

Administrative Review and Judicial Proceeding Act Summary

The Tsawwassen First Nation *Constitution Act* provides for the establishment of a Judicial Council to adjudicate listed matters, including

- (a) determining the validity of Tsawwassen Laws;
- (b) resolving disputes between Members and elected officials;
- (c) making recommendations to courts on the sentencing of Members, where requested;
- (d) investigating any financial irregularities that may occur;
- (e) hearing appeals of administrative decisions;
- (f) resolving disputes between Members; and
- (g) resolving disputes between government bodies;

In addition to these matters, the Executive Council has the authority to assign other duties to the Judicial Council. Many of the Tsawwassen Laws provide for a review or appeal of decisions by the Judicial Council of actions taken by Tsawwassen Government or employees. The Judicial Council also has the authority to encourage the use of consensual alternative dispute resolution methods in an effort to avoid reliance on the court system.

Under the Act, final orders of the Judicial Council will be enforced by the Provincial or Supreme Courts of British Columbia, as if they were orders of either of those courts. Some final orders of the Judicial Council may be appealed to the British Columbia Supreme Court. Where there is no right of appeal to the Supreme Court, the order or decision of the Judicial Council is final.

The Act also provides for the appointment of a Tsawwassen First Nation prosecutor. The prosecutor will prosecute Tsawwassen Laws in Provincial Court in the same fashion as Crown Counsel prosecutes provincial or federal laws. Tsawwassen First Nation elected to retain its own prosecutor in order to have that person work with offenders in a way that reflects Tsawwassen First Nation culture and traditions.