



## BANISHMENT LAW

2025

Enacted on May 15, 2025.

### PREAMBLE

- A. Mathias Colomb Cree Nation wishes to exercise, through this law, its inherent rights of self-governance as well as its by-law powers under Section 81 of the *Indian Act*, RSC 1985, c I-5; and
- B. The Council of Mathias Colomb Cree Nation wishes to pass this law in the best interests of Mathias Colomb Cree Nation;

**NOW THEREFORE** the Council of Mathias Colomb Cree Nation enacts as follows:

### Citation

- 1. This law may be cited as the *Mathias Colomb Cree Nation Banishment Law, 2025*.

### Definitions

- 2. In this Bylaw:
  - a. **"Band Council Resolution"** or **"Resolution"** means a Band Council Resolution duly passed by Council.
  - b. **"Banish"** or **"Banishment"** means a definite exclusion of a person entering Mathias Colomb Reserves, as determined by a duly passed Band Council Resolution of Council, a form of which is attached to this law as Schedule A.
  - c. **"Banishment Law"** means this law, the *Mathias Colomb Cree Nation Banishment Law, 2025*.
  - d. **"Council"** means the duly elected Council of the Mathias Colomb Cree Nation, and includes the Chief and Councillors.

- e. **"MCCN Lands"** means MCCN Reserve Land, and any lands within MCCN's traditional territory.
- f. **"Mathias Colomb Citizen"** means a person whose name appears on the Mathias Colomb Cree Nation membership list or citizenship list, or who is entitled to have his or her name appear on the Mathias Colomb Cree Nation membership or citizenship list, as determined by such law of Mathias Colomb Cree Nation with respect to membership or citizenship as may be in force from time to time, or if none, as determined by Mathias Colomb Cree Nation.
- g. **"Mathias Colomb Reserves"** means the Pukawatagan Indian Reserve and all other reserves set aside for the benefit of Mathias Colomb Cree Nation, and **"Mathias Colomb Reserve"** means any of them.
- h. **"Officer"** means a police officer, peace officer, constable or any person assigned by Council as an enforcement officer for this *Banishment Law*.
- i. **"Undesirable Individual"** means a person who poses a safety risk to Mathias Colomb Citizens and Mathias Colomb Reserves, and is declared to be an undesirable individual by a Band Council Resolution for the purpose of Banishment.

#### **Banishment**

- 3. Council will have the authority to regulate and address any and all negative impacts on Mathias Colomb Cree Nation or the safety of persons on Mathias Colomb Reserves, and to address any circumstance that may pose a threat to the observance of law and order on Mathias Colomb Reserves.
- 4. Any person present on Mathias Colomb Reserves may be subject to Banishment under this *Banishment Law* who:
  - a. has been convicted of an indictable offence under the *Criminal Code of Canada* or any summary conviction offence;
  - b. is a member of or affiliated with any gang or similar organization;
  - c. does anything that threatens to the life, safety, physical well-being, mental well-being or property of other persons on Mathias Colomb Reserves;
  - d. steals, vandalizes or otherwise damages Mathias Colomb Cree Nation owned or privately owned property;
  - e. violates any Mathias Colomb Cree Nation law;
  - f. drives in excessive speeds or in an otherwise unsafe manner;

- g. operates motor vehicles or other machinery while using intoxicants;
  - h. commits fraud directed at Mathias Colomb Cree Nation or Mathias Colomb Citizens;
  - i. commits spousal, elder, or child abuse;
  - j. refuses to comply with a lawful order by an Officer or Council;
  - k. assists any individual in breach of any Mathias Colomb Cree Nation law; or
  - l. commits any other similar conduct or action which Council or an Officer determines to jeopardize the safety or well-being of Mathias Colomb Cree Nation or Mathias Colomb Citizens.
5. Any person who, in the reasonable determination of Council, fits the criteria outlined in Section 4, may be deemed to be an Undesirable Individual.
6. Council may, by a duly passed Band Council Resolution, Banish a person declared to be an Undesirable Individual permanently or for a specified period from any or all of Mathias Colomb Reserves.
7. Any Officer and the Royal Canadian Mounted Police are authorized to enforce Banishment under this law and remove a Banished person, and ensure that a Banished person is prohibited from entering Mathias Colomb Reserves.

#### **Procedure**

8. Upon Council's passing of a Band Council Resolution deeming a person to be an Undesirable Individual and determining that Banishment is necessary for the safety of Mathias Colomb Cree Nation, Council will immediately notify, in writing, the Undesirable Individual of Council's decision ("**Banishment Notice**").
9. Undesirable Individuals in receipt of a Banishment Notice will vacate Mathias Colomb Reserves within 7 days.
10. Undesirable Individuals in receipt of a Banishment Notice may file a request, in writing, with Council within 3 days of receiving the Banishment Notice to appeal the decision of Council.
11. Within 15 days after filing the appeal request, Council will hold a meeting the Undesirable Person may attend and be heard with respect to the appeal.
12. Council will provide written notice to the Undesirable Person of the date, time and place of the meeting, and will inform the Undesirable Person that they have the right to appear and make oral or written submissions, or both, at the meeting in support of their appeal.

13. After Council has heard all of the evidence and submissions, Council will meet in private to consider the appeal.
14. Within 3 days after hearing the appeal, Council will give written notice of its decision to the appellant.
15. If Council determines on appeal that:
  - a. the appellant poses a safety risk to Mathias Colomb Cree Nation, the Undesirable Individual will vacate Mathias Colomb Reserves within 7 days; or
  - b. the appellant does not pose a safety risk to Mathias Colomb Cree Nation, the appellant may remain on Mathias Colomb Reserves.
16. An Undesirable Individual who has filed an appeal with Council is permitted to reside on Mathias Colomb Reserves until Council delivers its final decision.
17. All appeal decisions will be final.

#### **Other**

18. If any part of this *Banishment Law* is found to be invalid or unenforceable, the section affected will be read down to eliminate the impugned portion and the remainder of this *Banishment Law* will remain in force.

#### **Schedules**

19. The Schedules, being the Band Council Resolution for Banishment attached as Schedule "A", form part of this *Banishment Law* and may be amended by resolution of Council from time to time.

#### **Repeal**

20. All prior banishment laws and resolutions of Mathias Colomb Cree Nation including by-laws, if any, are hereby repealed and replaced with this *Banishment Law*,

#### **Coming into Force**

21. This *Banishment Law* comes into force after it is enacted by the Council of Mathias Colomb Cree Nation, on the date it is first published on the Mathias Colomb Cree Nation website, in the *First Nations Gazette*, or in a newspaper that has general circulation on the Mathias Colomb Reserves, whichever the Council considers appropriate in the circumstances.

## SCHEDULE A

### BAND COUNCIL RESOLUTION REGARDING BANISHMENT



### *Mathias Colomb Cree Nation*

P.O. Box 135

PUKATAWAGAN, MANITOBA

ROB 1G0

Phone: 1(204)553-2089/2090

Fax: 1(204)553-2419

**WHEREAS** Chief and Council of Mathias Colomb Cree Nation ("**MCCN**") believe, that **[NAME]** poses a risk to the safety and security of MCCN, its members and its residents;

**AND WHEREAS** **[NAME]** (DOB: **MM/DD/YYYY**), a Band Member, resides on MCCN Reserves and is known to have committed [Reason for Banishment] in our community;

**AND WHEREAS** It is Chief and Council's duty, responsibility and authority to make decisions and directives to stop individuals from continuing to engage in activities on our lands that are determinants to the people of Mathias Colomb Cree Nation.

#### **THEREFORE, BE IT RESOLVED THAT:**

1. **[NAME]** is hereby banished from Mathias Colomb Cree Nation land effective immediately, for a period of **[YEARS]**.
2. MCCN Officers and/or the RCMP are hereby authorized to remove **[NAME]** from Mathias Colomb Cree Nation immediately
3. **[NAME]** be prosecuted for trespassing under the *Mathias Colomb Cree Nation Trespassing Law, 2025* if this directive is disobeyed now or at any time in the future.

[SIGNATURE PAGE FOLLOWS]



Quorum: 5

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Chief Gordie Bear

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Councillor Wanda Bighetty

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Councillor Arlene T. Caribou

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Councillor Moses Castel Sr.

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Councillor Selena Castel

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Councillor Steven C. Castel

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Councillor Connie Constant

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Councillor Brenda Dumas

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Councillor Travis Dumas

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Councillor Alma Hart


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Councillor Kelly Linklater

THIS BANISHMENT LAW IS HEREBY ENACTED by Council at a duly convened meeting held on  
15th day of May, 2025.

A quorum of Council consists of 5 members of Council.

  
Chief Gordie Bear

  
Councillor Wanda Bighetty

  
Councillor Moses Castel Sr.

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Councillor Steven C. Castel

  
Councillor Brenda Dumas

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Councillor Kelly Linklater