

NISGA'A LISIMS GOVERNMENT

NISGA'A LISIMS GOVERNMENT EXECUTIVE

NISGA'A PROGRAMS AND SERVICES REGULATION

made under the

NISGA'A PROGRAMS AND SERVICES DELIVERY ACT

The Nisga'a Lisims Government Executive enacted this regulation on

Oct 25, 2017

REGISTRY OF NISGA'A LAWS

This cover and the following 4 pages are a certified true copy of

Nisga'a Programs + Services

Regulation

the original of which is deposited in the Registry of Nisga'a Laws as document NLGSR 2017/05.

Signed

Brian Tait
Brian Tait, Chairperson

Date November 30 2017 Signed [Signature]

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NISGA'A PROGRAMS AND SERVICES REGULATION

Definitions

1. (1) In this Regulation:

“Act” means the *Nisga'a Programs and Services Delivery Act*;

“agency” means an authority, board, committee, corporation, society or other entity authorized to act on behalf of a party;

“director” means the director of programs and services;

“program” means a program established by the Executive pursuant to the Act; and

“social or education program” means a program established by the Executive pursuant to section 20(1), 21(1) or 23(1) of the Act.

- (2) Unless the context otherwise requires, a word or expression that is used but not defined in this Regulation has the same meaning as in the Act.

Cancellation of certain programs or services delivery agreements

2. Any programs or services delivery agreement between the Nisga'a Nation and a Nisga'a Village entered into prior to the date of this Regulation is, to the extent it remains in effect, terminated and cancelled.

Provision of information and policies

3. (1) The director must, upon receipt of a written request by a Nisga'a Village Government, provide the Nisga'a Village Government with copies of

(a) any policies prepared by or available to the Nisga'a Nation, or

(b) any publicly available information or guidelines produced by or available to the Nisga'a Nation,

which are relevant to a program or service under the functional control of that Nisga'a Village Government.

- (2) A Nisga'a Village Government must, upon receipt of a written request by the Chief Financial Officer or the director, and within the time specified by that person, provide that person with

- (a) any information which the Nisga'a Nation must provide under, or which is necessary to prepare a report required by, the terms of a fiscal agreement with a senior government,
 - (b) any reports required by a program or otherwise requested by the director,
 - (c) detailed information on expenditures made by the Nisga'a Village Government in respect of a program, for the period specified in the written request,
 - (d) copies of any policy of the Nisga'a Village Government in respect of the provision of programs or services, or
 - (e) any other information available to the Nisga'a Village Government in respect of the provision of programs or services.
- (3) A Nisga'a Village Government must, within 30 days of
- (a) adopting a new policy in respect of the provision of programs or services, or
 - (b) changing or replacing a policy provided to the Chief Financial Officer or the director under section 2(c),
- provide the director with a copy of the new, changed or replaced policy.

Insurance

4. (1) Each Nisga'a Village must obtain and maintain comprehensive general liability insurance against claims for personal injury, death, damage to or loss of property, occurring at or about any lands or premises that are owned, leased or occupied by the Nisga'a Village, or occupied by facilities of the Nisga'a Village, in respect of the applicable Nisga'a Village Government's provision of programs and services.
- (2) The insurance referred to in subsection (1) must
- (a) be with one or more companies satisfactory to the Chief Financial Officer,
 - (b) name the Nisga'a Nation as an additional insured, and
 - (c) not be for less than \$5,000,000 or such other amount which the Chief Financial Officer may determine from time-to-time and provide notice of to a Nisga'a Village Government.
- (3) A Nisga'a Village Government must deliver to the Chief Financial Officer

NISGA'A PROGRAMS AND SERVICES REGULATION

- (a) certificates evidencing every policy of insurance required by subsection (1), immediately after the insurance is obtained, and
- (b) certificates of renewal for every policy of insurance required by subsection (1), or other evidence satisfactory to the Chief Financial Officer that the such insurance has been renewed or replaced, at least ten days before the expiry of any such policy of insurance.

Delegation

5. (1) Each Nisga'a Village may delegate any of its obligations under a program, other than those elements of a social or education program that the Act requires be under the functional control of the Village, by an agreement in writing, provided that:
- (a) delegation is permitted by the terms of the program,
 - (b) the agreement contains provisions that ensure that the agency
 - (i) has a specific mandate, a clearly identified role and defined relationship with the Nisga'a Village,
 - (ii) complies with the accountability and reporting requirements of the Act, any regulations made under the Act, and the Program,
 - (iii) complies with all applicable laws, and any policies of the Nisga'a Nation, with respect to the privacy and the confidentiality of personal information, and
 - (iv) maintains financial records and prepares financial statements that are audited by an independent auditor recognized in the Province of British Columbia and that include a separate schedule of revenues and expenditures for each Program,
 - (c) the agreement is executed by the Nisga'a Village and the authorized representatives of the agency,
 - (d) the agreement does not create, or purport to create, any agency, association employer-employee, or joint venture relationship between the agency and the Nisga'a Nation, and
 - (e) the Nisga'a Village ensures that the Nisga'a Nation has reasonable access, on two weeks' notice by the Nisga'a Nation to the Nisga'a Village, to the premises and all records of the Nisga'a Village and the Agency relating to any service or program delegated by the Village.
- (2) Notwithstanding any delegation of obligations under this section, a Nisga'a Village remains liable for the performance of all its obligations under the Act, any regulations made under the Act, and the program.