

# CONSTITUTIONAL DEVELOPMENT

## Frequently Asked Questions

### SERVICES AND SUPPORTS, TAXATION AND ECONOMIC DEVELOPMENT

#### GOVERNANCE



##### QUESTION: HOW WOULD A CONSTITUTION SUPPORT NATION-BUILDING EFFORTS IN LAX KW'ALAAMS?

**Answer:** For over a century, Lax Kw'alaams has been forced to work within the Indian Act which has displaced our inherent right of self-determination. To redefine a government that is uniquely Lax Kw'alaams, constitutional development is one of the most important and constructive Nation-building activities we can undertake. Many Nations have developed, are developing or are contemplating developing constitutions, as part of either comprehensive governance arrangements negotiated with the Crown or independent of negotiations, based on exercising the inherent right of self-government.

When a Nation makes a constitution, it is legally enforceable and supersedes all other laws established that might conflict with the constitution (including the Indian Act), a Nation-created constitution becomes the Nation's foundational law.

##### QUESTION: CAN A COMMUNITY CHANGE ITS CONSTITUTION OVER TIME?

**Answer:** Constitutions are intended to endure, create stability and survive the test

of time. Because a constitution serves to limit and guide community actions, they are usually more difficult to adopt and change than other laws. Therefore, it is very important to get them right and to include elements of good governance that will not need to be, or should not be, changed often or at all. Although limiting, constitutions can and should be written in ways that allow evolving interpretation and should be viewed as a "living document." First Nations governance is an evolutionary experience and is in transition, with inevitable trial and error. To adopt and amend a constitution, a community will no doubt need to go to a referendum.

##### QUESTION: WILL A CONSTITUTION REPLACE THE INDIAN ACT?

**Answer:** A constitution will not replace or displace the Indian Act. Unlike the Indian Act, a constitution would be developed by our own Lax Kw'alaams members and outline how we wish to live and govern ourselves. Historically, the Indian Act has separated traditional governance from formal decision-making power and authority. A constitution would allow us to strengthen our own governance system instead of being told what to do.

#### MEMBERSHIP



##### QUESTION: WOULD A CONSTITUTION TAKE POWER AWAY FROM LAX KW'ALAAMS MEMBERS?

**Answer:** A constitution is for ALL Lax Kw'alaams members. It is intended to distribute power in a way that serves all members as directed by members, and provides a governance framework to:

- Make leadership decision making easier; and,
- Keep leadership accountable and transparent both politically and under the law.

## SERVICES AND SUPPORTS



### QUESTION: WOULD A CONSTITUTION IMPACT OUR DAY-TO-DAY LIFE?

**Answer:** A constitution will not change life as we know it today. Rather, it will allow us to strengthen our own governance system instead of being told what to do. A constitution can empower us to:

- Describe who we are and where we come from
- Define how our government will operate including how leadership and members can participate in government
- Establish how the resources of our Nation will be protected and how they can be used (ex. lands, resources and finances)
- Set out the expectations, requirements, and conduct of government officials
- Identify how disputes would be resolved

### QUESTION: WILL I LOSE MY HEALTH CARE, MEDICAL, DENTAL, EDUCATION AND CHILDCARE BENEFITS?

**Answer:** A constitution will provide the same level of services currently available to Lax Kw'alaams members, plus the ability of our government to expand and enhance the services required to meet the needs of our members.

## TAXATION



### QUESTION: HOW WOULD OUR TAXES BE AFFECTED BY A CONSTITUTION?

**Answer:** A constitution will not affect current taxation. However, if Lax Kw'alaams moves forward with self-governance this would:

- Limit the ability of other governments to tax our members; and,
- Strengthen and clarify our Nation's revenue-raising powers over non-members.

## ECONOMIC DEVELOPMENT



### QUESTION: HOW WOULD A CONSTITUTION EFFECT ECONOMIC DEVELOPMENT?

**Answer:** Constitutions play a critical role in supporting economic development. By developing an accountable, transparent and appropriate governance framework we can establish the lines of authority between business management and politics. In simple terms, good governance helps attract economic partners and investors. By sourcing our own revenue, we can help deliver programs and services to our members.

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