



**FREQUENTLY  
ASKED  
QUESTIONS  
MAY 3, 2017**

**KAINAI/BLOOD TRIBE  
TRESPASS BYLAW**

**Q1. What is the Trespass Bylaw?**

A1. The Trespass Bylaw is a law to provide for the removal and punishment of persons trespassing on the Blood Indian Reserve Nos. 148 and 148A (Timber Limit) or for frequenting the Reserve for prohibited purposes.

The Bylaw provides the authorization to the Blood Tribe Police to remove and charge those people that are trespassing on the Reserve. Any person found on the Reserve who is not a Blood Tribe member is presumed to be trespassing unless they can prove otherwise.

The Bylaw is not intended to punish or control those persons who are invited onto the Reserve and are not creating problems or entering into unlawful activities. The Bylaw is intended to provide a method to identify those persons who do not have permission to be on the Blood Reserve.

**Q2. Why is a Trespass Bylaw needed?**

A2. Blood Tribe Council has had ongoing concerns with respect to persons entering on the Blood Reserve for purposes related to the unlawful use and distribution of drugs to the detriment of Blood Tribe members. Council has taken several steps to minimize the impacts of the fentanyl/drug crisis on the Blood Reserve and to ensure the safety of Blood Tribe members. Enacting the Trespass Bylaw is one of the steps that Council has taken as part of the overall Drug Strategy which is discussed below.

**Q3. What other steps is Council taking to address the unlawful use and distribution of drugs on the Reserve?**

A3. Council declared a State of Emergency on March 4, 2015 in response to the crisis situation that was created by the influx of illegal drugs into the community, and the resulting number of overdoses and deaths. Declaring the State of Emergency was the first step toward combating the crisis.

The Tribe then developed and implemented a comprehensive Drug Strategy involving key Blood Tribe agencies and departments. The “Prescription Drug Awareness Project”

includes Suboxone Therapy; a Narcotics Anonymous Support Group; Prescription and Illicit Drug Awareness Sessions; a Help Line; Referrals to Detox and Drug Treatment Programs; and a Job Readiness Program. Partnerships were also created with the U of L Health Science Addictions Program, U of C, Blue Quills and Red Crow College Social Work Programs to further assist the efforts to address the Blood Tribe community with this crisis.

**Q4. What are the Permit Regulations?**

A4. The Regulations are made pursuant to the Trespass Bylaw and establish a system of issuing Permits that will provide individuals or businesses with the proof required to show that they have authorization to be on the Reserve for specific purposes.

**Q5. Do Blood Tribe members need a permit?**

A5. No. Blood Tribe members do not require a permit as they have the right to be on the Blood Reserve.

**Q6. What kinds of Permits are there?**

A6. The types of permits that may be applied for by non-Blood Tribe members are:

**Residency Permits:** A Residency Permit is required for any Person who resides on the Blood Reserve and is not a Blood Tribe member, including the spouse of a Blood Tribe member residing on the Reserve and children under the age of 18 who are children or grandchildren of either a Blood Tribe member or the spouse of a Blood Tribe member.

**Entry Permits:** Entry Permits may be applied for annual, season, specific or day purposes by non-Blood Tribe members conducting lawful activities on the Blood Reserve. Entry Permits shall be issued either annually, for a specified time period or as a day pass.

**Q7. What is the authority of Council to make the Trespass Bylaw?**

A7. Council has authority under section 81(1) of the federal *Indian Act* to make bylaws for general matters including the "the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes" which is found in paragraph (p) of section 81(1).

**Q8. What process did Council follow to make the Trespass Bylaw?**

A8. The *Indian Act* sets out certain requirements.

Section 86(1) requires Council to publish a copy of the bylaw on an Internet site, in the First Nations Gazette or in a newspaper that has general circulation on the reserve of the band; Council has authority to choose the option it considers appropriate in the circumstances. Council has chosen to publish a copy of the bylaw on its Internet website.

Section 86(4) provides that a bylaw comes into force on the day on which it is first published or on any later day specified in the bylaw.

The *Indian Act* does not require that a bylaw be read a certain number of times; however, Council's practice is to read proposed bylaws three (3) times before passing them.

Council met in quorum on November 2, 2015 and read the Trespass Bylaw three (3) times. After the third reading, Council passed the Trespass Bylaw and decided that the Trespass Bylaw will come into force ten (10) days after it has been published on the Blood Tribe Council website. Council's decisions were made by way of Band Council Resolution (BCR).

**Q9. Does the Trespass Bylaw have to be sent to the Minister within four (4) days of Council enacting it?**

A9. No. The *Indian Act* was amended in 2014 and it repealed certain provisions dealing with the enactment and coming into force of bylaws.

Specifically, the 2014 amendments removed the oversight and disallowance powers of the Minister of Aboriginal Affairs and Northern Development that used to exist under section 82 of the *Indian Act*. After the 2014 amendments, First Nations, including the Blood Tribe Council, are no longer required to forward copies of bylaws to the Minister within four days of their enactment, for review and for certification, and the Minister will no longer be able to disallow these bylaws.

**Q10. Who will enforce the Trespass Bylaw?**

A10. The Blood Tribe Police will enforce the Bylaw. The Federal Crown will be prosecuting any charges under the Bylaw.

**Q11. If a Tribal Member encounters an individual or individuals who appear to be trespassing what should that person do?**

A11. That Tribal Member should contact the Blood Tribe Police immediately as they are responsible for the enforcement of the Trespass Bylaw.

**Q12. Is the administrative structure that is required for Trespass Bylaw in place?**

A12. Yes. The Blood Tribe Membership Department will administer Residency Permits and the Blood Tribe Land Management Department will administer Entry Permits. Each Blood Tribe Corporation or Department will administer day permits for those non-members who attend to meetings at their premises.

**Q13. Is the Trespass Bylaw valid?**

A13. Yes. Even if the court were to find a provision in the Trespass Bylaw invalid for any reason, that provision will be considered severed from the Bylaw and the remaining provisions will remain valid and in force.

**Q14. When will the Trespass Bylaw come into force?**

A14. The Trespass Bylaw will come into force ten (10) days after it is published on the Blood Tribe Council website. Council published the Bylaw on May 3, 2017 and the Bylaw will come into force on May 13, 2017.

**Q15. Is a permit required for the general public to shop at authorized businesses on the Reserve?**

Q15. No permit is required to attend at public events including shopping at authorized businesses on the Reserve.

**Q16. What are the Fees?**

A16. Please refer to attached **Fee Schedule** and contact the Blood Tribe Land Management Department at **(403) 737-8151** for details.

**Q17. What is the process for obtaining the Permits?**

A17. Contact the Blood Tribe Land Management Department at: **(403) 737-8151** for details on the application process for Entry Permits and the Membership Department at **(403) 737-8109** for Residency Permits.