



HUU-AY-AHT TRIBUNAL NOTICE OF RESPONSE RESPONSE OF ADMINISTRATIVE DECISION MAKER

FORM B1

NOTES: This form is to be used for a Response by or on behalf of an administrative decision maker responding to an Application.

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. You may also attach documents if necessary.

Responses must be filed with the Tribunal within 14 days of service of the Notice of Application.

APPLICATION RESPONDED TO

This is the Further Amended Response to Application # 2013-003.

RESPONSE TO GROUNDS Briefly set out your position on the Grounds for Appeal advanced in the application, including any relevant additional facts.

Additional Facts:

1. The Law Clerk is required to post public notice of Executive Council meetings at least 10 days in advance (*Government Act*, s. 45(1)) and does so. Posting on the HUU-ay-aht website, while not required, is one of the means by which the Law Clerk fulfils the duty to provide Public Notice (*Interpretation Act*, s. 36(1)(a)).
2. The Law Clerk is required to maintain a registry of the original records of proceedings for any session or meeting of government including committees and to make copies of these records available for public inspection during regular office hours (*Government Act*, s. 54(5); s. 106(2)(a)(b)) and does so.
3. Some of the documents listed in s. 106(6) are posted on the HUU-ay-aht website, but this is done in the interests of openness and transparency and as a service to and for the convenience of HUU-ay-aht citizens, not because of a legal requirement to do so.
4. Government and the administration use a number of methods of communicating with citizens about government business, including through the website, reports, newsletters and community meetings.

RESPONSE TO RELIEF SOUGHT Set out your position on the relief sought in the Application.

The Respondents object to the granting of the relief sought on the following bases:

1. There is no requirement in HUU-ay-aht law that the documents listed in *Government Act*, s. 106(6) be posted on the HUU-ay-aht website. The documents listed in s. 106(6) are a subset of the documents that are required by law to be kept in the Registry of Laws and official Records. The *Government Act* is clear about the means by which those documents are to be made available to the public. Those means do not include a requirement that the documents be posted on the HUU-ay-aht website.
2. There are many means by which government and the administration fulfill the requirements for open and transparent government and keeping members informed of government business. Once the specific legislative requirements with respect to providing public notice of certain proceedings of government and maintenance and availability of the Registry of Laws and Official Records are met, it is a matter of discretion to decide what, how and when to communicate with citizens.

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

