

TL̄CHQ̄ GOVERNMENT

TL̄CHQ̄ FINANCE LAW

The T̄chq̄ Assembly enacted this law as part of the T̄chq̄ Omnibus Implementation Law on August 4, 2005 by unanimous consent.

Joe Rabesca, Grand Chief of the T̄chq̄ Government, signed the T̄chq̄ Omnibus Implementation Law on August 4, 2005.

Signature: Bertha Rabesca Zoe Date: Aug. 12, 2005
Certified as a True Copy by Bertha Rabesca Zoe as of August 4, 2005.
Laws Guardian, T̄chq̄ Government

DISPOSITION

DATE OF INTRODUCTION	CONSIDERATION	CONSENSUS	EFFECTIVE DATE
August 4, 2005	August 4, 2005	August 4, 2005	August 4, 2005

TEJCHQ FINANCE LAW

Title

1. This Law shall be cited as the *Tjchq Finance Law*.

Definitions

2. In this Law,

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

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

“department” means the Department of Finance established under this law.

“director” means the person hired to supervise and administer the activities of the department.

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

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

Fiscal Year

3. The fiscal year of the Tjchq 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 directives which shall be followed by employees of the Tłchq Government.

Department of Finance

5. (1) There is hereby established a department to be called the Department of Finance which shall be responsible for administering and carrying out the financial affairs of the Tłchq Government as directed by the Chief's Executive Council.

(2) A director of Finance shall be appointed.

(3) Subject to any direction provided by the Chief's Executive Council, the director shall

- (a) ensure the proper collection, receipt, recording and disposition of Tłchq monies and ensure that proper authority exists for disbursement of Tłchq monies;
- (b) establish the method by which the accounts of the Tłchq Government are to be kept and the method by which any employee shall account for Tłchq monies which comes into his or her hands;
- (c) maintain the accounts of the Tłchq Government;
- (d) evaluate the accounting and financial management systems of the Tłchq Government and, as necessary, recommend improvements to the Chief's Executive Council;
- (e) prepare any financial statements and reports required by the Chief's Executive Council or the Assembly; and
- (f) perform other duties assigned by the Chief's Executive Council or any other Tłchq law.

Financial Statements

6. (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 to be included in the statements.

Appointment of the Auditor

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

Deposit of Money

8. (1) Only the director may establish, in the name of the Tłchq Government, accounts for the deposit of Tłchq monies with a chartered bank or trust company

(2) Every person who collects or receives Tłchq monies shall pay or give all Tłchq monies coming into his or her hands to the director.

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

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

Interest on Overdue Accounts

9. (1) The Chief's Executive Council may make regulations requiring a person who owes or is liable to pay money to the Tłchq Government to pay interest on the money 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 Tłchq Government.

Annual Budgets

10. (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 and may approve the amended annual budget.

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

(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

11. (1) No payment of Tł̄ch̄q 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 Tł̄ch̄q monies that is 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

12. (1) The Chief's Executive Council may authorize employees 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 Tł̄ch̄q Government unless entered into by the Chief's Executive Council.

Accounting of Authorized Spending of Tł̄ch̄q Monies

13. Every person authorized to spend Tł̄ch̄q 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

14. (1) Tł̄ch̄q monies may, on terms and conditions approved by the Chief's Executive 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, advances and equity investments

15. No loan of Tłchq monies shall be made except as authorized by the Chief's Executive Council.

Authority to borrow

16. No money shall be borrowed or security issued by the Tłchq Government except as authorized by a regulation made under this Law.

Records respecting Tłchq monies

17. (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.

Regulations

18. The Assembly may enact regulations for the carrying out of the purposes and provisions of this Law.