

**NEKANEET FIRST NATION
CANNABIS ACT**

BEING AN ACT OF THE NEKANEET FIRST NATION WITH A PURPOSE OF GOVERNING THE IMPORTATION, EXPORTATION, PRODUCTION, TESTING, PACKAGING, LABELLING, SENDING, DELIVERY, TRANSPORTATION, SALE, POSSESSION, OR DISPOSAL OF CANNABIS WITHIN AND ON THE RESERVE LANDS OF THE NEKANEET FIRST NATION

- A. WHEREAS** the Nekaneet First Nation adhered to Treaty No. 4, 1874 on September 8, 1875;
- B. AND WHEREAS** the Nekaneet First Nation has and continues to exercise an inherent **Aboriginal and Treaty** right to govern its citizens and lands that is recognized and affirmed by, *inter alia*, Articles 4, 20, 23 24, 31, 34, 35 and 36 of the *United Nations Declaration on the Rights of Indigenous Peoples*, and Section 35 of the *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11;
- C. AND WHEREAS** the Chief and Council of the Nekaneet First Nation deem it expedient and in the best interests of the First Nation, as an expression and in furtherance of the First Nation's inherent right to self-determination, to make a cannabis act for the purposes of, *inter alia*:
1. preserving and promoting the health and safety of its members;
 2. controlling, protecting and developing the spiritual, cultural and economic practices of its members and those who inhabit or share in the use of its traditional territories;
 3. maintaining, controlling, protecting and developing the heritage, traditional knowledge and cultural expressions of its members; and
 4. establish and maintain tolerance, understanding and good relations among the First Nations and the federal and provincial Crowns.
- D. AND WHEREAS** the Chief and Council of the Nekaneet First Nation wish to enact this cannabis act pursuant to:
1. the First Nation's inherent right to self-determination; and
 2. Section 81 of the *Indian Act*, to the extent the same is not inconsistent with the First Nation's inherent Aboriginal and Treaty rights to self-determination.
- E. AND WHEREAS** it is intended that this cannabis act will serve as a foundational and living document to be adapted to fit the capacity and aspirations of the Nekaneet First Nation as they evolve over time and to eventually address the governance of all aspects of cannabis production, distribution, sale, possession and use within and on the Nekaneet Reserve;
- F. AND WHEREAS** the Elders Council of the Nekaneet First Nation has reviewed and approved this cannabis act **[NTD: Confirm]**;
- G. AND WHEREAS** at duly convened meeting of the members of the Nekaneet First Nation, the majority of members present thereat voted in favour of this cannabis act **[NTD: Confirm]**.

NOW THEREFORE, THE CHIEF AND COUNCIL OF THE NEKANEET FIRST NATION, DULY ASSEMBLED, ENACTS AS FOLLOWS:

**PART I
TITLE, DEFINITIONS, AND INTERPRETATION**

1.0 Short Title

1.1 This Act may be known as the "Nekaneet Cannabis Act".

2.0 Interpretation

Definitions

2.1 The following definitions apply in this Act:

- (a) "**ACMPR**" means, collectively, the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230, as amended, modified or replaced from time to time, and includes predecessor regulations such as *Marihuana Medical Access Regulations*, SOR/2001-227 and the *Marihuana for Medical Purposes Regulations*, SOR/2013-119;
- (b) "**Appeal Committee**" means the three member committee appointed by Council under Section 11.4 of this Act;
- (c) "**Board**" means the three member board appointed by Council under Section 12 of this Act;
- (d) "**Cannabis**" has the meaning given to it in the *Cannabis Act*, S.C. 2018, c. 16, as amended, modified or replaced from time to time;
- (e) "**Cannabis Facility**" means any business that is authorized pursuant to this Act or a Recognized Act to cultivate or process Cannabis;
- (f) "**Cannabis Plant**" means a plant that belongs to the genus Cannabis;
- (g) "**Cannabis Store**" means any business that is authorized pursuant to this Act or a Recognized Act to sell and offer for sale Cannabis;
- (h) "**Council**" means the Council of Nekaneet First Nation, collectively comprised of the Chief and Councillors, duly elected from time to time in accordance with the *Indian Act* or pursuant to its customary rules in force from time to time;
- (i) "**Court**" means a court of competent jurisdiction in the Province of Saskatchewan;
- (j) "**Dried Cannabis**" means Cannabis that has been subjected to any drying process, but does not include seeds;
- (k) "**Illicit Cannabis**" means Cannabis that is or was cultivated, produced, sold or distributed by a Person who is not authorized to do so under this Act or any other Recognized Act;

- (l) "**Indian Act**" means the *Indian Act*, R.S.C. 1985, c. I-5, as amended, modified or replaced from time to time;
- (m) "**First Nation**" means the Nekaneeet First Nation;
- (n) "**Licence**" means a licence issued by the Board under Section 7;
- (o) "**Medical Document**" means a:
 - i. medical document issued under the ACMPR;
 - ii. written prescription from a medical professional;
 - iii. written diagnosis from a medical professional of a medical condition treatable by Cannabis; or
 - iv. written recommendation of a traditional healer recognized by Council;
- (p) "**Minor**" means an individual who has not attained the age of 19 years of age or older;
- (q) "**Nation's Lands**" means the reserve lands of the Nekaneeet First Nation and such other lands that are or become reserve lands of the First Nation from time to time;
- (r) "**Offence**" means an offence under this Act;
- (s) "**Offence-related Property**" means, with the exception of Illicit Cannabis, any property
 - i. by means of or in respect of which an Offence is committed;
 - ii. that is used in any manner in connection with the commission of an Offence; or
 - iii. that is intended for use for the purpose of committing an Offence;
- (t) "**Peace Officer**" means a peace officer, police officer, or any Person appointed by Council by way of a resolution in writing for the purpose of enforcing and carrying out the provisions of this Act;
- (u) "**Person**" means and includes any individual, body corporate, joint venture, firm, partnership, limited partnership, association, corporation, trust, trustee, executor, administrator, or other legal representative;
- (v) "**Private Property**" means, with respect to the Nation's Lands:
 - i. the following places that are genuinely and actually occupied and used as a private residence:
 - 1. a house or building or any part of a house or building;
 - 2. a trailer, camper, mobile home, tent, or any combination of them; or

- 3. a cottage or cabin or similar construction designed for use on a seasonal basis.
 - ii. subject to Subsection 2.2, in the case of any place mentioned in Subsections 1 to 3 above, the appurtenant land; or
 - iii. any other prescribed place.
- (w) **"Public Place"** means, with respect to the Nation's Lands:
- i. all or any part of a place, building, structure, or other enclosed area to which the public has or is permitted to have access;
 - ii. a park, playground, sports field, or other place of public resort or amusement;
 - iii. a highway, road, street, lane, or thoroughfare;
 - iv. any unoccupied land or building;
 - v. in relation to a Person who enters land or an occupied building without the consent of the occupant, the land or building so entered;
 - vi. a vehicle while it is at, in, or on any place, building, thoroughfare or land that by virtue of this definition is a public place; or
 - vii. any other place prescribed by the Regulations.
- (x) **"Recognized Act"** means any law, act, regulation or custom of a governmental authority, including a First Nation, that is recognized by the First Nation pursuant to the Regulations **[NTD: This allows the First Nation to acknowledge licences issued under the Cannabis Act or any other First Nation Cannabis Act if it chooses. In the Regulations we need a definition of "Recognized Act" as set out in Schedule "D"]**; and
- (y) **"Regulations"** means any regulation made by Council pursuant to Section 10.

2.2 Subsection 2.1(v)ii of the definition of "Private Property" applies only to the owner, tenant, or lawful occupant, of the place described in that clause, or to the family, employee, or bona fide guest of that owner, tenant, or lawful occupant.

Paramountcy

2.3 If there is an inconsistency or conflict between this Act and any other enactment of the First Nation, this Act will prevail to the extent of the inconsistency or conflict.

2.4 An Act of Parliament or of a Provincial Legislature, insofar as it concerns the importation, exportation, production, testing, packaging, labelling, sending, delivery, transportation, sale, possession, consumption or disposal of Cannabis, shall have no application to any activity taking place on or within the Nation's Lands.

Interpretation

2.5 In this Act:

- (a) the use of the word "shall" denotes an obligation that, unless this Act provides to the contrary, must be carried out as soon as practicable after this Act comes into effect or the event that gives rise to the obligation;
- (b) unless it is otherwise clear from the context, the use of the word "including" means "including, but not limited to", and the use of the word "includes" means "includes, but is not limited to";
- (c) headings and subheadings are for convenience only, do not form a part of this Act and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Act;
- (d) a reference to a statute includes every amendment to it, every regulation made under it and any Law enacted in substitution for it or in replacement of it;
- (e) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular; and
- (f) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine.

Non-abrogation

- 2.6 This Act is not intended to abrogate or derogate from any inherent Aboriginal, Treaty or other rights or freedoms that pertain now or in the future to the First Nation or its Members.
- 2.7 This Act is not intended to affect the eligibility of the First Nation or any Member to receive services or participate in such public or Indigenous-based programs as may be established from time to time to the extent that the First Nation has not assumed responsibility for such services or programs hereunder.

Fiduciary Relationship

- 2.8 This Act is not intended to abrogate the fiduciary relationships between Canada, the First Nation or its Members.

**PART II
AUTHORITY AND PURPOSE**

3.0 Authority, Purpose and Application

Source of Authority

- 3.1 The authority of the First Nation to govern activities within, on and in respect of its land and resources flows from its inherent right of self-determination.

Purpose

3.2 The purpose of this Act is to set out the principles and legislative and administrative structures that apply to the Nation's Lands and through which the First Nation will exercise authority over Cannabis-related activities over those lands.

PART III PROHIBITION

4.0 General Prohibition

General Prohibition

4.1 No Person shall import, export, produce, test, package, label, send, deliver, transport, sell, possess, consume or dispose of Cannabis, within or on the Nation's Lands unless authorized under this Act.

PART IV POSSESSION AND CONSUMPTION OF CANNABIS

5.0 Possession

Possession by Minors and non-Minors

5.1 An individual who is not a Minor may possess Cannabis on or within the Nation's Lands in accordance with this Section.

5.2 An individual who is a Minor may possess Cannabis on or within the Nation's Lands pursuant to a Medical Document.

Restrictions on Quantity

5.3 An individual may possess not more than four (4) Cannabis Plants at one time on or within the Nation's Lands, provided that an individual shall not possess a Cannabis Plant that is budding or flowering in a Public Place.

5.4 An individual shall not possess Cannabis in a Public Place or in a vehicle in a Public Place within or on the Nation's Lands in an amount exceeding the equivalent of thirty (30) grams of Dried Cannabis at one time.

5.5 Notwithstanding Section 5.4:

(a) a Person who is a common carrier, including any employee or agent thereof, shall be authorized to possess Cannabis in unlimited quantities provided it is transporting or distributing Cannabis in the ordinary course of business and pursuant to a Licence; and

(b) an individual who possesses a Medical Document may possess Cannabis in any quantity prescribed by such Document.

Production of Medical Document

5.6 An individual referred to in Section 5.2 and 5.5(b) shall, on demand of a Peace Officer, produce a copy of that individual's Medical Document.

Illicit Cannabis

5.7 An individual shall not possess any Cannabis that they know is Illicit Cannabis.

6.0 Consumption

Consumption Generally

6.1 An individual who is not a Minor may consume Cannabis within or on the Nation's Lands in accordance with this Section.

Restrictions on Consumption

6.2 An individual shall not consume Cannabis in any Public Place.

6.3 An individual shall not consume Cannabis in a vehicle within or on the Nation's Lands, unless the vehicle is genuinely and actually occupied and used as a private residence at the time of consumption.

Exception

6.4 Notwithstanding Section 6.2, an individual may consume Cannabis in any Public Place that is authorized by Council pursuant to the Regulations.

PART V CULTIVATION, PROCESSING, DISTRIBUTION AND SALE OF CANNABIS

7.0 Issuance, Renewal, Amendment and Content of Licences

Authority to Administer Licences

7.1 The Board may, on application, issue, renew or amend licences that authorize any of the following activities on the Nation's Lands in relation to Cannabis:

- (a) cultivation;
- (b) processing;
- (c) sale; and
- (d) distribution.

7.2 A holder of a licence for cultivation is authorized to possess Cannabis Plants and Cannabis Plant seeds that were not obtained in accordance with the Regulations, if the holder had submitted to the Board, with the Licence application, a declaration, signed and dated by the individual who signed and dated the application, indicating the quantity of such Cannabis Plants and Cannabis Plant seeds that they will have in their possession of the effective date of the Licence.

7.3 The Board shall establish and maintain a centralized register for recording and monitoring Licences issued under this Act.

Content of a Licence

7.4 A Licence must set out the following information:

- (a) the name of the holder of the Licence;
- (b) the licence number;
- (c) the civic address or legal land description of the site where the activity is authorized and, if applicable, each building within the site;
- (d) the authorized activity at the site and, if applicable, the authorized activity that may be conducted at each building within the site;
- (e) any conditions that the Board considers appropriate;
- (f) the effective date of the Licence; and
- (g) the date of expiry of the Licence.

Activities Authorized under a Licence

7.5 Subject to the Regulations, the holder of a Licence for cultivating Cannabis is authorized to conduct the following activities that are authorized by the Licence:

- (a) to possess Cannabis;
- (b) to obtain Dried Cannabis, fresh Cannabis, Cannabis Plants or Cannabis Plant seeds by cultivating, propagating and harvesting Cannabis;
- (c) for the purpose of testing, to obtain Cannabis by altering its chemical or physical properties by any means;
- (d) to sell Cannabis to a Cannabis Store or a Cannabis Facility **[NTD: this only authorizes sale to a licensed store or another licenced cultivator / producer]**; and
- (e) to conduct activities ancillary to such activities, such as drying, trimming and milling Cannabis.

7.6 Subject to the Regulations, the holder of a Licence for processing Cannabis is authorized to conduct the following activities that are authorized by the Licence:

- (a) to possess Cannabis;
- (b) to produce Cannabis, other than obtain it by cultivating, propagating, or harvesting it; and
- (c) to sell Cannabis to a Cannabis Store or Cannabis Facility **[NTD: See 7.5(d)]**.

7.7 Subject to the Regulations, the holder of a Licence for selling Cannabis is authorized to conduct the following activities that are authorized by the Licence:

- (a) to possess Cannabis; and
- (b) to sell Cannabis to any individual who is authorized by this Act to possess Cannabis on the Nation's Lands.

8.0 Application for a Licence

Submission of Applications

- 8.1 An application for a Licence, or for its renewal or amendment, must be filed with the Board in the form and manner prescribed by the Board and set out the information required by the Board, including any financial or background information that the Board, in its sole discretion, deems necessary to review and evaluate the application.
- 8.2 The Board may refuse to consider an application if any information required under Section 8.1 is not provided.

Decisions of the Board in respect of Applications

- 8.3 Upon receipt of an application for a Licence, the Board may:
- (a) issue a Licence pursuant to Section 7.1;
 - (b) require submission of further information; or
 - (c) refuse the application.
- 8.4 The Board may refuse to issue, renew or amend a Licence if:
- (a) the issuance, the renewal or the amendment is likely to create a risk to public health or public safety, including the risk of Cannabis being diverted to an illicit market or activity;
 - (b) there are reasonable grounds to believe that false or misleading information or false or falsified documents were submitted in, or in support of, the application;
 - (c) the Board has evidence that it considers credible and reliable that the applicant is not of good character;
 - (d) the Board is of the opinion that it is in the public interest to do so; or
 - (e) any other grounds exist pursuant to the Regulations.
- 8.5 In determining whether an applicant is or is not of good character, the Board may consider the following:
- (a) any evidence the Board considers relevant respecting the applicant's reputation, past conduct, integrity, financial history, or competence;
 - (b) any evidence the Board considers relevant respecting the character of the applicant's employees and associates;
 - (c) if the applicant is a corporation, partnership, limited partnership, or joint venture any evidence that the Board considers relevant respecting the character of any Person who is a shareholder, joint venture, partner, limited partner, member, officer, or director of the applicant;

- (d) the applicant's criminal record; or
 - (e) any other evidence that the Board considers relevant.
- 8.6 The Board shall refuse to issue, renew or amend a Licence if the Board learns of any direct, indirect, past or present affiliation or association with any criminal organization of any kind, the sufficiency of evidence of such affiliation or association to be determined at the Board's sole discretion.
- 8.7 It shall be a condition of every Licence that the Licence holder shall have no direct, indirect, past or present affiliation or association with any criminal organization of any kind, the sufficiency of evidence of such affiliation or association to be determined at the Board's sole discretion.

9.0 Suspension and Revocation of a Licence

Rules and procedures for the Suspension and Revocation of Licences

- 9.1 The Board may suspend or revoke a Licence if it determines that a Licence holder or the Licence holder's business has contravened any provision of this Act or a Recognized Act, any applicable First Nation by-laws, federal laws, provincial laws, or applicable permits, guidelines, orders, consents or other directions, or if in the Board's opinion there are just and reasonable grounds to suspend or revoke the Licence.
- 9.2 The Board may suspend a Licence for up to ten (10) calendar days, after which it must make a decision to:
- (a) withdraw the suspension and restore the Licence;
 - (b) restore the Licence with different terms or conditions; or
 - (c) revoke the Licence if in the Board's opinion there are just and reasonable grounds to do so.

PART VI REGULATIONS

10.0 Regulations

- 10.1 The Board may make any regulations for carrying out the purposes and provisions of this Act that it, in its sole discretion, deems necessary.

PART VII DECISION AND APPEAL PROCEDURE

11.0 Board Decisions

Written Notice Required

- 11.1 If the Board refuses an application, or suspends or revokes a Licence, it must send written notice of the refusal to the applicant or the Licence holder, as the case may be, with reasons for such refusal, suspension or revocation, as applicable.

11.2 A refusal or revocation of a Licence does not preclude submission of a new application for a Licence by the Person subject to the refusal or revocation.

Appeal of Board Decisions

11.3 Within five (5) business days of receipt of the Board's decision under Section 8.3 or 9.1, the Person that submitted the application or who holds the suspended or revoked Licence may file a written notice of appeal of the Board's decision to the Appeal Committee setting out the reasons for the appeal.

11.4 Upon receipt of a written notice of appeal pursuant to Subsection 11.3, Council shall:

- (a) establish the Appeal Committee within seven (7) calendar days; and
- (b) forward a copy of the notice of appeal to the Appeal Committee immediately thereafter.

Conduct of Appeal

11.5 The Appeal Committee shall hold a hearing within thirty (30) days of receipt of a written appeal filed in accordance with Subsection 11.3.

11.6 After reviewing the appeal and hearing evidence at the appeal hearing from the appellant, the Board, and anyone else having relevant information, the Appeal Committee may confirm, vary, substitute or cancel the Board's decision.

11.7 The Appeal Committee shall issue its decision in writing, firstly, to the Board within fourteen (14) days of the hearing being closed, and secondly, to Council and the appellant within twenty-four (24) hours following the delivery of notice to the Board.

**PART VIII
ADMINISTRATION**

12.0 Cannabis Board

Establishment and Composition of the Board

12.1 The Board is hereby established.

12.2 The Board shall consist of three members, to be appointed by Council.

Functions and Authority of the Board

12.3 The Board or its designate is responsible for the administration of this Act.

12.4 Without restricting any other power, duty or function granted by this Act, the Board may:

- (a) carry out or direct whatever inspections are reasonably required to determine compliance with this Act;
- (b) with the approval of Council, delegate any of its powers and authorities under this Act to any of the First Nation's employees, contractors, or any organization as it deems

appropriate, provided that the Board shall at all times remain accountable to ensure that the power and authorities under this Act are carried out properly; and

- (c) establish forms for the purposes of this Act.

PART IX ENFORCEMENT

13.0 Penalties – General

- 13.1 A Person who contravenes any provision of this Act by doing any act or thing which the Person is prohibited from doing, or by failing to do any act or thing the Person is required to do is guilty of an Offence and liable on summary conviction to a fine of not more than one-thousand (\$1,000.00) dollars or to imprisonment for a term of not more than thirty (30) days, or both.
- 13.2 A Person who contravenes any provision in Part V of this Act by doing any act or thing which the Person is prohibited from doing, or by failing to do any act or thing the Person is required to do is guilty of an Offence and liable on summary conviction to a fine of not more than five-thousand (\$5,000.00) dollars or to imprisonment for a term of not more than thirty (30) days, or both.
- 13.3 Where this Act has been contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this Act, the court or judge in which the conviction has been entered, and any court of competent jurisdiction or judge thereafter, may make an order prohibiting the continuation or repetition of the Offence by the Person convicted.
- 13.4 Where this Act has been contravened, in addition to any other remedy and to any penalty imposed by this Act, such contravention may be restrained by court action at the instance of the Council.

14.0 Powers of Peace Officers to Enter, Inspect and Seize – Private Property and Motor Vehicles

- 14.1 If a Peace Officer believes on reasonable grounds that:
 - (a) a Person in or on Private Property or a motor vehicle has committed, is committing, or is about to commit, an offence under this Act;
 - (b) an offence has been, is being, or is about to be, committed in or on Private Property or a motor vehicle; or
 - (c) Illicit Cannabis, or any thing that the Peace Officer believes on reasonable grounds is Offence-related Property, or any thing that the Officer believes on reasonable grounds has been used in, or obtained by, the commission of an Offence, or any thing that the Peace Officer believes on reasonable grounds will afford evidence in respect of an Offence, is present in or on Private Property or a motor vehicle and that entry into the Private Property or the motor vehicle is necessary to prevent the imminent loss or imminent destruction of Illicit Cannabis, the Offence-related Property, or such other thing;

then the Peace Officer may enter and reasonably inspect the Private Property or the motor vehicle, without having given notice to the person who reside in or on the Private Property or the owner or driver of the motor vehicle, for any or all of the following purposes:

- (d) to determine whether an Offence has been, is being, or is about to be, committed in the Private Property or the motor vehicle; or
 - (e) to determine whether Illicit Cannabis, the Offence-related Property or such other thing is present in or on the Private Property or the motor vehicle and to prevent the imminent loss or imminent destruction of Illicit Cannabis, the Offence-related Property or such other thing.
- 14.2 Council may impose any terms and conditions on an inspection pursuant to section 14.1 that Council deems necessary or advisable to ensure that the entry into the Private Property and the inspection is reasonable in the circumstances.
- 14.3 A Peace Officer may be accompanied by any other Person that Council or the Peace Officer considers necessary or advisable to assist in the carrying out of an inspection of Private Property or a motor vehicle pursuant to section 14.1 or the performance of the Peace Officer's other duties or functions.

Powers of Officers to Search Persons

- 14.4 If a Peace Officer believes on reasonable grounds that a Person has in their possession:
- (a) Illicit Cannabis;
 - (b) any thing that the Peace Officer believes on reasonable grounds is Offence-related Property;
 - (c) any thing that the Peace Officer believes on reasonable grounds has been used in, or obtained by, the commission of an Offence; or
 - (d) any thing that the Peace Officer believes on reasonable grounds will afford evidence in respect of an Offence;

then the Peace Officer may reasonably search the Person for Illicit Cannabis, the Offence-related Property or such other thing.

Seizure of Goods and Chattels

- 14.5 If a Peace Officer believes on reasonable grounds that an Offence has been committed, he or she may seize all goods and chattels by means of or in relation to which he or she believes on reasonable grounds this Act was contravened or the Offence was committed.
- 14.6 All goods and chattels seized pursuant to section 14.5 may be detained for a period of three (3) months following the day of seizure, unless during that period proceedings are undertaken in respect of the Offence, in which case the goods and chattels may be further detained until the proceedings are finally concluded.
- 14.7 Where a Person is convicted of an Offence, the convicting court or judge may order that the goods and chattels by means of or in relation to which the Offence was committed, in addition to any penalty imposed, are forfeited to the Nation and may be disposed of as Council directs.

Reporting Obligations

- 14.8 As soon as practicable after a Peace Officer conducts an inspection or a search under this Act, he or she shall submit to Council a written report setting out:
- (a) the address or other description sufficient to identify the location of the Private Property inspected;
 - (b) the licence plate number, the vehicle registration number and a description of the motor vehicle inspected, if applicable;
 - (c) the name of the Person(s) searched and any other relevant Person(s), if applicable;
 - (d) the basis for such inspection or search;
 - (e) whether:
 - (i) Illicit Cannabis;
 - (ii) any thing that the Peace Officer believes on reasonable grounds is Offence-related Property;
 - (iii) any thing that the Peace Officer believes on reasonable grounds has been used in, or obtained by, the commission of an Offence; or
 - (iv) any thing that the Peace Officer believes on reasonable grounds will afford evidence in respect of an Offence;was found in or on the Private Property or the motor vehicle, or on a Person;
 - (f) if an Offence has been committed, any other particulars of the Offence;
 - (g) whether Illicit Cannabis, the Offence-related Property or any of the other things referenced in subsection 14.8(e) were seized; and
 - (h) any other matter that the Peace Officer considers necessary or advisable.

Power to Restrict or Deny Rights

- 14.9 If a Person has been convicted of an Offence under this Act or a Recognized Act in respect of Illicit Cannabis and Council considers it in the best interests of the First Nation, the Members, and the residents of the Nation's Lands or otherwise in the public interest to do so, Council may:
- (a) restrict or deny the right of the Person to reside on the Nation's Lands in or on Private Property owned by the First Nation;
 - (b) otherwise restrict or deny the right of the Person to reside on the Nation's Lands; or
 - (c) restrict or deny the right of the Person to enter onto, and to be on, the Nation's Lands.

Determination Notice

- 14.10 In the event that Council makes a determination pursuant to section 14.9 (the "**Determination**"), it shall serve the Person with notice of such restriction or denial (the "**Determination Notice**") by personal service or by posting such written notice on the front door of the Person's Private Property or its place of business.
- 14.11 The Determination Notice must:
- (a) be in writing;
 - (b) state the grounds for the restriction or the denial;
 - (c) the date on which the restriction or the denial becomes effective; and
 - (d) information relating to the Person's right to appeal the Determination.

Effective Date

- 14.12 The restriction or the denial takes effect on the date set out in the Determination.

15.0 Ticket Payment Option

Power to Issue Tickets in Lieu of Immediate Prosecution

- 15.01 The Peace Officer is hereby authorized and empowered to issue a cannabis payment ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Act or the Regulations.
- 15.02 A cannabis payment ticket may be issued to such Person:
- (a) either personally; or
 - (b) by mailing a copy to such Person at their last known postal address; or
 - (c) if applicable, at the location at which the Licence holder operates a Cannabis Store or Cannabis Facility.

Contents of Ticket

- 15.03 The cannabis payment ticket shall be in a form approved by the Board and shall state:
- (a) the information prescribed in the Regulations;
 - (b) the appropriate fine for the offence as specified by the Regulations from time to time;
 - (c) that the fine shall be paid within thirty (30) days of the issuance of the cannabis payment ticket; and
 - (d) any other information as may be required by the Board.

Frequency of Ticket Issuance

- 15.04 Where a contravention of this Act is of a continuing nature, further cannabis payment tickets may be issued by the Peace Officer provided that no more than one (1) cannabis payment ticket shall be issued for each calendar day that the contravention continues.

Effect of Fine Payment

- 15.05 Where a cannabis payment ticket is issued pursuant to this Act, the Person to whom the cannabis payment ticket is issued may, in lieu of being prosecuted for the offence, pay to the First Nation the fine specified on the cannabis payment ticket within thirty (30) days of receipt of the cannabis payment ticket.

**PART X
GENERAL**

16.0 Miscellaneous

- 16.1 Nothing in this Act relieves a Person from complying with any applicable law, regulation, by-law, or any requirements of any lawful permit, guideline, order, consent or other direction.
- 16.2 Where this Act refers to another act, regulation, or agency, it includes reference to any act, regulation, or agency that may be substituted therefore.
- 16.3 Every provision of this Act is severable from all other provisions, if any provision of this Act is declared invalid for any reason by a Court, all other provisions of this Act shall remain valid and enforceable.
- 16.4 It is the intention of Council that all offences created by this Act be interpreted to be strict liability offences.
- 16.5 Words and phrases in this Act importing the singular number only shall include the plural and vice versa, and words importing the masculine gender shall include the feminine gender and neuter.
- 16.6 In the event of any conflict or inconsistency between this Act and any of the First Nation's by-laws, federal laws, provincial laws, or permits, guidelines, orders, consents or other directions, this Act shall prevail to the extent of such conflict or inconsistency.

17.0 Proof of Licence

- 17.1 The onus of proving a Person has a valid and subsisting Licence is on the Person alleging existence of the Licence.

18.0 Effective Date

- 18.1 This Act comes into force on the date that it has been passed at a duly convened meeting of the Council of the Nekaneet First Nation, following three readings thereof.

This Act is hereby passed at a duly convened meeting of the Council of the Nekaneeet First Nation this _____ day of the month of July, in the year 2020.

Chief Alvin Francis

Councillor Shauna Buffalocalf

Councillor Wesley Daniels

Councillor Roberta Francis