



Government Law

TNL 01/2016

Enacted on April 5, 2016

Amended May 27, 2020

A handwritten signature in blue ink, appearing to read 'Hesus' followed by a stylized surname.

Hesus Clint Williams

Deposited in the Tla'amin Registry

May 27, 2020

A handwritten signature in black ink, appearing to read 'Shap' followed by a stylized surname.
Signature of Law Clerk

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PREAMBLE

WHEREAS:

- A. Tla'amin Ta'ow (*teachings*) are our traditional teachings and unwritten laws that our Ancestors lived by. In creating written laws, we continue to honour and uphold our Ancestral practices, teachings and core values. Through our laws, we reinforce the principles of respect, unity and connection to our lands and resources. We vow to keep these teachings and principles in mind in all that we do as Tla'amin people;
- B. Through this Law and other Tla'amin enactments, we are continuing to exercise our inherent right of self-determination. The Tla'amin Government will govern in an accessible, accountable and transparent manner;
- C. As we have always done, we continue to occupy our lands and carry out our Ta'ow (*teachings*) that require us to be stewards of our lands and resources today and always, and we are committed to the responsible, sustainable stewardship of lands, waters, air and other resources. In upholding our responsibilities, we will continue to seek the guidance of the Creator, our Ancestors and the knowledge of Tla'amin Elders as we protect and make decisions about managing our lands and resources;
- D. 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";
- E. 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;
- F. Through our written *Constitution* and this *Government Law*, we reinforce our Nation's objectives including Tla'amin Nation unity, good faith engagement among ourselves and with our neighbours and maintaining enduring connections to our lands and resources;
- G. Further, we are committed to pursuing the economic, social and cultural wellbeing of our Nation with the aim of sustaining and improving the quality of life for present and future Tla'amin generations;
- H. It is our intention to accomplish our objectives and commitments through a government that is accessible, accountable and transparent;
- I. We vow to keep our Ta'ow (*teachings*) and these principles in mind in all that we do as Tla'amin people. The Tla'amin Nation adopts this Law based on these values and principles;
- J. Under section 31 of the *Constitution*, 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 law, the

Constitution and the Final Agreement including making any law within the authority of the Tla'amin Government;

- K.** Under paragraph 1 of Chapter 15 [*Governance*] of the Final Agreement, the Tla'amin Nation has the right to self-government, and the authority to make laws, as set out in the Final Agreement;
- L.** Under paragraph 47 of Chapter 15 [*Governance*] of the Final Agreement, the Tla'amin Nation has the authority to make laws in relation to the administration, management and operation of the Tla'amin Government; and
- M.** Under paragraph 3 of Chapter 15 [*Governance*] of the Final Agreement, the authority of the Tla'amin Nation to make laws in relation to a subject matter under the Final Agreement includes the authority to make laws and do other things as may be necessarily incidental to exercising its authority.

NOW THEREFORE the Legislative Assembly duly enacts as follows:

PART 1 - INTRODUCTORY PROVISIONS

Title

1. This Law may be cited as the *Government Law*.

Purpose

2. The purposes of this Law are to provide the Tla'amin Government with
 - (a) the legal framework necessary to establish an open, accountable, transparent and effective government; and
 - (b) the authority to make decisions in the best interests of present and future generations of Tla'amin Citizens.

Definitions

3. In this Law,

“advisory body” means a body established to provide advice to the Tla'amin Government;

“Code of Conduct Policy” means the Code of Conduct Policy adopted by the Executive Council in accordance with section 63;

“elections officer” has the meaning given to that term in the *Election Law*;

“Executive Council Rules and Procedures Policy” means the policy setting out the rules and procedures for the Executive Council adopted by the Executive Council in accordance with section 48;

“General Assembly” means a general assembly as described in section 57;

“Hegus” means the individual elected as leader of the Tla'amin Nation under the *Election Law* or the individual appointed as acting Hegus under section 16, and may also be referred to as “Chief”;

“House of Governance Model” means the conceptual model for Tla'amin governance as set out in section 43;

“Legislative Assembly” means the Legislative Assembly of the Tla'amin Nation established under section 18, and may also be referred to as Hey Hegus as set out in section 18 of this Law;

“Legislative Assembly Rules and Procedures Policy” means the policy setting out the rules and procedures for the Legislative Assembly, adopted by the Legislative Assembly in accordance with section 24(1);

“Legislator” means an individual elected to the office of legislator under the *Election Law* who is responsible for making laws;

“Oath of Office” means the oath of office as described in section 11(2) and attached to the Code of Conduct Policy;

“Other Tla’amin Lands” has the meaning given to that term in the Final Agreement;

“Sijitus” means to advise or give guidance;

“Sijitus Process” means the cross government advisory process established under section 50;

“Speaker” means the individual serving as the speaker of the Legislative Assembly in accordance with Division 3 of Part 3; and

“Tla’amin Public Officer” has the meaning given to that term in the Final Agreement.

Application

4. This Law applies to the Tla’amin Government.

Incidental powers

5. Subject to Tla’amin law and the Final Agreement, the Tla’amin Government has the powers necessary to do anything conducive or incidental to the exercise of the Tla’amin Nation’s right to self-government.

Interpretation

6. (1) In addition to the terms defined in this Law, terms used in this Law may be defined in the *Interpretation Law*.
(2) Only those defined terms that are capitalized in section 3 or in the *Interpretation Law* are presented capitalized in the text of this Law, and all other defined terms are presented in lower case.
(3) References to “this Law” include any regulations made under this Law.

Severability

7. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

8. Nothing under this Law must be rendered void or invalid by
 - (a) an error or omission in a notice, form or other document given or authorized under this Law; or

- (b) a failure of the Tla'amin Nation or a Tla'amin official to do something within the required time.

Oversight

- 9. The Executive Council is responsible for the oversight of this Law.

PART 2 - COMPONENTS OF TLA'AMIN GOVERNMENT AND GENERAL TERMS OF OFFICE

Tla'amin Government

- 10. The Tla'amin Government consists of

- (a) the Legislative Assembly, including the Hegus;
- (b) the Executive Council, including the Hegus; and
- (c) the Speaker.

Oath of Office, disclosure form and conflict of interest

- 11. (1) A Tla'amin Citizen who has been elected to the Legislative Assembly must
 - (a) take the Oath of Office within five business days of being elected to office, and
 - (b) complete and submit the Tla'amin Nation Conflict of Interest Disclosure Form within 10 business days of being elected to office in accordance with the *Conflict of Interest Law*before undertaking the duties of their office.
- (2) The Oath of Office is set out in a document entitled "Gunn-a-whooth" and must
 - (a) include a promise to perform the duties of that office in good faith, acting in the best interests of the Tla'amin Nation; and
 - (b) require elected officials to abide by Tla'amin laws.
- (3) If an individual has not taken the Oath of Office or completed and submitted the Tla'amin Nation Conflict of Interest Disclosure Form within the time periods set out in subsection (1), they will be deemed to have resigned and their office will be declared vacant.

Term of office

- 12. (1) Subject to this Law, the Code of Conduct Policy and other Tla'amin laws, the term of office of an elected official of the Tla'amin Government is four years.
- (2) An elected official begins their term of office when they have taken their Oath of Office and completed their disclosure form in accordance with section 11(1).

- (3) An elected official's term of office concludes when
 - (a) their office is declared vacant in accordance with Tla'amin law; or
 - (b) within 10 business days following an election.
- (4) For greater certainty, an elected official who is re-elected to the same position or to a different one is required to take the Oath of Office and complete the Tla'amin Nation Conflict of Interest Disclosure Form as required under section 11(1).

Office of the Hegus

13. The office of the Hegus of the Tla'amin Nation is established.

Status of the Hegus

14. For greater certainty, the Hegus is

- (a) also known as the Chief of the Tla'amin Nation;
- (b) a member and the head of the Legislative Assembly;
- (c) Speaker of the Legislative Assembly; and
- (d) a member of the Executive Council.

Responsibilities of the Hegus

15. (1) The responsibilities of the Hegus include

- (a) upholding the dignity and honour of the office of the Hegus of the Tla'amin Nation;
 - (b) overseeing the activities of the Tla'amin Government;
 - (c) acting in the best interests of the Tla'amin Nation;
 - (d) representing the Tla'amin Government, as required, at ceremonial, official and other events or activities, in Canada and elsewhere; and
 - (e) any other activities that may be required of the office of the Hegus from time to time.
- (2) The Hegus may, when temporarily unable to fulfill their responsibilities, delegate or assign any, or all, of the powers, duties or responsibilities of the Hegus to
- (a) the Executive Council as a whole;
 - (b) an individual member of the Executive Council;
 - (c) a committee of the Executive Council; or

- (d) to any combination of the above.

Vacancy in the office of the Hegus

16. If a vacancy occurs in the office of the Hegus, the remaining members of the Executive Council must

- (a) appoint an acting Hegus from among themselves; or
- (b) appoint a Legislator who is not a member of the Executive Council to act as Hegus in the event that no member of the Executive Council is willing to be appointed as acting Hegus or if they cannot agree on an individual.

Acting Hegus

- 17. (1)** During a vacancy in the office of the Hegus, an acting Hegus has the same authority, duties, functions and responsibilities as the Hegus.
- (2) The acting Hegus serves in that capacity until a by-election or general election fills the vacancy in the office of the Hegus in accordance with the *Election Law*.
- (3) If a member of the Executive Council is appointed as acting Hegus, the remaining members of the Executive Council may appoint a Legislator, on an interim basis, to the Executive Council to fill the vacancy created on the Executive Council.

PART 3 - LEGISLATIVE ASSEMBLY

Division 1 - Composition and Election to the Legislative Assembly

Legislative Assembly

18. The Legislative Assembly of the Tla'amin Nation, also referred to as Hey Hegus, is established as a permanent body.

Composition of the Legislative Assembly

19. The Legislative Assembly will be comprised of nine Tla'amin Citizens, including

- (a) the Hegus, and
- (b) eight Legislators

elected in accordance with the *Election Law*.

Division 2 - Sittings and Proceedings of the Legislative Assembly

Sessions, terms and sittings

20. (1) Each session of the Legislative Assembly consists of

- (a) a spring term, from January 1 to June 30; and

- (b) a fall term, from July 1 to December 31.
- (2) At least one sitting must be held during each term referred to in subsection (1).
- (3) Within a session, a sitting may be adjourned at any time and resumed at any later time within 10 business days of the adjournment.

First sitting after regular election

- 21.** (1) Subject to section 30, the Hegus must call the first sitting of the Legislative Assembly after a regular election.
- (2) The first sitting of the Legislative Assembly must be held within 20 business days after a regular election.
 - (3) The agenda for the first sitting after a regular election shall, at minimum include
 - (a) opening prayers;
 - (b) a ceremonial welcome of newly-elected members of the Legislative Assembly;
 - (c) the selection of the Executive Council; and
 - (d) any other business brought before the Legislative Assembly.

Ordinary sittings

- 22.** In consultation with the Executive Council, the Speaker
- (a) must call an ordinary sitting for members of the Legislative Assembly to consider and debate each draft and final budget of the Tla'amin Nation by the date specified for the adoption of that budget in the *Administration and Finance Law*;
 - (b) may call an ordinary sitting in addition to the sitting required under section 20(2) at any time; and
 - (c) must determine the date, anticipated duration and location of each ordinary sitting.

Notice of sittings

- 23.** (1) At least 15 business days before the first day of an ordinary sitting, the Speaker must:
- (a) issue a notice of that sitting;
 - (b) provide the notice to all members of the Legislative Assembly, the chief administrative officer and the Law Clerk; and
 - (c) notify Tla'amin Citizens of the sitting by posting the notice on the Tla'amin Nation website and in a prominent location in the Tla'amin Governance House.

[Subsection (1) amended May 27, 2020]

- (2) As soon as practicable before the first day of a special sitting, the Speaker must:
 - (a) issue a notice of that sitting;
 - (b) provide the notice to all members of the Legislative Assembly, the chief administrative officer and the Law Clerk; and
 - (c) notify Tla'amin Citizens of the sitting by posting the notice on the Tla'amin Nation website and in a prominent location in the Tla'amin Governance House.

[Subsection (2) amended May 27, 2020]

- (3) A notice required by this section must be in writing, and must include a proposed agenda for the sitting.

Proceedings in the Legislative Assembly

- 24. (1) The Legislative Assembly must establish procedures and rules to govern the conduct of its business and affairs.
- (2) The procedures and rules of the Legislative Assembly may, without limitation
 - (a) govern the introduction, processing and discussion of proposed laws and, if consensus cannot be reached, rules for voting on proposed laws;
 - (b) provide an opportunity for public comment on proposed laws;
 - (c) establish procedures and a process for vetting, introducing and voting on amendments to proposed laws;
 - (d) establish rules governing conduct in the Legislative Assembly;
 - (e) specify the process for choosing a deputy Speaker to act in the absence of the Speaker;
 - (f) establish rules for
 - (i) the appointment of committees of members of the Legislative Assembly, with or without others, whether they are special or standing committees,
 - (ii) the duties and responsibilities of committees, and
 - (iii) the rules of conduct for committees;
 - (g) describe the circumstances and procedures under which the Legislative Assembly may instruct the Speaker to call a special session of the Legislative Assembly;
 - (h) govern the adjournment and, if necessary, the extension of sessions;
 - (i) describe the circumstances which justify the absence of the Hegus or a Legislator from an ordinary or special sitting of the Legislative Assembly;

- (j) describe the circumstances under which the Hegus or a Legislator will not be entitled to receive a stipend in accordance with Tla'amin policy;
 - (k) govern the procedure for expressing the views of the Legislative Assembly on matters other than proposed laws; and
 - (l) describe ceremonies to be performed and observed.
- (3) The Legislative Assembly may make any rule it considers appropriate in circumstances where a question of order, practice, ceremony, or procedure of the Legislative Assembly arises that
- (a) involves a matter that is related to, but not covered by, this Law;
 - (b) relates to matters not provided for, or inadequately provided for, in the regulations; and
 - (c) in the opinion of the Legislative Assembly, results from special circumstances and must be addressed on an emergency basis.

Quorum

- 25. (1)** A quorum for a meeting during a session of the Legislative Assembly is two-thirds of the members of the Legislative Assembly.
- (2) The Legislative Assembly may conduct its business and affairs only when a quorum is present.

Decision-making

- 26.** Members of the Legislative Assembly must seek to make decisions by consensus acting in the best interests of the Tla'amin Nation.

Participation in proceedings

- 27. (1)** In accordance with Tla'amin laws, policies and procedures, only a member of the Legislative Assembly or other individual invited by the Speaker may address members of the Legislative Assembly while the Legislative Assembly is sitting.
- (2) A member of the Legislative Assembly may not delegate to another individual the right to participate in proceedings of the Legislative Assembly.

Unfinished business

- 28. (1)** In this section, "unfinished business" means
- (a) a motion or a resolution that has been submitted to the Legislative Assembly and has not been withdrawn or introduced as a resolution in the Legislative Assembly; or

- (b) a motion or a resolution that has been introduced in the Legislative Assembly and has not been ruled out of order, withdrawn or brought to a final vote.
- (2) Subject to subsection (3), unfinished business on the agenda of the Legislative Assembly at the end of a sitting may by resolution of the Legislative Assembly be carried over, in the same form and at the same stage to which it has advanced at that sitting, to the agenda of a subsequent sitting.
- (3) Unfinished business on the agenda of the Legislative Assembly at the end of the last sitting before a regular election may not be carried over to a sitting after that election.
- (4) If unfinished business on the agenda of the Legislative Assembly at the end of a sitting is not carried over under subsection (2), that unfinished business is deemed to have lapsed, and may only be introduced at a subsequent sitting by way of a new motion or resolution.

Location of sessions

29. The Executive Council must decide on the location of every session of the Legislative Assembly, irrespective of who calls the Legislative Assembly into session and, whenever practicable, the Legislative Assembly must conduct its business and affairs in the Tla'amin Governance House or, if necessary, at an alternate location on Tla'amin Lands.

Special sessions of the Legislative Assembly

- 30.** (1) The Executive Council may request that the Legislative Assembly be called into a special session to review and approve the Tla'amin Nation's audited annual financial statements as required under the *Administration and Finance Law*.
- (2) The Executive Council may request that the Legislative Assembly be called into a special or emergency session, as other circumstances require.
- (3) The Speaker must call a special sitting if required by the Executive Council to do so, in accordance with the Legislative Assembly Rules and Procedures Policy.
- (4) In consultation with the Speaker, the Executive Council must determine the date, anticipated duration and location of each special sitting.

Public sessions

31. Sessions of the Legislative Assembly are open to the public.

Stipend of Legislators

32. Each Legislator is to receive an annual stipend in accordance with the regulation made under section 62(2).

Division 3 - The Speaker

Office of the Speaker

33. The office of the Speaker is established.

Choosing the Speaker

34. The Hegus will serve as Speaker of the Legislative Assembly.

Educational component

35. The Speaker must participate in training directed at carrying out the roles and responsibilities of Speaker of the Legislative Assembly.

Term of office

36. The Speaker holds office as Speaker

- (a) for the balance of the term of office of the current Legislative Assembly;
- (b) until the Speaker indicates that they are no longer able to continue in this role; or
- (c) until the Speaker is removed in accordance with this Law or other Tla'amin law or policy.

Vacancy in the office of Speaker

37. If there is a vacancy in the office of Speaker, an acting speaker may assume the role of Speaker until another individual is appointed, as soon as practicable, in accordance with this Law or other Tla'amin law or policy.

Functions of the Speaker

38. In addition to any other responsibilities conferred on the Speaker by the Legislative Assembly Rules and Procedures Policy, the Speaker is responsible for

- (a) beginning and ending a sitting of the Legislative Assembly;
- (b) chairing (or presiding over) the sittings of the Legislative Assembly;
- (c) seeking or encouraging consensus among members of the Legislative Assembly;
- (d) maintaining order and decorum in the Legislative Assembly;
- (e) providing a reasonable opportunity to speak in the Legislative Assembly for those members of the Legislative Assembly, including the Speaker, who wish to do so;
- (f) ensuring Tla'amin laws and policies are followed in Legislative Assembly proceedings; and
- (g) deciding questions of order or practice of the Legislative Assembly.

Right to vote

39. An individual who holds the office of Speaker is entitled to vote on matters before the Legislative Assembly.

Other presiding members

40. Whenever both the Speaker and the acting Speaker are absent from the Legislative Assembly during a sitting, the remaining members of the Legislative Assembly must designate one of the remaining Legislators to

- (a) preside over that sitting and perform all the duties of the Speaker in relation to the sitting;
- (b) exercise all the powers of the Speaker; and
- (c) uphold any Tla'amin laws, policies and procedures applicable to the office and role of the Speaker.

PART 4 - EXECUTIVE COUNCIL

Division 1 - Membership, Rules and Procedure of the Executive Council

Executive Council established

- 41.** (1) The Executive Council is established and composed of
- (a) the Hegus; and
 - (b) four Legislators.
- (2) Following a regular election at the first meeting of the Legislative Assembly, the members of the Legislative Assembly will
- (a) collectively discuss the various areas of focus and general responsibilities under the governing house posts set out in the House of Governance Model;
 - (b) elected members of the Legislative Assembly who wish to do so will express an interest in running for election to a position on the Executive Council; and
 - (c) all members of the Legislative Assembly will collectively decide by way of secret ballot, which four Legislators will be appointed as members of the Executive Council to carry out work under each of the governing house posts.

Member of the Executive Council

42. A member of the Executive Council is both

- (a) a member of the Legislative Assembly; and
- (b) a member of the Executive Council.

House of Governance Model

- 43.** (1) The House of Governance Model provides the foundation for treaty implementation and the organization for delivery of post-treaty governing services by the Tla'amin Government.
- (2) The House of Governance Model includes the following house posts for each area of the Tla'amin Government
- (a) finance and administration, which is recognized as playing a central role in relation to the other house posts;
 - (b) community services;
 - (c) lands and resources;
 - (d) public works; and
 - (e) community economic development.

Responsibilities of members of the Executive Council under the House of Governance Model

- 44.** (1) At the first meeting of Executive Council, in accordance with the Executive Council Rules and Procedures Policy, each member of the Executive Council will collectively decide by consensus or by way of secret ballot, which member of the Executive Council will be appointed and have responsibilities under one of the house posts under the House of Governance Model as set out in section 43.
- (2) Each member of the Executive Council has the following powers, duties and functions as a member of the Executive Council and in relation to their house post:
- (a) to contribute to the development and evaluation of Tla'amin laws, policies and programs;
 - (b) to prepare for and participate in activities of the Legislative Assembly, the Executive Council and the General Assembly;
 - (c) to report back to the Executive Council as a whole in relation to work carried out under the House of Governance Model;
 - (d) to prepare for and participate in meetings of committees and other Tla'amin bodies and organizations to which the member is appointed in accordance with the House of Governance Model;
 - (e) to carry out other duties assigned; and
 - (f) to carry out other powers, duties and functions assigned to the Executive Council by the Legislative Assembly or by the Executive Council, or under the Final Agreement, other Tla'amin laws and policies.

- (3) In exercising the powers, duties and functions of a member of the Executive Council, that individual is bound by Tla'amin laws and policies and by decisions of the Tla'amin Government.

Vacancy

45. A vacancy in the offices of the Executive Council must be filled in accordance with this Law and other Tla'amin laws and policies.

Remuneration

46. A member of the Executive Council must be provided with an annual salary in accordance with the regulation made under section 62(2).

Meetings of Executive Council

47. (1) The Executive Council must meet quarterly, at a minimum, and at the call of the Hegus in accordance with procedures for the calling and conduct of meetings.
- (2) Unless otherwise provided in the Executive Council Rules and Procedures Policy, the Hegus will chair meetings of the Executive Council.

Rules and procedures of the Executive Council

48. The Executive Council must make rules and procedures to govern the conduct of its business and affairs, which may include rules for
- (a) issuing the notice of, calling of and conduct at meetings of the Executive Council;
 - (b) the means or manner by which meetings may be held and how members of the Executive Council may participate;
 - (c) attendance at meetings of the Executive Council, and the consequences of non-attendance, including reducing the salary payable to the member of the Executive Council by an amount specified by the rules;
 - (d) the means by which decisions are to be reached by the Executive Council, including options such as by way of consensus or motion and resolution; and
 - (e) the delegation, in writing, of any of its powers, duties and functions, except where prohibited by this Law or other Tla'amin laws.

Assignment of duties and responsibilities

49. The Hegus may assign duties and responsibilities to each member of the Executive Council in addition to roles and responsibilities assigned under one of the house posts under the House of Governance Model, including assigning a member of the Executive Council to be responsible for

- (a) engaging with the administration of a department or other component of Tla'amin Government;
- (b) engaging with departments, agencies, or representatives from other governments or organizations; and
- (c) carrying out implementation activities in relation to all or part of a Tla'amin law.

Division 2 - Sijitus Process and Other Boards, Committees and Experts

Sijitus Process

- 50.** (1) The Executive Council may seek advice or guidance through the Sijitus Process to aid in the performance of its roles and responsibilities in accordance with subsection (2).
- (2) The Sijitus Process of the Tla'amin Government is a cross government advisory process that may include the use of special or ad hoc boards, committees or experts, as well as advisory bodies established in accordance with this Law and other Tla'amin laws and policies.
- (3) The Executive Council may make regulations or policy to further define the Sijitus Process, so long as the process is consistent with this Law and other Tla'amin laws and policies.

Boards, committees and experts

- 51.** (1) The Executive Council may
- (a) appoint standing, ad hoc or special bodies, including boards, committees or experts to investigate, consider or provide advice on matters of interest or concern;
 - (b) specify terms of reference and the length of the appointment; and
 - (c) provide for payment of reasonable remuneration and expenses.
- (2) The Executive Council may establish standing, ad hoc or special bodies, including boards, committees or experts by resolution.
- (3) The Executive Council may, by resolution,
- (a) provide for the composition of a standing, ad hoc or special body, including boards, committees or experts who represent various interests pertaining to the Tla'amin Nation;
 - (b) describe the manner in which members of a standing, ad hoc or special body, including boards, committees or experts are to be appointed or elected;
 - (c) specify how many members there will be and their terms of office;

- (d) specify the time or times at which members will be appointed or elected;
 - (e) establish the procedures of a standing, ad hoc or special body, including boards, committees or experts, or give that responsibility to that standing, ad hoc or special body;
 - (f) describe the means by which information may be requested by a standing, ad hoc or special body, including boards, committees or experts from the Tla'amin Government and the terms and conditions of providing it; and
 - (g) establish a code of conduct and the circumstances under which membership on a standing, ad hoc or special body, including boards, committees or experts may be terminated and by whom.
- (4) The Executive Council may make regulations, consistent with Tla'amin policy and the *Administration and Finance Law*, prescribing rates of honorarium and expenses payable to experts or to members of a board, committee, or body for attending meetings and performing the functions required of them.
- (5) The Executive Council may appoint one of its members or any other individual to a committee, board, or institution established by another government or government council, or other entity.
- (6) Where the Executive Council appoints an individual in accordance with subsection (5), it must specify the term of appointment, terms and conditions of appointment and may provide for payment of honorarium and expenses.

Division 3 - Consultation with Non-Citizens

Duty to non-Citizens

52. The Tla'amin Government will consult with non-Citizens who are ordinarily resident on Tla'amin Lands on decisions made by Tla'amin Institutions that will directly and significantly affect those non-Citizens in accordance with such processes as it may establish from time to time.

PART 5 - GOVERNMENT LIABILITY

Members of Tla'amin Government

53. (1) No action for damages lies or may be instituted against a member or former member of the Legislative Assembly or the Executive Council of the Tla'amin Government for
- (a) anything said or done, or omitted to be said or done, by or on behalf of the Tla'amin Nation or Tla'amin Government by someone other than that member or former member while that individual is, or was, a member;
 - (b) any alleged neglect or default in the performance, or intended performance, of a duty or the exercise of a power, of the Tla'amin Nation or Tla'amin Government while that individual is, or was, a member;

- (c) anything said or done, or omitted to be said or done, by that individual in the performance, or intended performance, of the individual's duty or the exercise of the individual's power; or
 - (d) any alleged neglect or default in the performance, or intended performance, of that individual's duty or exercise of that individual's power.
- (2) Paragraphs (1)(c) and (1)(d) do not provide a defence where
 - (a) the individual 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 the action is libel or slander.
- (3) Paragraphs (1)(c) and (1)(d) do not absolve the Tla'amin Nation from vicarious liability arising out of a tort committed by a member or former member of the Tla'amin Government for which the Tla'amin Nation would have been liable had those paragraphs not been in effect.

Tla'amin Public Officers

- 54.** (1) No action for damages lies or may be instituted against a Tla'amin Public Officer or a former Tla'amin Public Officer for
- (a) anything said or done, or omitted to be said or done, by that individual in the performance, or intended performance, of that individual's duty or the exercise of that individual's power; or
 - (b) any alleged neglect or default in the performance, or intended performance, of that individual's duty or exercise of that individual's power.
- (2) Subsection (1) does not provide a defence where
- (a) the Tla'amin Public Officer 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 the action is libel or slander.
- (3) Subsection (1) does not absolve any of the corporations or bodies referred to in the definition of Tla'amin Public Officer from vicarious liability arising out of a tort committed by a Tla'amin Public Officer for which the corporation or body would have been liable had that subsection not been in effect.
- (4) Notwithstanding subsection (1), except as may be otherwise provided under federal or provincial law, a Tla'amin Public Officer does not have protections, immunities or limitations in respect of liability in relation to the provision of a service, where no individuals delivering reasonably similar programs or services under federal or provincial law have protections, immunities or limitations in respect of liability and rights under federal or provincial law.

Tla'amin Nation and Tla'amin Government

- 55.** (1) The Tla'amin Nation has the protections, immunities, limitations in respect of liability, remedies over and rights provided to a municipality under Part 7 of the *Local Government Act* (British Columbia) and any such other provisions as may be agreed to by Canada, British Columbia and the Tla'amin Nation.
- (2) Tla'amin Government has the protections, immunities, limitations in respect of liability, remedies over and rights provided to a municipal council under Part 7 of the *Local Government Act* (British Columbia) and any such other provisions as may be agreed to by Canada, British Columbia and the Tla'amin Nation.
- (3) Subject to paragraph 2 of Chapter 5 [Access] of the Final Agreement, the Tla'amin Nation has the protections, immunities, limitations in respect of liability, remedies over and rights provided to a municipality under the *Occupiers Liability Act* (British Columbia) and, for greater certainty, has those protections, immunities, limitations in respect of liability, remedies over and rights, in respect of a road on Tla'amin Lands used by the public or by industrial or resource users, if the Tla'amin Nation is the occupier of that road.

Writ of execution against the Tla'amin Nation

- 56.** (1) Subject to paragraphs 8 and 9 of Chapter 3 [Lands] of the Final Agreement, no real or personal property of the Tla'amin Nation or a Tla'amin Public Institution is subject to seizure or sale under a writ of execution, order for sale or other process without leave of the Supreme Court of British Columbia, and the court, in granting or refusing leave under this clause, may
- (a) permit the issuance of the writ, make the order or allow the other process at a time and on conditions the court considers proper; or
- (b) refuse to permit the writ to be issued or suspend action under it, or deny the order or other process, on terms and conditions the court considers proper or expedient.
- (2) In determining how it will proceed under subsection (1) the court will have regard to
- (a) any reputed insolvency of the Tla'amin Nation;
- (b) any security afforded to the judgment creditor by the registration of the judgment;
- (c) the delivery of programs or services by the Tla'amin Nation that are not provided by municipalities in British Columbia and the funding of those programs or services;
- (d) the immunities from seizure of assets of the Tla'amin Nation under this Law and the Final Agreement; and
- (e) whether the judgment creditor has exhausted all other remedies, including the seizure of personal property and remedies against Other Tla'amin Lands.

PART 6 - GENERAL ASSEMBLIES AND REFERENDA

Calling of a General Assembly

57. (1) In accordance with section 36 of the *Constitution*, the Executive Council must call a General Assembly at least twice each calendar year as follows:
- (a) at a minimum, a fall assembly will provide opportunity for
 - (i) the Tla'amin Government to present the Tla'amin Nation's audited annual financial statements, and
 - (ii) Tla'amin Citizens to make non-binding recommendations to the Tla'amin Government on budget expenditures for the following fiscal year; and
 - (b) at a minimum, a spring assembly will provide opportunity for the Tla'amin Government to present and discuss the Tla'amin Nation's annual budget and multi-year financial plan.
- (2) In accordance with section 37 of the *Constitution*, the Executive Council may call such other General Assemblies as it considers necessary to consider any matters of importance to the Tla'amin Nation.
- (3) The purposes of a General Assembly, in addition to those identified in subsection (1), are to
- (a) receive and consider reports from the Tla'amin Government and Tla'amin Institutions;
 - (b) discuss policies of the Tla'amin Government and seek input of Tla'amin Citizens on various policy areas; and
 - (c) make recommendations by way of non-binding resolutions.
- (4) For greater certainty, a resolution passed at a General Assembly is for information purposes and is not binding on the Tla'amin Government.
- (5) The Executive Council may establish, through policy, general rules and procedures for the conduct of a General Assembly.

Notice of General Assembly

58. The Tla'amin Government must provide Tla'amin Citizens with 15 business days' written notice of a General Assembly or of any other assembly by
- (a) posting written notice of the General Assembly in the Tla'amin Governance House;
 - (b) publishing the notice in the Tla'amin Nation community newsletter; and

- (c) publishing an electronic copy of the notice on the Tla'amin Nation website.

Referenda

59. (1) The Executive Council may make regulations to determine when an issue or question should be put to a vote by community referendum.
- (2) The Executive Council may make regulations
 - (a) respecting the formulation of issues or questions to be put to a vote;
 - (b) respecting information and the notice to be given for a vote;
 - (c) regarding when and where the vote is to be held;
 - (d) adopting all or any provisions of the *Election Law*, with or without modification for the purpose of the vote; and
 - (e) if a vote is to be held at a meeting or an assembly, respecting any procedures to be observed for that vote.
 - (3) The result of a referendum is intended to be a binding expression of the views of Tla'amin Citizens.
 - (4) If a proposed amendment to Tla'amin law or the *Constitution* is ratified the Legislative Assembly must take the steps necessary to amend the Tla'amin law or constitutional provisions as soon as practicable to incorporate that amendment.
 - (5) Executive Council must, as soon as practicable following the results of a referendum, take the steps necessary and within its competence to implement the result of the referendum including any of the following where applicable:
 - (a) changing programs, services or policies, or introducing new programs, services or policies, that are administered by or through the Tla'amin Government;
 - (b) enacting, amending or repealing regulations;
 - (c) preparing a Tla'amin law for introduction at the first session of the Legislative Assembly after the elections officer certifies the referendum result; or
 - (d) taking any other actions Executive Council considers advisable to implement the result of the referendum.
 - (6) Executive Council must hold a referendum as soon as practicable in any of the following circumstances:
 - (a) the Final Agreement, the *Constitution* or a Tla'amin law requires a referendum to be held on a matter;

- (b) an amendment to a Tla'amin law is passed by the Legislative Assembly and the amendment requires ratification by referendum before it comes into force;
 - (c) at least 25% of eligible voters sign a petition proposing an amendment to the *Constitution*;
 - (d) Tla'amin Citizens in attendance at a General Assembly, by resolution, call on the Executive Council to hold a referendum on a specified issue and Executive Council deems it necessary to do so; or
 - (e) a petition of Tla'amin Citizens who are eligible voters bring a petition that indicates 50% plus one of all eligible voters wishes to hold a referendum for the purpose of invoking a full general election.
- (7) Executive Council may hold a referendum to determine the opinion of Tla'amin Citizens on a matter if Executive Council deems it necessary to do so.
- (8) Executive Council will approve and carry out a referendum communications plan to do the following at minimum:
- (a) provide the date, time and location of the proposed referendum by way of written and other forms of publication to all Tla'amin Citizens;
 - (b) provide the draft resolution to all Tla'amin Citizens; and
 - (c) provide to Tla'amin Citizens any other summary information Executive Council considers necessary.

Referendum resolution

60. A resolution of the Executive Council for a referendum must include at minimum

- (a) in the case of a proposed amendment to the wording of the *Constitution*, the draft wording of proposed constitutional amendment(s);
- (b) in the case of a proposed amendment to a Tla'amin law, the wording of the proposed amendment;
- (c) in all cases, the reason for the referendum written in English, set out in clear, concise and impartial wording; and
- (d) in all cases, a clear, concise, and impartial question for the referendum
 - (i) written in English, and
 - (ii) to which the only possible answer is "Yes" or "No".

Elections officer

- 61.** (1) As soon as practicable Executive Council must appoint an elections officer to conduct the referendum.
- (2) The provisions for appointment, remuneration and termination of an elections officer under the *Election Law* and regulations apply, along with any necessary changes or requirements under this Law.
- (3) A referendum may be conducted at the same time as an election under the *Election Law*. The elections officer appointed for the referendum may be the same individual appointed to conduct the election.
- (4) The elections officer is responsible for the fair, efficient, accessible and transparent conduct of a referendum.
- (5) All of the powers, duties and functions of an elections officer under the *Election Law* apply to an elections officer appointed under this Law.
- (6) If a matter arises in the conduct of a referendum that
- (a) is not covered by this Law or the *Election Law* by reference, or
- (b) is not provided for, or is inadequately provided for, in the regulations
- the elections officer may make an order or decision the elections officer considers appropriate to achieve the purposes of this Law.

PART 7 - REGULATIONS AND POLICIES

Making of regulations

- 62.** (1) The Executive Council may make regulations and adopt policies and procedures with respect to any matters under this Law.
- (2) The Executive Council must make a regulation respecting the remuneration of elected officials.

Adoption of policies

- 63.** The Executive Council must adopt a Code of Conduct Policy, which includes an Oath of Office as described in section 11(2).

PART 8 - TLA'AMIN REGISTRY

Establishment of the Tla'amin Registry

- 64.** (1) The Tla'amin Registry is established.
- (2) The Tla'amin Registry must

- (a) be administered and maintained by the chief administrative officer or by a Tla'amin Nation employee or contractor designated in writing by the chief administrative officer; and
- (b) be located on Tla'amin Lands.

Public inspection of the Tla'amin Registry

65. (1) The following documents must be maintained in the Tla'amin Registry, for public inspection during normal office hours:

- (a) the Final Agreement;
 - (b) the Constitution;
 - (c) every law passed by the Legislative Assembly;
 - (d) every regulation under a Tla'amin law;
 - (e) orders of the Legislative Assembly;
 - (f) orders of the Executive Council;
 - (g) orders of the Review and Appeal Panel; and
 - (h) recommendations of the Review and Appeal Panel.
- (2) The chief administrative officer, or their designate, must maintain the documents described in subsection (1) in hard copy and electronic versions.

Deposit of laws and other documents in the Tla'amin Registry

- 66. (1)** Every Tla'amin law and other document referenced in section 65(1), and amendment thereto, must be deposited in the Tla'amin Registry.
- (2) Every Tla'amin law and other document referenced in section 65(1), and amendment thereto, is deposited in the Tla'amin Registry when the chief administrative officer, or Tla'amin Nation employee or contractor authorized in writing by the chief administrative officer to do so, certifies the deposit by writing or stamping on the document words to the effect that the document is deposited in the Tla'amin Registry and the date it is deposited, and is signed by the chief administrative officer or a Tla'amin Nation employee or contractor authorized in writing by the chief administrative officer to do so.
- (3) The chief administrative officer, or their designate, is responsible for
- (a) keeping accurate and orderly written records of all documents deposited into the Tla'amin Registry and amendments to those documents;
 - (b) providing certified copies of documents deposited into the Tla'amin Registry and any amendments made to those documents;

- (c) establishing a publicly accessible electronic database of documents deposited into the Tla'amin Registry and any amendments to those documents;
- (d) maintaining accurate and orderly written records of the date Tla'amin laws, regulations and orders are passed or amended and the related effective date; and
- (e) performing any other related function or responsibility as specified by the Executive Council.

PART 9 - TRANSITION AND COMMENCEMENT

Transition

- 67. (1)** On the Effective Date, the Chief and Councillors of the Sliammon Indian Band Council on the day before the Effective Date
- (a) become the Hegus and Legislators respectively; and
 - (b) constitute and have the authority, in accordance with the Final Agreement and the *Constitution*, to act as both the Legislative Assembly and the Executive Council.
- (2) The Executive Council and the Legislative Assembly constituted in accordance with subsection (1) remain in office until the new Hegus and Legislators take office following the first general election under the *Election Law*.
- (3) For greater certainty, until the new Hegus and Legislators take office following the first general election under the *Election Law*,
- (a) the Executive Council constituted in accordance with subsection (1) has and may exercise any authority under this Law and every other Tla'amin law, as if it were established in accordance with Part 4;
 - (b) the Legislative Assembly constituted in accordance with subsection (1) has and may exercise any authority under this Law and every other Tla'amin law, as if it were established in accordance with Part 3;
 - (c) every law and decision made, and regulation passed under this Law and every other Tla'amin law by the Legislative Assembly or Executive Council constituted in accordance with subsection (1) is deemed, for all purposes, to be and to have been a law, decision or regulation made or passed by the Legislative Assembly or the Executive Council, as the case may be;
 - (d) every reference to the Executive Council in this Law and every other Tla'amin law is deemed to be a reference to the Executive Council constituted in accordance with subsection (1); and
 - (e) every reference to the Legislative Assembly in this Law and every other Tla'amin law is deemed to be a reference to the Legislative Assembly constituted in accordance with subsection (1).

Coming into force

68. This Law comes into force on the date it is enacted by the Legislative Assembly.

THIS LAW IS HEREBY DULY AMENDED by the Legislative Assembly on the 27th day of May, 2020, meeting by electronic means, in the Province of British Columbia.

LEGISLATIVE HISTORY

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

Government Law [TNL 01/2016] 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
Order passing <i>A Law to Amend the Government Law</i>	TNO- LA 07/2020	May 27, 2020	Amendments to section 23 regarding notice of Legislative Assembly sittings.

Regulations enacted under this Law:

Committees Compensation Regulation [TNReg 27/2016]

Dual Roles and Remuneration of Elected Officials Regulation [TNReg 28/2016]