

# HUU-AY-AHT FIRST NATIONS

---



## **Report of Executive Council on Amendments to the Government Act Regarding Notice and Delivery Requirements**

---

**For consideration at the session of the  
Huu-ay-aht First Nations People's Assembly  
on November 21, 2015**

Prepared on behalf of Executive Council  
by Melinda Skeels, Legal Counsel

Date: November 2, 2015



## **BACKGROUND**

Executive Council has approved and recommends to the People's Assembly amendments pertaining to notice and delivery requirements set out in sections 38, 45, 56, 57, 64, 72, 89, of the *Government Act*, HFNA 3/2011.

Amendments to the *Government Act* need to be approved by the People's Assembly before they can come into force.

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

## **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. Similarly, reports about substantive matters to be considered by the People's Assembly must be delivered to citizens at least 10 working days in advance. Other deadlines in the *Government Act* are expressed simply as as days. For example, public notice of the People's Assembly must be given at least 30 days before the session begins.

Executive Council considered it desirable that the timeframes set out above be changed to "days" rather than "working days". There would be two effects of this:

- 1) Shorter deadlines for notice and report deadlines; and
- 2) Calculating deadlines would easier because all deadlines would be expressed the same way ("days" instead of "working days").

These proposed amendments were brought before the 2014 People's Assembly, which recommended they be made the subject of community rounds and discussions prior to this year's People's Assembly. Citizens have indicated that they are concerned about the proposed changes to the *Government Act* that would result in shorter public notice periods for meetings of Executive Council.

Attached to this report are proposed amendments to the *Government Act* that have been revised since last year to address the concerns raised by citizens. All references to workings days have been changed to days, but public notice periods and requirements to deliver materials to citizens have been increased so that there are effectively no changes to timeframes involving notice or delivery of materials to citizens; only internal deadlines have been shortened.

## **OPTIONS AND IMPLICATIONS**

The People's Assembly may or may not approve these amendments. If not approved, they will not go before the Legislature to be enacted. If the proposed amendments are not made, the *Government Act* will remain as is with respect to notice periods and materials deadlines and the inefficiencies and difficulties in calculating deadlines discussed above will remain.





huu ay aht

ANCIENT SPIRIT, MODERN MIND

---

**PROPOSED AMENDMENTS TO THE  
GOVERNMENT ACT, HFNA 3/2011**

**Re: Notice and Delivery Requirements**

---

For consideration at the  
2015 People's Assembly

November 20-22, 2015



## **Proposed Amendment**

The *Government Act*, HFNA 3/2011 is amended:

- (a) *in sections 38(2), 45(1), 56(2), 56(4), 57(1), 64(1), 72(2) and 89(2), by striking out the words “working days” and substituting the word “days”;*
- (b) *in sections 72(4) and 89(4), by striking out the words “working day” and substituting the word “day”;*
- (c) *in sections 45(1), 89(2) and 89(4), by striking out the number “10” and substituting the number “14”.*

## **Effects of Proposed Amendments**

Once amended, the relevant portions of the *Government Act*, HFNA 3/2011 would read as follows (additions are underlined, deletions are ~~crossed out~~):

### **Reports**

**38** ...

- (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.

### **Notice of meeting**

- 45** (1) At least ~~10~~ 14 ~~working days~~ days before an Executive Council meeting, the Law Clerk must give public notice of the meeting.

### **Reports**

**56** ...

- (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.

...

- (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.

**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.

**Reports**

- 72 ...
- (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.
- ...
- (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~~ day delivery requirement.

**Reports**

- 89 ...
- (2) The report must be delivered to Huu-ay-aht citizens at least ~~10~~ 14 ~~working days~~ days before the People's Assembly will consider the substantive matter.
- ...
- (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~~ 14 ~~working day~~ day delivery requirement.



huu ayah't

ANCIENT SPIRIT, MODERN MINE

# WRITTEN MOTION of the PEOPLE'S ASSEMBLY

(Government Act, s. 86)

For ease of reference, this motion may be referred to as:

## Motion Regarding Approval of Amendments to the *Government Act* re: Notice and Delivery Requirements

### Whereas:

- a) Pursuant to the *Government Act*, s. 104, amendments to the *Government Act* must be approved by the People's Assembly before they can be brought into force;
- b) The 2014 People's Assembly considered a proposed act to amend the *Government Act* that included amendments in respect of notice and delivery requirements and recommended that the proposed amendments be the subject of further community engagement;
- c) Further community engagement in respect of the proposed amendments to the *Government Act* has occurred over the past year;
- d) Citizens have expressed concern that public notice and material delivery periods not be reduced;
- e) Executive Council has approved for presentation to People's Assembly the attached proposed amendments to the *Government Act* regarding notice and delivery requirements (the "proposed amendments regarding notice and delivery requirements");
- f) The proposed amendments regarding notice and delivery requirements do not result in a reduction of the public notice period for meetings or requirements to deliver materials to citizens, but do reduce internal government notice periods and materials delivery deadlines;
- g) Executive Council recommends that the People's Assembly approve the proposed amendments regarding notice and delivery requirements; and
- h) If the proposed amendments regarding notice and delivery requirements are approved by the People's Assembly, it is the intention of Executive Council that legislation effecting those amendments will be introduced to the Legislature at its next session.

**Be it resolved that** the People's Assembly hereby approves the proposed amendments to the *Government Act* regarding notice and delivery requirements.

### Appendices attached to Motion:

Written report prepared by Melinda Skeels, legal counsel, on behalf of Executive Council.

The following documents:

- Proposed Amendments to the *Government Act*, HFNA 3/2011 re: Notice of Delivery Requirements

Introduced by: \_\_\_\_\_

Date: November 21, 2015  
\_\_\_\_\_

DATE OF PEOPLE'S ASSEMBLY

### Administrative Requirements