

BY-LAW PROGRAM

NISHNAWBE-ASKI LEGAL SERVICES



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Nishnawbe-Aski Legal
Services Corporation
Nishnawbe-Aski Legal Services Corporation

THINGS TO CONSIDER

When a Community Council makes the decision to draft a by-law for the benefit and well being of their communities. There is a great deal that must be considered. Here are some questions to ask:

- Can this be enforced? How?
- How will this affect the community?
- What are the penalties for breaking a By-law?
- Does it capture the needs of the community?



WHAT IS A BY-LAW?

By-laws are a set of rules and regulations made by Band Chief and Council based on the needs of their communities. These laws are passed through the powers transcribed in the Indian Act under sections 81, 83 and 85.1. They are put in place as a way for communities to better control the rules which govern them based on their unique needs and circumstances.

PURPOSE OF BY-LAWS

The goal of a by-law is to ensure the safety and well-being of the community through decisions made by Chief and Council while also functioning to educate and inform the community on the expectations they are to abide by. This is meant as a deterrent for participating in activities not allowed within the community.

By-laws are not only focused on individuals but also the products that are entering the community. By regulating the incoming products, such as Intoxicants, a by-law can set the standard for what will and what will not enter a community. This is meant to ensure the safety of community members and any future additions to the community.

HOW NALSC CAN HELP

- Nishnawbe-Aski Legal Services Corp. (NALSC) has developed an “Intoxicant By-Laws Community Workbook” with detailed information on developing and enforcing intoxicant by-laws.
- We have knowledge of Restorative Justice and other traditional justice models.
- We can provide education about by-laws.

USING THE PRE-CHARGE MODEL TO ADDRESS BY-LAW INFRACTIONS

The NALSC By-Law Program, in partnership with local law enforcement agencies, utilizes the pre-charge restorative justice model to address by-law infractions. Pre-Charge Restorative Justice means that diversion methods are used before criminal charges are laid, giving the client a chance to repair the harm first.