

*Administration and Interpretation Act**Assent Given November 20, 1998*

*Recognizing that the Tlingit way of life is built upon the values of respect, responsibility, independence, and caring and sharing between and among citizens;*

*Recognizing the commitment of the Teslin Tlingit Council to promote and honour the values of the Tlingit way;*

*Recognizing that the Teslin Tlingit Council is the trustee of citizens and has a duty to work towards the creation of an environment that enables citizens to enjoy spiritual and physical health and to live with dignity and pride in Tlingit culture and heritage; and,*

*Recognizing that the Teslin Tlingit Council has made a commitment to ensure the protection of human, civil, legal and aboriginal rights of citizens in all of its government and administrative processes,*

*The General Council enacts as follows:*

**Short Title**

1. This Act may be cited as the *Administration and Interpretation Act*.

**Definitions**

2.(1) In this Act,

"committee" includes any board, council, committee or other group of persons appointed by either the General Council or the Executive Council to investigate, report or act on a matter;

"Constitution" means the Teslin Tlingit Council Constitution;

"enact" means to issue, make or establish;

"enactment" means an act or a regulation or any portion of an act or regulation of the Teslin Tlingit Council;

"public officer" includes any person in the public service of the Teslin Tlingit Council

- (a) who is authorized to do or to enforce the doing of any act 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, rule, form, tariff or schedule of costs or fees, resolution, or other instrument made in the execution of a power given by an enactment;

"repeal" includes revoke or cancel; and,

"reward" includes money or other form of compensation

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purposes of this Act, an enactment that has expired or lapsed or otherwise ceased to have effect shall be deemed to be repealed.

### **Application**

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

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

(3) Nothing in this Act shall be construed to exclude the application to any enactment a rule of construction applicable in that situation and not inconsistent with this Act.

### **Inconsistencies**

4.(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.

### **Seal**

5.(1) The Teslin Tlingit Council shall adopt a seal which shall be designated, for all purposes, the Teslin Tlingit Council Seal and which shall be used and controlled as provided in this section.

(2) The Teslin Tlingit Council Seal shall remain in the possession and control of the Chief Executive or in the Chief Executive's absence, his or her delegate.

(3) Notwithstanding subsection (2), the Chief Executive may designate a person to act as the clerk of General Council who shall be responsible for affixing the Teslin Tlingit Council Seal.

(4) The Teslin Tlingit Council Seal shall be affixed to:

- (a) all certified copies of statutes enacted by the General Council;
- (b) all certified copies of official documents of the Teslin Tlingit Council that are to be used in any judicial proceedings;
- (c) all proclamations made by the Chief Executive; and
- (d) any other document of the Teslin Tlingit Council which, in the opinion of the Chief Executive, must be authenticated as having the authority of the Teslin Tlingit Council.

(5) No person shall sell, display, publish, or otherwise use the Teslin Tlingit Council Seal in a manner not authorized by this Act.

### **Head Office**

6. The head administrative offices of the Teslin Tlingit Council shall be located in Teslin, Yukon Territory.

## PART TWO: GOVERNMENT ORGANIZATIONS

### Definitions

7. In this part,

“member” means a member of the General Council.

### Conflict of Interest

8.(1) Every member who, in any way, directly or indirectly, has an interest that conflicts or might reasonably be expected to conflict with the interests of the Teslin Tlingit Council or whose conduct or behaviour may call into question the dignity or integrity of the member, the Executive Council, the General Council or the Teslin Tlingit Council shall disclose the nature and extent of their interest, conduct or behaviour to their clan leader at the earliest opportunity after becoming aware of the conflict or situation.

(2) A clan may, upon consultation with their clan leader, remove from office any member representing the clan whose behaviour the clan judges to have called into question the dignity or integrity of the member, the clan, the Executive Council, the General Council or the Teslin Tlingit Council.

(3) A member shall cease to hold office upon the Chief Executive receiving a statement of dismissal signed by the clan leader of the clan that appointed the member.

(4) The Executive Council may make regulations prescribing

- (a) those interests which may be deemed to be interests that conflict with the interests of the Teslin Tlingit Council;
- (b) procedures for disclosing conflict of interest; and
- (c) any other matter the Executive Council considers necessary to protect the integrity and dignity of members, the General Council, the Executive Council or the Teslin Tlingit Council.

### Oath of Office

9. (1) Every person appointed to be a member shall take the following oath of office before starting their duties as a member:

*“I, \_\_\_\_\_, having been appointed by the \_\_\_\_\_ to sit as a  
(NAME OF PERSON) (NAME OF CLAN)  
 representative of my clan on the General Council, do solemnly pledge to act honorably,  
 responsibly and in good faith on behalf of both my clan and citizens to the best of my  
 abilities and to abide by all rules and laws of the Teslin Tlingit Council in the conduct of  
 my duties”*

(2) The oath shall be taken by the member before the Chief Executive and the clan leader of the clan that appointed the member.

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

**Undue use of influence**

10. (1) No member shall receive any reward, directly or indirectly, from any person for the drafting, preparation or promotion of any enactment, contract or other matter before the General Council, Executive Council, the Elders' Council or any committee.

(2) No person shall offer a member a reward to use their position as a member to promote any enactment, contract or other matter before the General Council, Executive Council, the Elders' Council or any committee.

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

- (a) appear before the Justice Council to account for their action; and
- (b) abide by the direction given by the Justice Council to remedy the violation.

**Disqualifications**

11.(1) A person who is removed as a member as a result of action taken under subsection 8(3) or who violates subsections 10(1) or (2) is disqualified from being appointed as a member for a period of at least two years or for a period of time determined by that member's clan.

(2) A member of the Legislative Assembly of the Yukon or the Senate or House of Commons of Canada is not eligible to be a member of the General Council.

**Immunity**

12. (1) Except as provided by sections 10 and 11, no member is liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by them before the General Council, Executive Council, Elders' Council or any committee or anything said by the member before the General Council, Executive Committee, Elders' Council or any committee.

(2) Members are not liable for anything done or omitted to be done in good faith in the exercise or purported exercise of any powers under an enactment.

**Indemnities and allowances**

13.(1) Each member shall be paid an honorarium at a rate set, by regulation, by the Executive Council.

(2) Each member 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 any policies established by regulation of the Executive Council.

## PART THREE: DEPARTMENTS OF THE TESLIN TLINGIT COUNCIL

### Establishment of Departments

14.(1) The Executive Council may establish departments to assist in the management, administration and operation of the activities and responsibilities of the Teslin Tlingit Council.

(2) Where a department is established pursuant to subsection (1), a director shall be appointed to act as the senior official within the department.

### Appointment of Portfolios

15. With the consent of the General Council, the Chief Executive may appoint a member of the Executive Council to preside over a department and to be responsible for its direction and administration.

### Liability

16. Public officers and employees of the Teslin Tlingit Council are not liable for anything done or omitted to be done in good faith in the exercise or purported exercise of any powers under an enactment.

## PART FOUR: INTERPRETATION OF ENACTMENTS

### DIVISION ONE: GENERAL

#### Number and Citation of Laws

17.(1) Starting anew each calendar year, acts shall be numbered sequentially, as separate chapters, in the order in which they are introduced to the General Council.

(2) Starting anew each calendar year, regulations shall be numbered sequentially, as separate chapters, in the order in which they are introduced to the Executive Council.

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

#### Day of Coming into Force and Expiration of Enactments

18.(1) Where an enactment 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.

(2) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall be construed as ceasing to have effect upon the commencement of the following day.

(3) Where an enactment contains a provision that the enactment or any provision in the enactment is to come into force on a day other than the day the enactment is enacted by the

General Council or Executive Council, as the case may be, that provision shall be deemed to come into force on the date the enactment is enacted by the General Council or the Executive Council, as the case may be.

### **Preliminary Proceedings**

19. Where an enactment is not in force and it contains provisions conferring power to make regulations or do any other thing, that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time before its commencement, but a regulation so made or a thing so done has no effect until the commencement of the enactment except in so far as may be necessary to make the enactment effective upon its commencement.

### **Scope of Application**

20. Every enactment applies to the whole of the Traditional Territory, unless the enactment specifically alters the scope of application of the enactment.

### **Equality of Male and Female Persons**

21.(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 purposes of ensuring the equality of 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 in which the expression occurs expressly excludes the operation of this section.

### **Law Always Speaking**

22.(1) The law is considered as 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.

(2) The expression 'now', 'next', 'heretofore' or 'hereafter' shall be interpreted as having reference to the time when the enactment or the part or provision containing the expression came into force.

(3) The expression 'shall' or 'must' shall be read as imperative and the expression 'may', as permissive and empowering.

(4) 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.

### **Application of Definitions**

23.(1) Definitions or rules of interpretation contained in an enactment apply to the construction of the provisions of the enactment that contain 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,

- (a) as being applicable only if a contrary intention does not appear; and
- (b) as being applicable to all other enactments relating to the same subject matter, unless the contrary intention appears.

### **Title and Preamble**

24. The title and preamble of an enactment shall be read as part of the enactment and are intended solely to assist in explaining its purpose and objects.

### **Headings, Marginal Notes and References**

25.(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 of the Act, form no part of the enactment but shall be deemed to have been inserted for convenience only.

### **Enactments Remedial**

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

### **Meaning of Expressions in Regulations**

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

### **Teslin Tlingit Council Not Bound**

28. Provisions in an enactment are not binding upon the Teslin Tlingit Council unless the enactment expressly states that the Teslin Tlingit Council is bound.

### **Corporations**

29. Where the Teslin Tlingit Council establishes a corporation through an enactment, words in the enactment establishing the corporation shall

- (a) vest in the corporation power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to have perpetual succession, to acquire and hold personal property or movables for the purposes of which the corporation is constituted and to alienate the same at pleasure;

- (b) vest in a majority of the members of the corporation the power to bind the others by their acts;
- (c) exempt from personal liability for its debts, obligations or acts such individual members of the corporation as do not contravene the provisions of the enactment incorporating them; and,
- (d) in the case of a corporation having a name consisting of an English and Tlingit form or a combined English and Tlingit form, to vest in the corporation power to use either the English or the Tlingit form of its name or both forms and to show on its seal both the English and Tlingit forms of its name or have two seals, one showing the English and one showing the Tlingit form of its name.

### **Appointment of Public Officers**

30. Every public officer appointed before or after the commencement of this Act 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**

31. Words authorizing the appointment of a public officer include the power of

- (a) removing or suspending them;
- (b) reappointing or reinstating them;
- (c) appointing another in their place or to act in their place; and,
- (d) fixing remuneration and varying or terminating remuneration,

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

### **Delegation**

32. (1) The General Council may, in writing, delegate the exercise of any power conferred or duty imposed on the General Council under an enactment to

- (a) the Director responsible for administration of the enactment;
- (b) the Government of Canada, the Government of the Yukon or the Government of another Yukon First Nation; or
- (c) to any other government or non-government organization that in the opinion of the General Council can properly exercise the power or duty to be conferred

and shall specify the terms and conditions under which the delegation is made.

(2) The General Council may, by notice in writing, withdraw the delegation referred to in subsection (1).

(3) On an emergency basis, delegations made under subsection (1) may be withdrawn by the Chief Executive and new delegations made by the Chief Executive until the next meeting of the General Council at which time subsection (2) shall come into effect.

(4) Words directing or empowering any public officer to do any act or thing, or otherwise applying to him or herself by the name of his or her office, shall include his or her successors in the office or his or her deputy or designate.

(5) Where a power is conferred or a duty imposed on the holder of a public office, the power may be exercised and the duty shall be performed by the person who for the time being is charged with the execution of the powers and duty of the office.

### **Construction of Enactments**

33. In an enactment,
- (a) where anything is directed to be done by or before a public officer or a justice 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 the Chief Executive, the Executive Council or 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 them 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 so, unless the enactment directs otherwise;
  - (d) where a power is conferred or a duty imposed, the power may be exercised and the duty shall be performed, from time to time, as occasion requires;
  - (e) where power is conferred to make regulations, the power shall be construed as including the power, exercisable in like manner and subject to like consent and conditions, if any, to rescind, revoke, amend or vary the regulations and make others;
  - (f) where a form is prescribed, deviations from the form not affecting the substance nor calculated to mislead shall not invalidate the form used;
  - (g) words importing male or female persons includes corporations;
  - (h) words in the singular include the plural, and words in the plural include the singular and, without limiting the generality of the foregoing, the pronoun "they" and the variants may be used to denote, in the subjective, objective and possessive cases, the third person singular as well as the third person plural; and,
  - (i) where a word is defined, other parts of speeches and tenses of that word have corresponding meanings.

### **Computation of Time**

34. (1) Where the time limit for the doing of a thing expires or falls upon a holiday, the thing may be done on the day next following that is not a holiday.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Where a time is expressed to begin after or to be from a specified day, the time does not include that day.
- (6) Where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.
- (7) Where there is a reference to time expressed as a specified time of day, the time shall be taken to mean Yukon Standard Time.

**Standard Time**

35. Unless otherwise directed by an Act, standard time shall be determined as nine hours behind Greenwich Time and called Yukon Standard Time.

**Reference to Enactments and Amended Enactments**

36.(1) In an enactment or document, an Act of the Teslin Tlingit Council may be cited by reference to its title, either with or without reference to its year of enactment or the chapter number in the statutes for that year as recorded in the Register of Laws.

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

**Reference in Enactments**

37.(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, subsection, schedule or form shall, unless a contrary intention appears, be read as a reference to a Part, Division, section, subsection, 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, subparagraph or clause, as the case may be, in which the reference occurs.

(5) A reference in an enactment to regulations shall, unless a contrary intention appears, be read as a generic reference to regulations made under the enactment in which the reference occurs.

**Amendment to be Construed as One with Enactment**

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

**DIVISION TWO: REPEAL AND AMENDMENT****Effect of Repeal**

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

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

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

### **Effect of Repeal and Substitution**

40.(1) Where an enactment is repealed in whole or in part and other provisions are substituted by way of amendment, revision or consolidation,

- (a) all regulations made under the repealed enactment remain in force, in so far as they are not inconsistent with the substituted enactment, until they are annulled or others made in their place; and,
- (b) a reference, in an unrepealed enactment to the repealed enactment shall, as regards a subsequent transaction, matter or thing, be read as a reference to the provisions of the substituted enactment relating to the same subject matter as the repealed enactment, but where there are not provisions in the substituted enactment relating to the same subject matter, the repealed enactment shall be read as unrepealed as far as is necessary to maintain or give effect to the unrepealed enactment.

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

41.(1) The repeal of an enactment in whole or in part is not and shall not be deemed to be or to involve a declaration that the enactment was or was considered by the General Council or other person or body by whom the enactment was passed or made to have been previously in force.

(2) The amendment of an enactment is not and shall not be deemed to be or to involve a declaration that the law under the enactment was or was considered by the General Council or other person or body by whom the enactment was passed or made to have been different from the law as it is under the enactment as amended.

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

(5) Where an enactment or a part of an enactment of the Teslin Tlingit Council is, or appears to be, based on an enactment of the Yukon or Canada, a difference between the enactment of the Teslin Tlingit Council and the other enactment shall not be deemed to be or to involve a declaration that the law in the Yukon is different from the law under the other enactment.

(6) 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 (1) of the amended section.

(7) 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.

(8) Where a section or subsection is amended by the repeal or addition of one or more paragraphs, clauses, subparagraphs or subclauses, 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.

### **Substituted Enactments Take Effect the Day of Repeal**

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

## **DIVISION THREE: CUSTODY AND CARE OF ENACTMENTS**

### **Custody of Enactments**

43. 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 General Council.

### **Certified Copies of Enactments**

44.(1) The clerk of the General Council shall affix the Teslin Tlingit Seal to certified copies of all enactments required to be produced before courts of justice and in any other case that the Chief Executive and the Executive Council may direct.

(2) Copies of enactments certified and with the Teslin Tlingit Seal affixed, pursuant to subsection (1), shall be held to be duplicate originals and to be evidence of that enactment and of its contents.

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

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

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

## **DIVISION FOUR: WORDS AND PHRASES**

### **Interpretation**

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

(2) In an enactment,

"Act" means an Act enacted by the General Council

"Chief Executive" means the Chief Executive officer of the Executive Council established pursuant to the Constitution;

"citizen" has the same meaning as in the Constitution

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

"Constitution" means the Teslin Tlingit Council Constitution;

"Department" means any department or agency of the Teslin Tlingit Council established pursuant to this Act or another enactment;

"Executive Council" means the Executive Council established pursuant to the Constitution;

"final agreement" means the Teslin Tlingit Council Final Agreement;

"fiscal year" when used with respect to the Teslin Tlingit Council means the 12 months period beginning April 1 of one year and ending March 31 of the following year;

"General Council" means the General Council established pursuant to the Constitution;

"Teslin Tlingit Council Seal" means the seal of the Teslin Tlingit Council as provided for in this Act;

"holiday" includes Sunday, New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Discovery Day, Labour Day, Remembrance Day, Christmas Day, any day appointed by proclamation of the General 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;

"lawyer" means a person entitled to practise as a barrister and solicitor in the Yukon pursuant to 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 practise medicine in the Yukon pursuant to the *Medical Professions Act (Yukon)*;

"month" means a calendar month;

"oath" includes a solemn affirmation or declaration, whenever the context applies to any person by whom and case in which a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression "sworn" includes the expression "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 representatives of a person;

"prescribe" means prescribe by regulation of the Executive Council unless otherwise provided;

"proclamation" means a proclamation under the Teslin Tlingit Council Seal;

"province" means a province of Canada and includes the Yukon Territory and the Northwest Territories;

"self-government agreement" means the Teslin Tlingit Council Self-Government Agreement'

"Supreme Court" means the Supreme Court of the Yukon Territory;

"Territorial Court" means the Territorial Court of the Yukon;

"Teslin Tlingit Council Final Agreement" means the land claims 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 Teslin Tlingit Council as represented by the Teslin Tlingit General Council, signed on May 29, 1993;

"Teslin Tlingit Council Self-Government Agreement" means the 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 Teslin Tlingit Council as represented by the Teslin Tlingit General Council, signed on May 29, 1993, respecting government by and for the Teslin Tlingit Council;

"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 a calendar year; and,

"Yukon" means the Yukon Territory as defined in the *Yukon Act (Canada)*.

(3) In an enactment, the terms 'Yukon' and 'the Yukon' shall be deemed to have the same meaning and may be used interchangeably.

## PART FIVE: ACTS

### Definitions

47. In this part,

"proposed act" means a document that is proposed for consideration by the General Council.

### Enactment of Acts

48.(1) A proposed act shall be submitted to the Executive Council.

(2) Upon submission of a proposed act as set out in subsection (1), the Chief Executive shall direct the Executive Council members to, as soon as possible,

- (a) convene at least one meeting with the Elders' Council to secure their advice and direction on the proposed act; and,
- (b) ensure that each clan of the Teslin Tlingit Council has had the opportunity to meet and review the proposed act with their clan representative on the Executive Council; and,
- (c) convene a public meeting, if deemed necessary, to obtain comments on the proposed act.

(3) A consultation period, of at least 60 days and ending no later than two weeks before the meeting at which the General Council is to consider the proposed act, shall be held for each proposed act submitted as set out in subsection (1).

(4) After considering any comments or other information obtained through the meetings referred to in subsection (2) and any comments or other information received during the consultation referred to in subsection (3), the Executive Council shall recommend to the General Council, through the Chief Executive, that the proposed act,

- (a) be enacted without any changes;

- (b) be enacted with changes as recommended by the Executive Council; or
- (c) not be enacted.

(5) Upon receipt of the recommendations from the Executive Council, the Chief Executive shall submit the proposed act and the recommendations of the Executive Council to the General Council.

- (6) The General Council may:
- (a) enact the proposed act, with or without any changes;
  - (b) defer enactment of the proposed act until the next meeting of the General Council for the purposes of additional consultation with Teslin Tlingit Council members, including the Elders' Council and clan members; or,
  - (c) refuse to enact the proposed act.

### **Amendment and Repeal of Acts**

49. For greater certainty, amendment and repeal of Acts shall proceed in accordance with section 48.

### **Emergencies and Housekeeping Amendments**

50.(1) Notwithstanding section 48 or 49, where in the opinion of the Executive Council there are circumstances which require the General Council to immediately consider a proposed act or an Act requires minor changes, they may, by order, abridge the requirements for meetings as described in subsection 48(2) and the consultation period described in subsection 48(3).

- (2) Where the Executive Council takes action under subsection (1), the Chief Executive shall submit the proposed act and the order referred to in subsection (1), with written reasons for the order, to the General Council who may
- (a) enact the proposed act or amend the Act, as the case may be;
  - (b) defer consideration of the proposed act or amendment of the Act, as the case may be, until the next meeting of the General Council for the purposes of consultation with Teslin Tlingit Council members in accordance with section 48; or
  - (c) refuse to enact the proposed act or amend the Act, as the case may be.

### **Form of Enacting Clause**

51. The following words may be inserted in the preamble of Acts and shall indicate the authority by virtue of which they are passed, "The General Council enacts as follows."

### **Preamble**

52. After the insertion of the words referred to in section 51, which shall follow the setting forth of the considerations or reasons upon which the law is grounded, if any, and which shall, with these considerations or reasons, constitute the entire preamble, the various clauses of the Acts shall follow in a concise and enunciative form.

**Endorsement of Assent**

53. The clerk of the General Council shall endorse on every Act, immediately after the title, the day, month and year when the Act was enacted by the General Council and such endorsement shall be taken to be part of the Act and the date of such assent shall be the date of the commencement of the Act if no later commencement is provided.

**PART SIX: REGULATIONS****Definitions**

54. In this Part,

“proposed regulation” means a document that is proposed for consideration by the Executive Council.

**Enactment of Regulations**

55.(1) A proposed regulation shall be submitted to the Executive Council.

- (2) The Chief Executive shall direct the Executive Council members to, as soon as possible,
- (a) convene at least one meeting with the Elders' Council to secure their advice and direction on the proposed regulation;
  - (b) ensure that each clan of the Teslin Tlingit Council has had the opportunity to meet and review the proposed regulation with their clan representative on the Executive Council; and,
  - (c) convene a public meeting, if deemed necessary, to obtain comments on the proposed regulation.

(3) A consultation period, of at least 60 days and ending no later than two weeks before the meeting at which the Executive Council is to consider the proposed regulation, shall be held for each proposed regulation submitted as set out in subsection (1).

- (4) After considering any comments or other information obtained through the meetings referred to in subsection (2) and any comments or other information received during the consultation referred to in subsection (3), the Executive Council shall
- (a) approve the regulations without any changes;
  - (b) approve the regulations with changes; or
  - (c) not approve the regulations.

**Amendment and Repeal of Regulations**

56. For greater certainty, amendment and repeal of regulations shall proceed in accordance with section 55.

**Emergencies and Housekeeping Amendments**

57. Notwithstanding section 55 or 56, where in the opinion of the Executive Council there are circumstances which require the Executive Council to immediately consider a proposed regulation or a regulation requires minor changes, they may, by order, abridge the requirements

for meetings as described in subsection 55(2) and the consultation period described in subsection 55(3) and

- (a) approve the proposed regulations without any changes;
- (b) approve the proposed regulations with changes; or
- (c) not approve the proposed regulations.

### **Orders, Rules and Regulations to be Tabled**

58. (1). A copy of regulations made by the Executive Council shall be laid before the General Council as soon as possible after the making.

(2) Notwithstanding the generality of subsection (1), where the Executive Council takes action under section 57, the Chief Executive shall submit the regulation and the order referred to in subsection (1) to the General Council who may direct the Executive Council to

- (a) repeal the regulation;
- (b) conduct consultation on the regulation in accordance with section 56 for the purposes of confirming or repealing the regulation; or
- (c) confirm enactment of the regulation.

## **PART SEVEN: CONSULTATION WITH GOVERNMENTS**

### **Consultation with Governments**

59. The time limits established in this Act respecting consultation may be extended as necessary where consultation is required with the Government of Canada or the Government of the Yukon pursuant to the final agreement or the self-government agreement.

## **PART EIGHT: REGISTERS**

### **Register of Laws**

60.(1) There is hereby established a register of laws which shall contain the Constitution and all enactments made by the General Council.

(2) The original copy of each enactment, signed and dated by the Chief Executive and, in the case of an Act, accompanied by a copy of the resolution of the General Council giving consent to the Act, shall be deposited in the register of laws.

(3) A clerk of the register of laws shall be appointed by the Chief Executive and 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 General Council, may be charged for any copying or reproducing of any law distributed by the clerk of the register of laws.

### Central Register

- 61.(1) There is hereby established a central registry which shall contain:
- (a) certified copies of all enactments made by either the General Council or the Executive Council, as the case may be;
  - (b) a certified copy of the official enrollment list of the Teslin Tlingit Council as prepared by the Enrollment Commission;
  - (c) copies of all leases, licences 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; and,
  - (d) any other official documents and records of the Teslin Tlingit Council that are designated by the Executive Council to be deposited in the central register.

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

### Yukon First Nation Register

62. 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 Teslin Tlingit Council shall be deposited in this register, in accordance with any rules of procedure that may be established for the register.

## PART NINE: ENFORCEMENT

### Official Documents

63. 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.

### Ticketable Offences

64. (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 General Council.

**Summary Convictions Act (Yukon)**

65. Any offence created under this Act or the regulations shall be prosecuted in accordance with the *Summary Convictions Act (Yukon)*.

**Recovery of Fines**

66.(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 Teslin Tlingit Council and upon proof of the non-payment of the fine, a justice shall grant default judgment in favour of the Teslin Tlingit Council.

(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 TEN: MISCELLANEOUS****Regulations**

67. The Executive Council may make regulations:

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

**Act in Force**

68. This Act comes into force on a day to be fixed by the General Council.

**Administrative Act**

69. The *Administrative Act* is repealed on the day this Act comes into force.