

# Governance

The Tsawwassen Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and Tsawwassen First Nation. It is the second Final Agreement reached in the province under the British Columbia treaty process. The Final Agreement provides Tsawwassen 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 Tsawwassen governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation. It will be a constitutionally-protected legal agreement that creates mutually binding obligations and commitments.

## TSAWWASSEN GOVERNANCE

The Tsawwassen Final Agreement will operate within the framework of the Constitution of Canada, and the *Canadian Charter of Rights and Freedoms* will apply to the Tsawwassen First Nation government.

With the exception of determining Indian status, after a transition period the *Indian Act* will no longer apply to Tsawwassen First Nation, its lands or members. Instead, constitutionally-protected self-government provisions will enable Tsawwassen 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 Tsawwassen First Nation to have a constitution that provides for government that is democratically and financially accountable to its members. The Tsawwassen constitution will come into force on the effective date of the treaty.

## TSAWWASSEN LAW-MAKING POWERS

The Final Agreement contains law-making powers for matters related to lands, resources, and other areas of governance. Tsawwassen First Nation areas of authority include the delivery of health services, education and public works.

## TSAWWASSEN FIRST NATION – LAND FACING THE SEA

The Tsawwassen are proud, sea-faring Coast Salish people who have long travelled and fished the waterways of the southern Strait of Georgia and lower Fraser River.

The main Tsawwassen community is located on the waterfront adjacent to Delta. Tsawwassen First Nation lists its membership at 358 people, about half of whom live on reserve.

Federal and provincial laws will apply on treaty settlement lands, known as Tsawwassen Lands. In matters where Tsawwassen First Nation has law-making authority, the Final Agreement sets out which law prevails if a Tsawwassen law conflicts with a federal or provincial law.

In areas related to internal matters, Tsawwassen First Nation laws will have priority over conflicting federal and provincial laws. Examples include government administration, governance of Tsawwassen Lands, Tsawwassen First Nation assets on these lands, and Tsawwassen

membership. In other areas, federal and provincial laws will prevail over Tsawwassen laws to the extent of any conflict.

Examples of federal laws that will prevail in the event of a conflict with a Tsawwassen law include those of overriding national importance, such as laws related to health, safety and national security.

## INTER-GOVERNMENTAL RELATIONS

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

parks and general government..

As a member of the GVRD, Tsawwassen First Nation will be able to receive water from the Greater Vancouver Water District, on the same terms as a municipality of equivalent size. Capital costs related to the provision of water will be negotiated between Tsawwassen First Nation and the water district.

Existing service agreements between Tsawwassen First Nation and the Corporation of Delta will remain in place, and the two parties may also enter into new agreements for the provision of services.

## NON-MEMBER REPRESENTATION

Residents on Tsawwassen Lands who are not members

of Tsawwassen First Nation may participate in the decision-making processes of a Tsawwassen First Nation public institution, such as a school or health board, if the activities of that institution directly and significantly affect them. In such cases, non-members may vote in, and stand for, election to a Tsawwassen First Nation public institution, or the Tsawwassen government may appoint non-members to sit as board members of these institutions.

The Tsawwassen First Nation government will consult non-members who live on Tsawwassen Lands on land use decisions that affect them. Non-member residents will have access to the same appeal and review procedures as Tsawwassen members.

## CULTURE AND HERITAGE

The Tsawwassen First Nation government may make laws applicable on Tsawwassen Lands regarding the preservation, promotion and development, and teaching of Tsawwassen First Nation culture and the Hun'qum'i'num language. It may also make laws on the conservation, protection and management of cultural heritage resources, and public access to heritage sites located on Tsawwassen Lands.

On the effective date of the treaty, British Columbia will provide Tsawwassen First Nation \$1,000,000 to establish a Cultural Purposes Fund.

*If you would like more information about the Tsawwassen Final Agreement, contact:*



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