

SOK/86-117
dated Jan 13/86.

Draft By-Law on Intoxicant Abuse

By-Law No. 1

The Big Trout Lake Band of Indians.

Being a By-Law respecting intoxication and the use of
intoxicants on the Reserve of the Big Trout Lake Band of
Indians.

WHEREAS, subsection 85.1 (1) of the Indian Act, R. S. C. 1970,
Chapter 1-6 (as amended), empowers the Council of the Big
Trout Lake Band to make By-Laws respecting intoxication and
the use of intoxicants on the Reserve of the Big Trout Lake
Band, and;

WHEREAS, pursuant of subsection 8.1 (2) of the Indian Act,
the form and substance of the by-law set out below were
assented to by a majority of the electors of the Big Trout
Lake Band who voted at a special meeting of the Band on the
18th day of December, 1985, called by the Council of
the Big Trout Lake Band for the purpose of considering the
said by-law, and;

WHEREAS, the Council of the Big Trout Lake Band considers
necessary special measures for the protection of the citizens
of the Reserve of the Big Trout Lake Band from the presence
of intoxicants.

NOW THEREFORE, pursuant to section 85.1 of the Indian Act, the Council of the Big Trout Lake Band enacts as a by-law thereof as follows:

1. In this by-law

"intoxicant" means "intoxicant" as it is defined under subsection 2 (1) of the Indian Act, and for greater certainty and without altering the meaning of "Intoxicant", it shall be deemed to include the following preparations and mixtures capable of human consumption that are intoxicating:

- (i) glue and the vapours thereof,
- (ii) "Lysol" and other similar cleaning products and the vapours thereof, and
- (iii) gasoline and gasoline-based products and the vapours thereof;

"tourist" means a person not normally resident on the reserve of the Big Trout Lake Band who is travelling for recreation, pleasure or culture and who is a guest of one of the tourist camps operated by the Big Trout Lake Band on and off the reserve of the Big Trout Lake Band.

2. A person who seels, barfers, supplies or manufactures an intoxicant on the reserve of the Big Trout Lake Band is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 84.1 (4) (a) of the Indian Act, namely, a fine of not more than one thousand dollars or imprisonment for a term not exceeding six months

or both.

3. A person who is found

- (a) with intoxicants in his possession or
- (b) intoxicated

on the reserve of the Big Trout Lake Band, is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 85.1 (4) (b) of the Indian Act, namely, a fine of not more than one hundred dollars or imprisonment for a term not exceeding three months or both.

4. No offence is committed against this by-law where the intoxicant is used or intended to be used,

- (a) in cases of sickness or accident
- (b) for domestic or commercial purposes that not involve human consumption, or
- (c) in the form of sacramental wine by a recognized church.

5. (1) No offence is committed against subparagraph 3 (a) of this by-law if the person in possession is a tourist transporting the intoxicant in an unopened state across the reserve to a destination beyond the reserve boundary.

(2) In the case of a tourist described in subsection (1) who must sojourn on the reserve overnight or for a few days in order to avoid bad weather, in order to gather supplies or for any other valid purpose, he shall deliver the intoxicant in his possession as soon as is reasonably

possible to a special constable, band constable, any other authorized peace officer or any other person designated by Band Council Resolution, the person in possession of the intoxicant is guilty of an offence under subparagraph 3 (a) of this By-Law.

6. (1) Every person coming into the reserve of the Big Trout Lake Band shall, at that time, if requested by a special constable, band constable or any other authorized peace officer, declare whether or not he has in his possession any intoxicant, whether on his person or among the luggage, bags, packages or other containers that he is bringing onto the reserve.

(2) Following a declaration or a failure to declare under subsection (1), a special constable, band constable or any other peace officer who believes, on reasonable grounds, that there is any person contravening sections 2 or 3 of this by-law may

- , (a) detain that person for a period of time sufficient to conduct a search for any intoxicant, and
(b) detain the luggage, bags, packages or other containers that person is bringing onto the reserve for a period of time sufficient to apply for a search warrant under section 103 of the Indian Act and for a period of time sufficient to execute any warrant issued by a Justice of the Peace under section 103.

(3) The name of every person who fail to declare under subsection (1) shall be reported to the Council of the Big Trout Lake Band by a special constable, band constable or any other authorized peace officer.

Approved and passed at a duly convened meeting of the Council of the Big Trout Lake Band of Indians on the 18th day of December, 1985.

Chief: *Jerry McKay*

Head Councillor: *Levi McKay*

COUNCILLOR(S): *Tom Morris*

Greg Roberts
Paul Fox

Jacqueline Mackenzie
Frederick Duncan

Edwin
Paul Mackenzie

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds

NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE		Current Capital Balance	
LE CONSEIL DE LA BANDE INDIENNE BIG TROUT LAKE BAND		Solde de capital \$	
AGENCY			
DISTRICT SIOUX LOOKOUT		Committed - Engagé \$	
PROVINCE			
ONTARIO		Current Revenue balance	
PLACE		Solde de revenu \$	
NOM DE L'ENDROIT			
BIG TROUT LAKE		Committed - Engagé \$	
DATE	18	DECEMBER	AD 19 85
	DAY - JOUR	MONTH - MOIS	YEAR - ANNÉE

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

WHEREAS subsection 85.1 (1) of the Indian Act, R.S.C. 1970, Chapter 1-6 (as amended), empowers the council of the Big Trout Lake Band to make By-Laws respecting intoxication and the use of intoxicants on the Reserve of the Big Trout Lake Band; and,

WHEREAS pursuant to subsection 85.1 (2) of the Indian Act, the form and substance of the by-law set out below were assented to by a majority of the electors of the Big Trout Lake Band who voted at a special meeting of the Band on the 18 day of December, 1985, called by the Council of the Big Trout Lake Band for the purpose of considering the said by-law; and,

WHEREAS the number of people present at the special meeting numbered 130 and 130 people voted for the approval of the by-law # 1 of the Big Trout Lake Band of Indians; and,

WHEREAS, the Council of the Big Trout Lake Band considers necessary special measures for the protection of the citizens of the Reserve of the Big Trout Lake Band from the presence of intoxicants.

A quorum for this Bande
Pour cette bande le quorum est

consists of
fixé à

Council Members
Membres du Conseil

Lucy Morris
(Councillor - conseiller)

Tom Inglis
(Councillor - conseiller)

Paul F.
(Councillor - conseiller),

.....
(Councillor - conseiller)

Chris McKay
(Chief - Chief)

Lawrence Murphy
(Councillor - conseiller)

.....
 (Councillor - conseiller)

Angela Collins
(Councillor - conseiller)

.....
 Frederick Duncan
 (Councillor - conseiller)

.....
(Councillor – *conseiller*)

.....
(Councillor - conseiller)

.....
(Councillor - *conseiller*)

.....
(Councillor – *conseiller*)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTRE				
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens
	A. Capital \$	B. Revenue - Revenu \$		
5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu				
6. Recommended - Recommandable			Approved - Approuvable	
Date Recommending Officer - Recommandé par			Date Approving Officer - Approuvé par	