



huu ay aht
ANCIENT SPIRIT, MODERN MIND

Huu-ay-aht First Nations Tribunal
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**ANNUAL REPORT
OF
HUU-AY-AHT FIRST NATIONS TRIBUNAL
SEPTEMBER 6, 2017**

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 24, 2016 to September 6, 2017.

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.

Chair

John Rich was re-appointed as Chair in November 2016 for a five-year term, which expires in November 2021. (*Tribunal Act*, Sections 3(2)(a), 6(1)(a))

Vice-Chair

The Tribunal Vice-Chair, appointed for a four-year term in November 2011, was Hugh Braker. Mr. Braker's four-year term expired in 2015. The *Tribunal Act*, Section 3(2)(b) provides that a Vice-Chair is to be appointed by the Executive Council, after consultation with the Chair. To date, a suitable candidate for the Vice-Chair position has not been found, and the position is vacant. The Chair has consulted with Executive Council in order to have this position filled. This consultation included consideration of amendments to the *Tribunal Act* to reduce the number of years of legal practice required for the position. Further consultation will take place following the People's Assembly this month. (*Tribunal Act*, Section 3(2)(b), 6(1)(b))

Members

- Florence Wylie was appointed by the Ha'wiih Council in November 2014, for a three-year term which expires in November 2017. The Ha'wiih Council has requested Ms. Wylie to serve for a further three-year term from November 2017 till November 2020 and she has agreed. (*Tribunal Act*, Sections 3(2)(c), 6(1)(c))
- Trudy Warner was appointed by the Ha'wiih Council in November 2014 for a three-year term. However, Ms. Warner resigned from the Tribunal in 2016. The Ha'wiih Council, after consultation with the Chair, is in the process of making an appointment to this position. (*Tribunal Act*, Section 3(2)(c))
- Brian Happynook was appointed by the People's Assembly in November 2014 for a three-year term which expires in November 2017. The People's Assembly must re-appoint Mr. Happynook or appoint another person, at the September 2017 People's Assembly. (*Tribunal Act*, Sections 3(2)(c), 6(1)(c))

Alternate Member

Harry Brossault was appointed as an alternate Tribunal Member by the People's Assembly in November 2015 for a three-year term which expires in November 2018.

Tribunal Administration

There have been several developments in the Tribunal administration in the past year.

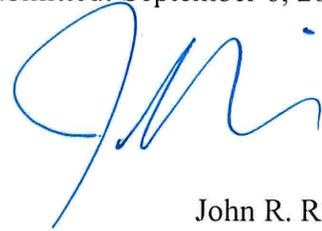
The Chair has met with the Executive Council to discuss Tribunal administration matters, including the appointment of a Vice-Chair; improvement of accessibility to the Tribunal through the Huu-ay-aht Nation website; and ensuring the independence of the Tribunal from HFN Administration.

- ***Vice-Chair*** – The requirement in the *Tribunal Act*, s. 5(2), requiring 20 years of legal experience, has proved to be an obstacle to finding suitable candidates for this position. It is anticipated that the Act will be amended to reduce this requirement, following which the Chair and Executive Council will consult and identify suitable candidates for the position.
- ***Website*** – The HFN website has been revised to provide members with greater information easily accessible.
- ***Tribunal Independence*** – In order to ensure that the Tribunal is fully independent of HFN government administration, all Tribunal administration is now the responsibility of the Chair. The Chair and his assistant maintain all Tribunal files and receive enquiries and applications. A separate email address, hfntribunal@gmail.com, has been established for contact with the Tribunal.

Adjudication Matters

No applications have been made to the Tribunal in the past year.

Submitted: September 6, 2017

A handwritten signature in blue ink, appearing to be 'JR Rich', written in a cursive style.

John R. Rich
Tribunal Chair