

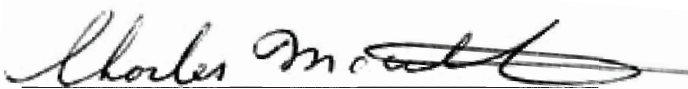
YUULU?IL?ATH GOVERNMENT

COMMITTEE ACT

YFNS 81/2023



This law enacted on March 13, 2023

Signed 
Charles McCarthy, President of the
Yuulu?il?ath Government

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON 14 /MAR/ 2023

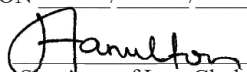

Signature of Law Clerk

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PREAMBLE

Yuulu?il?ath values our heritage, culture and traditional ways, which form the basis of our success and our destiny, while understanding that these practices may change and require contemporary expression. As a self-governing treaty first nation, we adopt the rule of law in our modern governance systems.

Yuulu?il?ath recognizes that from time to time in carrying out its duties, the Legislature will benefit from the assistance of advisory committees with specialized subject matter knowledge and expertise. To this end, the Constitution provides for the establishment of standing committees on finance, treaty implementation, economic development and personnel, and empowers the Legislature to establish other standing and special committees to assist in the discharge of its powers and duties. Yuulu?il?ath wishes to provide for the establishment and continuation of committees of the Legislature and to set out general rules of procedure for such committees.

Yuulu?il?ath adopts this Act based on these values.

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Committee Act, YFNS 81/2023.

Executive oversight

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

Application

1.3 (a) This Act applies to committees of the Legislature.

(b) This Act does not apply to committees of the Executive, but the Executive may, by regulation, provide for the establishment or continuation of committees of the Executive and the rules that apply to those committees.

Definitions

1.4 In this Act,

“chair” means the chairperson of a committee of the Legislature;

“committee of the Legislature” means a standing committee or a special committee;

“committee meeting” means a meeting of a committee of the Legislature;

“committee member” means a person appointed and holding office as a member of a committee of the Legislature in accordance with this Act and any other applicable Yuulu?il?ath enactment;

“committee of the Executive” means a committee established or continued by regulation for the primary purpose of assisting the Executive in the discharge of its powers and duties under sections 2.16 and 2.18-2.21 of the Constitution;

“quorum” means the minimum number of committee members necessary to convene an official meeting of that committee of the Legislature;

“special committee” means a committee established or continued in accordance with this Act for a specific period of time to undertake a specific task for the primary purpose of assisting the Legislature in the discharge of its powers and duties under section 2.3 of the Constitution;

“standing committee” means a committee other than a special committee established or continued in accordance with this Act for the primary purpose of assisting the Legislature in the discharge of its powers and duties under section 2.3 of the Constitution;

“voting committee member” means a committee member who is not a member of the Legislature.

PART 2 - COMMITTEES OF THE LEGISLATURE

Committees of the Legislature

- 2.1 (a) The Legislature may establish, continue or dissolve committees of the Legislature.
- (b) Any resolution of the Legislature establishing or continuing a committee of the Legislature must include terms of reference for that committee that identify that committee's mandate, composition, duties, powers and frequency of meetings.

Special committees

- 2.2 (a) The terms of reference of a special committee must specify, in addition to the matters set out in section 2.1(b), the date on which the special committee will be discharged from its duties.
- (b) Any extension of the mandate of a special committee beyond the date specified in the terms of reference of that committee must be approved by the Legislature.

PART 3 - COMMITTEE RULES

Application

- 3.1** The rules set out in this Part apply to all committees of the Legislature and, for certainty, prevail to the extent of a conflict with a committee of the Legislature's terms of reference.

Role

- 3.2** (a) Each committee of the Legislature may
- (i) make periodic recommendations to the Legislature in relation to the subject on which that committee was created to advise and make recommendations, and
 - (ii) exercise any decision-making powers delegated to the committee of the Legislature by the Legislature.
- (b) The Legislature must take into consideration, but will not be bound by, recommendations made under paragraph (a)(i).

Composition

- 3.3** (a) The composition of each committee of the Legislature must include exactly one member of the Legislature.
- (b) In accordance with section 2.35 of the Constitution, the committee member who is a member of the Legislature is ex officio and may not vote in decisions of that committee.

Appointments

- 3.4** (a) The President may recommend the appointment of a voting committee member to the Legislature.
- (b) For standing committees, the Legislature must appoint voting committee members at the first meeting of the Legislature held after each regular election.
- (c) The Legislature must use best efforts to fill vacancies in the membership of a committee of the Legislature as they arise.

Term

- 3.5** (a) The committee member who is a member of the Legislature holds office as a committee member as long as that committee member holds the relevant portfolio or holds office as a member of the Legislature, as the case may be.

- (b) Subject to subsections (c) and (d),
 - (i) for standing committees, a voting committee member holds office until the first meeting of the Legislature held after the next regular election, and
 - (ii) for special committees, a voting committee member holds office as specified in that committee's terms of reference.
- (c) A voting committee member may, at any time, resign in writing or be removed by the Legislature.
- (d) A voting committee member ceases to hold office as a voting committee member upon being elected or appointed as a member of the Legislature.

Chair

- 3.6**
- (a) The committee member who is a member of the Legislature must act as chair for that committee.
 - (b) The chair may delegate the performance of any of the chair's duties or the exercise of any of the chair's powers to another committee member or a Yuulu?il?ath government employee.
 - (c) Despite the delegation of any duties or powers under subsection (b), the chair remains responsible for ensuring that the chair's duties are performed properly and the chair's powers are exercised appropriately.

Committee meetings

- 3.7**
- (a) The chair or any two committee members may call a committee meeting.
 - (b) Subject to subsection (c), the following information must be delivered in accordance with Yuulu?il?ath law or by email to each committee member at least 48 hours prior to the time fixed for a committee meeting:
 - (i) notice of the time, date and location of the meeting; and
 - (ii) a meeting agenda.
 - (c) A committee member may in any manner waive notice of a meeting, and attendance at a meeting is a waiver of notice of the meeting.
 - (d) Despite subsection (c), a committee member who attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called does not waive notice of that meeting.

- (e) If the chair or a delegate of the chair is not present at a committee meeting, the committee members present may choose one of the committee members present to act as chair of the meeting.
- (f) A committee member may attend and participate in a committee meeting by telephone, videoconference or any other manner that permits all persons participating in the meeting to communicate adequately with each other.

Quorum

- 3.8** (a) A committee meeting requires a quorum of
- (i) two voting committee members, or
 - (ii) 50% of voting committee members,
- whichever is greater.
- (b) For certainty, subject to subsection (a), a vacancy in the membership of a committee of the Legislature does not invalidate committee meetings or impair the right of the committee members to act.

Voting

- 3.9** (a) A committee of the Legislature must attempt to reach decisions by consensus, but if consensus is not possible, questions arising at a committee meeting must be determined by a majority of votes of the voting committee members present.
- (b) For certainty, each committee member has the right to
- (i) attend committee meetings,
 - (ii) make motions, and
 - (iii) speak in debate of motions,
- but only voting committee members have the right to vote on motions.
- (c) An act or thing done by a majority of the voting committee members present at a meeting, if the members present constitute a quorum, is deemed to have been done by that committee of the Legislature.

Committee meeting record

- 3.10** (a) The chair must ensure that a record of each committee meeting is prepared and given in a timely fashion to each committee member and to the law clerk.

- (b) A meeting record for each committee of the Legislature must be maintained by the law clerk and made available to any member of the Legislature upon request.

Committee guests

- 3.11** (a) The chair may invite any member of the Legislature or, in consultation with the director of operations, such Yuulu?il?ath public employees or consultants of the Yuulu?il?ath First Nation as the chair considers desirable to provide information to the committee of the Legislature or attend committee meetings.
- (b) Despite subsection (a), the President may attend any committee meeting.

Reporting

- 3.12** (a) If requested by the Legislature, a committee of the Legislature must provide an oral or written report to the Legislature.
- (b) If requested by the Executive, a committee of the Legislature must provide an oral or written report to the Executive.

Review of terms of reference

- 3.13** Each committee of the Legislature must review its terms of reference periodically and may make recommendations for changes to the Legislature.

PART 4 - GENERAL PROVISIONS

Regulations

- 4.1** The Executive may make regulations that it considers necessary or advisable for the purposes of this Act.

Commencement

- 4.2** (a) Subject to subsection (b), this Act comes into force on May 10, 2023.
- (b) Sections 1.3(b) and 2.1 come into force on the date this Act is enacted.