



Huu-ay-aht First Nations Tribunal

Government Office: 170 Nookemus Rd, Anacla, BC

Mailing Address: 3483 - Third Ave., Port Alberni, BC V9Y4E4

Interim Chair: John R. Rich

Registrar: Connie Waddell

tribunal@huuayht.org

FIRST ANNUAL REPORT OF THE HUU-AY-AHT FIRST NATIONS TRIBUNAL DECEMBER 14, 2012

TO: EXECUTIVE COUNCIL

TO: HA-WIHH COUNCIL

TO: PEOPLE'S ASSEMBLY

TO: TRIBUNAL MEMBERS

This annual report is written pursuant to Section 16 of the *Tribunal Act*, covering the period from the date of appointment of the Tribunal December 14, 2011 to December 14, 2012.

Establishment and Term of the Tribunal

The Tribunal is established by Section 3 of the *Tribunal Act*. The Tribunal consists of the Chair, the Vice-Chair, three members and one alternate member, all of whom were appointed December 14, 2011:

Chair, John Rich (five year term, *Tribunal Act*, Sections 3(2)(a), 6(1)(a))

Vice-Chair, Hugh Braker (four year term, *Tribunal Act*, Sections 3(2)(b), 6(1)(b))

Members:

Florence Wylie (three year term, *Tribunal Act*, Sections 3(2)(c), 6(1)(c))

Marie Nookemus (three year term, *Tribunal Act*, Sections 3(2)(c), 6(1)(c))

Trudy Warner (three year term, *Tribunal Act*, Sections 3(2)(d), 6(1)(c))

Alternate Member:

Bryan Happynook (three year term, *Tribunal Act*, Sections 3(3), 6(3))

Tribunal Administration

1. In 2011, the Transitional Tribunal adopted *Rules of Practice and Procedure* for the Tribunal. These Rules remain in place.
2. No directives respecting Tribunal Administration were issued in 2012.

Adjudication Matters

One matter was brought before the Tribunal for adjudication in 2012, Application 2012-01.

Application 2012-01 was brought to the Tribunal by the Executive Council, pursuant to the *Tribunal Act* ss. 17(1)(b) and (g), seeking interpretation of HFN laws and recommendations respecting communications from two HUU-ay-aht citizens which resulted in complaints of discrimination and harassment by HFN employees.

The Executive Council requested the Tribunal to investigate the citizen communications with the HUU-ay-aht Administration to define legal obligations of government and citizens in that context, and to make recommendations to assist the HUU-ay-aht Government in upholding its obligations to employees and citizens.

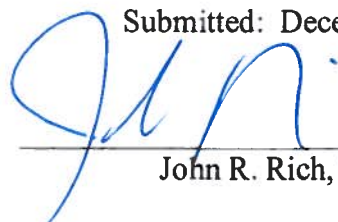
The Tribunal heard Application 12-01 over three days, May 1 and 2, 2012 at Anacla and May 3, 2012 at Port Alberni. The Executive Council was represented by counsel. The *Ha'wiih* Council appeared as an intervenor in the proceeding, represented by *Tyee Ha'wiih* Derek Peters.

The Tribunal rendered its decision October 23, 2012.

The Tribunal made a number of findings respecting HFN law and the rights and obligations of government and citizens. The Tribunal also made a number of recommendations.

The decision of the Tribunal, which includes a summary of the findings and recommendations, may be found on the HUU-ay-aht First Nation website under "Government Services/Tribunal".

Submitted: December 14, 2012



John R. Rich, Tribunal Chair