TSAWWASSEN FIRST NATION FINAL AGREEMENT
AMENDING AGREEMENT (No. 2)

THIS SECOND AMENDING AGREEMENT (this "Amending Agreement") is dated for reference the 17th day of November, 2022

AMONG:

HIS MAJESTY THE KING IN RIGHT OF CANADA, as represented by the Assistant Deputy Minister of Implementation of Indigenous Rights and Relationships, Crown-Indigenous Relations and Northern Affairs Canada

("Canada")

AND

HIS MAJESTY THE KING IN RIGHT OF BRITISH COLUMBIA, as represented by the Minister of Indigenous Relations and Reconciliation

("British Columbia")

AND

TSAWWASSEN FIRST NATION, as represented by the Tsawwassen Government

("Tsawwassen First Nation")

WHEREAS:

A. On April 3, 2009, the Tsawwassen First Nation Final Agreement came into effect;

B. The Tsawwassen First Nation Final Agreement provides for its amendment and specifies requirements for the amendment of various of its provisions;

C. The Parties have previously agreed to amendments to the Tsawwassen First Nation Final Agreement;

D. The Parties agree to propose further amendments to the Tsawwassen First Nation Final Agreement set out in Schedules 1 and 2 of this Amending Agreement;

E. The Parties have determined that the processes set out in clauses 3, 5, 6, 8 and 9 of Chapter 23 – Amendment apply to the proposed amendments set out in Schedules 1 and 2 of this Amending Agreement;

NOW THEREFORE the Parties agree as follows:

Part I – DEFINITIONS AND INTERPRETATION

1. In this Amending Agreement:

"Tsawwassen First Nation Final Agreement" means the Tsawwassen First Nation Final Agreement among the Tsawwassen First Nation, Her Majesty the Queen in right of Canada and Her Majesty the Queen in right of British Columbia, as it took effect on April 3, 2009 as amended.

2. A reference to a Chapter by number and name is a reference to the chapter of that number and name in the Tsawwassen First Nation Final Agreement.

3. Words and expressions appearing in this Amending Agreement that are not defined in this Amending Agreement but are defined in the Tsawwassen First Nation Final Agreement have the meanings ascribed to them in the Tsawwassen First Nation Final Agreement.

Part II – PROPOSED AMENDMENTS

4. The proposed amendments in English to the Tsawwassen First Nation Final Agreement are set out in Schedule 1.

5. The proposed amendments in French to the Tsawwassen First Nation Final Agreement are set out in Schedule 2.

6. The proposed amendments will take effect in accordance with clause 9, Chapter 23 – Amendment of the Tsawwassen First Nation Final Agreement.

PART III – PROCEDURES

7. This Amending Agreement may be signed in one or more counterparts. A signed counterpart may be delivered by one Party to another Party by facsimile or e-mail transmission and a facsimile or e-mail so transmitted will constitute an original document. Signed counterparts held by a Party, taken together, will constitute one and the same instrument.

8. The Parties acknowledge and agree that this Amending Agreement may be executed by electronic signature, which will be considered as an original signature for all purposes and will have the same force and effect as an original signature on paper. Without limitation, "electronic signature" will include faxed versions of an original signature or electronically scanned and transmitted versions (e.g. via pdf) of an original signature.

FOR HIS MAJESTY THE KING IN RIGHT OF CANADA, as represented by the Assistant Deputy Minister of Implementation of Indigenous Rights and Relationships, Crown-Indigenous Relations and Northern Affairs Canada, signed this 18th day of November, 2022.

Heather McLean
Assistant Deputy Minister
Implementation of Indigenous Rights and Relationships
Crown-Indigenous Relations and Northern Affairs Canada

Witnessed by

FOR HIS MAJESTY THE KING IN RIGHT OF BRITISH COLUMBIA, as represented by the Minister of Indigenous Relations and Reconciliation, signed this 5 day of December, 2022.

The Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation

Witness by

FOR TSAWWASSEN FIRST NATION, as represented by the Tsawwassen Government, signed this 22nd day of November, 2022.

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Chief Laura Cassidy

Witnessed by

Mary N. Childs
Barrister & Solicitor
Tsawwassen First Nation
1926 Tsawwassen Drive
Tsawwassen, BC V4M 4G2

Schedule 1

The Tsawwassen First Nation Final Agreement is amended as follows:

1. The reference to "12th" is deleted in subclause 16.b of Chapter 20 – Taxation and replaced with "14th".

2. The reference to "12th" is deleted in subclause 18.b of Chapter 20 – Taxation and replaced with "14th".

3. Chapter 20 – Taxation is amended to add the following numbered clauses immediately after each of clauses 16, 17, 18 and 19 respectively:

   16.1 Despite clause 16 and subject to clause 18.1, as of the day this clause comes into effect, section 87 of the *Indian Act* applies to a Tsawwassen Member who is an Indian.

   17.1 Despite clause 16 and subject to subclause 1.a and clauses 18.1, 18.2 and 19.1, as of the day this clause comes into effect, section 87 of the *Indian Act* applies on Tsawwassen Lands that were Reserve lands or Surrendered Lands on the day before the Effective Date.

   18.1 Clauses 16.1 and 17.1 only apply so long as section 87 of the *Indian Act* itself remains in force.

   18.2 Clause 17.1 only applies to an Indian during a period that section 87 of the *Indian Act* applies to the Indian.

   19.1 Tsawwassen First Nation may enter into a tax agreement with Canada or British Columbia that limits the application of clause 17.1 to the extent specified in that tax agreement.

4. The reference to "clause 16" is deleted in clause 39 of Chapter 2 – General Provisions and replaced with "clauses 16 through 19.1".

Schedule 2

L'Accord définitif de la Première Nation de Tsawwassen est modifié comme il suit :

1. À l'alinéa 16.b du chapitre 20 intitulé « Fiscalité », « le douzième » est remplacé par « le quatorzième ».

2. À l'alinéa 18.b du chapitre 20 intitulé « Fiscalité », « le douzième » est remplacé par « le quatorzième ».

3. Le chapitre 20 intitulé « Fiscalité » est modifié par l'ajout des dispositions numérotées suivantes immédiatement après chacun des articles 16, 17, 18 et 19, respectivement :

   16.1 Malgré l'article 16 et sous réserve de l'article 18.1, à compter du jour de l'entrée en vigueur du présent article, l'article 87 de la *Loi sur les Indiens* s'applique à un *membre tsawwassen* qui est un *Indien*.

   17.1 Malgré l'article 16 et sous réserve de l'alinéa 1.a et des articles 18.1, 18.2 et 19.1, à compter du jour de l'entrée en vigueur du présent article, l'article 87 de la *Loi sur les Indiens* s'applique aux *Terres tsawwassen* qui étaient des terres de *réserve* ou des *terres cédées* la veille de la *date d'entrée en vigueur*.

   18.1 Les articles 16.1 et 17.1 ne s'appliquent que pendant que l'article 87 de la *Loi sur les Indiens* demeure lui-même en vigueur.

   18.2 L'article 17.1 ne s'applique à un *Indien* que durant la période pendant laquelle l'article 87 de la *Loi sur les Indiens* s'applique à cet *Indien*.

   19.1 La *Première Nation de Tsawwassen* peut conclure avec le Canada ou la Colombie-Britannique un accord fiscal qui limite l'application de l'article 17.1 dans la mesure précisée dans cet accord fiscal.

4. À l'article 39 du chapitre 2 intitulé « Dispositions générales », « de l'article 16 » est remplacé par « des articles 16 à 19.1 ».