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MEMORANDUM

To: Jeff Cook, Chief Councillor & Executive Council Members
Copy: Connie Waddell, Executive Director and Law Clerk
From: Robert H. Botterell, Legal Counsel
Date: December 17th, 2012
Issue: Approval of Drafting Instructions for Spring 2013 Legislation

The purpose of this memorandum is to seek/confirm Executive Council approval of drafting instructions for Spring 2013 Legislation in accordance with sections 90 and 97 of the *Government Act*. Preliminary approval was provided in July 2012. Please refer to attached excerpts from ss. 90 and 97 of the *Government Act*.

BACKGROUND

Based on resolutions passed at the recent People's Assembly together with previous Executive Council discussions and approvals, the proposed Spring 2013 Legislative Program is summarized in the attached table.

The timetable for development and introduction of this legislation can be summarized as follows:

January 2013 – Committee meetings, Ha'wiih Council and citizen consultation, drafting.
February 2013 – Final drafts, EC approval of legislation, notice and distribution of materials.
March 2013 – Introduction and passage of legislation.

DISCUSSION

Please review the summary legislation table and advise if any changes are required including amendments to:

- The list of legislation,
- The EC member or committee with oversight responsibility,
- Committees and others to be consulted,
- The main purpose of the new or amended legislation.

We will begin drafting the legislation in early January and will provide the legislation to committees for review as it is readied. In some cases legislation is already drafted. It may be necessary to call special meetings of the committees given the schedule.

If others are drafting legislation, e.g., Brenda McLuhan, we will brief them on the timetable and ensure we coordinate final legislative editing, review and introduction.

OPTIONS

1. Approve drafting instructions.
2. Approve drafting instructions, with amendments.
3. Do not approve drafting instructions.

PROPOSED MOTION

Be it resolved to approve the drafting instructions set out in the December 17, 2012 Memorandum entitled, “Approval of Drafting Instructions for Spring 2013 Legislation” and instruct the Law Clerk and Huu-ay-aht Legal Counsel to take the necessary steps to draft and finalize this legislation for introduction in the Spring 2013 Session of the Legislature.

EXCERPTS FROM GOVERNMENT ACT

Instructions for drafting

- 90** (1) Executive Council may instruct the Law Clerk to draft a proposed Huu-ay-aht Act.
- (2) The instructions under subsection (1) must include the following:
- (a) the purpose and objective of the proposed Act;
 - (b) the reason for proposing an Act;
 - (c) the name of the committee responsible for overseeing development of the proposed Act;
 - (d) the name of any other committees to be consulted;
 - (e) the plan and timetable for consultation with the Ha’wiih Council and Huu-ay-aht citizens;
 - (f) the plan and timetable for introduction of the proposed Act in the Legislature;
 - (g) other information specified by Executive Council.

Instructions for drafting proposed regulation

- 97** (1) Executive Council may instruct the Law Clerk to draft a proposed regulation.
- (2) The instruction under subsection (1) must include the following:
- (a) the Huu-ay-aht Act under which the proposed regulation is authorized;
 - (b) the purpose and objective of the proposed regulation;
 - (c) the reason for proposing the regulation;
 - (d) the name of the committee responsible for overseeing development of the proposed regulation;
 - (e) the name of any other committees to be consulted;
 - (f) the plan and timetable for any required consultation with the Ha’wiih Council and Huu-ay-aht citizens;
 - (g) the plan and timetable for consideration of the regulation by Executive Council;
 - (h) other information specified by Executive Council.