



Enforcement and Ticketing Law

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Hegus Clint Williams

Deposited in the Tla'amin Registry

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Signature of Law Clerk

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ENFORCEMENT AND TICKETING LAW

PREAMBLE

WHEREAS

- A. Since the beginning of time, Tla'amin people have lived on the lands that the Creator provided for our ancestors and all future generations of Tla'amin people;
- B. Our ancestors lived by a traditional system of governance grounded in our *Ta'ow* (teachings) and *Ee ah ju thum* (language), which were our unwritten constitution that influenced all forms of environmental stewardship matters, social and political relations. It is this system that has sustained our way of life and *Tums gijeh* (lands) and resources;
- C. Our vision of self-government and of a healthy, self-sufficient Tla'amin Nation began long ago with our ancestors and our leadership of the past. Many of those who were involved in shaping and advancing our vision have since passed on and we acknowledge their contributions and sacrifice. They put in place the foundation that we have built upon today. Those respected ones have cleared the path so that we, the Tla'amin Nation, could achieve our vision of "one heart, one mind, one Nation". It is on this basis that we accept the obligations and responsibilities inherent in governing and work to blend our traditional and modern-day governing approaches, including the development of governance laws;
- D. Under section 31 of the *Constitution of the Tla'amin Nation*, the Tla'amin Government may exercise any right, power, privilege or authority, and may carry out any duty, function or obligation, of the Tla'amin Nation or Tla'amin Government in accordance with Tla'amin laws, the *Constitution of the Tla'amin Nation* and the *Tla'amin Final Agreement* including making any law within the authority of the Tla'amin Government, adopting any federal or provincial law or local government bylaw in respect of a matter within the authority of the Tla'amin Government, and delegating authority and law-making;
- E. Under chapter 15 of the *Tla'amin Final Agreement*, the Tla'amin Government may make laws:
 - (a) that impose sanctions, including fines, Administrative Penalties, community service, restitution and imprisonment in response to the contravention of Tla'amin laws;
 - (b) that provide for the enforcement and prosecution of Tla'amin laws;
 - (c) respecting the appointment of officers to enforce Tla'amin Law; and
 - (d) respecting powers of enforcement;
- F. Under chapter 15 of the *Tla'amin Final Agreement*,
 - (a) the Tla'amin Government may enter into agreements with the federal and provincial governments regarding the enforcement of

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- (b) Tla'amin law by a police force or federal or provincial enforcement officials, or
- (c) Tla'amin, federal or provincial environmental laws on Tla'amin lands;
- G. Under chapter 15 of the *Tla'amin Final Agreement*, the Tla'amin Nation is responsible for the prosecution of all matters arising from Tla'amin Law, including appeals.
- H. Under section 40 of the *Constitution of the Tla'amin Nation*, the Tla'amin Government will make laws to establish administrative structures;
- I. Under section 72 of the *Constitution of the Tla'amin Nation*, the Provincial Court of British Columbia has jurisdiction to hear prosecutions of offences under Tla'amin Law;
- J. Under chapter 15, section 160 of the *Tla'amin Final Agreement*, the Supreme Court of British Columbia has jurisdiction to enforce, prevent or restrain the contravention of Tla'amin laws; and
- K. Under chapter 5 of the *Tla'amin Final Agreement*, the Tla'amin Nation may have access off Tla'amin Lands in order to enforce laws and carry out inspections;

NOW THEREFORE the Tla'amin Legislative Assembly enacts as follows:

PART 1 - INTRODUCTORY PROVISIONS

Short title

1. This Law may be cited as the *Enforcement and Ticketing Law*.

Executive Council oversight

2. The Executive Council member responsible for Lands and Resources or a designated member of the Executive Council is responsible for the oversight of this Law.

Application

3. This Law applies to address the contravention and enforcement of Tla'amin Law, except to the extent that a Tla'amin Law specifically provides otherwise.

Definitions

4. In this Law,

“**Application**” means an application made under section 45(1) for a review of a Compliance Notice or Ticket;

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“Community Correctional Services” has the same meaning as prescribed in the *Tla’amin Final Agreement*;

“Compliance Notice” means a notice issued in accordance with PART 6;

“Director” means the director responsible, from time to time, for the exercise of powers under the Tla’amin Law to which the particular offence relates;

“Discounted Fine” means the amount of the fine prescribed by regulation that is payable if payment is received on or before the 14th day after the date a Ticket was served;

“Enforcement Agreement” means an agreement referred to in chapter 15, paragraphs 153 and 159 of the *Tla’amin Final Agreement* that may be entered into by the Tla’amin Nation and British Columbia and/or Canada:

- (a) authorizing a police force or federal or provincial enforcement officials to enforce Tla’amin Law; or
- (b) prescribing the enforcement of the environmental laws of the Tla’amin Nation, Canada and British Columbia that apply on Tla’amin Lands;

“Enforcement Officer” means an enforcement officer or another person:

- (a) authorized or appointed under a Tla’amin Law;
- (b) authorized or appointed by the Executive Council, the Chief Administrative Officer or a Director; or
- (c) authorized pursuant to an Enforcement Agreement;

to enforce Tla’amin Law, federal law or provincial law and, unless otherwise expressly stated in a Tla’amin Law, includes Peace Officers as defined under the *Criminal Code* (Canada);

“Government Body” means a federal, provincial, municipal or treaty first nation body, including an agency or ministry of the Crown in right of Canada or British Columbia and an agency of a municipality or treaty first nation;

“Judicial Justice” means a judicial justice referred to in section 30.2 of the *Provincial Court Act* (British Columbia), and a judicial justice of the peace referred to in chapter 15, section 162 of the *Tla’amin Final Agreement*;

“Named Person” means a person to whom a Compliance Notice or Ticket is issued;

“Offence Act” means the *Offence Act* (British Columbia);

“Prosecution Agreement” means an agreement referred to in chapter 15, paragraph 168(b) of the *Tla’amin Final Agreement* that may be entered into by the Tla’amin Nation and British Columbia or Canada governing the conduct of prosecutions and appeals;

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“Provincial Court” means the provincial court continued in the *Provincial Court Act* (British Columbia);

“Special Tla’amin Nation Prosecutor” means a person appointed as a special prosecutor of the Tla’amin Nation under section 11(1);

“Surcharge” means the amount prescribed by regulation that is payable if payment for a fine is received on or after the 29th day after the date a Ticket was served;

“Ticket” means a ticket issued in accordance with PART 6;

“Tla’amin Law” has the same meaning as prescribed in the *Tla’amin Final Agreement*, and for certainty, includes a regulation enacted under a Tla’amin Law, and, in the event an Enforcement Agreement authorizes the Tla’amin Nation to enforce a federal or provincial environmental law, “Tla’amin Law” will include the relevant law or laws; and

“Tla’amin Nation Prosecutor” means a person appointed as a prosecutor of the Tla’amin Nation under section 11(1).

Enforcement Agreements and other Arrangements

5. The Executive Council may negotiate and enter into:

- (a) Enforcement Agreements with the federal or provincial government; and
- (b) Enforcement arrangements with any government, First Nation, municipality, corporation, contractor, or entity including arrangements with municipalities for use of municipal ticketing systems, prosecutions, appeals and collection processes.

PART 2 – OFFENCES

Offences Generally

6. (1) A person commits an offence against a Tla’amin Law by:

- (a) doing anything prohibited under a Tla’amin Law; or
- (b) omitting to do anything required under a Tla’amin Law.

(2) An Enforcement Officer may commence a proceeding for an offence against a Tla’amin Law by:

- (a) a Compliance Notice; or
- (b) a Ticket

under PART 6, or

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(c) a prosecution in the Provincial Court,

in accordance with Tla'amin Nation policy.

(3) Where a person commits an offence for more than one day, it constitutes a separate offence for each day on which the person commits or continues the offence.

Penalties Generally

7. (1) If a Tla'amin Law does not specify a fine for an offence, the following applies:

(a) the Executive Council may, by regulation, establish one or more of the following penalties for an offence enforced by a Ticket or a Compliance Notice:

- (i) a minimum fine,
- (ii) a maximum fine of up to \$2,000,
- (iii) an increased fine for a subsequent offence contravention,
- (iv) in the case of a continuing offence, for each day that the offence continues, either or both of:

(A) a minimum fine under subparagraph (i), and

(B) a maximum fine under subparagraph (ii);

(b) the Executive Council may, by regulation, establish one or more of the following penalties to which a person convicted of an offence in a prosecution under the *Offence Act* is liable:

(i) a maximum fine of up to

(A) the greater of

(I) any fine permissible under paragraphs 148 to 151 of the Final Agreement, or

(II) \$2,000, or the general limit for summary conviction offences under the *Offence Act*, or

(B) subject to the Final Agreement and Tla'amin Laws, \$1,000,000 for offences related to the environment;

(ii) in the case of a continuing offence, for each day that the offence continues up to the maximum fine under subparagraph (i), and

(iii) imprisonment for a term not exceeding six months.

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(2) In a prosecution for an offence against a Tla'amin Law, the Provincial Court, or other court with jurisdiction, may impose all or part of the penalties applicable for the offence, together with the costs of the prosecution.

(3) Pursuant to a proceeding commenced by the Tla'amin Government or its delegates, the Supreme Court of British Columbia may order a remedy that:

- (a) provides for the enforcement of a Tla'amin Law; or
- (b) prevents or restrains an offence against a Tla'amin Law.

(4) A court shall take into account the following objectives and principles, and such other objectives and principles as it considers appropriate when imposing a sentence or delivering a ruling pursuant to subsections (2) or (3) above: *[Amended April 25, 2016]*¹

- (a) to denounce unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to provide reparations for harm done to the community;
- (d) to promote a sense of responsibility in offenders and acknowledgment of the harm done to the community;
- (e) to protect Tla'amin Lands and the special relationship between Tla'amin Citizens and the environment;
- (f) to protect the cultures, traditions, health and lifestyle of the Tla'amin Citizens and other residents of our region; *[Amended April 25, 2016]*²
- (g) a sentence should be proportionate to the gravity of the offence and the degree of responsibility of the offender;

¹ The subsection enacted on April 5, 2016, originally read:
(4) A court shall take into account the following objectives and principles, and such other objectives and principles as it considers appropriate when imposing a sentence or delivering a ruling pursuant to **sections 6(2) or 6(3)**:

Amended April 25, 2016, to:

(4) A court shall take into account the following objectives and principles, and such other objectives and principles as it considers appropriate when imposing a sentence or delivering a ruling pursuant to **subsections (2) or (3) above**:

² Clause (f) of subsection 7(4) enacted on April 5, 2016, originally read:

(f) to protect the cultures, traditions, health and lifestyle of the Tla'amin Citizens **of** and other residents of our region;

Amended April 25, 2016, to:

(f) to protect the cultures, traditions, health and lifestyle of the Tla'amin Citizens and other residents of our region;

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- (h) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender; and
- (i) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances.

(5) A court may order community service and restitution as a component of sentencing to promote any of the objectives and principles provided at subsection (4) above. *[Amended April 25, 2016]*³

(6) In making an order pursuant to subsection (5) above, a court shall take into account whether the Tla'amin Nation provides Community Correctional Services for Tla'amin Citizens as provided in Chapter 15 of the *Tla'amin Final Agreement*. *[Amended April 25, 2016]*⁴

Completing an Information

8. (1) An Enforcement Officer or other person who believes on reasonable grounds that a person has committed an offence may complete an information respecting the alleged offence.

(2) An information must be in the prescribed form and be made under oath.

Prosecution of Offences

9. (1) Subject to subsection (2), the Director or an Enforcement Officer may, on reasonable and probable grounds, lay an information on behalf of the Tla'amin Nation that a person has committed or is suspected of having committed an offence, provided that the information has been approved by the Tla'amin Nation Prosecutor under section 11(2). *[Amended April 25, 2016]*⁵

³ The subsection enacted on April 5, 2016, originally read:

(5) A court may order community service and restitution as a component of sentencing to promote any of the objectives and principles provided at **section 6(4)**.

Amended April 25, 2016, to:

(5) A court may order community service and restitution as a component of sentencing to promote any of the objectives and principles provided at **subsection (4) above**.

⁴ The subsection enacted on April 5, 2016, originally read:

(6) In making an order pursuant to **section 6(5)**, a court shall take into account whether the Tla'amin Nation provides Community Correctional Services for Tla'amin Citizens as provided in Chapter 15 of the Tla'amin Final Agreement.

Amended April 25, 2016, to:

(6) In making an order pursuant to **subsection (5) above**, a court shall take into account whether the Tla'amin Nation provides Community Correctional Services for Tla'amin Citizens as provided in Chapter 15 of the Tla'amin Final Agreement.

⁵ The subsection enacted on April 5, 2016, originally read:

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(2) Subject to the terms of a Prosecution Agreement, the Director or Enforcement Officer may only lay an information:

- (a) Before a Justice; or
- (b) that has been approved by the Tla'amin Nation Prosecutor under section 11(2).

(3) If a Ticket has already been served on a Named Person, an information may not be laid in respect of the same offence except with the consent of the Director, in which case, the Ticket is void once an information is laid.

Limitation period for laying an information

10. If a Tla'amin Law does not specify the limitation period for laying an information, the Director or Enforcement Officer may not lay an information more than six months after a Tla'amin Nation official discovers the commission of the alleged offence.

Prosecution of offences

11. (1) Subject to the terms of a Prosecution Agreement, the Executive Council may appoint a Tla'amin Nation Prosecutor to conduct, as necessary, prosecutions of offences and any appeals arising from prosecutions of offences.

(2) If a Tla'amin Nation Prosecutor is appointed under section 11(1),

- (a) the Tla'amin Nation Prosecutor must review any proposed information contemplated in section 9(1) and may approve the information to be laid under this Law with any necessary changes that the Tla'amin Nation Prosecutor sees fit; and
- (b) in the Tla'amin Nation Prosecutor's review of an information and the prosecution of an offence, he or she must follow all principles of prosecutorial independence as set out in Chapter 15, paragraph 168 of the *Tla'amin Final Agreement* and must consider:
 - (i) all relevant information and documents relating to the prosecution,
 - (ii) whether there is a substantial likelihood of conviction of the offence,

(1) Subject to **section 8(2)**, the Director or an Enforcement Officer may, on reasonable and probable grounds, lay an information on behalf of the Tla'amin Nation that a person has committed or is suspected of having committed an offence, provided that the information has been approved by the Tla'amin Nation Prosecutor under section 11(2).

Amended April 25, 2016, to:

(1) Subject to **subsection (2)**, the Director or an Enforcement Officer may, on reasonable and probable grounds, lay an information on behalf of the Tla'amin Nation that a person has committed or is suspected of having committed an offence, provided that the information has been approved by the Tla'amin Nation Prosecutor under section 11(2).

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- (iii) the seriousness of the offence,
 - (iv) the values of the Tla'amin Nation,
 - (v) the integrity and independence of the Tla'amin Nation enforcement system, and
 - (vi) the public interest; and
- (c) the Tla'amin Nation Prosecutor must perform his or her duties and exercise his or her powers in a manner consistent with the principle of prosecutorial independence and the overall authority and role of a prosecutor in the administration of justice in British Columbia.

Application of the *Offence Act* (British Columbia)

12. The summary conviction proceedings of the *Offence Act* (British Columbia) apply to the prosecution of offences.

PART 3 - ENFORCEMENT POWERS

Appointment of Enforcement Officers

13. (1) Subject to subsection (2) below, the Executive Council may, by order, appoint Enforcement Officers to enforce Tla'amin Law, and if authorized by an Enforcement Agreement, enforce federal or provincial law, and preserve and maintain public peace. *[Amended April 25, 2016]*⁶

(2) The appointment of a police force or federal or provincial peace officers or enforcement officials as Enforcement Officers will be governed by the terms of an Enforcement Agreement but if no such agreement is in place, the Chief Administrative Officer or Director may request in writing any peace officer to enforce Tla'amin Laws to deal with specific issues or for specific periods of time. *[Amended April 25, 2016]*⁷

⁶ The subsection enacted on April 5, 2016, originally read:
(1) Subject to **section 12(2)**, the Executive Council may, by order, appoint Enforcement Officers to enforce Tla'amin Law, and if authorized by an Enforcement Agreement, enforce federal or provincial law, and preserve and maintain public peace.

Amended April 25, 2016, to:

(1) Subject to **subsection (2) below**, the Executive Council may, by order, appoint Enforcement Officers to enforce Tla'amin Law, and if authorized by an Enforcement Agreement, enforce federal or provincial law, and preserve and maintain public peace.

⁷ The subsection enacted on April 5, 2016, originally read:
(2) The appointment of a police force or federal or provincial peace officers or enforcement officials as Enforcement Officers will be governed by the terms of an Enforcement Agreement but if no such agreement is in place, the **CAO** or Director may request in writing any peace officer to enforce Tla'amin Laws to deal with specific issues or for specific periods of time.

Amended April 25, 2016, to:

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(3) Unless otherwise stated in a specific Tla'amin Law or the terms of a specific appointment, every Enforcement Officer appointed under this Part has the authority to enforce the provisions of any Tla'amin Law.

Conduct of Enforcement Officers

14. (1) Without limiting section 52(1), if the Executive Council appoints an Enforcement Officer under section 13(1), subject to any Enforcement Agreements:

- (a) the Executive Council must make regulations respecting:
 - (i) the training, certification and periodic re-certification or re-training or new training required of Enforcement Officers, and
 - (ii) reports and record-keeping by Enforcement Officers, and the privacy of and access to records;
- (b) the Executive Council may make regulations:
 - (i) respecting or adopting protocols for the manner in which an Enforcement Officer is to carry out an Enforcement Officer's duties and responsibilities and the manner in which an Enforcement Officer is to behave,
 - (ii) respecting uniforms to be worn or a dress code to be observed by an Enforcement Officer while on duty, *[Amended April 25, 2016]*⁸
 - (iii) prescribing conditions for appointing an Enforcement Officer and the terms and conditions of retaining the appointment of an Enforcement Officer,
 - (iv) respecting the issue, use, production, revocation, and periodic renewal of items that identify a person as an Enforcement Officer and the restrictions or prohibitions on use of those items,

(2) The appointment of a police force or federal or provincial peace officers or enforcement officials as Enforcement Officers will be governed by the terms of an Enforcement Agreement but if no such agreement is in place, the **Chief Administrative Officer** or Director may request in writing any peace officer to enforce Tla'amin Laws to deal with specific issues or for specific periods of time.

⁸ The subclause enacted on April 5, 2016, originally read:

(ii) respecting uniforms to be worn or a dress code to be observed by an Enforcement **Officers** while on duty,

Amended April 25, 2016, to:

(ii) respecting uniforms to be worn or a dress code to be observed by an Enforcement **Officer** while on duty,

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- (v) respecting the weapons, other than the carriage or use of firearms, that an Enforcement Officer may carry and rules respecting the use and reporting of use of weapons, and
- (vi) respecting the use and marking of vehicles and equipment and the use, identification and restrictions on use of vehicles and equipment.

(2) Section 14(1) does not apply to an Enforcement Officer appointed under section 13(2).
[Amended April 25, 2016]⁹

Authority of Enforcement Officers

15. (1) Without otherwise limiting an Enforcement Officer's powers at law, the Executive Council may, by order, and subject to any Enforcement Agreement, limit the authority of an Enforcement Officer to the enforcement of a specific Tla'amin Law.

(2) In accordance with this Part, and without limiting an Enforcement Officer's powers at law, an Enforcement Officer is authorized to do the following for the purpose of performing his or her duties or exercising his or her powers:

- (a) issue Compliance Notices;
- (b) issue Tickets;
- (c) make any reasonable inspection, investigation or inquiry necessary to determine if a Tla'amin Law, or a Compliance Notice, Ticket, or other instrument issued under this or any other Tla'amin Law, has been complied with or violated, or an offence is being committed or has been committed, which may include taking or making copies of any property and records;
- (d) seize items as evidence of the commission of an offence;
- (e) exercise the powers and rights and carry out the duties of a peace officer under the *Offence Act* (British Columbia); [Amended April 25, 2016]¹⁰

⁹ The subsection enacted on April 5, 2016, originally read:

(2) Section 14(1) does not apply to an Enforcement Officer appointed under section **12(2)**.
Amended April 25, 2016, to:

¹⁰ (2) Section 14(1) does not apply to an Enforcement Officer appointed under section **13(2)**.
Clause (e) of subsection (2) enacted on April 5, 2016, originally read:

(e) exercise the powers and rights and carry out the duties of a peace officer under the *Offence Act*;
Amended April 25, 2016, to:

(e) exercise the powers and rights and carry out the duties of a peace officer under the *Offence Act* (**British Columbia**);

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- (f) provide the Director with information sufficient for the Director to lay an information under section 9(1);
- (g) remove trespassers from Tla'amin Lands;
- (h) post signs or notices on Tla'amin Lands; and
- (i) perform any other duties and exercise any other powers assigned or delegated to the Enforcement Officer:
 - (i) under this or any other Tla'amin Law, or
 - (ii) by the Executive Council, including pursuant to an Enforcement Agreement.

Enforcement Officer must show identification

16. An Enforcement Officer must, upon request, show appropriate identification confirming his or her credentials as an Enforcement Officer.

Entry by Enforcement Officers

17. (1) Subject to subsection (2) below, at any reasonable time, an Enforcement Officer in the performance of his or her duties may enter *[Amended April 25, 2016]* ¹¹

- (a) land, including enclosed land;
- (b) unoccupied premises;
- (c) business premises; or
- (d) a dwelling or a vehicle
 - (i) with the consent of the occupier, or
 - (ii) if authorized by a warrant obtained pursuant to the relevant provisions of the *Offence Act* (British Columbia). *[Amended April 25, 2016]* ¹²

¹¹ The subsection enacted on April 5, 2016, originally read:
(1) Subject to **section 16(2)**, at any reasonable time, an Enforcement Officer in the performance of his or her duties may enter
Amended April 25, 2016, to:

(1) Subject to **subsection (2) below**, at any reasonable time, an Enforcement Officer in the performance of his or her duties may enter

¹² The subclause enacted on April 5, 2016, originally read:
(ii) if authorized by a warrant obtained pursuant to the relevant provisions of the *Offence Act*;
Amended April 25, 2016, to:

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(2) Notwithstanding subsection (1)(d) above, an Enforcement Officer may without a warrant, enter and search [Amended April 25, 2016]¹³

- (a) any dwelling if the Enforcement Officer has reasonable grounds to believe that failure to enter may result in a significant risk to the health or safety of the occupier or other persons; and
- (b) any vehicle if the Enforcement Officer has reasonable grounds to believe that
 - (i) failure to enter may result in a significant risk to the health or safety of the occupier or other persons; or
 - (ii) the search will afford evidence of an offence.

(3) If a thing is seized under subsection (2) above, as soon as reasonably possible after the seizure, the Enforcement Officer must follow the procedure provided at section 24 of the *Offence Act* (British Columbia) regarding detention of things seized. [Amended April 25, 2016]¹⁴

(4) In addition to exercising powers under subsection (1) above, if an Enforcement Officer has reasonable grounds for believing fish, wildlife, water, forest resources, minerals or other natural resources have been taken or harvested in contravention of a Tla'amin Law, the Enforcement Officer may at any time do any of the following: [Amended April 25, 2016]¹⁵

(ii) if authorized by a warrant obtained pursuant to the relevant provisions of the *Offence Act* (British Columbia);

¹³ The subsection enacted on April 5, 2016, originally read:

(2) Notwithstanding **section 16(1)(d)**, an Enforcement Officer may without a warrant, enter and search

Amended April 25, 2016, to:

(2) Notwithstanding **subsection (1)(d) above**, an Enforcement Officer may without a warrant, enter and search

¹⁴ The subsection enacted on April 5, 2016, originally read:

(3) If a thing is seized under **section 16(2)**, as soon as reasonably possible after the seizure, the Enforcement Officer must follow the procedure provided at section 24 of the *Offence Act* regarding detention of things seized.

Amended April 25, 2016, to:

(3) If a thing is seized under **subsection (2) above**, as soon as reasonably possible after the seizure, the Enforcement Officer must follow the procedure provided at section 24 of the *Offence Act* (British Columbia) regarding detention of things seized.

¹⁵ The subsection enacted on April 5, 2016, originally read:

(4) In addition to exercising powers under **section 17(1)**, if an Enforcement Officer has reasonable grounds for believing fish, wildlife, water, forest resources, minerals or other natural resources have been taken or harvested in contravention of a Tla'amin Law, the Enforcement Officer may at any time do any of the following:

Amended April 25, 2016, to:

(4) In addition to exercising powers under **subsection (1) above**, if an Enforcement Officer has reasonable grounds for believing fish, wildlife, water, forest resources, minerals or other natural

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- (a) enter any vehicle, boat or aircraft used for the carriage or storage of natural resources, and may open any container that the Enforcement Officer has reason to believe contains a natural resource;
- (b) require to be produced for inspection, or for the purpose of obtaining copies of, or extracts from them, any licences, books, shipping bills, bills of lading or other documents or papers relating to the processing, transporting and marketing of natural resources; and *[Amended April 25, 2016]*¹⁶
- (c) take any samples of natural resources required for inspection.

Provisions of the *Offence Act* apply

18. (1) Subject to subsection (2) below, and unless otherwise specified in a Tla'amin Law or regulation, sections 21 to 24.2 of the *Offence Act* (British Columbia) and all provincial regulations enacted to give effect to those sections, apply in relation to an authority under this or another Tla'amin Law for the Tla'amin Nation to obtain search warrants, and to govern the detention, access to and disposition of seized things. *[Amended April 25, 2016]*¹⁷

(2) Notwithstanding subsection (1) above, *[Amended April 25, 2016]*¹⁸

¹⁶ resources have been taken or harvested in contravention of a Tla'amin Law, the Enforcement Officer may at any time do any of the following:

The clause enacted on April 5, 2016, originally read:

(b) require to be produced for inspection, or for the purpose of obtaining copies of, or extracts **from, them** any licences, books, shipping bills, bills of lading or other documents or papers relating to the processing, transporting and marketing of natural resources; and

Amended April 25, 2016, to:

(b) require to be produced for inspection, or for the purpose of obtaining copies of, or extracts **from them,** any licences, books, shipping bills, bills of lading or other documents or papers relating to the processing, transporting and marketing of natural resources; and

¹⁷ The subsection enacted on April 5, 2016, originally read:

(1) Subject to **section 17(2)**, and unless otherwise specified in a Tla'amin Law or regulation, sections 21 to 24.2 of the *Offence Act* (British Columbia) and all provincial regulations enacted to give effect to those sections, apply in relation to an authority under this or another Tla'amin Law for the Tla'amin Nation to obtain search warrants, and to govern the detention, access to and disposition of seized things.

Amended April 25, 2016, to:

(1) Subject to **subsection (2) below**, and unless otherwise specified in a Tla'amin Law or regulation, sections 21 to 24.2 of the *Offence Act* (British Columbia) and all provincial regulations enacted to give effect to those sections, apply in relation to an authority under this or another Tla'amin Law for the Tla'amin Nation to obtain search warrants, and to govern the detention, access to and disposition of seized things.

¹⁸ The subsection enacted on April 5, 2016, originally read:

(2) Notwithstanding **section 18(1)**,

Amended April 25, 2016, to:

(2) Notwithstanding **subsection (1) above**,

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- (a) section 24.2(1.1) of the *Offence Act* (British Columbia) does not apply to the Tla'amin Nation;
- (b) the references to the Attorney General at sections 24.1 and 24.2 of the *Offence Act* (British Columbia) shall be interpreted to mean the Tla'amin Nation;
- (c) an Enforcement Officer making a search of a building, receptacle or place pursuant to a warrant issued under section 18(1), must not access a person's computer, phone, or other electronic storage device unless explicitly authorized by the terms of the warrant; and
- (d) an Enforcement Officer may, without a warrant, seize any thing that is produced to the Enforcement Officer.

Enforcing Tla'amin Laws off Tla'amin Lands

19. (1) Subject to subsection (2) below, the Tla'amin Nation may access lands off Tla'amin Lands in order to enforce Tla'amin Laws, which may involve carrying out inspections.
*[Amended April 25, 2016]*¹⁹

(2) The Tla'amin Nation's authority to access lands off Tla'amin Lands will be carried out in accordance with Federal and Provincial Law.

Forfeiture

20. (1) A thing seized by an Enforcement Officer pursuant to Tla'amin Law, is forfeited to the Tla'amin Government where the owner or person in whose possession it was at the time of seizure consents in writing to the forfeiture of the thing.

(2) The Chief Administrative Officer may dispose of or destroy anything forfeited under section 20(1). *[Amended April 25, 2016]*²⁰

(3) If the Chief Administrative Officer so directs, the owner or the person who was in lawful possession of the thing at the time it was seized is liable for all reasonable expenses

¹⁹ The subsection enacted on April 5, 2016, originally read:
(1) Subject to **section 18(2)**, the Tla'amin Nation may access lands off Tla'amin Lands in order to enforce Tla'amin Laws, which may involve carrying out inspections.

Amended April 25, 2016, to:

(1) Subject to **subsection (2) below**, the Tla'amin Nation may access lands off Tla'amin Lands in order to enforce Tla'amin Laws, which may involve carrying out inspections.

²⁰ The subsection enacted on April 5, 2016, originally read:

(2) The **CAO** may dispose of or destroy anything forfeited under section 20(1).

Amended April 25, 2016, to:

(2) The **Chief Administrative Officer** may dispose of or destroy anything forfeited under section 20(1).

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incurred as a result of the disposal or destruction of the thing seized. *[Amended April 25, 2016]*²¹

(4) Where a person is convicted of an offence under Tla'amin Law and anything seized in relation to that offence is being detained,

- (a) the thing is, if a judge of the Provincial Court so directs, forfeited to the Tla'amin Government in which case
 - (i) the Chief Administrative Officer may dispose of or destroy the thing, and *[Amended April 25, 2016]*²²
 - (ii) the offender is liable for all reasonable costs of the disposal or destruction, which may be recovered from the proceeds of sale of the thing; or
- (b) the thing must, on the expiration of the time for making an appeal from the conviction or on the final conclusion of the proceedings, as the case may be, be restored to the person from whom it was seized or to any other person entitled to possession of it on such conditions, if any, as may be imposed by order of the Court and as, in the opinion of the Court, are necessary to avoid the commission of any further offence under this Law.
- (c) If a thing is sold pursuant to section 20(4)(a)(ii), any sale proceeds that remain following Tla'amin Nation's recovery of their reasonable costs to remove and sell the thing must be paid to the person entitled to them. *[Amended April 25, 2016]*²³

²¹ The subsection enacted on April 5, 2016, originally read:
(3) If the **CAO** so directs, the owner or the person who was in lawful possession of the thing at the time it was seized is liable for all reasonable expenses incurred as a result of the disposal or destruction of the thing seized.

Amended April 25, 2016, to:

(3) If the **Chief Administrative Officer** so directs, the owner or the person who was in lawful possession of the thing at the time it was seized is liable for all reasonable expenses incurred as a result of the disposal or destruction of the thing seized.

²² The subclause enacted on April 5, 2016, originally read:

(i) the **CAO** may dispose of or destroy the thing, and

Amended April 25, 2016, to:

(i) the **Chief Administrative Officer** may dispose of or destroy the thing, and

²³ The clause enacted on April 5, 2016, originally read:

(c) If a thing is sold pursuant to section **19**(4)(a)(ii), any sale proceeds that remain following Tla'amin Nation's recovery of their reasonable costs to remove and sell the thing must be paid to the person entitled to them.

Amended April 25, 2016, to:

(c) If a thing is sold pursuant to section **20**(4)(a)(ii), any sale proceeds that remain following Tla'amin Nation's recovery of their reasonable costs to remove and sell the thing must be paid to the person entitled to them.

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Liability for thing seized

21. No right of action lies and no right of compensation exists against the Tla'amin Government, the Chief Administrative Officer or an Enforcement Officer or a person acting under the authority of any of them for loss or damage arising from the disposal authorized by this Law or the deterioration of anything during any period when it is under seizure unless the Tla'amin Government, the Chief Administrative Officer or an Enforcement Officer were negligent in the care of the thing seized.

General

22. (1) Any reference to a justice in the applicable provisions of the *Offence Act* (British Columbia) includes a Judicial Justice for the purpose of this Part.
- (2) Any reference to a peace officer in the applicable provisions of the *Offence Act* (British Columbia) includes an Enforcement Officer for the purpose of this Part.

PART 4- COMPLIANCE

Assistance to Enforcement Officers

23. The person exercising control over a place, and every person found in any place in respect of which an Enforcement Officer is exercising powers or duties under this Law, shall:
- (a) give the Enforcement Officer all reasonable assistance to enable the Enforcement Officer to exercise their powers and carry out their functions and duties; and
 - (b) provide all information necessary to the Enforcement Officer to enable the Enforcement Officer to exercise their powers and carry out their functions and duties.

Inspections Allowed

24. It is a condition of every authorization or other approval issued under Tla'amin Law, that the holder must on request permit Enforcement Officers to carry out inspections authorized pursuant to this, or any other Tla'amin Law, of any place, other than a dwelling, to which the authorization or other approval relates.

Obstruction

25. No person shall hinder or obstruct an Enforcement Officer or any person who has been appointed by the Executive Council to enforce or administer Tla'amin Law, where such person is exercising their powers or carrying out their functions and duties under Tla'amin Law.

Production of Authorization

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- 26.** No person who is the holder of an approval or other authorization issued under Tla'amin Law or is attempting to exercise any rights or privileges granted by the approval or other authorization shall refuse to show the approval or other authorization to an Enforcement Officer upon request.

Duplicating or Tampering with Authorizations

- 27.** No person shall alter, imitate, or duplicate an approval or other authorization issued under Tla'amin Law.

Compliance

- 28.** No person shall ignore, disobey or disregard a Compliance Notice or order issued under this Law, or any other Tla'amin Law.

Signs

- 29.** No person shall without lawful authority remove, alter, destroy or damage a sign or notice placed under the authority of this or any other Tla'amin Law.

False Statements

- 30.** (1) No person shall knowingly make any false or misleading statement, either orally or in writing, to an Enforcement Officer.

(2) An authorization or other approval issued under Tla'amin Law is void where it is issued based upon a false statement or false information given orally or in writing.

PART 5 - COMPLAINTS AND DISCIPLINE OF ENFORCEMENT OFFICERS

- 31.** (1) A person may complain about the conduct of an Enforcement Officer designated pursuant to section 13(1) in accordance with the regulations.

(2) If the Executive Council appoints Enforcement Officers pursuant to section 13(1), the Executive Council must make regulations:

- (a) setting out a review and appeal process or designating a body or person to whom a complaint about an Enforcement Officer may be made;
- (b) respecting the time within which and the manner in which the complaint must be made;
- (c) respecting the investigation of the complaint, including
 - (i) dismissal of the complaint if it is considered to be without merit,
 - (ii) how and by whom a complaint is to be investigated if an investigation is warranted;

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- (d) respecting the notice to be given to the Enforcement Officer about the complaint and the information to be provided to the person making the complaint about the progress of the investigation;
 - (e) respecting the findings that may be made and the consequences, including the discipline that may be imposed which may include the suspension or revocation of the Enforcement Officer's appointment as an Enforcement Officer; and
 - (f) providing for an appeal of a discipline decision or the revocation of an appointment, the time within which it must be made, to whom, and the authority of the appeal body.
- (3) Section 30(2) does not apply to Enforcement Officers appointed under section 13(2).
*[Amended April 25, 2016]*²⁴
- (4) If an Enforcement Agreement applies on Tla'amin Lands:
- (a) any complaint respecting the conduct of an Enforcement Officer designated under section 13(2) must be made in accordance with the Enforcement Agreement; and *[Amended April 25, 2016]*²⁵
 - (b) the Executive Council must ensure Tla'amin Citizens are notified of the process governing complaints referenced at paragraph (a).

PART 6 - COMPLIANCE NOTICES AND TICKETS

Prescribing details of an offence

32. (1) The Executive Council may, by regulation, designate

- (a) offences for which a Compliance Notice may be issued; and
- (b) offences for which a Ticket may be issued.

(2) If a Ticket may be issued for an offence, the Executive Council must, by regulation, establish for each offence the amount of

²⁴ The subsection enacted on April 5, 2016, originally read:

(3) Section 30(2) does not apply to Enforcement Officers appointed under section **12**(2).
Amended April 25, 2016, to:

²⁵ The clause enacted on April 5, 2016, originally read:

(a) any complaint respecting the conduct of an Enforcement Officer designated under section **12**(2) must be made in accordance with the Enforcement Agreement; and
Amended April 25, 2016, to:

(a) any complaint respecting the conduct of an Enforcement Officer designated under section **13**(2) must be made in accordance with the Enforcement Agreement; and

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- (a) the fine;
- (b) the Discounted Fine; and
- (c) the Surcharge.

(3) For greater certainty, subject to section 9(3), any offence for which a Ticket may be issued, may alternatively be the subject of a prosecution by the Tla'amin Nation Prosecutor. [Amended April 25, 2016]²⁶

Issuing a Compliance Notice or a Ticket

33. (1) If an Enforcement Officer has reasonable grounds to believe that a person is committing an offence or has committed an offence, the Enforcement Officer may issue a Compliance Notice or a Ticket in the prescribed form to that person.

(2) A Compliance Notice or a Ticket must be issued to a Named Person unless it is issued for an offence involving a vehicle, in which case it must also be issued to:

- (a) the vehicle's licence plate; or
- (b) the vehicle's identification number, temporary operation permit or interim permit under the *Motor Vehicle Act* (British Columbia) or other applicable law.

(3) If a Compliance Notice or a Ticket is issued under subsection (2) above, the Compliance Notice or the Ticket is deemed to have been issued to each registered owner of the vehicle as contained in the records of the applicable Government Body. [Amended April 25, 2016]²⁷

(4) Each registered owner of a vehicle referred to in subsection (3) above is deemed to be a Named Person.

Contents of a Compliance Notice and a Ticket

²⁶ The subsection enacted on April 5, 2016, originally read:
(3) For greater certainty, subject to section 8(3), any offence for which a Ticket may be issued, may alternatively be the subject of a prosecution by the Tla'amin Nation Prosecutor.

Amended April 25, 2016, to:

(3) For greater certainty, subject to section 9(3), any offence for which a Ticket may be issued, may alternatively be the subject of a prosecution by the Tla'amin Nation Prosecutor.

²⁷ The subsection enacted on April 5, 2016, originally read:

(3) If a Compliance Notice or a Ticket is issued under **section 32(2)**, the Compliance Notice or the Ticket is deemed to have been issued to each registered owner of the vehicle as contained in the records of the applicable Government Body.

Amended April 25, 2016, to:

(3) If a Compliance Notice or a Ticket is issued under **subsection (2) above**, the Compliance Notice or the Ticket is deemed to have been issued to each registered owner of the vehicle as contained in the records of the applicable Government Body.

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34. (1) A Compliance Notice and a Ticket must be in the form prescribed by the Executive Council, and must contain the following information:

- (a) the particulars of the alleged offence in sufficient detail to permit the Named Person to identify it;
- (b) how to dispute the alleged offence;
- (c) the date the Compliance Notice or Ticket is issued;
- (d) the name and signature of the Enforcement Officer who issued the Compliance Notice or Ticket;
- (e) in the case of a Compliance Notice,
 - (i) sufficient information to notify the Named Person to do whatever is necessary to stop or rectify the offence,
 - (ii) the date or time period within which the Named Person must comply with the requirements provided under subparagraph (i),
 - (iii) a provision that if the Compliance Notice is not disputed within the time provided,
 - (A) the Compliance Notice will be treated as undisputed, and
 - (B) the Named Person will be deemed to have pleaded guilty to the alleged offence;
- (f) in the case of a Ticket,
 - (i) the fine, Discounted Fine and Surcharge,
 - (ii) a provision that if the Ticket is not disputed within the time provided,
 - (A) the Ticket will be treated as undisputed,
 - (B) the Named Person will be deemed to have pleaded guilty to the alleged offence,
 - (C) the fine will be immediately payable to the Tla'amin Government, and
 - (D) the methods of paying the fine; and
- (g) any other prescribed information.

(2) A Compliance Notice may:

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- (a) order the Named Person to comply with specified provisions of a Tla'amin Law; and
- (b) state that if the Named Person does not comply with the requirements set out in the Compliance Notice and rectify the offence, the Tla'amin Nation or a person authorized by the Executive Council may take action to rectify the offence at the expense of the Named Person.

Serving a Compliance Notice or a Ticket

35. Unless otherwise provided in a Tla'amin Law, a Compliance Notice or Ticket may be served by:

- (a) personally giving the Compliance Notice or Ticket to the person to whom it is directed;
- (b) verbally delivering the Compliance Notice or Ticket to the Named Person if the offence is, or may be, a nuisance, trespass, danger to public health or threat to public order, peace or safety that requires immediate compliance;
- (c) mailing the order, notice or other document, by registered mail, to the person to whom it is directed to the last known address for that person; or
- (d) if the person is unknown, affixing the order, notice or other document in a conspicuous location where the undertaking or activity of concern is occurring.

When failure to serve a document does not invalidate proceeding

36. (1) If a Compliance Notice or Ticket is not served in accordance with section 35, a proceeding or an action in relation to the Compliance Notice or Ticket is not invalidated if:

- (a) the content of the Compliance Notice or Ticket was known by the Named Person within the time allowed for service;
- (b) the Named Person consents; or
- (c) the failure to serve in accordance with section 35 does not result in any substantial injustice.

(2) If a Compliance Notice or Ticket relates to an offence involving a vehicle, that Compliance Notice or Ticket must be delivered to the address of each registered owner of the vehicle as shown in the records of the applicable Government Body.

Form of Compliance Notice or Ticket

37. A Compliance Notice or a Ticket may be completed, recorded, issued and stored:

- (a) in electronic format by electronic means; or

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- (b) by another means that allows the Compliance Notice or the Ticket to be reproduced in an understandable form.

Complying with or disputing a Compliance Notice

38. Subject to section 40 [extension of time limits], and the period of time specified in the Compliance Notice under section 34(1)(e)(ii), a Named Person must, within 14 days of service of a Compliance Notice: *[Amended April 25, 2016]* ²⁸

- (a) comply with the requirements in the Compliance Notice in the manner stated in the Compliance Notice; or
- (b) dispute the allegation contained in the Compliance Notice in accordance with section 45(1).

Paying or disputing a Ticket

39. (1) Subject to section 40 [extension of time limits], a Named Person must, within 14 days after service of a Ticket:

- (a) pay the fine stated in the Ticket to the Tla'amin Nation in the manner stated in the Ticket; or
- (b) dispute the allegation contained in the Ticket in accordance with section 45(1).

(2) If a Named Person fails to comply with section 39(1), the fine set out in the Ticket is immediately payable to the Tla'amin Nation in the manner indicated in the Ticket.

The Director may extend time limit

40. The Director may extend the time limit established under section 38 or 39(1) upon request by the Named Person or his or her authorized representative, for:

- (a) a period up to 30 days; or
- (b) upon the approval of the Executive Council, a period longer than 30 days,

²⁸

The section enacted on April 5, 2016, originally read:

38. Subject to section 40 [extension of time limits], and the period of time specified in the Compliance Notice under section **33**(1)(e)(ii), a Named Person must, within 14 days of service of a Compliance Notice:

Amended April 25, 2016, to:

38. Subject to section 40 [extension of time limits], and the period of time specified in the Compliance Notice under section **34**(1)(e)(ii), a Named Person must, within 14 days of service of a Compliance Notice:

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if the Named Person, acting in good faith and through absence, accident, illness or other cause beyond the person's reasonable control, is or was unable to respond to the Compliance Notice or the Ticket in accordance with section 38 or 39(1).

Authorizing measures to rectify an offence

41. (1) The Executive Council or Chief Administrative Officer may direct or authorize whatever action or measures are necessary to stop or rectify an offence or to prevent a re-occurrence of that offence if:

- (a) the Named Person has been served with the Compliance Notice in accordance with section 35;
- (b) the Compliance Notice included a description of the action or measures a person authorized by the Executive Council or Chief Administrative Officer would take if the Compliance Notice was not followed;
- (c) the Named Person has not complied with the requirements of the Compliance Notice;
- (d) the Named Person has not applied for a review of the Compliance Notice in accordance with section 45(1) within the time period prescribed under section 38; or
- (e) the Compliance Notice has been reviewed under PART 7 and after completing the review, the Chief Administrative Officer or the Administrative Decisions Review Board has not reversed the Compliance Notice. *[Amended April 25, 2016]*²⁹

(2) If a Named Person under section 41(1) has not put or maintained premises in a clean, uncontaminated or safe condition as required in a Compliance Notice, the Executive Council or the Chief Administrative Officer may, by order, require the remediation, clean-up, or closure of the premises.

Debt owing to the Tla'amin Nation

42. (1) A fine, or part of a fine, is a debt owing by the Named Person to the Tla'amin Nation.

²⁹ The clause enacted on April 5, 2016, originally read:

(e) the Compliance Notice has been reviewed under **PartPART** 7 and after completing the review, the Chief Administrative Officer or the Administrative Decisions Review Board has not reversed the Compliance Notice.

Amended April 25, 2016, to:

(e) the Compliance Notice has been reviewed under **PART** 7 and after completing the review, the Chief Administrative Officer or the Administrative Decisions Review Board has not reversed the Compliance Notice.

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(2) The expenses of an action or the measures authorized by the Executive Council under section 41(1) are a debt owing by the Named Person to the Tla'amin Nation.

(3) The Tla'amin Nation may collect a debt owing under this section in accordance with section 50.

Joint and several liability

43. The obligations arising from a Compliance Notice and a Ticket are joint and several as between the Named Persons.

Limitation period for a Compliance Notice and a Ticket

44. A Compliance Notice and a Ticket must not be issued more than twelve months after the offence in relation to which the Compliance Notice or the Ticket is issued is alleged to have been committed.

PART 7 - REVIEW OF COMPLIANCE NOTICES AND TICKETS

Review by Chief Administrative Officer

45. (1) Subject to section 47, a Named Person may apply to the Chief Administrative Officer for a review of a Compliance Notice or Ticket, as the case may be, by filing an Application with the Chief Administrative Officer.

(2) An Application must:

- (a) identify the Compliance Notice or Ticket that is the subject of the Application; and
- (b) give the full legal name of the applicant, an address to which documents may be delivered to the applicant and a telephone number where the applicant may be contacted.

(3) The Chief Administrative Officer must, within seven days after receiving an Application, deliver a copy of the Application to any other Named Person.

(4) The Chief Administrative Officer may gather the information he or she reasonably requires for the review of the Compliance Notice or Ticket.

(5) After delivering a copy of the Application to any other Named Person under subsection (3) above, the Chief Administrative Officer must expeditiously review the Compliance Notice or Ticket and may, by order: *[Amended April 25, 2016]*³⁰

³⁰ The subsection enacted on April 5, 2016, originally read:

(5) After delivering a copy of the Application to any other Named Person under **section 44(3)**, the Chief Administrative Officer must expeditiously review the Compliance Notice or Ticket and may, by order:

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- (a) reverse or modify the Compliance Notice or Ticket with or without conditions; or
- (b) confirm the Compliance Notice or Ticket.

(6) As soon as practicable after completion of the review, the Chief Administrative Officer must deliver to the applicant and any other Named Person written notice of:

- (a) the order that the Chief Administrative Officer made under section 45(5); and
[Amended April 25, 2016]³¹
- (b) the right to request a review of that order in accordance with section 46(1).

Review by Review and Appeal Panel

46. (1) No later than 10 days after receipt of the written notice under section 45(6), the applicant or any other Named Person may request a review of the order made under section 45(5) under the *Review and Appeal Panel Law*. [Amended April 25, 2016]³²

(2) The grounds for review under subsection (1) above are that the order is inconsistent with this Law or the Tla'amin Law to which the Compliance Notice or Ticket relates. [Amended April 25, 2016]³³

(3) The applicant and any other Named Person are deemed to be parties to the review under the *Review and Appeal Panel Law*.

(4) After conducting a review, the Review and Appeal Panel may:

Amended April 25, 2016, to:

(5) After delivering a copy of the Application to any other Named Person under **subsection (3) above**, the Chief Administrative Officer must expeditiously review the Compliance Notice or Ticket and may, by order:

³¹ The clause enacted on April 5, 2016, originally read:

(a) the order that the Chief Administrative Officer made under section **44**(5); and

Amended April 25, 2016, to:

(a) the order that the Chief Administrative Officer made under section **45**(5); and

³² The subsection enacted on April 5, 2016, originally read:

(1) No later than 10 days after receipt of the written notice under section **44**(6), the applicant or any other Named Person may request a review of the order made under section **44**(5) under the *Review and Appeal Panel Law*.

Amended April 25, 2016, to:

(1) No later than 10 days after receipt of the written notice under section **45**(6), the applicant or any other Named Person may request a review of the order made under section **45**(5) under the *Review and Appeal Panel Law*.

³³ The subsection enacted on April 5, 2016, originally read:

(2) The grounds for review under **section 46(1)** are that the order is inconsistent with this Law or the Tla'amin Law to which the Compliance Notice or Ticket relates.

Amended April 25, 2016, to:

(2) The grounds for review under **subsection (1) above** are that the order is inconsistent with this Law or the Tla'amin Law to which the Compliance Notice or Ticket relates.

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- (a) dismiss the review request; or
- (b) if it determines that the order is inconsistent with this Law or the Tla'amin Law to which the Compliance Notice or Ticket relates, cancel the Compliance Notice or Ticket.

Review by Provincial Court or under Municipal Process

47. If the Tla'amin Nation enters into an arrangement providing jurisdiction to the Provincial Court or a municipal process to review Compliance Notices and Tickets, a Named Person may request a review of a Compliance Notice or Ticket in accordance with that arrangement.

Review suspends the operation of a Compliance Notice or Ticket

48. A dispute that proceeds to the

- (a) Review and Appeal Panel pursuant to this PART 7; or
- (b) in the event the Tla'amin Nation enters into an agreement referenced at section 47, to the Provincial Court or municipal process,

suspends the operation of a Compliance Notice or Ticket until the appeal is finally decided.

PART 8 - GENERAL PROVISIONS

Non-compliance

49. Every person who fails to comply with a Compliance Notice, Ticket or order under section 45(5) commits an offence and is liable, on summary conviction, to a fine not exceeding \$2,000 or imprisonment for a term not exceeding six months. *[Amended April 25, 2016]*³⁴

Recovery of amounts owing

50. A debt due to the Tla'amin Nation under this Law may be collected or recovered in accordance with any relevant law.

Limitation of liability

³⁴ The section enacted on April 5, 2016, originally read:

49. Every person who fails to comply with a Compliance Notice, Ticket or order under section 44(5) commits an offence and is liable, on summary conviction, to a fine not exceeding \$2,000 or imprisonment for a term not exceeding six months.

Amended April 25, 2016, to:

49. Every person who fails to comply with a Compliance Notice, Ticket or order under section 45(5) commits an offence and is liable, on summary conviction, to a fine not exceeding \$2,000 or imprisonment for a term not exceeding six months.

ENFORCEMENT AND TICKETING LAW

51. (1) No Enforcement Officer or any other person assisting an Enforcement Officer is liable for anything done or omitted in good faith execution of any duty or power under this Law.

(2) No action for damages lies or may be instituted against the Tla'amin Nation, or a manager, employees, servant, official or agent of the Tla'amin 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 under a Tla'amin Law, or any regulation enacted pursuant to a Tla'amin Law; 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 under a Tla'amin Law, or any regulation enacted pursuant to a Tla'amin Law.

(3) Section 51(2) does not provide a defence if: *[Amended April 25, 2016]* ³⁵

- (a) the Tla'amin Nation, or a manager, employee, servant, official or agent of the Tla'amin Nation, has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
- (b) the cause of action is libel or slander.

(4) The Tla'amin Nation, or a manager, employee, servant, official or agent of the Tla'amin Nation, is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of their neglect or failure, for any reason, to discover or detect any contraventions under a Tla'amin Law, or any regulation enacted pursuant to a Tla'amin Law.

(5) All actions against the Tla'amin Nation for the unlawful doing of anything that:

- (a) is purported to have been done by the Tla'amin Nation under the powers conferred by a Tla'amin Law or any regulation enacted pursuant to a Tla'amin Law; and
- (b) might have been lawfully done by the Tla'amin Nation if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose.

Regulations

³⁵ The subsection enacted on April 5, 2016, originally read:

(3) Section **50**(2) does not provide a defence if:

Amended April 25, 2016, to:

(3) Section **51**(2) does not provide a defence if:

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52. (1) The Executive Council may make regulations which it considers necessary or advisable for the purposes of this Law.

(2) Without limiting section 52(1),

- (a) if the Tla'amin Nation decides to propose individuals for consideration as a Judicial Justice, the Executive Council must make regulations
 - (i) prescribing the process and eligibility criteria governing the Tla'amin Nation's selection of individuals for consideration as a Judicial Justice by the Judicial Council of British Columbia, and
 - (ii) prescribing the manner in which the process referenced at subparagraph (i) is shared with the Judicial Council of British Columbia;
- (b) the Executive Council may prescribe the form of a Compliance Notice, a Ticket, an Application, and any other forms or documents necessary or advisable for the purposes of this Law;
- (c) the Executive Council may appoint or designate Enforcement Officers

Included powers for regulations

53. A power conferred under this Law to make regulations includes a power exercisable in the same manner, and subject to the same consent and conditions, if any, to repeal or amend the regulations and make others.

PART 9- COMMENCEMENT

Commencement

54. This Act comes into force on the date of its enactment by the Tla'amin Legislative Assembly.

THIS LAW WAS DULY ENACTED by the Tla'amin Legislative Assembly on the 5th day of April, 2016, and is HEREBY DULY AMENDED by the Tla'amin Legislative Assembly on the 25th day of April, 2016 at Powell River, in the Province of British Columbia.

ENFORCEMENT AND TICKETING LAW

LEGISLATIVE HISTORY

(Note: The Legislative History is for administrative purposes only and is not part of the Law.)

Enforcement and Ticketing Law [TNL 21/2016] enacted April 5, 2016.

Amendments and Corrections

Table of Legislative Changes

Name of Law or Order	Law or Order Number	Date Amended or Corrected	Section(s) Amended

Regulations enacted under this Law: