

WHEREAS

the Listuguj Mi'gmaq First Nation
Government has considered **A LAW TO
MAKE PROVISION FOR AN
ABORIGINAL RANGER SERVICE FOR
THE LISTUGUJ MI'GMAQ FIRST
NATION** in its entirety;

NOW THEREFORE

the Listuguj Overseers' Tribal Council jointly
with the Council of the Listuguj Mi'gmaq
First Nation Government pursuant to
Mi'gmaq custom and in the exercise of their
inherent jurisdiction hereby enact **A LAW TO
MAKE PROVISION FOR AN
ABORIGINAL RANGER SERVICE FOR
THE LISTUGUJ MI'GMAQ FIRST
NATION.**

THE LISTUGUJ MI'GMAQ FIRST NATION

A LAW TO MAKE PROVISION FOR AN ABORIGINAL RANGER SERVICE FOR THE LISTUGUJ MI'GMAQ FIRST NATION

WHEREAS the Listuguj Overseers' Tribal Council, the traditional governing body of the Listuguj Mi'gmaq First Nation which is the Seventh District of the Mi'gmaq Nation, desires to enact a law to provide for Ranger services and related matters;

AND WHEREAS the Keptin of the Seventh District has consulted with the Grand Council of the Mi'gmaq with respect to the policy and measures to be taken in matters of Ranger services;

AND WHEREAS the Listuguj Mi'gmaq First Nation Government has organized a Public Security Directorate for the purpose of fulfilling certain duties with respect to the observance of law and order and the maintenance of the public peace;

AND WHEREAS it is expedient and necessary for the safety and convenience of the members of the Listuguj Mi'gmaq First Nation and their harvesting activities, the preservation, management and conservation of salmon resources, other wildlife resources and natural resources generally and to provide for the observance of laws relating to these matters by providing effective, efficient, professional and culturally-sensitive Aboriginal Ranger services;

AND WHEREAS the Listuguj Mi'gmaq First Nation Government, by Order-in-Council, has authorized the establishment of a Ranger services designated as the Listuguj Aboriginal Ranger Service;

AND WHEREAS it is expedient and necessary to further provide for the organization of the Listuguj Aboriginal Ranger Service, the appointment of its officers and the oversight of its activities by the community;

AND WHEREAS the Listuguj Overseers' Tribal Council on behalf of the Listuguj Mi'gmaq First Nation has the authority to make such a law pursuant to its inherent powers of self-government;

AND WHEREAS the inherent powers of self-government of the Listuguj Mi'gmaq First Nation in respect of such matters have also been recognized in treaties concluded with Her Majesty the Queen;

NOW THEREFORE, the Listuguj Overseers' Tribal Council, pursuant to Mi'gmaq custom, hereby enacts as follows:

Short Title

1. This Law may be cited as the "Mi'gmaq Ranger Law"

Definitions

2. (1) In this Law:

"Director of Aboriginal and Treaty Rights" or "Director" means the Director of the Aboriginal and Treaty Rights Directorate of the Listuguj Mi'gmaq First Nation Government;

"Board" means the Listuguj Public Security Board;

"Officer" or "Mi'gmaq Ranger" means any officer of the Listuguj Aboriginal Ranger Service;

"Territory" means the Listuguj Mi'gmaq territory of Gespe'gewa'gi;

(2) In this Law, words referring to male persons include female persons and words referring to female persons include male persons, as the context requires.

Aboriginal Ranger Service

3. An Aboriginal Ranger Service is continued under the name of the "Listuguj Aboriginal Ranger Service" [hereinafter also referred to as the "LARS"].

4. The Listuguj Aboriginal Ranger Service shall be responsible for ensuring the safety and convenience of the members of the Listuguj Mi'gmaq First Nation in their harvesting activities, the preservation, management and conservation of salmon resources, other wildlife resources and natural resources generally within the Territory and the observance of the Listuguj Mi'gmaq Fishing Law and other laws relating to these matters applicable within the Territory.

Peace Officers

5. The officers of the Listuguj Aboriginal Ranger Service shall be peace officers.

Appointment

6. The officers and staff of the Listuguj Aboriginal Ranger Service shall be appointed and removed by resolution of the Council of the Listuguj Mi'gmaq First Nation on the recommendation of the Director of Aboriginal and Treaty Rights.

Proof of Appointment

7. (1) Common repute shall be sufficient proof of the appointment of any officer of the Listuguj Aboriginal Ranger Service and of his right to act in that capacity.

(2) No officer of the Listuguj Aboriginal Ranger Service who lodges a complaint in that capacity shall be required to prove that he was authorized to do so.

Qualifications

8. (1) To become and to remain an officer of the Listuguj Aboriginal Ranger Service a person must:

- (i) be at least 18 years of age;
- (ii) have a record of conduct reflecting a moral character showing integrity;
- (iii) not have been found guilty following an information for an offense under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), which according to the information, was prosecuted by way of indictment, except when the applicant has been pardoned; and
- (iv) speak the Mi'gmaq language or undertake to follow a course of study of the Mi'gmaq language.

(2) In the appointment of officers of the Listuguj Aboriginal Ranger Service preference shall be given to registered members of the Listuguj Mi'gmaq First Nation or other Mi'gmaq.

Training

9. The officers of the Listuguj Aboriginal Ranger Service shall be required to successfully complete a course of training in conservation officer methods and procedures and related subjects at an appropriate training institute approved by the Council of the Listuguj Mi'gmaq First Nation on the recommendations of the Director of Aboriginal and Treaty Rights. Such training shall include instruction in the subjects listed in Schedule A to this law and any other subject as required by the Director of Aboriginal and Treaty Rights.

10. The officers of the Listuguj Aboriginal Ranger Service shall receive in-service and developmental training as required by the Director of Aboriginal and Treaty Rights.

Oaths

11. (1) Every officer of the Listuguj Aboriginal Ranger Service, before taking up his duties, must swear the oaths or make the solemn affirmations provided for in Schedule B in the manner provided in this Law.

(2) A certificate attesting the appointment of the officer and attesting that he has complied with this section shall be drawn up at once in duplicate and one of the duplicates shall be given to the officer.

Administration of Oaths

12. The officers of the Listuguj Aboriginal Ranger Service shall swear the oaths or make the solemn declarations provided in Schedule B before the Saqamaw of the Listuguj Mi'gmaq First Nation or a justice of the peace appointed for Listuguj.

Staff

13. The Listuguj Aboriginal Ranger Service shall consist of a Manager and Assistant-Manager of the LARS, and a complement of up to twelve patrol officers, plus any deputy Rangers. Where they otherwise meet the required qualifications, the Manager, the Assistant Manager and the Director of Aboriginal and Treaty Rights, by virtue of their office, also may be eligible to be officers of the Listuguj Aboriginal Ranger Service and may be sworn in as such.

Command and Management

14. The Listuguj Aboriginal Ranger Service shall be autonomously managed by the Aboriginal and Treaty Rights Directorate of the Listuguj Mi'gmaq First Nation Government.

15. The Manager and Assistant Manager of the Listuguj Aboriginal Ranger Service and the officers of the LARS shall carry out their duties subject to the administrative and supervisory role of the Director of Aboriginal and Treaty Rights.

16. The officers of the Listuguj Aboriginal Ranger Service as well as its staff shall be under the direction of the Manager of the LARS.

17. The officers of the Listuguj Aboriginal Ranger Service shall exercise their duties as employees of the Council of the Listuguj Mi'gmaq First Nation.

Duties

18. The Director of Aboriginal and Treaty Rights has responsibility for the administration and supervision of the Listuguj Aboriginal Ranger Service, including responsibility to:

- (i) develop administrative and operational policies and procedures for the Listuguj Aboriginal Ranger Service;
- (ii) supervise the operations of the Listuguj Aboriginal Ranger Service; and prepare and submit to the Listuguj Mi'gmaq First Nation Government budgetary forecasts, accounts and financial reports for the LARS;
- (iii) manage the finances of the Listuguj Aboriginal Ranger Service;
- (iv) when necessary, and if sworn in as an officer, assist in the conduct of investigations and the performance of the duties of the officers of the Listuguj Aboriginal Ranger Service;
- (v) report to the Overseers Tribal Council with respect to the operations and administration of the Listuguj Aboriginal Ranger Service and with respect to public complaints and disciplinary matters;
- (vi) report to the Listuguj Mi'gmaq First Nation Government with respect to the finances, the general operations and the implementation of administrative and operational policies of the Listuguj Aboriginal Ranger Service;
- (vii) establish requirements regarding appropriate in-service and developmental training for Listuguj Aboriginal Ranger Service officers;
- (viii) supervise the in-service training of Listuguj Aboriginal Ranger Service officers; and,
- (ix) perform any ancillary acts necessary to carry out his responsibilities.

19. Under the authority of the Director of Aboriginal and Treaty Rights, the Manager of the Listuguj Aboriginal Ranger Service has responsibility for directing the operation of the LARS and its employees, including responsibility to:

- (i) direct the operation of the LARS in accordance with the policies and procedures established by the Director and the priorities and objectives established by the Aboriginal and Treaty Rights Directorate;
- (ii) ensure that the officers of the Listuguj Aboriginal Ranger Service understand, and carry out their duties in accordance with the policies, procedures, priorities and objectives set for the LARS;
- (iii) ensure that the officers of the Listuguj Aboriginal Ranger Service carry out their duties in a manner that reflects the needs of the members of the Listuguj Mi'gmaq First Nation;
- (iv) assist the officers of the Listuguj Aboriginal Ranger Service in the performance of their duties;
- (v) ensure that discipline is maintained in accordance with the Code of Professional Ethics and Conduct of Officers of the Listuguj Aboriginal Ranger Service;
- (vi) conduct major investigations as he considers necessary, or as directed by the Director of Aboriginal and Treaty Rights;
- (vii) recruit suitable candidates for the Listuguj Aboriginal Ranger Service and recommend their appointment;
- (viii) report to the Director of Aboriginal and Treaty Rights with respect to the operations of the Listuguj Aboriginal Ranger Service and with respect to public complaints and disciplinary matters;
- (ix) when requested, participate in the meetings of the Listuguj Mi'gmaq Public Security Board; and
- (x) perform any ancillary acts necessary to carry out his responsibilities.

20. The duties and responsibilities of the Manager of the Listuguj Aboriginal Ranger Service shall be executed in his or her absence by the Assistant Manager of LARS.

21. The duties of the officers of the Listuguj Aboriginal Ranger Service shall include:
- (i) the preservation, conservation and management of the salmon resource, other wildlife resources and other natural resources on the Territory;
 - (ii) compliance with the Listuguj Mi'gmaq First Nation Law on Fisheries and Fishing and other applicable laws relating to harvesting activities and protection of natural resources on the Territory;
 - (iii) performing the lawful duties assigned to them by the Manager of LARS;
 - (iv) apprehending offenders and others who may lawfully be taken into custody;
 - (v) laying charges and participating in prosecutions;
 - (vi) executing warrants that are to be executed by Mi'gmaq Rangers;
 - (vii) co-operating with other conservation services and peace officers in accordance with the policy established by the Listuguj Mi'gmaq First Nation Government; and,
 - (viii) any other duties assigned to them by the Director of Aboriginal and Treaty Rights.

Ethics and Discipline

22. The professional conduct of the officers of the Listuguj Aboriginal Ranger Service shall be governed by the Code of Professional Ethics and Conduct of Officers of the Listuguj Aboriginal Ranger Service [hereinafter the "Code of Professional Ethics and Conduct for Mi'gmaq Rangers"] which is Schedule C to this Law.

23. Any conduct constituting a violation of the Code of Professional Ethics and Conduct by an officer in the performance of his duties constitutes a derogatory act and may result in the imposition of disciplinary measures following a complaint lodged by any person in the manner provided for in this Law.

24. Any conduct constituting a violation of the Code of Professional Ethics and Conduct by an officer constitutes a derogatory act which may also result in the imposition of disciplinary measures under the internal disciplinary procedure established by the Director of Aboriginal and Treaty Rights.

Public Complaints

25. Any person may lodge a complaint, in writing, regarding the conduct of an officer in the performance of his duties with the Listuguj Public Security Board.

26. The Board shall acknowledge and evaluate every such complaint that it receives. Upon receiving a complaint, the officer whose conduct is the subject of the complaint shall be notified of the complaint. The cited officer may represent himself or be represented in all subsequent proceedings by legal counsel or any other person.

27. Unless the Board determines that a complaint is frivolous, vexatious or made in bad faith, it shall appoint one or more of its members or any other person, as investigator, to conduct an investigation of every complaint received.

28. Where it appears that the complaint can be settled and the complainant and the officer agree, the Board shall take all reasonable steps to attempt to reconcile the parties.

29. Where a complaint cannot be settled, the Board shall review the complaint and decide if the conduct of the officer constitutes a violation of the Code of Professional Ethics and Conduct. The review of the complaint shall include a public hearing at which the Board must allow the cited officer to be heard and to present his defence.

30. (1) Upon a finding of conduct by an officer constituting a violation of the Code of Professional Ethics and Conduct the Board may impose one of the following disciplinary measures on the officer:

- (i) a warning;
- (ii) a reprimand;
- (iii) a suspension without salary;
- (iv) a demotion; and,
- (v) a dismissal.

(2) The measures to be taken shall be determined taking into account the gravity of the misconduct having regard to all the circumstances and the ethical record of the officer.

Co-operation With Other Conservation Service

31. Officers of the LARS may provide assistance to any other conservation service including the Department of Fisheries and Oceans, Canada, the Quebec Ministry of Environment and Wildlife and the New Brunswick Department of Natural Resources, other peace officers or other persons responsible for the enforcement of any laws provided that an explicit request is made to the Manager of the LARS or the Director of Aboriginal and Treaty Rights and the Director authorizes officers of the LARS to intervene in accordance with the policy established by the Listuguj Mi'gmaq First Nation Government.

32. While providing assistance requested by any wildlife conservation force or peace officer outside of the Territory, the officers of the LARS shall maintain their status and powers.

SCHEDULE A

Subjects in which Listuguj Aboriginal Ranger Service officers shall receive instruction as part of their training shall include:

- Environmental Sciences
- Fisheries and Wildlife Management
- Accident Investigation
- Prevention of offenses
- Defensive and Performance Operation of Vehicles (Land and Water)
- English - Report Writing
- Firearms Techniques and Safety
- First Aid
- Investigation Techniques and Procedures
- Legal Studies: Offenses, Procedure and Charter Issues
- Mi'gmaq Law and Custom
- Patrol Activities and Procedures
- Physical Intervention Techniques
- Self-Defence

SCHEDULE B

I, _____ (swear or solemnly affirm, as the case may be) that I will fulfil the duties assigned to me as (a Mi'gmaq Ranger) faithfully, honestly, justly, and to the best of my skill and knowledge according to law, and that I will not accept any money or benefit for what I may do in the performance of those duties, aside from my wages or whatever may be allowed to me by the Listuguj Mi'gmaq First Nation Government. (If taking an oath add: "So help me God").

I, _____ further (swear or solemnly affirm, as the case may be) that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in the discharge of my duties. (If taking an oath add: "So help me God").

Code of Professional Ethics and Conduct of Officers of the Listuguj Aboriginal Ranger Service

Duties and Standards of Conduct of a Mi'gmaq Ranger Officer

1. A Mi'gmaq Ranger must act in such a manner as to preserve the confidence and consideration that his duties require.

A Mi'gmaq Ranger must not:

- (1) use obscene, blasphemous or abusive language;
- (2) fail or refuse to produce official identification when any person asks him to do so;
- (3) fail to carry prescribed identification in his direct relations with the public;
- (4) commit acts or use injurious language based on race, colour, sex, sexual orientation, religion, political convictions, language, age, social condition, civil status, pregnancy, ethnic or national origin, a handicap or a means to compensate for a handicap;
- (5) to be disrespectful or impolite towards any person.

2. A Mi'gmaq Ranger must avoid any form of abuse of authority in his relations with the public.

A Mi'gmaq Ranger officer must not:

- (1) use greater force than is necessary to accomplish what is required or permitted;
- (2) make threats, intimidate or harass;
- (3) knowingly bring a charge against any person without grounds;
- (4) abuse his authority in order to obtain a statement;
- (5) detain any person who is not under arrest, in order to interrogate him.

3. A Mi'gmaq Ranger must respect the authority of the law and of the courts and must collaborate in the administration of justice.

A Mi'gmaq Ranger must not:

- (1) prevent or contribute to preventing justice from taking its course;
- (2) conceal or fail to pass on evidence or information in order to benefit or harm any person.

4. A Mi'gmaq Ranger must perform his duties with integrity.

A Mi'gmaq Ranger must not:

- (1) maliciously damage or destroy property belonging to any person;
- (2) illegally dispose of property belonging to any person; and,
- (3) knowingly file a false or inaccurate report or recommendation concerning any person.

5. A Mi'gmaq Ranger must perform his duties disinterestedly and impartially and must avoid putting himself in a conflict-of-interest situation liable to compromise his impartiality or to adversely affect his judgement or fairness.

A Mi'gmaq Ranger must not:

- (1) directly or indirectly solicit, accept or demand from any person a gift, a reward, a commission, a kickback, a discount, a loan, repayment of a debt, a favour, or any other advantage or consideration liable to compromise his impartiality, judgement or fairness;
- (2) pay, offer to pay or agree to offer a gift, a reward, a commission, a kickback, a discount, a loan, repayment of a debt, a favour or any other advantage or consideration liable to compromise the impartiality of that person in the performance of his duties;
- (3) recommend the services of a particular attorney to any person, especially an accused person, with whom he has been in contact in the performance of his duties; and,
- (4) put himself in conflict of interest in soliciting or collecting money from the public through the sale of advertizing or tickets, or otherwise for the benefit of a person, an organization or an association.

6. A Mi'gmaq Ranger must respect the rights of any person in his custody and avoid any indulgence towards that person.

A Mi'gmaq Ranger must not:

- (1) provide to a person in his custody alcoholic drinks, drugs, hallucinogens, narcotic or anesthetic preparations or any other substance liable to cause drunkenness, weakness, impairment of faculties or unconsciousness, unless, that person has a medical prescription;
- (2) be negligent or lack concern regarding the health or safety of person in his custody;
- (3) obtain or attempt to obtain an undue advantage for a person in his custody;
- (4) except where necessary, search a person of the opposite sex, be present during the searching of such a person or have a person in his custody searched by a person of the opposite sex;
- (5) interfere in communications between a person in his custody and that person's attorney;
- (6) use greater force than necessary on a person in his custody;

(7) permit the detention or incarceration of a minor with an adult or of a female person with a male person, except in cases provided for by-law.

7. A Mi'gmaq Ranger must use judgment and exercise care in using a weapon or any other piece of equipment.

A Mi'gmaq Ranger must not:

- (1) show, handle or point a weapon without justification;
- (2) fail to take the necessary measures to prevent the use of a service firearm by anyone other than a Mi'gmaq Ranger or to prevent its loss or theft;
- (3) fail to maintain his or her service firearm in good working order; and,
- (4) fail to report to his or her supervisor, without delay, every use of a service firearm.

8. A Mi'gmaq Ranger must perform his duties conscientiously.

A Mi'gmaq Ranger must not:

- (1) be absent from work, during working hours, without justification;
- (2) make false declarations for the purpose of justifying an absence from work or prolonging a leave of absence;
- (3) refuse to perform his or her duties when required or counsel other officers to refuse to perform their duties; and,
- (4) fail to perform assigned duties or fail to be present at an assigned location.

9. A Mi'gmaq Ranger must perform his duties with probity.

A Mi'gmaq Ranger must not:

- (1) use or authorize the use of a vehicle or craft or other property of the Listuguj Aboriginal Ranger Service for personal or other unauthorized purposes;
- (2) loan or otherwise transfer possession of a part of the uniform or equipment that is issued to him by the Listuguj Aboriginal Ranger Service; and,
- (3) claim, or authorize, the reimbursement of expenses not incurred or payment for hours not worked.

10. A Mi'gmaq Ranger must obey the orders of his or her supervisors and must observe the policies established for the Listuguj Aboriginal Ranger Service.

A Mi'gmaq Ranger must not:

- (1) refuse or fail to observe the chain-of-command, except in cases of emergency or physical impossibility; and,
- (2) be disrespectful or impolite towards his supervisors.

Enactment

This law is hereby enacted by the Listuguj Overseers' Tribal Council at a duly convened meeting held on the 5 day of July, 1995.

Gary Metallic Sr.
District Keptin, Seventh District
(Gespe'gawa'gi)

Isaac metallic
Local Chief

Lou Basq I
Local Chief

[Signature]
Local Chief

Local Chief

Local Chief

Local Chief

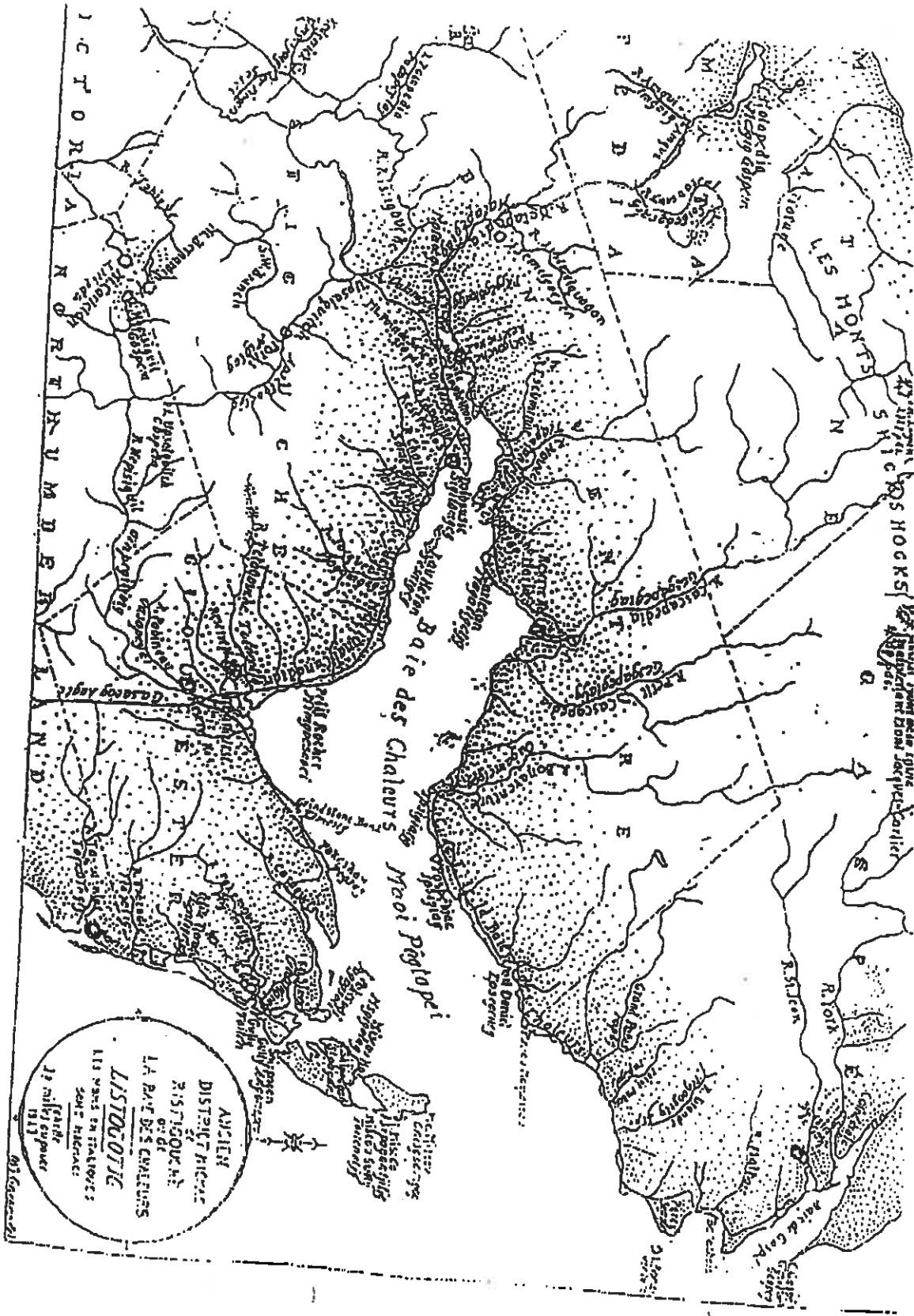
Local Chief

SCHEDULE C

Rules on Monitoring

Atlantic Salmon

1. The monitoring and reporting of non-compliance shall be conducted by the Mi'gmaq Rangers as set out in Part VI of the Listuguj Mi'gmaq Fishing Law.
 2. The Mi'gmaq Rangers shall apply the rules to ensure compliance with the Listuguj Mi'gmaq Fishing Law.
 3. In the event of non-compliance the Mi'gmaq Rangers shall apply the following rules:
 - a) if a gill net or other fishing device is used in a way that does not respect the Listuguj Mi'gmaq Fishing Law, a Mi'gmaq Ranger shall be dispatched to investigate the situation to determine if, in fact, the law is not being respected;
 - b) if it is found that a gill net or other fishing device is being used to fish contrary to the Listuguj Mi'gmaq Fishing Law, a Mi'gmaq Ranger will attempt to ask the owner to remove the gill net or other fishing device;
 - c) in the event an owner refuses to voluntarily remove the net or other fishing device the Mi'gmaq Ranger may remove the gill net or other fishing device and this action will constitute a seizure;
 - d) all seized equipment shall be returned to the owner in the following manner:
 - first incident, returned after two days;
 - second incident, returned after one week; and,
 - third incident, returned on the closing date of the fishing season.
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- g) gill nets shall not be placed beyond the 11th pier of the north boom;
- h) the owner of a gill net shall maintain a log book to record the daily number of fish caught and is required to present it to a Mi'gmaq Ranger upon request; and,
- i) a schedule of the dates and times that gill nets may be placed in the Estuary shall be prepared by the Listuguj Mi'gmaq First Nation Government and posted in public areas and inside log books.

Part III Harvesting in the River Area

Location

- 4. The River Area is located up river from the Estuary Area and includes all the rivers and tributaries contiguous thereto.

Harvesting Techniques

- 5. The following rules apply to harvesting techniques in the River Area:
 - a) rod and reel - conducted in accordance with prescribed regulations as agreed to by the Listuguj Mi'gmaq First Nation Government and the appropriate river manager;
 - b) trap nets - permitted with prior approval of the Listuguj Mi'gmaq First Nation Government and in accordance with any agreements between the Listuguj Mi'gmaq First Nation Government and the appropriate river manager;
 - c) spearing - permitted with prior approval from the Listuguj Mi'gmaq First Nation Government and in accordance with any agreements between the Listuguj Mi'gmaq First Nation Government and the appropriate river manager; and,
 - d) gill nets - not permitted.
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SCHEDULE D

Special Protection Areas

- a) **The Bottleneck** - being that area commonly referred to as "the Bottleneck" located from the last pier of the north boom proceeding westerly to the western point of McBeath Island;
 - b) **Spawning Beds** - those areas located in the upper reaches of the various rivers of the Restigouche River system containing salmon eggs which are not to be disturbed from October 1 to March 31 of any year;
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PROCLAMATION

LISTUGUJ OVERSEERS' TRIBAL COUNCIL

The Listuguj Overseers' Tribal Council has considered a law, to be cited to as the, **Listuguj Mi'gmaq First Nation Law on Fisheries and Fishing, 1995**. In the exercise of the inherent right of the Mi'gmaq First Nation to establish rules and regulations the aforementioned law is enacted by the Listuguj Overseers' Tribal Council at a duly convened meeting held on the day of _____, 1995.

District Keptin, Seventh District
(Gespe'gewagi)

Listuguj Overseer

Listuguj Overseer

Listuguj Overseer

Listuguj Overseer
