

This is Exhibit "A" referred to in the
Statutory Declaration
Affidavit of
Eddie Tallman.
Sworn before me this 23 day
of September A.D. 1993

BY-LAWNO. 1993.1
OF THE WHITEFISH LAKE FIRST NATION
A BY-LAW TO REGULATE INTOXICANTS

A NOTARY PUBLIC, COMMISSIONER FOR OATHS,
IN AND FOR THE PROVINCE OF ALBERTA
DONALD MCMAHON

WHEREAS:

- A. The Whitefish Lake First Nation ("the First Nation") wishes to undertake measures for the protection of the community;
- B. The Council of the First Nation ("the Council") considers it desirable to declare in effect prohibitions against the sale, barter, supply or manufacture of intoxicants on the Reserves of the First Nation; any person being intoxicated on Reserve; and any person having intoxicants in his or her possession on the Reserve; and wish to provide for exceptions to such prohibitions;
- C. The Council wishes to repeal the Liquor Control By-law of the Whitefish Lake Indian Band No. 459 enacted on March 17, 1988, and replace it with this By-law;
- D. Section 85.1(1) of the Indian Act, R.S.C. 1985, c. I-5 authorizes the Council to make by-laws:
 - (a) prohibiting the sale, barter, supply or manufacture of intoxicants on the Reserve;
 - (b) prohibiting any person from being intoxicated on the Reserve;
 - (c) prohibiting any person from having intoxicants in his possession on the Reserve; and
 - (d) providing for exceptions to any of the prohibitions established pursuant to paragraph (b) or (c);
- E. Section 85.1(4) of the Indian Act provides penalties for contravention of by-laws enacted pursuant to this section;
- F. Section 103(1) provides that a peace officer, superintendent or a person authorized by the Minister, who believes on reasonable grounds that an offense against sections 33, 85.1, 90, or 93 has been committed, may seize all goods and chattels by means of or in relation to which he believes on reasonable grounds the offense was committed;

- G. A majority of the electors of the Band who attended a special meeting of the Band on September 22, 1993, called by the Council on July 19 1993, for the purposes of considering the contents of this By-law; assented to its contents;

NOW THEREFORE, it is hereby enacted pursuant to section 85.1 of the Indian Act:

Short Title

1. This By-law may be cited as the "Intoxicant By-law".

Interpretation

2. In this By-law:
- (a) "Council" means the Chief and Council of the First Nation as elected according to the provisions of the Indian Act;
 - (b) "First Nation" means the Whitefish Lake Indian Band No. 459, now known as the Whitefish Lake First Nation;
 - (c) "intoxicant" includes 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 or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating;
 - (d) "motor vehicle" means a vehicle that is drawn, propelled or driven by any means other than muscular power but does not include railway equipment;
 - (e) "officer" means a police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer, or any other person appointed by the Council, for the purpose of maintaining law and order on the Reserve;
 - (f) "possession" has the same meaning as set forth in the Criminal Code, R.S.C., c. C-34, as amended from time to time, namely:
 - (i) a person has anything in possession when he or she has it in his or her personal possession or knowingly

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- (A) has it in the actual possession or custody of another person, or
 - (B) has it in any place, whether or not that place belongs to or is occupied by him or her, for the use or benefit of himself or herself or of another person; and
- (ii) where one or two or more persons, with the knowledge and consent of the rest, has anything in his or her custody or possession, it shall be deemed to be in the custody and possession of each and all of them.
- (g) "Reserve" means all lands defined as a reserve within the meaning of the Indian Act and set apart for the use and benefit of the Whitefish Lake Indian Band No. 459 including Whitefish Lake Indian Reserves Numbers 155, 155A, and 155B;
 - (h) "residence" means any building, structure or dwelling house in which people reside.

Prohibitions

- 3. No person may be intoxicated on the Reserve.
- 4. No person may be in possession of an intoxicant on the Reserve.
- 5. No person may sell, barter or supply an intoxicant to anyone or manufacture any intoxicant on the Reserve.

Exceptions

- 6. No person contravenes section 4 when they are in possession of an intoxicant for the purpose of transporting it across the Reserve from a point of origin outside of the Reserve to a destination outside of the Reserve, provided the intoxicant is in a bottle, receptacle or package that is unopened and the seal unbroken.
- 7. No person contravenes sections 4 or 5 where the intoxicant is:
 - (a) possessed, used or intended to be used solely
 - (i) for medicinal purposes;

- (ii) for domestic, business, commercial or other purposes that do not involve producing a state of intoxication in any person; or
- (iii) for a religious purpose that does not involve producing a state of intoxication in any person.

Powers of Officers

8. Pursuant to section 103(1) of the Indian Act, an officer may seize or impound any intoxicant found on the Reserve, except where permitted under sections 6 and 7 of this By-law.
9. An officer may, on reasonable or probable grounds, enter any residence, building or structure located on the Reserve or any property in and around such residence, building or structure for the purpose of enforcing this By-law.
10. An officer may, on reasonable or probable grounds, stop and search a motor vehicle and any occupant thereof and may seize any intoxicant found in the motor vehicle or on any occupant thereof.

Penalties

11. Any person who contravenes section 5 is guilty of an offence and liable on summary conviction to a fine of not more than one thousand (\$1,000.00) dollars or to imprisonment for a term not exceeding six (6) months or to both.
12. Any person who contravenes section 3 or 4 is guilty of an offence and liable on summary conviction to a fine of not more than one hundred (\$100.00) dollars or to imprisonment for a term not exceeding three (3) months or to both.

Interpretation of this By-law

13. In the event a Court finds any provision in this By-law to be of no force or effect, the invalidity of any particular provision shall not affect any other provision and this By-law shall be construed as if the invalid provision were omitted.
14. This By-law is to be interpreted and applied in a manner consistent with the customs, traditions and values of this First Nation and nothing in this By-law should be

construed or interpreted so as to deny, abrogate or derogate from the aboriginal or Treaty rights of the First Nation or of its members.

Effective Date

15. This By-law will be effective from the 22 day of September, 1993.

Repeal of Previous By-law

16. The Liquor Control By-law of the Whitefish Lake Indian Band No. 459 enacted on March 17, 1988, is repealed as from the effective date of this By-law.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the First Nation this 22 day of September, 1993.

Voting in favour of the By-law are the following members of the Council:

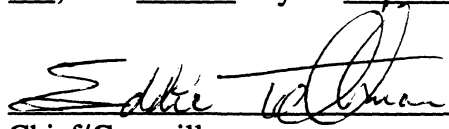
<u>Worne Laboucan</u>	<u>Eddie T. Oupin</u>
<u>Bill Laboucan</u>	<u>James [Signature]</u>
<u>Earl [Signature]</u>	<u>_____</u>
<u>Gilbert Laboucan</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>

being the majority of those members of the Council of the Whitefish Lake First Nation present.

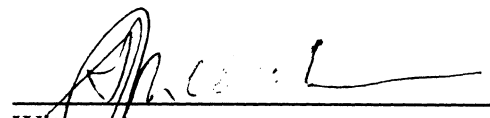
The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 9.

I, Eddie Tallman, Chief/Councillor of the First Nation, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the District office pursuant to subsection ~~82(1)~~ of the Indian Act, this 22 day of September, 1993. 85.1(3)



Chief/Councillor



Witness