

BY-LAW NO. 1991.01
OF THE BRUNSWICK HOUSE INDIAN BAND
A BY-LAW TO PROHIBIT INTOXICANTS

WHEREAS, the use of intoxicants has demonstrated over time to be the greatest contributor to ill-health, disorderly conduct, nuisances and breaches of law and order on the Brunswick House Reserve number 76B thereby threatening the present and future peace, health and well-being of the community and its residents;

AND WHEREAS, the Brunswick House Indian Band considers it desirous to undertake measures for the protection of the community;

AND WHEREAS, Brunswick House Band members have been victimized by family violence, mental and physical abuse;

AND WHEREAS, traditionally, the Brunswick House Band members lived in harmony with nature and fellow beings and wish to revitalize their bonds to their native cultural, traditional and spiritual values;

AND WHEREAS, we must be strong and teach our children to be proud of their Indian heritage and we must protect our children so they can grow up in a happy and healthy environment that all children deserve;

AND WHEREAS, Subsection 85.1(1) of the Indian Act, authorizes the council of a band to make by-laws:

- (a) prohibiting the sale, barter, supply or manufacture of intoxicants on the reserve;
- (b) prohibiting any person from being intoxicated on the reserve;
- (c) prohibiting any person from having intoxicants in his/her possession on the reserve; and
- (d) providing for exceptions to any of the prohibitions established pursuant to paragraph (b) or (c);

AND WHEREAS, subsection 85.1(4) of the Indian Act provides that every person who contravenes a by-law made under this section is guilty of an offence and is liable on summary conviction, in the case of a by-law made under paragraph 85.1(1)(a), to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both; and in the case of a by-law made under paragraph 85.1(1)(b) or paragraph 85.1(1)(c), to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months, or to both;

AND WHEREAS, a majority of the electors of the Band who attended a special meeting of the Brunswick House Indian Band on September 3rd, 1991 called by the council of the Brunswick House Indian Band on August 28, 1991 for the purpose of considering the contents of this by-law, assented to the contents of this by-law;

NOW THEREFORE, it is hereby enacted pursuant to section 85.1 of the Indian Act:

Short title

1. This by-law may be cited as the Brunswick House Indian Band Intoxicant By-law.

Interpretation

2. In this By-law:

"Band" means the Brunswick House Indian Band;

"Reserve" means all those lands defined as a "reserve" within the meaning of the Indian Act, R.S.C. 1985, c-I-5, and set apart for the use and benefit of the Brunswick House Band of Indians and known as Brunswick House Indian Reserve number 76-B.

Prohibitions

3. No person shall be intoxicated on the Reserve.
4. No person shall be in possession of an intoxicant on the Reserve.
5. No person shall sell, barter or supply an intoxicant to anyone or manufacture intoxicants on the Reserve.

Exceptions

6. No person contravenes section 4 by reason only that he is in possession of an intoxicant for the purpose of transporting it across the Reserve from a point of origin outside of the Reserve to a destination outside of the Reserve, provided that the intoxicant is in a bottle, receptacle or package that is unopened and the seal unbroken.
7. No offense is committed against sections 2, 3 or 4 of this By-law:
 - a) Where the intoxicant is possessed, used or intended to be used solely
 - (i) for medicinal purposes; or
 - (ii) for domestic, business, commercial or other purposes that do not involve producing a state of intoxication in any person;or
 - b) Where the intoxicant is being transported in an unopened state across the Reserve to a destination beyond the Reserve boundary with no intention to consume, sell, barter or supply the intoxicant on the Reserve.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Brunswick House Indian Band this 19th day of September, 1991.

Voting in favour of the By-law are the following members of the Council:

Joseph A. Saunders
(Member of the Council)

John B. Meshawalini
(Member of the Council)

James H. Weslar
(Member of the Council)

being the majority of those members of the Council of the Brunswick House Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is two (2) members.

Number of members of the Council present at the meeting: 3.

I, Joseph A. Saunders Chief/Councillor of the Brunswick House Indian Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Hull office pursuant to subsection 82(1) of the Indian Act, this 20th day of Sept., 1991.

[Signature]
(Witness)

Joseph A. Saunders
(Chief/Councillor)