

ACADIA FIRST NATION

BY-LAWS- EFFECTIVE DATE DECEMBER 6, 2004

APPENDIX (A) = BAND ELECTIONS REGULATIONS

APPENDIX (B) = BAND PROCEDURAL REGULATIONS

1. **RESERVE LANDS:**

Acadia First Nation is comprised of five reserves. These include: Yarmouth Reserve, Ponhook Reserve, Medway Reserve, Wildcat Reserve, and Gold River Reserve.

2. **HEAD OFFICE:**

- (a) The head office of the Acadia First Nation shall be located on the
Yarmouth Reserve.
10526 Hwy # 3
Yarmouth, Nova Scotia
B5A 4A8
- (b) The sub-offices of the Acadia First Nation shall be located at Milton, Queens County, Nova Scotia, and Micmac Friendship Center, Gottingen Street, Halifax, Nova Scotia or such other offices as the Chief and Council of the Acadia First Nation may determine from time to time.

The Chief of the Acadia First Nation will decide at his / her discretion the mailing address for the Band, based on his/her residency.

3. **AIMS & OBJECTIVES:**

The aims and objectives of the By-laws are to provide for good government of the Acadia First Nation and to promote the social / economic development of the members.

4. **MEMBERSHIP:**

- (a) Membership shall be those registered Indians who are included on the Membership List of the Acadia First Nation and any individuals who are entitled to be registered on the Acadia First Nation.
- (b) Family members of Band members who are or who become deceased are expected to

notify the Band. The Department of Indian Affairs may remove a Band member from the membership roll based on a death certificate or other similar document.

5. ELECTOR:

Band Members eighteen years of age or over shall be the electors of the Band.

6. GOVERNMENT:

- (a) The Council of the Band shall consist of one Chief and six Councillors.
- (b) The Chief shall appoint a head Councillor who has received the most votes at the election to be Deputy Chief to act as Chief in the absence of or other indisposition of the Chief.

7. ELECTIONS:

Band Council elections shall be conducted, according to the regulations contained in Appendix "A" to this by-law.

8. PROCEDURES:

Band Council meetings shall be conducted according to the regulations contained in Appendix "B" to this by-law.

9. FINANCE & ADMINISTRATION:

- (a) Band Council shall prepare or have prepared a job description for the retention of a Band Manager.
- (b) The Band Manager under the direction and guidance of the Council shall prepare a personnel policy, taking into account national and provincial and local labour standards for adoption by the Council.
- (c) All Band Staff job vacancies shall be filled through open competitions.

- (d) All dismissals shall be subject to review by the Band Council.
- (e) The authorized signing officers for the Band shall be one Council member and the Band Manager.

10. MEETINGS:

- (a) There shall be one "Annual General Meeting" of the Band Members held each year.
- (b) A special general meeting of the Band can be summoned by the Council of the Band or in writing by 25% of the electors of the Band.
- (c) 25% of the electors of the Band upon notification in writing shall constitute a quorum for a general meeting of the Band.
- (d) Thirty days notice must be given for general meetings and seven days for a special meeting.
- (e) Votes at general and special meetings can be by secret ballot or by show of hands.
- (f) Minutes of all meetings shall be kept and copies of such minutes shall be supplied to Band Members in attendance at such meetings and when requested.
- (g) The chairperson shall be selected by a majority of the quorum present at a general or special meeting of the Band to conduct the meeting.
- (h) The chairperson shall have no vote other than to cast a tie-breaking vote.
- (i) The chairperson so selected shall call the meeting to order and present an agenda for ratification.
- (j) Meetings shall be conducted according to Parliamentary Procedure and / or good Indian common sense.
- (k) No elector shall have a vote in general meetings, special meetings or Band Council meetings who stands to personally gain financially or otherwise from the question.
- (l) Agenda items shall include but not be limited to the following:
 - (1) Reading, correcting and adoption of minutes of prior general or special meeting;
 - (2) Resolutions to be considered;

- (3) Elections;
 - (4) Council's Report;
 - (5) Financial Reports;
 - (6) Council's Report;
 - (7) Budgets;
 - (8) Committee's Reports.
- (m) Any person may be expelled or excluded from a general or special meeting of the Band by the presiding officer for causing a disturbance or for improper conduct.

11. AMENDMENTS TO BY-LAWS:

- (a) Amendments to the by-laws shall be recommended and voted on at the general or special meeting, provided that prior notice has been given to the Electors of the amendments to be considered and voted on;
- (b) 51% of the electors present at the general or special meeting must approve any amendments to the By-laws;
- (c) At the general or special meeting 51% of the electors present may amend the regulations contained in appendices "A" & "B".

12. ADDRESSES OF BAND MEMBERS:

The Band will use best efforts to maintain an up-to-date address book showing the names and current mailing addresses of the Band Members. Any Band member may inspect the address book to determine whether the address for themselves and their dependents is correct.

13. HONORARIUM AND TRAVEL :

Chief and Councillor honorarium shall be approved at a Band Council meeting.

14. PENALTIES :

Any person who knowingly and willfully commits a violation against the provisions of these By-laws shall be prosecuted accordingly if appropriate under the Criminal Code of Canada.

APPENDIX "A"

ACADIA FIRST NATION BY-LAWS

REGULATIONS GOVERNING BAND ELECTIONS

1. These regulations may be cited as the Acadia First Nation Election Regulations.

INTERPRETATION

2. In these Regulations

"Electoral Officer" means a person appointed by the Band Council for this purpose of an Election, other than a Band Member.

"Deputy Electoral Officer" means any persons appointed by the Electoral Officer for the purpose of an Election, other than a Band Member.

"Election" means a Band Election held pursuant to the provisions of these regulations.

"Elector" means a person who:

- (a) is a registered member of the Acadia First Nation;
- (b) is entitled to be a registered member of the Acadia First Nation; pursuant to Appendix B; Section 4 (a), under membership. (Physical proof must be provided, i.e. letter from Department of Indian and Northern Affairs.)
- (c) is not disqualified from voting at Band Elections.

"Acadia First Nation means a body of Indians; their land includes Ponhook Reserve, Wildcat Reserve, Yarmouth Reserve, Gold River Reserve, Medway Reserve and any other lands that they may acquire.

REGULATIONS AND DEFINITIONS :

3. Acadia First Nation Council shall consist of one (1) Chief and eight (8) Councillors.
4. Elections: Elections shall be held every five (5) years, succeeding the June 16, 1990

elections, within 30 days of that date.

5. Term of Office: The term of office for the Chief and Councillors shall be for five (5) years.
6. Vacancy: The office of Chief or Councillors becomes vacant when:
 - (a) A person who holds office:
 - (1) is convicted of an indictable offence;
 - (2) dies or resigns his office;
 - (3) is, or becomes, ineligible to hold office by virtue of these regulations;
 - (4) has been absent from meetings of the Council for two consecutive meetings without being authorized to do so by the Chief ; or
 - (5) was guilty in connection with an election of corrupt practice, accepting a bribe or dishonesty.
 - (b) By a majority (51%) vote of Electors in a referendum the members judge that the Chief or Councillor is no longer fit to hold office. The referendum shall be authorized at a special or general meeting by a majority of the members present, (vote of non-confidence).
7. By-Election: By-Elections may be held to fill any vacancy if more than one vacancy, or more than one year before regular election that occurs pursuant to Section 6 of these regulations within 60 days.
8. Eligibility of Electors: Must be an Acadia First Nation member and Eighteen (18) years of age or over.
9. Eligibility for Office:
 - (a) Shall be an Acadia First Nation Member; pursuant to Appendix B; Section 4 (a) under membership;
 - (b) For the office of Chief, shall be of the age of twenty-five (25) years or over;
 - (c) For Councillor, shall be of the age of twenty-one (21) years of age or over;
 - (d) No Acadia First Nation member shall be entitled to be nominated for both positions of Acadia First Nation Chief and Councillor in any one election, but

shall be entitled to be nominated for either Chief or Councillor in any one election.

10. (a) A person convicted of an indictable offence after the adoption of these regulations by the Band shall not be eligible for elected Band Office for a period of not less than three (3) years.
- (b) Any Band employee running for elected Band office shall take an unpaid leave of absence from his or her employment from the date of nomination until the date of the election. If elected, the employee shall be deemed to have resigned his or her employment with the Band.
11. A person removed from office pursuant to Section 6 of these regulations shall not be eligible for elected Band Office for a period of not less than three (3) years.
12. (a) Appeal board: The Appeal Board shall consist of Three (3) Band Members and a non-Band member as Presiding Officers.
- (b) The Band Member(s) appointed to the Appeal Board cannot hold Band elected office or be paid administrative employees of the Band.
- (c) The Appeal Board is to be appointed by the Members at a General or Special Band Meeting.
- (d) A decision must be handed down by the Appeal Board no later than ninety (90) days from receipt of the Appeal.
- (e) The decision of the Appeal Board is final and is to be reported to Chief and Council and to the complainant(s).
13. Amendments - See Section 11 (a) (b) of these By-Laws.
14. GENERAL BAND MEETING
 - (1) When a nomination meeting is to be held, the Electoral Officer shall by mail, notify the electors of the time and place of the meeting.
 - (2) At the time and place specified in the notice, the Electoral Officer shall declare the meeting open for the purpose of receiving nominations and any person who is an elector may propose or second the nomination of any duly qualified person to serve as a Chief or Councillor.
 - (3) A person so nominated may give a brief introduction not exceeding five minutes.
 - (4) The meeting shall remain open for nominations until such time as a motion is

moved, seconded and passed by the majority of the members present to cease nominations. If the number of persons nominated to serve as Chief or Councillors does not exceed the requisite number, the Electoral Officer shall declare the Chief or Councillors so nominated to be duly elected.

- (5) The Electoral Officer shall not close the electoral portion of the meeting until such business as he / she considers may properly be brought before it has been disposed of.
- (6) In the event of more than the required number of persons being nominated for Chief and Councillors, the Electoral Officer shall declare that a poll will be held.

15. MANNER IN WHICH VOTING SHALL BE CARRIED OUT

- (1) The Electoral Officer shall prepare a voters' list containing the names, in alphabetical order, of all electors.
- (2) The Electoral Officer shall post at the offices of the Acadia First Nation copies of the List of Electors, 30 days prior to the election date.
- (3) Any elector may apply to have the voters' list revised on the ground that the name of an elector is incorrectly set out therein, that the name of a member has been incorrectly deleted therefrom or that the name of a person not qualified to vote is included therein.
- (4) If the Electoral Officer is satisfied that a list should be corrected, he / she shall make the necessary correction therein.
- (5) Ballot papers shall be prepared in the prescribed form containing the names of the candidates for Chief and for Councillors, which names shall be listed on the ballot papers in alphabetical order.
- (6) Any candidate who has been nominated may withdraw his / her nomination up to ten (10) days following nomination.
- (7) The Electoral Officer shall procure, or cause to be procured, as many ballot boxes as are required for the election.
- (8) The Electoral Officer shall, before the poll is open, cause to be delivered to the electors' ballot papers.
- (9) The Electoral Officer, or his deputy, shall provide a safe and secure storage place for the ballot boxes until election day.
- (10) The Electoral Officer, or his deputy, shall open an advanced poll (15) days prior to election day, for electors to vote, who otherwise cannot vote due to absence from the Province, on the day of elections. This vote shall be conducted as per regulations (11),

(12) & (13).

- (11) The poll shall be opened from 10:00 A.M. to 6:00 P.M. for electors to vote, or as determined geographically, or otherwise, by the Electoral Officer.
- (12) Voting at all Elections shall be by secret ballot.
- (13) The Electoral Officer, or his deputy, shall immediately before the commencement of the poll, open the ballot box and call such persons as may be present to witness that it is empty. He shall then lock, and properly seal, the box to prevent it from being opened without breaking the seal and shall place it in view for the reception of the ballots, and the seal not be broken nor the box unlocked during the time appointed for taking the poll.

16. THE POLL

- (1) Where a person is eligible to vote, the Electoral Officer, or his deputy, shall provide him with a ballot paper on which to register his vote.
 - (2) The Electoral Officer, or his deputy, shall cause to be placed in the proper column of the voters' list a number opposite the name of every voter receiving a ballot paper.
 - (3) The Electoral Officer, or his deputy, may and when requested to do so, shall explain and assist the mode of voting to a voter.
 - (4) A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the Electoral Officer or his deputy, be entitled to obtain another ballot paper and the Electoral Officer or his deputy shall thereupon write the word, "Cancelled" upon the spoiled ballot paper and preserve it.
 - (5) An elector whose name does not appear on the voters' list may vote at an election if the Electoral Officer, or his deputy, is satisfied that such person is qualified to vote.
 - (6) Every elector who is inside the polling place at the time fixed for closing the poll shall be entitled to vote before the poll is closed.
17. Immediately after the close of the poll the Electoral Officer or his deputy shall, in the presence of any of the candidates or their agents as may be present, open the ballot box and:

- (a) examine the ballot papers and reject all ballot papers:
 - (1) that have not been supplied by him / her,
 - (2) by which votes have been given for more candidates than are to be elected, or
 - (3) upon which anything appears by which the voters can be identified, but no word, letter or marks written or made or omitted to be written or made by the Electoral officer or his deputy on a ballot paper shall avoid it or warrant its rejection.
 - (b) declare a ballot paper on which votes are given for more candidates for an office than are to be elected, to be void as regards all the candidates for such office; but such ballot paper shall be good as regard the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected.
 - (c) subject to review on recount, or on an election appeal, take a note of any objection made by any candidate or his agent to any ballot paper arising out of the objection.
 - (d) number such objection and place a corresponding number on the back of ballot paper with the word, "Allowed" or "Disallowed", as the case may be, with his initials.
 - (e) count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such other persons authorized to be present, as may desire to sign the statement.
18. Immediately after the completion of the counting of votes the Electoral Officer shall publicly declare to be elected, the candidate or candidates having the highest number of votes and he shall also post in some conspicuous place a statement signed by him showing the number of votes cast for each candidate.
19. Where it appears that two or more candidates have an equal number of votes, the Electoral Officer shall give a casting vote for one or more of such candidates, but the Electoral Officer shall not otherwise be entitled to vote.
20. (a) The Electoral Officer shall prepare a statement showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.
- (b) One copy of such statement shall be forwarded to the Band Manager, one copy to

the Regional Office of the Department of Indian Affairs and one copy for the Electoral Officer's records.

- (c) The statement shall be signed by the Electoral Officer and such of the candidates, or their agents, as are present and desire to sign it.

21. DISPOSITION OF BALLOT PAPER

The Electoral Officer shall deposit all ballot papers in sealed envelopes with the Band Manager, who shall retain them in his / her possession for eight weeks and, unless otherwise directed, shall then destroy the lot papers in the presence of two witnesses who shall make a declaration that they witnessed the destruction of the papers.

22. ELECTION APPEALS

- (a) Within 30 days after an Election, any candidate at the Election or any elector who gave or tendered his vote at the Election who has reasonable grounds for believing that :
 - (1) there was a corrupt practice in the connection with the Election,
 - (2) there was a violation of these Regulations that might have affected the result of the Election, or
 - (3) a person nominated to be a candidate in the Election was ineligible to be a candidate may lodge an appeal by forwarding, by registered mail, to the Appeal Board c/o the Band Head Office, particulars thereof duly verified by affidavit.
 - (b) Where an appeal is received by the Appeal Board pursuant to subsection (1), the Appeal Board shall within 7 days of the receipt of the appeal, forward a copy of the appeal together with all supporting documents by registered mail to the Electoral Officer and to each candidate in the election against whom allegations have been made.
 - (c) Any candidate may, within 14 days of the receipt of the copy of the appeal, forward to the Appeal Board by registered mail or by hand, a written answer to the particulars set out in the appeal together with any supporting documents relating thereto duly verified by affidavit.
 - (d) All particulars and documents filed in accordance with the provisions of this section shall constitute and form the record.
23. (a) The Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the Election complained of, conduct such further investigation into the matter as it deems necessary.

- (b) Such investigation may be held by the Appeal Board or by any person designated by the Appeal Board for the purpose.
- (c) Where the Appeal Board designates a person to hold such an investigation that person shall submit a detailed report of the investigation to the Appeal Board for its consideration.

24. Where it appears that:

- (a) there was a corrupt practice in connection with an Election,
- (b) there was a violation of these Regulations that might have affected the result of an election, or
- (c) a person nominated to be a candidate in an election was ineligible to be a candidate,

the Appeal Board shall set aside the Election of the effected candidate.

25. SECRECY OF VOTING

- (a) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.
- (b) No person shall interfere or attempt to interfere with a voter when marking his / her ballot paper or obtain, or attempt to obtain at the polling place, information as to how a voter is about to vote or has voted.

26. Any person who knowingly violates any provisions of these Regulations is barred from holding Band Elective Office or participating in Band Elections for a period of no less than three (3) years.

APPENDIX "B"
ACADIA FIRST NATION
PROCEDURE REGULATIONS

1. These Regulations may be cited as the "Acadia First Nation Procedure Regulations."

INTERPRETATION

2. In these Regulations

"Council" means the council of the Band elected pursuant to the Band's Election Regulations. (Appendix "A")

"Band Manager" means the administrative employee of the Band Council.

"Secretary" means the person appointed to the Band Council to record the minutes of the council meeting.

MEETING OF THE COUNCIL

3. (1) The first meeting of the council shall be held no later than two weeks (14 days) after it assumes office; on a day, hour and place to be stated in a written notice given to each member of the council by the Chief or Band Manager and meetings shall thereafter be held on such days and at such times as may be necessary to conduct the business of the Band or Band Council.
- (2) There shall however be no less than one meeting held each quarter.
- (3) No member of a council may be absent from meetings of the council for two consecutive meetings without being authorized to do so by the Chief or Deputy Chief.
- (4) The Chief or the Deputy Chief may at any time summon a special meeting of the council and shall summon a special meeting when requested to do so by a majority of the council.
- (5) The Band Manager shall notify each member of the council of the day, hour and place of the meeting.

ORDER AND PROCEEDINGS

- (6) A majority of the council shall constitute a quorum.
- (7) If no quorum is present within one (1) hour after the time appointed for the meeting, the secretary shall call the roll and take the names of the members then present and the council shall stand adjourned until the next meeting.
- (8) The Chief of the Band or during his / her absence the Deputy Chief shall be the presiding officer.
- (9) Upon a quorum being present, the presiding officer shall take the chair and call the meeting to order.
- (10) The presiding officer shall maintain order and decide all questions of procedure.
- (11) The order of business at each regular meeting shall be as follows :
 - (a) Reading (correction, if any) and adoption of the minutes of the previous meeting;
 - (b) unfinished business;
 - (c) presentation and reading of correspondence;
 - (d) presentation and consideration of reports of Councillors committees;
 - (e) new business;
 - (f) hearing depositions;
 - (g) any other business as deemed necessary by majority of Band Council members present;
 - (h) adjournment.

12. Each resolution shall be presented or read by the mover, and when duly moved and seconded and placed before the meeting by the presiding officer, shall be open for consideration.
13. After a resolution has been placed before the meeting by the presiding officer it shall be deemed to be in the possession of the council, but it may be withdrawn by consent of the majority of the council members present.
14. When any member desires to speak, he shall address his remarks to the presiding officer and confine himself to the question then before the meeting.
15. In the event of more than one member desiring to speak at one time, the presiding officer shall determine who is entitled to speak.
16. The presiding officer or any member may call a member to order while speaking and the debate shall than be suspended and the member shall not speak until the point of order is determined.
17. Any member may appeal the decision of the presiding officer to the council and all appeals shall be decided by a majority vote and without debate.
18. All questions before the council shall be decided by a majority vote of the Band Council.
19. Every member present when a question is put forth shall vote thereon unless the council excuses him or unless he is personally interested in the question, in which case the Conflict of Interest Guidelines shall apply and he shall not be obliged to vote.
20. Subject to the operation of the Conflict of Interest Guidelines, a council member who refuses to vote shall be deemed to vote in the affirmative.
21. Whenever a decision of the council is taken for any purpose, each member present and voting shall announce his vote upon the question openly and individually to the council and when so requested by any member, the secretary shall record the same.
22. Any member may require the question or resolution under discussion to be read for his information at any period of the debate, but not so as to interrupt a member who is speaking.
23. (1) Band Council meetings shall be open to members of the Band Council only. To

protect the Band Council and Band members confidentiality, other persons, including other Band members, shall not be entitled to be present except with the prior approval of the presiding officer.

- (2) The presiding officer may expel or exclude from any meeting any person who causes a disturbance at the meeting.
24. The council may at the first meeting thereof appoint in lieu of the committee of the whole council the following standing committees:
- (a) Finance
 - (b) Roads and Bridges
 - (c) Welfare
 - (d) Housing
 - (e) Recreation
 - (f) Social / Economic Committee
- or as determined by the Band Council.
25. The council may appoint special committees on any matters as the interests of the Band may require.
26. A majority of the members of a committee shall be a quorum.
27. The Chief of the Band shall be an ex officio member of all committees and be entitled to vote at all meetings thereof, and other members of the council may attend meetings of a committee and may with the consent of the committee take part in the discussion but shall not be entitled to vote.
28. The general duties of standing and special committees are:
- (a) to report to the council from time to time as often as the interests of the Band may require all matters connected with the duties imposed on them respectively and to recommend such action by the council in relation thereto as they may deem necessary and expedient; and
 - (b) to consider and report upon all matters referred to them by the council or by the Chief of the Band.
29. Special meetings of committees shall be called at the request of the chairman or a majority of the committee or, in the absence of the chairman, on request of the Chief of the Band.
30. The council may make such rules of procedure as are not inconsistent with Regulations in

respect of matters not specifically provided for thereby, as it may deem necessary.

31. A member of the Band Council who knowingly violates any provisions of these Regulations is subject to suspension from council and loss of honorarium for a period not to exceed 90 days.

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RESIDENCY BY-LAW
of the ACADIA FIRST NATION
A By-law Governing the Residence of Band Members
and Other Persons on the Acadia First Nation Reserves

WHEREAS the Council of the Acadia First Nation desires to make a by-law governing the residence of the Band Members and other persons on the reserve;

AND WHEREAS the Council of the Acadia First Nation is empowered to make such a by-law pursuant to paragraphs 8 1 (1) (p. 1), (p.2), (q) and (r) of the Indian Act;

AND WHEREAS it is considered necessary for the well-being of the Acadia First Nation to regulate the residence of Band members and other persons on the reserve;

THE Council of the Acadia First Nation hereby makes the following by-law:

SHORT TITLE

1. This by-law may be cited as the "Acadia First Nation Residency By-law"

INTERPRETATION

2. In this by-law:
 - a. "First Nation" means the Acadia First Nation;
 - b. "child" includes a child born in or out of wedlock, a legally adopted child or a child adopted in accordance with the Mi'kmaq custom;
 - c. "Council" means the Council, as defined in the Indian Act, of the Acadia First Nation;
 - d. "dwelling" means any house, apartment, mobile home, or a room located therein, or any similar lodging suitable for habitation;
 - e. "member of the Band" means a person whose name appears on the Acadia First Nation list or who is entitled to have his/her name appear on the Acadia First Nation list pursuant to the Indian Act or the membership rules of the First Nation;
 - f. "Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any by-law enforcement officer or other person appointed by the Council for the purpose of maintaining law and order on the reserve;

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- g. "reserve" means any of the following:
- i. Gold River Reserve number 21,
 - ii. Medway Reserve number 11,
 - iii. Ponhook Reserve number 10,
 - iv. Wildcat Reserve number 12
 - v. Yarmouth Reserve number 33;
- h. "reside" means to live in a dwelling, otherwise than as a visitor to the reserve;
- i. "resident" means a person who is entitled to reside on the reserve, as provided by section 3;
- j. "spouse" means a person who is married to, or who cohabits in a relationship with, a resident of the Acadia First Nation.

ENTITLEMENT TO RESIDE ON RESERVE

3. a. Subject to s.20 of the *Indian Act*, a person is entitled to reside on the reserve only if the person is over the age of majority, and:
- i. has a principal residence on the reserve, as documented in the Acadia First Nation housing data base, at the time this by-law comes into force and only until he or she ceases to have a principal residence on the reserve;
 - ii. is authorized to reside on the reserve pursuant to section 18.1 or subsection 28(2) of the *Indian Act*;
 - iii. has the approval of the Council pursuant to section 7, or the appeals committee pursuant to section 11, to be a resident of the reserve;
- b. If the band member who has been allocated a dwelling ceases to reside on the reserve, his or her non-band member spouse who has custody of dependant child/ren of the marriage that are members of the Band is entitled to reside on the reserve, until such time as such dependent child/ren Band members reach the age of majority.
- c. Except as provided in subsection (b), if a band member who resides on the reserve under subsection (a) decides to leave the residence permanently, those persons

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remaining in the residence will have two months to relocate unless an extension for residency is granted by the Council pursuant to section 5(a).

REGISTRAR OF RESIDENTS

4. (a) The Council shall appoint a Registrar of residents to provide for the administration of applications, petitions, and appeals made under this by-law and to maintain records related to the residents of the reserve;
- (b) The Registrar of Residents shall maintain a Residents List, on which is recorded:
 - i. The name of each resident;
 - ii. An indication as to whether each resident is for an indefinite or defined period;
 - iii. the length of any defined period of residence; and
 - iv. the location of each resident's dwelling;
- (c) The Registrar shall keep requests for residency on file for a period of one year;
- (d) Band members may renew their requests after one year, if they continue to wish to be considered for an allocation for a dwelling;
- (e) The Registrar shall document the requests on a priority basis, based on need and personal circumstances, as recommended by the Council of the Acadia First Nation;
- (f) The Registrar shall notify the Council each time a dwelling becomes available;
- (g) The Registrar shall notify the Council regarding requests in which the band member has the ability to provide their own dwelling, without First Nation support, or with minimal support from the First Nation;
- (h) Upon notification by the Registrar (as per subsection 4(f), (g)), Council shall review all requests based on priority;
- (i) If Council considers that there are requests of relatively equal priority, those band members whose requests are under consideration shall be notified and provided an opportunity to submit a written or oral presentation, including any change to their personal circumstances since the submission of the original request, to the Council.

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REQUEST FOR RESIDENCY

5. (a) Any person over the age of majority may submit a written request to the Council for approval, to be a resident of the reserve, or to extend any defined period for which approval was previously granted to the person by the Council to be a resident of the reserve.
- (b) The request shall be filed with the Registrar of Residents and shall include:
- i. The band member's reasons for applying to be a resident;
 - ii. If the band member proposes to reside on the reserve for a limited time, the approximate duration for the proposed resident;
 - iii. The location at which the band member proposes to reside;
 - iv. The name and status of the band member's spouse and dependent children, if any;
 - v. Such other information as the Registrar may direct.

CONSIDERATIONS FOR REQUESTS

6. In reviewing requests for residency, the council shall consider the following:
- i. Whether the band member's residing on the reserve would be compatible with the culture, society and community of the First Nation;
 - ii. The availability of suitable land.

DECISION

7. (a) Once the Council is satisfied it has all the information necessary to make a decision, it shall review all the information included with the request, and may conduct an interview with the band member, if required for further information;
- (b) The Council shall meet in private to consider the request, and make a decision;
- (c) Within ten (10) days after this meeting, the Council shall dispose of the request by:
- i. Granting approval to the request to be a resident of the reserve for an indefinite period;

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- ii. Granting the band member permission to be a resident of the reserve for a defined period;
- iii. Extending any defined period for which permission was previously granted to the band member by the Council to be a resident of the reserve; or
- iv. Granting approval to the request subject to certain conditions as the band council deem appropriate; or
- iv. Refusing the application.

The council shall immediately, upon following its decision, give written notice incorporating reasons in support of its decision, to the band member's request, if dwelling comes available and the request is considered under 4 (i).

COMPLAINTS PROCESS

- 8. (a) Any member under section 3(a), may register a complaint of any member or person resident, with the Council of the Acadia First Nation, pursuant to section 10(a)(i), (ii), or (iii).
- (b) The Council upon receipt of a complaint pursuant to subsection (a) shall:
 - i. Conduct an initial inquiry of the complaint;
 - ii. If reasonable grounds are found for the complaint, the Council may upon its' discretion, depending on the severity of the alleged complaint recommend mediation, pursuant to section 9, if this process fails; may
 - iii. Conduct a hearing to revoke residency pursuant to section 10.

MEDIATION

- 9. The Council may seek an appointment of a mediator by the Mi'kmaq Justice Institute, to mediate any issue of contention between the band member and the band council respecting any matter of residency, in an effort to bring an acceptable solution to all parties.

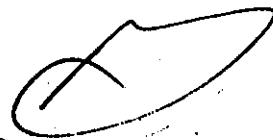
REVOCAION OF ENTITLEMENT TO RESIDE

- 10. (a) The Council may revoke the entitlement of any person to reside on the Reserve after a hearing, where it has been shown that:
 - i. The person, while a resident of the reserve, has been convicted of criminal

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- activity for which a pardon has not been granted and that it would be detrimental to the best interests of the First Nation to permit the person to continue to be a resident of the reserve;
- ii. The person is a danger to the welfare of the persons residing on the reserve; or
 - iii. The person is interfering with the rights of other residents to reside on the reserve in such residences as they have been allotted by the Council;
- (b) Prior to any decision under this section, the Council shall hold a hearing into the matter;
- (c) At least fourteen (14) days prior to the hearing, the Registrar of Residents shall:
- i. Give written notice to the person of the date, time and place of the hearing and informing the person that he has a right to appear at the hearing and to be heard; and
 - ii. Post in the Band office a copy of the notice.
- (d) At the hearing the Council shall:
- i. Provide the person with an opportunity to present information and to make oral or written submissions, or both, which information and submissions may, at the request of the person, be made in private session; and
 - ii. Provide any resident present at the hearing with an opportunity to be heard, but not to include a direct questioning of the person under hearing. If the submissions of the person are held in private session, such residents shall be given the opportunity to be heard at a separate session held as soon as possible thereafter;
- (e) The Council may make rules of procedure governing hearings under this section and shall keep records of its proceedings;
- (f) After it has heard all of the evidence and submissions, the Council shall meet in private to consider the matter;
- (g) Any revocation of entitlement of a person to reside on the reserve shall require a special majority of three-quarters (3/4) of the quorum of the Council voting in favour and shall incorporate written reasons in support thereof;

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- (h) Within five (5) days after the hearing, the Council shall render its decision in writing to the person affected;
- (i) Ten (10) days after the Council's decision has been given to the person affected, the Council shall post a notice of the decision in the Band Office;
- (j) A hearing shall not be considered under this section in respect of a resident who, at the time of the petition, is under the age of fourteen (14) years;
- (k) A resident whose entitlement to reside on the reserve which has been revoked by the Council under this section, may apply to the Registrar of Residents, within 14 days upon receipt of this decision, to the Appeal Process pursuant to section 11.

APPEAL PROCESS

- 11. (a) The Appeal Process shall be established by the Council with the appointment of an Appeal Committee, consisting of three (3) members as follows:
 - i. One of whom is a member of, or appointed by, the Grand Council of the Mi'kmaq;
 - ii. Two respected members, one of whom must be an elder of the Acadia First Nation, selected from a community other than from where the complaint originates.
- (b) This Appeal Committee shall hear reviews pursuant to section 10 and make recommendations to the Council;
- (c) Any recommendation of the Appeal Committee requires the support of the majority of the committee;
- (d) The Appeal Committee may make rules of procedure governing reviews and shall keep records of proceedings;
- (e) The Appeal Committee shall hold a hearing within thirty days from the time the request is received;
- (f) The Registrar of Residents shall send a written Notice to the person who has filed the request for hearing, more than 14 days prior to date of the hearing;
- (g) The Notice shall provide the place, date and time, for the hearing with an invitation to the band member to appear before the committee to make an oral or written personal submission if he/she so desires;

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- (h) The Registrar of Residents shall post a copy of the Notice in the band office;
- (i) At the hearing, the Appeal Committee shall:
 - i. Provide the appellant with an opportunity to present information and to make oral or written submissions, or both, in support of the request; and
 - ii. Provide any resident present at the hearing with the opportunity to be heard.
- (j) After it has heard all of the information and submissions, the Appeal Committee shall meet in private to consider the matter;
- (k) In making its recommendation, the Appeal Committee shall take into consideration the criteria set out in subsection 10(a) in the case of a section 10 appeal;
- (l) Within ten (10) days following the hearing, the Appeal Committee shall make a written report with recommendations and reasons to the Council and the band member who is the subject of the hearing.

FINAL DECISION

- 12. (a) Within ten (10) days after the Council has received the recommendations referred to in subsection 11(l), the Council shall dispose of the request for residency or the decision of revocation by:
 - i. Amending the original decision;
 - ii. Reconfirming the original decision; and
 - iii. Shall give written notice of its decision to the applicant, within five (5) days;
- (b) Within ten (10) days after disposing of the application, the Council shall post a notice of its decision in the Band Office;
- (c) A Final Decision of Council is not subject to appeal.

ENFORCEMENT

- 13. (a) An officer may order any person who is residing on the reserve, and who is not a resident, to cease to reside on the reserve;

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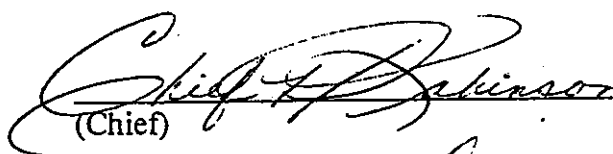
- (b) Where a person who has been ordered under subsection (a) to cease to reside on the reserve fails or refuses to do so within thirty (30) days after the order is made under subsection (a), an officer may issue a further order prohibiting the person from being or re-entering the reserve for a period of sixty (60) days;
- (c) Any person who fails or refuses to comply with an order made under subsection (b), commits an offence, pursuant to s.14.

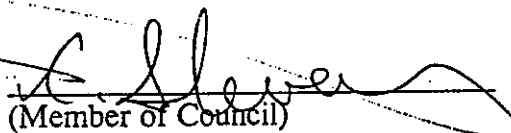
PENALTIES

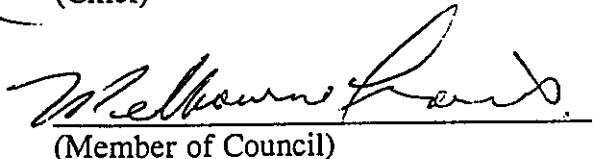
14. Any person who contravenes any of the provisions of this bylaw is a trespasser on the reserve and commits an offense under section 31 of the Indian Act and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

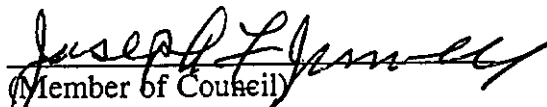
THIS BYLAW IS HEREBY enacted at a duly convened meeting of the Council of the Acadia First Nation this 20th day of November, 1998.

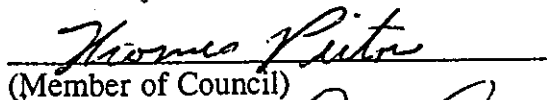
Voting in favor of the bylaw are the following members of the Council:

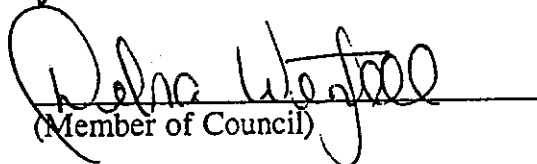

(Chief)

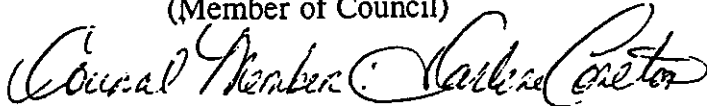

(Member of Council)


(Member of Council)


(Member of Council)


(Member of Council)

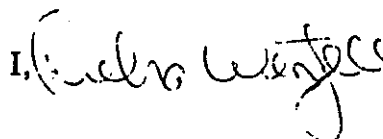

(Member of Council)


Council Member

being a majority of those member of the Council of the Acadia First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three (3) members.


Number of members of the Council present at the meeting:

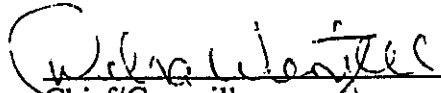
I,  ~~Chief~~ Councillor of the Band, do hereby certify that a true copy

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of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 24th day of November, 1998.


Witness
D. Bruce Clarke


Chief/Councillor

1012875/#59855

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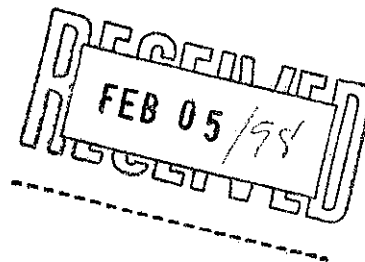
Alan G. Hayman, Q.C.
Robert L. Barnes, Q.C.
Michael J. Wood
Kevin Quigley
Pamela J. Clarke-Priddle
Kandace Terris
Stuart C. B. Gilby

Associate Counsel: Bruce H. Wildsmith, Q.C.

January 30, 1998

BURCHELL HAYMAN BARNES

Chief Deborah Robinson
Acadia Band
R. R. #4, P. O. Box 5914-C
Yarmouth Reserve
Yarmouth, NS B5A 4A8



Dear Chief Robinson:

Re: Taxation By-law

In accordance with your request, I enclose herewith a copy of the Taxation By-law which was passed by Chief in Council at their meeting on May 22, 1997. As this is an exercise of the aboriginal right of self government, we have not filed it as a Band Council Resolution with the Department of Indian Affairs. If you think it appropriate that we do so, please let me know.

Yours truly,

BURCHELL HAYMAN BARNES

D. Bruce Clarke

Encl.
45733/1012889

Whereas the Council of the Acadia First Nation deem it to be in the best interests of the First Nation to make a By-law for the collection of tax on the sale of goods and provision of services on its reserve lands;

Therefore be it resolved that the Council of the Acadia First Nation at a duly convened meeting, enacts the following By-law:

1. This By-law may be cited as the "Acadia Commodity Tax By-law".

Part I - Interpretation

2(1) In this By-law,

ACT means the Acadia Commodity Tax,

First Nation means the Acadia First Nation,

Council means the Council of the Acadia First Nation,

Vendor means any entity selling goods and/or providing services on any reserve lands of the Acadia First Nation to whom this Bylaw applies.

Part II - Administration

3(1) Council may appoint a Tax Administrator for a specified or indefinite term to administer this By-law.

3(2) The Tax Administrator is responsible for collection of taxes and enforcement of payment under this By-law.

Part III - Application Of By-law

4. Subject to Section 5, this By-law applies to all corporations and businesses owned or controlled by the Acadia First Nation.

5. Non-profit associations and entities are exempt from this By-law.

Part IV - Tax Structure

6. Except as otherwise exempt by this By-law, every Vendor shall collect ACT at the point of purchase equal to 9 percent of the cost of all goods sold and services provided.
7. Vendors shall remit all ACT tax collected by certified cheque payable to the Acadia First Nation on a monthly basis, in arrears, unless directed otherwise by the Tax Administrator in writing.
8. Vendors shall complete and attach to each remittance a report stating their sales for the remittance period.
9. The Tax Administrator or the Acadia First Nation may audit the business documents of any entity required to remit tax under this By-law.
10. Council may make regulations under this By-law providing for penalties for:
 - a) Failure to remit tax;
 - b) Remitting false reports;
 - c) Late remittances;
 - d) Failure to provide business documents for the purposes of auditing under Section 10.
11. Anyone penalized under Section 11 may appeal that penalty to Council within thirty days of notification of any such penalty.
12. All taxes payable under this By-law are debts to the First Nation and are recoverable as such in any court of competent jurisdiction or in any other manner provided by this By-law or its regulations.

13. If all or any portion of taxes remain unpaid thirty days following the date due for a remittance, the unpaid portion shall include interest at a rate two percent above Bank of Canada prime rate as it is on the first of each month and shall be compounded annually
14. If all or any portion of taxes remain unpaid thirty days following the date due for a remittance, Council shall be entitled to setoff such amounts from any moneys otherwise payable by the First Nation to the debtor and may, in its discretion, suspend any licences or permits issued to the debtor for the operation of any business.
15. Where taxes are in arrears and part payment is received, the payment shall be applied first to accrued interest and then to the principal of the arrears.

Part V - Application of Revenues

16. All monies raised under this By-law shall be paid into the general account of the First Nation.
17. Without restricting the generality of Section 17, the following expenditures of funds raised under this By-law are hereby authorized:
 - a) Refunds of overpayment and interest;
 - b) All expenses of preparation and administration of this By-law;
 - c) Remuneration of the Taxation Commissioner;
 - d) All legal costs and other expenses of enforcement of this By-law.

Part VI - Collection and Enforcement

18. The Tax Administrator or the Council may charge any person in default of tax remittance with all reasonable costs incurred in the collection of taxes or other costs

enforced by this By-law.

19. The Tax Administrator shall maintain a list of outstanding taxes and of the persons liable for payment.
- 20(1) The Tax Administrator may mail a demand for payment and notice of enforcement proceedings to any person named on the list.
 - (2) For the purposes of this Section, the mailing of a demand for payment and notice of enforcement proceedings is deemed to be delivery to the addressee.
 - (3) Upon the expiration of thirty days from the delivery of the document pursuant to subsection (1), the Tax Administrator may request authorization from Council to commence enforcement proceedings against the tax debtor.
21. Council, may upon application by the debtor, postpone taking any enforcement proceedings for a specified period of time or reduce the taxes where Council determines that full payment would result in undue hardship to the debtor or it is otherwise necessary in the best interest of the First Nation.
22. After the expiration of the thirty day period provided pursuant to Section 21(3), the Tax Administrator may, with the authorization of Council, proceed by way of distress if the taxes or any portion thereof remain unpaid by serving a notice of distress on the tax debtor.
23. If the taxes, or any portion thereof, remain outstanding thirty days following the service of the Notice of Distress, the Tax Administrator may effect a seizure by the distress of such goods and post a notice on the goods which are seized.
24. So long as the taxes, or any portion thereof, remain outstanding, no goods seized pursuant to Section 24, which are located on Reserve, shall be removed therefrom, and any such removals shall be considered a trespass. Without restricting the generality of the foregoing, no such goods shall be seized by a bailiff, sheriff, assignee, liquidator or trustee in bankruptcy, except under the authority of the Council.

25. If the Tax Administrator seizes by distress the tax debtor's goods pursuant to Section 24, and the tax debtor does not commence legal proceedings in a court of competent jurisdiction within sixty days after the date of seizure challenging such seizure, the goods may be sold in accordance with this section and the tax debtor is estopped from denying the validity of the seizure and sale of such goods.
26. If the outstanding taxes have not been paid in full sixty days after a seizure by distress pursuant to Section 24, the goods seized shall be deemed to be abandoned by the tax debtor and may be sold by public auction, the proceeds of which will be used for payment of the outstanding taxes.
- 27(1) A notice of sale of goods seized by distress shall be posted on the tax debtors premises located on Reserve and may be advertised in such other ways as the Council directs.
 - (2) The sale of the goods seized by distress shall be conducted at the time and place advertised pursuant to subsection (1), unless it is necessary to adjourn such sale, in which case an additional notice shall be published in the manner provided by subsection (1).
28. Any surplus resulting from the sale conducted pursuant to Section 27, after deducting all liabilities of the tax debtor, including all costs and charges arising from the sale, shall be paid to the tax debtor. In the event that the Tax Administrator is uncertain who is entitled to such surplus, the Tax Administrator shall pay such money to the Council for such persons whose interests may appear.
29. Where the Tax Administrator has reasonable grounds to believe that the tax payor intends to remove his or her goods from the Reserve, or intends to dismantle or remove his or her improvements on Reserve, or take any other actions which may preclude or impede the collection of outstanding taxes owing pursuant to this By-law, the Tax Administrator may apply to a court of competent jurisdiction for a remedy notwithstanding that the time for payment of taxes has not yet expired.

BY-LAW NO. 4
OF THE ACADIA FIRST NATION

A By-law for the management of the Lands situated at Gardener's Mill, Yarmouth County, N.S.

WHEREAS the Band Council of the Acadia First Nation is engaged in an appeal process of said land, in an effort to acquire Reserve Status under s. 36 of the *Indian Act*;

AND WHEREAS the Band Council of the Acadia First Nation holds the said lands in trust for the members of the Acadia First Nation;

AND WHEREAS the Band Council of Acadia First Nation desires to make a by-law to regulate the use of the said land, such including the implementation of forest management plan;

AND WHEREAS the Band Council of the Acadia First Nation is empowered to make such by-law pursuant to paragraph s 81(1)(g)(q) and (r) of the *Indian Act*;

AND WHEREAS it is considered necessary for development of the Gardners Mill lands and for forest management;

NOW THEREFORE the Band Council of the Acadia First Nation hereby makes the following by-law;

Short Title:

1. This by-law may be cited as the "Management By-law with respect to Forest Management"

Interpretation:

2. In this by-law;

"Band" means the Acadia Band:

"By-Law Officer" means the person appointed or designated by the Chief and Council under this by-law and charge with the duty of monitoring and reporting of this by-law.

"Community Forest Management Board" means the person(s) appointed or designated by the Council of under this by-law and charge with the duty of

administering the provisions of this by-law as outlined in Schedule "B", the Forest Management Plan.

"*Council*" means the Council, as defined in the Indian Act, of the Acadia Band.

"*Forest Management*" means the management and restoration of the forest on the said lands "Gardens Mill" according to the Mi'kmaw concept of Netukulimk as outlined in the forest management plan shown on schedule "C" hereto, which:

- (i) includes the construction of roads, bridges, trails and landings for commercial and recreational use;
- (ii) includes the cutting of trees, the gathering of plants and other related activities or silviculture.

"*Peace Officer*" means a peace officer as defined in section 2 of the *Criminal Code of Canada*;

"*Person*" includes an individual, an association, a chartered organization, a firm, a partnership and corporation.

Application of By-Law

- (i) The provision of this by-law apply to the said land "Gardners Mill" as described on Schedule "A" and to the Forest Management Plan as shown in schedule "B".

Schedule "A" which is attached hereto, is part of this by-law as fully and to all intents and purposes as though recited in full herein.

Schedule "B" which is attached hereto, is part of this by-law as fully and to all intents, and purpose as though recited herein. (legal description and map from deed need to

Forest Management By-Law Administration

4. The Council will, by resolution, appoint or designate persons as the Community Forest Management Board whose duty it shall be to administer the provisions of the Forest Management Plan as outlined in schedule "B". The Community Forest Management Board will consist of, at a minimum, a member of Council, a member of the Band staff and two members of the community. All forest management activities will be determined by the Community Forest Management Board.

Monitoring and Reporting

5. The Board, whose duty it shall be, to determine an appropriate monitoring system

By-Law Enforcement

6. The Peace Officer will be responsible for enforcing this by-law. This includes seizing equipment, seizing harvested plant material and removing offenders from the forest Management Area as outlined in Schedule "A" & "B".

Prohibition

7. (i) No land within schedule "A" shall be used except in conformity with the provisions of this by-law.
- (ii) No person may engage in any forest activities as described in Schedule "A" unless approved by the Community Forest Management Board.

Inspection

8. The Community Forest Management Board will utilize the services of the community to investigate and monitor forest related activities.

Offence

9. (i) A person who uses land identified in Schedule "A" in a manner contrary to any provision of this by-law commits an offence.
- (ii) A person who interferes with, or obstructs the Community Forest Management Board in administration of the provisions of the Forest Management Plan as outlined in schedule "A" commits an offence.
- (iii) A person who in interferes or obstructs the, the By-Law Officer in the monitoring and reporting of this by-law commits an offence.
- (iv) A person who interferes with, or obstructs, the Peace Officer in the enforcement of this by-law commits an offence.

- (v) Where an act in contravention of this by-law continues for more than one day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues, and will be penalized as such.

Penalty

- 10. Any person who commits an offence under section 9 of this by-law is liable on summary conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding 30 days, to both.
- 11. Any breach of this by-law will result in the seizure of any equipment, vehicles, personal or company property and will be disposed of as per direction of the court.
- 12. seizure of any harvested plant material shall become the property of Acadia First Nation, (Band).

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Acadia Band this day of March, 2000.

Voting in favour of the by-law are the following members of the Council;

Chief Deborah Robinson

Councillor Tom Pictou

Councillor Darlene Coulton

Councillor Ed Benham

Councillor Frank Jermey

Councillor Deborah Wentzell

Councillor Charmaine Stevens

The quorum of the Council is four members including the Chief.

I, _____ (Chief or Councillor) of the Band, do hereby certify that a true copy of the foregoing by-law was **mailed** to the Minister of Indian Affairs and Northern Development at the Regional department pursuant to subsection 82(1) of the *Indian Act*, this _____ day of March, 2000.

Witness

Chief or Councillor

**CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF CUMBERLAND**

IN THE MATTER OF the Canada Evidence Act;


-and-

IN THE MATTER OF the certification of Indian Band
By-Laws pursuant to Section 86 of the *Indian Act*, R.S.C.
1985 Chapter I-5

STATUTORY DECLARATION


I, Larry David Pardy, of the Town of Amherst, in the Province of Nova Scotia, do solemnly declare as follows:

1. That on this date I was Acting Director of Lands and Trusts Services, Atlantic Regional Office of Indian and Inuit Affairs;
2. The incumbent of the position of Director, Lands and Trusts Services has the powers of superintendent as set out in Section 2. (2) of the *Indian Act*.
3. That I have reviewed the attached copy of Acadia Band By-law No. (Unnumbered), being a by-law respecting Smoking, having been enacted by the Acadia Band Council on the 5th day of February, 2007;
4. My review has determined that the attached copy of By-law No. (Unnumbered) represents a true copy of the original. Consequently, it has been stamped as such and I have put my initials on each single page to reflect this finding;
5. Pursuant to section 86 of the *Indian Act* I hereby certify the attached by-law as a true copy.
6. I make this solemn declaration conscientiously believing it to be true and knowing it to be of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.



Larry David Pardy, Acting Director
Lands and Trust Services - Atlantic

Declared before me at }
Amherst, Nova Scotia this }
5th day of April, A. D. 2007. }



WENDY M. PETRUS
Commissioner for the Taking of Oaths
pursuant to paragraph 108(a) of the
Indian Act

RP

Original of Fax
CIDM#

217755

4216-518

**SMOKING BY-LAW
of the Acadia First Nation**

RREBS

W. Petrus

WHEREAS the Acadia First Nation has building, offices, stores and other facilities on its reserves which serve a variety of functions;

AND WHEREAS the Acadia First Nation has the power to make by-laws, including for the use of buildings and for health issues;

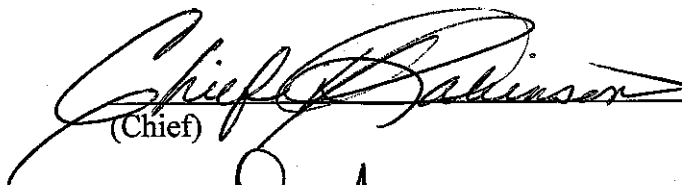


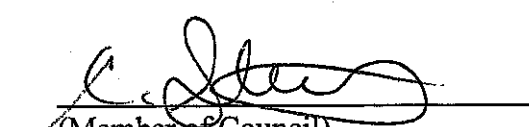
AND WHEREAS this by-law does not limit spiritual or ceremonial activities.

THE Council of Acadia First Nation hereby makes the following by-law:

1. This By-law may be cited as the "Acadia First Nation Smoking By-law" and is passed pursuant to Section 81 (1) of the *Indian Act*.
2. Chief and Council may, from time to time, designate buildings, portions of buildings or areas on the reserve as "Smoking Areas".
3. A list of designated Smoking areas shall be maintained at each Band office and the designation may be posted in the building or area.
4. Notwithstanding any other provision of law, persons may smoke tobacco in areas that are designated as Smoking Areas.
5. "Smoke" means to smoke, hold or otherwise have control over ignited tobacco.
6. Nothing herein affects the rights of Aboriginal People respecting traditional spiritual or cultural ceremonies, including smudging or the use of sweetgrass.

THIS BYLAW IS HEREBY enacted at a duly convened meeting of the Council of the Acadia First Nation this 5th day February, 2007.

Voting in favor of the by-law are the following members of Council:

 _____ (Chief)	 _____ (Member of Council)
 _____ (Member of Council)	 _____ (Member of Council)

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28

Edwin Barham
(Member of Council)

Joel LeDey
(Member of Council)

Darlene Cullen
(Member of Council)

Andrew Farris
(Member of Council)

Debra Wentzell
(Member of Council)

being a majority of those members of the Council of Acadia First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 8.

I, Darlene Cullen Chief/Councillor of Acadia First Nation, do hereby certify that a true copy of the foregoing By-Law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as case may be) pursuant to section 82(1) of the Indian Act, this 5 day of Feb, 2007.

Mario Falls
(Witness)

Darlene Cullen
(Chief/Councillor)

CERTIFIED TRUE COPY