



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
October 21, 2022 [revised]**

TO: EXECUTIVE COUNCIL

TO: HA'WIIH COUNCIL

TO: PEOPLE'S ASSEMBLY

TO: TRIBUNAL MEMBERS

TO: EXECUTIVE DIRECTOR

This Annual Report is written pursuant to Section 16 of the *Tribunal Act*, covering the period from the date of the last Annual Report, November 8, 2021 to October 21, 2022.

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 by the Executive Council as Chair in December 2021 for a five-year term, which expires in December 2026. (*Tribunal Act*, Sections 3(2)(a), 6(1)(a))

Vice-Chair

Brent Mullin was re-appointed to the position of Vice-Chair by Executive Council in June 2022, for a four-year term which expires in June 2026. (*Tribunal Act*, Section 3(2)b, 6(1)b)

Members

- Karen Haugen was appointed by the Ha'wiih Council in November 2017, for a three-year term, which expired in November 2020. (*Tribunal Act*, Section 3(2)(c)). Ms. Haugen was reappointed on December 3, 2021 for a three-year term.

- Peter Colenbrander was appointed by the Ha'wiih Council on December 3, 2020, for a three-year term replacing Florence Wylie, who resigned in June 2020. (*Tribunal Act*, Section 3(2)(c))
- Andrea Pettigrew was appointed by the People's Assembly in September 2017 for a three-year term, effective November 2017, which expired in November 2020 (*Tribunal Act*, Sections 3(2)(c), 6(1)(c)). Ms. Pettigrew was reappointed by the People's Assembly on December 5, 2020 for a three year-term.

Alternate Member

Ayanna Clappis was appointed as an alternate Tribunal Member by the People's Assembly in February 2019 for a three-year term which expired in February 2022. (*Tribunal Act*, Sections 3(2)(c), 6(1)(c)). Ms. Clappis should be reappointed or replaced at the November 2022 People's Assembly.

Tribunal Administration

Tribunal Independence – In order to ensure that the Tribunal is fully independent of HFN government administration, all Tribunal administration is 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.

Website – The HFN website has a link which provides members with easily accessible information about the Tribunal <https://huyuayht.org/government/tribunal/>.

Adjudication Matters

The Tribunal dealt with one application in 2022. The HFN Executive Director filed an application seeking the disqualification of Councillor Trevor Cootes, alleging:

- Sexual harassment, contrary to *Code of Conduct and Conflict of Interest Act* (COCCIA), s. 12(3); and
- Failure to fulfill the Huu-ay-aht oath, contrary to COCCIA, s. 4(1)(a) and 33(a).

A Tribunal Panel consisting of Chair, John Rich, and members Andrea Pettigrew and Peter Colenbrander, conducted a hearing of the application from June 13-17 in Port Alberni, B.C. Both Mr. Cootes and the Executive Director were represented by legal counsel at the hearing. The Tribunal upheld the application of the Executive Director. The Tribunal concluded that Mr. Cootes had breached sections 12(2), 12(3), 4(1)(a) and 33(a) of COCCIA, having engaged in abuse of power and sexual harassment, and had failed to fulfil the Huu-ay-aht Oath. The Tribunal ordered that:

- a) Mr. Cootes be disqualified immediately from holding his position as Councillor;

- b) Within 30 days of the date of the decision, Mr. Cootes pay a fine in the amount of \$2,000.00 to the HUU-AY-AHT Government;
- c) The Tribunal declares Mr. Cootes' former position as Councillor to be vacant; and
- d) Mr. Cootes is prohibited from holding a position as a public officer for a period of five years from the date of the decision.

The Reasons for Decision of the Tribunal may be found on the HFN website:

<https://hUUayaht.org/wp-content/uploads/2022/06/Tribunal-Application-2022-01-Tribunals-Reasons-for-Decision-June-22-2022-FINAL-02175796-2.pdf>

Submitted: October 21, 2022

A handwritten signature in black ink, appearing to read "J. R. Rich".

John R. Rich
Tribunal Chair