



Huu-ay-aht First Nations Tribunal

Government Office: 170 Nookemus Rd, Anacla, BC

Mailing Address: 3483 - Third Ave., Port Alberni, BC V9Y4E4

Chair: John R. Rich

Registrar: Deborah Smith

tribunal@huyuayht.org

ANNUAL REPORT OF THE HUU-AY-AHT FIRST NATIONS TRIBUNAL November 6, 2014

TO: EXECUTIVE COUNCIL

TO: HA'WIIH COUNCIL

TO: PEOPLE'S ASSEMBLY

TO: TRIBUNAL MEMBERS

This annual report is written pursuant to Section 16 of the *Tribunal Act*, covering the period from the date of the last Annual Report, October 28, 2013 to November 6, 2014.

Establishment and Term of the Tribunal

The Tribunal is established by Section 3 of the *Tribunal Act*. The Tribunal consists of the Chair, the Vice-Chair, three members and one alternate member, all of whom were appointed December 14, 2011:

Chair, John Rich (five year term expires 2016, *Tribunal Act*, Sections 3(2)(a), 6(1)(a))

Vice-Chair, Hugh Braker (four year term expires 2015, *Tribunal Act*, Sections 3(2)(b), 6(1)(b))

Members:

Florence Wylie (three year term expires 2014, *Tribunal Act*, Sections 3(2)(c), 6(1)(c))

Marie Nookemus (three year term expires 2014, *Tribunal Act*, Sections 3(2)(c), 6(1)(c))

Trudy Warner (three year term expires 2014, *Tribunal Act*, Sections 3(2)(d), 6(1)(c))

Alternate Member:

Bryan Happynook (three year term, *Tribunal Act*, Sections 3(3), 6(3))

Thus, the terms of members Florence Wylie, Marie Nookemus and Trudy Warner, and the alternate member, Bryan Happynook, expire in December 14, 2014. Two members are to be appointed by the Ha'wiih Council, and one member and an alternate by the People's Assembly, prior to December 14, 2014.

Tribunal Administration

1. Pursuant to Section 26 of the *Freedom of Information and Protection of Privacy Act*, the Chair must appoint an Independent Review Commissioner to assess whether the Act ensures that Huu-ay-aht bodies are open, accountable and transparent and that individual personal privacy is protected. The Independent Review Commissioner is to conduct research and write a report in this regard, including recommendations as appropriate. Following consultation with the Executive Council, and researching suitable candidates, the Tribunal Chair appointed David Loukidelis, Q.C. to the position of Independent Review Commissioner. Mr. Loukidelis has extensive information in the area of Freedom of Information and Privacy, having served as commissioner of Freedom of Information and Privacy for the Province of British Columbia for several years.
2. The Chair consulted with Ha'wiih Member, Jeff Cook, respecting appointments to be made to the Tribunal by the Ha'wiih Council in 2014.
3. No directives respecting Tribunal Administration were issued in 2014.

Adjudication Matters

There were two matters brought before the Tribunal for adjudication in 2014.

1. Charlene Kruse made application to the Tribunal in relation to several matters respecting Huu-ay-aht administration. (Application Nos. 2013-002, 003, 004, 005, 006). Details of the Applications are available on the Huu-ay-aht Tribunal website. Applications 2013-003, 004 and 006 were resolved by the parties without a hearing of the Tribunal. Applications 2013-002 and 005 proceeded to a hearing before the Tribunal on June 10 and 11, 2014. In written reasons dated June 23, 2014, the Tribunal dismissed the Applications on the basis of mootness, finding that the issues raised in the Applications were no longer live issues and there was no need for a decision on the merits of the applications.
2. Sheila Charles made applications to the Tribunal in relation to several matters respecting Huu-ay-aht Administration. (Application Nos. 2014-001, 002, 003, 004, 005, 006 and 007). Details of the applications are available on the Huu-ay-aht Tribunal website. All of the applications were resolved by the parties without a hearing of the Tribunal.

General

Further information about the Tribunal may be found on the Huu-ay-aht First Nation website under "Government Services/Tribunal".

Submitted: November 6, 2014



John R. Rich, Tribunal Chair