



Naotkamegwanning First Nation Land Code

(DRAFT #2)

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NAOTKAMEGWANNING LAND CODE

Preamble

Whereas the Nautkamegwanning has a profound relationship with the Land that is rooted in respect for the spiritual value of the Earth and the gifts of the Creator and has a deep desire to preserve their relationship with the land;

And Whereas Treaty #3 governs and will continue to govern the fundamental relationship between Canada and Nautkamegwanning First Nation;

And Whereas the Nautkamegwanning First Nation has an inherent right to self-government which is recognized and affirmed in section 35 of the *Constitution Act, 1982*;

And Whereas the *Framework Agreement on First Nation Land Management* provides the option to First Nations of withdrawing their reserve land from the land management provisions of the *Indian Act* in order to exercise control over their land and resources for the use and benefit of the Nautkamegwanning First Nation Members;

And Whereas Canada ratified its commitment to the *Framework Agreement on First Nation Land Management* with the enactment of the *Framework Agreement on First Nations Land Management Act*, S.C. 2022, c.19, s. 121;

And Whereas under the *Framework Agreement on First Nation Land Management*, Canada recognizes that First Nations have a unique connection to and constitutionally protected interest in their lands, including decision-making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands;

And Whereas under the *Framework Agreement on First Nation Land Management*, Canada has committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples in a manner consistent with the Canadian Constitution;

And Whereas Nautkamegwanning became a signatory on March 28, 2019 to the *Framework Agreement on First Nation Land Management*, as Nautkamegwanning wishes to govern its land and resources under the *Nautkamegwanning Land Code*, rather than having its land and resources managed on its behalf under the *Indian Act*;

And Whereas the *Framework Agreement on First Nation Land Management* acknowledges that Canada's special relationship with Nautkamegwanning will continue;

And Whereas the *Framework Agreement on First Nation Land Management* is ratified by Nautkamegwanning through community approval of the *Nautkamegwanning Land Code*;

**NOW THEREFORE, THIS *LAND CODE* IS HEREBY ENACTED AS THE
FUNDAMENTAL LAND LAW OF THE NAOTKAMEGWANNING.**

DRAFT

PART 1 PRELIMINARY MATTERS

1. Definitions

Clarification

- 1.1 Any words or terms used in this *Land Code* which are defined in the *Framework Agreement* shall have the same meaning as in the *Framework Agreement*, unless the context otherwise requires.

Definitions

- 1.2 The following definitions apply in this *Land Code*:

“Alloted Land” means Nautkamgwanning Land that is subject to an Allotment;

“Allotment” means a Member’s right to possession to Nautkamegwanning Land under section 20 of the Indian Act, including a location ticket, cardex holding, or certificate of possession, or a permanent interest in Nautkamegwanning Land granted to a Member under section 28 of this Land Code. “Allot” and “allotted” have corresponding meanings;

“Canada” means His Majesty the King in Right of Canada;

“Common-Law Partnership” means the relationship between two (2) persons who are cohabiting in a conjugal relationship

- a) Continuously for a period of not less than three (3) years, or
- b) In a relationship of some permanence, if they are parents of a child;

“Community Land” means any Nautkamegwanning Land in which all Members have a common interest;

“Council” means the Chief and Council of the Nautkamegwanning or any successor elected government of the Nautkamegwanning;

“Easement” means a non-exclusive interest in Nautkamegwanning Land granted under this Land Code or, prior to the date of this Land Code, under the *Indian Act*, giving one Person (the grantee) the right to use the land of another (the grantor) for an Easement or right of way, or to provide utility or other services to the land of the grantor or other lands, and

- a) is limited to only such interest as is necessary to give effect to the Easement granted, and
- b) despite any common law rule to the contrary, does not require that there be a dominant and servient tenement;

“Eligible Voter” means, for the purpose of voting in respect of Land matters under this *Land Code*, a Member who has attained eighteen (18) years of age on or before the day of the vote;

“Extended Family”, in respect of a person, means the person’s grandparent, uncle, aunt, first degree cousin, grandchild, and/or any other relation or relationship that Council may add by law;

“Financial Administration Law” means the *Naotkamegwanning Financial Administration Law, 2019*;

“First Nation Lands Register” means the register established pursuant to clause 51 of the *Framework Agreement* and regulated by the *First Nations Land Registry Regulations* or any successor land register that may be established to replace the First Nation Lands Register;

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management*, entered into between Canada and the signatory First Nations on February 12, 1996, and amended to include Naotkamegwanning on March 28, 2019;

“Immediate Relatives”, in respect of a person, means the person’s parent, sister, brother, child, and Spouse;

“Individual Agreement” means the Individual Agreement providing for the specifics of the transfer of administration made between Naotkamegwanning and Canada in accordance with the *Framework Agreement*;

“Instrument” means a legal document in writing which purports to affect or create, grant, assign, transfer or encumber an interest or license;

“Interest”, in relation to Naotkamegwanning Land, means any Interest, right or estate of any nature in or to that Land, including a certificate of possession, certificate of entitlement, lease, easement, right of way, servitude, or profit à prendre, but does not include title to that Land;

“Land” or “Naotkamegwanning Land” means any reserve Land that is subject to this *Land Code*;

“Lands Committee” means the Lands Committee established under part 6 of this *Land Code*;

“Lands Director” means the individual appointed by resolution to oversee the day-to-day administration of this Land Code;

“Law” means a law enacted under this Land Code and any amendment to a Law, but does not include a resolution;

“Lease” means a written contract setting out the terms and conditions of a leasehold;

“Leasehold” means an interest in Naotkamegwanning Land granted under this Land Code or, prior to the date of this Land Code, under the *Indian Act*, including a sublease, giving an individual the exclusive right of use and possession of the Lands, upon agreed conditions, for a specified time, calculated by including any renewal or extension period;

“Licence” in relation to Naotkamegwanning Land, means any right of use or occupation of that Land, other than an Interest in the Land;

“Lie Estate” means an interest in an allotment granted to a person, including a non-Member, that conveys to the person a right to use and occupy a specified home or parcel of Naotkamegwanning Land for a time period which cannot exceed the life of the grantee;

“Member” means a person whose name appears or is entitled to appear on the Naotkamegwanning First Nation Band Membership List;

“Mortgage” means a charge or encumbrance on an interest in land in favour of another as security for a debt, where a mortgagee or charge is the lender and the mortgager or charger is the borrower;

“Naotkamegwanning First Nation” means the Naotkamegwanning First Nation and its Members;

“Natural Resources” means any materials or substances on, under or in Naotkamgwanning Land in their natural state which, when removed, have economic or other value;

“Person” means an individual, a body corporate, a partnership, a society or other entity, including Naotkamegwanning First Nation, and any trustee, executor, administrator or other legal representative;

“Ratification Vote” means a vote of Eligible Voters under section 13;

“Resolution” means a resolution of Council made in relation to this Land Code, a law, or the administration of Naotkamegwanning Land;

“Spouse” means a person who is married to another, whether by a traditional, religious or civil ceremony, and includes a Spouse by Common-Law Partnership; and

“Sublease” means a Lease executed by a lessee in a parcel of Naotkamegwanning Land to a third person, conveying the same interest that the lessee enjoys in all or a portion of the parcel, but for a shorter term than that for which the lessee holds, and is subordinate to the original leasehold.

2. Interpretation

Interpretation

2.1 The Land Code shall be interpreted in a fair, large and liberal manner.

2.2 In this *Land Code*:

- (a) the word “shall” signifies an obligation that, unless this *Land Code* provides to the contrary, must be carried out as soon as practicable after this *Land Code* 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) titles and headings have been inserted in the *Land Code* for convenience of reference only, and are not interpretive aids;
- (d) 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;

- (e) unless otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular;
- (f) all references to a time period of days means consecutive days and not business days;
- (g) where the time limited for the doing of an act expires or falls on a Saturday or Sunday, or a Naotkamegwanning First Nation, federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday;
- (h) where the time limited for the doing of an act in the Naotkamegwanning First Nation administration building falls on a day when the office is not open, the act may be done on the next day that the office is open;
- (i) where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded; and
- (j) the principles set out in the Preamble to this *Land Code* may be used to interpret this *Land Code*.

Culture and traditions

- 2.3 The structures, organizations and procedures established by or under this *Land Code* shall be interpreted in accordance with the culture, traditions and customs of the Naotkamegwanning unless specifically provided in this *Land Code* or a law.

Language

- 2.4 The language of the Naotkamegwanning may be used to clarify the meaning of any provision in this *Land Code*.

Consistency with *Framework Agreement*

- 2.5 If there is an inconsistency or conflict between this *Land Code* and the *Framework Agreement*, the *Framework Agreement* will prevail to the extent of the inconsistency or conflict.

Paramountcy

- 2.6 If there is an inconsistency or conflict between this *Land Code* and any other enactment of the Naotkamegwanning including a by-law enacted

under section 81 of the *Indian Act*, this *Land Code* prevails to the extent of the inconsistency or conflict.

Rights not affected

2.7 This *Land Code* does not change:

- (a) any Aboriginal, Treaty, inherent rights or other rights or freedoms that pertain now or in the future to the Nautkamegwanningor its Members; or
- (b) the fiduciary relationship between Canada and Nautkamegwanningand its Members; or
- (c) the by-law powers of Council pursuant to the *Indian Act*.

Lands and Interests affected

2.8 A reference to Nautkamegwanning Land in this *Land Code* includes all the Interests and rights, as well as the resources that belong to that Land to the extent these are under the jurisdiction of Canada and are part of that Land, and includes:

- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources in and of that Land;
- (b) all the Interests and Licences granted by Canada listed in the Individual Agreement; and
- (c) all the Interests and Licences granted by Nautkamegwanningafter this *Land Code* comes into effect.

Interpretation provisions apply to Laws

2.9 Unless a Law provides otherwise, the interpretation provisions of this section 2 apply to Laws.

3. Authority to Govern

Origin of authority

- 3.1 The traditional teachings of the Nautkamegwanningspeak of the obligation of the people of the Nautkamegwanningto care for and respect the Land and the magnificent wonders of Nature created on the Land. By enacting this *Land Code*, the Nautkamegwanningis reclaiming this special responsibility.

Flow of authority

- 3.2 The authority of the Nautkamegwanningto govern its Land and resources flows from the Creator to the people of the Nautkamegwanningand from the people to Council according to the culture, traditions, customs and laws of the Nautkamegwanning.

Inherent right to govern

- 3.3 By enacting this Land Code, Nautkamegwanning First Nation exercises its inherent right to govern that part of its territory which has been set aside as reserve land pursuant to Treaty #3.

4. Purpose

Purpose

- 4.1 The purpose of this Land Code is to establish the principles, rules and administrative structures that govern Nautkamegwanning First Nation Land. It utlines how the Nautkamegwanning First Nation will exercise its authority over the Land in accordance with the *Framework Agreement*.

5. Description of Nautkamegwanning First Land

Nautkamegwanning Nation Land

- 5.1 The NautkamegwanningLand that is subject to this *Land Code* is the Land described in Appendix “A” of this *Land Code* and any other reserve lands or interests of the Nautkamegwanning that are made subject to this *Land Code* by resolution or ministerial order.

Addition to Nootkamegwanning First Nation Land

- 5.2 In accordance with any request made by the Nootkamegwanning, the Minister may, by order, set apart as a reserve, for the use and benefit of the Nootkamegwanning, any lands the title to which is vested in Canada, and provide in the order that the lands are Nootkamegwanning Land.

Application of Land Code

- 5.3 Before the lands are transferred to Canada by the Nootkamegwanning or a third party for the purpose of being set apart as a reserve, or before the lands are set apart as a reserve, the Nootkamegwanning may, in accordance with this *Land Code*:

- (a) grant interests or land rights in and licences in relation to the lands, and
- (b) enact zoning or other laws within the scope of the *Framework Agreement* in relation to the lands;

that will come into force only if and when the lands become Nootkamegwanning Land.

Amendment to the Description of Land

- 5.4 As of the date of any resolution or ministerial order adding land to Nootkamegwanning Land, the description of the Nootkamegwanning Land in the *Land Code* will be deemed to be amended to add the description of the Nootkamegwanning Land set out in the resolution or order.

Additional Lands

- 5.5 Council shall hold a meeting of Members prior to the amendment of the description of Nootkamegwanning Land subject to this *Land Code*.

PART 2

FIRST NATION LEGISLATION

6. Law-Making Powers

Council may make Land laws

6.1 Council may, in accordance with this *Land Code*, make Land laws respecting:

- (a) the development, conservation, protection, management, use and possession of NaotkamegwanningLand;
- (b) Interests and Licences in relation to NaotkamegwanningLand; and
- (c) any matter necessary or ancillary to the making of Land laws in relation to the NaotkamegwanningLand.

Examples of Land laws

6.2 For greater certainty, Council may make Land laws including:

- (a) regulation, control and prohibition of zoning, Land use, subdivision control and Land development;
- (b) the regulation, control and prohibition of residency, access and occupation of Naotkamegwanning Land;
- (c) the creation, regulation and prohibition of Interests and Licences in relation to NaotkamegwanningLand;
- (d) the rights and responsibilities of landlords and tenants;
- (e) environmental assessment and protection;
- (f) the provision of local services in relation to NaotkamegwanningLand and the imposition of equitable user charges;
- (g) the enforcement of the Land Code and Land laws; and penalties and enforcement mechanisms for offences under the Land Code and Land laws;

- (h) alternative methods for resolving disputes relating to Naotkamegwanning Land outside of the courts;
- (i) limits on liability, and defences and immunities applicable to any person in respect of any act or omission occurring in the exercise of a power or the performance of duties under this Land Code or a law; and
- (j) any other type of law referred to elsewhere in this Land Code.

Regulatory Instruments

- 6.3 For greater certainty, in addition to Land laws, Council may make other regulatory instruments, including rules, regulations, standards, codes and policies.
- 6.4 A law may include the power of Council to make regulations, provided that the law, or another law, sets out the procedures which must followed to make regulations.

7. Law-Making Procedure

Introduction of Land laws

- 7.1 A proposed Land law may be introduced at a duly convened meeting of Council by:
 - (a) the Chief;
 - (b) a Councillor; or
 - (c) a representative of the Lands Committee, or other body or authority composed of Members, that may be authorized by Council to do so.

Rationalization of Proposed Land law

- 7.2 Any proponent shall submit a written explanation of the reason for the proposed Land law.

Lands Committee Review

- 7.3 Council shall refer a proposed Land law to the Lands Committee for review and comment, unless the Lands Committee is the proponent.

Procedure upon receipt of Proposed Land law

7.4 Upon receipt of a proposed Land law, Council may do any of the following:

- (a) table the proposed Land law for further review or for enactment;
- (b) request that the proponent provide further information or attend before a future meeting of Council to speak to the proposed Land law;
- (c) undertake or direct revisions to the proposed Land law or the preparation of a draft Land law concerning matters raised in the proposed Land law, for consideration by Council; or
- (d) reject the proposed Land law.

Tabling and posting of proposed Land laws

7.5 Before a proposed Land law may be enacted, Council shall:

- (a) table the proposed Land law at a duly convened meeting of Council;
- (b) direct the Lands Director to post copies of the proposed Land law in public places and publish it online;
- (c) review comments and recommendations, provided by the Lands Committee; and
- (d) take any other steps to give notice of the proposed Land law that Council may consider appropriate.

Urgent matters

7.6 Council may enact an Land law without the usual preliminary steps if it believes that the law is urgently needed for public health and safety, or to protect Nootkamegwanning First Nation Land and its Members. However, the Land law will expire one hundred and twenty (120) days after its enactment unless it is re-enacted following the required preliminary procedures.

Approval of Land law

- 7.7 Subject to this *Land Code*, a Land law is approved by a quorum of Council at a duly convened meeting of Council open to the Members.

Certification of Land laws

- 7.8 The original copy of any approved Land law or resolution concerning Naotkamegwanning Land shall be signed by a quorum of Council present at the meeting at which it is enacted.

Land laws taking effect

- 7.9 A Land law enacted by Council takes effect on the date of its enactment or such later date as specified in the Land law.

8. Publication of Land Code and Land Laws

Publication

- 8.1 All Land laws, this *Land Code*, and any enacted amendments to the *Land Code*, shall be published:
- (a) in the minutes of the Council meeting at which it was enacted;
 - (b) by posting a copy of the *Land Code* and Land law, as soon as practicable after enactment, in a location within the administrative office of Naotkamegwanning accessible to all Members;
 - (c) by posting a copy of the *Land Code* and Land law online; and
 - (d) by any additional method as Council may consider appropriate.

Registry of Land laws

- 8.2 Council shall maintain a register at the administrative offices of the Naotkamegwanning First Nation. This register will contain the Land Code, all Land laws, and resolutions, including those that have been repealed or are no longer in effect.

Copies for any Person

- 8.3 Any person may obtain a copy of the *Land Code*, a Land law or resolution.

9. Enforcement of Land Laws

Enforceability of Land laws

9.1 To enforce its *Land Code* and its Land laws, Nautkamegwanning shall have the power to:

- (a) establish offences that are punishable on summary conviction;
- (b) provide for fines, imprisonment, restitution, community services, and alternate means for achieving compliance;
- (c) establish comprehensive enforcement procedures consistent with federal and provincial law, including inspections, searches, seizures and compulsory sampling, testing and the production of information; and
- (d) provide for the collection of non-tax debts, fees or charges owed to Nautkamegwanning using taxation collection remedies made under Nautkamegwanning taxation laws, if the First Nation has enacted taxation laws or by-laws under another act of Parliament.

Agreement for Recovery of Fines

9.2 Nautkamegwanning may enter into agreements with other governments or government agencies to collect any fines, debts, fees or other penalties imposed by its *Land Code* or First Nation laws.

Prosecuting Offences

9.3 For the purpose of prosecuting offences, Nautkamegwanning may:

- (a) retain its own prosecutor;
- (b) enter into an agreement with the province to arrange for a provincial prosecutor; and
- (c) make laws with respect to the appointment and authority of justices of the peace.

PART 3 COMMUNITY MEETINGS AND APPROVALS

10. Participation of Members

Participation of Members

10.1 Every Member is entitled to participate in the meeting of Members.

Permission of Council

10.2 A person, other than a Member, authorized by Council may attend a meeting of Members.

11. Participation of Eligible Voters

Participation of Eligible Voters

11.1 Every Eligible Voter is entitled to participate in community approvals.

12. Procedure for Meeting of Members

Notice of meeting

12.1 Council shall give written notice of the meeting of Members and any matter requiring community approval at a meeting of Members, and include in the notice:

- (a) the date, time and place of the meeting;
- (b) a brief description of the matter to be discussed;
- (c) a brief description of any matter that requires community approval;
- (d) where and how a Member may access the text of any proposed law; and
- (e) other information and material that Council considers appropriate.

Manner of notice

12.2 The notice shall be given to the Members twenty-one (21) before the meeting or vote, by:

- (a) posting the notice in public places;
- (b) providing the notice to Members and taking reasonable steps to locate and inform Members who reside on and off-reserve;
- (c) posting the notice online; and
- (d) additional methods Council considers appropriate.

Informed Decision

- 12.3 Council may schedule more than one meeting of Members as may be necessary to ensure that Members are well informed before making a decision on a proposed Land law or Nautkamegwanning Land matter.

13. Community Meetings of Members

Community Meetings

- 13.1 Council shall call a meeting of Members prior to:

- (a) enacting a Land law respecting a community plan or subdivision plan;
- (b) making a decision concerning any development affecting a heritage site or an environmentally sensitive property;
- (c) enacting a Land law respecting environmental assessment and protection;
- (d) enacting a Land law respecting the transfer and assignment of rights and Interests in Nautkamegwanning Land;
- (e) enacting a Land law respecting family homes and matrimonial interests on Nautkamegwanning Land;
- (f) enacting a Land law respecting the rate and criteria for the payment of fees or rent for Nautkamegwanning Land;
- (g) enacting a Land law respecting the rights and procedures on community expropriation; and

- (h) respecting any other matter, Land law or class of law that Council, by Resolution, declares to be subject to this section.

No Quorum

- 13.2 No quorum or minimum level of participation is required at a meeting of Members.

14. Community Approval

Community approval

- 14.1 Community approval shall be obtained for the following:

- (a) any master Land use plan;
- (b) any new grant or disposition of an Interest or Licence in any Nootkamegwanning Land exceeding a term of thirty five (35) years;
- (c) any renewal of a grant or disposition of an Interest or Licence in any Nootkamegwanning Land that extends the original term beyond thirty five (35) years;
- (d) any grant or disposition of any non-renewable natural resources on any Nootkamegwanning Land exceeding a term of five (5) years;
- (e) any change in status or deletion of a heritage site;
- (f) any voluntary exchange of Nootkamegwanning Land; and
- (g) any other matter, Land law or class of law that Council, by resolution, declares to be subject to this section.

Utility Permits Excepted

- 14.2 Community approval is not required for an easement, right of way or permit granted by Council for utilities, including telecommunications, water, electricity, natural gas, sewer services and ancillary services.

Method of Voting

14.3 Community approval shall be obtained by one or more of the following methods:

- (a) establishing polling locations;
- (b) show of hands;
- (c) mail-in ballot;
- (d) alternative voting methods, such as electronic and telephone voting; or
- (e) any other method outlined in voting policies.

Approval by Majority

14.4 A matter shall be considered approved if a majority of fifty percent plus one (50%+1) of participating Eligible Voters cast a vote in favour of the matter.

Increased threshold

14.5 Despite 14.4, Council may, by resolution prior to a vote, do either or both of the following:

- (a) establish a percentage of Eligible Voters who must participate in the vote in order for the result to be binding;
- (b) require that a percentage greater than fifty percent (50%) of participating Eligible Voters must approve the matter in order to obtain community approval.

15. Ratification Votes

Community Approval by Ratification vote

15.1 Community approval by ratification vote shall be obtained for an amendment to this *Land Code*.

Exceptions

15.2 A community approval by ratification vote is not required for:

- (a) an amendment to the description of Naotkamegwanning Land subject to this *Land Code*;

- (b) revisions to this *Land Code* made pursuant to section 40; and
- (c) an amendment to, or renewal of, the Individual Agreement.

Ratification process

15.3 Any ratification vote required under this *Land Code* may be conducted in a similar manner as the *Naotkamegwanning Community Ratification Process*, which was used to ratify this *Land Code*.

Approval by Majority

15.4 A matter shall be considered approved if a majority of fifty percent plus one (50%+1) of participating Eligible Voters cast a vote in favour of the matter.

Increased threshold

15.5 Despite 15.4, Council may, by resolution prior to a vote, do either or both of the following:

- (a) establish a percentage of Eligible Voters who must participate in the vote in order for the result to be binding;
- (b) require that a percentage greater than fifty percent (50%) of participating Eligible Voters must approve the matter in order to obtain community approval.

Policies Consultation, Approval and Ratification

15.6 For greater certainty, Council may make Land laws or policies respecting:

- (a) meetings of Members;
- (b) community consultations;
- (c) community approvals;
- (d) ratification votes; and
- (e) any other matter, that Council, by resolution, declares to be subject to part 3 of this *Land Code*.

PART 4 PROTECTION OF LAND

16. Expropriation

Acquisition by Mutual Agreement

- 16.1 The Naotkamegwanning may expropriate an Interest or Licence in Naotkamegwanning Land, provided that it has made a good faith effort to acquire, by mutual agreement, the Interest or Licence.

Rights and Interests that may be expropriated

- 16.2 An Interest or Licence in Naotkamegwanning Land, or in any building or other structure on that Land, may only be expropriated by Naotkamegwanning in accordance with the *Framework Agreement* and any Land law enacted for the purpose of establishing the rights and procedures for community expropriations.

Community purposes

- 16.3 A community expropriation shall only be made for necessary community works or other Naotkamegwanning purposes, including a fire hall, sewage or water treatment facility, community center, public works, utilities, roads, schools, daycare facility, hospitals, health-care facility, and retirement home.

Expropriation Land laws

- 16.4 Before proceeding to make any community expropriations in accordance with this *Land Code* and the *Framework Agreement*, Council shall enact a Land law respecting the rights and procedures for community expropriations, including provisions respecting:
- (a) the taking of possession of the Interest or Licence;
 - (b) transfer of the Interest or Licence;
 - (c) notice of expropriation and service of the notice of expropriation;
 - (d) entitlement to compensation;
 - (e) determination of the amount of compensation; and

- (f) the method of payment of compensation.

Public report

- 16.5 Before Nautkamegwanning expropriates an Interest or Licence, it shall make a public report on the reasons justifying the expropriation.

Member notification

- 16.6 In the case of an expropriation of a Member's Interest in Nautkamegwanning Land, the affected Member or Members shall receive notification of the expropriation within a reasonable time prior to the release of the public report.

Rights that may not be expropriated

- 16.7 In accordance with clause 17.6 the *Framework Agreement*, an Interest of Canada or the province in Nautkamegwanning Land is not subject to expropriation by the Nautkamegwanning.

Compensation for rights and Interests

- 16.8 Nautkamegwanning shall, in accordance with its Land laws and the *Framework Agreement*:
- (a) serve reasonable notice of the expropriation on each affected holder of the Interest or Licence to be expropriated; and
 - (b) pay fair and reasonable compensation to the holders of the Interest or Licence being expropriated.

Compensation calculations

- 16.9 In accordance with clause 17.4 the *Framework Agreement*, Nautkamegwanning shall calculate the total value of the compensation under this section based on the heads of the compensation set out in the *Expropriation Act* (Canada).

Market value

- 16.10 The "market value" of an expropriated Interest or Licence is equal to the amount that would have been paid for the Interest or Licence if it had been sold by a willing seller to a willing buyer under no duress, with all of the rights, limits and restrictions that apply to interests, licences or transactions on reserve land.

Neutral evaluation to Resolve Disputes

16.11 Disputes regarding the Naotkamegwanning First Nations's right to expropriate will be resolved through neutral evaluation, following the procedures outlined in Part IX of the *Framework Agreement*. The neutral evaluator will apply the sixty (60) day period specified in the *Framework Agreement* as appropriate to the circumstances.

Arbitration to resolve Disputes

16.12 Unless a different dispute resolution process is provided for in a Law enacted pursuant to subsection 16.4, the resolution of the following disputes shall be determined by arbitration, in the same manner as provided in part IX of the *Framework Agreement*:

- (a) disputes concerning the right of a holder of an expropriated Interest or Licence to compensation; and
- (b) disputes concerning the amount of the compensation.

17. Voluntary Exchange of NaotkamegwanningLand

Conditions for a land exchange

17.1 Naotkamegwanningmay agree with another party to exchange a parcel of NaotkamegwanningLand for a parcel of land from that other party in accordance with this *Land Code* and the *Framework Agreement*.

No effect

17.2 A land exchange is of no effect unless it receives community approval in accordance with this *Land Code* and with clause 14.2 of the *Framework Agreement*.

Land to be received

- 17.3 No land exchange may occur unless the land to be received in the exchange meets the following conditions:
- (a) it shall be equal to or greater than the area of the NaotkamegwanningLand to be exchanged;
 - (b) it shall be at least comparable to the appraised value of the NaotkamegwanningLand; and

- (c) it shall become a reserve and Nautkamegwanning Land subject to this *Land Code*.

Negotiators

- 17.4 The person who will have authority to negotiate a land exchange agreement on behalf of the Nautkamegwanning shall be designated by resolution.

Additional land

- 17.5 The Nautkamegwanning may negotiate to receive other compensation, such as money or other additional parcels of land, in addition to the parcel which is intended to become a reserve. Such other parcels of land may be held by the Nautkamegwanning in fee simple or some other manner.

Federal Consent

- 17.6 Before the Nautkamegwanning concludes a land exchange agreement, it shall receive a written statement from Canada clearly stating that Canada:
 - (a) consents to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as Council may specify; and
 - (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

- 17.7 Once negotiations on the land exchange agreement are concluded, Council shall provide the following information to Eligible Voters before the vote:
 - (a) a description of the Nautkamegwanning Land to be exchanged;
 - (b) a description of the land to be received in the exchange;
 - (c) a description of any other compensation to be exchanged;
 - (d) a report of a certified land appraiser setting out that the conditions for the land to be received in the exchange have been met;
 - (e) a copy or summary of the exchange agreement; and

- (f) a copy of Canada's consent.

Process of land exchange

17.8 The land exchange agreement shall provide that:

- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;
- (b) Council must pass a resolution authorizing Canada to transfer title to the Naotkamegwanning Land being exchanged, in accordance with the exchange agreement;
- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nation Lands Register; and
- (d) the land to be set apart as a reserve has been subject to an environmental audit, and clearance or remediation as necessary, or that Council is satisfied that adequate provisions have been made for such clearance or remediation at no cost to Naotkamegwanning and with full indemnification to Naotkamegwanning.

PART 5 ACCOUNTABILITY

18. Conflict of Interest or Appearance of Conflict of Interest

Application of rules

18.1 The conflict of interest rules in this *Land Code* apply to the following persons:

- (a) each member of Council who is dealing with any matter before Council that is related to Nautkamegwanning Land;
- (b) each person who is an employee, contractor or agent of Nautkamegwanning dealing with any matter that is related to Nautkamegwanning Land;
- (c) each member of the Dispute Resolution Panel; and
- (d) each person who is a member of a board, committee or other body of the Nautkamegwanning dealing with any matter that is related to Nautkamegwanning Land.

Duty to report and abstain

18.2 If there is any actual or apparent financial, familial or personal conflict of interest in the matter being dealt with, the person:

- (a) shall disclose the interest to Council, or the board, committee or other body as the case may be;
- (b) shall not take part in any deliberations on that matter or vote on that matter; and
- (c) shall remove themselves from the proceedings.

Apparent conflict of interest

18.3 A person is considered to have an apparent conflict of interest if a reasonably informed individual could believe that the person's ability to make decisions or deliberations on a matter has been influenced by their own private interests or those of an immediate relative.

Inability to act

- 18.4 If the board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to Council.

Meeting of Members

- 18.5 If Council is unable to vote on a matter due to a conflict of interest, Council may refer a matter, a proposed Land law or resolution to a community meeting of Members.

Specific Conflict situations

- 18.6 No Immediate Relatives and not more than two (2) members from the same Extended Family shall be concurrent members of an appointed board, committee or other body dealing with any matter that is related to Naotkamegwanning Land. Council or any other elected board, committee or body is exempt from this rule.

Disputes

- 18.7 The Panel has the jurisdiction to hear and decide on any matter concerning a conflict of interest.

Other laws

- 18.8 For greater certainty, Council may develop a policy or enact laws to further implement this section.

19. Financial Management

Application

- 19.1 Financial matters relating to Naotkamegwanning Land and Natural Resources shall be administered in accordance with the *Naotkamegwanning Financial Administration Law*.

Paramountcy

- 19.2 If there is an inconsistency or conflict between this Part and the *Naotkamegwanning Financial Administration Law*, the *Naotkamegwanning Financial Administration Law* prevails to the extent of the inconsistency or conflict.

Consolidated Accounts

- 19.3 The accounting, auditing and reporting requirements of the Part may be

done together with, and consolidated with, the other accounts, audits and reports of the Nautkamegwanning First Nation, provided that the statement and analysis relating to Nautkamegwanning Land is clearly distinguishable.

20. Annual Report

Publish annual report

- 20.1 Council, on behalf of the Nautkamegwanning shall publish an annual report on Nautkamegwanning Land matters.

Contents

- 20.2 The annual report shall include:
- (a) an annual review of Nautkamegwanning Land and natural resources management;
 - (b) an annual budget;
 - (c) a copy and explanation of the audit as it applies to Nautkamegwanning Land and natural resources; and
 - (d) any other matter as determined by Council or Lands Committee.

21. Access to Information

Access

- 21.1 Any person may, during normal business hours at the main administrative office of the Nautkamegwanning or by electronic means, have reasonable access to:
- (a) the register of Land laws;
 - (b) the auditor's report; and
 - (c) the annual report on Nautkamegwanning Land and natural resources.

Copies for Members

- 21.2 Any Member may obtain a copy of the auditor's report or annual report.

Access to records

- 21.3 Any person authorized by Council, subject to reasonable privacy restrictions, may inspect the financial records of Nautkamegwanningrelated to NautkamegwanningLand.

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PART 6

LAND AND NATURAL RESOURCES ADMINISTRATION

22. Land Staff

Administration

- 22.1 Council may delegate administrative authority to staff to carry out functions necessary for day to day administrative operations of Land and natural resources.

23. Lands Committee

Lands Committee established

- 23.1 The Lands Committee is hereby established for the following purposes:
- (a) to assist Council with the development of the Nautkamegwanning Land administration system;
 - (b) to advise Council and its staff on matters respecting NautkamegwanningLand;
 - (c) to recommend Land laws, resolutions, policies and practices respecting NautkamegwanningLand to Council;
 - (d) to consult with Members and non-Members on NautkamegwanningLand issues, and to make recommendations on the resolution of those issues to Council;
 - (e) to review and make recommendations to Council regarding applications for interests and licences;
 - (f) to assist with the exchange of information between Members and Council;
 - (g) to oversee community meetings of Members, community approvals and ratification votes; and
 - (h) perform such other duties as may be delegated or assigned by resolution or Land law under this *Land Code*.

Process to Implement Land laws

- 23.2 The Lands Committee shall, within a reasonable time after this *Land Code* takes effect, recommend to Council a community process to develop and implement Land laws.

Internal procedures

- 23.3 The Lands Committee may establish rules for the procedure at its meetings and generally for the conduct of its affairs, not inconsistent with those established by Council.

24. Implementation of the Lands Committee

First Lands Committee

- 24.1 Immediately upon the coming into effect of this *Land Code*, Council shall select a Lands Committee to serve for a term of up to three (3) years until a policy governing the Lands Committee comes into force.

Policy Governing Successors to the First Lands Committee

- 24.2 As soon as possible after the coming into force of this *Land Code*, Council, in consultation with the Lands Committee, shall develop a policy for the selection and appointment of Eligible Voters to serve on the Lands Committee, and dealing with such matters as number of members, composition, eligibility, Chair and Deputy Chair, functions of the Chair, term of office, remuneration, conditions of service, termination, vacancies arising during term and such other matters as Council deems appropriate to the operation of the Lands Committee.

PART 7 INTERESTS AND LICENCES IN LAND

25. Revenue from Land and Natural Resources

Determination of fees and rent

25.1 The Lands Committee shall, subject to the approval of Council, establish the process and recommend any Land laws, rules and policies for determining:

- (a) the fees and rent for Interests and Licences in NaotkamegwanningLand;
- (b) the fees for services provided in relation to any NaotkamegwanningLand; and
- (c) the fees and royalties to be paid for the taking of natural resources from NaotkamegwanningLand.

26. Registration of Interests and Licences

Enforcement of Interest and Licences

26.1 Subject to subsection 26.2, an Interest or Licence in NaotkamegwanningLand created or granted after this *Land Code* takes effect is not enforceable unless it is registered in the First Nation Lands Register.

Residential Tenancies and Short-term Interests and Licences

26.2 Subsection 26.1 does not apply to unregistered month-to-month residential tenancies or such interests or licences with a term of two (2) years or less, provided that any such interest or license otherwise complies with this *Land Code*.

Registration of Consent or approval

26.3 An instrument granting an Interest or Licence in NaotkamegwanningLand that requires the consent of Council, or community approval, shall include a form of certificate indicating that the applicable consent or approval has been obtained.

Duty to deposit

26.4 A copy of the following instruments shall be deposited in the First Nation Lands Register:

- (a) subject to subsection 26.2, any grant of an Interest or Licence in Nautkamegwanning Land;
- (b) any transfer or assignment of an Interest or Licence in Nautkamegwanning Land;
- (c) instruments encumbering or otherwise affecting or purporting to affect Nautkamegwanning Land or an interest or license therein;
- (d) every land use plan, subdivision plan or resource use plan;
- (e) every Land law; and
- (f) this *Land Code* and any amendment to this *Land Code*.

Responsibility for Validity of Instruments

26.5 A person who provides an instrument to Nautkamegwanning First Nation for registration under subsection 26.4 is responsible for ensuring the validity and accuracy of that instrument.

26.6 Nautkamegwanning First Nation and its Council, employees and officials are not responsible or liable for ensuring that an instrument which affects or purports to affect Nautkamegwanning Land:

- (a) is validly made;
- (b) complies with this Land Code or any Land law;
- (c) should be registered or recorded; or
- (d) Will be accepted for registration or recording.

Recording of Claims Affecting Nautkamegwanning Land

26.7 Financial claims or other assertions of right which affect, or purport to affect, Nautkamegwanning Land and interests and licences in

Nautkamegwanning Land, may, in accordance with all Land laws and other applicable law, be recorded in the First Nation Lands Register.

Registration Procedures

- 26.8 Council may prescribe such further rules and procedures as are necessary or advisable to facilitate the registration of instruments in respect of Nautkamegwanning Land.

27. Limits on Interests and Licences

All dispositions in writing

- 27.1 An Interest or Licence in Nautkamegwanning Land may only be created, granted, disposed of, assigned or transferred by a written document made in accordance with this *Land Code* and any relevant Land law.

Standards

- 27.2 Council may establish mandatory standards, criteria and forms for Interests and Licences in Nautkamegwanning Land.

Non-Members May Not Hold Allotments

- 27.3 Subject to this *Land Code*, a person who is not a Member may hold an interest or licence in Nautkamegwanning Land, except an allotment or other permanent interest.

Grants to non-Members

- 27.4 A transfer or other disposition of all or any part of an interest or licence in Nautkamegwanning Land to a person who is not a Member shall not be effective unless and until Council gives it consent by resolution.

Improper Transactions void

- 27.5 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Nautkamegwanning, a Member or any other person purports to grant, dispose of, transfer or assign an Interest or Licence in Nautkamegwanning Land after the date this *Land Code* takes effect is void if it contravenes this *Land Code*.

28. Existing Interests and Licences

Continuation of existing Interests and Licences

- 28.1 Any Interest or Licence in Nautkamegwanning Land that existed when this *Land Code* takes effect will, subject to this *Land Code*, continue in force in accordance with its terms and conditions.

Voluntary amendment or replacement of existing Interests and Licences

- 28.2 For greater certainty, the terms of a designation or surrender made under the *Indian Act* do not restrict the ability of the Nautkamegwanning and third parties, a Member or non-Member, by agreement, to modify an Interest or Licence or to have the Interest or Licence replaced by a new Interest or Licence issued under this *Land Code*.

Replacing the role of the Minister

- 28.3 Immediately upon the coming into force of this *Land Code*, Canada transfers to Nautkamegwanning all the rights and obligations of Canada as grantor in respect of existing Interests and Licences in or in relation to Nautkamegwanning Land.

Unregistered Interests

- 28.4 A policy shall be established as soon as practical after the coming into force of the *Land Code* to accommodate unregistered Interests.

29. New Interests and Licences

Authority to make Dispositions

- 29.1 Subject to this *Land Code* and any laws, Council may, on behalf of Nautkamegwanning grant:
- (a) Interests and Licences in Nautkamegwanning Land, including certificates of possession, member allocations, leases, permits, easements and rights-of-way; and
 - (b) Licences to take natural resources from Nautkamegwanning Land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional grant

- 29.2 The grant of an Interest or Licence may be made subject to the satisfaction of written conditions, which shall be set out in the granting instrument.

Role of the Lands Committee

- 29.3 The Lands Committee shall advise Council on the granting of Interests or Licences and may be authorized to act as a delegate of Council under this section.

30. Allocation of Land to Members

Application

30.1 For greater certainty, certificates of possession or Member Interests previously issued under the *Indian Act* shall continue to exist after the coming into force of this *Land Code*.

Allocation

30.2 Council may, in accordance with this *Land Code*:

- (a) allocate Land to Members; or
- (b) issue a certificate for an interest to a Member for Land allocated to that Member.

Policies and procedures for allocation of Land

30.3 Subject to the provisions of this *Land Code*, Council in consultation with the Lands Committee shall establish Land laws, policies and procedures for the allocation of Land to Members.

30.4 For greater certainty, Council may not grant an allotment to a Member until it enacts a Law prescribing rules, standards and community consultation processes for allotments.

Allotment Certificate

30.5 Where a Member has received an allotment or an interest in an allotment by way of grant or transfer in accordance with this *Land Code*, Council or its authorized delegate shall issue a certificate as evidence of the Member's interest in the allotment.

Life Estate Exception

30.6 Notwithstanding subsection 27.3, the spouse of a Member may hold a Life Estate in that Member's allotment and may have possession of a matrimonial home on an allotment in accordance with a spousal property law.

Rights of an Allotment Holder

30.7 An allotment in respect of a parcel of Nootkamegwanning Land is an interest that entitles the Member holding it to:

- (a) Possession of the Nootkamegwanning Land;

- (b) grant subsidiary interests and licences to use and occupy the Nautkamegwanning Land, including leaseholds, life estates and easements;
- (c) transfer, devise or otherwise dispose of the allotment to another Member; and
- (d) any other rights consistent with this *Land Code*, that are attached to certificates of possession under the *Indian Act*.

30.8 The holder of an allotment may grant a leasehold to himself or herself in the same manner as to another person notwithstanding any common law rule to the contrary.

30.9 All natural resources on Nautkamegwanning Land, including on an allotment, belong to Nautkamegwanning First Nation and Nautkamegwanning First Nation has the exclusive authority to grant licences in relation to natural resources on Nautkamegwanning Land, including on an allotment.

Ceasing to be a Member

30.10 A person who ceases to be a Member shall, within six (6) months of ceasing to be a Member, transfer any allotment they hold to Nautkamegwanning First Nation or another Member.

30.11 Where a person who ceases to be a Member does not transfer an allotment in accordance with subsection 30.10, and allotment shall, six (6) months and one (1) day after the person ceases to be a Member, revert back to Nautkamegwanning First Nation.

30.12 Where an allotment reverts back to Nautkamegwanning First Nation under subsection 30.11, the person ceasing to be a Member shall remain liable for any obligations or liabilities, including environmental liabilities, or any monies owing in relation to the Nautkamegwanning Land up to the date of the reversion.

31. Transfer and Assignment of Interests

Consent of Council

31.1 There shall be no transfer or assignment of an interest in Nautkamegwanning Land without the written consent of Council, except for:

- (e) Transfers and assignments between Members;
- (f) transfers that occur by operation of law, including transfers of estate by testamentary disposition; and
- (g) transfers in accordance with any family homes and matrimonial interests Land laws.

32. Limits on Mortgages and Seizures

Protections

32.1 In accordance with the *Framework Agreement*, the following provisions of the *Indian Act*, as amended from time to time, continue to apply to the Nautkamegwanning Land:

- (a) section 29;
- (b) section 87;
- (c) Sub-section 89(1); and
- (d) Sub-section 89(2).

Mortgage of Allocated Land

32.2 The Interest of a Member in an allotment may be subject to a mortgage or charge, but only to a Member or, the Nautkamegwanning with the express written consent of Council.

Mortgages of leasehold Interests with consent

32.3 A leasehold Interest may be subject to charge or mortgage, but only with the express written consent of Council.

32.4 A leasehold interest of a Member may, subject to subsection 32.6, be

subject to a mortgage, possession by the mortgagees, foreclosure, power of sale or any other form of execution or seizure, and the mortgagee has all the same legal and equitable rights it would have had the leasehold were held by a non-Member and, for greater certainty, the mortgagee has a right of access onto Nootkamegwanning Land and onto the leasehold if necessary to deal with foreclosure, seizure or any related matter.

Time limit

- 32.5 The term of any charge or mortgage of a leasehold Interest shall not exceed the term of the lease.

Default in mortgage

- 32.6 In the event of default in the terms of a charge or mortgage of a leasehold Interest, the leasehold Interest is not subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form of execution or seizure, unless:
- (a) the charge or mortgage received the written consent of Council;
 - (b) the charge or mortgage was registered in the First Nation Lands Register; and
 - (c) a reasonable opportunity to redeem the charge or mortgage is given to Council on behalf of Nootkamegwanning.

Power of redemption

- 32.7 If Council exercises Nootkamegwanning First Nation's power of redemption with respect to a leasehold interest, Nootkamegwanning First Nation takes the position of the lessee of the Land and the mortgagor for all purposes after the date of redemption.

Waiver of redemption

- 32.8 Council may waive its right to redemption for any charge or mortgage of a leasehold Interest or Licence.

33. Residency and Access Rights

Right of residence

- 33.1 The following persons have a right to reside on Nootkamegwanning Land:

- (a) Members and their Spouses and children;
- (b) Members with a registered Interest in Nautkamegwanning Land;
- (c) any invitee of a Member referred to in clause (a) or 0;
- (d) lessees and permittees, in accordance with the provisions of the granting instrument; and
- (e) a person authorized in writing by Council, Lands Committee or by a Land law.

Right of Access

33.2 The following persons have a right of access to Nautkamegwanning Land:

- (a) a lessee and his or her invitees;
- (b) a person granted a right of access under a permit;
- (c) Nautkamegwanning Members and their Spouses and children and his or her invitees;
- (d) a person who is authorized by a government body or any other public body, established by or under an enactment of the Nautkamegwanning, Parliament or the province to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey provided that the person received written authorization from Council; or
- (e) a person authorized in writing by Council or Lands Committee or by a Land law.

Public access

33.3 Any person may have access to Nautkamegwanning Land for any social or business purposes, if:

- (a) the person does not trespass on occupied Land and does not interfere with any Interest in Land;
- (b) the person complies with all applicable laws; and

- (c) no resolution has been enacted barring that person.

No Financial Obligation or Liability

- 33.4 A right of residency or access to Nautkamegwanning Land does not create any financial obligation on the part of Nautkamegwanning First Nation. No liability is imposed upon Nautkamegwanning First Nation in respect of any person exercising a right of residency or access under this *Land Code* for injuries or damages suffered on account of the condition or state of Nautkamegwanning Land.

Use of Roads

- 33.5 Any person may have the right of access to Nautkamegwanning public roads, subject to this *Land Code* and Land laws.

Trespass

- 33.6 Subject to any laws, any person who resides on, enters or remains on Nautkamegwanning Land, other than in accordance with a residence or access right under this *Land Code*, is guilty of a summary offence, punishable by summary conviction or in accordance with Nautkamegwanning Laws, and may, in accordance with other remedies, may be ordered immediately evicted or removed from Nautkamegwanning Land by resolution enforceable by any peace officer or enforcement official designated by Council in a resolution.

Civil remedies

- 33.7 All civil remedies for trespass are preserved.

34. Transfers on Death

Indian Act application

- 34.1 Subject to any Land laws on family homes and matrimonial interests, until Nautkamegwanning exercises jurisdiction in relation to wills and estates, the provision of the *Indian Act* dealing with wills and estates shall continue to apply with respect to Interests in Nautkamegwanning Land.

Registration of transfer

- 34.2 A person who receives an Interest in Nautkamegwanning Land by testamentary disposition or succession in accordance with a written decision of the Minister, or his or her designate, pursuant to the *Indian Act*, is entitled to have that Interest registered in the First Nation Lands Register.

Disposition of Interest

34.3 If no provision has been made by the deceased Member of the disposition of the Interest to another Member, the following rules apply:

- (a) the Minister or his or her delegate may make application to Council requesting that an instrument evidencing lawful possession or occupation of Nautkamegwanning Land be issued; or
- (b) a certificate for an Interest or other instrument may be issued in accordance with procedures established by Council, or application of the Minister or his or her delegate, if the beneficiary or purchaser is a Member of the Nautkamegwanning.

35. Family Homes and Matrimonial Interests Land Law

Development of rules and procedures

35.1 Council has the power to enact Land laws that apply during a conjugal relationship, when that relationship breaks down or on the death of a Spouse, respecting:

- (a) the use, occupancy and possession of family homes on Nautkamegwanning Land;
- (b) the division of the value of any Interests held by Spouses in or to structures and lands on Nautkamegwanning Land: and
- (c) the period of cohabitation in a conjugal relationship to qualify as a Common-Law Partnership.

Enactment of rules and procedures

35.2 The rules and procedures contained in family homes and matrimonial Interests Land laws shall be developed by the Lands Committee in consultation with the Members.

Additional Provisions

35.3 Family homes and matrimonial Interests Land Laws may include:

- (a) provisions for administering those laws;

- (b) despite subsection 89(1) of the *Indian Act*, provisions for enforcing, on Naotkamegwanning Land, an order of a court or a decision made or an agreement reached under those laws; and
- (c) procedures for amendment and repeal of those laws.

Notice of Land Laws

- 35.4 Council will provide, to the provincial Attorney General, notice of its intent to make family homes and matrimonial Interests Land laws and, upon enactment, provide a copy of those laws to the Attorney General.

PART 8 DISPUTE RESOLUTION

36. Purpose

Intent

- 36.1 The intent of this part is to ensure that all persons entitled to possess, reside upon, use or otherwise occupy Nautkamegwanning Land do so harmoniously with due respect to the rights of others and of Nautkamegwanning and with access to Nautkamegwanning procedures to resolve disputes.

37. Process

Staged Processes

- 37.1 Council will adopt or establish a process for the resolution of disputes in respect of any matters related to Nautkamegwanning Land.

PART 9 OTHER MATTERS

38. Liability

Liability Coverage Laws

- 43.1 Council may enact laws providing for limits on liability, defences and immunities to any person or entity in respect of any act or omission occurring in the exercise of a power or the performance of a duty under this *Land Code* or under a Land law.

Liability Limitations

- 43.2 The limits on liability, defences and immunities in a Land law shall be no greater than those that would apply to a person or entity performing a similar duty under the laws of the province.

Extent of coverage

- 43.3 Council shall arrange, maintain and pay insurance coverage for its officers and employees engaged in carrying out any matter related to Nautkamegwanning Land to indemnify them against personal liability arising from the performance of those duties and determine the extent of the insurance coverage.

39. Offences

Application of the Criminal Code

- 44.1 Unless a different procedure is specified by a Land law, the summary conviction procedures outlined in Part XXVI of the Criminal Code, as amended from time to time, apply to offences under this Land Code or under a Land law.

Fines & Imprisonment

- 44.2 Unless specified by a Land law, individuals who commit an offense under this Land Code may face a fine of up to \$5000 or other penalties/remedies established by custom restorative justice procedures. Offences related to Nautkamegwanning First Nation environmental protection laws may carry penalties in line with Canadian environmental laws.

40. Revisions to *Land Code*

Revisions

45.1 Despite subsection 15.1, ratification vote is not required for revisions made to this *Land Code* that do not change the substance of this *Land Code*. Council may, from time to time, arrange and revise this *Land Code*. Revisions include:

- (a) an amendment of the description of Naotkamegwanning Land subject to this *Land Code*;
- (b) a reference in this *Land Code* to a clause in another act or document that was amended and resulted in clause renumbering;
- (c) a reference in this *Land Code* to an Act or parts thereof that have expired, have been repealed or suspended;
- (d) changes in this *Land Code* as are required to reconcile seeming inconsistencies with other acts;
- (e) minor improvements in the language as may be required to bring out more clearly the intention of the Naotkamegwanning without changing the substance of this *Land Code*; and
- (f) correct editing, grammatical or typographical errors.

41. Commencement

Preconditions

46.1 This *Land Code* shall take effect if the community approves this *Land Code* and the Individual Agreement with Canada and this *Land Code* has been certified by the verifier pursuant to the *Framework Agreement*.

Commencement date

46.2 This *Land Code* shall take effect on the first day of the month following the certification of this *Land Code* by the verifier.

APPENDIX “A”

Description of the Nootkamegwanning Land

***To be added upon completion of LDRs**

DRAFT