HUU-AY-AHT FIRST NATIONS



REFERENDUM AND RECALL ACT FORMS REGULATION

Provisions of the *Referendum and Recall Act*, HFNA 2011, relevant to the enactment of this regulation: sections 25, 26, 33, 34, 51

00457240

REGISTRY OF LAWS CERTIFICATION

I certify that the *Referendum and Recall Act Forms Regulation* was passed by Executive Council on:

December 14, 2011

Chief Councillor Jeffrey Cook

I certify that the *Referendum and Recall Act Regulation* is enacted as law on:

December 14, 2011

Ta'yii Hawilth Derek Peters

I certify that the *Referendum and Recall Act Regulation* came into force on:

December 14, 2011

Deborah Smith, Acting Law Clerk

Law Clerk Connie Waddell

REFERENDUM AND RECALL ACT REGULATION

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Definitions

1 In this regulation:

"Act" means the *Referendum and Recall Act*.

Recall petition application form

2 (1) Form 1 in Schedule 1 is prescribed for a recall petition application under section 25 of the Act.

(2) No recall petition application will be invalidated merely because it is not made using the prescribed form, so long as the form used is substantially similar to the prescribed form and meets the other requirements of the Act.

Recall petition form

3 (1) Form 2 in Schedule 1 is prescribed for a recall petition under section 26 of the Act.

(2) No recall petition will be invalidated merely because it is not made using the prescribed form, so long as the form used is substantially similar to the prescribed form and meets the other requirements of the Act.

Application for petition to amend the Constitution form

4 (1) Form 3 in Schedule 1 is prescribed for an application for a petition to collect signatures to amend the *Constitution* under section 33 of the Act.

(2) No application for a petition to collect signatures to amend the *Constitution* will be invalidated merely because it is not made using the prescribed form, so long as the form used is substantially similar to the prescribed form and meets the other requirements of the Act.

Petition to amend the Constitution form

5 (1) Form 4 in Schedule 1 is prescribed for a petition to amend the *Constitution* under section 34 of the Act.

(2) No petition to amend the *Constitution* will be invalidated merely because it is not made using the prescribed form, so long as the form used is substantially similar to the prescribed form and meets the other requirements of the Act.

Commencement

6 This regulation comes into force on November 30, 2011.

Schedule 1

HUU-AY-AHT TRIBUNAL NOTICE OF APPLICATION
RECALL PETITION APPLICATION
FORM 1 - *REFERENDUM AND RECALL ACT* (s.25 (1)).

FORM A7i

APPLICATION #_____
(for registry use only)

NOTE: If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided.

COUNCIL MEMBER WHOSE RECALL IS SOUGHT

LAST NAME _____ GIVEN NAME(S) _____

DATE OF APPLICATION

DATE _____

STATEMENT OF FACTS Set out in 200 words or less why the applicants seek the recall of this Council Member.

For Office Use Only Date Received:_____

THIS FORM HAS TWO SIDES
YOU MUST COMPLETE BOTH

HUU-AY-AHT TRIBUNAL NOTICE OF APPLICATION
RECALL PETITION APPLICATION
FORM 1 - *REFERENDUM AND RECALL ACT* (s.25 (1)).

FORM A7i

NOTE: **To be complete, this application must be made by at least ten eligible voters.** List the names of each of the first ten applicants in the space below **and attach a declaration in Form A7ii completed by each applicant.** Additional declarations in Form A7ii may be attached if there are more than ten applicants. Once submitted, the supporting applications become part of this application.

APPLICANTS	
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)

THIS FORM HAS TWO SIDES
YOU MUST COMPLETE BOTH

FORM A7ii

HUU-AY-AHT TRIBUNAL NOTICE OF APPLICATION DECLARATION IN SUPPORT OF RECALL PETITION APPLICATION

FORM 1 - *REFERENDUM AND RECALL ACT* (s.25 (1)).

NOTE: Copies of this declaration are to be completed by at least ten eligible voters in support of a Recall Petition in Form A7i. Once completed and submitted, the declaration will become part of the Application it is made in support of.

APPLICANT

LAST NAME _____ GIVEN NAME(S) _____

MAILING ADDRESS _____ CITY/TOWN _____ POSTAL CODE _____

PHONE _____ FAX _____ EMAIL ADDRESS _____

SOLEMN DECLARATION

I, _____, have read and support the Application to Recall _____, dated _____, and intend this form to become part of that application.

I solemnly declare that I am not disqualified under Huu-ay-aht law from making this application, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

SIGNATURE _____ DATE _____

WITNESS FULL NAME (PLEASE PRINT)** _____ WITNESS SIGNATURE _____

For Office Use Only Date Received: _____

* Pursuant to section 27 of the *Interpretation Act*, a solemn declaration must be witnessed by any of the following persons: (i) a commissioner for taking affidavits for British Columbia; (ii) a judge of a court in British Columbia; (iii) justices; (iv) the Ta'yii Hawilth; (v) the Speaker; (vi) the Law Clerk; (vii) the Executive Director; (viii) the Huu-ay-aht Tribunal chair; (ix) the Election Commissioner; (x) a practising lawyer as defined in the Legal Profession Act (British Columbia); xi) notaries public.



RECALL PETITION

FORM 2 - *REFERENDUM AND RECALL ACT* (s.26 (2))

[This information is to appear on each page of a recall petition:] This is a petition to recall [*INSERT NAME OF COUNCIL MEMBER]*, pursuant to the application brought [*INSERT DATE*]. **By providing your name, contact information and signature below, you are supporting the recall of [INSERT NAME OF COUNCIL MEMBER] and indicating that you are an eligible voter who has not previously signed this recall petition.**

[*Insert any other information considered necessary by the Tribunal.*]

[*Provide space for people to provide: full name, contact information, signature, date.]*

HUU-AY-AHT TRIBUNAL NOTICE OF APPLICATION
CONSTITUTIONAL AMENDMENT
PETITION APPLICATION

FORM A8i

FORM 3 – *REFERENDUM AND RECALL ACT* (s.33 (1)).

APPLICATION #_____
(for registry use only)

NOTE: If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided.

AMENDMENT SOUGHT	Set out which provision you are seeking to amend and the wording of the amendment sought.
STATEMENT OF FACTS	Set out in 200 words or less why the applicants seek the amendment set out above.
For Office Use Only	Date Received:_____

THIS FORM HAS TWO SIDES
YOU MUST COMPLETE BOTH

FORM A8i

HUU-AY-AHT TRIBUNAL NOTICE OF APPLICATION CONSTITUTIONAL AMENDMENT PETITION APPLICATION

FORM 3 – *REFERENDUM AND RECALL ACT* (s.33 (1)).

NOTE: To be complete, **this application must be made by at least ten eligible voters**. List the names of each of the first ten applicants in the space below and **attach a declaration in Form A8ii completed by each applicant**. Additional declarations in Form A8ii may be attached if there are more than ten applicants. Once completed, the supporting applications become part of this application.

APPLICANTS	
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)
LAST NAME	GIVEN NAME(S)

THIS FORM HAS TWO SIDES
YOU MUST COMPLETE BOTH

FORM A8ii

HUU-AY-AHT TRIBUNAL NOTICE OF APPLICATION DECLARATION IN SUPPORT OF CONSTITUTIONAL AMENDMENT PETITION APPLICATION

FORM 3 - *REFERENDUM AND RECALL ACT* FORM 1 (s.33 (1)).

NOTE: Copies of this declaration are to be completed by at least ten eligible voters in support of a Constitutional Amendment Petition Application in Form A8i and submitted to the Tribunal.

APPLICANT

LAST NAME _____ GIVEN NAME(S) _____

MAILING ADDRESS _____ CITY/TOWN _____ POSTAL CODE _____

PHONE _____ FAX _____ EMAIL ADDRESS _____

SOLEMN DECLARATION

I, _____, have read and support the Constitutional Amendment Petition Application dated _____, and intend this form to become part of that application.

I solemnly declare that I am not disqualified under Huu-ay-aht law from making this application, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

SIGNATURE _____ DATE _____

WITNESS FULL NAME (PLEASE PRINT)* _____ WITNESS SIGNATURE _____

* Pursuant to section 27 of the *Interpretation Act*, a solemn declaration must be witnessed by any of the following persons: (i) a commissioner for taking affidavits for British Columbia; (ii) a judge of a court in British Columbia; (iii) justices; (iv) the Ta'yii Hawilth; (v) the Speaker; (vi) the Law Clerk; (vii) the Executive Director; (viii) the Huu-ay-aht Tribunal chair; (ix) the Election Commissioner; (x) a practising lawyer as defined in the Legal Profession Act (British Columbia); xi) notaries public.



PETITION TO AMEND THE CONSTITUTION

FORM 4 - *REFERENDUM AND RECALL ACT* (s.26 (2))

[This information is to appear on each page of a petition to amend the *Constitution*:] This is a petition to amend the Constitution by [*INSERT DETAILS OF PROPOSED AMENDMENT]*, pursuant to the application brought [*INSERT DATE*]. **By providing your name, contact information and signature below, you are supporting the proposed amendment and indicating that you are an eligible voter who has not previously signed this petition.**

[*Insert any other information considered necessary by the Tribunal.*]

[*Provide space for people to provide: full name, contact information, signature, date.*]