

GOVERNMENT ADMINISTRATION ACT 2007  
**GOVERNMENT ADMINISTRATION ACT**

PART ONE  
GENERAL

**Title**

1. This Act shall be cited as the *Government Administration Act*.

**Definitions**

2. In this Act,

"administrative duties" include the signing of cheques as required by the Department of Finance, the preparation for meetings other than First Nations Council or any other duties that may be identified from time to time by the Chief.

"complaint" means a complaint submitted to the tribunal;

"complainant" means the person or group of persons that submit a complaint;

"enact" means to issue, make or establish;

"enactment" means an act or a regulation or any part of an act or regulation of the First Nations;

"councillor" means a person elected to serve on the First Nations Council or a person appointed to serve on the First Nations Council as set out in subsection 4(5);

"immediate family" means father, mother, legal guardian, spouse, grandmother, grandfather, brothers, sisters, children and grandchildren;

"public officer" includes any person employed by the First Nations

(a) who is authorized to do or to enforce the doing of any action or thing or to exercise a power; or

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

"regulation" includes an order, regulation, form, schedule of costs or fees, resolution or other instrument made under the authority of an enactment;

"repeal" includes revoke or cancel; and

"tribunal" means the administrative tribunal established in section 17.

PART TWO  
FIRST NATIONS COUNCIL

Procedure

3. The First Nations Council shall determine its own procedure, and any failure by the First Nations Council to adhere to or follow its own procedure shall not be reviewable by any court.

By-elections

4. (1) Where a councillor resigns, by declaring openly at a meeting of the First Nations Council or by submitting a written resignation delivered to First Nations Council, his or her resignation shall be effective at the time the declaration is made or the written resignation received by the First Nations Council.

(2) Where a councillor is unable to carry out their duties, for any reason other than resignation, he or she shall be deemed to have resigned effective on the day the Chief is informed of that the councillor is unable to carry out their duties.

(3) Where the councillor referred to in subsection (2) is the Chief, his or her resignation shall be deemed to be effective on the day the Deputy Chief is informed that the Chief is unable to carry out their duties.

(4) Where the Chief or Deputy Chief have been informed as set out in subsection (1) that a councillor has resigned or has been informed as set out in subsections

(2) or (3) that a councillor is unable to carry out their duties, they shall inform the remaining councillors and other citizens that the departing councillor is unable to carry out their duties and identify the date upon which the departing councillor's resignation became effective.

(5) Where a councillor position becomes vacant as a result of subsection (1), (2) or (3), the Chief, or Deputy Chief in the case of the office of the chief coming vacant, shall

(a) if more than one year remains in the term of office, notify the Election Board who shall conduct a by-election within 90 days of receiving the notice; or

(b) if less than one year remains in the term of office, with the advice of the First Nations Council,

- (i) notify the Election Board who shall conduct a by-election within 90 days of receiving the notice; or
- (ii) appoint any citizen who would have been eligible to run for the position of councillor to the position of councillor for the remaining term of office.

#### Vacancies

5. The proceedings and decisions of the First Nations Council are not affected by any vacancy in its membership, by any defect in the appointment of any councillor or by the disqualification of any councillor, so long as a quorum remains in office.

#### Controverted Elections

6. The *Controverted Elections Act (Yukon)* as amended from time to time is hereby adopted by reference as a law of the First Nations with such changes as are necessary to make it applicable to and in respect of elections of councillors, except that the time for bringing a petition against the election of a person shall be 30 days after the date on which the election is held.

#### **Conflict of interest**

7. (1) Every councillor who, in any way, directly or indirectly, has an interest that conflicts or reasonably might be expected to conflict with the interests of the First Nations or whose conduct or behavior may call into question the dignity or integrity of the councillor, the First Nations Council or the First Nations, shall disclose the nature and extent of their interest, conduct or behavior to the First Nations Council at the earliest opportunity after becoming aware of the conflict or situation giving rise to the conduct or behavior.
- (2) Where a councillor or their 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 First Nations Council, the councillor 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) The First Nations Council 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 First Nations;

- (b) procedures for disclosing and addressing situations of conflict of interest; and
- (c) any other matter the First Nations Council considers necessary to protect the integrity and dignity of the First Nations Council, citizens and the First Nations.

### **Oath of Office and Oath of Confidentiality**

8. (1) Every councillor shall take the oath of office and the oath of confidentiality contained in Schedule 1 before starting his or her duties as a councillor:

(2) Each councillor shall undertake the oaths set out in subsection 8 (1) before a public gathering of citizens called together to witness the administration of the oaths..

(3) Every person who is a councillor when this Act comes into effect shall continue to have all of the powers and responsibilities of a councillor notwithstanding that they have not taken the oath set out in subsection (1).

### **Undue Use of Influence**

9. (1) No councillor 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 another, in relation to the preparation or promotion of any draft enactment, resolution, question, petition, proceeding, controversy, charge or other matter before the First Nations Council or any committee established by the First Nations Council or in order to influence any councillor or any committee.

(2) No person shall offer a councillor a reward to use their position as a councillor to promote any enactment, contract or other matter before the First Nations Council.

(3) A person who violates subsection (1) or subsection (2) commits an offence and may be prosecuted in accordance with the *Summary Convictions Act (Yukon)*.

### **Disqualification**

- 10.(1) Where a person is convicted under section 9, his or her seat shall become vacant immediately upon the conviction and the person
- (a) is disqualified from entering any by-election initiated to fill the vacancy created; and
  - (b) may not be appointed by the First Nations Council to fill the vacancy created.

10.(2) A member of the Senate or House of Commons or Canada or of the Legislative Assembly of a province, including the Yukon Territory, or the elected Grand chief of the Council of Yukon First Nations, is not eligible to be a councillor.

### **Liability**

11. Except where a councillor is found to have violated section 7 or 9, no councillor is liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him or her before the First Nations Council or any committee established by the First Nations Council by petition, bill, resolution, motion or otherwise, or anything said by him or her before the First Nations Council or any such committee.

### **Indemnities and allowances**

12.(1) The financial compensation for the performances of the duties of their office for each councillor and the chief shall be established by the First Nations Council and set out in regulations.

(2) Each councillor shall be paid transportation and living expenses incurred in connection with the performance of their duties while away from their ordinary place of residence in accordance with the regulations.

## PART THREE ADMINISTRATIO N

### **Establishment of Departments**

13.(1) The First Nations Council may establish departments to assist in the management, administration and operation of the activities and

responsibilities of the First Nations Council or the First Nations.

(2) Where a department is established in accordance with subsection (1), a director shall be hired by the First Nations Council to act as the senior official within the department.

### **Appointment of Portfolios**

14. The Chief may, with the approval of the First Nations Council, appoint a councillor to be responsible for monitoring and advising a department.

### **Head Office**

15. The head administrative offices of the First Nations shall be located on settlement land in the Yukon.

### **Liability**

16. Employees of the First Nations are not liable for any thing done or omitted to be done in good faith in the exercise or purported exercise of any powers given to that employee under an enactment or as directed by the First Nations Council.

## **PART FOUR ADMINISTRATIVE TRIBUNAL**

### **Establishment**

17.(1) To promote sound and fair decision making by the First Nations and to ensure effective and respectful resolution of disputes involving the administrative activities of the First Nations, an independent board, to be called the administrative tribunal, is hereby established.

(2) The tribunal shall be composed of a chairperson and a maximum of five other members to be appointed by the First Nations Council; and the chairperson and two members shall be appointed for a term of four years and the remaining members shall be appointed to a term of three years.

(3) No members of the tribunal may be employees of the First Nations.

### **Jurisdictions and Powers of the Tribunal**

18.(1) On receipt of a complaint, the tribunal may investigate, hear and decide upon the decision-making processes and procedures associated with

- (a) a decision or recommendation made by a public officer;
- (b) an act done or omitted to be done by a public officer; or
- (c) a procedure used by a public officer

that aggrieves or may aggrieve a person or group of persons.

(2) The tribunal may not investigate a decision, recommendation, act or omission

- (a) made by the First Nations Council; or
- (b) for which there is under an enactment a right of appeal or objection or a right to apply for a review on the merits of the case to another body internal to the First Nations, until after that right of appeal, objection or application has been exercised by the person or until after the time allowed for the exercise of the filing of the right of appeal, objection or application has expired.

(3) The tribunal may refuse to investigate, hear and decide upon a complaint where in its opinion

- (a) more than one year has passed since the complainant or person aggrieved knew or ought to have known of the decision, recommendation, act or omission to which his or her complaint refers;
- (b) the law or existing administrative procedures provides an adequate remedy in the circumstances for the person aggrieved and the person aggrieved has not used these remedies and there is no reasonable justification for the failure to do so; or
- (c) the complaint is frivolous, vexatious or was not made in good faith or concerns a trivial matter.

(4) The tribunal has the power to investigate, hear and decide upon any matter referred to it by the First Nations Council as set out in this Act.

### **Hearing of Complaints**

19.(1) The tribunal chairperson shall establish a panel of three members of the tribunal, one of which shall be panel chairperson, to hear and decide upon complaints submitted to the tribunal.

(2) Decisions of a panel shall be final and are not subject to reconsideration.

(3) The process and procedures for investigating, hearing and deciding upon a complaint shall be undertaken as described in the regulations.

### **Support**

20. The First Nations Council shall provide the tribunal with the administrative support necessary to reasonably meet the needs of the tribunal in carrying out its functions and responsibilities under this Act.

21. The tribunal shall conduct its appeals in accordance with the principles of natural justice and administrative fairness.

## PART FIVE

### FIRST NATIONS LAWS

#### Division One - General

#### **Application of this Part**

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

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

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

(4) Nothing in this Part 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**

23. 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**

24.(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 contractors of the First Nations in the conduct of their work on behalf of the administration, management and operations of the First Nations except to the extent that an enactment provides otherwise.

**Inconsistencies**

25.(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.

**Number and Citation of Enactments**

26.(1) Starting anew each calendar year, acts shall be numbered sequentially, as separate chapters, in the order they are enacted by the First Nations Council.

(2) Starting anew each calendar year, regulations shall be numbered sequentially, as separate chapters, in the order they are made by the First Nations Council.

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

**First Nations Bound**

27. Provisions in an enactment are binding upon the First Nations unless the enactment expressly states that the First Nations are not bound.

**Commencement**

28. The beginning of the day following the date endorsed on an act shall be the

date of the commencement of the act if no later commencement is provided therein.

### **Special commencement and expiration provisions**

29.(1) Where an act 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; and where an act is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall be deemed to expire, lapse or otherwise cease to have effect immediately on the commencement of the following day.

(2) Where an act contains a provision that the act is to come into force at a time later than the beginning of the day following its enactment, that provision shall be deemed to come into force at the beginning of the day following its enactment.

(3) Subsections (1) and (2) apply with the necessary changes to the coming into force of any provision of an act that comes into force, expires, lapses or otherwise ceases to have effect at a time different than the time applicable to the act or any other provision of the act.

(4) Where an enactment is not to come into force or operation immediately on its being passed or made and it confers power

- (a) to make appointments;
- (b) to hold elections;
- (c) to make, grant or issue instruments;
- (d) to give notice;
- (e) to prescribe forms; or
- (f) to do any other thing,

that power may, for the purpose of making the act effective upon its commencement, be exercised at any time after the passing or making thereof.

### **Addition or deletion of subsections**

30.(1) 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 prior to the amendment as subsection (I) of the amended section.

(2) 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.

(3) Where a section or subsection of an enactment is amended by the repeal or addition of one or more paragraphs, clauses, subparagraphs or sub-clauses, 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.

#### **Commencement of substituted enactments**

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

#### **Amendment to be construed as one with enactment**

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

### Division Two - Acts

#### Form of enacting clause

33. The following words shall be inserted in the preamble of acts and shall indicate the authority by virtue of which they are passed: "The Council of the Champagne and Aishihik First Nations hereby enacts as follows:"

#### **Endorsement of enactment date**

34. There shall be endorsed on every act immediately after the title, the day, month and year when the act was enacted, and the signature of the Chief or other person presiding over the meeting of the First Nations Council at which the act was enacted.

Division Three - Repeal And Amendment

**Effect of repeal**

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

- (a) revive an act or thing not in force or existing at the time when the repeal takes place;
- (b) affect the previous operation of the act so repealed or anything duly done or suffered there under;
- (c) affect a right, privilege, obligation or liability acquired, accruing or incurred under the act so repealed;
- (d) affect an offence committed against or a violation of the provisions of the act 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 act had not been repealed or revoked.

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

- (a) every person acting under the act so repealed shall continue to act as if appointed under the provisions so substituted until another is appointed in his or her stead;
- (b) every bond and security given by a person appointed under the act so repealed remains in force, and all offices, books, papers and things made or used under the repealed act shall continue to be used as before the repeal as far as consistent with the substituted provision;
- (c) every proceeding taken under the act so repealed shall be taken up and continued under and in conformity with the provisions so substituted, as far as 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 act so repealed or in a proceeding in relation to matters that have happened before the repeal, the procedure established by the substituted provision shall be followed as far as it can be adapted thereto; and
- (e) when any penalty, forfeiture or punishment is reduced or mitigated by any of the substituted provisions, the penalty, forfeiture or punishment if imposed or adjudged after the repeal shall be reduced or mitigated accordingly.

### **Effect of repeal and substitution**

36.(1) Where an act is repealed in whole or in part and other provisions are substituted by way of amendment, revision or consolidation, a reference in an unrepealed act to the repealed act shall, as regards a subsequent transaction, matter or thing, be read as a reference to the provisions of the substituted act relating to the same subject matter as the repealed act, but where there are no provisions in the substituted act relating to the same subject matter, the repealed act shall be read as unrepealed as far as is necessary to maintain or give effect to the unrepealed act.

(2) Where a statute of a province is repealed in whole or in part and other provisions are substituted by way of amendment, revision or consolidation, reference in an enactment 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**

37.(1) The repeal of an act in whole or in part is not and shall not be deemed to be or to involve a declaration that the act was considered by the First Nations Council to have been previously in force.

(2) The amendment of an act in whole or in part is not and shall not be deemed to be or to involve a declaration that the law under the act was or was considered by the First Nations Council to have been different from the law as it is under the act as amended.

(3) The repeal of an act in whole or in part or the amendment of an act 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 act 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 act or upon similar language.

(5) Where an act or a part of an act is, or appears to be, based on a statute of Canada or a province, any difference between the enactment and the statute shall not be deemed to be or to involve a declaration that the enactment is different from the statute.

## Division Four - Interpretation of Enactments

### Equality of male and female persons

38.(1) Female and male persons enjoy equality of status and obligations under enactments, unless the enactment expressly excludes the operation of this section.

(2) For the purpose of ensuring the equality of the 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 expressly excludes the operation of this section.

### **Use of present tense in enactments**

**39.** The law is considered to be 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.

### **Effect of definitions**

40.(1) Definitions or rules of interpretation contained in an enactment, unless a contrary intention appears, apply to the construction of the provisions of the enactment that contains 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 as being applicable only if a contrary intention does not appear.

### **Title and preamble**

**41.** The title and preamble of an enactment shall be read as a part thereof and be intended to assist in explaining its purpose and object.

### **Headings, marginal notes and references**

42.(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 headnotes and headings in an enactment, other than the headings identifying the Parts or Divisions into which the enactment is divided, form no part of the enactment but shall be deemed to have been inserted for convenience only.

### **Every Enactment remedial**

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

### **Appropriations**

44. Where an enactment provides for the payment of public money for the administration of the enactment or for any of the purposes of the enactment, the provision shall be deemed not to authorize the making of payments from the consolidated revenue fund otherwise than in accordance with the laws and policies of the First Nations related to the expenditure of funds.

### **Construction of Acts**

45. In an enactment

- (a) where anything is directed to be done by or before a public officer or a justice of the peace, 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 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 him 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 it;
- (d) where a power is conferred or a duty imposed on a person, the power may be exercised and the duty shall be performed, from time to time, as the occasion requires;
- (e) where a form is prescribed, deviations from the form not affecting the substance nor calculated to mislead shall not invalidate the form used;
- (f) words importing male persons or female persons include corporations;
- (g) words in the singular include the plural, and words in the plural include the singular and, without limiting the generality of the foregoing, the pronouns "they" and "their" and their variants may be used to denote, in the subjective, objective and possessive cases, the third person singular as well as the third person plural;
- (h) where a word is defined, other parts of speech and tenses of that word

have corresponding meanings;

- (i) where the time limit for doing any event expires or falls upon a holiday, the event may be done on the next day following that is not a holiday;
- (j) 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;

- (k) 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;
- (l) 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;
- (m) where time is expressed to begin after or to be from a specified day, the time does not include that day;
- (n) where any thing is to be done within a time after, from, or of before a specified day, the time does not include that day; and
- (o) a reference to time shall be deemed to be a reference to standard time or daylight saving time, as the circumstances may require.

#### Division Five - References to Enactments

##### **Reference to Enactments**

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

(2) In an enactment or document, an enactment may be cited by reference to its title.

##### **References in Acts**

47.(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, schedule or form shall, unless a contrary intention appears, be read as a reference to the part, division, section, 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 or clause, as the case may be, in which the reference occurs.

### **References to federal and provincial enactments**

48.(1) The provisions of the *Interpretation Act (Canada)* apply with the necessary changes to references to federal statutes in enactments.

(2) The provisions of the *Interpretation Act (Yukon)* apply with the necessary changes to references to statutes of the Legislature of the Yukon in an enactment.

### **Words and Phrases**

49.(1) Unless a contrary intention appears in an enactment, words or phrases used in an enactment have the same meaning as in the final agreement.

(2) In an enactment

“act” means a statute of the Champagne and Aishihik First Nations;

“Champagne and Aishihik person” has the same meaning as in the final agreement;

“Chief” means the Chief of the Champagne and Aishihik First Nations as established in the Constitution;

“citizen” means a person who is enrolled as a citizen of the First Nations pursuant to the Constitution;

GOVERNMENT ADMINISTRATION ACT 2007

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

"Constitution" means the Constitution of the First Nations;

"councillor" means a person who is elected to serve on the First Nations Council or a person who is appointed to serve on the First Nations Council as set out subsection 4(5);

"department" means any department or agency of the First Nations established as set out in this Act;

"Elders' Council" means the Elders' Council of the First Nations as established in the Constitution;

"final agreement" means the Champagne and Aishihik First Nations Final Agreement entered into between Her Majesty in right of Canada as represented by the Minister of Indian Affairs and Northern Development, the Government of the Yukon Territory as represented by the Government Leader of the Yukon Territory and the Champagne and Aishihik First Nations as represented by the Chief and Council of the Champagne and Aishihik First Nations, signed on May 23, 1993 and includes amendments to that agreement made in accordance with the provisions of that agreement;

"First Nations" means the government of the Champagne and Aishihik First Nations as established by the Constitution;

"First Nations Council" means the First Nations Council of the Champagne and Aishihik First Nations as established in the Constitution;

"fiscal year", when used with respect to the First Nations means the 12-month period beginning April 1 of one year and ending March 31 of the following year;

"holiday" includes Sunday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Discovery Day, Labor Day, Remembrance Day, Christmas Day, Boxing Day, any day appointed by the First Nations Council 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;

"judge" means a judge of the Supreme Court, unless otherwise provided;

“justice” means a justice of the peace appointed under the laws of the Yukon Territory;

“lawyer” means a person entitled to practice as a barrister and solicitor in the Yukon in accordance with the *Legal Professions Act (Yukon)* ;

“Legislative Assembly” means the Council of the Yukon Territory constituted under section 9 of the *Yukon Act (Canada)*;

“local time” in relation to any place, means the time observed in that place for the regulation of business hours;

“medical practitioner” means a person who is entitled to practice medicine in the Yukon in accordance with the *Medical Professions Act (Yukon)* ;

“month” means calendar month;

“oath” includes a solemn affirmation or declaration, whenever the context applies, and where a solemn affirmation or declaration may be made instead of an oath the expression ‘sworn’ includes the expressions ‘affirmed’ or ‘declared’;

”or” includes “and”

“peace officer” means a peace officer as defined in the *Criminal Code (Canada)* ;

“person” includes a corporation and the heirs, executors, administrators or other legal representative of a person;

“prescribe” means prescribe by regulation of the First Nations Council unless otherwise provided;

“proclamation” means a proclamation under the seal of the First Nations;

“province” means a province of Canada and includes the Yukon and Northwest Territories;

“public officer” means any person employed by the First Nations  
(a) who is authorized to do or to enforce the doing of any action or thing or to exercise a power; or  
(b) upon whom any duty is imposed by or under any enactment;

“resolution” means a resolution of the First Nations Council;

“self-government agreement” means the Champagne and Aishihik First Nations Self-Government Agreement entered into between Her Majesty in right of Canada as represented by the Minister of Indian Affairs and Northern Development, the Government of the Yukon Territory as represented by the Government Leader of the Yukon Territory and the Champagne and Aishihik First Nations as represented by the Chief and Council of the Champagne and Aishihik First Nations, signed on May 23, 1993, respecting government by and for the Champagne and Aishihik First Nations;

“settlement land” has the same meaning as in the final agreement;

“Supreme Court” means the Supreme Court of the Yukon Territory;

“Territorial Court” means the Territorial Court of the Yukon Territory;

“under this Act” means under the Act or the regulations;

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

“year” means calendar year; and

“Yukon” means the Yukon Territory as defined in the *Yukon Act (Canada)* and the term ‘Yukon’ and ‘the Yukon’ shall be deemed to have the same meaning and may be used interchangeably.

(2) In an enactment, a name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not the formal or extended designation thereof.

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

(4) The expression "shall" shall be read as imperative and the expression "may", as permissive and empowering.

(5) 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.

(6) Where an enactment confers powers to make regulations, expressions used in the regulations have the same respective meanings as in the enactment conferring the power.

### **Appointment of public officers**

**50.** Every public officer appointed before or after the commencement of this enactment 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**

51.(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 to act in his or her stead; and
- (d) fixing his or her remuneration and varying or terminating it,

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

(2) Words directing or empowering a public officer to do any act or thing or otherwise applying to him or her by his or her name of office, include his or her successors in the office and their deputy.

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

### **Delegation**

52.(1) The Chief or the First Nations Council, as the case may be, may, in writing, delegate to any public officer the exercise of any power conferred or duty imposed in an enactment on the Chief or the First Nations Council.

(2) Subsection (1) does not apply to the power or duty to enact enactments.

(3) The Chief or the First Nations Council, as the case may be, by notice in writing, withdraw a delegation made under subsection (1).

### **Custody of Enactments**

53. (1) A clerk of the First Nations Council shall be appointed by the Chief.

(2) 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 of record in the custody of the clerk of the First Nations Council.

### **Certified copies of Enactments**

54. The clerk of the First Nations Council shall affix the seal of the First Nations to certified copies of all enactments to be produced before courts of justice and in any other case that the Chief or First Nations Council may direct, and such certified copies shall be held to be duplicate originals and also to be evidence of such enactments and of their contents.

### **Supply of Certified Copies of Enactments**

55.(1) The clerk of the First Nations Council shall furnish a certified copy of any enactment to any person upon receiving the prescribed fee.

(2) The clerk of the First Nations Council 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 First Nations Council may prescribe fees to be charged under this section.

## **Division Six - Registers**

### **Register of Laws**

56.(1) There is hereby established a register of laws, which shall contain the Constitution and all enactments made by the First Nations Council.

(2) The original copy of each enactment, signed and dated by the Chief, shall be

deposited in the register of laws.

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

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

(5) Fees, as may be prescribed by the First Nations Council, may be charged for any copying or reproducing of any law distributed by the clerk of the register of laws.

#### Central Register

57.(I) There is hereby established a central registry, which shall contain

- (a) certified copies of all enactments;
- (b) a certified copy of the official enrollment list of the Champagne and Aishihik First Nations;
- (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;
- (d) any other official documents and records of the First Nations that are designated by the First Nations Council to be deposited in the central register; and
- (e) recordings of First Nations Council minutes and resolutions.

(2) A clerk of the central register shall be appointed by the Chief who 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 First Nations Council, may be charged for any copying or reproducing of any law distributed by the clerk of the central register.

#### Yukon First Nation Register

58. 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 First Nations shall be deposited in this register, in accordance with any rules of procedure that may be established for the register.

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.

**Parties**

60.(1) Every one is a party to an offence who

- (a) actually commits it;
- (b) does or omits to do anything for the purpose of aiding any person to commit it; or
- (c) abets any person in committing it.

(2) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to that offence.

**Counseling or procuring**

61.(1) Where a person counsels or procures another person to be a party to an offence and that person is afterwards a party to that offence, the person who counseled or procured the other party is a party to the offence, notwithstanding that the offence was committed in a way different from that which was counseled or procured.

(2) Every person who counsels or procures another person to be a party to an offence is a party to every offence that the other commits in consequence of the counseling or procuring that the person who counseled or procured knew or ought to have known was likely to be committed in consequence of the counseling or procurement.



### **Ticketable Offences**

62.(1) In addition to the procedures set out in the *Criminal Code* 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 the form prescribed under the *Summary Convictions Act (Yukon)*, with the necessary modifications.

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

### *Summary Convictions Act (Yukon)*

63. Any offence created under an enactment shall be prosecuted in accordance with the *Summary Convictions Act (Yukon)*.

### Recovery of Fines

64.(1) Where a fine, or any part of a fine, imposed upon a person under any enactment is not paid within 30 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 First Nations and upon proof of the non-payment of the fine, a justice shall grant default judgment in favor of the First Nations.

(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 MISCELLANEOUS

### Regulations

65. The First Nations Council may make regulations  
(a) respecting the process, procedures and powers of the tribunal; (b) 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;

- (c) respecting the numbering and any other form of recording laws for citation and referencing purposes; 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 First Nations Council considers necessary to bring the purposes and provisions of this Act into effect.

### SCHEDULE 1: OATHES (section 8)

#### **Oath of Office**

" I, \_\_\_\_\_, do declare that I will bear true allegiance to the Champagne and Aishihik First Nations' citizens and governance according to the Constitution, the mission statement, laws, policies, culture, teachings of our Elders, language and spirituality of the Champagne and Aishihik First Nations, so help me oh Great Spirit."

#### **Oath of Confidentiality**

"I, \_\_\_\_\_, do so solemnly pledge that I shall preserve and maintain the confidentiality and secrecy of all information entrusted to me during my term in office and that I shall keep secret and confidential:

1. All information obtained during the course of my term of office as a councillor of the Champagne and Aishihik First Nations;
2. All business affairs, records, reports or other information made available to me as a result of my position as a councillor; and
3. all other information of a sensitive or private nature regarding the Champagne

and Aishihik First Nation and its citizens.

I shall maintain and be bound by this oath of confidentiality during and after my term of office as a councillor of the Champagne and Aishihik First Nations has expired, regardless of the reasons or means of the expiration."