

January 23, 2008

## **KASKA DENA NATIONAL GOVERNMENT**

*“Kaska Dena Governance shall always be exercised in accordance with the principles of respect, fairness and openness with our citizenship, and leadership will be exercised with honour and integrity.”*

*“In carrying out its responsibilities the Kaska Dena National Government shall be guided by Dena Aaat Na San and shall Respect and promote our traditional laws, principles, values, customs and practices.”*

## **KASKA DENA GOOD GOVERNANCE ACT**

# **KASKA DENA GOOD GOVERNANCE ACT**

An Act to provide for the organization and administration  
of the Kaska Dena National Government

## **PREAMBLE:**

**WHEREAS the Kaska Dena possess the inherent right to govern ourselves;**

**WHEREAS the Kaska Dena National Constitution is our primary written law;**

**WHEREAS the Kaska Dena National Government will be exercised in accordance with the principles of respect, fairness and openness with our citizenship, and leadership will be exercised with honour and integrity;**

**THEREFORE, the Kaska Dena Good Governance Act is enacted as follows.**

## **Citation**

1. This Act may be cited as the Kaska Dena Good Governance Act.

## **Coming into Force**

2. This Act shall come into force on the date the Constitution is ratified and comes into force.

## **Definitions**

3. In this Act,

“Administrative Tribunal” means the body established under Section 32 of this Act to resolve disputes concerning administrative decisions;

“Assembly” means the Kaska Dena National Assembly as described in Section 12 of the Constitution;

“Citizen” means a person as defined by the criteria of Section 5 of the Constitution;

“Constitution” means the Constitution of the Kaska Dena Nation;

“Council” means the Kaska Dena National Council as described in Section 12 of the Constitution;

“Designated Executive Member” means a member of the Kaska Dena National Executive who has been assigned a specific responsibility by the Executive;

“Dena Aaat Na San” means Kaska Dena Spiritual Law which encompasses the ancestral laws that have governed the Kaska Dena since time immemorial;

“Emergency” means a sudden and unexpected turn of events calling for immediate action;

“Executive” means the Kaska Dena National Executive as described in Section 15 of the Constitution;

“Kaska Dena Kayeh” means our traditional territory as described in the Constitution;

“Law” means any Act or regulation adopted by the Council and signed by the Council, including any amendment thereto;

“National Gudesdeje” means the Kaska Dena National Gudesdeje as described in Section 18 of the Constitution;

“National Judicial Council” means the Council to be established as described in Section 30 of the Constitution;

“Regulation” means an enactment containing rules intended to have the force of law, passed by the Council under the authority of this or another Act;

“Representative” means any elected or appointed representative of all Kaska Dena National Government institutions and/or entities.

## **Interpretation**

4. All Acts, Regulations and agreements referred to in this Act include any amendments made to them.
5. The words “our”, “ourselves”, “us” and “we”, where used in this Act, refer to the Kaska Dena National Government.
6. References to sections, subsections and paragraphs, unless otherwise stated, refer to sections, subsections and paragraphs in this Act, or in the Constitution as the case may be.

## **Purpose**

7. The purpose of this Act is to provide for
  - (1) the exercise of the Kaska Dena National Government’s legal capacity and self-governing powers;

- (2) the management and administration of the Kaska Dena National Government;
- (3) the management and administration of rights and benefits realized by the Kaska Dena Citizens under the Constitution; and
- (4) matters ancillary to the foregoing.

## **PART 1**

### **COUNCIL AND EXECUTIVE AUTHORITY**

8. The Council shall
  - (1) exercise its authorities under the Constitution and this or any other Act;
  - (2) exercise the capacity, rights, powers and privileges of the Kaska Dena National Government, and
  - (3) manage, administer and represent the Kaska Dena National Government; in accordance with this Act.
9. For the purposes set out in section 8, and in accordance with the Constitution, the Council hereby delegates to the Kaska Dena Executive under this Act the authority, on behalf of the Kaska Dena National Government, to
  - (1) enter into or delegate the power to enter into contracts, agreements and memoranda of understanding;
  - (2) acquire and hold property or any interest therein, and sell or otherwise dispose of property or any interest therein;
  - (3) raise, invest, expend and borrow money;
  - (4) sue, defend or compromise any lawsuit or any claim brought or threatened against the Kaska Dena National Government, its officials, bodies or other entities;
  - (5) form corporations or other legal entities;
  - (6) appoint or nominate for appointment any person to serve as a member of any board, committee, council, commission or tribunal established:
    - (a) by the Council;

- (b) under a law of the Kaska Dena National Government;
  - (c) under any agreement; or
  - (d) under the authority of another jurisdiction, either alone or concurrently under the authority of the Kaska Dena National Government; and
- (7) do such other acts and things as may be conducive to the purposes set out in section 8.

### **Assignment of Responsibility**

10. The Kaska Dena National Executive may
- (1) assign to any member of the Executive responsibility for the administration, application, and enforcement of any particular law or administrative function, unless that responsibility is otherwise assigned by a Kaska Dena National Law as defined in the Constitution;
  - (2) assign one of its members to act temporarily on behalf of another member who is unable to perform a function assigned under subsection (1).

### **Establishment of Symbol**

11. The Kaska Dena National Executive may establish any symbol by which the Kaska Dena Nation or Kaska Dena National Government is to be represented or identified, including
- (1) a seal of Kaska Dena National Government,
  - (2) the seal of any office established by this Constitution or by a Kaska Dena National Law; or
  - (3) a name or title used in this Constitution or in Kaska Dena Law.
12. When establishing a symbol under this subsection
- (1) the Executive may determine the title, wording, content, style, or design of the symbol,
  - (2) the Executive must entrust care of the symbol to the National Gudesdeje, who may prescribe procedures for the safekeeping and appropriate use of that symbol; and
  - (3) the Executive must take appropriate steps to protect the interests of the Kaska Dena Nation in the intellectual property associated with that symbol.

### **Procedure for Meetings of Kaska Dena National Executive**

13. The National Gudesdeje or another member of the Kaska Dena National Executive designated by the National Gudesdeje must preside at a meeting of the Kaska Dena National Executive.
14. At a meeting of the Kaska Dena Executive, or at a meeting of one of its committees, a member of the Executive
  - (1) who is also a member of a Kaska Dena First Nation Government, may be represented by another member of that First Nation Government, or
  - (2) who is a member of the Kaska Dena Elders Council, may be represented by another member of the Kaska Dena Elders Council.

### **Committees of Kaska Dena National Executive**

15. The Kaska Dena National Executive
  - (1) may establish committees for any purpose; and
  - (2) must make general rules for the business of its committees, which must include a requirement that every committee of the Executive must report in writing at least once each year to the Kaska Dena National Executive.
16. A resolution establishing a committee of the Kaska Dena National Executive must
  - (1) establish terms of reference for the committee, including but not limited to the name of the committee, its purpose and its membership,
  - (2) designate, or authorize the National Gudesdeje to designate, the chair of the Committee, and
  - (3) set out time limits within which the committee must report to the Kaska Dena National Executive.
17. A committee of the Kaska Dena National Executive may comprise persons who are not members of the Kaska Dena National Executive.
18. A decision by a committee of the Kaska Dena National Executive is effective only if
  - (1) the decision is subsequently approved by a resolution of the Kaska Dena National Executive;

- (2) a Kaska Dena National Law expressly authorizes the particular decision to be effective without approval by a resolution of the Kaska Dena National Executive, or
- (3) the decision is subsequently approved by a resolution of the Kaska Dena National Assembly or Kaska Dena National Council and
  - a. each Kaska Dena First Nation Government, and
  - b. Kaska Dena National Government.

### **Establishment of Departments**

19. The Kaska Dena National Executive may pursue initiatives and establish departments, agencies, and offices of the Kaska Dena National Government.

### **Access to Programs and Services**

20. The Kaska Dena National Executive may
  - (1) establish regulations, rules and policies regarding access to the Kaska Dena National Government by Kaska Dena Citizens to any program and service that is being generally offered by the Kaska Dena National Government with the goal of assuring equal access to all citizens; and
  - (2) enter into agreements with Yukon, Northwest Territories, British Columbia or Canada for programs and services for all Kaska Dena Citizens which the Kaska Dena National Government assumes responsibility.

### **Emergency Powers**

21.
  - (1) Where the Kaska Dena National Executive has determined on reasonable grounds that there is an emergency, the Kaska Dena National Government may take such steps as it considers necessary to represent or protect its rights, titles or interests, or to implement its laws in response to the emergency.
  - (2) Where the Kaska Dena National Executive exercises its authority under subsection (1), it shall concurrently or at the first opportunity thereafter make arrangements to convene a meeting of the Kaska Dena National Council.
  - (3) An exercise of authority under subsection (1) shall be effective until the termination of the emergency or until the conclusion of the next meeting of the Kaska Dena National Council, or for ninety (90) days, whichever is sooner.

## **Procedure**

22. The Kaska Dena National Executive shall determine its own procedure in addition to those specified in Sections 16, 17, and 18 and any failure by the Kaska Dena National Executive to adhere to or follow its own procedure shall not be reviewable by any court and shall not affect the validity of any Council or Executive proceeding or decision.

## **PART 2**

### **KASKA DENA NATIONAL COUNCIL and KASKA DENA NATIONAL EXECUTIVE STANDARDS AND ACCOUNTABILITY**

#### **Oath of Office & Oath of Confidentiality**

23. (1) Every nationally elected Kaska Dena National Council and Kaska Dena National Executive member shall swear or affirm the Kaska Dena National Oath of Office and the Oath of Confidentiality.
- (2) The oaths described in subsection (1) shall be administered before the Kaska Dena National Elders Council.
- (3) The National Gudesdeje shall set up a meeting with the Kaska Dena Elders Council within two weeks of the election or appointment to the Kaska Dena National Council or Kaska Dena National Executive for the purpose of administering the oaths.
- (4) Any Kaska Dena Citizen may attend the Kaska Dena National Elders Council meeting for the purpose of witnessing the oaths.
- (5) The oaths shall also be in writing and signed by the Kaska Dena National Council or Executive member.
- (6) Every person who is a Kaska Dena National Council and Kaska Dena National Executive member when this Act comes into force shall continue to have all of the powers and responsibilities of a member notwithstanding that he or she has not taken the oaths described in subsection (1).
- (7) Each elected or appointed member of a Kaska Dena national governing institution shall
- a. be loyal to the Kaska Dena Nation;
  - b. preserve and protect the Kaska Dena Kayeh;
  - c. respect and comply with our Kaska Dena National Constitution and Kaska Dena National Laws;



- d. be accountable to Kaska Dena Citizens;
- e. preserve and promote the peace, unity and well-being of the Kaska Dena Nation;
- f. respect and consult with the government of each Kaska First Nation in mutual trust and good faith; and
- g. be guided by Dena Aaat Na San and respect and promote Kaska Dena traditional laws, principles, values, customs and practices;
- h. act always in the best interest of the Kaska Dena Nation and Kaska Dena Citizens and acknowledge that the interests of the Kaska Dena Nation and Kaska Dena Citizens are paramount to any personal interest, and are paramount to any particular Kaska Dena First Nation interest;
- i. respect and follow the decisions of the Kaska Dena National Assembly and recognize the Kaska Dena National Assembly as the foundation of our participatory form of democratic government and attend Kaska Dena National Assemblies and Kaska Dena National Council meetings;
- j. exercise diligence, care, prudence, common sense and keep informed of the policies and laws of the Kaska Dena Nation;
- k. know and follow the conflict of interest procedures set out in this Act;
- l. keep confidential, both during and after a term of office, any matter or information which, under our Kaska Dena Nation Constitution, Kaska Dena National Law or policy, is considered confidential and not use any confidential information to obtain, directly or indirectly, a personal benefit;
- m. accurately and clearly communicate Kaska Dena National Laws and policies;
- n. be mindful of the democratic basis of the Kaska Dena Nation and that the Kaska Dena Citizens have entrusted the stewardship of its affairs to the Kaska Dena National Government to meet the needs of all Kaska Dena Citizens collectively; and
- o. conduct oneself at all times according to the highest standards of what it means to be Kaska Dena.

## Conflict of Interest

24. (1) Every Kaska Dena National Council and Kaska Dena National Executive member who, directly or indirectly, has an interest that conflicts with or, in the opinion of the Council or Executive (excluding that member), reasonably might be perceived to conflict with the interests of the Kaska Dena National Government shall disclose the nature and extent of that interest to the Council or Executive at the earliest opportunity after becoming aware of the conflict or circumstances giving rise to the perception of it.
- (2) Where a Council or Executive member or a member of his or her immediate family
- (a) is a director of, or has a financial interest in, a corporation or partnership or is a sole proprietor, or
  - (b) is a director of a society or organization
- that may benefit from any contract, loan, grant, financial guarantee or other similar financial relationship entered into by the Council, the Council or Executive member shall be deemed to be in a conflict of interest for the purposes of the awarding of the contract, loan, grant, financial guarantee or other similar financial relationship.
- (3) The Council may by regulation
- (a) identify interests, other than those interests identified in subsection (2), which are deemed to be interests that conflict with the interests of the Kaska Dena National Government,
  - (b) establish procedures for the disclosure and resolution of conflicts or perceived conflicts of interest, and
  - (c) address any other matter as the Council may consider necessary to protect the integrity and dignity of the Council, Kaska Dena Citizens and the Kaska Dena National Government.
- (4) Elected and appointed representatives and employees of all Kaska Dena National Government institutions and entities are subject to these guidelines and for the purpose of this section will be called a Representative.
- (5) Representatives shall avoid a conflict of interest or the appearance of a conflict of interest and shall not be involved in any transaction or matter where they are in a conflict of interest or appear to be in a conflict of interest.

- (6) A conflict of interest arises in any situation where a Representative or person in their immediate family has a personal or business interest in a transaction or matter under consideration by a Kaska Dena National government institution or entity or receives information in the course of duties carried out for the Kaska Dena National Government which may be used for personal benefit.
- (7) A transaction or matter which may give rise to a conflict of interest or the appearance of a conflict of interest may be approved by a Kaska Dena National Council Resolution if the Representative has complied with this section. Such a Resolution may include any steps the Representative is obliged to make to avoid conflict and such a Resolution may be revoked if information is subsequently brought forward which the Representative failed to provide initially.
- (8) No conflict of interest or appearance of a conflict of interest arises where
  - a. the only benefit derived by an immediate family member is as an employee of a person or business entering into a transaction with, or having a matter determined by the Kaska Dena National Government;
  - b. the Representative or his or her immediate family member is a beneficiary or shareholder of a corporation, society or other entity owned or controlled by a Kaska Dena Citizen entering into a transaction with the Kaska Dena National Government or having a matter determined by the Kaska Dena National Government;
  - c. the Representative or his or her immediate family holds an interest in the same manner and under the same conditions as other Kaska Dena Citizens;
  - d. the Representative guarantees repayment of or otherwise assumes liability to repay a loan made by the Kaska Dena National Government; and
  - e. a National Law is passed or a benefit is provided that applies equally to all Kaska Dena Citizens or Representatives.
- (9) If a Representative is in doubt whether he or she is in a conflict of interest, a request may be made for a Decision and/or Resolution of the Kaska Dena National Council.
- (10) If declaring a conflict of interest, a Representative shall leave the meeting where the matter or transaction is being considered, not be counted in the quorum, nor participate in the discussion or vote and will not attempt in any way, whether before or after the meeting, to influence the discussion or vote on the matter or transaction.

- (11) Every declaration of a conflict of interest and the general nature of such conflict will be recorded in the minutes or proceedings of such a meeting.
- (12) Where a conflict of interest is discovered after consideration of the matter, the conflict of interest must be declared in writing to the Kaska Dena National Council.
- (13) A Representative shall not use property owned by the Kaska Dena National Government or any of its institutions or entities unless such purposes or purchases are equally available to all Kaska Dena Citizens or Representatives, as the case may be, and the transaction complies with this section.
- (14) Gift giving or receiving is permitted in recognition of a Representative's service to the community or to aboriginal causes or institutions.
- (15) A Representative shall not solicit, receive or accept a gift or service where such action could reasonably be inferred to influence the discharge of his or her duties.
- (16) Notwithstanding anything in this section, a gift of traditional foods must be kept for sharing at the next Kaska Dena National Government meeting or Kaska Dena National Assembly, as the case may be.
- (17) In addition to a penalty or remedy, a Representative is liable for any personal or business benefit to his or her self or an immediate family member resulting in the violation of this section.

### **Undue Use of Influence**

25. (1) No Kaska Dena National Council or Kaska Dena National Executive member shall receive or agree to receive any fee, compensation or reward, in relation to the preparation or promotion of any law, resolution, question, decision or other matter before the Council or Executive or any committee established by the Council or Executive in order to influence any member or any committee.
- (2) No person shall offer a member a reward to use his or her position as a member to promote any law, resolution, question, decision or other matter before the Council or Executive or any committee established by the Council or Executive.
- (3) The Executive shall establish a Committee to investigate any complaint of an alleged violation of subsection (1) or (2)
- (4) The Committee may require a person to appear before it to account for their actions.
- (5) The Committee shall prepare a report with recommendations to the Executive after their investigation.

- (6) The Executive shall take such action as it deems necessary to enforce any violation of subsections (1) or (2).
  - (7) Any decision made by the Executive pursuant to subsection (6) may be appealed by the person to the National Judicial Council.
26. A decision made by the Executive pursuant to Section 25 may include a requirement for the person to vacate his or her position in addition to any other penalties.

### **Disqualification**

27. A person who is a member of the Senate or House of Commons of Canada or of the Legislative Assembly of a territory or province, and the Grand Chief of the Council of Yukon First Nations, is not eligible to be a Kaska Dena National Council or Kaska Dena National Executive member.

### **Compensation**

28. The personnel policy of the Kaska Dena National Government shall apply to and for the benefit of members of Kaska Dena National Council and Kaska Dena National Executive.

### **Records, Access and Privacy**

29. (1) The Kaska Dena National Council and Kaska Dena National Executive shall keep records of its proceedings which disclose at least
- (a) the items discussed;
  - (b) the main issues considered; and
  - (c) any decision made, including any formal resolutions.
- (2) These records shall be filed and maintained, and shall be available to be read by any Kaska Dena Citizen during regular business hours and upon reasonable notice.
- (3) Notwithstanding subsections (1) and (2), no access shall be granted to any person other than a Council or Executive member to a record that discloses any matter considered to be confidential by the Council or Executive or under Kaska Dena National Government Law or policy.
30. The records of the Kaska Dena National Government shall be preserved in a central or departmental filing system, as determined by the Council or Executive, and shall not be

removed or destroyed except as authorized by procedures as may be approved by the Kaska Dena National Council.

### **PART 3**

#### **KASKA DENA NATIONAL JUDICIAL COUNCIL and ADMINSTRATIVE TRIBUNAL**

##### **National Judicial Council**

31. (1) In accordance with Section 30 of the Constitution the Council shall establish a National Judicial Council. The National Judicial Council shall have powers to:
  - (a) adjudicate any cases of alleged violations of Kaska Dena National Laws and impose such sentences as are provided by Kaska Dena National Law to ensure compliance;
  - (b) determine the validity of a Kaska Dena National Law or a regulation or orders adopted by or decisions made by the Kaska Dena National Government which have been challenged;
  - (c) where parties agree, mediate or arbitrate any disputes in relation to Kaska Dena Citizens and the Kaska Dena National Government;
  - (d) appoint an investigative committee to review any financial irregularities of the Kaska Dena National Government;
  - (e) review appeals regarding removal from office of an elected official.
- (2) The National Judicial Council shall have such additional powers and responsibilities as are prescribed by the Kaska Dena National Council.

##### **Administrative Tribunal**

32. In order to promote sound and fair decision making by the Kaska Dena National Council, Kaska Dena National Executive and officials of the Kaska Dena National Government, and to ensure the effective and respectful resolution of disputes concerning administrative decisions, the Kaska Dena National Council shall establish an Administrative Tribunal.
33. The Administrative Tribunal shall be composed of a chair and no more than five other members appointed by the Kaska Dena National Council for a term of three years.
34. No member of the Administrative Tribunal may be a member of the Kaska Dena National Council or Kaska Dena National Executive or an employee of the Kaska Dena National Government.

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

35. (1) On receipt of a complaint, the Administrative Tribunal may investigate, hear and decide upon the decision-making processes and procedures associated with
- (a) a decision or recommendation made by an employee or agent of the Kaska Dena National Government,
  - (b) an act done or omitted to be done by an the employee or agent,
  - (c) a procedure used by an employee or agent,
- that aggrieves or may aggrieve a person or group of persons.
- (2) The Administrative Tribunal may not investigate a decision, recommendation, act or omission
- (a) made by the Council or the Executive, or
  - (b) any decision, recommendation, act or omission for which there is a right of review to any specific body established under any other Kaska Dena National Law.
- (3) The Administrative Tribunal may refuse to investigate, hear and decide upon a complaint where in its opinion
- (a) more than one year has passed since the complainant or person aggrieved knew or ought to have known of the decision, recommendation, act or omission, to which his or her complaint refers,
  - (b) the law or existing administrative procedures provides an adequate remedy in the circumstances for the person aggrieved and the person aggrieved has not used these remedies and there is no reasonable justification for the failure to do so, or
  - (c) the complainant is frivolous, vexatious or was not made in good faith or concerns a trivial matter.
- (4) The Administrative Tribunal has the power to investigate, hear and decide upon any matter referred to it by the Council or Executive as set out in this Act.
- (5) The Administrative Tribunal shall not have any power to consider complaints that deal with validity of law or any other matter specified by the Constitution or any other Kaska Dena National Law to be dealt with by the National Judicial Council.

### **Hearing of Complaints**

36. (1) The Administrative Tribunal Chair shall establish a panel of three members of the tribunal, one of which shall be panel Chair, to hear and decide upon complaints submitted to the Tribunal.
- (2) Decisions of a panel shall be final and are not subject to reconsideration by the Administrative Tribunal.
- (3) The process and procedures for investigating, hearing and deciding upon a complaint shall be undertaken as may be described in the regulations.

### **Fundamental Justice**

37. The Administrative Tribunal shall conduct its appeals in accordance with the principles Dena Aaat Na San, natural justice, the Canadian Charter of Rights and Freedoms and administrative fairness.

### **Support**

38. The Kaska Dena National Council and Kaska Dena National Executive shall ensure that the Administrative Tribunal has the administrative support reasonably required to perform its functions and carry out its responsibilities under this Act.

## **PART 4**

### **DEPARTMENTS AND STAFFING**

#### **Chief Executive Officer**

39. The Kaska Dena National Executive may hire a Chief Executive Officer to support the Kaska Dena National Council or the Kaska Dena National Executive in their responsibilities for administration and management.

#### **Departments**

40. (1) The Kaska Dena National Executive, may establish departments of the government for the better management, administration and operation of the Kaska Dena National Government.
- (2) Where a department is established in accordance with subsection (1):
  - (a) the mandate of the department shall be set out in writing and approved by the Kaska Dena National Council; and



- (b) a suitably qualified person shall be designated by the Kaska Dena National Executive to act as the Senior Manager responsible for that department.

### **Staff**

- 41. The Chief Executive Officer and any Senior Manager, in the name of the Kaska Dena National Government, may employ such employees, officials, servants or agents, maintain offices, and do all such other acts and things as are necessary, in the opinion of the Chief Executive Officer and Senior Manager to effectively
  - (a) administer the implementation of any Self-Government Agreement;
  - (b) manage, administer and deliver Kaska Dena National Government programs and services; and
  - (c) carry out the duties, obligations and powers as assigned by the Kaska Dena National Executive or as set out in the Constitution, this Act and any other Act.

### **Senior Management Committee**

- 42. (1) The Kaska Dena National Council may establish a Senior Management Committee consisting of the Senior Managers and the Chief Executive Officer and chaired by the Chief Executive Officer to provide oversight and coordination among programs and departments.
- (2) Terms of reference for the committee may be established by regulation.

### **Hiring Committee**

- 43. The Kaska Dena National Executive may establish a Hiring Committee for the purpose of hiring a Chief Executive Officer or Senior Manager.
- 44. The Hiring Committee shall consist of a minimum of three members of the Executive.

### **Law Drafting Committee**

- 45. The Kaska Dena National Executive may establish a Law Drafting Committee for the purpose of drafting, reviewing or clarifying any legislative proposals referred to it.
- 46. The Law Drafting Committee shall consist of at least one member of the Kaska Dena National Judicial Council.

## **Other Committees**

47. Other committees may be established from time to time by the Kaska Dena National Executive as described in section 19 to perform designated functions or to advise the Kaska Dena National Executive on specific matters or issues under such terms of reference as the Kaska Dena National Executive may provide.

## **Delegation**

48. (1) The Kaska Dena National Executive may delegate to the Chief Executive Officer or any Senior Manager the authority to carry out any of the provisions of this Part.
- (2) The Kaska Dena National Executive may delegate to any member, the Chief Executive Officer or any Senior Manager the authority to enter into contracts for approved purposes, within specified limits and approved budgets and subject to such other terms and conditions as may be considered necessary.

## **Facilities**

49. The Kaska Dena National Executive shall endeavor to ensure that adequate facilities and equipment are provided to enable the Chief Executive Officer, departments and committees to carry out their functions.

## **Offices**

50. (1) The principal offices of the Kaska Dena National Government shall be located in the vicinity of Watson Lake on Kaska Dena Kayeh.
- (2) Subsidiary offices of the Kaska Dena National Government may be located within the Yukon, Northwest Territories, or British Columbia as determined by the Kaska Dena National Council.

## **Security**

51. The Kaska Dena National Executive shall establish systems, policies and procedures as may be required to maintain the physical security of the premises and the confidential information of the Kaska Dena National Government.

**PART 5**  
**REGISTERS**

**Register of Kaska Dena Citizens**

52. The Kaska Dena National Government shall maintain a Register of Kaska Dena Citizens which shall contain the name and other identifying information of every living person who is a citizen of the Kaska Dena Nation under Section 5 of the Constitution.
53. The Register of Kaska Dena Citizens shall be a record of information only and the entry or omission of the name of any person in the Register does not create, deprive, increase or diminish the rights of any person.

**Register of Kaska Dena Laws**

54. The Kaska Dena National Government shall maintain a Register of Kaska Dena National Laws which shall contain an original or certified copies of
  - (a) any Self-Government Agreement and related enabling legislation;
  - (b) the Constitution;
  - (c) all laws enacted by the Kaska Dena National Government; and
  - (d) all regulations, proclamations, orders and directives approved by the Kaska Dena National Council or Kaska Dena National Executive.
55. The Kaska Dena National Council shall publicize every Kaska Dena National Law in a manner and at times it considers appropriate, and a certified copy of every Kaska Dena National Law shall be placed in the Register of Kaska Dena National Laws on or before the date it comes into force.

**Register of Kaska Dena National Legal Entities**

56. The Kaska Dena National Government shall maintain a Register of Kaska Dena National Legal Entities which shall contain the name and a certified copy of the constituting documents of all corporations and other entities wholly-owned or controlled by, or established for the benefit of, the Kaska Dena National Government or authorized by the Kaska Dena National Assembly or the Kaska Dena National Council to hold or exercise rights or obligations, directly or indirectly, for the benefit of the Kaska Dena National Government.

## **Register of Kaska Dena National Contracts**

57. The Kaska Dena National Government shall maintain a Register of Kaska Dena National Contracts which shall contain a certified copy of every contract or agreement entered into by or on behalf of the Kaska Dena National Government and having force for or during the fiscal year.

## **Access to Registers**

58. The Register of Kaska Dena National Laws shall be available for review by the public during business hours. The Kaska Dena National Council shall also make the Register of Kaska Dena National Laws available online at the website which may be established by the Kaska Dena National Council.
59. The Register of Kaska Dena National Citizens, Register Kaska Dena National Legal Entities and Register of Kaska Dena National Contracts shall be available for review by any citizen in accordance with policies set by the Kaska Dena National Council.

## **PART 6**

### **LIABILITIES**

60. Except as provided in this or any other Act, no Kaska Dena National Council or Kaska Dena National Executive member, employee or agent is liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him or her or said by him or her before the Kaska Dena National Council, Kaska Dena National Executive, or any committee established by the Kaska Dena National Council or Kaska Dena National Executive.
61. Employees of the Kaska Dena National Government are not liable for anything done or omitted to be done in good faith in the exercise or purported exercise of any powers given to the employee under an enactment or as directed by the Kaska Dena National Council or Kaska Dena National Executive.

### **No Liability where Making Laws**

62. Neither the Kaska Dena National Government nor the Kaska Dena National Council, in the exercise of passing a law, is liable in negligence or any other cause of action.

### **No Liability for Failing to Make Laws**

63. Notwithstanding our inherent right of self-government, neither the Kaska Dena National Government nor the Kaska Dena National Council is liable in negligence or any other cause of action for not passing a Kaska Dena National Law or for not establishing a program or policy respecting a matter within our authority and jurisdiction.

### **No Liability for Policy Decisions**

64. For greater certainty, neither the Kaska Dena National Government, the Kaska Dena National Council, Kaska Dena National Executive, nor any persons or bodies authorized to act on our behalf by the Council or our Kaska Dena National Laws are liable in negligence or any other cause of action for policy decisions.

### **Vicarious Liability**

65. Neither the Kaska Dena National Government nor the Kaska Dena National Council or Kaska Dena National Executive will be liable for damages, loss or injury arising out of an act or omission by any employee of the Kaska Dena National Government, or a member of the Kaska Dena National Council, or Kaska Dena National Executive, where
- (1) that person was guilty of dishonesty, gross negligence or malicious or willful misconduct; or
  - (2) the cause of action is libel or slander.

### **Failure to Enforce Laws**

66. Neither the Kaska Dena National Government nor any of the Kaska Dena National Council or Kaska Dena National Executive is liable for failing to enforce, whether by prosecution, civil action or otherwise, a Kaska Dena National Law or any law of general application which applies to the Kaska Dena National Government or to Kaska Dena Kayeh.

### **Nuisance Actions**

67. Neither the Kaska Dena National Government, the Kaska Dena National Council, Kaska Dena National Executive nor any persons or bodies authorized to act on their behalf is liable in an action based on negligence, nuisance or the rule in *Rylands v. Fletcher* where the damages arise, directly or indirectly, out of the breakdown or malfunction of
- (1) a sewer system,
  - (2) a water or drainage facility or system, or
  - (3) a dyke or road.

### **Regulations**

68. The Kaska Dena National Council may make such regulations as are contemplated by this Act or as the Kaska Dena National Council otherwise may deem necessary for the purposes of this Act.