

**ALGONQUINS OF PIKWAKANAGAN
PLAIN LANGUAGE VERSION OF THE
RESIDENCY and SAFETY LAW**

The Laws of the Algonquins of Pikwakanagan were used in the making of this Law.

Purpose

The purpose of this Law is to protect the safety, culture and well-being of the Pikwakanagan community by regulating who can reside and be in Pikwakanagan Territory.

This Law says that any person found on Pikwakanagan Territory who is not a Resident or have permission to be on Pikwakanagan Territory through Tourism, Employment, Visiting or other reasons listed, will be considered a **Trespasser** until they can show they are not a **Trespasser**.

This Law allows a period of time for people currently living in the community who are not on the Resident List to apply to be on the Resident List.

This Law provides the foundation to allow Algonquins of Pikwakanagan to remove dangerous individuals from the Territory, police enforcement, and prosecution of this Law when necessary.

Where Chief and Council or an Officer determines that a person is a safety concern in the community, under this Law, they can issue a Notice of Trespass to that person.

If a person is served with a Notice of Trespass, they can request permission to remain through an Appeal process.

If a person served with a Notice of Trespass and does not appeal or fails to comply with the notice and remains in the Territory, they can be arrested and charged each time they are found in the Territory.

Prior Residency Law

This Law relies on a process and set of considerations similar to those in the current Residency Law - *A Law Governing the Residence of Members and Other Persons within Pikwàkanagàn* – but with stronger enforcement powers.

When this Law comes into effect, the current Residency Law will no longer be in force.

How This Law Works

Chief and Council will select a person to serve as the **Registrar**. The Registrar has a list of those who have permission to live in the Algonquins of Pikwakanagan Territory. This is called the **Resident List**. It is based on the current Resident List.

The Registrar is required to follow the considerations in the Law, along with the process and policies implemented to assist the Law.

Members are automatically on the Resident List, and do not need to apply for permission unless they have been previously removed from the Territory.

Non-members who are currently living in the community but are not on the Resident List will have 14 days to apply to become a Resident by completing a Residency Application and submitting it to the **Registrar**. The Registrar can give someone more time to apply.

The Registrar will review the Residency Application and decide whether the person who applied should be granted permission to live in the Territory. If approved, the Registrar will add them to the **Resident List**.

Members who have been told they cannot be in the community must apply to be a Resident, just like non-Members.

The Resident List

The **Resident List** includes:

- Name of Resident
- If Resident is a Spouse of a Member
- Residential address
- If Resident is a Member
- If Resident is a Dependent

What the Registrar considers when reviewing Residency Applications

Here are some of the factors the **Registrar** considers when reviewing the Residency Application:

- Address
- Moral Character
- Previous BCRs
- Is Applicant compatible with culture, society and community and welfare
- Availability of place to live and services
- Criminal Record
- Other Relevant factors

Registrar Makes the Decision on the Residency Application

The Registrar decides whether a person who applies to be a Resident is approved or not.

If the person is approved, their name is added to the Resident List, and they can reside in Pikwakanagan Territory.

If a person is not approved by the Registrar as a Resident, that person shall be considered a Trespasser and may receive a Notice of Trespass.

If the person is not approved and that person wants to remain living in Pikwakanagan Territory, they can appeal the Registrar's decision within 20 days.

The Appeal happens at a meeting with the Appeal Board.

Permission to Enter

Somebody who is not on the Resident List can still come to Pikwakanagan Territory if they don't break this Law, and they can show that they have a good reason to be here, like:

- They are an invited guest of a Resident, less than 14 days
- Attending a community gathering or event
- Pikwakanagan employee
- Tourism, including campground
- Doing work here
- Travelling on a public roadway
- Commercial or Business Purpose
- Emergency

Activities that are not allowed under this Law

Members and Non-members who do any of the list below will be breaking this Law and will no longer have permission to be in Pikwakanagan Territory

- Hunting, fishing or trapping without permission
- Being in Pikwakanagan Territory in a building, house, tent or trailer without permission
- Breaking the law, like having illegal drugs
- Dumping garbage or waste
- Operating ATV or snowmobile or other vehicle on Pikwakanagan Territory without permission

Notice of Trespass

The Notice of Trespass is a formal notice that a person is not allowed to enter, be on or in Pikwakanagan Territory without permission. The Registrar, Officers, the Appeal Board and Chief and Council can all issue a Notice of Trespass.

The Notice of Trespass is like a parking ticket. The Notice includes information such as: the offence you are alleged to have committed, the way to appeal the notice to the Appeal Board and the consequences of not complying with the Notice of Trespass.

A Notice of Trespass must be appealed within 20 days.

Appeal Board

Chief and Council will pick a group called the **Appeal Board**. This group has to have three or more members. The Appeal Board will hear appeals of the Registrar's decisions on Residency and will also hear appeals of a Notice of Trespass.

When a person loses permission to be on Pikwakanagan Territory, they may have their services discontinued.

Appeal Hearing

At the Hearing of the Appeal, the Appeal Board asks the person appealing to give their

reasons for being allowed to stay in Pikwakanagan Territory.

A person making the Appeal can give their reasons by speaking to the Appeal Board, or having an Appeal in writing and they can also ask witnesses to speak to the Appeal Board.

The Appeal Board decision is final. You can't apply to be a Resident again for one year and may have to complete Restorative Justice conditions.

Officers

Officers can get information like your name, your age, where you live, your car, and whether you have permission to be in Pikwakanagan Territory. This information can be shared with the Registrar, the Appeal Board, and, if necessary, the police.

Officers can get information in different ways. An Officer could get information by asking for it, seeing it, taking a photo or video, overhearing, or other ways.

Officers can also:

- Tell people they are trespassing
- Give trespass notices or orders
- Stop people from coming in
- Tell other Officers/police about trespassers

If someone doesn't follow an Officer's order, they are breaking this Law and an Officer can take them off Pikwakanagan Territory, even to a court.

Offences and Consequences

It's also breaking the Law if someone:

- Stays on Pikwakanagan Territory after being told to leave
- Doesn't leave when an Officer tells them to, or after getting an order to leave
- Doesn't follow an order from an Officer
- Gives wrong information to an Officer
- Doesn't give information to an Officer after being asked for it

If someone breaks this Law, they could:

- Have to pay \$5000 (which goes to AOPFN)
- Go to jail for 6 months or both
- Be taken off the land immediately

Somebody who is on Pikwakanagan Territory without permission is breaking the Law every day they remain here or return.

This Law will be prosecuted with the use of the Criminal Code.

Publication and Signage

This Law will require Council to make the Law public, post it online and in the Band Office. The Law will also include appropriate signage to ensure people know their rights and responsibilities.