



Mushuau Innu First Nation

Trespass By-Law

By-law No. 2025-01

Enacted on the date set out below showing Council's endorsement.

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Preamble

- A. Whereas Mushuau Innu First Nation is exercising its inherent rights of self-governance as well as its by-law powers under s. 81(1) of the *Indian Act*, RSC 1985, c I-5, particularly subsections (p) the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes, as well as (a) to provide for the health of residents on the reserve, (c) the observance of law and order, and (d) the prevention of disorderly conduct and nuisances, (p.1) and (p.2) in relation to residence, (q) ancillary matters, and (r) summary conviction offences;
- B. And whereas Natuashish has been set aside as a reserve for the use and benefit of Mushuau Innu First Nation, and the Council has responsibilities for the health, safety, security, and well-being of Mushuau Innu;

Permission – Residence in Natuashish

1. Anyone who is not a member of MIFN, and is not residing with a member of MIFN as part of their family or at their invitation, requires the written permission of the Council to reside in Natuashish.

Permission – Construction etc.

2. The construction or installation of any home or other building or structure in Natuashish requires the written permission of the Council.

Grounds for a Declaration of Trespass

3. Anyone may be deemed by the Council to be a trespasser in Natuashish, and therefore unwelcome in Natuashish and prohibited to enter in or remain in Natuashish, if they:
 - a. Have been determined by the Council, on a balance of probabilities, to be a risk to health, safety, peace or well-being of Mushuau Innu;
 - b. Are residing in Natuashish contrary to section 1; or
 - c. Are not resident in Natuashish, and are not a member of MIFN or SIFN, and Council determines that they are not welcome for any reason in the opinion of the Council.
4. For greater certainty, subsection 3 (a):
 - a. may apply to a MIFN member;
 - b. may apply regardless of whether the person is or was a valid resident of Natuashish;
 - c. may include a person believed on a balance of probabilities to be trafficking illegal drugs, trafficking alcohol, or to have committed a violent offence, whether or not the person has been charged; and

- d. may include a person charged with an offence under a MIFN By-law or under a provincial, federal, or First Nation law, regulation, or by-law.
5. Any building, structure or thing may be deemed by the Council to be trespassing in Natuashish if its construction or deposit or other presence in Natuashish, or in a particular location within Natuashish, was not authorized by the Council.

Procedure in Relation to Trespass

6. The Council may, by BCR, deem a person to be a trespasser under s. 3, or may deem a building, structure or thing to be trespassing under s. 5, using the following process, subject to s. 7:
- a. A person under consideration to be a trespasser or under consideration to have caused a building, structure or thing to be constructed or deposited etc. in trespass shall be provided with written notice and the opportunity to make submissions;
 - b. Submissions under (a) may be accepted in writing or orally or both, however the Council may specify any method of communication to be used for oral submissions including by phone or video or in person;
 - c. Council shall consider a person's submissions under (a), and shall also consider any other available evidence, whether provided orally or in writing;
 - d. The evidence considered by the Council may include information received by an employee or Council member by a person afraid to be identified, if the employee or Council member received the information first-hand and honestly believes the information to be true, and the employee or Council member relays the information to the Council to the best of their ability;
 - e. The Council shall deliberate and make a decision, and record the decision in a written BCR.
7. The Council may pass a BCR to deem the person a trespasser under s. 3 before taking the steps in s. 6 (a) – (d) in the following circumstances, and in such a case the steps under s. 6 (a) – (d) may occur after passage of the BCR to consider whether to vary, cancel, or maintain the BCR:
- a. In a case under s. 3 (c);
 - b. If the person is not living in Natuashish, is incarcerated, is in police lock-up, or cannot be located;
 - c. In a denial upon entry under s. 14; or
 - d. In emergency circumstances.

8. Once a BCR has been issued under s. 6, a copy of the BCR shall be provided or attempted to be provided to any person deemed to be a trespasser under s. 3 or to any person believed to have caused a building, structure or thing to be constructed or deposited etc. under s. 5, as applicable.
9. A person provided with a BCR issued under s. 6 may request written reasons for the decision by making that request to the Council in writing, and if so requested, the Council shall provide written reasons within 30 days.
10. The deliberation and decision of the Council under s. 6 shall exclude any Council member in a direct conflict of interest, taking into account that Natuashish is a small community in considering what constitutes a conflict of interest, and the recusal of a person in a conflict of interest does not invalidate quorum.

Duration of the BCR

11. If an MIFN member is deemed to be a trespasser under s. 3, the BCR under s. 6 is considered in effect for the following time period:
 - a. in a first occurrence, 6 months;
 - b. in a second occurrence, 12 months;
 - c. if it is their third occurrence or more, any time determined by the Council;
 - d. In all cases, subject to review under s. 25.
12. If a person is deemed to be a trespasser and is not a member of MIFN, the BCR under s. 6 is considered in effect indefinitely, subject to review under s. 25.

Denial of Entry

13. If a person who is entering Natuashish or attempting to enter Natuashish has been found by an officer to have alcohol or illegal drugs in their possession, or is on a list under s. 27, an officer may:
 - a. refuse to permit the person to enter Natuashish, and may take measures to prevent their entry; or
 - b. require the person to depart Natuashish immediately or at the next available opportunity, and may take measures to remove the person;and the officer(s) involved shall report the matter to the Council.
14. If the Council receives a report under s. 13, the Council may:
 - a. pass a BCR to deem the person a trespasser under s. 3 if there is not a BCR already in effect;

- b. notify the person that they may enter Natuashish; or
- c. take no action.

Time to Depart

- 15. If a person who is deemed to be a trespasser under s. 3 is an MIFN member and lives in Natuashish, they shall be provided with at least 30 days to leave Natuashish.
- 16. If a person who is deemed to be a trespasser under s. 3 is present in Natuashish but is not an MIFN member, or does not live in Natuashish, they shall be provided with 48 hours to leave Natuashish.
- 17. If the weather makes travel impossible or unsafe ("weather delay"), the time of the weather delay will be added to any deadline to leave Natuashish.

Youth

- 18. If a person who is deemed to be a trespasser under s. 3 is under the age of 19, MIFN shall take reasonable steps to attempt to ensure that there are reasonable plans in place for the person's care and residence, and MIFN may coordinate with anyone necessary to do so, including without limitation the person's family, Innu prevention services, youth services, and child protection services.

Duty to Comply

- 19. A person who is deemed to be a trespasser under s. 3 shall comply with the BCR, and:
 - a. shall depart Natuashish at their own expense, within the time required; and
 - b. shall not ever enter or attempt to enter Natuashish, unless their BCR expires under s. 11 if they are a member, or unless they receive a BCR of the Council authorizing them to do so.

Removal of building etc.

- 20. If a building, structure or thing is deemed to be trespassing under s. 5, a person provided with the BCR issued under s. 6 who is believed to be responsible for the building, structure or thing shall be provided with at least 30 days to remove the building, structure or thing.
- 21. Any building, structure or thing deemed to be trespassing under s. 5 becomes the property of MIFN if it remains in Natuashish after 30 days, and it is subject to removal, destruction, conversion or other steps as determined by the Council.
- 22. The cost of the steps determined by the Council under s. 21 is a debt recoverable to MIFN against a person who constructed or deposited the building, structure or thing.

23. Nothing in this by-law limits the rights or recourse of MIFN in relation to a civil action or any other legal procedure.
24. No liability applies for damage caused by MIFN's actions under s. 21, including for greater certainty no liability to an officer, to MIFN, the Council, or to any councillor, employee, contractor, or agent of MIFN.

Request for Review

25. A person who has been deemed by MIFN to be a trespasser, whether under this by-law, under any previous by-law, or otherwise, may request a review of that decision.
 - a. A review may not be requested more than once per year.
 - b. A request for a review must be made to the Council in writing.
 - c. A request for a review shall include any new information the person wishes the Council to consider, and the Council may also consider any other available information.
 - d. The process in subsections 6 (b)-(d) apply to a review, and a new BCR may or may not be issued.
 - e. If a person has made 3 requests for review that have been refused, the person must wait at least 5 years before making another request for review.

Records

26. The Council shall ensure records are kept of BCRs issued under this by-law.
27. MIFN may create a list of persons deemed by MIFN to be trespassers under this by-law, under any previous by-law, or otherwise, and:
 - a. The list shall be provided to officers and to transportation service providers that routinely serve Natuashish;
 - b. The list may be posted publicly;
 - c. MIFN may include on the list any name it reasonably believes to have been a person deemed by MIFN to be a trespasser;
 - d. No liability applies for any mistakes on the list made in good faith, including for greater certainty no liability to an officer, to MIFN, the Council, or to any councillor, employee, contractor, or agent of MIFN, or to any third party who receives, posts, distributes or uses the list; and
 - e. A person who believes there is an error on the list may notify the Council in writing and provide the information they have available.

Enforcement

28. Officers are authorized to enforce every BCR issued under s. 6, including without limitation authorization to:
- a. remove a person from Natuashish, using such measures the officer determines to be reasonable in the circumstances;
 - b. prevent a person from entering Natuashish, using such measures the officer determines to be reasonable in the circumstances;
 - c. take any other reasonable measures necessary for enforcement of this by-law; and
 - d. take any other enforcement measures authorized by another MIFN by-law.
29. Officers are authorized to provide a person with a notice under s. 6 (a) or with a BCR further to s. 8, which may be provided personally, by delivery to their last known address, by any method if the person acknowledges receipt, or if other methods have failed or were unavailable, by email, text, or other electronic message regardless of whether the person acknowledged receipt.

Offence

30. A person who does not comply with a BCR issued under s. 6 that remains in effect, and that was provided to them or for which reasonable efforts were made to provide it to them, commits an offence punishable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 30 days, or to both.

Repeal and Transitional

31. All prior MIFN trespass by-laws are repealed and replaced with this by-law, including the *Mushuau Innu First Nation Trespass By-Law no. 2015-01*.
32. Every BCR, notice or other document issued under a former trespass by-law remains effective, and may be enforced by any officer.
33. A person who breaches a BCR, notice or other document issued under a former trespass by-law commits an offence punishable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 30 days, or to both.
34. A person who was declared a trespasser prior to the date this by-law comes into effect can submit a request to review that decision, and s. 25 applies.

Interpretation

35. In this by-law:

- a. "alcohol" has the same meaning as "intoxicant" in the MIFN *Intoxicant By-Law*, 2008-01;
- b. "BCR" means a Band Council Resolution;
- c. "Community Safety Officer", also known as a CSO, means an individual designated as such by MIFN, who has completed a training program approved by the Council;
- d. "Council" means the duly elected Council of MIFN, including its Chief and Councillors, and any power of the Council under this by-law may be exercised by a quorum of Council;
- a. "illegal drug" means a substance listed under the *Controlled Drugs and Substances Act*, SC 1996, c 19 for which possession or trafficking of the substance could form the basis of an offence under that Act, but does not include a substance held by an authorized person for authorized medical or other purposes if the person's conduct in relation to the substance would not constitute an offence under that Act;
- e. "RCMP" means the Royal Canadian Mounted Police;
- f. "MIFN" means Mushuau Innu First Nation;
- g. "Natuashish" means all lands defined as a "reserve" within the meaning of the *Indian Act*, RSC 1985, c I-5, and set apart for the use and benefit of Mushuau Innu First Nation, known as Natuashish Indian Reserve No. 2; and
- h. "officer" means a Community Safety Officer, an RCMP officer, another police officer, or a peace officer within the meaning of the *Criminal Code*, RSC, 1985, c C-46.

Coming into force

36. This by-law comes into force after its enactment on the day it is published in the *First Nations Gazette* or other internet site.
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This *Trespass By-law* is hereby enacted by a quorum of the Council of Mushuau Innu First Nation at a duly convened meeting on the _____ day of _____, 2025.

Voting in favour of this by-law are:

John Nui, Chief:

Mary-Lucy Dicker, Deputy Chief:

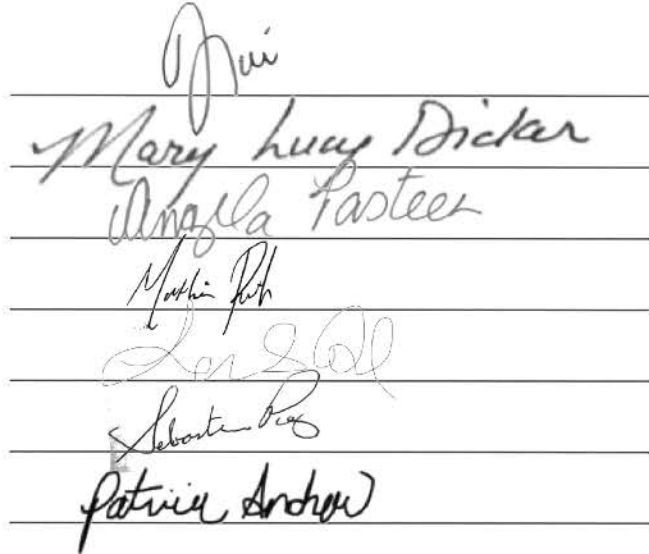
Angela Pasteen, Councilor:

Mathias Rich, Councilor:

Len Scott Rich, Councilor:

Sebastian Piwas, Councilor:

Patricia Andrew, Councilor:

The block contains seven horizontal lines, each with a handwritten signature in black ink. The signatures are: John Nui, Mary-Lucy Dicker, Angela Pasteen, Mathias Rich, Len Scott Rich, Sebastian Piwas, and Patricia Andrew. The signatures are written in a cursive, flowing style.



Mushuau Innu First Nation

Enforcement and Search Powers By-law

By-law no. 2025-02

Enacted on the date set out below showing Council's endorsement.

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Preamble

- A. Whereas Mushuau Innu First Nation is exercising its inherent rights of self-governance as well as its by-law powers under s. 81(1) of the *Indian Act*, RSC 1985, c I-5, particularly subsections (a) to provide for the health of residents on the reserve, (c) the observance of law and order, and (d) the prevention of disorderly conduct and nuisances, as well as (q) ancillary matters, and (r) summary conviction offences;
- B. And whereas alcohol is prohibited in Natuashish under the *Intoxicant By-Law*, 2008-01 ("MIFN *Intoxicant By-Law*");
- C. And whereas illegal drugs, as defined below, are prohibited further to the *Controlled Drugs and Substances Act*, SC 1996, c 19;
- D. And whereas the *Cannabis Act*, SC 2018, c 16 outlines prohibitions in relation to the use, possession, and distribution of cannabis;
- E. And whereas alcohol and drugs are nevertheless present in Natuashish, and are primary drivers of a public health crisis involving addiction and misuse of substances, which has significant impacts on quality of life, causes tragic losses of life, and is severely disrupting law, order and public peace in Natuashish;
- F. And whereas the Council of Mushuau Innu First Nation, as the elected government of our people, has a duty to act to protect the health and well-being of Mushuau Innu;
- G. And whereas the Council of Mushuau Innu First Nation is taking steps through this by-law to support the enforcement of all our by-laws;

Prohibited Substances

- 1. The following are Prohibited Substances in Natuashish:
 - a. alcohol, being an intoxicant within the meaning of the MIFN *Intoxicant By-Law*, 2008-01, and this by-law does not add to, diminish or otherwise change the prohibitions on alcohol contained in that by-law;
 - b. any illegal drug, being a substance listed under the *Controlled Drugs and Substances Act*, SC 1996, c 19 for which possession or trafficking of the substance could form the basis of an offence under that Act, but does not include a substance held by an authorized person for authorized medical or other purposes if the person's conduct in relation to the substance would not constitute an offence under that Act; and
 - c. illegal cannabis, being cannabis or cannabis product that was grown, produced, in possession, or sold other than as specifically authorized under the *Cannabis Act*, SC 2018, c 16 or under the *Canadian Charter of Rights and Freedoms*.

2. The manufacture, import, sale, distribution, exchange, purchase and possession of illegal drugs and illegal cannabis are prohibited in Natuashish.
3. The prohibition in s. 2, and the prohibitions in the MIFN *Intoxicant By-Law*, 2008-01, are subject to enforcement under this by-law in addition to any other enforcement that may apply under any other law or by-law.

Searches

Searches – General Authority

4. Officers are authorized to conduct reasonable searches of persons, personal property, packages, and MIFN-owned buildings for the purpose of enforcing MIFN By-laws, including:
 - a. searches under s. 5 (Searches Entering Natuashish); and
 - b. any other reasonable search of persons, personal property, packages, or MIFN-owned buildings for the purpose of enforcing MIFN By-laws, if the officer has reasonable grounds for believing that a Prohibited Substance is present in contravention of this by-law or another MIFN By-law.

Searches Entering Natuashish

5. Everything and everyone entering Natuashish is subject to a search by an officer for purposes of screening for Prohibited Substances.
 - a. In this section, “entering Natuashish” includes, without limitation:
 - i. A person who has arrived in Natuashish that day by any means, whether by plane, ferry or other boat or vessel, snowmobile, or by any other means;
 - ii. A person outside Natuashish who is scheduled to board a plane to Natuashish that day and is present in or around an airport for travel purposes;
 - iii. A person on a plane to Natuashish;
 - iv. A person entering or attempting to enter Natuashish by snowmobile, vehicle, on foot, or in any other manner; or
 - v. A person who is scheduled to board a ferry to Natuashish that day or is in the process of travelling to Natuashish by ferry or other type of boat or vessel.
 - b. A search under this section may be conducted as a routine search without further grounds, subject to s. 6.
 - c. Entry into Natuashish is conditional on consenting to a search of one’s person and personal property consistent with this section.

- d. A person who refuses to be searched entering Natuashish is subject to be barred from entry to Natuashish and to immediate removal from Natuashish.

Search of a Person

6. A search of a person may include:
 - a. a visual inspection, which may require the person being searched to open or remove outerwear including but not limited to footwear, coats/jackets, snowpants, snowsuits, sweaters and hats;
 - b. a pat down, for which the person being searched has the right to request that the search be conducted by an officer of the same sex;
 - c. the use of trained dogs or screening technology that does not require the person to remove clothing other than outerwear; or
 - d. another type of search, which may only be conducted if the officer has reasonable grounds to believe a Prohibited Substance is present on the person, and only if the officer conducting the search has been trained to conduct the type of search conducted.

Search of a Building

7. An officer may conduct a search of any building in Natuashish that is for public use.
8. A search of a residence in Natuashish may occur if:
 - a. The search is conducted by the RCMP or another police officer, or the search is conducted by at least three Community Safety Officers upon notice to the RCMP or another police officer; and
 - b. The officer(s) conducting or authorizing the search have reasonable grounds to believe a Prohibited Substance is present in the residence, and have reviewed these grounds with at least 2 members of the Council who are not in a conflict of interest and who did not object to the officers proceeding with the search.

Search of Materials Arriving by Mail

9. A search of anything arriving by mail shall be in compliance with the *Canada Post Corporation Act*, RSC 1985, c C-10. Subject to that Act:
 - a. An officer may not open mail which is in the course of post, as that phrase is defined in the *Canada Post Corporation Act*, RSC 1985, c C-10, unless authorized to do so in compliance with the *Canada Post Corporation Act*, RSC 1985, c C-10.
 - b. Without opening mail, an officer may screen mail arriving in Natuashish or destined for Natuashish by visual inspection, or by handling the exterior of the

mail, or by receiving a report of an employee of Canada Post who has done so, or using trained dogs or technology for screening, or by a combination of those means.

- c. An officer, having an honest belief in the existence of reasonable grounds to suspect a piece of mail arriving in or destined for Natuashish may contain a Prohibited Substance, and upon recording such reasonable grounds, may request a search of such mail by an appropriate employee of Canada Post or a police officer.
- d. A police officer or Canada Post employee may open and may otherwise search a piece of mail in Natuashish or destined for Natuashish if the search is consistent with the *Canada Post Corporation Act*, RSC 1985, c C-10.
- e. An officer may search an item that was previously mail after the item has been delivered to the addressee and is in their possession.
- f. Nothing in this by-law limits any search powers or other investigation or security powers that may apply to mail under the *Canada Post Corporation Act*, RSC 1985, c C-10 or under a law other than this by-law.

Without Limitation

- 10. For greater certainty, the search powers in this by-law are in addition to the search powers that may apply further to other laws, and do not restrict or limit other search powers in any way.

Discovery of Prohibited Substance

- 11. An officer who discovers alcohol in Natuashish or entering Natuashish shall:
 - a. report the discovery to the most senior Community Safety Officer on duty;
 - b. confiscate it;
 - c. pour it out in order to permanently dispose of it; and
 - d. notify the Council, and complete any forms, reports, statements or other records required by MIFN.
- 12. A Community Safety Officer who discovers an illegal drug in Natuashish or entering Natuashish shall:
 - a. if an RCMP officer or other police officer is present, inform them immediately and carry out their directions;

- b. if an RCMP officer or other police officer is not present, confiscate the illegal drug and deliver it to an RCMP officer or other police officer as soon as possible;
 - c. notify the Council, and complete any forms, reports, statements or other records required by MIFN; and
 - d. complete any forms, reports, statements or other records requested by an RCMP officer or other police officer about the discovery.
- 13. A Community Safety Officer who discovers cannabis in Natuashish or entering Natuashish they believe, on reasonable grounds, to be a Prohibited Substance under this by-law shall:
 - a. if an RCMP officer or other police officer is present, inform them immediately and carry out their directions;
 - b. if an RCMP officer or other police officer is not present, confiscate the illegal drug and deliver it to an RCMP officer or other police officer as soon as possible;
 - c. notify the Council, and complete any forms, reports, statements or other records required by MIFN; and
 - d. complete any forms, statements or other records requested by a an RCMP officer or other police officer about the discovery.

Enforcement – General

- 14. All officers are authorized to enforce all MIFN By-laws, unless the Council has specified a particular type of officer to enforce a certain by-law or part of a by-law.
- 15. Enforcement of MIFN By-laws may include any of the following:
 - a. Conduct of searches as set out in this by-law;
 - b. Service of a notice or any other document on a person;
 - c. Posting signs or other notices for purposes of enforcement;
 - d. Removal of a person from Natuashish or from a building or area within Natuashish;
 - e. Restricting a person from entering Natuashish;
 - f. Removal of any thing from Natuashish or restricting any thing from entering Natuashish;
 - g. Removal of any thing from a building or area within Natuashish;
 - h. Gaining entry to any MIFN-owned building in Natuashish;

- i. With Council authorization, changing locks on any MIFN-owned building in Natuashish and otherwise securing the building and surrounding area;
- j. Confiscating a Prohibited Substance and dealing with it in accordance with this by-law or another applicable law or by-law;
- k. Charging a person with an offence under this by-law or another MIFN By-law;
- l. Referring a person for completion of an Alternate Program under this by-law;
- m. Proceeding with removal of benefits as set out under this by-law; and
- n. Any other measure indicated for enforcement purposes or related to enforcement that is contained in an MIFN By-Law, for purposes of that that by-law.

Enforcement – Removal of Benefits

- 16. If an officer swears an information or otherwise documents in writing with their signature that a MIFN member has engaged in the manufacture, import, sale, distribution, exchange, purchase or possession of illegal drugs or illegal cannabis contrary to s. 2 of this by-law, or has acted contrary to the MIFN *Intoxicant By-law, 2008-01*, the officer's documentation shall be provided to the Council and the MIFN member shall lose access to MIFN benefits as follows:
 - a. in a first occurrence, for 6 months;
 - b. in a second occurrence or more, for such time as determined by the Council.
- 17. "MIFN benefits" in s. 16 means any financial benefit or in kind benefit provided by MIFN to its members, including but not limited to:
 - a. travel costs such as plane tickets, accommodations and meal expenses; and
 - b. purchase orders or reimbursement of expenses;but not including the provision of public services such as health care, education, housing, utilities, and the like.
- 18. In a loss of benefits under s. 16, the Council may consider exceptions for emergency circumstances.

Enforcement – Buildings Used

- 19. Any MIFN-owned building in Natuashish used for the manufacture, import, sale, distribution, or exchange of a Prohibited Substance, or that is commonly used for the possession or use of a Prohibited Substance, may be taken under the custody and control of the Council.

- a. The Council makes a determination under this section, on a balance of probabilities, having heard available evidence.
 - b. A residence may only be taken under the custody and control of the Council under this section only if the persons living in the residence have been notified of the allegation and provided with an opportunity to respond.
 - c. Once a determination is made by the Council, following (b) if applicable, persons may be required by the Council to leave the building, and if so notified, must leave within 30 days.
 - d. After the expiry of the 30 days in (c), Council has full custody and control of the building, and it may, without limitation, acting directly or by delegation:
 - i. Change locks and otherwise secure the building and surrounding area;
 - ii. Clean the building and surrounding area and dispose of any property remaining in or around it;
 - iii. Renovate, repair or tear down the building; and
 - iv. Re-allocate the building to any other MIFN member for residential use or re-allocate it for any other purpose it determines to be in the Mushuau Innu public interest.
20. Every building in Natuashish shall be considered a MIFN-owned building unless proven otherwise on a balance of probabilities.

Enforcement – Offences

21. Everyone commits an offence who:
- a. manufactures, imports, sells, distributes, exchanges, purchases or possesses an illegal drug or illegal cannabis in Natuashish contrary to s. 2;
 - b. obstructs the Council or a delegate of the Council in carrying out actions authorized under s. 19; or
 - c. obstructs an officer in the process of any search or any other enforcement action further to this by-law or further to any other MIFN By-law;

and such offence is punishable upon summary conviction of a fine not exceeding \$1,000 or imprisonment for a term not exceeding 30 days, or both.

Enforcement – Alternate Program

22. An officer who swears an information or otherwise documents in writing with their signature that they believe an offence has been committed contrary to a MIFN By-law, or

anyone prosecuting an offence under an MIFN By-law, may refer the person to Council for completion of an Alternate Program.

- a. An Alternate Program is a program determined by the Council with a view to restitution and rehabilitation.
- b. Council may accept or refuse a person for an Alternate Program.
- c. If Council accepts a person for an Alternate Program, the Council shall determine the Alternate Program for the person within 3 months and shall set it out in writing and provide it to the person required to complete it.
- d. The person required to complete the Alternate Program shall do so within one year of receiving the Alternate Program determined by the Council under (c), and they shall provide documentation to the Council of its completion.
- e. Upon completion of an Alternate Program with adequate documentation provided to the Council to verify its completion:
 - i. the Council shall confirm completion to the person who completed the Alternate Program;
 - ii. the Council shall notify the officer and, if applicable, prosecutor, who provided the referral;
 - iii. the person may not be charged with an offence under an MIFN By-law in relation to the acts that formed the basis for the referral; and
 - iv. if the person was already charged with an offence under an MIFN By-law in relation to the acts that formed the basis for the referral, the charge shall be withdrawn.

Limitation of Liability

23. No liability attaches to any action taken under this by-law in good faith, including for greater certainty any search or any enforcement measure, and this includes for greater certainty no liability to an officer, to MIFN, the Council, or to any councillor, employee, contractor, or agent of MIFN.

Interpretation

24. In this by-law:
 - a. "alcohol" has the same meaning as "intoxicant" in the MIFN *Intoxicant By-Law*, 2008-01;
 - b. "Alternate Program" includes any programs or activities determined by Council for restitution or rehabilitation or both, and includes without limitation: completing drug or alcohol treatment or a related program; completing other counselling or rehabilitative programs, including land-based programs; doing specific community service for the benefit of the Mushuau Innu community; and

carrying out actions to provide restitution to a person or place affected by the person;

- c. "Community Safety Officer", also known as a CSO, means an individual designated as such by MIFN, who has completed a training program approved by the Council;
- d. "conflict of interest" means a direct conflict of interest, taking into account that Natuashish is a small community in considering what constitutes a conflict of interest;
- e. "Council" means the duly elected Council of Mushuau Innu First Nation, including its Chief and Councillors, and any power of the Council under this by-law may be exercised by a quorum of Council;
- f. "illegal cannabis" means cannabis or cannabis product that was grown, produced, in possession, or sold other than as specifically authorized under the *Cannabis Act*, SC 2018, c 16;
- g. "illegal drug" means a substance listed under the *Controlled Drugs and Substances Act*, SC 1996, c 19 for which possession or trafficking of the substance could form the basis of an offence under that Act, but does not include a substance held by an authorized person for authorized medical or other purposes if the person's conduct in relation to the substance would not constitute an offence under that Act;
- h. "MIFN" means Mushuau Innu First Nation;
- i. "MIFN By-laws" means the by-laws of Mushuau Innu First Nation or any of them, whether made under MIFN's inherent jurisdiction, MIFN's authority of the *Indian Act*, RSC 1985, c I-5, or both;
- j. "Natuashish" means all lands defined as a "reserve" within the meaning of the *Indian Act*, RSC 1985, c I-5, and set apart for the use and benefit of Mushuau Innu First Nation, known as Natuashish Indian Reserve No. 2;
- k. "officer" means a Community Safety Officer, an RCMP officer, another police officer, or a peace officer within the meaning of the *Criminal Code*, RSC, 1985, c C-46;
- l. "Prohibited Substance" means an illegal drug, illegal cannabis, or an alcohol-based intoxicant; and
- m. "RCMP" means the Royal Canadian Mounted Police.

Coming into force

19. This by-law comes into force after its enactment on the day it is published in the *First Nations Gazette* or other internet site.

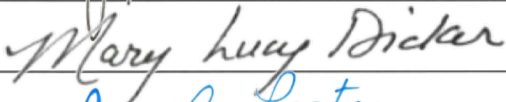
This *Enforcement and Search Powers By-law* is hereby enacted by a quorum of the Council of Mushuau Innu First Nation at a duly convened meeting on the 7th day of April, 2025.

Voting in favour of this by-law are:

John Nui, Chief:



Mary-Lucy Dicker, Deputy Chief:



Angela Pasteen, Councilor:



Mathias Rich, Councilor:



Len Scott Rich, Councilor:



Sebastian Piwas, Councilor:



Patricia Andrew, Councilor:

