

As the Minister of Indian and Northern Affairs Canada, **I HEREBY**
DECLARE the following by-law made by the Siksika Nation at Siksika, in the Province
of Alberta, at a meeting held on July 3, 2003, **TO BE IN FORCE** pursuant to subsection
82(2) of the *Indian Act*.

Siksika Nation By-Law

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
ROBERT D. NAULT

Dated at Gatineau, Quebec, this 15th day of July, 2003.

Robert D. Nault, PC, MP

SIKSIKA NATION



CURFEW BY LAW - NO. 2003-01

SIKSIKA NATION CURFEW BY LAW

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SIKSIKA NATION CURFEW BYLAW NO. 2003-01

WHEREAS the Chief and Council of the Siksika Nation are of the opinion that children on the Siksika Nation should not remain unattended and without adult supervision away from their residence during the evening, for the welfare and safety of those children and also for the welfare of the Siksika Nation.

AND WHEREAS the Chief and Council of the Siksika Nation is empowered to make such bylaw, and with respect to any matter arising out of or ancillary to the exercise of the power, and for the imposition of a penalty for a violation thereof, pursuant to paragraphs 81(1)(c), (d), (q) and (r) of the *Indian Act*, R.S.C. 1985, c.I-5.

NOW WHEREFORE the Chief and Council of the Siksika Nation at a duly convened meeting of a quorum of the Chief and Council, without prejudice to, but in express affirmation of its inherent right of self-government, hereby enacts the following bylaw:

1. SHORT TITLE

This bylaw may be cited as the "Siksika Nation Curfew ByLaw".

2. DEFINITIONS

2.1 In this bylaw:

"Chief and Council" means the Chief and Council of the Siksika Nation, which is a "council of the band" within the meaning of the *Indian Act*, R.S.C. 1985, c. I-5;

"Child" means any person who is less than 17 years of age;

"Curfew" means (a) the hours between the hours of 10:00 p.m. and 6:00 a.m.;

"Curfew Panel" means a panel of Siksika members appointed by the head of the Justice Department who are empowered under this bylaw to work with the Justice Department by meeting with any Child or Parent contravening this bylaw when directed by this bylaw in order to assess the family and home situation of the Child and to direct that persons be charged pursuant to this bylaw when deemed appropriate:

"Emergency" means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes, but is not limited to, a fire, a natural disaster, a motor vehicle accident, or any

situation requiring immediate action to prevent imminent or serious injury or death. It also includes when a Child will have to take any action in order to provide care to either a child of their own, or to children of a relative or family friend, and includes, but is not limited to such actions as taking a child to receive medical attention, or for the purchasing or obtaining food or such other necessities of life for a child.

“Guardian” means a parent, legal guardian, foster parent or a person at least 18 years of age who is authorized by a Parent or legal Guardian to have care and control of a Child, including persons having custody in law or in fact of the Child, and including care givers recognized under Siksika customary law such as a grandparent, aunt or uncle or a sibling over the age of 18 years.

“Legitimate Excuse” means any of the following circumstances;

- (i) traveling directly to and from a place of employment whether volunteer work or paid work during Curfew; or
- (ii) working at a place of employment that requires a minor to be in a Public Place during Curfew.
- (iii) a state of emergency exists which requires a Child to be in a public place during Curfew.
- (iv) the Child is attending a community social event during Curfew including, but not limited to a wedding, school dances, winter carnival, sporting event, religious or cultural event, or any other such community event, and includes a reasonable time after the event in order to allow the Child to travel home.

“Parent” means a person who is or is recognized as a natural parent, adoptive parent, foster parent, or stepparent of a Child.

“Peace Officer” means a person appointed by Chief and Council of Siksika Nation to enforce bylaws of the Siksika Nation, including a Siksika Nation Protective Services Officer, a member of the Royal Mounted Police, or Special Constable as appointed under the authority of Sec. 42 of the *Police Act*, R.S.A. 2000, c. P-17.

“Public Place” means any place within the Reserve which the general membership of Siksika Nation has access, and includes, but is not limited to, streets, highways, sidewalks, alleys, parking lots, transport facilities, common areas of schools, hospitals, apartment houses, recreational facilities, shops, and other buildings open to the general public, including those which serve food and drink or provide entertainment and the doorways and entrances to such buildings and the grounds enclosing them.

“Remain” means to linger, stay or fail to leave premises when requested to do so by a Peace Officer, owner, or any other person in control of the premises.

“Reserve” means Siksika Indian Reserve (IR) 146 and any other tract of land, the legal title to which is vested in Her Majesty the Queen having been set apart for the use and benefit of the Siksika Nation or in which Siksika Nation has a residual interest.

“Residence” shall mean that area 100 metres by 100 metres surrounding a dwelling place as defined in the Siksika Nation Land Code;

“Siksika Nation” is a “band” within the meaning of the *Indian Act*, R.S.C. 1985, c. I-5.

“Siksika Justice Department” is a department established by the Chief and Council with delegated authority and responsibility for administration and enforcement of this bylaw.

“Summons” means a Summons, issued by a Peace Officer to a Child, Parent or Guardian, compelling the appearance of that person before the Siksika Justice Department at the time, date and place as set out in the Summons.

“Violation Ticket” means a ticket issued for an offence committed against any of the provisions of this bylaw, and includes a bylaw ticket or a Violation Ticket as prescribed under Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34.

3. OFFENCES

- 3.1 It is an offence for a Child to Remain in a Public Place within the Reserve during Curfew without being accompanied by a Parent or Guardian or without a Legitimate Excuse.
- 3.2 Notwithstanding Section 3.1 above, the Chief and Council may, at any time modify the Curfew period. Such modification may be for Siksika Nation holidays and other special events, such as Pow Wows. When the Curfew is modified for such events, every Child that is not in their Residence and are outside of their Residence after the normal Curfew must be indoors at the particular event for which the Curfew has been modified. Any Child being out of doors during the event past the normal Curfew hours will be committing an offence pursuant to Section 3.1.

- 3.3 No Parent or Guardian shall knowingly permit, or by insufficient supervision or lawful control, allow a Child to Remain in a Public Place in the Reserve during the Curfew.
- 3.4 Any person in control of a facility or property, as defined herein, and who has knowledge that a Child is contravening this bylaw, has a positive duty to contact a Siksika Protective Services Officer to report the Child in contravention of this bylaw on their property. A person in control will not be committing an offense under this bylaw merely by having a Child contravening this bylaw on property or facilities controlled by them.

4. ENFORCEMENT

- 4.1 A Peace Officer who finds a Child who is in breach of the Curfew contrary to Section 3.1, may warn such Child to immediately return to his/her residence, and if after the warning the Child refuses or fails to return to his/her residence, the Child may be detained and taken, by reasonable force, to his/her residence, a shelter, or some other safe location by the Peace Officer.
- 4.2 A Peace Officer may, at their discretion, give a verbal or written warning to the Parent or Guardian of the Child upon the Peace Officer believing the Child has contravened Section 3.1.
- 4.3 A Peace Officer shall use every reasonable effort to contact the Parent or Guardian of a Child in contravention of this bylaw, and, if unable to contact a Parent or Guardian the Peace Officer shall use reasonable efforts to contact an adult relative or friend of the family in order that the Child may be safely left in the care and custody of an appropriate adult.
- 4.4 If, after giving an initial warning referred to in Section 4.2 a Child is found to have again contravened Section 3.1, the Peace Officer may elect either to charge any offender in contravention of this bylaw, or issue a Summons in the form set out in Schedule "A" to any Child, Parent or Guardian, compelling their appearance before the Curfew Panel in order that breaches of curfew of the Child may be discussed with the appropriate Parent or Guardian.
- 4.5 On the date specified for the meeting referred to in Section 4.4, the Curfew Panel shall discuss the breach of Curfew with the Child and his or her Parent or Guardian and may:
- (a) recommend that the Peace Officer to charge either a Child or an Adult or Guardian of the Child, but the Peace Officer may not issue more than one charge for the contravention of this bylaw; or
 - (b) recommend no charges be laid, if the panel believes that the ends of justice would best be served.

- 4.6 A copy of the Summons referred to in Sections 4.4 shall be served upon the intended recipient not less than seven clear days prior to the proposed meeting. Service shall be made by either registered mail or by personal service.
- 4.7 At any time, a Peace Officer, or member of Siksika Justice Department shall contact an appropriate officer of the Siksika Nation Family Services regarding any Child, if in their opinion, circumstances surrounding the general welfare and well-being of the Child, including but not limited to whether there is adequate supervision for the Child, warrant such contact.



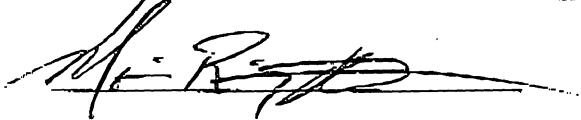


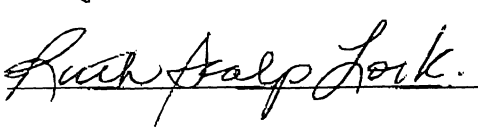
5. **PENALTIES**

- 5.1 Any person who violates any provisions of this bylaw shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or to both a fine and imprisonment.

6. **AMENDMENTS / REPEALS**

- 6.1 This bylaw may be amended from time to time or repealed in its entirety, as per the Indian Act of Canada.

THIS SIKSIKA NATION CURFEW BYLAW IS HEREBY made at a duly convened meeting of the Council of the Siksika Nation this 3rd day of July, 2003.

	<u>Donald R. B. B.</u>
	_____
	_____
	_____
	_____
	_____

The quorum of Chief and Council is 7 Members.

I, ADRIAN SIMPSON SR., Chief of the Siksika Nation, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian and Northern Affairs of Canada at the Alberta Regional Office in Edmonton, Alberta pursuant to section 82 subsection (1) of the *Indian Act*, RSC 1985, c. I-5, this 8th day of JULY, 2003.

Cori Beaulac - CORIANE BEAULAC
(Witness) SIKSIKA JUSTICE DEPARTMENT

[Signature]
Chief of the Siksika Nation

(Witness)

Minister of Indian and Northern Affairs of Canada

SCHEDULE "A"

Approved Form of Summons as referred to in Section 4.4 of the Siksika Nation Curfew Bylaw.

**SUMMONS TO A PERSON PURSUANT TO SECTION 4.4
OF THE SIKSIKA NATION CURFEW BYLAW**

Canada
Province of Alberta

To, A.B., of _____ (address):

Whereas you have this day been summoned to appear before a panel appointed by the Siksika Justice Department pursuant to a contravention of the Siksika Nation Curfew Bylaw;

THIS IS THEREFORE TO COMMAND YOU TO ATTEND at the Siksika Nation Justice Department on _____, the ___ day of _____, A.D. _____, at _____ o'clock in the _____ noon, at _____, in order to discuss the Child's breach of Curfew and any other relevant factors to ensure that the Child is receiving satisfactory adult supervision and to assist the panel in exercising its discretion on whether a charge will be laid under the Siksika Nation Curfew Bylaw.

You are warned that failure to attend court in accordance with this summons may result in you being charged pursuant to the Siksika Nation Curfew Bylaw

Dated this _____ day of _____, A.D. _____, at _____.

Siksika Nation Bylaw Enforcement Officer