

BUFFALO RIVER DENE NATION HEALTH BYLAW

Being a Bylaw of the Buffalo River Dene Nation to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases, pursuant to section 81(1)(a) of the *Indian Act*.

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Being a Bylaw of the Buffalo River Dene Nation to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases, pursuant to section 81(1)(a) of the *Indian Act*.

WHEREAS the Buffalo River Dene Nation Reserve has been set apart for the exclusive use and benefit of members of the Buffalo River Dene Nation;

AND WHEREAS the Buffalo River Dene Nation affirms its sovereign authority to establish a system of governance for and on behalf of its members and its right to issue policies and laws concerning its Nation and its members;

AND WHEREAS the Buffalo River Dene Nation has right to health and health services at an adequate and proper level, to meet their health requirements;

AND WHEREAS the Buffalo River Dene Nation Chief and Council have the inherent right and legal authority to deal with all matters concerning the health and welfare of the Nation and also to exercise its powers of a "council of a band" under the *Indian Act*, including the power to make bylaws regarding the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases, pursuant to section 81(1)(a) of the *Indian Act*;

AND WHEREAS the Buffalo River Dene Nation defines health in the same holistic terms as endorsed by the World Health Organization ("WHO"); as a state of complete physical, mental

and social well-being and not merely the absence of disease or infirmity;

AND WHEREAS the Buffalo River Dene Nation Chief and Council has deemed it expedient and necessary for the benefit, comfort and safety of its members to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;

AND WHEREAS section 81(1)(r) of the *Indian Act* provides for the penalties which may be imposed for contravention of this Bylaw as follows:

“81(1)(r) the imposition of summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty (30) days, or both, for violation of a by-law made under this section”

AND WHEREAS section 81(2) and 81(3) of the *Indian Act* allows for further remedies to be provided by the court as follows:

“81(2) Where any by-law of a band is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.”

“81(3) Where any by-law of a band passed is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by court action at the instance of the band council.”

NOW THEREFORE BE IT RESOLVED that in this time of pandemic, and in a future event of pandemic or pestilence, we hereby enact the Buffalo River Dene Nation Health Bylaw.

1. SHORT TITLE

This Bylaw may be cited as the *Buffalo River Dene Nation Health Bylaw*.

2. INTERPRETATION

In this Bylaw:

- (a) **“Alternative Care Site”** is a site on the reserve that is currently not an established health care site, meant to care for patients during a pandemic.
- (b) **“Band”** means the Buffalo River Dene Nation, and a “Band” as defined by the *Indian Act*, R.S.C. 1985, c. I-5;
- (c) **“Band Member” or “Member”** means any registered member of the Buffalo River Dene Nation, who's name appears on the Band Membership List and is registered with the Band in accordance with the *Membership Code*

- of the First Nation and/or as may be established and maintained by the First Nation from time to time;
- (d) **“Band Council Resolution”** means a formal, written expression of the will of the Chief and Council. Such a resolution is passed by the quorum of the Councillors present at a duly-convened meeting of Council;
 - (e) **“Council”** means the duly-elected Chief and Council of the Buffalo River Dene Nation;
 - (f) **“Communicable Disease”** means a human disease that is caused by an infectious agent or a biological toxin and poses a risk of significant harm to public health;
 - (g) **“Departure Point”** means a point designated by the Chief and Council, by Band Council Resolution, for departure from the reserve, in order to prevent the spread of a communicable disease;
 - (h) **“Entry Point”** means a point designated by the Chief and Council, by Band Council Resolution, for entry into the reserve, in order to prevent the spread of a communicable disease;
 - (i) **“Reserve”** means any lands set apart for the exclusive use and benefit of the Buffalo River Dene Nation and its band members; and
 - (j) **“Pandemic”** is a worldwide outbreak of a specific communicable disease to which people have little or no immunity.

3. ***APPLICATION***

This Bylaw applies to any person who enters the lands forming part of the reserve of the Buffalo River Dene Nation, held for the exclusive use and benefit of the First Nation and its members.

4. ***COMPLIANCE WITH OTHER LAWS***

- (a) The enforcement and penalty provisions of this Bylaw does not relieve a person from also complying with or being subject to enforcement measures and penalties under the provisions of any other applicable federal or provincial act, law or regulation, which is meant to ensure public, health and personal safety and provide for the prosecution and punishment of persons who contravene any other applicable federal or provincial act, law or regulation;
- (b) The enforcement and penalty provisions of this Bylaw does not relieve a person from also complying with or being subject to enforcement measures and penalties under the provisions of any other bylaw that may be enacted by the Buffalo River Dene Nation;

and

- (c) The enforcement and penalty provisions of this Bylaw are meant to be complementary to federal and provincial acts, regulations or orders, meant to prevent the introduction and spread of communicable diseases, particularly in the time of a pandemic.

5. *PURPOSE*

- (a) The Purpose of this Bylaw is to protect the health and safety of members of the Buffalo River Dene Nation by taking strict and emergency measures to prevent the introduction and spread of communicable diseases.

6. *POWERS OF THE CHIEF AND COUNCIL*

In the time of a pandemic or pestilence, the Chief and Council have the power to do any of the following, in order to prevent the introduction and spread of communicable diseases:

- (a) Designate a checkpoint at a designated entry point into the reserve, for the purposing of ensuring compliance with any provincial or federal acts, regulations or orders, meant to prevent the introduction and spread of communicable diseases;
- (b) Work in collaboration with the Royal Canadian Mounted Police ("RCMP") or other designated officials, to respond to complaints of violations of any provincial or federal acts, regulations or orders, meant to prevent the introduction and spread of communicable diseases;
- (c) Work in collaboration with federal and provincial health officials to ensure continuity of governance and essential health services on reserve;
- (d) Work in collaboration with federal and provincial health officials to create a pandemic plan, which includes educational materials and training opportunities;
- (e) Work in collaboration with federal and provincial health officials in the distribution, administration of vaccines;
- (f) Take any measures deemed necessary to ensure timely, consistent and accurate public education, such that members can take appropriate action to help minimize transmission, death, illness and social disruption in the event of a pandemic;
- (g) Work in collaboration with federal and provincial health officials with respect to reporting, planning and preparedness in the event of a pandemic;

- (h) Declare a state of emergency with respect to any pandemic, pestilence or any communicable disease;
- (i) Impose a lockdown order or curfew to help minimize transmission, death, illness and social disruption in the event of a pandemic;
- (j) Issue emergency assistance and benefits to members of the First Nation, to ensure adequate supports are in place and distributed in the time of a pandemic;
- (k) Designate an alternative care site on the First Nation, to care for patients during a pandemic;
- (l) Designate a temporary holding facility for mass casualties during a pandemic; and
- (m) Where it is deemed necessary and sufficient, delegate all or part of its powers to other persons, in order to carry out its responsibilities pursuant to this Bylaw.

7. *PENALTY AND ENFORCEMENT*

- (a) Any person who fails or refuses to obey an order may pursuant to this Bylaw commits an offence.
- (b) Any person who contravenes this Bylaw commits an offence and is liable on summary conviction to a fine of \$1000 and/or to imprisonment for a term not exceeding 30 days.
- (c) In addition to the possible fine and term of imprisonment, a person may be found to be in violation of any provincial or federal acts, regulations or orders, meant to prevent the introduction and spread of communicable diseases;
- (d) An officer may take any reasonable and lawful measure to enforce this Bylaw.
- (e) For any offence arising from the application of this Bylaw, an officer may lay a separate charge for each day an offence under this Bylaw has occurred or for each separate offence.
- (f) For any offence arising from the application of this Bylaw, the local court of competent jurisdiction shall preside and dispense justice.

8. *GENERAL*

- (a) Nothing in this Bylaw, except as specifically provided, shall abrogate or derogate the authority and autonomy of the First Nation, nor the inherent, aboriginal and treaty rights of its members.
- (b) Should a court determine that any provision of this bylaw is invalid for any reason, the provision shall be severed from the bylaw and the validity of the rest of

the Bylaw shall not be affected.

9. EFFECTIVE DATE


This Bylaw comes into force and is effective on the date on which it is first published in accordance with section 86 of the *Indian Act*.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Buffalo River Dene Nation, this 7th day of April, 2020.



CHIEF ELMER CAMPBELL
GRAYSON JANVIER

COUNCILLOR



COUNCILLOR LOUIE
CHANALQUAY

COUNCILLOR DEBBIE BILLETTE 



COUNCILLOR CHRIS LAPLANTE

COUNCILLOR SYLVIA BEKKATTLA 