

CHAPTER 13 GOVERNANCE

13.1.0 MAA-NULTH FIRST NATION GOVERNANCE

- 13.1.1 Each Maa-nulth First Nation has the right to self-government, and the authority to make laws, as set out in this Agreement.
- 13.1.2 Each Maa-nulth First Nation has a Maa-nulth First Nation Government in accordance with its Maa-nulth First Nation Constitution and this Agreement.
- 13.1.3 The rights, powers, privileges and authorities of each Maa-nulth First Nation will be exercised in accordance with:
- a. this Agreement;
 - b. its Maa-nulth First Nation Constitution; and
 - c. Maa-nulth First Nation Law enacted by its Maa-nulth First Nation Government.
- 13.1.4 Each Maa-nulth First Nation will act through its Maa-nulth First Nation Government in exercising its rights, powers, privileges and authorities, and in carrying out its duties, functions and obligations.

13.2.0 LEGAL STATUS AND CAPACITY

- 13.2.1 Each Maa-nulth First Nation is a separate and distinct legal entity with the capacity, rights, powers and privileges of a natural person including the ability to:
- a. enter into contracts and agreements;
 - b. acquire and hold property or an Interest in property and sell or otherwise Dispose of that property or Interest;
 - c. raise, spend, invest and borrow money;
 - d. sue and be sued; and
 - e. do other things ancillary to the exercise of its rights, powers and privileges.

13.3.0 MAA-NULTH FIRST NATION CONSTITUTIONS

- 13.3.1 Each Maa-nulth First Nation will have a Maa-nulth First Nation Constitution, consistent with this Agreement, which will provide:
- a. for a democratic Maa-nulth First Nation Government, including its duties, composition and membership;
 - b. that its Maa-nulth First Nation Government is democratically accountable to its Maa-nulth-aht and Maa-nulth First Nation Citizens with elections at least every five years;
 - c. for a process for removal of Office Holders of its Maa-nulth First Nation Government;
 - d. for a system of financial administration with standards comparable to those generally accepted for governments in Canada through which its Maa-nulth First Nation Government is financially accountable to its Maa-nulth-aht and Maa-nulth First Nation Citizens;
 - e. for conflict of interest rules comparable to those generally accepted for governments in Canada;
 - f. for recognition and protection of rights and freedoms of its Maa-nulth-aht and Maa-nulth First Nation Citizens;
 - g. that every Maa-nulth-aht of that Maa-nulth First Nation is entitled to be a Maa-nulth First Nation Citizen of that Maa-nulth First Nation;
 - h. that every registered Indian of the applicable Maa-nulth Indian Band is entitled to be a Maa-nulth First Nation Citizen of that Maa-nulth First Nation;
 - i. the process for the enactment of laws by its Maa-nulth First Nation Government;
 - j. a process for challenging the validity of the Maa-nulth First Nation Laws of its Maa-nulth First Nation Government;
 - k. that a Maa-nulth First Nation Law of its Maa-nulth First Nation Government which is inconsistent or in Conflict with its Maa-nulth First Nation Constitution is, to the extent of the inconsistency or Conflict, of no force or effect;
 - l. for the establishment of the Maa-nulth First Nation Public Institutions of its Maa-nulth First Nation Government;

- m. for conditions under which that Maa-nulth First Nation may Dispose of its lands or Interests in lands;
- n. for amendment of its Maa-nulth First Nation Constitution;
- o. that its Maa-nulth First Nation Government will establish processes for appeal or review of administrative decisions made by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions; and
- p. for other provisions as determined by that Maa-nulth First Nation.

13.3.2 At the discretion of each Maa-nulth First Nation, its Maa-nulth First Nation Constitution may provide for the appointment of *Ha'wiih* into its governance structure, including:

- a. the process for appointment of *Ha'wiih*;
- b. the duties of *Ha'wiih*; and
- c. other related matters.

13.3.3 If a Maa-nulth First Nation exercises its discretion under 13.3.2, it will provide in its Maa-nulth First Nation Constitution that the majority of Office Holders within its Maa-nulth First Nation Government are elected.

13.3.4 Each Maa-nulth First Nation represents and warrants to Canada and British Columbia that:

- a. its Maa-nulth First Nation Constitution was approved by at least 50% of the Eligible Voters of that Maa-nulth First Nation who voted to approve its Maa-nulth First Nation Constitution; and
- b. as of the Effective Date, its Maa-nulth First Nation Constitution approved in accordance with 13.3.4a. has not been amended.

13.3.5 Each Maa-nulth First Nation Constitution will come into force and effect on the Effective Date.

13.4.0 APPEAL AND JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS

13.4.1 If the processes established under 13.3.1o. provide for a right of appeal to a court, the Supreme Court of British Columbia has jurisdiction to hear those appeals.

13.4.2 The Supreme Court of British Columbia has jurisdiction to hear applications for judicial review of administrative decisions taken by a Maa-nulth First Nation Public Institution or a Maa-nulth First Nation Government under its applicable Maa-nulth First Nation Law.

13.4.3 The *Judicial Review Procedure Act* applies to an application for judicial review under 13.4.2 as if the Maa-nulth First Nation Law were an “enactment” within the meaning of that Act.

13.5.0 REGISTRY OF LAWS

13.5.1 Each Maa-nulth First Nation Government will:

- a. maintain a public registry of its Maa-nulth First Nation Laws in the English language and, at the discretion of that Maa-nulth First Nation Government, in the Nuu-chah-nulth language, the English version of which is authoritative; and
- b. provide British Columbia and, upon request, Canada with copies of its Maa-nulth First Nation Laws after they are enacted.

13.6.0 INDIVIDUALS WHO ARE NON-MEMBERS

13.6.1 Each Maa-nulth First Nation Government will Consult with Non-Members concerning decisions of that Maa-nulth First Nation Government that directly and significantly affect those Non-Members.

13.6.2 Each Maa-nulth First Nation Public Institution will Consult with Non-Members concerning decisions of that Maa-nulth First Nation Public Institution that directly and significantly affect those Non-Members.

13.6.3 In addition to the requirements to Consult in 13.6.1 and 13.6.2, the applicable Maa-nulth First Nation Government will ensure that Non-Members, or their representatives, have the ability to participate in discussions and vote on decisions of a Maa-nulth First Nation Public Institution established by that Maa-nulth First Nation Government that directly and significantly affect Non-Members.

13.6.4 Notwithstanding 13.6.3, the Maa-nulth First Nation Government may provide that a majority of the members of its Maa-nulth First Nation Public Institutions will be Maa-nulth First Nation Citizens.

13.6.5 Each Maa-nulth First Nation Government will establish the means of participation under 13.6.3 by Maa-nulth First Nation Law at the same time that it establishes a Maa-nulth First Nation Public Institution whose activities may directly and significantly affect Non-Members.

13.6.6 Each Maa-nulth First Nation Government will provide that Non-Members have access to the appeal and review procedures established under 13.3.1o. in respect of the activities that directly affect those Non-Members.

13.7.0 TRANSITION TO MAA-NULTH FIRST NATION GOVERNMENT

- 13.7.1 The Chief or Chief Councillor and Councillors of the band council of the applicable Maa-nulth Indian Band under the *Indian Act*, on the day immediately before the Effective Date, are the members of the applicable Maa-nulth First Nation Government from the Effective Date until the Office Holders elected in its first election take office.
- 13.7.2 The first elections for the Office Holders of each Maa-nulth First Nation Government will be initiated no later than six months after the Effective Date and the Office Holders elected in the election will take office no later than one year after the Effective Date.

13.8.0 TRANSITION

- 13.8.1 Before a Maa-nulth First Nation Government makes a Maa-nulth First Nation Law in respect of adoption, child protection, health, social development, child care or kindergarten to grade 12 education, that Maa-nulth First Nation Government will provide at least six months notice to Canada and British Columbia of its intention to exercise the law-making authority.
- 13.8.2 Notwithstanding 13.8.1, upon agreement by the applicable Maa-nulth First Nation Government, Canada and British Columbia, that Maa-nulth First Nation Government may exercise a law-making authority before the expiration of the six month notice period required in accordance with 13.8.1.
- 13.8.3 At the request of Canada or British Columbia made within three months of receiving notice under 13.8.1, that Maa-nulth First Nation Government will Consult with Canada or British Columbia, as applicable, in respect of:
- a. options to address the interests of the Maa-nulth First Nation Government through methods other than the exercise of law-making authority by that Maa-nulth First Nation Government;
 - b. the comparability of standards established under proposed Maa-nulth First Nation Law to standards under Provincial Law;
 - c. immunity of individuals providing services or exercising authority under its Maa-nulth First Nation Law;
 - d. readiness;
 - e. quality assurance; and
 - f. other matters agreed to by that Maa-nulth First Nation Government and Canada or British Columbia, as applicable.

- 13.8.4 At the request of a Maa-nulth First Nation Government, Canada or British Columbia, made within three months of Canada and British Columbia receiving notice under 13.8.1, that Maa-nulth First Nation Government and Canada or British Columbia, as applicable, will discuss:
- a. any transfer of cases and related documentation from Canada or British Columbia to the applicable Maa-nulth First Nation Public Institution or that Maa-nulth First Nation Government, including any confidentiality and privacy considerations;
 - b. any transfer of assets from Canada or British Columbia to that Maa-nulth First Nation Public Institution or that Maa-nulth First Nation Government;
 - c. any appropriate amendments to Federal Law or Provincial Law, including amendments to address duplicate licencing requirements; and
 - d. other matters agreed to by that Maa-nulth First Nation Government and Canada or British Columbia, as applicable.
- 13.8.5 A Maa-nulth First Nation Government, Canada or British Columbia, as applicable, may negotiate agreements regarding any of the matters described in 13.8.3 and 13.8.4, but such agreement is not a condition precedent to the exercise of law-making authority by a Maa-nulth First Nation Government, and such authority may be exercised immediately following the six month notice period.

13.9.0 NOTIFICATION OF PROVINCIAL LEGISLATION

- 13.9.1 Subject to an agreement under 13.9.4, before legislation is introduced in the Legislative Assembly, or before a regulation is approved by the Lieutenant-Governor-in-Council, British Columbia will notify each Maa-nulth First Nation Government of the proposed legislation or regulation if:
- a. this Agreement provides that Maa-nulth First Nation Government law-making authority in respect of the subject matter of the legislation or regulation;
 - b. the legislation or regulation may affect the protections, immunities, limitations in respect of liability, remedies over or rights referred to in 13.35.8; or

- c. the legislation or regulation may affect:
 - i. the rights, powers or obligations; or
 - ii. the protections, immunities or limitations in respect of liability, referred to in 13.26.2,

except where this cannot be done for reasons of emergency or confidentiality.

- 13.9.2 If British Columbia does not notify a Maa-nulth First Nation Government under 13.9.1 for reasons of emergency or confidentiality, British Columbia will notify that Maa-nulth First Nation Government that legislation has been introduced in the Legislative Assembly, or a regulation has been deposited with the Registrar of Regulations.
- 13.9.3 A notification under 13.9.1 or 13.9.2 will include:
- a. the nature and purpose of the proposed legislation or regulation; and
 - b. the date the proposed legislation or regulation is anticipated to take effect, if it has not already done so.
- 13.9.4 Each Maa-nulth First Nation may enter into an agreement with British Columbia establishing alternatives to the obligations which would otherwise apply under 13.9.1 to 13.9.3 and 13.9.5.
- 13.9.5 Subject to 13.9.6 or an agreement contemplated by 13.9.4, if, within 30 days after notice is provided in accordance with 13.9.1 or 13.9.2, the Maa-nulth First Nation Government makes a request to British Columbia, then British Columbia and the Maa-nulth First Nation Government will discuss the effect of the legislation or regulation, if any, on:
- a. a Maa-nulth First Nation Law of that Maa-nulth First Nation Government; or
 - b. a matter referred to in 13.9.1b. or 13.9.1c.,
- and British Columbia will have due regard for any views of the Maa-nulth First Nation Government provided during such discussions.
- 13.9.6 If British Columbia establishes a process providing for collective discussion with First Nation Governments in British Columbia in relation to matters referred to in 13.9.5:
- a. each Maa-nulth First Nation Government will participate in that process; and

- b. the process is deemed to satisfy British Columbia's obligation, in accordance with 13.9.5, for discussion in respect of a particular matter.
- 13.9.7 Unless British Columbia agrees otherwise, each Maa-nulth First Nation Government will retain the information provided in accordance with 13.9.1 to 13.9.6 in strict confidence until such time, if ever, the draft legislation is given first reading in the Legislative Assembly or a regulation is deposited with the Registrar of Regulations, as applicable.
- 13.9.8 The Parties acknowledge that nothing in 13.9.1 to 13.9.6 will delay the enactment of a Provincial Law.
- 13.9.9 Notwithstanding any other provision of this Agreement, to the extent that provincial legislation or a regulation referred to in 13.9.1 affects the validity of an otherwise valid Maa-nulth First Nation Law, the Maa-nulth First Nation Law will be deemed to be valid for a period of six months after the coming into force of the provincial legislation or regulation.

13.10.0 DELEGATION

- 13.10.1 Any law-making authority of a Maa-nulth First Nation Government under this Agreement may be delegated by a law of that Maa-nulth First Nation Government to:
- a. a Maa-nulth First Nation Public Institution established by a law of that Maa-nulth First Nation Government;
 - b. another First Nation Government in British Columbia;
 - c. a public institution established by one or more First Nation Governments in British Columbia;
 - d. British Columbia;
 - e. Canada;
 - f. a Local Government; or
 - g. a legal entity as agreed to by the Parties,

if the delegation and the exercise of any law-making authority is in accordance with the terms of this Agreement and the applicable Maa-nulth First Nation Constitution.

- 13.10.2 Any authority of a Maa-nulth First Nation Government other than a law-making authority may be delegated by a law of that Maa-nulth First Nation Government to:
- a. any body listed in 13.10.1; or
 - b. a legal entity in Canada,
- if the delegation and the exercise of any delegated authority is in accordance with this Agreement and the applicable Maa-nulth First Nation Constitution.
- 13.10.3 Any delegation under 13.10.1 or 13.10.2 will require the written consent of the delegate.
- 13.10.4 Each Maa-nulth First Nation Government may enter into agreements to receive authorities, including law-making authority, by delegation.

13.11.0 MAA-NULTH FIRST NATION GOVERNMENT

- 13.11.1 Each Maa-nulth First Nation Government may make laws in respect of the election, administration, management and operation of that Maa-nulth First Nation Government, including:
- a. the establishment of Maa-nulth First Nation Public Institutions, including their respective powers, duties, composition and membership, but the registration or incorporation of Maa-nulth First Nation Public Institutions will be under Federal Law or Provincial Law;
 - b. the establishment of Maa-nulth First Nation Corporations, but the registration or incorporation of Maa-nulth First Nation Corporations will be under Federal Law or Provincial Law;
 - c. the powers, duties, responsibilities, remuneration, and indemnification of members, officials, employees and appointees of that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions;
 - d. financial administration of that Maa-nulth First Nation Government, its Maa-nulth First Nation Public Institutions and the applicable Maa-nulth First Nation; and
 - e. elections, by-elections and referenda.
- 13.11.2 For greater certainty, in accordance with 1.8.11, nothing in 13.11.1 confers authority on a Maa-nulth First Nation Government to make laws in respect of labour relations or working conditions.

- 13.11.3 Each Maa-nulth First Nation Government will make laws to provide the Maa-nulth-aht and Maa-nulth First Nation Citizens of the applicable Maa-nulth First Nation with reasonable access to information in the custody or control of that Maa-nulth First Government and its Maa-nulth First Nation Public Institutions.
- 13.11.4 Each Maa-nulth First Nation Government will make laws to provide persons other than the Maa-nulth-aht and Maa-nulth First Nation Citizens of the applicable Maa-nulth First Nation with reasonable access to information in the custody or control of that Maa-nulth First Government and its Maa-nulth First Nation Public Institutions regarding matters that directly and significantly affect those persons.
- 13.11.5 Maa-nulth First Nation Law under 13.11.1, 13.11.3 or 13.11.4 prevails to the extent of a Conflict with Federal Law or Provincial Law, except Federal Law or Provincial Law in relation to the protection of personal information prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.11.1, 13.11.3 or 13.11.4.

13.12.0 MAA-NULTH FIRST NATION ASSETS

- 13.12.1 Each Maa-nulth First Nation Government may make laws in respect of the use, possession and management of assets owned by the applicable Maa-nulth First Nation, a Maa-nulth First Nation Public Institution or a Maa-nulth First Nation Corporation of that Maa-nulth First Nation located off the Maa-nulth First Nation Lands of that Maa-nulth First Nation.
- 13.12.2 Each Maa-nulth First Nation Government may make laws in respect of the use, possession and management of assets owned by the applicable Maa-nulth First Nation, a Maa-nulth First Nation Public Institution or a Maa-nulth First Nation Corporation of that Maa-nulth First Nation located on the Maa-nulth First Nation Lands of that Maa-nulth First Nation.
- 13.12.3 For greater certainty, the law-making authority under 13.12.1 and 13.12.2 does not include the authority to make laws regarding creditor's rights and remedies.
- 13.12.4 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.12.1.
- 13.12.5 Maa-nulth First Nation Law under 13.12.2 prevails to the extent of a Conflict with Federal Law or Provincial Law.

13.13.0 MAA-NULTH FIRST NATION CITIZENSHIP

- 13.13.1 Each Maa-nulth First Nation Government may make laws in respect of citizenship in the applicable Maa-nulth First Nation.

- 13.13.2 The conferring of Maa-nulth First Nation citizenship does not:
- a. confer or deny rights of entry into Canada, Canadian citizenship, the right to be registered as an Indian under the *Indian Act*, or any of the rights or benefits under the *Indian Act*; or
 - b. except as described in this Agreement or in any Federal Law or Provincial Law, impose any obligation on Canada or British Columbia to provide rights or benefits.
- 13.13.3 Maa-nulth First Nation Law under 13.13.1 prevails to the extent of a Conflict with Federal Law or Provincial Law.

13.14.0 MAA-NULTH FIRST NATION LANDS

- 13.14.1 Each Maa-nulth First Nation Government may make laws in respect of:
- a. the use of the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation, including management, planning, zoning and development;
 - b. the ownership and Disposition of estates or Interests in the Maa-nulth First Nation Lands of that Maa-nulth First Nation owned by that Maa-nulth First Nation, its Maa-nulth First Nation Corporations or a Maa-nulth First Nation Public Institution of that Maa-nulth First Nation Government; and
 - c. expropriation for public purposes and public works by the Maa-nulth First Nation Government of estates or Interests in the Maa-nulth First Nation Lands of that Maa-nulth First Nation other than:
 - i. estates or Interests granted or continued on the Effective Date, or thereafter replaced in accordance with this Agreement, unless specifically provided for otherwise in this Agreement;
 - ii. estates or Interests expropriated by a Federal Expropriating Authority or a Provincial Expropriating Authority or otherwise acquired by Canada or British Columbia; and
 - iii. any other Interests upon which the Parties have agreed in this Agreement,if the Maa-nulth First Nation Government provides fair compensation to the owner of the estate or Interest and the expropriation is of the smallest estate or Interest necessary for the public purpose or public work.
- 13.14.2 Maa-nulth First Nation Law under 13.14.1 prevails to the extent of a Conflict with Federal Law or Provincial Law.

- 13.14.3 Maa-nulth First Nation Law under 13.14.1b. in respect of estates or Interests that are recognized under Federal Law or Provincial Law must be consistent with Federal Law or Provincial Law in respect of estates or Interests in land.
- 13.14.4 Each Maa-nulth First Nation Government will make laws that will take effect on the Effective Date governing the establishment, amendment, repeal and content of community plans for the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.
- 13.14.5 A Maa-nulth First Nation Law made in accordance with 13.14.4 will require that the community plans include:
- a. a statement of objectives and policies that will guide decisions on land use planning and management of the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation; and
 - b. content similar to that required in the official community plans of Local Government.
- 13.14.6 Each Maa-nulth First Nation Government may develop and adopt community plans on an incremental basis, provided that it will develop and adopt community plans for all Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation within ten years of the Effective Date.
- 13.14.7 Any development or use of Maa-nulth First Nation Lands approved by a Maa-nulth First Nation Government will be in accordance with a community plan adopted by that Maa-nulth First Nation Government in accordance with this Agreement or a development plan in place as of the Effective Date.
- 13.14.8 Each Maa-nulth First Nation Government will consult with other organizations and authorities on the development, amendment and repeal of its community plans similar to the manner and extent as Local Governments are required to consult with other organizations and authorities in respect of development, amendment and repeal of official community plans.

13.15.0 ADOPTION

- 13.15.1 At the request of a Maa-nulth First Nation, British Columbia will transmit the provisions of this Agreement related to adoption to other provincial governments in Canada.
- 13.15.2 For the purposes of this Chapter, all relevant factors must be considered in determining a Child's best interests, including those factors that must be considered under the *Adoption Act*.

- 13.15.3 Each Maa-nulth First Nation Government may make laws in respect of adoptions in British Columbia for:
- a. the Maa-nulth First Nation Children of the applicable Maa-nulth First Nation; and
 - b. Children who reside on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation to be adopted by a Maa-nulth First Nation Citizen or Maa-nulth-aht of the applicable Maa-nulth First Nation.
- 13.15.4 Maa-nulth First Nation Law under 13.15.3 will:
- a. expressly provide that the best interests of the Child are the paramount consideration in determining whether an adoption will take place; and
 - b. provide for the consent of individuals whose consent to a Child's adoption is required under Provincial Law, subject to the power of the court to dispense with such consent under Provincial Law.
- 13.15.5 If a Maa-nulth First Nation Government makes a law under 13.15.3, the applicable Maa-nulth First Nation will:
- a. develop operational and practice standards that promote the best interests of the Child; and
 - b. provide British Columbia and Canada with a record of all adoptions occurring under its Maa-nulth First Nation Law.
- 13.15.6 The Parties will negotiate and attempt to reach agreement on the information that will be included in the record under 13.15.5b.
- 13.15.7 A Maa-nulth First Nation Law under 13.15.3 applies to the adoption of a Maa-nulth First Nation Child of the applicable Maa-nulth First Nation residing off the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation or a Child residing on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation who is not a Maa-nulth First Nation Child of that Maa-nulth First Nation if:
- a. the Child has not been placed for adoption under the *Adoption Act*, and all of the following consent to the application of the Maa-nulth First Nation Law to the adoption:
 - i. the parents;

- ii. the Child, if the Child has reached the age where consent to adoption is required under the *Adoption Act*; and
 - iii. the guardian of the Child if the Child is not under the guardianship of a Director;
 - b. a Director designated under the *Child, Family and Community Service Act* is guardian of the Child and the Director consents; or
 - c. a court dispenses with the requirement for the consent referred to in 13.15.7a., in accordance with the criteria that would be used by that court in an application to dispense with the requirement for a parent or guardian's consent to an adoption under Provincial Law.
 - 13.15.8 If a Director designated under the *Child, Family and Community Service Act*, becomes the guardian of a Maa-nulth First Nation Child, the Director will:
 - a. provide notice to the applicable Maa-nulth First Nation Government that the Director is the guardian of the Child;
 - b. provide notice to the applicable Maa-nulth First Nation Government when the Director applies for a continuing custody order;
 - c. provide the applicable Maa-nulth First Nation Government with a copy of the continuing custody order once the order is made and make reasonable efforts to involve that Maa-nulth First Nation Government in the planning for the Child;
 - d. if requested by the applicable Maa-nulth First Nation Government, consent to the application of Maa-nulth First Nation Law to the adoption of the Child, provided that it is in the best interests of the Child; and
 - e. in determining the best interests of the Child under 13.15.8d., the Director will consider, if not set out in the *Adoption Act*, the importance of preserving the Child's cultural identity.
 - 13.15.9 Maa-nulth First Nation Law under 13.15.3 prevails to the extent of a Conflict with Federal Law or Provincial Law.
 - 13.15.10 Before placing a Maa-nulth First Nation Child for adoption, an Adoption Agency must make reasonable efforts to obtain information about the Child's cultural identity and discuss with the designated representative the Child's placement.
 - 13.15.11 13.15.10 does not apply if the Child has reached the age where consent to adoption is required under the *Adoption Act* and objects to the discussion taking place or if the birth parent or other guardian of the Child who requested that the Child be placed for adoption objects to the discussion taking place.
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13.16.0 CHILD PROTECTION

- 13.16.1 At the request of a Maa-nulth First Nation, British Columbia will transmit the provisions of this Agreement related to Child Protection Services to other provincial governments in Canada.
- 13.16.2 Each Maa-nulth First Nation Government may make laws in respect of Child Protection Services for Maa-nulth First Nation Families on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.
- 13.16.3 A Maa-nulth First Nation Law under 13.16.2 will:
- a. expressly provide that the Maa-nulth First Nation Law will be interpreted and administered such that the Safety and Well-Being of Children are the paramount considerations; and
 - b. not preclude the reporting, under Provincial Law, of a Child in Need of Protection.
- 13.16.4 If a Maa-nulth First Nation Government makes laws under 13.16.2, that Maa-nulth First Nation Government will:
- a. develop operational and practice standards intended to ensure the Safety and Well-Being of Children and safety and well-being of Maa-nulth First Nation Families;
 - b. deliver the Child Protection Service in accordance with the service delivery principles set out in section 3 of the *Child, Family and Community Service Act*;
 - c. participate in British Columbia's information management systems, or establish an information management system that is compatible with British Columbia's information systems, concerning Children in Need of Protection and Children in Care;
 - d. allow for sharing of information concerning Children in Need of Protection and Children in Care with British Columbia; and
 - e. establish and maintain a system for the management, storage and disposal of Child Protection Services records and the safeguarding of personal Child Protection Services information.
- 13.16.5 Notwithstanding any Maa-nulth First Nation Law under 13.16.2, if there is an emergency in which a Child of a Maa-nulth First Nation Family on Maa-nulth First Nation Lands is in need of protection, and the applicable Maa-nulth First Nation has not responded or is unable to respond in a timely manner, British Columbia may act, in accordance with Provincial Law, to protect the Child and, in those circumstances, unless British Columbia and the applicable

Maa-nulth First Nation otherwise agree, British Columbia will refer the matter to that Maa-nulth First Nation after the emergency.

- 13.16.6 If a Maa-nulth First Nation Government makes laws under 13.16.2 and there is an emergency in which a Child under British Columbia's authority is a Child in Need of Protection, the applicable Maa-nulth First Nation may act to protect the Child and, in those circumstances, unless British Columbia and the applicable Maa-nulth First Nation otherwise agree, that Maa-nulth First Nation will refer the matter to British Columbia after the emergency.
- 13.16.7 Maa-nulth First Nation Law under 13.16.2 prevails to the extent of a Conflict with Federal Law or Provincial Law.
- 13.16.8 At the request of a Maa-nulth First Nation or British Columbia, that Maa-nulth First Nation and British Columbia will negotiate and attempt to reach agreement in respect of Child Protection Services for:
- a. its Maa-nulth-aht who reside in British Columbia on or off its Maa-nulth First Nation Lands; or
 - b. Children who reside on its Maa-nulth First Nation Lands who are not its Maa-nulth-aht.
- 13.16.9 Where the Director becomes the guardian of a Maa-nulth First Nation Child, the Director will make reasonable efforts to include the applicable Maa-nulth First Nation Government in planning for that child, including adoption planning.

13.17.0 CHILD CUSTODY

- 13.17.1 Each Maa-nulth First Nation has standing in any judicial proceedings in British Columbia in which custody of a Maa-nulth First Nation Child of that Maa-nulth First Nation is in dispute and the court will consider any evidence and representations in respect of the Maa-nulth First Nation Laws of that Maa-nulth First Nation and its customs in addition to any other matters it is required by law to consider.
- 13.17.2 The participation of a Maa-nulth First Nation in proceedings referred to in 13.17.1 will be in accordance with the applicable rules of court and will not affect the court's ability to control its process.

13.18.0 CHILD CARE

- 13.18.1 Each Maa-nulth First Nation Government may make laws in respect of Child Care Services on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.

13.18.2 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.18.1.

13.19.0 LANGUAGE AND CULTURE EDUCATION

13.19.1 Each Maa-nulth First Nation Government may make laws in respect of education provided by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation in respect of:

- a. certification and accreditation of its Nuu-chah-nulth language and culture teachers; and
- b. the development and teaching of its Nuu-chah-nulth language and culture curriculum.

13.19.2 Maa-nulth First Nation Law under 13.19.1 prevails to the extent of a Conflict with Federal Law or Provincial Law.

13.20.0 KINDERGARTEN TO GRADE 12 EDUCATION

13.20.1 Each Maa-nulth First Nation Government may make laws in respect of kindergarten to grade 12 education provided by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.

13.20.2 Maa-nulth First Nation Laws under 13.20.1 will:

- a. establish curriculum, examination, and other standards that permit transfers of students between school systems in British Columbia at a similar level of achievement and permit entry of students to the provincial post-secondary education systems; and
- b. require that teachers be certified in accordance with Provincial Law applicable to individuals who teach in public or provincially funded independent schools in British Columbia.

13.20.3 Each Maa-nulth First Nation Government may make laws in respect of home education of the Maa-nulth-aht of the applicable Maa-nulth First Nation on its Maa-nulth First Nation Lands.

13.20.4 Maa-nulth First Nation Law under 13.20.1 or 13.20.3 prevails to the extent of a Conflict with Federal Law or Provincial Law.

13.20.5 At the request of that Maa-nulth First Nation Government or British Columbia, the applicable Maa-nulth First Nation and British Columbia will negotiate and attempt to reach agreement concerning the provision of kindergarten to grade 12 education provided by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions to:

- a. non-Maa-nulth-aht residing on its Maa-nulth First Nation Lands; and
- b. its Maa-nulth-aht residing in British Columbia off its Maa-nulth First Nation Lands.

13.21.0 POST-SECONDARY EDUCATION

13.21.1 Each Maa-nulth First Nation Government may make laws in respect of post-secondary education provided by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation including:

- a. the establishment of post-secondary institutions and programs with the ability to grant degrees, diplomas or certificates;
- b. the development of the curriculum for post-secondary institutions established by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions; and
- c. the provision for and coordination of all adult education programs.

13.21.2 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.21.1.

13.22.0 HEALTH

13.22.1 Each Maa-nulth First Nation Government may make laws in respect of health services provided by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.

13.22.2 Maa-nulth First Nation Law under 13.22.1 will take into account the protection, improvement and promotion of public and individual health and safety.

13.22.3 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.22.1.

13.22.4 Notwithstanding 13.22.3, Maa-nulth First Nation Law under 13.22.1 in respect of the organization and structure of its Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions used to deliver health services prevails to the extent of a Conflict with Federal Law or Provincial Law.

13.23.0 SOCIAL DEVELOPMENT

13.23.1 Each Maa-nulth First Nation Government may make laws in respect of social development, including family development services, provided by that Maa-nulth First Nation Government or its Maa-nulth First Nation Public Institutions on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.

13.23.2 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.23.1.

13.23.3 If a Maa-nulth First Nation Government makes laws under 13.23.1, at the request of the applicable Maa-nulth First Nation, Canada or British Columbia, the applicable Maa-nulth First Nation, Canada and British Columbia will negotiate and attempt to reach agreement in respect of exchange of information with regard to avoidance of double payments, and related matters.

13.24.0 SOLEMNIZATION OF MARRIAGES

13.24.1 Each Maa-nulth First Nation Government may make laws in respect of solemnization of marriages, including solemnization of marriages by traditional practices, within British Columbia by individuals designated by that Maa-nulth First Nation Government.

13.24.2 Individuals designated by each Maa-nulth First Nation Government to solemnize marriages:

- a. will be appointed by British Columbia as individuals authorized to solemnize marriages; and
- b. have the authority to solemnize marriages under Provincial Law and Maa-nulth First Nation Law and have all the associated rights, duties and responsibilities of a marriage commissioner under the *Marriage Act*.

13.24.3 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.24.1.

13.25.0 PUBLIC ORDER, PEACE AND SAFETY

- 13.25.1 Each Maa-nulth First Nation Government may make laws in respect of the regulation, control, or prohibition of any actions, activities or undertakings on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation, or on Submerged Lands wholly contained within those Maa-nulth First Nation Lands that constitute, or may constitute, a nuisance, a trespass, a danger to public health, or a threat to public order, peace or safety.
- 13.25.2 Law-making authority under 13.25.1 does not include the authority to make laws in respect of the regulation, control or prohibition of any actions, activities or undertakings on Submerged Lands within the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation that are authorized by the Crown.
- 13.25.3 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.25.1.

13.26.0 EMERGENCY PREPAREDNESS

- 13.26.1 Each Maa-nulth First Nation Government may make laws in respect of its rights, powers, duties, and obligations under 13.26.2a.
- 13.26.2 Each Maa-nulth First Nation Government:
- a. has the rights, powers, duties, obligations; and
 - b. the protections, immunities and limitations in respect of liability,
- of a local authority under Federal Law or Provincial Law in respect of emergency preparedness and emergency measures on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.
- 13.26.3 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.26.1.
- 13.26.4 For greater certainty, each Maa-nulth First Nation Government may declare a state of local emergency on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation and exercise the powers of a local authority in respect of local emergencies in accordance with Federal Law or Provincial Law in respect of emergency measures on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation, but any declaration and any exercise of power is subject to the authority of Canada and British Columbia under Federal Law or Provincial Law.

- 13.26.5 Nothing in this Agreement affects the authority of:
- a. Canada to declare a national emergency; or
 - b. British Columbia to declare a provincial emergency,
- in accordance with Federal Law or Provincial Law.

13.27.0 PUBLIC WORKS

- 13.27.1 Each Maa-nulth First Nation Government may make laws in respect of public works and related services on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.
- 13.27.2 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law made under 13.27.1.

13.28.0 REGULATION OF BUSINESS

- 13.28.1 Each Maa-nulth First Nation Government may make laws in respect of the regulation, licensing and prohibition of businesses on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation, including the imposition of licence fees or other fees.
- 13.28.2 The law-making authority under 13.28.1 does not include the authority to make laws in respect of accreditation, certification or professional conduct of professions and trades.
- 13.28.3 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.28.1.

13.29.0 TRAFFIC, TRANSPORTATION, PARKING AND HIGHWAYS

- 13.29.1 Each Maa-nulth First Nation Government may make laws in respect of traffic, transportation, parking and highways on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation to the same extent as municipal governments have authority to make laws in respect of traffic, transportation, parking and highways in municipalities in British Columbia.
- 13.29.2 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.29.1.

13.30.0 BUILDINGS AND STRUCTURES

- 13.30.1 Each Maa-nulth First Nation Government may make laws in respect of buildings and structures on the Maa-nulth First Nation Lands of the applicable Maa-nulth First Nation.
- 13.30.2 The British Columbia Building Code applies on Maa-nulth First Nation Lands.
- 13.30.3 Subject to 13.30.4, Maa-nulth First Nation Law under 13.30.1 must not establish standards for buildings or structures to which the British Columbia Building Code applies, which are additional to or different from the standards established by the British Columbia Building Code.
- 13.30.4 At the request of a Maa-nulth First Nation Government, British Columbia and that Maa-nulth First Nation Government will negotiate and attempt to reach agreement to enable that Maa-nulth First Nation Government to establish standards for buildings and structures under its Maa-nulth First Nation Law which are additional to or different from the standards established by the British Columbia Building Code.
- 13.30.5 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.30.1.

13.31.0 FINES AND PENALTIES

- 13.31.1 Subject to 13.31.2, 13.31.3, 13.31.5 and 13.31.6, Maa-nulth First Nation Law may provide for the imposition of penalties, including fines, restitution and imprisonment, for the violation of Maa-nulth First Nation Laws.
- 13.31.2 Except as provided in 13.31.3 and 13.31.6, a Maa-nulth First Nation Law may provide for a fine that is not greater than \$10,000 or the general limit for summary conviction offences under section 787 of the *Criminal Code*, whichever is greater.
- 13.31.3 A Maa-nulth First Nation Law in respect of the protection of the Environment may provide for a fine that is not greater than fines that may be imposed for comparable offences punishable upon summary conviction under the *Canadian Environmental Protection Act, 1999*.
- 13.31.4 For greater certainty, a Maa-nulth First Nation Law may provide for the imposition of a fine in respect of a violation of a Maa-nulth First Nation Law made under 21.2.1 by the applicable Maa-nulth First Nation Government in accordance with 13.31.2.
- 13.31.5 Except as provided in 13.31.6, a Maa-nulth First Nation Law may provide for a term of imprisonment for the violation of a Maa-nulth First Nation Law not greater than the general limit for summary conviction offences under section 787 of the *Criminal Code*.

- 13.31.6 A Maa-nulth First Nation Law in respect of taxation may provide for:
- a. a fine that is greater than the limit described in 13.31.2; or
 - b. a term of imprisonment that is greater than the limit described in 13.31.5, where there is an agreement to that effect as contemplated in 19.2.1.

13.32.0 ENFORCEMENT OF MAA-NULTH FIRST NATION LAWS

- 13.32.1 Each Maa-nulth First Nation Government may make laws to provide for:
- a. the appointment of enforcement officers to enforce its Maa-nulth First Nation Law; and
 - b. powers of enforcement, provided such powers will not exceed those provided by Federal Law or Provincial Law for enforcing similar laws.
- 13.32.2 Each Maa-nulth First Nation Government is responsible for the enforcement of its Maa-nulth First Nation Laws and may negotiate agreements for the enforcement of Maa-nulth First Nation Laws by a police force or federal or provincial enforcement officials.
- 13.32.3 The law-making authority in 13.32.1 does not include:
- a. the authority to establish a police force; or
 - b. authorizing the carriage or use of firearms by enforcement officials,
- but nothing in this Agreement prevents a Maa-nulth First Nation Government from establishing a police force in accordance with Provincial Law.
- 13.32.4 Nothing in this Agreement authorizes the establishment or maintenance of places of confinement.
- 13.32.5 If a Maa-nulth First Nation Government appoints officials to enforce its Maa-nulth First Nation Laws, that Maa-nulth First Nation Government will:
- a. ensure that enforcement officials appointed by that Maa-nulth First Nation Government are adequately trained to carry out their duties having regard to recruitment, selection and training standards for other enforcement officers carrying out similar duties in British Columbia; and
 - b. establish and implement procedures for responding to complaints against its enforcement officials.
- 13.32.6 Federal Law or Provincial Law prevails to the extent of a Conflict with Maa-nulth First Nation Law under 13.32.1.

13.32.7 Each Maa-nulth First Nation may, by a proceeding brought in the Supreme Court of British Columbia, enforce, prevent or restrain the contravention of a Maa-nulth First Nation Law of the applicable Maa-nulth First Nation Government.

13.33.0 ADJUDICATION OF MAA-NULTH FIRST NATION LAWS

13.33.1 The Provincial Court of British Columbia has the jurisdiction to hear prosecutions of offences under Maa-nulth First Nation Laws.

13.33.2 In any proceedings, evidence of a Maa-nulth First Nation Law enacted by a Maa-nulth First Nation Government may be given by the production of a copy of the law certified to be a true copy by an individual authorized by that Maa-nulth First Nation Government, without proof of that individual's signature or official character.

13.33.3 The summary conviction proceedings of the *Offence Act* apply to prosecutions of offences under Maa-nulth First Nation Laws.

13.33.4 The Provincial Court of British Columbia has jurisdiction in relation to legal disputes arising between individuals under Maa-nulth First Nation Law if those matters are within the jurisdiction of the Provincial Court of British Columbia under Federal Law or Provincial Law.

13.33.5 The Supreme Court of British Columbia has jurisdiction in relation to legal disputes arising between individuals under Maa-nulth First Nation Law if those matters are within the jurisdiction of the Supreme Court of British Columbia under Federal Law or Provincial Law.

13.33.6 Each Maa-nulth First Nation is responsible for the prosecution of all matters arising from a Maa-nulth First Nation Law of the applicable Maa-nulth First Nation Government, including appeals, and may carry out this responsibility by:

- a. appointing or retaining individuals to conduct prosecutions and appeals, in a manner consistent with the principle of prosecutorial independence and consistent with the overall authority and role of the Attorney General in the administration of justice in British Columbia; or
- b. entering into agreements with Canada or British Columbia in respect of the conduct of prosecutions and appeals.

13.33.7 Unless the Parties otherwise agree, British Columbia will pay to the applicable Maa-nulth First Nation any fines collected, in respect of a penalty imposed on a person by the Provincial Court of British Columbia or the Supreme Court of British Columbia, as the case may be, for an offence under a Maa-nulth First Nation Law of the applicable Maa-nulth First Nation Government on a similar basis as British Columbia makes payments to Canada for fines that may be collected by British Columbia for an offence under a Federal Law.

13.33.8 For greater certainty, the law-making authority of a Maa-nulth First Nation Government does not include the authority to establish a court.

13.34.0 COMMUNITY CORRECTIONAL SERVICES

13.34.1 Each Maa-nulth First Nation Government may provide Community Correctional Services for individuals charged with, or found guilty of, an offence under its Maa-nulth First Nation Law and to carry out such responsibilities as may be provided for in an agreement under 13.34.2, 13.34.4 and 13.34.5.

13.34.2 At the request of a Maa-nulth First Nation, that Maa-nulth First Nation and British Columbia will negotiate and attempt to reach agreement to provide Community Correctional Services in relation to individuals who fall under the jurisdiction of British Columbia on Maa-nulth First Nation Lands for individuals charged with, or found guilty of, an offence under a Federal Law or Provincial Law.

13.34.3 An agreement reached in accordance with 13.34.2 between that Maa-nulth First Nation and British Columbia will address:

- a. recruitment and selection standards for individuals appointed by the applicable Maa-nulth First Nation Government to provide Community Correctional Services;
- b. adherence to provincial operational policy relating to Community Correctional Services, including training standards;
- c. confirmation of the authority of the official charged with the responsibility for investigations, inspections and standards of corrections and youth justice services under Provincial Law; and
- d. provisions for Maa-nulth First Nation Government to provide Community Correctional Services consistent with the needs and priorities of that Maa-nulth First Nation.

13.34.4 Each Maa-nulth First Nation and British Columbia may enter into agreements to enable the applicable Maa-nulth First Nation to provide rehabilitative community based programs and interventions off its Maa-nulth First Nation Lands for Maa-nulth First Nation Citizens charged with, or found guilty of, an offence under a Federal Law or Provincial Law.

- 13.34.5 Each Maa-nulth First Nation and Canada may enter into agreements:
- a. to authorize individuals to provide Community Correctional Services to individuals residing on its Maa-nulth First Nation Lands released from a federal penitentiary or supervised under a long-term supervision order; and
 - b. for the provision of programs and services to individuals residing on its Maa-nulth First Nation Lands released from a federal penitentiary or supervised under a long-term supervision order, including their care and custody.

13.35.0 MAA-NULTH FIRST NATION GOVERNMENT LIABILITY

Maa-nulth First Nation Government Office Holders

- 13.35.1 No action for damages lies or may be instituted against an Office Holder or former Office Holder for:
- a. anything said or done, or omitted to be said or done, by or on behalf of a Maa-nulth First Nation or a Maa-nulth First Nation Government by somebody other than that Office Holder or former Office Holder while that Office Holder is, or was, an Office Holder;
 - b. any alleged neglect or default in the performance, or intended performance, of a duty, or the exercise of a power, of a Maa-nulth First Nation or a Maa-nulth First Nation Government while that Office Holder is, or was, an Office Holder;
 - c. anything said or done or omitted to be said or done by that Office Holder in the performance, or intended performance, of the Office Holder's duty or the exercise of the Office Holder's power; or
 - d. any alleged neglect or default in the performance, or intended performance, of that Office Holder's duty or exercise of that Office Holder's power.
- 13.35.2 13.35.1 does not provide a defence if:
- a. the Office Holder has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
 - b. the cause of action is libel or slander.

- 13.35.3 13.35.1 does not absolve the Maa-nulth First Nation from vicarious liability arising out of a tort committed by an Office Holder or former Office Holder for which the Maa-nulth First Nation would have been liable had 13.35.1 not been in effect.

Maa-nulth First Nation Public Officers

- 13.35.4 No action for damages lies or may be instituted against a Public Officer or former Public Officer:

- a. for anything said or done or omitted to be said or done by that Public Officer in the performance, or intended performance, of the Public Officer's duty or the exercise of the Public Officer's power; or
- b. for any alleged neglect or default in the performance, or intended performance, of that Public Officer's duty or exercise of that Public Officer's power.

- 13.35.5 13.35.4 does not provide a defence if:

- a. the 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 willful misconduct; or
- b. the cause of action is libel or slander.

- 13.35.6 13.35.4 does not absolve any of the corporations or bodies referred to in the definition of Public Officer from vicarious liability arising out of a tort committed by a Public Officer for which the corporation or body would have been liable had 13.35.4 not been in effect.

- 13.35.7 Notwithstanding 13.35.4, except as may be otherwise provided under Federal Law or Provincial Law, a Public Officer does not have protections, immunities or limitations in respect of liability, in respect of the provision of a service, if no individual delivering reasonably similar programs or services under Federal Law or Provincial Law has protections, immunities or limitations in respect of liability and rights under Federal Law or Provincial Law.

Maa-nulth First Nation and Maa-nulth First Nation Government

- 13.35.8 Each Maa-nulth First Nation and Maa-nulth First Nation Government has the protections, immunities, limitations in respect of liability, remedies over, and rights provided to a Municipality and its municipal council under Part 7 of the *Local Government Act*.

13.35.9 Subject to 5.1.2, each Maa-nulth First Nation has the protections, immunities, limitations in respect of liability, remedies over and rights provided to a municipality under the *Occupiers Liability Act*, and, for greater certainty, has those protections, immunities, limitations in respect of liability, remedies over, and rights, in respect of a road on its Maa-nulth First Nation Lands used by the public, or by industrial or resource users, if that Maa-nulth First Nation is the occupier of that road.

13.36.0 WRIT OF EXECUTION AGAINST A MAA-NULTH FIRST NATION

13.36.1 Notwithstanding 13.35.8, a writ of execution against a Maa-nulth First Nation will not be issued without leave of the Supreme Court of British Columbia, which may:

- a. permit its issue at a time and on conditions the court considers proper; or
- b. refuse to permit it to be issued or suspend action under it on terms and conditions the court thinks proper or expedient.

13.36.2 In determining how it will proceed in accordance with 13.36.1, the court must have regard to:

- a. any reputed insolvency of the Maa-nulth First Nation;
- b. any security afforded to the person entitled to the judgment by the registration of the judgment;
- c. the delivery of programs or services by the Maa-nulth First Nation that are not provided by municipalities in British Columbia, and the funding of those programs or services; and
- d. the immunities from seizure of assets of the Maa-nulth First Nation as described in this Agreement.

13.37.0 OTHER MATTERS

13.37.1 Each Maa-nulth First Nation Government may adopt Federal Law or Provincial Law in respect of matters within its Maa-nulth First Nation Government authority as described in this Agreement.

13.37.2 For greater certainty, the authority of each Maa-nulth First Nation Government to make laws in respect of a subject matter as described in this Agreement includes the authority to make laws and to do other things as may be necessarily incidental to exercising its authority.