



Emergency Public Health Law

EL.06.2020.02

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasaala.

A Document to Ratify the Emergency Public Health Law Within the Tsuut'ina First Nation Lands, Alberta, Canada

Enacted on June 3, 2020 in Tsuut'ina Nation

Coming Into Force: June 3, 2020



Preamble

WHEREAS the Tsuut'ina Nation Chief and Council desire to make a Law governing Emergency Public Health Law on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

AND WHEREAS the Tsuut'ina Nation Chief and Council pursuant to section 81(1)(a) of the Indian Act and by the inherent right have authority to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;

NOW THEREFORE: the Tsuut'ina Nation Chief and Council hereby enact this Law through the Tsuut'ina Legislative Process Act and give authority to Chief and Council to ratify this Law:

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Title, Purpose, and Application

1. This law may be Cited as the “Emergency Public Health Law”.
2. The purpose of this Law is to preserve the health and safety of the Tsuut’ina Nation Citizens, residents, and visitors, by taking strict emergency measures to prevent the introduction and spread of communicable diseases, particularly during a State of Local Emergency.
3. This Law is applicable within the Tsuut’ina Nation Lands.

Definitions

4. In this Law, unless context otherwise requires, the following terms have the following meanings respectively ascribed thereto:
 - (a) “**Adult**” means a person eighteen (18) years of age and older;
 - (b) “**Breach**” means a violation or infraction of this Law;
 - (c) “**Child**” or “**Children**” means any individual or individuals under the age of eighteen (18);
 - (d) “**Citizen**” means a member of the Tsuut’ina Nation as described by the Tsuut’ina Nation Citizenship Code First Amendment and regulation thereto;
 - (e) “**Communicable Disease**” means an illness in humans that is caused by an organism or micro-organism or its toxic products and is transmitted directly or indirectly from an infected person or animal or the environment;
 - (f) “**Law Enforcement Officer**” means an authorized representative of Tsuut’ina Nation and includes a Peace Officer authorized by Tsuut’ina Nation Chief and Council to issue a notice to a person under this Law;
 - (g) “**Nation**” means the Tsuut’ina Nation;
 - (h) “**Offender**” means a person who commits a Breach under this Law;
 - (i) “**Peace Officer**” means any police officer or police constable of the Tsuut’ina Nation Police Service (Tosguna) or affiliated police service;
 - (j) “**Physical Distancing**” means maintaining a distance of at least two (2) meters between people who do not share the same Residence;
 - (k) “**Public Health Emergency**” means an occurrence or threat of an illness, a health condition, an epidemic or pandemic disease, a novel or highly infection agent or biological toxin, or the presence of a chemical agent or radioactive material, which poses a significant risk to the public health of the Nation;
 - (l) “**Public Place**” means any place within Tsuut’ina Lands which persons have access, and includes, but is not limited to, streets, highways, sidewalks, alleys, parking lots, transport facilities, common areas of schools, hospitals, apartment houses, recreational facilities, shops, casinos, hotels, and other buildings open to the general public, including those that serve food and drink

or provide entertainment, and the doorways and entrances to such buildings and the grounds enclosing them;

(m) **“Residence”** means the dwelling occupied by a Citizen of the Tsuut’ina Nation and the area within fifty (50) metres of the dwelling;

(n) **“State of Local Emergency”** means the existence of an emergency or an event within Tsuut’ina Lands that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of Nation Lands and Citizens, and as a result, the Tsuut’ina Nation Chief and Council has passed a Band Council Resolution declaring a local state of emergency;

(o) **“Tsuut’ina Lands”** means those lands designated as reserve lands of the Tsuut’ina Nation, more generally described as Reserve No 145;

(p) **“Tsuut’ina Nation”** means the sovereign Nation previously referred to as the “Sarcee” Nation;

(q) **“Tsuut’ina Nation Chief and Council”** means the elected governing body for the Tsuut’ina Nation.

Emergency Powers

5. Upon the declaration of a State of Local Emergency, Tsuut’ina Nation Chief and Council may issue directives to any party to do everything necessary to prevent or limit the loss of life, harm or damage to the safety, health or welfare of Tsuut’ina Nation Citizens, residents, and visitors, or damage to property or Tsuut’ina Lands.
6. Included among the directives that Tsuut’ina Nation Chief and Council may make under Section 5 include:
 - (a) The ability to designate a checkpoint or checkpoints at a designated entry point or entry points into Tsuut’ina Nation Lands;
 - (b) The ability to control, permit or prohibit travel to or from any area on any road, street or highway within Tsuut’ina Lands;
 - (c) The ability to control or prevent the movement of people from any area to limit the spread of a Communicable Disease within Tsuut’ina Lands;
 - (d) The regulation of entry into or presence within specified areas, including a Public Place or Residence on Tsuut’ina Lands;
 - (e) Ensuring that Physical Distancing practices are observed by Tsuut’ina Nation Citizens, residents, and visitors, including such measures as postponement of community events including weddings, birthdays, funerals, church services, community feasts and any other events where groups of people may congregate;
 - (f) The ability to control, permit, postpone or prohibit any ceremonial or cultural events, including but not limited to, powwows, round dances, giveaways, sweat lodges, pipe ceremonies, hand games or Sundances, in order to ensure that Physical Distancing practices are observed by Tsuut’ina Nation Citizens, residents and visitors attending a ceremonial or cultural event.

Compliance With Other Laws

7. Where any applicable Nation law, act, order, policy, directive or regulation applies to any matter covered by this Law, compliance with this Law will not relieve the person from also complying with the provisions of any other applicable Nation law, act, order, policy, directive or regulation.

Apprehension

8. Where an Offender has committed a Breach of this Law during a State of Local Emergency, by failing to comply with a directive issued by Tsuut'ina Nation Chief and Council under this Law, a Peace Officer or Law Enforcement Officer may:
 - (a) Apprehend the Offender without warrant;
 - (b) Issue a notice of appearance requiring the Offender to appear before a Court; or
 - (c) Use all reasonable measures, including restraint, physical force or powers of arrest to return the Offender to their Residence or remove them from Nation Lands.
9. A person other than a Peace Officer or Law Enforcement Officer who apprehends an Offender during a State of Local Emergency, shall notify a Peace Officer or Law Enforcement Officer as soon as possible.

Offence

10. Where a Peace Officer or Law Enforcement Officer believes that a person has contravened any provision of this Law during a State of Local Emergency, the Peace Officer or Law Enforcement Officer may issue a violation ticket.
11. Any person who violates any provision of this Law during a State of Local Emergency, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one thousand (\$1,000) dollars or imprisonment for a term not exceeding thirty (30) days, or to a fine and imprisonment.
12. The minimum penalty which may be imposed for:
 - (a) A first offence in respect of a violation of any provision of this Law shall be a fine of one hundred and fifty (\$150) dollars;
 - (b) A second offence in respect of a violation of any provision of this Law shall be a fine of three hundred (\$300) dollars;
 - (c) A third offence in respect of a violation of any provision of this Law shall be a fine of five hundred (\$500) dollars.
13. This section shall not prevent a Peace Officer or Law Enforcement Officer from issuing a violation ticket requiring a court appearance against an Offender, or from laying information in lieu of a violation ticket, during a State of Local Emergency.

14. Nothing in this Law shall limit the authority of a Peace Officer or a Law Enforcement Officer from taking steps to ensure compliance with this Law during a State of Local Emergency.
15. No action lies against the Tsuut'ina Nation, or a Peace Officer or Law Enforcement Officer, or any other person acting under the direction of Tsuut'ina Nation Chief and Council for anything done or omitted to be done in good faith in the administration or discharge of any powers or duties, which under this Law are intended or authorized to be executed or performed, during a State of Local Emergency.
16. The Tsuut'ina Nation shall have the authority to deduct from a Per Capita Distribution, or any other distribution to a Citizen, an amount to pay for any fine imposed pursuant to this Law.

Severability

17. Should a court of competent jurisdiction determine that a portion of this Law is invalid for any reason, the invalid provision shall be severed from this Law and the validity of the rest of this Law shall not be affected.

Paramountcy

18. Where there is a conflict between a directive made by Tsuut'ina Nation Chief and Council under this Law and a provincial or federal order or law, directives made under this Law will prevail and the provincial or federal orders or law will be inoperative to the extent that it conflicts with this Law.

Amendments to this Law

19. Amendments to this Law shall be made through the *Tsuut'ina Nation Legislative Process Act*, as may be amended from time to time.

Chief and Council Signatory Page

THIS LAW IS HEREBY made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 3rd day of June, 2020 by Nation Council Resolution.

Voting in favour of the Emergency Public Health Law, as evidenced by signatures, are the following members of the Chief and Council:



Tsuut'ina Nation Chief



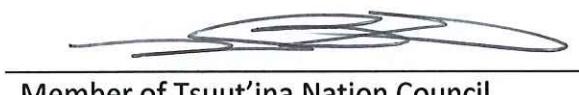
Member of Tsuut'ina Nation Council



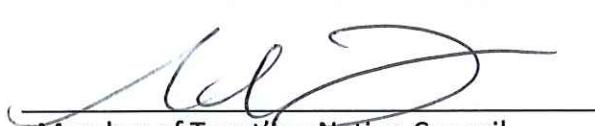
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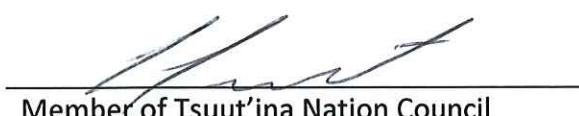
Member of Tsuut'ina Nation Council



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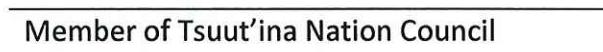
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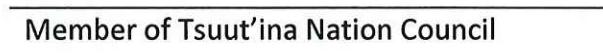
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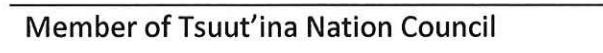
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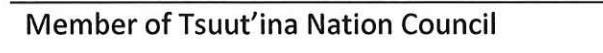
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