

CONSTITUTION
OF THE TA'AN KWÄCH'ÄN COUNCIL
2012

2012 CONSTITUTION OF THE TA'AN KWÄCH'ÄN COUNCIL

PREAMBLE

We, the Citizens of the Ta'an Kwäch'än, by virtue of our inherent rights as provided by the Creator and acknowledged in our Final and Self-Government Agreements, and desiring to assume and exercise full responsibility for our own well-being and to safeguard the lands and resources of our traditional territory for ourselves and our children, our grandchildren and all future generations, adopt this Constitution.

VISION

Our vision for the Citizens of the Ta'an Kwäch'än is for the preservation, balance and harmony of our traditional territory. We will honour, respect, protect and care for our environment, people, economy and traditional culture as practiced by our elders. We encourage our Citizens to participate in the well-being of our nation by building a unified, healthy and self-reliant community. The Ta'an Kwäch'än Council will recognize all its Citizens as equals and will respect the free expression of their views. The leadership will be responsible and accountable to its Citizens and govern in an open and cooperative manner. Our vision is to build a diverse economy which will provide security, stability and wealth to sustain our self-governing nation.

The mission of our Citizens and its government is to provide, promote, protect and sustain a healthy and strong lifestyle for our Citizens and future generations consistent with the traditional values of the Ta'an Kwäch'än¹, through governing our natural, human and financial resources effectively.

GENERAL

1.0 OBJECTIVES

- 1.1 The objectives of the Citizens of the Ta'an Kwäch'än Council in adopting this Constitution are to establish a government to:
- 1.1.1 exercise our inherent right to manage and control our natural resources;
 - 1.1.2 teach and preserve traditional values based on our culture, wisdom, language and heritage;
 - 1.1.3 encourage personal healing for the unity and wellness of our community;
 - 1.1.4 establish a responsible, balanced and accountable governing body for the Ta'an Kwäch'än;
 - 1.1.5 establish and sustain a diverse and stable economy which will generate prosperity and financial independence;
 - 1.1.6 implement and exercise the land claim and self-government agreements and agreements entered into by the Ta'an Kwäch'än Council; and
 - 1.1.7 provide a unified voice for the Ta'an Kwäch'än.

2.0 DEFINITIONS

2.1 In this Constitution,

“Council” means the main governing body of the Ta'an Kwäch'än established pursuant to section 8.0 of this Constitution;

“Citizen” means a person enrolled as a citizen of the Ta'an Kwäch'än Council pursuant to the citizenship code attached to this Constitution;

“Chief” means a Citizen elected under section 9.0 of this Constitution;

“Deputy-Chief” means a Citizen elected under section 9.0 of this Constitution;

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“Elders Council” means the body established pursuant to section 7.0 of this Constitution;

“Family Councillor” means the person identified by a Traditional Family under section 8.0 of this Constitution;

“Family Spokesperson” means the individual selected by a Traditional Family, according to its own procedures, as its spokesperson;

“Judicial Council” means the judicial body of the Ta’an Kwäch’än Council established pursuant to section 11.0 of this Constitution;

“Ta’an Kwäch’än Council” means the government of the Ta’an Kwäch’än, including the administration;

“Traditional Family” means one of the following traditional families of the Ta’an Kwäch’än: the Chief Jim Boss family; the Maggie Broeren family; the Jenny Dawson family; the Susie Jim family; the Undeahel family; and the Jenny Lebargé family;

“Youth Council” means the body established pursuant to section 10.0 of this Constitution;

CITIZENSHIP

3.0 CITIZENS

3.1 Citizenship in the Ta’an Kwäch’än Council shall be determined in accordance with the citizenship code attached as Schedule I which forms part of this Constitution.

3.2 The Ta’an Kwäch’än Council shall maintain a current list of Citizens and shall keep a copy of this list available for review at the principal administrative offices of the Ta’an Kwäch’än Council.

4.0 RIGHTS OF CITIZENS

4.1 In exercising any of its authorities or responsibilities, the Ta’an Kwäch’än Council shall guarantee and promote the basic individual rights of its Citizens. Every Citizen has the right to equal protection and equal benefit of the laws of the Ta’an Kwäch’än Council without any discrimination, including discrimination based on status, religion, sex or

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disability.

Any Citizen not a member of a traditional family shall be adopted by a traditional family upon written notice to the Elders Council.²

- 4.2 In so far as not to impair the collective good of its Citizens, the Ta'an Kwäch'än Council shall not enact any law, regulation or policy that restricts:
- 4.2.1 the freedom of thought, belief, opinion and expression of Citizens;
 - 4.2.2 the freedom of religion of Citizens;
 - 4.2.3 the right of Citizens to be secure against unreasonable search or seizure; or
 - 4.2.4 the rights of Citizens to assemble peaceably.
- 4.3 Every Citizen of the Ta'an Kwäch'än Council has the right to bear and use firearms in order to pursue traditional activities of harvesting and gathering within the traditional territory of the Ta'an Kwäch'än Council.
- 4.4 Every Citizen of the Ta'an Kwäch'än Council shall have the right to challenge the validity of any law or regulation enacted by the Ta'an Kwäch'än Council which appears to violate any freedom or right prescribed in this Constitution. The process for challenging the validity of laws and regulations shall be made in accordance with section 14.0 of this Constitution.

GOVERNMENT OF THE TA'AN KWÄCH'ÄN COUNCIL

5.0 GOVERNING BODIES

- 5.1 The jurisdiction of the Ta'an Kwäch'än Council shall apply to all Citizens and shall extend on and over all Settlement Land and over such other lands in such manner as may be agreed upon. The powers and authorities of the Ta'an Kwäch'än Council shall be exercised by the following branches established by this Constitution:
- 5.1.1 the General Assembly;
 - 5.1.2 the Elders Council, Council and Youth Council; and

5.1.3 the Judicial Council.

5.2 The structure of the governing bodies of the Ta'an Kwäch'än Council shall be based upon the Traditional Families of the Ta'an Kwäch'än.

5.3 No branch of the Ta'an Kwäch'än Council shall have authority beyond the jurisdiction prescribed by this Constitution.

6.0 THE GENERAL ASSEMBLY

6.1 There shall be a General Assembly composed of six representatives of each of the Traditional Families. The Traditional Families shall, according to their own procedures, appoint six representatives who are at least sixteen years of age.

6.1.1 Each Traditional Family shall provide written notice to the General Assembly prior to the meeting, signed by the Family Head and elder, identifying its six representatives for each meeting of the General Assembly.

6.2 The General Assembly shall meet at least once each calendar year and at such other times as the General Assembly or Council may direct.

6.3 At least thirty calendar days before any meeting of the General Assembly notice of the date and place of the meeting and a copy of a tentative agenda may be mailed or delivered to all Citizens and place of the meeting shall be published in a newspaper having circulation in the Yukon and broadcast upon radio or television in the Yukon.

6.4 The Council shall be responsible for arranging the meetings of the General Assembly. The Council may appoint an impartial person to be the chair for a meeting of the General Assembly.

6.5 In the meetings of the General Assembly, any Citizen may speak Southern Tutchone language and, where feasible, translation services shall be provided.

6.6 The quorum of the General Assembly shall be eighteen people comprised of the six representatives of three Traditional Families to conduct its general business.

6.7 The General Assembly shall establish its procedures based on the custom and traditions of the Ta'an Kwäch'än.

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- 6.8 At any meeting of the General Assembly, a Citizen may:
- 6.8.1 participate in the discussions;
 - 6.8.2 raise issues for discussion; and
 - 6.8.3 vote in accordance with section 6.9 and 16.0 of this Constitution.
- 6.9 At any meeting of the General Assembly, if at least forty Citizens are present, who are at least sixteen years of age, those Citizens may with a three-quarter majority vote:
- 6.9.1 nullify any law or regulation enacted by the Ta'an Kwäch'än Council in accordance with this Constitution; or
 - 6.9.2 remove:
 - 6.9.2.1 any member of the Council; or
 - 6.9.2.2 any judge of the Judicial Council.

7.0 THE ELDERS COUNCIL

- 7.1 There shall be an Elders Council composed of all Citizens who are at least sixty years of age.
- 7.1.1 If a Citizen, over the age of sixty years of age, sits on the Council as a Family Councillor, that Citizen shall not be a member of the Elders Council for the duration of his or her term on the Council.
- 7.2 The Elders Council shall have the responsibility to:
- 7.2.1 provide advice and guidance to Citizens, including members of the Council;
 - 7.2.2 establish a cultural and heritage committee to oversee all traditional activities in order to ensure that the values of the Ta'an Kwäch'än are respected and followed;
 - 7.2.3 recommend to the Council the enactment of laws, regulations, and policies;
 - 7.2.4 approve laws and regulations passed by the Council in accordance with section

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- 13.0 of this Constitution;
- 7.2.5 appoint an elder to sit on the Youth Council in order to provide guidance and direction to the members of the Youth Council;
- 7.2.6 appoint members of the Judicial Council in accordance with section 11.0 of this Constitution;
- 7.2.7 appoint a member of the Elders Council as an ex-officio member of the Council;
and
- 7.2.8 establish its procedures based on custom and traditions of the Ta'an Kwäch'än.
- 7.3 The Elders Council may remove a judge of the Judicial Council if he or she is found to be compromising the repute of the Judicial Council or obstructing the duties of the Judicial Council.
 - 7.3.1 Any Citizen may bring a written complaint to the Elders Council that a judge of the Judicial Council may be compromising the repute of the Judicial Council or obstructing the duties of the Judicial Council.
 - 7.3.2 The written notice shall be simultaneously delivered to the Elders Council and the Respondent Judge.
 - 7.3.3 Within 30 days of receipt of the complaint, the Elders Council shall call a meeting to consider the complaint. On considering the complaint the Elders Council may dismiss the complaint if the Elders Council finds it unnecessary, scandalous, frivolous, vexatious, unfounded, brought in bad faith or beyond its jurisdiction.
 - 7.3.4 The decision of the Elders Council shall be final.
- 7.4 The Elders Council shall make best efforts to conduct its business by consensus. In cases where consensus cannot be reached, a three-quarter majority vote of the those present shall be required for the approval of all laws, motions and resolutions.
- 7.5 Prior to any meeting of the Elders Council, a public notice of the date, time and location of the meeting shall be posted at the principal administrative offices of the Ta'an Kwäch'än Council.
- 7.6 Members of the Elders Council shall receive fair compensation as approved by the

Council.

8.0 THE COUNCIL

8.1 There shall be a Council composed of:

8.1.1 one Chief;

8.1.2 one Deputy-Chief;

8.1.3 nine Family Councillors as follows:

8.1.3.1 two representatives of the Chief Jim Boss family;

8.1.3.2 three representatives of the Maggie Broeren family;

8.1.3.3 one representative of the Jenny Dawson family;

8.1.3.4 two representatives of the Jenny Lebarge family; and

8.1.3.5 one representative of the Susie Jim family.

8.2 The composition of the Council may be altered in accordance with section 16.0 of this Constitution in order to provide for the fair representation of each of the Traditional Families, including the appointment of representatives of the Undeahel family.

8.3 The Elders Council and Youth Council may each appoint an ex-officio representative to the Council.

8.4 Each family line shall select a Citizen of its Traditional Family, who is at least sixteen years of age, as its Family Councillor according to its own procedures to be a member of the Council for a four-year term.

8.4.1 Upon the selection of its Family Councillor, each family line shall provide written notice to the Chief that identifies its Family Councillor. Until such written notice is provided to the Chief or Deputy-Chief, that person shall not be a member of the Council.

8.4.2 If a Traditional Family decides to select its Family Councillor by way of

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election, that election shall be held concurrently with the elections for the Chief and Deputy-Chief.

8.4.3 A Family Councillor may be re-elected or re-appointed upon the expiry of his or her term.

- 8.5 Upon providing written notice to the Council, a Traditional Family may recall its representative to the Council and replace him or her.
- 8.6 The quorum for all meetings of the Council shall be the Chief or Deputy-Chief and any six Family Councillors, excluding any ex-officio representative of the Elders Council or Youth Council, for all business.
- 8.7 The Council shall have the responsibility to:
- 8.7.1 develop laws and regulations of the Ta'an Kwäch'än Council which shall be enacted in accordance with section 13.0 of this Constitution;
 - 8.7.2 approve agreements and contracts to be entered into by the Ta'an Kwäch'än Council;
 - 8.7.3 borrow monies on behalf of the Ta'an Kwäch'än Council;
 - 8.7.4 designate portfolios among the members of the Council;
 - 8.7.5 fulfil the mandates and directions provided by the General Assembly;
 - 8.7.6 establish its procedures based on the custom and traditions of the Ta'an Kwäch'än; and
 - 8.7.7 establish its procedures and guidelines to ensure effective management and reporting on all aspects of the Ta'an Kwäch'än Council.
- 8.8 The Council shall make best efforts to conduct its business by consensus. In cases where consensus cannot be reached, a three-quarter majority vote of the Council of the members of the Council present shall be required for approval of all laws, motions and resolutions.
- 8.9 The members of the Council shall receive fair compensation as approved by the Elders

Council and Council.

- 8.10 A Family Councillor, Chief and Deputy Chief must be resident within the traditional territory or surrounding area of the Ta'an Kwäch'än Council during his or her term. A Family Councillor, Chief or Deputy Chief must resign his or her position if he or she relocates outside the Ta'an Kwäch'än Council traditional territory or surrounding area.
- 8.11 A Family Councillor, Chief or Deputy Chief may resign by tendering a written resignation to the Elders Council and Council.
- 8.12 A Family Councillor, Chief or Deputy Chief may be removed by the Judicial Council in accordance with section 12.2 of this Constitution if he or she is found to be compromising the repute or obstructing the duties of that office.
- 8.13 Upon resignation or removal of the Chief or Deputy-Chief, a by-election shall be held forthwith to serve for the remainder of the term.
- 8.14 Citizens are not eligible to be a Family Councillor, Chief or Deputy Chief if they have been convicted of an indictable offence or the offence of theft, fraud, or false pretences.
- 8.15 Where a Family Councillor, Chief or Deputy Chief is convicted of an indictable offence or the offence of theft, fraud, or false pretences during his or her term, he or she shall be removed from office.
- 8.16 Where a Family Councillor, Chief or Deputy Chief is charged with a criminal offence, he or she shall be suspended immediately and will not receive remuneration.
- 8.16.1 If the Family Councillor, Chief or Deputy Chief be found innocent or the charges are withdrawn, he or she shall be reinstated immediately.

9.0 CHIEF AND DEPUTY-CHIEF

- 9.1 The Citizens, who are at least sixteen years of age, shall elect a Citizen as the Chief for a three-year term in accordance with the laws of the Ta'an Kwäch'än Council.
- 9.1.1 A candidate for the position of Chief shall be:
- 9.1.1.1 a direct descendent of a Traditional Family; or

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9.1.1.2 a Citizen if he or she obtains the written consent from each of the family lines represented by a Family Councillor with respect to his or her candidacy.

9.1.2 If a family line represented by a Family Councillor does not provide written consent to a Citizen under section 9.1.1.2, that Family Councillor shall provide in writing the reasons for the decision of his or her family line.

9.1.3 A Citizen may appeal a decision of a family line made under section 9.1.2 to the Judicial Council and the Judicial Council may:

9.1.3.1 affirm the decision of the family line; or

9.1.3.2 order that the Citizen may be a candidate for the position of Chief.

9.1.4 The decision of the Judicial Council under section 9.1.3 shall be final.

- 9.2 The Citizens, who are at least sixteen years of age, shall elect a Citizen as the Deputy-Chief for a three-year term in accordance with the laws of the Ta'an Kwäch'än Council.
- 9.3 Only Citizens that have resided in the Yukon for a period of six months prior to the date of the election and are eighteen years of age or older shall be eligible to be elected as Chief or Deputy-Chief.
- 9.4 The Chief or Deputy-Chief may be re-elected upon the expiry of his or her term.

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- 9.5 The Chief shall have the responsibility to:
- 9.5.1 act as the spokesperson of the Ta'an Kwäch'än Council and represent the Ta'an Kwäch'än Council in the context of inter-governmental affairs;
 - 9.5.2 implement the directions of the Elders Council and the General Assembly;
 - 9.5.3 oversee the traditional activities of the Ta'an Kwäch'än Council;
 - 9.5.4 preside over meetings of the Council or General Assembly;
 - 9.5.5 oversee the departments and agencies of the Ta'an Kwäch'än Council and the administration of programs and services to Citizens;
 - 9.5.6 arrange and organize the meetings of the General Assembly;
 - 9.5.7 cast a vote in order to break a tied vote of the Council; and
 - 9.5.8 oversee the implementation of the Ta'an Kwäch'än Council Final and Self-Government Agreements; and
 - 9.5.9 sign and bring into force all laws and regulations.
- 9.6 The responsibilities of the Chief may be carried out by the Deputy-Chief in the absence of the Chief or upon the direction of the Chief.

10.0 THE YOUTH COUNCIL

- 10.1 There shall be a Youth Council composed of one representative of each of the Traditional Families. Each Traditional Family shall, according to its own procedures, appoint one representative, who is at least fourteen years of age and no older than twenty-nine years of age.
- 10.2 The quorum of the Youth Council shall be any three representatives who represent three respective Traditional Families.

- 10.3 The Youth Council shall have the responsibility to:
- 10.3.1 advise the Council and Elders Council on any issue;
 - 10.3.2 provide assistance for the coordination and organization of the annual meeting of the General Assembly pursuant to section 9.5.5 of this Constitution;
 - 10.3.3 assist the Elders Council in relation to the cultural and heritage committee established pursuant to section 7.2.2 of this Constitution;
 - 10.3.4 appoint a youth to sit as an observer on the Judicial Council in accordance with section 11.3 of this Constitution; and
 - 10.3.5 establish its procedures based on the custom and traditions of the Ta'an Kwäch'än.
- 10.4 The Youth Council may make recommendations to the Council and Elders Council, including recommendations for the enactment of any laws or regulations.
- 10.5 All business of the Youth Council shall be conducted by consensus by those present at that meeting.

THE JUDICIAL COUNCIL

11.0 THE JUDICIAL COUNCIL

- 11.1 There shall be a Judicial Council composed of three judges, including one elder, appointed by the Elders Council. The judges of the Judicial Council shall be at least twenty-one years of age.
- 11.2 The Council may expand the composition of the Judicial Council to five judges, including two elders.
- 11.3 The Youth Council shall appoint a representative, who is at least fourteen years of age and no older than twenty years of age, to sit on the Judicial Council as an observer.

11.4 Appointments to the Judicial Council shall be for a five year term, except for the initial appointments. One judge shall serve a term of three years, one for four years, and one for five years. Thereafter, the appointments shall be for five year terms.

11.4.1 Upon the expiry of a judge's term, the Elders Council may reappoint that person to be a judge of the Judicial Council.

11.5 The judges of the Judicial Council shall receive fair compensation as approved by the Elders Council and Council.

11.6 In accordance with section 7.3 of this Constitution, a judge of the Judicial Council may be removed by the Elders Council if he or she is found to be compromising the dignity or effectiveness of the Judicial Council.

12.0 POWERS OF THE JUDICIAL COUNCIL

12.1 The Judicial Council shall have the responsibility to:

12.1.1 adjudicate any cases of alleged violations of the laws of the Ta'an Kwäch'än Council and impose such sentences as are provided by law to ensure compliance;

12.1.2 where the parties agree, mediate or arbitrate any disputes in relation to the Citizens and Ta'an Kwäch'än Council;

12.1.3 appoint an investigative committee to review any financial irregularities of the Ta'an Kwäch'än Council;

12.1.4 determine the validity of a law or regulation enacted by the Ta'an Kwäch'än Council which has been challenged pursuant to section 14.0 of this Constitution;

12.1.5 maintain a record of its activities and decisions for public review; and

12.1.6 establish its procedures based on the custom and traditions of the Ta'an Kwäch'än.

12.2 In accordance with this section, the Judicial Council may remove a member of the Council if he or she is found to be compromising the dignity or effectiveness of that office.

- 12.2.1 Any Citizen may charge a member of the Council of comprising the dignity and effectiveness of his or her position in a written notice.
 - 12.2.2 The written notice shall be simultaneously delivered to the Judicial Council and the member of the Council.
 - 12.2.3 The member of the Council shall respond in writing to the Judicial Council within thirty days of receiving the written notice. The member shall be entitled to make a statement to the Judicial Council prior to any decision made by the Judicial Council.
 - 12.2.4 The Judicial Council shall make a final determination of the matter in an expedient manner.
- 12.3 The Judicial Council shall have such additional authorities and responsibilities as are prescribed by law.

LEGISLATIVE PROCESS AND REVIEW

13.0 LEGISLATIVE PROCESS

- 13.1 Any law or regulation, or any amendment to a law or regulation, of the Ta'an Kwäch'än Council shall be enacted in accordance with this section.
- 13.2 Any proposed law or regulation shall be reviewed at two meetings of the Council. At the third meeting, the Council may approve the proposed law or regulation in accordance with section 8.8 of this Constitution.
- 13.3 The proposed law or regulation shall be submitted by the Council to the Elders Council for its review and approval. At its meeting, the Elders Council may approve the proposed law or regulation in accordance with section 7.4 of this Constitution.
- 13.4 A proposed law or regulation will be brought into legal effect in accordance with a resolution from each of the Elders Council and Council that approves that proposed law or regulation in accordance with this Constitution.

14.0 LEGISLATIVE REVIEW

- 14.1 The validity of any existing law or regulation enacted by the Ta'an Kwäch'än Council may be challenged by a Citizen in accordance with this section.
- 14.2 The Family Spokesperson and elder of a Traditional Family may submit a written notice to the Council challenging the validity of any existing law or regulation if they believe it to be inconsistent with:
- 14.2.1 the custom and traditions of the Ta'an Kwäch'än;
 - 14.2.2 the provisions of the Ta'an Kwäch'än Council Final or Self-Government Agreement; or
 - 14.2.3 any provision of this Constitution.
- 14.3 The Council shall review the written notice in an expedient manner and shall make a decision to:
- 14.3.1 amend the law or regulation in accordance with section 13.0 of this Constitution;
 - 14.3.2 repeal the law or regulation; or
 - 14.3.3 disregard the written notice.
- 14.4 Within thirty days of the Council's decision under section 14.3 of this Constitution, the Family Spokesperson and elder, who submitted the written notice challenging the validity of a law or regulation, may then submit the written notice to the Judicial Council.
- 14.5 The Judicial Council shall declare a law or regulation of the Ta'an Kwäch'än Council to be invalid and void if it finds the law or regulation to be inconsistent with the grounds set out in sections 14.2.1, 14.2.2 or 14.2.3 of this Constitution.

FINANCIAL ACCOUNTABILITY

15.0 FINANCIAL ACCOUNTABILITY

- 15.1 The books, accounts and all other relevant financial or monetary records of each branch of the Ta'an Kwäch'än Council, and of any agent or body accountable to any of the branches, shall be audited at least once each year by a chartered accountant. The audited financial statements shall be submitted to the next meeting of the General Assembly.
- 15.2 The financial records, accounts and reports related to the activities of the Ta'an Kwäch'än Council shall be available, upon reasonable notice, to review by any Citizen at the principal administrative offices of the Ta'an Kwäch'än Council.

AMENDMENT OF THIS CONSTITUTION

16.0 AMENDING PROCEDURES

- 16.1 Subject to section 16.2, this Constitution may be amended at any meeting of the General Assembly provided that:
 - 16.1.1 written notice of the amendment is provided to the Council setting out the proposed amendment at least twenty-four days prior to the meeting of the General Assembly; and
 - 16.1.2 a three-quarter majority vote of at least sixty Citizens at the meeting of the General Assembly, who are at least sixteen years of age, approve the amendment.
- 16.2 If there is consensus amongst the Citizens, who are at least sixteen years of age, present at the meeting of the General Assembly, approving the proposed amendment, the requirements of section 16.1 may be waived.
- 16.3 An amendment may be proposed by any Citizen who is at least sixteen years of age.

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RATIFICATION

17.0 RATIFICATION

17.1 This Constitution shall become the Constitution of the Ta'an Kwäch'än Council following its ratification by way of a resolution approved in accordance with section 16.0 at a duly convened meeting of the General Assembly of the Ta'an Kwäch'än Council. The resolution shall specify the date at which the Constitution will be brought into effect.

17.2 We, the representatives of the Traditional Families of the Ta'an Kwäch'än have, this 13th day of February, 2013, signed this Constitution of the Ta'an Kwäch'än Council pursuant to the resolution ratifying this Constitution at the General Assembly of the Ta'an Kwäch'än Council, held at Whitehorse , Yukon, on December 15, 2012.

X Carol Chambers Boss
Carol Chambers Boss
Councillor

X Conrad Jack
Conrad Jack
Councillor

X _____
Doreen Grady
Councillor

X Tiffany Eckert-Maret
Tiffany Eckert-Maret
Councillor

X James MacDonald
James MacDonald
Councillor

X Lori Duncan
Lori Duncan
Councillor

X Gloria Adamson
Gloria Adamson
Councillor

X Glenda Jones
Glenda Jones
Councillor

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Notes:

¹ “as practiced today,” was repealed at the December 15, 2012 TKC Special General Assembly.

² “Any Citizen not a member of a traditional family shall be adopted by a traditional family upon written notice to the Elders Council,” was added at the December 15, 2012 TKC Special General Assembly.

SCHEDULE I
TA'AN KWACH'AN COUNCIL CITIZENSHIP CODE

1.0 Definitions

1.1 In this Citizenship Code,

“Citizenship List” means the list of citizens which is maintained by the Enrollment Coordinator,

“Citizenship Committee” means the committee established pursuant to section 5.0 of this Citizenship Code;

“Enrollment Coordinator” means the officer designated by the Ta’an Kwach’an Council pursuant to section 4.0 as responsible for maintaining the Citizenship List;

2.0 Citizenship

2.1 A person is entitled to be enrolled on the Citizenship List provided that the person:

- is enrolled or eligible to be enrolled as a Yukon Indian Person pursuant to the Ta’an Kwach’an Council Final Agreement; or
- has Ta’an Kwach’an ancestry.

2.2 A person who does not have Ta’an Kwach’an ancestry may become a Citizen if:

- has a special relationship with the Ta’an Kwach’an Council;
- his application for Ta’an Kwach’an citizenship is sponsored by a Citizen; and
- is accepted by the Citizenship Committee.

2.3 Each Citizen who is not a member of a Traditional Family shall be adopted by a Traditional Family and be represented by that Traditional Family’s representative on the Board.

3.0 Loss of Citizenship

3.1 A person ceases to be a Citizen and his name shall be removed from the Citizenship List when the following occurs:

- A person, who is at least sixteen years of age, provides written notice to the Citizenship Committee renouncing his Ta'an Kwach'an citizenship;
- A person becomes a member or citizen of another First Nation; or
- The Citizenship Committee determines, after appropriate notice to the affected person and consideration of all relevant information and documentation, that a person was enrolled on erroneous or fraudulent grounds and would not have otherwise qualified as a citizen. Such a person shall be deemed to never have been a Citizen.

3.2 Upon receiving such notification or making such a decision, the Citizenship Committee shall notify the Enrollment Coordinator to remove the name of such person from the Citizenship List.

3.3 A Citizen does not lose his citizenship as a result of an adoption by law or custom by a person who is not a Citizen.

4.0 Enrollment Coordinator

4.1 The Enrollment Coordinator shall be appointed by the Board.

4.2 The Enrollment Coordinator shall:

- maintain the Citizenship List;
- receive and acknowledge receipt of applications from persons applying for Ta'an Kwach'an citizenship;
- ensure that the applicant provides all necessary information and documentation before forwarding such application to the Citizenship Committee;
- notify each applicant of the decision of the Citizenship Committee;

- advise the applicant in writing of the appeal process if his application is not approved by the Citizenship Committee; and
- place the name of the applicant on the Citizenship List if his application is approved by the Citizenship Committee.

4.3 All information and documentation received by the Enrollment Coordinator for the purposes of applying for Ta'an Kwach'an citizenship shall be treated as confidential and may not be released publicly without the written consent of the applicant.

4.4 The Citizenship List shall set out the name, birthdate and address of each Citizen. A copy of the Citizenship List which only lists the names of the Citizens may be posted publicly.

5.0 Citizenship Committee

5.1 There shall be a Citizenship Committee composed of six Citizens appointed by the Board. The term of the members of the Citizenship Committee shall be two years except for the initial appointments for which there shall be three members appointed for one year and three persons appointed for three years.

5.2 The Citizenship Committee shall:

- provide fair and confidential hearings of applications for Ta'an Kwach'an citizenship;
- publicize and provide information in respect of the eligibility process and requirements;
- review and determine applications within three months of receiving the application and notifying the Enrollment Coordinator in writing of its decisions;
- record all the minutes and motions and filing such with the Enrollment Coordinator; and
- provide written reasons to any applicant whose application is not approved.

5.3 The Citizenship Committee shall have the power to make rules for the conduct of its meetings, proceedings and hearings.

5.4 The Citizenship Committee may seek the advice of the Elders Council on any issue.

6.0 Judicial Council

6.1 The Judicial Council shall consider any appeal made by an applicant, or his representative, by any Citizen or by the Board of a decision of the Citizenship Committee within one year of the date of the decision.

6.2 An appeal must be made in writing to the Judicial Council and contain a statement of the grounds of the appeal. Within 90 days of receipt of an appeal, the Judicial Council shall make a decision.

6.3 The Judicial Council shall have the authority to uphold, vary or rescind any decision of the Citizenship Committee or refer the matter back to the Citizenship Committee for reconsideration.

6.4 A decision of the Judicial Council shall be final.

7.0 Transition

7.1 Nothing in this Citizenship Code shall limit or effect the jurisdiction, power or authority of the Yukon Enrollment Commission or the Ta'an Kwach'an Council Enrollment committee established pursuant to the Yukon First Nations Land Claims Settlement Act (Canada).

7.2 Any other citizenship or membership code which has been previously adopted by the Ta'an Kwach'an Council is hereby revoked and is null and void.