

GOVERNMENT BILL

**First Session, Thirty-fourth Parliament
36 Elizabeth II, 1987
Legislative Assembly of British Columbia**

BILL 4

**SECHELT INDIAN GOVERNMENT DISTRICT
ENABLING ACT**

**Honourable Stephen Rogers
Minister of Intergovernmental Relations**

Explanatory Notes

This Bill enables the Province to extend Municipal benefits to the Sechelt Indian Government District, and to provide assistance where the District desires to provide municipal type services.

MINISTER OF INTERGOVERNMENTAL RELATIONS.

BILL 4 - 1987

SECHELT INDIAN GOVERNMENT DISTRICT
ENABLING ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpretation

1. (1) In this Act

"**Advisory Council**" means the Advisory Council established under section 2;

"**District Council**" means the Sechelt Indian Government District Council established by the *Sechelt Indian Band Self-Government Act (Canada)*;

"**municipal benefit**" includes a service, a grant of money, a right or eligibility to participate in a program, and any other benefit available to a municipality under an enactment;

"**Proclamation**" means a Proclamation made pursuant to this Act and issued under the Great Seal of the Province;

"**referendum**" means a referendum held in accordance with the constitution of the Sechelt Indian Band established by the *Sechelt Indian Band Self-Government Act (Canada)*;

"**Sechelt Indian Government District**" means the Sechelt Indian Government District established by the *Sechelt Indian Band Self-Government Act (Canada)*.

(2) Nothing the Lieutenant Governor in Council may by Proclamation issued under the Great Seal of the Province, recognize the District Council as the governing body of the Sechelt Indian Government District or Advisory Council of legislative powers.

2. (1) The Lieutenant Governor in Council may by Proclamation issued under the Great Seal of the Province, recognize the District Council as the governing body of the Sechelt Indian Government district.
- (2) Where a Proclamation is issued, the Lieutenant Governor in Council shall by regulation establish an Advisory Council to represent all the residents of the Sechelt Indian Government District.

Laws and bylaws

3. Where in the exercise of its powers of self-government conferred by the *Sechelt Indian Band Self-Government Act* (Canada) the District Council enacts laws or bylaws that a municipality has power to enact under an Act of the Province, those laws or bylaws shall, for the purposes of this Act, be deemed to have been enacted under the authority of that Act of the Province.

Municipal benefits

4. (1) The Lieutenant Governor in Council may by regulation declare that the District Council is entitled to or eligible for municipal benefits specified in the regulation.
- (2) The Lieutenant Governor in Council may prescribe requirements to be met by the District Council as a condition of being entitled to or eligible for a municipal benefit and, where he considers it necessary or desirable, may, for this purpose make applicable a provision of an enactment.
- (3) The Lieutenant Governor in Council may by regulation
 - (a) vary or withdraw the entitlement or eligibility of the District Council to or for a municipal benefit, or
 - (b) specify an additional municipal benefit to which the District Council shall be entitled or for which it shall be eligible.

Suspension of taxation under Municipal Act and Taxation (Rural Area) Act

5. Where a Proclamation has been issued and the District Council desires to provide services in respect of the Sechelt Indian Government District of a nature similar to services provided by a municipality, the Lieutenant Governor in Council may by regulation, for the purpose of assisting the District Council to provide those services, suspend, to the extent and subject to conditions he considers necessary or desirable, the liability of persons to taxation in respect of their interests in lands in the Sechelt Indian Government District under the following Acts:

- (a) *Municipal Act*;
- (b) *Taxation (Rural Area) Act*.

Repeal and continuation

- 6. (1) This Act is repealed on June 30, 2006.
- (2) Subsection (1) does not apply where the Lieutenant Governor in Council
 - (a) is satisfied that a referendum held during the year 2004, approves the continuation of this Act in force after June 30, 2006, and
 - (b) prescribes a further period during which this Act continues in force, and this Act is repealed on the expiration of the period so prescribed.

Regulations

- 7. (1) Nothing in this section limits the scope of section 2(2), 4 or 5, and nothing in those sections limits the scope of this section.
- (2) The Lieutenant Governor in Council may make regulations including regulations considered necessary or advisable to
 - (a) facilitate the exercise and discharge by the District Council of powers, duties and functions analogous to those of a municipality,
 - (b) delegate or entrust to the District Council administrative duties, functions and responsibilities that the Lieutenant Governor in Council considers desirable and consistent with the local administration of municipal services,
 - (c) for the purpose of assisting the District Council to exercise and discharge a power, duty, function or responsibility, make applicable in respect of the District Council a provision of an enactment,
 - (d) appoint or provide for the appointment of the initial members of the Advisory Council and for election of their successors,
 - (e) authorize and empower the Advisory Council to receive from the District Council, and to expend, money required for the conduct of elections and for the conduct of the business of the Advisory Council, and

- (f) confer on the advisory Council any powers, duties and functions considered necessary or advisable to carry out its purpose as an advisory body to the District Council.

Commencement

- 8. This Act comes into force by regulation of the Lieutenant Governor in Council.