

## **TSAWWASSEN TREATY INFORMATION ITEM – April 2, 2007**

### **INTRODUCTION**

The purpose of this Information Item is to provide the public, and Council, with information on the contents of the recently initialed Tsawwassen Treaty. In the Information Item, at the beginning of each Regular Council Meeting, we will look at the contents in small, comprehensible bites, in a Question and Answer format, so that the public may better understand what the Treaty contains.

The Items will then be posted on the Delta website to make them readily available to the public.

**Today's Information Item addresses the questions of how the Tsawwassen Treaty relates to Governance. Governance is found in Chapter 16 of the Tsawwassen Final Agreement.**

### **Governance**

The treaty provides the right to Tsawwassen First Nation (TFN) for self government through the TFN Government for which a constitution must be established. This constitution must provide for government that is democratically and financially accountable to its members and this will come into force on the effective date of the treaty. Elections must be held at least every five years.

### **Law Making Powers**

The treaty contains law-making powers for matters related to lands, resources and other areas of governance. TFN will be entitled, subject to certain limitations, to make laws in respect of:

- **TFN Government**
- **Adoption**
- **Education K-12**
- Health services
- Liquor control
- Emergency preparedness
- Public works
- Traffic, parking and transportation
- **TFN membership**
- **Child custody**
- **Land Management**
- Post-secondary education and training
- Social services
- Solemnization of marriage
- Regulation of business
- **TFN assets**
- **Child protection services**
- **Aboriginal healers**
- Family development services
- Child care
- Buildings and structures
- Public order, peace and safety

For TFN laws relating to the subjects noted in **bold** above, these laws will prevail to the extent of a conflict with a Provincial or Federal Law. For other laws, Provincial and Federal laws will prevail to the extent of a conflict with a TFN law.

TFN can impose penalties and provide for enforcement with respect to these laws. The law making authority in the Treaty does not allow for the creation of a police force, however does not prevent TFN from establishing a police force under Provincial Law.

In accordance with the Treaty and the TFN Constitution, TFN can delegate authority under their laws to TFN public institutions, other First Nations and their public institutions, Local, Provincial and Federal governments, and other legal entities as agreed to by the signatories to the Treaty.

## **Non-Member Representation**

The Treaty does not provide for direct representation for residents on Tsawwassen Lands who are not members of TFN (Non-members) on TFN Government. Non-members may participate in the decision making processes of TFN Public Institutions if the activities of the Institution directly and significantly affect them. This includes representation on the Institution and participating in votes relating to these Institutions. Examples of potential TFN Institutions include school or health boards and a body that makes decisions on taxation matters that directly affect non-members.

## **GVRD Membership**

TFN will be a First Nation member of the Greater Vancouver Regional District (GVRD) with a representative who sits as a member of the GVRD board. TFN will pay for core mandatory services in the GVRD, such as air quality, strategic planning, 911, regional parks and general government.

As a member of the GVRD, TFN will be able to obtain water directly from the Greater Vancouver Water District on the same terms as a municipality of equivalent size.

## **Conclusion**

That is an overview of how the Tsawwassen Treaty relates to Governance. At the next Regular Meeting of Council, we will look at what the Treaty has to say about Taxation.