KWANLIN DÜN FIRST NATION

Governance Act

2016

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For purposes of interpreting and applying the law a person should access the *Governance Act* (Kwanlin Dün First Nation), 2016, held in the Kwanlin Dün First Nation Registry of Laws, Executive Council Office.

Kwanlin Dün First Nation

GOVERNANCE ACT

The Council of the Kwanlin Dün First Nation hereby enacts as follows:

Preamble

This Act is based on the traditional values and customs of the Kwanlin Dün and is enacted in accordance with section 13.1 of the Kwanlin Dün First Nation Self-Government Agreement.

Principles

1. (1) In this Act provisions are to be interpreted and administered in a manner that promotes the stability, transparency and accountability of the Council while representing and serving the cultural, social, legal and financial interests of Kwanlin Dün citizens.

(2) The Council is responsible to make well informed decisions that will preserve and protect the aboriginal rights, titles and interests inclusive of Kwanlin Dün lands and resources for current and future generations.

(3) Each member of the Council, in accordance with the traditional values and customs of the Kwanlin Dün First Nation, is responsible to govern with integrity, selflessness, honor, respect and transparency.

(4) Each member of the Council is responsible to govern with courage and to make difficult decisions when required.

(5) Each member of the Council is responsible to be well informed and independent in his or her decisions while serving the collective interests of the Kwanlin Dün First Nation over any individual interest represented on the Council.

(6) The Council is responsible to protect and advance the human, civil (political and social freedoms) and legal rights and interests of Kwanlin Dün beneficiaries and citizens as recognized in the Kwanlin Dün First Nation Final Agreement, the Kwanlin Dün First Nation Self-Government Agreement, the *Constitution of the Kwanlin Dün First Nation*, Kwanlin Dün First Nation laws and common law.

Short Title

2. This Act may be cited as the *Governance Act*.

Definitions

3. (1) In this Act

"Act" means a bill that has satisfied the legislative process as prescribed by this Act and sections 48 to 50 of the constitution;

"bill" means a proposed law or regulation under consideration by the Standing Committee on Legislation and Policy Development;

"Board" means the Compensation Board established in accordance with section 9 to determine a reasonable rate of compensation and allowances for members of the Council;

"citizen or Kwanlin Dün citizen" means a person registered as a citizen of the Kwanlin Dün First Nation in accordance with the laws of the Kwanlin Dün First Nation;

"Citizens' Order" means a constitutional directive issued to the Council to hold a public meeting to address a proposed bill in accordance with subsection 49(2) of the constitution;

"compensation and allowances" includes indemnity, honoraria and reimbursement of reasonable political office related expenses;

"constitution" means the *Constitution of the Kwanlin Dün First Nation*, as may be amended from time to time;

"Council" means the branch of government established in accordance with paragraph 21(1)(d) of the constitution that is authorized to enact laws on any matters within the jurisdiction of the Kwanlin Dün First Nation and in accordance with paragraph 41(d) of the constitution;

"electronic signature" means a person's signature provided by electronic means, either by fax or Portable Digital File, and is an expression of a person's agreement to the terms of a particular document;

"Executive Council Office" means the department established in accordance with subsection 18(1) that provides support to the Council, its committees and departments as it relates to records management, land claims and self-government implementation, legislation and policy development and any other advisory or governing body that the Council so instructs;

"final agreement" means the land claim agreement entered into by the Kwanlin Dün First Nation, Her Majesty the Queen in Right of Canada and the Government of Yukon, brought into legal effect on April 1, 2005;

"General Assembly" means the branch of government established, in accordance with section 21(a) of the constitution, to advise and direct the Kwanlin Dün First Nation;

"Judicial Council" means the body established, in accordance with paragraph 21(e) of the constitution, to assist the Kwanlin Dün First Nation and Kwanlin Dün citizens resolve disputes;

"law" includes regulation;

"legislative drafter" means a person hired to draft a Kwanlin Dün First Nation law or regulation in accordance with this Act;

"Management Committee" means the committee established pursuant to section 4 of the *Financial Administration Act* (Kwanlin Dün First Nation), 2008, that consists of three Councillors, the Executive Director and the Comptroller;

"motion" means a formal directive issued by a member of the Council that identifies that the Council should exercise an action or issue an Order in Council on a particular matter;

"Order in Council" means a Council decision;

"ordinary residence" means the place that has always been or that has been adopted as a member of the Council's dwelling place and to which a member of the Council intends to return when away traveling on Kwanlin Dün First Nation business;

"public officer" means an employee or officer of the Kwanlin Dün First Nation and includes the Chief and any other Councillor;

"self-government agreement" means the self-government agreement entered into by the Kwanlin Dün First Nation, Her Majesty the Queen in Right of Canada and the Government of Yukon, brought into legal effect on April 1, 2005;

"settlement lands" are those lands that the Kwanlin Dün First Nation owns as described by the final agreement;

"Standing Committee" means the Standing Committee on Legislative and Policy Development established by subsection 21(1) to guide the development of Kwanlin Dün First Nation legislation or policies; and

"Registry of Laws" means the registry of the laws of the Kwanlin Dün First Nation as established by subsection 51(1) of the constitution.

(2) In addition to subsection (1), the definitions of the constitution shall also apply to this Act.

Purpose

4. The purpose of this Act is to provide for

(a) the application and administration of Kwanlin Dün First Nation jurisdiction, authorities and obligations in accordance with the final agreement, self-government agreement and the constitution;
(b) the governance and administration of Kwanlin Dün First Nation rights, interests and benefits recognized in the final agreement and the self-government agreement;
(c) the administration, operation and internal management of the Kwanlin Dün First Nation; and
(d) any other matter required to achieve the objectives outlined in this section.

Application

5. (1) If there is a conflict between this Act and the constitution the constitution shall prevail.

(2) If there is a conflict between this Act and any law of the Kwanlin Dün First Nation, this Act shall prevail unless that other law contains an express provision that it, or a provision of it, applies despite this Act.

Council

Council rules

6. (1) Subject to this Act, the Council has the authority to establish its own rules and procedures.

Duty to adhere to Kwanlin Dün First Nation agreements and laws

(2) Each member of the Council shall uphold the laws of the Kwanlin Dün First Nation and shall not take any action that is inconsistent with a provision of the final agreement and the self-government agreement, the constitution or laws of the Kwanlin Dün First Nation.

Meetings

(3) The Chief shall convene a meeting of the Council at least four times in each calendar year.

(4) The Chief shall convene a meeting of the Council at the written request of two or more members of the Council.

(5) The Chief may convene a meeting of the Council at any time.

(6) The Chief, or his or her designate, is responsible to post a schedule of proposed Council meeting dates in the administrative building and on the Kwanlin Dün First Nation website.

Quorum

(7) The quorum of the Council shall be the five elected members at all duly called meetings of the Council.

(8) The quorum for the purpose of subsection (7) is to include the Chief or the Acting Chief.

(9) If no quorum is present within one hour after the time appointed for the meeting
(a) the meeting may not proceed; or
(b) with the consent of the members of the Council in attendance the meeting may proceed without a quorum pursuant to subsection (7).

(10) If the meeting is not held the names of the members of the Council in attendance shall be recorded and the Council shall stand adjourned until the next meeting. If urgent business needs to be addressed at the adjourned meeting, the Chief shall convene another meeting as soon as possible to deal with the urgent business.

(11) If the meeting is held without quorum the members of the Council may use the meeting for informational purposes or proceed with business on an informal basis without issuing any Council decisions.

(12) If at any time during a meeting there ceases to be quorum, business then in progress shall be suspended until there is quorum present or until the meeting is adjourned or terminated.

(13) Notwithstanding subsection (11), the meeting may proceed without quorum pursuant to subsection (10) with the consent of the members of the Council in attendance.

(14) A member of the Council may participate in a meeting of the Council by telephone or other communication services as long as it permits all persons participating in the meeting to hear each other. The member of the Council participating by the communication services is deemed to be present at the meeting.

Decisions

(15) The Council shall strive to achieve consensus on all decisions. Where consensus cannot be reached a vote shall occur and a majority of votes by those members of the Council in attendance shall carry the decision.

(16) A member of the Council who is participating by telephone or other communications services pursuant to subsection (14) may confirm his or her approval of any decision made by the Council by way of an electronic signature.

(17) A member of the Council shall not be held liable to any civil action or prosecution as a result of his or her decision made in good faith.

Kwanlin Dün First Nation seal

7. (1) The Kwanlin Dün First Nation shall adopt a seal to be designated for all purposes the Kwanlin Dün First Nation seal and shall be used and controlled as provided in this section.

(2) The Kwanlin Dün First Nation seal shall remain in the possession and control of the Chief or in the Chief's absence, his or her designate.

(3) Notwithstanding subsection (2), the Chief may designate a person to act as the clerk of the Council who shall be responsible for affixing the Kwanlin Dün First Nation seal.

(4) The Kwanlin Dün First Nation seal shall be affixed to
(a) all certified copies of laws enacted by the Kwanlin Dün First Nation;
(b) all certified copies of official documents of the Kwanlin Dün First Nation that are to be used in any judicial proceedings; or
(c) any other documents of the Kwanlin Dün First Nation which in the opinion of the Council should be authenticated as having the authority of the Kwanlin Dün First Nation.

Council Authority

8. (1) The Council, on behalf of the Kwanlin Dün First Nation, has the authority to
(a) enter into contracts or agreements;
(b) delegate its authority, in writing, to another body or director to enter into contracts or agreements;
(c) acquire and hold property or any interest therein;
(d) sell or otherwise dispose of Kwanlin Dün First Nation property or any interest therein, except if the property is on settlement land;
(e) raise and borrow money;
(f) invest or expend Kwanlin Dün First Nation monies subject to any limitations expressed in the constitution;
(g) sue, defend or settle any lawsuits or other claims for compensation brought against the Kwanlin Dün First Nation;
(h) in its discretion defend or settle any lawsuits or other claims for compensation brought against any public officers, corporations or other bodies or entities of the Kwanlin Dün First Nation;
(i) establish corporations or legal entities;
(j) appoint or nominate persons to inter-jurisdictional councils or other bodies; and
(k) take other actions as may be necessary to carry out the Council's responsibilities.

Emergency powers

(2) Where the Council has determined, on reasonable grounds, that there is an emergency, the Council shall take the necessary steps to protect or represent the Kwanlin Dün First Nation as well as Kwanlin Dün First Nation citizens' rights, interests or laws.

(3) Where the Council has exercised an emergency power pursuant to subsection (2) it shall convene a Special General Assembly at the earliest opportunity to report on the Council's activities.

(4) Emergency powers exercised pursuant to subsection (2) are effective for 90 days or up to the date of the Special General Assembly, whichever is sooner.

Board

9. (1) There shall be an independent Board established no later than 60 days after the date a new Council is sworn into office.

(2) The Board shall consist of a Chair nominated and confirmed by the Council and two Kwanlin Dün citizens, representing the Wolf and Crow moiety, nominated and confirmed by the General Assembly.

(3) The Chair for the purpose of subsection (2) may be a non-citizen who holds the necessary qualifications under this Act or regulations prescribed by the Council.

(4) No member of the Board can be an immediate family member of any one of the members of the Council.

(5) Each member of the Board is required to
(a) possess the skills prescribed by regulation;
(b) be familiar with the duties and responsibilities of the Council; and
(c) be familiar with the Kwanlin Dün First Nation government structure and constitution.

(6) The term of the Board shall expire on the date the Kwanlin Dün First Nation general election is called in accordance with the *Election Act* (Kwanlin Dün First Nation), 2013.

(7) Every member of the Board shall swear and be bound by an oath of confidentiality attached as Schedule "A" to this Act.

(8) The Board is authorized to fix the compensation and allowances for all persons serving on the Council and any other Kwanlin Dün First Nation government branch in accordance with this Act and any rules established by regulation.

(9) The Board shall consider the following criteria when setting the compensation and allowances for those persons serving any branch of the Kwanlin Dün First Nation:
(a) the base amount of compensation and allowances provided for under Kwanlin Dün law or policies;
(b) need to minimize the potential for certain types of remuneration that could distort the behaviour of any person serving in an official capacity as a representative of the Kwanlin Dün First Nation;
(c) fair relativity with comparable positions;
(d) the requirements of the job;

(e) fairness to the persons whose remuneration is being determined; and
(f) fairness to the ratepayers.

(10) The Board shall decide matters by consensus.

(11) In any election year compensation and allowances provided to the previous Council and any other branch of government shall remain in effect and shall continue to apply until the Board provides its recommendations to either retain or change the compensation and allowances.

(12) The Board shall provide the Council with its recommendations no later than 90 days from the date the Board is established.

(13) The Board shall meet annually to review the Kwanlin Dün First Nation compensation and allowances to identify and recommend adjustments if appropriate.

(14) Prior to each fiscal year the Board shall prepare and file with the Management Committee an estimate of monies required for the payment of the compensation and allowances for the various branches of the Kwanlin Dün First Nation for the ensuing fiscal year.

(15) The Board recommendations are binding.

(16) The Council shall provide the Board with reasonable financial resources to operate, in accordance with the Kwanlin Dün First Nation annual operating budget procedures.

(17) The Executive Council Office shall provide technical and administrative support to the Board as required.

(18) The Board's recommendations shall be a matter of public record. The Board shall provide a report to the Kwanlin Dün citizens at the Annual General Assembly.

Compensation and Allowances

(19) Each member of the Council shall receive reasonable compensation for the performance of his or her duties in accordance with the base rates prescribed and adjusted by the Board from time to time.

(20) Each member of the Council shall receive an allowance for reasonable transportation and living expenses incurred in connection with the performance of his or her duties while away from his or her ordinary residence in accordance with the base rates prescribed and adjusted by the Board from time to time.

Oath of office

10. (1) Each member of the Council shall swear an oath of office as set out in Schedule "A" of the constitution.

(2) Each member of the Council shall swear his or her oath before the Chair of the Judicial Council within seven days after the date of the election.

(3) If the outgoing Chief is not re-elected and he or she agrees to advise the newly elected Council, his or her oath of office shall continue to apply for a period of time determined by the new Council.

(4) The outgoing Chief shall continue to be bound by the terms of his or her oath of office for the extended period of time while acting as an advisor to the Council.

Code of conduct

11. (1) A member of the Council member shall exercise his or her public duties in accordance with the principles of honesty, trustworthiness, selflessness, prudence, care, efficiency and fairness.

(2) Each member of the Council shall represent and defend the collective interests of the Kwanlin Dün over a member's individual interests, in accordance with the constitution and laws of the Kwanlin Dün First Nation.

(3) Each member of the Council shall arrange his or her private affairs (personal and business interests) to avoid interference with the performance of his or her public responsibilities.

(4) Each member of the Council shall attend all duly called Council meetings, subject to authorized absences, to ensure the proper representation of the views and interests of the Kwanlin Dün.

(5) Nothing in this section shall prevent a member of the Council from acting in good faith on behalf of a citizen or a group of citizens of the Kwanlin Dün First Nation.

Conflict of interest

12. (1) If a member of the Council who in any way, directly or indirectly, has an interest that may be seen to or shall conflict with the interests of Kwanlin Dün First Nation, that member shall disclose the nature and extent of his or her interest to the Council at the first opportunity.

(2) A conflict of interest, includes a real or perceived conflict of interest, where a Council 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 receive a benefit from any contract, loan, grant, financial guarantee or any other similar financial relationship entered into with the Kwanlin Dün First Nation.

(3) If a member of the Council is considered to be in a conflict of interest

(a) the member of the Council shall remove him or herself from the meeting room and not participate in the discussion on the issue in question or vote on any matter related to the issue in question;
(b) if there is a disagreement as to whether the member of the Council or his or her immediate family has an interest that conflicts with the Kwanlin Dün First Nation, the Council may decide by a vote whether the member in question shall not participate in the vote; or
(c) the Council may identify additional actions necessary to remedy the conflict to ensure that the decisions are seen and achieved in a fair, transparent and unbiased manner.

(4) The Council may make regulations prescribing
(a) other interests of the Kwanlin Dün First Nation, other than those outlined under this section;
(b) procedures for disclosure and addressing conflicts of interests; and
(c) any other matter the Council considers necessary to protect the integrity and dignity of the Council, the Kwanlin Dün First Nation and the citizens of the Kwanlin Dün First Nation.

Undue influence

13. (1) A member of the Council shall not accept or agree to accept any personal benefit that may influence a decision of the Council.

(2) A member of the Council who violates subsection (1) commits an offence and may be
(a) suspended for a period of time determined by the Council; or
(b) removed from office in accordance with the process outlined in section 27 of the constitution.

Conduct subject to disciplinary measures

14. (1) The Council is authorized to exercise disciplinary action against a member of the Council where a member
(a) has knowingly violated any provision of this Act or regulation;
(b) breaches his or her duties by not acting in good faith or in the best interest of Kwanlin Dün citizens; or
(c) demonstrates continual lapses in ethics or integrity.

Procedures

(2) If the Council concludes that a member of the Council is in violation of this Act, the Council may impose a penalty on the member that may include any one or a combination of the following:
(a) an oral warning;
(b) a written reprimand with terms and conditions to remedy the Council's concerns;

(c) suspension of the member of the Council duties and authority, with or without remuneration; or
(d) directed to pay a fine for violations under this Act to the Kwanlin Dün First Nation Department of Finance to be deposited in general revenues.

Suspension from office

(3) If the Council determines that a member of the Council's actions warrants a suspension, the Council as a whole may suspend the member under review.

(4) A Council's decision to suspend a member of the Council requires
(a) an Order in Council that provides the reason for the suspension and the term of the suspension;
(b) all voting members of the Council to participate in the decision to suspend the member of the Council; and
(c) that the decision to be based on consensus and cannot be subject to a majority vote.

(5) Subject to the severity of the offence a member of the Council may be suspended without pay for a minimum of two weeks to a maximum of three months.

(6) The Council shall publicly post a member of the Council's suspension in the Kwanlin Dün First Nation administration building.

(7) A Council's decision exercised in accordance with subsections (2) and (4) is not subject to confidentiality.

Appeal to the Judicial Council

(8) The member of the Council under review can appeal his or her suspension before the Judicial Council on a question of fact or law.

(9) Where a Council's decision to suspend a member of the Council is overturned by the Judicial Council, the member under review may apply for costs and loss of compensation against the Kwanlin Dün First Nation.

Removal from office

(10) The Council may apply to the Judicial Council to have a member of the Council removed for cause in accordance with paragraphs 27(3)(c) or 27(3)(d) of the constitution.

(11) Should the Council seek to remove a member of the Council pursuant to paragraphs 27(3)(c) or 27(3)(d) of the constitution, the Council must exercise subsection 27(4) of the constitution.

(12) Should the Judicial Council determine that a member of the Council's actions warrants removal from office, the member's seat shall become vacant and the member shall be disqualified from entering any election process initiated to fill the vacancy on the Council.

Council records

15. (1) The Council shall keep records of the Council meetings that include
(a) copies of agendas that outline issues discussed at every Council meeting;
(b) any submissions or reports issued to Council reviewed at Council meetings;
(c) copies of agreements executed by the Council; and
(d) all Council decisions demonstrated through minutes or Orders in Council.

(2) Council records shall be filed and maintained in the Executive Council Office.

(3) Council records shall be available to the citizens upon reasonable notice during regular business hours.

(4) Notwithstanding subsection (3), no access shall be granted to records that contain any personal information where access would constitute a violation of any applicable privacy laws.

(5) Council records shall not to be destroyed. All Council records shall be secured, electronically if possible, and archived in safe storage and shall be housed in the Executive Council Office.

Duty to report

16. The Council shall provide a written annual report of its activities to the General Assembly.

Establishment of departments

17. (1) The Council may establish departments to administer and deliver programs and services of the Kwanlin Dün First Nation.

(2) Where a department has been established under subsection (1), a director may be hired to manage the department.

The Executive Council Office

18. (1) The Executive Council Office is hereby established.

(2) The Council shall provide the Executive Council Office with reasonable financial resources in accordance with an annual operating budget submitted in accordance with the procedures of the Kwanlin Dün First Nation.

(3) The Executive Council Office shall be responsible for, but not limited to,

(a) working in coordination with the office of the Kwanlin Dün Executive Director, advising and supporting the Council and other Kwanlin Dün First Nation committees where directed;
(b) providing technical and administrative support to Kwanlin Dün First Nation departments in the development of Kwanlin Dün First Nation policies and draft bills;
(c) providing technical and administrative support to the Standing Committee and Board where directed;
(d) providing technical and administrative support in the implementation of the Kwanlin Dün First Nation final agreement and self-government agreement; and
(e) providing technical and administrative support on intergovernmental matters where directed.

Employees, official or agents

19. (1) The Council may identify the need for employees, officials, agents, professional advisors or contractors to

(a) implement the final and self-government agreements, the financial transfer or the program and service transfer agreements;
(b) administer any and all programs and services provided by the Kwanlin Dün First Nation;
(c) administer any contract or agreement to which the Kwanlin Dün First Nation is a party; or
(d) carry out the Council's duties, obligations and authorities as set out in the constitution, this Act or any other law of the Kwanlin Dün First Nation.

(2) An employee, official, agent, professional advisor or contractor representing the Kwanlin Dün First Nation shall not be held liable for any act or omission made in good faith.

Council's authority to enact laws

20. (1) The Council has the authority to enact laws in relation to any matters within the jurisdiction of the Kwanlin Dün First Nation.

(2) Any member of the Council can introduce a motion to the Council to consider the enactment or amendment of a law or regulation in accordance with this Act.

(3) The Council may modify the timelines for the enactment or amendment of a law, where appropriate, but the time to complete an amendment of a law shall not exceed 60 days.

Standing Committee

21. (1) The Standing Committee is hereby established.

(2) The Council shall confirm the appointments to the Standing Committee.

(3) The Council shall provide the Standing Committee with reasonable financial resources, in accordance with an annual operating budget submitted in accordance with the procedures of the Kwanlin Dün First Nation.

(4) The Standing Committee shall oversee the development of a draft policy, bill or regulation in accordance with this Act.

(5) In consultation with the Executive Council Office, the Standing Committee may recommend technical and legal expertise to the Executive Council Office for the development of a specific policy, bill or regulation.

(6) The Standing Committee is responsible for, but not limited to,

(a) working with the Executive Council Office and legislative drafter in the development of draft policy or bill;

(b) undertaking a section-by-section review and examination of a proposed draft policy or bill before recommending approval by the Council;

(c) holding and attending citizen consultations, public information sessions and public hearings to receive presentations and submissions from citizens and other affected persons;

(d) bringing forward any recommendations raised in consultation sessions or public hearings required under the constitution and give careful consideration to recommendations provided in the development of a proposed policy or bill; and

(e) undertaking other work related to the development of the draft policy or bill as directed by the Council.

(7) The Standing Committee is also responsible for

(a) in coordination with the Executive Council Office, within the first year of this Act coming into force,

(i) establishing a registry of current policies, laws and regulations of the Kwanlin Dün First Nation,

(ii) developing, implementing and maintaining a drafting manual to assist in the preparation of policies, bills, and regulations to ensure consistency and compliance with this Act, and

(iii) establishing a policy, legislation and regulation awareness communication strategy;

(b) considering and providing recommendations to the Council on matters related to policy or regulations as directed by Council;

(c) prioritizing the development of any new policies, bills or amendments to existing laws, or regulations;

(d) monitoring the development of proposed policies and bills;

(e) ensuring public access to Kwanlin Dün First Nation policies, laws and regulations and during regular business hours;

(f) reporting to the Council as directed; and

(g) exercising such other duties as may be prescribed by law.

(8) The Director of Governance and one member of the Council shall serve as Co-Chairs to the Standing Committee.

(9) The Co-Chairs shall serve for a term set by the Standing Committee.

Composition of the Standing Committee

22. (1) The Standing Committee established under subsection 21(1) shall be comprised of
- (a) two members of the Council;
- (b) the Executive Director;
- (c) the Director of Governance;
- (e) the Director of Justice;
- (f) one youth appointed by the Youth Council; and
- (g) one elder appointed by the Elders Council.

(2) Council members appointed to the Standing Committee shall serve the committee for the duration of their elected term.

(3) Department staff shall attend the meetings of the Standing Committee meetings if and where required to provide technical support.

(4) The Executive Council Office shall provide administrative and technical support to the Standing Committee as directed.

Powers of the Standing Committee

23. (1) The Standing Committee has the power to make rules and establish procedures related to its work.

(2) The Standing Committee shall present its recommendations to the Council in writing.

Introduction of a bill

Administrative directives

24. (1) Where a member of the Council recommends the enactment or amendment of a law or regulation by a Council motion, the Director of Governance shall place the motion on the Standing Committee's legislative agenda.

(2) A director may recommend the enactment or amendment of a law or regulation and table a bill with the Director of Governance to be placed on the Standing Committee's legislative agenda.

(3) The Director of Governance, on behalf of a Council motion or a director shall provide a written report, including any recommendations, to the Chair of the Standing Committee that addresses

(a) the need for the proposed law or regulation;

(b) the objective of the proposed law or regulation;

(c) the scope and nature of the proposed law or regulation;

(d) any liabilities, obligations and responsibilities that may be created and assumed by the Kwanlin Dün First Nation as a result of the enactment of the proposed law or regulation;

(e) any financial implications for the Kwanlin Dün First Nation with respect to the development and implementation of the proposed law or regulation;

(f) the Kwanlin Dün First Nation's jurisdiction to enact the proposed law under its self-government agreement; and

(g) whether a resulting law would overlap with an existing municipal, territorial or federal law.

(4) The Standing Committee shall give full consideration to a report filed in accordance with subsection (3) in a timely manner.

Executive directives

(5) Following the review of a report filed in accordance with subsection (3), the Standing Committee may approve, reject or defer a proposal to develop a law or regulation for the Council's consideration.

(6) If the Standing Committee approves the development of a proposed bill, the committee shall prepare drafting instructions for a legislative drafter to guide the development of the bill.

(7) The drafting instructions issued under subsection (6) shall

(a) identify the objective of the proposed bill;

(b) propose the general structure of the proposed bill;

(c) set out the general scope and nature of the proposed bill;

(d) identify the scope of citizens' consultations other than the consultations required under the constitution;

(e) identify whether the subject matter may affect the jurisdiction of the Yukon Government and what consultations if required are necessary;

(f) identify the drafting timelines; and

(g) include any other direction or instruction that may be appropriate.

Consultations

25. Prior to the issuance of the drafting instructions, the Standing Committee may consult with Kwanlin Dün citizens and other persons that it deems to be appropriate to inform about the drafting of the proposed bill.

Preparation of a bill

26. (1) The legislative drafter is responsible for working with the Executive Council Office and the Standing Committee and prepare the bill in accordance with the drafting instructions issued under subsection 24(7).

(2) The legislative drafter is responsible for presenting the bill to the Standing Committee to confirm compliance with the drafting instructions and identify any additional recommendations for the committee's consideration.

Legislative directives

27. (1) The legislative process to enact the bill shall be in accordance with sections 48 to 50 of the constitution.

(2) If and when the bill has been rejected at any stage of the enactment process in accordance with this Act, a new bill addressing the same subject matter cannot be introduced to the Council within 90 days of the date the original bill was rejected.

First reading

28. (1) The first reading is an introduction of the bill to the Council.

(2) A Co-Chair of the Standing Committee shall present the bill to the Council.

(3) At the first reading a Co-Chair of the Standing Committee shall provide the Council with
(a) a brief explanation of the bill;
(b) confirm compliance with the drafting instructions; and
(c) identify any additional information or recommendations for the Council's consideration during the legislative process.

(4) The Council may instruct the Standing Committee to oversee and provide public consultations with Kwanlin Dün citizens before the bill can proceed to the second reading.

(5) The Council shall issue an Order in Council to allow the bill to proceed to the second reading.

Requirements before second reading

29. (1) A notice concerning the proposed bill shall be issued to Kwanlin Dün citizens by mail, e-mail and on the Kwanlin Dün First Nation website, advising citizens how and where a copy of the bill can be picked up or where citizens can submit their opinions or recommendations on the bill.

(2) Citizens can obtain a copy of the bill within 90 days prior to the scheduled second reading. Hard copies of the bill shall be available for pickup at the Executive Council Office.

(3) The Standing Committee shall be responsible to collect and consider any opinions or recommendations brought forward by citizens throughout the consultation period.

(4) In accordance with section 49(2) of the constitution, if 25 or more citizens submit a Citizens' Order for a public meeting regarding a bill, the Council shall conduct a consultation meeting within 14 days upon receipt of the Citizens' Order.

(5) A Citizens' Order referred to in subsection (4) shall be provided to the Council in a prescribed form.

(6) The Standing Committee shall attend the consultation meeting and develop a report to the Council that outlines the issues, comments and recommended changes to the bill brought forward by the citizens.

(7) The Standing Committee shall give careful consideration to any opinions, comments or recommendations identified at the consultation meeting. The Standing Committee shall direct the legislative drafter to incorporate changes to the bill if and where appropriate before submitting a revised bill to the Council for the second reading.

Consultations with the Yukon Government or City of Whitehorse

30. (1) In the case where the Kwanlin Dün First Nation may impact a law of the Yukon Government or a bylaw of the City of Whitehorse, the Executive Council Office shall provide a copy of the bill to the appropriate government 90 days prior to the Council's scheduled second reading.

(2) The Executive Council Office shall oversee the consultations with either the Yukon Government or the City of Whitehorse and provide a report to the Standing Committee on comments provided.

Second reading

31. (1) The Chair of the Standing Committee shall table a copy of the bill, with any proposed changes, to the Council no less than 14 days prior to the date of the Council's scheduled second reading.

(2) At the second reading the Chair of the Standing Committee shall provide the Council with a legislative memorandum to identify what, if any, recommended changes have been made to the bill supported by the reasons for the proposed changes.

(3) At the second reading the Council shall review the bill section by section.

(4) The Council may approve that the bill proceed to the third reading, with or without the recommend changes identified at the second reading.

(5) The Council shall provide written reasons to the Chair of the Standing Committee if and when the Council rejects the recommended changes provided through the consultations.

(6) The Chair of the Standing Committee shall provide a citizen with a copy of the Council's written reasons pursuant to subsection (5) upon the citizen's written request to the Director of Governance.

(7) The Council shall issue a second Order in Council before a bill can proceed to the third reading.

Third reading

32. (1) The Standing Committee shall have a minimum of 14 days, from the date of the Council's approval in the second reading, to complete and table a final bill for the Council's consideration, approval or rejection, if appropriate.

(2) The Council may postpone the approval of the third reading for no more than 60 days if in the view of the Council the bill requires additional deliberation, consultations or further amendments.

(3) Following the period outlined in subsection (1), the Council shall review the bill at a third reading.

(4) Fourteen days prior to the scheduled third reading of the bill, the Council shall publicize the date of the Council meeting in the administrative building of the Kwanlin Dün First Nation to invite citizens to attend and witness the final approval of the bill.

Approval of bill

33. (1) The bill shall be enacted and brought into force and effect on a date confirmed by
(a) a final Order in Council; and
(b) upon the execution of the bill evidenced by the signatures of the Chief and a minimum of four elected members of Council.

Notice of law

34. (1) The Council shall publish and make copies of the Kwanlin Dün First Nation law available to its citizens and other affected persons as well as other Yukon First Nations governments or public governments.

(2) The Council shall place, provide or deposit copies of the Kwanlin Dün First Nation law where necessary to provide public notice of the approval and implementation of the law.

(3) The Council shall provide a copy of the Kwanlin Dün First Nation law and any subsequent amendments or revisions to the law to the central registry of laws maintained by the Council of Yukon First Nations.

Registry of Laws

35. (1) The Council shall establish a Registry of Laws at the Executive Council Office to house all Kwanlin Dün laws.

(2) Every law or amendment shall be filed with the Registry of Laws on the effective day of the law or amendment.

(3) Citizens shall have access to the Registry of Laws and can obtain copies of the Kwanlin Dün First Nation laws during normal business hours.

No liability for not enacting a law

36. Neither the Kwanlin Dün First Nation nor the Council shall be held liable in negligence or be subject to any other cause of action for not enacting a law within the jurisdiction of the Kwanlin Dün First Nation.

No liability for not developing a program or service

37. The Council shall not be held liable in negligence or be subject to any other cause of action for not developing a program or service for citizens of the Kwanlin Dün First Nation.

No liability for policy decisions

38. Neither the Council nor any other persons authorized to act on behalf of the Kwanlin Dün First Nation shall be held liable in negligence or be subject to any other cause of action for implementing a duly approved policy decision.

Vicarious liability

39. Where an employee, agent, servant or representative of the Kwanlin Dün First Nation is found to be guilty of negligence or misconduct, the Council shall not be held liable for damages, loss or injury arising out of an act or omission by the employee, agent, servant or representative of the Kwanlin Dün First Nation.

Failure to enforce a Kwanlin Dün First Nation law

40. The Council shall not be held liable for not enforcing a law of the Kwanlin Dün First Nation, whether by prosecution or civil action.

Regulations

41. The Council may enact regulations to achieve the purposes of this Act.

Transition

42. (1) Any policy, procedure, practice, Order in Council or other requirement of any kind whatsoever recognized by the Council that is in effect immediately before this Act comes into force and that is not in conformity with this Act shall remain in effect for the purposes of this Act until it is repealed by an Order in Council, until such repeal, it shall be deemed to be in conformity with this Act.

(2) Any policy, procedure, practice or other requirement of any kind whatsoever that is newly established by this Act shall not come into effect until it is brought into effect by an Order in Council.

Coming into force

43. This Act shall come into force and have legal effect, in part or as a whole, on a date either

(a) at the time the legislative instrument has been signed by the Chief and four elected members of Council; or

(b) on a specific date in the future as set out in an Order in Council.

SCHEDULE A

(Subsection 9(7))

OATH OF OFFICE
BOARDS, COMMITTEES AND WORKING GROUPS