



huu ay aht

ANCIENT SPIRIT, MODERN MIND

**CITIZENSHIP AND TREATY
ENROLMENT ACT
AMENDMENT ACT, 2023**

*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, 2023* was passed by Executive Council on:

March 30, 2023


Chief Councillor, Robert Dennis

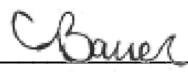
I certify that the *Citizenship and Treaty Enrolment Act Amendment Act, 2023* is enacted as law on:

March 30, 2023


Ta'yii Hawilth, Derek Peters

I certify that the *Citizenship and Treaty Enrolment Act Amendment Act, 2023* came into force on:

November 30, 2023


Law Clerk, Coraleah Bauer

*Citizenship and Treaty Enrolment Act Amendment Act, 2023**Contents*

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The Legislature enacts as follows:

Amendments

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

- (a) *in section 8 (b),*
 - (i) *in paragraph (i) by striking out “a Huu-ay-aht treaty participant” and replacing it with “an individual eligible for enrolment under section 21 (a), 21 (b) or 21 (c)”, and*
 - (ii) *in paragraph (ii) by striking out “a Huu-ay-aht treaty participant” and replacing it with “an individual eligible for enrolment under section 21 (a), 21 (b) or 21 (c)”*
- (b) *in section 15 (1), by replacing “section 8 (4)” with “section 8 (7)”*
- (c) *in section 24,*
 - (i) *by adding “or” after paragraph a;*
 - (ii) *in paragraph (b) by replacing “.” with “; and”*
 - (iii) *by adding the following after paragraph b:*
 - (c) the individual meets the prescribed standards for demonstrating an ongoing significant attachment to the Huu-ay-aht to the satisfaction of the Ha’wiih Council.
- (d) *by repealing section 25 and replacing it with:*

If section 24 does not apply, an individual is eligible for enrolment under the Treaty under section 21 (d) if

 - (a) for at least 5 years before the date of his or her application for enrolment, the individual was married to, or living and cohabiting in a marriage-like relationship with, an individual eligible for enrolment under section 21 (a), 21 (b) or 21 (c), and

- (b) the individual meets the prescribed standards for demonstrating an ongoing significant attachment to the Huu-ay-aht to the satisfaction of the Ha'wiih Council.
- (e) ***in section 26 by adding after subsection (1):***
 - (1.1) If the applicant under subsection (1)
 - (a) is a member or a registered Indian of an Indian Band,
 - (b) is enrolled under another treaty or land claims agreement in Canada, or
 - (c) is entitled to receive benefits under another treaty or land claims agreement in Canada,that applicant must include with their application the documents necessary to withdraw the applicant's membership, registration, enrolment or entitlement under paragraphs (a) to (c) and written authorization for the Registrar to submit those documents on the applicant's behalf in the event that the application is accepted.
- (f) ***in section 27,***
 - (i) ***in subsection (1) by striking out "Within" and replacing it with "Subject to subsection (4), within"***
 - (ii) ***by adding after subsection (2):***
 - (3) Where the eligibility criteria under Part 3 include a requirement to demonstrate an ongoing significant attachment to the Huu-ay-aht to the satisfaction of the Ha'wiih Council, the committee will refer the application to the Ha'wiih Council.
 - (4) When an application has been referred to the Ha'wiih Council under subsection (3) the time period for the committee to reach a determination under subsection (1) is extended by 30 days.
- (g) ***by adding after section 27:***

Determination by Ha'wiih Council

- 27.1** (1) For each application referred to it under section 27 (3) or new information referred to it under section 28 (2.2), the Ha'wiih Council must, within 30 days, determine whether the applicant meets prescribed standards for demonstrating an ongoing significant attachment to the Huu-ay-aht.
 - (2) After making a determination under subsection (1), the Ha'wiih Council must provide the committee with written notice of its decision, including the reasons for the decision.
- (h) ***in section 28,***
 - (i) ***in subsection (2) by striking out "The" and replacing it with: "After receiving a decision under subsection (1), the"***

(ii) ***by adding after subsection (2):***

(2.2) If information submitted under subsection (2) relates to a requirement to demonstrate an ongoing significant attachment to the Huu-ay-aht to the satisfaction of the Ha'wiih Council, the committee will refer the new information to the Ha'wiih Council for a determination.

(iii) ***in subsection (3) by adding “and the results of any determination under subsection (2.2)” after “under subsection (2)”.***

Commencement

2 This 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 6/2011 to include the amendments contained in this Act.