

Wiikwemkoong

UNCEDDED TERRITORY



WIIKWEMKOONG SAFETY NAAKNIGEWIN



TABLE OF CONTENTS

NIIGAANAAJIMOWIN (PREAMBLE)	2
INTERPRETATION	4
APPLICATION	7
COMPLIANCE WITH OTHER LAWS	7
PURPOSE.....	8
REGISTRAR AND TRIBUNAL:.....	8
RESIDENT LIST	9
RESIDENCY APPLICATION	10
CONSIDERATIONS:.....	10
DECISION ON RESIDENCY APPLICATION:	12
PERMISSION TO ENTER.....	13
PROHIBITED ACTIVITIES.....	14
NOTICE OF TRESPASS	14
APPEAL NOTICE OF TRESPASS.....	15
CESSATION OF SERVICES	16
OFFICERS.....	16
OFFICER POWERS	17
ARREST WITHOUT WARRANT.....	17
PRESERVATION OF CIVIL AND COMMON LAW	18
OFFENCES AND PENALTIES	18
PROSECUTION	19
FEES AND FORMS.....	20
AMENDMENT	20
SEVERANCE.....	21
COMING INTO FORCE.....	21

Niigaanaajimowin (Preamble)

Wiikwemkoong Anishinaabek gdaawmi. Odawa minis ndoo dinakiimi miinwaa giitaaying minishensan. Wiikwemkoong Anishinaabek gaayii ngii noozwinkaadisiinaa`aa wii bigidendendimoowaad engokamigaak, engokibiyaak miinwaa giitaaying minishensan etegin Wiikwemkoong;

(We are Wiikwemkoong Anishinaabek. Our home is Odawa Mnis and surrounding Islands. Our lands are Unceded. Our lands, water, and surrounding islands were never surrendered;)

Maanda Gchi Naakinigewin gichikskewizowin gmiingwanaa wii zhitoowaang naakinigewinan maanpii Wiikwemkoong waa ni-naagidoowaang;

(WHEREAS our Gchi-Naaknigewin – our Supreme Law – empowers us to create Law governing our community;)

Maanda niinwi, Wiikwemkoong Anishinaabek ndoo shpendaanaa zhawemnidoo gaa binoo`oongoowaang miingowewizowinan niinwi wii maakinidisayaang, Bekish maanpii akiing endigok. Anishinaabe gaayii gii bigidendiziinan mnidoo miingowewizowinan;

(WHEREAS we, the Wiikwemkoong, uphold our inherent right to self-determination, which includes the right to govern ourselves, our lands, and resources with these Aboriginal rights never surrendered or alienated;)

Niinwi Anishinaabek pane gwa mooshkin gii bi-ganawendaanaa maanda aki, wii mkwenjigaazawaad naanaaniigaan waa biyaajik. Gaayii ngii bigidinaasiinaa Chigimaanaang wii bimkamgowaang maanda nda kiimnaa miinwaa kina ezhiwaa`ezwaad. Ndoo minzhaandaanaa nibi, nesewin, aki, minshenhyin gaa ningadimaagwiyaang gichinshinaabek eko gaagigewang;

(WHEREAS we have always retained these lands for our future generations. We have not relinquished any of our rights to any of the lands in the Great Lakes Basin to any Nation or government. We continue to govern ourselves and the waters, airs, and lands, including the Islands, as our ancestors have since time immemorial.)

Miinwaa maanda Wiikwemkoong Anishinaabek daa`aanaa aki naakinigewinan shkweyaang Gichinshinaabek gaa bi naadiziwaad miinwaa iishpin wii doowendimoowaad wii nakaazawaad maage wii dowendimoowaad wii dinakiiwaad miinwaa aabidek wii

kwedwewok Gimaakaaning. Iishpin bwaa yaamang mzanegan gdoo Tkamshkaan naankinigewin;

(AND WHEREAS Wiikwemkoong has a land regime based on customs and traditional land use and occupation, and any use or occupation of land on Wiikwemkoong by a person that has not been approved by Wiikwemkoong Unceded Territory Chief and Council is deemed to be a trespasser;)

Gwanda gaa nagimigaasijik Gimaa miinwaa Giigigidooninook/ Giigigidookwewok shpaagendimok miinwaa naagidewendimaawaad Wiikwemkoong Anishinaaben miinwaa binbwaachejik maapii kwiinwining. Gwanda bebaa nashkwe`aadizijik gaa Kwedwesigwok Tkamshkangik Gchinaakinigewin. Maanpii Wiikwemkoong endaadaang miinwaa edinaangizheng nakiigamgoon;

(AND WHEREAS Chief and Council is concerned that the safety and protection of Wiikwemkoong Members and visitors to the community is or may be adversely affected by the increase in number of unlawful trespassers in Wiikwemkoong in both residential and commercial areas;)

Miinwaa gwanda bemaadizijik debendaagizisigok aabidek wii yaamoowaad Wiikwemkoong mzanegan biginindwaa wii biindigewaad Wiikwemkoong, gaayii gwa gwanda debendaagizijik Wiikwemkoong gaayii mzanegan ndowendaakisino. Owi ezhibiigaadek Wiikwemkoong edinakiiik Enaagijigaadek Naakinigewin, maaba e`tkamshkawed eko dibendaagok Wiikwemkoong, egwendik ewiikimint da aajiwebshkigaadeni piinash debinang mzanegan Gimaagamgoong wii bigidnint maanpii minik waayaad, mii maanda ezhising Wiikwemkoong Gchinaakinigewin;

(AND WHEREAS any person, other than a Wiikwemkoong Member, who enters onto Wiikwemkoong without the express authority of Wiikwemkoong and pursuant to this Law, is an uncontrolled trespasser on Wiikwemkoong and any implied or express invitation to them is revoked until they obtain the necessary authorization pursuant to this Law;)

Miinwaa gwanda Wiikwemkoong Gimaa miinwaa Giigigidooninok/Giigigidookwewok gii miinaawok kshkewizowinan wii maakinigewaad ezhibiigaadek Ezhikinoowaajibigaadek 81(1) (c)(d)(g)(h)(p)(q) miinwaa (r) owi Ainishinaabe Nakinigan ezhibiigaadek wii dibaabiishkoojigaadek waa zhi miikigaadek, wii aajidagaadek maazhiwin, wii

gdingaazwaad owa e`tkamshkang Naakinigewin, wii
naabiisijigaadek naakinigewin owi waa piitaakinigaazad owa
e`tkamshkang owa enaagidoosik naakinigan;

(AND WHEREAS the Chief and Council of Wiikwemkoong is also empowered to enact such a Law under Section 81(1) (c) (d) (g) (h) (p) (q) and (r) of the Indian Act to regulate law and order, prevent disorderly conduct, remove trespassers, and provide for the option of summary conviction for failure to follow the Law;)

AND WHEREAS our power to create Law governing our community is affirmed by Sections 1 and 35 of the Constitution Act, 1982 of Canada, and confirmed by the United Nations Declaration on the Rights of Indigenous Peoples;

Nangwa gidikidami Gimaa miinwaa giigidooninok/
giigidookwewok Wiikwemkoong gaa nagimigaasizijik, ka
nakaazanaa gaa bi twaaginikaangowing e`yaamang miinwaa
maanda Gchinaakinigewin, ninda gaa bi-zhichigaadegin
Naakinigewinan:

(NOW THEREFORE the Chief and Council of the Wiikwemkoong Unceded Territory, acting under our inherent jurisdiction and in accordance with our Gchi-Naakinigewin, makes the following Law:)

INTERPRETATION

1. In this Law, **“Wiikwemkoong Safety Naaknigewin (Law)”** the terms set out below are defined as follows:

“Appeal” means a formal request to have a Residency Application decision or Notice of Trespass reviewed and heard by the Residency and Trespass Tribunal;

“Applicant” means a person who has submitted a Residency Application for permission to be a Resident of Wiikwemkoong Unceded Territory in accordance with ss. 17 and 18 of this Law;

“Appellant” means a person who is seeking to Appeal a Residency Application decision or a Notice of Trespass;

“Band Council Resolution” or “BCR” means a written resolution or authorizing document of Chief and Council adopted at a duly convened meeting of the elected Chief and Council of Wiikwemkoong Unceded Territory;

“Child” means a person under the age of eighteen (18);

“Chief and Council” means the duly elected Chief and Council of the Wiikwemkoong Unceded Territory;

“Common-law partner” means a person who is not legally married but with whom a person has been living in a conjugal relationship for at least twelve (12) continuous months;

“Dependant” is a person who relies on another person for support and can include:

- a. Children who are under the legal authority of a traditional or legal Customary Care Agreement; and,
- b. Adults who require a Guardian due to illness or disability;

“Dwelling” means any house, apartment, mobile home, cottage, temporary structure or a room located therein or any similar lodging;

“Family Home” means a structure:

- a. Where the spouses normally live; or
- b. If they are separated or one of them has died, where the spouses normally lived on the day that they separated or the death occurred;

“Guardian” is a person who looks after and is legally responsible for someone who is unable to manage their own affairs, especially a disabled person or a child;

“Hearing” means a Hearing before the Residency and Trespass Tribunal, wherein Appeals of Residency Application decisions and Notices of Trespass are heard and considered;

“Member” means a person whose name appears on the Wiikwemkoong Unceded Territory’s Membership List and who has inherent legal authority to hunt, fish, and trap;

“Officer” means a Peace Officer described in the Criminal Code (Canada) and includes any person duly appointed by Chief and Council to enforce the laws of the Wiikwemkoong Unceded Territory, such as By-Law Officers, Community

Safety Officers, Police Constables, Wikwemikong Tribal Police Service (WTPS), the Ontario Provincial Police (OPP), or another Ontario Police Service with the duty to preserve and maintain the public peace;

“Personal information” means any information, recorded in any form, about a person or persons whose identity may be determined from such information, including vehicle information, for the purposes of identification of trespassers;

“Registrar of Residents” or “Registrar” means the person or people in charge of maintaining the names on the Resident List;

“Removal Order” means an Order made by an Officer, Registrar, the Tribunal or Chief and Council for the immediate removal of an individual from Wiikwemkoong Unceded Territory and shall include a Notice of Trespass that has not been appealed;

“Reside” means to live, have your home, or stay in a place;

“Resident” means a person who is on the Resident List;

“Resident List” means the list of people who are allowed to reside in Wiikwemkoong Unceded Territory;

“Residency Application” is an application to be added to the Resident List;

“Residency and Trespass Tribunal” means the body with delegated authority from Chief and Council to hear Appeals of Residency Applications and Notice(s) of Trespass;

“Spouse” applies to a person to whom a person is legally married;

“Notice of Trespass” is a formal notice that a person is not allowed to enter, be on or in Wiikwemkoong Unceded Territory without the permission of Wiikwemkoong. The Notice of Trespass shall include a process requirement to Appeal within 20 days, failing which it shall serve as a finding and an Order of Removal;

“Trespasser” means any person who enters, is on or is

in Wiikwemkoong Unceded Territory who is not on the Resident List and who does not have permission to enter or remain on Wiikwemkoong Unceded Territory;

“Tribunal” means the “Residency and Trespass Tribunal”;
and,

“Wiikwemkoong Unceded Territory” or “Wiikwemkoong” means We Are the Bay of Beavers. Our land base includes more than 54,000 hectares and is located on the eastern portion of Manitoulin Island within Georgian Bay and Lake Huron. Point Grondine is located between the French River Provincial Park and the Killarney Provincial Park. The southern boundary currently comprises the northern shoreline of Georgian Bay and Collins Inlet. Our territory includes the main village of Wiikwemkoong and satellite areas known as Pointe Grondine, Rabbit Island, Cape Smith, Wikwemkoonging, Kaboni, South Bay, Murray Hill, and Buzwah.

APPLICATION

2. This Law applies to anyone on or entering upon Wiikwemkoong Unceded Territory.
3. For greater certainty, the Gchi-Naaknigewin is the Supreme Law of the Wiikwemkoong Unceded Territory.

COMPLIANCE WITH OTHER LAWS

4. This Law, federal laws, and provincial laws will exist concurrently. This Law will prevail to the extent of any inconsistency or conflict with other such laws.
5. Officers will have the authority under this Law to collect and share information, including identifying documents, vehicle information, identification of trespassers, and any information collected under and in accordance with this Law with police and/or with the Registrar.
 - a. An Officer may require and collect information from any person seeking to enter Wiikwemkoong

Unceded Territory, by request or demand, observation, photograph, video/CCTV, or other means, as appropriate to meet the purposes of this Law including identifying information and personal information.

6. No action or proceeding for damages shall be instituted against the Chief or a Wiikwemkoong Councillor, an Officer, or any person employed or contracted by Wiikwemkoong for any act done in good faith in the administration of that person's duties under this Law.
7. Chief and Council shall ensure that a copy of this Law is posted publicly and shall post public notice of this Law at the entrance of Wiikwemkoong Unceded Territory upon this Law coming into force.

PURPOSE

8. The purpose of this Law is to protect the safety and well-being of the Wiikwemkoong community by regulating who can reside in Wiikwemkoong Unceded Territory.
9. Any person found on Wiikwemkoong Unceded Territory who is not a Resident pursuant to this Law is presumed to be a trespasser, until proven otherwise pursuant to this Law.

REGISTRAR AND TRIBUNAL:

10. Chief and Council shall appoint, and prepare written policies and Terms of Reference for a Registrar of Residents ("the Registrar").
11. Chief and Council shall appoint, and prepare written policies and Terms of Reference for a Residency and Trespass Tribunal ("the Tribunal") of three (3) or more Members of Wiikwemkoong to hear Appeals of Residency Applications and Appeals of Notice of Trespass.
 - a. The Tribunal may establish rules governing the conduct of Hearings under this Law and shall retain records of its proceedings; and,
 - b. For the purposes of hearing and determining decisions on a Residency Application and under this Law, a quorum of the

Tribunal shall require at least three (3) Members.

12. The power to appoint under this Law includes the power to revoke the appointment and to appoint a replacement.

RESIDENT LIST

13. The Registrar shall maintain a Resident List that confirms who is allowed to reside on Wiikwemkoong Unceded Territory and on which at least the following is recorded:
 - a. The name of each Resident;
 - b. Whether the Resident is a Member;
 - c. Whether the Resident is a spouse of a Member;
 - d. Whether the Resident is a Dependant of a Member;
 - e. The residential address of the Resident; and,
 - f. Whether the Resident is a Status Indian pursuant to the Indian Act.
14. Members will have an inherent right to reside on Wiikwemkoong Unceded Territory and shall immediately be added to the Resident List unless they have received a Notice of Trespass, Removal Order and/or a previous Band Council Resolution (BCR) that has not been revoked.
15. If a person is not a Member, within fourteen (14) days of their arrival into Wiikwemkoong Unceded Territory or this Law coming into power, they must apply to be a Resident.
 - a. If a person who is not a Member stays in Wiikwemkoong for a total of sixteen (16) non- consecutive days within a thirty (30) day period, they must apply to be a Resident.
 - b. The fourteen (14) day deadline to file a Residency Application may be extended by the Registrar, upon request.
16. If the Registrar has not received a Residency Application within the required time, the person is deemed a trespasser and the Registrar can issue a Notice of Trespass or Order of Removal.

RESIDENCY APPLICATION

17. A non-Member who wishes to reside on Wiikwemkoong Unceded Territory must apply to the Registrar to be added to the Resident List.
18. A Member, who is subject to a Notice of Trespass, Removal Order or a previous Band Council Resolution (BCR) for Trespass or Removal, which has not been revoked, must apply to the Registrar to be added to the Resident List.
19. A Residency Application to become a Resident of Wiikwemkoong Unceded Territory shall be filed with the Registrar and shall include the following:
 - a. The Applicant's reasons for applying to be a Resident;
 - b. The location at which the Applicant proposes to reside;
 - c. The name of any Spouse with whom the Applicant proposes to reside;
 - d. The names of any Dependants and/or children with whom the Applicant proposes to reside;
 - e. The names of any additional persons with whom the Applicant proposes to reside;
 - f. A Vulnerable Sector Check or a signed written authorization in a form satisfactory to the Registrar authorizing the Registrar to seek and obtain a criminal record check for the Applicant;
 - g. Photo ID including a copy of a driver's license and Indian Status Card, if any; and,
 - h. Any additional information the Applicant wishes to provide relating to the considerations listed in s. 20 such as letters of support from Members.

CONSIDERATIONS:

20. The following criteria will be examined for Applicants seeking to be a Resident of Wiikwemkoong:
 - a. The *Wiikwemkoong Unceded Territory Matrimonial Real Property Law*:

- i. Whether the Applicant is a spouse of a Resident;
 - ii. Whether the Applicant is a common-law partner of a Resident;
 - iii. Whether the Applicant is a Member of another First Nation;
 - iv. Whether the Applicant is the surviving spouse of a Resident; and,
 - v. Whether the Applicant has a family home on Wiikwemkoong Unceded Territory;
- b. The *Wikwemikong Unceded Children's Bill of Rights*:
- i. That children have the inherent and basic right to health, safety and shelter;
 - ii. That children have a right to stay with and not to be separated from their birth parents and to know their extended family and community;
 - iii. Whether the Applicant is a child of a Member, but not eligible to be a Member;
 - iv. Whether the Applicant is a Dependant of a Member;
 - v. Whether the Applicant has been adopted by a Member through Customary Care Agreement or any other legal mechanism; and,
 - vi. Whether the Applicant is caring for a Member or guardian of a Member;
- c. The *Wiikwemkoong Community Standards*:
- i. Whether the Applicant will contribute to the culture, society and community of the Wiikwemkoong Unceded Territory and the welfare of its Members;
 - ii. Whether the Applicant has a criminal record; and,
 - iii. Whether the Applicant is of good character based on letters of support;
- d. Housing and the *Wikwemikong Unceded Indian Reserve Rental Property Management Policy*:

- i. Whether the Applicant leases land or a dwelling on Wiikwemkoong Unceded Territory;
 - ii. Whether the Applicant has arranged for a place to reside on Wiikwemkoong Unceded Territory; and,
 - iii. Availability of adequate housing and services on Wiikwemkoong Unceded Territory;
- e. Financial Considerations:
 - i. Whether the Applicant has an outstanding debt with Wiikwemkoong; and,
 - ii. Whether the Applicant is or will be employed on Wiikwemkoong Unceded Territory;
- f. Whether the Applicant has received a Notice of Trespass, an Order of Removal or a previous Band Council Resolution (BCR) deeming the Applicant a trespasser or removing them from Wiikwemkoong Unceded Territory, which has not been revoked; and,
- g. Ensuring that decisions are consistent with s. 13.4 of the *Wiikwemkoong Gchi- Naaknigewin*.

DECISION ON RESIDENCY APPLICATION:

21. The Registrar shall receive all Residency Applications and shall use the criteria in s. 20 to determine if the Applicant is a Resident, and,
 - a. If the Residency Application is successful, the Applicant's name and information shall be added to the Resident List; and,
 - b. If the Residency Application is unsuccessful, the Applicant may be deemed a Trespasser and issued a Notice of Trespass.
 - i. A Notice of Trespass issued by the Registrar may be appealed in accordance with s. 27.

PERMISSION TO ENTER

22. A person who is not on the Resident List may be permitted to enter, be on or in Wiikwemkoong Unceded Territory if,
- a. That person can provide confirmation, upon request by an Officer or the Registrar, that they are on Wiikwemkoong Unceded Territory for a legitimate social or business purpose, including but not limited to the following:
 - i. They are an invited guest of a Resident, attending for less than fourteen (14) consecutive days and less than sixteen (16) total days within a thirty (30) day period;
 - ii. They are an employee who works on Wiikwemkoong Unceded Territory;
 - iii. They are a contractor that has work on Wiikwemkoong Unceded Territory;
 - iv. They are a vendor that has work on Wiikwemkoong Unceded Territory;
 - v. They are attending for legitimate business purposes;
 - vi. They are attending a community gathering or community event;
 - vii. They are attending for tourism purposes;
 - viii. They are travelling on a public highway on or through Wiikwemkoong; or
 - ix. They are a person whose entry is necessary in an emergency situation; and,
 - b. They are not engaged in a prohibited activity pursuant to s. 24.
23. For greater certainty, Chief and Council may, by Notice of Trespass, identify a person as a trespasser, if a Member, Resident, Officer or Chief and Council has a reasonable suspicion that that person is involved in an illegal or prohibited activity, as defined in s. 24 of this Law;

PROHIBITED ACTIVITIES

24. Any person, including a Resident, who conducts any of the following prohibited activities on Wiikwemkoong Unceded Territory, shall be deemed a trespasser:
- a. Hunting, fishing or trapping without permission or legal authority;
 - b. Engaging in behaviour contrary to the *Criminal Code*, including but not limited to the possession, sale and/or trafficking of substances contrary to the *Controlled Drugs and Substances Act*;
 - c. Operating an all-terrain vehicle (ATV) or snowmobile or other motorized or non- motorized vehicle on Wiikwemkoong Unceded Territory without permission or legal authority;
 - d. Unlawfully dumping refuse or waste; or
 - e. Engaging in any other activity that is prohibited by the laws of Wiikwemkoong Unceded Territory or by any other Federal or Provincial law.

NOTICE OF TRESPASS

25. An Officer, the Registrar, the Residency and Trespass Tribunal, and/or Chief and Council may issue a Notice of Trespass to any person found to be trespassing on Wiikwemkoong Unceded Territory.
26. A person served with a Notice of Trespass shall:
- a. Vacate Wiikwemkoong Unceded Territory immediately or as indicated on the Notice of Trespass;
 - b. Remove any building, structure or thing required to be removed by the Notice of Trespass, immediately or as indicated on the Notice of Trespass;
 - c. Abide by all conditions, if any, specified in the Notice of Trespass; and,
 - d. Refrain from re-entering Wiikwemkoong Unceded Territory, except under conditions permitted under this

Law or as indicated on the Notice of Trespass.

APPEAL NOTICE OF TRESPASS

27. A person may Appeal a Notice of Trespass to the Tribunal by filing an Appeal with the Registrar within twenty (20) days.
 - a. A person who has received a Notice of Trespass prior to filing a Residency Application in accordance with s. 19 can also include a Residency Application with their Appeal should they seek to reside in Wiikwemkoong Unceded Territory, and,
 - i. The Registrar can, at their discretion, review Residency Applications in accordance with s. 21 (*Decision on Residency Application*) if the Residency Application is included with the Appeal.
 - b. The deadline to file an Appeal may be extended by the Tribunal, upon request.
 - c. If the Registrar has not received an Appeal within the required time, the person shall be deemed a trespasser and the Notice of Trespass shall serve as an Order of Removal.
28. Within thirty (30) days of receipt of an Appeal, the Tribunal shall hold a Hearing of the Appeal.
29. At least seven (7) days prior to the Hearing of the Appeal, the Registrar shall:
 - a. Give written notice to the Appellant of the date, time and place of the Hearing; and,
 - b. Publicly post the Hearing details at the Wiikwemkoong Unceded Territory Administration Office.
30. At the Hearing of the Appeal, the Tribunal shall:
 - a. Provide the Appellant with an opportunity to:
 - i. Present evidence;
 - ii. Provide oral and written submissions;
 - iii. Provide any documentation relevant to the Appeal; and,

- iv. Hear from any witnesses who may have relevant information regarding the Appeal; and,
 - b. Consider all available evidence and information and use the Considerations found in s. 20 to guide their decision-making.
31. Following the Hearing of the Appeal, the Tribunal shall provide a decision to the Appellant in accordance with one of the following:
- a. If an Appeal of a Notice of Trespass issued pursuant to s. 21(b) is successful, the Appellant's name and information shall be added to the Resident List;
 - b. If an Appeal of a Notice of Trespass issued pursuant to s. 25 is successful, the Notice of Trespass shall be rescinded;
 - c. If an Appeal is unsuccessful, the Appellant:
 - i. Shall not be added to the Resident List and shall be Confirmed as a Trespasser and issued an Order of Removal; or,
 - ii. Shall not be added to the Resident List and the Notice of Trespass shall be rescinded.
32. A Tribunal decision is final, and an Appellant must wait two (2) years before seeking a further Appeal in accordance with s. 27.

CESSATION OF SERVICES

33. When a person is not included or is removed from the Resident List, all services provided by Wiikwemkoong to that person may be discontinued.

OFFICERS

34. Chief and Council may appoint Officers to provide for the administration and enforcement of this Law, including identification of trespassers.
35. The power to appoint under this Law includes the power to revoke the appointment and to appoint a replacement.

OFFICER POWERS

36. Officers will have the authority under this Law to collect and share personal information, in accordance with this Law with police and/or with the Registrar or Tribunal, and,
- An Officer may require and collect information from any person seeking to enter Wiikwemkoong Unceded Territory, by request or demand, observation, photograph, video/CCTV, or other means, as appropriate to meet the purposes of this Law including personal information.
37. Without restricting any other power, duty or function granted by this Law, the Officer may take immediate actions, which include:
- Advising any person not authorized entry into Wiikwemkoong Unceded Territory under this Law that they are trespassing and thereby committing an Offence if they proceed;
 - Refusing entry to Wiikwemkoong Unceded Territory;
 - Issuing a Notice of Trespass and/or an Order of Removal; and,
 - Notifying Officers or relevant legal authorities as appropriate of Offences and trespassers, and providing all relevant information as required.
38. Any person who fails or refuses to obey an Order made by an Officer,
- Commits an Offence; and,
 - May be subject to such reasonable measures by the Officer as may be necessary to remove the person from Wiikwemkoong Unceded Territory, including apprehending the person and forthwith taking the person before the nearest Judge of the Provincial Court or Justice of the Peace to be dealt with according to law.

ARREST WITHOUT WARRANT

39. An Officer may arrest without warrant any person found on or in Wiikwemkoong Unceded Territory if the Officer believes on reasonable and probable grounds that the person is committing an Offence or prohibited activity under s. 24.
40. Any person may be detained and arrested without warrant when an Officer believes on reasonable and probable grounds that the person is trespassing contrary to this Law, and they,
- Refuse to give to an Officer upon demand their identifying information and/or any information required under this Law; and/or,
 - Refuse to leave Wiikwemkoong upon being ordered to do so by an Officer.
41. Officers do not require an Order from a Court prior to enforcing this Law.

PRESERVATION OF CIVIL AND COMMON LAW

42. Except as varied by this Law, common law defences to trespass shall be preserved.
43. All civil remedies for trespass shall be preserved.

OFFENCES AND PENALTIES

44. A person who trespasses on Wiikwemkoong Unceded Territory contrary to ss. 9, 16, 23, 24, 27(c) and 31(c) is guilty of an Offence.
45. A person is guilty of an Offence who:
- Enters or remains on Wiikwemkoong Unceded Territory following an Order of Removal under this Law or any other Wiikwemkoong laws;
 - Does not immediately leave Wiikwemkoong Unceded Territory upon being directed to leave by an Officer or following an Order pursuant to ss. 16, 21(b), 25, 26, 27(c), 31(c);
 - Fails to comply with an Order made pursuant to ss. 16, 21(b), 25, 26, 27(c), 31(c); and/or,

- d. Obstructs, interferes or hinders an Officer in the performance of their duties by misleading them, making false declarations or failing or refusing to disclose any information to the Officer upon demand as required by this Law.
46. Any person guilty of an Offence under ss. 44 and/or 45 is liable to a penalty of:
- a. A fine no greater than \$1000.00;
 - b. A term of imprisonment not to exceed thirty (30) days; and/or
 - c. Immediate removal from Wiikwemkoong Unceded Territory.
47. Each day a violation of this Law continues will be deemed to be a separate Offence for which a fine or other penalty under s. 46 may be imposed.
48. All fines under this Law are payable to Wiikwemkoong Unceded Territory.
49. The summary conviction procedures of Part XXVII of the Criminal Code, R.S.C. 1985, c. 46, apply to Offences under this Law.

PROSECUTION

50. Wiikwemkoong may, in relation to prosecutions of contraventions of this Law,
- a. Retain its own prosecutors;
 - b. Enter into an agreement with His Majesty's government for the use of prosecutors; and/or,
 - c. Use Wiikwemkoong community-based justice processes, if established and available.

FEES AND FORMS

51. Chief and Council may, by Band Council Resolution and in accordance with this Law, establish, correct, revise or update the terms of any applicable fee and fine schedules, forms, protocols, written policies and Terms of Reference, and/or other related documentation which complement and support this Law, and will make a copy of same available for the public.

AMENDMENT

52. This Law was duly passed by Chief and Council in accordance with Section 5 of the Gchi- Naaknigewin and can be amended by Chief and Council in accordance with the Gchi- Naaknigewin and the traditions and customs of Wiikwemkoong.
53. Chief and Council may make amendments to this Law, which do not change the substance of this Law, by Band Council Resolution at a duly convened meeting of Chief and Council, and such revisions include, but are not limited to:
 - a. Corrections to clerical, grammatical, or typographical errors;
 - b. Minor improvements to the language of this Law;
 - c. Changes as may be required to reconcile seemingly inconsistent provisions; and,
 - d. Amendments to reference any new or amended laws that are relevant to this Law.

SEVERANCE

54. Should a Court determine that a provision of this Law is invalid for any reason, the provision shall be severed from the Law and the validity of the rest of the Law shall not be affected.
55. While in place, such measures under this Law will be subject to review to ensure compliance with principles of reasonability and justifiability.

COMING INTO FORCE

56. Any prior residency laws of Wiikwemkoong Unceded Territory, and specifically the Residency Law of the Wiikwemkoong Unceded Territory: A Law Governing The Residence Of Members And Other Persons On The Wiikwemkoong Unceded Territory, are repealed upon this Law's coming into force.
57. Any prior trespass laws of Wiikwemkoong Unceded Territory, and specifically the Wiikwemkoong Emergency Trespass Monitoring Naaknegewin, are repealed upon this Law's coming into force.
58. Any prior Band Council Resolutions and Notice of Trespass shall remain in effect and are hereby continued under this Law, and may be reviewed in accordance with this Law.
59. This Law is duly passed, pursuant to Section 81(1), (2) and (3) of the Indian Act (R.S.C., 1985, c.1-5) as of the date Chief and Council signs the Law, and shall come into force on a date, to be named by Chief and Council, that is no more than 60 days following passage of the Law, as evidenced by Band Council Resolution #4472, the 24th day of June in the year 2024.



To Learn More Please Contact:

Wiikwemkoong Governance Unit

Wiikwemkoong Unceded Territory
19A Complex Drive, P. O. Box 112
Wikwemikong, Ontario P0P 2J0

Phone: (705) 859-3122 ext. 310

Toll Free: 1-800-880-1406

Fax: (705) 859-3851

www.wiikwemkoong.ca