HUU-AY-AHT FIRST NATIONS



ENFORCEMENT FRAMEWORK AMENDMENT ACT, 2015

The Huu-ay-aht Legislature enacts this law to amend various enactments relating to the enforcement of Huu-ay-aht laws.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Enforcement Framework Amendment Act, 2015* passed Third Reading in the Legislature on:

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Chief Councillor Jeffrey Cook

I certify that the *Enforcement Framework Amendment Act, 2015* is enacted as law on:

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Ta'yii Hawilth Derek Peters

I certify that the *Enforcement Framework Amendment Act, 2015* came into force on:

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Deputy Law Clerk Deborah Smith

ENFORCEMENT FRAMEWORK AMENDMENT ACT, 2015

Contents

Section
1 Offence and Law Enforcement Act Amendments
2 Freedom of Information and Protection of Privacy Act Amendments
3 Financial Administration Act Amendments
4 Commencement
5 Consolidation

The Legislature enacts as follows:

Offence and Law Enforcement Act Amendments

1 The *Offence and Law Enforcement Act* is amended:

(a) ***in section 22, by striking out subsection (3) and substituting the following:***

"(3) Any cost incurred by the Huu-ay-aht under this section is due and payable by the named person to the Huu-ay-aht within 14 days of a written demand for payment by the director of finance, if that demand is delivered in accordance with Huu-ay-aht law to that named person, and may be collected by the Huu-ay-aht in accordance with sections 64.1 to 66.4 of the *Financial Administration Act*."

(b) ***by striking out section 30 and substituting the following:***

"**Failure to respond to ticket**

30 If the named person does not comply with section 29(1), the full penalty amount indicated on the ticket is immediately due and payable by the named person to the Huu-ay-aht, and may be collected by the Huu-ay-aht in accordance with sections 64.1 to 66.4 of the *Financial Administration Act*."

(c) ***in section 40, by striking out subsection (1) and substituting the following:***

"(1) In this section,

"another authority" includes a person authorized by Executive Council under section 23;

"external enforcement agency" means, in relation to an external enforcement officer, the federal, provincial or other department or agency that the enforcement officer represents in his or her enforcement of Huu-ay-aht law under an agreement with that department or agency;

"external enforcement officer" means a peace officer or another authority other than

(a) a Huu-ay-aht employee,
(b) an independent contractor of a Huu-ay-aht body, or
(c) Executive Council.

(d) ***in section 40, by adding the following subsection:***

"(9) Despite this section and sections 17, 20 and 21 of the *Tribunal Act*, Executive Council may, by regulation,

(a) require complaints against a particular class of external enforcement officers to be pursued and completed under any policies or procedures of the applicable external enforcement agency, or any federal or provincial laws governing complaints against that class of external enforcement officers, before a notice of appeal may be filed with the tribunal or a complaint may be made to the tribunal in relation to the conduct of a member of that class of external enforcement officers, and

(b) establish the time limit in which a notice of appeal must be filed with or a complaint must be made to the tribunal in relation to the conduct of a member of that class of external enforcement officers."

(e) ***In section 43, by striking out subsection (2)(f) and substituting the following:***

"(f) providing for the process for complaints against external enforcement officers under section 40(9)."

(f) ***In section 43 by adding the following subsection:***

"(g) for any other purpose for which regulations are contemplated by this Act."

Freedom of Information and Protection of Privacy Act Amendments

2 The *Freedom of Information and Protection of Privacy Act* is amended:

(a) ***in section 2, by adding the following definitions:***

"external enforcement agency" means, in relation to an external enforcement officer, the federal, provincial or other department or agency that the enforcement officer represents in his or her enforcement of Huu-ay-aht law under an agreement with that department or agency;

"external enforcement officer" means a peace officer or another authority other than

(a) a Huu-ay-aht employee,
(b) an independent contractor of a Huu-ay-aht body, or
(c) Executive Council.

(b) ***by adding the following section:***

"**Consultation with external enforcement agencies**

7.1 If a record contains information about a law enforcement matter involving an external enforcement agency, Executive Council must, before determining whether or not to designate that record a Huu-ay-aht public record,

(a) provide notice of the proposed designation to that external enforcement agency in sufficient detail to permit that external enforcement agency to prepare their views on the proposed designation, and

(b) give full and fair consideration to any comments or recommendations provided by that external enforcement agency in relation to the proposed designation."

(c) ***in section 8, by adding the following subsection:***

"(3) If a record specified in a resolution proposed under subsection (1) contains information about a law enforcement matter involving an external enforcement agency, the People's Assembly may only vote on that resolution if that external enforcement agency has been provided

(a) notice of the proposed resolution in sufficient detail to permit that external enforcement agency to prepare their views on the proposed resolution,

(b) at least 10 days notice of the People's Assembly at which the proposed resolution will be voted on, and

(c) an opportunity to attend that People's Assembly and present its views on the proposed resolution."

(d) ***in section 9, by striking out subsections (3) and (4) and substituting the following:***

"(3) Before disclosing information under subsection (1), the head of a Huu-ay-aht body must

(a) if the proposed disclosure contains information about a law enforcement matter involving an external enforcement agency

(i) provide notice of the proposed disclosure to that external enforcement agency in sufficient detail to permit that external enforcement agency to prepare their views on the proposed disclosure, and

(ii) give full and fair consideration to any comments or recommendations provided by that external enforcement agency in relation to the proposed disclosure, and

(b) if feasible, notify any other third party to whom the information relates.

(4) If it is not feasible to comply with subsection (3)(b), the head of a Huu-ay-aht body must deliver notice of the disclosure to the last address, if known, of the third party."

Financial Administration Act Amendments

3 The *Financial Administration Act* is amended:

(a) ***by adding the following section:***

"**Definitions**

64.1 In section 65 to 66.4,

"**debt**" means an amount of money that is due and payable to the Huu-ay-aht;

"**debtor**" means the person who is required to pay a debt."

(b) ***by striking out section 65(1); and***

(c) ***by adding the following sections:***

"**Notice required if no response to notice**

66.1 At the end of the period established by a Huu-ay-aht legislation for the purposes of payment of a debt, if

(a) the debtor has not paid the debt, and

(b) the debt is not the subject of an appeal to the Huu-ay-aht Tribunal,

the Executive Director, or his or her delegate, may deliver in accordance with Huu-ay-aht law a notice to the debtor indicating the debt owing and how and where payment may be made.

Amounts owing enforced in court

66.2 (1) Subject to subsections (2) and (3), a debt may be recovered by the Executive Director, or his or her delegate, by filing a certificate in the prescribed form in the Supreme Court or Provincial Court.

(2) A certificate under this section may not be filed in the Supreme Court or Provincial Court until 30 days after the date a notice is delivered to the debtor in accordance with section 66.1.

(3) A certificate may not be filed under this section for a debt that has been owed to the Huu-ay-aht for more than two years.

Content of certificate

66.3 A certificate filed under section 66.2(1) must be signed by the Executive Director and must include the following information:

(a) the name of the debtor;

(b) the details of the debt, including the date and circumstances of the debt, the date that the debt became due and payable and the total amount owing in respect of the debt;

(c) the amount of any penalty, surcharge, administrative recovery fee or other amount that applies to the debt; and

(d) a copy of the notice delivered to the debtor in accordance with section 66.1.

Effect of certificate

66.4 (1) A certificate filed under section 66.2(1) is of the same effect, and proceedings may be taken on it by the Huu-ay-aht, as if it were a judgment of the Supreme Court or Provincial Court, as the case may be, for the recovery of a debt in the amount stated in the certificate.

(2) A certificate filed under section 66.2(1) is admissible in any proceedings to recover the certified debt without proof of the signature or authority of the Executive Director and is proof of the certified facts."

Commencement

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

Consolidation

5 The Law Clerk is directed to consolidate the *Offence and Law Enforcement Act*, HFNA 12/2011, the *Freedom of Information and Protection of Privacy Act*, HFNA 2/2012, and the *Financial Administration Act*, HFNA 7/2011 to include the amendments contained in this Act.