



BY-LAW NO. 2020-1

OF THE SHESHATSHIU INNU FIRST NATION BAND COUNCIL

A BY-LAW RESPECTING COVID-19 VIRUS

WHEREAS the COVID-19 virus was declared by the World Health Organisation on March 11, 2020 to be a pandemic;

AND WHEREAS cases of the COVID-19 virus have been confirmed in Newfoundland and Labrador, and the Province of Newfoundland and Labrador declared a public health emergency on March 18, 2020 in respect of the COVID-19 virus;

AND WHEREAS many members of Sheshatshiu Innu First Nation suffer from diseases that leave them immuno-compromised, and live in overcrowded housing, and there is a lot of traffic in and out of the Reserve;

AND WHEREAS the Council, after receipt of advice from public health officials, has deemed it expedient and necessary for the peace, safety and good governance of its members, to seek to limit exposure of people on the Reserve to the COVID-19 virus by limiting and preventing other than for reasons as further set out in this by-law, people coming into and leaving the Reserve;

AND WHEREAS the Council has the authority to make by-laws to provide for the health of residents on the Reserve and to seek to prevent the spreading of the COVID-19 virus which is a contagious and infectious disease, pursuant to section 81(1)(a) of the *Indian Act*;

AND WHEREAS the Council has inherent powers of self-government to protect its members from serious threats to their health;

NOW THEREFORE, it is hereby enacted pursuant to section 81(1) of the *Indian Act* and our inherent powers of self-government to protect our members from serious threats to our health:

Short Title

1. This By-Law may be cited as the *Sheshatshiu Innu First Nation COVID-19 Virus By-Law*.

Interpretation

2. In this By-Law:

“Council” means the Chief and Council of the Sheshatshiu Innu First Nation;

“COVID-19 Officers” means employees of Sheshatshiu Innu First Nation and individuals working for contractors hired by Sheshatshiu Innu First Nation who are posted at the direction of Council on the Reserve for the purposes of limiting travel in and out of the Reserve pursuant to this By-Law, or otherwise assisting in the enforcement of this By-law;

“COVID-19 Community Lockdown Limitations” means limitations on individuals leaving and entering the Reserve referred to in section 4;

“Essential Workers” means:

(a) Sheshatshiu Innu First Nation Members, other individuals ordinarily resident on the Reserve and Non-Innu Individuals who work on the Reserve or provide goods or services for the Reserve, and whose names are on a list approved by the Band Manager or his designate from time to time; and

(b) Individuals not on the list referred to in (a) above who work on the Reserve or provide goods or services for the Reserve, who the Band Manager, the Chief or their designates may confirm are Essential Workers after consideration of the goods and services being provided by these individuals;

“Non-Innu Individuals” means individuals who are not Sheshatshiu Innu First Nation members, except if they are ordinarily resident on the Reserve;

“Police Officer” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace;

“Reserve” means the reserve of the Sheshatshiu Innu First Nation set apart for the use and benefit of Sheshatshiu Innu First Nation; and

“Vehicles” includes all types of vehicles, including but not limited to motor vehicles, all-terrain vehicles, snowmobiles, bicycles, sleds and the like.

Interim COVID-19 Travel Limitations

3. Starting at 7 a.m. March 26, 2020 and until March 26, 2020 at 7 p.m.:

- (a) Non-Innu Individuals are not permitted to enter the Reserve unless they are Essential Workers;
- (b) No more than two individuals may be in a Vehicle entering or leaving the Reserve, except:
 - (i) Vehicles carrying only Essential Workers; or
 - (ii) in case of an emergency as determined reasonably by COVID-19 Officers or Police Officers; and
- (c) Members of Sheshatshiu Innu First Nation and other individuals ordinarily resident on the Reserve may not enter or leave the Reserve, whether in Vehicles or on foot, more than one time during this time period, except in case of an emergency as determined reasonably by COVID-19 Officers or Police Officers.

COVID-19 Community Lockdown Limitations

4. Starting at 7:01 p.m. on March 26, 2020 and ending at a time and date to be declared by a resolution of Council:

- (a) Individuals are not permitted to enter the Reserve unless they are Essential Workers, and Non-Innu Individuals who are not Essential Workers but who enter the Reserve are also deemed to be trespassing on the Reserve for purposes of the Sheshatshiu Innu First Nation Trespass By-law 2013-1;
- (b) Individuals other than Essential Workers who leave the Reserve for any reason may not thereafter enter the Reserve, unless the Chief or his designate or the Band Manager or his designate determines that they may enter the Reserve after having left the Reserve due to a medical emergency, including to have a baby; and
- (c) Essential Workers may enter and leave the Reserve in connection with their work on the Reserve or to provide goods or services on the Reserve.

Consequences of Obstruction and Non-compliance

5. An individual who obstructs a COVID-19 Officer or a Police Officer while he or she is engaged in exercising the powers conferred under this By-law, who is not complying with the provisions of section 3 or 4 or who is not abiding by any orders made pursuant to section 6:

- (a) may be required by a COVID-19 Officer or a Police Officer to leave the Reserve; and
- (b) may thereafter be permitted to enter the Reserve only upon authorization of the Chief, the Band Manager or their designates.

Possible Further Orders

6. The Chief, with approval of Council, may make such orders relating to the Reserve as the Chief considers necessary and which are not contrary to law, in order to seek to prevent the spreading of the COVID-19 virus.

Powers to Ask Questions

7. A COVID-19 Officer or a Police Officer may ask such questions of individuals leaving or entering or who are on the Reserve as are reasonably necessary to determine if they are in compliance with sections 3 or 4 or with orders that may be made under section 6.

Reinstating COVID-19 Community Lockdown Limitations

8. If deemed necessary by Council because of public health advice about risks from the COVID-19 virus, COVID-19 Community Lockdown Limitations may be reinstated commencing at a time and date determined by a resolution of Council after the first period of COVID-19 Community Lockdown Limitations have ended, and ending at a time and date declared by a resolution of Council.

General

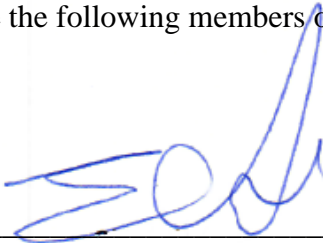
9. Should a court determine that a provision of this By-Law is invalid for any reason, the provision shall be severed from the By-Law and the validity of the rest of the By-Law shall not be

affected. Council shall replace the severed provision with another provision, if necessary, in order to maintain the intent of this By-Law.

10. The Council members whose digital signatures appear below have approved that their digital signatures may be placed on this By-Law, and these digital signatures shall have the same force and effect as original signatures.

THIS BY-LAW was made at a duly convened meeting of the Council of the Sheshatshiu Innu First Nation this 25th day of March, 2020.

Voting in favour of the By-Law are the following members of the Council:



Chief Eugene Hart



Penute Andrew



Karen Penunsi



Laureen Ashini



Daniel Pone-Pinette



Terry Andrew



being the majority of those members of the Council of the Sheshatshiu Innu First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 5 .