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## CREE NATION OF NEMASKA

### LAW NO. 142

#### RESPECTING MEASURES TO MANAGE THE SPREAD OF COVID-19 THROUGH MANDATORY TESTING

**WHEREAS** on March 11, 2020, the World Health Organization declared the novel coronavirus disease 2019 ("COVID-19") to be a pandemic;

**WHEREAS** the COVID-19 pandemic still constitutes a threat to the life, health and welfare of our community members and residents and still requires the application of appropriate measures to protect the community;

**WHEREAS** the Cree Nation of Nemaska has a higher proportion than elsewhere in Québec of community members with pre-existing medical conditions, such as diabetes, cardiovascular diseases and respiratory diseases, making them highly vulnerable to COVID-19, particularly in the context of severely overcrowded housing conditions in the community;

**WHEREAS** while the vaccination campaign against COVID-19 is going well in Eeyou Istchee and the epidemiological situation related to COVID-19 is improving, the Cree Board of Health and Social Services of James Bay ("Cree Health Board") deems necessary to maintain certain measures to protect the most vulnerable people in our community;

**WHEREAS**, pursuant to section 5.6 of the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada ("Cree Nation Governance Agreement"), the Cree Nation of Nemaska shall act as the local government authority on its Category IA land and shall promote the general welfare of its members;

**WHEREAS**, pursuant to section 6.2 of the Cree Nation Governance Agreement, the Cree Nation of Nemaska shall have the power to make laws of a local nature for the good governance of its Category IA land and of the inhabitants of such land, and for the general welfare of its members, and, without limiting the generality of the foregoing, shall have the power to make laws respecting

- (1) Health and hygiene, including the sanitary condition of public and private property and the control or prohibition of activities or undertakings that constitute a danger to public health; and
- (2) Public order and safety, including curfews;

**WHEREAS**, pursuant to subsection 9.2(2) of the Cree Nation Governance Agreement, the Cree Nation of Nemaska shall have the power to make a law for the purpose of regulating, on its Category IA land, the exercise of residence or access rights conferred by sections 9.3 to 9.6 of the said Agreement;

**WHEREAS** the Cree Nation of Nemaska is currently managing, restricting and monitoring access to the Cree Nation of Nemaska through a Checkpoint providing travel advisories to those leaving and entering the community;

**NOW THEREFORE:**

**PURSUANT** to subsection 6.2(1) and paragraphs 6.2(1)(f) and (g) of the *Cree Nation Governance Agreement*, the Cree Nation of Nemaska, acting through its council at a meeting of the council held in the Cree Nation of Nemaska on the 24 of February, 2022, hereby enacts the present Law respecting Measures to Manage the Spread of COVID-19 through Mandatory Testing:

**PART I. INTERPRETATION**

1. For the purposes of this Law, the following words shall mean:
  - (a) "Area of Risk" means an area of potential risk for COVID-19 determined in the Cree Nation COVID-19 Bulletin issued by the Cree Leadership, and as modified from time to time;
  - (b) "Cree Health Board" means the Cree Board of Health and Social Services of James Bay;
  - (c) "COVID-19 Test" means a test duly approved by the Cree Board of Health and Social Services of James Bay;
  - (d) "Cree Leadership" means the COVID-19 Briefings composed of the representatives of the Cree Nation of Nemaska, the other Cree Nations of Eeyou Istchee, Cree Nation Government, the Cree Health Board and the Cree School Board;
  - (e) "Fully Vaccinated" means having the number of doses of a Covid-19 vaccine as prescribed by the Department of Public Health of the Cree Board of Health and Social Services of James Bay;
  - (f) "Reduced Activity Protocol" means the protocol established by the Department of Public Health of the Cree Board of Health and Social

Services of James Bay established to mitigate the risk associated with travellers arriving from areas of risk.

**PART II. MANDATORY TESTING**

2. Any person entering the Category IA lands of the Cree Nation of Nemaska after having travelled to an Area of Risk shall undertake the required COVID-19 Tests, as established by Resolution of this Council, upon recommendations from the Public Health Department of the Cree Health Board and published in the Cree Nation COVID-19 Bulletin.

**PART III. REDUCED ACTIVITY PROTOCOL**

3. Any person entering the Category IA lands of the Cree Nation of Nemaska after having travelled to an Area of Risk shall also abide by the Reduced Activity Protocol, where applicable from time to time, as established by Resolution of this Council, upon recommendations from the Public Health Department of the Cree Health Board and published in the Cree Nation COVID-19 Bulletin.

**PART IV. TERRITORIAL APPLICATION**

4. This Law shall apply to the area situated within the perimeter of the Category IA lands of the Cree Nation of Nemaska. For greater certainty, this Law shall apply to, on and in respect of the Category III lands of the Cree Nation of Nemaska situated within such perimeter.

**PART V. NON-COMPLIANCE AND PENALTIES**

5. The Public Safety Officer may restrict or deny access to the community to any non-resident who refuses to comply with the conditions and requirements set out in this Law or pursuant to it.
6. Every person who contravenes this Law is also guilty of an offence and is liable on summary conviction to:
  - (a) a maximum fine of one thousand dollars (\$1,000.00) for a first offence;
  - (b) a maximum fine of two thousand dollars (\$2,000.00) for a second offence;  
or
  - (c) a maximum fine of five thousand dollars (\$5,000.00) or a maximum term of six (6) months of imprisonment, or both, for a third or subsequent offence.

**PART VI. EFFECTIVE PERIOD**

7. This Law shall take immediate effect and shall remain in effect for a period of sixty (60) days, unless extended for subsequent periods of sixty (60) days, each extension by way of a resolution adopted by the Council.

Signed this 25 day of February, 2022, in the Cree Nation of Nemaska , Québec.

  
Chair

  
Secretary