

NISICHAWAYASI NEHETHOWUK LAWS

2020

LAW 2020-1

A Law to enact an **Emergency Measures Law 2020**, c. E-1

Proposal: March 17, 2020

First Reading: March 20, 2020

Adopted: March 20, 2020

CCLNCN 2020, c. E-1

Nisichawayasi Emergency Measures Law

WHEREAS *Kihche’othasowewin* (the Great Law of the Creator) and the customary law principles of the *Nisichawayasi Nehethowuk* are to guide the conduct of *Ethiniwuk* (individuals) and *Ka’esi’pisketuskan’nesichik* (the Nation);

WHEREAS Article 7.2 of *Othasowewin* indicates that public confidence and public trust are elements of good governance and that decisions must be made in the collective best interest of our Nation;

WHEREAS it is in the best interests of the Nisichawayasihk Cree Nation to enact an NCN Law to provide for emergency planning, management and implementation of measures required for the public health and safety of NCN Citizens, residents and visitors to NCN Lands;

WHEREAS NCN has the authority under Article 14.13 of *Othasowewin* and Article 8.1 of *Aski-Pumenikewin* to enact NCN Laws urgently required for public health or safety;

THIS LAW in accordance with *Othasowewin* 2017, c. O-1 and *Aski-Pumenikewin* 2017, c. A-1 is enacted as follows:

Title

1 This law may be cited as the *Nisichawayasi* Emergency Measures Law, 2020, c. E-1.

PART I

INTERPRETATION AND APPLICATION

Definitions

2 In this *Nisichawayasi* Emergency Measures Law,

“emergency” means an urgent or imminent situation anticipated to be of a temporary nature that requires prompt action to

(a) prevent or limit serious endangerment of the lives, health or safety of NCN Citizens, residents on, or visitors to, NCN Lands; or

(b) threatens the *Tipethimisowin* (sovereignty) or security of NCN.

“emergency plan” means a plan for preparing for, responding to and recovering from emergencies;

“NCN Lands” means the reserve lands more particularly described in *Aski-Pumenikewin*;

“*N’tuskenan*” means the traditional lands occupied and used by the *Nisichawayasi Nehethowuk* prior to signing the adhesion to Treaty 5 and includes NCN Lands and the Resource Management Area;

Scope and Application

3 This law applies to the protection and safety of people throughout *N’tuskenan*.

PART II

EMERGENCY PREPAREDNESS

Emergency Plans

4 Each member of Council assigned a portfolio in accordance with Chapter 11 of *Othasowewin* shall work with the personnel in their area of responsibility to:

- (a) identify the risks that are within or related to that portfolio including critical infrastructure and essential services and
- (b) prepare emergency management plans related to those risks;
- (c) update, maintain, test and implement those plans;
- (d) ensure the plans developed for each portfolio area are included in the overall NCN emergency management plan.

Contents of emergency management plans

5 Each departmental or organizational emergency management plan shall include

- (a) the lead position during an emergency;
- (b) applicable policies, processes, programs and procedures to provide for the continuity of the operations of *Nisichawayasi Nehethowuk Okimawin* (NCN government);
- (c) essential services requirements; and
- (d) applicability of, or co-ordination with, any applicable federal-provincial plans.

Chief and Council Orders or Regulation

- 6 Chief and Council may without limitation make orders or regulations
- (a) respecting the preparation, maintenance, testing and implementation of individual portfolio emergency management plans;
 - (b) approving portfolio emergency management plans;
 - (c) approving a comprehensive NCN emergency management plan; and
 - (d) respecting the co-ordination of emergency management plans with federal, provincial municipal or other First Nation plans.

PART III

STATE OF EMERGENCY

Declaration of State of Emergency

7 If Chief and Council believe on reasonable grounds that an emergency exists and special temporary measures are required to deal with the emergency, Chief and Council may issue an order declaring that a state of emergency exists.

Contents of the Order

8 An order declaring a state of emergency shall outline the nature of the emergency and the date it shall come into effect.

Duration of Order

9 An order declaring a state of emergency shall expire at the end of sixty days from the date the order comes into effect unless the order is revoked earlier by council resolution or extended in accordance with this law.

Communication of Order

10 Chief and Council shall ensure that the order is communicated to NCN Citizens, residents on, and visitors to, NCN Lands, other levels of government, businesses and other relevant entities using the most reasonable and appropriate means in the circumstance.

Extension of Order

11 Chief and Council may extend the state of emergency for further periods of up to 30 days each to continue addressing the emergency.

Emergency Powers

12 Upon the declaration of and during a state of emergency, Chief and Council may make such orders or regulations it believes is necessary to deal with the emergency:

- (a) the regulation or prohibition of travel to, from or within any specified area of N'tuskenan or NCN Lands or part of either N'tuskenan or NCN Lands;
- (b) the evacuation of persons and the removal of personal property from any specified area and making arrangements for the adequate care and protection of persons and property;
- (c) control or prevent the movement of people and property;
- (d) authorize the entry into any building on NCN Lands without a warrant or order under the Nisichawayasi Community Protection Law;
- (e) authorize the procurement, use and distribution of essential resources, services and personnel and provide for reasonable compensation for in respect of the resources or services provided;
- (f) regulate and provide for the distribution and availability of essential goods, services and resources;
- (g) authorize and make emergency payments;
- (g) direct or authorize the closure of schools, businesses, and other facilities;
- (h) establish emergency shelters, health treatment, isolation or quarantine centres, or such other facilities as may be required;

- (i) assess 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;
- (j) expend such sums as are necessary to pay expenses caused directly or indirectly by the emergency; and
- (k) evict, banish, imprison or impose fines consistent with the Nisichawayasi Community Protection Law 2019, c. C-1.

PART V

REPEAL AND COMING INTO FORCE

Repeal bylaw

13 The 1992 NCN Emergency Measures bylaw established pursuant to the Indian Act (Canada) is repealed.

Effective date

14 This law comes into force on March 20, 2020.

Transition

All necessary steps are authorized to be taken to transition from the 1992 bylaw to this law.

APPROVED BY CHIEF AND COUNCIL ON MARCH 20, 2020

CERTIFICATION

I, Joyce Yetman, Registrar of NCN Laws and Regulations certify this is the true original of the Nisichawayasi Emergency Measures Law (NCN 2020, c. E-1) approved by Chief and Council Resolution on March 20, 2020.

Joyce Yetman, Registrar