



huu ay aht

ANCIENT SPIRIT, MODERN MIND

**GOVERNMENT ACT AMENDMENT
ACT, 2019**

The Huu-ay-aht Legislature enacts this law to establish an effective system of government where decisions are made in the best interests of present and future generations of Huu-ay-aht citizens.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Government Act Amendment Act, 2019* was passed by Executive Council on:

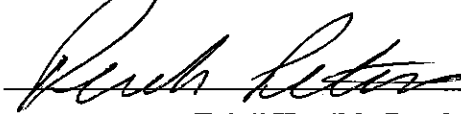
March 22, 2019



Chief Councillor, Robert Dennis

I certify that the *Government Act Amendment Act, 2019* is enacted as law on:

March 22, 2019



Ta'yii Hawilth, Derek Peters

I certify that the *Government Act Amendment Act, 2019* came into force on:

November 28, 2019



Coraleah Bauer, Law Clerk

Government Act Amendment Act, 2019

Contents

- 1 Amendments
- 2 Commencement
- 3 Consolidation

Amendments

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

(a) *In section 2, by adding the following definition:*

“**substantive matter**” means any matter to be considered at a meeting or session of government that is not procedural in nature;

(b) *In section 13 (1)(k), by adding the following clause:*

(ii) Defining the duties associated with a portfolio, and

(c) *In section 17(f), by striking out “other”.*

(d) *In section 18, by striking out subsection (2) and replacing it with:*

(2) If a Councillor is assigned a portfolio, the Councillor

(a) leads policy discussions related to that portfolio at meetings of Executive Council,

(b) chairs related committees in the specified area of government responsibility, and

(c) carries out other duties associated with the portfolio.

(e) *In section 19(1), by:*

(i) *striking out “who have” and substituting “are”; and*

(ii) *striking out “been”.*

(f) *In section 30 by:*

(i) *In subsection (2), striking out subsections (c) and (d);*

(ii) *Repealing subsection (5) and substituting:*

(5) If the Law Clerk reduces the notice period under subsection (3), the Law Clerk must give public notice of the session as soon as practicable.

(g) *By adding the following section:*

Public notice of proposed motions and Acts

- 30.1** (1) At least 14 days before the first day of a session of the Legislature, the Law Clerk must give public notice of the proposed motions and Acts to be considered by the Legislature.
- (2) Notice under subsection (1), must include the following:
- (a) any proposed Huu-ay-aht Act listed on the proposed agenda;
 - (b) proposed motions in respect of any substantive matter on the proposed agenda;
 - (c) other information specified by resolution of Executive Council.
- (3) If the Law Clerk has reduced the notice period under section 30(3), notice under subsection (1) must be given as soon as practicable following public notice of the session under section 30(5).

(h) *In section 31, by adding “(2)” following “30”.*

(i) *In section 32, by adding the following paragraph:*

- (d) other duties assigned by Huu-ay-aht Acts.

(j) *In section 35, by:*

(i) *Repealing subsection (1) and substituting:*

- (1) Decisions by the Legislature in respect of substantive matters must be introduced in the form of written motions.

(ii) *Repealing subsection (2) and substituting:*

- (2) Decisions by the Legislature in respect of procedural matters may be introduced in the form of written or verbal motions.

(iii) *In subsection (4), striking out “motions” and substituting “motion”.*

(k) *By repealing section 37 and substituting:*

Open and transparent Legislature

- 37** (1) Sessions of the Legislature are open to the public.
- (2) Executive Council may provide for observation of, or participation in, sessions of the Legislature by electronic or other means.
- (3) The Law Clerk must ensure that an accurate record of the proceedings of the Legislature is prepared, containing all of the following:
- (a) the notice of the session;
 - (b) the proposed and approved agendas;

- (c) a record of motions introduced, motions adopted by consensus, votes taken and resolutions passed, including copies of each written motion considered and records referred therein;
 - (d) written minutes or electronic records of the proceedings in the form specified by Executive Council;
 - (e) any additional documents or reports provided for the session;
 - (f) other records specified by Executive Council.
- (4) For greater certainty, copies of each written motion included in the record of proceedings must attach as appendices all records referred to in the motion, except for in force Huu-ay-aht legislation;
- (5) After a session of the Legislature has ended, the Law Clerk must, as soon as practicable, certify a true copy of the record of proceedings and place that copy in the registry.
- (6) The Law Clerk must provide to the Executive Director a copy of the records prepared under subsections (3) (c) and (d) as soon as practicable.
- (7) The Chief Councillor, or an individual designated in writing by the Chief Councillor, is the public spokesperson for the Legislature.
- (l) ***By striking out*** “Division 3 – Staff Assistance to Legislature”;
- (m) ***By striking out*** “Division 4 – Speaker” ***and substituting*** “Division 3 – Speaker”
- (n) ***In section 39, by repealing subsection (1) and substituting:***
- (1) Executive Council must, in consultation with the Ha’wiih Council, appoint a Speaker at the first meeting of Executive Council in April of each year.
- (o) ***By repealing section 42 and substituting:***

Huu-ay-aht Council acting as Executive Council

- 42** (1) Huu-ay-aht Council may only act as Executive Council when all of the following conditions are met:
- (a) subject to subsections (2) and (3), at least 5 members of Huu-ay-aht Council are present;
 - (b) a meeting has been called in accordance with section 44;
 - (c) public notice of the meeting has been provided as set out in section 45.
- (2) In extraordinary circumstances, such as a natural disaster or community health emergency, where the circumstances make it impossible to convene at least 5 members of Huu-ay-aht Council, a lesser number may act as Executive Council insofar as is necessary for the proper functioning of government or to address the immediate effects of the extraordinary circumstances.

(p) In section 52, by:

(i) Repealing subsection (2) and substituting:

- (2) Decisions by Executive Council under subsection (1) in respect of substantive matters must be introduced in the form of written motions.

(ii) Repealing subsection (3) and substituting:

- (3) Decisions by Executive Council in respect of procedural matters may be introduced in the form of written or verbal motions.

(q) In section 54, by:

(i) Repealing subsection (4)(c) and substituting:

- (c) a record of motions introduced, motions adopted by consensus, votes taken and resolutions passed, including copies of each written motion considered;

(ii) Repealing subsection (4)(d) and substituting:

- (d) written minutes or electronic recording of the proceedings in the form specified by Executive Council;

(iii) Repealing subsection (4)(e) and substituting:

- (e) any additional reports or other documents provided for the meeting;

(iv) Adding the following subsection:

- (5) For greater certainty, copies of each written motion included in the record of proceedings must attach as appendices all records referred to in the motion, except for in force Huu-ay-aht legislation;

(v) In subsection (7), by striking out “(e)” and substituting “(d)”.

(r) In section 58, by repealing subsection (4).

(s) In section 59, by striking out subsection (3).

(t) In section 60, by adding “and may appoint another member of the committee as acting chair to temporarily fulfil the chair’s responsibilities” to the end of subsection (2);

- (u) ***In section 63, by repealing subsection (2) and substituting:***
- (2) The chair must advise the Law Clerk of the date, time, location and proposed agenda for committee meeting as soon as practicable.
- (v) ***In section 67, by:***
- (i) ***Repealing subsection (1) and substituting:***
- (1) Decisions by a committee in respect of substantive matters must be introduced in the form written motions.
- (ii) ***Repealing subsection (2) and substituting:***
- (2) Decisions of a committee in respect of procedural matters may be introduced in the form of written or verbal motions.
- (w) ***In section 71, by:***
- (i) ***Repealing subsection (1)(c) and substituting:***
- (c) a record of motions introduced, motions adopted by consensus, votes taken, and resolutions passed, including copies of each written motion considered;
- (ii) ***Repealing subsection 1(e) and substituting:***
- (e) written minutes or electronic recording of the proceedings in the form specific by Executive Council;
- (iii) ***Repealing subsection (1)(f) and substituting:***
- (f) any additional reports or other documents provided for the meeting;
- (iv) ***Adding the following subsection:***
- (2) For greater certainty, copies of each written motion included in the record of proceedings must attach as appendices all records referred to in the motion, except for in force Huu-ay-aht legislation.
- (v) ***In subsection (4), striking out “(f)” and substituting “(e)”.***
- (x) ***In section 79, by:***
- (i) ***In subsection (1), adding the following paragraph:***
- (d) is responsible for specifying the proposed agenda for a regular session;

(ii) Repealing subsection (2) and substituting:

- (2) After consulting with the Ha'wiih Council, the Chief Councillor or Executive Council may call a special session, and must specify the dates, times and proposed agenda of that special session.

(iii) Adding the following subsection:

- (3) Prior to calling a special session under section 79(2), the Chief Councillor must consult with Executive Council.

(y) In section 80, by:

(i) striking out subsection (2)(d);

(ii) in subsection (4), by adding "or Executive Council" following "Chief Councillor".

(z) By repealing section 81 and substituting:

Session changes

81 The People's Assembly may make changes to matters referred in to in the notice under section 80(2), if the change

- (a) is reasonably justified, and
(b) is passed by the People's Assembly.

(aa) In section 86, by:

(i) Repealing section (1) and substituting:

- (1) Substantive matters for consideration by the People's Assembly must be introduced in the form of written motions.

(ii) Repealing section (2) and substituting:

- (2) Procedural matters for consideration by the People's Assembly may be introduced in the form of written or verbal motions.

(bb) By repealing section 88 and substituting:

People's Assembly open to public

- 88** (1) Subject to subsection (2), sessions are open to the public.
(2) The People's Assembly may, by resolution, allow only specified individuals who are not HUU-ay-aht citizens to be present for part of a session.
(3) Subject to an order of the Speaker, every HUU-ay-aht citizen has a right to attend and speak at a session.

- (4) Executive Council may provide for individuals to observe, participate, and if eligible to do so vote, in a session by electronic or other means.
- (5) The Law Clerk must ensure that an accurate record of the proceedings of each session is prepared including the following:
 - (a) the notice of the session;
 - (b) the proposed and approved agendas;
 - (c) a record of motions introduced, motions adopted by consensus, votes taken, and resolutions passed, including copies of each written motion considered;
 - (d) written minutes or electronic recording of the proceedings in the form specified by Executive Council;
 - (e) any additional reports or other documents provided for the meeting;
 - (f) other records specified by Executive Council.
- (6) For greater certainty, copies of each written motion included in the record of proceedings must attach as appendices all records referred to in the motion, except for in force Huu-ay-aht legislation.
- (7) After a session has ended, the Law Clerk must, as soon as practicable, certify a true copy of the record of proceedings and place that copy in the registry.
- (8) The Law Clerk must provide the Executive Director with a copy of the records prepared under subsection (5) (c) and (d) as soon as practicable.
- (9) The Chief Councillor, or an individual designated in writing by the Chief Councillor, is the public spokesperson for the People's Assembly.
- (10) If the Chief Councillor or a designated public spokesperson under subsection (9), is unwilling or unable to carry out the function of public spokesperson, the People's Assembly may, by resolution, designate a public spokesperson for that session.

(cc) By repealing section 89 and substituting:

Reports

- 89**
- (1) In this section, "citizen motion" refers to motion put forward by a citizen who wishes for the People's Assembly to consider making a recommendation to Executive Council under section 84(1)(a).
 - (2) The Executive Director must prepare a written report on any substantive matter listed on the session's agenda.
 - (3) A citizen putting forward a citizen motion may elect to provide a written report to the Law Clerk for delivery under subsection (4), provided they do so in accordance with a timeline and other requirements set by the Law Clerk.

- (4) Reports in respect of any substantive matter on the proposed agenda must be delivered to HUU-ay-aht citizens at least 14 days before the People's Assembly will consider the substantive matter.
- (5) Despite subsection (2), the Executive Director is not required to prepare a written report on any citizen motion on the agenda.
- (6) Subject to subsections (7) and (8), the People's Assembly must not vote on any substantive matter on the proposed or approved agenda until it has received and considered a report.
- (7) 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 14³ day⁴ delivery requirement.
- (8) Despite subsection (6), the People's Assembly may vote on a citizen motion without having received a written report on the matter provided the citizen making the motion speaks to the matter at the People's Assembly.

^{1,3} HFNA 2/2016, s. 2(d); ² HFNA 2/2016, s. 2(b); ⁴ HFNA 2/2016, s. (c).

(dd) In section 106, by striking out subsection (6).

(ee) By striking out section 113.

(ff) By striking out section 115.

Consequential Amendment

2 The *Interpretation Act*, HFNA 14/2011 is amended in section 38 by adding the following subsection:

- (2) A document delivered by ordinary mail is deemed to be delivered five (5) days after the day it was mailed.

Commencement

- 3** (1) Subject to subsection (2), this Act comes into force by resolution of Executive Council.
- (2) Section 2 and subsection 4(2) come into force on the date of enactment of this Act.

Consolidation

- 4** (1) The Law Clerk is directed to consolidate the *Government Act*, HFNA 3/2011.
- (2) The Law Clerk is directed to consolidate the *Interpretation Act*, HFNA 3/2011.