessary to carry out the Nisga'a representative's official duties.
- (2) If during a meeting a Nisga'a governmental body holds an in-camera discussion of a matter, a Nisga'a representative present at that discussion must not reveal the details of that discussion, except
 - (a) in so far as is reasonably necessary to carry out a course of action arising from that discussion, in accordance with a direction from that Nisga'a governmental body or a superior body, or
 - (b) as otherwise specifically authorized by the Nisga'a governmental body or a superior body.
- (3) When preparing documents for distribution before or at a meeting, a chief administrator
 - (a) must clearly identify in the prescribed manner any document that, under the regulations, requires secure handling or destruction, and
 - (b) may clearly identify in the prescribed manner any other document that, in that chief administrator's opinion, requires secure handling or destruction.

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- (4) A Nisga'a representative who receives a document that has been identified under subsection (3) as requiring secure handling or destruction must comply with the prescribed requirements for handling or destruction of that document.

Finances and property

7. (1) A Nisga'a representative must not knowingly claim from the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution any payment or financial benefit to which the Nisga'a representative is not entitled.
- (2) A Nisga'a representative must promptly pay to the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution any money that the Nisga'a representative owes to any of them.
- (3) A Nisga'a representative who has in their possession or custody any property of the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution must
- (a) handle and safeguard that property with the same degree of care as would a prudent owner,
 - (b) use that property only for purposes associated with the Nisga'a representative's official duties,
 - (c) not allow any other person to use that property, except for purposes associated with the Nisga'a representative's official duties, and
 - (d) return that property to the relevant chief administrator, or person designated by that chief administrator, on demand.
- (4) Despite subsections (3)(b) and (c), a Nisga'a representative who has in their possession or custody equipment, including a telephone or computer, owned by the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution, may
- (a) use that equipment for occasional personal purposes, or
 - (b) permit another person to use that equipment for occasional personal purposes
- if and to the extent that the policies adopted by Nisga'a Lisims Government, or the relevant Nisga'a Village Government, Nisga'a Urban Local or Nisga'a Public Institution, as the case may be, permit that use.

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Gifts

8. (1) A Nisga'a representative who receives a gift as a representative of, or on behalf of, the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution must deliver the gift to the relevant chief administrator.
- (2) A Nisga'a representative who receives a personal gift having an apparent value of at least \$100 from the government of British Columbia or the government of Canada, must disclose the gift in accordance with section 13.

Abuse of office

9. (1) A Nisga'a representative must not, directly or indirectly, accept, demand or request from another person any private monetary or other economic favour, advantage or benefit for that Nisga'a representative or any other person, in exchange for
- (a) using the Nisga'a representative's office to make, participate in the making of, influence or attempt to influence a decision on a matter, or
 - (b) causing or attempting to cause a denial, interruption or delay of any service or program provided by Nisga'a Government or a Nisga'a governmental body.
- (2) A Nisga'a representative must not engage in any conduct towards another Nisga'a representative or an employee or contractor of the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution that, under the laws of Canada or British Columbia, amounts to harassment, assault, sexual harassment or sexual assault of that person.
- (3) A Nisga'a representative must not directly or indirectly contact or deal with a particular employee or contractor of the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution if the relevant chief administrator has delivered to that Nisga'a representative a written statement
- (a) informing the Nisga'a representative that the employee or contractor has filed with that chief administrator a complaint alleging that the Nisga'a representative has engaged in conduct prohibited under subsection (2), and
 - (b) requesting that the Nisga'a representative avoid such contact or dealing pending the outcome of an investigation into the complaint.
- (4) A Nisga'a representative, when acting in their official capacity,
- (a) must treat each employee or contractor of the Nisga'a Nation, a Nisga'a Village, a Nisga'a Urban Local or a Nisga'a Public Institution in a respectful manner,

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- (b) must respect the responsibility of the relevant chief administrator to direct and instruct employees and contractors, and
 - (c) must not give instructions to any employee or contractor except to the extent that the relevant chief administrator has assigned that employee or contractor to assist the Nisga'a representative in carrying out particular official functions.
- (5) Despite subsection (4)(c),
- (a) the President, Chairperson or Secretary-Treasurer may direct the Chief Executive Officer, a Director of Nisga'a Lisims Government and staff assigned to that Officer of Nisga'a Lisims Government by the Chief Executive Officer, and
 - (b) the Chief Councillor of a Nisga'a Village Government may direct the Chief Administrator of that Nisga'a Village Government and staff assigned to that Chief Councillor by that Chief Administrator.

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PART 3 – CONFLICTS OF INTEREST**Use of inside information for private purposes**

- 10.** (1) In this section, “**inside information**” means information that
- (a) a Nisga’a representative receives in the course of carrying out that Nisga’a representative’s official duties, and
 - (b) is not generally available to the public at the time the Nisga’a representative makes use of or reveals the information to another person.
- (2) A Nisga’a representative must not, directly or indirectly,
- (a) make use of inside information for private monetary or other economic advantage or benefit, or
 - (b) reveal inside information to any person who could make use of that information for private monetary or other economic advantage or benefit.

Avoiding conflicts of interest

- 11.** (1) In this section, “**private interest**” means a monetary or other economic interest and includes an interest to which a monetary value may be attributed.
- (2) A Nisga’a representative must not use their office to make, participate in the making of, influence or attempt to influence a decision on a matter in respect of which that Nisga’a representative has a conflict of interest.
- (3) If a Nisga’a representative considers that they have a conflict of interest in respect of a matter to be discussed or voted on at a meeting, that Nisga’a representative
- (a) must declare the conflict of interest and its general nature at the meeting,
 - (b) must immediately leave the meeting or that part of the meeting during which the matter is to be discussed or voted on,
 - (c) must not take part in the discussion or vote on the matter or attempt to influence the discussion or vote on the matter before, during or after the meeting, and
 - (d) must not execute any document in relation to the matter unless specifically directed to do so by the Nisga’a governmental body concerned.

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- (4) A person responsible for recording the proceedings of a meeting referred to in subsection (3) must record any Nisga'a representative's declaration of a conflict of interest and the time when that Nisga'a representative was absent from the meeting.
- (5) On request of a Nisga'a representative at a meeting, the presiding officer may invite any Nisga'a representative to consider whether they have a conflict of interest in respect of a matter to be discussed or voted on at the meeting.
- (6) Subject to subsection (7), for the purposes of this section a Nisga'a representative has a conflict of interest in respect of a matter if their direct or indirect private interest would be, or could reasonably be expected to be, affected by a decision on that matter, and if that Nisga'a representative has the opportunity to use their office to make, participate in the making of, influence or attempt to influence that decision.
- (7) For the purposes of this section, a Nisga'a representative does not have a conflict of interest in respect of a matter if that Nisga'a representative's direct or indirect private interest in the matter
- (a) is the same interest as that of a broad class of Nisga'a citizens,
 - (b) is in respect of the payments and benefits referred to in section 27 of the *Nisga'a Government Act*,
 - (c) is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Nisga'a representative in relation to the matter, or
 - (d) arises out of a gift given or received by the Nisga'a representative during a feast or similar public occasion.
- (8) For the purposes of this section, a Nisga'a representative's indirect private interest includes the private interest of
- (a) the Nisga'a representative's spouse,
 - (b) a minor in respect of whom the Nisga'a representative is a parent, acts in a parental capacity or is a guardian,
 - (c) an individual, other than an employee of the Nisga'a representative, who is financially dependent upon the Nisga'a representative or upon whom the Nisga'a representative is financially dependent, and
 - (d) an entity in which the Nisga'a representative, or the Nisga'a representative in combination with a person described in paragraph (a), (b) or (c), has a controlling interest.

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PART 4 – DISCLOSURE REQUIREMENTS**Reporting Officer**

12. The Chief Executive Officer must appoint an employee of the Nisga'a Nation as the Reporting Officer.

Disclosure documents

13. (1) A Nisga'a representative must accurately complete and file with the Reporting Officer
- (a) the prescribed general disclosure form within the prescribed period after
 - (i) that Nisga'a representative is first elected or appointed to their office,
 - (ii) a prescribed change occurs in the circumstances of the Nisga'a representative, and
 - (iii) the second anniversary of the date on which the Nisga'a representative last filed the prescribed general disclosure form,
 - (b) the prescribed disclosure form for reporting gifts described in section 8(2) as soon as practicable after the Nisga'a representative receives such a gift, and
 - (c) the prescribed disclosure form for reporting criminal proceedings as soon as practicable after
 - (i) a criminal charge is brought or stayed against the Nisga'a representative,
 - (ii) the Nisga'a representative is acquitted or convicted on a criminal charge, or
 - (iii) an appeal from the Nisga'a representative's acquittal or conviction on a criminal charge is filed, abandoned or decided.
- (2) The prescribed general disclosure form referred to in subsection (1)(a) must require disclosure of at least the following information and may require disclosure of any additional information that the Executive considers advisable for the purposes of this Code:
- (a) employment held by the Nisga'a representative and the Nisga'a representative's spouse at the time of disclosure;

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- (b) property owned by the Nisga'a representative and the Nisga'a representative's spouse at the time of disclosure, to the extent prescribed;
- (c) significant financial interests of the Nisga'a representative and Nisga'a representative's spouse at the time of disclosure, to the extent prescribed.

Retention and inspection of disclosure forms**14.** The Reporting Officer must

- (a) retain each disclosure form filed under section 13 for the prescribed period,
- (b) maintain a register of all such filings, and
- (c) permit any Nisga'a citizen, who makes a request in the prescribed form, to inspect any disclosure form or part of a disclosure form on file, other than a disclosure form or part of a disclosure form excluded by regulation.

Offence to file false disclosure form

- 15.** A person who knowingly files a false disclosure form under section 13 is guilty of an offence under the *Nisga'a Offence Act*.

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PART 5 – COMPLAINTS**Complaint to Reporting Officer**

16. (1) Subject to subsection (2), a Nisga'a citizen may submit a complaint to the Reporting Officer that
- (a) an Officer of Nisga'a Lisims Government does not ordinarily reside in Nisga'a Lands,
 - (b) the Chief Councillor or a Village Councillor of a Nisga'a Village Government does not ordinarily reside in the Nisga'a Village from which they were elected,
 - (c) a Nisga'a Urban Local Representative does not ordinarily reside in the Nisga'a Urban Local Area from which they were elected,
 - (d) a member of the Council does not ordinarily reside in Nisga'a Lands,
 - (e) a Nisga'a representative, since their election to their office, has been convicted of a criminal offence prescribed under the *Nisga'a Elections Act* in respect of candidacy for election to office,
 - (f) a member of the House was not qualified to be a candidate for their office under the *Nisga'a Constitution* or the *Nisga'a Elections Act* in the election in which they were elected to their office,
 - (g) a director of a Nisga'a Urban Local would not have been qualified to be a candidate for office as a member of the House under the *Nisga'a Elections Act*, if an election under that Act had been held on the date of the person's election as a director of that Nisga'a Urban Local,
 - (h) a member of the Council would not have been qualified to be a candidate for office as a member of the House under the *Nisga'a Elections Act*, on a ground other than membership in the Council of Elders, if an election under that Act had been held on the date of the person's appointment to the Council,
 - (i) a member of the House knowingly made a false declaration in a document submitted to the Nisga'a Elections Officer in respect of their nomination as a candidate for their office under the *Nisga'a Elections Act*,
 - (j) a member of the Council knowingly made a false declaration in a document submitted to the President in respect of their proposed appointment to their office under the *Nisga'a Government Act*,

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- (k) a Nisga'a representative has contravened a provision of Part 2, 3 or 4,
 - (l) a Nisga'a representative has brought their office into disrepute by conduct or behaviour other than that referred to in paragraphs (e) to (k), or
 - (m) a Nisga'a representative is mentally or physically unable to perform the functions of their office.
- (2) A complaint by a Nisga'a citizen
- (a) under subsection (1) must be
 - (i) delivered to the Reporting Officer within 90 days after that Nisga'a citizen becomes aware of the facts upon which the complaint is based,
 - (ii) made in the prescribed form, and
 - (iii) accompanied by a supporting affidavit in which the Nisga'a citizen deposes to their knowledge of and belief in the facts upon which the complaint is based, and
 - (b) under subsection (1)(a) to (d) may not be submitted until at least six months after the election or appointment to office of the Nisga'a representative complained against.
- (3) The Reporting Officer must as soon as practicable deliver to the President and the person complained against a copy of any complaint and affidavit submitted under subsection (1) that appear to the Reporting Officer to meet the requirements of subsection (2).

Ordinary residence

16.1 The following criteria must be applied in a decision under this Part as to whether a complaint is justified under section 16(1)(a) to (d):

- (a) a person can “ordinarily” reside in only one place at one time;
- (b) a person does not “ordinarily” reside in a place unless that person
 - (i) lives and sleeps in that place,
 - (ii) intends to return to the place whenever absent from the place, and

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- (iii) is physically present in the place on one half or more of the days in the six months before the date on which the complaint is submitted under section 16(1);
- (c) for the purposes of paragraph (b)(iii), a day on which a person who otherwise resides in a place is away from that place in order to
 - (i) exercise powers or perform duties as a Nisga'a representative, or
 - (ii) obtain medical treatment
 is counted as a day on which that person is physically present in that place;
- (d) a person does not cease to “ordinarily” reside in a place by leaving that place for temporary reasons only.

Referral to complaint assessment officer

- 17.** (1) As soon as practicable after receiving a complaint and affidavit under section 16(3), the President must
- (a) in consultation with the Chief Executive Officer appoint a complaint assessment officer to make a preliminary assessment of that complaint, and
 - (b) provide a copy of the complaint and affidavit to that complaint assessment officer.
- (2) The President may appoint as the complaint assessment officer under subsection (1) any person, including a Nisga'a public officer, who in the President's opinion is unbiased and qualified to make a preliminary assessment of the complaint.
- (3) Before making a preliminary assessment of the complaint under subsection (4), the complaint assessment officer
- (a) may invite the complainant to provide further information beyond that set out in the complaint and affidavit, and
 - (b) must provide the person complained against with a reasonable opportunity to respond to the complaint and affidavit, and to any further information provided by the complainant under paragraph (a)
- on such terms and conditions and within such time as the complaint assessment officer determines.
- (4) The complaint assessment officer must

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- (a) make a preliminary assessment of the complaint and prepare a written report of that preliminary assessment, and
 - (b) deliver a copy of that report to the President, the person complained against and the complainant.
- (5) In the preliminary assessment report prepared under subsection (4), the complaint assessment officer must give their assessment of whether the complaint
- (a) should be dismissed summarily on the ground that
 - (i) the complaint
 - (A) is frivolous, vexatious or not made in good faith,
 - (B) is obviously unfounded,
 - (C) concerns a trivial matter, or
 - (D) constitutes an abuse of process,
 - (ii) the matter complained of is not a matter concerning which a complaint can be submitted under section 16(1), or
 - (iii) the complainant became aware of the facts upon which the complaint is based more than 90 days before submitting the complaint under section 16(1), or
 - (b) must be referred to an inquiry committee for decision.
- (6) If in the preliminary assessment report prepared under subsection (4) the complaint assessment officer gives their assessment that the complaint must be referred to an inquiry committee for decision, the complaint assessment officer must specify in the report
- (a) the paragraph or paragraphs of section 16(1), and
 - (b) if section 16(1)(k) is specified, the provision or provisions of Part 2, 3 or 4, under which the complaint must be decided.

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Summary dismissal or establishment of inquiry committee

18. (1) If in a preliminary assessment report prepared under section 17(4) the complaint assessment officer gives their assessment that a complaint should be referred to an inquiry committee for decision, the President must
- (a) in consultation with the Chief Executive Officer establish an inquiry committee to decide that complaint, and
 - (b) provide to that committee a copy of that preliminary assessment report and the documents compiled by the complaint assessment officer in respect of the complaint.
- (2) If in a preliminary assessment report prepared under section 17(4) a complaint assessment officer gives their assessment that a complaint should be dismissed summarily on a ground set out in section 17(5)(a), the President must
- (a) dismiss that complaint, or
 - (b) if the President determines that it is in the interest of the Nisga'a Nation to do so, in consultation with the Chief Executive Officer establish an inquiry committee to decide the complaint.
- (3) In establishing an inquiry committee under subsection (1) or (2) to decide a complaint, the President must appoint as the members of that committee
- (a) the Chairperson, who is the chair of the committee, and
 - (b) two other Nisga'a representatives, each of whom is, in the President's opinion, unbiased and qualified to perform the duties of a member of the committee.
- (4) If the President establishes an inquiry committee under subsection (2)(b) to decide a complaint, the President must
- (a) issue a notice specifying
 - (i) the paragraph or paragraphs of section 16(1), and
 - (ii) if section 16(1)(k) is specified, the provision or provisions of Part 2, 3 or 4,
 under which that complaint must be decided, and
 - (b) provide to that committee a copy of

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- (i) the preliminary assessment report and the documents compiled by the complaint assessment officer in respect of the complaint, and
 - (ii) the notice issued under paragraph (a).
- (5) As soon as practicable after the President
- (a) establishes an inquiry committee under subsection (1) or (2) to decide a complaint, or
 - (b) dismisses a complaint under subsection (2),

the President must notify the person complained against and the complainant of the action that the President has taken, and deliver to those persons any notice issued under subsection (4)(a).

Decision by inquiry committee

- 19.** (1) If an inquiry committee is established under section 18 to decide a complaint, before deciding that complaint under subsection (3) the committee
- (a) may require the person complained against, any other Nisga'a representative, a Nisga'a public officer or the complainant to
 - (i) be interviewed by the committee in respect of that complaint, and
 - (ii) produce to the committee any or all records in that person's possession relating to the complaint,
 - (b) may invite any person who is not referred to in paragraph (a), and who the committee believes may be in possession of information relevant to the complaint, to
 - (i) be interviewed by the committee in respect of the complaint, and
 - (ii) produce to the committee any or all records in that person's possession relating to the complaint, and
 - (c) must provide the person complained against with a reasonable opportunity to
 - (i) attend any interview of a person referred to paragraph (a) or (b) that the committee conducts in respect of the complaint,

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- (ii) review copies of any records produced to the committee by a person referred to paragraph (a) or (b), and
- (iii) make a written or oral submission to the committee in respect of the complaint

on such terms and conditions and within such time as the committee determines.

- (2) In deciding the complaint under subsection (3) or making a recommendation under subsection (6), the inquiry committee may take into account any failure of the person complained against or the complainant to comply with a requirement of the committee under subsection (1)(a).
- (3) The inquiry committee must either
 - (a) dismiss the complaint, or
 - (b) decide that the complaint is justified under
 - (i) one or more of the paragraphs of section 16(1), and
 - (ii) if the complaint is decided to be justified under section 16(1)(k), one or more of the provisions of Part 2, 3 or 4,

specified in respect of the complaint by the complaint assessment officer under section 17(6) or by the President under section 18(4), as the case may be.
- (4) The inquiry committee must
 - (a) give its decision under subsection (3) in writing, including reasons, and
 - (b) deliver a copy of that decision to the President, the person complained against and the complainant.
- (5) If the inquiry committee decides that the complaint is justified under section 16(1)(a), (b), (c) or (d), the President must as soon as practicable
 - (a) issue a written order that the person complained against is removed from office, and
 - (b) deliver a copy of that order to the person complained against, each other Nisga'a representative and the complainant.
- (6) If the inquiry committee decides that the complaint is justified under section 16(1)(e), (f), (g), (h), (i), (j), (l) or (m), or under section 16(1)(k) and a provision of Part 2, 3 or 4, the committee must as soon as practicable

- (a) make a written recommendation to the House, including reasons, as to the action, if any, that should be taken in respect of the person complained against, and
 - (b) deliver a copy of that recommendation to the President, the person complained against and the complainant.
- (7) Subsection (6) does not apply if the inquiry committee decides that the complaint is justified under both
- (a) 16(1)(e), (f), (g), (h), (i), (j), (l) or (m), or section 16(1)(k) and a provision of Part 2, 3 or 4, and
 - (b) section 16(1)(a), (b), (c) or (d).

Withdrawal and admission of complaints

- 20.** (1) At any time after a complaint assessment officer is appointed to make a preliminary assessment of a complaint and before the complaint assessment officer delivers their preliminary assessment report in respect of that complaint under section 17, the complainant may withdraw the complaint by submitting to the complaint assessment officer a written notice of withdrawal in the prescribed form.
- (2) A complaint assessment officer must as soon as practicable deliver to the President a copy of any notice of withdrawal submitted under subsection (1).
- (3) Despite any other provision of this Part, if under subsection (2) the President receives a notice of withdrawal of a complaint
- (a) the President must as soon as practicable
 - (i) deliver a copy of that notice to the person complained against,
 - (ii) issue a written order that that complaint is discontinued, and
 - (iii) deliver a copy of that order to the person complained against and the complainant, and
 - (b) the complaint is discontinued for all purposes.
- (4) At any time after an inquiry committee is established to decide a complaint under section 18 and before that committee decides that complaint under section 19, the person complained against may admit that the complaint is justified, by submitting to the committee in the prescribed form a notice of admission in respect of

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- (a) each paragraph of section 16(1), and
 - (b) each provision of Part 2, 3 or 4, if any,
- specified in respect of the complaint by the complaint assessment officer under section 17(6) or by the President under section 18(4), as the case may be.
- (5) If an inquiry committee receives a notice under subsection (4) containing an admission that a complaint under section 16(1)(a), (b), (c) or (d) is justified,
 - (a) the committee must as soon as practicable deliver a copy of that notice to the President and the complainant, and
 - (b) the President must as soon as practicable
 - (i) issue a written order that the person complained against is removed from office, and
 - (ii) deliver a copy of that order to the person complained against, each other Nisga'a representative and the complainant.
 - (6) If an inquiry committee receives a notice under subsection (4) containing an admission that a complaint is justified under section 16(1)(e), (f), (g), (h), (i), (j), (l) or (m), or under section 16(1)(k) and a provision of Part 2, 3 or 4, the committee must as soon as practicable
 - (a) deliver a copy of that notice to the President and the complainant,
 - (b) make a written recommendation to the House, including reasons, as to the action, if any, that should be taken in respect of the person complained against, and
 - (c) deliver a copy of that recommendation to the President, the person complained against and the complainant.
 - (7) Subsection (6)(b) and (c) do not apply if a notice received by an inquiry committee under subsection (4) contains an admission that a complaint is justified under both
 - (a) section 16(1)(e), (f), (g), (h), (i), (j), (l) or (m), or section 16(1)(k) and a provision of Part 2, 3 or 4, and
 - (b) section 16(1)(a), (b), (c) or (d).

Dissolution of inquiry committee

21. An inquiry committee is dissolved when it completes its duties under either section 19 or 20.

Tabling of decision, notice and recommendation

22. (1) Subject to subsection (2), if
- (a) under section 19(3) an inquiry committee gives a decision that a complaint is justified under section 16(1)(e), (f), (g), (h), (i), (j), (l) or (m), or section 16(1)(k) and a provision of Part 2, 3 or 4, and
 - (b) under section 19(6) the inquiry committee makes a recommendation to the House as to the action, if any, that should be taken in respect of the person complained against,
- the Chairperson must table that decision and recommendation as soon as practicable at a sitting.
- (2) The Chairperson may not table at a sitting a decision and recommendation referred to in subsection (1) unless, at least 14 days before the first day of that sitting, the Chairperson has in writing notified the person complained against that the Chairperson intends to table that decision and recommendation at the sitting.
- (3) Subject to subsection (4), if
- (a) under section 20(4) an inquiry committee receives a notice of admission that a complaint is justified under section 16(1)(e), (f), (g), (h), (i), (j), (l) or (m), or section 16(1)(k) and a provision of Part 2, 3 or 4, and
 - (b) under section 20(6) the inquiry committee makes a recommendation to the House as to the action, if any, that should be taken in respect of the person complained against,
- the Chairperson must table that notice and recommendation as soon as practicable at a sitting.
- (4) The Chairperson may not table at a sitting a notice and recommendation referred to in subsection (3) unless, at least 14 days before the first day of that sitting, the Chairperson has in writing notified the person complained against that the Chairperson intends to table that notice and recommendation at the sitting.

Opportunity to address House

23. (1) If on the day on which the Chairperson tables documents at a sitting under section 22(1) or (3) the person complained against is in attendance at the sitting, the Speaker must

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- invite that person to make a submission to the House as to the action, if any, that should be taken in respect of the person.
- (2) The Speaker may determine the terms and conditions on which, and the time within which, a submission to the House under subsection (1) may be made.

Determination by House

- 24.** (1) On a subsequent day of a sitting after the Chairperson tables documents under section 22(1) or (3), in accordance with this section the House must determine the action, if any, to be taken in respect of the person complained against.
- (2) Before presiding over a vote under subsection (3), the Speaker must invite general debate from the members of the House in attendance at the sitting on the question of the action, if any, to be taken in respect of the person complained against.
- (3) After any debate under subsection (2) is concluded, the Speaker must preside over a vote of the House as follows:
- (a) a single ballot must be distributed to each member of the House physically present in the chamber;
 - (b) the ballot referred to in paragraph (a) must set out the options that
 - (i) no action be taken in respect of the person complained against,
 - (ii) the person be reprimanded, and
 - (iii) the person be removed from office;
 - (c) members of the House must be instructed to mark on the ballot their preference for only one of the three options described in paragraph (b);
 - (d) a ballot returned by a member of the House must be rejected and not counted as a vote cast if that ballot
 - (i) does not contain a mark indicating the preference of that member of the House for one of the three options described in paragraph (b), or
 - (ii) contains a mark or marks indicating the preference of the member of the House for more than one of the three options described in paragraph (b);
 - (e) the ballots distributed to the members of the House under paragraph (a) must be returned to the Speaker and, after inspecting each returned ballot, the Speaker must announce to the House

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- (i) the number of votes cast for taking no action in respect of the person complained against,
 - (ii) the number of votes cast for reprimanding the person,
 - (iii) the number of votes cast for removing the person from office, and
 - (iv) the number of ballots rejected under paragraph (d).
- (4) In a vote under subsection (3), the following applies:
- (a) if at least two-thirds of the members of the House cast votes for removing the person complained against from office, that vote constitutes a resolution of the House that that person be removed from office on the grounds of
 - (i) conduct or behaviour that has brought the person's office into disrepute, in the case of a complaint decided or admitted to be justified under
 - (A) section 16(1)(e), (f), (g), (h), (i), (j) or (l), or
 - (B) section 16(1)(k) and a provision of Part 2, 3 or 4, or
 - (ii) mental or physical inability to perform the functions of office, in the case of a complaint decided or admitted to be justified under section 16(1)(m);
 - (b) if
 - (i) less than two-thirds of the of the members of the House cast votes for removing the person from office, but the sum of the number of votes cast for removing the person from office and the number of votes cast for reprimanding the person is more than one-half of the total number of votes cast, and
 - (ii) the complaint in question has been decided or admitted to be justified under
 - (A) section 16(1)(e), (f), (g), (h), (i), (j) or (l), or
 - (B) section 16(1)(k) and a provision of Part 2, 3 or 4,
- that vote constitutes a resolution of the House that the person be reprimanded;
- (c) if neither paragraph (a) nor (b) applies, that vote constitutes a resolution of the House that no action be taken in respect of the person complained against.

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- (5) A person complained against may not remain in attendance at a sitting while under this section the House determines the action, if any, to be taken against that person.

Order or reprimand by Speaker

25. (1) If the House by a vote under section 24 resolves that a person complained against must be removed from office, the Speaker must as soon as practicable
- (a) issue a written order that that person is removed from office, and
 - (b) deliver a copy of that order to that person, each other Nisga'a representative and the complainant concerned.
- (2) If the House by a vote under section 24 resolves that a person complained against must be reprimanded, the Speaker must as soon as practicable
- (a) issue a written reprimand of that person, and
 - (b) deliver a copy of that reprimand to that person, each other Nisga'a representative and the complainant concerned.

Removal from office

26. Immediately on the issuance of an order by the President under section 19(5) or 20(5), or by the Speaker under section 25(1), and without further action,
- (a) the person ordered removed from office
 - (i) is removed from, and forfeits all rights, privileges, benefits, capacities and protections relating to the person's membership in, all Nisga'a governmental bodies, and
 - (ii) must return to the relevant chief administrator any property of the Nisga'a Nation, a Nisga'a Village or a Nisga'a Urban Local that the person has in their possession or custody, and
 - (b) any appointment of that person made by a Nisga'a governmental body to any corporation, partnership, association, trust, board, committee, commission, tribunal, agency or other body outside of a Nisga'a governmental body, is revoked.

If President, Chairperson or Speaker complained against

27. If under section 16 a Nisga'a citizen submits a complaint against

- (a) the President or the Chairperson, the Secretary-Treasurer must perform the duties and exercise the powers under this Part of the President or the Chairperson, as the case may be, in respect of that complaint, or
- (b) the Speaker, the Deputy Speaker must perform the duties and exercise the powers under this Part of the Speaker, in respect of the complaint.

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LEGISLATIVE HISTORY

Nisga'a Government Act, NLGSR 2006/01, in force October 31, 2006 [2006/07]

Amendments

Section	Amendment	In Force
44	(10) added [2006/06, s. 1]	October 31, 2006 [2006/10]
65	(1)(c)(iii) replaced [2006/06, s. 2]	October 31, 2006 [2006/10]
16 of Sched. 3	(2) replaced [2006/06, s. 3]	October 31, 2006 [2006/10]
16.1 of Sched. 3	added [2006/06, s. 4]	October 31, 2006 [2006/10]

Amending Acts:

NLGSR 2006/06 *Nisga'a Government Amendment Act, 2006*

Regulations:

NLGSR 2006/07 *Nisga'a Government Act In Force Regulation*
 NLGSR 2006/10 *Nisga'a Government Amendment Act, 2006 In Force Regulation*
 NLGSR 2006/11 *Nisga'a Government Regulation*