



huu ay aht

ANCIENT SPIRIT, MODERN MIND

**CITIZENSHIP AND TREATY  
ENROLMENT ACT  
AMENDMENT ACT, 2021**

*The Huu-ay-aht Legislature enacts this law to amend the  
Citizenship and Treaty Enrolment Act.*



## REGISTRY OF LAWS CERTIFICATION

I certify that the *Citizenship and Treaty Enrolment Act Amendment Act, 2021* was passed by Executive Council on:

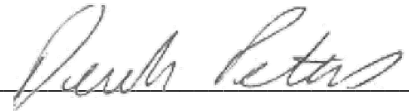
March 30, 2021



Chief Councillor, Robert Dennis

I certify that the *Citizenship and Treaty Enrolment Act Amendment Act, 2021* is enacted as law on:

March 30, 2021



Ta'yii Hawilth, Derek Peters

I certify that the *Citizenship and Treaty Enrolment Act Amendment Act, 2021* came into force on:

April 14, 2021



Law Clerk, Coraleah Bauer



*Citizenship and Treaty Enrolment Act Amendment Act, 2021*

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The Legislature enacts as follows:

**Amendments**

- 1 The *Citizenship and Treaty Enrolment Act*, HFNA 2/2011 is amended:

*(a) By adding the following section after section 6:*

**Review of Maht Mahs membership**

- 6.1 (1) Each member of a Maht Mahs must maintain a significant ongoing attachment to the Huu-ay-aht.
- (2) A citizen who fails to maintain a significant ongoing attachment to the Huu-ay-aht is subject to removal from the Maht Mahs of which they are a member.
- (3) At least once a year, the Ha'wiih Council must review the membership of each Maht Mahs taking into consideration whether each member meets prescribed standards for demonstrating ongoing significant attachment to the Huu-ay-aht.
- (4) Following a review under subsection (3), the Ha'wiih Council may determine an individual has not demonstrated an ongoing significant attachment to the Huu-ay-aht.
- (5) If the Ha'wiih Council makes a determination under subsection (4), it must provide the individual with written notice of the determination including
  - (a) reasons for the determination, and
  - (b) a description of one or more actions that, if undertaken by the individual to the satisfaction of the Ha'wiih Council by a specified date, would avoid removal from their Maht Mahs.
- (6) After the date specified in the notice under subsection (5), the Ha'wiih Council must meet and determine whether the individual should be removed from their Maht Mahs.
- (7) If the Ha'wiih Council makes a determination to remove an individual from a Maht Mahs under subsection (6), the Ha'wiih Council must provide the individual and the committee with written notice of its decision, including the reasons for the decision.

**(b) In section 8, by:**

**(i) repealing subsection (1) and replacing it with the following:**

(1) If the committee

(a) has reason to believe that a Huu-ay-aht citizen

(i) is not qualified for citizenship under section 5, or

(ii) is a citizen of another First Nation or a member of a band contrary to section 3 (3), or

(b) receives notice under section 6.1 (7) that a Huu-ay-aht citizen who became eligible for enrolment under the Treaty under section 25 has been removed from their Maht Mahs, and the committee has reason to believe the individual

(i) is no longer married to a Huu-ay-aht treaty participant, or

(ii) has ceased, for a period of at least 2 years, to live and cohabit in a marriage-like relationship with a Huu-ay-aht treaty participant,

the committee must investigate and determine whether the individual's citizenship should be revoked.

**(ii) in subsection (3), by striking out “subsection (1)” and substituting “paragraph (1) (a)”;**

**(iii) by striking out subsection (4);**

**(iv) adding the following subsections after subsection (3):**

(4) If the committee investigates a Huu-ay-aht citizen under paragraph (1) (b), it must consider whether that citizen meets prescribed standards for demonstrating ongoing significant attachment to the Huu-ay-aht.

(5) As part of the investigation under paragraph (1) (b), the committee must

(a) provide the subject of the investigation with an opportunity to make written submissions,

(b) consider any written submissions made by the subject of the investigation, and

(c) consider the reasons of the Ha'wiih Council for removing the subject of the investigation from the Maht Mahs of which they were a member.

(6) As part of the investigation under paragraph (1) (b), the committee may consider any other evidence that it considers relevant.

(7) 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 that individual.

**(c) In section 18, by:**

- (i) in the section title, by adding “and removal” after the word “Naming”;**
- (ii) in subsection (1) by adding “or has been removed from their Maht Mahs under section 6.1” after the words “under Section 6”;**

**(d) In section 34, by:**

**(i) repealing subsection (1) and replacing it with the following:**

(1) If the committee

(a) has reason to believe that a Huu-ay-aht treaty participant

- (i) does not satisfy the Treaty enrolment requirements under this Act, or
- (ii) is barred from enrolment under the Chapter 26 provisions of the Treaty incorporated by reference in section 50, or

(b) receives notice under section 6.1 (7) that a Huu-ay-aht treaty participant who became eligible for enrolment under section 25 and has been removed from their Maht Mahs, and the committee has reason to believe the individual

- (i) is no longer married to a Huu-ay-aht treaty participant, or
- (ii) has ceased, for a period of at least 2 years, to live and cohabit in a marriage-like relationship with a Huu-ay-aht treaty participant,

the committee must investigate and determine whether the enrolment of the Huu-ay-aht treaty participant should be revoked.

**(ii) repealing subsection (2) and replacing it with the following:**

- (2) The committee may require a Huu-ay-aht treaty participant being investigated under paragraph 1 (a) to provide the committee with any information or records the committee considers necessary.

**(iii) by striking out subsection (3);**

**(iv) adding the following subsections after subsection (2):**

- (3) If the committee investigates a Huu-ay-aht treaty participant under paragraph (1) (b), it must consider whether that individual meets prescribed standards for demonstrating ongoing significant attachment to the Huu-ay-aht.

(4) As part of the investigation under paragraph (1) (b), the committee must

- (a) provide the subject of the investigation with an opportunity to make written submissions,
- (b) consider any written submissions made by the subject of the investigation, and
- (c) consider the reasons of the Ha’wiih Council for removing the subject of the investigation from the Maht Mahs of which they were a member.

(5) As part of the investigation under paragraph (1) (b), the committee may consider any other evidence that it considers relevant.

(6) 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 that individual.

**(e) In section 55, by adding the following subsection:**

(g.1) prescribing standards for demonstrating ongoing significant attachment to the Huu-ay-aht;

**(f) In section 2, by adding the following definitions:**

“**band list**” means Band List as defined in the *Indian Act* (Canada);

“**member of a band**” means a person whose name appears on a band list;

**(g) In section 3 (3), by adding “or a member of a band” following the words “First Nation”.**

#### **Commencement**

**2** The act comes into force by resolution of Executive Council.

#### **Consolidation**

**3** The Law Clerk is directed to consolidate the *Citizenship and Treaty Enrolment Act*, HFNA 2/2011 to include the amendments contained in this act.