


TŁICHQ GOVERNMENT

TŁICHQ FINANCE AND HUMAN RESOURCES LAW

Pursuant to section 66 of the Tłıchq Assembly Rules of Order, the Tłıchq Assembly enacted this law on April 25, 2013 by unanimous consent.

Eddie Erasmus, Grand Chief of the Tłıchq Government, signed this law on April 25, 2013.

Signature:  Date: April 25/13
Certified as a True Copy by Bertha Rabesca Zoe as of April 25, 2013.
Laws Guardian, Tłıchq Government

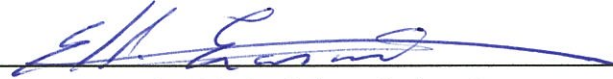
DISPOSITION

DATE OF INTRODUCTION	CONSIDERATION	CONSENSUS	EFFECTIVE DATE
April 24, 2013	April 24, 2013	April 25, 2013	April 25, 2013

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TŁCHQ FINANCE AND HUMAN RESOURCES LAW

Title

1. This Law shall be cited as the *Tłchq Finance and Human Resources Law*.

Definitions

2. In this Law,

“Assembly” has the same meaning as in the Tłchq Constitution.

“Chief’s Executive Council” has the same meaning as in the Tłchq Constitution.

“Departmental Establishment Policy” has the same meaning as in the Tłchq Assembly and Chief’s Executive Council Law.

“director” means the person who supervises and administers the financial and human resources administration of the Tłchq Government under a Departmental Establishment Policy.

“employee” means a person employed by Tłchq Government.

“Tłchq Government” means the Tłchq Government and its institutions as defined in the Tłchq Constitution.

“Tłchq monies” means all funds held, due or attributable to the Tłchq Government.

PART ONE

Fiscal Year

3. The fiscal year of the Tłchq Government shall be the period from April 1 in one year to March 31 of the following year.

Chief's Executive Council

4. (1) The Chief's Executive Council shall be responsible for the administration of the financial affairs of the Tłchq Government, including matters relating to

- (a) establishing accounting policies and practices for the Tłchq Government, including the form and content of accounts;
- (b) the management practices of the Tłchq Government;
- (c) the management of Tłchq monies, public property and investments;
- (d) the management and control of revenue, disbursements and assets of the Tłchq Government;
- (e) the evaluation of programs of the Tłchq Government;
- (f) the management, control and direction of the staff of the Tłchq Government, including classification of positions, establishment of a job evaluation system, review of rates of pay and benefits and discipline of employees of the Tłchq Government; and
- (g) the internal audit of Tłchq Government statements.

(2) The Chief's Executive Council may, to assist in the performance of its powers and duties under this and any other Tłchq Law, issue decisions which shall be followed by employees of the Tłchq Government.

Financial Statements

5. (1) The director shall prepare the financial statements for the Tłchq Government for each fiscal year in accordance with the Tłchq Government's accounting policies established by the Chief's Executive Council and shall transmit the statements to the Chief's Executive Council no later than the 15th day of July next following the end of the fiscal year to which the statements apply.

(2) The financial statements shall contain the following

- (a) a statement of the Tłchq Government's accounting policies as established by the Chief's Executive Council;
- (b) statements of the financial position of the Tłchq Government as of the end of the fiscal year, the revenues and expenditures of the Tłchq Government for that fiscal year and any changes in the financial position of the Tłchq Government in that fiscal year relative to the previous fiscal year;
- (c) statements prepared in a form directed by the Chief's Executive Council of
 - (i) appropriations for the fiscal year compared to the actual expenditures and the amount unexpended for that fiscal year,
 - (ii) the debt, if any, guaranteed by the Tłchq Government as at the end of that fiscal year,
 - (iii) other accounts and information that are necessary to show the financial position of the Tłchq Government with respect to that fiscal year,
 - (iv) any assets, debts and obligations written off in that fiscal year,
 - (v) any debts and obligations extinguished in that fiscal year, and
 - (vi) any other financial information required by the Chief's Executive Council;

(3) The statements must contain the following

- (a) the report of the auditor appointed by the Tłchq

- Assembly to review the financial statements; and
- (b) any other information required by the Chief's Executive Council.

Appointment of the Auditor

6. The Assembly shall appoint an auditor to audit and report upon the financial statements of the Tł̨ch̨ Government.

Deposit of Money

7. (1) The director may establish, in the name of the Tł̨ch̨ Government, accounts for the deposit of Tł̨ch̨ monies and those accounts must be with a Canadian chartered bank or trust company.

(2) Every person who collects or receives Tł̨ch̨ monies shall give all Tł̨ch̨ monies to the director.

(3) The director shall deposit all Tł̨ch̨ monies that he or she receives to the credit of the Tł̨ch̨ Government.

(4) Every person who collects or receives Tł̨ch̨ monies shall keep a record of the money received in such form and manner as the director directs.

Interest on Overdue Accounts

8. (1) The Chief's Executive Council may require a person who owes or is liable to pay money to the Tł̨ch̨ Government to pay interest on the outstanding amount at a rate set out in the regulations.

(2) A rate prescribed under subsection (1) may be general or specific and interest is recoverable as a debt due to the Tł̨ch̨ Government.

Annual Budgets

9. (1) The Chief's Executive Council shall cause an annual budget to be prepared for each fiscal year.

(2) The annual budget containing estimates of revenues and expenditures by department, program and activity and for goods and services to be purchased in that fiscal year shall be presented to the Assembly for approval.

(3) Throughout the fiscal year, as required, the Assembly may cause an amended annual budget to be prepared by the Chief's Executive Council and may approve the amended annual budget.

(4) The Tł̓ch̓q̓ Government shall not approve in its approved annual budget any current-year expenditures beyond the amount of revenue available for that year including and any accumulated revenue surplus of prior years.

(5) To assist in the preparation of annual budgets, the Chief's Executive Council may establish a multi-year financial planning system as part of the annual budgeting process.

Payments

10. (1) No payment of Tł̓ch̓q̓ monies shall be made at any time for any purpose unless the approved annual budget authorizes the payment to be made for that purpose at that time.

(2) Notwithstanding subsection (1), the Assembly may authorize the payment of Tł̓ch̓q̓ monies that are urgently required for the public good even though this money has not been identified in the approved annual budget.

(3) Where a payment is so authorized in subsection (2), the Assembly shall amend the annual budget.

Contracts

11. (1) The Chief's Executive Council may authorize an officer or agent to negotiate contracts subject to such terms and conditions as the Chief's Executive Council considers necessary.

(2) A contract shall not be entered into and is not enforceable against the Tłchq Government unless entered into by the Chief's Executive Council or its duly authorized officer or agent.

Accounting of Authorized Spending of Tłchq Monies

12. Every person authorized to spend Tłchq monies shall account for it in the manner provided under this Law or the regulations or as set out in a decision of the Chief's Executive Council.

Power to invest

13. (1) Tłchq monies may, on terms and conditions approved by the Chief's Executive Council Council, be invested in one or more of the following

- (a) securities that are obligations of or are guaranteed by Canada, a province or a territory;
- (b) fixed deposits, notes or certificates guaranteed by a bank; or
- (c) commercial paper issued by a company incorporated under the laws of Canada or of a province, the securities of which are rated in the highest rating category by at least two recognized security rating institutions.

(2) An investment held under this section may be disposed of and any net income resulting from an investment in any fiscal year from the purchase, holding or sale of securities shall be credited to revenues of that fiscal year and any net loss shall be charged to an account within the annual approved budget for that purpose.

Loans

14. The Chief's Executive Council, on the consent of the Tłchq Assembly, may loan Tłchq monies, subject to any limitation set out in a regulation under this law.

Authority to borrow

15. No money shall be borrowed or security issued by the Tłchq Government except as authorized by the Tłchq Assembly through a regulation made under this law.

Records respecting Tłchq monies

16. (1) All records respecting Tłchq monies that are kept, used by, received or taken into the possession of a person who is or was responsible for the collection, management or disbursement of Tłchq monies or the accounting for it, and all money, securities or things of value received or taken into his or her possession by reason of his or her responsibilities for Tłchq monies, belong to the Tłchq Government.

(2) Any person who destroys records respecting Tłchq monies, except as authorized by the regulations, commits an offence.

PART TWO

17. The Chief's Executive Council is responsible for human resources management within the Tłchq Government which includes the following:

- (a) setting employee personnel policies, standards, procedures, remuneration, benefits and related matters;
- (b) determining positions within the Tłchq Government;
- (c) establishing offices of directors within the Tłchq Government;
- (d) establishing terms and conditions of employment,

- including remuneration, for any director;
- (e) establishing policies for the payment or reimbursement of expenses, including accommodations, meals, travel and similar expenses;
- (f) setting employee resignation, disciplinary, suspension and termination policies;
- (g) providing direction to the Tł̥ch̥ Executive Officer in carrying out the responsibilities and exercising his or her authority under this law and the regulations; and
- (h) entering into contracts of employment or contracts for services.

Consequential Repeal

- 18. The *Tł̥ch̥ Finance Law* is hereby repealed.
- 19. The *Tł̥ch̥ Human Resources Law* is hereby repealed.

Regulations

- 20. The Assembly may enact regulations for the carrying out of the purposes and provisions of this law.

Coming into Force

- 21. This law comes into force on the date the Grand Chief signs this law.