Terms of Reference – Challengers Committee

The Challengers Committee ("the Challengers Committee") of the Miawpukek First Nation is subject to the provisions in the Policy and Operations Manual, and have the following Terms of Reference:

Appointment and Removal

1. **Structure** – The Challengers Committee is made up of a six (6) adult members of the First Nation as determined by their standing on the ballot of the Miawpukek Government's election. The six persons following elected councillors in number of votes received. They are not councillors and cannot vote during council meetings.

2. **Appointment** – The Challengers are as designated by Chief and Council. A Band Council Resolution will effect appointment.

3. **Qualifications** – The selection of a Challenger is determined in the absolute discretion of the Government with the following recommended qualifications:
   
a. Is an adult Band Member of the First Nation;
b. Has a strong interest in working with the Miawpukek government and associated accountability to the Membership.

4. **Removal or Resignation** – Such persons remain members of the Challenger Committee for the term of office until disqualified from being a Committee Member under the Challenger Committee Terms of Reference or otherwise removed by resolution of the Government.

5. **Vacancy** – In the event of a vacancy on the Challenger Committee, the Challenger Committee will advise the Government and the Government will appoint someone to fill such vacancy within thirty (30) days of receiving notice of such position becoming vacant. Until the position is filled the Challenger Committee can hold meetings provided that a quorum is present.

6. **Disqualification** – A member of the Challenger Committee is disqualified from holding office for any of the following reasons:
   
a. Term expires;
b. Being absent for three (3) consecutive Challengers Committee meetings, unless the majority of the balance of the Challenger Committee declare, in writing that the reason for such absenteeism is acceptable;
c. Declared mentally incompetent;

d. Is convicted of an indictable offense while being a Challenger Committee member, with such member being suspended from holding office from the date such charges came to the attention of the Governance Committee until law disposes such charges. A suspended Challenger Committee member does not have to be replaced during the suspension period;

e. Breaches the code of conduct and confidentiality of the Government.

f. Dies;

g. Resigns.

7. Quorum – A simple majority of the Challenger Committee members present at a meeting constitutes a quorum to hold the meeting, and a simple majority of the Challengers Committee Members present or not present at a meeting is required to pass motions.

8. Notice – Each Challenger Committee Member will receive notice of the regularly scheduled Council meetings.

9. Chairperson – The Challenger Committee can appoint one of their numbers as the Chairperson for the Challenger Committee, which person holds such position until otherwise changed by the Challenger Committee. The Challenger Committee Chairperson acts as spokesman for the Challenger Committee.

Challenger Committee Functions

10. Governance Committee Functions – In addition to any functions as may be specified by Chief and Council, the Challenger Committee has the following functions:

a. Duties – The Challenger Committee will serve as a “overseer” of Chief and Council. They serve in an observer status. They will have a pre-approved time in which to debate any issue as outlined on the Council agenda subject to the discretion of the Chairperson.

b. Laws – The Challengers Committee is responsible for making recommendations to the Government concerning any and all areas of government, which could include a First Nation Constitution or Government Act, Referendum Act, Elections Act, Citizenship Act, Lands and Resources Management Act, Financial Management Act, Judicial Act, etc; which have to be added to the Agenda and must be in writing.
c. **Structures** – The Challengers Committee is responsible for making recommendations to the Government concerning all aspects of Government intervention and functions.

d. **Votes** – The Challenger Committee cannot vote but can debate or express views for the proper management, dealing with laws and structures as authorized and directed by the Government;

e. **Meetings** – The Challenger Committee meets monthly in accordance with the schedule of Council Meetings and such other meetings as approved by the General Manager or the Government; Meetings can be for the purpose of brainstorming and/or information sharing.

f. **Business** – The Challengers Committee complies with the Minute Keeping Rules as per the Government Operations;

g. **General Council Meetings** – The Challenger Committee Chairperson presents quarterly and annual Challenger Committee Activity Reports at designated at the Annual General Meetings;

h. **Miscellaneous** – Perform such other services as may be required by the Government dealing with Governance issues as may be required from time to time.

**Conduct**

11. **Compliance** – Each Challenger Committee Member complies with the provisions contained in the Policy and Operations Manual.


13. **Conflict of Interest** – Each Challenger Committee Member complies with the Conflict of Interest provisions contained in the Policy and Operations manual.

14. **Confidentiality** – Each Challenger Committee member at their first Challenger Committee Meetings signs the Oath of Confidentiality as a precondition to being appointed a member of such Committee in the form as contained in the Policy and Operations Manual and delivers the same to the General Manager.