

***UK'À DÀTS'ÄLAY (RULES FOR THE PEOPLE) ACT***



**Enacted by the Kluane First Nation General Assembly on July 21, 2013  
Amended by the Kluane First Nation General Assembly on October 18, 2020**

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## **Preamble**

This Act is based on the principles that the Council is a decision-making body responsible for the sustainable growth and prosperity of the lu'an mun dun. The Council is responsible to advance and protect the interests and rights of lu'an mun dun, inclusive of our heritage, culture and lands, for today and for tomorrow.

The Council is responsible to protect the lands of the lu'an mun dun and must safeguard these lands for they will sustain our families today and in the future. The Council has a duty to act in the best interests of the lu'an mun dun.

The Council is responsible to protect the human, civil and legal rights and interests of the citizens of Kluane First Nation, as recognized in the Final Agreement, Self-Government Agreement, our Constitution and common law. Further the Council is responsible to govern with a unified voice and represent the citizens of Kluane First Nation at all levels of government.

The Council, in accordance with the Kluane First Nation Constitution, is to exercise its authorities and obligations in accordance with the principles of respect, fairness, and transparency, and is accountable to the Kluane First Nation General Assembly and future generations. For Council's decisions today will affect the interests and rights of our children's futures.

## **PART 1 - SHORT TITLE**

### **Citation**

1. This Act may be cited as the *Uk'à Dàts'sälày (Rules for the People) Act*.

## **PART 2 - PURPOSE**

### **Purpose**

2. The purpose of this Act is to provide for:
  - (a) the application and administration of Kluane First Nation jurisdiction, authorities and obligations in accordance with the Constitution, Final Agreement and Self-Government Agreement;
  - (b) the governance and administration of Kluane First Nation rights, interests and benefits recognized in the Final Agreement and Self-Government Agreement;
  - (c) the administration, operation and internal management of Kluane First Nation; and

- (d) any other matters required to achieve the preceding objectives.

### **PART 3 - APPLICATION**

#### **Application**

3. If there is a conflict between this Act and the Kluane First Nation Constitution the Constitution will prevail.
4. If there is a conflict between this Act and any law of Kluane First Nation other than the Constitution, this Act will prevail unless that other law contains an express provision that it, or a provision of it, applies despite this Act.

### **PART 4 - INTERPRETATION**

#### **Definitions**

5. In this Act,

**“Chief Returning Officer”** means the individual appointed and responsible to manage the Kluane First Nation elections in accordance with the *Kluane First Nation Elections Act* (2004);

**“citizens consultation session”** means a meeting called of all citizens of Kluane First Nation who are 18 years or older to review, discuss and provide comments with respect to the development of a Kluane First Nation law;

**“Constitution”** means the Constitution of the Kluane First Nation adopted by the Kluane First Nation General Assembly on July 16, 1995, as amended from time to time;

**“Council”** means the Chief and Councillors elected to represent the citizens of Kluane First Nation;

**“Elder”** means a citizen of Kluane First Nation who is 60 years of age or older;

**“Final Agreement”** means the land claims agreement entered into by Kluane First Nation, Her Majesty the Queen in Right of Canada and Government of Yukon that was brought into legal effect on February 2, 2004;

**“General Assembly”** means an annual meeting of citizens of Kluane First Nation who are 18 years or older;

**“Kluane First Nation monies”** includes all monies received, held or collected for on behalf of Kluane First Nation but does not include trust money held in the Kluane First Nation Dāna Trust or monies held by Kluane First Nation corporations;

**“Kluane First Nation property”** means all property (excluding money) belonging to Kluane

First Nation but for greater certainty does not include property belonging to a Kluane First Nation corporation;

**“Kluane First Nation seal”** means a brand to authenticate official documents of the Kluane First Nation;

**“legislative committee”** means a legislative committee established under section 63;

**“legislative drafter”** means the person retained by the Kluane First Nation to work with the legislative committee to develop the laws of the Kluane First Nation;

**“Management Team”** means the executive committee established under section 9 of the *Dāna Uk’ats’anātà (Looking after the Money) Act* that consists of the Chief, Finance Director and senior directors;

**“order in council”** means a government decision document issued by the Council;

**“ordinary residence”** means the residence where a person, in the settled routine of his or her life, regularly, normally or customarily lives within the traditional territory;

**“public officer”** means an employee or officer of the Kluane First Nation and includes any member of Council;

**“Self-Government Agreement”** means the self-government agreement entered into by Kluane First Nation, Her Majesty the Queen in Right of Canada and Government of Yukon that was brought into legal effect on February 2, 2004;

**“Settlement Land”** means the 350 square miles (906.50 square kms) of land allocated to the Kluane First Nation under the Final Agreement;

**“special General Assembly”** is a special meetings of citizens of Kluane First Nation to deal with specific matters. A special General Assembly requires three weeks notice to the citizens of Kluane First Nation;

**“traditional territory”** means the traditional territory of the Kluane First Nation as defined in the Final Agreement;

**“senior director”** means a Kluane First Nation senior employee hired to oversee and manage a government department of programs or services.

## **PART 5 - THE COUNCIL**

### **Quorum**

6. The quorum of the Council will be the Chief or the Deputy Chief and two Councillors at all duly called meetings of the Council.

7. If no quorum is present within one hour after the time appointed for the meeting:
  - (a) the meeting may not be held pursuant section 6; or
  - (b) with the consent of the Council members in attendance the meeting may proceed without quorum pursuant to section 9.
8. If the meeting is not held the Chief will record the names of the Council members in attendance and the Council shall stand adjourned until the next meeting. If urgent business needs to be addressed at the adjourned meeting, the Chief will convene another meeting as soon as possible to deal with the urgent business.
9. If the meeting is held without quorum the Council members will use the meeting for informational purposes or proceed with business on an informal basis without passing any motions or any orders in council.
10. If at any time during a meeting there ceases to be quorum, business then in progress will be suspended until there is quorum present or until the meeting is adjourned or terminated.
11. Notwithstanding section 10 the meeting may proceed without quorum pursuant to section 9 with the consent of the Council members in attendance.
12. A Council member 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 Council member participating by the communication services is deemed to be present at the meeting.

### **Decisions**

13. Consensus will be encouraged for any decision of the Council. Where consensus cannot be reached a vote will occur and a majority of votes will carry the decision. In the event of a tie vote the Chief or Deputy Chief, will cast the deciding vote.
14. A Council member who is participating by telephone or other communications services pursuant to section 12 may confirm his or her approval of any decision made by the Council by way of an electronic signature.
15. A Council member will not be held liable to any civil action or prosecution as a result of his or her decision made in good faith.

### **Kluane First Nation seal**

16. The Kluane First Nation will adopt a seal to be designated for all purposes the Kluane First Nation seal and will be used and controlled as provided in this section.

17. The Kluane First Nation seal will remain in the possession and control of the Chief or in the Chief's absence, his or her delegate.
18. Notwithstanding section 17 the Chief may designate a person to act as the clerk of the Council who will be responsible for affixing the Kluane First Nation seal.
19. The Kluane First Nation seal will be affixed to:
  - (a) all certified copies of laws enacted by the General Assembly or the Council;
  - (b) all certified copies of official documents of the Kluane First Nation that are to be used in any judicial proceedings;
  - (c) any other documents of the Kluane First Nation which in the opinion of the Chief should be authenticated as having the authority of the Kluane First Nation.

#### **The Council's authority to act on behalf of Kluane First Nation**

20. The Council, on behalf of Kluane First Nation, has the authority to:
  - (a) enter into contracts or agreements;
  - (b) delegate its authority, in writing, to another body or senior director to enter into contracts or agreements;
  - (c) acquire and hold property or any interest therein;
  - (d) sell or otherwise dispose of Kluane First Nation property or any interest therein, except if the property is on Settlement Land;
  - (e) raise and borrow money;
  - (f) invest or expend Kluane First Nation monies;
  - (g) sue, defend or settle any lawsuits or other claims for compensation brought against Kluane 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 Kluane 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**

21. Where the Council has determined, on reasonable grounds, that there is an emergency, the Council will take the necessary steps to protect or represent Kluane First Nation as well as Kluane First Nation Citizens' rights, interests or laws.
22. Where the Council has exercised an emergency power pursuant to section 21 it will convene a special General Assembly at the earliest opportunity to report on the Council's activities.
23. Emergency powers exercised pursuant to section 21 are effective for 90 calendar days or up to the date of the special General Assembly, whichever is sooner. Honorariums, salaries and allowances
24. Each Council member will be paid an honorarium at a rate established by policy.
25. The Chief will be provided a salary in accordance with a rate established by policy.
26. The Deputy Chief will be provided a salary equivalent to the Chief's salary when fulfilling the Chief's duties.
27. Each Council member will be paid 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 rates established by policy.

### **Oath of office**

28. Every person elected to be a Council member is required to take an oath of office, herein attached to this Act as Schedule "A," before exercising his or her duties as a Council member.
29. Each Council member who has been duly elected in accordance with a law made by Kluane First Nation will swear his or her oath before a Justice of a Peace on the next business day following the close of the election.
30. If the incumbent Chief is not re-elected and he or she chooses to stay on and advise the newly elected Council, he or she will be responsible to uphold his or her oath of office for six weeks after his or her term while acting as an advisor to the Council.

### **Code of conduct**

31. Each Council member must comply with the code of conduct attached as Schedule "B" to this Act.

32. If the Council determines that a member of the Council has violated the code of conduct, the Council may suspend the member from the Council for a specified period of time or remove him or her from office.

### **Conflict of interest**

33. Every Council member, who in any way, directly or indirectly, has an interest that may be seen to or will conflict with the interests of Kluane First Nation, will disclose the nature and extent of his or her interest to the Council at the first opportunity that the Council member becomes aware of the potential conflict.
34. A conflict of interest is 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 by Kluane First Nation.
35. If a Council member is considered to be in a conflict of interest and in the absence of conflict of interest regulations:
- (a) the Council member will not participate in the discussion on the issue in question or vote on any matter related to the issue in question; or
  - (b) if there is a disagreement as to whether the Council member or his or her immediate family has an interest that conflicts with the Kluane First Nation, the Council may decide by a vote whether the Council member or his or her immediate family has an interest that conflicts with the Kluane First Nation and the Council member in question will 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 and unbiased manner.
36. The Council may make regulations prescribing:
- (a) other interests of Kluane First Nation, other than those outlined in section 34;
  - (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, Kluane First Nation and the citizens of Kluane First Nation.

### **Undue use of influence**

37. A Council member is not to accept or agree to accept any personal benefit that may influence a decision of Council.

38. A person who violates section 37 commits an offence and may be
- (a) suspended for a period of time determined by Council;
  - (b) removed from office in accordance with the Constitution; or
  - (c) prosecuted in accordance with the *Summary Convictions Act* (Yukon).
39. Nothing in section 33 prevents any member of the Council from acting in good faith on behalf of a citizen or a group of citizens of Kluane First Nation.

### **Disqualification**

40. Where a Council member has been convicted under section 38(c), the Council member's seat will become vacant and the Council member will be disqualified from entering any process initiated to fill the vacancy.

### **Council records**

41. The Council will keep records of the Council meetings that includes:
- (a) a listing of items discussed;
  - (b) a summary of main issues considered; and
  - (c) any decisions that include formal orders in council.
42. The Council records will be filed and maintained in the main administrative office of Kluane First Nation.
43. The Council records will be available to the citizens of Kluane First Nation upon reasonable notice during regular business hours.
44. Notwithstanding section 41 no access will be granted to records that contain any personal information where access would constitute a violation of any applicable privacy laws.
45. All Council records cannot be removed or destroyed without the approval of Council.
46. The destruction of any financial records of the Kluane First Nation must be in compliance with the rules established by the Canada Customs and Revenue Agency.

### **Duty to report**

47. The Council is to provide a written annual report to the General Assembly.

## **PART 6 - THE ADMINISTRATION**

### **Establishment of departments**

48. The Council may establish departments to administer and deliver programs and services of Kluane First Nation.
49. The Council may delegate any of its administrative authorities or responsibilities to the Management Team, in writing, to establish policies, practices and systems to support the administration and delivery of programs and services.
50. Where a department has been established under section 48, a senior director may be hired to manage the department.

### **Employees, officials or agents**

51. The Council may hire employees, officials, agents, professional advisors or contractors to:
  - (a) implement the Final and Self-Government Agreement;
  - (b) administer any and all programs and services provided under the Kluane First Nation Financial Transfer Agreement or Kluane First Nation Program and Service Transfer Agreements;
  - (c) administer any contract or agreement to which Kluane 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 Kluane First Nation.
52. An employee, official, agent, professional advisor or contractor representing Kluane First Nation will not be held liable for any act or omission made in good faith.

## **PART 7 - LEGISLATIVE DEVELOPMENT**

### **Council's authority**

53. The Council and General Assembly each have the authority to enact, amend and repeal certain laws under the Constitution.
54. Any senior director can introduce a bill to the Council for its consideration and enactment.
55. This Part will apply to the enactment or amendment of any Kluane First Nation law or regulation by the Council or the General Assembly, as provided in the Constitution.

56. The Council may repeal a law for which it has legislative authority after holding a citizens consultation session and taking into account all comments and feedback received from citizens of Kluane First Nation.
57. An amendment of a Kluane First Nation law must be completed within 120 working days from the later of the following:
  - (a) the date Council resolves to develop a draft bill under section 62; or
  - (b) the date Council issues drafting guidelines under section 62, if drafting guidelines are issued.
58. Council may extend the deadline referred to in section 57 by a reasonable amount of time if Council believes there are extenuating circumstances that could prevent the amendment from being completed within 120 working days; for the purposes of this section, “extenuating circumstances” include where Council believes the following:
  - (a) the nature of the proposed amendments requires additional time for consultation and deliberation; or
  - (b) where events beyond Kluane First Nation’s control prevent the timely completion of the steps required under this Act.

## **Introduction of a Law**

### ***Policy process***

59. If a senior director of Kluane First Nation sees a need for the enactment of a law, which includes the enactment of amendments to a law, the senior director will provide a written report, including any recommendations, to the Council that addresses the following matters:
  - (a) the need for such a law;
  - (b) the objective of the proposed law;
  - (c) the scope and nature of the proposed law;
  - (d) any liabilities, obligations and responsibilities that may be created and assumed by the Kluane First Nation as a result of the enactment of such a law;
  - (e) any financial implications for the Kluane First Nation with respect to the development and implementation of such a law;
  - (f) whether or not the Kluane First Nation has the power to enact such a law under its Self-Government Agreement; and

- (g) whether or not such a law would overlap with an existing territorial or federal law.
60. The Council will give full consideration to the written report made by the senior director under section 59 in a timely manner.
61. The Council may direct Kluane First Nation staff to undertake policy work as required, in accordance with any direction provided by the Council, in relation to the proposed law.

***Executive process***

62. Subject to section 64, following the review of the written report made by the senior director under section 59, if the Council approves a resolution to develop a draft bill in accordance with the written report, Council may issue drafting guidelines to the legislative drafter to prepare a draft bill for Council's review.
63. Drafting guidelines issued by the Council to the legislative drafter under section 62 will:
- (a) identify the objective of the draft bill;
  - (b) propose the general structure of the draft bill;
  - (c) set out the general scope and nature of the draft bill; and
  - (d) include any other direction or instruction that it considers to be appropriate.

***Consultations***

64. Prior to the issuance of drafting guidelines by the Council under section 62, the Council may undertake consultations with citizens of Kluane First Nation and other persons that it deems to be appropriate to inform the drafting guidelines.

***Establishment and responsibilities of a legislative committee***

65. The Council will establish a legislative committee to work with the legislative drafter with respect to the development of a draft bill in accordance with any drafting guidelines. The legislative committee will be accountable to and will operate under the direction of Council.
66. The legislative committee is responsible for the following:
- (a) to work with the legislative drafter, including providing direction to the legislative drafter;
  - (b) to undertake a section-by-section review and examination of a draft bill;

- (c) to hold and attend citizens consultation sessions and public information sessions to hear presentations and submissions from citizens of Kluane First Nation and other affected persons; and
  - (d) to undertake other work related to a draft bill as directed by the Council.
67. The Council will provide a budget to allow the legislative committee to complete its work in a timely manner.

***Composition of legislative committee***

68. A legislative committee established under section 65 will be comprised of up to five members who may be members of the Council, Elders, appropriate department staff and must have at least one citizen of Kluane First Nation who is neither a member of Council nor department staff.
69. The staff of the Kluane First Nation, including the legislative drafter, will provide assistance to the legislative committee, if so directed by the Council.

***Powers of legislative committee***

70. The legislative committee has the power to make rules and establish procedures related to its work, including
- (a) the selection of a chairperson;
  - (b) the establishment of timelines for any presentations, in accordance with any direction provided by the Council;
  - (c) additional matters in accordance with applicable procedures approved as a schedule to this Act.

***Preparation of draft bill***

71. In accordance with the timeline imposed by the legislative committee, the legislative drafter will do the following upon receipt of any drafting guidelines provided under section 63, or, upon Council's resolution to prepare a draft bill if drafting guidelines are not issued:
- (a) in consultation with the legislative committee, prepare a draft bill in accordance with applicable drafting guidelines accounting for the comments and input provided through any citizens consultation sessions held under section 64;
  - (b) review the draft bill with the legislative committee and make any necessary revisions in response to the legislative committee's instructions; and

- (c) submit the draft bill to Council.

### ***First reading***

- 72. Following Council's receipt of the draft bill under section **Error! Reference source not found.**, the first reading of the draft bill will be presented at a citizens consultation session, which must not be scheduled earlier than 14 calendar days from the date notice of the consultation session is publicly posted.
- 73. In consultation with the legislative committee, Council may shorten the notice period referred to in section 72 if Council reasonably believes the following:
  - (a) there are urgent policy reasons to expedite the legislative development process; and
  - (b) comprehensive consultation will be achieved despite the reduced notice period.
- 74. In accordance with the timeline imposed by, and in consultation with, the legislative committee, the legislative drafter will do the following after the first reading of the draft bill:
  - (a) incorporate any changes to the draft bill resulting from the citizens consultation session; and
  - (b) submit to the Council the second draft of the bill and, if applicable, a report setting out his or her recommendations.

### ***Second reading***

- 75. Following Council's receipt of the draft bill under section 74(b), the second reading of the draft bill will be presented at a second citizens consultation session, which must not be scheduled earlier than 14 calendar days from the date notice of the consultation session is publicly posted.
- 76. In consultation with the legislative committee, Council may shorten the notice period referred to in section 75 if Council reasonably believes the following:
  - (a) there are urgent policy reasons to expedite the legislative development process; and
  - (b) comprehensive consultation will be achieved despite the reduced notice period.

### ***Preparation of final version of draft bill***

- 77. Following the second reading of the draft bill, in accordance with the timeline imposed by, and in consultation with, the legislative committee, the legislative drafter will



incorporate any changes to the bill resulting from the citizens consultation session and complete the final draft bill.

### ***Approval of draft bill***

78. Upon completion of the draft bill, the legislative drafter will submit the draft bill to the Council for its review and consideration. If required by the Constitution, the Council will submit the draft bill to the General Assembly for its review and approval.
79. The Council or the General Assembly, as applicable, may approve the bill, which must be approved in accordance with the Constitution. The bill will come into legal effect on a date specified either by the Council or the General Assembly, as applicable.

### ***Schedule to this Act***

80. The Council may approve procedures that apply to the legislative requirements in this Part as a schedule to this Act.
81. A schedule approved under section 80
  - (a) is intended to be a guidance document only and does not have the force of law;
  - (b) may be amended or repealed by Council resolution without the need to comply with the requirements to amend a law under this Part.
82. For certainty, this Act will prevail in the face of any conflict or inconsistency with any procedure in a schedule approved under section 80.

### ***Consultations with Government of Yukon***

83. If it appears that the draft bill will impact the operation of a law enacted by the Government of Yukon, the Council will consult with the Government of Yukon before the draft bill is approved by either the Council or the General Assembly, subject to which body has legislative authority.

### ***Notice of law***

84. The Council will publish and make copies of the Kluane First Nation law available to citizens of Kluane First Nation and other affected persons as well as other Yukon First Nations, public governments and local government authorities. The Council may place, provide or deposit copies of the Kluane First Nation law where necessary to provide public notice of the approval and implementation of the law.
85. The Council may provide a copy of the Kluane 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 Kluane First Nation laws**

86. The Council will establish a registry of laws at its main administrative building to house all laws enacted either by the Council or the General Assembly.
87. Every law or amendment will be filed with the registry of laws on the effective day of the law or amendment.
88. Citizens of Kluane First Nation will have access to the registry of laws and can obtain copies of the Kluane First Nation laws during normal business hours.

## **PART 8 - GENERAL LIABILITIES**

### **No liability when enacting a law**

89. The Kluane First Nation or the Council will not be held liable in negligence or any other cause of action in the exercise of enacting a law.

### **No liability for not enacting a law**

90. The Kluane First Nation or the Council will not be held liable in negligence or any other cause of action for not enacting a law within the jurisdiction of the Kluane First Nation.

### **No liability for not developing a program or service**

91. The Council will not be held liable in negligence or any other cause of action for not developing a program or service for citizens of Kluane First Nation.

### **No liability for policy decisions**

92. The Council or any other persons authorized to act on behalf of the Kluane First Nation will not be held liable in negligence or any other cause of action for implementing policy decisions.

### **Vicarious liability**

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

### **Failure to enforce a Kluane First Nation law**

94. The Council will not be held liable for not enforcing a law of Kluane First Nation, whether by prosecution or civil action.

## **Nuisance actions**

95. The Kluane First Nation, the Council or any persons authorized to represent the Kluane First Nation will not be held liable in an action based on negligence or nuisance where the damages may arise, directly or indirectly, from the breakdown or malfunction of any of the services on Settlement Lands which include:
- (a) a sewer system;
  - (b) a water or drainage facility or system;
  - (c) a dyke or road; or
  - (d) any other infrastructure owned by Kluane First Nation.

## **PART 9 - MISCELLANEOUS**

### **Regulations**

96. The Council may make regulations in relation to any matter within the purview of this Act as it considers necessary to carry out the provisions and purposes of this Act into effect and, in particular, may make regulations related to the establishment and operation of any legislative committee established under this Act, including its budget.

### **Transition**

97. Any order in council, policy, procedure, practice 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 will remain in effect for the purposes of this Act until it is repealed by an order in council by the Council and, until such repeal, it will be deemed to be in conformity with this Act.
98. Any policy, procedure, practice or other requirement of any kind whatsoever that is newly established by this Act will not come into effect until it is brought into effect by an order in council by the Council.

### **Coming into force**

99. Subject to section 98 this Act will come into force and have effect on the day fixed by the General Assembly.
100. This Act is passed under the authority of the General Assembly in accordance with article 7.17(f) of the Constitution. Any amendments to this Act must be passed by the General Assembly.

**SCHEDULE "A" OATH OF OFFICE**

I, \_\_\_\_\_, having been elected by the citizens of Kluane First Nation to the office of Council for Kluane First Nation solemnly swear and affirm that I have read, understood and agree to comply with the Council's Code of Conduct and other applicable rules and policies, and that in carrying out my duties as a Council member, I will:

1. accept my elected position and I will act faithfully and bear true allegiance to the ancestors, people and future generations of Kluane First Nation;
2. exercise the powers of my office and fulfill my duties and responsibilities honestly, in good faith and in the best interests of Kluane First Nation;
3. exercise these responsibilities, at all times, with due diligence, care and skill in a reasonable and prudent manner;
4. seek to bring honour and respect to Kluane First Nation in all circumstances in which I am called upon to represent Kluane First Nation;
5. respect and support the Constitution, Kluane First Nation laws, policies, including the Council's code of conduct and any requirements that govern conflicts of interest, and decisions of the Council and the General Assembly;
6. keep confidential all information unless the Council determines that such information is public and this shall include, but not be limited to, information about personnel, any personal information, and matters dealt with during in camera meetings of the Council;
7. not improperly disclose any matter that comes to my knowledge as a result of my office and I will not use any knowledge provided in confidence for my personal advantage or gain;
8. conduct myself in a spirit of collegiality and respect for the collective decisions of the Council and subordinate my personal interests to the best interests of the Council and Kluane First Nation;
9. not allow personal affairs to improperly influence my conduct in public office and I will immediately declare any personal conflict of interest that may come to my attention; and
10. immediately resign my position as a member of the Council in the event that I, or the Council or General Assembly have concluded that I have breached my oath of office or duties.

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

## **SCHEDULE “B” CODE OF CONDUCT**

### **1. Application**

This code of conduct (the “Code”) governs the conduct of the members of the Council. The obligations set out in this Code are in addition to the provisions of the *Uk’á Dàts’álay (Rules for the People) Act* related to confidentiality, conflict of interest and undue use of influence.

### **2. Conduct of members of the Council**

A member of the Council will at all times conduct himself or herself in a manner that:

- (a) serves the overall best interests of the Kluane First Nation;
- (b) subordinates his or her personal interests or of an extended family member to the best interests of the Kluane First Nation;
- (c) brings credibility and goodwill to the Kluane First Nation;
- (d) demonstrates respect for individuals, fellow members of the Council and employees and contractors of the Kluane First Nation;
- (e) respects and gives fair consideration to diverse and opposing viewpoints;
- (f) demonstrates due diligence and dedication in preparation for an attendance at meetings, events and activities relating to Kluane First Nation;
- (g) demonstrates good faith, prudent judgment, honesty, transparency and openness in his or her activities on behalf of Kluane First Nation; and
- (h) respects principles of fairness and due process.

### **3. Duties and responsibilities of the members of the Council**

Each member of the Council is expected to be an active participant so that the Council is able to function and operate effectively and efficiently as a whole. A member of the Council is responsible to:

- (a) be informed of the laws and policies of the Kluane First nation and the issues related to the Kluane First Nation and the work of the Council;
- (b) be prepared to make informed decisions in the best interests of Kluane First Nation and its citizens;
- (c) keep informed about the activities and affairs of the Kluane First Nation;
- (d) attend the annual General Assembly and meetings of the Council and any other meetings, activities and events relating to Kluane First Nation;

- (e) serve on committees and working groups of Kluane First Nation, as appropriate;
- (f) contribute to the work of the Council and be part of the Council's decision-making process;
- (g) work effectively and cooperatively with the employees and contractors of Kluane First Nation;
- (h) communicate effectively with the other members of the Council in order to carry out their duties in an effective manner and be available and respond promptly to communications from other members or the employees and contractors of Kluane First Nation so that business can be dealt with expeditiously;
- (i) be prepared to take further training in order to enhance his or her abilities and skills to carry out his or her duties as a member of the Council;
- (j) hold, maintain and care for any property of Kluane First Nation in his or her possession required for carrying out his or her duties and return such property when it is no longer required or when he or she is no longer a member of the Council;
- (k) be independent and impartial;
- (l) not be influenced by self-interest, outside pressure, expectation of reward or fear of criticism;
- (m) act with honesty and integrity and conduct him or herself in a manner consistent with the nature and the responsibilities and the maintenance of public confidence in the conduct of the business of Kluane First Nation;
- (n) voice, clearly and explicitly at the time a decision is being taken, any opposition to a decision being considered by the Council;
- (o) maintain solidarity with fellow members of the Council in support of a decision that has been made in good faith in a legally constituted meeting by the Council in reasonably full possession of the facts;
- (p) ask the Council to review a decision, if he or she has reasonable grounds to believe that the Council has acted without full information or in a manner inconsistent with its obligations; and
- (q) uphold and comply with all Kluane First Nation laws.

#### **4. Hours of work**

When the Kluane First Nation pays a Council member's salary that member will be at the administrative offices of the Kluane First Nation for the hours of that salary unless otherwise directed by the Council.

#### **5. Gifts**

If a member of the Council is offered a fee, gift, discount or special treatment, the member

must decline the offer and disclose the matter to the Council.

If a gift is made to a member of the Council and that gift cannot respectfully be returned, the member must deliver the gift to the Council to be kept as a gift to Kluane First Nation.

## **6. Employees and contractors**

A member of the Council must:

- (a) treat each employee and contractor of Kluane First Nation in a respectful manner; and
- (b) respect the responsibility of senior directors and administrators to direct and instruct employees and contractors.