



# FINANCIAL

# LAW

# TABLE OF CONTENTS

	Page
Preamble .....	3
Section One - Purpose .....	3
Section Two – Principles .....	4
Section Three - Title of this Law .....	6
Section Four - Definitions .....	6
Section Five – Governance .....	8
Section Six – Treasury Board .....	9
Section Seven - Reporting .....	10
Section Eight – Liability .....	11
Section Nine – Access to Financial Assistance .....	11
Section Ten – Privacy .....	11
Section Eleven – Enforcement and Implementation .....	12
Section Twelve – Conflict of Interest .....	12
Section Thirteen – Ratification of this Law .....	12
Section Fourteen – Amending this Law .....	13
Section Fifteen - Assent and Approval .....	14

# OCHAPOWACE NATION

## FINANCIAL LAW

### PREAMBLE

*As a sovereign nation, in accordance with the Ochapowace Nation Constitution, the Ochapowace Nation has the full right and power to self determine a governance process without any interference. No other jurisdiction shall infringe, impede, interpret, decide on, or affect this Ochapowace Nation Financial Law.*

*Ochapowace Nation and the Crown in Right of Canada, possess the responsibility to uphold the original spirit and intent of Treaty.*

*The financial affairs of the Ochapowace Nation are the sole property of the Ochapowace Nation and is subject to its laws.*

### SECTION ONE - PURPOSE

1. This Financial Law describes and sets out the rules governing all aspects of the Ochapowace Nation Finances.

## SECTION TWO – PRINCIPLES

2. The Ochapowace Nation, are Sovereign Indigenous Peoples by virtue of our Inherent Rights granted to us by the Creator, and Treaty. We possess and enforce the following principles:

- a) International Indigenous Peoples Rights as contained in the United Nations Declaration on the Rights of Indigenous Peoples are sources of our Rights that are hereby invoked and applied.
- b) Treaty is an international status covenant guaranteeing a nation-to-nation relationship that is to be funded accordingly.
- c) We possess equal status as a nation in the Treaty relationship.
- d) The successor nation Canada by virtue of its Constitution 1982, possesses a fiduciary obligation and duty to honor and uphold Treaty.
- e) The current fiscal relationship with the Crown must be sufficient and adequate for our Nations developmental needs and for the full enjoyment of our fundamental freedoms.
- f) Treaty is an international agreement between Nations, guaranteeing a nation to nation relationship recognized by International treaty law.
  - (i). International Treaty Law is hereby invoked; and applied: a party to Treaty cannot invoke the provisions of its internal Law to justify failure to perform a Treaty.
- g) All monies received from Canada are considered Indian Monies and are therefore considered essential.

- h) All monies are the collective property of the Ochapowace Nation and are subject to this Ochapowace Financial Law.
- i) Conflict of Interest matters as indicated herein shall be strictly adhered to by all and shall be enforced by the Ochapowace Community Tribunal.
- j) All monies received from internal and external sources shall be accounted for and reflected in the annually audited financial statements.
- k) The current fiscal relationship with Parliament on behalf of the Crown are on the basis that they represent the minimum amount and do not represent the full amount to be received under Treaty.
- l) In accordance with Treaty, Parliament on behalf of the Crown shall provide resources consistent with Treaty to uphold the honour of the Crown.
- m) The Finance Policy shall evolve to complement this Financial Law.
- n) The financial information as contained in the audited financial statements are the property of the Ochapowace Nation and shall be used solely for the purposes of benefiting the Ochapowace Nation.
- o) Ochapowace people are considered equal under all laws of the Ochapowace Nation.
- p) Ochapowace Nation and its people by virtue of Treaty are exempt from all taxes imposed by Canada and its provinces in any form.
- q) Ochapowace Nation reserves the authority to impose its own form of taxation.

- r) Ochapowace Nation is eligible for reparation, restitution, compensation and redress from Canada in right of the Crown for breaches, violations, assimilation and genocidal policies and laws enacted on its government and citizens.

## SECTION THREE – TITLE OF THIS LAW

- 3. This Law shall be called the *Ochapowace Nation Financial Law*.

## SECTION FOUR - DEFINITIONS

- 4. For the purpose of this Financial Law, the following definitions shall apply:
  - a) **"Financial"** means relating to or involving money.
  - b) **"Financial Plan"** means the annual budget prepared for the Ochapowace Nation's operations.
  - c) **"Fiduciary"** means a trust obligation.
  - d) **"Fiscal relations"** means in general, a significant financial association between or among parties, relating to public treasury or revenues.
  - e) **"Evolve"** means to put in writing and approve.
  - f) **"Ochapowace Community Tribunal"** means an appointed neutral body of members who implement the rules and regulations as set out in the Community Tribunal Manual.

- g) **Okimaw/Okimaw Iskew** - Leader or head of Ochapowace government.
- h) **Headmen/Headwomen** - along with the Okimaw/Okimaw Iskew, form the body of Ochapowace Government.
- i) **"Council"** means the elected leaders of the Ochapowace Nation which includes the Okimaw/Okimaw Iskew and Headmen/Headwomen (formerly known as the Chief and Councillors).
- j) **"Kehte-ayak"** means a group of advisors sixty-five (65) years and older on the Ochapowace registry.
- k) **"Treasury"** means a department set up for revenue collection from various external or internal sources.
- l) **"Treasury Board"** means a body that manages all revenues; including trusts, business revenues, banking institutions, debt issues, financial policies, wages and expense rates. Subject to Council advice and input. They are the primary, legal entity responsible for all funding arrangements including federal, provincial and international sources.
- m) **"Treaty"** is an international agreement concluded between nations in written form and governed by International Law. Treaties No. 1 to 11 encompasses Treaty No. 4.
- n) **"Genocide"** means in accordance with the United Nations Convention on the Prevention and Punishment of the Crime of Genocide; any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such; killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the

group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children out of the group to another group.

## SECTION FIVE - GOVERNANCE

### 4. Duties of *Council*

- a) *Council* shall be responsible for the fiscal and funding relationship based upon the nation to nation treaty relationship;
  - (i) Establish a fiscal relations portfolio responsible for implementing the Financial Law
  - (ii) On an annual basis, treaty based budgets annually shall be developed and submitted to the Crown in right of Canada.
- b) *Council* shall be responsible for the preservation, maintenance and protection of all Ochapowace Nation property and assets;
- c) *Council* shall appoint qualified Ochapowace citizens to the Treasury Board;
- d) Without limiting the *Council's* responsibilities, *Council* shall;
  - (i) Establish and maintain a Treasury and Treasury Board;
  - (ii) establish and maintain a Finance Department;
  - (iii) oversee a fiscally responsible financial plan presented to the Ochapowace Nation at an annual assembly;



- (iv) ensure that all provisions set out in this financial law are implemented.
- e) The Ochapowace Nation government possesses the authority to enact emergency measures for no more than ninety (90) days in unforeseen disasters caused by nature or man.
- f) Ochapowace Nation government shall establish administrative and political operating budgets in the fourth quarter prior to the new fiscal year and presented to the Ochapowace citizens for review and approval.
- g) To protect the Ochapowace citizens and "equal status", any dividends paid out by Ochapowace trust(s) or companies are not to be interpreted or affect any other internal or external sources of income.
- h) Chief and Council can determine priorities for immediate implementation and are hereby accorded this privilege, subject to available monies.

## **SECTION SIX – TREASURY BOARD**

### **5. Duties of Treasury Board**

- a) In accordance with the Ochapowace Constitution Law, accounting shall be prepared in accordance with Generally Accepted Accounting Principles in recording all financial transactions on a daily basis;
- b) *Treasury Board* shall evolve and approve policies and procedures regarding financial management and accountability;

- c) Without limiting the Treasury Board's responsibilities, Treasury Board shall; monitor the receipt and expenditures of revenues, perform audits to reflect the citizens needs including but not limited to, financial audits, performance audits and forensic audits.
- d) select an appropriate financial institution for the deposit of Ochapowace revenues; appoint an auditor;
- e) salaries and rates consistent with other levels of government shall be developed and applied accordingly;
- f) shall ensure Council is provided with sufficient financial resources to effectively perform their duties.

## **SECTION SEVEN - REPORTING**

- 6. In accordance with our traditions and our self determined form of governance which includes our peoples right to participate in the decision making process of the Nation, Annual Assemblies shall be called. Reporting to the people will be transparent, efficient, fair and equitable to all peoples of the Ochapowace Nation. Reporting shall include but is not limited to:
  - a) proposed budgets for all areas for the fiscal year;
  - b) a six (6) month variance report;
  - c) the Consolidated Audit (Ochapowace peoples only);
  - d) a written annual report;

## **SECTION EIGHT - LIABILITY**

7. The Ochapowace Nation is not liable for anything done, or omitted to be done by Parliament in all manifestations, prior to the date this Ochapowace Nation Financial Law comes into effect.

## **SECTION NINE – ACCESS TO FINANCIAL ASSISTANCE**

8. The Ochapowace Nation is qualified to receive any and all monies relevant and applicable to Treaty in addition to any other financial resources which may become available to the Nation.
  - i). No revenues generated by the Ochapowace Nation businesses, trusts or investments shall replace, rescind or affect Canada's fiduciary obligation to Ochapowace Nation.

## **SECTION TEN – PRIVACY**

9. Any and all financial information is for the sole benefit for the Ochapowace peoples. For greater certainty, no financial information shall be displayed or distributed on any internet websites or social media or any other jurisdiction without the expressed written approval by the Ochapowace Nation Government.

## **SECTION ELEVEN – ENFORCEMENT AND IMPLEMENTATION**

10. The Ochapowace *Council* along with the Ochapowace Community Tribunal possess the responsibility for the enforcement and implementation of the Ochapowace Constitution and all Ochapowace Nation Laws.
11. The Ochapowace Community Tribunal, together with the Kehte-ayak will function as our court and will be responsible for ruling on the coverage and application on all matters affecting, impacting, breaching or in violation of this Ochapowace Nation Financial Law and all Ochapowace Nation Laws.
12. This Ochapowace Nation Financial Law replaces and supersedes all other Financial Laws developed without the free prior informed consent of the Ochapowace people.

## **SECTION TWELVE – CONFLICT OF INTEREST**

13. Any elected, appointed official or an employee of the Ochapowace Nation shall declare any conflict of interest with respect to his/her private interests. Any breach of the conflict of interest will be held with the laws and procedures of Ochapowace Nation.
  - a) No entity shall set their own compensation.

## **SECTION THIRTEEN – RATIFICATION OF THIS LAW**

14. Ratification of this law will be in accordance with the Ochapowace Nation Constitution.

## SECTION FOURTEEN – AMENDING THIS LAW

15. Our Ochapowace Nation Constitution is hereby acknowledged as our primary law, intended to govern and protect the Ochapowace people;
16. Amendments to this Law shall be made in accordance with the Ochapowace Nation Constitution.
  - (i). The Laws of the Nation shall be considered property of the Nation and can only be changed by the will of the Ochapowace people

## SECTION FIFTEEN - ASSENT AND APPROVAL

17. WE, THE UNDERSIGNED, UNDERSTAND AND KNOW THAT WE POSSESS FULL SOVEREIGNTY AND THE RIGHT TO SELF DETERMINATION.

IN FULL ACCORDANCE WITH THE APPLICATION OF TREATY, DO HEREBY AFFIX OUR NAMES AND CONFIRM THE ADOPTION AND APPROVAL OF THE OCHAPOWACE NATION FINANCIAL LAW FOR IMMEDIATE AND FULL IMPLEMENTATION FROM THIS DAY FORWARD:

Signed and dated this 24<sup>th</sup> day of May, 2015. 6

### Okimaw Iskeww:

MARGARET BEAR

*Margaret Bear*

### HEADMEN/HEADWOMEN:

PETRA BELANGER

*Petra Belanger*

TIM B. BEAR

*Tim Bear*

SHELLEY A. BEAR

*Shelley Bear*

LESLIE GEORGE

*Leslie Goerge*

JOHN STILL

*John Still*

SHAYA WATSON

*Shaya Watson*