

# HUU-AY-AHT FIRST NATIONS

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## **Report of Executive Council on Amendments to HUU-ay-aht Acts**

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**For consideration at the session of the  
Huu-ay-aht First Nations People's Assembly  
on November 29-30, 2014**

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## INTRODUCTION

Amendments to many Huu-ay-aht laws need to be approved by the People's Assembly before they can come into force.

The following Acts or sections of Acts have been enacted by the Legislature, but need to be approved by People's Assembly before they can be brought into force:

- *Economic Development Act* (sections 48 and 55)
- *Financial Administration Act Amendment Act, 2014*
- *Government Act Amendment Act, 2014*

If the People's Assembly approves these amendments, Executive Council will take the steps necessary to bring them into force following the People's Assembly.

Executive Council has approved amendments to the following Acts:

- *Financial Administration Act*
- *Freedom of Information and Protection of Privacy Act*
- *Government Act*
- *Offence and Law Enforcement Act*

If the People's Assembly approves these amendments, they will be put forward for consideration by the Legislature at its Spring sitting.

Each of the proposed amendments is discussed in the following pages.

Motions will be put forward before the People's Assembly to approve the proposed amendments.

## FINANCIAL ADMINISTRATION ACT AMENDMENT ACT, 2014

### ***Background***

The *Financial Administration Act*, s. 68 requires that every expenditure in excess of \$1,000 in a fiscal year not required by Huu-ay-aht legislation be authorized by written agreement and that every expenditure in excess of \$10,000 not specified in the description of a budget line item be authorized by Executive Council.

The Executive Director felt, and Executive Council agreed, that the thresholds of \$1,000 and \$10,000 create an unduly restrictive administrative burden that results in inefficiencies. Further, the \$10,000 threshold sometimes either delays necessary expenditures because of the length of time between regular Executive Council meetings or creates the need for extra Executive Council meeting.

### ***Discussion***

The Finance Committee considered the matter and recommended that the threshold amounts set out in s. 68 should be more flexible. They recommended that the *Financial Administration Act* be amended so that the amounts set out in s. 68 could be updated from time to time by Executive Council through a regulation, rather than explicitly set out in the text of the Act.

The *Financial Administration Amendment Act, 2014* was enacted by the Legislature and will be brought into force only after it has been approved by the People's Assembly.

Once brought into force, the *Financial Administration Amendment Act, 2014* would result in the following amendments to the *Financial Administration Act* (deletions are crossed out, additions are underlined):

#### **Agreements must be authorized**

- 68** (1) Every expenditure in excess of ~~\$1,000~~ an amount prescribed by Executive Council in a fiscal year must be
- (a) authorized by a written agreement, or
  - (b) required by Huu-ay-aht legislation.
- (2) Every agreement providing for expenditure in excess of a ~~\$10,000~~ an amount prescribed by Executive Council in a fiscal year must be
- (a) specified in the description of a budget line item, or
  - (b) authorized by Executive Council.

### ***Options and Implications***

The People's Assembly may approve or not approve the *Financial Administration Amendment Act, 2014*. The implications of not approving it are that the \$1,000 and \$10,000 thresholds will remain in effect and Executive Council will not have the ability to change them. The administrative inefficiencies identified above would remain.

# GOVERNMENT ACT AMENDMENT ACT, 2014

## ***Background***

At the 2013 People's Assembly, a motion was brought forward to recommend to Executive Council that section 39 of the *Government Act* be amended to allow for a non-Huu-ay-aht citizen to be the Speaker when no Huu-ay-aht citizen meeting the requirements of section 39 is available. By the time the motion was considered, quorum had been lost but Executive Council committed to consider any recommendations supported by a majority of the citizens present as if it were a recommendation of the People's Assembly. A majority of the citizens present when the motion was considered supported it.

## ***Discussion***

Executive Council considered the recommendation and instructed that the *Government Act Amendment Act, 2014* be drafted with the purpose and objective of implementing the recommendation set out in the motion.

The *Government Act Amendment Act, 2014* was prepared in accordance with those drafting instructions. The Law and Policy Development Committee recommended, Executive Council approved and the Legislature enacted the *Government Act Amendment Act, 2014*. It will be brought into force only after it has been approved by the People's Assembly.

Once brought into force, the *Government Act Amendment Act, 2014* would result in the following amendments to the *Government Act* (deletions are crossed out, additions are underlined):

### **Appointment of Speaker**

- 39** (1) Executive Council must, in consultation with the Ha'wiil Council, appoint a Speaker on Effective Date and at the first meeting of Executive Council in April each year after that.
- (2) A Speaker appointed by Executive Council must
- (a) be an honoured and respected ~~Huu-ay-aht citizen~~ individual,
  - (b) have the necessary experience, wisdom, and impartiality to fairly and effectively discharge the powers, duties and functions of Speaker,
  - (c) be generally knowledgeable about Huu-ay-aht laws including the Constitution, Huu-ay-aht legislation and Huu-ay-aht customary law.
- (3) Subject to this Act, Executive Council must specify an application process and the terms of reference for the Speaker, including remuneration and expenses.
- (3.1) When considering applications for appointment to the position of Speaker by candidates who meet the requirements of section (2), Executive Council shall give preference to any candidate who is a Huu-ay-aht citizen.
- (4) A Speaker may be reappointed by Executive Council.
- (5) Executive Council may terminate the appointment of the Speaker
- (a) for cause,
  - (b) incapacity, or
  - (c) by unanimous resolution, without cause
- (6) The appointment of a Speaker is effective once the individual

- (a) accepts the appointment in writing and delivers the written acceptance to Executive Council, and
  - (b) makes the oath of office of the Speaker as set out in the Schedule before the Ta'yii Hawilth.
- (7) The Ha'wiih Council may designate one of its members to take the solemn declaration under subsection (6) (b) if for any reason the Ta'yii Hawilth is unable to act.
- (8) Section 5 of the *Code of Conduct and Conflict of Interest Act* does not apply to the Speaker in his or her capacity under this Act.

### ***Options and Implications***

Amendments to the *Government Act* require the approval of the People's Assembly before coming into force. The People's Assembly may approve or not approve the *Government Act Amendment Act, 2014*. If not approved, the requirement that the Speaker be a Huu-ay-aht citizen will remain in the *Government Act*.

# APPROVAL OF AMENDMENTS TO THE CODE OF CONDUCT AND CONFLICT OF INTEREST ACT AND LAND ACT AS SET OUT IN THE ECONOMIC DEVELOPMENT ACT

## ***Background***

The possibility of enacting an *Economic Development Act* was discussed at the 2012 People's Assembly. At that time, it was contemplated that the Economic Development Act would require amendments to the *Financial Administration Act*. The *Economic Development Act* was enacted by the Legislature at its Spring, 2013 Session and consequential amendments made to the *Financial Administration Act* (for which People's Assembly had already been given), and the *Interpretation Act* (for which People's Assembly approval is not required).

However, the *Economic Development Act* also includes further amendments to Acts that will require People's Assembly approval before they can be brought into force.

## ***Discussion***

The *Economic Development Act* includes amendments to the definitions sections of the *Code of Conduct and Conflict of Interest Act* and the *Land Act* that must be approved by the People's Assembly before being brought into force.

Once brought into force, section 48 of the *Economic Development Act* would result in the following amendments to the *Code of Conduct and Conflict of Interest Act* (deletions are crossed out, additions are underlined):

### **Definitions**

2

**“director”** means a person who holds a position as a member, commissioner, director, or trustee of a Huu-ay-aht public body ~~or a Huu-ay-aht business enterprise~~;

**“Huu-ay-aht body”** ~~includes government, Huu-ay-aht public bodies, and Huu-ay-aht business enterprises~~ means government and Huu-ay-aht public bodies;

**“Huu-ay-aht business enterprise”** means Huu-ay-aht business enterprise as defined in the ~~*Financial Administration Act*~~ *Economic Development Act*;

Once brought into force, section 55 of the *Economic Development Act* would result in the following amendments to the *Land Act* (deletions are crossed out, additions are underlined):

### **Definitions**

2

**“Huu-ay-aht body”** ~~includes government, Huu-ay-aht public bodies, Huu-ay-aht business enterprises and other entities owned or controlled, directly or indirectly by government~~ means government and Huu-ay-aht public bodies;

**“Huu-ay-aht business enterprise”** means Huu-ay-aht business enterprise as defined in the ~~*Financial Administration Act*~~ *Economic Development Act*;

## ***Options and Implications***

If approval is not given, the amendments will not be brought into force. This will result in conflicting legislative provisions.

In particular, the definitions of “director”, “Huu-ay-aht body” and “Huu-ay-aht business enterprise” in the *Code of Conduct and Conflict of Interest Act*, and of “Huu-ay-aht body” and “Huu-ay-aht

business enterprise” in the *Land Act* will be different from the definitions of those words in the *Economic Development Act*, the *Financial Administration Act* and the *Interpretation Act*.

The result of this is a lack of clarity in the law. This is problematic from a rule of law perspective (which is based on the principle that the, and could have significant financial implications insofar as it will create legal uncertainty, which could complicate any legal proceedings that may arise involving these definitions.

## **ENFORCEMENT FRAMEWORK AMENDMENT ACT, 2015**

### ***Background***

Executive Council has approved for introduction to the Legislature at its Spring 2015 session the *Enforcement Framework Amendment Act, 2015*. The purpose and objective of this legislation is to improve Huu-ay-aht's capacity for the enforcement of its laws in two respects: 1) enforcement of Huu-ay-aht law on Huu-ay-aht land by provincial conservation and resource officers, and 2) using the British Columbia court system to enforce payment of fines and penalties levied under Huu-ay-aht law.

Implementing this framework will require additions to and amendments of the *Financial Administration Act*, the *Freedom of Information and Protection of Privacy Act* and the *Offence and Law Enforcement Act*.

### ***Discussion***

The Huu-ay-aht First Nations have entered into a Natural Resource Sector Enforcement Framework with BC, under which agreements were negotiated with the Conservation Officer Services of the Ministry of Environment ("MOE") and the Resource Officers of the Ministry of Forest, Lands and Natural Resource Operations ("FLNRO"). This Framework makes it possible for MOE and FLNRO Officers to enforce Huu-ay-aht laws on our lands. Legislative amendments are required to give legal force to these agreements.

Under the agreements described above, complaints against MOE or FLNRO Officers will first proceed through the Province's public complaints process and will be only be appealable to the Huu-ay-aht Tribunal following the outcome of that process. This creates a conflict with the way that complaints are handled under existing Huu-ay-aht legislation and implementing it will require amendments to the *Freedom of Information and Protection of Privacy Act* and the *Offence and Law Enforcement Act*.

The Huu-ay-aht have a legislative framework to levy certain fines and fees but do not have a legal mechanism for collecting amounts owing to the government.

Amendments to the *Financial Administration Act* and the *Offence and Law Enforcement Act* are required to make fines and penalties levied by the Huu-ay-aht enforceable as court judgments through the British Columbia court processes for collecting judgments.

The Law and Policy Committee has recommended and Executive Council has approved for introduction to the Legislature the draft *Enforcement Framework Amendment Act, 2015* to implement an enforcement framework that addresses the enforcement issues described above.

Once brought into force, the *Enforcement Framework Amendment Act, 2015* would result in the amendments to the *Financial Administration Act*, the *Freedom of Information and Protection of Privacy Act*, and the *Offence and Law Enforcement Act*. For ease of reference, the amendments to those Acts are set out in Appendix "A" attached to this Report.

### ***Options and Implications***

Amendments to the *Financial Administration Act*, the *Freedom of Information and Protection of Privacy Act* and the *Offence and Law Enforcement Act* all require People's Assembly Approval before they are brought into force. If approval is not given, they will not be implemented.

The *Enforcement Framework Amendment Act, 2015* may result in more fines, penalties and other debts owing to the Nation being paid or collected, but may also result in additional costs to Huu-ay-aht to collect amounts owing if some or all of those amounts are pursued through the courts. The decision to pursue collection of a debt through the courts would be made on a case-by-case basis, considering factors such as the strength of the case and likelihood of collection, so court costs would not be incurred in relation to every debt. It would be a substantial benefit to the Hu-ay-aht to have the option of proceeding in this way if necessary. It may also eliminate or reduce Tribunal or Huu-ay- aht expenses in relation to complaints against MOE and FNLRO enforcement officers in their enforcement of Huu-ay-aht law.

In addition if the amendments in respect of MOE and FLNRO enforcement officers are not approved, the Huu-ay-aht will be unable to meet the terms of the agreements under which those officers will be empowered to enforce Huu-ay-aht laws on Huu-ay-aht lands.

## **GOVERNMENT ACT AMENDMENT ACT, 2015**

### ***Background***

Executive Council has approved for introduction to the Legislature at its Spring 2015 session the *Government Act Amendment Act, 2015*. This act sets out amendments to the *Government Act* in respect of two matters: 1) shortening notice and reporting requirements to days rather than “working days” and 2) removing the designation of the Executive Director as the Law Clerk.

These amendments will require approval of the People’s Assembly before they can be brought into force.

### ***Discussion***

The *Government Act* requires that public notice of committee and Executive Council meetings be provided at least ten working days in advance and that written reports in respect of substantive matters to be considered at such meetings be provided at least four working days in advance. If these requirements are not met, the relevant committee or Executive Council is required to consider and pass a motion to reduce or waive the requirements or must delay consideration of the matter, resulting in inefficiencies in use of meeting time and government resources.

Executive Council, on the recommendation of the Law and Policy Development Committee, considered it desirable that the timeframes set out above be changed to days rather than working days. This would create more realistic deadlines for notice and report deadlines, while still maintaining the principles of transparent governance that takes into account the best available information.

The *Government Act* designates the Executive Director as the Law Clerk (s. 105). The Executive Director is able to delegate the powers, duties and functions of the position but maintains ultimate responsibility for those duties.

Executive Council, on the recommendation of the Law and Policy Development Committee, considered it desirable that the Executive Director be given discretion to appoint someone other than him or herself to the position of Law Clerk. This would allow for the responsibility for the Law Clerk’s duties to rest with the person to whom those duties are assigned and would reduce the powers, duties and functions associated with the Executive Director’s role.

The Law and Policy Committee has recommended and Executive Council has approved for introduction to the Legislature the *Government Act Amendment Act, 2015*.

Once brought into force, the *Government Amendment Act, 2015* would result in amendments to the *Government Act*. For ease of reference, the amendments to the *Government Act* are set out in Appendix “B” attached to this Report.

### ***Options and Implications***

Amendments to the *Government Act* require approval of the People’s Assembly before they are brought into force. If the amendments set out in the *Government Act Amendment Act, 2015* are not approved, they will not be brought into force. The notice and report requirements will remain as working days and the Executive Director will continue to be designated as the Law Clerk.

## APPENDIX “A”

Once brought into force, the *Enforcement Framework Amendment Act, 2015* would result in the following amendments to the *Financial Administration Act* (deletions are crossed out, additions are underlined):

### Definitions

**64.1** In section 65 to 66.4,

“debt” means an amount of money that is due and payable to the Huu-ay-aht;

“debtor” means the person who is required to pay a debt.

### Writing off debts

**65** (1) ~~In this section and section 66, “debt” means a debt or obligation owed to the Huu-ay-aht.~~

(2) All or part of a debt may be written off if

- (a) the Finance Committee reviews and makes a recommendation about writing off the debt, and
- (b) Executive Council after considering the Finance Committee recommendation under paragraph (a), approves, by resolution, writing off the debt.

### Notice required if no response to notice

**66.1** At the end of the period established by a Huu-ay-aht legislation for the purposes of payment of a debt, if

(a) the debtor has not paid the debt, and

(b) the debt is not the subject of an appeal to the Huu-ay-aht Tribunal,

the Executive Director, or his or her delegate, may deliver in accordance with Huu-ay-aht law a notice to the debtor indicating the debt owing and how and where payment may be made.

### Amounts owing enforced in court

**66.2** (1) Subject to subsections (2) and (3), a debt may be recovered by the Executive Director, or his or her delegate, by filing a certificate in the prescribed form in the Supreme Court or Provincial Court.

(2) A certificate under this section may not be filed in the Supreme Court or Provincial Court until 30 days after the date a notice is delivered to the debtor in accordance with section 66.1.

(3) A certificate may not be filed under this section for a debt that has been owed to the Huu-ay-aht for more than two years.

### Content of certificate

**66.3** A certificate filed under section 66.2(1) must be signed by the Executive Director and must include the following information:

(a) the name of the debtor;

(b) the details of the debt, including the date and circumstances of the debt, the date that the debt became due and payable and the total amount owing in respect of the

debt;

(c) the amount of any penalty, surcharge, administrative recovery fee or other amount that applies to the debt; and

(d) a copy of the notice delivered to the debtor in accordance with section 66.1.

#### **Effect of Certificate**

**66.4** (1) A certificate filed under section 66.2(1) is of the same effect, and proceedings may be taken on it by the Huu-ay-aht, as if it were a judgment of the Supreme Court or Provincial Court, as the case may be, for the recovery of a debt in the amount stated in the certificate.

(2) A certificate filed under section 66.2(1) is admissible in any proceedings to recover the certified debt without proof of the signature or authority of the Executive Director and is proof of the certified facts.

Once brought into force, the *Enforcement Framework Amendment Act, 2015* would result in the following amendments to the *Freedom of Information and Protection of Privacy Act* (deletions are crossed out, additions are underlined):

#### **Definitions**

2

**“external enforcement agency”** means, in relation to an external enforcement officer, the federal, provincial or other department or agency that the enforcement officer represents in his or her enforcement of Huu-ay-aht law under an agreement with that department or agency;

**“external enforcement officer”** means a peace officer or another authority other than

- (a) a Huu-ay-aht employee,
- (b) an independent contractor of a Huu-ay-aht body, or
- (c) Executive Council.

#### **Consultation with external enforcement agencies**

**7.1** If a record contains information about a law enforcement matter involving an external enforcement agency, Executive Council must, before determining whether or not to designate that record a Huu-ay-aht public record,

- (a) provide notice of the proposed designation to that external enforcement agency in sufficient detail to permit that external enforcement agency to prepare their views on the proposed designation, and
- (b) give full and fair consideration to any comments or recommendations provided by that external enforcement agency in relation to the proposed designation.

### People's Assembly resolution

- 8 (1) The People's Assembly may by resolution passed by more than 60% of eligible voters who vote, require Executive Council as soon as practicable to
- (a) designate the records specified in the resolution as Huu-ay-aht public records, or
  - (b) cancel the designation of the records specified in the resolution as Huu-ay-aht public records.
- (2) Subsection (1) applies despite any other provision of this Act or another Huu-ay-aht Act.
- (3) If a record specified in a resolution proposed under subsection (1) contains information about a law enforcement matter involving an external enforcement agency, the People's Assembly may only vote on that resolution if that external enforcement agency has been provided
- (a) notice of the proposed resolution in sufficient detail to permit that external enforcement agency to prepare their views on the proposed resolution,
  - (b) at least 10 days notice of the People's Assembly at which the proposed resolution will be voted on, and
  - (c) an opportunity to attend that People's Assembly and present its views on the proposed resolution.

### Public interest disclosure

- 9 (1) The head of a Huu-ay-aht body must, without delay, disclose to the public, to an affected group of people or to an affected individual, information
- (a) about a risk of significant harm to the environment or to public health or safety, or
  - (b) the disclosure of which is, for any other reason, clearly in the public interest.
- (2) Subsection (1) applies despite any other provision of this Act or another Huu-ay-aht Act.
- ~~(3) Before disclosing information under subsection (1), the head of a Huu-ay-aht body must, if feasible, notify any third party to whom the information relates.~~
- (3) Before disclosing information under subsection (1), the head of a Huu-ay-aht body must
- (a) if the proposed disclosure contains information about a law enforcement matter involving an external enforcement agency
    - (i) provide notice of the proposed disclosure to that external enforcement agency in sufficient detail to permit that external enforcement agency to prepare their views on the proposed disclosure, and
    - (ii) give full and fair consideration to any comments or recommendations provided by that external enforcement agency in relation to the proposed disclosure, and
  - (b) if feasible, notify any other third party to whom the information relates.
- ~~(4) If it is not feasible to comply with subsection (3), the head of a Huu-ay-aht body must—deliver notice of the disclosure to the last address, if known, of the third party.~~
- (4) If it is not feasible to comply with subsection (3)(b), the head of a Huu-ay-aht body must deliver notice of the disclosure to the last address, if known, of the third party.

Once brought into force, the *Enforcement Framework Amendment Act, 2015* would result in the following amendments to the *Offence and Law Enforcement Act* (deletions are crossed out, additions are underlined):

**Executive Council may authorize measures**

- 22** (1) In addition to any penalty issued pursuant to section 21, Executive Council may direct or authorize that some or all of the actions set out in the compliance notice issued under section 14 be taken if
- (a) the named person has been served with the compliance notice in accordance with section 16, 17 or 18,
  - (b) the period for compliance under section 15 (1) (d) has expired and has not been stayed by the tribunal,
  - (c) the person has not complied with the compliance notice, and
  - (d) the actions are reasonably required to rectify the contravention or to prevent a re-occurrence of the contravention.
- (2) If a named person under subsection (1) has not put or maintained business or public premises in a sanitary or safe condition as required in a compliance notice, Executive Council may authorize the closure of those premises.
- ~~(3) Compensation for the expenses and costs of any actions authorized by Executive Council under this section is a debt immediately payable by the named person to the Huu-ay-aht.~~
- (3) Any cost incurred by the Huu-ay-aht under this section is due and payable by the named person to the Huu-ay-aht within 14 days of a written demand for payment by the director of finance, if that demand is delivered in accordance with Huu-ay-aht law to that named person, and may be collected by the Huu-ay-aht in accordance with sections 64.1 to 66.4 of the *Financial Administration Act*.
- (4) If Executive Council is authorized by Huu-ay-aht law to sell all or a part of any property removed under this section, the proceeds of the sale must be used to pay the expenses and costs of
- (a) the removal, and
  - (b) any actions authorized by Executive Council
- with any excess proceeds paid to the person entitled to them.

**Failure to respond to ticket**

~~**30** If the named person does not comply with section 29 (1), the full penalty amount indicated on the ticket is immediately payable to the Huu-ay-aht, and may be subject to an additional prescribed surcharge.~~

**Failure to respond to ticket**

**30** If the named person does not comply with section 29(1), the full penalty amount indicated on the ticket is immediately due and payable by the named person to the Huu-ay-aht, and may be collected by the Huu-ay-aht in accordance with sections 64.1 to 66.4 of the *Financial Administration Act*.

## Complaints and disciplining peace officers

40 (1) ~~In this section, “another authority” includes a person authorized by Executive Council under section 23.~~

(1) “another authority” includes a person authorized by Executive Council under section 23;

“external enforcement agency” means, in relation to an external enforcement officer, the federal, provincial or other department or agency that the enforcement officer represents in his or her enforcement of Huu-ay-aht law under an agreement with that department or agency;

“external enforcement officer” means a peace officer or another authority other than

- (a) a Huu-ay-aht employee,
- (b) an independent contractor of a Huu-ay-aht body, or
- (c) Executive Council.

(2) A person may complain to the tribunal about the conduct of a peace officer or another authority under section 17 (1) (c) of the *Tribunal Act*.

(3) A complaint under subsection (2) must include the following information:

- (a) the complainant’s name and contact information;
- (b) the name or identity number of the peace officer or another authority against whom the complaint is made;
- (c) the nature of the complaint, including the conduct complained of and the date upon which the conduct occurred;
- (d) other prescribed information.

(4) A complaint under subsection (2) must be brought within 60 days of the conduct or event complained of, unless the tribunal determines there is good reason to extend that time period.

(5) The tribunal must provide the peace officer or another authority, as applicable, with notice of an application under this section within 5 days of receipt of the complainant’s complete application.

(6) Executive Council must make regulations respecting

- (a) the standard of conduct for peace officers,
- (b) the tribunal’s jurisdiction on complaint applications, and
- (c) the consequences of the tribunal’s determinations, including making recommendations to the Executive Director regarding suspension, revocation of the peace officer’s appointment or other discipline that may be imposed on the peace officer.

(7) Another authority carrying out the provisions of this Act is subject to the standards of conduct set for peace officers under subsection 6 (a) and subject to the same consequences provided for under subsection 6 (c).

(8) The tribunal must deliver to Executive Council a copy of any recommendations it makes to the Executive Director under subsection 6 (c).

(9) Despite this section and sections 17, 20 and 21 of the *Tribunal Act*, Executive Council may, by regulation,

- (a) require complaints against a particular class of external enforcement officers to be pursued and completed under any policies or procedures of the applicable external

enforcement agency, or any federal or provincial laws governing complaints against that class of external enforcement officers, before a notice of appeal may be filed with the tribunal or a complaint may be made to the tribunal in relation to the conduct of a member of that class of external enforcement officers, and

(b) establish the time limit in which a notice of appeal must be filed with or a complaint must be made to the tribunal in relation to the conduct of a member of that class of external enforcement officers.

#### **Power to make regulations**

- 43** (1) Executive Council may make regulations referred to in section 39 of the *Interpretation Act*.
- (2) Without limiting subsection (1), Executive Council may make regulations as follows:
- (a) prescribing a method of service for compliance notices and tickets in addition to the methods described in this Act and prescribing a period within which a person is deemed to have received a compliance notice;
  - (b) prescribing laws applicable under section 3 (2) to a peace officer's authority;
  - (c) respecting the form and content of tickets and compliance notices under sections 14, 15 and 26;
  - (d) respecting the form and content of complaints under section 40 (2) and (3);
  - (e) providing for recovery of debts owed to the Huu-ay-aht under this Act;
  - ~~(f) for any other purpose for which regulations are contemplated by this Act;~~
  - (f) providing for the process for complaints against external enforcement officers under section 40(9).
  - (g) for any other purpose for which regulations are contemplated by this Act.
- (3) Executive Council may, by regulation, prescribe forms used and fees payable for applications made under this Act.

## APPENDIX “B”

Once brought into force, the *Government Amendment Act, 2015* would result in the following amendments to the *Government Act* (deletions are crossed out, additions are underlined):

### Definitions

2

“Law Clerk” ~~means the Law Clerk designated under section 102~~ means the individual appointed or designated under section 102;

### Reports

- 38** (1) For any substantive matter to be considered by the Legislature, the committee responsible for the subject area, or the Executive Director, must prepare a written report.
- (2) The Law Clerk must deliver the report under subsection (1) to the members of the Legislature at least 4 ~~working days~~ days before the substantive matter will be considered by the Legislature.
- (3) Subject to subsection (4), the Legislature must not decide any substantive matter until it has received and considered the report.
- (4) In an emergency, or in special circumstances where the Legislature reasonably believes that a delay in consideration of the matter is not in the best interests of the Huu-ay-aht, the Legislature may, by resolution, do one or more of the following:
- (a) waive the requirement that the report be in writing;
  - (b) waive other report requirements under this section;
  - (c) waive or reduce the delivery requirement under subsection (2).

### Notice of meeting

- 45** (1) At least 10 ~~working days~~ days before an Executive Council meeting, the Law Clerk must give public notice of the meeting.
- (2) The public notice must include all of the following:
- (a) the date, time and location of the meeting;
  - (b) the proposed agenda;
  - (c) any other information specified by the Chief Councillor or the Councillor under section 44 (3) or (4).
- (3) The Law Clerk may reduce the notice period for a special meeting.
- (4) If the Law Clerk reduces the notice period for a special meeting, the Law Clerk must give public notice as soon as practicable before the special meeting.

### Reports

- 56** (1) For any substantive matter to be considered by Executive Council, the committee responsible for the subject area, or the Executive Director, must prepare a written report.
- (2) The Law Clerk must deliver the report under subsection (1) to members of the Executive Council at least 4 ~~working days~~ days before the substantive matter will be considered by Executive Council.

- (3) Subject to subsection (4), Executive Council must not decide any substantive matter until a report has been received and considered by Executive Council.
- (4) In an emergency, or in special circumstances where Executive Council reasonably believes that a delay in consideration of the matter is not in the best interests of the HUU-AY-AHT, Executive Council may do one or more of the following:
  - (a) waive the requirement that the report be in writing;
  - (b) waive other report requirements under this section;
  - (c) waive or reduce the 4 ~~working days~~ days delivery requirement.

#### **Executive Council progress reports**

- 57** (1) The Chief Councillor, each member of Executive Council with portfolio, and the Executive Director must deliver a progress report to Executive Council at least 4 ~~working days~~ days before a regular monthly Executive Council meeting.
- (2) Progress reports under subsection (1) must include a description of
    - (a) the progress on achieving key initiatives in their area of responsibility, and
    - (b) any emerging issues to be considered by Executive Council.
  - (3) Monthly progress reports are for information purposes only and any substantive matter for decision by Executive Council must be listed and considered as a separate item on the agenda.
  - (4) If required by HUU-AY-AHT legislation or if authorized by the Executive Director, the Law Clerk must provide monthly progress reports to HUU-AY-AHT citizens by electronic or other means as soon as practicable after the progress reports have been tabled at the meeting of Executive Council.

#### **Notice of meeting**

- 64** (1) At least 10 ~~working days~~ days before a committee meeting, the Law Clerk must give notice of the meeting to committee members.
- (2) Notice under subsection (1) must include the following:
    - (a) the date, time and location of the committee meeting;
    - (b) the proposed agenda;
    - (c) any other information specified by the chair.
  - (3) The Law Clerk may reduce the notice period under subsection (1) if there is good reason to do so.
  - (4) If the Law Clerk reduces the notice period, the Law Clerk must make best efforts to give notice of the committee meeting as soon as practicable before the meeting.

#### **Reports**

- 72** (1) For any substantive matter to be considered by a committee, the Executive Director, must prepare a written report.
- (2) The Executive Director must deliver the report to the committee members at least 4 ~~working days~~ days before the committee meeting where the substantive matter will be considered.
  - (3) Subject to subsection (4), the committee must not make a decision or recommendation on a substantive matter until a report has been received and considered by the committee.

- (4) In an emergency, or in special circumstances where the committee reasonably believes that a delay in consideration of the matter is not in the best interests of the Huu-ay-aht, the committee may do one or more of the following:
  - (a) waive the requirement that the report be in writing;
  - (b) waive other report requirements under this section;
  - (c) waive or reduce the 4 ~~working day~~ days delivery requirement.

#### **Reports**

- 89** (1) Executive Council must prepare a written report in the prescribed form on any substantive matter listed on the session's agenda.
- (2) The report must be delivered to Huu-ay-aht citizens at least 10 ~~working days~~ days before the People's Assembly will consider the substantive matter.
- (3) Subject to subsection (4), the People's Assembly must not vote on any substantive matter on the proposed or approved agenda until it has received and considered a report.
- (4) In an emergency, or if the People's Assembly reasonably believes that a delay in consideration of a matter is not in the best interests of the Huu-ay-aht, the People's Assembly may, by resolution, do one or more of the following:
  - (a) waive the requirement that the report be in writing;
  - (b) waive other report requirements under this section;
  - (c) waive or reduce the 10 ~~working day~~ days delivery requirement.

#### **Law Clerk designation**

~~102~~ The Executive Director is the Law Clerk.

#### **Law Clerk position**

- 102** (1) The position of Law Clerk is established.
- (2) Subject to spending authority, the Executive Director must appoint an individual to the position of Law Clerk.
- (3) If the position of Law Clerk is vacant, the Executive Director must designate a Huu-ay-aht employee to carry out the powers, duties and functions of the Law Clerk.
- (4) The powers, duties and functions of a Huu-ay-aht employee designated under subsection (3) are in addition to the existing powers, duties and functions of that Huu-ay-aht employee.