huu ay aht

ANCIENT SPIRIT, MODERN MIND

COMMUNITY SAFETY ACT

OFFICIAL CONSOLIDATION
Current to May 14, 2026

The Huu-ay-aht Legislature enacts this law to promote public order, peace and safety on Treaty Lands by authorizing the exclusion from Treaty Lands of individuals who pose a risk to public safety.

REGISTRY OF LAWS CERTIFICATION

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

March 23,2021

Chief Councillor, Robert Dennis

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

March 23, 2021

Ta'yii Hawilth, Derek Peters

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

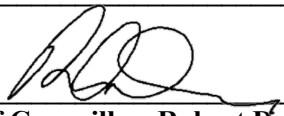
March 23, 2021

Law Clerk, Coraleah Bauer

REGISTRY OF LAWS CERTIFICATION

I certify that the *Community Safety Act Amendment Act, 2023* was passed by Executive Council on:

March 30,2023



Chief Councillor, Robert Dennis

I certify that the *Community Safety Act Amendment Act, 2023* is enacted as law on:

March 30,2023



Ta'yii Hawilth, Derek Peters

I certify that the *Community Safety Act Amendment Act, 2023* came into force on:

March 30,2023

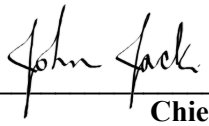


Law Clerk, Coraleah Bauer

REGISTRY OF LAWS CERTIFICATION

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

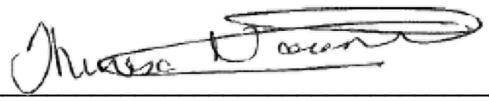
March 31, 2026



Chief Councillor John Jack

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

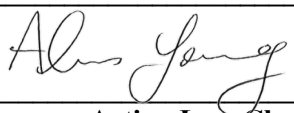
March 31, 2026



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

REGISTRY OF LAWS CERTIFICATION

I certify that the *General Legislation Correction and Amendment Regulation, 2026* was passed by Executive Council on:

May 14, 2026

Chief Councillor John Jack

I certify that the *General Legislation Correction and Amendment Regulation, 2026* is enacted as law on:

May 14, 2026

ḥawiiḥ Councillor Theresa Nookemus

I certify that the *General Legislation Correction and Amendment Regulation, 2026* came into force on:

May 14, 2026

Acting Law Clerk Alexis Young

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Note to Reader

The *Community Safety Act* sets out a legal framework to promote community safety on Treaty Lands and at Huu-ay-aht events.

The Executive Director will, for the purposes of promoting public safety, issue an order to exclude a person from entering or remaining on Treaty Lands or attending Huu-ay-aht community events under certain circumstances. Specifically, a person who has been convicted within the past five years of certain criminal offences or has been found by the Ethics Commissioner to have engaged in certain dangerous conduct is subject to an exclusion order for five years from the date on which they were convicted or found to have engaged in the conduct. These orders will not apply to individuals who have been pardoned or received a records suspension. Interim exclusion orders will also be issued to individuals charged with certain offences or on the basis of preliminary findings of the Ethics Commissioner.

The Act establishes the framework under which the Ethics Commissioner will make determinations in relation to conduct that will give rise to an exclusion order. This framework is intended to ensure that procedural fairness obligations are met in the investigation and fact-finding processes engaged in by the Ethics Commissioner and that vulnerable witnesses are protected to the greatest extent possible.

The framework also includes an important role for the ḥaw̓iiḥ Council. A person subject to an exclusion order has the right to apply to the ḥaw̓iiḥ Council for a determination that they do not pose an unreasonable risk to public safety. In making its determination, the ḥaw̓iiḥ Council will consider relevant factors, including any submissions made by the individual subject to the order. The ḥaw̓iiḥ Council may also hear submissions from the person's family, dependents, victims and other impacted or potentially impacted community members. If the ḥaw̓iiḥ Council determines that a person subject to an exclusion order does not pose an unreasonable risk to public safety, the exclusion order will be rescinded or varied in accordance with ḥaw̓iiḥ Council's direction.

The Act recognizes that measures intended to assist excluded individuals so that they do not pose an unreasonable risk to the community and restorative justice programs are an essential part of an effective community safety strategy. The ḥaw̓iiḥ Council can make other orders, such as shortening the period of the exclusion order or requiring the person subject to the order to participate in a traditional healing process before they can return to the community.

The ḥaw̓iiḥ Council may also extend the period of an exclusion order if it determines that the person subject to the order continues to pose an unreasonable risk to public safety. The ḥaw̓iiḥ Council must provide written reasons for its decisions.

The Act also allows for the issuance of temporary exemptions from exclusion orders to enable a person subject to an exclusion order to enter Treaty Lands or attend Huu-ay-aht events, for specific purposes, such as to vote or for compassionate reasons.

The Legislature enacts as follows:

PART 1 - PURPOSE, DEFINITIONS AND APPLICATION

Purpose

1 The purpose of this Act is to promote public order, peace and safety on Treaty Lands by authorizing the exclusion of individuals from Treaty Lands in a manner that is fair, balanced and consistent with the Huu-ay-aht vision, values and sacred principles.

Definitions

2 In this Act:

"**convicted**" means being convicted, found guilty, or the subject of a verdict of not criminally responsible on account of mental disorder;
HFNA 4/2023, s. 1(a), HFNA 2/2026, s. 1 (a)(i).

"**excludable conduct**" means any activity engaged in within the previous five (5) years that is prescribed by a regulation enacted under section 24 (2);
HFNA 2/2026, s. 1 (a)(i).

"**excludable offence**" means a prescribed offence in respect of which a person has been sentenced as an adult and for which they have not received a pardon or a record suspension;

"**excluded person**" means a person who is the subject of an exclusion order;

"**exclusion order**" includes both interim and final exclusion orders;
HFNA 4/2023, s. 1(b), HFNA 2/2026, s. 1 (a)(ii).

"**impacted individual**" includes a victim of an excluded person and an excluded person's family and dependents;

"**information order**" means an order made under section 5 (1);

"**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;
HFNA 2/2026, s. 1 (a)(iii).

"**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;
HFNA 2/2026, s. 1 (a)(iii).

"**prescribed offence**" means any offence prescribed by a regulation enacted under section 24;

"**registry**" means the Registry of Laws and Official Records established under the *Government Act*, HFNA 3/2011, s. 106;

"**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;

HFNA 2/2026, s. 1 (a)(iii).

"**serve**" means delivery of a document in accordance with section 19.

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.

HFNA 4/2023, s. 1(c), (d).

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 ḥaw̓iiḥ 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) 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 ḥaw̓iiḥ 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.

HFNA 2/2026, s. 1 (c).

PART 3 - HEARINGS AND REVIEWS

9 [Repealed]

HFNA 2/2026, s. 1 (d).

Application to ḥaw̓iiḥ Council

10 (1) An excluded person may apply, using the prescribed form, to the ḥaw̓iiḥ Council for a determination that they do not pose an unreasonable risk to public safety.

(2) Subject to a contrary order of the ḥaw̓iiḥ Council, an application under subsection (1) may not be made within 12 months of a decision of the ḥaw̓iiḥ Council in respect of an application under subsection (1).

(3) Upon application made under subsection (1), the ḥaw̓iiḥ Council must conduct a hearing to determine whether the applicant poses an unreasonable risk to public safety.

(4) Upon application made under subsection (1), the Executive Director must provide to the ḥaw̓iiḥ Council all information and documents generated or collected in association with the issuance of the exclusion order that is the subject of the application.

HFNA 2/2026, s. 1 (e).

Determinations by ḥaẇiiḥ Council

11 In making a determination with respect to whether an excluded person poses an unreasonable risk to public safety, the ḥaẇiiḥ Council must consider:

(a) the time that has elapsed since the actions giving rise to the issuance of the order and the excluded person's behaviour during that time;

(b) the role of substance use in the offence and the excluded person's current status with respect to substance use, including participation in any treatment program;

(c) the excluded person's ties to the Huu-ay-aht community;

(d) the potential impacts of the exclusion order on the excluded person, impacted individuals, and the Huu-ay-aht community;

(e) the nexus between the offence and the potential risk posed by the person to people on Treaty Lands and to the Huu-ay-aht community;

(f) any proposed mitigation plan;

(g) participation of the excluded person in a restorative program;

(h) any supports put in place by the excluded person's Huu-ay-aht Maht Mahs;

(i) whether the excluded person has a criminal history;

(j) whether the excluded person has a history of non-compliance with court orders;

(k) any expressions of remorse or attempts to make restitution undertaken by the person; and

(l) any other factors it considers relevant.

HFNA 4/2023, s. 1(e), (f), HFNA 2/2026, s. 1 (f), (g).

Timing

12 (1) Subject to subsection (2), unless otherwise agreed by the applicant, the ḥaẇiiḥ Council must commence a hearing of an application under section 10 (1) within 3 months of the date of the application.

(2) If there is substantial delay on the part of the applicant at any stage in the process or if exceptional circumstances exist, the ḥaẇiiḥ Council may set the commencement of a hearing for a date later than 3 months after the date of application.

(3) Within 60 days of the conclusion of a hearing under subsection (1), the ḥaẇiiḥ Council must issue a determination and provide written reasons for its determination.

Mandatory review

13 (1) The ḥaẇiiḥ Council must conduct a hearing to review an exclusion order within the year prior to when the order is set to expire and determine whether the excluded person continues to pose an unreasonable risk to public safety.

(2) In reviewing an exclusion order under subsection (1), the ḥaẇiiḥ Council must consider the factors set out in section 11.

Orders of the ḥaẇiiḥ Council

14 (1) The ḥaẇiiḥ Council may make an interim order in respect of a matter before it under this Act.

(2) Subject to subsection (3), at the conclusion of a hearing, the ḥaẇiiḥ Council may, by written order

(a) affirm the exclusion order,

(b) rescind the exclusion order,

(c) vary the exclusion order, and

(d) make any other order it considers just in relation to the exclusion of the excluded person from Treaty Lands of the excluded person.

(3) If, at the conclusion of a review hearing, the ḥaẇiiḥ Council determines that the excluded person continues to pose an unreasonable risk to public safety, the ḥaẇiiḥ Council must extend the exclusion order for a period not to exceed 5 years that it considers appropriate in the circumstances.

(4) For greater certainty, an exclusion order extended under subsection (2) is subject to further review under section 13 and extension under subsection (1).

HFNA 2/2026, s. 1 (h), (i).

Procedures for hearings

15 (1) At the ḥaẇiiḥ Council's discretion, a hearing may be conducted orally or in writing, or a combination of both.

(2) In conducting a hearing, the ḥaẇiiḥ Council must

(a) serve notice of the hearing on the excluded person,

(b) direct the Law Clerk to provide public notice of the hearing, and

(c) allow the excluded person and any impacted individuals to make submissions.

(3) In conducting a hearing, the ḥaẇiiḥ Council may

(a) provide notice of the hearing to any impacted individuals or to any other person the ḥaẇiiḥ Council considers appropriate, and

(b) allow any other person it considers appropriate to make submissions.

Temporary exemptions from exclusion orders

16 (1) Upon application in the prescribed form, the ḥaẇiiḥ Council may order a temporary exemption from an exclusion order

(a) on compassionate grounds,

(b) to enable the excluded person to attend a cultural event,

(c) to enable the excluded person to have contact with a child pursuant to a court order or agreement made under the *Child, Family and Community Services Act* (British Columbia),

(d) for the purposes of voting in a Huu-ay-aht election or participate in other political activities, and

(e) in any other circumstances in which the ḥaẇiiḥ Council considers it just and appropriate to do so.

(2) In determining whether to order a temporary exemption under subsection (1), the ḥaẇiiḥ Council 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 it considers relevant.

HFNA 2/2026, s. 1 (j).

Form of temporary exemption

17 A temporary exemption order under section 16 must be in writing and must include the following information:

(a) the duration of the exemption, including any specific date(s) on which the exemption is valid,

(b) the specific area(s) of Treaty Lands that the excluded person is permitted to access, and

(c) any other conditions and restrictions that the ḥaẇiiḥ Council considers advisable.

Implementation of orders

18 (1) The ḥaẇiiḥ Council may give direction to the Executive Director in orders made under this Part.

(2) Upon issuance of an order or written reasons under this Part, the Law Clerk must, within 5 days,

(a) place the document in the registry, and

(b) arrange for service of the document on the person that is the subject of the order.

PART 4 - SERVICE OF DOCUMENTS

Service of documents

19 (1) A document required to be served under this Act may be served as follows:

(a) by personal service on the named person;

(b) by mailing a copy to the last known residential or business address of the named person;

(c) by delivering a copy to the last known residential or business address of the named person;

(d) if the person is represented by legal counsel and legal counsel consents to accept service on behalf of the person, by delivery to the person's legal counsel;

(e) if the person has provided the Huu-ay-aht government with an email address, by emailing the document to that address;

(f) if, after making reasonable efforts, the Huu-ay-aht government does not have an address or last known address for the person, by giving public notice of the document; and

(g) by another prescribed method.

(2) A document delivered under subsection (l) (c) or (d) is deemed to have been received by the named person on the day following the day on which it is delivered.

(3) A document sent by email under subsection (1) (e) is deemed to have been received by the named person on the day following the day on which it is sent.

(4) A document of which public notice is given under subsection 1 (f) is deemed to have been received by the named person 3 days after public notice is given.

PART 5 - OFFENCES

Definition

20 In this Part:

"**exigent circumstances**" has the meaning assigned to it in section 529.3 (2) of the *Criminal Code* (Canada).

HFNA 4/2023, s. 1(g)

Offences

21 (1) Any excluded person with knowledge that an exclusion order has been issued against them who fails to comply with the terms of the exclusion order commits an offence punishable on summary conviction.

(2) Any person who provides false information in a solemn declaration under section 5 (2) (c) (ii) commits an offence punishable on summary conviction.

Trespass

22 An excluded person who enters or remains on Treaty Lands contrary to the terms of an exclusion order is in trespass.

Powers of peace officers

23 (1) A peace officer may arrest without warrant a person whom the peace officer finds committing an offence under this Act.

(2) A peace officer in the performance of their duties under this Act may enter a dwelling house without a warrant for the purposes of arresting or apprehending a person if

(a) the peace officer has reasonable grounds to believe that an excluded person is present in the dwelling house, contrary to an exclusion order, and

(b) exigent circumstances make it impracticable to obtain a warrant.

(3) For greater certainty, nothing in this Part limits the powers of peace officers authorized under the *Offence and Law Enforcement Act,* HFNA 12/2011.

PART 6 - GENERAL PROVISIONS

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.

HFNA 2/2026, s. 1 (k).

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, ḥaw̓iiḥ 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.

HFNA 4/2023, s. 1(h), HFNA 2/2026, s. 1 (l).

ḥaw̓iiḥ Council procedures

26 The ḥaw̓iiḥ Council has the power to control its own processes and may make rules respecting practice and procedure in respect of its consideration of matters under this Act.

Power to make regulations

27 (1) Executive Council may make regulations referred to in section 39 of the *Interpretation Act,* HFNA 14/2011.

(2) Without limiting subsection (1), Executive Council may make regulations

(a) prescribing offences for the purposes of section 24,

(b) adopting a mitigation and restorative justice policy for the purposes of section 25, and

(c) prescribing forms for the purposes of this Act.

HFNA 2/2026, s. 1 (m).

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.

HFNA 2/2026, s. 1 (n).

Amendments to this Act

28 An amendment of this Act made after March 31, 2028 must be approved by the People's Assembly before that amendment is brought into force.

HFNA 2/2026, s. 1 (o).

Commencement

29 This Act comes into force on the date of its enactment.