



WE WAI KAI NATION REFERENDUM LAW

Final Draft for Ratification on December 6, 2010

Passed at a duly convened Chief and Council Meeting November 15th, 2010.

PART I – Definitions and Interpretation

1. Interpretation

1.1 In this Law,

“Band” has the same meaning as in the *Indian Act* and includes We Wai Kai Nation.

“Chief Administrative Officer” means the person appointed by Resolution to hold the principal non-political management position for We Wai Kai;

“Citizen” means a person registered on the We Wai Kai Citizenship Roll;

“Citizenship” means the group of persons who constitute the Citizens of We Wai Kai;

“Citizenship Roll” means the names on the Band List for We Wai Kai maintained by We Wai Kai Nation;

“Council” means the lawfully elected governing body of We Wai Kai Nation;

“Council of Elders” means the body lawfully elected under the Election Code that has responsibility to hear matters and make decisions under this Law;

“Council of Elders Member” means the person lawfully elected to sit on the Council of Elders;

“Deputy Referendum Officer” means the person appointed under section 3.2 of this Law to assist the Referendum Officer;

“Election Code” means the We Wai Kai Election Code;

“Elector” means a person who, as of the date of the Referendum is eligible to vote in Elections or by-elections under the provisions of the Election Code;

“Electors’ List” means an alphabetical list of eligible Electors indicating the name, business address and business telephone number of the Referendum Officer;

“Majority” means fifty per cent plus one (50%+1);

“Ordinary Residence” means the place where, in the settled routine of a person’s life, that person regularly, normally or customarily lives;

“Petition” means a formal, signed, written request;

“Polling Site” means the building in which the polling station is located;

“Referendum” means a Referendum held in accordance with this Law;

“Referendum Officer” means the person appointed under this Law to conduct Referendums;

“Resolution” means a formal motion moved by a member of Council, seconded by another member of Council and passed by Council;

“Special Membership Meeting” means a meeting held as required for Citizens to consider a specific issue or issues or We Wai Kai Laws;

“We Wai Kai” means the We Wai Kai Nation;

“We Wai Kai Nation” means the body of people who comprise the entity also known as the Cape Mudge Indian Band of Indians under the *Indian Act* and for whose use and benefit in common We Wai Kai Lands have been set apart by Her Majesty the Queen;

“We Wai Kai Lands” means;

(a) the following We Wai Kai Indian Reserves:

- (i) Village Bay Indian Reserve # 7
- (ii) Open Bay Indian Reserve # 8
- (iii) Drew Harbour Indian Reserve # 9
- (iv) Cape Mudge Indian Reserve # 10
- (v) Quinsam Indian Reserve # 12

(b) lands set apart by Canada in the future as lands reserved for the use and benefit of We Wai Kai, within the meaning of subsection 91(24) of the *Constitution Act, 1867* and section 2(1) of the *Indian Act*;

- 1.2 Where the time limited for the doing of an act expires or falls on a Saturday or Sunday or a federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday.
- 1.3 Where the time limited for the doing of an act in the We Wai Kai administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open.
- 1.4 Where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded.
- 1.5 A document shall be considered duly distributed or provided to an Elector if it was mailed or delivered to the Elector’s contact address.
- 1.6 Wherever the singular, or masculine or the term “person” is used in this Land Code, it shall be deemed to include the plural, feminine, body corporate, We Wai Kai or other entity where the context so requires.

PART II – REFERENDUM PROCEDURES

2.0 Holding a Referendum

- 2.1 Council shall, by Resolution at least ninety (90) days prior to the date on which the Referendum is to be held:
 - a) set a date for the Referendum;
 - b) determine the question or questions to be asked in the Referendum; and
 - c) appoint a Referendum Officer to conduct the Referendum.

2.2 Unless otherwise required by a We Wai Kai Law or Code, a question put to Referendum shall be approved, if a Majority of the Electors who cast valid ballots vote “YES” to the question asked.

2.3 In order to be entitled to vote in a Referendum, a person must be an Elector.

3.0 Referendum Officer and Deputy Referendum Officers

- 3.1 If a Referendum Officer has not been appointed within the time set out in section 2.1, the Referendum Officer shall be appointed by the Chief Administrative Officer as soon as possible.3.2 A Deputy Referendum Officer or Officers shall be appointed by the Referendum Officer within fourteen (14) days of the appointment of the Referendum Officer and shall work under the direction of the Referendum Officer.
- 3.3 The Deputy Referendum Officers shall have such powers as described in this Part and those powers of the Referendum Officer as are delegated to them by the Referendum Officer.

- 3.4 The Deputy Referendum Officer shall not be a member of Council.
- 3.5 The Referendum Officer shall not be a Citizen or salaried officer or employee of We Wai Kai or holder of other contracts of services for We Wai Kai.
- 3.6 Every Referendum Officer and Deputy Referendum Officer shall swear an oath of office before a justice of the peace, notary public or duly appointed commissioner for swearing oaths and shall file with the Chief Administrative Officer the sworn oath of office before assuming their office.
- 3.7 The Referendum Officer may make such order and issue such instructions consistent with the provisions of this Law, as he or she may from time to time deem necessary for the effective administration of the Referendum.
- 4.0 Contact Addresses
- 4.1 The Chief Administrative Officer shall, within seven (7) days of the Referendum Officer assuming office, provide the Referendum Officer with the names and contact addresses of Citizens who will have attained the age of eighteen (18) as of the date of the Referendum.
- 4.2 The contact address shall take the form of a mailing address.
- 4.3 The contact address shall be used only for the purposes of providing notices, mail-in ballots or other documents to Electors who are entitled to receive them under this Law. Except for these purposes, the contact address shall not be disclosed by the Referendum Officer without the consent of the Elector.
- 4.4 Electors shall be responsible for providing the Chief Administrative Officer or the Referendum Officer with current contact addresses.
- 5.0 Electors' List
- 5.1 The Referendum Officer shall prepare an Electors' List within thirty (30) days of assuming office. The Electors' List shall be the official record of Electors for the Referendum.
- 5.2 The Referendum Officer shall post the Electors' List in a public area of the We Wai Kai administration building and in other conspicuous place or places on We Wai Kai Lands, as may be determined by the Referendum Officer, no later than sixty (60) days prior to the date on which the Referendum is to be held.
- 5.3 A person whose name does not appear or does not correctly appear on the Electors' List and who believes they are eligible to be an Elector, or an Elector acting on their behalf, may, no later than ten (10) days prior to the date on which the Referendum is to be held, apply in writing to the Referendum Officer to have his or her name added to the Electors' List.
- 5.4 The application under section 5.3 shall set out the reasons why the person's name should be added to the Electors' List, together with any documents supporting the application.
- 5.5 An Elector may apply in writing to the Referendum Officer to have another person's name removed from the Electors' List because that person does not qualify as an Elector.
- 5.6 The application by an Elector under section 5.5 shall set out the reasons why a person's name should be removed from the Electors' List together with any documents supporting the application and must be received by the Referendum Officer no later than thirty (30) days prior to the date on which the Referendum is to be held.
- 5.7 Where the Referendum Officer believes or has information that a person whose name is on the Electors' List is not an Elector, or where an Elector applies in writing to the Referendum Officer under section 5.5 to have another person's name removed from the Electors' List, the Referendum Officer shall give written notice to the person whose eligibility is challenged at least twenty (20) days prior to the date on which the Referendum is to be held.
- 5.8 The notice given under section 5.7, shall include the reasons for seeking removal of a name from the Electors List and any supporting documents, and shall provide notice that a written reply may be sent to the Referendum Officer which must be received no later than ten (10) days prior to the date on which the Referendum is to be held.
- 5.9 After consideration of all information and representations relating to amendments to the Electors'

List, the Referendum Officer shall add or delete names to the Electors' List, based on whether persons qualify as Electors.

5.10 The Referendum Officer shall give a person whose name has been added to or deleted from the Electors' List written notice of the decision and shall post the decision in a public area of the We Wai Kai administration building and in other conspicuous place or places on We Wai Kai Lands as may be determined by the Referendum Officer at least five (5) days prior to the date on which the Referendum is to be held.

5.11 The decision of the Referendum Officer under section 5.9 is final and not subject to appeal.

5.12 The Referendum Officer shall, at least five (5) days prior to the date on which the Referendum is to be held, post a final Electors' List in a public area of the We Wai Kai administration building and in other conspicuous place or places on We Wai Kai Lands as may be determined by the Referendum Officer.

5.13 Any person whose name does not appear on the final Electors' List shall not be entitled to vote in the Referendum.

6.0 Preparation of Ballots

6.1 The Referendum Officer shall prepare ballots setting out the question to be asked in the Referendum.

6.2 The ballots shall indicate that the Elector is to signify his or her choice with an "X" or other mark under the word "YES" or "NO" in the appropriate space opposite each question stated on the ballot.

7.0 Entitlement to Vote by Mail-in Ballot

7.1 At least sixty (60) days prior to the date on which the Referendum is to be held, the Referendum Officer shall publish a notice in the We Wai Kai newsletter sent to Electors or shall forward to Electors at their contact address a notice setting out the conditions for voting by mail-in ballot.

7.2 The notice shall include:

- a) the question to be asked in the Referendum;
- b) the place where documents related to the Referendum that are available to Citizens can be viewed, copied or obtained;
- c) notification that a copy of this Law can be obtained at the We Wai Kai administration building;
- d) the places where copies of the Electors' List will be posted in a public area of the We Wai Kai administration building;
- e) a statement that Electors whose Ordinary Residence is on We Wai Kai Lands who are unable to vote in person on the date of the Referendum may at least fifteen (15) days prior to the date on which the Referendum is to be held, apply to the Referendum Officer to vote by mail-in ballot;
- f) a statement that Electors whose Ordinary Residence is not on We Wai Kai Lands are entitled to vote by mail-in ballot and that a mail-in ballot will be sent to them unless they advise the Referendum Officer in writing that they do not want to receive a mail-in ballot at least forty (40) days prior to the date on which the Referendum is to be held;
- g) the business address, telephone and facsimile number of the Referendum Officer; and
- h) the date of the notice.

7.3 The Referendum Officer shall, at least thirty-five (35) days prior the date on which the Referendum is to be held, mail to every Elector whose Ordinary Residence is not on We Wai Kai **Lands a mail-**

in ballot a package consisting of:

- a) a ballot initialed on the back by the Referendum Officer;
- b) an inner postage-paid return envelope, pre-addressed to the Referendum Officer;
- c) a second inner envelope marked “ballot” for insertion of the completed ballot;
- d) an Elector declaration form which shall set out:
 - i) the name of the Elector;
 - ii) the Citizenship number of the Elector; and
 - iii) the name, address and telephone number of the witness to the signature of the Elector.
- e) a letter of instruction regarding voting by mail-in ballot;
- f) a notice of polls with the information required under section 8.2; and
- g) a statement advising the Elector that they may vote in person at any polling station on the day of the Referendum if they return their mail-in ballot to the Referendum Officer at the polling station or swear a written declaration before the Referendum Officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot.

7.4 Any Elector whose Ordinary Residence is on We Wai Kai Lands and who is unable to vote in person on the date of the Referendum is to be held may, at least fifteen (15) days prior to the date on which the Referendum is to be held, apply to the Referendum Officer to vote by mail-in-ballot.

7.5 Any Elector whose Ordinary Residence is not on We Wai Kai Lands and who has not been sent a mail-in ballot package in accordance with section 7.3 may, at least fifteen (15) days prior to the date on which the Referendum is to be held, apply to the Referendum Officer to vote by mail-in ballot.

7.6 An Elector requesting a mail-in ballot package shall provide the Referendum Officer with a current mailing address.

7.7 Upon receipt of an application to vote by mail-in ballot under subsections 7.4 and 7.5, the Referendum Officer shall mail or deliver a mail-in ballot package described in section 7.3 to the Elector whose name appears on the application.

8.0 Notice of Polls

8.1 The Referendum Officer shall, at least thirty (30) days prior to the date on which the Referendum is to be held, post a notice of polls in a public area of the We Wai Kai administration building and in other conspicuous place or places on We Wai Kai Lands, as may be determined by the Referendum Officer.

8.2 The notice of polls shall include:

- a) the date of the Referendum;
- b) the time the polling stations will be open and closed;
- c) the location of the polling stations;
- d) the question or questions to be asked in the Referendum;
- e) the place where documents related to the Referendum that are available to Citizens can be viewed or copied; and
- f) a statement that the Electors’ List is posted in a public area of the We Wai Kai administration building.

9.0 Voting by Mail-in Ballot

9.1 An Elector shall vote by mail-in ballot by:

- a) clearly marking the ballot with an (X) or other mark that clearly indicates the Elector's choice under the word "YES" or "NO" in the appropriate space opposite each question stated on the ballot;
- b) folding the ballot in a manner so as to conceal the mark or marks on the face of the paper but exposing the Referendum Officer's initials on the back;
- c) placing the ballot in the inner envelope marked "ballot" and sealing the envelope;
- d) completing and signing the Elector declaration form in the presence of a witness who is at least eighteen (18) years of age;
- e) placing the inner envelope marked "ballot" and the completed, signed and witnessed Elector declaration form in the postage-paid, return envelope, pre-addressed to the Referendum Officer; and
- f) delivering to, or otherwise ensuring receipt of the envelope by the Referendum Officer before the time at which the polls close on the day of the Referendum.

9.2 Mail-in ballots that are not received by the Referendum Officer before the time at which the polls close on the day of the Referendum shall not be counted.

9.3 An Elector to whom a mail-in ballot was mailed or delivered may vote in person at a polling station if:

- a) the Elector returns the mail-in ballot to the Referendum Officer or Deputy Referendum Officer; or
- b) where the Elector has lost the mail-in ballot, the Elector provides the Referendum Officer or Deputy Referendum Officer with a written affirmation of loss signed by the Elector in the presence of either the Referendum Officer, Deputy Referendum Officer, justice of the peace, notary public or commissioner for taking oaths.

10.0 Voting at a Polling Station

10.1 The polling station shall be open from eight o'clock (8:00) in the morning until eight o'clock (8:00) in the evening on the day on which the Referendum is to be held.

10.2 The Referendum Officer shall, before the polling station is open, supply the polling station with:

- a) ballot boxes;
- b) a sufficient number of ballots;
- c) the final Electors' List;
- d) the necessary materials for marking ballots; and
- e) a ballot tally sheet to identify the number of confirmed votes and the number of rejected ballots.

10.3 The Referendum Officer shall provide a voting compartment inside the polling station where the Electors can mark their ballots free from observation and the Referendum Officer may appoint security to maintain order at the Polling Site.

10.4 The Referendum Officer or Deputy Referendum Officer shall, immediately before the commencement of the poll:

- a) open the ballot box and, in the presence of any appointed security and other Deputy Referendum Officers, confirm that it is empty and complete a written statement to that

effect;

- b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
- c) place the ballot box in public view for the reception of the ballots.

- 10.5 Each person presenting themselves at a polling station for the purpose of voting shall present to the Referendum Officer or Deputy Referendum Officer identification issued by the federal or a provincial government or by We Wai Kai.
- 10.6 Where a person does not have identification they shall be deemed to be properly identified if they are known to the Referendum Officer or Deputy Referendum Officer.
- 10.7 Where a person is properly identified as an Elector, he or she shall sign the sign-in sheet presented by the Referendum Officer or Deputy Referendum Officer and list their Citizenship number on the sign-in sheet.
- 10.8 Upon signing the sign-in sheet, the Elector shall receive a ballot initialed by the Referendum Officer or Deputy Referendum Officer.
- 10.9 The Referendum Officer or Deputy Referendum Officer shall place in the proper column of the Electors' List, a mark opposite the name of every Elector receiving a ballot.
- 10.10 The Referendum Officer or Deputy Referendum Officer shall, when requested to do so, explain the method of voting to the Elector.
- 10.11 Voting at all Referendums shall be by secret ballot.
- 10.12 No Elector may vote by proxy or authorize another person to vote on his or her behalf.
- 10.13 Notwithstanding section 10.12 and section 10.16 any Elector who requires assistance may request that the Referendum Officer or a Deputy Referendum Officer vote on their behalf in their presence in favour of, or against the question, as the Elector directs.
- 10.14 In the event that an Elector votes in the manner described in section 10.13, the Referendum Officer or Deputy Referendum Officer shall note on the Electors' List in the column for remarks opposite the name of such Elector, the fact that the ballot was marked by him or her in the presence of the Elector and the reasons therefore.
- 10.15 Except for voting in the manner provided in section 10.13, the Referendum Officer or Deputy Referendum Officer shall ensure the Elector's privacy while in the voting compartment.
- 10.16 Upon receiving the ballot, each Elector shall:
 - a) immediately proceed to the voting compartment and clearly mark the ballot with an (X) or other mark that clearly indicates the Elector's choice under the word "YES" or "NO" in the appropriate space opposite each question stated on the ballot;
 - b) fold the ballot, so as to conceal their choice in such a manner that only exposes the initials of the Referendum Officer or Deputy Referendum Officer; and
 - c) without unfolding the ballot, have the Referendum Officer or Deputy Referendum Officer verifies his or her initials and at once deposits the ballot into the ballot box in the presence of the Deputy Referendum Officer in the polling station.
- 10.17 An Elector who inadvertently spoils his or her ballot may return it to the Referendum Officer or Deputy Referendum Officer in order to obtain another ballot, and the Referendum Officer or Deputy Referendum Officer shall write the word "cancelled" upon the spoiled ballot, deposit it in an envelope for cancelled and declined ballots and provide the Elector with a new ballot initialed by the Referendum Officer or Deputy Referendum Officer.
- 10.18 An Elector who has received a ballot and subsequently decides not to vote, must return the ballot to the Referendum Officer or Deputy Referendum Officer, who shall mark the word "declined" on

the face of the ballot and deposit it in an envelope for cancelled and declined ballots.

- 10.19 An Elector forfeits his or her right to vote at the Referendum after being provided a ballot by the Referendum Officer or Deputy Referendum Officer if that person leaves the polling station without delivering the ballot to the Referendum Officer or the Deputy Referendum Officer.
- 10.20 Any Elector who is inside the polling station at the time fixed for closing the poll shall be entitled to vote.
- 10.21 Save and except for the Referendum Officer, Deputy Referendum Officer or appointed security, no one other than the Electors who are in the process of voting, or in the case of an elderly or physically incapacitated person, an attendant, is permitted to be inside the polling station.
- 10.22 No person shall, on the day the Referendum is held, on the premises of the polling site:
- a) distribute any printed materials except such materials as may be distributed by the Referendum Officer or Deputy Referendum Officer for the purposes of conducting the Referendum;
 - b) attempt to interfere with or influence any Elector in marking his or her ballot; or
 - c) attempt to obtain information as to how an Elector is about to vote or has voted.
- 10.23 The Referendum Officer may request appointed security to remove any person from the Polling Site who is in violation of section 10.22.

11.0 Procedures after the Close of the Polls

- 11.1 Immediately after the close of the polls, the Referendum Officer shall, in the presence of the Deputy Referendum Officer and any Electors who choose to be present, open each envelope containing a mail-in ballot that was received before the close of the polls and without unfolding the ballot:
- a) set aside the ballot if:
 - i) it was not accompanied by an Elector declaration form or the Elector declaration form is not signed or witnessed,
 - ii) the name of the person set out in the Elector declaration form is not on the Electors' List,
 - iii) the Electors' List shows that the Elector has already voted; and
 - b) deposit all remaining ballots in the ballot box and place a mark on the final Electors' List.
- 11.2 Immediately after all valid mail-in ballots have been deposited in the ballot box, the Referendum Officer shall examine the ballots and reject all ballots that:
- a) have not been initialed by the Referendum Officer or Deputy Referendum Officer;
 - b) are marked in such a way that the Elector can be identified; or
 - c) are marked in such a way that the Elector's choice cannot clearly or unambiguously be determined; or
 - d) have not been marked by the Elector.
- 11.3 Any rejected ballot shall not be counted as a vote cast.
- 11.4 The Referendum Officer shall report in writing the reasons for rejection of each ballot and attach that report to the rejected ballot.
- 11.5 The rejected ballot and the written report shall be held by the Referendum Officer until the expiration of any appeal period provided for in this Land Code.

11.6 The Referendum Officer shall:

- a) count the votes given in favour of or against the question or questions submitted in the Referendum; and
- b) prepare and sign a statement in writing of the number of votes so given and of the number of ballots rejected.

11.7 Immediately after the completion of the counting of the votes, the Referendum Officer shall:

- a) publicly declare the results of the Referendum;
- b) prepare a statement in duplicate signed by him or her indicating:
 - i) the number of Electors, who voted,
 - ii) the number of votes cast in favour of and against the question or questions submitted in the Referendum,
 - iii) the number of rejected ballots, and
- c) deliver a copy of the statement to Council.

11.8 The Referendum Officer shall:

- a) within three (3) days of the date on which the Referendum is held post in a public area of the We Wai Kai administration building and in other conspicuous place or places on We Wai Kai Lands, as may be determined by the Referendum Officer, a written statement signed by the Referendum Officer, showing the number of votes cast in favour of and against the question or questions submitted in the Referendum and the number of rejected ballots; and
- b) publish a written statement, showing the number of votes cast in favour of and against the question or questions submitted in the Referendum and the number of rejected ballots, in the We Wai Kai newsletter distributed to Electors or in a separate written notice distributed to Electors.

12.0 Disposal of Ballots

12.1 The Referendum Officer shall deposit the ballots used in the voting and the cancelled and declined ballots in a sealed envelope and retain it for one hundred and twenty (120) days after the date on which the Referendum is held or until a decision on an appeal is rendered, whichever date is later, after which time the Referendum Officer may, unless directed otherwise by the Council, destroy them in the presence of two witnesses.

PART 111 – APPEALS

13.0 Procedure on Appeals

13.1 Any Elector may file an appeal in writing to the Chief Administrative Officer requesting that the Referendum be declared invalid on one or more of the following grounds:

- a) there was a violation of any provision of this Law in the conduct of the Referendum that might have affected the result of the Referendum; or
- a) there was a corrupt or fraudulent practice in connection with the Referendum.

13.2 Every notice of appeal shall be filed with the Chief Administrative Officer within thirty (30) days from the date upon which the Referendum was held together with a non-refundable filing fee of seventy-five dollars (\$75).

13.3 Every appeal shall also set out in an affidavit sworn before a notary public or a duly appointed Commissioner for taking oaths the facts substantiating the grounds for declaring the Referendum invalid and shall be accompanied by any documents relied on to support the appeal.

13.4 The Elector appealing the result of the Referendum shall deposit with the Chief Administrative

Officer, together with the appeal, security for costs in the amount of five hundred dollars (\$500).

- 13.5 Upon receipt of the Referendum appeal, supporting documents and security for costs, the Chief Administrative Officer shall forward the appeal and supporting documents to Council.
- 13.6 Council shall have seven (7) days from the receipt of the material described in section 13.5 to file with the Chief Administrative Officer a written reply to the appeal.
- 13.7 Upon expiration of the time to file a reply, the Chief Administrative Officer shall forward the appeal, supporting documents and any reply to the Council of Elders to hear and determine the appeal.
- 13.8 The Council of Elders may, at their discretion, give directions for:
 - a) fixing the date, time and place for the hearing of the appeal;
 - b) designating the method of taking evidence, either by sworn declaration or written testimony or both;
 - c) designating what persons are to be notified and how they are to be served; and
 - d) dealing with any matter or other thing not otherwise provided for in this section.
- 13.9 No witness shall be required to divulge how he or she voted in the Referendum.
- 13.10 The Council of Elders shall provide a written decision together with reasons, confirming or invalidating the Referendum results.
- 13.11 The result in the Referendum shall not be declared invalid by reason only of any irregularity or non-compliance with the Referendum procedures, or any mistake in the use of forms, if it appears to the Council of Elders that the Referendum was conducted in good faith unless the non-compliance, irregularity or mistake materially affected the result of the Referendum.
- 13.12 The Council of Elders may in their discretion order by whom, to whom and in what manner costs of the appeal shall be paid. The Council of Elders shall make disposition of the security for costs furnished under this section, in accordance with their order.
- 13.13 The Council of Elders shall give the person appealing the Referendum and Council written notice of the decision and shall post the decision in a public area of the We Wai Kai administration building and other conspicuous place or places on We Wai Kai Lands, as may be determined by the Council of Elders.
- 13.14 The determination of the Council of Elders is final and not subject to appeal.

PART IV - PENALTIES

14.0 Penalty

- 14.1 In addition to any other penalty or liability, any person who violates any provision of this Part is guilty of an offence and liable upon summary conviction to a fine not exceeding ten thousand dollars (\$10,000).

PART V

15.0 Procedure for Initiating Amendments

- 15.1 The process for development and passage of amendments to this Law shall be initiated by Resolution of Council.

16.0 First Reading: Council Review

- 16.1 Upon completion of the proposed draft amendments, Council shall table the draft amendments to this Law at a regular meeting of Council.
- 16.2 After considering the proposed draft amendments at the Council meeting, Council shall, by Resolution:
- a) accept the draft amendments in principle;
 - b) reject the draft amendments; or
 - c) request further work on the draft amendments and decide to re-table the draft amendments at a future Council meeting.

17.0 Second Reading: Special Membership Meeting

- 17.1 Where Council has accepted the draft amendments in principle, it shall schedule a Special Membership Meeting for the purpose of considering the draft amendments, and shall provide notice to the Citizenship at least twenty (20) days before the date of the meeting.
- 17.7 Notice of the Council meeting where the Second Reading draft of the proposed amendments will be considered shall be posted at least ten (10) days before the meeting in a public area of the We Wai Kai administration building and shall include:
- a) a summary of the Second Reading draft of the proposed amendments;
 - b) notification that a full copy of the Second Reading draft of the proposed amendments can be obtained by Citizens at the We Wai Kai administration building;
 - c) a statement that the Second Reading draft of the proposed amendments will be considered at the Council meeting; and
 - d) the date, time and place of the Council meeting.
- 17.8 At the Council meeting, Council shall consider the Second Reading draft of the proposed amendments and shall, by Resolution, do one of the following:
- a) make any changes it deems advisable in the community interest and refer the draft amendments to a Special Membership Meeting for enactment; or
 - b) decide to hold another Special Membership Meeting for further comment on the Second Reading draft of the proposed amendments.

17.9 Council shall post notice in a public place of the We Wai Kai administration building setting out the decision reached by Council concerning the Second Reading draft of the proposed amendments.

17.10 Where Council decides to hold another Special Membership Meeting under section 17.8 (b) the procedures for such meetings under sections 17.1 to 17.7 shall be followed.

17.11 Final draft amendments shall be prepared for consideration for enactment by Electors after completion of procedures required under section 17.8.

18.0 Third Reading: Enactment of the Amendment

- 18.1 Upon completion of the final draft amendments, Council shall schedule a Special Membership Meeting to consider the final draft amendments.
- 18.2 Notice of the Special Membership Meeting where the final draft amendments will be considered for enactment shall be given to the Citizenship at least twenty (20) days before the meeting and shall include:
- a) a summary of the final draft amendments;

- b) notification that a full copy of the final draft amendments can be obtained by Citizens at the We Wai Kai administration building;
- c) a statement that there will be a vote by secret ballot of the Electors present at the Special Membership Meeting to make a decision on whether or not to enact the final draft amendments and that at least thirty (30) Electors who are not members of Council must be present at the time of the vote on whether or not to enact the final draft amendments; and
- d) the date, time and place of the Special Membership Meeting specifying the time period during which voting will take place.

18.3 Notice of the Special Membership Meeting shall be provided to the Citizenship by:

- a) publication of a notice in the We Wai Kai newsletter distributed or delivered to Electors at the last address filed with, or known to Chief Administrative Officer or, by separate written notice distributed to Electors at the last address filed with, or known to the Chief Administrative Officer; and
- b) posting of the notice in a public area of the We Wai Kai administration building.

18.4 If at least thirty (30) Electors who are not members of Council attend the Special Membership Meeting, the meeting shall proceed to consider enactment of the final draft amendments.

18.5 At the Special Membership Meeting, copies of the final draft amendments shall be made available to Citizens in attendance.

18.6 At the Special Membership Meeting, the purpose and provisions of the final draft amendments shall be explained to the Citizens present at the meeting, and Citizens shall be entitled to ask questions and provide comments.

18.7 Upon completion of discussion on the final draft amendments, the Electors, including members of Council present at the Special Membership Meeting, shall vote by secret ballot on the final draft amendments.

18.8 The amendments shall be deemed enacted if a Majority of Electors voting at the Special Membership Meeting vote in favour of enacting the amendments.

18.9 The decision at the Special Membership Meeting shall be recorded in the minutes.

18.10 If there are less than thirty (30) Electors present who are not members of Council, a new date shall be set by Council for a further Special Membership Meeting to consider enactment the final draft amendments.

18.11 Notice shall be given of the meeting referred to in section 18.10 and the procedures in sections 18.2 to 18.9 shall apply to the new Special Membership Meeting where the final draft amendments are considered for enactment.

18.12 If less than thirty (30) Electors who are not members of Council attend a second Special Membership Meeting called to consider enactment of the final draft amendments, the final draft amendments shall be deemed rejected.

18.13 Where a final draft law has been rejected no further action shall be taken on the law or development of another draft law dealing with the same subject matter for at least one hundred and twenty (120) days after the date of the rejection of the final draft law.

19.0 Procedures upon Approval of Amendments

19.1 An amendment to this Law enacted by vote of Electors at a Special Membership Meeting shall be signed by all members of Council.

19.2 An amendment to this Law comes into effect on the date of the Special Membership Meeting approving the amendment.

19.3 Notice of the amendment of this Law shall be posted in a public area of the We Wai Kai

administration building within seven (7) days of its enactment.

19.4 The amended Law shall be deposited in the register of We Wai Kai Laws.

19.5 The failure of a Council member to sign a validly enacted amendment to this Law does not invalidate the amendment.

PART VI - COMING INTO FORCE

20.0 Coming into Force

20.1 This Law comes into force on the 6th day of December 2010.

20.2 All actions taken in accordance with provisions of this Law, from September 29, 2010 when the draft of this Law received First Reading approval by Council until the coming into force of this Law, are declared to be as valid as they would have been had this Law been in force when those actions were taken.