

NISGA’A LISIMS GOVERNMENT

NISGA’A LISIMS GOVERNMENT EXECUTIVE

**PROGRAMS AND SERVICES
ADMINISTRATION REGULATIONS**

made under the

NISGA’A PROGRAMS AND SERVICES DELIVERY ACT

**UNOFFICIAL CONSOLIDATION
CURRENT TO JULY 26, 2005**

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Authority

1. These regulations are made under the *Nisga'a Programs and Services Delivery Act*.

Definitions

2. (1) In these regulations:

"Aboriginal Justice Worker Program" means the Aboriginal Justice Worker Program as described in the Corrections Branch Program Services Agreement made as of the 20th day of March, 2003 between British Columbia and the Nisga'a Nation, as extended, renewed, amended or replaced from time to time;

"Act" means *the Nisga'a Programs and Services Act*, enacted by Wilp Si'ayuukhl Nisga'a May 11, 2000;

"administering authority" means the person or body, including a health service provider or housing services provider, responsible for the implementation, functional control or delivery of any programs and services;

"Alternative Measures Program" means the Alternative Measures Program as described in the Corrections Branch Program Services Agreement made as of the 20th day of March, 2003 between British Columbia and the Nisga'a Nation, as extended, renewed, amended or replaced from time to time;

"core programs and services" means the following programs and services:

- (a) Nisga'a population data base described in Part 3 of the Act;
- (b) health programs and services described in Part 5 of the Act;
- (c) social services described in Part G of the Act;
- (d) education programs and services described in Part 7 of the Act;
- (e) residential housing program described in Part 8 of the *Nisga'a Capital (New Asset) Finance Commission Act*;
- (f) government functions as and to the extent described in sections 21 and 22 of the fiscal financing agreement;

- (g) local programs and services as and to the extent described in section 23 of the fiscal financing agreement;
- (h) maintenance and replacement of capital assets as and to the extent described in section 25 of the fiscal financing agreement.

"fiscal financing agreement" means the Nisga'a Nation Fiscal Financing Agreement dated April 27, 1999 and any subsequent fiscal financing agreement;

"form and substance" includes all program or service

- (a) purposes and objectives,
- (b) policies, standards and criteria,
- (c) practices and systems, including management practices and systems,
- (d) procedures, including procedures required to ensure evaluation as to economy, efficiency and effectiveness, and
- (e) reporting;

"public programs and services" means the programs and services described in Part 2 of these regulations;

"Yuuhlimk'askw Alternative Justice Program" means the Yuuhlimk'askw Alternative Justice Program as described in the Bilateral Contribution Agreement made as of April 1, 2003 between Canada and the Nisga'a Nation, as extended, renewed, amended or replaced from time to time.

- (2) Unless the context otherwise requires words and expressions used in these regulations and not otherwise defined have the same meanings as in the Act.

Part 1 - Assignments and Delegations to Director

Responsibilities under section 6(a) of Act

3. For the purposes of section 6(a) of the Act, the director is assigned responsibility for the implementation and provision of functional control of the delivery of
 - (a) the following core programs and services:
 - (i) Nisga'a population data base described in Part 3 of the Act;
 - (ii) child and family services that the Nisga'a Nation must deliver under a Nisga'a Child and Family Services Agreement under section 19 of the Act;
 - (iii) those elements of the social services program, established by the executive under section 20 of the Act, that are indicated to be administered by the director;
 - (iv) those elements of the nursery school program, established by the executive under section 21 of the Act, that are indicated to be administered by the director;
 - (v) those elements of the post-secondary education funding program, established by the executive under section 23 of the Act, that are indicated to be administered by the director;
 - (vi) maintenance of a public enrollment register;
 - (b) public programs and services.

Program development under sections 13(1)(a), 20, 21, 22(2) and 23

4. (1) With respect to
 - (a) a program under section 13(1)(a), 20, 21, 22(2) and 23 of the Act, the director must, when requested by the executive, and subject to any instructions or conditions specified by the executive, develop and recommend to the executive, or its delegate under section 4 of the Act, the form and substance of the program or services,

- (2) The form and substance of a program referred to in subsection (1) must give effect to the requirements of the section of the Act that requires the program to be established.

Responsibilities of director under Part Four of the Act

5. After consultation with the Director of Finance and the chief executive officer, the director must make recommendations to the executive in respect of the terms and conditions to be included in
- (a) health programs or services agreements under section 18 of the Act,
 - (b) education programs or services agreements under section 22 of the Act, and
 - (c) any other program or service delivery agreement specified by a written directive of the executive.

Responsibility for monitoring programs and services

6. (1) The director is responsible
- (a) for establishing procedures for program and services reviews, and
 - (b) for conducting such reviews at regular intervals and as required in any applicable
 - (i) program and services policies, or
 - (ii) programs or services delivery agreements.
- (2) Without limiting section 9 of the Act, the director, or the director's designate, may at any time conduct a compliance audit of any program or service by reviewing all or a random sampling of the records of an administering authority of a program or service.
- (3) If the director identifies any deficiencies in the programs or services or any failures in the programs or services to meet any applicable requirements of the Act, these regulations, executive approved policies, practices or procedures, fiscal financing agreements, programs or services delivery agreements, the director may give a written notice to the administering authority requiring that
- (a) the authority submit an action plan to correct any deficiencies or failures within a specified time period, or

- (b) the authority take specified corrective or remedial action within a specified time period.
- (4) For greater certainty, reviews conducted by the director under this section will not evaluate the economy, efficiency or effectiveness of the delivery of programs or services.

Report of deficiencies or failures to executive

- 7. (1) The director must make a report to the executive respecting
 - (a) any deficiency in the programs or services or any failure in the programs or services to meet any applicable requirements of the Act, these regulations, executive approved policies, practices or procedures, fiscal financing agreements, or programs or services delivery agreements,
 - (b) any notice given by the director under section fi(3),
 - (c) any response of the administering authority to a notice given wider section 6(3), and
 - (d) any recommendations for addressing a deficiency or failure in a program or service that has not been remedied or corrected.
- (2) The director must give a copy of a report under subsection (1) to the chief executive officer, the Director of Finance and the administering authority in respect of which the report has been made.

Programs and services reporting

- 8. (1) The director is responsible for developing and implementing the systems and procedures required to enable the Nisga'a Nation to make any required reports respecting the programs and services under any fiscal financing agreements, other agreements or applicable laws and for monitoring the implementation of those systems and procedures.
- (2) The director must report to the executive any obstacles to the ability of the Nisga'a Nation to make the reports referred to in subsection (1) and make recommendations for removing such obstacles.
- (3) This section does not apply to the reporting of financial information.

Program amendments

9. The director may at any time, and must no less often than once each fiscal year, review the form and substance of programs and services
- (a) established or maintained under sections 3(2), 13{1 } (a), 20, 21 or 23 of the Act, or
 - (b) that are delivered by a Nisga'a Village under a program and service delivery agreement under section 22(2) of the Act

and may, with the approval of the chief executive officer, recommend changes to the form or substance of the program or services to the executive, or its delegatee under section 4 of the Act.

Director of Finance

10. The Director of Finance will assist the director in
- (a) the development of all fiscal elements of a program or service referred to in section 4 or 12 of these regulations, and
 - (b) a review of the fiscal elements of programs and services carried out by the director under section 9 of these regulations,

including the development and review of any program or service requirements that the director, the chief executive officer, or the Director of Finance, considers appropriate

- (c) to ensure that the program or service and its management and administration comply with the requirements of the *Nisga'a Financial Administration Act*, and
- (d) to enable the chief executive officer to carry out their responsibilities under section 8 of the Act.

Chief executive officer

11. The director will report to, and act under the direction of, the chief executive officer in carrying out their responsibilities under these regulations.

Programs and services planning

12. (1) The director is responsible for the strategic planning of the delivery of programs or services and for presenting such plans to the executive for approval.
- (2) Strategic plans under subsection (1) must take into account the availability of funding for such programs and services and any priorities directed by the executive.

Consultations

13. The director may consult with Nisga'a Villages and any other administering authorities respecting any aspect of programs and services and must consult with any other parties if the Nisga'a Nation is required to do so under any agreement or applicable law.

Part 2 - Public Programs and Services

Program development under section 3(2)

14. Where the executive determines to, or on the direction of Wilp Si'ayuukhl Nisga'a must, establish a public program or services under section 3(2) of the Act, the director must, subject to any instructions or conditions specified by the executive, develop and recommend to the executive, or its delegatee under section 4 of the Act, the form and substance of the program or services.

Responsibility of director for public programs and services

15. (1) The director is assigned responsibility for the implementation and provision of functional control of the delivery of the following public programs and services.
- (a) programs in respect of access to justice for Nisga'a citizens implemented through
 - (i) the Yuuhlimk'askw Alternative Justice Program,
 - (ii) the Alternative Measures Program,
 - (iii) the Aboriginal Justice Worker Program, and
 - (iv) any other program approved by a written directive of the executive;
 - (b) the programs and services provided by the Ayuukhl Nisgaa. Department to protect, preserve and promote Nisga'a language, culture and history; and
 - (c) any other program or services authorized by a written directive of the executive.
- (2) The authority of the director under subsection (1) is subject to any instructions or conditions specified by the executive.