



# Sq'ewá:lxw First Nation Community Protection Law

## PREAMBLE

**WHEREAS** Sq'ewá:lxw First Nation ("SKFN") is a community whose traditions and teachings direct us to be respectful towards one another and to protect each other; and

**WHEREAS** SKFN has inherent law-making powers, including the right, privilege and authority to make laws, and specific law-making powers through section 81 of the *Indian Act* and the *Skawahlook First Nation Land Code*;

**THEREFORE BE IT RESOLVED** that SKFN enacts the following *Sq'ewá:lxw First Nation Community Protection Law* to create standards that keep our members safe.

## PART 1 - PURPOSE

- 1 The *Sq'ewá:lxw First Nation Community Protection Law* ("*Community Protection Law*") is meant to promote a fair process that balances community safety and individual rights and that also allows SKFN to use options such as designating people and issuing restraining orders.

## PART 2 - DEFINITIONS

- 2 In addition to definitions provided in the *Skawahlook First Nation Land Code* ("*Land Code*"), the following definitions in this law apply:
  - (1) "**Appeals Board**" means the ad hoc review board appointed under Part 13;
  - (2) "**Council**" means the Chief and Council of SKFN;
  - (3) "**Council Resolution**" means a documented written decision made by a majority (being more than 50%) of SKFN Council at a duly convened Council meeting;
  - (4) "**Criminal Code**" means the *Criminal Code of Canada*, RSC 1985, c C-46, as amended or replaced from time to time;
  - (5) "**Designated Individual**" means a person who has been determined to be a Designated Individual by Council under sections 10 or 11;
  - (6) "**Enforcement Officer**" means any person or class of persons designated as an enforcement officer under section 15 of the *Sq'ewá:lxw Enforcement and Ticketing Law*;
  - (7) "**Indian Act**" means the *Indian Act*, RSC 1985, c 1-5;
  - (8) "**Spouse**" means a person one is married to or has had at least a one-year common-law

- relationship with;
- (9) **“Sexual Offence”** means an offence under sections 151 to 173 and 271 to 273 of the *Criminal Code*, or as amended, including sexual interference, sexual exploitation, illegal recording or publication of sexual activities, and sexual assault, or an equivalent offence committed in another country;
  - (10) **“Sq’ewá:lxw”** or **“SKFN”** means Sq’ewá:lxw (Skawahlook) First Nation, a band within the meaning given to “band” in subsection 2(1) of the *Indian Act*;
  - (11) **“Sq’ewá:lxw Lands”** means Skawahlook Indian Reserve No. 1 and Ruby Creek Indian Reserve No. 2 and such lands as are defined in the *Land Code*;
  - (12) **“Sq’ewá:lxw Official”** means a person appointed under section 7;
  - (13) **“Sq’ewá:lxw Restraining Order”** or **“Order”** means an order made under section 14(4); and
  - (14) **“Violent Offence”** means an offence under sections 229 to 240, 244 to 248, 264 to 273 and 279 to 286, and 433 of the *Criminal Code*, or as amended, including murder, manslaughter, criminal harassment, assault, assault with a weapon, aggravated sexual assault, arson, illegal removal of a child from Canada, etc. or an equivalent offence committed in another country.

### **PART 3 - APPLICATION**

- 3** The *Community Protection Law* applies on all Sq’ewá:lxw Lands, including certificate of possession (CP) lands, and applies to all people on Sq’ewá:lxw Lands, whether members or non-members, who are eighteen (18) years old or older.

#### **Paramourncy**

- 4** If there is a conflict between this *Community Protection Law* and the *Skawahlook First Nation Land Code* (the “*Land Code*”), the *Land Code* will apply.

#### **Authority**

- 5** The authority to enforce this law rests with Chief and Council as outlined in other laws (e.g. the *Indian Act*, the *Land Code*). Chief and Council must apply the *Community Conduct Law* in accordance with those laws.

#### **Severability**

- 6** If any part of this law is determined to be invalid by the courts, that part shall be disregarded without impacting the rest of the law, which will otherwise remain in full force and effect.

### **PART 4 – APPOINTMENT OF SQ’EWÁ:LXW OFFICIAL**

- 7** Council may pass Council Resolutions appointing one or more Sq’ewá:lxw Officials to enforce this

law.

- 8** A Sq'ewá:lxw Official may be:
- (1) An Enforcement Officer;
  - (2) A Sq'ewa:lxw council member;
  - (3) A Sq'ewa:lxw contractor; or
  - (4) Anyone else appointed by Council.
- 9** It is Chief and Council's responsibility to ensure anyone appointed is capable of the work.

#### **PART 5 – DETERMINATION OF A DESIGNATED INDIVIDUAL**

- 10** If Chief and Council learn that a person:
- (1) has been convicted of a Sexual Offence or Violent Offence; and
  - (2) has caused serious harm or poses a serious physical or psychological threat to a person or people on Sq'ewá:lxw Lands or using SKFN facilities,
- Council may list that person as a Designated Individual for a period of up to five years.
- 11** Council may also list a person as a Designated Individual without a conviction if the person:
- (1) has been charged with or has threatened to commit a Sexual Offence or Violent Offence; or
  - (2) has caused serious harm or poses a serious physical or psychological threat to a person or people on Sq'ewá:lxw Lands or using SKFN facilities; or
  - (3) has engaged in or is threatening to engage in disorderly conduct or nuisance at any SKFN sponsored meeting, event, or gathering.
- 12** Council may designate a person without a conviction for no longer than three (3) months at a time.
- 13** Council may, in good faith, designate a person without a conviction, but must balance the best interests of SKFN with the best interests of the person.

#### **Terms and conditions**

- 14** Where legal, Council may restrict or prohibit a Designated Individual from part or all of Sq'ewá:lxw Lands, and take actions including, but not limited to:
- (1) Making Members and residents aware of the Designated Individual's name and presence on Sq'ewá:lxw Lands;
  - (2) Sending information to other Sto:lo First Nations to consider posting in their communities;
  - (3) Instructing an Enforcement Officer to conduct further investigation;
  - (4) Issuing a Sq'ewá:lxw Restraining Order to:
    - a. stop a Designated Individual from using or accessing SKFN computers, servers, e-mail addresses, copiers, notice boards, social media, equipment or facilities;
    - b. stop a Designated Individual being at specified locations, events, areas, or facilities on Sq'ewá:lxw Lands during specified dates or times,
    - c. stop a Designated Individual from being within a certain distance of specified locations,

- events, or a particular person; or
- d. for individuals designated under section 10, evict the Designated Individual from rental housing or housing leased on Sq'ewá:lxw Lands, or stop the Designated Individual from using, occupying, or possessing Sq'ewá:lxw Lands for a specified time period not exceeding one (1) year.

**15 Council shall consider the following when determining terms and conditions:**

- (1) whether the Designated Individual's behaviour is a threat to the peace, health, or safety of Members or others living on Sq'ewá:lxw Lands or to Council's ability to ensure law and order on Sq'ewá:lxw Lands;
- (2) whether the Designated Individual has complied with any previous order under this law;
- (3) whether the Designated Individual has a prior conviction for a Violent Offence or Sexual Offence;
- (4) if known, the Designated Individual's interest, engagement in and completion of rehabilitative programming, such as counselling or addictions programs; and
- (5) whether the Designated Individual is the sole parent, guardian, or caretaker of a minor or infirm parents and the impact on those people.

**Eviction**

- 16** If a Sq'ewá:lxw Restraining Order includes an eviction term under section 14(4)(d), the eviction term takes effect 48 hours after the Order has been issued.
- 17** The Designated Individual must remove their personal belongings from the property by the date the eviction term begins.
- 18** If the Designated Individual believes they have personal belongings that remain on the property after the eviction term begins, the Designated Individual may contact the Sq'ewá:lxw Official and:
- (1) provide a detailed list of personal belongings and arrange to have the personal belongings delivered to an agreed-upon location off of Sq'ewá:lxw Lands; or
  - (2) at the sole discretion of the Sq'ewá:lxw Official, arrange for re-entry onto Sq'ewá:lxw Lands in the presence of an Enforcement Officer for a specified period of time to gather and remove the personal belongings.

**Banishment**

- 19** If a Sq'ewá:lxw Restraining Order includes a term under section 14(4)(d) which prohibits a Designated Individual from using, occupying, or possessing Sq'ewá:lxw Lands, this term:
- (1) takes effect 48 hours after service of the Council Resolution in accordance with Part 11; and
  - (2) may be renewed by Council annually but only after Council has carried out a detailed review

and re-assessment.

#### **Persons not affected**

**20** Sq'ewá:lxw Restraining Orders do not prevent the Designated Individual's Spouse or children from living on Sq'ewá:lxw Lands.

#### **Expiry**

**21** Sq'ewá:lxw Restraining Orders must expire within five (5) years of the date they became effective, apart from earlier expiry of specific terms or designations as provided in this law.

#### **Council Resolution**

**22** All decisions, determinations or orders made under this Part must be made by Council Resolution and will include the rationale.

**23** All decisions made by Council under this Part can be appealed, as set out in this law.

### **PART 6 - CONTENT OF SQ'EWÁ:LXW RESTRAINING ORDER**

**24** A Sq'ewá:lxw Restraining Order must contain:

- (1) the Designated Individual's name and sufficient identifying information;
- (2) the offence for which the Designated Individual was convicted, if applicable;
- (3) the date of the conviction for the offence, if applicable;
- (4) the date the Order was authorized by Council Resolution;
- (5) the date the Order was issued;
- (6) the effective start date of the Order;
- (7) the date the Order expires;
- (8) the section of this law the Individual was designated under (section 10 or 11)
- (9) any terms or conditions imposed or required by the Council Resolution;
- (10) if applicable, a list of buildings or areas or a map of Sq'ewá:lxw Lands clearly showing the specific locations where a Designated Individual's access is prohibited or restricted; and
- (11) information stating that the individual may request a review or appeal of the Order, and the timelines and procedures to follow to do so.

### **PART 7 - NOTICE**

#### **Notice to Designated Individual**

**25** A Sq'ewá:lxw Official shall, within fourteen (14) days after the applicable Council Resolution was made, personally serve a person whom Council

- (1) has named a Designated Individual under section 10 or 11; or
- (2) has issued a Sq'ewá:lxw Restraining Order against,

with a copy of the Council Resolution or Order, a summary of Council's reasons, including the section of this law the person was designated under (ie. section 10 or 11), a request to meet with Council

within 14 days of receiving the copy, and notice that further action under this law can proceed without notice if the Designated Individual does not contact Council within seven (7) days of receiving the copy.

**26** After at least two (2) documented attempts to serve the Designated Individual as required by section 25, the notice may be served by:

- (1) leaving the documents at the actual or last known address of the Designated Individual with a person who has identification proving they are aged 18 or over;
- (2) posting a copy of the documents prominently on a door at the actual or last known address of the Designated Individual; or
- (3) mailing a copy of the documents to the actual or last known address of the Designated Individual; and

actions in subsections (1) to (3) must be supported by an affidavit, kept by SKFN, where the Sq'ewá:lxw Official confirms that the step or steps were taken.

**27** Five (5) days after the action under section 26 is taken, it will be presumed the relevant documents have been received by the Designated Individual.

**28** If the Designated Individual fails to contact Council within seven (7) days of receiving the request to arrange a meeting, Council may use this law to ensure community safety without further notice.

**29** Regardless, a Sq'ewá:lxw Restraining Order may come into effect before any meeting between Council and the Designated Individual.

#### **General Notice of Sq'ewá:lxw Restraining Order**

**30** Unless Council provides further written instructions, once a Council Resolution authorizes a Sq'ewá:lxw Restraining Order, the Sq'ewá:lxw Official shall, within fourteen (14) days of the Council Resolution, deliver a copy of the Order to:

- (1) each employer of the Designated Individual located on Sq'ewá:lxw Lands;
- (2) other employers if, in the opinion of the Sq'ewá:lxw Official, the work could require the Designated Individual to enter prohibited areas described in the Order;
- (3) the local RCMP detachment;
- (4) any SKFN staff or departments which Council directs in writing; and
- (5) each SKFN facility or office identified as a prohibited area in the Order, to be posted in a place visible to all employees and volunteers working there,

and post a summary of the Order in an appropriate location if Council determines it is necessary after considering both the community's and the Designated Individual's rights and interests.

**31** When a Sq'ewá:lxw Restraining Order expires or is terminated, Council will direct staff to remove any postings and, if necessary, make the expiry or termination known.

### **PART 8 - MEETING WITH A DESIGNATED INDIVIDUAL**

**32** At least three (3) business days prior to a meeting between the Designated Individual and Council, Council shall provide the Designated Individual with written notice of the date, time, location and

manner (in-person or via telephone or video conferencing) of the meeting, and the alternative of providing written comments, if the Designated Individual does not wish to meet.

- 33** At the meeting, Council shall give a reasonable opportunity for the Designated Individual or their representative to speak.
- 34** Council shall consider the following, if obtained at the meeting, when determining whether to cancel, impose or vary any terms or conditions of a Sq'ewá:lxw Restraining Order:
- (1) oral and written submissions made by the Designated Individual or their representative;
  - (2) the Designated Individual's interest, engagement in and completion of rehabilitative programming, such as counselling or addictions programs; or
  - (3) the Designated Individual's willingness to engage with a mutually acceptable mediator, when relevant, in the designation or issuance of an Order, alongside provisions in the *Sq'ewá:lxw Enforcement and Ticketing Law and Land Code*, or as otherwise provided in supporting regulations or Council Resolutions allowing for mediation.

## **PART 9 - ALTERNATIVES FOR PARTICIPATION**

### **Meeting Materials**

- 35** If a Designated Individual subject to a Sq'ewá:lxw Restraining Order is a Member and is prevented from attending a SKFN general assembly for Members or a similar meeting on Sq'ewá:lxw Lands, Council shall
- (1) provide the Designated Individual with the agenda and proposed resolutions in advance; and
  - (2) invite written comments from the Designated Individual on those documents.

### **Accessing Programs and Services**

- 36** If a Designated Individual who is also a Member is prevented from accessing information, programs or services available to other Members because of a term in a Sq'ewá:lxw Restraining Order, where possible and reasonable, Council shall ensure alternatives are available for the Designated Individual to access information, and equivalent programs or services.
- 37** A Member shall not be restricted from receiving Per Capita Distributions through any term in a Sq'ewá:lxw Restraining Order.

### **Visits**

- 38** A Designated Individual subject to a Sq'ewá:lxw Restraining Order limiting access to Sq'ewá:lxw Lands may apply to Council for permission to visit Sq'ewá:lxw Lands for funerals or ceremonies.
- 39** The application shall include the dates and times when the Designated Individual proposes to visit, the purpose of the visit, where on Sq'ewá:lxw Lands the person will be visiting, and any additional information the Designated Individual wishes Council to consider.
- 40** Council shall do its best to consider the information and make decisions to provide temporary

permission as soon as possible, and in advance of the requested dates.

**41** Council is not required to hold a hearing into the matter.

**42** Decisions under this Part shall be by Council Resolution and cannot be appealed.

#### **Participating in a Ratification Vote**

**43** A Designated Individual subject to a Sq'ewá:lxw Restraining Order limiting access to Sq'ewá:lxw Lands, and who is also a Member, may participate in a Sq'ewá:lxw Ratification Vote:

- (1) by mail, if the Designated Individual notifies the Electoral Officer, at least fourteen (14) days before the Ratification Vote, of any change of address so the voting package can be mailed to the Designated Individual at the appropriate time; or
- (2) online, in accordance with Sq'ewá:lxw law and policies regarding online voting; or
- (3) in person, if the Designated Individual's Order allows specifically for in-person attendance at a Ratification Vote, and then only according to those terms.

#### **PART 10 - IF DESIGNATED INDIVIDUAL HAS AN INTEREST IN SQ'EWÁ:LXW LANDS**

**44** If a Designated Individual who is a Member subject to a Sq'ewá:lxw Restraining Order limiting access to Sq'ewá:lxw Lands has a right or Interest in Sq'ewá:lxw Lands outside of the area prohibited by the Order, the Order must:

- (1) allow the Designated Individual to have access to lands associated with the right or Interest; and
- (2) include a map of Sq'ewá:lxw Lands clearly showing how the Designated Individual may access those lands. The Designated Individual may access those lands in accordance with the Order.

#### **PART 11 - DESIGNATED INDIVIDUAL MAY NOT ACQUIRE RIGHT OR INTEREST IN SQ'EWÁ:LXW LANDS**

##### **Non-Member**

**45** A non-member Designated Individual who is subject to a Sq'ewá:lxw Restraining Order may not acquire a right or Interest in Sq'ewá:lxw Lands in areas prohibited under the Order.

##### **Member**

**46** A Designated Individual who is a Member and subject to a Sq'ewá:lxw Restraining Order may acquire a right or Interest in Sq'ewá:lxw Lands within an area prohibited under the Order, but only through an estate administered under the *Indian Act* or in a valid will. Other terms and conditions in the Order continue to apply.

##### **Notice Required**

**47** A Designated Individual subject to a Sq'ewá:lxw Restraining Order must notify the Sq'ewá:lxw Official of an acquired right or Interest under section 46 within thirty (30) days from the date of



the registration in the Sq'ewá:lxw Lands Register.

#### **Modify Sq'ewá:lxw Restraining Order**

**48** Upon receipt of the notification in section 47, the Sq'ewá:lxw Official shall:

- (1) modify the Sq'ewá:lxw Restraining Order to provide for access to the lands where the right or Interest is held in accordance with section 46; and
- (2) deliver a copy of the modified Order to the Designated Individual in person or in accordance with section 25.

#### **PART 12 - MODIFICATION OR CANCELLATION OF DESIGNATION OR SQ'EWÁ:LXW RESTRAINING ORDER**

**49** Council may modify or cancel:

- (1) a Designated Individual determination under section 10 or 11, or
- (2) a Sq'ewá:lxw Restraining Order,

at any time if satisfied public safety on Sq'ewá:lxw Lands would not be compromised by modifying, cancelling or removing the Designated Individual determination or the Order.

**50** Council will provide notice of the modification as outlined in section 30.

#### **Application to Council**

**51** A Designated Individual may apply in writing to Council to change or cancel a designation or Sq'ewá:lxw Restraining Order, if the Designated Individual can provide reasonable evidence that the circumstances behind Council's original decision have changed.

**52** Any application from a Designated Individual must:

- (1) specifically request what the Designated Individual wishes Council to review and any specific proposals to change or cancel the designation or Sq'ewá:lxw Restraining Order;
- (2) contain details and information to support the application; and
- (3) be submitted to Chief and Council only after new information or evidence arises.

**53** Once received, Council, with assistance from legal counsel, will review and consider the application within thirty (30) days; and either:

- (1) approve the application, or
- (2) reject the application with a valid reason provided in writing.

#### **Meeting must be held *in camera***

**54** If Council makes determinations under section 53 at a Council meeting, that portion of the meeting must be held *in camera*.

#### **Council Resolution**

**55** All decisions or orders under this Part will be made by Council Resolution and must be served or delivered in accordance with Part 7.

#### **PART 13 – APPEALS**

**56** A person (the "appellant") directly subject to a decision made by Council Resolution under section 10,

11, 14(4) or Part 12 can appeal the decision by Council by submitting an appeal application to the Office Manager.

**57** A person must make an appeal under section 56 within thirty (30) days of the date of the Council Resolution or decision, or within an extended timeline, if Council is satisfied that an extension is in the interests of justice.

**58** For certainty, a decision by Council to reject an application made under section 51 for modification or cancellation of a Designated Individual determination or a Sq'ewá:lxw Restraining Order can be appealed within thirty (30) days of the date on the Council Resolution confirming rejection of the application.

### **Appeals Board**

**59** Upon receiving an appeal application, the Office Manager shall provide the appeal application to the Appeals Board, which shall conduct its processes in accordance with any regulations or procedures supporting this law.

**60** The Appeals Board shall consist of either three (3) or five (5) members who are not immediate family of the appellant, a member of Council, or a person appointed as a Sq'ewá:lxw Official.

**61** The majority of the members of the Appeals Board must be individuals who are neither SKFN Members nor employees.

**62** Appeals Board members shall act impartially and without bias of favour to any outcome or party.

**63** Appeals Board members may not act, or attempt to act, in a way to improperly influence a decision of the Appeals Board.

**64** Nothing in this Part requires that the Appeals Board members receive any remuneration.

### **Prior to appeal**

**65** Decisions can only be appealed under this Part if the person has participated in a meeting with Council under Part 8, and if the person has attempted all other appropriate forms of application review under this law.

**66** The Appeals Board shall set a hearing date as soon as possible, and at least seven (7) days before, shall give both Council and the appellant written notice about the right to participate and provide submissions to the Appeals Board in writing, by telephone, or in person.

### **Powers of Appeals Board**

**67** At the hearing, the Appeals Board shall review the Council Resolution or decision, and any recordings or record of the meeting between Council and the Designated Individual under Part 8.

**68** The Appeals Board may give both parties an opportunity to make oral submissions or may ask any

questions.

**69** The Appeals Board may, after hearing or reviewing the appeal:

- (1) confirm or reverse the decision, in whole or in part;
- (2) substitute its own decision for the decision being appealed;
- (3) direct that an action be taken or ceased;
- (4) refer the matter or decision back for a new decision; or
- (5) refer the matter or decision to a mediator, to be paid for equally by SKFN and the individual.

**70** In addition, the Appeals Board may reject an application for appeal without hearing it if the Appeals Board believes that the applicant acted, or attempted to act, in a way to improperly influence its decision.

### **Decisions**

**71** The Appeals Board must provide its decisions in writing within fourteen (14) days of the hearing, and provide reasons for its decision.

**72** Reasons can include, but are not limited to, Council making the decision based on an incorrect interpretation of law or facts, or Council failing to observe procedural fairness.

### **Appeal of Decision to Federal Court**

**73** A decision of the Appeals Board may be appealed to the Federal Court (Trial Division), subject to the timelines and rules of the Federal Court.

### **Standard of Review**

**74** The standard of review of an application for judicial review under section 73 is reasonableness.

### **Judicial Review**

**75** On any application for judicial review in respect of a decision made under this law, the Court shall take notice of the specialized knowledge and expertise of the members of Council with respect to the history, culture, and values of SKFN, as well as the best interests of SKFN.

### **No Stay**

**76** An application under section 73 does not change a Sq'ewá:lxw Restraining Order. For clarity, a legal Order remains in place until it expires, SKFN Council removes or varies it, or a court removes or varies it.

## **PART 14 - NO LIABILITY FOR DECISIONS MADE IN GOOD FAITH**

**77** SKFN Council and any agent acting on SKFN's behalf are not liable for any damage arising from enforcing this law in good faith, including making a determination that a person is a Designated

Individual or issuing a Sq'ewá:lxw Restraining Order.

#### **PART 15 - DUTY TO REPORT**

**78** A person who reasonably believes a Designated Individual has broken any requirement, term or condition of a Sq'ewá:lxw Restraining Order shall immediately inform a Sq'ewá:lxw Official or Enforcement Officer.

#### **PART 16 - ENFORCEMENT OF SQ'EWÁ:LXW RESTRAINING ORDER**

**79** This law will be enforced alongside the *Sq'ewá:lxw Enforcement and Ticketing Law*.

**80** In non-emergency situations, and subject to SKFN laws, regulations and policies, enforcement measures will begin with education and warnings to encourage cooperation.

**81** An Enforcement Officer may take reasonable measures to enforce requirements, terms or conditions of a properly issued and delivered Sq'ewá:lxw Restraining Order if the Designated Individual does not comply. These may include, but are not limited to:

- (1) issuing a warning, order, ticket, violation notice, information or summons to a Designated Individual who breaches any requirements, terms or conditions of a Sq'ewá:lxw Restraining Order; or
- (2) removing the Designated Individual from the prohibited area in an Order or detaining the Designated Individual pending the arrival of the RCMP.

#### **All Remedies Retained**

**82** Nothing in this Law stops SKFN from taking other actions available through other laws if a Designated Individual fails or refuses to comply with a Sq'ewá:lxw Restraining Order.

#### **File Order in Court**

**83** All valid Sq'ewá:lxw Restraining Orders issued under this Law are fully enforceable whether or not they are registered in a court.

**84** Despite section 83, SKFN Council may, in its own discretion, file a certified copy of a Sq'ewá:lxw Restraining Order with a court of competent jurisdiction.

**85** A Sq'ewá:lxw Restraining Order filed under section 84 will be viewed as if it were a judgment of the

court.

## **PART 17 - OFFENCES AND PENALTIES**

### **Offences**

- 86** Anyone who contravenes this law, an order arising from this law, or a court order arising from this law, commits an offence.
- 87** For certainty, it is an offence to:
- (1) fail or refuse to comply with any warning, order, ticket, violation, notice, information or summons made or issued under this law, including the requirements, terms or conditions of a Sq'ewá:lxw Restraining Order;
  - (2) fail or refuse to comply with the requirement under section 47 to report an inherited right or interest in Sq'ewá:lxw Land;
  - (3) knowingly and willingly fail to comply with the duty to report requirement under section 77;
  - (4) knowingly and willingly allow a Designated Individual to remain on one's property in contravention of a Sq'ewá:lxw Restraining Order made under this law and published in accordance with section 30; or
  - (5) obstruct, interfere with, or deny access to an Enforcement Officer.
- 88** Each day this law is violated is considered a separate offence for which a fine or imprisonment may be imposed.

### **Penalties**

- 89** Each separate daily violation of this law may bring a summary conviction and fine of up to one thousand dollars (\$1,000.00) and/or up to thirty (30) days imprisonment, as set out in the *Sq'ewá:lxw Enforcement and Ticketing Law*, as amended from time to time.
- 90** A person who is guilty of an offence may be referred to alternative dispute resolution as set out in the *Sq'ewá:lxw Enforcement and Ticketing Law*.
- 91** A fine payable under section 88 shall be remitted to SKFN by the Court, after reasonable Court costs have been deducted.

## **PART 18 – REGULATIONS, FEES AND FORMS**

- 92** Council may make regulations or pass Council Resolutions to establish, correct, revise or update the terms of any applicable fee, schedule, form, protocol or other related documentation which

complement and support this Law.

#### **PART 19 – AMENDMENTS**

- 93** An amendment or repeal of this *Community Protection Law* must only be made by Council, as recommended by the Lands Advisory Committee in accordance with the *Land Code*.



# SQ'EWÁ:LXW FIRST NATION

## SKAWAHLOOK

### BAND COUNCIL RESOLUTION

BCR No: 03.16.2022 Community Conduct and  
Community Protection Laws

The Council of Skawahlook First Nation

At a duly convened meeting: March 16, 2022

#### Whereas:

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council ratified the Skawahlook First Nation Land Code by referendum on the 29<sup>th</sup> day of March 2010;

#### Whereas:

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council, after legal consultation, has completed final review of the Community Conduct Law and the Community Protection Law attached to this BCR as Appendices 'A' and 'B';

#### WHEREAS:

The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council in accordance with Part 4: (81) of the Skawahlook Land Code tabled the Community Conduct Law and the Community Protection Law at a meeting of Council on Tuesday, February 8, 2022 and posted and circulated both the Community Conduct Law and the Community Protection Law as per Part 4: (80)(3) of the Skawahlook Land Code;

#### Therefore, Be It Resolved That:


The Sq'ewá:lxw (Skawahlook) First Nation Chief and Council enact the Community Conduct Law and the Community Protection Law as Laws of the Sq'ewá:lxw (Skawahlook) First Nation in accordance with Part 4: (80)(2) in the Skawahlook First Nation Land Code .

This resolution is supported by the undersigned and passed this 16<sup>th</sup> day of March 2022.

A quorum for this Band  
consists of 2 (two) council  
members

  
Chief Maureen J. Chapman

  
Debra Schneider, Councillor

  
Jenn Carman, Councillor

