



Tsawwassen First Nation

June 15, 2007

What is Errata and why are we doing Errata?

Canada, British Columbia and Tsawwassen First Nation agreed in the Final Agreement, chapter 24, that before the Agreement was signed, the Chief Negotiators could agree to make minor changes. These minor changes are called "Errata". The Parties did this because they were concerned that despite their best efforts, in a complicated agreement such as the treaty, there might be:

- technical or grammatical mistakes,
- clauses that are not as clear as they could be, or
- issues that were not fully covered.

The Chief Negotiators have now agreed on a list of Errata and the purpose of this memo is to describe them in general terms.

Summary of the Errata

Changes for Technical or Grammatical Mistakes

These are changes to the Agreement to correct grammar and cross-references. For example, in clause 106 of the Lands chapter we referenced another clause (a cross-reference) but identified the wrong clause number so in the Errata document we changed the cross-reference from clause 102 to clause 105.

Changes for Clarity

These are changes which we have made mostly because as other people and lawyers not involved in the negotiations read the Agreement they told us that our intentions were not as clearly set out as they could be. A good example of this situation is that we defined the "Greater Vancouver Transportation Authority" ("GVTA") in the Definitions chapter and used that defined term in the Intergovernmental Relations and Services chapter. But we realized that GVTA's name might be changed as well as how it is structured and so we added the words "and its successors" to the definition of the GVTA. That way it is clear that if its name is changed the provisions of the Agreement will still apply to it.

Changes for Issues not Fully Covered.

In two chapters, there were changes made because the Parties had not recognized all the issues that needed to be covered or found that they could

provide certain law-making powers to Tsawwassen First Nation in a more straightforward way.

The first area of concern was the Land Title chapter. British Columbia brought forward a number of proposed changes after they had started to work on their Settlement Legislation (changes in provincial legislation that are required to give affect to the Tsawwassen Final Agreement) . Three clauses were added to that chapter (new clauses 2, 8 and 10). The Land Title changes better meets the needs of Tsawwassen First Nation by providing Tsawwassen with a greater ability to manage the lands. These amendments will give Tsawwassen similar rights to the provincial, municipal governments and the regional districts under the Land Title Act.

The second area of concern was the wording of the law-making authority given to Tsawwassen Government for adoption and for Child Protection Services. The law-making power for adoption in the Agreement required that Tsawwassen Laws establish standards comparable to provincial standards to ensure the best interests of the Child were protected. This meant that someone could challenge the validity of a Tsawwassen Law on the basis it did not include standards comparable to provincial standards. The Province has agreed to remove the requirement to have comparable standards in Tsawwassen Laws. Instead, if Tsawwassen Government does make laws about adoption it will also develop standards that promote the best interests of the Child but no one will be able to challenge an adoption by arguing that the “standards” in the Tsawwassen Law were not “comparable” to provincial standards.

The same kind of change has been agreed for Tsawwassen Government law-making authority for child protection services. Now instead of being required to have “comparable standards” in the laws , Tsawwassen Government must develop operation and practice standards intended to ensure the Safety and Well being of children.

Not every clause regarding law-making authorities in adoption and child protection services has been changed but it was easier to replace all the clauses than to try to make changes to each sub clause.

The full text of the Errata document which the three Chief negotiators have initialed is on the Tsawwassen website: <http://www.tsawwassenfirstnation.com>