

TOQUAHT NATION GOVERNMENT

EFFECTIVE DATE PROCEDURES ACT

TNS 1/2011



This law enacted on April 1, 2011

Signed Anne Mack
Anne Mack, Tyee Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS
ON 01/04/2011
Kurt H.
Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Effective Date Procedures Act.

Executive oversight

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

Application

- 1.3 (a) This Act applies to the procedures of the Toquaht government for
- (i) the bringing into force of certain Toquaht enactments, and
 - (ii) the execution of certain agreements and understandings to which the Toquaht Nation is a party by an authorized signatory of the Toquaht Nation,
- on the Maa-nulth Treaty effective date.
- (b) This Act applies to every other Toquaht enactment enacted on the Maa-nulth Treaty effective date, whether enacted before or after this Act, unless a contrary intention appears in this Act or in the other Toquaht enactment, and in the event of any inconsistency or conflict between this Act and the provisions of any other Toquaht enactment enacted on the Maa-nulth Treaty effective date, this Act prevails to the extent of the inconsistency or conflict.

Definitions

1.4 In this Act,

"authorized signatory" means an individual who is a councillor of the Toquaht band immediately prior to the Maa-nulth Treaty effective date and becomes a member of the Toquaht government in accordance with 13.7.1 of Chapter 13 Governance of the Maa-nulth Treaty;

"closing letter of understanding" means the Letter Of Understanding for Closing the Maa-nulth First Nations Final Agreement among the Maa-nulth First Nations, Canada and British Columbia;

"delivery agreement" means the delivery agreement among the Maa-nulth First Nations, Canada, and British Columbia concerning the delivery of documents held in escrow under the escrow agreement;

“escrow agreement” means the escrow agreement among the Maa-nulth First Nations, Canada, British Columbia and Stikeman Elliot LLP, dated as of April 1, 2010;

“instrument” has the meaning given to it in the Land Act;

“prescribed individual” has the meaning given to it in the Land Act.

PART 2 - EFFECTIVE DATE ENACTMENTS

Toquaht legislation

- 2.1** (a) Despite sections 2.4, 2.6(c), 2.7 and 2.12 of the Government Act and section 5.1(a) of the Interpretation Act, each Act enacted by Council on the Maa-nulth Treaty effective date that is
- (i) presented by a member of Council in the form of a motion that the Act be adopted by Council and that motion is seconded by another member of Council, and
 - (ii) adopted as a resolution of Council by a majority of the members of Council present and voting approving that motion,
- validly enacted and of the same force and effect as if it had been
- (iii) adopted in the manner and form provided for in sections 2.4, 2.6(c), 2.7 and 2.12 of the Government Act,
 - (iv) deposited with the law clerk in accordance with and section 5.1(a) of the Interpretation Act, and
 - (v) without complying with section 2.7(d) of the Government Act.
- (b) For certainty, each Act enacted by Council on the Maa-nulth Treaty effective date
- (i) need not be given first, second and third reading in accordance with subsection 2.7(a) of the Government Act, and
 - (ii) need not be deposited with the law clerk in accordance with subsection 5.1(a) of the Interpretation Act for that Act to have effect, provided that Act is deposited with the law clerk in accordance with section 5.1(a) of the Interpretation Act as soon as practicable after the Maa-nulth Treaty effective date.

Enactment of regulations and validity of authorizations

- 2.2** Each regulation enacted under section 3.1 and authorization made under section 3.2
- (a) is of the same force and effect as if it had been made or adopted in the manner and form provided for in the Act under which it is made, and
 - (b) is validly enacted or made under that Act, despite any requirement of the Act under which it is enacted or made.

Validity of appointments

- 2.3** Each appointment made under sections 3.4, 3.5 and 3.6
- (a) is of the same force and effect as if it had been made in the manner and form provided for in the applicable Toquaht enactment authorizing the appointment or under the Maa-nulth Treaty, as applicable,
 - (b) is valid despite the requirements of the applicable Toquaht enactment authorizing the appointment or under the Maa-nulth Treaty, and
 - (c) is effective as of the Maa-nulth Treaty effective date.

Validity of Toquaht government seal

- 2.4** The establishment of a seal of office under section 3.7 is of the same force and effect as if it had been made by Council under section 3.2(b) of the Government Act.

PART 3 - TOQUAHT GOVERNMENT

Regulations enacted

- 3.1** The regulations listed in the table below, and attached as Schedules 1 through 7 respectively, are each enacted under the authority of the Act shown opposite the name of the regulation to take effect on the Maa-nulth Treaty effective date.

Regulation Title	Act
Citizenship and Enrolment Forms Regulation	Citizenship Act section 9.1
Disclosure Forms Regulation	Integrity Act section 7.1
Executive Rules of Order and Procedure Regulation	Council Rules of Order and Procedure Act, section 14.6
Expenditures Regulation	Financial Administration Act sections 11.1
Fisheries Regulation	Resources Harvesting Act section 9.1
Lands Registry Forms Regulation	Land Act section 12.1
Wildlife and Migratory Birds Regulation	Resources Harvesting Act section 9.1

Authorized signatory

- 3.2** Any authorized signatory is authorized to sign for or on behalf of the Toquaht Nation the following agreements or an amendment to the following agreements prior to the Maa-nulth Treaty effective date or thereafter so long as the authorized signatory is a Toquaht government representative:

- (a) the escrow agreement;
- (b) the delivery agreement;
- (c) the closing letter of understanding;
- (d) each document that has been given to, or held by, the escrow holder under the escrow agreement and that provides for execution by or on behalf of the Toquaht Nation;
- (e) each agreement referred to in section 5.1;

- (f) each plan referred to in Schedule 9; and
- (g) any other document that the parties to the Maa-nulth Treaty have agreed is to be executed on or about the Maa-nulth Treaty effective date.

Authorized signatory’s signature

3.3 A document that this Act authorizes an authorized signatory to sign is deemed to be validly signed if the authorized signatory signs the document in his or her own handwriting or by impressing his or her signature stamp on it.

Committee and other assignments

3.4 An individual listed in the table below opposite the name of a committee or council is appointed as a member of that committee or council to represent the Toquaht Nation as of the Maa-nulth Treaty effective date.

Name of Committee or Board	Maa-nulth Treaty, Toquaht enactment or other reference	Individual Appointed
Citizenship and Enrolment Committee	Citizenship Act, section 4.4	Lisa Morgan Kirsten Johnsen Gale Johnsen Noreen Frank
Enrolment Appeal Board	26.6.3 Chapter 26 Eligibility and Enrolment of the Maa-nulth Treaty	Gary Johnsen
Finance Committee	Financial Administration Act, section 3.1	Kevin Mack Gary Johnsen Gale Johnsen Jackie Godfrey
Implementation Committee	27.3.1 Chapter 27 Implementation of the Maa-nulth Treaty	Angela Wesley
Joint Fisheries Committee	10.4.3 Chapter 10 Fisheries of the Maa-nulth Treaty	David Johnsen
Standing Committee on Economic Development	Council Rules of Order and Procedure Act, Part 17	Gary Johnsen Gale Johnsen David Johnsen

Standing Committee on Treaty Implementation	Council Rules of Order and Procedure Act, Part 16	Anne Mack Kevin Mack Kirsten Johnsen
Wildlife Council	11.4.2 Chapter 11 Wildlife of the Maa-nulth Treaty	David Johnsen and Lisa Morgan (as alternate)

Administrative appointments

3.5 The individual listed in the table below opposite the name of an office is appointed to that office, as of the Maa-nulth Treaty effective date, on an acting or permanent basis as indicated.

Name of Office	Act	Persons appointed
citizenship and enrolment registrar	Citizenship Act section 3.1	Lisa Morgan
director of community services	Government Personnel Act section 6.3	Anne Mack
director of finance	Financial Administration Act section 2.3	Kevin Mack
director of lands, public works and resources	Land Act section 2.3	Lisa Morgan
director of operations	Government Personnel Act section 3.1	Anne Mack
lands registrar	Land Act section 2.11	Lisa Morgan
law clerk	Government Act section 2.17	Kirsten Johnsen
review officer	Administrative Decisions Review Act section 2.2	Kirsten Johnsen

Other appointments

3.6 Any person who, immediately before the Maa-nulth Treaty effective date, held an appointment from, or was a delegate of, the Toquaht Band to any entity or body, is

appointed as the appointee or delegate of the Toquaht Nation to that entity or body as of the Maa-nulth Treaty effective date, except as specifically provided otherwise.

Toquaht government seal

3.7 The seal of Toquaht government

- (a) is established in the form reproduced in Schedule 8, and
- (b) is entrusted to the care of the law clerk.

PART 4 - TOQUAHT LANDS

Effective date dispositions

- 4.1** (a) The Toquaht Nation makes dispositions, in the following order of priority, of:
- (i) rights of way in favour of the public, Canada or British Columbia;
 - (ii) hydro transmission rights of way;
 - (iii) rights of way in favour of a local government;
 - (iv) rights of way in favour of public utility distribution works;
 - (v) private road easements;
 - (vi) leases; and
 - (vii) licences of occupation;
- set out in the instruments of disposition held in escrow under the escrow agreement to the grantees identified in those instruments of disposition, effective on the release from escrow of those instruments of disposition.
- (b) A disposition made under subsection (a) is subject to the conditions, provisos, exceptions, restrictions and reservations set out in section 4.9 of the Land Act.

Execution of instruments in respect of Toquaht lands

- 4.2** (a) An instrument making a disposition contemplated in section 4.1 executed by or on behalf of the Toquaht Nation is conclusively deemed to be properly executed if
- (i) the execution of the instrument by an authorized signatory is witnessed by a prescribed individual who is not a party to the instrument, and
 - (ii) the execution is proved in accordance with subsection (b).
- (b) If an instrument is executed by an authorized signatory under subsection (a),
- (i) the signature of the prescribed individual witnessing the execution is a certification by the prescribed individual that the authorized signatory appeared before, and acknowledged to, the prescribed individual that he or she is an authorized signatory, and
 - (ii) the signature witnessed by the prescribed individual is the signature of the authorized signatory who made the acknowledgement.

- (c) An instrument executed and proved in compliance with subsections (a) and (b) constitutes conclusive evidence to the lands registrar that the requirements of the Land Act relating to the execution of the instrument and the transaction or dealing contemplated by it have been fulfilled.
- (d) An instrument executed and proved in compliance with subsections (a) and (b) does not require that the authorized signatory sign as the “authorized signatory of” or “on behalf of” the Toquaht Nation, or other similar words, for that instrument to be binding on the Toquaht Nation or to grant a valid interest in, or licence in relation to, Toquaht lands.
- (e) If an instrument executed by or on behalf of Toquaht Nation is presented for registration or filing under the Land Act, the lands registrar need not act on or make any inquiry into whether or not
 - (i) the transaction or dealing contemplated by the instrument was duly authorized in accordance with the Toquaht law, or
 - (ii) all rules and procedures established by the Toquaht government respecting the disposition of an interest in, or licence in relation to, Toquaht lands have been complied with.

Registration of plans

- 4.3** The plans referred to in Schedule 9 are deemed to be on deposit in the Toquaht lands registry office.

Effective date corrections to instruments by legal counsel

- 4.4** (a) Legal counsel for the First Nations of Maa-nulth Treaty Society may, in relation to the registration of an interest in, or licence in relation to, Toquaht lands, on any evidence that legal counsel considers sufficient,
- (i) correct a misdescription,
 - (ii) correct clerical or typographical errors, or
 - (iii) insert clerical entries omitted,
- in an instrument making a disposition contemplated in section 4.1.
- (b) In correcting a misdescription under subsection (a)(i), legal counsel for the First Nations of Maa-nulth Treaty Society
- (i) must not erase or render illegible the original description, and
 - (ii) must sign and date the corrected description.

- (c) In correcting a clerical or typographical error under subsection (a)(ii), legal counsel for the First Nations of Maa-nulth Treaty Society
 - (i) must not erase or render illegible the original entry, and
 - (ii) must sign and date the corrected entry.
- (d) When inserting an omitted clerical entry under subsection (a)(iii), legal counsel for the First Nations of Maa-nulth Treaty Society must sign and date the inserted clerical entry.
- (e) The correction of a misdescription, the correction of a clerical or typographical error or the insertion of an omitted entry under subsection (a) has the same validity and effect as if the misdescription or error had not been made or the inserted entry not omitted.

PART 5 - AGREEMENTS

Agreements with other governments

5.1 The following agreements are ratified and entered into by the Toquaht Nation:

- (a) Fiscal Financing Agreement;
- (b) Foreshore Agreement;
- (c) Maa-nulth Harvest Agreement;
- (d) Maa-nulth Side Agreement, made as of the Maa-nulth Treaty effective date, between Canada, British Columbia and the Maa-nulth First Nations concerning the *Ahousaht et al.* fisheries litigation (Supreme Court action S033335);
- (e) Monumental Cedar and Cypress Harvest Agreement, made as of the Maa-nulth Treaty effective date, between British Columbia, as represented by the Minister of Forests, Lands and Natural Resource Operations, and the Toquaht Nation, as represented by the Toquaht government;
- (f) Own Source Revenue Agreement;
- (g) Real Property Tax Co-ordination Agreement;
- (h) Resource Revenue Sharing Agreement;
- (i) Tax Treatment Agreement; and
- (j) Wildfire Suppression Agreement.

Application of Financial Administration Act

5.2 Section 6.8 of the Financial Administration Act does not apply in relation to the agreements referred to in section 5.1.

PART 6 - GENERAL PROVISIONS

Commencement

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

SCHEDULE 1 – CITIZENSHIP AND ENROLMENT FORM REGULATION

[REGULATION BEGINS ON NEXT PAGE]

TOQUAHT NATION GOVERNMENT

Enacted under the Citizenship Act section 9.1

**CITIZENSHIP AND ENROLMENT
FORMS REGULATION**

TNR 1/2011



This regulation enacted on April 1, 2011

Signed _____
Anne Mack, Tye Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE REGISTRY OF LAWS
ON ____/____/____
_____ Signature of Law Clerk

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

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**TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011**

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Citizenship and Enrolment Forms Regulation.

Application

1.2 This regulation prescribes

- (a) the form for applications under sections 5.1 and 5.2 of the Act, and
- (b) the form for renunciations under sections 6.1(b) and 6.1(c) of the Act.

Definitions

1.3 In this regulation,

“Act” means the Citizenship Act;

“citizenship and enrolment form” means a form prescribed under this regulation and includes any attachments to the form.

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

PART 2 - PRESCRIBED FORMS

Prescribed forms

- 2.1 (a) The Form numbered DCS-4 in Schedule 1 is prescribed for the purposes of sections 5.1 and 5.2 of the Act.
- (b) The Form numbered DCS-5 in Schedule 2 is prescribed for the purposes of sections 6.1(b) and 6.1(c) of the Act.
- (c) A citizenship and enrolment form that is
- (i) an application form must be in Form DCS-4, and
 - (ii) a notice of renunciation form must be in Form DCS-5.
- (d) Every citizenship and enrolment form must be executed and competed in compliance with
- (i) the Act,
 - (ii) this regulation, and
 - (iii) the instructions on Form DCS-4 or DCS-5, as applicable.

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

PART 3 - COMPLETION OF FORMS

Completion of forms

- 3.1 (a) Every citizenship and enrolment form, including any attachments, must be on durable paper 27.9 cm x 21.5 cm in size.
- (b) Every citizenship and enrolment form must be completed
- (i) by printing or typing in legible characters of 10 or 12 pitch, but not smaller than 12 point, and
- (ii) by printing or typing in black or dark ink that is compatible for electronic scanning, optical character recognition or micrographic technology of the kind used in the Toquaht administration office.
- (c) The name of an individual on a citizenship and enrolment form must be the individual's full legal name, being the individual's first name, middle name(s) and last name, without the use of initials or nicknames.
- (d) An abbreviation of any word on a citizenship and enrolment form must not be used unless
- (i) the abbreviation is permitted by the director of operations, and
- (ii) the abbreviation does not obscure the meaning, intent or legal effect of the citizenship and enrolment form.
- (e) Every citizenship and enrolment form must be in the English language.
- (f) A citizenship and enrolment form must be executed by
- (i) the applicant or the individual whose Toquaht citizenship or enrolment under the Maa-nulth Treaty is being renounced, as applicable, or
- (ii) the legal guardian(s) of an individual referred to in paragraph (i).
- (g) The execution of a notice of renunciation form must be witnessed by a solicitor, notary public or other person authorized by the Evidence Act (British Columbia) to take affidavits for use in British Columbia.

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011**SCHEDULE 1 – CITIZENSHIP AND ENROLMENT APPLICATION FORM**

<p>TOQUAHT NATION</p> <p>Citizenship Act Department of Community Services Form DCS-4</p> <p>CITIZENSHIP AND ENROLMENT APPLICATION FORM</p>		<p>Date received:</p> <p><i>(for Department of Community Services use only)</i></p>
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A. PERSONAL INFORMATION

Full Name of Applicant: _____

Date of Birth: _____ City and Province/State of Birth: _____

Full Name of Parents or Legal Guardian(s) if different from Parents: *(where the Applicant is a child or an adult for whom a committee has been appointed under the Patients Property Act (British Columbia))*

Parent/Legal Guardian 1: _____

Parent/Legal Guardian 2: _____

Address: _____

City: _____ Province/State: _____ Code: _____

Telephone Number: _____ E-mail Address: _____

B. APPLICATION TYPEThe Applicant is applying for: *(please check one)*

- Toquaht Citizenship
- Toquaht Citizenship and Enrolment under the Maa-nulth Treaty

**TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011**

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C. ELIGIBILITY CRITERIA – TOQUAHT CITIZENSHIP

The Applicant is applying for Toquaht Citizenship under the following section of the Citizenship Act: *(please check one or more of the following)*

- 2.1(b)(i)** – the Applicant was on the Toquaht band list as of the day immediately preceding the Maa-nulth Treaty effective date
- 2.1(b)(ii)** – the Applicant has been adopted as a child by a Toquaht citizen under Canadian law, the Maa-nulth Treaty or in accordance with Nuu-chah-nulth custom
- 2.1(b)(iii)** – the Applicant is a descendant of a Toquaht citizen

Is the Applicant a citizen or member of another First Nation? *(please check one)*

- No Yes If Yes, please specify: _____

D. ELIGIBILITY CRITERIA – ENROLMENT UNDER THE MAA-NULTH TREATY *(skip this part if the Applicant is only applying for Toquaht Citizenship)*

The Applicant is applying for Enrolment under the Maa-nulth Treaty under the following section of the Maa-nulth Treaty: *(please check one or more of the following)*

- 26.1.1a** – the Applicant is of Toquaht Nation ancestry
- 26.1.1b** – the Applicant was adopted under laws recognized in Canada or in accordance with the custom of the Toquaht Nation by an individual who is eligible for enrolment under 26.1.1a, 26.1.1b or 26.1.1c
- 26.1.1c** – the Applicant is a descendant of an individual who is eligible for enrolment under 26.1.1a. or 26.1.1b
- 26.1.1d** – the Applicant is accepted by the Toquaht Nation as a member of the Toquaht Nation in accordance with the custom of the Toquaht Nation and has a demonstrated attachment to the Toquaht Nation community

Is the Applicant enrolled under another treaty or land claims agreement? *(please check one)*

- No Yes If Yes, please specify: _____

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

C. SUPPORTING INFORMATION

In support of this Application, I have enclosed the following documents:

- Certified copy of a large form birth certificate
- Genealogy chart
- Certified copy of an adoption order
- Certified copy of a marriage certificate

ALL APPLICANTS MUST ENCLOSE A CERTIFIED COPY OF A LARGE FORM BIRTH CERTIFICATE. APPLICANTS WHO ARE APPLYING FOR CITIZENSHIP UNDER 2.1(b)(iii) OR ENROLMENT UNDER THE MAA-NULTH TREATY UNDER 26.1.1a or 26.1.1c MUST ENCLOSE A GENEALOGY CHART.

Is there any other information in support of this Application that the Citizenship and Enrolment Committee should be aware of? *(please enclose additional pages if necessary)*

Date of Application: _____

Signature of Applicant or Parents/Legal Guardian(s): _____

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011**SCHEDULE 2 – CITIZENSHIP AND ENROLMENT NOTICE OF RENUNCIATION
FORM**

<p>TOQUAHT NATION</p> <p>Citizenship Act Department of Community Services Form DCS-5</p> <p>CITIZENSHIP AND ENROLMENT NOTICE OF RENUNCIATION FORM</p>		<p>Date received:</p> <p><i>(for Department of Community Services use only)</i></p>
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A. PERSONAL INFORMATION

Full Name of individual whose Toquaht Citizenship or Enrolment under the Maa-nulth Treaty is being renounced:

Full Name: _____

Citizenship Number: _____ **Enrolment Number:** _____

Full Name of Parents or Legal Guardian(s) if different from Parents: *(where the individual whose Toquaht Citizenship or Enrolment under the Maa-nulth Treaty is being renounced is a child or an adult for whom a committee has been appointed under the Patients Property Act (British Columbia))*

Parent/Legal Guardian 1: _____

Parent/Legal Guardian 2: _____

Address: _____

City: _____ **Province/State:** _____ **Code:** _____

Telephone Number: _____ **E-mail Address:** _____

B. RENUNCIATION

I HEREBY FREELY, WITHOUT THREAT, PROMISE OR COMPULSION, ABSOLUTELY AND UNCONDITIONALLY RENOUNCE MY: *(please check one)*

- Toquaht Citizenship
- Enrolment under the Maa-nulth Treaty
- Toquaht Citizenship and Enrolment under the Maa-nulth Treaty

TOQUAHT NATION GOVERNMENT
CITIZENSHIP AND ENROLMENT FORMS REGULATION TNR 1/2011

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C. EXECUTIONS

Prescribed Individual Signature(s)

EXECUTION DATE

Signature of individual whose Toquaht
Citizenship or Enrolment under the Maa-
nulth Treaty is being renounced or his or
her Parents/Legal Guardian(s)

Print Name, Address and
Occupation:

Y	M	D

Print Name:

Print Name:

PRESCRIBED INDIVIDUAL CERTIFICATION:

Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this Notice of Renunciation.

SCHEDULE 2 – DISCLOSURE FORMS REGULATION

[REGULATION BEGINS ON NEXT PAGE]

TOQUAHT NATION GOVERNMENT

Enacted under the Integrity Act section 7.1

DISCLOSURE FORMS REGULATION

TNR 2/2011



This regulation enacted on April 1, 2011

Signed _____
Anne Mack, Tyee Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE REGISTRY OF LAWS
ON ____/____/____
_____ Signature of Law Clerk

**TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**

TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011

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**TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Disclosure Forms Regulation.

Application

1.2 This regulation prescribes

- (a) the form of disclosure statements under sections 4.1, 4.3 and 4.4 of the Act, and
- (b) the dollar value that gifts or personal benefits received by a Toquaht government representative as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of his or her position must exceed before they have to be disclosed in accordance with section 4.4 of the Act.

Definitions

1.3 In this regulation,

“Act” means the Integrity Act;

“disclosure statement” means a form of disclosure statement prescribed under this regulation and includes any attachments to the disclosure statement.

**TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**

TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**PART 2 - PRESCRIBED MATTERS****Prescribed forms**

- 2.1**
- (a) The Form numbered DCS-1 in Schedule 1 is prescribed for the purposes of section 4.1 the Act.
 - (b) The Form numbered DCS-2 in Schedule 2 is prescribed for the purposes of section 4.3 of the Act.
 - (c) The Form numbered DCS-3 in Schedule 3 is prescribed for the purposes of section 4.4 of the Act.
 - (d) A disclosure statement that is
 - (i) a private interests disclosure statement must be in Form DCS-1,
 - (ii) a supplemental disclosure statement must be in Form DCS-2, and
 - (iii) a disclosure statement for gifts and personal benefits must be in Form DCS-3.
 - (e) Every disclosure statement must be executed and competed in compliance with
 - (i) the Act,
 - (ii) this regulation, and
 - (iii) the instructions on Form DCS-1, DCS-2 or DCS-3, as applicable.

Prescribed value

- 2.2** A value of \$500 is prescribed for the purposes of section 4.4 of the Act.

**TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**

PART 3 - COMPLETION OF DISCLOSURE STATEMENTS

Completion of disclosure statements

- 3.1**
- (a) Every disclosure statement, including any attachments, must be on durable paper 27.9 cm x 21.5 cm in size.
 - (b) Every disclosure statement must be completed
 - (i) by printing or typing in legible characters of 10 or 12 pitch, but not smaller than 12 point, and
 - (ii) by printing or typing in black or dark ink that is compatible for electronic scanning, optical character recognition or micrographic technology of the kind used in the Toquaht administration office.
 - (c) The name of an individual on a disclosure statement must be the individual's full legal name, being the individual's first name, middle name(s) and last name, without the use of initials or nicknames.
 - (d) The name of an entity on a disclosure statement must, if the entity is incorporated, be the name of the entity as it appears in the applicable corporate registry.
 - (e) An abbreviation of any word on a disclosure statement must not be used unless
 - (i) the abbreviation is permitted by the chief administrative officer, and
 - (ii) the abbreviation does not obscure the meaning, intent or legal effect of the disclosure statement.
 - (f) Every disclosure statement must be in the English language.

**TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**

TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**SCHEDULE 1 - FORM OF DISCLOSURE STATEMENT – PRIVATE INTERESTS**

<p>TOQUAHT NATION</p> <p>Integrity Act Department of Community Services Form DCS-1</p> <p>DISCLOSURE STATEMENT – PRIVATE INTERESTS</p>		<p>Date received:</p> <p><i>(for Department of Community Services use only)</i></p>
--	--	--

A. PERSONAL INFORMATION	
Name of Toquaht government representative making this disclosure statement:	
Name of spouse:	
Names of sons and daughters:	
Names of parents:	
Names of siblings:	

DEFINITIONS:

“immediate family” has the meaning given to that term in the Integrity Act;

“spouse” has the meaning given to that term in the Interpretation Act; and

“Toquaht government representative” has the meaning given to that term in the Interpretation Act.

00255337-2

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TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011

PAGE 5 of 5

DECLARATION:

I hereby swear or affirm that the information in this public disclosure statement is accurate and complete to the best of my knowledge.

Signature

Date

**TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**

TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**SCHEDULE 2 - FORM OF DISCLOSURE STATEMENT – SUPPLEMENTAL**

<p>TOQUAHT NATION</p> <p>Integrity Act Department of Community Services Form DCS-2</p> <p>DISCLOSURE STATEMENT – SUPPLEMENTAL</p>		<p>Date received:</p> <p><i>(for Department of Community Services use only)</i></p>
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A. PERSONAL INFORMATION	
Name of Toquaht government representative making this disclosure statement:	
Name of spouse:	
Names of sons and daughters:	
Names of parents:	
Names of siblings:	

DEFINITIONS:

“immediate family” has the meaning given to that term in the Integrity Act;

“spouse” has the meaning given to that term in the Interpretation Act; and

“Toquaht government representative” has the meaning given to that term in the Interpretation Act.

TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011

PAGE 5 of 5

DECLARATION:

I hereby swear or affirm that the information in this public disclosure statement is accurate and complete to the best of my knowledge.

Signature

Date

**TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**

TOQUAHT NATION GOVERNMENT
DISCLOSURE FORMS REGULATION TNR 2/2011**SCHEDULE 3 - FORM OF DISCLOSURE STATEMENT – GIFTS AND PERSONAL BENEFITS**

<p>TOQUAHT NATION</p> <p>Integrity Act Department of Community Services Form DCS-3</p> <p>DISCLOSURE STATEMENT – GIFTS AND PERSONAL BENEFITS</p>		<p>Date received:</p> <p><i>(for Department of Community Services use only)</i></p>
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(Note: Please file a separate disclosure statement for each gift or personal benefit received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of your position)

<p>Name of Toquaht government representative making this disclosure statement:</p>			
<p>Description of the gift or personal benefit:</p>			
<p>Name of the person the gift or personal benefit was received from:</p>			
<p>Date Received:</p>		<p>Value:</p>	

DECLARATION:

I hereby swear or affirm that the information in this public disclosure statement is accurate and complete to the best of my knowledge.

Signature

Date

00255361-2

00255314-3

**SCHEDULE 3 – EXECUTIVE RULES OF ORDER AND PROCEDURE
REGULATION**

[REGULATION BEGINS ON NEXT PAGE]

TOQUAHT NATION GOVERNMENT

Enacted under the Council Rules of Order and Procedure Act section 14.6

**EXECUTIVE RULES OF ORDER AND
PROCEDURE REGULATION**

TNR 3/2011



This regulation enacted on April 1, 2011

Signed _____
Anne Mack, Tyee Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE REGISTRY OF LAWS
ON ____/____/____
_____ Signature of Law Clerk

TOQUAHT NATION GOVERNMENT
EXECUTIVE RULES OF ORDER AND PROCEDURE REGULATION TNR 3/2011

TOQUAHT NATION GOVERNMENT
EXECUTIVE RULES OF ORDER AND PROCEDURE REGULATION TNR 3/2011

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TOQUAHT NATION GOVERNMENT
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PART 1 - INTRODUCTORY PROVISIONS

Short title

- 1.1** These regulations may be cited as the Executive Rules of Order and Procedure Regulation.

Application

- 1.2** This regulation governs
- (a) proceedings of the Executive,
 - (b) the duties and conduct of members of the Executive, and
 - (c) rules and procedures for the conduct of Executive meetings.

Definitions

- 1.3** In this regulation

“Act” means the Council Rules of Order and Procedure Act;

“incidental motion” means a motion referred to in Part 7;

“main motion” means a motion referred to in Part 5;

“privileged motion” means a motion or question of privilege referred to in Part 8;

“reconsider” means to reconsider in accordance with Part 9;

“subsidiary motion” means a motion referred to in Part 6.

TOQUAHT NATION GOVERNMENT
EXECUTIVE RULES OF ORDER AND PROCEDURE REGULATION TNR 3/2011

PART 2 - GENERAL RULES

Equality of all members of the Executive

- 2.1** (a) Subject to this regulation and the Act, all members of the Executive are equal and their rights are equal.
- (b) Each member of the Executive has the right to
- (i) attend meetings,
 - (ii) make motions and speak in debate of motions, and
 - (iii) vote on motions.

Majority rule

- 2.2** (a) A decision reached by a majority of the members of the Executive present and voting is final, unless that motion is rescinded or amended in accordance with this regulation.
- (b) The minority view has the right to be respectfully expressed and respectfully heard, but once a decision has been reached by a majority of the members of the Executive present and voting, the minority view must respect and abide by the majority decision.

Honesty, good faith and ethical dealings

- 2.3** A member of the Executive has the same duties as a member of Council under Part 5 of the Act in relation to their role as a member of the Executive, with necessary changes to the details as circumstances require.

TOQUAHT NATION GOVERNMENT
EXECUTIVE RULES OF ORDER AND PROCEDURE REGULATION TNR 3/2011

PART 3 - EXECUTIVE MEETINGS

General

3.1 The chairperson serves as the primary spokesperson for the Executive.

Responsibilities at Executive meetings

- 3.2** (a) The chairperson has the responsibility to serve as the presiding officer at meetings of the Executive and ensure that the appropriate issues are addressed.
- (b) The chairperson must ensure that motions moved by members of the Executive are clear and not confusing.

Executive meeting agenda

- 3.3** (a) The chairperson must ensure
- (i) a proper agenda is adopted and followed during meetings of the Executive,
 - (ii) the co-ordination of the agenda with invited guests or speakers, and
 - (iii) any information packages that may be required or related materials necessary for members of the Executive to have in order for the agenda to be followed is available prior to the beginning of the meeting.
- (b) The chairperson may include in the agenda for the Executive the following topics which may be in the following order:
- (i) call to order and determination of quorum;
 - (ii) opening prayer to the Creator;
 - (iii) minutes of the previous meeting of the Executive;
 - (iv) reports by administration;
 - (v) unfinished business;
 - (vi) new business;
 - (vii) announcements; and
 - (viii) adjournment.

Conducting the Executive meetings

- 3.4**
- (a) The chairperson must maintain order during Executive meetings and enforce this regulation and other parliamentary procedures with impartiality.
 - (b) The chairperson must assign the floor to a member of the Executive by recognizing the member of the Executive who wishes to speak by name and indicating they have the floor.
 - (c) Subject to this regulation, only the member of the Executive recognized by the chairperson as having the floor may speak and no member of the Executive may interrupt a member of the Executive that has been granted the right to speak by the chairperson.
 - (d) The chairperson must rule out of order
 - (i) any motion which does not directly relate to the pending motion,
 - (ii) all remarks of a personal nature concerning a member of the Executive, including remarks concerning the motives or personality of a member the Executive,
 - (iii) any members of the Executive engaged in private discussion or who are otherwise disruptive while another member of the Executive has the floor and is speaking, and
 - (iv) any motion by a member of the Executive which, in the reasonable opinion of the chairperson, is a misuse by the member of the Executive of procedure to deliberately delay or prevent the Executive from considering a pending question.

Guests at meetings of the Executive

- 3.5**
- (a) The Executive recognizes the value of having individuals who are not members of the Executive attend the Executive meetings to provide information and opinions to assist the members of the Executive in their deliberations.
 - (b) The Executive, through the chairperson, may determine those individuals who are not members of the Executive who may attend Executive meetings and, for issues to be discussed by the Executive that fall within the terms of reference of a committee, a committee chair may also recommend to the chairperson those individuals who are not members of the Executive who may attend Executive meetings.
 - (c) No individual who is not a member of the Executive may attend or table material at Executive meetings without prior approval of the chairperson.

Preparation of minutes

- 3.6** (a) The chairperson is responsible for ensuring an individual is appointed for taking and preparing the minutes of the meetings of the Executive.
- (b) The individual appointed under subsection (a) must record
- (i) the names of all members of the Executive in attendance at the meeting,
 - (ii) the names of all individuals reporting to the Executive, including Toquaht directors and committee chairs,
 - (iii) the names of all individuals who are not members of the Executive permitted by the chairperson to attend the Executive meeting,
 - (iv) the name of the member of the Executive who moved the motion,
 - (v) every approved and rejected motion, and
 - (vi) the number of votes to approve and the number of votes to reject every motion.
- (c) The individual appointed under subsection (a) need not record
- (i) the discussion on a motion or personal opinion of a member of the Executive,
 - (ii) motions withdrawn in accordance with this regulation, or
 - (iii) the content of reports given to the Executive.

Endorsement of minutes

- 3.7** (a) The individual appointed under section 3.6(a) must sign the minutes of the Executive meetings once the minutes have been approved by the Executive.
- (b) The individual appointed under section 3.6(a) must record on the approved minutes the date of that approval by the Executive.

TOQUAHT NATION GOVERNMENT
EXECUTIVE RULES OF ORDER AND PROCEDURE REGULATION TNR 3/2011

PART 4 - GENERAL RULES CONCERNING MOTIONS

Question or matter must be moved

- 4.1** Subject to section 4.2, no question or matter may be considered by the Executive without first being moved.

Business of a routine nature

- 4.2** (a) Where business requiring consideration or approval of the Executive is of a routine nature or it is clear to the chairperson that a consensus of all members of the Executive exists on the business at hand, subject to subsection (b), the chairperson may waive the requirement for a formal motion on that business by asking the members of the Executive if there is any objection to the business being approved.
- (b) If a member of the Executive raises an objection under subsection (a), the chairperson must require the formal procedures set out in Part 4 through Part 10 be followed by the members of the Executive for that business.

One question at a time

- 4.3** The chairperson must rule out of order any motion that does not directly relate to the pending question or is otherwise permitted under this regulation.

Introducing and speaking to a motion

- 4.4** (a) Subject to this regulation, a member of the Executive
- (i) must request the chairperson to recognize him or her as having the floor in order to introduce or speak to a motion, and
 - (ii) must not interrupt another member of the Executive recognized by the chairperson as having the floor in order to introduce or speak to a motion.
- (b) The chairperson may require a long motion to be submitted in writing.
- (c) A motion moved by a member of the Executive need not be seconded.
- (d) The chairperson must state a motion moved by a member of the Executive before allowing the member of the Executive who moved the motion to speak to the motion.
- (e) A member of the Executive may modify his or her own motion before it is stated by the chairperson.

- (f) The member of the Executive who moved a motion may offer an amendment to that motion after it has been stated by the chairperson but before the motion has been stated by the chairperson to be open for debate.
- (g) A member of the Executive may withdraw his or her motion
 - (i) before it has been stated by the chairperson, or
 - (ii) only in accordance with section 7.12 after it has been stated by the chairperson.
- (h) The chairperson must open the floor for debate by the members of the Executive present all debateable motions immediately upon restating the motion by stating the motion is “open for debate” or “open for discussion” or similar words.
- (i) The maker of a motion has the first right to speak to the motion.
- (j) The maker of a motion may only speak in favour of his or her own motion.
- (k) When a main motion is on the floor, a member of the Executive must only speak to the pending motion, unless otherwise provided for in this regulation.

Debatable motions must receive full debate

- 4.5** (a) Subject to subsection (b), the chairperson must not put a debatable motion to a vote as long as a member of the Executive wishes to debate that motion.
- (b) Debate may only be suspended by the chairperson with the approval of two-thirds of the members of the Executive present and voting in accordance with section 6.6.

Restating the motion prior to being decided

- 4.6** The chairperson must restate the pending motion to the members of the Executive immediately prior to calling a vote of the members of the Executive on the pending motion.

Decided motions

- 4.7** Subject to Part 9, the chairperson must declare out of order any motion on a question already decided or a question substantially the same as a question already decided.

PART 5 - MAIN MOTIONS

Main motions described

- 5.1** (a) A main motion is any motion which introduces business for the Executive to do any of the following:
- (i) enact, amend or repeal a regulation or an order;
 - (ii) approve or amend the minutes of a previous meeting of the Executive;
 - (iii) approve or amend the agenda for the current meeting of the Executive;
 - (iv) approve or amend an authorized expenditure of funds;
 - (v) consider a main motion previously tabled under section 6.5 other than as unfinished business at the next meeting of the Executive;
 - (vi) adopt, accept or agree to a report presented to the Executive;
 - (vii) adopt special rules of order and procedure, including voting requirements, or waive a requirement under Part 4 through Part 10 of this regulation, if moved while no question is pending;
 - (viii) fix the time to adjourn the meeting of the Executive, if moved while no question is pending;
 - (ix) to take a recess, if moved while no question is pending;
 - (x) limit debate or extend limits previously placed on debate, if moved while no question is pending;
 - (xi) initiate or discontinue an authorized project;
 - (xii) postpone an event or action previously scheduled;
 - (xiii) express an opinion;
 - (xiv) otherwise engage in a consideration of any matter; or
 - (xv) otherwise take any action.
- (b) Only one main motion may be pending at a time.
- (c) For certainty, a main motion tabled under section 6.5, postponed to a specific time under section 6.8, referred to a committee under section 6.9 or postponed indefinitely under section 6.11 is not a pending motion as long as it remains

tabled, postponed to a specific time, under consideration by the committee in accordance with the terms of its referral or postponed indefinitely.

Introduction of main motions

- 5.2**
- (a) A main motion must be introduced by a member of the Executive.
 - (b) Subject to subsection (g), a main motion may be debated.
 - (c) Subject to subsection (g), a main motion may be amended.
 - (d) Subject to subsection (e), a main motion requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (e) A motion contemplated in section 5.1(a)(vii) or 5.1(a)(x) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) Subject to subsection (g), the decision on a main motion may be reconsidered in accordance with Part 9.
 - (g) A motion contemplated in section 5.1(a)(v) may not be debated or amended and the decision on a motion contemplated in section 5.1(a)(v) may not be reconsidered in accordance with Part 9.

Main motions out of order

- 5.3** The chairperson must rule as out of order the following motions:
- (a) a motion that conflicts with Toquaht law;
 - (b) a motion that the subject of is beyond the jurisdiction of the Toquaht government;
 - (c) a motion that repeats a question already considered and decided by the Executive;
 - (d) a motion that conflicts with an already approved motion, except in accordance with Part 9; and
 - (e) a motion that appears to the chairperson to be intended solely as a delaying tactic, otherwise incorrect, frivolous or rude.

PART 6 - SUBSIDIARY MOTIONS

Subsidiary motions described

- 6.1** A subsidiary motion is any motion that assists the Executive in considering a main motion.

Introduction of subsidiary motions

- 6.2**
- (a) A subsidiary motion that relates to the main motion may be moved while the main motion is pending.
 - (b) For certainty, a subsidiary motion that relates to the main motion must be moved before the main motion has been decided.
 - (c) A subsidiary motion adheres to and takes precedence over the main motion to which it relates and must be decided before the main motion is considered further or decided.
 - (d) A subsidiary motion must only be used to expedite consideration of the main motion by disposing of the main motion other than by the Executive approving or rejecting the main motion.

Subsidiary motions subject to priorities

- 6.3**
- (a) All subsidiary motions are subject to the rankings of priority set out in section 6.4 and a subsidiary motion that ranks in higher priority to another subsidiary motion must be decided before a subsidiary motion that ranks in lower priority is considered further or decided.
 - (b) Any subsidiary motion that ranks in higher priority under section 6.4 may be moved while another subsidiary motion that ranks in lower priority is pending and has not yet been decided and that subsidiary motion that ranks in higher priority, once moved and seconded, adheres to and takes precedence over any other pending subsidiary motion that ranks in lower priority and must be decided before any other pending subsidiary motion that ranks in lower priority is considered further or decided.
 - (c) For certainty, a subsidiary motion that ranks in lower priority must not be moved while a subsidiary motion of higher priority is pending and the chairperson must rule as out of order any subsidiary motion of lower priority moved while a subsidiary motion of higher priority is pending.

Priority rankings

- 6.4** Subsidiary motions under this Part have the following ranking of priority in descending order, with, for certainty, the first having the highest ranking of priority and the last the lowest ranking of priority, and each subsidiary motion may be moved and must be determined in accordance with section 6.3:
- (a) a motion under section 6.5 to table the pending motion until the next meeting;
 - (b) a motion under section 6.6 to call for the vote on the pending motion, also known as calling the previous question;
 - (c) a motion under section 6.7 to extend or limit the time for consideration of the pending motion;
 - (d) a motion under section 6.8 to postpone consideration of the pending motion to a specific time;
 - (e) a motion under section 6.9 to commit or refer the pending motion to a committee;
 - (f) a motion under section 6.10 to amend the pending motion; and
 - (g) a motion under section 6.11 to postpone consideration of the pending motion indefinitely.

Motion to table

- 6.5**
- (a) A member of the Executive may move that consideration of the pending motion be delayed until the next meeting of the Executive.
 - (b) The chairperson must rule as out of order a motion made under subsection (a) that purports to delay consideration of the pending motion to any time later than the next meeting of the Executive.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if
 - (i) the motion was not approved in accordance with subsection (e), and

- (ii) something urgent has arisen that was not known by the members of the Executive when they rejected the motion.
- (g) A motion tabled under subsection (a) must be considered at the next meeting of the Executive as unfinished business.

Motion to call for the vote

- 6.6**
- (a) A member of the Executive may move that consideration of the pending question cease and that the pending question be put to an immediate vote of the members of the Executive, also known as calling the previous question or calling question.
 - (b) The chairperson must rule out of order a motion made under subsection (a) if
 - (i) the pending question is a motion that may be debated and no member of the Executive has spoken to that motion, or
 - (ii) another member of the Executive has the floor when the motion under subsection (a) is made.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) The vote on a motion made under subsection (a) must be conducted by a show of hands under section 10.4 and, for certainty, may not be conducted by a voice vote under section 10.3.
 - (g) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 9 but if the motion was approved in accordance with subsections (e) and (f), that reconsideration may only take place prior to the vote contemplated in subsection (h).
 - (h) If a motion made under subsection (a) is approved in accordance with subsections (e) and (f), the chairperson must immediately call the vote on the pending question.

Motion to limit or extend time

- 6.7**
- (a) A member of the Executive may move to
 - (i) limit or extend the period of time during which members of the Executive may speak to the pending motion,

- (ii) limit or extend the number of members of the Executive who may speak to the pending motion, or
 - (iii) have the vote on the pending motion held at a specific time during the current meeting.
- (b) A motion made under subsection (a) may not be debated.
- (c) A motion made under subsection (a) may be amended, but only as to
 - (i) the length of the period of time referred to in subsection (a)(i),
 - (ii) the number of members of the Executive referred to in subsection (a)(ii), or
 - (iii) the specific time during the current meeting referred to in subsection (a)(iii).
- (d) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (e) The vote on a motion made under subsection (a) must be conducted by a show of hands under section 10.4 and, for certainty, may not be conducted by a voice vote under section 10.3.
- (f) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if
 - (i) the motion was approved in accordance with subsections (d) and (e) and the subject matter of the motion has not yet been exhausted, or
 - (ii) the motion was not approved in accordance with subsections (d) and (e).

Motion to postpone to specific time

- 6.8**
- (a) A member of the Executive may move that consideration of the pending question be delayed until a fixed time during the current meeting.
 - (b) A motion made under subsection (a) may be debated, but only as to the appropriateness of postponing consideration of the question or the appropriateness of the time during the current meeting when the question will be brought back to the floor to be considered again.
 - (c) A motion made under subsection (a) may be amended, but only as to the time during the current meeting when the question will be brought back to the floor to be considered again.

- (d) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (e) The decision of a motion made under subsection (a) may be reconsidered in accordance with Part 9.

Motion to refer to committee

- 6.9**
- (a) A member of the Executive may move that consideration of the pending motion be referred to a standing committee of Council to consider and report back to the Executive on the pending motion.
 - (b) A motion made under subsection (a) may be debated, but only as to the appropriateness of referring the question to the standing committee.
 - (c) A motion made under subsection (a) may be amended, but only as to which committee to refer the pending motion to.
 - (d) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (e) The decision on motion made under subsection (a) may only be reconsidered in accordance with Part 9 if the committee to which the question was referred has not begun its consideration of the question.

Motion to amend

- 6.10**
- (a) If the pending motion is a motion that may be amended under this regulation, a member of the Executive may, subject to subsections (b) and (c), move to amend the pending motion by
 - (i) adding words, phrases or paragraphs to the motion,
 - (ii) striking out words, phrases or paragraphs in the motion,
 - (iii) substituting words, phrases or paragraphs in the motion by striking out those words, phrases or paragraphs and inserting new words, phrases or subsections in their place, or
 - (iv) substituting all of the motion with a new motion, also known as a motion to substitute.
 - (b) A motion made under subsection (a)
 - (i) must relate to the pending motion which it seeks to amend,
 - (ii) must not make the pending motion incoherent, and

- (iii) must not be used introduce new business for the Executive to consider.
- (c) If the pending motion to be amended is a motion that may be debated under this regulation, a motion made under subsection (a) may be debated.
- (d) Subject to subsection (e), a motion made under subsection (a) may be amended.
- (e) Only one motion may be made under subsection (a) (in this subsection the “secondary amending motion”) to amend a previous motion made under subsection (a) (in this subsection the “primary amending motion”) to amend an earlier motion and, for certainty, a secondary amending motion must be decided before another motion may be made under subsection (a) to amend the primary amending motion and any motion made under subsection (a) to amend a pending secondary amending motion must be ruled out of order by the chairperson.
- (f) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved and, for certainty, if the pending motion to be amended is a motion that requires a two-thirds or higher majority of the members of the Executive present and voting to vote in favour of that motion for it to be approved, a motion made under subsection (a) to amend that motion does not require that two-thirds or higher majority of the members of the Executive present and voting to vote in favour of that motion for it to be approved.
- (g) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 9.

Motion to postpone indefinitely

- 6.11**
- (a) A member of the Executive may move that consideration of a pending main motion be postponed indefinitely, also known as killing the motion.
 - (b) A motion made under subsection (a) may only be moved when no other motions are on the floor, other than the pending main motion.
 - (c) A motion made under subsection (a) may be debated and that debate may include consideration of the merits of the main motion to which the motion made under subsection (a) applies.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) Only a decision approving a motion made under subsection (a) may be reconsidered in accordance with Part 9.

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PART 7 - INCIDENTAL MOTIONS

Incidental motions described

- 7.1** An incidental motion is any procedural motion that deals with this regulation or other procedural requirements, including the enforcement of proper parliamentary procedure, correcting errors and verifying votes.

Introduction of incidental motions

- 7.2** (a) An incidental motion may be moved at any time by any member of the Executive recognized by the chair as having the floor or as otherwise provided by this regulation.
- (b) Subject to this regulation providing otherwise, an incidental motion, once moved, must be decided before consideration of the previously pending question can resume.
- (c) For certainty but subject to section 8.2(c), an incidental motion
- (i) once moved in accordance with this regulation, takes precedence over all other motions except a privileged motion, and
 - (ii) may not be moved while another incidental motion is pending.

Incidental motions not subject to priorities

- 7.3** For certainty, one incidental motion has no ranking of priority over another incidental motion.

Point of order

- 7.4** (a) A member of the Executive who believes the chairperson has failed to enforce the requirements of Part 4 through Part 10 or parliamentary procedure properly may move a point of order for the chairperson to rule on.
- (b) A motion made under subsection (a) must include the specific section of this regulation or rule of parliamentary procedure relied on by the member of the Executive moving the point of order under subsection (a).
- (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to move a point of order under subsection (a).
- (d) A motion made under subsection (a) may not be debated.
- (e) A motion made under subsection (a) may not be amended.

- (f) A motion made under subsection (a) may not be voted on.
- (g) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
- (h) The chairperson must immediately provide a response and render a ruling on the point of order raised in the motion made under subsection (a).

Appeal chairperson's decision or ruling

- 7.5**
- (a) A member of the Executive may move to appeal a decision or ruling of the chairperson, including a ruling of the chairperson under section 7.4.
 - (b) The chairperson must rule as out of order any member of the Executive's criticism of a decision or ruling made by the chairperson that is expressed before a motion to appeal is made under subsection (a).
 - (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion to appeal under subsection (a).
 - (d) A motion made under subsection (a) may be debated, but
 - (i) the chairperson may speak to the motion first in defence of the decision or ruling,
 - (ii) a member of the Executive may only speak to the motion once, and
 - (iii) the chairperson may again speak to the motion immediately prior to holding the vote on the motion.
 - (e) A motion made under subsection (a) may not be amended.
 - (f) The chairperson must hold a vote on a motion made under subsection (a).
 - (g) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to reverse that decision or ruling of the chairperson.
 - (h) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 9.

Point of information

- 7.6**
- (a) A member of the Executive may move a point of information to request additional information relevant to the pending question, but unrelated to the requirements of Part 4 through Part 10 or parliamentary procedure and is

- (i) necessary or desirable to assist the member of the Executive in consideration of the pending question, and
 - (ii) readily available to the chairperson to obtain and provide to that member of the Executive.
- (b) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made under subsection (a).
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) may not be voted on.
 - (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
 - (g) As soon as reasonably practicable, the chairperson must make reasonable efforts to provide the additional information referred to in a motion made under subsection (a).

Executive inquiry

- 7.7**
- (a) A member of the Executive may move a question of Executive inquiry relevant to the pending question for the chairperson to answer regarding the requirements of Part 4 through Part 10 or parliamentary procedure to assist the member of the Executive in moving a motion, raising a proper point of order, understanding the requirements of Part 4 through Part 10 or parliamentary procedure or the effect of the pending motion.
 - (b) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made subsection (a).
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) must not be voted on.
 - (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
 - (g) The chairperson must make reasonable efforts to immediately and adequately respond to the question referred to in a motion made under subsection (a).

- (h) The chairperson's response under subsection (g) may not be appealed under section 7.5.

Division of the vote

- 7.8**
- (a) Immediately upon the chairperson announcing the result of a vote on a motion, a member of the Executive may move a division of the vote to require the chairperson to verify the results of the vote.
 - (b) A motion made under subsection (a) may not be moved until the chairperson has announced the results of the vote and must be made before any other motion is moved.
 - (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made subsection (a).
 - (d) A motion made under subsection (a) may not be amended.
 - (e) A motion made under subsection (a) may not be debated.
 - (f) A motion made under subsection (a) must not be voted on.
 - (g) If a member of the Executive makes a motion made subsection (a), the chairperson must immediately hold a revote on the question last voted and if the first vote on that question was held by a voice vote under section 10.3, the revote must be held by a show of hands vote under section 10.4.
 - (h) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.

Ballot voting

- 7.9**
- (a) A member of the Executive may move that the vote
 - (i) on the pending motion, or
 - (ii) on the motion decided last, provided another motion has not yet been stated by the chairperson,be conducted by secret ballot in accordance with section 10.5.
 - (b) A motion made under subsection (a) may not be debated.
 - (c) A motion made under subsection (a) may be amended.
 - (d) A motion made under subsection (a) is subject to a motion to table under section 6.5.

- (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (f) A motion made under subsection (a) may be reconsidered in accordance with Part 9.

Division of the question

- 7.10**
- (a) A member of the Executive may move that a pending question containing several parts be divided into separate questions and that the Executive consider and decide each question separately.
 - (b) A motion made under subsection (a) may only be made if the Executive is able to consider and decide each separate question independent of the others.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may be amended.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) The decision on a motion made under subsection (a) may not be reconsidered in accordance with Part 9.

Objection to the consideration of a question

- 7.11**
- (a) A member of the Executive may move that the Executive not consider or decide a main motion because the member of the Executive believes it is strongly undesirable for the main motion to come before the Executive.
 - (b) A motion made under subsection (a) may only be made prior to whichever of the following is applicable:
 - (i) the chairperson opening debate on the main motion to which it relates; or
 - (ii) a subsidiary motion on the main motion being moved.
 - (c) A member of the Executive does not have to be recognized by the chairperson as having the floor in order to make a motion made subsection (a).
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may not be amended.

- (f) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (g) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if the motion was approved in accordance with subsection (f).

Permission to withdraw a motion

- 7.12**
- (a) A member of the Executive who moved a motion may move to withdraw the motion so the motion is not considered or decided by the Executive.
 - (b) A motion made under subsection (a) may not be debated.
 - (c) A motion made under subsection (a) may not be amended.
 - (d) A motion made under subsection (a) requires all members of the Executive present and voting to vote in favour of the motion for the motion to be approved.
 - (e) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 9 if the motion was not approved in accordance with subsection (d).

PART 8 - PRIVILEGED MOTIONS

Privileged motions and questions of privilege described

- 8.1** (a) A privileged motion or question of privilege is any motion or matter relating to the personal welfare of the members of the Executive in session.
- (b) A privileged motion or question of privilege need not relate to the pending motion.

Introduction of privileged motions and questions of privilege

- 8.2** (a) A privileged motion may be moved or a question of privilege may be raised at any time by a member of the Executive.
- (b) Despite any provision of this regulation to the contrary, if a privileged motion or question of privilege is made at a time when there is not a main motion on the floor, that privileged motion or question of privilege may be amended or debated.
- (c) Subject to section 8.3, a privileged motion or question of privilege takes precedence over any other pending motion and must be decided before any other pending motion is considered further or decided.
- (d) The member of the Executive recognized by the chairperson as having the floor immediately prior to the privileged motion being moved or question of privilege being raised must again be recognized by the chairperson as having the floor immediately upon the privileged motion being decided or the chairperson responding to the question of privilege.

Privileged motions and questions of privilege subject to priorities

- 8.3** (a) All privileged motions and questions of privilege are subject to the rankings of priority set out in section 8.4 and a privileged motion or question of privilege that ranks in higher priority to another privileged motion or question of privilege must be decided before a privileged motion or question of privilege that ranks in lower priority is considered further or decided.
- (b) Any privileged motion or question of privilege that ranks in higher priority under section 8.4 may be moved or raised while another privileged motion or question of privilege that ranks in lower priority is pending and has not yet been decided and that privileged motion or question of privilege that ranks in higher priority, once moved and seconded, if required by this regulation, or raised takes precedence over any other pending privileged motion or question of privilege that ranks in lower priority and must be decided before any other pending privileged motion or question of privilege that ranks in lower priority is considered further or decided.

- (c) For certainty, a privileged motion or question of privilege that ranks in lower priority must not be moved or raised while a privileged motion or question of privilege of higher priority is pending or remains unanswered and the chairperson must rule as out of order any privileged motion or question of privilege of lower priority moved or raised while a privileged motion or question of privilege of higher priority is pending or unanswered.

Priority rankings

8.4 Privileged motions and questions of privilege under this Part have the following ranking of priority in descending order, with, for certainty, the first having the highest ranking of priority and the last the lowest ranking of priority, and each privileged motion or question of privilege may be moved or asked and must be determined in accordance with section 8.3:

- (a) a motion under section 8.5 to adjourn the Executive meeting;
- (b) a motion under section 8.6 to recess the Executive meeting for an intermission;
and
- (c) a question of privilege under section 8.7.

Motion to adjourn

- 8.5**
- (a) A member of the Executive may move to adjourn the meeting of the Executive.
 - (b) A motion made under subsection (a) may only be made if
 - (i) another future meeting of the Executive has previously been scheduled, or
 - (ii) the motion to adjourn includes a date and time for the next meeting of the Executive.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may be amended, but only as to the date and time for the next meeting of the Executive.
 - (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
 - (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
 - (g) Any unfinished business of the Executive when a motion made under subsection (a) is approved must be resumed at the next the Executive meeting as unfinished business.

Motion to recess

- 8.6** (a) A member of the Executive may move to have a short intermission in the Executive meeting for a specific period of time.
- (b) A motion made under subsection (a) must state
- (i) the purpose of the recess, and
 - (ii) the length of time for the recess or the time for reconvening the Executive meeting.
- (c) A motion made under subsection (a) may not be debated.
- (d) A motion made under subsection (a) may be amended, but only as to the length of time for the recess or the time for reconvening the Executive meeting.
- (e) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion to be approved.
- (f) A motion made under subsection (a) may not be reconsidered in accordance with Part 9.
- (g) A motion made under subsection (a), if approved, suspends consideration of the pending motion until the Executive resumes its business after the recess.

Questions of privilege

- 8.7** (a) Subject to subsection (b), a member of the Executive may raise a question of privilege to the chairperson that relates to the rights of the Executive or the rights of a member of the Executive.
- (b) A question of privilege raised under subsection (a) must relate to the comfort, dignity, safety or reputation of the Executive or a member of the Executive in session and may be of general privilege, relating to the Executive as a whole, or of personal privilege, relating to the member of the Executive posing the question of privilege.
- (c) A question of privilege raised under subsection (a) may include, as examples only, any of the following:
- (i) the approved agenda is not being followed;
 - (ii) a motion moved by the member of the Executive has been adjourned to a specific time under section 6.8 and that time has arrived;

- (iii) noise or inadequate ventilation makes it difficult for a member of the Executive to participate in the meeting; or
 - (iv) confidential information concerning a member of the Executive has been or is about to be introduced into the meeting and guests are present.
- (d) If there is a pending question, a member of the Executive does not have to be recognized by the chairperson as having the floor in order to raise a question of privilege under subsection (a).
 - (e) A question of privilege raised under subsection (a) may not be debated.
 - (f) A question of privilege raised under subsection (a) may not be amended.
 - (g) A question of privilege raised under subsection (a) may not be voted on.
 - (h) A question of privilege raised under subsection (a) may not be reconsidered in accordance with Part 9.
 - (i) The chairperson must rule on the admissibility of the question of privilege raised under subsection (a) and, if admissible, respond as best as possible to the question of privilege or take the reasonable action necessary to deal with the question of privilege.
 - (j) A member of the Executive must not use a question of privilege to speak to a pending motion and the chairperson must rule such behaviour out of order.

PART 9 - RESTORATIVE MOTIONS

General

- 9.1** (a) A question already decided, or a question substantially the same as a question already decided, by the Executive must not be considered by the Executive.
- (b) Despite subsection (a), if this regulation provides that a decision of the Executive may be reconsidered in accordance with this Part, a member of the Executive may move a motion in accordance with this Part and, if that motion is approved in accordance with this Part, the members of the Executive may reconsider that decision in the manner described in this Part.
- (c) In this Part,
- “previous decision” means a decision of the Executive that this regulation provides may be reconsidered under this Part;
- “previous question” means the question voted on that gave rise to the previous decision.

Motion to rescind or amend previous decision

- 9.2** (a) A member of the Executive may move a motion to rescind or amend a previous decision provided that
- (i) no action has been taken by any person in reliance of the previous decision,
- (ii) any action taken by any person in reliance of the previous decision can reasonably be undone without cost or liability attaching to the Toquaht Nation that the Toquaht Nation is not prepared to assume, or
- (iii) the previous decision did not involve the
- (A) acceptance of a resignation and that resignation has been acted upon,
- (B) election or appointment of an individual to a committee, the Executive or some other office and that individual was present or officially notified, or
- (C) expulsion of an individual from a committee, the Executive or some other office and that individual was present or officially notified.

- (b) For certainty, any member of the Executive may move a motion made subsection (a) regardless of how they voted on the previous question.
- (c) A motion made under subsection (a) may only be made if there is no other pending question on the floor and must yield the floor to any subsidiary, incidental or privileged motion moved in accordance with this regulation.
- (d) A motion made under subsection (a) may be debated and that debate may go to the merits of the previous decision and the previous question.
- (e) A motion made under subsection (a) may be amended.
- (f) A motion made under subsection (a) requires a two-thirds majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.
- (g) The decision on a motion made under subsection (a) may only be reconsidered in accordance with this Part if the motion was not approved in accordance with subsection (f).
- (h) A motion made under subsection (a) approved in accordance with subsection (f) serves to rescind or amend the previous decision in the manner and to the extent set out in the motion made under subsection (a).

Motion to reconsider

- 9.3** (a) A member of the Executive may move a motion to reconsider a previous decision provided that
- (i) the member of the Executive moving the motion made this section voted with the prevailing side on the previous question,
 - (ii) if the previous decision related to a subsidiary motion or an incidental motion that was
 - (A) applied to a main motion, that main motion is still pending, or
 - (B) applied to another subsidiary motion or an incidental motion, that other subsidiary motion or an incidental motion is still pending, and
 - (iii) the motion made this section is made on the same day that the previous decision was made.
- (b) For certainty and for purposes of interpreting subsection (a)(i), a member of the Executive voted with the prevailing side of the previous question if that member of the Executive voted

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- (i) in favour of approving the previous question and the previous question was approved, or
 - (ii) in opposition to approving the previous question and the previous question was rejected.
- (c) The chairperson must rule as out of order a motion made under subsection (a) where
- (i) the previous decision approved the previous question and the provisions of the previous question have been partly carried out,
 - (ii) the previous decision approved the previous question, the previous question involved a contract and a party to the contract has been notified of the previous decision,
 - (iii) the previous decision caused something to be done that is impossible to undo,
 - (iv) the previous decision was on a motion made under subsection (a), or
 - (v) practically the same result desired can be obtained by some other motion.
- (d) Subject to subsection (e), the making of a motion made under subsection (a) has priority over all other motions but the consideration of a motion made under subsection (a) has the same priority as that of the previous question.
- (e) A motion made under subsection (a) is subject to
- (i) a motion made under
 - (A) section 6.8 to postpone consideration of the motion made under subsection (a) to a specific time,
 - (B) section 6.7 to limit or extend the time to debate the motion made under subsection (a), and
 - (C) section 6.6 to call for the vote on the motion made under subsection (a),if the previous question is a question that this regulation provides may be debated, and
 - (ii) a motion made under section 6.5 to table the motion made under subsection (a).

- (f) If the previous question is a question that this regulation provides may be debated, a motion made under subsection (a) may be debated and that debate may go to the merits of the previous decision and the previous question.
- (g) A motion made under subsection (a) may not be amended.
- (h) A motion made under subsection (a) requires a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved, regardless of the approval threshold required for the previous question.
- (i) The decision on a motion made under subsection (a) may not be reconsidered in accordance with this Part, except if a motion made under subsection (a) is not approved in accordance with subsection (h), it may be reconsidered as provided in this section with the unanimous consent of all the members of the Executive present.
- (j) A motion made under subsection (a) approved in accordance with subsection (h) serves to bring the previous question back on the floor and the chairperson must immediately open the floor for debate on the previous question, if the previous question is one that this regulation provides may be debated, and thereafter hold a revote on the previous question.

PART 10 - VOTING

General

- 10.1** (a) When the chairperson calls for the vote on a pending question, the chairperson must
- (i) firstly, call for those members of the Executive who are in favour of the question being approved to indicate their approval in the applicable manner,
 - (ii) secondly, call for those members of the Executive who are opposed to the question being approved to indicate their opposition in the applicable manner, and
 - (iii) thirdly, call for those members of the Executive who wish to abstain from the vote to indicate their wish to abstain in the applicable manner.
- (b) Only those members of the Executive in favour of the question being approved and those members of the Executive opposed to the question being approved are to be counted in the vote held on the question to determine whether or not the question is approved or rejected and, for certainty, those members of the Executive who indicate their wish to abstain from the vote must not be included in the counting of the vote.
- (c) After the members of the Executive present have all had an opportunity to vote or indicate their wish to abstain from the vote, the chairperson must rule as to whether or not the question is approved or rejected by the members of the Executive and may indicate so with the words “carried” for an approved motion or “lost” for a rejected motion.
- (d) A vote that results in a tie, with the same number of voting members of the Executive in favour of the question being approved as the number of voting members of the Executive opposed to the question being approved, results in the motion being rejected by the members of the Executive.
- (e) For certainty, the chairperson is not compelled to vote to break a tie vote.
- (f) A member of the Executive may vote against his or her own motion.

Voting on routine business

- 10.2** (a) Where business requiring approval of the Executive is of a routine nature or it is clear to the chairperson that a consensus of all members of the Executive has been reached, subject to subsection (b), the chairperson may waive a formal vote on

that business by asking the members of the Executive if there is any objection to the business being approved.

- (b) If a member of the Executive raises an objection as contemplated in subsection (a), the chairperson must put the matter to a vote of the members of the Executive.

Voice vote

- 10.3**
- (a) If the chairperson calls for a voice vote, a member of the Executive must indicate orally when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
 - (b) The words used by the member of the Executive to indicate their favour or opposition to the motion or their desire to abstain from the vote must be clear and unequivocal and may include such words as “yes”, “no”, “aye”, “nay”, “I approve”, “I object”, “I am in favour”, “I am opposed”, “I abstain” or such other words the member of the Executive chooses that unequivocally expresses their position on the question.
 - (c) The chairperson may call for a voice vote on any motion that requires only a majority of the members of the Executive present and voting to vote in favour of the motion for it to be approved.

Show of hands vote

- 10.4**
- (a) If the chairperson calls for a vote by show of hands, a member of the Executive must indicate by raising their hand when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
 - (b) For certainty, a member of the Executive may use either their right hand or their left hand to indicate their position on the question.
 - (c) The chairperson may call for a vote by show of hands on any motion which requires a vote to be held.

Ballot vote

- 10.5**
- (a) If a member of the Executive has moved a motion to require a secret ballot vote under section 7.9 and that motion has been approved in accordance with section 7.9(e), the chairperson must conduct that vote by secret ballot under this section.

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- (b) If the chairperson conducts a vote by secret ballot, each member of the Executive in attendance at the meeting must indicate by marking on the ballot provided to them by the chairperson in accordance with subsection (c) when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
- (c) The chairperson must indicate to the members of the Executive the manner in which they must mark their ballot to indicate their position on the question and that manner may include marking an “X” on the ballot beside and in response to questions or statements printed on the ballot or writing “yes”, “no” or “abstain” on the ballot in response to a question posed by the chairperson.
- (d) The chairperson must provide clear and unequivocal instructions to the members of the Executive concerning the proper manner to mark their ballots and what would constitute a spoiled ballot under this section.
- (e) The chairperson may call a short recess to allow for the counting of ballots marked under this section.

SCHEDULE 4 – EXPENDITURES REGULATION

[REGULATION BEGINS ON NEXT PAGE]

SCHEDULE 4 – EXPENDITURES REGULATION

[REGULATION BEGINS ON NEXT PAGE]

TOQUAHT NATION GOVERNMENT

Enacted under the Financial Administration Act section 11.1

EXPENDITURES REGULATION

TNR 4/2011



This regulation enacted on April 1, 2011

Signed _____

Anne Mack, Tye Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS

ON ____/____/____

Signature of Law Clerk

**TOQUAHT NATION GOVERNMENT
EXPENDITURES REGULATION TNR 4/2011**

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Expenditures Regulation.

Application

- 1.2 This regulation prescribes
- (a) who can authorize an emergency expenditure,
 - (b) the form for requisitions for payment, and
 - (c) who can authorize a requisition for payment.

Definitions

- 1.3 In this regulation,
- “Act” means the Financial Administration Act.

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PART 2 - EMERGENCY EXPENDITURES**Emergency expenditures**

- 2.1 (a) An emergency expenditure must not be made unless
- (i) for emergency expenditures greater than \$20,000, the emergency expenditure has been approved by the Executive by resolution,
 - (ii) for emergency expenditures greater than \$5,000 but less than \$20,000, the emergency expenditure has been approved by
 - (A) the Executive by resolution, or
 - (B) the director of operations, and
 - (iii) for emergency expenditures less than \$5,000, the emergency expenditure has been approved by
 - (A) the Executive by resolution,
 - (B) the director of operations, or
 - (C) the director of finance.
- (b) Subsection (a) does not give the director of operations or the director of finance the authority to borrow for the purpose of making an emergency expenditure.

**TOQUAHT NATION GOVERNMENT
EXPENDITURES REGULATION TNR 4/2011**

PART 3 - REQUISITIONS FOR PAYMENT

Prescribed form

- 3.1 (a) The Form numbered DF-1 in Schedule 1 is prescribed for the purposes of section 6.3 of the Act.
- (b) A requisition for payment must be in Form DF-1.
- (c) Every requisition for payment must be completed and signed in accordance with
- (i) the Act,
 - (ii) this regulation, and
 - (iii) the instructions on Form DF-1.


Prescribed individuals

- 3.2 The following individuals are prescribed for the purpose of section 6.3(b) of the Act:
- (a) for
- (i) expenditures authorized under the annual budget for the current fiscal year and greater than \$20,000, or
 - (ii) emergency expenditures greater than \$20,000,
- the director of operations or the director of finance and, upon the approval of the Executive by resolution, any member of the Executive,
- (b) for emergency expenditures greater than \$5,000 but less than \$20,000, the director of operations,
- (c) for
- (i) expenditures authorized under the annual budget for the current fiscal year and less than \$20,000, or
 - (ii) emergency expenditures less than \$5,000,
- the director of operations or the director of finance.

**TOQUAHT NATION GOVERNMENT
EXPENDITURES REGULATION TNR 4/2011**

TOQUAHT NATION GOVERNMENT
EXPENDITURES REGULATION TNR 4/2011

SCHEDULE 1 – REQUISITION FOR PAYMENT FORM

TOQUAHT NATION Financial Administration Act Department of Finance Form DF-1				Cheque Number: _____	
REQUISITION FOR PAYMENT				Date: _____ <i>(for Department of Finance use only)</i>	
A. PAYMENT INFORMATION <i>(to be completed by the individual requesting the payment)</i>					
Requested by:				Date:	
Name of Payee:					
Address of Payee:					
Invoice Amount:		Sales Tax:		Total:	
Invoice Number:		Invoice Date:		GL Coding:	
Purpose of Expenditure:					
<i>(Note: the original invoice or other supporting documentation must be attached to the requisition)</i>					
B. AUTHORIZING SIGNATURES: <i>(to be completed by the individuals authorizing the requisition)</i>					
Signature #1			Signature #2 (if required)		
Signature:			Signature:		
Name:			Name:		
Title:			Title:		
Date:			Date:		

SCHEDULE 5 – FISHERIES REGULATION

[REGULATION BEGINS ON NEXT PAGE]

TOQUAHT NATION GOVERNMENT

Enacted under the Resources Harvesting Act section 9.1

FISHERIES REGULATION

TNR 5/2011



This regulation enacted on April 1, 2011

Signed _____
Anne Mack, Tye Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE REGISTRY OF LAWS
ON ____/____/____
_____ Signature of Law Clerk

**TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011**

TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011**TABLE OF CONTENTS**

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**TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011**

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Fisheries Regulation.

Application

1.2 This regulation governs harvesting in Toquaht fisheries.

Definitions

1.3 In this regulation,

“Act” means the Resources Harvesting Act;

“application” means the applicable form attached as Schedule 1 to the Wildlife and Migratory Birds Regulation;

“enforcement officer” means

- (a) a resource management officer, or
- (b) a fishery officer as defined in the Fisheries Act (Canada);

“family member” means a spouse, son, daughter, parent, grandparent, grandchild, aunt, uncle, nephew or niece of a Toquaht enrollee;

“fishing gear” means any equipment or methods used to catch fish and, for certainty, includes a fishing vessel;

“incidental catch” means any fish unintentionally caught in the fishing gear of a person and that fish is not the primary target for which that person’s fishing gear is set;

“manager” means a manager of fisheries appointed under section 5.1 of the Act;

“Toquaht fishing authorization” means Toquaht fishing documentation, Toquaht commercial fishing documentation or a Toquaht commercial fishing licence, as the context may require;

“Toquaht fishing authorization number” means the number designating a valid and current Toquaht fishing authorization assigned at the time the Toquaht fishing authorization is issued.

**TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011**

PART 2 - FISHERIES ADMINISTRATION

Manager of Toquaht fisheries

- 2.1**
- (a) The position of manager of fisheries is established as a position within the Department of Lands, Public Works and Resources.
 - (b) In accordance with section 5.1 of the Act, the director of operations may appoint an individual to hold the office of manager.
 - (c) The manager reports to the director.

Duties of the manager of fisheries

- 2.2** The manager must carry out the following duties:
- (a) manage and administer the Toquaht fisheries;
 - (b) ensure that Toquaht government employees within the Department of Lands, Public Works and Resources carry out the duties assigned to them relating to Toquaht fisheries
 - (i) under this or any other Toquaht enactment,
 - (ii) by the manager, or
 - (iii) by the director;
 - (c) report, as required by the director, to the Executive on Toquaht fisheries activities; and
 - (d) any other duties assigned to the manager
 - (i) under this or any other Toquaht enactment, or
 - (ii) by the director.

Manager's authority may be delegated

- 2.3**
- (a) Upon the approval of the director, the manager may delegate the performance of any of the manager's duties or the exercise of any of the manager's powers to
 - (i) another manager within the Department of Lands, Public Works and Resources,
 - (ii) a Toquaht government employee, or

- (iii) an independent contractor of the Toquaht Nation.
- (b) Despite the delegation of any duties or powers under subsection (a), the manager remains responsible for ensuring that those duties are carried out properly and those powers are exercised appropriately.
- (c) In the event that a Toquaht fishing authorization is to be revoked for a family member of the manager, the manager must, in accordance with the Integrity Act, delegate his or her responsibility respecting the revoking of that Toquaht fishing authorization to an individual identified in subsection (a).

PART 3 - TOQUAHT FISHING AUTHORIZATION

Application for authorization

- 3.1**
- (a) The director has the sole authority to authorize the issuance of a Toquaht fishing authorization and the designation of fishing vessels by means of approving an application.
 - (b) An application must be completed by an applicant applying for a Toquaht fishing authorization and that applicant must include the following information:
 - (i) the full name and mailing address of the applicant;
 - (ii) the phone number of the applicant;
 - (iii) Toquaht enrollee's enrolment number, if applicable;
 - (iv) the type of fishing gear to be used by the applicant;
 - (v) the particulars as defined in section 4.1 for the fishing vessel, if any, to be used by the applicant;
 - (vi) the signature of the applicant; and
 - (vii) a certification on the application stating the information given in the application or any supporting document submitted as required under section 2.6 of the Act is true.
 - (c) When an application for a Toquaht fishing authorization is received by the director, the manager must record the following information:
 - (i) the date the application was received;
 - (ii) the date the Toquaht fishing authorization was issued or refused;
 - (iii) if a Toquaht fishing authorization is issued,
 - (A) its date of issuance and its date of expiration,
 - (B) any conditions imposed on the Toquaht fishing authorization, and
 - (C) the Toquaht fishing authorization number;
 - (iv) the fee paid, if any; and
 - (v) the name of the authorized Toquaht government employee who processed the application.

Conditions of authorization

- 3.2** (a) For the proper management and control of Toquaht fisheries and the conservation and protection of fish and aquatic plants, the director may attach the conditions the director decides are appropriate to a Toquaht fishing authorization that are not inconsistent with the Act, this regulation, any other Toquaht enactment, a Maa-nulth harvest document and the annual fishing plan.
- (b) It is a condition of every Toquaht fishing authorization issued that the holder of the Toquaht fishing authorization comply with the Maa-nulth Treaty, Maa-nulth harvest documents, the Act, this regulation, any directions issued by the manager or director as permitted under the Act or this regulation and the annual fishing plan.
- (c) Every person carrying out any activity under the authority of a Toquaht fishing authorization must comply with every condition of that Toquaht fishing authorization.

Form of authorization

- 3.3** (a) A Toquaht fishing authorization issued by the director must include the following:
- (i) the Toquaht Nation logo;
 - (ii) the Toquaht fishing authorization number;
 - (iii) the photograph of the holder of the Toquaht fishing authorization;
 - (iv) the name and address of the holder of the Toquaht fishing authorization;
 - (v) the date of issue of the Toquaht fishing authorization;
 - (vi) the date of expiration of the Toquaht fishing authorization; and
 - (vii) a location for the signature of the holder of the Toquaht fishing authorization.
- (b) A Toquaht fishing authorization issued by the director to a person that is not a Toquaht enrollee must include the following:
- (i) the Toquaht Nation logo;
 - (ii) the Toquaht fishing authorization number;
 - (iii) the name and address of the holder of the Toquaht fishing authorization;

TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011

- (iv) the date of issue of the Toquaht fishing authorization;
 - (v) the date of expiration of the Toquaht fishing authorization; and
 - (vi) a location for the signature of the holder of the Toquaht fishing authorization.
- (c) A Toquaht fishing authorization issued by the director is not valid unless it is signed in ink on the place designated on the Toquaht fishing authorization;
- (i) by the holder of the Toquaht fishing authorization, or
 - (ii) in the case of a corporate holder of the Toquaht fishing authorization, by an authorized signatory of the corporate holder.

Term of authorization

- 3.4** (a) A Toquaht fishing authorization issued to a Toquaht enrollee has a term of five years.
- (b) A Toquaht fishing authorization issued to a person that is not a Toquaht enrollee, Toquaht commercial fishing documentation or a Toquaht commercial fishing licence issued to a Toquaht enrollee will have a specified term not to exceed one year.
- (c) If the holder of a Toquaht fishing authorization ceases to be a Toquaht enrollee or otherwise ceases to be an agent or contractor of the Toquaht Nation, the holder must immediately cease fishing and the Toquaht fishing authorization issued to that holder is deemed to be cancelled as of the date that holder ceased to be a Toquaht enrollee or otherwise ceased to be an agent or contractor of the Toquaht Nation and must be immediately delivered to the manager and, in any event, no later than five business days from the date the Toquaht fishing authorization is deemed cancelled.
- (d) If a person's Toquaht fishing authorization is cancelled or suspended, the person must deliver the Toquaht fishing authorization to the manager within five business days of the notice of cancellation or suspension.

Replacement of authorization

- 3.5** (a) If the holder of a Toquaht fishing authorization has
- (i) a change of name or address,
 - (ii) their Toquaht fishing authorization lost, stolen or destroyed, or
 - (iii) an illegible Toquaht fishing authorization,

the manager may issue a replacement Toquaht fishing authorization showing any applicable changes.

- (b) On receipt of a replacement Toquaht fishing authorization, the holder of the Toquaht fishing authorization must immediately destroy the Toquaht fishing authorization that has been replaced if it is still in the holder's possession.
- (c) If the holder of a replacement Toquaht fishing authorization recovers the Toquaht fishing authorization that was replaced, the holder must immediately destroy it.

Documentation fees

3.6 The fees set out in section 3.6 of the Wildlife and Migratory Birds Regulation are prescribed for the purposes of section 2.6 of the Act as the application fee for Toquaht fishing documentation.

Authorization issued in error

- 3.7** If a Toquaht fishing authorization was issued in error or contains an error, the manager may:
- (a) request the holder of the Toquaht fishing authorization to deliver it to the manager so it can be corrected or replaced, and
 - (b) the holder of the Toquaht fishing authorization must within five business days comply with the request.

Ownership of authorization

3.8 A Toquaht fishing authorization is the property of the Toquaht Nation and is not transferable.

Surrender of authorization on suspension

- 3.9** If a Toquaht fishing authorization is suspended, the holder of the Toquaht fishing authorization must,
- (a) within five business days deliver the Toquaht fishing authorization to the manager, and
 - (b) immediately cease fishing under the Toquaht fishing authorization.

Requirement to carry and produce authorization

3.10 A holder of a Toquaht fishing authorization must

TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011

- (a) carry that Toquaht fishing authorization at all times while harvesting in Toquaht fisheries,
- (b) in the case of a person that is not a Toquaht enrollee, carry government issued photo identification, and
- (c) produce that
 - (i) Toquaht fishing authorization, and
 - (ii) in the case of a person that is not a Toquaht enrollee, that government issued photo identification,on the request of an enforcement officer.

Restrictions on alteration and use of authorization

- 3.11** (a) A person other than the manager must not
- (i) alter or deface a Toquaht fishing authorization,
 - (ii) use or produce a Toquaht fishing authorization that has been altered or defaced,
 - (iii) use or produce a Toquaht fishing authorization that has been issued to another person under the pretence of being the holder of that Toquaht fishing authorization, or
 - (iv) use or produce a Toquaht fishing authorization that has since been replaced under section 3.5.
- (b) A holder of a Toquaht fishing authorization must not permit another person to use that Toquaht fishing authorization.

**TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011**

PART 4 - HARVESTING REQUIREMENTS

Fishing vessels

4.1 Vessels fishing in Toquaht fisheries must:

- (a) be designated by the director,
- (b) be compliant with applicable marine safety enactments, and
- (c) have a Toquaht Nation decal or flag prominently displayed on the vessel.

Identification of fishing gear

- 4.2
- (a) No person may set, operate or leave unattended in the water any fishing gear, other than hand lines, unless the fishing gear is marked in accordance with subsections (c) to (e) with a Toquaht fishing authorization number.
 - (b) A Toquaht fishing authorization number must be painted on or otherwise securely affixed to an orange tag, float or buoy attached to the fishing gear and be legible and readily visible at all times without the necessity of raising the fishing gear from the water or, if the water is ice covered, without the necessity of removing any snow or ice.
 - (c) The numerals or letters, as the case may be, of a Toquaht fishing authorization number marked on fishing gear as referred to in subsection (a) must be in solid block Arabic numerals or block capital letters in Roman characters, as the case may be,
 - (i) without ornamentation,
 - (ii) not less than 75 mm in height, and
 - (iii) in a colour that contrasts with their background.
 - (d) A tag, float or buoy referred to in subsection (b) must have only one Toquaht fishing authorization number marked on it.
 - (e) A tag, float or buoy referred to in subsection (b) must
 - (i) if one end of the fishing gear is fastened to the shore, be affixed to the end of the fishing gear farthest from the shore, and
 - (ii) in any other case, be affixed to each end of the fishing gear.

Fishing gear with mesh

- 4.3** A person who is fishing for a species of fish with fishing gear for which an order of the director requires a minimum mesh size must not use any device by means of which openings are created in any part of the fishing gear that are smaller in size than the mesh size ordered for that species.

Release of incidental catch

- 4.4** (a) Subject to subsection (b), every person who exercises the right to harvest fish and aquatic plants and harvests incidental catch that is alive must immediately return that incidental catch
- (i) to the place from which that incidental catch was taken, and
 - (ii) in a manner that causes that incidental catch the least harm.
- (b) Every person who exercises the right to harvest fish and aquatic plants and harvests incidental catch that subsequently dies or is likely to imminently die must retain that incidental catch and not return that incidental catch to the place from which that incidental catch was taken.

Identification

- 4.5** A person who harvests fish must not, before processing or preserving that fish on shore, have that fish in that person's possession if the fish has been skinned, cut, packed or otherwise dealt with in such a manner that
- (a) the species of the fish cannot be readily identified,
 - (b) the number of fish cannot be readily determined,
 - (c) if weight is used to determine catch limits, the weight of the fish cannot be readily determined, or
 - (d) if size, age, weight or sex restrictions are applicable, the size, age, weight or sex of the fish cannot be readily determined

except for fish consumed by that person off shore.

Reporting of catch

- 4.6** (a) A holder of a Toquaht fishing authorization must report to the manager the quantity of fish and aquatic plants harvested in Toquaht fisheries in accordance with the terms and conditions established by the director, by order.

- (b) The catch reporting requirements referred to in subsection (a) must be consistent with those described in any Maa-nulth harvest document, the Maa-nulth fisheries operational guidelines and any management plan developed for Toquaht fisheries.

Time and location of harvests

- 4.7** (a) The time and location of harvesting in Toquaht fisheries that are permitted or prohibited under this section are subject to an order of the director under section 5.4 of the Act or under section 5.4 of this regulation.
- (b) A person must not harvest in Toquaht fisheries at a time or in a location other than as permitted in this section.
- (c) Subject to the Maa-nulth Treaty, the Act and this regulation, every person with valid Toquaht fishing documentation is authorized by the Toquaht Nation to exercise the right to harvest fish and aquatic plants under the Maa-nulth Treaty at the times and locations permitted by the director from time to time, by order.
- (d) Subject to applicable federal law and provincial law, every person with valid Toquaht commercial fishing documentation or a valid Toquaht commercial fishing licence at the times and locations permitted by the director from time to time, by order.

Restrictions

- 4.8** A person who catches and retains fish under a Toquaht fishing authorization must comply with any applicable size, age, weight and sex restrictions contained in an order made by the director under section 5.4 of the Act or under section 5.4 of this regulation.

**TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011**

TOQUAHT NATION GOVERNMENT
FISHERIES REGULATION TNR 5/2011**PART 5 - GENERAL****Trade and barter of fish or aquatic plants**

- 5.1** (a) A person who harvests fish or aquatic plants in Toquaht fisheries may trade and barter those fish or aquatic plants with other aboriginal people if
- (i) the harvester is a Toquaht enrollee,
 - (ii) the species of fish or aquatic plants is approved for trade and barter by the director, and
 - (iii) the harvester is in possession of a transportation certificate referred to in section 5.2(a) if the trade and barter will occur outside the Maa-nulth domestic fishing area.
- (b) All species of fish and aquatic plants harvested in accordance with the Act and this regulation are approved for trade and barter unless otherwise prohibited by the director by order.

Transportation of fish and aquatic plants

- 5.2** (a) A person that transports outside the Maa-nulth domestic fishing area, for their own personal use or for trade and barter, fish or aquatic plants harvested in Toquaht fisheries is required to have in their possession a transportation certificate issued by the manager that specifies
- (i) the quantity of each species of fish or aquatic plant being transported, and
 - (ii) the destination of the transported fish or aquatic plants.
- (b) A transportation certificate referred to in subsection (a) must be
- (i) in a form approved by the director, and
 - (ii) signed by the manager.
- (c) A person must not alter or deface a transportation certificate issued under this section.
- (d) If a transportation certificate is issued under subsection (a), a person who is transporting fish or aquatic plants for trade and barter must produce that transportation certificate on demand of an enforcement officer.

Fish harvesting rights outside Toquaht territory

- 5.3** (a) A Toquaht enrollee must not exercise his or her right to harvest fish and aquatic plants outside of the Toquaht territory except in compliance with this section.
- (b) If a Toquaht enrollee wishes to exercise his or her right to harvest fish and aquatic plants outside of the Toquaht territory, that Toquaht enrollee must request of the manager, in the manner required by the director, permission for the Toquaht enrollee to exercise his or her right to harvest fish and aquatic plants outside of the Toquaht territory.
- (c) A request made under subsection (b) must be in writing and include
- (i) the particular Maa-nulth First Nation area in which that Toquaht enrollee wishes to exercise his or her right to harvest fish and aquatic plants,
 - (ii) the times during which that Toquaht enrollee wishes to exercise his or her right to harvest fish and aquatic plants,
 - (iii) the species of fish or aquatic plants that Toquaht enrollee wishes to harvest, and
 - (iv) the fishing gear and methods of harvest that Toquaht enrollee intends to utilize in exercising his or her right to harvest fish and aquatic plants.
- (d) If the manager receives a request under subsection (b), the manager must, before issuing authorization under subsection (e), contact the appropriate representative of the applicable Maa-nulth First Nation whose Maa-nulth First Nation area the Toquaht enrollee who made the request under subsection (b) wishes to exercise his or her right to harvest fish and aquatic plants in and seek permission on behalf of that Maa-nulth First Nation in accordance with Nuu-chah-nulth traditional practices and protocols or any written protocols or agreements between the Maa-nulth First Nations for the exercise of that right to harvest fish and aquatic plants by that Toquaht enrollee in that Maa-nulth First Nation area.
- (e) If permission is given as contemplated in subsection (d), the manager may issue written authorization to the Toquaht enrollee who made the request under subsection (b) to exercise his or her right to harvest fish and aquatic plants in the Maa-nulth First Nation area of the Maa-nulth First Nation on whose behalf permission was given under subsection (d) and the manager may place the reasonable conditions the manager decides are necessary or advisable in the circumstances on that harvesting.
- (f) A Toquaht enrollee issued written authorization under subsection (e) must only exercise his or her right to harvest fish and aquatic plants outside of the Toquaht

territory in accordance with the laws of the applicable Maa-nulth First Nation and any conditions of the manager under subsection (e).

Variation of regulations

- 5.4**
- (a) If a time or location for harvesting fish or aquatic plants, a fishing quota or a restriction on the size, age, weight or sex of fish is permitted or prohibited under these regulations, the director may, by order, vary that time, location, fishing quota or limitation and make different orders for different classes of holders of a Toquaht fishing authorization, or for different species of fish or aquatic plants.
 - (b) The director may not make an order under subsection (a) that is inconsistent with a Maa-nulth harvest document.
 - (c) If the director makes a variation order under this section, notice of the variation must be given by the manager by posting the notice in accordance with Toquaht law and one or more of the following methods:
 - (i) posting the notice in the area or in the vicinity of the area affected by the variation;
 - (ii) transmitting the notice by electronic means to those persons affected by the order; and
 - (iii) providing verbal notice to those affected by the order.

Offences

- 5.5**
- (a) Every person who contravenes these regulations commits an offence punishable under the Act.
 - (b) Subject to the Act and any other applicable Toquaht enactment, the director may determine the fine associated for each offence punishable under the Act.

SCHEDULE 6 – LANDS REGISTRY FORMS REGULATION

[REGULATION BEGINS ON NEXT PAGE]

TOQUAHT NATION GOVERNMENT

Enacted under the Land Act section 12.1

**LANDS REGISTRY FORMS
REGULATION**

TNR 6/2011



This regulation enacted on April 1, 2011

Signed _____
Anne Mack, Tye Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE REGISTRY OF LAWS
ON ____/____/____
_____ Signature of Law Clerk

**TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011**

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

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TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Lands Registry Forms Regulation.

Application

1.2 This regulation prescribes

- (a) the form of registrable instruments under section 3.9 of the Act,
- (b) the individuals prescribed by subsection 3.10(a) of the Act for purposes of witnessing instruments to be registered in the lands register,
- (c) the manner in which registrable instruments must be completed, and
- (d) matters for the administration of the lands registry office.

Definitions

1.3 In this regulation,

“Act” means the Land Act;

“instructions” means instructions issued by the registrar in accordance with section 2.2;

“operation manual” means the “Lands Registry Office Operation Manual” prepared by the registrar in accordance with section 2.1;

“transfer form” means a form of instrument prescribed under this regulation as

- (a) a transfer of an interest in Toquaht lands,
- (b) a mortgage, or
- (c) a general instrument

and includes any schedule or other documentation attached to the transfer form.

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011**PART 2 - ADMINISTRATION****Lands registry office operation manual**

- 2.1 (a) The registrar must prepare and maintain a current lands registry office operation manual respecting every element of the lands registry office systems, including any instructions issued by the registrar under section 2.2.
- (b) The operation manual must be made available to all members of the Legislature, the Executive and any committee of the Legislature whose mandate pertains to the lands registry office.
- (c) If any part of the operation manual is relevant to the services being provided by a contractor or agent of the Toquaht Nation, that part of the operation manual must be made available to that contractor or agent.
- (d) If any part of the operation manual is relevant to a person seeking to register an instrument in the lands register, that part of the operation manual must be made available to that person.

Registrar instructions

- 2.2 (a) Subject to subsection (b), the registrar may from time to time issue instructions for the completion of forms prescribed by this regulation and other instruments that may be registered in the lands register.
- (b) Instructions issued by the registrar under subsection (a) must
- (i) not be inconsistent with the Act, these regulations or any other Toquaht enactment,
 - (ii) be in writing and added to the operation manual in a segment entitled "Registrar Instructions", and
 - (iii) be complied with, if applicable to the instrument, by all persons submitting an instrument for registration in the lands register.

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

PART 3 - PRESCRIBED MATTERS

Prescribed individuals

- 3.1 A solicitor, notary public or other person authorized by the Evidence Act (British Columbia) to take affidavits for use in British Columbia are prescribed for purposes of section 3.10(a) of the Act.

Prescribed forms

- 3.2 (a) Forms numbered LR-01 to LR-03 in Schedule 1 are prescribed for the purposes of section 3.9 of the Act.
- (b) A transfer form that is
- (i) a transfer of an interest in, or licence in relation to, Toquaht lands must be in Form LR-1,
 - (ii) a mortgage must be in Form LR-2, and
 - (iii) any other general instrument must be in Form LR-3.
- (c) Nothing may be attached to a transfer form except
- (i) one or more additional execution pages in Form LR-4A,
 - (ii) one or more schedules in Form LR-4B,
 - (iii) any affidavit of execution required under Part 3 of the Act,
 - (iv) in the case of a mortgage in Form LR-2, a set of express mortgage terms constituting Part 2 of the mortgage, and
 - (v) in the case of a general instrument in Form LR-3, a set of express charge terms constituting Part 2 of the registrable instrument.
- (d) Every transfer form must be executed and completed
- (i) in compliance with the instructions, and
 - (ii) in substantial compliance with the operation manual.
- (e) An attachment to a transfer form that is a schedule in Form LR-4B must be completed in compliance with the instructions and in substantial compliance with the operation manual.
- (f) A transfer form may contain an identification number or customer or client file number so long as the number is not placed on the form in a manner that

- (i) obscures any part of the printed form,
- (ii) renders any completed part of the form illegible,
- (iii) prevents the lands registry office from using that part of transfer form designated for lands registry office use only, or
- (iv) may tend to mislead a person as to the contents or legal effect of the form.

PART 4 - FORM PREPARATION AND COMPLETION

Completion of transfer form

- 4.1 (a) Every transfer form, including attachments, must be on durable paper 27.9 cm x 21.5 cm in size.
- (b) The transfer form must be completed
- (i) by printing or typing in legible characters of 10 or 12 pitch, but not smaller than 12 point, and
- (ii) by printing or typing in black or dark ink that is compatible for electronic scanning, optical character recognition or micrographic technology of the kind used in the lands registry office.
- (c) The transfer form must contain a blank space not less than 3 cm deep and 7.6 cm wide in the top right corner of the first page for use by the lands registry office.
- (d) The vertical lines separating the year, month and day columns in the execution segment of a transfer form and in the payment provisions segment of Form LR-2 are not mandatory.
- (e) The name, address and professional capacity of the prescribed individual witnessing the signature of a transferor or other party must be typed or printed immediately below the signature of the prescribed individual.

Format

- 4.2 (a) The space provided for the completion of any item of the transfer form may be expanded or reduced as the circumstances require so long as
- (i) in the case of a transfer form in Form LR-1, the expansion does not make the instrument longer than one page, or
- (ii) in the case of a transfer form in Form LR-2 or Form LR-3, the expansion does not make the instrument longer than two pages or result in printing part of an item on one page with the balance of the item on another page.
- (b) Nothing in subsection (a) operates to limit the effect of section 3.2(c).
- (c) Despite subsection (a)(ii), items 1 to 6 on Form LR-2 must appear either on page one of the form or in a schedule in Form LR-4B that is attached to that form in accordance with the instructions and operation manual.

Abbreviations

- 4.3 An abbreviation of any word on a transfer form must not be used unless
- (a) the abbreviation is permitted by the registrar, and
 - (b) the abbreviation does not obscure the meaning, intent or legal effect of the transfer form.

Other forms

- 4.4 (a) Any instrument that is required to be witnessed under Part 3 of the Act and that is not required to be in a form prescribed under the Act must, where the witness is a prescribed individual, contain the prescribed individual's certification statement set out below and the witness must sign the instrument under a column headed "Prescribed Individual Signature(s)" in the same manner as required in Item 8 of Form LR-1:

"PRESCRIBED INDIVIDUAL CERTIFICATION: Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument."

- (b) Where an instrument to which subsection (a) applies is not witnessed by a prescribed individual, the words "SEE AFFIDAVIT OF EXECUTION" must be entered in the prescribed individual's signature column in the same manner that may be required by the instructions and operation manual for Form LR-1 and an affidavit of execution must be attached to the instrument in the form required by the registrar.

Use of seal

- 4.5 Where a transfer form is executed under seal, the seal must be affixed in a way that does not render the transfer form or any part of it illegible.

English language

- 4.6 Every instrument to be filed, lodged, registered or deposited under the Act in the lands register must, unless the nature of the instrument renders it impractical, be in the English language.

SCHEDULE 1 – TRANSFER FORMS

LR-1 – Instrument of Transfer

LR-2 – Mortgage

LR-3 – General Instrument

LR-4A – Executions Continued

LR-4B – Schedule

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

**TOQUAHT
NATION**

Land Act
Lands Register
Form LR-1



(This area required by the Land Act s. 3.7 for office use)

INSTRUMENT OF TRANSFER - PART 1

Page 1 of ___ Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone:

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF AFFECTED LAND: *
PID No. LEGAL DESCRIPTION:

3. CONSIDERATION: \$

4. NATURE OF INTEREST TRANSFERRED (select one only):

Registration No.: _____

[] Lease [] Sub-lease [] Other: *
[] Certificate of Residential Interest (Transferee(s) enrollee No.* _____)

5. AUTHORITY FOR TRANSFER (Land Act 4.23(a)) (select one only):

[] Land Act 4.23(a)(i)	Name of Enactment:	Section reference:
[] Land Act 4.23(a)(ii)	Instrument Registration No.:	Page/paragraph:
[] Land Act 4.23(a)(iii)	Executive Order No.:	Attach Form LR-4B with Executive Order

6. TRANSFEROR(S): *

[NAME]
[ADDRESS]

7. TRANSFEREE(S): (including postal address(es) and postal code(s)) *

[NAME]
[ADDRESS]

8. EXECUTION(S): ** The transferor(s) accept(s) the consideration set out in Item 3 and understand(s) that this instrument operates to transfer the interest set out in Item 4 in the land described in Item 2 to the transferee(s).

Prescribed Individual Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

[Print name, address and occupation below.]

Y	M	D

Print Name:

Print Name:

PRESCRIBED INDIVIDUAL CERTIFICATION:

Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument.

* If space is insufficient, enter "SEE SCHEDULE" and attach schedule in Form LR-4B.

** If space is insufficient, continue executions on additional page(s) in Form LR-4A.

**TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011**

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011TOQUAHT
NATIONLand Act
Lands Register
Form LR-2

(This area required by the Land Act s. 3.7 for office use)

MORTGAGE - PART 1

Page 1 of ____ Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone: __________
Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF MORTGAGED LAND: *
-
- PID No. _____ LEGAL DESCRIPTION: _____

3. NATURE OF INTEREST MORTGAGED (select one only):

Registration No.: _____

 Certificate of Residential Interest Lease Sub-lease
 Other: *

4. BORROWER(S) [MORTGAGOR(S)]: *

[NAME]
[ADDRESS]

5. LENDER(S) [MORTGAGEE(S)]: (including postal address(es) and postal code(s)) *

[NAME]
[ADDRESS]

6. PAYMENT PROVISIONS: *

(a) Principal Amount: \$ _____	(b) Interest Rate: _____ % per annum calculated _____	(c) Interest Adjustment Date: _____	Y	M	D
(d) Interest Calculation Period:	(e) Payment Dates:	(f) First Payment Date: _____			
(g) Amount of each periodic payment: \$ _____	(h) Interest Act (Canada) Statement: The Equivalent rate of interest calculated half yearly not in advance is _____ % per annum	(i) Last Payment Date: _____			
(j) Assignment of Rents which the applicant wants registered? Yes <input type="checkbox"/> No <input type="checkbox"/> IF YES, page & paragraph no.:	(k) Place of payment: postal address in item 5	(l) Balance Due Date: _____			

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

MORTGAGE - PART 1

Page 2 of ____ Pages

7. MORTGAGE secures a current or running account? Yes [] No []

8. MORTGAGE TERMS:

Part 2 of this mortgage consists of the mortgage terms attached as pages ____ to ____ and any additional or modified terms referred to in Item 9.

9. ADDITIONAL OR MODIFIED TERMS: *

10. PRIOR ENCUMBRANCES PERMITTED BY LENDER: *

11. EXECUTION(S): ** This mortgage charges the Borrower's interest in the land mortgaged as security for payment of all money due and performance of all obligations in accordance with the mortgage terms referred to in Item 8 and the Borrower(s) and every other signatory agree(s) to be bound by, and acknowledges receipt of a true copy of, those terms.

Prescribed Individual Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

[Print name, address and occupation below.]

Y	M	D

Print Name:

Print Name:

PRESCRIBED INDIVIDUAL CERTIFICATION:

Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument.

* If space is insufficient, enter "SEE SCHEDULE" and attach schedule in Form LR-4B.

** If space is insufficient, continue executions on additional page(s) in Form LR-4A.

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

**TOQUAHT
NATION**
Land Act
Lands Register
Form LR-3



(This area required by the Land Act s. 3.7 for office use)

GENERAL INSTRUMENT - PART 1

Page 1 of ____ Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone: _____

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF AFFECTED LAND: *

PID No. _____ LEGAL DESCRIPTION: _____

3. NATURE OF INTEREST (select one only): *

Registration No.: _____

Description	Document Reference (page/paragraph)	Person Entitled to Interest
-------------	-------------------------------------	-----------------------------

4. TERMS Part 2 of this instrument consists of (select one only):

- | | | |
|------------------------------|---|------------------------|
| (a) Express Terms | [] Attached as Part 2 | Attach with Form LR-4B |
| (b) Executive/Director Order | [] Order No.: | Attach with Form LR-4B |
| (c) Release | [] There is no Part 2 of this Instrument | |

Part 2 includes the instrument referred to in Item 4 and any additional or modified terms referred to in Item 7 or in a schedule attached to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S): *

[NAME]
[ADDRESS]

6. TRANSFEREE(S): (including postal address(es) and postal code(s)) *

[NAME]
[ADDRESS]

7. ADDITIONAL OR MODIFIED TERMS: *

8. EXECUTION(S): ** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interests(s) described in Item 3 and the Transferor(s) and every signatory agree to be bound by this instrument and acknowledge(s) receipt of a true copy of the Terms, if any.

Prescribed Individual Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

[Print name, address and occupation below.]

Y	M	D
---	---	---

Print Name:

Print Name:

PRESCRIBED INDIVIDUAL CERTIFICATION:

Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument.

* If space is insufficient, enter "SEE SCHEDULE" and attach schedule in Form LR-4B.

** If space is insufficient, continue executions on additional page(s) in Form LR-4A.

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

TOQUAHT
NATION

Land Act
Lands Register
Form LR-4A



EXECUTIONS CONTINUED

Page ____ of ____ Pages

Prescribed Individual Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

[Print name, address and occupation below.]

Y	M	D

Print Name:

Print Name:

PRESCRIBED INDIVIDUAL CERTIFICATION:

Your signature constitutes a representation that you are a prescribed individual authorized to witness the execution of this instrument and certifies the matters set out in Part 3 of the Land Act as they pertain to the execution of this instrument.

**TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011**

TOQUAHT GOVERNMENT
LANDS REGISTRY FORMS REGULATION TNS 6/2011

TOQUAHT
NATION



Land Act
Lands Register
Form LR-4B

SCHEDULE

Page ____ of ____ Pages

[ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON FORMS LR-1, LR-2 or LR-3]

00251151-2

00251145-4

SCHEDULE 7 – WILDLIFE AND MIGRATORY BIRDS REGULATION

[REGULATION BEGINS ON NEXT PAGE]

TOQUAHT NATION GOVERNMENT

Enacted under the Resources Harvesting Act section 9.1

WILDLIFE AND MIGRATORY BIRDS REGULATION

TNR 7/2011



This regulation enacted on April 1, 2011

Signed _____
Anne Mack, Tyee Ha'wilt of the
Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS

ON ____/____/____

Signature of Law Clerk

**TOQUAHT NATION GOVERNMENT
WILDLIFE AND MIGRATORY BIRDS REGULATION TNR 7/2011**

TOQUAHT NATION GOVERNMENT
WILDLIFE AND MIGRATORY BIRDS REGULATION TNR 7/2011

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**TOQUAHT NATION GOVERNMENT
WILDLIFE AND MIGRATORY BIRDS REGULATION TNR 7/2011**

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Wildlife and Migratory Birds Regulation.

Application

1.2 This regulation governs harvesting under the right to harvest migratory birds and the right to harvest wildlife.

Definitions

1.3 (a) In this regulation,

“Act” means the Resources Harvesting Act;

“application” means the applicable form attached as Schedule 1;

“designated” means, in relation to migratory birds or wildlife, a designated migratory bird population or a designated wildlife species, as the context requires;

“enforcement officer” means

(a) a resource management officer, or

(b) an officer as defined in the Wildlife Act (British Columbia);

“family member” means a spouse, son, daughter, parent, grandparent, grandchild, aunt, uncle, nephew or niece of a Toquaht enrollee;

“hunting gear” means any equipment, tools, materials, objects or methods used to harvest wildlife;

“manager” means a manager of wildlife and migratory birds appointed under section 5.1 of the Act;

"reportable game" means

(a) grouse,

(b) deer and tl'unim, and

(c) bear, cougar and wolf;

“tl'unim” means Roosevelt Elk;

“tl’unim hunt authorization” means an authorization substantially in the form attached as Schedule 2;

“Toquaht hunting documentation number” means the number designating a valid and current Toquaht hunting documentation at the time the Toquaht hunting documentation is issued.

PART 2 - ADMINISTRATION

Wildlife manager

- 2.1**
- (a) The position of manager of wildlife and migratory birds is established as a position within the Department of Lands, Public Works and Resources.
 - (b) In accordance with section 5.1 of the Act, the director of operations may appoint an individual to hold the office of manager.
 - (c) The manager reports to the director.

Duties of the wildlife manager

- 2.2** The manager must carry out the following duties:
- (a) manage and administer the right to harvest wildlife;
 - (b) ensure that Toquaht government employees within the Department of Lands, Public Works and Resources carry out the duties assigned to them relating to the right to harvest wildlife
 - (i) under this or any other Toquaht enactment,
 - (ii) by the manager, or
 - (iii) by the director;
 - (c) report, as required by the director, to the Executive on wildlife harvesting activities; and
 - (d) any other duties assigned to the manager
 - (i) under this or any other Toquaht enactment, or
 - (ii) by the director.

Manager's authority may be delegated

- 2.3**
- (a) Upon the approval of the director, the manager may delegate the performance of any of the manager's duties or the exercise of any of the manager's powers to
 - (i) another manager within the Department of Lands, Public Works and Resources,
 - (ii) a Toquaht government employee, or
 - (iii) an independent contractor of the Toquaht Nation.

TOQUAHT NATION GOVERNMENT
WILDLIFE AND MIGRATORY BIRDS REGULATION TNR 7/2011

- (b) Despite the delegation of any duties or powers under subsection (a), the manager remains responsible for ensuring that those duties are carried out properly and those powers are exercised appropriately.
- (c) In the event that Toquaht hunting documentation is revoked for a family member of the manager, the manager must, in accordance with the Integrity Act, delegate his or her responsibility respecting the revoking of that Toquaht hunting documentation to another individual identified in subsection (a).

PART 3 - HUNTING DOCUMENTATION

Application for documentation

- 3.1** (a) Subject to section 2.3, the manager has the sole authority to authorize the issuance of Toquaht hunting documentation by means of approving an application.
- (b) The applicable form in Schedule 1 is prescribed for the purposes of section 2.6 of the Act for making an application for Toquaht hunting documentation.
- (c) An application must be completed by an applicant for Toquaht hunting documentation and that application must contain the following information:
- (i) the full name and mailing address of the applicant;
 - (ii) the phone number of the applicant;
 - (iii) the Toquaht enrollee's enrolment number, if applicable;
 - (iv) the type of hunting gear to be used by the applicant;
 - (v) proof that the applicant
 - (A) is at least 10 years of age, and
 - (B) has completed the British Columbia Hunter Training Program (CORE), or
 - (C) was at least 19 years of age on the effective date of the Maa-nulth Treaty;
 - (vi) the signature of the applicant; and
 - (vii) a certification on the application stating the information given in the application or any supporting document submitted as required under section 2.6 of the Act is true.
- (d) When an application for Toquaht hunting documentation is received by the director, the manager must record the following information:
- (i) the date the application was received;
 - (ii) the date the Toquaht hunting documentation was issued or refused;
 - (iii) if the Toquaht hunting documentation is issued;
 - (A) its date of issuance and its date of expiration,

- (B) any conditions imposed on the Toquaht hunting documentation, and
- (C) the Toquaht hunting documentation number,
- (iv) the fee paid, if any; and
- (v) the name of the authorized Toquaht government employee who processed the application.

Conditions for issuing documentation

- 3.2** (a) For the proper management and control of harvesting wildlife under the right to harvest wildlife and the conservation and protection of wildlife, the director may attach the conditions the director decides are appropriate to Toquaht hunting documentation that are not inconsistent with the Act, this regulation, any other Toquaht enactment and a wildlife harvest plan.
- (b) It is a condition of every Toquaht hunting documentation issued that the holder of the Toquaht hunting documentation comply with the Maa-nulth Treaty, the Act, this regulation, any directions issued by the manager or director as permitted under the Act or this regulation and the wildlife harvest plan.
- (c) Every person carrying out any activity under the authority of Toquaht hunting documentation must comply with every condition of that Toquaht hunting documentation.

Form of documentation

- 3.3** (a) Toquaht hunting documentation issued by the director must include the following:
- (i) the Toquaht Nation logo;
 - (ii) the Toquaht hunting documentation number;
 - (iii) the photograph of the holder of the Toquaht hunting documentation;
 - (iv) the name and address of the holder of the Toquaht hunting documentation;
 - (v) the date of issue of the Toquaht hunting documentation;
 - (vi) the date of expiration of the Toquaht hunting documentation; and

TOQUAHT NATION GOVERNMENT
WILDLIFE AND MIGRATORY BIRDS REGULATION TNR 7/2011

- (vii) a location for the signature of the holder of the Toquaht hunting documentation.
- (b) Toquaht hunting documentation issued by the director is not valid unless it is signed in ink by the holder of the Toquaht hunting documentation on the place designated on the Toquaht hunting documentation.

Term of documentation

- 3.4**
- (a) Toquaht hunting documentation has a term of five years.
 - (b) If the holder of Toquaht hunting documentation ceases to be a Toquaht enrollee, the holder must immediately cease hunting under the right to harvest wildlife and the right to harvest migratory birds and the Toquaht hunting documentation issued to that holder is deemed to be cancelled as of the date that holder ceased to be a Toquaht enrollee and must be delivered to the manager forthwith and, in any event, no later than five business days from the date the Toquaht hunting documentation was deemed cancelled.
 - (c) If a person's Toquaht hunting documentation is cancelled or suspended, the person must deliver the Toquaht hunting documentation to the manager within five business days of the notice of cancellation or suspension.

Replacement of documentation

- 3.5**
- (a) If the holder of Toquaht hunting documentation
 - (i) has a change of name or address,
 - (ii) has had their Toquaht hunting documentation lost, stolen or destroyed, or
 - (iii) has an illegible Toquaht hunting documentation,the manager may issue a replacement Toquaht hunting documentation showing any applicable changes.
 - (b) On receipt of a replacement Toquaht hunting documentation, the holder of the Toquaht hunting documentation must immediately destroy the Toquaht hunting documentation that has been replaced if it is still in the holder's possession.
 - (c) If the holder of a replacement Toquaht hunting documentation recovers the Toquaht hunting documentation that was replaced, the holder must immediately destroy it.

Documentation fees

- 3.6** (a) The fees set out in this section are prescribed for the purposes of section 2.6 of the Act.
- (b) Before an applicant under section 3.1 is issued Toquaht harvesting documentation or replacement Toquaht harvesting documentation is issued under section 3.5, the applicant or holder of Toquaht harvesting documentation, as the case may be, must pay the fees set out in subsection (c).
- (c) The following fees are payable under subsection (b):
- (i) by an applicant under section 3.1 who has never before been issued Toquaht harvesting documentation, no fee is payable;
 - (ii) by an applicant under section 3.1 for renewal or reissuance of that applicant's Toquaht harvesting documentation, \$25; and
 - (iii) by a holder of Toquaht harvesting documentation for replacement Toquaht harvesting documentation under section 3.5, \$50.

Documentation issued in error

- 3.7** If Toquaht hunting documentation was issued in error or contains an error, the manager may:
- (a) request the holder of the Toquaht hunting documentation to deliver it to the manager, and
 - (b) the holder of the Toquaht hunting documentation must within five business days comply with the request.

Ownership of documentation

- 3.8** Toquaht hunting documentation is the property of the Toquaht Nation and is not transferable.

Surrender of documentation on suspension

- 3.9** If Toquaht hunting documentation is suspended, the holder of the Toquaht hunting documentation must:
- (a) within five business days deliver the documentation to the manager, and
 - (b) immediately cease hunting under the right to harvest wildlife and the right to harvest migratory birds.

Requirement to carry and produce documentation

3.10 A holder of Toquaht hunting documentation must:

- (a) carry that Toquaht hunting documentation at all times while exercising the right to harvest wildlife and the right to harvest migratory birds, and
- (b) produce that Toquaht hunting documentation on the request of an enforcement officer.

Restrictions on alteration and use of documentation

3.11 (a) A person other than the manager must not

- (i) alter or deface Toquaht hunting documentation,
 - (ii) use or produce Toquaht hunting documentation that has been altered or defaced,
 - (iii) use or produce Toquaht hunting documentation that has been issued to another person under the pretence of being the holder of that Toquaht hunting documentation, or
 - (iv) use or produce Toquaht hunting documentation that has since been replaced under section 3.5.
- (b) A holder of Toquaht hunting documentation must not permit another person to use that Toquaht hunting documentation.

TOQUAHT NATION GOVERNMENT
WILDLIFE AND MIGRATORY BIRDS REGULATION TNR 7/2011

PART 4 - HARVESTING REQUIREMENTS

Hunting gear

- 4.1** Hunting gear used in exercising the right to hunt wildlife and the right to hunt migratory birds must
- (a) for firearms
 - (i) be registered, by the owner, with the Canadian Firearms Registry under the Firearms Act (Canada),
 - (ii) be used only by the holder of a Possession Only Licence or a Possession and Acquisition Licence issued under the Firearms Act (Canada),
 - (iii) for the hunting of deer, use centre-fire ammunition, and
 - (iv) for hunting bear and tl'unim, have equal to or greater than 2,712 N.m of energy at muzzle.
 - (b) for long-bow, recurve bows and compound bows, have 18 kg or more draw-pull,
 - (c) for regular crossbows, have 68 kg or more draw-pull, and
 - (d) for compound crossbows, have 45 kg or more draw-pull.

Recovery of wounded animals

- 4.2**
- (a) When wildlife or migratory birds are wounded by a harvester in the exercise of the right to harvest wildlife or the right to harvest migratory birds, every effort must be made by that harvester to recover that wounded wildlife or migratory bird, dispatch it as humanely as practicable, harvest it and utilize the edible portions from that wildlife or migratory bird.
 - (b) Where the wounded wildlife or migratory bird has not been recovered and if it is a designated species of wildlife or migratory bird, the wounding of that wildlife or migratory bird must be reported to the manager and the manager must record that wounded wildlife or migratory bird as a harvested wildlife or migratory bird for the purposes of the allocation of that designated species.

Utilization of animals

- 4.3**
- (a) A person who is exercising the right to harvest wildlife or the right to harvest migratory birds must not waste the edible parts of any wildlife or

migratory bird or any other reasonably usable part of any wildlife or migratory bird that has been harvested.

- (b) For certainty, a person who is exercising the right to harvest wildlife must at least utilize the four quarters and backstrap of any deer, tl'unim and bear harvested and not waste any meat that is suitable for human consumption.

Identification of harvest

4.4 A person who harvests wildlife or migratory birds must not have that wildlife or migratory bird in their possession if it has been processed, cut, packed or otherwise dealt with in such a manner that

- (a) the species of wildlife or migratory bird cannot be readily identified,
- (b) the sex of the wildlife and migratory bird cannot be readily identified, or
- (c) the number of wildlife and migratory birds cannot be readily determined,

until it is processed or preserved at the harvester's place of residence.

Time and location of harvests

- 4.5** (a) The times and locations for the harvest of wildlife under the right to harvest wildlife or the harvest of migratory birds under the right to harvest migratory birds that are permitted or prohibited under this section are subject to an order of the director under section 5.6 of this regulation.
- (b) A person must not harvest wildlife under the right to harvest wildlife or harvest migratory birds under the right to harvest migratory birds at a time or in a location other than as permitted in this regulation.
- (c) Subject to the Maa-nulth Treaty, the Act and this regulation, every person with valid Toquaht hunting documentation may harvest wildlife in the Maa-nulth wildlife harvest area and migratory birds in the Maa-nulth migratory birds harvest area at times and locations permitted by director from time to time.
- (d) A person must not harvest wildlife under the right to harvest wildlife or harvest migratory birds under the right to harvest migratory birds within 400 metres of an occupied dwelling.
- (e) A person may only harvest tl'unim under the right to harvest wildlife between September 1 and March 31 of each year and only during daylight hours beginning one hour before sunrise and ending one hour after sunset.
- (f) Subject to subsection (g), the director may, by order, regulate the times for the harvest of wildlife to protect gestating ungulates and their dependent young.

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- (g) The following wildlife may not be harvested under the right to harvest wildlife during the following times:
- (i) elk between December 31 and September 1;
 - (ii) deer between January 1 and September 1; and
 - (iii) female bears, female cougars or female wolves at any time when they are in the company of, or reasonably can be expected to be caring for, dependent young.

Designated species authorization

- 4.6** (a) In exercising the right to harvest wildlife, a person must not harvest tl'unim except as authorized by a tl'unim hunt authorization issued by the director.
- (b) For certainty, a holder of a valid Toquaht hunting documentation is not entitled to harvest tl'unim without being issued a valid tl'unim hunt authorization issued by the director.
- (c) The director may issue a tl'unim hunt authorization to one or more Toquaht enrollees if the following conditions have been met:
- (i) the director has considered and acts within the obligations of the director under section 6.3 of the Act;
 - (ii) if an advisory committee has been appointed by the Executive under section 6.2 of the Act, the director has consulted with, and considered the advice or recommendation from, that advisory committee concerning the issuing of the tl'unim hunt authorization;
 - (iii) if the Executive has enacted a regulation under section 6.1 of the Act, the issuing of the tl'unim hunt authorization is subject to that regulation; and
 - (iv) a tl'unim hunt authorization is subject to any wildlife harvest plan pertaining to that tl'unim.
- (d) In issuing a tl'unim hunt authorization under subsection (c), the director may impose whatever additional conditions or restriction the director considers necessary in the circumstances and not in conflict with the Act, this regulation or any other Toquaht enactment, including
- (i) the charging of a fee no greater than the fees set out in section 3.6(c), and

- (ii) the distribution of the tl'unim harvested according to Toquaht traditions and customs.
- (e) A holder of a valid tl'unim hunt authorization who harvests tl'unim must report to the manager in the manner required by the director on the following matters:
- (i) the date the tl'unim was harvested;
 - (ii) the number of days spent hunting the tl'unim;
 - (iii) the location where the tl'unim was harvested;
 - (iv) the sex of the tl'unim harvested;
 - (v) the estimated age of the tl'unim harvested and any evidence used in determining the age of the tl'unim;
 - (vi) the state of health of the tl'unim harvested; and
 - (vii) sightings of any other tl'unim not harvested.

PART 5 - GENERAL

Trade and barter of wildlife

- 5.1** (a) A person who harvests wildlife or migratory birds under the right to harvest wildlife and the right to harvest migratory birds may trade and barter the harvest with other aboriginal people resident in British Columbia if
- (i) the harvester is a Toquaht enrollee,
 - (ii) the species of wildlife or migratory birds is approved for trade and barter by the director, and
 - (iii) the harvester is in possession of a transportation certificate referred to in section 5.2(a) if the trade and barter will occur, for harvested wildlife, outside the Maa-nulth wildlife harvest area or, for migratory birds, outside the Maa-nulth migratory birds harvest area.
- (b) All species of wildlife, except tl'unim, and migratory birds harvested in accordance with the Act and this regulation are approved for trade and barter unless otherwise prohibited by the director by order.

Transportation of wildlife and migratory birds

- 5.2** (a) A person that transports, for their own personal use or for trade and barter, wildlife or migratory birds harvested under the right to harvest wildlife or the right to harvest migratory birds outside the Maa-nulth wildlife harvest area, for harvested wildlife, or outside the Maa-nulth migratory birds harvest area, for migratory birds, is required to have in their possession a transportation certificate issued by the manager that specifies
- (i) the quantity of each species of wildlife or migratory birds being transported, and
 - (ii) the destination of the transported wildlife or migratory birds.
- (b) A transportation certificate referred to in subsection (a) must be
- (i) in a form approved by the director, and
 - (ii) signed by the manager.
- (c) A person must not alter or deface a transportation certificate issued under this section.

- (d) If a transportation certificate is issued under subsection (a), a person who is transporting wildlife or migratory birds for trade or barter must produce that transportation certificate on demand of an enforcement officer.

Reporting of game

5.3 A Toquaht enrollee exercising a treaty harvesting right must report to the manager in the manner required by the director on the following matters:

- (a) the date reportable game is harvested;
- (b) the number of days spent hunting the reportable game;
- (c) the location where the reportable game was harvested;
- (d) the sex of the reportable game harvested;
- (e) the estimated age of the reportable game harvested and any evidence used in determining the age of the reportable game;
- (f) the state of health of the reportable game harvested; and
- (g) sightings of any other reportable game not harvested.

Wildlife sharing agreements

5.4 A Toquaht enrollee harvesting wildlife under a wildlife sharing agreement must not trade or barter with other Maa-nulth-aht or with other aboriginal people resident in British Columbia any wildlife or wildlife parts, including meat or furs, harvested in accordance with the wildlife sharing agreement.

Treaty harvesting rights outside Toquaht territory

- 5.5**
- (a) A Toquaht enrollee must not exercise his or her treaty harvesting rights outside of the Toquaht territory except in compliance with this section.
 - (b) If a Toquaht enrollee wishes to exercise his or her treaty harvesting rights outside of the Toquaht territory, that Toquaht enrollee must request of the manager, in the manner required by the director, permission for the Toquaht enrollee to exercise his or her treaty harvesting rights outside of the Toquaht territory.
 - (c) A request made under subsection (b) must be in writing and include the
 - (i) particular Maa-nulth First Nation area in which that Toquaht enrollee wishes to exercise his or her treaty harvesting right,

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- (ii) times during which that Toquaht enrollee wishes to exercise his or her treaty harvesting right,
 - (iii) species of migratory birds or wildlife that Toquaht enrollee wishes to harvest, and
 - (iv) hunting gear and methods of harvest that Toquaht enrollee intends to utilize in exercising his or her treaty harvesting rights.
- (d) If the manager receives a request under subsection (b), the manager must, before issuing authorization under subsection (e), contact the appropriate representative of the applicable Maa-nulth First Nation whose Maa-nulth First Nation area the Toquaht enrollee who made the request under subsection (b) wishes to exercise his or her treaty harvesting rights in and seek permission on behalf of that Maa-nulth First Nation in accordance with Nuu-chah-nulth traditional practices and protocols or any written protocols or agreements between the Maa-nulth First Nations for the exercise of those treaty harvesting rights by that Toquaht enrollee in that Maa-nulth First Nation area.
- (e) If permission is given as contemplated in subsection (d), the manager may issue written authorization to the Toquaht enrollee who made the request under subsection (b) to exercise his or her treaty harvesting rights in the Maa-nulth First Nation area of the Maa-nulth First Nation on whose behalf permission was given under subsection (d) and the manager may place the reasonable conditions the manager decides are necessary or advisable in the circumstances on that harvesting.
- (f) A Toquaht enrollee issued written authorization under subsection (e) must only exercise his or her treaty harvesting rights outside of the Toquaht territory in accordance with the laws of the applicable Maa-nulth First Nation and any conditions of the manager under subsection (e).

Variation of regulations

- 5.6** (a) The director may, by order, alter the
- (i) time or location for harvest if wildlife or migratory birds prescribed by these Regulations, or
 - (ii) quota or set a limit on the sex, age or size of wildlife or migratory birds permitted to be harvested or prohibited from being harvested under these regulations, the manager/director may, by order, vary that time, location, sex, species or age for holders of Toquaht hunting documentation.
- (b) The director must not make an order under subsection (a) that is inconsistent with an approved wildlife harvest plan.

- (c) An order made under subsection (a) must be
 - (i) posted in accordance with Toquaht law,
 - (ii) published in accordance with Toquaht law, and
 - (iii) delivered in accordance with Toquaht law to every person holding Toquaht hunting documentation that is reasonably likely to be affected by the order.

Offences

- 5.7** A person who contravenes this regulation commits an offence and is liable, on summary conviction, to a fine not exceeding \$10,000.

SCHEDULE 1 – APPLICATION FORMS

RH-1 – Toquaht Harvesting Documentation Application

RH-2 – Toquaht Fishing Documentation Application

RH-3 – Toquaht Hunting Documentation Application

RH-4 – Toquaht Park Harvesting Documentation Application

RH-5 – Youth Toquaht Harvesting Documentation Application

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FORM RH-1

Toquaht Harvesting Documentation Application

Enrollee Number: _____

Toquaht Harvesting Documentation Number/s (if any): _____

Last Name: _____ **Given Name:** _____

Date of Birth: _____

Address: _____

Telephone: _____ **Email:** _____

Emergency Contact: _____

Emergency Contact Tel: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

Conditions (if any): _____

Fee Paid (if any): _____

Toquaht Harvesting Documentation Number/s: _____



FORM RH-2

Toquaht Fishing Documentation Application

Commercial Fishing Licence Number (if applicable): _____

Toquaht Fishing Documentation Number (if any): _____

Vessel Name: _____

Transport Canada Registration Number: _____

Length: _____ **Make:** _____

Construction: _____

Gear: _____

Registered

Owner: _____

Address: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

Conditions (if any): _____

Fee Paid (if any): _____

Toquaht Fishing Documentation Number: _____

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FORM RH-3

Toquaht Hunting Documentation Application

Firearm Acquisition Number (if applicable): _____

Toquaht Hunting Documentation Number (if any): _____

Vehicle Make: _____

Plate Number: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

Conditions (if any): _____

Fee Paid (if any): _____

Toquaht Hunting Documentation Number: _____

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FORM RH-4

Toquaht Park Harvesting Documentation Application

Enrollee Number _____

Toquaht Park Harvesting Documentation Number (if any): _____

Last Name: _____ Given Name: _____

Date of Birth: _____

Address: _____

Telephone: _____ Email: _____

Emergency Contact: _____

Emergency Contact Tel: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

Conditions (if any): _____

Fee Paid (if any): _____

Toquaht Park Harvesting Documentation Number: _____

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RH-5

Youth Toquaht Harvesting Documentation Application

Surname: _____ Given Name(s): _____

D.O.B.: year _____ Month _____ Day _____

Address: _____

Phone No.: (h) _____ (c) _____

Name of member you are applying on behalf of:

Enrolment # of enrollee: _____

Hunting gear:

I certify that the information provided by me in this application is true. I acknowledge that I am responsible for informing myself and complying with the Maa-nulth Treaty, Resources Harvesting Act, regulations, harvest documents, Wildlife Harvest Plan and any direction or conditions that may be issued by the manager, director of lands, public works and resources or director of operations. If I fail to comply with any of the aforementioned laws, regulations, documents, directions or conditions, I understand that my documentation may be suspended.

APPLICANT SIGNATURE (Guardian): _____

Youth Hunter Signature: _____ DATE: _____

OFFICE USE ONLY:

Date of approval: Year ____ Month ____ Day ____

Hunting Designation No.:

Date of Expiration: Year ____ Month ____ Day ____

Spousal Card No. (if any):

Fee paid (if any): \$

Conditions (if any):

Authorized official issuing documentation (manager, director of lands, public works and resources or director of operations):

Signature:

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SCHEDULE 2 - TL'UNIM HUNT AUTHORIZATION AND REPORTING

FORM RH-6



TL'UNIM HUNT AUTHORIZATION AND REPORTING

THIS SECTION OFFICE USE ONLY
AUTHORIZATION #: _____

VALID FROM: _____ VALID UNTIL: _____

By our signatures below, the Toquaht Nation authorizes
(Name) _____ to harvest ONE (sex) _____ tl'unim from the
_____ River Valley (Area _____ in the Provincial hunting regulation maps).

Conditions:

1. IMMEDIATELY UPON HARVESTING AN ANIMAL YOU MUST SIGN AND DATE THIS AUTHORIZATION AND CONTACT THE TOQUAHT NATION ADMINISTRATION OFFICE SO THAT ANY FURTHER HUNTING IN YOUR HARVEST AREA IS CURTAILED TO AVOID OVERHARVESTING.
2. You must have this authorization letter with you at all times while hunting.
3. When you harvest tl'unim you must return this authorization along with the lower jawbone and/or a front incisor tooth from your harvested animal. You will be asked to mark on a map where the animal was killed. You will also be asked to report tl'unim and (other species) sightings (numbers, dates, location, sex and ages) to the best of your ability.

Director of Lands, Public Works and
Resources

Manager

THIS SECTION TO BE FILLED OUT ONLY BY SUCCESSFUL HUNTER

SUCCESSFUL HUNTER'S SIGNATURE: _____

Date of Kill: _____

Print name:

(Must be signed immediately upon harvesting a tl'unim)

Sex of tl'unim (check one): Male _____ Female _____

THIS SECTION OFFICE USE ONLY

Check here if jaw or tooth and map location given after kill.

This authorization is part of our own tl'unim management initiative. It is intended to ensure that the elk herds are sustained and that we are able to practice our treaty harvesting rights. It is in no way intended to limit our treaty harvesting rights. The number of hunting authorizations issued is based on the best tl'unim management knowledge available. Thank you for your cooperation.

SCHEDULE 8 – SEAL OF TOQUAHT GOVERNMENT



SCHEDULE 9 - EFFECTIVE DATE SURVEY PLANS

Toquaht lands description	Plan/tube number as filed in the Crown Lands Registry or Land Title Office plan number
Block A of District Lot 795 Clayoquot District	VIP88676
Block A of District Lot 805 Clayoquot District	VIP88561
Block A of District Lot 589 Clayoquot District	VIP88612
Block A of Section 16 Clayoquot District	EPC668
Block B of Section 16 Clayoquot District	EPC668
District Lot 2198 Clayoquot District	2TU2002
District Lot 2199 Clayoquot District	3TU2002
District Lot 2196 Clayoquot District	8TU2005
District Lot 2200 Clayoquot District	15TU2003
District Lot 2197 Clayoquot District	11TU2004