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**KWANLIN DÜN FIRST NATION**

# ORDER IN COUNCIL

**ORDER IN COUNCIL TITLE:**
**SECOND READING OF THE BILL ENTITLED THE "CITIZENSHIP AND ENROLLMENT ACT"**

**THE COUNCIL ORDERS THAT** the bill entitled the *Citizenship and Enrollment Act*, a copy of which is attached to this Order and marked as Schedule 'A', is accepted and is approved to proceed to third reading.

The Seal
of the Kwanlin Dün
First Nation

Chief Sean Smith

CERTIFIED AND DEPOSITED
IN THE KWANLIN DÜN FIRST NATION
REGISTRY OF LAWS AND POLICIES

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**KWANLIN DÜN FIRST NATION**

# Citizenship and Enrollment Act

**2025**

For the First Reading by the Council
this 18th day of December, 2025

**Kwanlin Dün First Nation**

# CITIZENSHIP AND ENROLLMENT ACT

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

**Short Title**

**1.** This Act may be cited as the Citizenship and Enrollment Act.

**2.** (1) In this Act

"adopted child" means a person who while a minor

(a) is adopted in accordance with applicable law; or

(b) lives permanently in a home environment with one or two adults who provide ongoing care and support of the kind normally provided by a parent with the intention of establishing and maintaining a parent-child relationship and that relationship is confirmed by a witness;

"ancestor" means a person who is eligible for enrollment under a Yukon First Nation final agreement and

(a) between 1920 and 1940, permanently and primarily resided within what is now the traditional territory of the Kwanlin Dün First Nation; or

(b) between 1941 and 1988, being the year that Kwanlin Dün relocated from Lot 226 to McIntyre Subdivision, permanently and primarily resided within what is now the traditional territory of the Kwanlin Dün First Nation, and is fully integrated into Kwanlin Dün community life;

"beneficiary" unless used in another sense, means a person who is enrolled under the final agreement;

"child" means a biological child or an adopted child;

"citizen" unless used in another sense, means a person who is recognized under this Act as a citizen for the purposes of the constitution;

"Citizenship Code" means the *Citizenship Code* (Schedule 2 to the *Constitution of the Kwanlin Dün First Nation*);

"Committee" means the committee established by subsection 10(1) of this Act;

"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;

"descendant" means a person who is a biological blood relative of an ancestor;

"dispute" means an appeal to the Yukon Dispute Resolution Board pursuant to Chapter 3 of the final agreement;

"effective date" means April 1, 2005, being the date on which the final agreement and constitution came into effect;

"effective date band list" means the band list of the Kwanlin Dün First Nation Indian Band as of the effective date, according to the records of Canada;

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

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

"Judicial Council" means the branch of the Kwanlin Dün First Nation constituted pursuant to subsection 21(e) of the constitution;

"Kwanlin Dün register" means the register established pursuant to section 32;

"list of ancestors" means the list contemplated in paragraph 5(1)(a) of this Act;

"list of descendants" means the list contemplated in paragraph 5(1)(b) of this Act;

"minor" means a person who has not yet reached the age of 19;

"person" means a natural person; and

"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 register.

**Purpose**

**3.** The purpose of this Act is to

(a) provide rules for determining who may be enrolled as a beneficiary or registered as a citizen of Kwanlin Dün First Nation;

(b) provide rules and procedures for applications to be enrolled as a beneficiary or registered as a citizen of Kwanlin Dün First Nation;

(c) provide rules and procedures respecting the loss of enrollment as a beneficiary or

registration as a citizen of Kwanlin Dün First Nation;

(d) establish the Committee and the rules under which it operates;

(e) establish the office of the Registrar and the rules under which it operates; and

(f) establish the jurisdiction of the Judicial Council to hear appeals and reviews under this Act.

# PART I
# KWANLIN DÜN PEOPLE

**Who is a Kwanlin Dün person?**

**4.** A person is a Kwanlin Dün person if:

(a) that person is eligible for enrollment under at least one Yukon First Nation Final Agreement; and

(b) that person is one or more of the following:

(i) an ancestor;

(ii) a descendant;

(iii) an adopted child of an ancestor or a descendant;

(iv) a person named on the effective date band list; or

(v) a child of a person named on the effective date band list.

(3) A Kwanlin Dün person does not have the rights of a citizen or of a beneficiary unless that person is registered as a citizen or enrolled as a beneficiary, respectively, in accordance with this Act.

**List of Ancestors and Descendants**

**5.** (1) The Kwanlin Dün First Nation must establish and adopt the following lists in accordance with this Act:

(a) a list identifying every known ancestor; and

(b) a list identifying every known descendant.

**Preparing and Adopting the List of Ancestors**

**6.** (1) The Committee shall prepare a list of ancestors for adoption by Council.

(2) In preparing the list of ancestors, the Committee:

(a) may undertake any reasonable enquiry likely to assist it in the preparation of the list of ancestors;

(b) may consider any information that it considers to be reliable; and

(c) will consider any information provided to it by a citizen or beneficiary.

(3) Before proposing a list of ancestors to Council for adoption, the Committee will:

(a) consult with the Elders Council regarding its preparation of the list of ancestors;

(b) hold at least one public meeting open to every citizen and beneficiary in order to review and discuss the list of ancestors; and

(c) consult with the Council regarding the procedures by which it prepared the list of ancestors.

(4) The Committee will present to the Council a list of ancestors and the Council will formally adopt by regulation the list presented.

**Preparing the initial List of Descendants and Family Tree**

**7.** (1) The Committee shall establish and maintain a list of descendants and a family tree.

(2) The list of descendants shall be maintained as an alphabetical list of every name appearing on the family tree from time to time.

(3) The initial family tree shall be established by the Committee according to the following rules:

(a) the starting points for the family tree shall be the names of each person identified in the list of ancestors; and

(b) every known biological child of a person appearing on the family tree shall be added to the family tree.

(4) In establishing the initial family tree, the Committee:

(a) may undertake any reasonable enquiry likely to assist in the preparation of the family tree;

(b) may consider any information that it determines to be reliable; and

(c) will consider any information provided to it by a citizen or beneficiary.

(5) Before adopting the initial list of descendants, the Committee shall

(a) consult with the Elders Council regarding is preparation of the list of descendants;

(b) hold at least one public meeting open to every citizen and beneficiary in order to review and discuss the list of descendants; and

(c) consult with the Council regarding the procedures by which it prepared the list of descendants.

**Registrar Duties**

**8.** (1) The family tree and the list of descendants shall be kept in the records of the registrar.

(2) The family tree shall not be amended except by the registrar in accordance with the express direction of the Committee given in accordance with this Act.

(3) The registrar shall maintain the list of descendants to ensure compliance with subsection 7(2).

**Disclosure of the Family Tree**

**9.** Notwithstanding the *Freedom of Information and Protection of Privacy Act*, the initial family tree and every amendment to the family tree made in accordance with this Act will be held in confidence by the Committee, except that a part of the family tree may be disclosed by the Committee if

(a) that disclosure is for the purpose of ensuring that the family tree is complete and correct; and

(b) such a disclosure would not be likely to cause harm.

**10.** (1) At any time, a person or Kwanlin Dün First Nation may submit to the registrar a request that the Committee disclose to them a part of the family tree.

(2) A request under subsection (1) will set out every purpose for which that information would be used.

(3) After making a decision in respect of the request, the Committee will

(a) issue written decision with reasons; and

(b) deliver the original copy of that decision to the Registrar.

(4) Upon receiving a decision from the Committee, the Registrar shall

(a) retain the original copy of that decision in their files;

(b) deliver a copy of that decision to the party requesting disclosure; and

(c) give effect to the Committee's decision.

**Incidental Amendments to the Family Tree**

**11.** (1) The Committee shall direct the Registrar to add to the family tree the name of a person, if, that person's application to be registered as a citizen or enrolled as a beneficiary, the applicant establishes that they are a biological child of a person identified in the list of descendants.

(2) Subsection (1) applies regardless of whether the Committee ultimately accepts or rejects an application referred to in that subsection.

**Applications to Amend the Family Tree**

**12.** (1) A person or Kwanlin Dün First Nation may apply to the Committee to add or remove a person from the family tree, but an application must not seek to add or remove a person who is identified as an ancestor.

(2) In an application to remove a person from the family tree:

(a) that person and every living ancestor and descendant of that person identified in the family tree shall be added as a party to the application; and

(b) the onus shall be on the applicant to establish that the person proposed to be removed from the list of descendants was included as a result of fraud or mistake.

(3) The Committee will consider the evidence submitted by the parties to the application and may make any further factual enquiry that it considers necessary to reach a fair and reasonable decision.

(4) After deciding an application, the Committee shall

(a) issue a written decision with reasons; and

(b) deliver the original copy of that decision to the Registrar.

(5) Upon receiving a decision from the Committee, the Registrar shall

(a) retain the original copy of that decision in their files;

(b) deliver a copy of that decision to the applicant and every other party; and

(c) if no appeal or dispute has been filed and the time to do so has expired, update the family tree in accordance with any directions of the Committee.

# PART II
# CITIZEN REGISTRATION & BENEFICIARY ENROLLMENT

**Basic Beneficiary Enrollment Criteria**

**13.** (1) In addition to any other requirement of this Act, a person must not be enrolled as a beneficiary unless that person:

(a) is a Kwanlin Dün person;

(b) is registered as a citizen;

(c) has disclosed every past and present affiliation with another First Nation in Canada;

(d) has not ceased to be either registered as a citizen or enrolled as a beneficiary two or more times after April 1, 2005 and after that person has attained the age of majority; and

(e) is sufficiently connected to or involved in the Kwanlin Dün First Nation community such that it is feasible for that person to fulfill the obligations set out in section 5 of the constitution.

**Basic Citizenship Criteria**

**14.** (1) In addition to any other requirement of this Act, a person must not be registered as a citizen unless that person:

(a) is

(i) entitled to citizenship under the constitution; or

(ii) eligible, but not entitled, to apply for citizenship under section 8 of the constitution and satisfies any applicable criteria, including the criteria under section 16 of this Act;

(b) has disclosed every past and present affiliation with another First Nation in Canada; and

(c) has not ceased to be registered as a citizen or enrolled as a beneficiary two or more times at a time after April 1, 2005 and after that person has attained the age of majority.

**Additional Criteria**

**15.** A person who is eligible, but not entitled, to apply for citizenship under section 8 of the constitution must not be registered as a citizen unless:

(a) that person meets one of the following criteria:

(i) they have resided regularly and permanently within the Kwanlin Dün First Nation traditional territory for at least one year;

(ii) they are a spouse of a Citizen; or

(iii) they have been recommended for citizenship by a formal resolution of the Elders Council; and

(b) that person meets all of the following criteria:

(i) they are eligible for enrollment under a Yukon First Nation final agreement;

(ii) they have not been finally convicted of a criminal offence prosecuted by indictment in the last 5 years;

(iii) three citizens have confirmed the applicant's good character; and

(iv) they can demonstrate that for the three years immediately before submitting an application to be registered as a citizen, they have substantially participated in and positively contributed to the community life of the Kwanlin Dün First Nation in a manner consistent with section 5 of the constitution.

**Applications and Deemed Applications**

**16.** (1) A person may apply to Kwanlin Dün First Nation to be enrolled as a beneficiary or registered as a citizen by submitting an application to the registrar.

(2) If a person applies to be enrolled as a beneficiary, but is not registered as a citizen, they will be deemed to have applied to be registered as a citizen.

(3) If a person who is entitled to citizenship applies to be registered as a citizen, but is not enrolled as a beneficiary, they will be deemed to have applied to be enrolled as a beneficiary.

**Application Assistance**

**17.** (1) Upon request, the registrar shall provide a person with a copy of this Act, applicable application forms, and other available general information respecting the application process.

(2) Despite any information or support provided by the registrar, before submitting an application, an applicant shall ensure that their application is complete, contains only true information, and complies with the requirements of the Act.

**Supporting Documents**

**18.** A person submitting an application to be enrolled as a beneficiary or registered as a citizen must include with their application:

(a) a copy of the applicant's birth certificate in long form;

(b) a copy of valid government issued photo identification;

(c) names of parents and formal proof of relationship if other than as shown on birth certificate;

(d) if applicable, a statutory declaration respecting eligibility to enroll under a Yukon First Nation final agreement;

(e) a statutory declaration concerning the person's

(i) eligibility to be enrolled under a Yukon First Nation final agreement;

(ii) enrollment under another land claims settlement in Canada;

(iii) registration as a citizen of another Yukon First Nation;

(iv) membership in an Indian Band in Canada; and

(v) other related information relevant to the application.

(f) if applicable, evidence of legal custody or guardianship of the minor applicant; and

(g) any other information or documents that the Committee may require.

**19.** In addition to complying with section 19, a person applying to be registered as a citizen pursuant to section s.8 of the constitution must include with their application:

(a) proof of eligibility to apply;

(b) a criminal record check issued within the last 6 months;

(c) required citizen character statements; and

(d) proof of satisfaction of subparagraph 16(b)(iv).

**Application Submission & Withdrawal**

**18.** (1) The registrar shall not accept an application unless it has been signed and dated by the applicant.

(2) After accepting the submission of an application, the registrar must:

(a) Note the date of submission on the application;

(b) deliver a copy of that application to the Committee at the earliest opportunity and in accordance with any rules of procedure adopted by the Committee; and

(c) retain the original application in their records.

(3) An applicant may not amend an application submitted to the registrar, but they may withdraw it at any time before the Committee has considered it by submitting a request to the registrar.

(4) If a person withdraws an application, they must withdraw the whole application and may not withdraw a part of it.

(5) For the purposes of this Act, an application that has been withdrawn shall be treated as if it had never been submitted.

**Consideration of Applications**

**19.** The Committee must consider and decide whether to accept an application for enrollment as a beneficiary or registration as a citizen at a duly convened meeting within 90 days of an application's submission to the registrar.

**20.** (1) The Committee shall consider applications for enrollment as a beneficiary or registration as a citizen in chronological order of submission.

(2) In respect of an application for enrollment as a beneficiary or registration as a citizen, the

Committee shall not

(a) consider any information other than information included in the application or set out in the list of descendants; or

(b) consider any amendment to the family tree other than in accordance with section 12.

**21.** After considering an application for enrollment as a beneficiary or registration as a citizen, the Committee shall

(a) decide whether to accept or reject that application;

(b) issue a written decision with reasons; and

(c) deliver a copy of that decision to the registrar.

**Giving Effect to Decision**

**22.** (1) Upon receiving a decision from the Committee pursuant to section 21, the registrar shall

(a) retain in their files the original copy of that decision;

(b) deliver a copy of that decision to the applicant; and

(c) if no appeal or dispute has been filed and the time to do so has expired

(i) deliver any notice of the decision to Canada or Yukon as may be required by law; and

(ii) update the Kwanlin Dün register and the family tree in accordance with any determination made pursuant to section 12.

(3) Despite subsection (1), where the Committee has approved an application to be registered as a citizen pursuant to s.8 of the constitution, the registrar shall not take any step under subparagraphs (1)(c)(i) or (ii) for a period of one year from the date on which the registrar received the decision in respect of that application.

**Reapplication**

**23.** A person whose application has been rejected may reapply for enrollment as a beneficiary or registration as a citizen, but may not apply more than two times within a calendar year.

**Death**

**24.** (1) Upon receiving a death certificate for a person enrolled as a beneficiary or registered as a citizen, the registrar shall update the Kwanlin Dün register accordingly.

(2) If the registrar is uncertain as to the proper treatment of a death certificate under subsection (1), they may refer the matter to the Committee and the Committee may provide the registrar with directions.

**Loss of Citizenship Registration and Beneficiary Enrollment**

**25.** A person will not cease to be a citizen or beneficiary except in accordance with an order of the Committee made pursuant to this Act.

**26.** On the application of KDFN, the Committee may make an order annulling the registration of a citizen or enrollment of a beneficiary in the following circumstances:

(a) the registrar has received from a citizen or beneficiary a notice of renunciation of citizenship or beneficiary enrollment in a form satisfactory to the Committee;

(b) that person has been registered as a citizen or enrolled as a beneficiary as a result of mistake or fraud;

(c) at any time after 60 days from the date on which that person is registered as a citizen or enrolled as a beneficiary, that person is

(i) a citizen or beneficiary of another Yukon First Nation;

(ii) a member of another Indian Band;

(iii) is entitled to benefit from another settlement agreement in Canada; or

(iv) is entitled to benefit as a citizen of another self-governing indigenous group in Canada;

(d) that person has failed to comply with section 42 for a continuous period exceeding two years; or

(e) that person was granted citizenship under section 8 of the constitution and

(i) no longer meets the criterium under section 15(a) on which that person relied in their application for citizenship; and

(ii) the Committee is satisfied that the person has clearly failed to meet the minimum requirements of a citizen under section 5 of the constitution.

**Exceptions**

**27.** The Committee shall not order that the registration of a citizen or the enrollment of a beneficiary be annulled if the Committee determines that, at the time at which it considered the application,

(a) in the case of an application made pursuant to subsection 26(b), the Committee is satisfied that the person who is the subject of the application was qualified for registration as a citizen or enrollment as a beneficiary, as the case may be; or

(b) in the case of an application made pursuant to subsection 25(c) or (d), the Committee is satisfied that the person who is the subject of the application has remedied all instances of non-compliance raised in the application.

**Consequences**

**28.** A person whose registration as a citizen or enrollment as a beneficiary has been annulled pursuant to an application made pursuant to subsection 25(b) on the basis of fraud shall, for life, be ineligible to apply to be registered as a citizen or enrolled as a beneficiary of Kwanlin Dün First Nation.

**29.** A person who ceases to be a citizen shall cease to be a beneficiary and a person who ceases to be a beneficiary shall cease to be a citizen.

**Right to be Party**

**30.** A person who is the subject of an application made under 26 of the Act is entitled to receive notice of that application, to be a party to the proceedings and to receive written reasons for the Committee's disposition of that application.

**Consideration of Application**

**31.** After considering an application under section 26, the Committee shall

(a) decide whether to accept or reject that application;

(b) issue a written decision with reasons; and

(c) deliver a copy of those reasons to the registrar.

**Giving Effect to Decision**

(2) Upon receiving written reasons from the Committee pursuant to section 31, the registrar shall

(a) retain in their files the original copy of that decision;

(b) deliver a copy of that decision to the applicant and the person who was the subject of the application, regardless of whether that person participated in the proceedings; and

(c) if no appeal or dispute has been filed and the time to do so has expired

(i) deliver any notice of the decision to Canada or Yukon as may be required by law; and

(ii) update the Kwanlin Dün register.

**Kwanlin Dün Register Established**

**32.** The registrar shall establish and maintain the Kwanlin Dün register.

**Information Contained in Register**

**33.** The Kwanlin Dün register shall set out the following information for each person who is registered as a citizen or enrolled as a beneficiary of the Kwanlin Dün First Nation

(a) name;

(b) date of birth;

(c) clan & moiety;

(d) date of enrollment as beneficiary;

(e) date of registration as citizen;

(f) whether citizenship granted under section 8 of constitution;

(g) address for delivery;

(h) contact information, including e-mail address and telephone number;

(i) date of most recent compliance with section 41;

(j) date of death;

(k) date on which registration as citizen or enrollment as beneficiary annulled; and

(l) any other information that KDFN may determine.

**Recognition as Citizen or Beneficiary**

**34.** Subject to any exception in this Act

(a) no person other than a person recognized as a citizen in the Kwanlin Dün register shall have the rights and responsibilities of a citizen; and

(b) no person other than a person recognized as a beneficiary in the Kwanlin Dün register shall have the rights and responsibilities of a beneficiary.

**Only Registrar may Modify Register**

**35.** No entry, deletion, or modification of the Kwanlin Dün register shall be made except by the registrar in accordance with this Act.

**Register Reporting**

**36.** (1) Each month, the registrar shall deliver to the Executive Director a monthly report setting out for the preceding month:

(a) the name of each person added to the Kwanlin Dün register;

(b) the name of each person removed from the Kwanlin Dün register; and

(c) any other information regarding the Kwanlin Dün register that the Executive Director may require from time to time.

(2) Further to a request of the Executive Director, the registrar shall deliver to the Executive Director a report respecting information contained in the Kwanlin Dün register.

**Kwanlin Dün Card**

**37.** Each person recognized in the Kwanlin Dün register as a citizen or beneficiary will be issued a Kwanlin Dün card as proof of such facts until it expires.

**Expiry**

**38.** A Kwanlin Dün card expires on June 1 each year, unless renewed in accordance with section 39.

**Renewal & Failure to Renew**

**39.** (1) Kwanlin Dün First Nation will renew the Kwanlin Dün card of any citizen or beneficiary who provides the information required in section 41.

(2) Until an expired Kwanlin Dün card is renewed, Kwanlin Dün First Nation may refuse to provide a citizen or beneficiary with any discretionary programs and services otherwise available to a citizen or a beneficiary, as the case may be.

**Renewal Information**

**40.** (1) Each year, a person identified as a citizen or a beneficiary in the Kwanlin Dün register must provide the registrar with the following

(a) a signed document in form determined by the Executive Director confirming the current address and other contact information for that person; and

(b) a statutory declaration in a form determined by the Committee concerning the person's:

(i) enrollment under another land claims settlement in Canada;

(ii) registration as a citizen of another Yukon First Nation;

(iii) membership in an Indian Band in Canada; and

(iv) other information the Committee may determine.

(2) For the purposes of this section, a year begins on April 1 and excludes the year in which the person was first added to the Kwanlin Dün register.

# PART III
# COMMITTEE & REGISTRAR

**Committee Composition**

**41.** (1) The Committee is hereby established.

(2) The Committee will be comprised of five members, at least two of whom shall be Elders.

(3) The term of a member of the Committee will be five years, except as otherwise provided in this Act.

**Member Eligibility**

**42.** A person is eligible to be a member of the Committee if that person:

(a) is a citizen and a beneficiary;

(b) is familiar with KDFN history and families; and

(c) has regularly lived within the KDFN traditional territory for ten years.

**Committee Appointments**

**43.** In addition to eligibility requirements, before appointing a person to the Committee the Council may consider any factor it considers to be relevant, including, but not limited to the following:

(a) that person's ability and availability to meet the demands of Committee business;

(b) that person's willingness to attend orientation and training and to familiarize themselves with the legislation, policies and procedures relating to this Act and the Committee's function;

(c) that person's analytical, administrative and decision-making experience and skills;

(d) that person's communication and teamwork experience and skills; and

(e) any advice or recommendations provided by the Elders Council regarding that person, if consulted by Council.

**Conditions of Membership**

**44.** (1) Membership in the Committee will be at all times subject to the following conditions:

(a) that member continuing to be eligible for appointment to the Committee;

(b) that member regularly attending and participating in the meetings of the Committee;

(c) that member complying with this Act and any applicable rules of procedure for the Committee;

(d) that member taking and not contravening the oath of office set out in schedule A to this Act; and

(e) that person following the provisions of the code of conduct set out in schedule B to this Act.

**Revocation and Reappointment**

**45.** The Council may revoke the appointment of a member of the Committee if that member fails to comply with section 44 of this Act.

**46.** If a vacancy occurs in the in the membership of the Committee, the Council shall fill that vacancy and if the vacancy occurs before the end of the term of the departing member, the term of any such appointment shall be the remainder of the term of that departing member.

**47.** A member of the Committee may be reappointed at the expiry of their term.

**Committee Procedures**

**48.** (1) The Committee may make rules of procedures provided that they are consistent with this Act.

(2) Until the Committee has adopted rules of procedures, the rules of procedure set out in Schedule C to this Act shall apply to the conduct of the Committee's proceedings.

(3) If the Committee adopts rules of procedures, it must do so in writing and it must provide to the registrar a copy of those rules and the resolution adopting them.

(4) The Committee must comply with any policies or rules established by KDFN for the purpose of facilitating the coordination of work between KDFN and the Committee.

**Honoraria**

**49.** Members of the Committee will receive honoraria in accordance with KDFN policy and, for the purposes of determining honoraria, are deemed to be providing cultural services to KDFN.

**Committee Authority**

**50.** The Committee has the authority to:

(1) do anything that it is permitted or required to do under this Act; and

(2) adopt forms for use in matters related to the conduct of its duties.

**Committee Responsibility**

**51.** The Committee has the responsibility to:

(a) do the things that it is required by this Act to do;

(b) in respect of every application coming before it, ensure that its proceedings are fair and that its decisions are reasonable;

(c) maintain confidentiality in accordance with KDFN law and policy;

(d) maintain agenda and minutes related to the conduct of every meeting of the Committee;

(e) provide to the registrar a copy of every official record or other document of the Committee;

(f) conduct its affairs in a manner consistent with the oath taken pursuant to paragraph 44(1)(d) and the code of conduct referred to in paragraph 44(1)(e); and

(g) provide to KDFN such other advice and other services that KDFN may specify by law or policy.

**Committee Decision Requirements**

**52.** A written decision of the Committee shall be of no force or effect unless it is dated and signed by the chair of the Committee, or such other person authorized by the Committee, and delivered to the registrar.

**Elders Council Advice**

**53.** The Committee may seek the advice of the Elders Council on any matter in respect of which the Committee has been afforded discretion under this Act.

**Office of the Registrar**

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

(2) The Council shall appoint an employee of Kwanlin Dün First Nation to the office of the registrar.

(3) The Council may annul an appointment to the office of the registrar.

(4) The Council must fill any vacancy in the office of the registrar without delay.

**Deputy Registrar**

**55.** The Council may appoint an employee of Kwanlin Dün First Nation as a deputy registrar who shall exercise the functions of the registrar when the office of the registrar is vacant or when the registrar has provided the deputy registrar with written notice that they will be temporarily unable able to fulfill the duties of the registrar.

**Registrar Responsibilities**

**56.** The registrar shall:

(a) do the things that they are required to do under this Act;

(b) safeguard and preserve all records in their possession that relate to the administration of this Act.

(c) faithfully implement the lawful decisions and orders relating to the Kwanlin Dün register made by the Committee, the Judicial Council, the Yukon Dispute Resolution Board, or any other body having jurisdiction.

**Limited Decision-Making Authority**

**57.** Except as expressly set out in this Act, the registrar shall have no decision-making authority respecting matters coming under this Act.

**Registrar Serves Kwanlin Dün First Nation**

**58.** (1) The person appointed to the office of the registrar shall receive directions from Kwanlin Dün First Nation and is accountable to Kwanlin Dün First Nation.

(2) The Kwanlin Dün First Nation may assign duties and give directions to the person appointed to the office of the registrar provided that those duties and directions are not inconsistent with the duties of the registrar under this Act.

# PART IV
# APPEALS, OFFENCES & PENALTIES

**Appeal to Judicial Council**

**59.** (1) A party to an application may appeal a decision of the Committee to the Judicial Council on the grounds that the Committee has made a palpable and overriding error of fact or an error of law.

(2) No application for appeal may be made more than 30 days after the decision of the Committee.

(3) After hearing an appeal, the Judicial Council may allow or dismiss the appeal in whole or part and if any part of the appeal is allowed, may

(a) reverse or change the decision; or

(b) refer the decision back to the Committee with any directions determined to be necessary.

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

**Offences & Penalties**

**60.** (1) In respect of an application under this Act, person shall not knowingly provide false or misleading information to the Committee.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine of up to $10,000 or 6 months in prison upon conviction.

(3) As an alternative to prosecution, the Executive Director may impose an administrative penalty in an amount not exceeding $10,000 on a person who, in the opinion of Executive Director, has contravened subsection (1).

(4) Before imposing an administrative penalty under subsection (3), the Executive Director will

undertake reasonable investigations into the matter, will provide an opportunity for the person who would be subject to a penalty to make submissions to the Executive Director, and will provide reasons for their decision to impose that penalty.

(5) Nothing in this section shall operate to limit Kwanlin Dün First Nation's right to pursue any other remedy that may be available in law.

# PART V
# GENERAL

**Confidentiality**

**61.** Except as expressly provided in this Act, issues related to confidentiality and access to information arising under this Act shall be governed by KDFN law and policy.

**62.** Any person may inspect a list of the names of people identified as citizens and beneficiaries in the Kwanlin Dün register.

**Limitation of Liability**

**63.** (1) No action for damages may be brought against Kwanlin Dün First Nation, or a director, manager, officer, employee, servant or agent of Kwanlin Dün First Nation

(a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty, or the exercise of the person's authority; or

(b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.

(2) Subsection (1) does not provide a defence if Kwanlin Dün First Nation, or a director, manager, officer, employee, servant or agent of Kwanlin Dün First Nation, has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct.

**Representation of Minors**

**64.** Without limiting any right of a minor to represent themselves, an individual who has lawful custody of a minor or who is a guardian of that minor may act on behalf of that minor for the purposes of this Act.

**Delivery Rules**

**65.** The delivery of any notice, decision, application or any other thing under this Act may be carried out in the following ways and will be deemed to have been effected at the following times

(a) by hand delivery, on the date of delivery;

(b) by regular mail, five days after posted for delivery;

(c) by registered mail, five days after posted for delivery or the actual date of delivery, whichever is shorter; or

(d) by email, if consented to as a method of delivery, on the day on which the e-mail was sent.

**Transition**

**66.** The registrar appointed under the Citizenship Code shall remain in office in accordance with that appointment as if it was an appointment made in accordance with this Act.

**67.** The committee appointed under the Citizenship Code shall remain in office in accordance with that appointment as if it was an appointment made in accordance with this Act.

**68.** (1) Every person identified as a citizen or a beneficiary in the records of the registrar at the time at which this Act comes into force shall continue to be recognized as a citizen or a beneficiary, as the case may be, and shall be added to the Kwanlin Dün Register upon the coming into force of this Act.

(2) Subsection (1) shall not evidence the correctness of the information added to the Kwanlin Dün register according to that provision.

**No Retroactive Application**

**69.** This Act shall not apply retroactively, but may apply retrospectively where this Act provides for the consideration of past events.

**Coming into force**

**70.** This Act shall come into force on a day to be fixed by Order in Council.

**71.** This Act repeals and replaces the Citizenship Code.

## Schedule 'A'

**KWANLIN DÜN FIRST NATION**

**Citizenship and Enrollment Act**

**Oath of Office for Committee Member**

"I, _____,having been appointed by Kwanlin Dun First Nation Council pursuant to the *Citizenship and Enrollment Act* (the "Act") to serve as a member of the Committee, solemnly swear and affirm:

That I will be faithful and bear true allegiance to the ancestors, the people, and all future generations of the Kwanlin Dün, and to the Constitution of the Kwanlin Dün First Nation, and I will uphold Kwanlin Dün First Nation laws, and act in solely accordance with the Kwanlin Dün First Nation Constitution and the Act.

That I will carry out the powers entrusted to me and perform the duties of my office diligently, faithfully, and to the best of my skill and knowledge;

That I will apply the Constitution and the Act fairly and impartially;

That I will keep confidential all matters entrusted to me in confidence, I will not improperly disclose any matter that comes to my knowledge as a result of my office, I will not use any such knowledge for my personal advantage or gain, and I will not allow my private interests to improperly influence my conduct in public office.

That to the best of my knowledge, I am not disqualified in any way from holding office as a member of the Committee, and I have not, by myself or any other person, knowingly employed any bribery, corruption or intimidation to gain appointment to that office."

So help me, O Great Spirit/ God."

## Schedule 'B'

### KWANLIN DÜN FIRST NATION

### Citizenship and Enrollment Act

### Code of Conduct for Committee Member

**Conflict of Interest**

1. Each person who holds a position on the Citizenship Committee ("Committee") must not use their office to make, participate in the making of, influence or attempt to influence a decision on a matter in respect of which the person has a conflict of interest.

2. If a Committee member considers that they have a conflict of interest in respect of a matter to be discussed or voted on at a meeting, the member:

   (a) must declare the conflict of interest and its general nature at the meeting;

   (b) must immediately leave the meeting or that part of the meeting during which the matter is to be discussed or voted on;

   (c) must not take part in the discussion or vote on the matter or attempt to influence the discussion or vote on the matter before, during or after the meeting; and

   (d) must not execute any document in relation to the matter unless specifically directed to do so by the body concerned.

3. A person responsible for recording the proceedings of a meeting referred to in section 2 must record any member's declaration of a conflict of interest and the time when the member was absent from the meeting.

4. On request of a member at a meeting, the person presiding over the meeting may invite any member to consider whether they have a conflict of interest in respect of a matter to be discussed or voted on at the meeting.

5. For the purposes of this code, a Committee member:

   (a) has a conflict of interest in respect of a matter if their direct or indirect private interest would be, or could reasonably be expected to be, affected by a decision on that matter, and if the member is in a position to use their office to make, participate in the making of, influence or attempt to influence that decision;

   (b) has a conflict of interest if the proceedings concern a person who is a member of the immediate family of that Committee member; but

   (c) does not have a conflict of interest in respect of a matter if the member's direct or

indirect private interest in the matter:

(i) is the same interest as a broad grouping of Kwanlin Dün Citizens;

(ii) relates to the member's compensation or payment of expenses while acting in the member's official capacity;

(iii) is so remote or insignificant that it cannot be reasonably be regarded as likely to influence the member in relation to the matter; or

(iv) arises out of a gift given or received by the member during a customary celebration or similar public occasion.

6. For purposes of this code, a Committee member's indirect private interest includes the private interest of:

(a) the member's spouse or common law partner with whom the member has lived for at least one (1) year;

(b) a minor in respect of whom the member is a parent, acts in a parental capacity or is a guardian;

(c) an individual, other than an employee of the member, who is financially dependent upon the member or upon whom the member is financially dependent; and

(d) an entity in which the member or the member in combination with a person described in paragraph (a), (b) or (c) has a controlling interest.

7. For purposes of this section, "immediate family" means:

(a) the Committee member's parent, child, grandchild, legal spouse or common law partner with whom the member has lived for at least one (1) year;

(b) the legal spouse of a child of the member or common law partner of at least one (1) year of a child of the member;

(c) a child of the member's spouse or a child of a member's common law partner with whom the member has lived for at least (1) year, if that child is treated as a child of the member.

**Confidentiality and Discretion**

8. All information relating to applicants, the discussions and deliberations of the Committee, shall be kept confidential.

9. Committee members must not use or disclose any personal or confidential information acquired in the course of their official duties except as authorized by law, with the consent of the person about whom the personal information relates or from whom the confidential information was provided, or as may be reasonably required to carry out the member's

official duties.

**10.** Except as required in order to carry out their duties as a Committee member, a Committee member shall not possess personal or confidential records relating to Committee business.

**11.** A Committee member must notify the registrar if they believe that personal or confidential information has been disclosed improperly.

**Abuse of Office**

**12.** A member of the Committee must not directly or indirectly accept, demand or request any personal economic favour, advantage or benefit for any person in exchange for:

(a) voting or deciding a matter in a particular way;

(b) influencing or attempting to influence a vote or decision of any other Committee member; or

(c) causing or attempting to cause a denial, interruption, or delay of any function exercised by the Committee.

**13.** A member of the Committee must not directly or indirectly cause, threaten to cause, or attempt to cause an improper denial, interruption, or delay of any function exercised by the Committee.

**14.** A member of the Committee must not engage in any conduct towards any person that amounts to harassment or violence of that person.

**Dealing with Finances and Property**

**15.** A member of the Committee must not knowingly claim any payment or financial benefit to which the member is not entitled.

**16.** A member of the Committee who has in their possession or custody any property of the Kwanlin Dün First Nation must:

(a) handle and safeguard that property with the same degree of care as would a prudent owner;

(b) use that property only for purposes associated with the member's official duties, or for any personal and occasional purpose;

(c) not allow any other person to use that property other than for purposes associated with the person's official duties, or for any personal and occasional purpose; and

(d) return that property to the designated person, on demand.

**Gifts**

**17.** A member of the Committee who is offered a fee, gift, discount or special service, must decline the offer and disclose the matter to the Committee and the registrar.

**18.** If a gift is made to a member of the Committee and that gift cannot respectfully be returned, the recipient must deliver the gift to the registrar to be kept as a gift to the Kwanlin Dün First Nation.

**19.** A member of the Committee who receives a gift as a representative of, or on behalf of, the Kwanlin Dün First Nation must deliver the gift to the registrar.

**Use of Inside Information for Private Purposes**

**20.** A member of the Committee must not, directly or indirectly:

(a) make use of inside information for personal economic advantage or benefit; or

(b) reveal inside information to any person who could make use of the information for personal economic advantage or benefit.

**21.** For the purpose of section 20, "inside information" is information that:

(a) the individual member receives in the member's official capacity; and

(b) is not generally available to the public at the time the member makes use of or reveals the information to another person.

# Schedule 'C'

## KWANLIN DÜN FIRST NATION

## Citizenship and Enrollment Act

## Rules of Procedure for the Committee

### Authority

1. The rules for the conduct of proceedings set out below apply to the proceedings of the Committee until any other rules to replace these are established by the Committee in accordance with the *Citizenship and Enrollment Act* (the "Act").

### Chair

2. At the first meeting and at least one month before the conclusion of any subsequent chair's term, members must appoint one member to serve as Chair of the Committee for a term of one year.

3. If the Chair is not present at a duly scheduled Committee meeting, the members present at that meeting may appoint a temporary Chair for that meeting.

4. Except as otherwise provided in these rules, the Chair shall:

   (a) give to the members at least one weeks advance notice of a meeting;

   (b) preside at meetings of the Committee;

   (c) certify the hours worked by a Committee member and submit a report to the registrar for the purposes of honoraria payments;

   (d) communicate with and distribute information to Committee members respecting Committee business;

   (e) communicate on behalf of and represent the Committee in any dealings with the KDFN, including the registrar and the Council;

   (f) arrange for any catering;

   (g) direct any contractors or staff of the Committee;

   (h) execute any required documents certifying the decisions of the Committee; and

   (i) complete other duties as directed by the Committee.

**Frequency of meetings**

**5.** The Committee shall schedule and hold regular monthly meetings.

**6.** Additional meetings may be scheduled to accommodate any extra volume of applications requiring decision by the Committee, in line with legislated timelines for decision-making pursuant to the Act.

**Quorum**

**7.** Quorum for the Committee shall consist of three members, one of which must be an Elder.

**Decision-making**

**8.** The Committee shall make best efforts to conduct its business by consensus. In cases where consensus cannot be reached, a majority of the members present shall govern. The Chair may vote.

**9.** In the event of a tied vote, the Committee shall adjourn its consideration of the application until the next meeting at which all Committee members are present, providing that meeting is scheduled in a timely manner and decision on the application will be made within legislated timelines.

**10.** Despite section 5.2, if the Chair determines it will not be possible to reach a decision within the legislated timelines, the Committee shall reject the application.

**Duties of Committee support staff as minute-taker**

**11.** The responsibilities of the Committee support staff, as minute-taker, include:

(a) drafting and circulating minutes of meetings;

(b) revising draft minutes with any amendments as agreed upon by the committee; and

(c) submitting the approved minutes to the registrar.

**Attendance at meetings**

**12.** If a member is unable to attend an upcoming meeting, they must advise the Chair as early as possible in advance of the meeting.

**13.** (1) If a member misses two consecutive meetings, the Chair may issue a notification to the absent member that, should they be absent for a third meeting, the Committee may consider recommending to Council that Council remove the member from the Committee.

(2) The Committee will send a copy of any such notification to the Registrar.

(3) If a member misses three consecutive meetings, the other Committee members may recommend to Council that the member be removed from the Committee.