

YUULU?IL?ATH FIRST NATION GOVERNMENT

**ADMINISTRATIVE DECISIONS
REVIEW ACT**

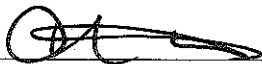
YFNS 7/2011



OFFICIAL CONSOLIDATION – CURRENT TO AUGUST 27, 2014

This is a certified true copy of the consolidated Administrative Decisions Review Act
YFNS 7/2011, Current to August 27, 2014

Date: Oct. 22, 2014

Signed: 
Law Clerk

**YUULU?IL?ATH FIRST NATION GOVERNMENT
ADMINISTRATIVE DECISIONS REVIEW ACT YFNS 7/2011
OFFICIAL CONSOLIDATION – CURRENT TO AUGUST 27, 2014**

TABLE OF CONTENTS

PART 1 - INTRODUCTORY PROVISIONS.....	7
Short title	7
Executive Oversight	7
Application	7
Definitions	7
PART 2 - REVIEW BOARD AND OFFICER	9
Review Board	9
Review officer	10
PART 3 - REQUESTING A REVIEW.....	11
Filing of review request	11
Extension of time limits	13
Stays	13
Preliminary assessment	14
Review report	14
PART 4 - REVIEW BOARD.....	17
Panel established	17
Hearings	18
Representation	18
Language	18
Power to require attendance	18
Conduct of reviews	19
Order.....	20
Costs	22
PART 5 - GENERAL PROVISIONS	23
Technical irregularity	23
Limitation on actions	23
Not compellable	23
Offices of the Review Board	23
Report by the review officer	23
Regulations	24
Commencement.....	24
SCHEDULE 1 – OATH OF OFFICE.....	25

YUULU?IL?ATH FIRST NATION GOVERNMENT
ADMINISTRATIVE DECISIONS REVIEW ACT YFNS 7/2011
OFFICIAL CONSOLIDATION – CURRENT TO AUGUST 27, 2014

PREAMBLE

Through the act of governing, the Yuulu?i?ath First Nation assumes the responsibility of providing transparent and accountable government. This requires that the Yuulu?i?ath government, elected officials, administration, employees, staff and enforcement officers adhere to the Constitution, act within the law and at all times be impartial and free from improper influence and interference. Yuulu?i?ath citizens and Yuulu?i?ath enrollees have a right to expect that they will be treated by our government with dignity, respect and courtesy, guided by principles of natural justice and the rights and values of the Yuulu?i?ath First Nation set out in our Constitution.

To assist with realizing these goals, the Yuulu?i?ath First Nation desires a dispute resolution process that is accessible, affordable, understandable and proportionate to the abilities and sensibilities of its users. The resolution of disputes with, and complaints against, the Yuulu?i?ath government or anyone acting on its behalf or allegations that the law under which government action is taken is invalid should, where possible, be resolved by the parties informally. Where informal resolution is not possible, the parties to such disputes or complaints, or those who make allegations of a law's invalidity and those acting under that law, are entitled to a resolution of the matter in a way that is expeditious, both in process and in rendering decisions, minimizes any disadvantage unrepresented parties may experience and reaches a final resolution of the matter that is just and fair with reasons given, where appropriate. The resolution process established to resolve such matters must also provide consistency, both in procedure and adjudicative outcomes.

The Yuulu?i?ath First Nation adopts this Act based on these values.

YUULU7IL2ATH FIRST NATION GOVERNMENT
ADMINISTRATIVE DECISIONS REVIEW ACT YFNS 7/2011
OFFICIAL CONSOLIDATION – CURRENT TO AUGUST 27, 2014

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited at the Administrative Decisions Review Act.

Executive Oversight

1.2 The President is responsible for the executive oversight of this Act.

Application

1.3 This Act applies to

- (a) a right under a Yuulu?il?ath enactment to request a review of a decision made under that enactment, except to the extent that the enactment that grants the right specifically provides otherwise,
- (b) a complaint against an enforcement officer carrying out his or her duties in the enforcement of Yuulu?il?ath law, and
- (c) a challenge to the validity of a Yuulu?il?ath law.

Definitions

1.4 In this Act,

“adjudicator” means an individual appointed to the Review Board under section 2.1;

“applicant” means a person who has filed a review request;

“chairperson” means the adjudicator appointed as the chairperson under section 2.1;

“determination” means

- (a) a decision to which section 1.3(a) applies, or
- (b) an act or omission of an enforcement officer to which section 1.3(b) applies, or
- (c) the assertion by the Yuulu?il?ath government of the validity of the Yuulu?il?ath law to which section 1.3(c) applies and, for certainty, unless there is an admission to the contrary, the enactment of a Yuulu?il?ath law is deemed to be an assertion by the Yuulu?il?ath Government of that law’s validity;

“panel” means a panel of the Review Board;

“parties to the review” means

- (a) the applicant,
- (b) the Yuulu?il?ath? institution responsible for the determination that is the subject of a review under this Act, and
- (c) for a review request in relation to an alleged act or omission of an external enforcement officer,
 - (i) that enforcement officer, and
 - (ii) the external enforcement agency that the enforcement officer represents in his or her enforcement of Yuulu?il?ath? law under an agreement with that department or agency;

“Review Board” means the Administrative Decisions Review Board;

“review officer” means the individual appointed to hold that office under section 2.2;

“review request” means the request made under section 3.1 for a review of the determination.

PART 2 - REVIEW BOARD AND OFFICER

Review Board

- 2.1 (a) The Review Board is established as a Yuulu?il?ath public institution under 13.11.1a., and for purposes of 13.3.1j., 13.3.1o. and 13.32.5b. of, Chapter 13 Governance of the Maa-nulth Treaty and is an office reporting to the Executive.
- (b) The Review Board consists of a chairperson and not less than two and not more than five other adjudicators, each of whom must be appointed by the Executive.
- (c) In making an appointment under subsection (b), the Executive must appoint adjudicators, at least one of which has a legal education, experience or training, who demonstrate fair mindedness and wisdom in decision making.
- (d) For certainty, adjudicators need not be Yuulu?il?ath citizens.
- (e) The following individuals are ineligible to be adjudicators under this Act:
- (i) a Yuulu?il?ath government representative;
 - (ii) a Yuulu?il?ath public employee;
 - (iii) an enforcement officer whose duties include the enforcement of a Yuulu?il?ath law; or
 - (iv) an individual with a criminal record that is reasonably relevant to the appointment or may affect the ability of the adjudicator to perform the duties or exercise the powers of an adjudicator.
- (f) The chairperson must be appointed for a term of four years and each other adjudicator must be appointed for a term of not less than two years and not more than four years.
- (g) An adjudicator's appointment ends before the adjudicator's term of appointment is complete if
- (i) the adjudicator resigns,
 - (ii) the Executive determines that the adjudicator is no longer eligible to be an adjudicator,
 - (iii) the Executive determines that the adjudicator, due to mental or physical viability, is not able to perform the duties or exercise the powers of an adjudicator.

- (h) An adjudicator must not participate in a review under Part 4 if by doing so that adjudicator is in a conflict of interest as described in section 2.2 of the Code of Conduct and Conflict of Interest Act.
- (i) If an adjudicator is ineligible to participate in a review under Part 4 because of subsection (h) and no other adjudicator is available to serve on the panel established under section 4.1(a), the Executive must appoint a replacement adjudicator under subsection (b) to participate in that review and that replacement adjudicator is, for all purposes under this Act, an adjudicator until such time as the review is complete and an order is made under section 4.7.
- (j) Before an adjudicator may take up the adjudicator's duties, the adjudicator must take the oath of office set out in Schedule 1.

Review officer

- 2.2 (a) The Executive must appoint a review officer.
- (b) The review officer is responsible for
- (i) disseminating information respecting a review under this Act,
 - (ii) assisting persons to request a review under this Act,
 - (iii) requesting the relevant records of the Yuulu?il?ath institution responsible for the determination that is being reviewed under this Act,
 - (iv) making a preliminary assessment under section 3.4 whether a review request is frivolous, without merit or based upon a technical irregularity,
 - (v) assisting the parties to the review in reaching an agreement on the factual aspects of the review request under section 3.4(c),
 - (vi) providing a review report to the chairperson as required under section 3.5,
 - (vii) preparing and filing an annual report as required under section 5.5, and
 - (viii) performing any other duties that the Executive specifies and that are not inconsistent with the review officer's duties under this Act.
- (c) At any time before making a review report under section 3.5, the review officer may
- (i) conduct informal inquiries into the review request, and
 - (ii) provide to the parties to the review any assistance the review officer considers appropriate to help resolve the review request informally.

PART 3 - REQUESTING A REVIEW

Filing of review request

- 3.1 (a) A person may request the review of a determination by filing a review request in the prescribed form with the review officer as required by this Act.
- (b) A review request to which section 1.3(a) or section 1.3(b) applies must be filed
- (i) within the time specified for requesting a review in the enactment that grants the right of review, or
 - (ii) within 30 days after the applicant was notified of the determination that is the subject of the review request, if no time is specified in that enactment.
- (b.1) Despite subsections (a) and (b), the Executive may, by Order,
- (i) 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 review request may be filed in relation to an alleged act or omission of a member of that class of external enforcement officers, and
 - (ii) establish the time limit in which a review request must be filed in relation to an alleged act or omission of a member of that class of external enforcement officers.
- (c) Subject to subsection (d), a review request to which section 1.3(c) applies must be filed
- (i) by a person who has an interest directly affected by the impugned Yuulu?il?ath law within 30 days of the applicant becoming aware of the effect of the impugned Yuulu?il?ath law on his or her interest or within 30 days of the date the applicant ought to have become aware of the effect of the impugned Yuulu?il?ath law on his or her interest, whichever date is sooner, or
 - (ii) by any other person, within 30 days of the Yuulu?il?ath law in question coming into force.
- (d) Despite subsection (c), a review request to which section 1.3(a) or section 1.3(b) applies may include as part of the review request an allegation to which section 1.3(c) applies, however, for certainty, that review request must comply with subsection (b).

-
- (e) A review request to which section 1.3(c) applies may not be filed if the validity of the impugned Yuulu?il?ath law has previously been the subject of review under this Act in substantially the same circumstances and the Review Board has previously ordered that the Yuulu?il?ath law was valid.
- (f) A review request must
- (i) identify the determination, including its subject matter, that is the subject of the review request,
 - (ii) state the date
 - (A) the applicant was notified of the determination, if the review request is one to which section 1.3(a) or section 1.3(b) applies, or
 - (B) the applicant became aware of the effect of the impugned Yuulu?il?ath law on his or her interest, if the review request is one to which section 1.3(c) applies, or
 - (C) on which the impugned Yuulu?il?ath law came into force, if the review request is one to which section 1.3(c) applies and subsections (c)(i) and (d) do not apply,
 - (iii) state the basis of the review request, and
 - (iv) give the full legal name of the applicant, an address to which documents may be delivered to the applicant and a telephone number where the applicant may be contacted.
- (g) The review officer
- (i) must, within seven days after receiving a review request, deliver a copy of the review request to the parties to the review, excluding the applicant, and
 - (ii) may, subject to the Freedom of Information and Protection of Privacy Act or applicable federal or provincial law, require the Yuulu?il?ath institution or external enforcement agency responsible for the determination that is the subject of the review request to provide the review officer copies of all records in its custody or under its control respecting the determination
- (h) Within seven days after receipt of a request under subsection (g), the Yuulu?il?ath institution must submit the following records respecting that determination to the review officer:
- (i) any record of oral evidence received or relied upon;

- (ii) copies of any documentary evidence received or relied upon;
- (iii) any other evidence received; and
- (iv) a copy of the written determination and written reasons, if any.

Extension of time limits

- 3.2**
- (a) A person who has the right to request a review of a determination may apply to the chairperson for an order extending the time for filing a review request in relation to that determination, whether or not the time allowed under sections 3.1(b) or 3.1(c) for filing a review request has expired.
 - (b) Upon receiving an application under subsection (a) and after giving the parties to the review a reasonable opportunity to make representations on that application, the chairperson may order an extension of the time for filing a review request.
 - (c) A Yuu?u?i?ath institution may apply to the chairperson to extend the time for submitting records under section 3.1(h), whether or not the time allowed under that section has expired, and the chairperson may, without giving the applicant an opportunity to make representations on that application, order an extension of the time.
 - (d) The review officer may apply to the chairperson to extend the time for delivering a review report under section 3.5, whether or not the time allowed under that section has expired.
 - (e) Upon receiving an application under subsection (d), the chairperson may
 - (i) without giving notice of the application to the applicant, extend the time once only for a period not to exceed 15 days, and
 - (ii) after giving the applicant a reasonable opportunity to make representations on the application, extend the time for a longer time period than permitted in paragraph (i) or for an additional period.
 - (f) The chairperson must give a copy of an order made under this section to every party to the review affected by it.

Stays

- 3.3**
- (a) The filing of a review request operates as a stay of the determination that is subject of the review request.
 - (b) The President may apply to the chairperson for an order to not stay the determination that is the subject of the review request.

- (c) Upon receiving an application under subsection (b) and after giving the parties to the review a reasonable opportunity to make representations on that application, the chairperson may order that the determination not be stayed if the chairperson decides that the applicant
 - (i) does not likely have an arguable case for requesting a review of the determination, and
 - (ii) the Yuu?u?il?ath institution responsible for the determination that is the subject of the review request would suffer irreparable harm if the determination were stayed.
- (d) In an order under subsection (c), the chairperson may
 - (i) specify the period of time that the determination is not stayed, and
 - (ii) impose any conditions that the chairperson considers appropriate in the circumstances.

Preliminary assessment

- 3.4 (a) Before submitting a review report under section 3.5, the review officer must make an assessment whether the review request is frivolous, without merit or based upon a technical irregularity that has not resulted in an injustice.
- (b) If the review officer makes a preliminary assessment that the review request is frivolous, without merit or based upon a technical irregularity, the officer must, before delivering the review report under section 3.5,
- (i) advise the applicant in writing of this preliminary assessment, and
 - (ii) give the applicant reasonable opportunity to decide whether to proceed with the review request.
- (c) Before submitting a review report under section 3.5, the review officer must assist the parties to the review to reach an agreement on the factual matters related to the review request and identify those factual matters that are in dispute.

Review report

- 3.5 (a) Within 30 days after receiving a review request, the review officer must provide a review report respecting the review request to the chairperson unless the review request has been
- (i) withdrawn by the applicant, or

- (ii) resolved as a result of informal intervention of the review officer under section 2.2(c).
- (b) A review report under subsection (a) must include
 - (i) a copy of the review request,
 - (ii) a copy of any records submitted under section 3.1(h),
 - (iii) the review officer's preliminary assessment made under section 3.4, and
 - (iv) a statement containing the facts which the parties to the review have agreed upon and those facts which are in dispute.
- (c) The review officer must provide a copy of the review report under subsection (a) to all the parties to the review.

YUULU?IL?ATH FIRST NATION GOVERNMENT
ADMINISTRATIVE DECISIONS REVIEW ACT YFNS 7/2011
OFFICIAL CONSOLIDATION – CURRENT TO AUGUST 27, 2014

PART 4 - REVIEW BOARD

Panel established

- 4.1 (a) Within 15 days after receiving a review report from the review officer under section 3.5, the chairperson must establish a panel to conduct the review.
- (b) A panel must consist of the chairperson and two other adjudicators.
- (c) In conducting a review, the panel must perform the duties and may exercise the powers given to the Review Board under this Act.
- (d) The chairperson may terminate an appointment to a panel and may appoint another adjudicator to fill a vacancy on the panel.
- (e) A panel must not conduct an oral hearing or carry out its deliberations unless
- (i) in the case of an oral hearing, all the adjudicators on the panel are present in person, and
 - (ii) in the case of panel deliberations, all the adjudicators on the panel are present in person or by means of such telephonic, electronic or other communication facilities as permit all persons participating in the panel deliberations to communicate adequately with each other.
- (f) If all the adjudicators are not present as required under subsection (e), the chairperson must
- (i) adjourn the oral hearing to another date and give notice of the adjournment under section 4.2(b) to the parties to the review, or
 - (ii) suspend or adjourn the panel's deliberations until all the adjudicators are present.
- (g) If an adjudicator has participated in the review of a determination and the adjudicator's term of appointment ends before the review has been completed with an order made under section 4.7, the adjudicator's term of appointment continues for the purpose only of completing that review and participating in the making of the order under section 4.7.
- (h) If an adjudicator that has participated in the review of a determination becomes unable, for any reason, including the discovery of a conflict of interest as described in section 2.2 of the Code of Conduct and Conflict of Interest Act, to complete the review or to participate in the making of an order under section 4.7, the remaining adjudicators of the panel may complete the review and make the order under section 4.7.

Hearings

- 4.2 (a) Within 15 days after receiving a review report from the review officer under section 3.5, the chairperson must determine
- (i) whether the review will be conducted on the basis of an oral hearing or written submissions, and
 - (ii) the time, date and location of an oral hearing, if applicable.
- (b) The chairperson must give the parties to the review written notice, of not less than 15 days, of the date of any oral hearing or when written submissions must be received by the Review Board and such date must be no later than 30 days after the date the chairperson received the review report from the review officer under section 3.5.
- (c) An oral hearing is open to the public unless, on application by any one of the parties to the review, the chairperson orders the public to be excluded.

Representation

- 4.3 Parties to the review may, at their own expense, be represented by legal counsel or an agent.

Language

- 4.4 (a) Subject to subsection (b), a review must be conducted in English.
- (b) If the chairperson is satisfied that one of the parties to the review or a witness is unable to understand evidence or submissions presented in English at an oral hearing, the chairperson may order that simultaneous translation into and from the Yuulu?il?ath language be provided at the hearing.

Power to require attendance

- 4.5 (a) On a review, the chairperson may, by reasonable written notice, require the applicant, a Yuulu?il?ath public employee or a representative of an external enforcement agency
- (i) to attend as a witness before the panel, at a place and time specified in the notice, and
 - (ii) to bring and produce before the panel, subject to subsection (b), all records in the person's custody or under the person's control relevant to the subject matter of the review.

- (b) A person's obligation to bring and produce records under subsection (a)(ii) is subject to the Freedom of Information and Protection of Privacy Act or applicable federal or provincial law.
- (c) A person named in and served with a written notice under subsection (a) must
 - (i) attend before the panel,
 - (ii) unless the chairperson directs otherwise, answer on oath or affirmation all questions relevant to the subject matter of the review, and
 - (iii) produce all records in accordance with the notice.
- (d) If an applicant fails or refuses to attend, take an oath or affirmation, answer questions or produce the records required in the notice under subsection (a), the panel may make
 - (i) an order dismissing the applicant's review request, or
 - (ii) an order based upon the information before it.
- (e) If a Yuulu?i?ath public employee fails or refuses to attend, take an oath or affirmation, answer questions or produce the records required in the notice under subsection (a), the panel may make an order setting aside the determination or declaring invalid the Yuulu?i?ath law that is subject of the review.
- (f) If a representative of an external enforcement agency fails or refuses to attend, take an oath or affirmation, answer questions or produce the records required in the notice under subsection (a), the panel may make
 - (i) an order setting aside the determination or declaring invalid the Yuulu?i?ath law that is subject of the review, or
 - (ii) a recommendation to the Executive that the agreement with the external enforcement agency for the enforcement of Yuulu?i?ath law be terminated.

Conduct of reviews

- 4.6
- (a) Subject to this Act, the Review Board may determine the practice and procedure for the conduct of a review before a panel.
 - (b) The panel must conduct each review as expeditiously and informally as possible but must give each of the parties to the review a reasonable opportunity
 - (i) to hear the evidence and submissions of the other parties to the review,

- (ii) to present relevant evidence,
 - (iii) to question witnesses, and
 - (iv) to make submissions.
- (c) Subject to subsection (d), the panel may receive and accept on oath or by affirmation, by affidavit or otherwise, evidence that the panel considers relevant and credible, whether or not the evidence would be admissible in a court of law.
- (d) Despite any other provision of this Act, the panel may only receive relevant evidence respecting any of the grounds for a review request set out in section 4.7(a) that the applicant is alleging and must not conduct a new hearing into the matter that was subject of the determination under review.
- (e) The panel may retain, call or hear a technical expert or advisor when it is in the public interest to do so.
- (f) The chairperson must arrange for the recording of an oral hearing and, on request of any one of the parties to the review and after payment of any prescribed fees by the party making the request, must provide a transcript of that recording.

Order

- 4.7 (a) The panel must decide
- (i) if the review request is one to which section 1.3(a) or section 1.3(b) applies, whether, beyond a reasonable doubt, the determination under review resulted from the Yuulu?il?ath institution or enforcement officer responsible for the determination
 - (A) acting without jurisdiction or beyond its jurisdiction or authority,
 - (B) refusing to exercise its jurisdiction or authority,
 - (C) failing to observe procedural fairness,
 - (D) failing to interpret the law correctly, or
 - (E) basing its decision, action or omission on an erroneous finding of fact that was made in a perverse or capricious manner or without regard for the information before it, or
 - (ii) if the review request is one to which section 1.3(c) applies, whether the impugned Yuulu?il?ath law is invalid.
- (b) Subject to subsections (c), (d) and (e), if the panel determines that

-
- (i) the determination did not result from circumstances identified in subsection (a), it must make an order dismissing the review request, or
 - (ii) the determination did result from circumstances identified in subsection (a), it must make an order setting aside the determination or declaring the impugned Yuulu?il?ath law invalid.
- (c) If the review request is one to which section 1.3(a) or section 1.3(b) applies, on the request of the parties to the review, the panel may substitute its own decision for the determination under review if the panel has made an order under subsection (b)(ii) setting aside the determination.
- (d) If the review request is one to which section 1.3(c) applies and if the panel has made an order under subsection (b)(ii) declaring the impugned Yuulu?il?ath law invalid, that declaration of invalidity is held in abeyance for 90 days within which time the impugned Yuulu?il?ath law may be amended to make it valid or repealed, however, for certainty, an order
- (i) setting aside any determination included in the review request to which section 1.3(a) or section 1.3(b) applies, or
 - (ii) substituting the panel's own decision in accordance with subsection (c) in place of the determination which is set aside
- is not held in abeyance and has immediate effect, unless otherwise specified in the order.
- (e) The panel may make an order dismissing the review request if it determines that the request is based on a technical irregularity and that has not resulted in an injustice.
- (e.1) If the review request is one to which section 1.3(b) applies and is in relation to an external enforcement officer, the panel may also recommend to the Executive that the agreement with the applicable external enforcement agency for the enforcement of Yuulu?il?ath law be terminated.
- (f) The panel must make its final order as soon as practicable, but in any event, no later than 30 days
- (i) after the close of any oral hearing held, or
 - (ii) if no oral hearing is held, after receipt of the last written submission by the parties to the review.
- (g) The panel must attempt to reach its order by consensus but if consensus is not possible, an order must be made by a majority of the adjudicators.

- (h) The panel's order must be in writing and signed by the chairperson.
- (i) Copies of all orders made and reasons given by a panel must be delivered in accordance with Yuulu?il?ath law by the review officer to the parties to the review as soon as practicable.
- (j) Subject to subsection (k), the panel is not required to give written reasons for an order made under this Act.
- (k) Any of the parties to the review may, by written notice, require the panel to give written reasons for the order made.
- (l) Subject to subsection (m), an order of the panel is final and binding on the parties to the review and is not subject to appeal.
- (m) An appeal from a decision of the Review Board under this section lies to the Supreme Court only on a question of law or jurisdiction.
- (n) An appeal under subsection (m) must be made within 15 days of the delivery under subsection (i).

Costs

- 4.8** The panel must not make an order requiring a party to the review to pay all or part of the costs of another one or more of the parties to the review.

PART 5 - GENERAL PROVISIONS

Technical irregularity

- 5.1 A proceeding under this Act is not invalid because of any defect in form or any technical irregularity.

Limitation on actions

- 5.2 (a) For certainty and pursuant to 13.35.1 and 13.35.4 of Chapter 13 Governance of the Maa-nulth Treaty, no action for damages lies or may be commenced against any Yuulu?il?ath? official or former Yuulu?il?ath? official for anything done or omitted to be done under this Act.
- (b) Despite 13.35.2, 13.35.3, 13.35.5 and 13.35.6 of Chapter 13 Governance of the Maa-nulth Treaty, no action for damages lies or may be commenced against a Yuulu?il?ath? institution, Yuulu?il?ath? official or former Yuulu?il?ath? official for anything done or omitted to be done under this Act if they acted in good faith in the performance of their duties or the exercise of their powers.

Not compellable

- 5.3 Except in a judicial review of an order made under this Act, neither the Review Board, an adjudicator nor the review officer may be compelled in a civil proceeding to give evidence or to produce a record respecting information obtained in proceedings conducted under this Act.

Offices of the Review Board

- 5.4 The offices of the review officer and the Review Board must be within Yuulu?il?ath? lands but a panel may sit at any place the chairperson determines, taking into account the convenience to the parties to the review and cost of the proceedings.

Report by the review officer

- 5.5 (a) Annually, the review officer must make a written report to the Executive advising it generally
- (i) on the nature and incidence of review requests,
 - (ii) how the review requests were resolved,
 - (iii) the results of reviews conducted by the panels, and
 - (iv) any recommendations the review officer may have for improving the administration of Yuulu?il?ath? institutions to minimize the occurrence of review requests.

- (b) The Executive must present the annual report of the review officer required under subsection (a) to the Legislature
 - (i) within 30 days after the date the report was received, or
 - (ii) at the next sitting of the Legislature,whichever is later.

Regulations

- 5.6** The Executive may make regulations which it considers necessary or advisable for the purposes of this Act, including regulations
- (a) respecting fees for the conduct of proceedings and for production of a transcript of an oral hearing under this Act,
 - (b) setting the remuneration of adjudicators,
 - (c) prescribing forms for review requests, and
 - (d) establishing rules of procedure for the Review Board.

Commencement

- 5.7** This Act comes into force on the Maa-nulth Treaty effective date.

SCHEDULE 1 – OATH OF OFFICE

Each person who is appointed to serve the Yuulu?il?ath First Nation as an adjudicator of the Review Board must swear or affirm to perform their responsibilities appropriately by answering the following questions, which will be asked by the President:

“Do you solemnly swear or affirm that you will faithfully, truly and impartially, without fear or favour and to the best of your judgment, skill and ability, perform the office of adjudicator of the Review Board and that you will not, except in the discharge of your duties, disclose to any person any of the evidence or other matter brought before the Review Board.”

“I will.”

LEGISLATIVE HISTORY

Administrative Decisions Review Act YFNS 7/2011 enacted April 1, 2011

Amendments

Section	Amendment	In Force
1.4	YFNS 40/2014, s.3.1(a)	August 27, 2014
2.1(a)	YFNS 40/2014, s.3.1(b)	August 27, 2014
2.2(b)(vi)	YFNS 40/2014, s.3.1(c)	August 27, 2014
2.2(c)	YFNS 40/2014, s.3.1(d)	August 27, 2014
3.1(b.1)	YFNS 40/2014, s.3.1(e)	August 27, 2014
3.1(g)	YFNS 40/2014, s.3.1(f)	August 27, 2014
3.2(b)	YFNS 40/2014, s.3.1(g)	August 27, 2014
3.2(d)	YFNS 40/2014, s.3.1(h)	August 27, 2014
3.2(f)	YFNS 40/2014, s.3.1(i)	August 27, 2014
3.3(c)	YFNS 40/2014, s.3.1(j)	August 27, 2014
3.4(c)	YFNS 40/2014, s.3.1(k)	August 27, 2014
3.5(b)(ii)	YFNS 40/2014, s.3.1(l)	August 27, 2014
4.5(a)	YFNS 40/2014, s.3.1(m)	August 27, 2014
4.5(b)	YFNS 40/2014, s.3.1(n)	August 27, 2014
4.5(f)	YFNS 40/2014, s.3.1(o)	August 27, 2014
4.6(f)	YFNS 40/2014, s.3.1(p)	August 27, 2014
4.7(c)	YFNS 40/2014, s.3.1(q)	August 27, 2014
4.7(e.1)	YFNS 40/2014, s.3.1(r)	August 27, 2014

Amending Acts:

YFNS 40/2014 Enforcement Framework Amendment Act No. 1 enacted August 27, 2014

Regulations enacted under this Act:

YFNR 15/2012 Review Board Forms Regulation enacted January 29, 2013

