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**HUU-AY-AHT FIRST NATIONS  
TRIBUNAL**

**TRIBUNAL APPLICATION #2023-02**

BETWEEN:

Duane Nookemis

APPLICANT

And:

Huu-ay-aht First Nations Government

RESPONDENT

Date: September 26, 2023

**DECISION – SUMMARY DISMISSAL**

1. In Application #2023-02, the Applicant, Duane Nookemis, makes an application to:
  - 1) Change the provisions of s. 7.3 of the *Code of Conduct and Conflict of Interest Act*, and
  - 2) Obtain compensation for the three months' salary he was prohibited from obtaining due to s. 7.3.

2. The application was reviewed by the Tribunal Chair, who concluded that the *Tribunal Act* did not provide the Tribunal with jurisdiction to consider either of the issues raised in Mr. Nookemis' application.

3. Accordingly, the Tribunal advised Mr. Nookemis on September 7, 2023:

“I have reviewed your application and have determined that the relief you seek is beyond the jurisdiction of the Tribunal. Thus, pursuant to Rule J.1(c) of the *Tribunal Rules of Practice and Procedure*, I may dismiss your application. Rule J.1(c) provides:

**J. Summary Dismissal of Application**

1. At any time after an application is filed, the Tribunal may dismiss all or part of it if the Tribunal determines:



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...

(c) the Application is not within the jurisdiction of the Tribunal.

However, Rule J.2 provides:

...

2. Before dismissing all or part of an application under sub-rule S1, the Tribunal must give the Applicant an opportunity to make written submissions or otherwise be heard.

Accordingly, the Tribunal will hold your application in abeyance for two weeks (until September 21, 2023) to provide you an opportunity to make submissions as to why your application should be considered. Alternatively, you may wish to revise your application to conform to Tribunal jurisdiction.”

4. Mr. Nookemis failed to respond, neither making submissions nor revising his application within the time period granted.

**Conclusion – Summary Dismissal**

5. The Tribunal concludes that Application #2023-02 should be dismissed in its entirety pursuant to Rule J.1(c), as the application is not within the jurisdiction of the Tribunal.
6. In dismissing the application, the Tribunal notes that the applicant, having been given an opportunity to make submissions respecting Tribunal jurisdiction, or to amend the application, has failed to do so.

**Decision**

7. Application #2023-02 is dismissed.

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John Rich  
Tribunal Chair  
September 26, 2023