



TSAWWASSEN FIRST NATION
s'cəwaθən məsteyəx^w

Administrative Review and Judicial Proceedings Act

**ADMINISTRATIVE REVIEW AND JUDICIAL PROCEEDINGS
REGULATION**

Date Enacted: 3 April 2009

Order Number: O.046-2009

Last Amended: 17 September 2012

This version of the Regulation is not the official version, and is for informational purposes only. Persons who need to rely on the text of the Regulation for legal or other purposes may access the official version held in the TFN Laws Registry by contacting the TFN Administration Office at (604) 943-2112.

Table of Regulation Changes

| Section(s) Amended | Date | Order number |
|---------------------------|-------------|---------------------|
| s.4 | 15/03/2011 | O.019-2011 |
| s.5 | 02/02/2012 | O.047-2012 |

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Interpretation

- 1 In this regulation:
 “Act” means the *Administrative Review and Judicial Proceedings Act*.

Definitions

- 2 Unless specifically provided otherwise in these regulations, the terms used have the same meanings as in the Act.

Complaints

- 3 (1) Where a complaint is made in respect of a decision or action take by a Tsawwassen employee under Part 1 of the Act, the chief administrative officer may, after investigating the complaint, take any of the following actions in respect of that complaint,
- (a) dismiss the complaint;
 - (b) issue a verbal warning;
 - (c) issue a written warning;
 - (d) dismissal of the employee; or
 - (e) any other action deemed appropriate in the circumstances.
- (2) If upon investigation by the chief administrative officer, an employee is dismissed from employment, the employee may file a notice of appeal to the Judicial Council.
- (3) If an appeal is filed under section (2), the appeal shall be filed in accordance with the rules of procedure of the Judicial Council.

Length of term of Judicial Council

- 4 (1) For the first sitting Judicial Council, appointed as of April 3, 2009, the terms of office will be for,
- (a) the chair, a term of 1 year;
 - (b) the two legal members, a term of 5 years;
 - (c) the member with an accounting background, a term of 3 years; and
 - (d) the member who is a Tsawwassen Member, a term of 3 years.
- (2) If a member referred to in (1) dies, resigns or is removed from office in accordance with sections 23 or 24 of the Act, the Executive Council may determine the subsequent term of office for re-appointment of any of the members of the first sitting Judicial Council.
- (3) The Executive Council will, upon the advice of the chair, determine the term for any new member appointments to the Judicial Council.
- (4) Prior to the expiration of a term of a chair of the Judicial Council, the Executive Council will determine,
- (a) whether to re-appoint the chair for a further 1 year term, or
 - (b) if the Executive Council will not re-appoint the chair, advise the chair of that decision in writing.

[Amended by Order number O.019-2011]

Remuneration for members

- 5 (1) The Executive Council authorizes the following remuneration for the first sitting members appointed to the Judicial Council for,
- (a) the chair, who shall be legally trained, at an hourly rate of \$300, to a daily maximum of \$2,000 per day;
 - (b) the vice-chair, who shall be legally trained, at an hourly rate of \$250, to a daily maximum of \$1,500 per day;
 - (c) a member, who shall be legally trained, at an hourly rate of \$225, to a daily maximum of \$1350 per day;
 - (d) a member with an accounting background, at an hourly rate of \$150 per hour; and
 - (e) a Tsawwassen Member, at an hourly rate of \$75 per hour.

[Amended by Order number O.047-2012]

- (2) The appointees shall be paid reasonable expenses in accordance with section 16 (1) of the *Government Employees Act*.

Prosecutor Term

- 6 The prosecutor retained, by order of the Executive Council, will hold the position for a term of 1 year, which term may be extended by order of the Executive Council.

Prosecutor Remuneration

- 7 (1) The prosecutor retained by Tsawwassen Government will be remunerated at an hourly rate of \$200 per hour.
- (2) The prosecutor shall be paid reasonable expenses in accordance with section 16 (1) of the *Government Employees Act*.