

**YUULU?IL?ATH GOVERNMENT**

**INTERPRETATION ACT**

**YFNS 17/2011**



**OFFICIAL CONSOLIDATION – CURRENT TO MAY 10, 2023**

This is a certified true copy of the consolidated Interpretation Act, YFNS 17/2011, current to May 10, 2023

Date: May 4, 2023

Signed: *Hamilton*  
Law Clerk

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INTERPRETATION ACT YFNS 17/2011  
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## PART 1 - INTRODUCTORY PROVISIONS

### Short title

1.1 This Act may be cited as the Interpretation Act.

### Executive oversight

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

### Application

- 1.3 (a) Every provision of this Act applies to every other Yuulu?il?ath enactment, whether enacted before or after this Act, unless a contrary intention appears in this Act or in the other Yuulu?il?ath enactment.
- (b) The provisions of this Act apply to this Act.
- (c) This Act does not exclude the application to a Yuulu?il?ath enactment of a rule of construction that is applicable to that Yuulu?il?ath enactment and not inconsistent with this Act.

### Government bound by Yuulu?il?ath enactments and exception

- 1.4 (a) Unless otherwise provided in the Yuulu?il?ath enactment, all Yuulu?il?ath enactments are binding on the Yuulu?il?ath government.
- (b) Despite subsection (a), a Yuulu?il?ath enactment that would bind or affect the Yuulu?il?ath government in the use or development of land, or in the planning, construction, alteration, servicing, maintenance or use of building and other structures does not bind or affect the Yuulu?il?ath government.

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## PART 2 - GENERAL RULES OF INTERPRETATION

### Enactment always speaking

- 2.1 (a) Every Yuulu?il?ath enactment must be construed as always speaking.
- (b) If a provision in a Yuulu?il?ath enactment is expressed in the present tense, the provision applies to the circumstances as they arise.

### Enactment remedial

- 2.2 Every Yuulu?il?ath enactment must be construed as being remedial and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objectives.

### Title, preamble and reference aids

- 2.3 (a) The title and the preamble, if any, of a Yuulu?il?ath enactment are part of the Yuulu?il?ath enactment and are intended to assist in explaining its meaning and objectives.
- (b) In a Yuulu?il?ath enactment, an explanatory memorandum, table of contents, heading to a part, section or other portion, reference after a part, section or other portion, footnote or endnote is not part of the Yuulu?il?ath enactment and must be considered to have been added only for convenience of reference.

### Subdivisions of sections

- 2.4 A section of a Yuulu?il?ath enactment is divided into subdivisions known in descending order as subsections, paragraphs, subparagraphs and clauses.

### Citation

- 2.5 A Yuulu?il?ath enactment may be cited by reference to
- (a) its document number in the registry of laws and official records, or
- (b) its title, with or without reference to its document number.

### References within Yuulu?il?ath enactments

- 2.6 (a) A reference in a Yuulu?il?ath enactment to a series of numbers or letters by the first and last numbers or letters of the series includes the number or letter first and last mentioned.

- (b) A reference in a Yuulu?il?ath enactment to a part, section, schedule, appendix or form is a reference to the part, section, schedule, appendix or form of the Yuulu?il?ath enactment in which the reference occurs.
- (c) A reference in a Yuulu?il?ath enactment to a subsection, paragraph, subparagraph or clause is a reference to the subsection, paragraph, subparagraph or clause of the section, subsection, paragraph or subparagraph in which the reference occurs.
- (d) A reference in a Yuulu?il?ath enactment to a part number, section number or subsection number is a reference to the paragraphs under the part, section or subsection, as applicable.
- (e) The Executive may make regulations amending a Yuulu?il?ath enactment for the purpose of changing a reference to
  - (i) a specific executive portfolio,
  - (ii) a specific department, or
  - (iii) a specific Yuulu?il?ath senior manager, to
  - (iv) the executive portfolio,
  - (v) the department, or
  - (vi) the Yuulu?il?ath senior manager,as applicable, currently assigned responsibility in relation to the matter.

### References to other enactments

- 2.7**
- (a) A reference in an enactment to regulations is a reference to regulations made under the enactment in which the reference occurs.
  - (b) A reference in a Yuulu?il?ath enactment to another Yuulu?il?ath enactment is a reference to that other Yuulu?il?ath enactment as deposited in the registry of laws and official records.
  - (c) In a Yuulu?il?ath enactment, a reference to another Yuulu?il?ath enactment, or to an enactment of Canada, British Columbia or another jurisdiction, is a reference to that other enactment as amended, whether amended before or after the commencement of the Yuulu?il?ath enactment in which the reference occurs.
  - (d) If all or part of an enactment (“the former enactment”) is repealed and all or part of another enactment (“the new enactment”) is substituted for it, and there is a reference to the former enactment in an unrepealed Yuulu?il?ath enactment,



- (i) that reference must be construed as a reference to the provision of the new enactment relating to the same subject matter, if any, or
- (ii) if there is no provision of the new enactment relating to the same subject matter, the former enactment must be construed as being unrepealed so far as is necessary to give effect to the unrepealed Yuulu?il?ath enactment.

### **Necessary changes**

- 2.8** If a Yuulu?il?ath enactment provides that another enactment applies, that other enactment applies with the necessary changes and so far as it is applicable.

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## PART 3 - WORDS AND EXPRESSIONS DEFINED

### Application of definitions and interpretation provisions

- 3.1 (a) A definition or interpretation provision in a Yuulu?il?ath enactment, unless a contrary intention appears in the Yuulu?il?ath enactment, applies to the whole Yuulu?il?ath enactment, including the section containing the definition or interpretation provision, and to all other Yuulu?il?ath enactments relating to the same subject matter.
- (b) A word or expression used in a Yuulu?il?ath regulation has the same meaning as in the Yuulu?il?ath legislation authorizing the Yuulu?il?ath regulation.

### Incorporated definitions

- 3.2 (a) Words or expressions defined in Chapter 29 Definitions of the Maa-nulth Treaty that are also used in a Yuulu?il?ath enactment will, except where the context requires otherwise or is otherwise indicated, have the same meaning as those words or expressions defined in Chapter 29 Definitions of the Maa-nulth Treaty.
- (b) For certainty, capitalized words or expressions defined in Chapter 29 Definitions of the Maa-nulth Treaty that are used in a Yuulu?il?ath enactment need not be capitalized in the Yuulu?il?ath enactment in order for those words or expressions in the Yuulu?il?ath enactment to have the same meaning as the capitalized words or expressions in Chapter 29 Definitions of the Maa-nulth Treaty.

### Words and expressions defined

- 3.3 In a Yuulu?il?ath enactment, unless otherwise expressly provided for or unless otherwise clear from the context:

“aboriginal people” includes the Indian, Inuit and Métis peoples of Canada;

“acquire” means obtain by any method and includes accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but does not include expropriate;

“Act” means an Act of the Legislature, parliament, a legislature or any other similar legislative body of government, whether referred to as a statute, code, legislation or by any other name;

“Administrative Decisions Review Board” means the review board established under section 2.1 the Administrative Decisions Review Act;

“affidavit” or “oath” includes an affirmation, a statutory declaration or a solemn declaration made under the Evidence Act (British Columbia) or under the Canada Evidence Act (Canada);

“and” is used in its joint sense, meaning (A) and (B), but not either alone;

“asset manager” means the office established under section 8.3 of the Government Personnel Act or the individual appointed to hold that office;

“bank” or “chartered bank” means a bank to which the Bank Act (Canada) applies;

“barrister” or “solicitor” or “barrister and solicitor” means a lawyer or legal counsel;

“British Columbia” means, as applicable,

- (a) Her Majesty the Queen in right of British Columbia, or
- (b) the geographic area within the jurisdiction of Her Majesty the Queen in right of British Columbia;

“British Columbia land surveyor” means a person entitled to practice as a land surveyor under the Land Surveyors Act (British Columbia);

“calendar month” means January, February, March, April, May, June, July, August, September, October, November or December, beginning on the first day of the month and ending on the last day of the month;

“calendar year” means a period of 12 consecutive calendar months beginning on January 1 and ending on December 31;

“Canada” means, as applicable,

- (a) Her Majesty the Queen in right of Canada, or
- (b) the geographic area within the jurisdiction of Her Majesty the Queen in right of Canada;

“Canada Post office” has the meaning given to that term in the Canada Post Corporation Act (Canada);

“chairperson of the Legislature” means the individual chosen under section 2.1(c)(ii) of the Government Act in accordance with section 2.9 of the Constitution;

“chief financial officer” means the office established under section 2.3 of the Financial Administration Act or the individual appointed to hold that office;

“citizenship and enrolment committee” means the committee of that name continued in accordance with the Committee Act;

“citizenship and enrolment registrar” means the office established under section 3.1 of the Citizenship Act or the individual appointed to hold that office;

“commencement” means, in relation to a Yuulu?il?ath enactment, the date on which that Yuulu?il?ath enactment comes into force;

“community services manager” means the office established under section 7.3 of the Government Personnel Act or the individual appointed to hold that office;

“Constitution” means the constitution of the Yuulu?il?ath First Nation, adopted in accordance with the Maa-nulth Treaty, and includes any amendments to the Constitution made from time to time in accordance with its terms;

“contravene” includes fail to comply with;

“corporation” means an incorporated association, company, society or other incorporated body, wherever and however incorporated, and includes a corporation sole other than Her Majesty or the Lieutenant Governor;

“correctional centre” has the meaning given to that term under the Correction Act (British Columbia);

“Court of Appeal” means the British Columbia Court of Appeal;

“credit union” means a credit union authorized to carry on business under the Financial Institutions Act (British Columbia);

“deliver” includes, in relation to a notice or other information delivered by hand, leaving the notice or other information in a person’s mailbox or receptacle at the person’s residence or place of business;

“department” means a division of the Yuulu?il?ath administration established by a Yuulu?il?ath enactment for the administration, application or enforcement of a particular Yuulu?il?ath law or administrative function as referred to in the applicable Yuulu?il?ath enactment and presided over by a Yuulu?il?ath senior manager;

“directive” means a written command, decision, direction, instruction or ruling made under a Yuulu?il?ath enactment;

“director of operations” means the office established under section 3.1 of the Government Personnel Act or the individual appointed to hold that office;

“doctor” means a medical practitioner;

“economic development committee” means the standing committee on economic development continued in accordance with the Committee Act;

“enact” includes to issue, make, establish or prescribe;

“enactment” means an Act, legislation, regulation or Order or a portion of any Act, legislation, regulation or Order;

“enforcement officer” means an inspector, enforcement officer, conservation officer, peace officer, park officer, forest officer or other person designated under a Yuulu?il?ath enactment to enforce Yuulu?il?ath law;

“Executive” means the executive branch of the Yuulu?il?ath government, as referred to in the Constitution;

“executive oversight” means, within the context of a member of the Executive, the overseeing of the administration, application or enforcement of a particular Yuulu?il?ath enactment by that member of the Executive in accordance with the terms of reference established by the Executive from time to time;

“executive portfolio” means a portfolio established under section 14.1 of the Legislature Rules of Order and Procedure Act;

“external enforcement agency” means, in relation to an external enforcement officer, the federal, provincial or other department or agency that the enforcement officer represents in his or her enforcement of Yuulu?il?ath law under an agreement with that department or agency;

“external enforcement officer” means an enforcement officer who is not a Yuulu?il?ath public employee or an independent contractor of a Yuulu?il?ath institution;

“federal” refers to Canada;

“finance committee” means the standing committee on finance continued in accordance with the Committee Act;

“first nation” means any “band” within the meaning of section 2(1) of the Indian Act (Canada) and any tribe, nation or community in Canada with aboriginal or treaty rights recognized and affirmed under section 35 of the Constitution Act, 1982 (Canada) or a self-government agreement with Canada or one of its provinces or territories;

“fiscal agreement with Canada or British Columbia” means

- (a) a Fiscal Financing Agreement,
- (b) an agreement referred to in a Fiscal Financing Agreement in relation to programs or services,
- (c) an Own Source Revenue Agreement,
- (d) a taxation agreement, or

- (e) any agreement, other than an agreement referred to in subsections (a) to (d), between the Yuułu?il?ath First Nation and Canada or British Columbia, that is likely to substantially affect the finances of the Yuułu?il?ath First Nation;

“Fiscal Financing Agreement” means an agreement entered into between the Yuułu?il?ath First Nation, Canada and British Columbia in accordance with 18.1.2 of Chapter 18 Fiscal Relations of the Maa-nulth Treaty;

“Foreshore Agreement” means an agreement entered into between the Yuułu?il?ath First Nation and British Columbia in accordance with 14.5.1 of Chapter 14 Regional Governance of the Maa-nulth Treaty;

“good standing with a Yuułu?il?ath institution” means an individual that

- (a) does not owe any money to the Yuułu?il?ath institution or, if they do owe money, he or she has entered into a written agreement with the Yuułu?il?ath institution for the repayment of that money and is not delinquent in any payments under that agreement, and
- (b) has no lawsuit against the Yuułu?il?ath institution that has not been concluded, settled or dismissed;

“Government House” means the principal administrative office of the Yuułu?il?ath First Nation;

“government of British Columbia” means Her Majesty the Queen in right of British Columbia;

“government of Canada” means Her Majesty the Queen in right of Canada;

“Ha’wiih” means the hereditary chiefs of the Yuułu?il?ath First Nation who hold their positions in accordance with Yuułu?il?ath custom and “Ha’wilth” means an individual hereditary chief;

“Ha’wiih Advisory Council” means the Ha’wiih Advisory Council, as referred to in the Constitution;

“Her Majesty”, “His Majesty”, “the Queen”, “the King”, “the Crown” or “the Sovereign” means the Sovereign of the United Kingdom, Canada and Her Other Realms and Territories and Head of the Commonwealth;

“herein” when used in a section or part of a Yuułu?il?ath enactment must be construed as referring to the whole Yuułu?il?ath enactment and not to that section or part only;

“highway” includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way;

“hitaçu assembly” means the hitaçu assembly, as referred to in the Constitution;

“holiday” means

- (a) Yuulu?il?ath Day,
- (b) Sunday,
- (c) Good Friday, Easter Monday, Aboriginal Day, Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day, Christmas Day, Boxing Day and New Year’s Day,
- (d) a day set by the Legislature for the commemoration of significant events in the life of the Yuulu?il?ath First Nation, for the celebration of Nuu-chah-nulth customs, for the observation of Nuu-chah-nulth cultural events or as a public holiday, and
- (e) a day set by Canada or British Columbia, or appointed by proclamation of the Governor General of Canada or the Lieutenant Governor of British Columbia, to be observed as a day of general prayer or mourning, a day of public rejoicing or thanksgiving, a day for celebrating the birthday of the reigning Sovereign or as a public holiday;

“includes” means includes, but is not limited to;

“including” means including, but not limited to;

“individual” means a natural person;

“insurance company” means

- (a) an insurance company, or
- (b) an extraprovincial insurance corporation,

authorized to carry on insurance business in British Columbia under the Financial Institutions Act (British Columbia);

“interest” includes, in relation to Yuulu?il?ath lands, estates, interests, charges, mineral claims and encumbrances;

“justice” means a justice of the peace and includes a judicial justice or a judge of the Provincial Court;

“land” includes any interest in land, including any right, title or estate in it of any tenure, with all buildings and other structures, unless there are words to exclude buildings and other structures, or to restrict the meaning;



“land claims agreement” means

- (a) a land claims agreement within the meaning of sections 25 and 35 of the Constitution Act, 1982 (Canada), or
- (b) a treaty within the meaning of sections 25 and 35 of the Constitution Act, 1982 (Canada);

“lands manager” means the office established under section 2.3 of the Land Act or the individual appointed to hold that office;

“lands register” means the register maintained in the lands registry office in accordance with the Land Act containing a record of all dispositions under the Land Act and any transfers of an interest in, or licence in relation to, Yuulu?il?ath lands;

“lands registrar” means the office established under section 2.11 of the Land Act or the individual appointed to hold that office;

“lands registry office” means the office established under section 2.9 of the Land Act;

“land title office” means the applicable land title office established under British Columbia law;

“law” includes legislation, Acts, ordinances, regulations, orders in council, bylaws and common law, but, for certainty, does not include traditional laws of the Yuulu?il?ath First Nation;

“law clerk” means the office established under section 2.18 of the Government Act or the individual appointed to hold that office;

“lawyer” or “legal counsel” means a person who, under the Legal Profession Act (British Columbia), is permitted to engage in the practice of law in British Columbia;

“legislation” means any instrument whether named an Act, a Code, a Charter or otherwise, enacted as a law by the Legislature, parliament, a legislature or any other similar legislative body of government, but does not include a regulation or Order;

“Legislature” means the Legislature, as referred to in the Constitution;

“local government” has the meaning given to that term in the Local Government Act (British Columbia);

“Maa-nulth Treaty” means the Maa-nulth First Nations Final Agreement between the Huu-ay-aht First Nations, Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations, Toquaht Nation, Uchucklesaht Tribe, Ucluelet First Nation, Canada and British Columbia, which took effect on April 1, 2011, and includes any amendments made to it from time to time in accordance with its provisions;

“Maa-nulth Treaty effective date” means April 1, 2011, the date on which the Maa-nulth Treaty took effect;

“mail” means, in relation to a notice or other information delivered by mail, depositing the notice or other information at a Canada Post office anywhere in Canada, postage prepaid, for transmission by post;

“may” is to be construed as permissive and empowering, but “may not” is to be construed as disempowering;

“medical practitioner” means a person entitled to practice in British Columbia under the Medical Practitioners Act (British Columbia);

“member of the Executive” means an individual elected or appointed to the Executive by the Legislature in accordance with the Legislature Rules of Order and Procedure Act;

“member of the Legislature” means an individual elected or appointed to the Legislature in accordance with the Elections Act and, for certainty, “member of the Legislature” includes a “Councillor” as referred to in the Constitution;

“mineral resources” includes minerals, placer minerals and geothermal resources;

“month” means a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day;

“municipality” has the meaning given to that term in the Local Government Act (British Columbia);

“must” is to be construed as imperative;

“natural boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

“natural resources” includes aquatic plants, fish, forest resources, gravel, groundwater, migratory birds, mineral resources and wildlife;

“newspaper” means a publication that is intended for general circulation, published regularly at intervals of not longer than a week and contains items of news and advertising;

“now” must be construed as referring to the time of commencement of the Yuułu?il?ath enactment containing the word;

“oath” includes a solemn affirmation or declaration when the context applies to any individual by whom, and to any case in which, a solemn affirmation or declaration may be made instead of an oath, and in the same cases the expression “sworn” includes the expression “affirmed” or “declared”;

“obligation” includes a duty and a liability;

“opening words”, when referring to words in a section, subsection, paragraph or subparagraph of a Yuulu?il?ath enactment, means all of the words of that section, subsection, paragraph or subparagraph before any enumerated portions of that section, subsection, paragraph or subparagraph;

“or” is used in its inclusive sense, meaning A or B, or both A and B;

“Order” means an order enacted under the authority of legislation or by or under the authority of the Governor General of Canada or the Lieutenant Governor of a province of Canada, but does not include an order made by a judicial or quasi-judicial body;

“ordinarily resident” means, when referring to the place where a person is ordinarily resident, the place where, for at least 180 days in a calendar year, an individual usually lives and sleeps, and to which, when away, he or she intends to return, without regard to where the individual takes his or her meals or is employed, and, for certainty, an individual cannot be ordinarily resident in two places at the same time;

“Own Source Revenue Agreement” means an agreement entered into between the Yuulu?il?ath First Nation, Canada and British Columbia in accordance with 18.1.4 of Chapter 18 Fiscal Relations of the Maa-nulth Treaty;

“peace officer” has the meaning given to that term in the Interpretation Act (British Columbia);

“person” includes a corporation, partnership or party and the personal or other legal representatives of a person to whom the context can apply according to law;

“personal representative” includes an executor of a will and an administrator, with or without will annexed, of an estate and, if a personal representative is also a trustee of part or all of the estate, includes the personal representative and trustee;

“personnel committee” means the standing committee on personnel continued in accordance with the Committee Act;

“prescribed” means prescribed by regulation;

“President” means the office of the President, as referred to in the Constitution, or the individual elected to hold that office;

“professional engineer”, “civil engineer” or “mining engineer” or words implying recognition of any person as a professional engineer or member of the engineering profession means a person registered or licensed under the Engineers and Geoscientists Act (British Columbia);

“property” includes any right, title, interest, estate or claim to or in property;

“Provincial Court” means the Provincial Court of British Columbia;

“Real Property Tax Co-ordination Agreement” means an agreement respecting real property taxation entered into between the Yuułu?il?ath First Nation and British Columbia in accordance with 19.2.1 of Chapter 19 Taxation of the Maa-nulth Treaty;

“record” includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise;

“registry of laws and official records” means the registry of laws and official records established under the Government Act;

“regulation” means a law enacted by the Executive, or any other similar executive body of government, under the authority of legislation in which the word “regulation”, “regulations”, “prescribe”, “prescribes” or “prescribed” is used in the provision conferring the authority;

“repeal” includes to revoke, cancel or rescind;

“right” includes a power, authority, privilege and licence;

“savings institution” means

- (a) a bank,
- (b) a credit union,
- (c) an extraprovincial trust corporation authorized to carry on deposit business under the Financial Institutions Act (British Columbia), or
- (d) a corporation that is a subsidiary of a bank and is a loan company to which the Trust and Loan Companies Act (Canada) applies;

“shall” is to be construed as the imperative “will” or “must”;

“spouse” means

- (a) an individual who is united to another individual by marriage under traditional laws of the Yuułu?il?ath First Nation,

- (b) an individual who is united to another individual by marriage under the laws of Canada or British Columbia or of the jurisdiction within which they were married, if that marriage is recognized under the laws of Canada and British Columbia,
- (c) an individual who is united to another individual by a marriage that, although not a legal marriage, is valid by common law, or
- (d) an individual who has lived and cohabited with another individual in a marriage-like relationship, including a marriage-like relationship between individuals of the same gender, for a period of at least two years;

“statutory declaration” means a solemn declaration made pursuant to section 41 of the Canada Evidence Act (Canada);

“Supreme Court” means the Supreme Court of British Columbia;

“surface resources” means natural resources other than mineral resources;

“swear” includes solemnly declare or affirm;

“taxation agreement” means

- (a) a Tax Treatment Agreement,
- (b) a Real Property Tax Co-ordination Agreement, or
- (c) any agreement respecting taxation entered into between the Yuulu?il?ath First Nation, Canada and British Columbia in accordance with Chapter 19 Taxation of the Maa-nulth Treaty;

“Tax Treatment Agreement” means an agreement entered into between the Maa-nulth First Nations, Canada and British Columbia in accordance with 19.6.1 of Chapter 19 Taxation of the Maa-nulth Treaty;

“treaty first nation” means a first nation that has entered into a land claims agreement;

“treaty implementation committee” means the standing committee on treaty implementation continued in accordance with the Committee Act;

“trust company” means

- (a) a trust company authorized under the Financial Institutions Act (British Columbia) to carry on trust business, or
- (b) an extraprovincial trust corporation authorized under the Financial Institutions Act (British Columbia) to carry on trust business or deposit business;

“Tyee Ha’wilt” means the most senior or first ranked Ha’wilt;

“Wildfire Suppression Agreement” means an agreement entered into between the Yuulu?i?ath First Nation, Canada and British Columbia in accordance with 9.6.2 of Chapter 9 Forest Resources of the Maa-nulth Treaty;

“will”, when referring to a testamentary instrument, has the meaning given to that term in the Wills Act (British Columbia);

“will”, when referring to an obligation imposed by a Yuulu?i?ath enactment, unless the Yuulu?i?ath enactment provides to the contrary, is to be construed as imperative and must be carried out as soon as practicable after the applicable provision of the Yuulu?i?ath enactment comes into force or the event that gives rise to the obligation;

“words” includes figures, punctuation marks and typographical, monetary and mathematical symbols;

“writing”, “written” or a term of similar import, includes words printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible form;

“year” means any period of 12 consecutive months, but a reference to a “calendar year” means a period of 12 consecutive months beginning on January 1, and a reference by number to a dominical year means a period of 12 consecutive months beginning on January 1 of that dominical year;

“Yuulu?i?ath administration” means the public service of the Yuulu?i?ath First Nation, comprised of

- (a) all departments or similar divisions of the Yuulu?i?ath administration,
- (b) all Yuulu?i?ath public institutions,
- (c) all Yuulu?i?ath public corporations, and
- (d) all Yuulu?i?ath public employees;

“Yuulu?i?ath citizen” means an individual who is on the Yuulu?i?ath citizenship register;

“Yuulu?i?ath citizenship register” means the register maintained by the citizenship and enrolment registrar in accordance with the Citizenship Act containing the names of all individuals who are Yuulu?i?ath citizens;

“Yuulu?i?ath corporation” means a corporation incorporated under federal or provincial law, all the shares or interests of which are owned legally and beneficially by the

Yuulu?il?ath First Nation, a Yuulu?il?ath settlement trust, another Yuulu?il?ath corporation or any combination of those entities;

“Yuulu?il?ath Day” means September 21 of every year;

“Yuulu?il?ath enactment” means Yuulu?il?ath legislation, a Yuulu?il?ath regulation or a Yuulu?il?ath order;

“Yuulu?il?ath enrollee” means an individual who is on the Yuulu?il?ath enrolment register;

“Yuulu?il?ath enrolment register” means

- (a) during the initial enrolment period, the register maintained by the enrolment committee in accordance with Chapter 26 Eligibility and Enrolment of the Maa-nulth Treaty, and
- (b) after the initial enrolment period, the register maintained by the citizenship and enrolment registrar in accordance with the Citizenship Act,

containing the names of all individuals who are Yuulu?il?ath enrollees;

“Yuulu?il?ath First Nation” means

- (a) the “Ucluelet First Nation”, as referred to in the Maa-nulth Treaty, and
- (b) the “Yu?lu?il?ath First Nation”, as referred to in the Constitution;

“Yuulu?il?ath foreshore” means the “Foreshore Area” within the meaning of the Foreshore Agreement;

“Yuulu?il?ath government” means the government of the Yuulu?il?ath First Nation, as referred to in section 13.1.2 of Chapter 13 Governance of the Maa-nulth Treaty;

“Yuulu?il?ath government employee” means a person employed by the Yuulu?il?ath government, regardless of the method of employment, and, for certainty, does not include

- (a) an independent contractor of the Yuulu?il?ath government,
- (b) a person employed by a Yuulu?il?ath public institution, or
- (c) a person employed by a Yuulu?il?ath corporation;

“Yuulu?il?ath government representative” means

- (a) a member of the Legislature, or
- (b) a member of the Executive;

“Yuulu?i?ath institution” means:

- (a) the Yuulu?i?ath government,
- (b) a Yuulu?i?ath public institution, or
- (c) a Yuulu?i?ath public corporation;

“Yuulu?i?ath land enactment” means a Yuulu?i?ath enactment, the primary purpose of which pertains to Yuulu?i?ath lands;

“Yuulu?i?ath lands” means

- (a) the lands described in Appendix B-5 of the Maa-nulth Treaty, and
- (b) any other lands that become “Maa-nulth First Nation Lands” of the Yuulu?i?ath First Nation in accordance with the Maa-nulth Treaty;

“Yuulu?i?ath law” includes the Constitution;

“Yuulu?i?ath legislation” means legislation enacted by the Legislature;

“Yuulu?i?ath official” means

- (a) a Yuulu?i?ath government representative, or
- (b) a Yuulu?i?ath public employee;

“Yuulu?i?ath order” means an Order enacted under the authority of Yuulu?i?ath legislation and, for certainty, does not include an order made by the Administrative Decisions Review Board;

“Yuulu?i?ath public corporation” means a Yuulu?i?ath corporation whose principal function is to provide public programs or services reasonably similar to those provided by federal, provincial or municipal governments, rather than to engage in commercial activities;

“Yuulu?i?ath public employee” means

- (a) the director of operations,
- (b) a Yuulu?i?ath senior manager,
- (c) a Yuulu?i?ath government employee,
- (d) a member, commissioner, director, trustee or employee of a Yuulu?i?ath public institution, or



(d) a director, officer or employee of a Yuulu?i?ath public corporation;

“Yuulu?i?ath public institution” means a body, board, commission or any other similar entity established under a Yuulu?i?ath law made under 13.11.1a. of Chapter 13 Governance of the Maa-nulth Treaty, including a school board or a health board;

“Yuulu?i?ath regulation” means a regulation enacted under the authority of Yuulu?i?ath legislation;

“Yuulu?i?ath senior manager” means a senior manager of a department or similar division of the Yuulu?i?ath administration and, for certainty, includes the chief financial officer, the community services manager, the lands manager and the asset manager, but does not include

(a) a director of a Yuulu?i?ath public institution, or

(b) a director of a Yuulu?i?ath corporation;

“Yuulu?i?ath territory” means that area described as the “Maa-nulth First Nation Area of Ucluelet First Nation” in Appendix A-5 of the Maa-nulth Treaty.

### **Common names**

**3.4** In a Yuulu?i?ath enactment, a name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, regardless of whether a more formal or extended name could also be applied to the country, place, body, corporation, society, officer, functionary, person, party or thing.

### **Included and corresponding meanings**

**3.5** In a Yuulu?i?ath enactment,

(a) words in the singular include the plural and words in the plural include the singular,

(b) gender-specific terms include both genders and include corporations, and

(c) if a word or expression is defined, other parts of speech and grammatical forms of the same word or expression have corresponding meanings.

### **Use of forms**

**3.6** If a form is prescribed by or under a Yuulu?i?ath enactment, deviations from the prescribed form do not invalidate the form used, unless they

- (a) affect the substance of the form, or
- (b) are calculated to mislead.

### Calculation of time or age

- 3.7**
- (a) This section applies to a Yuulu?il?ath enactment and to a deed, conveyance or other legal instrument unless specifically provided otherwise in the deed, conveyance or other legal instrument.
  - (b) If the time stated for doing something falls or expires on a holiday, the time is extended to the next day that is not a holiday.
  - (c) If the time stated for doing something in a business office falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open.
  - (d) Subject to subsection (e), if a period of time is expressed
    - (i) as a specified number of days after or before a particular day or the occurrence of a particular event, the period
      - (A) is determined by excluding that particular day or the day on which that particular event occurs, and then counting forward or backward, as the case may be, the specified number of days, and
      - (B) includes and ends on the last day counted under subparagraph (A);
    - (ii) as a specified number of weeks after or before a particular day or the occurrence of a particular event, the period
      - (A) is determined by excluding that particular day or the day on which that particular event occurs, and then counting forward or backward, as the case may be, the number of days calculated by multiplying the specified number of weeks by seven, and
      - (B) includes and ends on the last day counted under subparagraph (A),
    - (iii) as a specified number of months after or before a particular day or the occurrence of a particular event, the period
      - (A) is determined by excluding the calendar month in which that particular day or that particular event occurs, and then counting forward or backward, as the case may be, the specified number of months in calendar months, and

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- (B) in the last calendar month counted under subparagraph (A), includes and ends on
    - (I) the day that has the same calendar number as the particular day or the day on which the particular event occurs, or
    - (II) the last day of the month, if that last counted month has no day with the same calendar number as the particular day or the day on which the particular event occurs, and
  - (iv) as a specified number of years after or before a particular day or the occurrence of a particular event, the period
    - (A) is determined by excluding the calendar year in which the particular day or the particular event occurs, and then counting forward or backward, as the case may be, the specified number of years in calendar years, and
    - (B) in the last calendar year counted under subparagraph (A), includes and ends on
      - (I) the day that has the same calendar date as the particular day or the day on which the particular event occurs, or
      - (II) February 28, if the particular day or the day on which the particular event occurs is February 29 and that last counted calendar year is not a leap year.
  - (e) If a period of time is expressed as a specified number of clear days, weeks, months or years, or as “at least” or “not less than” a specified number of days, weeks, months or years, after or before a particular day or the occurrence of a particular event, the period
    - (i) is determined in the manner set out in the applicable paragraph of subsection (d), but
    - (ii) rather than ending on the day determined under that paragraph, includes and ends on the next consecutive day in the direction being counted.
  - (f) If a period of time is expressed as from one specific date to another specific date, the period includes both the first and last date specified.
  - (g) When calculating time, a day begins and ends at 12:00 midnight.
  - (h) Subject to subsection (i), an individual reaches a particular age expressed in years at the beginning of the day on the relevant anniversary of his or her birth.

- (i) If an individual was born on February 29, that individual reaches a particular age expressed in years at the beginning of
  - (i) February 29, if the relevant anniversary of his or her birth falls in a leap year, or
  - (ii) February 28, if the relevant anniversary of his or her birth occurs in any other year.
- (j) A specified time of day is a reference to
  - (i) Pacific Standard time, or eight hours behind Greenwich Mean Time, unless Daylight Saving time is being used or observed in British Columbia on the day on which the specified time is applicable, or
  - (ii) Daylight Saving time, or seven hours behind Greenwich Mean Time, if Daylight Saving time is being used or observed in British Columbia on the day on which the specified time is applicable.
- (k) If a provision of a Yuulu?il?ath enactment sets out a date or event by which, or a period by the end of which, the Legislature is to perform an act, that provision is satisfied if the Legislature performs that act before the end of the first sitting of the Legislature to commence following that date or event, or the end of that period, as the case may be.

### **Metric expressions**

- 3.8** In a Yuulu?il?ath enactment, metric expressions and symbols have the meanings given to them in the Weights and Measures Act (Canada) and if not mentioned in that Act, have the meanings given to them in the International System of Units established by the General Conference of Weights and Measures.

### **Notices to Yuulu?il?ath officials**

- 3.9** (a) To satisfy a requirement in a Yuulu?il?ath enactment that a notice or other information be delivered to a Yuulu?il?ath official, that notice or other information must be delivered by hand, mail or facsimile to that Yuulu?il?ath official at the Government House.
- (b) A notice or other information delivered under subsection (a) is not effective until it is received by the Yuulu?il?ath official.

### **Notices delivered in accordance with Yuulu?il?ath law**

- 3.10** (a) To satisfy a requirement in a Yuulu?il?ath enactment to “deliver in accordance with Yuulu?il?ath law” a notice or other information or that a notice or other

information be “delivered in accordance with Yuułu?il?ath law” to a person, that notice or other information must be in writing and delivered

- (i) by hand to that person,
  - (ii) by mail to the last known address of that person or, in the case of a corporation, to the registered office of the corporation shown in the records of the applicable government, or
  - (iii) by facsimile to the last known facsimile number of that person.
- (b) A notice or other information delivered under subsection (a) is deemed to have been received
- (i) on the date on which it was delivered, if delivered by hand,
  - (ii) seven days after the date on which it was deposited at a Canada Post office, if delivered by mail, or
  - (iii) on the date on which the sender obtained written confirmation that the facsimile has been transmitted, if delivered by facsimile.
- (c) If the Yuułu?il?ath official responsible for delivering the notice or other information has reason to believe that a notice or other information delivered under subsection (a) has not been received by the person to whom it was addressed, the Yuułu?il?ath official must make reasonable attempts to deliver the notice or other information to that person through one or more of the following alternative means:
- (i) leaving the notice or other information with an adult at that person’s residence or place of business or any other place thought to be frequented by that person;
  - (ii) publishing the notice in one or more newspapers of general circulation in the area where the person was last known or is thought to be; or
  - (iii) any other means the Yuułu?il?ath official considers appropriate.
- (d) A notice or other information delivered under subsection (c) is deemed to have been received on the date the notice or other information was first delivered and, for certainty, if the notice or other information was first delivered by mail or facsimile, the notice or other information is deemed to have been received on the date contemplated in subsection (b).

**Notices posted in accordance with Yuulu?il?ath law**

- 3.11** To satisfy a requirement in a Yuulu?il?ath enactment to “post in accordance with Yuulu?il?ath law” a notice or other information or that a notice or other information be “posted in accordance with Yuulu?il?ath law”, that notice or other information must be
- (a) headed “NOTICE IN ACCORDANCE WITH YUULU?IL?ATH LAW”, and
  - (b) posted in a conspicuous place accessible to the public at the Yuulu?il?ath administrative office.

**Notices published in accordance with Yuulu?il?ath law**

- 3.12** To satisfy a requirement in a Yuulu?il?ath enactment to “publish in accordance with Yuulu?il?ath law” a notice or other information or that a notice or other information be “published in accordance with Yuulu?il?ath law”, that notice or other information must be
- (a) headed “NOTICE IN ACCORDANCE WITH YUULU?IL?ATH LAW”, and
  - (b) published
    - (i) in at least one newspaper of general circulation on Yuulu?il?ath lands, or
    - (ii) if there is no newspaper of general circulation on Yuulu?il?ath lands at the time the notice or other information is required to be published, in at least one newspaper of general circulation on land adjacent to Yuulu?il?ath lands.

**Reports to the Legislature**

- 3.13** Where a Yuulu?il?ath enactment requires a report or other document to be laid before the Legislature and, in compliance with the Yuulu?il?ath enactment, a particular report or document has been laid before the Legislature at a particular session, nothing in the Yuulu?il?ath enactment will be construed as requiring the same report or document to be laid before the Legislature at any subsequent session.

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## PART 4 - RESERVED AND INCLUDED POWERS

### Power of repeal and amendment

- 4.1** Each Yuulu?i?ath enactment must be construed so as to reserve to the body enacting the Yuulu?i?ath enactment the power
- (a) to amend, repeal or replace the Yuulu?i?ath enactment, and
  - (b) to revoke, restrict or modify a power, privilege or advantage that the Yuulu?i?ath enactment vests in or grants to any person.

### Amending or repealing Act in same session

- 4.2** A Yuulu?i?ath Act may be amended or repealed by an Act passed in the same session of the Legislature.

### Power to make regulations

- 4.3** (a) In Yuulu?i?ath legislation, a power to make regulations includes, for the purpose of carrying out the Yuulu?i?ath legislation according to its intent, the authority
- (i) to make regulations that are ancillary to the Yuulu?i?ath legislation and not inconsistent with it,
  - (ii) to provide for administrative and procedural matters for which no express, or only partial, provision has been made,
  - (iii) to limit the application of the regulation in time or place or both,
  - (iv) to prescribe the amount of a fee authorized by the Yuulu?i?ath legislation,
  - (v) to provide that the contravention of the regulation is an offence, and
  - (vi) to provide that a person who commits an offence under the regulation is liable, on summary conviction, to a penalty within the limits set out in 13.31.0 of Chapter 13 Governance of the Maa-nulth Treaty.
- (b) A Yuulu?i?ath regulation has the force of law.

### Power to appoint or delegate

- 4.4** (a) An authority under a Yuulu?i?ath enactment to appoint a person is authority to appoint at pleasure.
- (b) An authority under a Yuulu?i?ath enactment to appoint a person includes the authority

- (i) to set the duration of the person’s term of appointment,
  - (ii) to terminate the appointment or remove or suspend the person from office,
  - (iii) to reappoint or reinstate the person to office,
  - (iv) to set the person’s remuneration and vary or terminate it,
  - (v) to appoint another person to replace the person or to act in the place of the person, and
  - (vi) to appoint another person as the deputy of the person.
- (c) A power under a Yuulu?il?ath enactment to delegate a duty or power includes the power
- (i) to establish, change or revoke conditions, standards or requirements for the performance of that duty or the exercise of that power by the person to whom the duty or power is delegated, and
  - (ii) to revoke a delegation of the duty or power.
- (d) If a person is appointed to an office by or under a Yuulu?il?ath enactment effective on a specified day, the appointment is effective at the beginning of that day.
- (e) If a person’s appointment to an office by or under a Yuulu?il?ath enactment expires on a specified day, the appointment expires at the end of that day.
- (f) If a person is appointed to an office by or under a Yuulu?il?ath enactment for a specified term, that term expires at the end of the last day of the term.

### **Power to act for others**

- 4.5**
- (a) Words in a Yuulu?il?ath enactment that direct or empower a Yuulu?il?ath official to do something, or that otherwise apply to that Yuulu?il?ath official by name of office, include a person authorized under Yuulu?il?ath law to act in that office.
  - (b) Where a power is conferred or a duty is imposed on a Yuulu?il?ath public employee, the power may be exercised and the duty must be performed by the individual appointed to that office.
  - (c) Words directing or empowering a Yuulu?il?ath public employee to do any act or thing, or otherwise applying to a Yuulu?il?ath public employee by name of office, apply to any successors in the office.
  - (d) This section applies whether or not the office of a Yuulu?il?ath official is vacant.



- (e) Subsection (d) does not authorize a person authorized under Yuulu?il?ath law to act in the office of a member of the Executive, other than the member of the Executive, to exercise an authority conferred on the Executive to enact a regulation.

### Ancillary power

- 4.6**
- (a) If in a Yuulu?il?ath enactment
    - (i) the power to do or enforce the doing of an act or thing is conferred on a person, that power includes any power necessary to enable that person to do or enforce the doing of that act or thing,
    - (ii) the power to inspect or to require the production of records is conferred on a person, that power includes the power to make copies or extracts of those records, or
    - (iii) a power is conferred or a duty is imposed on a person, that power may be exercised and that duty must be performed from time to time as occasion requires.
  - (b) Power given to a person in a Yuulu?il?ath enactment to enter into an agreement includes the power to enter into the agreement and to carry out its terms, subject to any conditions that apply to that person in the exercise of the power.
  - (c) If in a Yuulu?il?ath enactment the doing of an act or thing is dependent on the doing of another act or thing by a Yuulu?il?ath institution or a Yuulu?il?ath official, that Yuulu?il?ath institution or Yuulu?il?ath official, as the case may be, has the power to do that other act or thing.

### Majority and Quorum

- 4.7**
- (a) If in a Yuulu?il?ath enactment an act or thing is required or authorized to be done by more than two persons, a majority then may do it.
  - (b) If a Yuulu?il?ath enactment establishes a Yuulu?il?ath public institution consisting of three or more members, the following rules apply unless the Yuulu?il?ath enactment provides otherwise:
    - (i) if the number of members of the Yuulu?il?ath public institution provided for by the Yuulu?il?ath enactment is a fixed number, at least one-half of that number of members constitutes a quorum at a meeting of the Yuulu?il?ath public institution;
    - (ii) if the number of members of the Yuulu?il?ath public institution provided for by the Yuulu?il?ath enactment is not a fixed number, at least one-half of the number of members in office constitutes a quorum at a meeting of

the Yuulu?il?ath public institution, as long as the number of members is within the maximum or minimum number, if any, authorized by the Yuulu?il?ath enactment;

- (iii) an act or thing done by a majority of the members of the Yuulu?il?ath public institution present at a meeting, if the members present constitute a quorum, is deemed to have been done by the Yuulu?il?ath public institution; and
- (iv) a vacancy in the membership of the Yuulu?il?ath public institution does not invalidate the constitution of the Yuulu?il?ath public institution or impair the right of the members in office to act, if the number of members in office is not less than a quorum.

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## PART 5 - COMMENCEMENT, AMENDMENT AND REPEAL OF ENACTMENTS

### Effect only if deposited

- 5.1 (a) A Yuulu?i?ath enactment has no effect unless it, or a copy of it, is deposited with the law clerk.
- (b) The law clerk must not accept a Yuulu?i?ath enactment for deposit until the law clerk is satisfied that
- (i) it has been duly enacted by the Legislature, the Executive, the President, the director of operations or a Yuulu?i?ath senior manager, as the case may be, and
- (ii) has been signed by the President or Yuulu?i?ath senior manager, as the case may be.
- (c) The law clerk must maintain an index of all enactments deposited under subsection (a).
- (d) If, in the reasonable opinion of the President, it is in the interest of the Yuulu?i?ath First Nation to do so, the President may, by Order, direct that a Yuulu?i?ath enactment is deemed to have been deposited or filed on a specified date on or after its enactment but before its actual date of deposit with the law clerk and if the President so orders, the Yuulu?i?ath enactment is deemed to have been deposited or filed on the specified date.
- (e) A certificate that purports to be signed by the law clerk to the effect that a Yuulu?i?ath enactment was deposited with the law clerk on a specified date is evidence that it was deposited on the date specified.

### Notice of deposit and inspection

- 5.2 (a) The law clerk must post in accordance with Yuulu?i?ath law a notice when a Yuulu?i?ath enactment is deposited with the law clerk and that notice must set out the enactment deposited, a brief description of the enactment and when the enactment will come into force.
- (b) A person must not be convicted of an offence against a Yuulu?i?ath enactment for which notice has not been given in accordance with subsection (a) unless it is shown that reasonable steps had been taken by the time of the offence to bring the substance of the enactment to the notice of the public or the persons likely to be affected by it.
- (c) Yuulu?i?ath enactments deposited with the law clerk must be made available for inspection at the Government House during regular business hours.

**Numbering Yuulu?i?ath enactments**

- 5.3** (a) The law clerk must assign a number to each enactment that is accepted for deposit under section 5.1(b) and must mark on the enactment that number, the word "Deposited" and the day, month and year of deposit.
- (b) Yuulu?i?ath legislation that is deposited under section 5.1(a) may be cited as "YFNS" followed by the number assigned to it and the year in which it was enacted, for example YFNS 1/2011.
- (c) A regulation that is deposited under section 5.1(a) may be cited as "YFNR" followed by the number assigned to it and the year in which it was enacted, for example YFNR 1/2011.
- (d) An Order that is deposited under section 5.1(a) may be cited as "YFNO" followed by the number assigned to it and the year in which it was enacted, for example YFNO 1/2011.

**Coming into force of Yuulu?i?ath legislation**

- 5.4** (a) Subject to subsections (b) to (e), Yuulu?i?ath legislation comes into force on the day on which it is enacted.
- (b) If the resolution enacting Yuulu?i?ath legislation provides
- (i) that that Yuulu?i?ath legislation comes into force on a specified date other than the day on which the Yuulu?i?ath legislation is enacted, the Yuulu?i?ath legislation comes into force on that specified date,
  - (ii) that a portion of the Yuulu?i?ath legislation comes into force on a specified date other than the day on which the Yuulu?i?ath legislation is enacted,
    - (A) that portion of the Yuulu?i?ath legislation comes into force on that specified date, and
    - (B) the remainder of the Yuulu?i?ath legislation comes into force on the day on which the Yuulu?i?ath legislation is enacted,
  - (iii) for the Yuulu?i?ath legislation to be brought into force by Yuulu?i?ath regulation, the Yuulu?i?ath legislation comes into force on the day on which the relevant Yuulu?i?ath regulation is enacted, or on any later date specified in that regulation, or
  - (iv) for a portion of the Yuulu?i?ath legislation to be brought into force by Yuulu?i?ath regulation,

- (A) that portion of the Yuulu?il?ath legislation comes into force on the day on which the relevant Yuulu?il?ath regulation is enacted, or on any later date specified in that regulation, and
  - (B) the remainder of the Yuulu?il?ath legislation comes into force on the day on which the Yuulu?il?ath legislation is enacted.
- (c) If a provision of Yuulu?il?ath legislation provides that that Yuulu?il?ath legislation comes into force on a specified date other than the day on which the Yuulu?il?ath legislation is enacted, that provision and the title of the Yuulu?il?ath legislation are deemed to have come into force on the day on which the Yuulu?il?ath legislation is enacted.
- (d) If a provision of Yuulu?il?ath legislation provides
- (i) that that Yuulu?il?ath legislation comes into force on a specified date other than the day on which the Yuulu?il?ath legislation is enacted,
    - (A) that provision of the Yuulu?il?ath legislation comes into force on the day on which the Yuulu?il?ath legislation is enacted, and
    - (B) the remainder of the Yuulu?il?ath legislation comes into force on that specified date,
  - (ii) that a portion of the Yuulu?il?ath legislation comes into force on a date other than the day on which the Yuulu?il?ath legislation is enacted,
    - (A) that portion of the Yuulu?il?ath legislation comes into force on that specified date, and
    - (B) the remainder of the Yuulu?il?ath legislation comes into force on the day on which the Yuulu?il?ath legislation is enacted,
  - (iii) for the Yuulu?il?ath legislation to be brought into force by Yuulu?il?ath regulation,
    - (A) that provision of the Yuulu?il?ath legislation comes into force on the date on which the Yuulu?il?ath legislation is enacted, and
    - (B) the remainder of the Yuulu?il?ath legislation comes into force on the day on which the relevant Yuulu?il?ath regulation is enacted, or on any later date specified in that regulation, or
  - (iv) for a portion of the Yuulu?il?ath legislation to be brought into force by Yuulu?il?ath regulation,

- (A) that portion of the Yuulu?i?ath legislation comes into force on the day on which the relevant Yuulu?i?ath regulation is enacted, or on any later date specified in that regulation, and
  - (B) the remainder of the Yuulu?i?ath legislation comes into force on the date on which the Yuulu?i?ath legislation is enacted.
- (e) If Yuulu?i?ath legislation contains a provision to the effect that the Yuulu?i?ath legislation, or a portion of it, comes into force on a date that is earlier than the date on which the Yuulu?i?ath legislation is enacted, the Yuulu?i?ath legislation or portion referred to in the provision
- (i) comes into force in accordance with the terms of the provision, and
  - (ii) on coming into force, is deemed to have come into force on the earlier date referred to in the provision and is retroactive to the extent necessary to give it force and effect on and after that earlier date.

### Coming into force of Yuulu?i?ath regulations

- 5.5** (a) Subject to subsections (b) to (e), a Yuulu?i?ath regulation comes into force on the day on which it is enacted.
- (b) If the resolution enacting a Yuulu?i?ath regulation provides that
- (i) that regulation comes into force
    - (A) on a specified date later than the day on which the regulation is enacted, or
    - (B) on a specified date earlier than the day on which the regulation is enacted and the Yuulu?i?ath legislation under which the regulation is made authorizes the regulation to come into force on an earlier date,

the regulation comes into force on that specified date, or
  - (ii) a portion of that regulation comes into force
    - (A) on a specified date later than the day on which the regulation is enacted, or
    - (B) on a specified date earlier than the day on which the regulation is enacted and the Yuulu?i?ath legislation under which the regulation is made authorizes the regulation to come into force on an earlier date,

that portion of the regulation comes into force on that specified date and the remainder of the regulation comes into force on the date on which the regulation is enacted.

(c) If a provision of a Yuulu?i?ath regulation provides that the Yuulu?i?ath regulation or a portion of it is to come into force on a day other than the day on which the Yuulu?i?ath regulation is enacted, that provision and the title of the Yuulu?i?ath regulation are deemed to have come into force on the day on which the Yuulu?i?ath regulation is enacted.

(d) If a provision of a Yuulu?i?ath regulation provides that

(i) that regulation comes into force

(A) on a specified date later than the day on which the regulation is enacted, or

(B) on a specified date earlier than the day on which the regulation is enacted and the Yuulu?i?ath legislation under which the regulation is made authorizes the regulation to come into force on an earlier date,

that provision of the regulation comes into force on the date the regulation is enacted and the remainder of the regulation comes into force on that specified date, or

(ii) a portion of that regulation comes into force

(A) on a later date than the day on which the regulation is enacted or

(B) on an earlier date than the day on which the regulation is enacted and the Yuulu?i?ath legislation under which the regulation is made authorizes the regulation to come into force on an earlier date,

that portion of the regulation comes into force on that specified date and the remainder of the regulation comes into force on the date on which the regulation is enacted.

(e) If a Yuulu?i?ath regulation contains a provision to the effect that the Yuulu?i?ath regulation, or a portion of it, comes into force on a date that is earlier than the date on which the Yuulu?i?ath regulation is enacted, the Yuulu?i?ath regulation or portion referred to in the provision

(i) comes into force in accordance with the terms of the provision, and

- (ii) on coming into force, is deemed to have come into force on the earlier date referred to in the provision and is retroactive to the extent necessary to give it force and effect on and after that earlier date.

### **Commencement of effect of Yuulu?i?ath enactments**

- 5.6**
- (a) A Yuulu?i?ath enactment, or a portion of a Yuulu?i?ath enactment, commences to have effect at the beginning of the day on which it comes into force.
  - (b) A Yuulu?i?ath enactment, or a portion of a Yuulu?i?ath enactment, that is repealed and replaced ceases to have effect at the time the replacing Yuulu?i?ath enactment commences to have effect.
  - (c) A Yuulu?i?ath enactment, or a portion of a Yuulu?i?ath enactment, that is repealed but not replaced ceases to have effect at the end of the day on which it ceases to be in force.
  - (d) A Yuulu?i?ath enactment, or a portion of a Yuulu?i?ath enactment, that provides that it ceases to be in force on a specified day, or on the occurrence of a specified circumstance, ceases to have effect
    - (i) at the beginning of that specified day, or
    - (ii) at the end of the day on which that specified circumstance occurs.
  - (e) A Yuulu?i?ath enactment, or a portion of a Yuulu?i?ath enactment, that has been replaced is repealed and a Yuulu?i?ath enactment that has expired, lapsed or has otherwise ceased to be in force or have effect is deemed to have been repealed.

### **Preliminary proceedings and staggered commencement**

- 5.7**
- (a) If Yuulu?i?ath legislation that is not in force confers a power to make regulations, or do any other thing, to make that Yuulu?i?ath legislation operative when it comes into force, that power may be exercised before the Yuulu?i?ath legislation comes into force, but the regulation made or the thing done has no force until the Yuulu?i?ath legislation comes into force, except in so far as is necessary to make the Yuulu?i?ath legislation operative when it comes into force.
  - (b) If Yuulu?i?ath legislation provides for that Yuulu?i?ath legislation, or a portion of the Yuulu?i?ath legislation, to come into force or be repealed by Yuulu?i?ath regulation, such a Yuulu?i?ath regulation may
    - (i) apply to the coming into force or repeal of any provision of the Yuulu?i?ath legislation or portion of the Yuulu?i?ath legislation, and
    - (ii) be made at different times for different provisions of the Yuulu?i?ath legislation.



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## Amending enactment part of enactment amended

**5.8** An amending Yuulu?i?ath enactment must be construed as part of the Yuulu?i?ath enactment that it amends.

## Territorial operation

- 5.9** (a) Every Yuulu?i?ath enactment applies to the whole of Yuulu?i?ath lands, unless a contrary intention is expressed in the Yuulu?i?ath enactment.
- (b) Where a Yuulu?i?ath enactment that does not apply to the whole of Yuulu?i?ath lands is amended, no provision in the amending Yuulu?i?ath enactment applies to any part of Yuulu?i?ath lands to which the amended Yuulu?i?ath enactment does not apply, unless it is provided in the amending Yuulu?i?ath enactment that it applies to that part of Yuulu?i?ath lands or to the whole of Yuulu?i?ath lands.

## Repeal

- 5.10** (a) If all or a portion of a Yuulu?i?ath enactment is repealed, the repeal
- (i) does not revive a Yuulu?i?ath enactment or thing not in effect or not existing immediately before the time when the repeal takes effect,
  - (ii) does not affect the previous operation of the Yuulu?i?ath enactment so repealed or anything done or suffered under it,
  - (iii) does not affect a right or obligation acquired, accrued, accruing or incurred under the Yuulu?i?ath enactment so repealed,
  - (iv) subject to section 5.11, does not affect an offence committed against, or a contravention of, the repealed Yuulu?i?ath enactment, or a penalty, forfeiture or punishment incurred under it, or
  - (v) does not affect an investigation, proceeding or remedy for
    - (A) a right or obligation referred to in paragraph (iii), or
    - (B) a penalty, forfeiture or punishment referred to in paragraph (iv).
- (b) Subject to section 5.11, an investigation, proceeding or remedy described in subsection (a)(v) may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if the Yuulu?i?ath enactment or the part of the Yuulu?i?ath enactment had not been repealed.

## Repeal and replacement

- 5.11** If a Yuulu?i?ath enactment (the “former enactment”) is repealed and another Yuulu?i?ath enactment (the “new enactment”) is substituted for it,
- (a) every person acting under the former enactment must continue to act as if appointed or elected under the new enactment until another person is appointed or elected in their place,
  - (b) every bond and security given by a person appointed under the former enactment remains in force, and all books, papers, forms and things made or used under the former enactment shall continue to be used as before the repeal in so far as they are consistent with the new enactment,
  - (c) every proceeding commenced under the former enactment must be continued under and in conformity with the new enactment in so far as it may be done consistently with the new enactment,
  - (d) the procedure established by the new enactment must be followed as far as it can be adapted
    - (i) in the recovery or enforcement of penalties and forfeitures incurred under the former enactment,
    - (ii) in the enforcement of rights existing or accruing under the former enactment, and
    - (iii) in a proceeding relating to matters that happened before the repeal,
  - (e) except to the extent that the provisions of the new enactment are not in substance the same as those of the former enactment, the new enactment shall not be held to operate as new law, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the former enactment,
  - (f) when a penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment, if imposed or adjusted after the repeal, must be reduced or mitigated accordingly, and
  - (g) all Yuulu?i?ath regulations made under the former enactment remain in force and are deemed to have been made under the new enactment, in so far as they are consistent with the new enactment, until they are repealed or others are made in their place.

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## No implications from repeal or amendment

- 5.12** (a) The repeal of all or part of a Yuulu?il?ath enactment, or the repeal of a Yuulu?il?ath enactment and the substitution for it of another Yuulu?il?ath enactment, must not be construed to be or to involve either
- (i) a declaration that the repealed Yuulu?il?ath enactment was or was considered by the body that enacted it to have been previously in force, or
  - (ii) a declaration about the previous state of the law.
- (b) The amendment of a Yuulu?il?ath enactment must not be construed to be or to involve either
- (i) a declaration that the law under the Yuulu?il?ath enactment prior to the amendment was or was considered by the body that enacted it to have been different from the law under the Yuulu?il?ath enactment as amended, or
  - (ii) a declaration about the previous state of the law.
- (c) An amendment, consolidation, re-enactment or revision of a Yuulu?il?ath enactment must not be construed to be or to involve an adoption of the construction that has by judicial decision or otherwise been placed on the language used in the Yuulu?il?ath enactment or on similar language.

YUULU?IL?ATH GOVERNMENT  
INTERPRETATION ACT YFNS 17/2011  
OFFICIAL CONSOLIDATION – CURRENT TO MAY 10, 2023

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## **PART 6 - GENERAL PROVISIONS**

### **Commencement**

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

YUULU?IL?ATH GOVERNMENT  
INTERPRETATION ACT YFNS 17/2011  
OFFICIAL CONSOLIDATION – CURRENT TO MAY 10, 2023

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## LEGISLATIVE HISTORY

Interpretation Act YFNS 17/2011 enacted April 1, 2011

### Amendments

Section	Amendment	In Force
3.3	YFNS 21/2011, s.6.4(b)	August 30, 2011
3.3	YFNS 26/2012, s.2.1(a)	August 14, 2012
3.3	YFNS 34/2014, s.8.6(b)	February 17, 2014
2.5(a)	YFNS 38/2014, s.2.1(a)	May 5, 2014
2.7(b)	YFNS 38/2014, s.2.1(b)	May 5, 2014
3.3	YFNS 38/2014, s.2.1(c)	May 5, 2014
3.3	YFNS 40/2014, s.2.1	August 27, 2014
3.3	YFNS 44/2015, s.4.6(a)	April 14, 2015
5.1(d)	YFNS 44/2015, s.4.6(b)	April 14, 2015
5.3(d)	YFNS 44/2015, s.4.6(c)	April 14, 2015
3.3	YFNS 57/2017, s.2.3	June 12, 2017
3.3	YFNS 79/2023, s.4.1	January 23, 2023
3.3	YFNS 82/2023, s.8.1	May 10, 2023

### Acts:

YFNS 21/2011	Economic Development Act enacted August 30, 2011
YFNS 26/2012	Interpretation Act Amendment Act enacted August 14, 2012
YFNS 34/2014	Economic Development Act enacted February 17, 2014
YFNS 38/2014	Miscellaneous Amendments Act enacted May 5, 2014
YFNS 40/2014	Enforcement Framework Amendment Act No. 1 enacted August 27, 2014
YFNS 44/2015	Enforcement Framework Amendment Act No. 2 enacted April 14, 2015
YFNS 57/2017	Responsible Access to Information Amendment Act enacted June 12, 2017
YFNS 79/2023	Voting Procedures Amendment Act enacted January 23, 2023
YFNS 82/2023	Committee Structure Amendment Act enacted March 13, 2023

### Regulations: