

Yale First Nation Final Agreement Fact Sheet: Governance

The Yale First Nation Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and Yale First Nation. The Final Agreement provides Yale First Nation with certain rights and benefits regarding land and resources, and self-government over its lands and resources and its members. It provides certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and Yale First Nation governmental powers and authorities.

Yale First Nation Governance

The Yale First Nation Final Agreement will operate within the framework of the *Constitution Act of Canada* and the *Canadian Charter of Rights and Freedoms* will apply to Yale First Nation Government.

Once the Yale Final Agreement takes effect, with the exception of determining Indian status, after a transition period the *Indian Act* will no longer apply to Yale First Nation, its lands or Members. Instead, constitutionally-protected self-government provisions will enable Yale First Nation to make its own decisions about matters related to the preservation of its culture, the exercise of its treaty rights and the operation of its government.

The Final Agreement requires that Yale First Nation has a constitution that provides for government that is democratically and financially accountable to its Members. All representatives within Yale First Nation Government will be elected. Yale First Nation's Constitution will come into force on the Effective Date of the treaty.

Yale First Nation Law-Making Powers

The Yale First Nation Final Agreement contains law-making powers for matters related to land, resources, and other areas of governance on Yale First Nation Land. Yale First Nation areas of authority include the delivery of health services, education, fire protection and public works.

Federal and provincial laws will apply on Yale First Nation Land. In matters where Yale First Nation has law-making authority, the Final Agreement sets out which law prevails if a Yale First Nation law conflicts with a federal or provincial law.

For specified areas that are internal and integral to the First Nation, Yale First Nation laws will have priority over conflicting federal and provincial laws. Examples include government administration, governance of Yale First Nation Land, Yale First Nation assets on these lands, and Yale First Nation

Membership. In other areas, federal and provincial laws will prevail over Yale First Nation laws to the extent of any conflict.

Local Government Relations

Yale First Nation Land does not form part of any municipality or electoral area and does not form part of any regional district unless Yale First Nation becomes a member of the Fraser Valley Regional District. Local government bylaws do not apply to Yale First Nation Land unless specific agreement has been reached between Yale First Nation Government and local government.

Yale First Nation Government may enter into agreements on land use planning protocols with local governments to coordinate and harmonize land use planning processes and land use decisions.

Yale First Nation Government may become a member of and appoint one director to the board of the Fraser Valley Regional District in accordance with provincial law.

Non-Member Representation

Individuals who are not Members of Yale First Nation who are living on Yale First Nation Land may participate in the decision-making processes of a Yale First Nation public institution, such as a school or health board, where those particular decisions on the activities of that institution directly and significantly affect them. Yale First Nation Government may appoint non-members to sit as board members of these institutions. If the population of non-members exceeds 10 per cent of the resident population of Yale Members, the Yale First Nation Government will provide non-members with the opportunity to take part in the decision-making processes of Yale public institutions, if the activities of Yale First Nation Public Institute directly and significantly affect non-members.

Non-members will have access to the appeal and review procedures established by a Yale First Nation Government.

Culture and Heritage

Yale First Nation Government may make laws applicable on Yale First Nation Land regarding the preservation, promotion and development, and teaching Yale First Nation Culture and the Puchil dialect of the Nlaka'pamux (Thompson) language. Yale First Nation Government may also make laws on the conservation, protection and management of cultural heritage resources, and public access to heritage sites located on Yale First Nation Land.