

TA'AN KWÄCH'ÄN COUNCIL

Chapter 1

Government Administration and Interpretation Act

June 2007

Ta'an Kwäch'än Council
GOVERNMENT ADMINISTRATION AND INTERPRETATION ACT

Enacted on this 18th day of June 2007

Chief Ruth Massie

The Board of Directors of the Ta'an Kwäch'än Council hereby enacts as follows:

PART ONE
GENERAL PROVISIONS

Short title

1. This Act may be cited as the *Government Administration and Interpretation Act*.

Definitions

2. In this Act

"Act" means an Act enacted by the Board containing rules intended to have the force of law, and includes the Constitution and this Act, as amended from time to time;

"agent" means Ta'an Kwäch'än Council contractors, grantees and others agents yet to be named;

"Board" means the Board established pursuant to the Constitution;

"Canada" means the Government of Canada;

"Chief" means the Chief of the Ta'an Kwäch'än Council elected pursuant to the Constitution;

"citizen" means a person pursuant to the Constitution;

"commencement" when used with reference to an enactment or any provision, means the time at which the enactment or provision comes into effect;

"committee" includes any board, council, committee or other group of persons appointed by either the General Assembly or the Board to investigate, report or act on a matter;

"Constitution" means the *Constitution of the Ta'an Kwäch'än Council*, as amended from time to time;

"department" means any department or agency of the Ta'an Kwäch'än Council established pursuant to this Act or another enactment;

"Deputy-Chief" means the Deputy-Chief of the Ta'an Kwäch'än Council elected pursuant to the Constitution;

"Elders Council" means the Elders Council established pursuant to the Constitution;

"emergency" means a sudden and unexpected turn of events calling for immediate action;

"enact" means to issue, make or establish;

"enactment" means an Act or a regulation or any portion of an Act or regulation of the Ta'an Kwäch'än Council;

"Director" means Family Director pursuant to the Constitution;

"Family Spokesperson" means Family Spokesperson pursuant to the Constitution;

"fee simple settlement land" means fee simple settlement land pursuant to the final agreement;

"final agreement" means the Ta'an Kwäch'än Council Final Agreement;

"General Assembly" means the General Assembly established pursuant to the Constitution;

"governing bodies" means the following governing bodies established pursuant to the Constitution:

- (a) the General Assembly,
- (b) the Elders Council,
- (c) the Board,
- (d) the Youth Council, and
- (e) the Judicial Council;

"holiday" includes New Year's Day, Heritage Day, Good Friday, Easter Monday, Victoria Day, National Aboriginal Day, Canada Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, any day appointed by proclamation of the Board as a day of mourning or rejoicing, and whenever a holiday other than Remembrance Day falls on a Sunday, the expression "holiday" includes the following day;

"immediate family" means

- (a) the employee's spouse or common-law partner,
- (b) the employee's father and mother and the spouse or common-law partner of the father or mother,
- (c) the employee's children and the children of the employee's spouse or common-law partner,
- (d) the employee's grandchildren,
- (e) the employee's brothers and sisters,
- (f) the grandfather and grandmother of the employee,

(g) the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother,

(h) any relative of the employee who resides permanently with the employee or with whom the employee permanently resides, and whereas

"common-law partner" means a person who has been cohabiting with an individual in a conjugal relationship for at least one year, or who had been so cohabiting with the individual for at least one year immediately before the individual's death;

"Judicial Council" means the Judicial Council established pursuant to the Constitution;

"justice" means a justice of the peace;

"law" means any Act or regulation enacted or passed by a governing body, including any amendments thereto;

"Legislative Assembly" means the body established under section 10 of the *Yukon Act* (Canada);

"member" means a member, including a delegate, elected or appointed to any of the governing bodies of the Ta'an Kwäch'än Council;

"month" means a calendar month;

"oath", or "affidavit" in the case of persons for the time being allowed or required by law to affirm or declare instead of swearing, includes affirmation and declaration and "swear" in the like case includes "affirm" and "declare";

"or" includes "and";

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

"prescribe" means prescribe by regulation of the Board unless otherwise provided;

"proclamation" means a proclamation under the Ta'an Kwäch'än Council Seal;

"programs and services transfer agreement" means the agreement between the Government of Canada and the Ta'an Kwäch'än Council providing for the transfer of certain responsibilities and resources for programs and services from the Government of Canada to the Ta'an Kwäch'än Council negotiated pursuant to the self-government agreement;

"province" means a province of Canada and includes the Yukon Territory, the Northwest Territory and Nunavut;

"public officer" includes any person in the public service of the Ta'an Kwäch'än Council

(a) who is authorized to do or to enforce the doing of any act or thing or to exercise a power by or under any enactment, or

(b) upon whom any duty is imposed by or under any enactment;

"regulation" includes an order, regulation, rule, form, tariff or schedule of costs or fees, resolution, or other instrument made in the execution of a power given by an enactment;

"repeal" includes revoke or cancel;

"reward" includes money or other form of compensation;

"self-government agreement" means the Ta'an Kwäch'än Council Self-Government Agreement;

"settlement land" means settlement land of the Ta'an Kwäch'än Council as defined under the final agreement, the *Yukon First Nations Land Claims Settlement Act*, S.C. 1994, c.34, and *An Act Approving Yukon Land Claims Final Agreements*, S.Y. 1993, c.19, as amended from time to time;

"Ta'an Kwäch'än Council Seal" means the seal of the Ta'an Kwäch'än Council as provided for in this Act;

"Traditional Family" means Traditional Family pursuant to the Constitution;

"writing", "written" or any term of like import includes words printed, e-mailed, photocopied, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in a visible form;

"year" means a calendar year; and

"Yukon" means the Yukon Territory as defined in the *Yukon Act* (Canada).

Purpose

3. The purpose of this Act is to provide for
 - (a) the conduct of the Ta'an Kwäch'än Council self-government powers in accordance with the Constitution;
 - (b) the internal management of the Ta'an Kwäch'än Council, including its administrative and financial operations;
 - (c) the management and administration of the rights and benefits pursuant to the final agreement and the self-government agreement; and
 - (d) matters ancillary to the foregoing.

Application

4. (1) For the purposes of this Act, an enactment that has expired or lapsed or otherwise ceased to have effect shall be deemed to have been repealed.

(2) Every provision of this Act extends and applies, unless a contrary intention appears, to every enactment, whether enacted before or after the commencement of this Act.

(3) All Acts, regulations and agreements referred to in this Act include any amendments made to them.

(4) References to sections, subsections, paragraphs, subparagraphs, clauses, subclauses or other divisions, unless otherwise stated, refer to sections, subsections, paragraphs, subparagraphs, clauses, subclauses or other divisions in this Act.

(5) The provisions of this Act apply to the interpretation of this Act.

(6) Nothing in this Act shall be construed to exclude the application to any enactment a rule of construction applicable in that situation as long as it is not inconsistent with this Act.

Application of enactments to settlement lands

5. Every enactment applies on, to and in respect of all settlement lands and to every person on settlement lands, except to the extent that an enactment provides otherwise.

Application of enactments to citizens, employees and contractors

6. (1) Every enactment applies to and in respect of every citizen, except to the extent that an enactment provides otherwise.

(2) Every enactment applies to employees and agents of the Ta'an Kwäch'än Council in the conduct of their work on behalf of the administration, management and operations of the Ta'an Kwäch'än Council except to the extent that an enactment provides otherwise.

Inconsistencies

7. (1) In the event of an inconsistency or conflict between the final agreement and an enactment, the final agreement prevails to the extent of the inconsistency or conflict.

(2) In the event of an inconsistency or conflict between the self-government agreement and an enactment, the self-government agreement prevails to the extent of the inconsistency or conflict.

Seal

8. (1) The Ta'an Kwäch'än Council shall adopt a seal that shall be designated, for all purposes, the Ta'an Kwäch'än Council Seal, and which shall be used and controlled as provided in this section.

(2) The Ta'an Kwäch'än Council Seal shall remain in the possession and control of the Chief, or in the Chief's absence, the Deputy-Chief.

(3) The Chief may designate a person to act as the clerk of the Board who shall be responsible for affixing the Ta'an Kwäch'än Council Seal.

- (4) The Ta'an Kwäch'än Council Seal shall be affixed to
- (a) all certified copies of statutes enacted by the Board;
 - (b) all certified resolutions carried by any of the governing bodies of the Ta'an Kwäch'än Council;
 - (c) all certified copies of official documents of the Ta'an Kwäch'än Council that are to be used in any judicial proceedings; and

(d) any other document of the Ta'an Kwäch'än Council that, in the opinion of the Chief, must be authenticated as having the authority of the Ta'an Kwäch'än Council.

(5) No person shall sell, display, publish, or otherwise use the Ta'an Kwäch'än Council Seal in a manner not authorized by this Act.

(6) A person who violates subsection (5) commits an offence and may be prosecuted in accordance with the provisions of the self-government agreement.

PART TWO GOVERNMENT ORGANIZATIONS

Conflict of interest

9. (1) Every member who, in any way, directly or indirectly, has an interest that conflicts or might reasonably be expected to conflict with the interests of the Ta'an Kwäch'än Council, or whose conduct or behaviour may call into question the dignity or integrity of the member, the Board, the General Assembly or the Ta'an Kwäch'än Council shall disclose the nature and extent of their interest, conduct or behaviour to the Board, General Assembly or the Ta'an Kwäch'än Council at the earliest opportunity after becoming aware of the conflict or situation.

(2) Where a member or his or her immediate family has a financial interest in a corporation, partnership, sole proprietorship or is a director of a non-profit society or organization that may benefit from any contract, loan, grant, financial guarantee or other similar financial relationship entered into by the Board, the member shall be deemed to be in a conflict of interest under this section for the purposes of awarding the contract, loan, grant, financial guarantee or other similar financial relationship.

(3) If a member has a conflict of interest under section 9(1) or deemed to be in a conflict of interest under section 9(2), that member shall not participate in any discussions in his or her capacity as a member or cast any vote with respect to the matter related to the conflict.

(4) The Board may make regulations prescribing

- (a) interests, other than those interests identified in subsection (2), which may be deemed to be interests that conflict with the interests of the Ta'an Kwäch'än Council;
- (b) procedures for disclosing and addressing situations of conflict of interest; and
- (c) any other matter the Board considers necessary to protect the integrity and dignity of the Board, citizens and the Ta'an Kwäch'än Council.

Oath of Office and Oath of Confidentiality

10. (1) Every person appointed or elected a member shall take the Oath of Office and the Oath of Confidentiality contained in Schedule 1 upon starting his or her duties as a member.

(2) The oaths referred to in subsection (1) shall be taken by the member before the Board.

(3) Subject to subsection 149(2) and subsection 149(3) of the *Elections Act* (Ta'an Kwäch'än Council), 2007, c.5, every person elected to the office of Chief or Deputy-Chief shall take the

Oath of Office and the Oath of Confidentiality contained in Schedule 2 upon starting his or her duties as a Chief or Deputy-Chief.

(4) The oaths referred to in subsection (3) shall be taken by the Chief or Deputy-Chief before the Elders Council.

(5) Every person who is a member, Chief or Deputy-Chief when this Act comes into effect shall continue to have all of the powers and responsibilities of a member, Chief or Deputy-Chief notwithstanding that they have not taken the oaths set out in subsection (1) and subsection (3) but shall take the oaths as soon as possible.

Records, access and privacy

- 11.** (1) The Board shall keep records from all duly-called meetings that include at least
- (a) a listing of items discussed;
 - (b) a summary of the main issues considered; and
 - (c) a record of decision including any formal motions and resolutions.

(2) These records shall be approved by the Board, filed and maintained, and shall, if approved by the Board, be available to be read by any citizen during regular business hours and upon reasonable notice.

(3) Notwithstanding the above, no access shall be granted to records that contain any personal matters that would be considered as confidential.

Undue use of influence

12. (1) No member shall receive or agree to receive any fee, compensation or reward, directly or indirectly, either alone or with another, for services rendered or to be rendered to any person, either by himself or herself or another, in relation to the preparation or promotion of any enactment, resolution, contract, question, petition, proceeding, controversy, charge or other matter before the General Assembly, Board, Elders Council, Youth Council or any committee or in order to influence any member or any committee.

(2) No person shall offer a member a reward to use his or her position as a member to promote any enactment, contract or other matter before the General Assembly, Board, Elders Council, Youth Council or any committee.

(3) A person who violates subsection (1) or subsection (2) commits an offence and may be prosecuted in accordance with the provisions of the self-government agreement or may be required to

- (a) appear before the Judicial Council to account for his or her actions; and
- (b) abide by the direction given by the Judicial Council to remedy the violation, including disqualification.

Disqualifications

13. (1) Where a person is required to appear before the Judicial Council to account for his or her action under paragraph 12(3)(a), any disqualification on serving as a member shall be as determined by the Judicial Council.

(2) No member of the Board shall be an employee or contractor of the Ta'an Kwäch'än Council.

(3) A member of the Senate or House of Commons of Canada or of the Legislative Assembly of a province is not eligible to be a member of the Board.

Removal of Director for failing to attend meetings

14. (1) No Director shall be absent for three consecutive meetings without the consent of a majority of the Directors. If a Director is absent for three consecutive meetings without such consent, that person shall no longer be a Director and the Board shall request in writing that the affected family line select, within 30 days, another citizen as its Director pursuant to section 8.4 of the Constitution.

(2) A Director who leaves a meeting without the consent of the other Directors present at the meeting before the meeting has been adjourned by the Chair shall be deemed to be absent from that meeting in the meaning of subsection (1).

(3) A Director who fails to attend, or who has been deemed to have not attended a meeting under subsection (2), shall not receive any honourarium, salary, wages or other compensation in respect of such meeting.

(4) In the case of a Director who, under subsection (2), has been deemed to have not attended a meeting but, before leaving the meeting, has voted on a law, motion or resolution, his or her vote shall not be repealed and, before leaving the meeting, has participated in any other business of the Board, his or her decisions shall remain valid and, in all cases referred to in this subsection, the Director shall remain on record for the time he or she attended the meeting.

Immunity

15. No member is liable for anything done or omitted to be done in good faith in the exercise or purported exercise of any powers under an enactment.

Indemnities and allowances

16. (1) Each member shall be paid an honorarium at a rate to be set, by regulation, by the Board.

(2) Each member shall be paid transportation and living expenses incurred in connection with the performance of his or her duties while away from his or her ordinary place of residence in accordance with any regulation established by the Board.

PART THREE
ADMINISTRATION OF GOVERNMENT

Establishment of departments

17. (1) The Board shall establish departments to assist in the management, administration and operation of the activities and responsibilities of the Ta'an Kwäch'än Council.

(2) Where a department is established pursuant to subsection (1), a director or manager may be hired to act as the senior official within the department.

- (3) The Chief may employ employees, officials, servants or agents, maintain offices, and do such other things that are, in the opinion of the Chief, necessary to effectively
- (a) administer the implementation of the final agreement and the self-government agreement;
 - (b) administer any and all programs and services provided under
 - (i) the programs and services transfer agreement, and
 - (ii) any other contract or arrangement to which the Ta'an Kwäch'än Council is a party,
- all in accordance with the terms and conditions of such agreements, contracts or arrangements; and
- (c) carry out his or her duties, obligations and powers as set out in the Constitution, this Act and any other Act.

Authority to implement Acts

18. The Board may make regulations, policies and establish programs for the purpose of implementing enactments passed by the Ta'an Kwäch'än Council, but in no case shall the Board make a regulation except under the authority of the enactment passed by the Ta'an Kwäch'än Council.

Board to report annually

19. The Board shall report not less than annually to the General Assembly on its activities under this Part Three.

Management Committee

20. (1) The Board shall establish a Management Committee that will consist of the Chief and all of the department managers of the Ta'an Kwäch'än Council.

(2) The Management Committee shall act as an executive management committee and the primary agent for the oversight of administrative and financial affairs and program operations and shall exercise authority for:

- (a) accounting policies and practices, including the preparation, review and recommendation for approval of annual or other budgets;
- (b) budget policies and practices, including the preparation, review and recommendation

- for approval of annual or other budgets;
- (c) management practices and systems;
- (d) financial management and control of revenue, disbursements and assets of the Ta'an Kwäch'än Council;
- (e) evaluation of government programs and activities as to economy, efficiency and effectiveness;
- (f) the management, control and direction of the Ta'an Kwäch'än public service, including the organization, staff establishments, salaries and other benefits;
- (g) internal and external audits;
- (h) policies and procedures in respect of delegations;
- (i) ensuring compliance with approved policies and procedures;
- (j) ensuring work and strategic plans are updated on an annual basis; and
- (k) such other matters as may be referred to it by the Board or other governing bodies of the Ta'an Kwäch'än Council.

(3) The Management Committee may, for the performance of its duties and responsibilities, establish its own procedures and issue such directives and, or, instructions as it deems appropriate.

Board authority to establish administrative committees

21. (1) The Board, or the Chief, may, from time to time, establish other committees and their terms of reference to perform designated functions and to advise the Board on specific matters of Ta'an Kwäch'än governance.

(2) Where the Board establishes such committees, it shall set out in regulations the honoraria or wage to be paid to committee members.

(3) No member of the Board shall sit on a committee of the Ta'an Kwäch'än Council unless the Chief makes a request to the Board in instances where it is difficult, and after every effort has been made, to find citizens other than a member of the Board to sit on the committee.

Entitlement to programs and services

22. (1) The Board may establish regulations, rules and, or, policies regarding access by citizens to any program and service that is being generally offered by the Board with the goal of assuring equal access to all citizens.

(2) Where the Ta'an Kwäch'än Council has negotiated a program and service transfer agreement with Yukon or Canada, the access to these programs and services may be limited by the terms of the program and service transfer agreement.

Head Office

23. The head administrative offices of the Ta'an Kwäch'än Council shall be located in the Yukon and, if practicable, on settlement land.

Liability

24. Employees of the Ta'an Kwäch'än Council are not liable for anything done or omitted to be done in good faith in the exercise or purported exercise of any powers given to the employee under an enactment or as directed by the Board or so authorized.

**PART FOUR
INTERPRETATION OF ENACTMENTS**

Division One – General

Number and citation of laws

25. (1) Starting anew each calendar year, Acts shall be numbered sequentially, as separate chapters, in the order in which they are introduced to the Board.

(2) Starting anew each calendar year, regulations shall be numbered sequentially, as separate chapters, in the order in which they are introduced to the Board.

(3) Laws may be cited by their title or by the chapter number assigned to them pursuant to subsections (1) or (2).

Day of coming into force and expiration of enactments

26. (1) Where an enactment is expressed to come into force or operation on a particular day, or on a day fixed by proclamation or otherwise, it shall be construed as coming into force or operation immediately on the expiration of the previous day.

(2) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall be construed as ceasing to have effect upon the commencement of the following day.

(3) Where an enactment contains a provision that the enactment or any provision in the enactment is to come into force on a day other than the day the enactment is enacted by the Board, that provision shall be deemed to come into force on the date the enactment is enacted by the Board.

Preliminary proceedings

27. Where an enactment is not in force and it contains provisions conferring power to make regulations or do any other thing, that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time before its commencement, but a regulation so made or a thing so done has no effect until the commencement of the enactment except in so far as may be necessary to make the enactment effective upon its commencement.

Equality of male and female persons

28. (1) Male and female persons enjoy equality of status and obligations under enactments, unless the enactment expressly excludes the operation of this section.

(2) For the purposes of ensuring the equality of status of female and male persons in respect of rights and obligations under enactments, in an enactment an expression that imports a male person includes a female person and an expression that imports a female person imports a male person unless the enactment in which the expression occurs expressly excludes the operation of this section.

Law always speaking

29. (1) The law is considered as always speaking and whenever a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise so that effect may be given to each enactment according to its true spirit, intent and meaning.

(2) The expression “now”, “next”, “heretofore” or “hereafter” shall be interpreted as having reference to the time when the enactment or the part or provision containing the expression came into force.

(3) The expression “shall” or “must” shall be read as imperative and the expression “may”, as permissive and empowering.

(4) The expression “herein” used in a section or provision of an enactment relates to the whole enactment and not to that section or provision only.

Application of definitions

30. (1) Definitions or rules of interpretation contained in an enactment apply to the construction of the provisions of the enactment that contain those definitions or rules of interpretation, as well as to the other provisions of the enactment.

(2) Where an enactment contains an interpretation section or provision, it shall be read and construed

- (a) as being applicable only if a contrary intention does not appear; and
- (b) as being applicable to all other enactments relating to the same subject matter unless the contrary intention appears.

Title and preamble

31. The title and preamble of an enactment shall be read as part of the enactment and are intended solely to assist in explaining its purpose and objects.

Form of enacting clause

32. The following words shall be inserted in the preamble of acts and shall indicate the authority by virtue of which they are passed: "The Board of Directors of the Ta'an Kwäch'än Council hereby enacts as follows:"

Endorsement of assent

33. The clerk of the Board shall endorse on every Act, immediately after the title, the day, month and year when the Act was enacted by the Board, and such endorsement shall be followed, immediately after the day, month and year when the Act was enacted, by the signature of the Chief or other person presiding over the meeting of the Board, and such endorsements shall be taken to be part of the Act and the date of such assent shall be the date of the commencement of the Act if no later commencement is provided.

Headings, marginal notes and references

34. (1) Marginal notes and references to former enactments form no part of an enactment but shall be deemed to have been inserted for convenience only.

(2) The head notes and headings in an enactment, other than the headings identifying the Parts or Divisions of the Act, form no part of the enactment but shall be deemed to have been inserted for convenience only.

Enactments remedial

35. Every enactment and every provision in an enactment shall be deemed remedial and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

Meaning of expressions in regulations

36. Where an enactment confers power to make regulations, expressions used in the regulations have the same respective meanings as in the enactment conferring the power unless otherwise provided.

Ta'an Kwäch'än Council not bound

37. Provisions in an enactment are not binding upon the Ta'an Kwäch'än Council unless the enactment expressly states that the Ta'an Kwäch'än Council is bound.

Appointment of public officers

38. Every public officer appointed before or after the commencement of this Act by or under the authority of an enactment or otherwise, holds office during pleasure only unless it is otherwise expressed in the enactment or in the commission or appointment.

Dismissal, pay and powers of public officers

39. (1) Words authorizing the appointment of a public officer include the power of

- (a) removing or suspending him or her;
- (b) reappointing or reinstating him or her;
- (c) appointing another in his or her place or to act in his or her place; and
- (d) fixing remuneration and varying or terminating remuneration,

in the discretion of the authority in whom the power of appointment is vested.

(2) Words directing or empowering any public officer to do any act or thing, or otherwise applying to himself or herself by the name of his or her office, shall include his or her successors in the office or his or her deputy or designate.

(3) Where a power is conferred or a duty imposed on the holder of a public office, the power may be exercised and the duty shall be performed by the person who for the time being is charged with the execution of the powers and duty of the office.

Delegation

40. (1) The Board may, in writing, delegate the exercise of any power conferred or duty imposed on the Board under an enactment to

- (a) the manager responsible for administration of the enactment;
- (b) the Government of Canada, the Government of the Yukon or another Yukon First Nation; or
- (c) to any other government or non-government organization that in the opinion of the Board can properly exercise the power or duty to be conferred

and shall specify the terms and conditions under which the delegation is made.

(2) The Board may, by notice in writing, withdraw the delegation referred to in subsection (1).

Emergency powers

41. (1) Where the Board has determined on reasonable grounds that there is an emergency, it may take such steps, on an interim basis, that it considers necessary to represent or protect the Ta'an Kwäch'än Council, Ta'an Kwäch'än Council rights, titles and interests.

(2) Where the Board exercises an emergency power pursuant to subsection (1), it shall concurrently or at the first opportunity after the exercise of such emergency power make arrangements to convene a meeting of the General Assembly.

(3) Emergency powers exercised pursuant to subsection (2) are effective only until the expiry of ninety days, or the next meeting of the General Assembly, whichever is sooner.

Construction of enactments**42.** In an enactment,

- (a) where anything is directed to be done by or before a public officer or a justice, it shall be done by or before one whose jurisdiction or power extends to the place where such thing is to be done;
- (b) where power is given to the Board, the Chief or a public officer to do or enforce the doing of any act or thing, all such powers shall be deemed to be also given as are necessary to enable them to do or enforce the doing of the act or thing;
- (c) where any act or thing is required to be done by more than two persons, a majority may do so unless the enactment directs otherwise;
- (d) where a power is conferred or a duty imposed, the power may be exercised and the duty shall be performed, from time to time, as occasion requires;
- (e) where power is conferred to make regulations, the power shall be construed as including the power, exercisable in like manner and subject to like consent and conditions, if any, to rescind, revoke, amend or vary the regulations and make others;
- (f) where a form is prescribed, deviations from the form not affecting the substance nor calculated to mislead shall not invalidate the form used;
- (g) words importing male or female persons include corporations;
- (h) words in the singular include the plural, and words in the plural include the singular and, without limiting the generality of the foregoing, the pronoun "they" and the variants may be used to denote, in the subjective, objective and possessive cases, the third person singular as well as the third person plural; and
- (i) where a word is defined, other parts of speeches and tenses of that word have corresponding meanings.

Computation of time

43. (1) Where the time limit for the doing of a thing expires or falls upon a holiday, the thing may be done on the day next following that is not a holiday.

(2) Where there is a reference to a number of "clear days" or "at least" a number of days between two events, the days upon which the events happen shall be excluded when calculating the number of days.

(3) Where there is a reference to a number of days, not expressed to be "clear days", between two events, in calculating the number of days the day on which the first event happens shall be excluded and the day on which the second event happens shall be included.

(4) Where time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day.

(5) Where a time is expressed to begin after or to be from a specified day, the time does not include that day.

(6) Where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

(7) Where there is a reference to time expressed as a specified time of day, the time shall be taken to mean Yukon Standard Time.

Standard time

44. Unless otherwise directed by an Act, standard time shall be determined as nine hours behind Greenwich Time and called Yukon Standard Time.

Reference to enactments and amended enactments

45. (1) In an enactment or document, an Act of the Ta'an Kwäch'än Council may be cited by reference to its title, either with or without reference to its year of enactment or the chapter number in the statutes for that year as recorded in the register of laws.

(2) In an enactment, a citation of, or reference to, another enactment is a citation of, or reference to, the other enactment as amended from time to time, whether before or after the commencement of the enactment in which the citation or reference occurs.

Reference in enactments

46. (1) A reference in an enactment by number or letter to any section, subsection, paragraph, subparagraph, clause, subclause or other division or line of another enactment shall be read as a reference to the section, subsection, paragraph, subparagraph, clause, subclause or other division or line of such other enactment as printed by authority of law.

(2) A reference in an enactment by number or letter to two or more parts, divisions, sections, subsections, paragraphs, subparagraphs, clauses, subclauses, schedules or forms in an enactment shall be read as including the number or letter first mentioned and the number or letter last mentioned.

(3) A reference in an enactment to a part, division, section, subsection, schedule or form shall, unless a contrary intention appears, be read as a reference to a part, division, section, subsection, schedule or form of the enactment in which the reference occurs.

(4) A reference in an enactment to a subsection, paragraph, subparagraph, clause or subclause shall, unless a contrary intention appears, be read as a reference to a subsection, paragraph, subparagraph, clause or subclause of the section, subsection, paragraph, subparagraph or clause, as the case may be, in which the reference occurs.

(5) A reference in an enactment to regulations shall, unless a contrary intention appears, be read as a generic reference to regulations made under the enactment in which the reference occurs.

Amendment to be construed as one with enactment

47. An amending enactment shall, as far as consistent with the tenor thereof, be construed as part of the enactment that it amends.

Division Two – Repeal and Amendment

Effect of repeal

48. (1) Where an enactment is repealed in whole or in part, the repeal or revocation does not

- (a) revive an enactment or thing not in force or existing at the time when the repeal takes place;
- (b) affect the previous operation of the enactment so repealed or anything duly done or suffered there under;
- (c) affect a right, privilege, obligation or liability acquired, accrued, accruing or incurred under the enactment so repealed;
- (d) affect an offence committed against or a violation of the provisions of the enactment so repealed, or any penalty, forfeiture or punishment incurred in respect thereof; or
- (e) affect an investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and an investigation, legal proceeding or remedy of the kind described in paragraph (e) may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if the enactment had not been repealed or revoked.

(2) Where an enactment is repealed in whole or in part and other provisions are substituted therefore,

- (a) every person acting under the enactment so repealed shall continue to act as if appointed under the provisions so substituted until another is appointed in their place;
- (b) every bond and security given by a person appointed under the enactment so repealed remains in force, and all offices, books, papers and things made or used under the repealed enactment shall continue to be used as before the repeal as far as consistent with the substituted provisions;
- (c) every proceeding taken under the enactment so repealed shall be taken up and continued under and in conformity with the provisions so substituted as far as they consistently may be;
- (d) in the recovery or enforcement of penalties and forfeitures incurred and in the enforcement of rights, existing or accruing under the enactment so repealed or in a proceeding in relation to matters that have happened before the repeal, the procedure established by the substituted provisions shall be followed as far as can be adapted; and
- (e) when any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions repealed or substituted, the penalty, forfeiture or punishment, if imposed or adjudged after the repeal, shall be reduced or mitigated accordingly.

Effect of repeal and substitution

49. (1) Where an enactment is repealed in whole or in part and other provisions are substituted by way of amendment, revision or consolidation,

- (a) all regulations made under the repealed enactment remain in force, in so far as they are not inconsistent with the substituted enactment, until they are annulled or others made in their place; and,

(b) a reference, in an unrepealed enactment to the repealed enactment shall, as regards a subsequent transaction, matter or thing, be read as a reference to the provisions of the substituted enactment relating to the same subject matter as the repealed enactment, but where there are no provisions in the substituted enactment relating to the same subject matter, the repealed enactment shall be read as unrepealed as far as is necessary to maintain or give effect to the unrepealed enactment.

(2) Where a statute of the Yukon is repealed in whole or in part and other provisions are substituted by way of amendment, revision or consolidation, a reference in an enactment of the Ta'an Kwäch'än Council to the repealed statute shall, as regards a subsequent transaction, matter or thing, be construed as a reference to the provisions of the substituted statute relating to the same subject matter as the repealed statute.

Implications of repeal or amendment

50. (1) The repeal of an enactment in whole or in part is not and shall not be deemed to be or to involve a declaration that the enactment was or was considered by the Board or other person or body by whom the enactment was passed or made, to have been previously in force.

(2) The amendment of an enactment is not and shall not be deemed to be or to involve a declaration that the law under the enactment was or was considered by the Board or other person or body by whom the enactment was passed or made to have been different from the law as it is under the enactment as amended.

(3) The repeal of an enactment in whole or in part or the amendment of an enactment is not and shall not be deemed to be or to involve any declaration as to the previous state of the law.

(4) A re-enactment, revision, consolidation or amendment of an enactment is not and shall not be deemed to be an adoption of the construction that has by judicial decision or otherwise been placed upon the language used in the enactment or upon similar language.

(5) Where an enactment or a part of an enactment of the Ta'an Kwäch'än Council is, or appears to be, based on an enactment of the Yukon or Canada, a difference between the enactment of the Ta'an Kwäch'än Council and the other enactment shall not be deemed to be or to involve a declaration that the law in the Yukon is different from the law under the other enactment.

(6) Where a section of an enactment that is not divided into subsections is amended by the addition of one or more subsections, the amendment shall be deemed to include an amendment designating the section as it existed before the amendment as subsection (1) of the amended section.

(7) Where a section of an enactment that is divided into subsections is amended by the deletion of all but one of the subsections, the amendment shall be deemed to include an amendment designating the remaining subsection as a new section not divided into subsections.

(8) Where a section or subsection is amended by the repeal or addition of one or more paragraphs, clauses, subparagraphs or subclauses, the repeal or addition shall be deemed to include such amendments to the punctuation and syntax of the section or subsection as may be

necessary to preserve the grammatical correctness of the amended section or subsection without altering its meaning.

Substituted enactments take effect the day of repeal

51. Whenever a part of an enactment is repealed and other provisions are substituted, the substituted provisions, unless a contrary intention appears, take effect from the day the repealing enactment comes into force.

Division Three – Custody and Care of Enactments

Custody of enactments

52. All enactments passed or made, now passed or made and those to be passed or made in the future shall be and continue to remain on record in the custody of the clerk of the Board.

Certified copies of enactments

53. (1) The clerk of the Board shall affix the Ta'an Kwäch'än Council Seal to certified copies of all enactments required to be produced before courts of justice and in any other case that the Chief may direct.

(2) Copies of enactments certified and with the Ta'an Kwäch'än Council Seal affixed, pursuant to subsection (1), shall be held to be duplicate originals and to be evidence of that enactment and of its contents.

Supply of certified copies of enactments

54. (1) The clerk of the Board shall furnish a certified copy of any enactment to any person upon receiving the prescribed fee.

(2) The clerk of the Board shall place at the foot of every copy of an enactment required to be certified a written notice, duly signed and authenticated by them, to the effect that the enactment is a true copy.

(3) The Board may prescribe the fees to be charged under this section.

PART FIVE REGISTERS

Register of laws

55. (1) There is hereby established a register of laws which shall contain the Constitution and all enactments made by the Board.

(2) The original copy of each enactment, signed and dated by the Chief, in the case of an Act, accompanied by a copy of the resolution of the Board giving consent to the Act, shall be deposited in the register of laws.

(3) A clerk of the register of laws shall be appointed by the Chief and shall be responsible for maintaining the register.

Central register

- 56.** (1) There is hereby established a central register which shall contain
- (a) certified copies of all enactments made by the Board;
 - (b) a certified copy of the official citizenship list of the Ta'an Kwäch'än Council as prepared by the Enrollment Commission;
 - (c) copies of all leases, licenses and other dispositions or authorizations relating to the use or occupation of settlement land as contained in any register of settlement land that may be created; and
 - (d) any other official documents and records of the Ta'an Kwäch'än Council that are designated by the Board to be deposited in the central register.

(2) A clerk of the central register shall be appointed by the Chief and shall be responsible for maintaining the central register.

(3) The central register shall be accessible to the public for the purposes of viewing and obtaining copies of laws during normal business hours.

(4) Fees, as may be prescribed by the Board, may be charged for any copying or reproducing of any law distributed by the clerk of the central register.

Yukon First Nation register

57. If a register is established by the Council of Yukon First Nations, or its successor, to act as a register for all enactments made by Yukon First Nations, enactments of the Ta'an Kwäch'än Council shall be deposited in this register, in accordance with any rules of procedure that may be established for the register.

Notification of laws

58. The Chief shall publicize every enactment, in a manner and at times he or she considers appropriate.

PART SIX
ENFORCEMENT

Official documents

59. In any proceeding under or respecting an enactment, a document purporting to have been issued or signed by a public officer shall be accepted in evidence without proof of their identity, appointment, authority or signature.

Ticketable offences

60. (1) In addition to the procedures set out in the *Criminal Code* (Canada) for commencing a proceeding, proceedings in respect of any offence specified in the regulations may be initiated by a ticket.

(2) Tickets shall be issued using a form approved by the Board.

(3) Any fines paid into court for offences committed under this Act or the regulations shall be paid to the Board.

Prosecutions

61. Any offence created under this Act or the regulations shall be prosecuted in accordance with the self-government agreement.

Recovery of fines

62. (1) Where a fine, or any part of a fine, imposed upon a person under any enactment is not paid within thirty days of its imposition, or within such other time as may be allowed for its payment, the fine shall be deemed to be a debt due to the Ta'an Kwäch'än Council and upon proof of the non-payment of the fine, a justice shall grant default judgment in favour of the Ta'an Kwäch'än Council.

(2) Where a default judgment is granted under subsection (1), the justice shall complete a default judgment in a suitable form and, upon the filing of the default judgment with the Territorial Court, it shall be deemed to be a judgment of that court for all purposes.

(3) A default judgment shall not be granted under this section after two years after the day on which the fine was to be paid in full.

PART SEVEN
GENERAL LIABILITIES

No liability where making laws

63. Neither the Ta'an Kwäch'än Council nor the Board nor the Chief, in the exercise of passing an enactment, is liable in negligence or any other cause of action.

No liability for failing to make laws

64. Neither the Ta'an Kwäch'än Council nor the Board nor the Chief is liable in negligence or any other cause of action for not passing an enactment or for not establishing a program or policy respecting a matter within the authority and jurisdiction of the Ta'an Kwäch'än Council.

No liability for policy decisions

65. For greater certainty, neither the Ta'an Kwäch'än Council nor the Board nor the Chief nor any persons or bodies authorized to act on behalf of the Ta'an Kwäch'än Council by the Board or the enactments of the Ta'an Kwäch'än Council are liable in negligence or any other cause of action for policy decisions.

Vicarious liability

66. Neither the Ta'an Kwäch'än Council nor the Board nor the Chief is liable for damages, loss or injury arising out of an Act or omission by any employee, servant or public officer of the Ta'an Kwäch'än Council where

- (a) that person was guilty of dishonesty, gross negligence or malicious or willful misconduct; or
- (b) the cause of action is libel or slander.

Failure to enforce laws

67. Neither the Ta'an Kwäch'än Council, any member of the Board nor the Chief is liable for failing to enforce, whether by prosecution, civil action or otherwise, a law of the Ta'an Kwäch'än Council, or any law of general application which applies to the Ta'an Kwäch'än Council or to settlement land.

PART EIGHT
AMENDMENTS OF LAWS OF GENERAL APPLICATION

Applications

68. The *Area Development Act* (Yukon) has no application to settlement land.

69. For greater certainty, the *Land Titles Act* (Yukon) applies only to fee simple settlement land, and its application is subject to the provisions of the final agreement and the self-government agreement.

PART NINE MISCELLANEOUS

Regulations

- 70.** The Board may make regulations
- (a) respecting the management and operations of the register of laws or the central register, including any fees that may be applicable for obtaining copies of documents stored in either register;
 - (b) respecting the numbering and any other form of recording laws for citation and referencing purposes;
 - (c) respecting public participation in the development of laws;
 - (d) specifying the offences against enactments in which proceedings may or may not be commenced by means of a ticket issued under this Act;
 - (e) prescribing the forms of tickets to be used;
 - (f) prescribing the procedures for the issuance of tickets;
 - (g) prescribing how an offence may be indicated on a ticket;
 - (h) authorizing the use on a ticket of any word, symbol or expression to designate an offence; and
 - (i) any other matters which the Board considers necessary to bring the purposes and provisions of this Act into effect.

Act in force

- 71.** This Act comes into force on a day to be fixed by the Board.

SCHEDULE 1

(Section 10)

OATHS

Oath of Office

I, the undersigned, do so solemnly pledge that I shall

1. bear true allegiance to the government of the Ta'an Kwäch'än Council by fulfilling my fiduciary obligation to act in the best interests of all Ta'an Kwäch'än citizens;
2. exercise the powers and perform the duties and responsibilities of my office in observance of the Constitution, laws, rules, procedures and policies of the Ta'an Kwäch'än Council;
3. exercise the powers and perform the duties and responsibilities of my office impartially and honestly, to the best of my ability and knowledge;
4. commit myself to the order of business at all meetings that require my regular attendance as the representative of Ta'an Kwäch'än citizens who have elected or appointed me to my office; and
5. respect Ta'an Kwäch'än culture, language, spirituality and the teachings of the Elders.

Oath of Confidentiality

I, the undersigned, do so solemnly pledge that I shall preserve and maintain the confidentiality and privacy of

1. all business affairs, records, reports or other information entrusted to me or obtained by me during the course of my term of office;
2. all other information of a sensitive or private nature regarding the Ta'an Kwäch'än Council and Ta'an Kwäch'än citizens; and
3. that I shall comply with all laws, rules, procedures and policies adopted by the Ta'an Kwäch'än Council with respect to information entrusted to me or obtained by me.

I shall maintain and be bound by this oath of confidentiality during and after my term of office has expired, regardless of the reasons or means of the expiration.

This _____ day of _____ 200__

The Seal
of the
Ta'an Kwäch'än
Council

Member Signature

Member Printed Name

Member Title

Witness Signature

Government Branch

Witness Printed Name

SCHEDULE 2

(Section 10)

OATHS

Oath of Office

I, the undersigned, do so solemnly pledge that I shall

1. bear true allegiance to the government of the Ta'an Kwäch'än Council by fulfilling my fiduciary obligation to act in the best interests of all Ta'an Kwäch'än citizens;
2. exercise the powers and perform the duties and responsibilities of my office in observance of the Constitution, laws, rules, procedures and policies of the Ta'an Kwäch'än Council;
3. exercise the powers and perform the duties and responsibilities of my office impartially and honestly, to the best of my ability and knowledge;
4. commit myself to the order of business at all meetings that require my regular attendance as the representative of Ta'an Kwäch'än citizens who have elected or appointed me to my office; and
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2. all other information of a sensitive or private nature regarding the Ta'an Kwäch'än Council and Ta'an Kwäch'än citizens; and
3. that I shall comply with all laws, rules, procedures and policies adopted by the Ta'an Kwäch'än Council with respect to information entrusted to me or obtained by me.

I shall maintain and be bound by this oath of confidentiality during and after my term of office has expired, regardless of the reasons or means of the expiration.

This _____ day of _____ 200__

Chief / Deputy-Chief Signature

Chief / Deputy-Chief Printed Name

The Seal
of the
Ta'an Kwäch'än
Council

Witness Signature

Witness Printed Name