



**HUU-AY-AHT TRIBUNAL NOTICE OF APPLICATION
APPEAL OF ADMINISTRATIVE DECISION**

FORM A2

TRIBUNAL ACT (s.17(a)&(b), 20, 26).

APPLICATION # 2014-004

(for registry use only) NOTES: For appeals of tickets or compliance notices please use Form A1, unless your appeal is based on a challenge to the validity of a law.

If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided.

Where a fee is payable, it must accompany this form. It is the responsibility of the person filing to pay any prescribed fee. Information about any Tribunal fees payable is available on the Huu-ay-aht website: www.huuayaht.org

The Applicant is responsible for ensuring that the Application is brought within the time limit set out in the applicable legislation. Administrative decisions must be appealed within 60 days, unless otherwise specified.

DECISION APPEALED Describe the decision you are appealing.

DECISION - The decision to hire Helen Robertson as Office Administrator for the Port Alberni Government Office.

June 10, 2013

DATE OF DECISION

RESPONDENT Who made the decision you are appealing?

James Edwards

NAME

Executive Director

POSITION

RELIEF SOUGHT What outcome are you requesting?

A declaration by the Tribunal that the hiring of Ms. Robertson contravened the *Huu-ay-aht Human Resources Policy*, s. 10, pursuant to s. 24(a) of the *Tribunal Act*.

GROUND(S) FOR APPEAL Briefly set out the reason(s) why the decision should be changed as requested above. If this is a challenge to the validity of a Huu-ay-aht law, see *Tribunal Act*, s. 26

Human Resources Policy Regulation, s. 3 states that the *Human Resources Policy* has the force of law. Section 10 of the *Human Resources Policy* requires positions to be advertised prior to hiring. The fact that this is a legal requirement is also confirmed by s. 88(4)(c) of the *Financial Administration Act*.

The Executive Director did not advertise for the Office Administrator position before hiring Ms. Robertson on a permanent basis on June 10, 2013.

See Schedule "A" for basis for requesting, pursuant to s. 21(2) of the *Tribunal Act*, an extension of time to file this Application.

**THIS FORM HAS TWO SIDES
YOU MUST COMPLETE BOTH**