TRESPASS AND
+A-KÂLAXWÎTS +A-KNUMUC'TÎLÎ +AQAMNIK +A-MAKIS
(ACCESS TO AQAM LANDS LAW), 2017
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WHEREAS

A. ʔaʔamn̓iʔ (members of ʔaʔam̓) have an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35(1) of the Constitution Act, 1982;

B. ʔaʔam̓ and ʔaʔam̓n̓iʔ have responsibility as stewards of ʔaʔam̓ ?amak (ʔaʔam̓ Lands) for the benefit of all ʔaʔam̓n̓iʔ (members of ʔaʔam̓);

C. The ʔaʔam̓n̓iʔ (members of ʔaʔam̓) strive to:
   - reconnect with the spirit of ʔaʔam̓ ?amak (ʔaʔam̓ Lands) and all living things on ʔaʔam̓ ?amak (ʔaʔam̓ Lands),
   - strengthen our stewardship skills and knowledge of ʔaʔam̓ ?amak (ʔaʔam̓ Lands), and
   - preserve and protect the cultural resources, sacred sites, and ancestral remains located within ʔaʔam̓ ?amak (ʔaʔam̓ Lands);

D. Pursuant to the subsection 6(3) of the First Nations Land Management Act and clause 6.1 of the Framework Agreement, a First Nation may enter into an individual transfer agreement with the Minister describing the land that must be subject to a land code, providing for the transfer and administration of that land and a description of the interests or rights and licences that have been granted by Canada to the First Nation in relation to that land, and the date and other terms of the transfer to the First Nation of Canada’s rights and obligations as grantor of those interests or rights and licences, and setting out the environmental assessment process that must apply to projects on that land until the enactment of a First Nation law in relation to that subject;

E. ʔaʔam̓ signed an Individual Agreement with Canada on June 18, 2014;

F. Pursuant to section 6 of the First Nations Land Management Act a First Nation that wishes to establish a land management regime in accordance with the Framework Agreement and the First Nations Land Management Act must adopt a land code applicable to all land in a reserve of the First Nation;

G. The ʔaʔam̓n̓iʔ (members of ʔaʔam̓) voted in favour of the St. Mary’s Indian Band Land Code at a ratification vote held on April 14-16, 2014 and the St. Mary’s Indian Band Land Code came into effect on July 1, 2014;

H. The ʔaʔam̓n̓iʔ (members of ʔaʔam̓) voted in favour of amendments to the St. Mary’s Indian Band Land Code at a Meeting of Members vote held in accordance with section 48.1 and 13.1 to 13.9 of the St. Mary’s Indian Band Land Code on February 25, 2016, which has become the ʔaʔam̓ Amended Land Code, 2016;

I. Pursuant to sections 6.4 of the ʔaʔam̓ Amended Land Code, 2016 the ʔiʔwaʔn̓aʔ is ʔaʔam̓ (Council) may enact a law in relation to: environmental protection; the protection of archeological and cultural resources; the removal and punishment of persons trespassing upon ʔaʔam̓ ?amak;
(ʔaʔam Lands) or frequenting ʔaʔam ʔamak (ʔaʔam Lands) for a ɡxaɬ titqaatɬ qaqaʔni (prohibited purpose); and the enforcement of laws;

**J.** The ʔiʔwaɪnʔixis ʔaʔam (Council) deems it to be in the best interests of ʔaʔam to make a law for such purposes; and

**K.** The ʔiʔwaɪnʔixis ʔaʔam (Council) has held a community land code meeting regarding this ʔa·knumuʔtiiʔil (Law) in accordance with sections 7.6 to 7.9 of the ʔaʔam Amended Land Code, 2016 and has considered any objections raised by ʔaʔamnik (members of ʔaʔam);

**NOW THEREFORE** the ʔiʔwaɪnʔixis ʔaʔam (Council of ʔaʔam) duly enacts as follows:

**PART I**

**QAKIKAXU?MIK**

**(CITATION)**

1. Na ʔa·knumuʔtiiʔil ᵐini ɡxaɬ yaqαɬ ʔa kəɬaxwits ʔitnumuʔtiiʔiki ʔaʔamnik ʔamakis (This Law may be cited as the Trespass and Access to ʔaʔam Lands Law, 2017).

**PART II**

**ʔAŁIKYAXWUM, KUCINHILAT ʔC KCMAKNŁWIYTIYAM**

**(DEFINITIONS, INTERPRETATION AND APPLICATION)**

ʔał dikyaxwum

**(Definitions)**

2. Unless the context indicates the contrary, in this ʔa·knumuʔtiiʔil (Law):

“kawiʔkiniʔ ʔamaks (allotment)” means those ʔaʔam ʔamak (ʔaʔam Lands) that have been lawfully granted to an ʔaʔamnik’ (member of ʔaʔam) and in which that ʔaʔamnik (member of ʔaʔam) has lawful possession;

“kamatikʔiʔ ʔamaks (allotment holder)” means a person who has been granted a kawiʔkiniʔ ʔamaks (allotment) pursuant to:

(a) section 20(1) of the Indian Act;

(b) prior to the date the ʔa·knumuʔtiiʔil kawiʔkiniʔil ʔamaks, 2016 (ʔaʔam Allotment Law, 2016) took effect, section 32.1(a) of the ʔaʔam Amended Land Code; or

(c) the ʔa·knumuʔtiiʔil kawiʔkiniʔil ʔamaks, 2016 (ʔaʔam Allotment Law, 2016);
and who is entitled to a Kituqîlqat kitkin qa-knumuqîtil (certificate of possession) under the qa-knumuqîtit (certificate of possession) of 2016 (Paqam Allotment Law, 2016);

"Paqam" means dense forest, and in this qa-knumuqîtit (Law) refers to the Paqam within the meaning of the Indian Act, formerly known as the St. Mary’s Indian Band, for whose use and benefit in common Paqam (Paqam Lands) have been set apart by Canada;

"Paqam Allotment Law, 2016" means the qa-knumuqîtit (Law), enacted by Council on October 18, 2016;

"Paqam Community Lands" means any Paqam (Paqam Lands) in which every Paqamnik (member of Paqam) has a common interest;

"Paqam (Paqam Lands)" includes:

(a) Paqam - Kooënenay Indian Reserve No. 1 (07422);
(b) kanka - Isidore’s Ranch No. 4 (07423);
(c) qałsan mayuk - Cassimayooks No. 5 (07424);
(d) kałqakakmaınam - Bummer’s Flat No. 6 (07425); and
(e) Paqam “lands” set apart by Canada in the future as Paqam (lands) reserved for the use and benefit of the Paqam within the meaning of subsection 91(24) of the Constitution Act 1867 and section 2(1) of the Indian Act;

"Paqamnik (member of Paqam)” means people of the dense forest, and in this qa-knumuqîtit (Law) means a person whose name appears or whose name is entitled to appear on the Paqam membership list;

"Paqam public building" means a building located on Kitqawxawiqiniit Paqam (Paqam Community Lands) out of which Paqam delivers programs and services to a Paqamnik (member of Paqam);

“Kituqîlqat Kitkin qa-knumuqîtit (Certificate of Possession)” means a certificate of possession issued by:

(a) Canada, pursuant to subsection 20(2) of the Indian Act, to an Paqamnik (member of Paqam) who is lawfully in possession of Paqam (Paqam Lands) as evidence of that Paqamnik (member of Paqam)”s right to possession of the land described in the certificate of possession; or

(b) Hiwaïna?is Paqam (Council), pursuant to section 12 of the qa-knumuqîtit kawiqiniit (Certificate of Possession) of 2016 (Paqam Allotment Law, 2016) to an Paqamnik (member of Paqam) who is
lawfully in possession of ?aqam ?amak (?aqam Lands) as evidence of that ?aqamnik (member of ?aqam)’s right to possession of the lands described in the certificate of possession;

“nasukin (Chief)” means the person elected into the position of Chief pursuant to an election held in accordance with the St. Mary’s Indian Band Custom Election Regulations, 2016;

“?akiklu?nam ?aqtsmaknik’il (community member)” means:

(a) a member of a Ktunaxa Band who ordinarily resides on ?aqam ?amak (?aqam Lands); or

(b) a person who consistently volunteers at or participates in ?aqam community events or meetings, without receiving compensation for doing so; or

(c) a person who is deemed a ?akiklu?nam ?aqtsmaknik’il (community member) by Council; or

(d) a person who is the immediate family of an ?aqamnik (member of ?aqam), whether or not that:

(i) person ordinarily resides with that ?aqamnik (member of ?aqam),

(ii) person or that ?aqamnik (member of ?aqam) ordinarily resides on ?aqam ?amak (?aqam Lands), or

(iii) ?aqamnik (member of ?aqam) is deceased;

“Constitution Act” means the Constitution Act, 1982, enacted as Schedule B to the Canada Act 1982, 1982, c. 11 (U.K.), which came into force on April 17, 1982;

“Controlled Drugs and Substances Act” means the Controlled Drugs and Substances Act, S.C., 1996, c. 19;

“?i?wına?is ?aqam (Council)” means the lawfully elected government of ?aqam and includes the nasukin (Chief);


“cultural heritage site” means an object, site or location of a traditional or cultural practice that has past and ongoing importance and this is of historical, cultural or archaeological significance to ?aqam;


“yaqawxat ?ituqliq kanuhus ?aqtsmaknik’il ?amak’is (First Nation Land Register)” means the register maintained by the Department of Indigenous and Northern Affairs Canada pursuant
to section 25 of the First Nations Land Management Act;

“Framework Agreement” means the Framework Agreement on First Nations Land Management entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations, on February 12, 1996, as amended;

“ʔaʔwaliʔit (garbage)” means solid waste, refuse or other toxic, noxious, offensive or unwholesome matter that is discarded, including:

(a) packaging from consumer goods;

(b) waste paper, plastic, glass, and metal scraps;

(c) cast-off clothing, electronic devices, home appliances, furniture, or motor vehicles;

(d) organic or synthetic matter, or kitchen scraps, including ʔaʔiwaʔ (meat), kyakxu (fish), ʔaʔiwaʔ (fruit), and kitmuku (vegetables) resulting from the handling, preparation, cooking and consumption of food;

(e) soil, gravel, living organisms, or other qapi qapsin kəqakaníʔamiks (natural resources) that emanate from outside of ʔaqam ʔamak (ʔaqam Lands) and any other substance, such as sewage, that would:

(i) likely cause damage to either kyakxu (fish) or kyakxu (fish) habitat, or animals or animal habitat on ʔaqam ʔamak (ʔaqam Lands), or

(ii) likely have a detrimental impact on an ʔaqamníʔ (member of ʔaqam)’s use of kyakxu (fish) or animals harvested on ʔaqam ʔamak (ʔaqam Lands); and

(f) a ʔuqunikilmakxuʔni (wildlife carcass) or edible parts of wildlife;

“ʔaʔqalitimu (immediate family)” means a person’s father, mother, sister, brother, husband, wife, common-law spouse, son or daughter, including adopted;

“Indian Act” means the Indian Act, R.S.C., 1985, c. I-5;

“Justice” means a justice of the peace or a provincial court judge;

“Ktunaxa Band” means any of the following:

(a) ʔakisqnuk First Nation;

(b) ʔaqam;

(c) Yaqan Nukiy (Lower Kootenay Indian Band);
(d) ?akinkumlasnu\?it (Tobacco Plains Indian Band);

“\gxakqanwisqa (loitering)” means to be present for any reason other than:

(a) to attend an ?aqam community event or meeting, or

(b) in the case of an ?aqam employee or contractor, to fulfill their duties and functions in accordance with their employee agreement or contract, as applicable;

“\qaqapi kqapsin kqakl-kakinit Pamaks (natural resource)” means a renewable or non-renewable material or component that can be used and that can be derived from and is located on ?aqam ?amak (?aqam Lands);

“?ak\lana\? iniqi\?iti (non-substantive amendment)” means an amendment to this ?a\knumuitil (Law) that does nothing more than:

(a) correct typographical or other editorial errors that were not caught during the initial drafting process;

(b) amend this ?a\knumuitil (Law) to incorporate into it a Ktunaxa term that has the same meaning as the English term used in this ?a\knumuitil (Law); or

(c) bring this ?a\knumuitil (Law) into compliance with changes in the laws of ?aqam, Canada or the Province;

"\kitusaqa (occupier)” means a person entitled to:

(a) occupy ?aqam ?amak (?aqam Lands) under a valid land instrument that is registered in the yaqawxa\? ituqil\qa kanuhus \aqismak\?is (First Nation Land Register); or

(b) occupy kitqawxawi\?kinil ?amak (?aqam Community Lands) under a rental agreement with ?aqam;

“sa\nitkna\?itmu kqa\?emu (off-roading)” means to drive an all-terrain vehicle, dirt bike, truck, sports utility vehicle or any other motorized vehicle on kitqawxawi\?kinil ?amak (?aqam Community Lands) that:

(a) are made of materials such as sand, gravel, riverbeds, mud, snow, rocks or other natural terrain; and

(b) are not either paved or gravel roads intended to sustain vehicular traffic;

“ka\qanxu (peace officer)” means:

(a) any member of the Royal Canadian Mounted Police; and
(b) any person employed or contracted by ?aqam to enforce ?aqam laws; and

“privately held ?aqam ?amak (?aqam Lands)” means:

(a) an “kawiškinił ?amaks (allotment)”; or

(b) kitqawxawiškinił ?amak (?aqam Community Lands) that are held exclusively by a person pursuant to a valid land instrument registered in the yaqawxał ?ituqhitqa kanuhus ?aqismaknik ?amak?is (First Nation Land Register).

Ku̕ginli̕at
(Interpretation)

3. This ?a-knumuštilil (Law) must be interpreted in a fair, large and liberal manner.

4. In this ?a-knumuštilil (Law):

(a) the use of the word “must” denotes an obligation that, unless this ?a-knumuštilil (Law) provides to the contrary, must be carried out as soon as practicable after this ?a-knumuštilil (Law) comes into effect or after the event that gives rise to the obligation occurs;

(b) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;

(c) headings and subheadings are for convenience only, do not form a part of this ?a-knumuštilil (Law) and in no way define, limit, alter or enlarge the scope or meaning of any provision of this ?a-knumuštilil (Law);

(d) a reference to a statute includes every kak̓anai ?itkinil (amendment) to it, every regulation made under it and any law enacted in substitution for it or in replacement of it;

(e) a reference to a government office includes every successor government office and a reference to a government official includes every successor government official;

(f) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular;

(g) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine;

(h) where a time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day;

(i) where a time is expressed to begin after or to be from a specified day, the time does not include that day; and
(j) where anything is to be done within a time after, from, on or before a specified day, the
time does not include that day.

nitnumuñtiiinita·knunuñtíiinita
(Application of Law)

5. This ta·knunuñtíiinita (Law) applies to all aqam amak (aqam Lands) and all persons who
enter aqam amak (aqam Lands).

6. Where any ta·knunuñtíiinita (law) or regulation of Canada or the Province or any other aqam
a·knunuñtíiinita (law) applies to any matter covered by this ta·knunuñtíiinita (Law), compliance with
this ta·knunuñtíiinita (Law) does not relieve the person from also complying with the provisions of
the other applicable ta·knunuñtíiinita (laws) or regulations.

7. If any provision of this ta·knunuñtíiinita (Law) is held invalid by a court of competent
jurisdiction, the invalid provision must be severed from and must not affect the remaining
provisions of this ta·knunuñtíiinita (Law).

PART III
éxałlitqálitq ni qaqa?ni
(PROHIBITED PURPOSE)

éxał litqálitq ni qaqa?ni
(Prohibited Purpose)

8. (1) A person, whether or not they are an aqamnik (member of aqam), who enters aqam
amak (aqam Lands) to, or while on aqam amak (aqam Lands) participates in, any of the
following activities is deemed to be frequenting aqam amak (aqam Lands) for a éxał litqálitq
qaqa?ni (prohibited purpose):

(a) disposes or dumps a·qúwatíít (garbage) on aqam amak (aqam Lands), except:

(i) with the permission of ñitwatáñas aqam (Council) and in a a·qúwatíít (garbage)
bin or other receptacle designated by aqam for a·qúwatíít (garbage) disposal, or

(ii) an aqamnik (member of aqam) discarding of a luqunakiłmakxu?ni (wildlife
carcass) or edible parts of wildlife that are not suitable for human consumption;

(b) activities that are contrary to the Criminal Code or Controlled Drugs and Substances Act;
(c) sa-nilknatitmu kqam-emu (off-roading) in a manner that causes damage to kitchaqawxawikini? Paqam (Paqam Community Lands); or

(d) directly or indirectly causing damage to a cultural heritage site.

(2) A person who is not an Paqamnik (member of Paqam), who enters Paqam Paqam (Paqam Lands) to, or while on Paqam Paqam (Paqam Lands) participates in any of the following activities without a ~at ~at qaqa?ni (permit) from ?itwata?is Paqam (Council) must be deemed to be frequenting Paqam Paqam (Paqam Lands) for a ~at ~itqali~ qaqa?ni (prohibited purpose):

(a) Paqamnam (hunting), kahluqlawut (fishing), or Paqam (trapping);

(b) remove hakqat (berries), kikini? (roots), aki?ta?in (trees), a-knuqyuk (flowers), or any other qapi qapsin kqakani? (natural resources) from Paqam Paqam (Paqam Lands); or

(c) sa-nilknatitmu kqam-emu (off-roading).

(3) A person who is not either an Paqamnik (member of Paqam) or Paqam (community member), and who is ~a?nam, kahluqlawut (fishing), or Paqam (trapping) must be deemed to be frequenting Paqam Paqam (Paqam Lands) for a ~at ~itqali~ qaqa?ni (prohibited purpose)

(4) Regardless of subsection (2), a person who is not an Paqamnik (member of Paqam) and is found on Paqam Paqam (Paqam Lands) is presumed not to have the consent of ?itwata?is Paqam (Council) to be on Paqam Paqam (Paqam Lands).

~at ~at qaqa?ni ~at ~aqu?nam ?kilkin? Paqam Paqams
(Permits to Enter and Use Paqam Lands)

9. (1) A person who is not an Paqamnik (member of Paqam) may be on Paqam Paqam (Paqam Lands) for a purpose set out in paragraphs 8(2)(a) to (c) if they obtain a ~at ~at qaqa?ni (permit) either from:

(a) ?itwata?is Paqam (Council); or

(b) a person authorized by ?itwata?is Paqam (Council) to issue such ~at ~at qaqa?ni (permit).

~at ~at qaqa?ni kapanam, kahluqlawut tak Paqam
(Permit for Hunting, Fishing or Trapping)

(2) ?itwata?is Paqam (Council), or a person authorized by ?itwata?is Paqam (Council), may grant a person who is not an Paqamnik (member of Paqam) a ~at ~at qaqa?ni (permit) to be on Paqam Paqam (Paqam Lands) for the purpose of ~a?nam (hunting), kahluqlawut (fishing) or Paqam (trapping) by providing that person with a ~at ~at qaqa?ni (permit) setting out:
(a) the name, address, phone number and birthdate of the person to whom the ?at ėxal tař qaqa?ni (permit) is granted;

(b) specific details setting out the areas, dates and times in which the person may participate in ?a?nam (hunting), kałuqiawut (fishing) or ?itkaku (trapping);

(c) the species and quota for which the person may ?a?nam (hunt), kałuqiawut (fish) or ?itkaku (trap);

(d) that if the person named in the ?at ėxal tař qaqa?ni (permit) ?a?nam (hunts), kałuqiawut (fishes) or ?itkaku (traps) for any other species while on ?aqam ?amak (?aqam Lands) that the person will be in trespass and will be deemed to be entering ?aqam ?amak (?aqam Lands) for a ėxal ėtíqáñił qaqa?ni (prohibited purpose); and

(e) any other condition deemed necessary for the protection or conservation of ?aqam ?amak (?aqam Lands), kałuqiawut (fish) or wildlife.

(Permit for Removing Berries, Roots, Trees, Flowers or other Natural Resources)

(3) íñ awaited?is ?aqam (Council), or a person authorized by íñ awaited?is ?aqam (Council), may grant a person who is not an ?aqamnik (member of ?aqam) a ?at ėxal tař qaqa?ni (permit) to be on ?aqam ?amak (?aqam Lands) for the purpose of removing ?a-kuqîh?ít (berries), kíkîñinkâlti (roots), ?akiêla?in (trees), ?a-knuqyuk (flowers), or any other qapi qapsin kqaki-kakini? ?amaks (natural resources) from ?aqam ?amak (?aqam Lands) by providing that person with a ?at ėxal tař qaqa?ni (permit) that sets out:

(a) the name, address, phone number and birthdate of the person to whom the ?at ėxal tař qaqa?ni (permit) is granted;

(b) the areas, dates and times on which the person may remove hałqâti (berries), kíkîñinkâlti (roots), ?akiêla?in (trees), ?a-knuqyuk (flowers) or any other qapi qapsin kqaki-kakini? ?amaks (natural resources) from ?aqam ?amak (?aqam Lands);

(c) the types of hałqâti (berries), kíkîñinkâlti (roots), ?akiêla?in (trees), ?a-knuqyuk (flowers) or other qapi qapsin kqaki-kakini? ?amaks (natural resources) that may be removed from ?aqam ?amak (?aqam Lands) by the person named in the ?at ėxal tař qaqa?ni (permit);

(d) that if the person named in the ?at ėxal tař qaqa?ni (permit) removes hałqâti (berries), kíkîñinkâlti (roots), ?akiêla?in (trees), ?a-knuqyuk (flowers) or other qapi qapsin kqaki-kakini? ?amaks (natural resources) from ?aqam ?amak (?aqam Lands) other than those set out in the permit that the person will be in trespass and will be deemed to be entering ?aqam ?amak (?aqam Lands) for a ėxal ėtíqáñił qaqa?ni (prohibited purpose); and
(c) any other condition deemed necessary for the protection or conservation of ?aqam ?amak (?aqam Lands), šału$log (fish) or wildlife.

\[\text{?at} \, \text{tāl qaqā?ni sa-níknanítítmu kqa' ēmu} \]
**(Permit for Off-roading)**

(4) ?iłwát?na?is ?aqam (Council), or a person authorized by ?iłwát?na?is ?aqam (Council), may grant a person who is not an ?aqamnik' (member of ?aqam) a ?at ėxał tāl qaqā?ni (permit) to be on ?aqam ?amak (?aqam Lands) for the purpose of sa-níknanítítmu kqa' ēmu (off-roading) by providing that person with a ?at ėxał tāl qaqā?ni (permit) that sets out:

(a) the name, address, phone number and birthdate of the person to whom the ?at ėxał tāl qaqā?ni (permit) is granted;

(b) the areas, dates and times in which the person may off-road on ?aqam ?amak (?aqam Lands);

(c) the purpose for which the person may off-road on ?aqam ?amak (?aqam Lands);

(d) that if the person named in the ?at ėxał tāl qaqā?ni (permit) off-roads in a manner, during a time or for a purpose other than those set out in the ?at ėxał tāl qaqā?ni (permit) that the person will be in trespass and will be deemed to be entering ?aqam ?amak (?aqam Lands) for a ėxał šițqātil qaqā?ni (prohibited purpose); and

(e) any other condition deemed necessary for the protection or conservation of ?aqam ?amak (?aqam Lands), šału$log (fish) or wildlife.

\[\text{qakinii} \, \text{uqu?xam ñ kilkinil ?aqam ?amaks} \]
**(Cancellation of Permission to Enter ?aqam Lands)**

10. ?iłwát?na?is ?aqam (Council), or a person authorized by ?iłwát?na?is ?aqam (Council) may, for any reason, cancel any ?at ėxał tāl qaqā?ni (permit) granted under section 9 by delivering a written notice of such cancellation to the person named in the ?at ėxał tāl qaqā?ni (permit), at the address provided in the ?at ėxał tāl qaqā?ni (permit).

\[\text{ñisnikejik} \, \text{tāl qaqā?ni} \]
**(Obligations of Permit Holder)**

11. A person who is granted a ?at ėxał tāl qaqā?ni (permit) under section 9 must:

(a) if their address changes, immediately and in writing advise ?aqam of the change in their address; and

(b) carry on their person at all times while on ?aqam ?amak (?aqam Lands):
12. A person who is granted a Pat txał tqaqi (permit) under section 9 must, on request of either a kaqanxu (peace officer) or a person authorized by tiwaña is aqam (Council), produce to that person:

(a) the original Pat txał tqaqi (permit); and

(b) at least one (1) piece of government issued photographic identification.

PART IV
TRESPASS

Trespass

13. A person is deemed to be in trespass if that person:

(a) is not either an aqamnik (member of aqam) or akikkhu nam aqismaqnik (community member) and they enter or remain on kitqawxawigikinii amak (aqam Community Lands) unaccompanied by either an aqamnik (member of aqam) or a akikkhu nam aqismaqnik (community member), unless that person is a kitusaqa (occupier) and is a kałaxwiits (accessing) those kitqawxawigikinii amak (aqam Community Lands) in accordance with either:

(i) a valid land instrument that is registered in the yaqawxał ituqfikta kanuus aqismaqnik amakís (First Nation Land Register), or

(ii) the terms of a rental agreement with aqam; or

(b) is not a kitusaqa (occupier) and they enter or remain on privately held aqam amak (aqam Lands) without the permission of the kitusaqa (occupier).

Exceptions to Trespass

14. Despite section 13:
(a) a person who is not an ?aqãmnik (member of ?aqâm) or ?akikliyam ?aqalmaknik (community member) who enters kitqawxawiqi?kinii ?amak (?aqâm Community Lands) for the purpose of entering privately held ?aqâm ?amak (?aqâm Lands) with the permission of the kitusaqa (occupier) of those privately held ?aqâm ?amak (?aqâm Lands) is deemed not to be trespassing while in transit to those privately held ?aqâm ?amak (?aqâm Lands);

(b) if a kitusaqa (occupier) invites a person to their privately held ?aqâm ?amak (?aqâm Lands) and then provides them oral or written notice to leave, the person who is given such notice to leave must be given a reasonable amount of time to leave ?aqâm ?amak (?aqâm Lands); and

(c) a person who enters kitqawxawiqi?kinii ?amak (?aqâm Community Lands) and goes directly to an ?aqâm public building to seek permission to be on kitqawxawiqi?kinii ?amak (?aqâm Community Lands) must be deemed not to be in trespass while travelling to and from that ?aqâm public building.

PART V
ISLIH.QANUMUCUL
(ENFORCEMENT)

?awakakin ?akikliyam ¡ yaqawsaqwumki
(Duty to Give Name and Address)

15. On the demand of a kaqanxu (peace officer), or a person authorized by ?ihwa?nisa ?aqâm (Council), who has reasonable grounds to believe that a person is either on ?aqâm ?amak (?aqâm Lands) for a çxañ li?qal qaqa?ni (prohibited purpose) or in trespass, that person must provide the kaqanxu (peace officer) or person authorized by ?ihwa?nisa ?aqâm (Council) with his or her correct ?akikliyam ¡ yaqawsaqwumki (name and address).

?ili-kxanut ?aqâm ?amak
(Demand to Leave ?aqâm Lands)

16. Where a kaqanxu (peace officer) or a person authorized by ?ihwa?nisa ?aqâm (Council) believes on reasonable grounds that a person is either on ?aqâm ?amak (?aqâm Lands) for a çxañ li?qal qaqa?ni (prohibited purpose) or in trespass, the kaqanxu (peace officer) or person authorized by ?ihwa?nisa ?aqâm (Council) may ?ili-kxanut ?aqâm ?amak (demand that person to leave ?aqâm Lands).

kqaqalwiy kexal ?ili-kxam ?aqâm ?amak
(Refusal to Leave ?aqâm Lands)

17. Where a person who has been demanded to leave ?aqâm ?amak (?aqâm Lands) under section 16 fails or refuses to do so, a kaqanxu (peace officer) may use reasonable force to remove that person from ?aqâm ?amak (?aqâm Lands).
(Offences)

18. A person commits an offence if they:

(a) are frequenting ḥaqam ṭamak (Ḥaqam Lands) for a ḥxaṭ ṭitqalṭiṭ qaqaʔni (prohibited purpose);

(b) fail to produce a ḥat ḥxaṭ taʔ qaqaʔni (permit) as required under section 12;

(c) fail to provide a ḥaʔana (peace officer) or a person authorized by ḥiʔatnaʔis ḥqam (Council) with their correct name and address as required under section 15;

(d) fail or refuse to comply with a demand to leave ḥqam ṭamak (Ḥaqam Lands) that is made by a ḥaʔana (peace officer) or a person authorized by ḥiʔatnaʔis ḥqam (Council) under section 16; or

(e) resist or interfere with a ḥaʔana (peace officer) who is acting under section 17.

(Penalty)

19. (1) A person who is found guilty of an offence under this Ḥaʔana (Law) is liable:

(a) in the case of a first offence, to a fine not exceeding $2,000 or to imprisonment for a term not exceeding three (3) months, or to both; or

(b) in the case of a subsequent offence, to a fine not exceeding $5,000 or to imprisonment for a term not exceeding six (6) months, or to both.

(2) A fine imposed under subsection (1) is payable directly to ḥqam.

Warrant to Search, Seize and Arrest

20. A justice who is satisfied by information on oath that there are reasonable grounds to believe that an offence under this Ḥaʔana (Law) is being committed at any place within ḥqam ṭamak (Ḥaqam Lands), the justice may issue a warrant authorizing a ḥaʔana (peace officer) to enter and search the place by day or night and seize anything found therein that may be evidence that an offence under this Ḥaʔana (Law) is being committed at that place, and to take into custody all persons who are found in or at that place and requiring those persons and things to be brought before that justice or before another justice having jurisdiction, to be dealt with according to law.

Search, Seize and Arrest without Warrant
21. A kaqanxu (peace officer) may, whether or not he is acting under a warrant issued pursuant to section 20, take into custody any person whom he finds committing an offence under section 18, and may seize anything that may be evidence that an offence under section 18 is being committed and must bring those persons and things before a justice having jurisdiction, to be dealt with according to law.

Summary Conviction Procedures Apply

22. An offence under this law must be tried in accordance with Part XXVII of the Criminal Code, as amended from time to time.

PART VI
CIN QAPI QAPSIN
(GENERAL)

?ihtwa?is ?aqam (Council) Delegation of Powers


Keta? kaklanal ?itkiniit
(Power to Make Amendments)

24. ?ihtwa?is ?aqam (Council) may, in accordance with this Part, make kaklanal ?itkiniit (amendments) to this ?a·knumu?tili (Law).

?akkla?i ?i?itiit
(Non-Substantive Amendments)

25. ?akkla?i ?i?itiit (Non-Substantive Amendments) to this ?a·knumu?tili (Law) may be made by band council resolution.

Kaka?i ?i?itiit
(Other Amendments)


Kitkiniit kexal hanmaka
(Power to Prescribe Fees)

27. ?ihtwa?is ?aqam (Council) may prescribe:
(a) the hanmaka (fees) that may be charged in respect of applications for a ?at ḡaʕal tał qaqaʔni (permit) under this ?a·knumuʔtiił (Law); and

(b) annual hanmaka (fees) for a ?at ḡaʕal tał qaqaʔni (permit) issued pursuant to this ?a·knumuʔtiił (Law).

PART VII
YISUSAŁ ČINAKNIŁKI
(EFFECTIVE DATE)

28. This ?a·knumuʔtiił (Law) comes into force and effect on the date it is passed by Ḥważnáʔis ṣaqam (Council), by band council resolution.

This ?a·knumuʔtiił (Law) is hereby passed at a duly convened meeting of the Ḥważnáʔis ṣaqam (Council) this 16 day of May, 2017.

Chief Joe Pierre Jr.  Councillor Corrie Walkley

Councillor Vickie Thomas  Councillor Julie Birdstone

Councillor Codie Morigeau

Being the majority of those members of the Ḥważnáʔis ṣaqam (Council) present at the aforesaid meeting of Ḥważnáʔis ṣaqam (Council).

The quorum of Ḥważnáʔis ṣaqam (Council) is three (3) members.

Number of members of Ḥ江淮naʔis ṣaqam (Council) present at the meeting: 3
WHEREAS:

A. ?aqamn̓ík (members of ?aqam) have an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35(1) of the Constitution Act, 1982;

B. Pursuant to the subsection 6(3) of the First Nations Land Management Act and clause 6.1 of the Framework Agreement, a First Nation may enter into an Individual Transfer Agreement with the Minister describing the land that must be subject to a land code, providing for the transfer and administration of that land and a description of the interests or rights and licenses that have been granted by Canada to the First Nation in relation to that land, and the date and other terms of the transfer to the First Nation of Canada’s rights and obligations as grantor of those interests or rights and licenses, and setting out the environmental assessment process that must apply to projects on that land until the enactment of a First Nations law in relation to that subject;

C. The ?aqamn̓ík strive to:
   - Reconnect with the spirit of ?aqam ?amak and all living things on ?aqam ?amak
   - Strengthen our stewardship skills and knowledge of ?aqam ?amak, and
   - Preserve and protect the cultural resources, sacred sites, and ancestral remains located within ?aqam ?amak

D. ?aqam signed an Individual Agreement with Canada on June 18, 2014

E. Pursuant to section 6 of the First Nations Land Management Act a First Nation that wishes to establish a land management regime in accordance with the Framework Agreement and the First Nations Land Management Act must adopt a land code applicable to all land in a reserve of the First Nation;

F. The ?aqamn̓ík voted in favour of the St. Mary's Indian Band Land Code at a ratification vote held on April 14-16, 2014 and the St. Mary's Indian Band Land Code came into effect on July 1, 2014;

G. The ?aqamn̓ík voted in favour of amendments to the St. Mary's Indian Band Land Code at a Meeting of Members vote held in accordance with section 48.1 and 13.1 to 13.9 of the St. Mary's Indian Band Land Code on February 25, 2016, which has become the ?aqam Amended Land Code;

H. Pursuant to section 6.4 of the ?aqam Amended Land Code, the Council of ?aqam may enact a law in relation to: environmental protection, the protection of archeological and cultural
resources; the removal and punishment of persons trespassing upon ?aqam Lands or frequenting ?aqam Lands for a prohibited purpose; and the enforcement of laws;

I. The Council of ?aqam deems it to be in the best interests of ?aqam to make a law for such purposes; and

J. The Council of ?aqam has held a community land code meeting regarding this law in accordance with sections 7.6 to 7.9 of the ?aqam Amended Land Code, and has considered any objections raised by ?aqamnik;

NOW THEREFORE the Council of ?aqam duly enacts as follows:


Quorum 3

(Chief)

(Councillor)

(Councillor)

(Councillor)