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**WESTBANK
FIRST NATION**

WFN Economic Development and Community Governance Conference



WFN Laws and Authorities

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Introduction

1. Why Self-government?
 - Indian Act vs. Self-Government Agreement
2. The SGA:
 - Authority and jurisdictions
3. The WFN Constitution:
 - Law making process
4. WFN Laws:
 - Types of laws and examples
5. Enforcement:
 - Administration and policing
6. Q & A





1. Why Self-Government?

A. IA lacks:

- ⑩ Certainty (e.g. security interests)
- ⑩ Efficiency (e.g. Ministerial approval)
- ⑩ Consistency (e.g. unique bylaws)
- ⑩ Familiarity (e.g. development laws)
- ⑩ Accountability (e.g. Advisory Council)





2. Self-Government Agreement

- A. Federal and Provincial Laws
- ⑩ Federal and provincial laws apply unless WFN:
 - ⑩ has jurisdiction in SGA, and
 - ⑩ passes a law under Constitution
 - ⑩ Certain exceptions, e.g. Environmental laws





2. Self-Government Agreement

B. WFN Jurisdictions

- ⑩ No: Charter, Human Rights Code, Criminal Code
- ⑩ Jurisdictions granted:
 - ⑩ Lands & Land Management
 - ⑩ Landlord & Tenant
 - ⑩ Resources
 - ⑩ Agriculture
 - ⑩ Environment
 - ⑩ Culture, Language, Education
 - ⑩ Traditional Okanagan Medicine
 - ⑩ Business Licensing
 - ⑩ Traffic
 - ⑩ Public Works
 - ⑩ Intoxicants





2. Self-Government Agreement

B. WFN Jurisdictions, cont.

- ⑩ Future Negotiations:
 - ⑩ Health Services
 - ⑩ Labour Relations
 - ⑩ Social Services
 - ⑩ Gaming
 - ⑩ Minerals
 - ⑩ WFN Court





3. WFN Constitution

- A. Contains the Law-Making Process
- i. Initiated by Council resolution or petition
 - ii. Draft developed by community working group
 - iii. First reading at Council, resolution
 - iv. Published for Member comments
 - v. Special Membership Meeting presentation
 - vi. Review by Advisory Council
 - vii. Second reading at Council, resolution
 - viii. Third reading at Council, resolution
 - ix. Comes into force on third reading





4. WFN Laws

A. Laws Under the SGA

- ⑩ Six 'Types' of WFN laws:
 - i. Old IA bylaws (e.g. Animal Control, Unsightly Premises)
 - ii. New IA laws (e.g. local revenue laws)
 - iii. Municipal-type laws (e.g. Land Use, Development)
 - iv. Federal/Provincial-type laws (e.g. Residential Premises, Expropriation)
 - v. Administrative laws (e.g. Notice Enforcement, Advisory Council)
 - vi. Jurisdictional laws (e.g. Community Protection, Family Property)





5. Enforcement

A. Administrative

- ⑩ Notice Enforcement Law
 - ⑩ Enforcement/collection of tickets
 - ⑩ Same as municipalities
- ⑩ Dispute Adjudication Law
 - ⑩ 3rd party arbitration of tickets
 - ⑩ Similar to municipalities
- ⑩ Residential Tenancy Law
 - ⑩ 3rd party arbitration of landlord/tenant disputes
 - ⑩ Similar to provincial structure





5. Enforcement

B. Policing

- ⑩ WFN has two full-time Law Enforcement Officers
 - ⑩ Are “Peace Officers”
 - ⑩ Empowered to enforce all WFN, federal and provincial laws on WFN Lands
 - ⑩ Work closely with RCMP
- ⑩ WFN has three dedicated RCMP First Nations Policing Officers
 - ⑩ Report directly to Chief & Council
 - ⑩ Community Consultation Group provides community input to Council



Conclusion



- A. What makes WFN Lands a great place to live, work and do business?
- i. Certainty
 - clear, enforceable
 - ii. Efficiency
 - properly administered
 - iii. Consistency
 - apply to everyone, everywhere
 - iv. Familiarity
 - Similar to other jurisdictions
1. Accountability
 - Local, responsive



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Questions and Comments

