huu ay aht

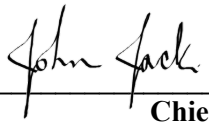
ANCIENT SPIRIT, MODERN MIND

COMMUNITY SAFETY ACT AMENDMENT ACT, 2026

REGISTRY OF LAWS CERTIFICATION

I certify that the *Community Safety Act Amendment Act, 2026* was passed by Executive Council on:

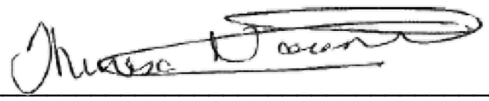
March 31, 2026



Chief Councillor John Jack

I certify that the *Community Safety Act Amendment Act, 2026* is enacted as law on:

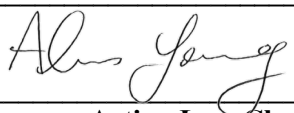
March 31, 2026



On behalf of the Ta'yii Hawilth, Theresa Nookemus

I certify that the *Community Safety Act Amendment Act, 2026* came into force on:

March 31, 2026



Acting Law Clerk Alexis Young

Community Safety Act Amendment Act, 2026

Contents

1 *Community Safety Act* amendments

2 Consequential amendments

3 Commencement

4 Consolidation

The Legislature enacts as follows:

Community Safety Act amendments

1 ***The* Community Safety Act *is amended***

(a) ***in section 2***,

(i) ***by repealing the definition of "*convicted*" and replacing it with***

"**convicted**" means being convicted, found guilty, or the subject of a verdict of not criminally responsible on account of mental disorder;

(ii) ***by repealing the definition of "*exclusion order*" and replacing it with***

"**exclusion order**" includes both interim and final exclusion orders;

(iii) ***by adding the following definitions***

"**excludable conduct**" means any activity engaged in within the previous five (5) years that is prescribed by a regulation enacted under section 24 (2);

"**member of the Huu-ay-aht community**" means a person who lives or spends time on Treaty Lands or who regularly attends Huu-ay-aht events on or off Treaty Lands, or has indicated an intention to do any of these things;

"**mitigation plan**" means a plan proposed by an excluded person and developed in consultation with an applicable government department or other service provider to mitigate risks the excluded person may pose to public safety;

"**restorative program**" means a restorative justice program, healing circle, or other program designed to promote the excluded person's safe reintegration into their community, whether rooted in Huu-ay-aht's traditional laws or otherwise;

(iv) ***by putting the definitions in alphabetical order;***

(b) ***by striking the word "*Ḥaẃiiḥ*" each time it appears and replacing it with the word "*ḥaẃiiḥ*";***

(c) ***by repealing Part 2 and replacing it with the following***

PART 2 - EXCLUSION ORDERS

Definition

2.1 In this Part:

"**documents**" includes, without limitation, the following media: written, electronic, text, cellular, social media messaging, audiotape, videotape, digital reproductions, photographs, films, slides, maps, graphs, microfiche, metadata, and any data and information recorded or stored by means of any device;

"**vulnerable witness**" means a person who requires special measures or protections in order to testify safely and effectively, by reason of:

(a) age, physical, or mental disability;

(b) the nature of the evidence they are called to give;

(c) fear of retaliation or intimidation;

(d) a relationship of dependency or power imbalance; or

(e) cultural or community circumstances.

Exclusion of persons posing a risk to public safety

3 (1) The Executive Director must issue an interim exclusion order in the prescribed form in respect of a member of the Huu-ay-aht community:

(a) upon confirmation that the person is charged with a prescribed offence, and

(b) upon notice that the Ethics Commissioner has made a preliminary finding that the person has engaged in excludable conduct.

(2) The Executive Director must issue a final exclusion order in the prescribed form in respect of any member of the Huu-ay-aht community upon confirmation that the person

(a) has been convicted of an excludable offence in the past five (5) years, or

(b) has been finally determined by the Ethics Commissioner to have engaged in excludable conduct.

Confirmation of conviction

4 If the Executive Director receives credible information that a member of the Huu-ay-aht community has been charged with or convicted of an excludable offence, the Executive Director must seek confirmation of the charge or conviction in the manner they deem appropriate, which may include

(a) obtaining court records, or

(b) issuing and serving an information order.

Criminal history information order

5 (1) The Executive Director may issue an information order in the prescribed form for the purpose of confirming credible information that a member of the Huu-ay-aht community has been charged with or convicted of an excludable offence.

(2) An information order must

(a) name the person the Executive Director has reason to believe has been charged with or convicted of, as the case may be, a prescribed offence,

(b) set out the nature of the prescribed offence giving rise to the order,

(c) require the named person to provide to the Executive Director, within seven (7) days of service:

(i) written acknowledgement in the prescribed form that the person has been charged with or convicted of, as the case may be, one or more excludable offences and the particulars of those charges or offences, or

(ii) a solemn declaration in the prescribed form that the person has not been charged with or convicted, as the case may be, of any excludable offence in the past five (5) years.

(3) Upon issuance of an information order, the Law Clerk must, as soon as practicable, serve the excluded person with the order in accordance with section 19.

(4) Upon issuance of an information order, the Law Clerk must, as soon as practicable, place the order in the registry.

(5) If a person upon whom an information order is served fails to provide the required documentation within 10 working days of service, the Executive Director will consider the person to have been charged with or convicted of, as the case may be, the excludable offence set out in the information order.

Initiating an investigation into excludable conduct

5.1 (1) If the Ethics Commissioner receives credible information that a member of the Huu-ay-aht community has engaged in excludable conduct that, in the view of the Ethics Commissioner, is indicative of a potential risk to the Huu-ay-aht community and that person is not charged with a prescribed offence with respect to substantially the same conduct, the Ethics Commissioner must commence an investigation.

(2) Where the Ethics Commissioner has been asked in writing to consider commencing an investigation under subsection (1) and determines not to do so, they must provide written reasons for their decision to the Law Clerk and the person making the request.

(3) Upon receipt of written reasons under subsection (2), the Law Clerk must, as soon as practicable, place the order in the registry.

(4) The Ethics Commissioner must promptly give notice to the ḥaw̓iiḥ Council, Executive Council, and Executive Director upon commencing an investigation under subsection (1).

Conduct of investigation

5.2 (1) In conducting an investigation under this Part, the Ethics Commissioner has the authority to collect, receive, and assess evidence for the purpose of determining whether a person has engaged in excludable conduct.

(2) The Ethics Commissioner must ensure that the subject of the investigation is afforded the opportunity to know and meet the case against them and to provide a meaningful response.

(3) In conducting an investigation, the Ethics Commissioner may:

(a) determine the processes by which they will receive information, which may include conducting interviews and receiving written submissions and documents;

(b) meet with and interview any person that the Ethics Commissioner believes may have information that is relevant to the investigation and necessary in order to make findings of fact;

(c) receive and accept such evidence as the Ethics Commissioner considers proper; and

(d) require the Executive Director to produce any documents in the possession or control of the Huu-ay-aht government that the Ethics Commissioner considers may be relevant to the investigation.

(4) The Ethics Commissioner will not make findings that a subject has engaged in excludable conduct unless satisfied, on the whole of the evidence, that on a balance of probabilities those findings are established by clear, convincing, and cogent evidence.

(5) The subject of an investigation may decline to participate in an investigation and request in writing that their participation in the investigation be delayed until such time as the subject is willing to participate.

(6) If the subject of an investigation has declined to participate under subsection (5), the Ethics Commissioner will complete as much of the investigation as practicable without the participation of the subject of the investigation.

Investigation - vulnerable witnesses

5.3 (1) If the Ethics Commissioner determines that a person is a vulnerable witness, the Ethics Commissioner will take reasonable steps to ensure that the witness is able to provide full, candid, and reliable evidence in a manner that minimizes the risk of harm including trauma, intimidation, or retribution.

(2) Without limiting the generality of subsection (1), the Ethics Commissioner may

(a) receive testimony from a vulnerable witness in private or in a location where they feel safe,

(b) permit a vulnerable witness to provide information through written, recorded, or remote means,

(c) receive information from a vulnerable witness in confidence.

(3) Where disclosure of all or part of their evidence would create a real and substantial risk of harm to a vulnerable witness, or would undermine the purposes of this Act, including by deterring vulnerable persons from coming forward, the Ethics Commissioner may withhold or redact such information.

(4) Where evidence is withheld or redacted under subsection (3), the Ethics Commissioner will provide a written summary of the withheld information to the subject of the investigation that

(a) conveys the substance of the allegations or facts relied upon, and

(b) excludes those details that are in the view of the Ethics Commissioner reasonably necessary to protect the vulnerable witness from harm.

(5) Where evidence is received in confidence from a vulnerable witness, the Ethics Commissioner may only rely on such evidence in circumstances where the subject of the investigation has been provided with sufficient disclosure of the substance of that evidence to allow them to know the case against them and to respond meaningfully.

Investigation – parallel processes

5.4 (1) Where the Ethics Commissioner has commenced an investigation under section 5.1 (1) and subsequently becomes aware that the subject of the investigation is charged with a prescribed offence with respect to substantially the same conduct as gave rise to the investigation, the Ethics Commissioner will consider whether to delay the completion of the investigation until the criminal process has come to an end.

(2) In determining whether and at what point to delay the completion of the investigation under subsection (1), the Ethics Commissioner will consider

(a) the seriousness of the excludable conduct under investigation,

(b) the potential risk to community safety posed by the subject of the investigation,

(c) what steps are appropriate in the totality of the circumstances to preserve potentially relevant evidence.

(3) Where the Ethics Commissioner is investigating excludable conduct and a conviction occurs with respect to substantially the same conduct, the Ethics Commissioner will give notice to the Executive Director and cease the investigation.

When charges not substantiated

5.5 (1) In this section "no longer charged" refers to circumstances where charges are withdrawn or dismissed, there is a prosecutorial or judicial stay of proceedings, or the person has been acquitted of the charges.

(2) In circumstances where an excluded person is no longer charged with a prescribed offence, the Ethics Commissioner must determine in accordance with this section whether to commence or continue an investigation into any excludable conduct with respect to substantially the same conduct that gave rise to the charges.

(3) An excluded person who is subject to an interim exclusion order and who is no longer charged with any prescribed offence giving rise to the exclusion order may notify the Ethics Commissioner in writing of the change in circumstances.

(4) Upon receipt of a notification under subsection (3), the Ethics Commissioner will give public notice that an interim exclusion order may be subject to cancellation.

(5) A notice under subsection (4) must include

(a) the name of the excluded person,

(b) the details of the prescribed offence and excludable conduct,

(c) the date and manner by which interested parties may provide submissions to the Ethics Commissioner.

(6) The Ethics Commissioner will give the excluded person an opportunity to respond to any matters under consideration by the Ethics Commissioner in determining whether to commence or continue an investigation.

(7) In determining whether it is in the best interests of the Huu-ay-aht to commence or continue an investigation under this section, the Ethics Commissioner will consider:

(a) the seriousness of the excludable conduct under investigation,

(b) the time elapsed since the excludable conduct is alleged to have taken place,

(c) any submissions of the excluded person and other interested parties,

(d) in an investigation that has been delayed, the nature and strength of any evidence received to date.

(8) If the Ethics Commissioner decides not to commence or continue an investigation under this section, they must do all of the following

(a) immediately give written notice to the Executive Director and the subject of the investigation,

(b) prepare written reasons for the decision,

(c) provide a copy of the written reasons to the Law Clerk.

(9) The Law Clerk must place any written reasons prepared under this section in the registry.

Investigation report

5.6 (1) At the conclusion of an investigation, the Ethics Commissioner will prepare a final investigation report that includes all of the following

(a) a summary of allegations of excludable conduct engaged in by the subject of the investigation;

(b) the Ethics Commissioner's findings as to whether, on a balance of probabilities, the subject of the investigation engaged in any excludable conduct;

(c) the evidentiary basis for the Ethics Commissioner's findings;

(d) copies of any documents relied on by the Ethics Commissioner in reaching their conclusion;

(e) details in respect of the receipt of evidence from any vulnerable witness, including the reasons for the decision to classify them as such, any protective measures adopted, the scope of any information withheld, and why less protective measures were not sufficient.

(2) Despite subsection (1) (d), the Ethics Commissioner may direct that confidentiality be maintained over any documents or portions of documents that the Ethics Commissioner has directed should be withheld or redacted under section 5.3 (3).

(3) A final investigation report may include such findings as in the view of the Ethics Commissioner are or may be relevant in determining whether the subject of the investigation poses an unreasonable risk to community safety.

(4) Where an investigation has been partially completed in accordance with section 5.2 (6), upon completion of as much of the investigation as the Ethics Commissioner considers practicable they will prepare an interim report.

(5) Where an investigation discloses an immediate and compelling risk to public safety, the Ethics Commissioner may prepare an interim report.

(6) An interim report must include all of the following:

(a) a summary of allegations of excludable conduct engaged in by the subject of the investigation;

(b) a summary of the Ethics Commissioner's preliminary findings as to whether, on a balance of probabilities, the subject of the investigation engaged in any excludable conduct;

(c) the evidentiary basis for the Ethics Commissioner's findings;

(d) copies of any documents relied on by the Ethics Commissioner in reaching their conclusion;

(e) details in respect of the receipt of evidence from any vulnerable witness, including the reasons for the decision to classify them as such, any protective measures adopted, the scope of any information withheld, and why less protective measures were not sufficient.

(7) Despite subsection (6) (d), the Ethics Commissioner may direct that confidentiality be maintained over any documents or portions of documents that the Ethics Commissioner has directed should be withheld or redacted under section 5.3 (3).

(8) An interim report may include such additional findings as in the view of the Ethics Commissioner are or may be relevant in determining whether the subject of the investigation poses an unreasonable risk to community safety.

(9) If the Ethics Commissioner has not issued a report within three (3) months of commencing an investigation or reporting to Executive Council under this subsection, they must report to Executive Council with respect to the circumstances of the investigation and why a report has not been prepared.

(10) Upon completion of any report under this section, the Ethics Commissioner must provide a copy of the report to the ḥaẇiiḥ Council, the subject of the investigation, the Executive Director, and the Law Clerk.

(11) The Law Clerk must store copies of all reports received from the Ethics Commissioner under this section in the registry.

Annual Report

5.7 (1) Each year the Ethics Commissioner will provide a report to the People's Assembly in respect of community safety.

(2) The report under subsection (1) will include all of the following:

(a) a summary of the Ethics Commissioner's decisions with respect to whether to pursue potential investigations during the previous year;

(b) a summary of the investigations conducted and interim and final reports prepared by the Ethics Commissioner during the previous year;

(c) a summary of interim and final exclusion orders issued in the previous year, including whether the excluded individuals are Huu-ay-aht citizens and the basis for the orders;

(d) a summary of the orders of the ḥaẇiiḥ Council with respect to exclusion orders made during the previous year;

(e) any recommendations on support services or other measures to support the safety and well-being of the Huu-ay-aht

community, including services for victims and others impacted by excludable offences and conduct;

(f) any recommendations on services and measures to promote the rehabilitation and reintegration of excluded individuals into the Huu-ay-aht community.

Exclusion order

6 (1) An exclusion order must do all of the following

(a) name the person to whom the order applies,

(b) set out the excludable offence or excludable conduct giving rise to the order,

(c) indicate the date on which the order becomes effective,

(d) indicate how the recipient may seek to correct or update any information with respect to the charge or conviction that is the subject of the order, if applicable,

(e) provide information with respect to how an excluded person may apply for a determination that they do not pose an unreasonable risk to public safety,

(f) make clear that the excluded person is not permitted on Treaty Lands or to attend any event organized or hosted by the Huu-ay-aht government regardless of location, unless the excluded person is granted a temporary exemption or the order is varied or rescinded.

(2) Unless otherwise ordered by the ḥaw̓iiḥ Council, an exclusion order becomes effective 21 days after it is issued.

(3) Despite subsection (2), where a final exclusion order is issued to a person that is the subject of an interim exclusion order in respect of the same conduct giving rise to the interim order, the final exclusion order will replace the interim order and will become effective immediately, unless otherwise ordered by the ḥaw̓iiḥ Council.

(4) Unless rescinded or varied, an exclusion order expires on the later of five (5) years from the date of conviction for the offence giving rise to the order or the finding of the Ethics Commissioner with respect to excludable conduct, as the case may be, and one year from the date of issuance of the order.

(5) Upon issuance of an exclusion order, the Law Clerk must, as soon as practicable, make best efforts to cause the excluded person to be served with the order.

(6) Upon issuance of an exclusion order, the Law Clerk must, as soon as practicable, place the order in the registry.

Rescinding an exclusion order

7 (1) If at any time the Executive Director becomes aware that an excluded person was not convicted or has received a pardon, a

record suspension, or acquittal following appeal in respect of the prescribed offence giving rise to an exclusion order, the Executive Director will, in writing, immediately rescind the exclusion order.

(2) If the Ethics Commissioner gives notice under section 5.5 (8) (a), the Executive Director will, in writing, immediately rescind the exclusion order.

(3) If the Executive Director is provided with a report under section 5.6 (10) that concludes that an excluded person did not engage in any excludable conduct, the Executive Director will, in writing, immediately rescind the exclusion order.

(4) Upon rescission of an exclusion order, the Law Clerk must, as soon as practicable, make best efforts to serve the excluded person with notice of the rescinded order.

(5) Upon rescission of an exclusion order, the Law Clerk must, as soon as practicable, place the document rescinding the order in the registry.

Urgent temporary exemption

8 (1) On the application of an excluded person, the Executive Director may, in urgent circumstances, grant an urgent temporary exemption from the terms of an exclusion order to enable the excluded person to access places and events from which they are excluded on compassionate grounds.

(2) In determining whether to issue an urgent temporary exemption, the Executive Director must consider

(a) the purpose for which the exemption is sought,

(b) the impact of granting the exemption on impacted individuals,

(c) the potential risks to public safety, and

(d) any other factors they consider relevant.

(d) ***by repealing section 9,***

(e) ***in section 10 (2) by replacing "***more than once every 12 months***" with "***within 12 months of a decision of the ḥaw̓iiḥ Council in respect of an application under subsection (1).***",***

(f) ***in section 11 (a) by replacing "***conviction***" with "***issuance of the order***",***

(g) ***in section 11 (i) by deleting "***beyond the commission of the excludable offence giving rise to the exclusion order***",***

(h) ***in section 14 (1) by replacing "***an application***" with "***respect of a matter before it***",***

(i) ***in section 14 (2) (d) by adding "***of the excluded person***" immediately following "***to the exclusion***",***

(j) ***in section 16 (1) (d) by adding "***or participating in other political activities***" immediately following "***Huu-ay-aht election***",***

(k) ***by repealing section 24 and replacing it with the following***

Prescribed offences and conduct

24 (1) Within 3 months after the enactment of this Act, Executive Council must enact a regulation setting out the offences that will, in the absence of a pardon or a record suspension, give rise to an exclusion order under this Act.

(2) Within 3 months of the coming into force of the *Community Safety Act Amendment Act*, 2026, Executive Council must enact a regulation setting out the activities that, if engaged in by a member of the Huu-ay-aht community will give rise to an exclusion order under this Act.

(l) ***by repealing section 25 and replacing it with***:

Mitigation and restorative justice regulation

25 (1) Within six (6) months of the coming into force of the *Community Safety Act Amendment Act*, 2026, , Executive Council must, by regulation, adopt a policy with the purpose of mitigating the negative impacts of exclusion orders on the Huu-ay-aht community and promoting public safety and the reintegration of citizens into the Huu-ay-aht community through restorative justice and other measures.

(2) Before a regulation is enacted under subsection (1), Executive Council must consider any input of the Law and Policy Development Committee, Citizen Development Committee, ḥaẇiiḥ Council, Child and Family Wellness Department, Community Services Department, Nananiiqsu and citizens.

(3) A regulation under subsection (1) must address all of the following:

(a) the provision of support to families impacted by exclusion orders,

(b) the development and implementation of mitigation plans,

(c) the development and implementation of restorative programs.

(m) ***in section 27 (2) (b) by replacing "***an exclusion order***" with "***a mitigation and restorative justice***",***

(n) ***by adding the following section immediately following section 27***

Registry

27.1 All documents required to be stored in the registry under this Act are to be made available for public inspection on the same terms as the documents referred to in the *Government Act*, section 106 (3), subject to the Ethics Commissioner's authority direct that confidentiality be maintained over certain evidence related to vulnerable witnesses.

(o) ***in section 28 by replacing "***2023***" with "***2028***".***

Consequential amendments

2 ***The* Government Act *is amended by adding the following immediately following section 75***

PART 7.1 – ETHICS COMMISSIONER

Ethics Commissioner appointment

75.1 (1) Executive Council must, after seeking the advice of the ḥaw̓iiḥ Council, appoint a qualified individual as Ethics Commissioner within thirty (30) days of the coming into force of the *Community Safety Act Amendment Act*, *2026*.

(2) Subject to this Act, Executive Council must, after seeking the advice of the ḥaw̓iiḥ Council, specify an application process and the terms of reference for the Ethics Commissioner, including remuneration and expenses.

(3) If the role of Ethics Commissioner becomes vacant, Executive Council must, as soon as practicable, make another appointment to the role.

(4) The appointment of an Ethics Commissioner is effective once the individual

(a) accepts the appointment in writing and delivers the written acceptance to Executive Council, and

(b) takes the Oath of Office of the Ethics Commissioner the ḥaw̓iiḥ Councillor.

(5) Section 5 of the *Code of Conduct and Conflict of Interest Act* does not apply to the Ethics Commissioner.

Ethics Commissioner qualifications

75.2 In addition to being qualified to be a public officer under Huu-ay-aht law, the Ethics Commissioner must

(a) have at least 10 years of experience as a practising lawyer or judge,

(b) have demonstrated competence in conducting investigations or inquiries of a quasi-judicial or administrative nature,

(c) be knowledgeable in the principles of procedural fairness, evidence, and natural justice,

(d) have a demonstrable ability to provide clear and precise reasons for decisions, and

(e) demonstrate an understanding of Indigenous governance, cultural safety, and a trauma-informed approach to conducting investigations.

Ethics Commissioner role and duties

75.3 (1) The role of the Ethics Commissioner is to conduct investigations, make determinations, and perform other functions assigned under Huu-ay-aht law.

(2) The Ethics Commissioner must faithfully, honestly, and impartially perform their duties to the best of their judgment, skill, and abilities, and must not, except in the proper performance of those duties, disclose to any person any information obtained in the course of their duties.

Remedy

75.4 Cause for terminating an Ethics Commissioner includes, but is not limited to, contravention of section 75.3 (2) of this Act and sections 12, 13, 21, 22 (1), and 22 (2) of the *Code of Conduct and Conflict of Interest Act*.

Term of office

75.5 (1) The term of office of the Ethics Commissioner is five (5) years.

(2) An Ethics Commissioner may be reappointed without limit.

Termination

75.6 Executive Council may, after seeking the advice of the ḥaẇiiḥ Council, terminate the appointment of the Ethics Commissioner for cause or incapacity.

Commencement

3 This Act comes into force on the date of its enactment by the Legislature.

Consolidation

4 The Law Clerk is directed to consolidate the *Community Safety Act* and the *Government Act* to include the amendments contained in this Act.