

TATASKWEYAK CREE NATION

BY-LAW 2020-02

RE: COVID-19 EMERGENCY MEASURES

WHEREAS, sections 81(1)(a)(p) and (r) of the *Indian Act*, R.S.C. 1985, c. I-5, empowers the Council of the Tataskweyak Cree Nation (the "Council"), to make By-laws to provide for the health of residents on the reserves of Tataskweyak Cree Nation and to prevent the spreading of contagious and infectious diseases, the removal and punishment of persons trespassing on the reserve and the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section;

WHEREAS, the Novel Corona Virus (COVID-19) is a new virus that has not been previously identified in humans and is a serious threat to public safety, with the situation evolving daily;

WHEREAS, on March 11, 2020, the World Health Organization declared the global outbreak of COVID-19 a pandemic;

WHEREAS, on March 20, 2020, the Province of Manitoba has declared a state of emergency under the *Emergency Measures Act*;

WHEREAS, on March 17, 2020, the Assembly of Manitoba Chiefs declared a State of Emergency in response to the escalating (COVID-19) crisis, the AMC Executive Council of Chiefs (ECC) called for a state of emergency for each First Nation in Manitoba;

WHEREAS, direct action is required to prevent or limit loss of life and harm or damage to the safety, health and well-being of First Nation citizens and Communities in Manitoba due to COVID-19;

WHEREAS, it is in the best interests of the Tataskweyak Cree Nation to enact by-law(s) and/or policies to provide for emergency planning, management and implementation of measures required for the public health and safety of Tataskweyak Cree Nation citizens, residents and visitors to Tataskweyak Cree Nation Lands;

NOW THEREFORE Council of the Tataskweyak Cree Nation hereby approve the following By-law:

PART 1. NAME

1.1 This By-law may be cited as the *Covid-19 Emergency Measures By-law, 2020-02*.

PART 2. DEFINITIONS

2.1 For the purposes of this By-law, the following definitions apply:

“**Child**” means any child under the age of 16 years old;

“**Council**” means the Chief and Council of the Tataskweyak Cree Nation;

“**Member**” means a person who’s name appears on the TCN Membership List;

“**Officer**” means any person designated in writing by Council to enforce this By-law, RCMP and any other person charged by Canada or Manitoba with the duty to preserve and maintain the public peace in accordance with their laws;

“**Parent**” includes the father, mother, or guardian of a child, whether by law or custom;

“**Reserve**” means lands reserved for Tataskweyak Cree Nation within the meaning of the *Indian Act*, R.S.B.C.1985, c.I-5 (see Schedule “A”);

“**TCN**” means the Tataskweyak Cree Nation.

PART 3. APPLICATION OF BYLAW

3.1 This Bylaw applies to all persons, including Members.

PART 4. DECLARATION OF A STATE OF EMERGENCY

4.1 When the Council believes, on reasonable grounds, that a disease emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Council may, by Band Council Resolution, so declare.

4.2 A declaration of a disease emergency shall specify:

(a) the state of affairs constituting the emergency; and

(b) if the direct effects of the emergency do not extend to all Tataskweyak Cree Nations reserves, the reserves or areas of reserves to which the direct effects of the emergency extend.

4.3 A declaration of a disease emergency expires at the end of ninety days unless the declaration is previously cancelled, amended or continued by the Council.

PART 5. ORDERS

5.1 Upon Council declaring a state of emergency, Council may make such orders and regulations it believes is necessary to reduce risk associated with the COVID-19 crisis such as, but not limited to, orders relating to:

(a) The regulation or prohibition of travel to, from or within any specified area of Tataskweyak Cree Nation Reserves;

- (b) The regulation of entry into or presence within specified areas, including public spaces, buildings, or business establishments on Reserves;
- (c) The evacuation of persons and the removal of personal property from any specified area making arrangements for the adequate care and protection of person and property;
- (d) Ensuring that Social Distancing practices are observed by Members and non-Members on Reserve, including such measures as a postponement of community events including weddings, birthdays, funerals, church services, community feasts and any other activities where groups of people congregate until such time when risk to the community can be averted;
- (e) The entry into any building on Tataskweyak Cree Nation lands without a warrant or order;
- (f) The procurement, use and distribution of essential resources, services and personnel providing for reasonable compensation for in respect of the resources or services provided;
- (g) The distribution and availability of essential goods, services and resources;
- (h) Emergency payments;
- (i) Closure of schools, businesses and other facilities on Reserve;
- (j) Establishment of community curfews;
- (k) Establishment of emergency shelters, health treatment, isolation or quarantine centers, or such facilities as may be required;
- (l) Assessing the damage to the environment, any works, undertakings, infrastructure or other structures and the costs to repair, replace or restore the environment, such works, undertakings, infrastructure or other structures;
- (m) Payment of expenses caused directly or indirectly by the emergency;
- (n) Evicting, banishing, imprisoning or imposing fines consistent with Tataskweyak Cree Nation community By-laws/policies; and
- (o) appointing one or more enforcement officers for purposes of PART 6.

PART 6. VIOLATION AND ENFORCEMENT

- 6.1 If the Council is satisfied that a person is in violation of orders made under PART 5, it may direct that a notice of violation be delivered by an Officer, which notice will:

- (a) advise the person that they are in violation of one or more orders made under this By-law;
 - (b) order compliance; and
 - (c) authorize the Officer to take all lawful steps that may be reasonably required to cause the person to comply with orders made under this By-law.
- 6.2 If the person in violation of an order is a Child, the notice of violation will advise the Child's Parent(s).
- 6.3 A notice of violation issued under Section 6.1 or 6.2 constitutes authority to any Officer to take all lawful steps that may be reasonably required to cause the person to comply with orders made under this By-law.
- 6.4 No person shall disobey a notice of violation issued under Section 6.1 which the person has received or of which the person has knowledge.
- 6.5 No Parent shall permit their Child to disobey a notice of violation issued under Section 6.2 which the Parent has received or of which the Parent has knowledge.

PART 7. OFFENCE

- 7.1 A person who contravenes Section 6.4 commits an offence against this By-law.
- 7.2 A Parent who permits a Child to contravene Section 6.5 commits an offence against this By-law.
- 7.3 Every person who commits an offence against this By-law is liable on summary conviction to a fine of not more than \$1,000 or imprisonment for a term not exceeding 30 days, or both.

PART 8. COMPLIANCE WITH OTHER LAWS

- 8.1 Where any applicable TCN, federal or provincial law, act, order, or regulation applies to any matter covered by this By-law, compliance with this By-law will not relieve the person from also complying with the provisions of any other applicable law, act, order, regulation, or bylaw.

PART 9. PARAMOUNCY

- 9.1 Where there is a conflict between an order or regulation made under this By-law and a provincial and federal order or law, orders and regulations made under this By-law will prevail and the provincial or federal orders or law will be inoperative to the extent that it conflicts with this By-law.

PART 10. AMENDMENTS

- 10.1 Council may approve written amendments to this By-law, by vote at a duly convened meeting.
- 10.2 If Council approves an amended By-law, it will promptly post the new By-law on the Tataskweyak Cree Nation website or Facebook, on the First Nations Gazette, and in prominent locations on the Reserve, and it will be shared with the Officers who will help to enforce it.

PART 11. COMING INTO FORCE AND DURATION

- 11.1 This By-law comes into force the day it is adopted by Council. As soon as the By-law is approved, it will be posted on the Tataskweyak Cree Nation website or Facebook, on the First Nations Gazette, and in prominent locations in each Community, and it will be shared with the Officers who will help to enforce it.
- 11.2 This By-law will remain in force until Council repeals it when it is safe to do so.

Now therefore, this By-law is approved at an emergency Council meeting held by phone on April 13, 2020. A full Council meeting was convened, and a written record of the meeting and the outcome of the vote will be kept, and approval of the By-law is signified by verbal approval on the telephone and confirmation of such approval by email.

Quorum 4


Chief Doreen SPENCE

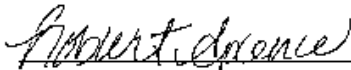

Councillor Sarah COLE

Councillor Mary FLETT

Councillor Michael KIRKNESS

Councillor Nathan NECKOWAY


Councillor Leroy SPENCE


Councillor Robert SPENCE

Schedule "A"

Reserves/Settlements/Villages

No.	Name	Location	Hectares
06461	SPLIT LAKE 171	104 KN NE/NE OF/DE THOMPSON	15928.40
06462	SPLIT LAKE 171A	TWP 83, RGES 8,9&10, TWP 84 RGES 8&9, EPM	2990.70
06463	SPLIT LAKE 171B	TWP 82, RGE 9, EPM	135.60