

TOQUAHT NATION GOVERNMENT

**MISCELLANEOUS AMENDMENTS ACT
NO. 2**

TNS 4/2015



This law enacted on September 16th, 2015

Anne Mack

Signed _____
Anne Mack, ha wif of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON 2015/09/17

Kristen Johnson

Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Miscellaneous Amendments Act No. 2.

Executive oversight

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

Authority and application

1.3 This Act amends

- (a) the Financial Administration Act,
- (b) the Economic Development Act, and
- (c) other miscellaneous Toquaht enactments.

PART 2 - FINANCIAL ADMINISTRATION ACT AMENDMENTS

Financial Administration Act amendments

2.1 The Financial Administration Act TNS 6/2011 is amended as follows:

(a) section 1.4 is amended by adding the following definition in alphabetical order:

““Toquaht business” has the meaning given to it in the Economic Development Act;”;

(b) section 3.4(d) is amended as follows:

(i) in paragraph (i) by adding “the first” immediately following “in the case of”; and

(ii) in paragraph (ii) in the first line by striking out “three” and substituting “the third”;

(c) section 4.4 is repealed and the following substituted:

“4.4 Council must

(a) present the draft annual budget for a fiscal year before that fiscal year begins to a meeting of the People’s Assembly for review and comment by Toquaht citizens, and

(b) give full and fair consideration to any comment made by a Toquaht citizen regarding the draft annual budget at that meeting before approving that annual budget in accordance with section 4.3.”;

(d) section 4.7 is amended by adding the following subsection:

“(c) Despite subsections (a) and (b) and subject to subsection (d), if the Toquaht government receives revenue during a fiscal year for a specified purpose and that revenue and related expenses for the specified purpose are not budgeted for in the annual budget for that fiscal year, the director of operations may, upon receipt of that revenue and by Order, amend that annual budget by

(i) adding additional revenue in an amount equal to the revenue received for that specified purpose, and

- (ii) adding additional expenses in an amount equal to the anticipated expenditures required to carry out the specified purpose that do not exceed the revenue received for that specified purpose.
- (d) The revenue contemplated in subsection (c) may not be revenue received from a Toquaht institution, a Toquaht corporation or a Toquaht business.”; and
- (e) section 6.3 is amended by
 - (i) striking out “and” at the end of subsection (a),
 - (ii) adding the following as subsection (b):
 - “(b) authorized by a purchase order signed by a Toquaht director, and”, and
 - (iii) renumbering subsection (b) as subsection (c).

PART 3 - ECONOMIC DEVELOPMENT ACT AMENDMENTS

Economic Development Act amendments

3.1 The Economic Development Act TNS 3/2012 is amended as follows:

- (a) section 2.4(a)(i) and (iii) are repealed and each remaining paragraph of that section is renumbered accordingly;
- (b) section 2.4(c) is repealed and the following substituted:
 - “(c) The economic development officer is a non-voting member of the economic development committee and must not be counted for the determination of quorum or appointed to the holdings board or an operating board but for all other purposes is considered a full member of the economic development committee.
 - (d) Subject to subsections (e), (f) and (g), the term of office for an individual appointed to the economic development committee under subsection 2.4(a)(iii) is four years or until he or she resigns, is deceased or otherwise ceases to be a member of the economic development committee in accordance with this section.
 - (e) In order to provide for staggered terms of office, Council may appoint up to two of the individuals appointed to the economic development committee under subsection 2.4(a)(iii) for a term of less than four years but that appointment must not be for less than two years.
 - (f) Council may only remove an individual appointed to the economic development committee under subsection 2.4(a)(iii) in one or more of the same circumstances in which an individual may be removed from an operating board.
 - (g) A dispute regarding the removal of an individual from the economic development committee under subsection (f) must be dealt with in the same manner as a dispute regarding the removal of an individual from an operating board, with the necessary changes required and so far as applicable.
 - (h) The economic development committee must meet at least four times each year.”; and

- (c) by adding immediately after section 4.2:

“Periodic review

- 4.3 At least 90 days, but no more than 180 days, before general voting day in a regular election is held in accordance with the Election Act, the economic development committee must
- (a) review this Act and may provide Council with its recommendation on any amendments to this Act that may be necessary or desirable for the better governance or more efficient operation of Toquaht Nation’s economic development, and
 - (b) review the Governance and Fiscal Agreement Regulation, including Schedule 1 to that regulation, and may provide the Executive with its recommendation on any amendments to that regulation or schedule that may be necessary or desirable for the better governance or more efficient operation of Toquaht Nation’s economic development.

PART 4 - MISCELLANEOUS AMENDMENTS

Council Rules of Order and Procedure Act amendments

- 4.1 Section 3.1(c) of the Council Rules of Order and Procedure Act TNS 3/2011 is amended in the second line by striking out “,” and “with”.

Referendum Act amendments

- 4.2 Section 8.3 of the Referendum Act TNS 9/2011 is amended by striking out “ordered” and substituting “held”.

Land Act amendments

- 4.3 The heading for section 7.8 of the Land Act TNS 12/2011 is amended by striking out “licenses” and substituting “licences”.

Environmental Protection Act amendments

- 4.4 Sections 4.4 and 9.1(b)(ii) of the Environmental Protection Act TNS 15/2011 is amended by striking out “an directive” and substituting “a directive”.

Interpretation Act

- 4.5 Section 3.1(b) of the Interpretation Act TNS 17/2011 is amended by adding “or Order” immediately after the two instances of “Toquaht regulation”.

Enforcement Framework Amendment Act No. 2 amendments

- 4.6 The Enforcement Framework Amendment Act No. 2 TNS 8/2014 is amended as follows:
- (a) section 2.10 is amended in the second line by adding “,” immediately after the word “completed”;
 - (b) section 2.12 is amended by adding “at the end of that section” at the end of that section;
 - (c) section 2.14 is amended in the first line by striking out the space immediately following “Section 7.1(c)”;
 - (d) section 4.2 is amended by striking out “TNS 4/2013” and substituting “TNS 4/2014”;
 - (e) section 4.4 is repealed and the following substituted:
“4.4 The Citizenship Act TNS 10/2011 is amended as follows:

- (a) by striking out “revocation orders” and substituting “notices of revocation” in section 3.2(b)(iv);
 - (b) by striking out “notice to his or her advising that it intends to make an order revoking that individual’s Toquaht citizenship” and substituting “notice to that individual advising him or her that it intends to revoke his or her Toquaht citizenship” in section 6.2(a);
 - (c) by striking out “advising that it intends to make an order revoking his or her enrolment” and substituting “advising him or her that it intends to revoke his or her enrolment” in section 6.2(b);
 - (d) by striking out the two instances of “intended order” and substituting “proposed revocation” in section 6.3;
 - (e) by striking out “may make an order revoking the” and substituting “may revoke the” in section 6.4(a); and
 - (f) by striking out “deliver in accordance with Toquaht law a copy of any order under subsection (a) to the individual” and substituting “deliver in accordance with Toquaht law notice of the revocation to the individual” and striking out “revoked as a result of the order” and substituting “revoked under subsection (a)” in section 6.4(b).”;
- (f) sections 4.8(c), (d), (e), (f), (g), (h), (i) and (q) are amended by adding “;” at the end of each section;
 - (g) section 4.8(r) is amended by adding “; and” at the end of that section;
 - (h) section 4.8(s) is amended by adding “.” at the end of that section;
 - (i) section 4.12(b) is amended by striking “, ;” and substituting “;” at the end of that section;
 - (j) section 4.12(o) is amended by adding “exclusive” immediately following “certificate of”; and
 - (k) section 4.19 is amended by striking “; and” and substituting “.” at the end of that section.

PART 5 - GENERAL PROVISIONS

Commencement

- 5.1** (a) Subject to subsections (b) and (c), this Act comes into force on the date it is enacted.
- (b) Part 4, other than sections 4.1 and 4.3, is deemed to have come into force on June 10, 2014 and is retroactive to the extent necessary to give it effect on and after that date.
- (c) Sections 4.1 and 4.3 are deemed to have come into force on April 1, 2011 and are retroactive to the extent necessary to give them effect on and after that date