



BIIGTIGONG
NISHNAABEG

A LAW TO PREVENT THE SPREAD AND MINIMIZE THE IMPACT OF THE COVID-19 CRISES IN BIIGTIGONG NISHNAABEG

WHEREAS under section 81(1) (a) of the *Indian Act*, R.S.C. 1985, Biigtigong Nishnaabeg has broad authority to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;

AND WHEREAS Biigtigong Nishnaabeg has created and approved a Constitution which recognizes its law-making authority;

AND WHEREAS Biigtigong Nishnaabeg has inherent jurisdiction to prioritize the health and well-being of its members and residents on-reserve, and in times of pandemic and public health crises, shall take all necessary measures to ensure the safety, protection and well-being of all community members;

AND WHEREAS COVID-19 is a highly infectious disease that is readily communicable from person to person, carries a risk of serious complications such as pneumonia or organ failure, and may result in death;

AND WHEREAS COVID-19 puts our most vulnerable community members at risk, including Elders, those with compromised immune systems and those with pre-existing health conditions including but not limited to diabetes, cancer and breathing disorders;

AND WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization;

AND WHEREAS Biigtigong Nishnaabeg has declared a state of emergency with respect to COVID-19, due to the health risks to residents arising from COVID-19;

AND WHEREAS there are several confirmed cases of COVID-19 within the District of Thunder Bay;

AND WHEREAS there is evidence in several jurisdictions internationally that measures aimed at reducing social contacts are effective in preventing or minimizing the spread of COVID-19;

AND WHEREAS Biigtigong Nishnaabeg will take all reasonable and necessary steps to prevent the entry of COVID-19 into the First Nation by significantly restricting entry into the community;

AND WHEREAS Biigtigong Nishnaabeg will take all reasonable and necessary steps to prevent and/or minimize the spread of COVID-19 within the First Nation by implementing measures to ensure that Physical Distancing, Self-Monitoring, and Self-Isolation up upheld;

AND WHEREAS time is of the essence in enacting legislation that prevents and regulates the spread of COVID-19;

The Biigtigong Nishnaabeg hereby enacts **A LAW TO PREVENT THE SPREAD AND MINIMIZE THE IMPACT OF THE COVID-19 CRISES IN BIIGTIGONG NISHNAABEG** (hereinafter “this Law”) by Band Council Resolution 20.21.01, executed this 7th day of April, 2020.

SECTION 1: DEFINITIONS

Council of the Band has the same meaning as set out in the *Indian Act*, R.S.C. 1985 C. 6.

Chief Medical Officer means the Director of Health, or their designate, of Biigtigong Nishnaabeg.

Community has the same meaning as the Pic #50 Indian Reserve and means the area of land designated as lands reserved for the Biigtigong Nishnaabeg;

COVID-19 Crises means the global pandemic of the COVID-19 virus which has significantly changed all activities of daily living in order to prevent and/or limit the spread of the virus, and which will endure during the period of time which Ontario has declared a State of Emergency.

Emergency Response Team means the group of Biigtigong Nishnaabeg residents designated by the First Nation who, for the duration of the COVID-19 crises, shall plan for, prevent and respond to the COVID-19 crises, including logistics, resources and operations, and shall respond to emergencies within the community prior to the arrival of Emergency Response Personnel.

Emergency Response Personnel means personnel employed or authorized by the First Nation, the provincial or federal governments, to provide fire suppression, police protection, emergency medical services, or emergency activities relating to health and safety.

Essential service provider means a workplace that is considered critical to preserving life, health and basic societal function and includes, but is not limited to, first responders, health care workers, critical infrastructure workers, hydro and natural gas, and suppliers of critical goods such as food and medicines.

Essential service worker means any person who is employed by an essential service provider.

First Nation Control Group means the leadership team of Biigtigong Nishnaabeg, comprised of all Program Directors and Managers, community members and band council representatives, who shall plan, develop and oversee all measures and processes necessary to ensuring that Phase 1,

Phase 2 and Phase 3 of the Biigtigong Nishnaabeg COVID-19 crises response are implemented within the First Nation.

Goods and Service delivery means businesses that supply other essential businesses or essential services within Biigtigong Nishnaabeg, or that supply businesses or services that have been declared essential in a jurisdiction outside of Biigtigong Nishnaabeg, with the support, products, supplies, systems, or services, including processing, packaging, warehousing, distribution, delivery, and maintenance necessary to operate.

Incident Commanders means the persons designated by Biigtigong Nishnaabeg who are responsible for creating and implementing a standardized approach to emergency management encompassing personnel, facilities, equipment, procedures, and communications operating within the community.

Residents means any person normally resident or who intends to reside within the community as of March 23, 2020 until the termination of the COVID-19 crises, or persons who become residents by operation of the process set out in paragraphs 9-12 below.

Self-Isolation means staying at home and self-monitoring yourself for COVID-19 symptoms, even if mild, avoiding contact with others to help prevent transmission of the virus at the earliest stage of illness and practising physical distancing with all members in a private residence.

Visitor means any person permitted to enter the Biigtigong Nishnaabeg on a temporary basis for the limited purpose of providing an essential service, making a delivery of goods and services or fulfilling an emergency response function.

SECTION 2: GENERAL

1. For the duration of the COVID-19 crises, Biigtigong Nishnaabeg shall establish a First Nation Control Group and ensure it has all relevant and necessary resources to perform the functions assigned to it.
2. The First Nation Control Group shall:
 - (a) review, develop and implement best practices in responding to the COVID-19 crises in the community;
 - (b) keep up to date on relevant First Nation, municipal, provincial and federal orders, announcements, measures, laws and developments in relation to the COVID-19 crises;
 - (c) communicate on a regular basis with Biigtigong Nishnaabeg members, especially residents, about all activities and plans of Biigtigong Nishnaabeg's COVID-19 crises response; and

- (d) create an Emergency Operation Plan, in collaboration with the Emergency Response Team.

SECTION 3: RESTRICTED ACCESS

Prohibition on Entry

3. Other than the class of peoples identified in section 4 below, all people are prohibited from entering the community as of March 23, 2020, on an indefinite basis and for the whole of duration of the COVID-19 crises.
4. Entry into the community is restricted to the following classes of people:
 - (a) Community Residents;
 - (b) Essential service providers;
 - (c) Goods and service deliveries; and
 - (d) Emergency response personnel.
5. The Incident Commanders shall have sole discretion to determine what person may be designated as an essential service provider and shall use best efforts to maintain an up to date list of essential service providers.
6. The Incident Response Team, or their agents or delegates, shall:
 - (a) establish a physical barricade across Highway 627, at its intersection with Pic River Road;
 - (b) screen all people seeking entry onto the community; and
 - (c) decline entry into the community to all people who are not referred to in Section 4 above.
7. Nothing in this Law will prevent residents of Heron Bay North from accessing their mail which is delivered to the community, subject to terms and conditions which shall be expressly communicated to them.
8. The Incident Response Team shall use best efforts to compile and maintain an up-to-date list of all people referred to in Section 4 above.

Persons wishing to reside in the community after March 23, 2020

9. Off-reserve Biigtigong Nishnaabeg members and/or their guests who wish to return to the community after March 23, 2020 to reside in the community shall make a request in writing to the First Nation Control Group no more than five (“5”) days in advance of their intended return date, or in any emergency situation, as soon as possible.
10. The First Nation Control Group shall consider the request of the person referred to in paragraph 9 above based on factors including:
 - (a) community safety;
 - (b) availability of housing;
 - (c) availability of resources;
 - (d) availability of alternative, off-reserve housing;
 - (e) burden of health; and
 - (f) risks posed by the person including willingness and ability to comply with this Law.
11. The First Nation Control Group shall make a final decision about whether the person referred to in paragraph 9 is permitted to reside in the community. Upon receiving the request, the First Nation Control Group shall make all decisions within twenty-four (“24”) hours and shall provide written reasons for the decision.
12. If the First Nation Control Group approves the return of a person to the community, the returning person shall remain in the community for the duration of the COVID-19 crises, subject to the terms and conditions as set out herein, and shall self-isolate for a period of 14 days upon return to the community.

SECTION 4: PHYSICAL DISTANCING

Public Spaces

13. Biigtigong Nishnaabeg residents and visitors are prohibited from remaining, for longer than an incidental period of not more than three (“3”) seconds, closer than two (“2”) metres or six (“6”) feet to any other person who is not a member of the same household, in all locations within the community and on any location within the Biigtigong Nishnaabeg Traditional Territory including but not limited to:
 - (a) on any street, or
 - (b) in any public building, or

(c) in any public gatherings; or

(d) in any public spaces.

Prohibition on entering private dwellings

14. No person shall enter the private residence of another community resident, beyond the doorstep of the house, save and except if the entry is for the sole and exclusive purpose of:

(a) providing an essential service;

(b) responding to an emergency; or

(c) caring for an Elder, provided such person is designated as the caregiver for said Elder.

Curfew

15. No resident shall leave their private residence and/or their yard, being the tract of land immediately adjacent to their private residence, from 10:00 pm to 5:00 am, daily.

Going outside

16. For greater clarity, nothing in this Law prevents residents from going outside provided they comply clause 13 above.

Limitation on Travel

17. Residents are prohibited from travelling to any town or city other than to the town of Marathon, save and except for attending medical appointments and/or for emergency purposes, and such travel shall be authorized in advance by the First Nation Control Group subject to terms and conditions which shall be expressly communicated to them.

SECTION 5: SELF-MONITORING

18. Residents and visitors shall self-monitor for symptoms of COVID-19 pursuant to the standards set and expressly communicated by the Chief Medical Officer.

SECTION 6: SELF-ISOLATION

19. Residents and visitors shall self-isolate if there is any possibility, no matter how remote and whether or not any symptoms are expressed, that the person has been exposed to

another person with COVID-19 pursuant to the standards set and expressly communicated by the Chief Medical Officer.

20. Residents and visitors shall self-isolate if they are experiencing any symptoms associated with COVID-19, no matter the severity of such symptoms, if they:
 - (a) have been diagnosed with COVID-19, or are waiting to hear the results of a lab test for COVID-19; or
 - (b) have symptoms of COVID-19, even if mild; or
 - (c) have been in contact with a suspected, probable or confirmed case of COVID-19; or
 - (d) have been told by public health that they may have been exposed to COVID-19; or
 - (e) have returned from travel outside Canada with symptoms of COVID-19.

SECTION 7: ENFORCEMENT

21. The Anishinabek Police Service, OPP, RCMP and/or any other police force having jurisdiction shall enforce this Law.
22. All violations of this Law may be reported to the Incident Command Group by email to ert@picriver.com or by telephone at 807-229-8900 ext. 221.
23. If any person allegedly breaches this Law, any member of the Incident Command Group shall provide assistance to ensure that the person is provided with support to comply with this Law. If the person fails or refuses to comply with this Law thereafter, the Incident Command Group shall report the violation to the Police who shall do such lawful acts as may be necessary to enforce this Law.
24. Every person who engages in an activity that is specifically prohibited under this Law is guilty of an offence and on conviction is liable to a fine of:
 - (a) \$750 for the first offence;
 - (b) \$1000 for each offence thereafter; and
 - (c) May be subject to imprisonment for a term not exceeding six months.

SECTION 8: AMENDMENT

25. This Law may be amended by band council resolution at a meeting of the council of the band.

SECTION 9: TERM

26. This Law shall be in force and effect until it is repealed by a resolution of the council of the band, or until the Province of Ontario declares that the COVID-19 crises is terminated.