



HUU-AY-AHT TRIBUNAL
NOTICE OF REPLY TO NOTICE OF RESPONSE

FORM C1

APPLICATION # 2015-001 (for registry use only)

NOTES: An Applicant may file a Notice of Reply using this form when the Response to the Applicant's Application raises new issues of fact or law, or includes a claim by the Respondent against the Applicant.

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.

A Notice of Reply must be filed in the Tribunal Registry within 14 days of the delivery of the Notice of Response to the Applicant.

RESPONSE REPLIED TO

This Reply is in respect of the Response of Huu-ay-aht First Nations Executive Council
to Application # 2015-001

POSITION OF APPLICANT

Briefly set out your position on the new issues or claims raised by the Respondent.

- 1) As the Executive Director and Law Clerk for the Huu-ay-aht First Nations at the time of the decision and the time of appeal, I have standing as a Public Officer, and the decision itself gives rise to an obligation on Public Officers under section 12(3) of the Code of Conduct and Conflict of Interest Act (COCCOIA)
- 2) Executive Council as a body of government is bound by the lawful decisions of Executive Council. A change in the composition of Executive Council does not abrogate previous decisions. The current Executive Council did not act reasonably, or uphold the highest ethical standards. Further, Executive Council did not uphold the principles of lisaak or Hishuk Tsawak as they are obligated to as individuals in adhering to the Huu-ay-aht Oath of Office
- 3) The decision of Executive Council to not demonstrate its consideration of how it met the provisions of the Government Act does not meet the standards of a lawful decision of Government and give rise to breach in both procedure and principle of the law.
- 4) Section 11 of the Government Act applies as the decision impacts non-members of the Huu-ay-aht First Nations.
- 5) In its decision, Executive Council did not demonstrate either the procedure or the principal of Huu-ay-aht Law and gave rise to a breach of the COCCOIA s. 12(3). Further Executive Council did not act in accordance with the principals of lisaak or Hishuk Tsawak.
- 6) The Chief Councilor did not meet the obligations imposed under the Government Act s. 13(1)(i), or the responsibilities under Huu-ay-aht Law, additionally as the Chair of Executive Council, the Chief Councilor demonstrated a significant breach of the procedures and principals of Huu-ay-aht law and demonstrated a significant breach of the COCCOIA s. 12.(3).

7) The Chief Councilor did not meet either the procedure or principal of HUU-ay-aht Legislation and did not act in accordance with the HUU-ay-aht Oath or the principles of Iisaak and Hishuk Tsawak.

SIGNATURE This Reply must be signed by the Applicant or Applicant's agent.

James Edwards

FIRST AND LAST NAMES OF APPLICANT OR AGENT

25 Aug 15

DATE


SIGNATURE

For Registry Use Only

Date Received: Aug 26/15