

# HUU-AY-AHT FIRST NATIONS



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## INTERPRETATION ACT

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### OFFICIAL CONSOLIDATION

Current to December 18, 2014

*The HUU-ay-aht Legislature enacts this law to provide assistance in interpreting HUU-ay-aht legislation.*



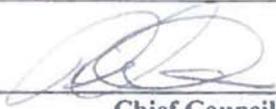
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## REGISTRY OF LAWS CERTIFICATION

I certify that the *Interpretation Act* passed Third Reading in the Legislature on:

*April 1, 2011*

\_\_\_\_\_



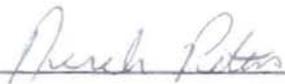
Chief Councillor Robert Dennis Sr.

Certified True Copy

I certify that the *Interpretation Act* is enacted as law on:

*April 1, 2011*

\_\_\_\_\_



Ta'yii Hawilth Derek Peters

I certify that the *Interpretation Act* came into force on:

*April 1, 2011*

\_\_\_\_\_



Law Clerk Connie Waddell

## REGISTRY OF LAWS CERTIFICATION

Certified True Copy

I certify that the *Economic Development Act* passed Third Reading in the Legislature on:

\_\_\_\_\_ *M/L 28/2013* \_\_\_\_\_

\_\_\_\_\_ *JRCook* \_\_\_\_\_

Chief Councillor Jeff Cook

I certify that the *Economic Development Act* is enacted as law on:

\_\_\_\_\_ *M/L 28/2013* \_\_\_\_\_

\_\_\_\_\_ *Derek Peters* \_\_\_\_\_

Ta'yii Hawilth Derek Peters

The *Economic Development Act* came into force as set out below:

Sections of <i>Economic Development Act</i>	Date sections came into force (and regulation number if by regulation)	Signature of Law Clerk, Connie Waddell, certifying the date in force:
1 – 47, 49 – 54, 56	<i>March 28/2013</i>	<i>Debra Waddell</i>
48		
55		



# INTERPRETATION ACT

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**SCHEDULE 1****SCHEDULE 2**

**Note to Reader**

The *Interpretation Act* provides the general framework for interpreting Huu-ay-aht Acts and regulations. The term “enactment” is used for Huu-ay-aht Acts and regulations to incorporate provisions of the *Interpretation Act* (British Columbia).

The first Schedule to this Act sets out the definitions and references that apply across all Huu-ay-aht legislation. The second Schedule provides commonly used terms in Huu-ay-aht legislation and the principal Huu-ay-aht Act in which those terms appear.

The Schedules may be amended by regulation of Executive Council.

The Legislature enacts as follows:

## PART 1 – APPLICATION AND DEFINITIONS

### Application

- 1 (1) Every provision of this Act applies to an enactment unless the contrary intention appears in this Act or in the enactment.
- (2) The provisions of this Act apply to this Act.
- (3) Nothing in this Act excludes the application of a rule of construction to an enactment provided that it is not inconsistent with this Act.

### Definitions

- 2 In this Act, or in an enactment:
  - “**Act**” means this Act, or a general reference to an Act adopted by a government as the context requires;
  - “**enact**” includes to issue, make, establish or prescribe;
  - “**enactment**” means a Huu-ay-aht Act or regulation or a portion of a Huu-ay-aht Act or regulation;
  - “**Executive Council**” means Executive Council as defined in the *Government Act*;
  - “**government**” means government as defined in the *Government Act*;
  - “**Huu-ay-aht**” or “**the Huu-ay-aht**” means the Huu-ay-aht First Nations;
  - “**Huu-ay-aht Act**” means an Act of the Legislature;
  - “**Legislature**” means the Legislature as defined in the *Government Act*;
  - “**regulation**” means a regulation, order, rule, form, tariff of costs or fees, commission, warrant, or other instrument enacted
    - (a) in execution of a power conferred under a Huu-ay-aht Act, or
    - (b) by or under the authority of Executive Council,and includes any regulation made under the power of an Act in which the word “regulation” or “prescribe”, is used to confer that power, but does not include an order of a court made in the course of an action or an order made by a public officer or the tribunal in a dispute between 2 or more persons;
  - “**repeal**” includes to revoke, cancel or rescind.

### Reference Schedules

- 3 (1) The words and expressions defined in Schedule 1 apply to an enactment and this Act.
- (2) The table of common terms in Schedule 2 sets out terms commonly used in Huu-ay-aht legislation and the section of the principal Huu-ay-aht Act in which those common terms appear.
- (3) If there is a conflict between a definition in a Huu-ay-aht Act and this Act, the definition in the Huu-ay-aht Act prevails.
- (4) Executive Council may amend Schedules 1 and 2 by regulation.

**Government bound by enactments**

- 4 Unless an enactment specifically provides otherwise, it is binding on government.

**PART 2 – ACTS AND REGULATIONS****Division 1 - General****Citation of enactments**

- 5 (1) A HUU-ay-aht Act may be cited by reference to its title and the abbreviation “HFNA” followed by the year of its enactment.
- (2) A regulation may be cited by reference to its title and the abbreviation “HFNR” followed by the regulation number and the year of its enactment.

**Enactment always speaking**

- 6 (1) Every enactment must be construed as always speaking.
- (2) If a provision in an enactment is expressed in the present tense, the provision applies to the circumstances as they arise.

**Enactment remedial**

- 7 Every enactment must be construed as being remedial, and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

**Title and preamble**

- 8 The title and any preamble of an enactment are part of it and are intended to assist in explaining its meaning and object.

**Reference aids**

- 9 (1) In this section, “**reference aid**” includes the following:
- (a) marginal notes;
  - (b) section headings;
  - (c) a reference after the end of a section or other division;
  - (d) references after the end of a preamble, section, schedule or form to former enactments;
  - (e) a description of the Act in a textbox on the enactment’s title page;
  - (f) tables of contents;
  - (g) a summary of an enactment entitled “Note to Reader”.
- (2) In an enactment, a reference aid
- (a) is not part of the enactment, and
  - (b) must be considered to have been added editorially for convenience of reference only.
- (3) In an enactment, if a reference to a provision of the enactment or any other enactment is followed by italicized text in square brackets that is or purports to be descriptive of the subject matter of the provision, subsection (2) applies to that bracketed text.

- (4) In an enactment, if a reference to the title of an Act is immediately followed by a reference in round brackets to
- (a) British Columbia,
  - (b) Canada, or
  - (c) another jurisdiction,
- the Act is an Act of the jurisdiction referenced.

**Schedules and tables**

- 10** (1) Schedules attached to an enactment form part of that enactment.
- (2) In the event of a conflict between the content of a Schedule in an enactment and the enactment, the provisions of the enactment prevail.
- (3) Tables included in an enactment form part of that enactment.
- (4) In the event of a conflict between the contents of a table in an enactment and the provisions of the enactment, the provisions of the enactment prevail.

**Subdivisions of Act**

- 11** A section is divided into subdivisions known in descending order as subsections, paragraphs, subparagraphs and clauses.

**Definitions and interpretation provisions**

- 12** Definitions or interpretation provisions in an enactment, unless the contrary intention appears in the enactment, apply to the whole enactment including the section containing a definition or interpretation provision.

**Application of expressions in enactments to regulations**

- 13** An expression used in a regulation has the same meaning as in the enactment authorizing the regulation.

**Use of forms and words**

- 14** (1) If a form is prescribed under an enactment, deviations from it not affecting the substance or calculated to mislead, do not invalidate the form used.
- (2) Gender specific terms include both genders and include corporations.
- (3) In an enactment words in the singular include the plural, and words in the plural include the singular.
- (4) If a word or expression is defined in an enactment, other parts of speech and grammatical forms of the same word or expression have corresponding meanings.

**Citation includes amendments**

- 15** In an enactment a reference to
- (a) another enactment, or
  - (b) an Act or regulation of
    - (i) British Columbia,
    - (ii) Canada, or
    - (iii) another jurisdiction

is a reference to that other enactment, Act or regulation as amended, whether amended before or after the commencement of the enactment in which the reference occurs.

## **Division 2 – Enactment, Repeal and Amendment**

### **Enacting clause**

- 16** The enacting clause of a Huu-ay-aht Act may be in the Nuu-chah-nulth language and followed by the words: “The Legislature enacts as follows:”.

### **Effective date of Huu-ay-aht Act**

- 17** (1) The date of the commencement of a Huu-ay-aht Act or of a portion of it for which no other date of commencement is provided in the Huu-ay-aht Act is the last date that the Huu-ay-aht Act is
- (a) passed by the Legislature,
  - (b) certified by the Chief Councillor as passed by the Legislature, and
  - (c) signed by the Ta’yii Hawilth as enacted.
- (2) If a Huu-ay-aht Act contains a provision that the Huu-ay-aht Act or a portion of it is to come into force by regulation of Executive Council on a date other than the date described in subsection (1), that provision and the title of the Huu-ay-aht Act are deemed to have come into force on the date described in subsection (1).
- (3) If a Huu-ay-aht Act contains a provision to the effect that it, or a portion of it, comes into force on a date that is earlier than the date described in subsection (1), that Huu-ay-aht Act or portion referred to in the provision
- (a) comes into force in accordance with the terms of the provision, and
  - (b) on coming into force, is deemed to have come into force on the earlier date referred to in the provision and is retroactive to the extent necessary to give it force and effect on and after that earlier date.
- (4) The date of signification is part of the Huu-ay-aht Act.
- (5) Every regulation that is not expressed to come into force on a particular date comes into force the last date that regulation is
- (a) passed by Executive Council,
  - (b) certified by the Chief Councillor as passed, and
  - (c) signed by the Ta’yii Hawilth as enacted.

### **Time of commencement or repeal**

- 18** (1) An enactment must be construed as commencing at the beginning of the day on which it comes into force.
- (2) An enactment that is repealed and replaced ceases to have effect at the time the new enactment commences.
- (3) Any other enactment ceases to have effect at the end of the day on which it expires or otherwise ceases to have effect.
- (4) An enactment that has expired or otherwise ceased to have effect is deemed to be repealed for the purposes of this Act.

**Preliminary proceedings and staggered commencement**

- 19** (1) If an enactment that is not in force contains provisions conferring power to make regulations, or to do any other thing, to make the enactment effective on its coming into force, the power may be exercised before the enactment comes into force, but the regulation or the thing done has no effect until the enactment comes into force, except in so far as is necessary to make the enactment effective on its coming into force.
- (2) If an enactment is to come into force or be repealed by regulation of Executive Council,
- (a) the regulation may apply to the coming into force or repeal of any provision of the enactment, and
  - (b) regulations may be issued at different times for different provisions of the enactment.

**Power of repeal and amendment**

- 20** (1) Every Huu-ay-aht Act must be construed as to reserve to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying a power, privilege or advantage that it vests in or grants to any person.
- (2) A Huu-ay-aht Act may be amended or repealed by a Huu-ay-aht Act passed in the same session of the Legislature.
- (3) Executive Council may make regulations amending an enactment for the purpose of changing a reference to a specific public officer currently assigned responsibility in relation to the matter.

**References in enactments**

- 21** (1) A reference in an enactment to a series of numbers or letters by the first and last numbers or letters of the series includes the number or letter first and last mentioned.
- (2) A reference in an enactment to a Part, division, section, Schedule, appendix, or form is a reference to a Part, division, section, Schedule, appendix or form of the enactment in which the reference occurs.
- (3) A reference in an enactment to a subsection, paragraph, subparagraph or clause is a reference to a subsection, paragraph, subparagraph or clause of the section, subsection, paragraph or subparagraph in which the reference occurs.
- (4) A reference in an enactment to regulations is a reference to regulations made under the enactment in which the reference occurs.
- (5) A reference in an enactment by number or letter to a section, subsection, paragraph, subparagraph, clause or other division or line of another enactment must be construed as a reference to the division or line of the other enactment as printed and deposited in the Registry of Laws and Official Records.
- (6) If an enactment refers to a matter “under” a named or unnamed Act, the Act in that reference includes regulations enacted under the authority of that Act.

**Amending enactment part of enactment amended**

- 22** An amending enactment must be construed as part of the enactment that it amends.

**Repeal**

- 23** (1) If all or part of an enactment is repealed, the repeal does not
- (a) revive an enactment or thing not in force or existing immediately before the time when the repeal takes effect,
  - (b) affect the previous operation of the enactment so repealed or anything done or suffered under it,
  - (c) affect a right or obligation acquired, accrued, accruing or incurred under the enactment so repealed,
  - (d) subject to section 24 (1) (d), affect an offence committed against or a contravention of the repealed enactment, or a penalty, forfeiture or punishment incurred under it, or
  - (e) effect an investigation, proceeding or remedy for the right, obligation, penalty, forfeiture or punishment.
- (2) Subject to section 24 (1), an investigation, proceeding or remedy described in subsection (1) (e) may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if the enactment had not been repealed.

**Repeal and replacement**

- 24** (1) If an enactment (the “former enactment”) is repealed and another enactment (the “new enactment”) is substituted for it,
- (a) every person acting under the former enactment must continue to act as if appointed or elected under the new enactment until another is appointed or elected in his or her place,
  - (b) every proceeding commenced under the former enactment must be continued under and in conformity with the new enactment so far as it may be done consistently with the new enactment,
  - (c) the procedure established by the new enactment must be followed as far as it can be adapted in the recovery or enforcement of penalties and forfeitures incurred under the former enactment, in the enforcement of rights existing or accruing under the former enactment, and in a proceeding relating to matters that happened before the repeal,
  - (d) when a penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment if imposed or adjusted after the repeal must be reduced or mitigated accordingly,
  - (e) all regulations made under the former enactment remain in force and are deemed to have been made under the new enactment, in so far as they are not inconsistent with the new enactment, until they are repealed or others are made in their place, and
  - (f) a reference in an unrepealed enactment to the former enactment must, for a subsequent transaction, matter or thing, be construed as a reference to the provision of the new enactment relating to the same subject matter, but if there is no provision in the new enactment relating to the same subject matter, the former enactment must be construed as being unrepealed so far as is necessary to give effect to the unrepealed enactment.
- (2) If all or part of an enactment, or an Act or regulation of British Columbia or any other province of Canada or of Canada, is repealed and another provision is

substituted by way of amendment, revision or consolidation, a reference in an enactment to the repealed enactment, Act or regulation must, for a subsequent transaction, matter or thing, be construed to be a reference to the provision of the substituted enactment, Act or regulation relating to the same subject matter.

**No implications from repeal, amendment, etc.**

- 25** (1) The repeal of all or part of an enactment, or the repeal of an enactment and the substitution for it of another enactment, or the amendment of an enactment must not be construed to be or to involve either a declaration that the enactment was or was considered by the Legislature or other body or person who enacted it to have been previously in force, or a declaration about the previous state of the law.
- (2) The amendment of an enactment must not be construed to be or to involve a declaration that the law under the enactment prior to the amendment was or was considered by the Legislature or other body or person who enacted it to have been different from the law under the enactment as amended.
- (3) An amendment, consolidation, re-enactment or revision of an enactment must not be construed to be or to involve an adoption of the construction that has by judicial decision or otherwise been placed on the language used in the enactment or on similar language.

### **PART 3 – GENERAL PROVISIONS OF ENACTMENTS**

**Common names**

- 26** In an enactment, the name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not the formal or extended designation of it.

**Solemn declarations**

- 27** If a solemn declaration is required by an enactment, the solemn declaration must be
- (a) made on oath or by solemn affirmation before any of the following persons:
    - (i) a commissioner for taking affidavits for British Columbia;
    - (ii) a judge of a court in British Columbia;
    - (iii) justices;
    - (iv) the Ta'yii Hawilth;
    - (v) the Speaker;
    - (vi) the Law Clerk;
    - (vii) the Executive Director;
    - (viii) the Huu-ay-aht Tribunal chair;
    - (ix) the Election Commissioner;
    - (x) a practising lawyer as defined in the *Legal Profession Act* (British Columbia);
    - (xi) notaries public;
    - (xii) other classes of office holder or individuals Executive Council prescribes, and

- (b) signed by the person making the oath or solemn affirmation and by the person before whom it is made.

### Majority and quorum

- 28** (1) Subject to section 31, if in an enactment an act or thing is required or authorized to be done by more than 2 persons, a majority of them may do it.
- (2) Subject to section 31, if an enactment establishes a board, commission or other body consisting of 3 or more members, in this subsection called the “association”, the following rules apply:
- (a) if the number of members of the association provided for by the enactment is a fixed number, at least 1/2 of that number of members constitutes a quorum at a meeting of the association;
  - (b) if the number of members of the association provided for by the enactment is not a fixed number, at least 1/2 of the number of members in office constitutes a quorum at a meeting of the association, as long as the number of members is within the maximum or minimum number, if any, authorized by the enactment;
  - (c) an act or thing done by a majority of the members of the association present at a meeting, if the members present constitute a quorum, is deemed to have been done by the association;
  - (d) a vacancy in the membership of the association does not invalidate the constitution of the association or impair the right of the members in office to act, if the number of members in office is not less than a quorum.

### Appointments of officers

- 29** (1) Subject to section 31, Executive Council authority to appoint a public officer under an enactment is authority to appoint during pleasure.
- (2) If a person is appointed under an enactment to an office effective on a specified day, the appointment is effective immediately on the commencement of that day.
- (3) If the appointment of the person is terminated effective on a specified day, the termination is effective immediately on the commencement of that day.

### Included powers

- 30** Subject to section 31, words in an enactment authorizing the appointment of a public officer include power to do the following:
- (a) set his or her term of office;
  - (b) terminate his or her appointment or remove or suspend the public officer;
  - (c) reappoint or reinstate the public officer;
  - (d) set the public officer's remuneration and vary or terminate it;
  - (e) appoint another in his or her place or to act in his or her place;
  - (f) appoint a person as the public officer's deputy.

### Exception

- 31** Sections 28 to 30 of this Act do not apply if another enactment provides for the matters set out in them.

**Powers to act for public officers**

- 32** (1) Words in an enactment directing or empowering a public officer to do something, or otherwise applying to the public officer by his or her name of office, include a person acting for the public officer or appointed to act in the office.
- (2) This section applies whether or not the office of the public officer is vacant.

**Ancillary powers**

- 33** (1) If in an enactment anything is required or authorized to be done by or before a judge, justice, coroner or public officer, it must be done by or before one whose jurisdiction or powers extend to the place where the thing is to be done.
- (2) If in an enactment power is given to a person to do or enforce the doing of an act or thing, all the powers that are necessary to enable the person to do or enforce the doing of the act or thing are also deemed to be given.
- (3) If in an enactment a power is conferred or a duty imposed, the power may be exercised and the duty must be performed from time to time as occasion requires.
- (4) If in an enactment a power is conferred to make regulations, the power includes a power exercisable in the same manner, and subject to the same consent and conditions, if any, to repeal or amend the regulations and make others.
- (5) If in an enactment the doing of an authorized act is dependent on an act of Executive Council or of a public officer, Executive Council or the public officer has the power to do that other act or thing.
- (6) Power given to a person in an enactment to enter into an agreement includes the power for the person with whom the agreement is to be made to enter into the agreement and to carry out its terms, subject to conditions that apply to that person in the exercise of the power.
- (7) If in an enactment power is given to a person to inspect or to require the production of records, the power includes the power to make copies or extracts of the records.

**Public inspection**

- 34** (1) If an enactment requires that a record be made available for public inspection, it must be available to the public to inspect during regular business hours at the Huu-ay-aht government offices.
- (2) A person inspecting a record under subsection (1) must not, without authorization, remove the record from where it has been provided for inspection.
- (3) If a record is available for public inspection, a person may have a copy made of all or part of the record on payment of any applicable fee established by Executive Council.

**Calculation of time or age**

- 35** (1) This section applies to an enactment and to a deed, conveyance or other legal instrument unless specifically provided otherwise in the deed, conveyance or other legal instrument.
- (2) If the time for doing an act falls or expires on a holiday, the time is extended to the next day that is not a holiday.

- (3) If the time for doing an act in a business office falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open.
- (4) In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months or years, the first and last days must be excluded.
- (5) In the calculation of time not referred to in subsection (4), the first day must be excluded and the last day included.
- (6) If, under this section, the calculation of time ends on a day in a month that has no date corresponding to the first day of the period of time, the time ends on the last day of that month.
- (7) A specified time of day is a reference to Pacific Standard time, or 8 hours behind Greenwich mean time, unless Daylight Saving time is being used or observed on that day.
- (8) A person reaches a particular age expressed in years at the start of the relevant anniversary of his or her date of birth.

## **PART 4 – NOTICE AND DELIVERY**

### **Public notice**

- 36** (1) In an enactment, if a Huu-ay-aht body or a public officer must give public notice, the notice must be given in at least 2 of the following ways:
- (a) posting the notice on a government website accessible to the general public;
  - (b) inserting the notice in a Huu-ay-aht community newsletter;
  - (c) inserting the notice at least once in a newspaper of general circulation in Port Alberni, Victoria and Vancouver;
  - (d) mailing, emailing or delivering the notice to each eligible voter for which the Huu-ay-aht public body has contact information;
  - (e) posting a notice in one or more visible locations in the Huu-ay-aht government offices.
- (2) More than one matter requiring public notice may be combined in the notice under subsection (1) as long as the requirements of that subsection are met.
- (3) In an enactment, if a Huu-ay-aht public body or a public officer is required to publish a record, the record or a summary of the record must be distributed as if it were given public notice under subsection (1).
- (4) If a summary of a record is published under subsection (3), the notice must include the Huu-ay-aht government office locations where the full record may be inspected.
- (5) Section 34 applies to the inspection of a record under subsection (4).

### **Notice by newspaper**

- 37** (1) In a provision requiring publication in a newspaper, “**newspaper**” means a printed publication in paper form, intended for general circulation, published regularly at

intervals of not more than a week, consisting in great part of news and current events of general interest.

- (2) If an enactment provides that notice must or may be given by publication in a newspaper published in a particular municipality, district, county, jurisdiction or other place, the provision must be construed to mean that the notice may be sufficiently given, if no newspaper is published at the time when the notice is to be given in the particular place, by publishing or advertising the notice in a newspaper published in British Columbia, nearest to the place mentioned.

#### **Deliver notice, document or written acknowledgment**

- 38** (1) If an enactment requires that a notice or document must be delivered to a person, the notice or document may be delivered in any of the following ways:
- (a) mailed to a person;
  - (b) left with a person;
  - (c) deposited in a person's mail box or receptacle at the person's residence or place of business;
  - (d) transmitted to a person by electronic means, including email.
- (2) If an enactment requires written acknowledgment be delivered to a person, the written acknowledgement may be delivered in any of the ways listed under subsection (1).

## **PART 5 – REGULATION-MAKING POWERS**

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

- 39** (1) If an enactment provides that Executive Council may make regulations, the enactment must be construed as empowering Executive Council, for the purpose of carrying out the enactment according to its intent, to
- (a) make regulations as are considered necessary and advisable, are ancillary to it, and are not inconsistent with it,
  - (b) provide for administrative and procedural matters for which no express, or only partial, provision has been made,
  - (c) limit the application of a regulation in time or place or both,
  - (d) prescribe the amount of a fee authorized by the enactment, including setting out the manner of calculating or otherwise determining the fee,
  - (e) provide, for a regulation made by Executive Council, that its contravention
    - (i) is subject to the compliance notice or ticket provisions of the *Offence and Law Enforcement Act*, or
    - (ii) constitutes an offence designated under *Huu-ay-aht law*, and
  - (f) provide that the provisions of the *Offence and Law Enforcement Act* apply to contraventions and offences under paragraph (e).
- (2) A regulation made under the authority of an enactment has the force of law.

**Authority to prescribe forms includes electronic forms**

- 40** (1) Authority in an enactment to prescribe, approve or provide a form includes authority to prescribe, approve or provide an electronic form and to prescribe requirements for its electronic signature.
- (2) Authority in an Act to prescribe or approve the manner of submitting a form includes authority to prescribe or approve electronic submission of the form.

**PART 6 – GENERAL****Documentary evidence**

- 41** If an enactment provides that a document is evidence or proof of a fact, unless the context indicates that the document is conclusive evidence, the document is admissible in evidence in any proceeding, and the fact is deemed to be established in the absence of any evidence to the contrary.

**Mutatis mutandis**

- 42** If an enactment provides that
- (a) another enactment, or
  - (b) an Act or regulation of
    - (i) British Columbia,
    - (ii) Canada, or
    - (iii) another jurisdiction
- applies, that other enactment, Act or regulation applies with the necessary changes and so far as it is applicable.

**Commencement**

- 43** This Act comes into force on the date of its enactment by the Legislature.

## SCHEDULE 1

### GENERAL EXPRESSIONS DEFINED

- “**acquire**” means to obtain by any method and includes accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but does not include expropriate;
- “**Act adopted by reference**” means that portion of an Act, whether it is a Huu-ay-aht Act or an Act of another government including an Act of British Columbia, Canada or a First Nation, that is adopted or incorporated by reference, but is not attached to or accompanying the Act;
- “**affidavit**” or “**oath**” includes an affirmation, a statutory declaration, or a solemn declaration under this Act, or another Huu-ay-aht Act or under the *Evidence Act* (British Columbia), or under the *Canada Evidence Act* and “**swear**” includes solemnly declare or affirm;
- “**appoint**” includes employ, retain under contract or designate in writing;
- “**approved by the People’s Assembly**” means approved by a resolution of the People’s Assembly under section 84 of the *Government Act*;
- “**British Columbia land surveyor**” means a person entitled to practise as a land surveyor under the *Land Surveyors Act* (British Columbia);
- “**British Columbia**” or “**government of British Columbia**” means Her Majesty in right of British Columbia or the Province of British Columbia, as the context requires;
- “**Canada**” or “**government of Canada**” means Her Majesty in right of Canada or Canada, as the context requires;
- “**Chief Councillor**” means the Chief Councillor under section 12 of the *Government Act*;
- “**commencement**”, with reference to an enactment, means the date on which the enactment comes into force;
- “**Constitution**” means the Huu-ay-aht Constitution as set out in the Schedule to the *Constitution Act*;
- “**contact information**” means information sufficient to contact a person, including the person’s address, telephone number and email address;
- “**contractor**” means a person under contract with a Huu-ay-aht body to perform work or services who is not
- (a) a Huu-ay-aht employee, or
  - (b) exempt by regulation;
- “**corporation**” means an incorporated association, company, society, municipality or other incorporated body, where and however incorporated and includes a corporation sole;
- “**Council member**” includes the Chief Councillor and Councillors;
- “**Councillor**” means an elected or appointed Councillor, except under the *Election Act* where a reference to Councillor means an elected Councillor unless the context requires otherwise;

- “**court**” means the Provincial Court, the Supreme Court or another court of British Columbia or Canada;
- “**Criminal Code**” means the *Criminal Code* (Canada);
- “**dispose**” means to transfer or alienate by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;
- “**Effective Date**” means the date upon which the Treaty takes effect [*April 1, 2011*], and “**effective date**”, in relation to a Huu-ay-aht Act or regulation, means the date the Huu-ay-aht Act or regulation comes into force;
- “**eligible voter**” means an eligible voter as defined in the *Election Act*;
- “**entity**” includes a corporation, trust, partnership, fund or other unincorporated association or organization, the Crown in right of Canada or of a province, a Crown agency, a foreign government and an agency of a foreign government, but does not include an individual;
- “**Executive Director**” means the Executive Director appointed under section 86 of the *Financial Administration Act*;
- “**Ha’wiih Council**” means a body of Huu-ay-aht Ha’wiih established in accordance with customary law as set out in section 74 of the *Government Act*;
- “**holiday**” includes the following:
- (a) Sunday, Christmas Day, Good Friday and Easter Monday;
  - (b) Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day and New Year's Day;
  - (c) December 26;
  - (d) any day set by Canada or British Columbia as a public holiday;
  - (e) a day set by Executive Council as a public holiday to commemorate significant Huu-ay-aht events or for the celebration of Huu-ay-aht customs;
- “**Huu-ay-aht Band list**” means the Huu-ay-aht Indian Band list of members deposited in the Registry of Laws and Official Records;
- “**Huu-ay-aht body**” means government and Huu-ay-aht public bodies;  
HFNA 2/2013, s. 53(a).
- “**Huu-ay-aht business enterprise**” means Huu-ay-aht business enterprise as defined in the *Economic Development Act*;  
HFNA 2/2013, s. 53(b).
- “**Huu-ay-aht citizen**” means a Huu-ay-aht citizen under the *Citizenship and Treaty Enrolment Act*;
- “**Huu-ay-aht Council**” means the Huu-ay-aht Council as defined in the *Government Act*;
- “**Huu-ay-aht employee**” means an individual employed by a Huu-ay-aht body and who is not exempt by regulation;
- “**Huu-ay-aht First Nations**” means that Maa-nulth First Nation referred to as the “Huu-ay-aht First Nations” established as a legal entity in accordance with the Treaty;
- “**Huu-ay-aht government offices**” means the principal administrative office of government in each of Port Alberni and Anacla;

- “**Huu-ay-aht law**” includes Huu-ay-aht Acts, regulations, orders, written policies, customary laws and common law in relation to those Huu-ay-aht Acts, regulations, orders, written policies and customary laws;
- “**Huu-ay-aht legislation**” means Huu-ay-aht Acts and the regulations made under them;
- “**Huu-ay-aht public body**” means an entity other than a Huu-ay-aht business enterprise, that is owned or controlled, directly or indirectly, by government;
- “**Huu-ay-aht treaty participant**” means a Huu-ay-aht treaty participant under the *Citizenship and Treaty Enrolment Act*;
- “**Huu-ay-aht Tribunal**” means the tribunal established under the *Tribunal Act*;
- “**includes**” means includes, but is not limited to;
- “**land title legislation**” means the *Land Title Act* (British Columbia);
- “**local government**” means a local government under the *Local Government Act* (British Columbia);
- “**mail**” refers to the deposit of the matter to which the context applies in the Canada Post Office at any place in Canada, postage prepaid, for transmission by post, and includes deliver;
- “**material adopted by reference**” means
- (a) a code of, or standard set by, a provincial, national, international, First Nations, indigenous or other code or standard making body, or
  - (b) a map, plan, geological survey, illustration, diagram, photograph, graph or table or any other similar record or thing,
- that is reasonably available to persons likely to be affected by it and is adopted or incorporated by reference into an Act or regulation, but is not attached to or accompanying the Act or regulation;
- “**may**” is to be construed as permissive and empowering;
- “**medical practitioner**” means a registrant of the College of Physicians and Surgeons of British Columbia entitled under the *Health Professions Act* (British Columbia) to practice medicine and to use the title “medical practitioner”;
- “**minor**” means a person under the age of majority;
- “**month**” means a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day;
- “**municipality**” means, as applicable,
- (a) the corporation into which the residents of an area are incorporated as a municipality under the *Local Government Act* (British Columbia), the *Vancouver Charter* (British Columbia) or any other Act, or
  - (b) the geographic area of a municipal corporation;
- “**must**” is to be construed as imperative;
- “**now**” must be construed as referring to the time of commencement of the enactment containing the word;
- “**obligation**” includes a duty and a liability;
- “**peace officer**” means a peace officer as defined in the *Offence and Law Enforcement Act*;

- “People’s Assembly”** means a general assembly of Huu-ay-aht citizens as set out in Part 8 of the *Government Act*;
- “person”** includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;
- “personal representative”** includes an executor of a will and an administrator with or without will annexed of an estate, and, if a personal representative is also a trustee of part or all of the estate, includes the personal representative and trustee;
- “prescribe”** means prescribe by regulation;
- “professional engineer”, “civil engineer” or “mining engineer”** or words implying recognition of any person as a professional engineer or member of the engineering profession means a person registered or licensed under the *Engineers and Geoscientists Act* (British Columbia);
- “province”**, when used as meaning a part of Canada, includes the Northwest Territories, Yukon and Nunavut;
- “Provincial Court”** means the Provincial Court of British Columbia;
- “public officer”** means a public officer as defined in the *Code of Conduct and Conflict of Interest Act*;
- “record”** includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing in or on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include
- (a) a computer program or any other mechanism that produces records, and
  - (b) a transitory record;
- “regional district”** means a regional district as defined in the *Local Government Act* (British Columbia);
- “registered mail”** includes certified mail and refers to a postal service provided by Canada Post by which Canada Post supplies the sender with a record verifying that the envelope or package was delivered
- (a) to the address stated on it, or
  - (b) to a person who acknowledged receipt of the envelope or package after a notice to pick up the envelope or package was left at that address;
- “regulation adopted by reference”** means that portion of a regulation, whether it is a Huu-ay-aht regulation or a regulation of another government, that is adopted or incorporated by reference but that is not attached to or accompanying the regulation;
- “report”** means a record, including a briefing note, prepared by a public officer, that identifies an issue, provides background, proposes and analyzes options, identifies financial implications, and makes recommendations, unless the context requires otherwise;
- “right”** includes a power, authority, privilege and licence;
- “rural area”** means territory that is not in a municipality;
- “school district”** means a school district as defined in the *School Act* (British Columbia);
- “shall”** is to be construed as imperative;
- “Supreme Court”** means the Supreme Court of British Columbia;

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- “**Surveyor General**” or **Surveyor General of British Columbia**” means the Surveyor General appointed under the *Land Title and Survey Authority Act* (British Columbia);
- “**Ta’yii Hawilth**” means the head hereditary chief of the Huu-ay-aht;
- “**Treaty**” means the Maa-nulth First Nations Final Agreement among the Maa-nulth First Nations, Her Majesty the Queen in right of Canada and Her Majesty the Queen in right of British Columbia, and includes amendments to that agreement made in accordance with it.
- “**words**” includes figures, punctuation marks, and typographical, monetary and mathematical symbols;
- “**writing**”, “**written**”, or a term of similar import includes words printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible form;
- “**year**” means any period of 12 consecutive months; but a reference to “**calendar year**” means a period of 12 consecutive months beginning on January 1, and a reference by number to a dominical year means a period of 12 consecutive months beginning on January 1 of that dominical year.

## SCHEDULE 2

*Common terms in Hui-ay-aht legislation and explanatory section references.*

<b>Term</b>	<b>Hui-ay-aht Act</b>	<b>Section</b>
approving officer	<i>Community Planning and Development Act</i>	28
auditor	<i>Financial Administration Act</i>	34
building inspector	<i>Community Planning and Development Act</i>	37
Chief Councillor	<i>Government Act</i>	12
Citizenship Committee	<i>Citizenship and Treaty Enrolment Act</i>	45
Citizenship Registrar	<i>Citizenship and Treaty Enrolment Act</i>	40
Citizenship Register	<i>Citizenship and Treaty Enrolment Act</i>	41
compliance notice	<i>Offence and Law Enforcement Act</i>	14
consolidated government fund	<i>Financial Administration Act</i>	43
contravention	<i>Offence and Law Enforcement Act</i>	2
Council member	<i>Government Act</i>	2
Councillor	<i>Government Act</i>	16
Director of Lands and Natural Resources	<i>Community Planning and Development Act</i>	5
Economic Development Committee	<i>Economic Development Act</i>	8
eligible voter	<i>Election Act</i>	3
Election Commissioner	<i>Election Act</i>	15
Executive Council	<i>Government Act</i>	2
Executive Director	<i>Financial Administration Act</i>	86
Finance Committee	<i>Financial Administration Act</i>	6
general operating fund	<i>Financial Administration Act</i>	45
government	<i>Government Act</i>	3
government employee	<i>Financial Administration Act</i>	3
government member	<i>Government Act</i>	2
Ha'houlthee Lands	<i>Community Planning and Development Act</i>	2
Ha'wiih Council	<i>Government Act</i>	74
Ha'wiih Councillor	<i>Government Act</i>	75
Hui-ay-aht citizen	<i>Citizenship and Treaty Enrolment Act</i>	3
Hui-ay-aht Citizen Development Committee	<i>Financial Administration Act</i>	79
Hui-ay-aht Council	<i>Government Act</i>	4

<b>Term</b>	<b>Huu-ay-aht Act</b>	<b>Section</b>
Huu-ay-aht Development Corporation	<i>Financial Administration Act</i>	23
Huu-ay-aht enrolment register	<i>Citizenship and Treaty Enrolment Act</i>	42
Huu-ay-aht employee	<i>Code of Conduct and Conflict of Interest Act</i>	3
Huu-ay-aht land registrar	<i>Land Act</i>	47
Huu-ay-aht land registry	<i>Land Act</i>	48
Huu-ay-aht Lands	<i>Land Act</i>	2
Huu-ay-aht Maht Mahs	<i>Citizenship and Treaty Enrolment Act</i>	2
Huu-ay-aht oath	<i>Code of Conduct and Conflict of Interest Act</i>	5 & Sched
Huu-ay-aht treaty participant	<i>Citizenship and Treaty Enrolment Act</i>	20
Huu-ay-aht Tribunal	<i>Tribunal Act</i>	3
Huu-ay-aht Variance Board	<i>Community Planning and Development Act</i>	24
instrument of disposition	<i>Land Act</i>	2
interest holder	<i>Land Act</i>	2
Law Clerk	<i>Government Act</i>	102
Legislature	<i>Government Act</i>	5
peace officer	<i>Offence and Law Enforcement Act</i>	2
People's Assembly	<i>Government Act</i>	3
public officer	<i>Code of Conduct and Conflict of Interest Act</i>	3
Registered Lands	<i>Land Act</i>	2
Registrar	<i>Citizenship and Enrolment Registrar under the Citizenship and Treaty Enrolment Act</i>	40
Registry of Laws and Official Records	<i>Government Act</i>	106
Speaker	<i>Government Act</i>	39
ticket	<i>Offence and Law Enforcement Act</i>	26
Treaty	<i>Interpretation Act</i>	Sched 1
Treaty Lands	<i>Land Act</i>	2
Tribunal	<i>Huu-ay-aht Tribunal in Tribunal Act</i>	3
Unregistered Lands	<i>Land Act</i>	2

HFNA 2/2013, s. 54