

TA'AN KWÄCH'ÄN JUDICIAL COUNCIL

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October 6, 2020

To: Ms. Erica Stone
[REDACTED]

RE: FILE 2020 - 01 Complaints to the Ta'an Kwäch'än Judicial Council

Dear Ms. Stone:

This letter is in response to your letter of complaint filed with the Ta'an Kwäch'än Judicial Council [TKJC] related to a number of matters. The Judges met and reviewed the complaints and wish to advise you as follows:

1. The complaint related to two policies of the Ta'an Kwäch'än Council [TKC], specifically the Physical Activity Fund Policy and Elders Fuel Subsidy Policy. The TKJC requested copies of these policies from TKC and upon receipt reviewed the complaint for jurisdiction.
2. Allegations related to the TKC awarding contracts to the Government of Yukon: There is insufficient information provided to the TKJC that there is preferential or unfair procedures in regard to assigning contracts in your letter. *Therefore, at this time, the TKJC will not accept that they have jurisdiction to proceed.*
3. The complaint relating to the Elder Abuse of a Ta'an Kwäch'än Citizen: *This is not a matter that is within the jurisdiction of the TKJC. Should you believe there is elder abuse, we urge that you contact the appropriate YG department for further assistance.*
4. The complaint related to Services and Service Policies: *This is a matter of governance between the Federal Government and the TKC. As such, it is not constitutional and is outside of the jurisdiction of the TKJC.*

The Judges find that the only matter within their jurisdiction is the complaint related to two policies of the TKC (Physical Activity Fund Policy and Elders Fuel Subsidy Policy). Having received these policies from TKC the TKJC reconsidered the matter.

The issue raised in the Complaint is whether or not the requirement that a citizen be resident in the Yukon to receive funding from the Physical Activity Fund or the Elders Fuel Subsidy is valid pursuant to the Constitution.

In the TKJC Decision *Jacobs & Jacobs v TKC* (2016-11), the Judicial Council determined that the TKC has the jurisdiction to establish which benefits a citizen may receive based on residency.

In that Decision, the TKJC notes:

“From the perspective of the TKJC, from both the perspective of First Nation tradition of Matriarchal blood lines denoting First Nation membership and the western concept of 'citizenship', there is a difference between Citizenship/membership and entitlement to Benefits offered under the First Nations Settlement Agreements.

... the TKC cannot deny Citizenship where the bloodline shows they have citizenship rights. However, the TKC does have the right to deny member benefits...”

The TKJC dismisses this Complaint having decided the issue in a prior Decision. For your consideration, we have attached a copy of that Decision in full.



Anne Powers, Registrar
On behalf of the Ta'an Kwäch'än Judicial Council

Copy: Ta'an Kwäch'än Council