



Manto Sipi Cree Nation

God's River, Manitoba • R0B 0N0 • Canada

Bus. Phone: (204) 366-2011

Fax: (204) 366-2282

BY-LAW NO. 3

MANTO SIPI CREE NATION LAW

A By-Law prohibiting Illegal Drug

- WHEREAS:** the people of Manto Sipi Cree Nation have inherent rights, customs and traditions, including Aboriginal and Treaty rights, and the right to self-government;
- WHEREAS:** the people of Manto Sipi Cree Nation are concerned about the high rate of violence and vandalism stemming from the use and sale of illegal drugs and intoxicants and is a major cause of social concerns and problems in the Manto Sipi Cree Nation;
- WHEREAS:** the people of Manto Sipi Cree Nation considers it necessary to undertake measures for the protection and safety of the residents of Manto Sipi Cree Nation by promoting healthy community, lifestyles and family;
- WHEREAS:** Manto Sipi Cree Nation is authorized to make By-Laws under subsection 81(1) paragraphs (c), (d), (q) and (r) and subsection 85.1(1) (a) (b) and (c) of the *Indian Act*;
- WHEREAS:** the Chief and Council of Manto Sipi Cree Nation wishes to impose a By-Law prohibiting against the use, sale and possession of illegal drugs and intoxicants on Manto Sipi Cree Nation and that the approval by a majority of the people and implementation of such a By-Law is necessary to provide for and to protect the welfare and well-being of all members of Manto Sipi Cree Nation;
- WHEREAS:** a majority of the electors of Manto Sipi Cree Nation in attendance at a duly convened band meeting held on August 19, 2014 called by the Chief and Council for the purpose of considering the contents of this By-Law assented to this By-Law.
- NOW THEREFORE,** pursuant to the By-Law making powers of the Chief and Council under 81(1) paragraphs (c), (d), (q) and (r) and subsection 85.1(1) (a) (b) and (c) of the *Indian Act* the following is hereby assented and enacted.

1.00 TITLE

1.01 This by-law may be cited as the “*Manto Sipi Cree Nation Illegal Drug By-Law*”.

2.00 INTERPRETATION

2.01 In this By-Law

- (a) “Bootlegging” means the illegal sale and provision of any intoxicants, illegal drugs, non-prescription drugs and chemical inhalants to any person on the Manto Sipi Cree Nation;
- (b) “Council” means the Chief and Council of Manto Sipi Cree Nation;
- (c) “Illegal Drugs” means those drugs and substances prohibited and controlled under the Controlled Drugs and Substances Act, S.C. 1996, C. 19 including the use of non-prescription drugs and other intoxicants as prescribed in this By-Law;
- (d) “Intoxicated” means a person who is under the influence of intoxicants, illegal drugs and chemical inhalants as defined in this By-Law
- (e) “Intoxicants” means alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating including any chemical inhalants;
- (f) “Manto Sipi Cree Nation” means the Manto Sipi Cree Nation Band as defined in the Indian Act;
- (g) “Manto Sipi Elder’s Judiciary Board” means a board established by the Manto Sipi Cree Band to ensure fairness in the application of this By-Law and to hear pleas and appeals.
- (h) “Lands” means all of those lands defined as “Reserve” within the meaning of the Indian Act, R.S.C. 1985, c-1-5 and set apart for the use and benefit of the Manto Sipi Cree Nation Band;
- (i) “Vandalism” means the attempt to damage property belonging to any resident or entity on the Manto Sipi Cree Nation Reserve;
- (j) “Violence” means the attempt to cause harm and bring endangerment to the life of any resident of the Manto Sipi Cree Nation Reserve.

3.00 PROHIBITIONS

3.01 No person shall be intoxicated on the Lands;

3.02 No person shall be in possession of, sell, barter, supply or manufacture illegal drugs on the Lands;

3.03 No person shall be in possession of, sell, barter, supply or manufacture intoxicants on the Lands;

3.04 No person shall cause any harm to or endanger the life of any citizen of Manto Sipi Cree Nation;

3.05 No person shall cause damage or cause vandalism to any property on Manto Sipi Cree Nation.

4.00 EXCEPTIONS

- 4.01 No person contravenes this By-Law where Illegal Drugs are possessed, used, or intended to be used solely for medical purposes upon prescription by a medical doctor in accordance with the *Controlled Drugs and Substances Act*. S.C. 1996, C. 19 and the *Marijuana Medical Access Regulations*, S.O.R. 2001/227.

5.00 ENFORCEMENT

- 5.01 Every person who fails or refuses to comply with a provision of this By-Law commits an offence.
- 5.02 The Chief and Council of Manto Sipi Cree Nation will exercise their authority to give permission and to authorize any Special Constable who has been appointed as a peace officer under Part 8 of *The Police Services Act*, S.M. 2009, c. 32, along with the assistance of the local RCMP Constables, the right to search any home or person(s) suspected or reported of providing, supplying or selling illegal drugs or intoxicants on the Lands and to lay appropriate charges. Once a home or person(s) have been identified in dealing in any of the above, random checks will be done of the premises occupied by the individual(s) without notification to the homeowners.

6.00 PENALTY

- 6.01 Every person who commits an offence under this By-Law is liable on summary conviction:
- (a) For a 1st offence: a fine of not more than \$1,000.00 imposed by the Manto Sipi Cree Nation; an opportunity to seek treatment; and, an opportunity to conduct community work;
 - (b) For a 2nd offence: imposed by the Manto Sipi Cree Nation a fine of not more than a \$1000.00; a mandatory requirement to seek assistance or treatment; posting of the name of the offender in public places in the community, including publication local newspapers and broadcast on local radio; if children are involved, referrals will be made to Child and Family Services other agencies for counselling;
 - (c) For a 3rd offence: recommendation to the courts of competent jurisdiction for a 6 month jail term; and/or an immediate withholding of government services, including without limitation, Social Assistance, Economic and Education Support; and, the name of the offender will be removed from the Manto Sipi Cree Nation Citizenship (Band) list.
- 6.02 Any fines imposed pursuant to this By-Law or restitution payable to Manto Sipi Cree Nation for vandalism may be collected through the Social Services Program or the garnishment of wages from employment with any entity part of Manto Sipi Cree Nation.
- 6.03 Rehabilitation Programs through the use of local and outside resources will be made available for individuals that would need support and counseling.
- 6.04 Minors charged with these offenses: Parents and/or Guardians will be held liable for their minor children's illegal activities. Any restitution that the minor child has to pay will be the parents' and/or guardian's responsibility and can be collected as per 6.02 of this by-law.
- 6.05 If any individual who is not a member of Manto Sipi Cree Nation contravenes this By-Law, the individual shall be removed immediately from the Lands.

7.0 APPEALS

- 7.01 Appeals on decisions by the Chief and Council under this By-Law shall be heard by Manto Sipi Elder's Judiciary Board.

8.0 RESOLUTIONS

8.01 The Council may make Band Council Resolutions respecting any matter that the Council considers necessary or advisable to meet or further the objectives of this By-Law.

9.0 DRUG TESTING

9.01 To further the objective of this By-Law, the Council, from time to time may declare by Band Council Resolution, or otherwise, that the Chief and Council and all employees or prospective employees of all entities of Manto Sipi Cree Nation undergo drug testing as a condition of their employment.

10.0 MISCELLANEOUS

10.01 Should a court determine that a provision of this By-Law is invalid for any reason, the provision shall be severed from the By-Law and the validity of the rest of the By-Law shall not be affected.

10.02 This By-Law comes into force on the day of enactment.

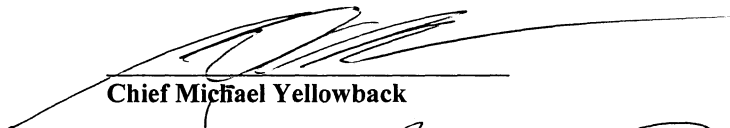
10.03 The provisions of this By-Law apply to all Lands of Manto Sipi Cree Nation.

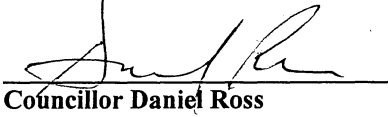
10.04 Nothing in this By-Law shall derogate or abrogate existing Aboriginal or Treaty rights of the Aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

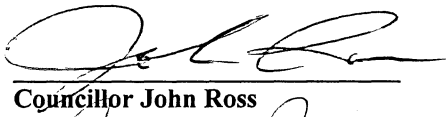
11.0 AMENDMENT

This By-law may be amended on an annual basis by Fifty percent (50%) plus one (1) of the eligible member voters present at a duly convened meeting.

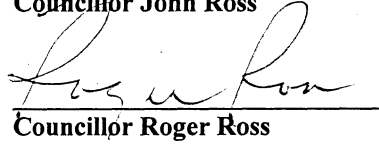
PASSED AT A DULY CONVENED MEETING OF MANTO SIPI CREE NATION COMMUNITY MEETING WITH THE FIRST NATION CITIZENS OF MANTO SIPI THIS 19TH DAY OF AUGUST, 2014 & ENDORSED UNANIMOUSLY BY THE CHIEF & COUNCIL


Chief Michael Yellowback


Councillor Daniel Ross


Councillor John Ross


Councillor Brian McKay


Councillor Roger Ross