

PUBLIC NOTICE

APPOINTMENT OF PEOPLE'S ASSEMBLY REPRESENTATIVE AND ALTERNATE TO HUU-AY-AHT TRIBUNAL

CALL FOR NOMINATIONS

PURSUANT TO SECTION 3 and 4 OF THE *TRIBUNAL ACT*:

The People's Assembly must appoint one member of the Huu-ay-aht Tribunal before November 30th, 2011 and may appoint as an alternate member another individual who is otherwise qualified for appointment as a member.

Excerpts from the *Tribunal Act* are attached setting out eligibility and qualifications, term of office, Tribunal duties, oath, and conflict of interest provisions for this position.

If you have any questions regarding the position of Tribunal member or would like more information please contact Connie Waddell, Law Clerk at 250-723-0100.

People's Assembly Agenda Reference – Item No. 10 – Appointment of People's Assembly Representative to Tribunal

EXCERPTS FROM *TRIBUNAL ACT*

Note in particular the highlighted parts of the following sections:

Eligibility and qualifications

- 5 (1) **An individual appointed to the tribunal under section 3 must have**
- (a) **demonstrable ability and experience to carefully and impartially deliberate and make decisions on points of fact and law, and**
 - (b) **demonstrable ability to provide clear and precise reasons for decisions.**
- (2) The chair and vice-chair of the tribunal must each have at least 20 years of experience as a practising lawyer or judge.

Term of office

- 6 (1) **The term of office of a member is as follows:**
- (a) 5 years for the chair;
 - (b) 4 years for the vice-chair;
 - (c) **3 years for all other members.**
- (2) Members may be re-appointed without limit.
- (3) **If an alternate member appointed under section 3 (3) replaces a member, the alternate member holds office until the member returns to duty, another member is appointed by the People's Assembly or the member's term expires, whichever occurs first.**

Tribunal duties

- 7 **Members must faithfully, honestly and impartially perform their duties to the best of their judgment, skill and abilities, and must not, except in the proper performance of those duties, disclose to any person any information obtained in the course of their duties.**

Oath

- 8 **Members must make the oath set out in the Schedule before assuming their duties as members.**

Conflict of interest

- 9 (1) **Members must not be government members.**
- (2) The chair must not hold any public officer position other than the position of chair.
- (3) **Members other than the chair may hold other public officer positions but they may not participate in tribunal proceedings that directly or indirectly result from, or may affect their role or responsibilities in, the performance of their other public officer duties.**
- (4) If an individual, including a member, believes that a member's assignment to a panel may
- (a) violate subsection (3), or
 - (b) cause a member to be in a conflict of interest for any reason,

the individual or member must notify the chair in writing and provide reasons.

- (5) The chair must determine whether a member's assignment to a panel would violate subsection (3) or cause a member to be in conflict of interest for any reason, and if so, must not assign the member to that panel.
- (6) **For at least 2 years after ceasing to be members, former members must not hold public officer positions in which their role or responsibilities may be, or may have been, affected by any tribunal proceeding in which they participated.**
- (7) Without restricting subsection (6), a former chair must not hold a public officer position for at least one year after ceasing to be chair.
- (8) The *Code of Conduct and Conflict of Interest Act* does not apply to the tribunal or its members in their capacities under this Act.