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ANCIENT SPIRIT, MODERN MIND

**COMMUNITY SAFETY REGULATION**

Provisions of the *Community Safety Act*, HFNA 4/2021, relevant to the enactment of this Regulation: sections 24, 27(2)(c).



## REGISTRY OF LAWS CERTIFICATION

I certify that the *Community Safety Regulation* was passed by Executive Council on:

September 29, 2021

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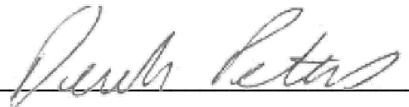
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Chief Councillor, Robert Dennis

I certify that the *Community Safety Regulation* is enacted as law on:

September 29, 2021

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Ta'yii Hawilth, Derek Peters

I certify that the *Community Safety Regulation* came into force on:

September 29, 2021

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Coraleah Bauer, Law Clerk



**COMMUNITY SAFETY REGULATION****Contents**

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**Definitions**

1 In this regulation,

“**Act**” means the *Community Safety Act*, HFNA 4/2021;

“**federal statutes**” means the *Criminal Code*, RSC 1985, c. C-46 and the *Controlled Drugs and Substances Act*, SC 1996, c. 19.

**Interpretation**

2 Except where the context requires otherwise or is otherwise indicated, words or expressions defined in the Act that are also used in this regulation have the same meaning as in the Act.

**Information Order**

3 Form 1 in Schedule 1 is prescribed for the issuance of an information order for the purposes of section 5 of the Act.

**Acknowledgment of Excludable Offence**

4 Form 2 in Schedule 1 is prescribed for written acknowledgement that the person has been convicted of one or more excludable offences for the purposes of section 5(2)(c)(i) of the Act.

**Solemn Declaration Regarding Excludable Offence**

5 Form 3 in Schedule 1 is prescribed for a solemn declaration that a person has not been convicted of any excludable offence in the past 5 years for the purposes of section 5(2)(c)(ii) of the Act.

**Exclusion Order**

6 Form 4 in Schedule 1 is prescribed for the issuance of an exclusion order for the purposes of section 6 of the Act.

**Application to Hāwiih Council to Determine Risk to Public Safety**

- 7 Form 5 in Schedule 1 is prescribed for an application to the Hāwiih Council for the purposes of section 10 of the Act.

**Prescribed Offences**

- 8 (1) An offence, including an attempt or a conspiracy to commit an offence, listed in Schedule 2 is prescribed for the purposes of section 24 of the Act as an offence that will, in the absence of a pardon or a record suspension, give rise to an exclusion order.
- (2) Schedule 2 is deemed to include offences that are substantially the same as those set out in Schedule 2 notwithstanding any amendments to the numbering of provisions in the applicable federal statute that have occurred or that do occur.

**Saving Provision**

- 9 No action undertaken under a provision of the Act will be invalidated merely because it is not made using the prescribed form, so long as the form used is substantially similar to the prescribed form and meets the other requirements of the Act.

**Commencement**

- 10 This regulation comes into force on the date of its enactment by Executive Council.

**SCHEDULE 1**  
**COMMUNITY SAFETY ACT FORMS**



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Community Safety Act Regulation, Form 1 (s. 5)

**INFORMATION ORDER**

**T0:**

\_\_\_\_\_

Full Name

**of:**

\_\_\_\_\_

Address Line 1

\_\_\_\_\_

Address Line 2

\_\_\_\_\_

City/Town

\_\_\_\_\_

Prov.

\_\_\_\_\_

Postal Code

The Executive Director has received credible information that you have been convicted of a prescribed offence(s) pursuant to the *Community Safety Act* for which you are subject to exclusion from Huu-ay-aht Treaty Lands, the particulars of which are as follows:

If you have been convicted of one or more prescribed offences (see enclosed list) in the past five years, complete the enclosed Acknowledgment of Excludable Offence form and return it to the Huu-ay-aht First Nations.

If you have not been convicted of one or more prescribed offences (see enclosed list) in the past five years, or if you have been convicted and received a record suspension or pardon in respect of all excludable offences of which you have been convicted in the past five years, complete the enclosed Solemn Declaration Regarding Excludable Offence form and return it to the Huu-ay-aht First Nations.

If we do not receive one of the above forms from you **within seven days of service** of this Order, the Executive Director will consider that you have been convicted of an excludable offence and will issue an Exclusion Order.

\_\_\_\_\_

Executive Director

\_\_\_\_\_

Date





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Community Safety Act Regulation, Form 2 (s. 5)

**ACKNOWLEDGMENT OF EXCLUDABLE OFFENCE**

I, \_\_\_\_\_  
Full Name

of \_\_\_\_\_  
Address Line 1

\_\_\_\_\_  
Address Line 2

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
Prov.

\_\_\_\_\_  
Postal Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-mail

**hereby acknowledge that in the past 5 years, I was convicted of and have not received a pardon or record suspension for the following offence(s):**

\_\_\_\_\_  
Offence

on \_\_\_\_\_  
Date of Conviction

\_\_\_\_\_  
Offence

on \_\_\_\_\_  
Date of Conviction

\_\_\_\_\_  
Offence

on \_\_\_\_\_  
Date of Conviction

\_\_\_\_\_  
Offence

on \_\_\_\_\_  
Date of Conviction

\_\_\_\_\_  
Offence

on \_\_\_\_\_  
Date of Conviction

*please add additional sheets if more space is required*

**I confirm that the above-listed offences are the only offences set out in Schedule 2 to the *Community Safety Act Regulation* of which I have been convicted in the past five years in respect of which I have not received a pardon or record suspension.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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ANCIENT SPIRIT, MODERN MIND

Community Safety Act Regulation, Form 3 (s. 5)

**SOLEMN DECLARATION REGARDING  
EXCLUDABLE OFFENCE**

I, \_\_\_\_\_  
Full Name

of \_\_\_\_\_  
Address Line 1

\_\_\_\_\_  
Address Line 2

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
Prov.

\_\_\_\_\_  
Postal Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-mail

**in accordance with the *Community Safety Act*, HFNA 4/2021, s. 5 (2) (c) (ii), solemnly swear or affirm that I have not been convicted of any of the offences set out in Schedule 2 to the *Community Safety Act Regulation* within the past five years for which I have not received a record suspension or a pardon.**

**I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.**

\_\_\_\_\_  
Declarant Signature

\_\_\_\_\_  
Solemn Witness\* Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Provide Name, Position & Contact Information for  
Solemn Witness in the space above

**NOTICE: IT IS AN OFFENCE PUNISHABLE ON SUMMARY CONVICTION – WHICH COULD CARRY A FINE OF UP TO \$10,000 AND UP TO 2 YEARS IMPRISONMENT – TO MAKE A FALSE SOLEMN DELCARATION IN THIS FORM.**

**\*Note: This solemn declaration MUST be signed in the presence of a person capable of taking solemn declarations under Huu-ay-aht Law (a “Solemn Witness”). See attached a list of persons capable of taking solemn declarations.**



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**EXCLUSION ORDER**

Effective \_\_\_\_\_ Date \_\_\_\_\_ Full Name \_\_\_\_\_

is hereby excluded from entering onto Huu-ay-aht Treaty Lands until \_\_\_\_\_ Date \_\_\_\_\_

The reason for this Exclusion Order is that the above-named individual has been convicted of the following offences, for which they have not received a record suspension or pardon:

\_\_\_\_\_ on \_\_\_\_\_  
Offence Date of Conviction

\_\_\_\_\_ on \_\_\_\_\_  
Offence Date of Conviction

\_\_\_\_\_ on \_\_\_\_\_  
Offence Date of Conviction

\_\_\_\_\_ on \_\_\_\_\_  
Offence Date of Conviction

\_\_\_\_\_ on \_\_\_\_\_  
Offence Date of Conviction

*Please add additional sheets if more space is required*

If the offences set out above are inaccurate, the above-named individual may seek to have this Exclusion Order rescinded by contacting the Executive Director by mail, e-mail or phone:

Huu-ay-aht First Nations  
4644 Adelaide Street, Port Alberni, BC, V9Y 6N4  
coral.j@huyuayaht.org  
Toll-free: 1 (888) 644-4555

**DETERMINATION THAT AN EXCLUDED INDIVIDUAL DOES NOT POSE AN UNREASONABLE RISK**

The above-named individual may apply to the Hāwiih Council for a determination that they do not pose an unreasonable risk to public safety. Upon application, the Hāwiih Council will conduct a hearing, at the conclusion of which they may affirm, rescind or vary the exclusion order.



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Community Safety Act Regulation, Form 5 (s. 10)

**APPLICATION TO HAWIIH COUNCIL**

**Determination Regarding Risk to Public Safety**

Application # \_\_\_\_\_  
(for registry use only)

**Application is hereby made to the Hāwiih Council for a determination that:**

\_\_\_\_\_ Full Name

**of**

\_\_\_\_\_ Address Line 1

\_\_\_\_\_ Address Line 2

\_\_\_\_\_ City/Town \_\_\_\_\_ Prov. \_\_\_\_\_ Postal Code

**who is the subject of an exclusion order dated:** \_\_\_\_\_  
(Date of Exclusion Order)

**does not pose and unreasonable risk to public safety and that the exclusion order be (check one):**

- rescinded       varied

**GROUNDS FOR APPLICATION**

Briefly set out the reason(s) why the excluded individual does not pose an unreasonable risk to public safety and the relief sought is appropriate. For a list of factors that the Hāwiih Council will consider, see the *Community Safety Act*, s. 11.

NOTE: Subject to a contrary order of the Hāwiih Council, an application for a determination regarding risk to public safety may not be made more than once every 12 months.

*If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided.*



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Community Safety Act Regulation, Form 5 (s. 10)

## APPLICATION TO HAWAIIH COUNCIL

### Determination Regarding Risk to Public Safety

Application # \_\_\_\_\_  
(for registry use only)

#### APPLICANT'S AGENT To be completed only if an agent will be acting on behalf of the Applicant.

\_\_\_\_\_

Full Name

of

\_\_\_\_\_

Address Line 1

\_\_\_\_\_

Address Line 2

\_\_\_\_\_

City/Town

\_\_\_\_\_

Prov.

\_\_\_\_\_

Postal Code

\_\_\_\_\_

Telephone

\_\_\_\_\_

E-mail

#### ADDRESS FOR DELIVERY This will be used to deliver any notices in relation to the Application.

Notices may be delivered to the Applicant using the contact information (*check at least one*):

of the Applicant     of the Applicant's agent     set out below:

\_\_\_\_\_

Address Line 1

\_\_\_\_\_

Address Line 2

\_\_\_\_\_

City/Town

\_\_\_\_\_

Prov.

\_\_\_\_\_

Postal Code

\_\_\_\_\_

Telephone

\_\_\_\_\_

E-mail

This application is made by (check one)  the Applicant     the Applicant's agent.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date



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Community Safety Act, Form 6 (s. 16)  
**APPLICATION TO HAWIIH COUNCIL**  
Temporary Exemption from Exclusion Order

Application # \_\_\_\_\_  
(for registry use only)

Application is hereby made to the Hāwiih Council by:

\_\_\_\_\_ Full Name

of

\_\_\_\_\_ Address Line 1

\_\_\_\_\_ Address Line 2

\_\_\_\_\_ City/Town \_\_\_\_\_ Prov. \_\_\_\_\_ Postal Code

who is the subject of an exclusion order dated: \_\_\_\_\_  
(Date of Exclusion Order)

for a temporary exemption from the exclusion order as follows:  
(set out details of exemption sought – i.e. date(s)/times/geographic area)

**GROUNDS FOR APPLICATION**

Briefly set out the reason(s) why a determination should be made as requested above, including the basis for the application under the *Community Safety Act*, s. 16(1). For a list of factors that the Hāwiih Council will consider, see the *Community Safety Act*, s. 16(2)

*If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided.*



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ANCIENT SPIRIT, MODERN MIND

Community Safety Act, Form 6 (s. 16)  
**APPLICATION TO HAWAIIH COUNCIL**  
**Temporary Exemption from Exclusion Order**

Application # \_\_\_\_\_  
(for registry use only)

**APPLICANT'S AGENT** To be completed only if an agent will be acting on behalf of the Applicant.

\_\_\_\_\_ Full Name

of

\_\_\_\_\_ Address Line 1

\_\_\_\_\_ Address Line 2

\_\_\_\_\_ City/Town \_\_\_\_\_ Prov. \_\_\_\_\_ Postal Code

\_\_\_\_\_ Telephone \_\_\_\_\_ E-mail

**ADDRESS FOR DELIVERY** This will be used to deliver any notices in relation to the Application.

Notices may be delivered to the Applicant using the contact information (*check at least one*):

of the Applicant     of the Applicant's agent     set out below:

\_\_\_\_\_ Address Line 1

\_\_\_\_\_ Address Line 2

\_\_\_\_\_ City/Town \_\_\_\_\_ Prov. \_\_\_\_\_ Postal Code

\_\_\_\_\_ Telephone \_\_\_\_\_ E-mail

This application is made by (check one)  the Applicant     the Applicant's agent.

\_\_\_\_\_ Signature \_\_\_\_\_ Date





**SCHEDULE 2****PRESCRIBED OFFENCES**

Offences under the following provisions of the *Criminal Code*, RSC 1985, c. C-46, as amended from time to time:

- subsection 7(4.1)
- section 75
- section 76
- section 77
- section 78.1
- subsection 81(1)
- section 82.3
- section 82.4
- section 82.5
- section 82.6
- section 83.18
- section 83.181
- section 83.19
- section 83.191
- section 83.2
- section 83.201
- section 83.202
- section 83.21
- section 83.22
- section 83.221
- section 83.23
- section 151
- section 152
- section 153
- section 153.1
- section 155
- subsection 160(2)
- subsection 160(3)
- section 163.1
- section 170
- section 171.1
- section 172.1
- section 172.2
- subsection 173(1)
- subsection 173(2)
- section 182
- section 220
- section 221
- section 235
- section 236
- section 239

- section 244
- section 244.1
- section 244.2
- paragraph 245(a)
- section 246
- subsection 247(1)
- subsection 247(2)
- subsection 247(3)
- section 262
- section 264
- section 264.1
- section 266
- section 267
- section 268
- section 269
- section 270
- section 270.01
- section 270.02
- section 271
- section 272
- section 273
- subsection 273.3(2)
- section 279
- section 279.01
- section 279.011
- section 279.1
- subsection 279.02(1)
- subsection 279.02(2)
- subsection 279.03(1)
- subsection 279.03(2)
- section 280
- section 281
- subsection 286.1(2)
- subsection 286.2(1)
- subsection 286.2(2)
- subsection 286.3(1)
- subsection 286.3(2)
- section 293.2
- section 344
- section 346
- section 423
- subsection 431.2(2)
- section 433
- section 435
- section 436
- section 436.1
- subsection 438(1)

- subsection 439(2)
- section 467.11
- section 467.111
- section 467.12
- section 467.13

Offences under the following provisions of the *Controlled Drugs and Substances Act*, SC 1996, c. 19, as amended from time to time, if prosecuted by indictment for which the maximum punishment is imprisonment for five years or more:

- section 5
- section 6
- section 7