

HUU-AY-AHT FIRST NATIONS



Report of Executive Council on Treaty Settlement Lands Requirement of People's Assembly Meetings

**For consideration at the session of the
Huu-ay-aht First Nations People's Assembly
on Saturday, November 17th, 2012**

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BACKGROUND

The following Citizen's Motion will be presented by John Jack for consideration of the Assembly:

WHEREAS Huu-ay-aht law states that the People's Assembly must be held on Huu-ay-aht territory; and

WHEREAS this policy has serious logistical challenges; and

WHEREAS these challenges may lead to decreased accessibility of Huu-ay-aht citizens to exercise their rights outlined in section 1.4(a), 1.4(b), 1.4(c) and 1.4(d) of the Huu-ay-aht Constitution:

BE IT RESOLVED that the People's Assembly approves the amendment of Huu-ay-aht law and policy that removes the requirement of People's Assemblies be held on Huu-ay-aht lands.

DISCUSSION

This motion would require the repeal of section 77(b) of the *Government Act*:

People's Assembly

- 77 Huu-ay-aht citizens may only conduct the business of the People's Assembly when all of the following conditions are met:
- (a) the Speaker is present;
 - (b) the session takes place on Huu-ay-aht Lands;
 - (c) at least 25% of eligible voters are present at the session;
 - (d) the session complies with section 79;
 - (e) public notice of the session has been provided as set out in section 80.

Depending on the location chosen, for example Port Alberni, this change could make it easier for many Huu-ay-aht citizens to attend and participate in meetings of the People's Assembly.

Changes to the *Government Act* require approval of the People's Assembly.

Amendments to this Act

- 114 An amendment or repeal of this Act must be approved by the People's Assembly before that amendment or repeal is brought into force.

The proposed motion is general and does not specify the section to be repealed or the nature and timing of any follow-up action, e.g., whether the amendment to the *Government Act* is recommended for introduction and passage in the Spring 2013 Legislative Session.

OPTIONS

Option 1 – Approve the motion to remove the Treaty Settlement Lands Requirement for People’s Assembly Meetings.

Option 2 – Approve the motion with amendments.

Option 3 – Not approve the motion.

IMPLICATIONS

Depending on the wording of the motion passed, this legislative amendment could be added to the list of legislation for drafting for the Spring 2013 Legislative Session.

Excerpts from Huu-ay-aht Laws

Constitution Act

- 1.4** Subject to paragraph 1.2 and to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society, all Huu-ay-aht citizens are equal under this Constitution and, based on this equality and in accordance with Huu-ay-aht customary law, possess:
- (a) the right to participate in Huu-ay-aht First Nations political activities, elections and government as set out in Huu-ay-aht First Nations law;
 - (b) the right to be informed about Huu-ay-aht First Nations affairs;
 - (c) the right to be consulted regarding Huu-ay-aht First Nations affairs;
 - (d) the right to express opinions and views on Huu-ay-aht First Nations affairs;
 - (e) the right to equal employment opportunities within the Huu-ay-aht First Nations public administration;
 - (f) the right to equal provision of public services by the Huu-ay-aht First Nations;
 - (g) the right to a healthy life, environment and the equal provision of health care;
 - (h) the right to utilize the Nuuchahnulth language;
 - (i) the right to participate in Huu-ay-aht culture and traditions consistent with established practices and customs;
 - (j) the right to enter, remain in and leave Huu-ay-aht First Nations lands in accordance with this Constitution and Huu-ay-aht First Nations laws;
 - (k) the freedom to pursue a livelihood within Huu-ay-aht First Nations lands;
 - (l) the freedom to contribute to the progress and development of the Huu-ay-aht First Nations; and
 - (m) the freedom to achieve their fullest potential as individuals.