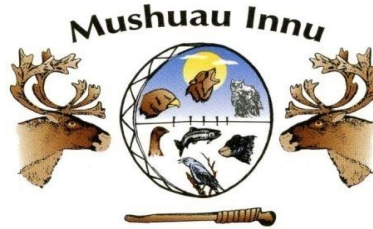


**Mushuau Innu First Nation**  
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P.O Box 190, Natuashish  
Labrador, NL A0P1A0

**Mushuau Innu Government Vision Statement**

To provide good government, that responds to the needs of the people and fosters unity, understanding and fairness to the Mushuau Innu.

**BY-LAW NO. 2020-1 OF THE MUSHUAU INNU FIRST NATION**  
**COVID-19 EMERGENCY BY-LAW**

WHEREAS COVID-19 is a pandemic as declared by the World Health Organisation;

AND WHEREAS cases of COVID-19 have been confirmed in Newfoundland and Labrador, including in Happy Valley-Goose Bay and in St. John's among other places, and the Province declared a public health emergency on March 18, 2020;

AND WHEREAS we believe Mushuau Innu First Nation members living in Natuashish are particularly vulnerable to experiencing serious adverse health impacts including a real risk of death due to COVID-19, for a variety of reasons, including socio-economic disadvantage, high levels of underlying medical conditions that are known to be vulnerable to COVID-19 impacts, overcrowded housing, remote conditions, and very limited medical services;

AND WHEREAS the Council has considered public health advice on COVID-19;

AND WHEREAS the Council has the authority to make by-laws to provide for the health of residents on the reserve and to seek to prevent the spreading of contagious and infectious diseases as per section 81(1)(a) of the *Indian Act*, as well as those under 81(1) (c), (p), (q) and (r);

AND WHEREAS the Council has inherent jurisdiction and powers of self-government, including among other things jurisdiction and powers to protect its members from serious threats to their health and safety in the event of an emergency;

NOW THEREFORE, it is hereby enacted pursuant to section 81(1) of the *Indian Act* and pursuant to our inherent jurisdiction and powers of self-government:

**Short Title**

1. This By-Law may be cited as the *Mushuau Innu First Nation COVID-19 Emergency By-Law*.

**State of Emergency**

2. This confirms that Mushuau Innu First Nation is continuing to be in a state of emergency due to COVID-19. The state of emergency lasts until lifted by Council.
3. This by-law is in force during the state of emergency. When the state of emergency is lifted by the Council, this by-law ceases to be in effect, and if Council re-imposes a COVID-19 state of emergency, this by-law is reinstated accordingly unless otherwise indicated by the Council.

### ***Lockdown: No Entry***

4. No person or traffic may enter Natuashish unless specifically approved in accordance with this by-law. This is called the “lockdown”.
5. Exceptions to the lockdown may be approved by the Council, only on an exceptional basis in the following circumstances:
  - a. Necessary goods and supplies may enter, subject to any further specifications made by the Council or its delegates.
  - b. A person who provides a necessary service or enforces or administers a law or program that is necessary in these circumstances may be permitted entry by the Council, in its sole discretion, having considered the balance of risks and benefits in the exceptional circumstances of this state of emergency. In this case:
    - i. The Council’s permission to enter must be indicated in writing.
    - ii. The person shall undergo a strict 14-day isolation period upon entry.
    - iii. The person must provide their date of entry to the Health Commission and comply with any public health measures specified by the Health Commission.
    - iv. The person must report to the Health Commission any symptoms of illness they experience in the 14-days before, during or after the 14-day isolation.
    - v. The person must follow all directions of the Health Commission with respect to their symptoms up to and including the potential for mandatory departure from the community upon terms set by the Health Commission if the Health Commission considers symptoms to be potentially consistent with COVID-19.
    - vi. The person must comply with all other laws, by-laws, notices, rules and orders in force in Natuashish, including those with respect to COVID-19.
6. Further to section 5(b), it is not necessary for a person located outside of Natuashish to enter Natuashish to provide a service or to administer or enforce a law or program where Council has determined that there is an alternative means to do so that is appropriate under this state of emergency.
7. The Council may, in its sole discretion, end or progressively ease the lockdown set out in sections 4-5 when it determines that the COVID-19 pandemic situation has improved enough to do so. Council may also, in its sole discretion, re-institute or increase the lockdown if it determines that the COVID-19 pandemic situation has worsened. Any changes to the lockdown issued by the Council are deemed to be part of this by-law.

### ***Other Actions, Measures, Orders***

8. The Council may take any action, establish any other measures, and make any order it deems necessary to prevent and limit the entry of COVID-19 into Natuashish, limit its spread within Natuashish, mitigate the risks posed by COVID-19 in Natuashish or to MIFN members elsewhere, and to protect and promote health, safety, well-being, peace and security within Natuashish during the state of emergency.

- a. The Council may seek and consider advice from anyone it considers advisable in exercising this power, including but not limited to MIFN staff, external public health officials, or as otherwise be deemed appropriate by the Council.
  - b. The Council may delegate powers under this section, which may be general or specific.
  - c. Powers under this section may be exercised orally or in writing, however an order shall be issued in writing. An order may be general and may apply to multiple people.
  - d. Without limiting the generality of this section 8, the Council may:
    - i. Assign and re-assign MIFN staff to tasks as needed;
    - ii. Provide directions on the deployment in Natuashish of any outside program, service or personnel that normally operates in Natuashish or that may be offered;
    - iii. Order the closure of any building, facility, program, service, or location, or restrict its operation;
    - iv. Enter into any agreement, including agreements with respect to services, goods or supplies, or the administration or enforcement of a law or program;
    - v. Procure, deliver or make available any services, programs, goods, or supplies;
    - vi. Establish restrictions on travel, in addition to those in sections 4-5;
    - vii. With advice from the Health Commission, develop rules to prioritize the delivery of health services, modify the delivery of health services in any way, or require other measures for health treatment, prevention, or mitigation;
    - viii. Require people in Natuashish to do or not do something, in order to limit risk to public health;
    - ix. Acquire or use property in Natuashish, including buildings and other facilities, whether private or public, for emergency purposes, however:
      - A home that people live in may only be acquired or used if MIFN owns the building and provides the residents with another place to live, which may be temporary; and
      - A building or facility not owned by MIFN may not be acquired, and may only be used with compensation by MIFN to the owner, and MIFN must provide any service or entity actively operating from the building with another place from which to operate, which may be temporary.
    - x. Take any other measure the Council reasonably believes is necessary for the protection of the health of the population during the public health emergency.
9. Every person in Natuashish or seeking or attempting entry to Natuashish shall comply with all measures established and all orders issued under section 8 of this by-law.

### ***Enforcement***

10. Every officer is authorized and directed to enforce this by-law.

11. In enforcing this by-law, the powers of officers include the powers to stop a person or traffic, conduct searches, ask questions, require information to be provided, investigate, enter buildings or premises, restrict entry to Natuashish, require a person or traffic to leave Natuashish, require a person to leave a certain place within Natuashish, require a person to go to a certain place within Natuashish, issue fines as per section 13, and lay an information to charge a person with an offence under section 15.
12. This by-law may be enforced outside Natuashish. (Example: In order to effectively limit entry to Natuashish, an officer may stop a person outside Natuashish who reasonably appears to be attempting to enter Natuashish contrary to this by-law.)
13. A person may be fined by an officer for:
  - a. Acting in breach of a measure established by the Council under section 8;
  - b. Acting in breach of an order issued by the Council under section 8, without limitation to Council's right to proceed in the matter by way of a charge;
  - c. Acting in breach of the lockdown in section 4, without limitation to Council's right to proceed in the matter by way of a charge; or
  - d. Obstructing an officer in the enforcement of this by-law, without limitation to Council's right to proceed in the matter by way of a charge.
14. The amount of the fine applied under section 13 is \$200 for the first violation, and \$500 for a second or further violation. The officer shall remit the fine to MIFN and shall issue the person fined with a receipt.
15. A person commits an offence who:
  - a. Acts in breach of the lockdown in section 4;
  - b. Violates an order of the Council issued under section 8;
  - c. Fails to pay a fine under section 13; or
  - d. Obstructs an officer in the enforcement of this by-law.
16. A person convicted of an offence under section 15 may be fined up to \$1,000 or sentenced to up to 30 days imprisonment.

### ***Chief & Council Operation During Emergency***

17. During the state of emergency confirmed pursuant to this by-law:
  - a. Any meeting relevant to MIFN, including a meeting of the Council, may be held by electronic or telephone communication, and is equally valid as if held in person.
  - b. Any signature may be given electronically, and is equally valid as if given in writing.
  - c. Any power of the Council, whether being a power under this by-law or otherwise, may be exercised as follows and is equally valid as it would be otherwise:
    - i. If a regular quorum of the Council is available, the power may be exercised by a majority of the quorum of the Council as usual.

- ii. If a regular quorum of the Council is not available, the power may be exercised by the available members of the Council, and those available members shall constitute a valid quorum. The power may be exercised by a majority of those available members of the Council.
  - iii. If the matter is urgent, the Chief may exercise the power alone. In that event, the Chief shall notify the Council as soon as possible, and the Council may vary the decision or allow it to remain.
- d. Any power of the Chief may be exercised by an Acting Chief, if the Chief is incapacitated from acting as Chief for any reason and the Council has confirmed an Acting Chief.

**General**

18. Should a court determine that a provision or portion of a provision of this by-law is invalid for any reason, the provision or portion shall be severed from the by-law and the validity of the rest of the by-law shall not be affected. Council may replace the severed provision or portion with another, if it wishes to do so, in order to maintain or adapt the intent of this by-law.

19. This by-law may be amended by the Council.

**Interpretation**

20. In this By-Law:

“Chief” means the Chief of Mushuau Innu First Nation;

“Council” means the Chief and Council of the Mushuau Innu First Nation;

“Health Commission” means the Health Commission of Mushuau Innu First Nation;

“lockdown” means the restrictions on entry to Natuashish established in section 4;

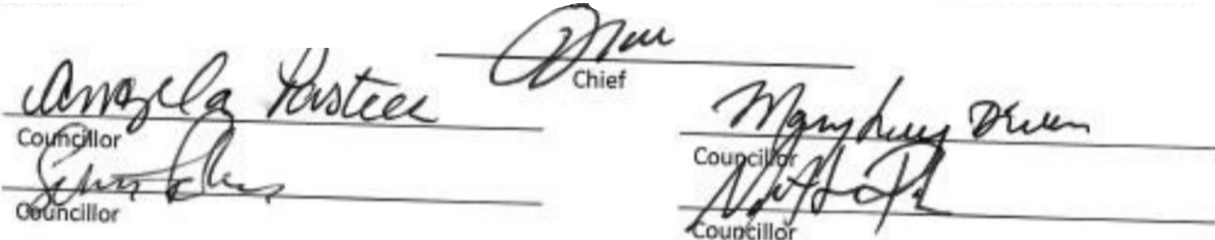
“MIFN” means Mushuau Innu First Nation;

“Natuashish” means the reserve of the Mushuau Innu First Nation set apart for the use and benefit of Mushuau Innu First Nation;

“officer” means a Community Safety Officer authorized by MIFN, or a Royal Canadian Mounted Police (RCMP) officer; and

“traffic” means any form of transportation, and includes aircraft, boats, snowmobiles, motor vehicles, all-terrain vehicles, and others.

**THIS BY-LAW** was made at a duly convened meeting of the Council of the Mushuau Innu First Nation this **3<sup>rd</sup> day of April, 2020**, by a unanimous decision of the Council.


  
 The image shows four handwritten signatures on a document. From left to right:
 

- A signature for a Councillor, with the word "Councillor" printed below it.
- A signature for another Councillor, with the word "Councillor" printed below it.
- A signature for the Chief, with the word "Chief" printed below it.
- A signature for a Councillor, with the word "Councillor" printed below it.