

This is Exhibit "A" to the Affidavit of William Louis Ostenstad sworn before me this 2nd day of May, 1984

LAX KW'ALAAMS BAND OF INDIANS

BY-LAW NO. 1983- 1

Barbara Henry
Commissioner for Taking Affidavits for British Columbia

A by-law to regulate the hours during which Children may be in Public Places within Reserve.

WHEREAS the Indian Act provides that the Council of a Band may make by-laws for any or all of the following purposes, namely:

the observance of law and order (paragraph 81(c));

the prevention of disorderly conduct and nuisances (paragraph 81(d));

the control and prohibition of public games, sports, races, athletic contests and other amusements (paragraph 81(m));

with respect to any matter arising out of or ancillary to the exercise of aforementioned powers (paragraph 81(q));

the imposition on summary conviction of a fine not exceeding One Hundred Dollars or imprisonment for a term not exceeding thirty days, or both, for violation of by-laws made under Section 81 of the Indian Act (paragraph 81(r)).

AND WHEREAS it is deemed to be beneficial for the general welfare of the community to regulate the hours during which Children may be in Public Places.

NOW THEREFORE the Council of the Lax Kw'alaams Band of Indians at a duly convened meeting enacts as a by-law the following:

SHORT TITLE

1. This by-law may be cited for all purposes as the Lax Kw'alaams Curfew By-law.

REPEAL OF EXISTING BY-LAWS

2. The following Band by-laws are hereby repealed in their entireties:

(a) By-law No. 7 made on the 9th day of December, 1960, being a by-law to provide for the

regulation of the activities of boys and girls on the Port Simpson No. 1 Indian Reserve, actually or apparently under 16 years of age;

- (b) By-law No. 7A made on the 8th day of February, 1972, being a by-law to amend By-law No. 7.

DEFINITIONS

3. The following terms, whenever used in this by-law, or in any resolution of Council dealing with this by-law, shall have the meanings respectively ascribed to them in this section unless the context otherwise requires:

"Act" means the Indian Act (together with all Regulations made pursuant to same) being Chapter I-6 of the Revised Statutes of Canada, 1970, and any amendments thereto.

"Band" means the Lax Kw'alaams Band of Indians.

"Child" means any boy or girl under the age of sixteen years.

"Council" means the Council of the Band pursuant to the Act.

"Curfew Hours" means all hours during each and every calendar year:

between the hours of ten o'clock in the evening and six o'clock in the morning of the following day on any day during the months of July and August, on Friday and Saturday during the ten months of the year other than July and August, and on any day other than Friday or Saturday, during the ten months of the year other than July and August, immediately preceding a School Holiday; and

between the hours of nine o'clock in the evening and six o'clock in the morning of the following day on each and every day not in this definition hereinbefore specified.

(All times specified as hours in this definition shall be in Daylight Saving Time during any days that Daylight Saving Time is in effect and shall otherwise be in Pacific Standard Time.)

"Curfew By-law Officer" means any Person appointed by Council under section 7 from time to time to be a Curfew By-law Officer.

"Curfew Permit" means a permit substantially the same in form and content as that document attached to this by-law as Schedule "B" and forming a part hereof, when duly completed and executed by a Curfew By-law Officer.

"Curfew Permit Application" means an application substantially the same in form and content as that document attached as Schedule "A" to this by-law and forming a part hereof, when duly completed and executed by an applicant for a Curfew Permit;

"Exceptional Activity" means any event or activity occurring within Reserve, including without restricting the generality of the foregoing, any service, dance, party, wedding, show, game, sports event, race, athletic contest, concert or other amusement, which a Child or Children are permitted to attend or participate in or, without permission, do attend or participate in.

"Home" means the usual or temporary place of residence of a Child.

"Peace Officer" means any constable or any person having the powers of a constable, and without restricting the generality of the foregoing, shall include any member of the Royal Canadian Mounted Police, including special constables thereof.

"Person" includes any individual, company, partnership, association or society.

"Public Place" means any place within Reserve other than the Home of the Child, or a home at which a Child is babysitting or visiting with the permission of a parent or a guardian of the Child, including without restricting the generality of the

foregoing, any place at which an Exceptional Activity takes place.

"Reserve" includes all reserves of the Band.

"School Holidays" means all statutory and school holidays stated to be such and all school days proclaimed to be a holiday, by the Minister of Education for the Province of British Columbia, under and pursuant to the Regulations to the School Act of British Columbia and amendments made thereto from time to time.

"Teacher" means any teacher employed at the Port Simpson Community School by the Board of School Trustees of School District No. 52, and any teacher or teacher aide employed anywhere in the Village of Port Simpson by the Council including without restricting the generality of the foregoing at the Port Simpson Community School.

PUBLIC PLACES

4. Except as is otherwise specifically permitted under sub-section 5(2), or as a result of an unavoidable cause, no Child shall be in a Public Place during Curfew Hours.

EXCEPTIONAL ACTIVITY

5. (1) Every Exceptional Activity shall, for so long as any Child is present, be supervised by a responsible adult or adults.
- (2) Notwithstanding section 4, if a Curfew Permit has been issued, Children shall be permitted to attend and participate in an Exceptional Activity during Curfew Hours as specifically permitted by the terms and conditions of such Curfew Permit.

CURFEW PERMIT

6. (1) Any Person may apply to a Curfew By-law Officer for a Curfew Permit by submitting thereto at least seven days prior to the date of the Exceptional Activity for which the Curfew Permit is required a Curfew Permit Application and paying the "processing fee" specified on such Application.

- (2) The Curfew By-Law Officer shall consider each Curfew Permit Application and provided that, in his opinion, reasonably held:
 - (a) the proposed event or activity is of a lawful nature; and
 - (b) the place of the proposed event or activity is a safe place for such event or activity to be held; and
 - (c) reasonable precautions to ensure Children do not have access to alcohol are to be taken; and
 - (d) at least one adult Person for every 30 Children present at the event or activity will be present to supervise the Children;he shall issue a Curfew Permit.
- (3) Other than as is permitted in sub-section (2) no Curfew Permit shall be issued.
- (4) A Curfew Permit shall include and be subject to all terms and conditions set out therein, whether as a part of the form prior to completion and execution by a Curfew By-law Officer, or inserted by a Curfew By-law Officer in completing such form.
- (5) The holder of a Curfew Permit shall ensure that all terms and conditions thereof are complied with.
- (6) Without limiting the generality of sub-section (5), the Person or Persons primarily responsible for an Exceptional Activity shall ensure that any Child not accompanied by at least one of his or her parents or a guardian is instructed to go Home at the onset of the Curfew Hours applicable on the day of the Exceptional Activity or at such later hour as has been provided in a Curfew Permit.
- (7) Any Child not accompanied by one of his or her parents or a guardian shall, whether or not instructed to do so by any Person, depart from and go directly Home from an Exceptional Activity at the onset of the Curfew Hours applicable on the day of the Exceptional Activity unless advised by the Person or Persons primarily responsible for the

Exceptional Activity that pursuant to a Curfew Permit Children are permitted to remain at the Exceptional Activity to a specified later hour, and if so advised of such a specified later hour, shall whether or not instructed to do so by any Person depart from and go directly Home from the Exceptional Activity at the hour so specified.

CURFEW BY-LAW OFFICER

7. (1) The Council may from time to time appoint one or more adult Persons to be a Curfew By-law Officer, and may at any time terminate any such appointment.
- (2) A Curfew By-law Officer shall have the powers and carry out the duties prescribed for such Officer in this by-law.

CHILD NOT PERMITTED IN PUBLIC PLACE

8. No parent, guardian or other Person shall permit any Child to be in a Public Place contrary to the provisions of this by-law.

WARNING TO CHILD

9. Without limiting the generality of sub-section 6(7), any Child not accompanied by one of his or her parents or a guardian and found in a Public Place during Curfew Hours by a Curfew By-Law Officer, Peace Officer or Teacher, unless permitted to be in such Public Place by a Curfew Permit, shall be warned by such Curfew By-Law Officer and may be warned by such Peace Officer or Teacher, to go directly Home, and if such Child refuses to obey such warning, or if after such warning the Child is found loitering in a Public Place, it shall be the duty of such Curfew By-Law Officer to, and such Peace Officer or Teacher may, accompany the Child Home.

REFUSAL BY CHILD

10. Where a Child refuses to accompany or eludes a Curfew By-Law Officer, Police Officer or Teacher, positive identification of the Child and a visit to the Child's Home to ensure his or her absence therefrom shall be sufficient evidence of a breach

of this by-law to proceed with any appropriate charges under this by-law.

HEADINGS

11. The headings of sections in this by-law have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this by-law or any of its provisions.

SEVERABILITY

12. If a Court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

PENALTIES

13. Any Person who disobeys or fails to comply with any provision of this by-law is guilty of an offence and is liable to imposition on summary conviction of a fine not exceeding \$100.00 or imprisonment for a term not exceeding 30 days, or both.

APPROVED AND PASSED at a duly convened meeting of
the Council of the Lax Kw'alaams Band of Indians this 13th
day of October , 1983.

James Bryant

CHIEF COUNCILLOR

Albert White
COUNCILLOR

James B. Lawson
COUNCILLOR

Marvin Wesley
COUNCILLOR

Darwin Price
COUNCILLOR

John Alexcee
COUNCILLOR

R.E. Sankey
COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

COUNCILLOR

I, James Bryant , Chief Councillor of the Lax Kw'alaams
Band of Indians, do hereby certify that a true copy of the
foregoing by-law was forwarded to the Minister of Indian
Affairs and Northern Development pursuant to sub-section
82(1) of the Indian Act this 14th day of October , 1983.

W.L. Ostenstad
WITNESS

James Bryant
CHIEF COUNCILLOR

SCHEDULE "A"

CURFEW PERMIT APPLICATION

Name of person (including any organization) or persons applying for a Curfew Permit: _____

Description of the event or activity that it is desired Children be permitted to attend or participate in during Curfew Hours:

[Curfew Hours means all hours during each and every calendar year between the hours of ten o'clock in the evening and six o'clock in the morning of the following day on any day during the months of July and August, on Friday and Saturday during the ten months of the year other than July and August, and on any day other than Friday or Saturday, during the ten months of the year other than July and August, immediately preceding a School Holiday; and between the hours of nine o'clock in the evening and six o'clock in the morning of the following day on each and every day not in this definition hereinbefore specified.

(All times specified as hours in this definition shall be in Daylight Saving Time during any days that Daylight Saving Time is in effect and shall otherwise be in Pacific Standard Time.)]

Place of event or activity: _____

Date of event or activity: _____

Number of adults expected to attend at event or activity: _____

Curfew Hours up to 11:30 p.m. during which it is requested Children be permitted to attend or participate in event or activity: _____

Approximate number of Children expected to attend or participate in event or activity: _____

Will alcohol be present at the event or activity and, if so, how will it be distributed to adults and what precautions will be taken to ensure no minor receives any alcohol?

Name of adult person or persons who will supervise the attendance or participation of Children in the event or activity: _____

Amount of processing fee payable is \$5.00.

We, the undersigned, agree that if on consideration of this Curfew Permit Application a Curfew By-Law Officer of the Lax Kw'alaams Indian Band agrees to approve attendance or participation in the above described event or activity during Curfew Hours, we will ensure that all provisions of the Lax Kw'alaams Curfew By-law as they relate to the event or activity, and all terms and conditions set out in the Curfew Permit issued, will be complied with. We hereby acknowledge having reviewed a copy of and being fully familiar with all provisions of the said by-law.

Witness
(As to all signatures)

Applicant

Applicant

Applicant

Applicant

SCHEDULE "B"

CURFEW PERMIT

Permit No. _____

_____ is hereby granted permission to allow Children under the age of 16 years to attend or participate in the event or activity hereinbelow described, subject to all provisions of the Lax Kw'alaams Curfew By-law and to the terms and conditions hereinbelow set out.

Place of event or activity: _____

Description of event or activity: _____

Date or dates of event or activity during which Children will be permitted to attend at and participate in during Curfew Hours: _____

Children will be permitted to attend at and participate in the event or activity until 11:30 p.m. on the date or dates specified immediately above.

Full name of adult or adults required to supervise attendance or participation of Children in the event or activity:

CURFEW BY-LAW OFFICER

DATE

THIS PERMIT IS NOT VALID UNLESS SIGNED BY A CURFEW BY-LAW OFFICER.