

# HUU-AY-AHT FIRST NATIONS



---

## CITIZENSHIP AND TREATY ENROLMENT ACT

---


*The HUU-ay-aht Legislature enacts this law to provide a fair, inclusive and transparent process for individuals to become HUU-ay-aht citizens and enroll under the Treaty.*



---


## REGISTRY OF LAWS CERTIFICATION

I certify that the *Citizenship and Treaty Enrolment Act* passed Third Reading in the Legislature on:

  
\_\_\_\_\_  
*April 1, 2011*

Chief Councillor Robert Dennis Sr.


I certify that the *Citizenship and Treaty Enrolment Act* is enacted as law on:

*April 1, 2011*  
\_\_\_\_\_  


Ta'yii Hawilth Derek Peters

Certified True Copy

I certify that the *Citizenship and Treaty Enrolment Act* came into force on:

*April 1, 2011*  
\_\_\_\_\_  
  
Law Clerk Connie Waddell



# CITIZENSHIP AND TREATY ENROLMENT ACT

## *Contents*

### **PART 1 – PURPOSE AND DEFINITIONS**

- 1 Purpose
- 2 Definitions

### **PART 2 – CITIZENSHIP**

- 3 Huu-ay-aht citizen
- 4 Eligibility criteria
- 5 Qualifying for citizenship
- 6 Huu-ay-aht Maht Mahs acceptance
- 7 Committee review
- 8 Committee may revoke citizenship
- 9 Additional information
- 10 Burden of proof
- 11 Application to revoke citizenship
- 12 Review of application to revoke citizenship
- 13 Additional information
- 14 Burden of proof
- 15 Removal from Citizenship Register
- 16 Citizenship only re-granted once
- 17 Citizenship appeals
- 18 Naming appeals

### **PART 3 – ELIGIBILITY FOR TREATY ENROLMENT**

- 19 Enrolling under Treaty
- 20 Huu-ay-aht treaty participant
- 21 Eligibility criteria for enrolment
- 22 Matrilineal or patrilineal descendant
- 23 Custom adoption
- 24 Huu-ay-aht Band custom membership
- 25 Custom membership by marriage

### **PART 4 – TREATY ENROLMENT**

#### **Division 1 – Application for Treaty Enrolment**

- 26 Application to enroll under Treaty
- 27 Review of enrolment application
- 28 Additional information
- 29 Burden of proof

#### **Division 2 - Application to Have Enrolment Revoked**

- 30 Application to revoke enrolment
- 31 Review of application to revoke enrolment
- 32 Additional information
- 33 Burden of proof

#### **Division 3 – Committee Revocation of Enrolment**

- 34 Committee may revoke enrolment
- 35 Additional information
- 36 Burden of proof

- 37 Removal from Huu-ay-aht enrolment register
- 38 Only one opportunity to re-enroll under Treaty

**Division 4 - Appeals**

- 39 Treaty enrolment appeals

**PART 5 – CITIZENSHIP AND ENROLMENT REGISTERS**

- 40 Citizenship and Enrolment Registrar
- 41 Citizenship Register
- 42 Huu-ay-aht enrolment register
- 43 Huu-ay-aht citizen contact information required
- 44 Death of Huu-ay-aht citizen

**PART 6 – CITIZENSHIP COMMITTEE**

- 45 Citizenship Committee established
- 46 Committee responsibilities
- 47 Committee terms of reference
- 48 Deemed decision of committee

**PART 7 – OFFENCES AND PENALTIES**

- 49 Offences and penalties

**PART 8 – TRANSITIONAL APPLICATION OF TREATY**

- 50 Initial enrolment under Treaty to March 31, 2013
- 51 Enrolment under Treaty after March 31, 2013
- 52 Application of Treaty

**PART 9 – GENERAL**

- 53 Acting for another individual
- 54 Disclosure of contact information
- 55 Power to make regulations
- 56 No further effect
- 57 Amendments to this Act
- 58 Commencement

**SCHEDULE**

**Note to Reader**

The *Citizenship and Treaty Enrolment Act* sets out the steps to become a HUU-AY-AHT citizen as well as enroll under the Treaty.

Everyone named on the March 31, 2011 HUU-AY-AHT Band list or enrolled under the Treaty is eligible for HUU-AY-AHT citizenship. An eligible person over the age of 16 who swears the oath of citizenship and is accepted into a HUU-AY-AHT MAHT MAS becomes a HUU-AY-AHT citizen.

Eligible children are HUU-AY-AHT citizens until their 21<sup>st</sup> birthday. They must take the oath of citizenship and be accepted into a HUU-AY-AHT MAHT MAS before their 21<sup>st</sup> birthday to keep their HUU-AY-AHT citizenship.

The Act also sets out enrolment eligibility for the Treaty after March 31, 2013 including eligibility by custom membership. A Citizenship Committee is established with the authority to grant or remove enrolment under the Treaty as well as grant or remove citizenship. The Registrar is responsible for keeping the Citizenship Register, the HUU-AY-AHT enrolment register and other registers required by the Act.





The Legislature enacts as follows:

## PART 1 – PURPOSE AND DEFINITIONS

### Purpose

- 1 The purpose of this Act is to provide a fair, inclusive, and transparent process for individuals to become Huu-ay-aht citizens and enroll under the Treaty.

### Definitions

- 2 In this Act:
  - “**citizenship**” means Huu-ay-aht citizenship;
  - “**citizenship name**” means the name of a Huu-ay-aht citizen under section 6 (6);
  - “**Citizenship Register**” means the citizenship register established under Part 5;
  - “**committee**” means the Citizenship Committee established under section 45, unless the context requires otherwise;
  - “**contact information**” means information sufficient to contact a person, including the person’s address, telephone number and e-mail address;
  - “**Enrolment Appeal Board**” means the Enrolment Appeal Board established under Chapter 26 of the Treaty;
  - “**Enrolment Committee**” means the Maa-Nulth First Nations Enrolment Committee established under Chapter 26 of the Treaty;
  - “**Enrolment Register**” means the Enrolment Register for the Huu-ay-aht established under Chapter 26 of the Treaty;
  - “**Huu-ay-aht Band list**” means the Huu-ay-aht Indian Band list of members;
  - “**Huu-ay-aht citizen**” means an individual whose name is entered in the Citizenship Register referred to in section 3 (2);
  - “**Huu-ay-aht enrolment register**” means the Huu-ay-aht enrolment register established under Part 5;
  - “**Huu-ay-aht Maht Mahs**” means a Huu-ay-aht House Group;
  - “**Huu-ay-aht treaty participant**” means a Huu-ay-aht treaty participant under section 20;
  - “**Initial Enrolment Period**” means
    - (a) for the purposes of the Enrolment Committee, from April 1, 2005 to March 31, 2013, and
    - (b) for the purposes of the Enrolment Appeal Board, from April 1, 2011 to March 31, 2013;
  - “**official Huu-ay-aht Band list**” means the certified true copy of a Huu-ay-aht Band list in the Registry of Laws and Official Records;
  - “**Registrar**” means the Citizenship and Enrolment Registrar designated under section 40;

- “**traditional name**” means a name granted in a Huu-ay-aht naming ceremony;  
“**tribunal**” means the Huu-ay-aht Tribunal.

## **PART 2 – CITIZENSHIP**

### **Huu-ay-aht citizen**

- 3** (1) Citizenship may only be granted or revoked under this Act.  
(2) Only those individuals whose names are entered in the Citizenship Register are Huu-ay-aht citizens.  
(3) A Huu-ay-aht citizen may not be a citizen of another First Nation.

### **Eligibility criteria**

- 4** The following individuals are eligible for citizenship:  
(a) a Huu-ay-aht treaty participant;  
(b) an individual whose name is registered on the official March 31, 2011 Huu-ay-aht Band list.

### **Qualifying for citizenship**

- 5** (1) Subject to this Act, an individual who is eligible for citizenship under section 4 is entitled to become a Huu-ay-aht citizen if he or she  
(a) is at least 16 years of age,  
(b) makes a solemn declaration of citizenship as set out in the Schedule, and  
(c) applies for and is accepted into a Huu-ay-aht Maht Mahs.  
(2) An individual who is eligible under section 4 but has not completed the requirements of subsection (1), is a Huu-ay-aht citizen until the individual is 21 years of age.  
(3) An individual who is at least 21 years of age and who is eligible under section 4 but has not completed the requirements of subsection (1) (b) and (c), is a Huu-ay-aht citizen until March 31, 2012.

### **Huu-ay-aht Maht Mahs acceptance**

- 6** (1) Subject to this section, the Ta'yii Hawilth must accept an individual into a Huu-ay-aht Maht Mahs in accordance with Huu-ay-aht customary law, if the individual has  
(a) applied under section 5 (1) (c), and  
(b) demonstrated a significant attachment to the Huu-ay-aht.  
(2) For each application under section 5 (1) (c), the Ta'yii Hawilth, as soon as practicable,  
(a) must consult with the Ha'wiih Council on  
(i) whether to accept the applicant into a Huu-ay-aht Maht Mahs, and  
(ii) if the applicant is accepted, the name of the applicant's Huu-ay-aht Maht Mahs,  
(b) may consult with other Huu-ay-aht citizens,

- (c) must determine whether the applicant will be accepted into a Huu-ay-aht Maht Mahs, and
  - (d) must provide the applicant with a record of the Ta'yii Hawilth's decision, including the name of the Huu-ay-aht Maht Mahs if the applicant is successful.
- (3) In determining whether an individual has demonstrated a significant attachment to the Huu-ay-aht under subsection (1) (b), the Ta'yii Hawilth must consider whether the individual
- (a) participates, or affirms his or her intent to the satisfaction of the Ta'yii Hawilth to participate, in the Huu-ay-aht community, and
  - (b) is knowledgeable about Huu-ay-aht history, his or her family ancestry, culture and institutions.
- (4) The Ha'wiih Council may designate one of its members to act in the place of the Ta'yii Hawilth if, for any reason, the Ta'yii Hawilth is unable to act.
- (5) For the purposes of this Act, an individual's citizenship name includes
- (a) the name of the Huu-ay-aht Maht Mahs into which the individual is accepted,
  - (b) the ordinary name of the individual, and
  - (c) if applicable, the traditional name of the individual.

**Committee review**

- 7
- (1) At least once a month, the committee must review the qualifications of individuals who may become Huu-ay-aht citizens.
  - (2) If the committee determines that an individual qualifies under section 5, the committee must
    - (a) notify the individual,
    - (b) deliver a copy of its written decision to the Registrar, and
    - (c) direct the Registrar to record in the Citizenship Register
      - (i) the individual's citizenship name, and
      - (ii) if the individual's citizenship expires under section 5 (2) or (3), the expiry date.
  - (3) The committee may provide information on eligibility criteria and the qualifications required for citizenship to individuals who may become Huu-ay-aht citizens.
  - (4) An individual must provide proof in the form specified by the Citizenship Committee that he or she has fulfilled the requirements for citizenship under section 5 (1).
  - (5) Within 60 days of the date an individual provides proof under subsection (4), the committee must consider the material and notify the individual in writing of its decision on the applicant's citizenship.

- (6) The committee may establish policies and procedures to determine whether an individual meets the eligibility criteria and qualifications for citizenship under sections 4 and 5.
- (7) Subject to an appeal under section 17, the decision of the committee is final and binding.

#### **Committee may revoke citizenship**

- 8** (1) If the committee has reason to believe that a HUU-ay-aht citizen
  - (a) is not qualified for citizenship under section 5, or
  - (b) is a citizen of another First Nation contrary to section 3 (3),the committee must investigate and determine whether the individual's citizenship should be revoked.
- (2) In an investigation under subsection (1), the committee must consult with the Ha'wiih Council.
- (3) The committee may require individuals being investigated under subsection (1) to provide the committee with any information or records the committee considers necessary.
- (4) If, after the investigation, the committee determines that the citizenship of a HUU-ay-aht citizen should be revoked, the committee must deliver written reasons for its decision to the HUU-ay-aht citizen.

#### **Additional information**

- 9** (1) Within 30 days of delivery of the decision under section 8, the HUU-ay-aht citizen may submit new information not previously considered by the committee.
- (2) If, after reviewing any new information submitted under subsection (1), the committee
  - (a) confirms its decision to revoke citizenship, the committee must deliver written reasons for its decision to the individual and to the Registrar, or
  - (b) decides not to revoke citizenship, the committee must deliver written reasons for its decision to the individual.
- (3) Subject to an appeal under section 17, the decision of the committee is final and binding.

#### **Burden of proof**

- 10** The burden of proof is on the committee under sections 8 and 9 to establish that a HUU-ay-aht citizen does not meet the qualifications for citizenship.

#### **Application to revoke citizenship**

- 11** (1) A HUU-ay-aht citizen may apply to the committee to revoke his or her citizenship by submitting an application in the prescribed manner.
- (2) As soon as practicable after receiving an application under subsection (1), the committee must deliver a written acknowledgment to the applicant that
  - (a) the application is complete, or

- (b) the application is incomplete and will not be considered until all the required information is provided.
- (3) The applicant is responsible for submitting a complete application.

**Review of application to revoke citizenship**

- 12**
- (1) Within 30 days of receiving an application to revoke citizenship, the committee must review the application and determine whether or not to approve it.
  - (2) If the individual applying to revoke citizenship satisfies the committee that the application is freely and voluntarily made, the committee must notify the applicant and direct the Registrar to remove the individual's citizenship name from the Citizenship Register.

**Additional information**

- 13**
- (1) If the committee decides not to approve an application to revoke citizenship, the committee must deliver written reasons for its decision to the applicant.
  - (2) The applicant may submit new information not previously considered by the committee.
  - (3) If, after reviewing any new information submitted under subsection (2), the committee
    - (a) confirms its decision not to approve the application to revoke citizenship, the committee must deliver written reasons for its decision to the applicant, or
    - (b) decides to approve the application to revoke citizenship, the committee must deliver written reasons for its decision to the applicant and to the Registrar.
  - (4) Subject to an appeal under section 17, the decision of the committee is final and binding.

**Burden of proof**

- 14** The burden of proof is on a HUU-ay-aht citizen applying to revoke citizenship to demonstrate to the committee that the HUU-ay-aht citizen satisfies the requirements for revoking citizenship under this Act.

**Removal from Citizenship Register**

- 15**
- (1) If the committee determines that an individual's citizenship should be revoked, and 30 days have passed since the committee's decision under section 8 (4), or the committee has confirmed its decision under section 9 (2) (a), the committee must direct the Registrar to remove the individual's citizenship name from the Citizenship Register.
  - (2) If the committee approves an individual's application to revoke citizenship, the committee must direct the Registrar to remove the individual's citizenship name from the Citizenship Register.
  - (3) The committee must inform the Ta'yii Hawilth of the removal of an individual's citizenship name from the Citizenship Register.

**Citizenship only re-granted once**

- 16** (1) If an individual's citizenship name is removed from the Citizenship Register under section 15, the committee may only re-grant citizenship once to that individual.
- (2) Despite subsection (1), the limit on re-granting citizenship does not apply if citizenship is granted by the tribunal or by court order.

**Citizenship appeals**

- 17** (1) An individual
- (a) who is not granted citizenship,
  - (b) whose citizenship is revoked, or
  - (c) whose application to revoke citizenship is denied,
- may appeal the decision of the committee to the tribunal under Part 3 of the *Tribunal Act*.
- (2) An appeal under subsection (1) must be brought within one year of
- (a) the committee decision under section 7 (5), in the case of subsection (1) (a) of this section,
  - (b) the removal of the individual's citizenship name from the Citizenship Register in the case of subsection (1) (b), or
  - (c) the committee's last decision on an individual's application to revoke citizenship in the case of subsection (1) (c).

**Naming appeals**

- 18** (1) If an individual has applied but not been accepted into the Huu-ay-aht Maht Mahs under section 6, the individual may appeal the decision to the Ha'wiih Council in the customary manner.
- (2) If an individual appealing under subsection (1) is not satisfied with the decision of the Ha'wiih Council, or does not receive a decision of the Ha'wiih Council within 6 months of his or her appeal, the individual may appeal to the tribunal under Part 3 of the *Tribunal Act*.

**PART 3 – ELIGIBILITY FOR TREATY ENROLMENT****Enrolling under Treaty**

- 19** (1) The enrolment of an individual under the Treaty may only be approved or revoked under the Treaty and this Act.
- (2) On or before March 31, 2013, the Chapter 26 provisions of the Treaty incorporated by reference in section 50, apply to a decision under subsection (1) of this section.
- (3) After March 31, 2013, this Part and Part 4 apply to a decision under subsection (1) of this section.
- (4) Individuals whose names are entered in the Enrolment Register or the Huu-ay-aht enrolment register are the only individuals who are enrolled under the Treaty.

**Huu-ay-aht treaty participant**

- 20** A Huu-ay-aht treaty participant is an individual whose name is entered in
- (a) the Enrolment Register under the Treaty, or
  - (b) the Huu-ay-aht enrolment register.

**Eligibility criteria for enrolment**

- 21** An individual is eligible for enrolment under the Treaty if the individual
- (a) is of Huu-ay-aht ancestry,
  - (b) was adopted under laws recognized in Canada or according to Huu-ay-aht custom by an individual who is eligible for Treaty enrolment under this paragraph or paragraph (a) or (c),
  - (c) is a descendant of a Huu-ay-aht individual who is eligible for Treaty enrolment under paragraph (a) or (b), or
  - (d) is accepted by the Huu-ay-aht as a member of the Huu-ay-aht according to Huu-ay-aht custom and has a demonstrated attachment to the Huu-ay-aht community.

**Matrilineal or patrilineal descendant**

- 22** For the purpose of section 21 (a), the individual must be a direct matrilineal or patrilineal descendant of an individual of Huu-ay-aht ancestry.

**Custom adoption**

- 23** For the purpose of section 21 (b), an adoption is made according to Huu-ay-aht custom if the Ta'yii Hawilth certifies in the prescribed form that the individual was adopted in accordance with Huu-ay-aht customary law.

**Huu-ay-aht Band custom membership**

- 24** For the purpose of section 21 (d), an individual is eligible for enrolment under the Treaty in the following circumstances:
- (a) for applications received before April 1, 2011, the individual's name is on the official Huu-ay-aht Band list at the time of the individual's application;
  - (b) for applications received on or after April 1, 2011, the individual's name is on the official March 31, 2011 Huu-ay-aht Band list.

**Custom membership by marriage**

- 25** If section 24 does not apply, an individual is eligible for enrolment under the Treaty under section 21 (d) if
- (a) the individual is of First Nations ancestry, and for at least 5 years before the date of his or her application for enrolment, was married to, or living and cohabiting in a marriage-like relationship with, a Huu-ay-aht treaty participant, or
  - (b) the individual is not of First Nations ancestry, and for at least 10 years before the date of his or her application for enrolment, was married to, or living and cohabiting in a marriage-like relationship with, a Huu-ay-aht treaty participant.

## **PART 4 – TREATY ENROLMENT**

### **Division 1 – Application for Treaty Enrolment**

#### **Application to enroll under Treaty**

- 26** (1) After March 31, 2013, an individual may apply to enroll under the Treaty by submitting an application to the committee in the prescribed form.
- (2) As soon as practicable after receiving an enrolment application, the committee must deliver a written acknowledgment to the applicant that
- (a) the application is complete, or
  - (b) the application is incomplete and will not be considered until all the required information is provided.
- (3) The applicant is responsible for submitting a complete application.

#### **Review of enrolment application**

- 27** (1) Within 60 days of accepting an application for enrolment under the Treaty, the committee must review the application and determine whether or not to approve it.
- (2) If the committee determines that the applicant
- (a) satisfies the eligibility criteria under Part 3,
  - (b) is not barred from enrolment under the Chapter 26 provisions of the Treaty incorporated by reference in section 50 of this Act, and
  - (c) meets all other requirements for enrolment under this Act,
- the committee must notify the applicant and direct the Registrar to enter the applicant's name in the Huu-ay-aht enrolment register.

#### **Additional Information**

- 28** (1) If the committee decides not to approve an individual's application to enroll under the Treaty, the committee must deliver written reasons for its decision to the applicant.
- (2) The applicant may submit new information not previously considered by the committee.
- (3) If, after reviewing any new information submitted under subsection (2), the committee
- (a) confirms its decision not to approve the application to enroll under the Treaty, the committee must deliver written reasons for its decision to the applicant, or
  - (b) decides to approve the application to enroll under the Treaty, the committee must deliver written reasons for its decision to the applicant, and direct the Registrar to enter the applicant's name on the Huu-ay-aht enrolment register.
- (4) Subject to an appeal under section 39, the decision of the committee on an application for enrolment under the Treaty is final and binding.



**Burden of proof**

- 29** The burden of proof is on an individual applying for enrolment under the Treaty to demonstrate to the committee that the individual satisfies the enrolment requirements under this Act.

**Division 2 - Application to Have Enrolment Revoked****Application to revoke enrolment**

- 30** (1) After March 31, 2013, HUU-ay-aht treaty participants may apply to the committee to have their enrolment under the Treaty revoked.
- (2) An application under subsection (1) must be made in the prescribed manner.
- (3) As soon as practicable after receiving an application to revoke enrolment under the Treaty, the committee must deliver a written acknowledgment to the applicant that
- (a) the application is complete, or
  - (b) the application is incomplete and will not be considered until all the required information is provided.
- (4) The applicant is responsible for submitting a complete application.

**Review of application to revoke enrolment**

- 31** (1) Within 30 days of accepting an application to revoke enrolment under the Treaty, the committee must review the application and determine whether or not to approve it.
- (2) If the applicant demonstrates to the satisfaction of the committee that the applicant has freely and voluntarily chosen to apply to have his or her enrolment under the Treaty revoked, then the committee must notify the applicant and direct the Registrar to remove the applicant's name from the HUU-ay-aht enrolment register.

**Additional information**

- 32** (1) If the committee does not approve a HUU-ay-aht treaty participant's application to have his or her enrolment under the Treaty revoked, the committee must deliver written reasons for its decision to the applicant.
- (2) The applicant may submit new information not previously considered by the committee.
- (3) If, after reviewing any new information submitted under subsection (2), the committee
- (a) confirms its decision not to approve the application to revoke enrolment under the Treaty, the committee must deliver written reasons for its decision to the applicant, or
  - (b) decides to approve the application to revoke enrolment under the Treaty, the committee must deliver written reasons for its decision to the applicant, and direct the Registrar to remove the applicant's name from the HUU-ay-aht enrolment register.

- (4) Subject to an appeal under section 39, the decision of the committee on an application to revoke enrolment under the Treaty is final and binding.

**Burden of proof**

- 33** The burden of proof is on the HUU-ay-aht treaty participant applying to have his or her enrolment under the Treaty revoked to demonstrate to the committee that the individual has met the requirements for revoking enrolment under this Act.

**Division 3 – Committee Revocation of Enrolment****Committee may revoke enrolment**

- 34** (1) If the committee has reason to believe that a HUU-ay-aht treaty participant
- (a) does not satisfy the Treaty enrolment requirements under this Act, or
  - (b) is barred from enrolment under the Chapter 26 provisions of the Treaty incorporated by reference in section 50,
- the committee must investigate and determine whether the enrolment of the HUU-ay-aht treaty participant should be revoked.
- (2) The committee may require the HUU-ay-aht treaty participant under investigation to provide the committee with any information or records the committee considers necessary.
- (3) If, after investigating, the committee decides to revoke the enrolment of a HUU-ay-aht treaty participant, the committee must deliver written reasons for its decision to the individual.

**Additional information**

- 35** (1) Within 30 days of delivery of the decision under section 34, the HUU-ay-aht treaty participant may submit new information not previously considered by the committee.
- (2) If, after reviewing any new information submitted under subsection (1), the committee
- (a) confirms its decision to revoke the enrolment of a HUU-ay-aht treaty participant, the committee must deliver written reasons for its decision to the applicant, and direct the Registrar to remove the applicant's name from the HUU-ay-aht enrolment register, or
  - (b) decides not to revoke the enrolment of a HUU-ay-aht treaty participant, the committee must deliver written reasons for its decision to the applicant.

**Burden of proof**

- 36** The burden of proof is on the committee under sections 34 and 35 to establish that the enrolment of the HUU-ay-aht treaty participant should be revoked.

**Removal from HUU-ay-aht enrolment register**

- 37** (1) If the committee decides to revoke the enrolment of a HUU-ay-aht treaty participant, and 30 days have passed since the committee's decision under section 34 (3), or the committee has confirmed its decision to revoke the enrolment of a

Huu-ay-aht treaty participant under section 35 (2) (a), the committee must direct the Registrar to remove the Huu-ay-aht treaty participant's name from the Huu-ay-aht enrolment register.

- (2) Subject to an appeal under section 39, the decision of the committee to revoke enrolment under the Treaty is final and binding.

**Only one opportunity to re-enroll under Treaty**

- 38** (1) If the enrolment of a Huu-ay-aht treaty participant is revoked, the committee may only re-enroll that individual once under the Treaty.
- (2) Despite subsection (1), the limit on re-enrolment under the Treaty does not apply if re-enrolment is granted by the tribunal or by court order.

**Division 4 - Appeals**

**Treaty enrolment appeals**

- 39** (1) An individual
- (a) who is not enrolled as a Huu-ay-aht treaty participant,
  - (b) whose enrolment under the Treaty is revoked, or
  - (c) whose application to revoke enrolment under the Treaty is denied,
- may appeal the decision of the committee to tribunal under Part 3 of the *Tribunal Act*.
- (2) An appeal under subsection (1) must be brought within one year of
- (a) the committee's last decision on an individual's application for Treaty enrolment under this Act in the case of subsection (1) (a),
  - (b) the removal of the individual's name from the Huu-ay-aht enrolment register in the case of subsection (1) (b), or
  - (c) the committee's last decision on the individual's application to revoke enrolment under the Treaty in the case of subsection (1) (c).

**PART 5 – CITIZENSHIP AND ENROLMENT REGISTERS**

**Citizenship and Enrolment Registrar**

- 40** (1) The Executive Director must designate a Huu-ay-aht employee as the Citizenship and Enrolment Registrar.
- (2) The Registrar is responsible for all of the following:
- (a) establishing a Citizenship Register as soon as practicable after Effective Date;
  - (b) establishing a Huu-ay-aht enrolment register before March 31, 2013;
  - (c) maintaining the Citizenship Register in accordance with this Act;
  - (d) maintaining the Enrolment Register in accordance with the Treaty;
  - (e) maintaining the Huu-ay-aht enrolment register in accordance with this Act;

- (f) maintaining a register of individuals who have had their citizenship revoked or whose citizenship has expired under section 5 (2) or (3), including the dates of revocation or expiry of citizenship;
- (g) maintaining a register of individuals who have had their enrolment under the Treaty revoked, including the dates of revocation;
- (h) maintaining a register of HUU-ay-aht citizens who have died;
- (i) publishing citizenship and enrolment rules, policies and procedures;
- (j) providing forms and information to individuals upon request;
- (k) making best efforts to ensure that all information on the Citizenship Register and HUU-ay-aht enrolment register is current and accurate;
- (l) providing the committee with regular reports on changes to the Citizenship Register and the HUU-ay-aht enrolment register;
- (m) maintaining the confidentiality of personal information in accordance with this Act and the *Code of Conduct and Conflict of Interest Act*;
- (n) ensuring that the Citizenship Register and the HUU-ay-aht enrolment register are secure;
- (o) preserving certified true copies of HUU-ay-aht Band lists;
- (p) performing other related duties assigned by the Executive Director.

#### **Citizenship Register**

- 41** (1) A name may not be entered in or removed from the Citizenship Register except by the Registrar as directed under this Act.
- (2) Subsection (1) does not prohibit the Registrar from
- (a) recording an individual's legal change of name provided the Registrar is satisfied by documentation certifying the name change, or
  - (b) making minor corrections to the Citizenship Register such as correcting a misspelled name or updating contact information if the Registrar is satisfied that the minor corrections are required to maintain the accuracy of the Citizenship Register.
- (3) Upon receiving a direction or order from the committee, the tribunal or a court, the Registrar must immediately make changes to the Citizenship Register consistent with that direction or order.
- (4) Citizenship granted to an individual is effective on the date the citizenship name of the individual is entered in the Citizenship Register.
- (5) Revocation of citizenship is effective on the date the citizenship name of the individual is removed from the Citizenship Register.

#### **HUU-ay-aht enrolment register**

- 42** (1) A name may not be entered in or removed from the HUU-ay-aht enrolment register except by the Registrar as directed under this Act
- (2) Subsection (1) does not prevent the Registrar from making minor corrections to the HUU-ay-aht enrolment register such as correcting a misspelled name or

updating contact information if the Registrar is satisfied that the minor corrections are required to maintain the accuracy of the HUU-AY-AHT enrolment register.

- (3) Upon receiving a direction or order from the committee, the tribunal or a court, the Registrar must immediately make changes to the HUU-AY-AHT enrolment register consistent with that direction or order.
- (4) Enrolment under the Treaty is effective on the date the name of the individual is entered in the HUU-AY-AHT enrolment register.
- (5) Revocation of enrolment under the Treaty is effective on the date the name of the individual is removed from the HUU-AY-AHT enrolment register.
- (6) As soon as practicable after March 31, 2013, the Registrar must enter in the HUU-AY-AHT enrolment register the names and contact information of individuals recorded in the Enrolment Register.

#### **HUU-AY-AHT citizen contact information required**

- 43** HUU-AY-AHT citizens and HUU-AY-AHT treaty participants must provide the Registrar with
- (a) their contact information, and
  - (b) notice of any change to their names or contact information.

#### **Death of HUU-AY-AHT citizen**

- 44** If the committee has reason to believe that a HUU-AY-AHT citizen has died, the committee must investigate and if the committee determines that the HUU-AY-AHT citizen is deceased, the committee must direct the Registrar to
- (a) record the names of the deceased HUU-AY-AHT citizen on a separate register for deceased HUU-AY-AHT citizens, and
  - (b) remove the HUU-AY-AHT citizenship name and contact information from
    - (i) the Citizenship Register, and
    - (ii) the HUU-AY-AHT enrolment register.

## **PART 6 – CITIZENSHIP COMMITTEE**

#### **Citizenship Committee established**

- 45** (1) The Citizenship Committee is established, consisting of the following members:
- (a) a Chair, appointed by the Chief Councillor;
  - (b) at least 3, and no more than 5, members appointed by Executive Council.
- (2) To be eligible for appointment to the committee under subsection (1), an individual must be
- (a) a HUU-AY-AHT citizen who is at least 21 years of age, and
  - (b) knowledgeable about HUU-AY-AHT history, culture, ancestry, customs, protocols, traditions and institutions.
- (3) The Chief Councillor, at the sole discretion of the Chief Councillor, may terminate the Chair of the committee.

- (4) The Chair or a member of the committee may be terminated by a resolution of Executive Council or by operation of law.
- (5) Any vacancy on the committee must be filled as soon as practicable.

**Committee responsibilities**

- 46** (1) The committee is the advisory committee to the Huu-ay-aht member on the Enrolment Committee.
- (2) The committee is responsible for all of the following:
- (a) determining and giving direction on citizenship;
  - (b) determining and giving direction on enrolment under the Treaty;
  - (c) maintaining the confidentiality of personal information in accordance with this Act and the *Code of Conduct and Conflict of Interest Act*;
  - (d) ensuring that the collection, use and disclosure of personal information related to citizenship and enrolment applications is in accordance with this Act and the *Code of Conduct and Conflict of Interest Act*;
  - (e) providing an annual report on its activities and decisions to the Executive Council and the People's Assembly;
  - (f) discharging all its other duties and obligations under this Act.

**Committee terms of reference**

- 47** Subject to this Act, Part 6 of the *Government Act* applies to the committee.

**Deemed decision of committee**

- 48** (1) If the committee fails to make a decision under section 7 (5) within 60 days of the date it receives proof from an applicant section 7 (4), the committee is deemed to not approve the application and the deemed refusal may be appealed to the tribunal under section 17.
- (2) If the committee fails to make a decision within 60 days of the date it receives a complete application for enrolment under the Treaty, the committee is deemed to not approve the enrolment application and the deemed refusal may be appealed to the tribunal under section 39.

## **PART 7 – OFFENCES AND PENALTIES**

**Offences and penalties**

- 49** (1) An individual who by false representation, fraud or knowingly concealing a material fact or material circumstances,
- (a) becomes a Huu-ay-aht citizen or a Huu-ay-aht treaty participant,
  - (b) attempts to become a Huu-ay-aht citizen or a Huu-ay-aht treaty participant,  
or
  - (c) assists another individual to become or attempt to become a Huu-ay-aht citizen or a Huu-ay-aht treaty participant,

is guilty of an offence subject to proceedings under Division 4 of Part 3 of the *Offence and Law Enforcement Act*.

- (2) An individual who commits an offence under subsection (1) is liable to one or both of the following penalties:
  - (a) a fine of not more than \$10 000;
  - (b) imprisonment for a term of not longer than 2 years.
- (3) Any penalty under this section is in addition to, and not in place of, any other penalty provided under law.

## **PART 8 – TRANSITIONAL APPLICATION OF TREATY**

### **Initial enrolment under Treaty to March 31, 2013**

- 50** (1) Until March 31, 2013, the enrolment application procedure and requirements under Chapter 26 of the Treaty apply to individuals seeking enrolment as Huu-ay-aht treaty participants under the Treaty.
- (2) For the purpose of section 26.4.4.a. of the Treaty, the eligibility criteria for individuals seeking enrolment as Huu-ay-aht treaty participants under the Treaty are those set out in Part 3 of this Act.

### **Enrolment under Treaty after March 31, 2013**

- 51** After dissolution of the Enrolment Committee and the Enrolment Appeal Board under section 26.10.1 of the Treaty, all of the following sections of Chapter 26 of the Treaty continue to apply to Huu-ay-aht enrolment under the Treaty:
- (a) section 26.1.0 [*Maa-nulth First Nations Eligibility Criteria*];
  - (b) section 26.2.0 [*Other Land Claims Agreements*];
  - (c) section 26.7.0 [*Judicial Review*];
  - (d) section 26.11.0 [*Maa-nulth First Nation Responsibilities for Enrolment*].

### **Application of Treaty**

- 52** (1) The eligibility and enrolment provisions under Chapter 26 of the Treaty are adopted and continued.
- (2) The decisions of the Enrolment Committee and the Enrolment Appeal Board are adopted.

## **PART 9 – GENERAL**

### **Acting for another individual**

- 53** (1) For the purposes of this Act, an individual may act on his or her own behalf or on behalf of a child or an adult whose affairs the individual has the legal authority to manage.
- (2) Despite subsection (1), an individual may not make a solemn declaration of citizenship under section 5 (1) (b) on behalf of a child or an adult whose affairs the

individual has the legal authority to manage, unless that individual is authorized to do so by the committee.

**Disclosure of contact information**

- 54** (1) Subject to subsection (2), the Registrar may disclose the contact information of a Huu-ay-aht citizen or a Huu-ay-aht treaty participant to a third party for a prescribed purpose.
- (2) Huu-ay-aht treaty participants or Huu-ay-aht citizens, in order to protect their privacy or safety, may request that their contact information not be disclosed directly or indirectly to specified third parties.

**Power to make regulations**

- 55** (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 forms for the purposes of this Act and the information that may be included or requested on them;
  - (b) respecting the types of records that are authorized for the purpose of supporting a claim for citizenship or enrolment under the Treaty;
  - (c) respecting the process for review of individuals who may qualify for citizenship;
  - (d) respecting the manner in which an individual may apply for acceptance into the Huu-ay-aht Maht Mahs under section 5 (1) (c);
  - (e) respecting the notification of Huu-ay-aht citizens under the age of 21 and individuals under section 5 (3) of the requirements under section 5;
  - (f) prescribing the form of notice for changes of name due to marriage or adoption required to amend the Citizenship Register or the Huu-ay-aht enrolment register;
  - (g) respecting the manner in which an individual may apply to revoke Huu-ay-aht citizenship under section 11 (1);
  - (h) prescribing the form for certifying an individual was adopted according to Huu-ay-aht customary law under section 23;
  - (i) prescribing the form for an application under section 26 (1) to enroll under the Treaty;
  - (j) respecting the manner in which an individual may apply under section 30 (2) to revoke enrolment under the Treaty;
  - (k) respecting the purposes for which the names and contact information of individuals on the Citizenship Register and the Huu-ay-aht enrolment register may be disclosed by the Registrar;
  - (l) for any other purpose for which regulations are contemplated by this Act.



**No further effect**

- 56** Unless otherwise specified in the Treaty or a Huu-ay-aht Act, all motions, resolutions, bylaws, directives, policies, guidelines or other forms of decision that directly or indirectly affect the subject matter of this Act which were approved or passed before Effective Date by the band council of the Huu-ay-aht under the *Indian Act* or the membership of the Huu-ay-aht Indian Band have no further effect after the date on which this Act comes into force.

**Amendments to this Act**

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

**Commencement**

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

\*\*\*\*\*

**SCHEDULE**

**CITIZENSHIP DECLARATION**

I, \_\_\_\_\_, do solemnly affirm (or swear) that I will:

- (a) uphold and respect the Constitution and HUU-AY-AHT laws,
- (b) fulfill my personal obligations with respect to the care and guidance of HUU-AY-AHT children and families,
- (c) adhere to the teachings related to ii-saak (respect),
- (d) promote a healthy and vibrant community for all HUU-AY-AHT citizens, and
- (e) fulfill all my duties and responsibilities as a HUU-AY-AHT citizen.

Affirmed/Sworn Before Me at \_\_\_\_\_  
 in the Province of British Columbia this \_ day of  
 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Authorized Signatory

\_\_\_\_\_  
 Name