
OVERSIGHT COMMITTEE ON LEGISLATIVE DEVELOPMENT

Terms of Reference

Mohawk Council of Akwesasne

October 2025

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Terms of Reference
Oversight Committee on Legislative Development
2025

Contents

1.0	TITLE	3
2.0	DEFINITIONS	3
3.0	PRINCIPLES, PURPOSE AND RESPONSIBILITIES	4
	General Responsibilities	4
	District Community Member Responsibilities.....	4
	Governing Documents	4
4.0	COMPOSITION AND TERM OF OFFICE	5
	Justice Portfolio Chiefs from Council.....	5
	District Community Members	5
	Legislative Services Manager and Researcher.....	5
	Council Employee Technical Support	6
	Term of Office	6
	Working Task Groups.....	6
5.0	QUALIFICATIONS FOR DISTRICT COMMUNITY MEMBER REPRESENTATION.	6
	Temporary Appointments	7
6.0	QUORUM AND MEETINGS TO CONDUCT BUSINESS.....	8
	Quorum	8
	Decisions.....	8
	Meetings.....	8
	Planning Meeting	8
	Reports	9
	Community Consultation Meetings	9
	Law Priorities.....	9
	Conflict of Interest Rules	9
7.0	HONORARIUM	10
8.0	DISCLOSURE OF INFORMATION AND CONFIDENTIALITY.....	10
9.0	COMPLAINTS AND REMOVAL	10
10.0	AMENDMENTS	11
	SCHEDULES	11

1.0 TITLE

This document is referred to as the Terms of Reference for the Oversight Committee on Legislative Development.

2.0 DEFINITIONS

“Akwesasne Justice Department” means the administrative body under the Council;

“Akwesasne Justice Department Director” means the administrative position within the Akwesasne Justice Department responsible for the overall daily operations of the department;

“Akwesasne Legislative Enactment Procedural Regulation” means the Regulation establishing the procedure for enactment and coming into force of Akwesasne Laws;

“Akwesasne Law” means a law or code enacted by the Mohawk of Akwesasne;

“Council” means the Mohawk Council of Akwesasne as duly elected pursuant to the *Akwesasne Election Law*;

“District” is any of the following areas:

- a) Kawehno:ke (Cornwall Island) and any island within the Territory of Akwesasne in Ontario; or
- b) Kana:takon (St. Regis Village) and Enskatsitkahwenote (St. Regis Island); or
- c) Tsi Snaihne (Chenail/Snye) and any other island within the Territory of Akwesasne in Quebec save and except Enskatsitkahwenote (St. Regis Island).

“District Community Member” is the community member representing and residing in one of the three Districts at Akwesasne.

“Legislative Services Manager” means the administrative position within the Akwesasne Justice Department responsible for providing support services and assistance in the implementation and continued legislative development;

“Oversight Committee on Legislative Development” or the **“Oversight Committee”** means the body authorized by the Mohawk Council of Akwesasne to develop legislation;

“Planning Meeting” means a meeting held once every three-year term during which the Oversight Committee provides recommendations on the prioritization of Council’s lawmaking needs;

“Quorum” means the minimum number of Oversight Committee members that must be present to officially transact business as outlined in this Terms of Reference;

“Regulation” the document, duly passed by Resolution of Council that contains the provisions to administer an Akwesasne Law or Charter; and

“Resolution” means a Mohawk Council Resolution (MCR) formally adopted by the Mohawk Council of Akwesasne pursuant to its governing authority.

“Term” means the three-year period corresponding with the Mohawk Council election cycle, commencing on the date of the general election and concluding on the day prior to the next general election.

“Working Task Group” or “WTG” means a sub-group of the Oversight Committee on Legislative Development responsible for overseeing the development of a legislative file.

3.0 PRINCIPLES, PURPOSE AND RESPONSIBILITIES

3.1 The Oversight Committee on Legislative Development, consisting of Council and appointed Community representatives, is responsible to draft and develop legislation which protects, exercises and advances the inherent rights of the Mohawks at Akwesasne in accordance with the principles of peace, respect and fairness.

3.2 The Oversight Committee will oversee and receive Council and community input; provide community guidance and direction in the development of Akwesasne Laws; and, consider and balance the diversity of perspectives within the Akwesasne community.

3.3 The Oversight Committee on Legislative Development will:

- a) Set legislative priorities, consult with the community, and share updates through public meetings;
- b) Participate in legislative drafting, supported by Council;
- c) Review the proposed Akwesasne legislation;
- d) Comply with the Akwesasne Law Enactment Procedural Regulation or its successor; and
- e) Ensure legislative development, amendments, and revocations follow the Akwesasne Law Registry.

General Responsibilities

3.4 The Oversight Committee must be willing to listen to diverse community comments, formulating a balance of community opinion and Council legislative priorities.

District Community Member Responsibilities

3.5 The appointed District Community Members will:

- a) Represent their District and the community as a whole;
- b) Attend meetings as outlined in these Terms of Reference;
- c) Actively participate as members of the Oversight Committee; and
- d) Participate in any Working Task Groups (WTG) assigned.

Governing Documents

3.6 The Oversight Committee will discharge responsibilities in a manner consistent with the Oversight Committee Terms of Reference, the Akwesasne Legislative Enactment Procedure Regulation or its successor, the Akwesasne Definitions (Schedule B), the Akwesasne Law Template (Schedule C) and the Akwesasne Law Registry (Schedule D).

4.0 COMPOSITION AND TERM OF OFFICE

- 4.1 The Oversight Committee will be comprised of the following individuals: Justice Portfolio Chiefs, three (3) District Community Members and the Legislative Services Manager (administrative) from the Akwesasne Justice Department.

Justice Portfolio Chiefs from Council

- 4.2 The Justice Portfolio Chiefs will sit on the Oversight Committee.
- 4.3 The Justice Portfolio Chiefs will co-chair the Oversight Committee.
- 4.4 The Justice Portfolio Chiefs are counted as quorum and can vote in a decision of the Oversight Committee.

District Community Members

- 4.5 There must be one District Community Member from each of the three (3) Districts for a total of three (3) Community District Members.
- 4.6 A District Community Member can vote in a decision of the Oversight Committee and is counted as quorum.

Legislative Services Manager and Legislative Researcher

- 4.7 The Legislative Services Manager will be assigned by the Director of the Akwesasne Justice Department to:
- a) coordinate, organize the meetings and gather information as requested by the Oversight Committee.
 - b) keep the Record of Decisions for all Oversight Committee meetings.
 - c) be the Chairperson for the WTGs. The Chairperson makes the schedule to meet and to cancel any of the WTG meetings.
 - d) may assign Chairperson duties to another WTG member.
 - e) not count as quorum and cannot vote in Oversight Committee decisions.
- 4.8 The Legislative Researcher will be responsible for:
- a) Analyzing, interpreting, and reviewing legislation that is relative to the law development needs of Akwesasne;
 - b) Ensuring legislation includes the collective rights for the Mohawks of Akwesasne as well as community and culturally based values, principles, community rights, responsibilities, and safety.
 - c) Analyzing the draft legislation to make sure it meets the requirements of the Akwesasne Legislative Enactment Procedural Regulation (ALEPR), or its successor, for adoption by the Mohawks of Akwesasne.
 - d) Recording the meeting minutes for the Oversight Committee on Legislative Development (OSC).

Council Employee Technical Support

- 4.9 The Oversight Committee has the authority in relation to a matter before it, to request the participation and attendance, during their regular work schedule, of any person employed by Council for their technical expertise.
- 4.10 The Oversight Committee must have the approval of the employee's supervisor to attend and participate in the meetings of the Oversight Committee.

Term of Office

- 4.11 All terms for the members of the Oversight Committee will expire on the same date as the terms of office for Council, in accordance with the Akwesasne Election Law. If a District Community Member seat becomes vacant, a call out will be made to fill the vacant seat for the remainder of the Council term.

Working Task Groups (WTGs)

- 4.12 The Oversight Committee on Legislative Development will oversee the progress of the WTGs each of whom are responsible for one legislative file.
- 4.13 WTGs will be comprised of Chiefs who have the subject matter portfolio; the Legislative Services Manager and Researcher; MCA Technicians; and one District Community Member. The District Community Member will be from the Oversight Committee.
- 4.14 WTGs may, from time to time, invite community elders and knowledge keepers to contribute based on their expertise in culture or the law's subject matter. Their input ensures the process reflects both technical and cultural perspectives. Participants will be compensated per the MCA-approved Honorarium Policy.
- 4.15 The Oversight Committee will develop a minimum of three laws per term. This may include creating new laws, revising drafts, amending existing laws, or rescinding outdated ones. Up to three alternate laws may also be identified; however, there is no guarantee these will be developed during the term.
- 4.16 The Oversight Committee will work in accordance with section 4.8 of the Akwesasne Legislative Enactment Procedural Regulations in the event of a resolution, petition or court order initiating the development, amendment, or repeal process of a law.

5.0 QUALIFICATIONS FOR DISTRICT COMMUNITY MEMBER REPRESENTATION

- 5.1 To qualify for appointment to be a District Community Member on the Oversight Committee a person must:
 - a) be a Member;
 - b) have knowledge of Mohawk cultures and traditions;
 - c) have good character, credibility and reputation in the Akwesasne community;

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- d) have good communication skills;
 - e) be “in good standing” as defined in the *Akwesasne Good Standing Policy*;
 - f) not be a Council member of the Mohawk Council of Akwesasne; the Saint Regis Mohawk Tribal Council; or, the Mohawk Nation Council of Chiefs;
 - g) never have been convicted of an offense under the *Akwesasne Banishment Law*, the *Akwesasne Drug Law*, an indictable offense in Canada or a felony in the United States;
 - h) produce to the Akwesasne Justice Department Director a valid certificate from the Canadian Police Information Centre (CPIC);
 - i) attend and actively participate in training deemed essential for the successful operation of the Oversight Committee;
 - j) attend regularly scheduled Oversight Committee meetings to conduct business and attend Community Consultation meetings as scheduled;
 - k) maintain residence in their District during tenure; and
 - l) sign the Oath of Office (Schedule A) within 30 days of appointment by Resolution.
- 5.2 Selection to be a District Community Member on the Oversight Committee must be made after a public call out.
- 5.3 The Legislative Services Manager will ensure an applicant meets the qualifications as outlined in section 5.1.
- 5.4 The Legislative Services Manager will submit a Resolution (MCR) for District Community Members who are eligible to sit as a qualified District Community Member.
- 5.5 A former District Community Member on the Oversight Committee may reapply for appointment provided they are deemed eligible pursuant to section 5.1 qualifications and who have not been removed in accordance with section 9.

Temporary Appointments

- 5.6 Qualified persons may be appointed on an interim basis as a temporary Oversight Committee member by Council to conduct Oversight Committee business when:
- a) An Oversight Committee member has been removed in accordance with section 9.0;
 - b) An Oversight Committee member has been incapacitated through sickness or death; or
 - c) When Quorum cannot be met due to conflict(s) of interest.
- 5.7 A temporary Oversight Committee member will have full authority of a regular Oversight Committee member;
- 5.8 A temporary Oversight Committee member will be appointed for three (3) months by Resolution or until the term expires, whichever is less.
- 5.9 A temporary appointment will be made, when needed, for an additional WTG to work on additional laws not outlined in the annual legislative priorities.

6.0 QUORUM AND MEETINGS TO CONDUCT BUSINESS

- 6.1 The Oversight Committee will oversee all legislative development within the Mohawk Council of Akwesasne. Each Oversight Committee member must participate in the discussions and will actively be the lead for legislative initiatives, when assigned.
- 6.2 The Oversight Committee ensures consistency with other Akwesasne Laws.

Quorum

- 6.3 In order to conduct business for the Oversight Committee, a quorum of three (3) Oversight Committee members is necessary. If quorum cannot be met after 15 minutes, the meeting will be cancelled until the next scheduled meeting. Oversight Committee District Community Members, who attend the scheduled meeting, will be entitled to receive a one-hour honorarium if quorum is not met within 15 minutes.
- 6.4 In order to do business for the WTG, a quorum is not needed. The Legislative Services Manager must be present to chair a meeting of the WTG. If the Legislative Services Manager is not present within 15 minutes of the scheduled time, the meeting will be cancelled. However, the Legislative Services Manager may assign chairperson duties to one of the WTG members. The WTG District Community Member who attends the scheduled meeting will be entitled to receive a one-hour honorarium if the meeting is cancelled due to the Legislative Services Manager not being present and the chairperson's duties have not been delegated to a WTG member.

Decisions

- 6.5 The Oversight Committee will make every effort to make decisions by consensus.
- 6.6 If consensus cannot be reached, decisions are by majority vote.
- 6.7 If a tie exists, the draft law will be removed from the meeting schedule for 30 days.

Meetings

- 6.8 The Oversight Committee will meet monthly to oversee the development of all laws.
- 6.9 The Legislative Services Manager will schedule all WTG meetings.
- 6.10 The WTG will meet only as scheduled by the Legislative Services Manager.

Planning Meeting

- 6.11 The Oversight Committee will establish law-making priorities once a term for inclusion into the Justice operating plan. A total of three (3) laws, with three (3) alternates, will be the priority for legislative development for the term. The meetings will be chaired by the Justice Portfolio Chiefs.

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- 6.12 The Oversight Committee will solicit community input on legislative priorities, identified by a community survey, at least 30 days before the Oversight Committee Planning Meeting. The Oversight Committee will consider the community's input to decide on the term's legislative priorities.
 - 6.13 The Akwesasne Justice Department will send the legislative priorities from the Oversight Committee, through the Justice Portfolio Chiefs, to Mohawk Council of Akwesasne to pass as a Resolution and for inclusion into the Justice operating plan.
 - 6.14 The law development will follow the Akwesasne Law Enactment Procedural Regulation (ALEPR) or its successor.

Reports

- 6.15 The Legislative Services Manager will send a monthly progress report to the Akwesasne Justice Department Director for inclusion into the Department's monthly report.
- 6.16 The Oversight Committee Chiefs will report to Mohawk Government Council table on the progress of legislative initiatives at least once a month.

Community Consultation Meetings

- 6.17 The Oversight Committee will actively participate in community consultation meetings as prescribed by the Law Enactment Procedural Regulation.

Law Priorities

- 6.18 Each term, the legislative priorities will be made by the Mohawk Council of Akwesasne through a resolution. The Legislative Services Manager will prepare the resolution. The three (3) legislative priorities, along with the three (3) alternates, will be added to Akwesasne Justice Department work plan.

Conflict of Interest Rules

- 6.19 The Oversight Committee must avoid a conflict of interest. An Oversight Committee member cannot participate or work on the identified file unless all the unaffected Oversight Committee members agree to allow it.
- 6.20 A conflict of interest arises in any situation where an Oversight Committee member or their immediate family has a personal or a business interest that could directly benefit from or by the legislative work being conducted by the Oversight Committee.
- 6.21 The Akwesasne Review Commission has jurisdiction over any question(s) on the conflict of interest for an Oversight Committee District Community Member and a WTG District Community Member.
- 6.22 The Ethical Conduct By-law has jurisdiction over any question(s) on a conflict of interest for a MCA Chief.

7.0 HONORARIUM

- 7.1 The District Community Members on the Oversight Committee will receive an honorarium for attending a duly convened meeting of the Oversight Committee.
- 7.2 The District Community Members assigned to a WTG will receive an honorarium for attending a duly convened meeting of the WTG.
- 7.3 A District Community Member appointed to the Oversight Committee or assigned to a WTG is entitled to receive an honorarium for the first hour of a duly convened meeting if the Oversight Committee or the WTG gets cancelled because quorum could not be reached within the first 15 minutes.
- 7.4 Honorarium will be established by the Honorarium Policy authorized by Mohawk Council Resolution.
- 7.5 The Akwesasne Justice Department is responsible for ensuring the District Members are paid their honorarium.

8.0 DISCLOSURE OF INFORMATION AND CONFIDENTIALITY

8.1 The Oversight Committee will oversee and receive Council and community input; provide community guidance and direction in the development of Akwesasne Laws; and consider and balance the diversity of perspectives within the Akwesasne community. Oversight Committee members may disclose information publicly only when:

- a) the information is public under Akwesasne law or regulation;
- b) the information was already lawfully known to the recipient and is generally known within the Akwesasne community, excluding information that was wrongfully disclosed; or
- c) disclosure is required by law.

8.2 Oversight Committee members must not disclose any confidential information, including unreleased drafts, matters involving personal or Human Resources issues, or any documents and conversations considered internal.

9.0 COMPLAINTS AND REMOVAL

- 9.1 An Oversight Committee District Community Member may be removed by a Mohawk Council Resolution (MCR) for consistently missing meetings.
- 9.2 Complaints against an Oversight Committee District Community Member will first be referred to the Director of the Akwesasne Justice Department. If the issue cannot be resolved, the complaint will go before the Akwesasne Review Commission.

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- 9.3 An Oversight Committee District Member will be removed from the Oversight Committee if the District Member no longer meets the qualifications in accordance to section 5.0.
- 9.4 An MCA Chief will be removed from the Oversight Committee and from the WTG if the Chief is no longer an MCA Chief.
- 9.5 An Oversight Committee District Community Member who has been removed will not be eligible to sit on the Oversight Committee for one subsequent term.
- 9.6 The Oversight Committee District Community Member who has been removed must reapply to sit on the Oversight Committee.

10.0 AMENDMENTS

- 10.1 Amendments to the Terms of Reference for the Oversight Committee on Legislative Development will be made by Mohawk Council Resolution through the Akwesasne Justice Department.

SCHEDULES

- Schedule A Oath of Office
- Schedule B Akwesasne Definitions
- Schedule C Akwesasne Law Enactment Procedural Regulation MCR
- Schedule D Akwesasne Law Template
- Schedule E Akwesasne Law Registry MCR
- Schedule F Declaration of Qualifications for District Community Members
- Schedule G Workplan template