

## THE HEILTSUK INDIAN BAND

### By-Law 21

Being a by-law to provide for orders preventing the spreading of contagious and infectious diseases on the reserves of Heiltsuk Nation, also known as the Heiltsuk Indian Band ("Heiltsuk Nation").

A. WHEREAS sections 81(1)(a) of the *Indian Act*, R.S.C. 1985, c. I-5, empowers the Council of Heiltsuk Nation, and specifically Heiltsuk Tribal Council (the "Council"), to make bylaws to provide for the health of residents on the reserves of Heiltsuk Nation and to prevent the spreading of contagious and infectious diseases;

B. WHEREAS the Council desire to make a by-law to prevent the spreading of contagious and infectious diseases, without prejudice to the Aboriginal rights and title of Heiltsuk Nation, including Aboriginal rights of government, relating to the whole of their traditional territories;

The Council hereby enacts a by-law as follows:

#### **Citation**

1. This By-law may be cited as the Heiltsuk Disease Emergency By-law.

#### **Definitions**

2. In this By-law,

"child" means any boy or girl under the age of sixteen years;

"communicable disease" means a contagious and infectious disease that poses a risk of significant harm to public health;

"disease emergency" means an urgent and critical situation of a temporary nature involving or relating to a communicable disease that seriously endangers the lives, health or safety of members of Heiltsuk Nation or residents of Heiltsuk reserves;

"Officer" means an enforcement officer, an enforcement officer appointed under this By-law, or a member of the RCMP;

"parent" includes the father, mother, or guardian of a child.

#### **Declaration of a Disease Emergency**

3. (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.

(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 Heiltsuk reserves, the reserves or areas of reserves to which the direct effects of the emergency extend.

(3) A declaration of a disease emergency expires at the end of ninety days unless the declaration is previously cancelled, amend or continued by the Council.

(4) Before Council makes any Band Council Resolution declaring, cancelling or continuing a disease emergency, the Council shall consult the Hemas with respect to the proposed resolution.

### **Orders**

4. (1) While a declaration of a disease emergency is in effect, the Council may make such orders with respect to the following matters as Council believes, on reasonable grounds, are necessary for the protection of the health or safety of individuals:

- (a) establishment of curfews relating to entry into or presence within specified areas;
- (b) regulation of entry into or presence within specified areas, including public spaces, buildings, or business establishments;
- (c) regulation or prohibition of travel to or from, or within, any specified area;
- (d) regulation of measures by individuals reasonably necessary to stop or slow the spread of a communicable disease, including measures limiting physical proximity or gatherings;
- (e) establishment of emergency shelters; and
- (f) appointing one or more enforcement officers for purposes of section 5(1).

(2) Before the Council makes, amends or cancels any order under any section 4 of this By-law, the Council shall consult the Hemas with respect to the proposed order.

### **Notice of Violation and enforcement**

5. (1) If the Council is satisfied that a person is in violation of orders made under section 4, it may direct that a notice of violation be delivered by an Officer, which advises the person, and/or if the person is a child then which advises the child's parent, that they are in violation of one or orders made under this By-law; which orders compliance; and which authorizes 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.

(2) A notice of violation issued under subsection (1) 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.

(3) No person shall disobey a notice of violation issued under subsection (1) which the person has received or of which the person has knowledge.

(4) No parent shall permit their child to disobey a notice of violation issued under subsection (1) which the parent has received or of which the parent has knowledge.

(5) If the Council is satisfied that a person has violated orders made under section 4, or has disobeyed a notice of violation issued under subsection (1), it may direct that the person, and if the person a child it may also direct that the child's parent, attend before Heiltsuk's Women's Council.

### **Offence**

6. (1) A person who contravenes section 5(3) commits an offence against this By-law.

(2) A parent who permits a child to contravene section 5(3) commits an offence against this By-law.

(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.