

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

**Preamble**

- A.** This Act is established on the traditional values and customs of the Kwanlin Dün and recognizes the historical ties to the Taagish Kwáan.

Comment: Kwanlin Dün has a long history of welcoming visitors to the traditional lands of the Taagish Kwáan. First Nation people from all parts of the Yukon, including Northern Tutchone, Southern Tutchone, Taagish, Tahltan and Tlingit raised their families and built their homes along the Chu Nínkwän and established the Kwanlin Dün First Nation.

- B.** This Act is enacted in accordance with section 13.1 of the self-government agreement.

Comment: Kwanlin Dün's culture, family systems and traditions have been negatively affected by historical events such as the Gold Rush (1800s), federal laws such as the *Indian Act*, government policies that established residential schools and major developments such

as the Alaska Highway and Hydroelectric Dam. Kwanlin Dün continues to develop with determination and strength with the interest to improve the lives of their families for today and several generations ahead. Historically federal and territorial laws have determined our identity, responsibilities and futures. Today Kwanlin Dün laws will determine who we are as a people, who we are as Kwanlin Dün citizens.

- C. This Act sets out a process for persons who seek to be enrolled as a beneficiary, who is a citizen and who can apply to become a citizen.

### Guiding Principles

1. This Act shall be interpreted and administered in a manner that promotes the long-term interests of the Kwanlin Dün First Nation in accordance with the following values and principles:

- (a) to promote and uphold cultural adherence, based on the recognition that elders are important to provide cultural and historical context and that moieties and clans have particular responsibilities and authorities to maintain customary laws;
- (b) to make decisions with integrity and ensure our efforts contribute to the positive advancement of the Kwanlin Dün First Nation;
- (c) to be transparent and accountable for our actions and ensure that our decisions are consistent with our laws, values and the final agreement and the self-government agreements;
- (d) to be considerate, loving and kind and ensure that Kwanlin Dün remains connected to their traditional communities and lands regardless of legislative categories; and
- (e) to be compassionate and recognize the impacts of history and our people's choices that affects their current circumstances.

### Short Title

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

### Definitions

3. (1) In this Act

“adopted child” means a person who while a minor is adopted in accordance with the Laws of General Application or Kwanlin Dün customary laws; [Recommend moving definition to the Constitution]

“arbitrator” means an individual appointed by the Chair of the Dispute Resolution Board in accordance with section 3.11.2.2 of the final agreement to hear and determine an appeal where the Citizenship Committee has denied an application for beneficiary enrollment under the final agreement;

“beneficiary” means a person who qualifies to be enrolled under the final agreement in accordance with section 3.2.2.1 to 3.2.2.3 and including 3.2.3 of the final agreement and whose application has been approved by the Citizenship Committee; [Recommend moving definition to the Constitution]

“care and custody” means when a citizen has the legal authority and corresponding duty to care for the personal and property interests of a minor;

“citizen” means a person whose application has been approved by the Citizenship Committee in accordance with this Act and whose name has been placed on the Kwanlin Dün Citizenship List by the registrar; [Recommend moving definition to the Constitution]

“Citizenship Committee” means the committee established by subsection 10(1) of this Act;

“conflict of interest” means any situation in which a member of the Citizenship Committee’s personal interests may or could influence his or her objectivity, judgment or ability to act in the best interest of the Citizenship Committee or the Kwanlin Dün First Nation;

“perceived conflict of interest” means when a reasonable, well informed individual has a reasonable belief that a member of the Citizenship Committee has a personal interest, whether direct or indirect, that is sufficient to put into question the independence, impartiality and objectiveness of the member;

“constitution” means the Constitution of the Kwanlin Dün First Nation as may be amended from time to time.

“Council” means the branch of the Kwanlin Dün First Nation government constituted pursuant to section 21(d) of the constitution;

“custom adoption” means an adoption of a minor by a citizen in accordance with Kwanlin Dün customary law and where the citizen is not the biological parent of the minor and has the care and custody of the minor with the intention of establishing and maintaining a parent-child relationship and the relationship is confirmed by a witness who can attest that the adoption took place in accordance with Kwanlin Dün customary law;

“customary law” means a common traditional rule or practice of the Kwanlin Dün that has been exercised by the families, moieties and clans of the Kwanlin Dün over the course of generations, is expressed orally and represents an essential part of the accepted and expected conduct for the Kwanlin Dün and is treated as a legal requirement;

“descendant” means a person who is a blood relative by either maternal or paternal line independent of whether any child of the line was born within or outside of a marriage;

“effective date” means April 1, 2005 which is the same date as when the final agreement and the self-government agreement and the constitution came into effect;

“Elders Council” means the branch of the Kwanlin Dün First Nation constituted pursuant to paragraph 21(b) of the constitution;

“exceptional circumstances” means when a member of the Citizenship Committee is unable to attend a committee meeting due to sudden illness or serious medical matters or a death in his or her immediate family.

“government” means Canada or the Yukon, or both, depending upon which government or governments have responsibility, from time to time, for the matter in question;

“immediate family” has the same meaning as the constitution and includes siblings for the purpose of this Act;

“internal Kwanlin Dün First Nation government purposes” means Kwanlin Dün First Nation government departments for the delivery of programs and services to citizens.

“Judicial Council” means the branch of the Kwanlin Dün First Nation constituted pursuant to paragraph 21(e) of the constitution and authorized to hear citizenship applications on appeal in accordance with subparagraph 56(1)(b)(i) of the constitution;

“Kwanlin Dün Citizenship List” means the official list of persons approved by the Citizenship Committee to be registered and recognized as citizens of the Kwanlin Dün First Nation;

“Kwanlin Dün communities” include those lands located on Lot 226, McIntyre subdivision, and Kwanlin Dün waterfront lands otherwise referred to as Whiskey Flats, Moccasin Flats and Shipyards;

“Lot 226” means those lands, otherwise referred to as the “old village” or Indian Act Reserve #8, referenced as retained reserve lands under the final agreement;

“mental disorder” means when a person has a substantial disorder of perception, orientation or memory that impairs judgment, behavior or capacity to recognize reality or understand his or her actions;

“minor” means for the purpose of this Act a person who has not yet reached the age of 19 as determined from time to time by the laws of Yukon;

“registrar” means the person appointed by the Council in accordance with subsection 11(2) of this Act to serve as the registrar and maintain the Kwanlin Dün Citizenship List;

“person” means a natural person;

“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; [Propose moving to the Constitution]

“Taagish Kwáan” includes those families who historically lived in and around Tagish Lake, Marsh Lake, M’Clintock and Fish Lake prior to migrating to and residing in the City of Whitehorse; and

“traditional ties” means when a Yukon First Nation person has a connection to Kwanlin Dün as a resident of one of the Kwanlin Dün communities where the Yukon First Nation person has been a resident of one of the Kwanlin Dün communities for the majority of his or her life or where a Yukon First Nation person is a descendant or an adopted child of a Taagish Kwáan family, identified in Schedule “B” attached to this Act.

### **Purpose**

4. The purpose of this Act is to
  - (a) authorize the Citizenship Committee to review, approve or reject applications by persons seeking to be enrolled as a Kwanlin Dün beneficiary or to be registered a Kwanlin Dün citizen;
  - (b) authorize the Citizenship Committee to confirm who can be enrolled as a Kwanlin Dün beneficiary under the final agreement or registered as a Kwanlin Dün citizen under this Act;
  - (c) establish the procedures to process a Kwanlin Dün beneficiary application; and
  - (d) establish the eligibility requirements and procedures to process a Kwanlin Dün citizenship application.

### **Official Kwanlin Dün Citizenship List**

5. (1) The Citizenship Committee is authorized to establish the official Kwanlin Dün Citizenship List as informed by the Department of Indian Affairs Kwanlin Dün Band List and beneficiary list as of April 1, 2005.

(2) The Citizenship Committee hereby identifies the official Kwanlin Dün Citizenship List as of April 5, 2016 herein attached as Schedule “A.”

(3) The Citizenship Committee is authorized to add and remove persons from the Kwanlin Dün Citizenship List in accordance with this Act to keep the list current.

### **Kwanlin Dün citizenship**

6. Subject to this Act, a person is a citizen if
  - (a) the person was registered as a Kwanlin Dün status Indian with the Department of Indian Affairs and confirmed on April 1, 2005;
  - (b) the person was enrolled as a Kwanlin Dün beneficiary in accordance with Chapter 3 of the final agreement and confirmed on April 1, 2005; or
  - (c) the person was granted citizenship by the Citizenship Committee in accordance with this Act.

**Kwanlin Dün citizenship requirements**

7. (1) A person may bring an application to the Citizenship Committee to be a citizen if that person is eligible to apply in accordance with section 7 of the Constitution.

(2) A person if eligible to be registered as a Kwanlin Dün First Nation status Indian with the Department of Aboriginal Affairs and Northern Development Canada shall apply and obtain a Kwanlin Dün First Nation status card before final registration as a Kwanlin Dün citizen.

(3) Any person whose citizenship came into effect on April 1, 2005 as a result of being a beneficiary, if eligible to have a Kwanlin Dün First Nation status card, shall obtain a Kwanlin Dün First Nation status card.

(4) All persons whose citizenship came into effect on April 1, 2005 shall have six months from the date on which this Act comes into force and effect to satisfy the requirements outlined in subsection (3).

(5) A person's failure to satisfy the requirements outlined in subsection (4) shall result in the termination of the person's citizenship.

**Applications**

8. (1) This section applies to a person's application for either enrollment as a beneficiary or registration as a citizen.

(2) Any adult person may apply to the Citizenship Committee to be enrolled as a beneficiary or registered as a citizen.

(3) A minor may apply on his or her own behalf to the Citizenship Committee to be enrolled as a beneficiary or registered as a citizen.

(4) Any adult person who is a legal guardian to the applicant may apply to the Citizenship Committee to enroll a minor or as a beneficiary or register a minor or as a citizen.

(5) Any person who, by order of a court in Canada or pursuant to the Laws of General Application, has been vested with the authority to manage the affairs of an adult incapable of managing his or her own affairs may apply to the Citizenship Committee on behalf of the adult to enroll the adult as a beneficiary or register the adult as a citizen.

### **Application process**

9. (1) A person, seeking to be enrolled either as a beneficiary or registered as a citizen, shall file a complete application in a prescribed form that includes all necessary documentation identified by the registrar.

(2) The registrar shall provide any person seeking to be enrolled as a beneficiary or registered as a citizen with a copy of the *Citizenship Act* (Kwanlin Dün First Nation) and an application that identifies the

- (a) beneficiary enrollment or citizenship registration requirements;
- (b) application process; and
- (c) any prescribed forms.

(3) It is the applicant's responsibility to ensure that his or her application package, for either enrollment as a beneficiary or registration as a citizen, has all the required or requested documentation.

(4) A person who makes an application under this Act must truthfully answer all questions put to him or her that are related to the application.

(5) An application shall be accepted for processing under this Act only if all of the following conditions are satisfied

- (a) made in the form and manner and at the place required under this Act;
- (b) includes the information required under this Act; and
- (c) is accompanied by any supporting information and fees that may be required under this Act.

### *Beneficiary enrollment*

(6) If a person is seeking to be enrolled as a beneficiary the applicant shall file an application with the registrar supported with the following documentation:

- (a) a birth certificate in long form;
- (b) a photo identification that can be facilitated by the registrar's office if required;
- (c) supporting materials that demonstrate that the applicant is eligible to be a beneficiary in accordance with section 3.2.2 of the final agreement;
- (d) confirmation that the applicant is not enrolled under another land claims settlement agreement in Canada in accordance with section 3.4.0 of the final agreement;
- (e) a genealogy chart or family tree; and
- (f) any other information that the Citizenship Committee may consider necessary.

(7) If a person is seeking to be enrolled as a beneficiary and is not related to a living beneficiary registered as a citizen on the Kwanlin Dün Citizenship List, the applicant shall demonstrate traditional ties to one of the families listed as Taagish Kwáan as identified in Schedule "B".

*Citizenship registration*

(8) If a person is seeking to be registered as citizen the applicant shall provide the registrar with an application and supporting documentation to confirm that the person is eligible to be a citizen under subsection 7(1) of this Act.

(9) A person's application for citizenship that is not based on a person's application for enrolment as a beneficiary shall include the following documentation:

- (a) a birth certificate in long form;
- (b) photo identification that can be facilitated by the registrar's office if required;
- (c) supporting materials that confirm that the person is the biological or adopted child of a person registered as a Kwanlin Dün citizen as of April 1, 2005;
- (d) confirmation of a Kwanlin Dün status card; and
- (e) any other information that the Citizenship Committee may consider necessary.

(10) The registrar has 30 days from the initial date of a person's application to forward a complete application package to the Citizenship Committee.

*Application abandoned*

(11) The registrar may treat the application as abandoned within the first 30 days if the applicant fails, without reasonable notice, to provide the supporting documentation required under this Act.

(12) If the registrar treats the application as abandoned no further action is required.

(13) The Citizenship Committee has 90 days from the date the registrar provides a complete application package to either approve or reject a person's application.

(14) The Citizenship Committee may extend the review of an application for 30 days due to exceptional circumstances.

- (15) Upon receipt of a complete application package the Citizenship Committee shall
- (a) complete the review of the application;
  - (b) issue a decision in writing; and
  - (c) advise the registrar to provide the applicant with a copy of the Citizenship Committee's decision.

(16) Should an applicant choose to appear before the Citizenship Committee, the registrar shall provide the applicant with the date, time and location of the Citizenship Committee meeting intended to review and confirm the person's application.

(17) The applicant may appear before the Citizenship Committee either in person or by teleconference or videoconference.

(18) The Citizenship Committee may proceed with an application in the absence of the applicant who has been notified under subsection (15).



(19) All information received for the purpose of either a beneficiary or citizenship application will be treated as confidential and will be used to support a person's application for either enrollment as a beneficiary or registration as a citizen and will not be used for any other Kwanlin Dün First Nation government purposes without the written consent of the applicant.

(20) The Council is authorized to enact regulations respecting the form and content of beneficiary and citizenship application forms.

(21) The Citizenship Committee is hereby authorized to amend the application forms contemplated by section 9(20) from time to time.

(22) The Citizenship Committee will notify the Council when a prescribed form has been amended.

### **Citizenship Committee**

#### *Establishment of the Citizenship Committee*

10. (1) The Citizenship Committee is hereby established.

(2) The Citizenship Committee shall be comprised of five Kwanlin Dün citizens appointed by the Council to serve a term of five years.

(3) When making appointments to the Citizenship Committee the Council

- (a) shall ensure that at all times two members of the Citizenship Committee are Elders; and
- (b) may consult the Elders Council before appointing the members of the Citizenship Committee referred to in paragraph (a).

(4) Despite subsection (2), those members of the Citizenship Committee serving prior to this Act coming into force are hereby confirmed as the members under this Act and shall remain until the expiry of their original terms.

(5) All members of the Citizenship Committee shall be required to sign an oath and a code of conduct as prescribed by regulation.

(6) A member of the Citizenship Committee shall serve during good behavior and may be removed by the Council at any time for cause.

(7) A member of the Citizenship Committee may be reappointed upon the expiration of his or her term.

(8) Nominations for the Citizenship Committee shall be identified at the Kwanlin Dün Annual General Assembly.

- (9) Citizenship Committee candidates are required to satisfy the following criteria:
- (a) must be a Kwanlin Dün citizen;
  - (b) knowledge of Kwanlin Dün history and families;
  - (c) familiarity with the final agreement and the self-government agreement and the laws of the Kwanlin Dün First Nation;
  - (d) a minimum of grade 12 or equivalent practical community experience; and
  - (e) any other qualifications that the Council or the General Assembly may consider necessary.

*Citizenship Committee authorities and responsibilities*

- (10) The Citizenship Committee has the authority to
- (a) approve or reject an application by a person seeking to be enrolled either as a beneficiary or registered as a citizen;
  - (b) determine the citizenship of a person who has been improperly registered or granted citizenship based on incorrect or false information; and
  - (c) approve or reject transfer applications.
- (11) The Citizenship Committee has the following responsibilities:
- (a) provide fair and confidential hearings;
  - (b) review and decide applications in a timely manner;
  - (c) notify the registrar of the Citizenship Committee's decisions in a timely manner; and
  - (d) provide written reasons for the approval or rejection of any beneficiary or citizenship application.

- (12) When the Citizenship Committee has reached a decision on an application, the committee shall
- (a) notify the registrar of its decision; and
  - (b) provide written reasons to the applicant if the Citizenship committee has rejected an application.

*Citizenship Committee rules and procedures*

- (13) The Citizenship Committee has the authority to establish its own forms and rules for its proceedings.
- (14) The Citizenship Committee may seek the advice of the Elders Council on any matter.
- (15) All Citizenship Committee proceedings and decisions shall be archived in accordance with Kwanlin Dün laws and policies.

*Conflict of Interest*

- (16) A member of the Citizenship Committee shall not participate in a committee's deliberations, proceeding or decision when the applicant is a member of the committee member's immediate family.[as defined in the Constitution and includes siblings]

(17) A member of the Citizenship Committee shall disclose to the Chair of the committee any real or perceived conflict of interest if and when an issue arises.

(18) The Chair of the Citizenship Committee shall disclose to any other member of the Citizenship Committee any real or perceived conflict of interest if and when an issue arises.

(19) A member of the Citizenship Committee shall not participate in a committee's deliberations if it is determined by the committee as a whole that the member has a conflict of interest.

(20) If a member of the Citizenship Committee is required to leave a committee's deliberations or proceedings in accordance with subsection (16) or (19), he or she shall remain a part of the quorum.

### **Citizenship registrar**

11. (1) The office of the registrar is hereby established.

(2) The Council has the authority to appoint and remove the registrar.

(3) For the purposes of confirming the enrolment of a Kwanlin Dün beneficiary, the registrar on behalf of the Citizenship Committee shall immediately notify the government and the Council, in writing, of the committee's decision to enroll a person as a beneficiary under the final agreement.

(4) The enrollment of a person under the final agreement shall not come into effect until 30 days following the government's receipt of a notice outlined in subsection (3) or, in the event of a dispute, until a determination has been made following an appeal made pursuant to subsection 17(1).

(5) For the purposes of confirming the registration of a citizen, the registrar on behalf of the Citizenship Committee shall immediately notify the Council, in writing, of the committee's decision to register a person as a new citizen of the Kwanlin Dün First Nation.

(6) The registration of a person as a citizen under this Act shall come into effect 30 days from the date of the Citizenship Committee's decision or in the event that the person has not confirmed his or her application or transfer of his or her status number to the Kwanlin Dün First Nation, if eligible, the registration shall come into effect upon the date the registrar receives written confirmation of such application or transfer of the Kwanlin Dün First Nation status number.

(7) The registrar is also responsible for

- (a) developing and distribute public information materials that outline the citizenship and application procedures;
- (b) keeping all application forms current;

- (c) supplying application forms to any person seeking to be enrolled either as a beneficiary or registered as a citizen;
- (d) receiving and date stamping a person's application seeking enrollment as a beneficiary or registration as a citizen;
- (e) ensuring that each applicant at the time of filing provides his or her current contact information, including a current mailing address;
- (f) notifying the applicant of the Citizenship Committee's decision;
- (g) placing the name of the applicant on the Kwanlin Dün Citizenship List if his or her application has been approved;
- (h) advising the applicant, in writing, of his or her appeal options if the Citizenship Committee has denied his or her application;
- (i) if an applicant is seeking an appeal of the Citizenship Committee's decision, directing the applicant to either the Chair of the Dispute Resolution Board or the administrator of the Kwanlin Dün Judicial Council;
- (j) maintaining and keeping the Kwanlin Dün Citizenship List current, including the names, birthdates and addresses of each citizen;
- (k) filing and ensuring the safe keeping of the Citizenship Committee's original records and orders; and
- (l) any other matters prescribed by the laws or policies of the Kwanlin Dün First Nation.

### **Evidence of citizenship**

12. After a person acquires citizenship as a result of the Citizenship Committee granting the citizenship, the registrar shall

- (a) issue a Kwanlin Dün First Nation citizenship card; or
- (b) provide some other means to confirm the person's citizenship.

### **Continuation of citizenship**

13. A person who was registered as a citizen while a minor may retain his or her citizenship regardless if

- (a) either one or both parents cease to be a citizen; or
- (b) the person is adopted by a person who is not a citizen.

### **Loss or revocation of citizenship**

14. (1) If the Citizenship Committee has reasonable grounds to believe a person obtained, retained, terminated or renewed his or her citizenship by false representation or fraud or knowingly concealed material information that would make the person ineligible to be enrolled as a beneficiary or registered as a citizen, the person's citizenship shall be revoked and the person shall be ineligible to reapply for citizenship.

(2) The Citizenship Committee may make an order to revoke a person's citizenship and strike the person from the Citizenship List when the committee has concluded, after careful consideration of all relevant documentation and information that the person

- (a) was placed on the list based on false representation or fraud outlined in subsection (1);
- (b) is listed and confirmed as a citizen on another First Nation's list;
- (c) was incorrectly registered as a citizen; or
- (d) failed to satisfy the requirements outlined in subsection 7(4) of this Act.

(3) Before revoking a person's citizenship, the Citizenship Committee shall provide the citizen with a written notice that identifies

- (a) the person's right to make written representations or appear before the Citizenship Committee in person;
- (b) the period within which the person may make his or her representations and the form and manner they may be made; and
- (c) the grounds that the Citizenship Committee is relying to make their decision.

(4) A person whose citizenship is under review may participate in person or by teleconference or videoconference.

(5) The registrar shall provide the person whose citizenship is under review with a notice of the Citizenship Committee meeting 14 days prior to the scheduled date.

### **Transfers**

**15.** (1) A citizen may on application renounce and transfer his or her citizenship to another First Nation and become a citizen of the other First Nation other than Kwanlin Dün on the basis that the person

- (a) is not a minor;
- (b) is not prevented from understanding the significance of renouncing and transferring one's citizenship by reason of a mental disorder; and
- (c) confirms that the receiving First Nation has accepted his or her transfer application.

(2) Subject to this Act, the Citizenship Committee may grant citizenship to a person who has renounced and transferred his or her citizenship out of Kwanlin Dün whereby the person

- (a) makes an application for resumption of citizenship;
- (b) is not subject to a Citizenship Committee revocation order pursuant to subsection 14(2);
- (c) intends, if granted citizenship to remain a Kwanlin Dün citizen.

(3) A person who is a beneficiary of the Kwanlin Dün First Nation and a citizen of another self-governing Yukon First Nation can transfer his or her citizenship to the Kwanlin Dün First Nation by virtue of section 7(b) of the Constitution.

(4) A person may transfer his or her beneficiary rights from another self-governing Yukon First Nation to the Kwanlin Dün First Nation if the person can demonstrate that he or she was

originally enrolled in the other self-governing Yukon First Nation as a minor whereby one parent is a beneficiary of the other self-governing Yukon First Nation and the other parent is a beneficiary of the Kwanlin Dün First Nation.

(5) A person may transfer his or her beneficiary rights from another self-governing Yukon First Nation to the Kwanlin Dün First Nation if the person can demonstrate that he or she

- (a) has traditional ties to the Kwanlin Dün First Nation;
- (b) is registered as a status Indian within the meaning of the *Indian Act* (Canada) with the Kwanlin Dün First Nation; and
- (c) has appeared before the Elders Council with the transfer application and obtained the Elders Council's support, in writing, in accordance with the Rules of Procedure for the Elders Council.

(6) For the purpose of subsection 15(5), a person may participate in a meeting with the Elders Council

- (a) in person or by telephone or other communication services as long as it permits all persons participating in the meeting to hear each other. The person participating by the communication services is deemed to be present at the meeting;
- (b) with a support person; or
- (c) if the person is unable to attend, the Elders Council have a representative attend on his or her behalf.

## Offences

16. (1) It is an offence for a citizen or person to

- (a) take steps to intimidate or influence a member of the Citizenship Committee to disclose confidential information or approve an application;
- (b) intentionally provide false information to support an application; or
- (c) allow another person to use his or her citizenship to impersonate him or her.

(2) A person who commits an offence under this Act shall be subject to appear before the Judicial Council and may have

- (a) his or her citizenship rights suspended up to a period of 12 months; or
- (b) his or her citizenship terminated, subject to the severity of the offence.

## Appeal

17. (1) If the Citizenship Committee rejects a beneficiary enrollment application, then a person can appeal the decision to a single arbitrator appointed by the Chair of the Dispute Resolution Board in accordance with section 3.10.2.2 of the final agreement.

(2) If the Citizenship Committee rejects a citizenship application or refuses to make a decision within the allowable period under section 9 of this Act, the applicant can file an appeal with the Judicial Council.

(3) An appeal of a Citizenship Committee revocation order may be taken on a question of law and by leave of the Chair of the Judicial Council.

- (4) An appeal to the Judicial Council can be initiated and be represented by
- (a) a person whose citizenship application has been rejected;
  - (b) any Kwanlin Dün citizen on behalf of the person's whose application has been rejected; or
  - (c) by an advocate or representative of the person whose application has been rejected.

(5) A person seeking an appeal pursuant to subsection (2) shall file his or her appeal with the Judicial Council's registry no later than 60 days from the date of the Citizenship Committee's decision.

(6) The applicant or his or her representative shall provide the registrar with a copy of the notice of appeal, any documentation related to the applicant's appeal or the Judicial Council's order, as appropriate.

(7) The Judicial Council shall issue its decision no later than 90 days upon receipt of a notice filed under section 14(4).

- (8) Upon receipt of a notice to appeal filed under subsection (5), the Judicial Council shall
- (a) complete a review of the appeal;
  - (b) notify the parties to the appeal in writing of the date, time and location of the hearing;
  - (c) hold a hearing on appeal;
  - (d) reach a decision on the appeal; and
  - (e) provide a copy of its decision to both the appellant and the registrar.

- (9) The Judicial Council may
- (a) uphold the Citizenship Committee's decision;
  - (b) reverse a decision of the Citizenship Committee on the grounds that the committee exceeded its jurisdiction or authorities; or
  - (c) refer the decision back to the Citizenship Committee for further consideration.

(10) The decision of the Judicial Council on an appeal is final.

### **Information and representation**

**18.** (1) All information and documentation received for the purposes of any application under this Act is confidential and shall not be used for any other purpose without the written consent of the applicant.

(2) An applicant or person whose citizenship is under review can appear before the Citizenship Committee or the Kwanlin Dün Judicial Council in person or through an advocate or legal representative, or both.

**Amendments**

19. This Act may be amended in accordance with the constitution.

**General**

20. The Council may make regulations, based on the recommendations of the Citizenship Committee, that are necessary to carry out the purposes and provisions of this Act.

**Coming into force**

21. This Act shall have legal effect on a day fixed by the Council.