



**The Cat Lake First Nation**  
First Nation Law Respecting Intoxicants

- WHEREAS the abuse of intoxicants represents a major threat to the communal well-being of the Cat Lake First Nation and to the lives of its members;
- AND WHEREAS the abuse of intoxicants has been demonstrated to be a major contributor to ill-health, social disorder and to breaches of the public peace within the community;
- AND WHEREAS it is necessary for the effective control of intoxicants to take special measures which respond to the unique constitutional position of the Cat Lake First Nation in Ontario and in Canada, its location, and its unique history, traditions and culture;
- AND WHEREAS the Cat Lake First Nation is empowered to make by-laws through the provisions of the *Indian Act*, including matters respecting:
- i intoxicants and intoxication on Reserve (s.85.1);
  - ii the health of residents on reserve (s.81(1)(a));
  - iii the observance of law and order (s.81(1)(c));
  - iv the prevention of disorderly conduct and nuisances (s.81(1)(d));
  - v the regulation of persons who enter the Reserve to buy, sell or otherwise deal in wares or merchandises (s.81(1)(n));
  - vi the removal of persons trespassing upon the reserve or frequenting the Reserve for prohibited purposes (s.81(1)(p)); and,
  - vii with respect to any matter arising out of or ancillary to the exercise of these and other powers (s.81(1)(q));
- AND WHEREAS Chief and Council called a special meeting of the members of the Cat Lake First Nation in order that they be able to contribute to the provisions and to the design of a law which will reflect the view of the community of the appropriate balance of the collective and individual rights of the Cat Lake First Nation and its members;

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Commissioner for the taking of Oaths  
Pursuant to Paragraph 108 (a) of the Indian Act.

AND WHEREAS the members of the Cat Lake First Nation have shown their support of this law through a vote at that special meeting;

THEREFORE the Chief and Council of the Cat Lake First Nation enacts this law, including these recitals;

AND submits it to the Minister of Indian Affairs as required for enforcement through the provisions of the *Indian Act* as a by-law of the Cat Lake First Nation:

Definitions

1 In this by-law

"Intoxicants" means:

any substance, liquid or the vapours thereof which can be used to produce a state of intoxication, and includes, without limiting the foregoing:

(a) alcohol, acholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating;

(b) marijuana, hashish, cocaine and its derivatives, and any other drug or substance used to produce a state of intoxication;

(c) gasoline, naphtha and other fuels or the vapours thereof;

(d) glues, cements and similar compounds, and the vapours thereof;

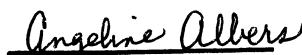
(e) cleaning solvents, disinfectants, anti-freeze, de-icers, perfumes hairsprays, mouthwashes containing intoxicants, and the vapours thereof; and,

(f) home-made mixtures capable of producing a state of intoxication.

"Intoxicated"

In addition to its ordinary meaning, any person 18 years of age or less who has in any manner consumed intoxicants is deemed to be intoxicated for the purposes of this law.

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"Person" means:

- (a) any member of the Cat Lake First Nation;
- (b) any resident of the Cat Lake First Nation;
- (c) any other who is present within the boundaries of the Cat Lake First Nation.

"Traffic" means:

- (a) to manufacture an intoxicant; or,
- (b) to give, buy, sell, exchange or barter or trade an intoxicant; or,
- (c) to offer to give, buy, sell, manufacture, barter or trade an intoxicant.

**PART I: Alternative Measures**

- 2(1) Alternative measures may be used to deal with any person alleged to have committed any offence in which the person is alleged to be or is intoxicated and to have thereby committed an offence under this law, where
- (a) The measures are part of a program of alternative measures authorized by the Chief and Council of the Cat Lake First Nation at a properly constituted First Nations Council meeting;
  - (b) the person or persons recommending the use of alternative measures is satisfied that they would be appropriate, having regards to the needs of the accused person and the interests of the Cat Lake First Nation;
  - (c) the accused person, having been informed of the alternative measures, consents to participate in the recommended program;
  - (d) the accused person has, before agreeing to participate in the alternative measures, been advised of the right to proceed to have the charges dealt with through the regular court process;
  - (e) the accused person accepts responsibility for the acts which led to the charge or charges;

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- (f) that there is in the opinion of the Attorney General or his agent, sufficient evidence to proceed with the charges; and
- (g) the prosecution of the offence is not in any way barred at law.
- (2) Alternative measures shall not be used where the accused person denies having committed the alleged offence or offences, or expresses a wish to have the matter dealt with through the court process.
- (3) No admission, confession or statement made during the process of participating in alternative measures shall be admissible in evidence in any civil or criminal proceedings.
- (4) The use of alternative measures in respect of an accused person is not a bar to proceedings against that person under this law, unless:
- (a) the court is satisfied that the person has fully complied with the terms and conditions of the alternative, in which case the court shall dismiss the charges against that person; and,
  - (b) where the court is satisfied that the person has partially complied with the terms and conditions of the alternative measures, and where the court feels, having regard to the circumstances, that prosecution would be unfair, the court may consider the accused persons' performance with respect to the alternative measures before making a disposition under this law.
- (5) Subject to subsection (4), nothing in this section shall be construed to prevent any prosecution under this law.

## **PART II: Offences and penalties**

- 3 Except where allowed by this law, any person who is intoxicated within the boundaries of the Cat Lake First Nation is guilty of an offence and is liable to a fine of not more than One Hundred Dollars, or imprisonment for a period not exceeding three months, or both.
- 4 Except where allowed by this law, any person who is in possession of an intoxicant within the boundaries of the Cat Lake First Nation is guilty of an offence and is liable to a fine of not more than One Hundred Dollars, or imprisonment for a period not exceeding three months, or both.

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5 Any person who,

(a) traffics in an intoxicant, or

(b) is in possession of an intoxicant for the purposes of trafficking,

within the boundaries of the Cat Lake First Nation or within the traditional territories of the Cat Lake First Nation, is guilty of an offence and is liable to a fine of not more than One Thousand Dollars, or imprisonment for a period not exceeding six months, or both.

6 Any person who, while intoxicated, interferes with or disturbs any other person, or group of persons or interferes with or disturbs their activities or otherwise creates a nuisance by disturbing the peace and quiet of any person or of the Cat Lake First Nation by fighting, screaming, shouting, swearing, singing, using insulting or obscene language, or in any other manner, whether within a dwelling house or not, is guilty of an offence and is liable to a fine of One Thousand Dollars or imprisonment for a period not exceeding 30 days.

7 Any person who while intoxicated puts any child under the age of 12 years at risk by leaving that child without proper care and attention is guilty of an offence and is liable to a fine of One Thousand Dollars or imprisonment for a period not exceeding 30 days.

Exceptions

8 No offence is committed where an intoxicant is possessed, used or intended to be used solely,

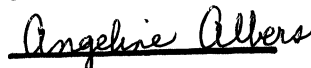
(a) in accord with this law;

(b) for medicinal purposes;

(c) for personal, domestic, or traditional or other purposes which do involve producing a state of intoxication; or,

(d) where an intoxicant is being transported by a non-member of the Cat Lake First Nation or by any other person who is not resident of the Cat Lake First Nation through the First Nations territory, and the person transporting the intoxicant has, upon being asked, declared that he or she is in possession of an intoxicant and is transporting it through the First Nations territory.

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**PART III: Cat Lake First Nation Powers of Search and Seizure**

- WHEREAS it is fundamental to the health, safety, security and peace of the Cat Lake First Nation that use and abuse of intoxicants be effectively controlled;
- AND WHEREAS the use and abuse of intoxicants represents the most severe threat to the well-being of the Cat Lake First Nation;
- AND WHEREAS effective control cannot be accomplished without special powers designed to prevent the entry of intoxicants onto the First Nations territory;
- AND WHEREAS the collective rights of the members of the Cat Lake First Nation permit the use of special powers of search and seizure upon entry to and within the First Nations territory;
- THEREFORE the Cat Lake First Nation authorizes these special search and seizure measures designed to protect the First Nation, its members and its future:

Authority

- 9 Any person authorized by Chief and Council of the Cat Lake First Nation to act as a Band Constable, First Nations Constable, or other Peace Officer, may enforce the provisions of this law for as long as that authorization remains in effect.
- 10 Any person other than a Peace Officer may enforce provisions of this law as authorized by Chief and Council.

Searches Generally

- 11 A Constable of the Cat Lake First Nation, a First Nations Constable, any other authorized peace officer who has been granted permission by Chief and Council, and any person granted such powers by Chief and Council at a duly constituted meeting of Cat Lake First Nation, may, without warrant, conduct a search of any building situated within the territory of the Cat Lake First Nation, including offices and dwelling houses, where,
- (a) that constable or other person has reasonable grounds to believe that an offence against this act is being committed; and,

(b) that constable or other person has the approval of any two of the following persons:

- i First Nation Chief or Deputy Chief;
- ii any other member of Council;
- iii any designated elder;

to conduct that particular search at that particular time; and,

(c) that constable or other person is accompanied by one member of the First Nation Council or an elder while conducting the search.

12 A Constable of the Cat Lake First Nation, a First Nations Constable, any other authorized peace officer who has been granted permission by Chief and Council, may without warrant, conduct a reasonable search of the clothing and luggage of any person entering or within the boundaries of the Cat Lake First Nation,

(a) if the Constable or peace officer has reasonable grounds to believe that the person may be committing an offence against this law; or,

(b) if the person appears to be intoxicated whether or not that person is arrested or charged with an offence in relation to that apparent intoxication.

#### Searches upon Entry

13 A Constable of the Cat Lake First Nation, a First Nations Constable, any other authorized peace officer who has been granted permission by Chief and Council, may, without warrant and without grounds to believe or suspect that an offence under this law is being committed or likely to be committed, conduct reasonable searches of all vehicles, vessels, aircraft, snowmachines, sleds, luggage, freight, bags boxes or other containers or conveyances entering upon reserve or bringing persons to the reserve.

For greater certainty, all containers entering the Cat Lake First Nations territory by mail shall be deemed not to have entered upon First Nations territory until the addressee or agent thereof receives the mail into his or her possession.

#### Seizure

14 A Constable of the Cat Lake First Nation, a First Nations Constable, any other authorized peace officer who has been granted permission by Chief and Council, may seize all intoxicants which he or she believes on reasonable grounds have been possessed or used in contravention to this law.

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Proviso

- 15 Nothing in this law is intended to limit the powers of any Constable of the Cat Lake First Nation, First Nations Constable or any other authorized peace officer contained in any statute, by-law or other written instrument or recognized under common law.

**PART IV: Treatment Programs**

WHEREAS the abuse of intoxicants is a major threat to the health and well-being of the Cat Lake First Nation and its members;

AND WHEREAS the abuse of intoxicants is a major cause of, and contributor to crime and social disorder within the Cat Lake First Nation;

AND WHEREAS the use of intoxicants is a matter of health as well as a matter of crime and social disorder;

AND WHEREAS it is vital that the health aspects of the use of intoxicants not be ignored;

AND WHEREAS the Cat Lake First Nation is empowered to make by-laws through the provisions of the *Indian Act*, including matters respecting:

- i intoxicants and intoxication on Reserve (s.85.1);
- ii the health of residents on reserve (s.81(1)(a));
- iii the observance of law and order (s.81(1)(c));
- iv the prevention of disorderly conduct and nuisances (s.81(1)(d)); and,
- vii with respect to any matter arising out of or ancillary to the exercise of these and other powers (s.81(1)(q));

THEREFORE the Chief and Council of the Cat Lake First Nation enacts these special measures to allow, where appropriate, those accused of the use of intoxicants to be sent to treatment as all or part of their sentence:

- 16 Section 2 notwithstanding, any person convicted of an offence under this law may be ordered by the court to participate in a treatment program as all or part of their sentence.

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**CAT LAKE FIRST NATION**  
GORDON OOMBASH MEMORIAL BUILDING  
2 BACK ROAD WEST  
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**NOTICE**

The vote on the amended Intoxication By-law is as follows:

yes - 36

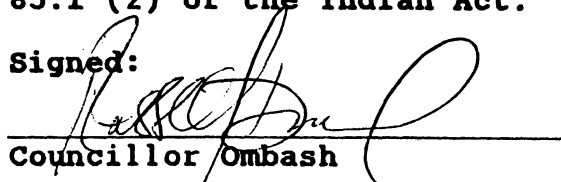
no - 4

spoiled ballots: none

Total votes: 40

The amended Intoxication By-law is approved as required by Section 85.1 (2) of the Indian Act.

Signed:

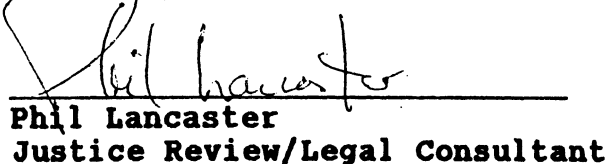
  
Councillor Ombash

  
Councillor Keewaycabo

Witnesses:

  
Laura Calm Wind - Windigo Justice Review

  
Maria Seymour - Elder

  
Phil Lancaster  
Justice Review/Legal Consultant

Dated this day 22nd, July 1993 at Cat Lake First Nation