

SLAVES OF THE UPPER HAY RIVER BY-LAW NUMBER 7

SOR/76-778

The Council of the Slaves of the Upper Hay River Band of Indians at a meeting held on the 27 th day of October, 1976, makes the following by-law pursuant to Section 81, subsection (c) and (d) of the Indian Act.

By-law Number 7.

Being a by-law requiring the attendance at school of the children residing on the reserve of the Slaves of the Upper Hay River Band.

1. This by-law may be cited as the school attendance by-law.
2. In this by-law;

"Band" means the Slaves of the Upper Hay River Band of Indians.

"Band Council" means the Council of the Slaves of the Upper Hay River Band of Indians.

"Child" means any child who is in normal residence on a Band reserve who has attained the age of six years but has not attained the age of sixteen years.

"Reserve" means the Indian Reserves of:

Bushie River Reserve #207  
Hay Lakes Reserve #209  
Zama Lakes Reserve #210  
Amber River Reserve #211  
Upper Hay River Reserve #212  
Bitscho Lake Reserve #213  
Jackfish Point Reserve #214

"School" includes a day school, technical school, high school and residential school.

"Truant Officer" includes:

- (a) a member of the Royal Canadian Mounted Police.
  - (b) a special constable appointed for police duty on the reserve of the Band pursuant to the Alberta Police Act.
  - (c) a school teacher or any other person when authorized by the Band Council.
3. (1) Subject to section 4, every child who has attained the age of seven years shall attend school.

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- (2) The Band Council may:
  - (a) require a child who has attained the age of six years to attend school;
  - (b) require a child who becomes sixteen years of age during the school term to continue to attend school until the end of that term.
4. A child is not required to attend school if the child;
  - (a) is, by reason of sickness or other unavailable cause that is reported promptly to the principal, unable to attend school;
  - (b) is, with the permission in writing of Band Council, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties;
  - (c) is under efficient instruction at home or elsewhere, within one year after the written approval by the Band Council of such instruction; or
  - (d) is unable to attend school because there is insufficient accommodation in the school that the child is entitled or directed to attend.
5. (1) The Band Council may appoint persons, to be called truant officers, to enforce the attendance of children at school, and for that purpose a truant officer has the power of a peace officer.
  - (2) Without restricting the generality of subsection (1), a truant Officer may;
    - (a) enter any place where he believes, on reasonable grounds, that there are children who are between the ages of seven and sixteen years of age, or who are required by the Band Council to attend school;
    - (b) investigate any case of truancy; and
    - (c) serve written notice upon the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.
  - (3) Where a notice has been served in accordance with paragraph (2) (c) with respect to a child who is required by this by-law to attend school, and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person upon whom the notice was served is guilty of an offence and is liable on summary conviction to a fine of not more than five dollars or to imprisonment for a term not exceeding ten days, or to both fine and imprisonment.

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- (4) Where a person has been served with a notice in accordance with paragraph (2) (c), it is not necessary within a period of twelve months thereafter to serve that person with any other notice in respect of further noncompliance with the provisions of this by-law, and whenever such person within the period of twelve months fails to cause the child with respect to whom the notice was served or any other child of whom he has charge or control to attend school and continue in regular attendance as required by this by-law, such person is guilty of an offence and liable to the penalties imposed by subsection (3) as if he had been served with the notice.
- (5) A child who is habitually late for school shall be deemed to be absent from school.
- (6) A truant officer may take into custody a child who he believes on reasonable ground to be absent from school contrary to this by-law and may convey the child to school, using as much force as the circumstances required.

6. A child who:

- (a) is expelled or suspended from school; or
- (b) refuses or fails to attend school regularly;

Shall be deemed to be a juvenile delinquent within the meaning of the Juvenile Delinquent Act.

Harry Chonkolay  
Chief

HIS  
MARK

Councillor  
 Antoine Providence  
Councillor

Councillor  
B. Deedza  
Councillor

HIS  
MARK

Paul Metchooyeah  
Councillor

Charlie Chisaakay  
Councillor

H. Denechoan  
Councillor

W. Danais  
Councillor

Charlie Chisaakay  
Witness

R. Henriët  
Witness

APPENDIX A

CANADA

PROVINCE OF ALBERTA

TO WIT

I BRIAN J.B. SHAWTZ LOCAL GOVERNMENT ADVISOR  
(name) (capacity)

residing at High Level make oath

and swear that the paper-writing on (to) which this affidavit  
is endorsed (attached) is a true copy of a document produced

and shown to me and purporting to be the original by-law made

pursuant to the Indian Act and signed by a quorum of the SLAVES OF THE  
Upper Hay River Band Council and dated Oct. 27, 1976

the said copy having been compared by me with the said  
original document.

Brian J.B. Shawtz (signature)

Sworn before me at High Level

this 27 th day of November

1976.

Commissioner of Oaths in and for the Province

of Calgary.

or

Paul Kelpin  
PAUL KELPIN

Commissioner For Oaths #51914  
Commission Expires December 31, 1977

Commissioner for the Taking of Oaths

Authorized under Section 108 of the

Indian Act.