

**TSAWWASSEN FIRST NATION**  
**LAND CODE**

- In accordance with -

*The Framework Agreement on  
First Nation Land Management*

**Dated for Reference, September 20, 2003**

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Certified  
*December 9, 2003*  
Date  
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## Preamble

Whereas the Tsawwassen First Nation has a deep and profound relationship with the land;

Whereas the Tsawwassen First Nation has entered into the *Framework Agreement on First Nation Land Management* with Canada on [                    ], as amended, and which was ratified on behalf of the Government of Canada by the *First Nations Land Management Act*;

And Whereas the Tsawwassen First Nation wishes to manage its lands and resources, rather than having its lands and resources managed on its behalf by Canada in accordance with the *Indian Act*;

Now Therefore, this Land Code is hereby enacted as the fundamental Land Law of the Tsawwassen First Nation.

## PART 1 PRELIMINARY MATTERS

### 1. Title

Title

1.1. The title of the enactment is the Tsawwassen First Nation Land Code.

### 2. Interpretation

Definitions

2.1. The following definitions apply to this Land Code:

“Certificate of Possession” means a certificate of possession in respect of First Nation Lands issued prior to the coming into force of this Land Code under section 20 of the *Indian Act* or a certificate of possession in respect of First Nation Lands issued after the coming into force of this Land Code under section 34 of this Land Code;

“Community Land” means any Tsawwassen First Nation Land in which all Members have a common interest;

“Council” means the Chief and Council of the Tsawwassen First Nation;

“C.P. Holder” means a person who has been issued a Certificate of Possession to First Nation Land either under the *Indian Act* or Section 34 of this Land Code;

“Duplicate Land Register” means the duplicate register maintained by the Tsawwassen First Nation under section 29 of this Land Code;

“Elder”, for the purposes of the Land Code, means any Member over the age of 55 and any other Member who is a respected member of the community recognized as knowledgeable in traditional matters whose names appear on a list of Elders, as established and maintained by the Council.

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

“Extended Family”, in respect of a person, means the person’s grandparent, parent, uncle, aunt, cousin, sister, brother, child, grandchild or Spouse;

“First Nation Land” means any portion of a reserve that is subject to this Land Code under section 5 of this Land Code;

“First Nation Land Register” means the register maintained by the Department of Indian Affairs and Northern Development under the *Framework Agreement*;

“Framework Agreement” means the Framework Agreement on First Nation Land Management entered between the Minister of Indian Affairs and Northern development and the Chiefs of the fourteen First Nations on February 12, 1996, as amended, and by the Tsawwassen First Nation on March 31, 2003, as amended from time to time;

“Immediate Relatives”, in respect of a person, means the person’s parent, sister, brother, child (natural or adopted) or Spouse;

“Individual Agreement” means the specific Individual Agreement related to this Land Code made between the Tsawwassen First Nation and Her Majesty in right of Canada;

“Lands Committee” means the Lands Committee established under this Land Code;

“Land Use Plan” means the land use plan for the First Nation Land as amended from time to time and approved pursuant to the General Zoning by-law of the Tsawwassen First Nation;

“Law” means a law enacted pursuant to this Land Code;

“Meeting of Members” means a meeting under Part 3 of this Land Code;

“Member” means a person whose name appears on the Tsawwassen First Nation Membership List;

“Panel” means the Dispute Resolution Panel established under section 40 of this Land Code;

“Ratification Vote” means a vote of Eligible Voters under section 14 of this Land Code;

“Resolution” means a resolution of the Council passed under this Land Code;

“Spouse” means a person who is married to another, whether by a traditional, religious or civil ceremony and any person who is cohabiting with an individual in a conjugal relationship and has so cohabited for a period of at least one year;

“Tsawwassen First Nation” means the Tsawwassen Indian Band, a band for the purposes of the *Indian Act*;

“Tsawwassen First Nation Membership List” means the Membership List maintained under the Tsawwassen First Nation Membership Code as amended from time to time.

#### Paramountcy

- 2.2. If there is any inconsistency between this Land Code and any other enactment of the Tsawwassen First Nation, the Land Code prevails to the extent of the inconsistency.

#### Culture and traditions

- 2.3. The structures, organizations and procedures established by or under this Land Code shall be interpreted in accordance with the dynamic culture, traditions and customs of the Tsawwassen First Nation, unless otherwise provided.

#### Language

- 2.4. The language of the Tsawwassen First Nation may be used to clarify the meaning of any provision of this Land Code, if the meaning of that provision is not clear in English.

#### Non-abrogation

- 2.5. This Land Code does not abrogate or derogate from any Aboriginal, treaty, Specific Claim or other rights or freedoms that pertain now or in the future to the Tsawwassen First Nation or its Members.

#### Fair interpretation

2.6. This Land Code shall be interpreted in a fair, large and liberal manner.

#### Fiduciary relationship

2.7. This Land Code does not abrogate the fiduciary relationship between Her Majesty and the Tsawwassen First Nation and its Members.

#### Lands and interests affected

2.8. A reference to "land" in this Land Code means all rights and resources that belong to the land, and includes

- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources belonging to that land, to the extent that these are under the jurisdiction of Canada or the First Nation; and
- (b) all the interests and licenses granted to the Tsawwassen First Nation by Her Majesty in right of Canada listed in the Individual Agreement.

### **3. Authority to Govern**

#### Origin of authority

3.1. The traditional knowledge and teachings of the Tsawwassen First Nation are a part of the obligation of the Tsawwassen First Nation to care for and respect the land and all that exists on the land. The Tsawwassen First Nation includes stewardship (although not limited to stewardship) in its view of caring for the land. By enacting this Land Code, the Tsawwassen First Nation is asserting this responsibility.

3.2. The authority of the Tsawwassen First Nation to govern its lands and resources flows from the First Ancestor to the present (and future) people of the Tsawwassen First Nation, from the community to the Council according to the culture, traditions, customs and laws of our First Nation and from the inherent right of self government of the First Nation.

#### **4. Purpose**

##### Purpose

- 4.1. The purpose of this Land Code is to set out the principles and administrative structures that apply to First Nation Land and by which the Tsawwassen First Nation will exercise authority over First Nation Land.

##### Ratification

- 4.2. The Framework Agreement is ratified and confirmed by the First Nation when this Land Code is ratified.

#### **5. Description of First Nation Land**

##### First Nation Land

- 5.1. The Tsawwassen First Nation Land that is subject to this Land Code is the land:
  - (a) shown on a copy of the Reference Plan or sketch map specifically prepared for this purpose by the Office of the Surveyor General, Natural Resources Canada attached to Annex "C" of the Individual Agreement; and
  - (b) described in Annex "C" to the Individual Agreement with reference to the original Order-in-Council of the Privy Council (OCPC) or Proclamation setting aside the lands for the benefit of the Tsawwassen First Nation, any subsequent OCPC's adding lands to the reserve and any subsequent OCPC's taking lands out of the reserve.

##### Additional Lands

- 5.2. Any land or interest acquired by the Tsawwassen First Nation after this Land Code takes effect, whether by treaty, accretion, purchase or other processes, will be made subject to this Land Code when an environmental audit declares it free of environmental hazard and safe for community use.

##### Land exchange

- 5.3. For greater certainty, section 5.2 of this Land Code does not apply to land acquired by land exchange in accordance with section 17 of this Land Code.

#### Inclusion of land or interest

- 5.4. When the relevant conditions in sections 5.2 and 5.3 of this Land Code are met, the Council shall call a Meeting of Members under section 11 of this Land Code and, after consultation, may by enacting a law declare the land or interest to be subject to this Land Code.

**PART 2**  
**FIRST NATION LEGISLATION**

**6. Law-Making Powers**

Council will make laws

6.1. The Council will, in accordance with this Land Code, make Laws respecting:

- (a) the development, conservation, protection, management, use and possession of First Nation Lands,
- (b) interests and licences in relation to First Nation Land, and
- (c) any matter necessary or ancillary to the making of laws in relation to First Nation Lands including the delegation of powers to personnel to administer this Land Code.

Examples of laws

6.2. For greater certainty, Council may make Laws relating to the following matters:

- (a) The regulation, control and prohibition of zoning, land use, subdivision control and land development;
- (b) the creation, regulation and prohibition of interests and licenses in relation to First Nation Land;
- (c) environmental assessment and protection;
- (d) the provision of local services in relation to First Nation Land and the imposition of equitable user charges; and
- (e) the provision of services for the resolution, outside the courts, of disputes in relation to First Nation Land.

**7. Law Making Procedure**

7.1. A proposed law may be introduced at a duly convened meeting of the Council by:

- (a) the Chief or a Councillor; or
- (b) the Land Committee.

7.2. Before a proposed Law may be enacted by the Council, it must first be:

- (a) tabled at a meeting of the Council held at least 28 days before the Law is to be enacted; and
- (b) posted in public places on First Nation Land and advertised to the community at least 21 days before the Law is to be enacted.
- (c) altered, if deemed necessary or desirable by the Council, following community consultation held at a Meeting of Members at least 14 days before the Law is to be enacted.

#### Urgent matters

7.3. The Council may enact a Law without the preliminary steps required under section 7.2, if the Council is of the opinion that the Law is needed urgently to protect First Nation Land or the Members, but the Law expires 28 days after its enactment, unless re-enacted in accordance with section 7.2.

#### Approval of Law by Council

7.4. A Law is enacted if it is approved by a majority of the Council at a meeting of the Council open to the members.

#### Certification of Laws

7.5. The original copy of any Law or resolution concerning First Nation Land shall be signed by not less than 60% of Council Members.

### **8. Publication of Laws**

#### Publication

8.1. All Laws shall be published in the minutes of the Council.

#### Posting Laws

8.2. Within 7 days after a Law has been enacted, the Council shall post a copy of the Law in the administrative offices of the Tsawwassen First Nation.

#### Registry of Laws

8.3. The Council shall cause to be kept, at the administrative offices of the Tsawwassen First Nation, a register of the original copy of all Laws and

Resolutions, including Laws and Resolutions that have been repealed or are no longer in force.

#### Copies for any Person

- 8.4. Any person may obtain a copy of a Law or Resolution on payment of a reasonable fee set by the Council, or a body designated by Council. [redundant: see 39.3]

### **9. Commencement of Laws**

#### Laws taking effect

- 9.1. A Law enacted by the Council takes effect on the date of its enactment or such later date as specified by or under the Law.

**PART 3  
COMMUNITY APPROVALS**

**10. Rights of Eligible Voters**

Rights of Eligible Voters

10.1. Each Member who is at least 18 years of age on the meeting date is eligible to vote at a Meeting of Members (Band Meeting) and at a Ratification Vote.

**11. Community Input**

Prior meeting of Members

11.1. The Council shall convene a Meeting of Members to receive their input prior to the introduction of a Law:

- (a) respecting a community plan or a subdivision plan;
- (b) declaring land or an interest referred to in section 5.2 or 5.3 to be subject to this Land Code;
- (c) affecting a heritage site or an environmentally sensitive property;
- (d) respecting environmental assessment;
- (e) respecting the transfer and assignment or interests in First Nation Land;
- (f) respecting the rate and criteria for the payment of fees or rent for First Nation Land;
- (g) respecting any other matter or class of matter that Council, by Resolution, declares to be subject to this section; and
- (h) respecting the property rights of Spouses.

Process to implement Laws

11.2. Subject to section 39 of this Land Code, the Lands Committee shall, within a reasonable time after this Land Code takes effect, establish a community consultation process to develop and implement the Laws referred to in section 11.1.

## **12. Community Approval at a Meeting of Members**

### Community Approval by Regular Community Meeting

12.1. Community Approval by a Regular Community Meeting must be obtained for the following:

- (a) any grant or disposition of an interest or licence in any First Nation Land exceeding a term of 25 years;
- (b) any renewal of a grant or disposition of an interest or licence in any First Nation Land that extends the original term beyond 25 years;
- (c) any grant or disposition of any natural resources on any First Nation Lands exceeding a term of 5 years;
- (d) any Law on the property rights of Spouses enacted under section 39 of this Land Code; and
- (e) any Law or class of Law that Council, by resolution, declares to be subject to this section.

## **13. Procedure at a Meeting of Members**

### Voting

13.1. Decisions at a Meeting of Members are to be made by a majority vote of the Eligible Voters present at the meeting.

### Notice of meeting

13.2. The Council shall give written notice of the Meeting of Members that

- (a) specifies the date, time and place of the meeting; and
- (b) contains a brief description of the matters to be discussed and decided on at the meeting.

### Manner of notice

13.3. The notice of a Meeting of Members must be given to the Members by:

- (a) posting the notice in a public place on First Nation Land at least 21 days before the meeting;
- (b) mailing the notice to the Eligible Voters;
- (c) publishing the notice in the community newsletter at least 10 working days before the meeting; and
- (d) such additional method as the Council may consider appropriate in the circumstances.

#### Who may attend

- 13.4. All Members have a right to attend a Meeting of Members, but other persons may attend with the permission of the Council and consensus of those attending the meeting.

#### Quorum

- 13.5. The quorum for a regular Meeting of Members under this Land Code is 10% of Eligible Voters. Council may establish alternate procedures, from time to time, for Meetings of Members when quorum is not reached, subject to Community Approval being given at a previous Regular Meeting of Members.

#### Other meetings

- 13.6. The Council may schedule more than one Meeting of Members to discuss and decide on a matter that requires a Meeting of Members.

#### Other Laws

- 13.7. For greater certainty, the Council may make Laws respecting Meetings of Members.

### **14. Ratification Votes**

#### Community Approval by Ratification Vote

- 14.1. Community Approval by a Ratification Vote passed by a majority of Eligible Voters present at a Meeting of Members must be obtained for the following:
- (a) any voluntary exchange of Community Land that involves a non-Member;
  - (b) any amendment to the Individual Agreement that reduces the amount of funding provided by Canada in any previous agreement;

- (c) any amendment to this Land Code;
- (d) an expropriation of a Member's interest or license;
- (e) a land-related heritage law;
- (f) any Law or class of Law that Council, by resolution, declares to be subject to this section; and
- (g) any Law or class of Law under this Land Code, that deals with deaths, wills and testaments, as related to section 38 of this land code.

#### Individual Agreement with Canada

- 14.2. An amendment to, or renewal of, the Individual Agreement does not require Community Approval by a Ratification Vote, unless the amendment or renewal reduces the amount of funding provided by Canada.

#### Ratification Process

- 14.3. Any Ratification Vote required under this Land Code shall be conducted in substantially the same manner as the *Tsawwassen First Nation Community Ratification Process*, which was used to ratify this Land Code.

#### No verifier

- 14.4. A verifier is not needed in any Ratification Vote, except a vote on an amendment to this Land Code.

#### Requirements for approval

- 14.5. A matter shall be considered approved at a Ratification Vote conducted in substantially the same manner as the *Tsawwassen First Nation Community Ratification Process*, which was used to ratify this Land Code.

#### Other Laws

- 14.6. For greater certainty, the Council may make Laws respecting Ratification Votes.

**PART 4**  
**PROTECTION OF LAND**

**15. Expropriation**

Rights and interest that may be expropriated

- 15.1. An interest or license in First Nation Land, or in any building or other structure on those lands, may only be expropriated by the Tsawwassen First Nation in accordance with the *Framework Agreement* and any Law enacted in accordance with section 15.3.

Community purposes

- 15.2. A community expropriation may only be made for a necessary community purpose of works by the Tsawwassen First Nation, including but not limited to: a fire hall, sewage or water treatment facility, public works, cemetery, roads, schools, and "not-for-profit" facilities such as day-care facilities, hospitals, health-care facilities, retirement homes, community centres and other similar community facilities.

Expropriation Laws

- 15.3. Before proceeding to make any community expropriations in accordance with this Land Code, the Council shall enact a 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

- 15.4. Before the Tsawwassen First Nation decides to expropriate an interest or licence, it shall make a public report on the reasons justifying the expropriation.

#### Rights that may not be expropriated

- 15.5. An interest of Her Majesty the Queen in right of Canada or the Province of British Columbia arising under section 35 of the *Indian Act* is not subject to expropriation by the Tsawwassen First Nation.

#### Acquisition by mutual agreement

- 15.6. The right of the Tsawwassen First Nation to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest or licence in First Nation Land.

#### Community approval

- 15.7. An expropriation of a Member's interest or license has no effect unless the proposed expropriation first receives Community Approval by Ratification Vote.

#### Compensation for rights and interests

- 15.8. The Tsawwassen First Nation shall, in accordance with its laws and the *Framework Agreement*,
- (a) serve reasonable notice of the expropriation on each affected holder of the interest or licence to be expropriated;
  - (b) pay fair and reasonable compensation to the holders of the interest or licence being expropriated; and

no land will be expropriated when the Tsawwassen First Nation has insufficient funds to provide compensation as described in section 15.9 of this Land Code.

#### Compensation calculations

- 15.9. The total value of the compensation under section 15.8 (b) will be based on the following:
- (a) the fair market value of the interest or licence that is being expropriated;
  - (b) the replacement value of any improvement to the land that is being expropriated;
  - (c) the damages attributable to any disturbance; and
  - (d) damages for any reduction in the value of a remaining interest.

## Fair Market Value

- 15.10. The fair market value of an interest or licence that is being expropriated will be assessed by a mutually agreed upon professional land appraiser. The costs for the appraiser shall be borne by the Tsawwassen First Nation. If the parties cannot agree upon a professional land appraiser to determine fair market value, the matter will be determined by arbitration in the same manner as provided in Part IX of the Framework Agreement.
- 15.11. The fair 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 on First Nation Land by a willing seller to a willing buyer.

## Neutral evaluation to resolve disputes

- 15.12. The resolution of disputes concerning the right of the Tsawwassen First Nation to expropriate shall be determined by neutral evaluation, in the same manner as provided in Part IX of the *Framework Agreement*, and the 60 day period referred to in clause 32.6 of the Framework Agreement shall be applied, as appropriate in the circumstances, by the neutral evaluator.
- 15.13. The Panel established under section 40 of this Land Code shall be used if all of the parties agree to refer the matter to the Panel for resolution rather than using the procedure described in 15.12.

## Arbitration to resolve disputes

- 15.14. 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 the holder of an expropriated interest or licence to compensation; and
  - (b) disputes concerning the amount of the compensation.

## 16. Heritage Sites

### Community approval of development

- 16.1. No development shall be allowed on any site designated as a heritage site under the land use plan, unless the development follows a heritage law which has received Community Approval.

## Land Use Plan

- 16.2. No amendment may be made to a land use plan to delete a heritage site unless the amendment complies with a heritage law which has received Community Approval.

## 17. Voluntary Exchanges and Protections

### Conditions for a land exchange

- 17.1. The Tsawwassen First Nation may agree with another party to exchange a parcel of First Nation Land for a parcel of land from the other party in accordance with this Land Code and the *Framework Agreement*.

### No effect

- 17.2. A land exchange involving a non-Member is of no effect unless it receives Community Approval by a Ratification Vote under section 14.1 (a).

### Land to be received

- 17.3. No land exchange may occur unless the land to be received in the exchange:
- (a) is equal to or greater than the area of First Nation Land to be exchanged;
  - (b) is at least comparable to the appraised value of the First Nation Land; and
  - (c) becomes a reserve and First Nation Land subject to this Land Code.

### Negotiators

- 17.4. The persons who will have authority to negotiate a land exchange agreement on behalf of the Tsawwassen First Nation must be designated by Resolution.

### Additional land

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

#### Federal consent

- 17.6. Before the Tsawwassen First Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of 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 the Council may specify by Resolution; and
  - (b) consents to the manner and form of the exchange as set out in the exchange agreement.

#### Community notice

- 17.7. At such time as negotiation of the land exchange agreement is concluded and at least 21 days before the Ratification Vote provided in section 17.2, the Council or the Lands Committee shall provide the following information to Eligible Voters:
- (a) a description of the First Nation Land to be exchanged;
  - (b) a description of the land to be received by the Tsawwassen First Nation;
  - (c) a description of any other compensation to be exchanged;
  - (d) a report of a certified land appraiser setting out that the conditions in section 17.3 have been met;
  - (e) a copy or summary of the exchange agreement; and
  - (f) a copy of the statement referred to in section 17.6.

#### 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) the Council must pass a Resolution authorizing Canada to transfer title to the First Nation Land being exchanged, in accordance with the exchange agreement; and
  - (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nation Lands Register.

**PART 5**  
**ACCOUNTABILITY**

**18. Conflict of Interest**

Application of rules

18.1. The rules in section 18.2 apply to the following persons:

- (a) each Member of the Council who is dealing with any matter before Council that is related to First Nation Land;
- (b) each person who is an employee of the Tsawwassen First Nation dealing with any matter that is related to First Nation Land; and
- (c) each person who is a Member of a board, committee or other body of the Tsawwassen First Nation dealing with any matter that is related to First Nation Land.

Duty to report and abstain

18.2. If there is any interest, financial or otherwise, in the matter being dealt with that might involve the person or his or her Immediate Relatives, the person:

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

Common interests

18.3. Section 18.2 does not apply to any interest that is held by a Member in common with every other Member.

Meeting of Eligible Voters

18.4. If the Council is unable to vote on a proposed Law or resolution due to a conflict of interest, the Council may refer the matter to a Meeting of Members and, if a quorum of Eligible Voters is present, a majority of the Eligible Voters present at the meeting may enact the Law or Resolution.

Inability to act

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

#### Specific conflict situations

- 18.6. Not more than two members from the same Extended Family may be members of a board, committee or other body dealing with any matter that is related to First Nation Land. For greater certainty, this section does not apply to the Council.

#### Disputes

- 18.7. Questions about whether a breach of this section have occurred may be referred to the Panel.

#### Other Laws

- 18.8. For greater certainty, the Council may enact Laws to further implement this section.

### **19. Financial Management**

#### Application

- 19.1. This section and sections 20-23 apply only to financial matters relating to First Nation Land.

#### Establishment of bank accounts

- 19.2. The Council shall maintain one or more financial accounts in a financial institution and shall deposit in those accounts
- (a) transfer payments received from Canada for the management and administration of First Nation Land;
  - (b) moneys received by the Tsawwassen First Nation from the grant or disposition of any interests or licences in First Nation Land;
  - (c) all fees, fines, charges and levies collected under a Law or Resolution;
  - (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licences in First Nation Land; and
  - (e) any other revenue received by the Tsawwassen First Nation.

### Signing officers

- 19.3. The Council shall authorize at least three persons, one of whom shall be a Member of the Council, to sign cheques and other bills of exchange or transfer drawn on the accounts referred to in Section 19.2.

### Bonding

- 19.4. The Council shall take reasonable action to provide a fidelity bond for each person authorized under section 19.3 in such amount as may be determined by Council.

### Two signatures

- 19.5. A cheque or other bill of exchange or transfer drawn on the account must be signed by at least two persons authorized under section 19.3.

### Fiscal year

- 19.6. The fiscal year of the Tsawwassen First Nation begins on April 1 of each year and ends on March 31 of the following year.

### Adoption of budget

- 19.7. The Council shall, by Resolution, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Council deems it necessary in the course of the fiscal year, adopt supplementary budgets for that fiscal year.

### Procedure

- 19.8. After adopting the land management budget or supplementary budget, the Council shall, without undue delay:
- (a) explain the budget or supplementary budget to the Members at an annual Meeting of Members; and
  - (b) make a copy of the budget or supplementary budget available at the administrative offices of the Tsawwassen First Nation for inspection by Members at reasonable hours.

#### If no budget

- 19.9. If the Council fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary budgets of the previous fiscal year apply until a new budget is adopted.

#### Budget rules

- 19.10. The Council may make rules respecting the preparation and implementation of land management budgets.

#### Expenditures

- 19.11. The Council may not expend moneys related to land or commit itself, by contract or otherwise, to expend moneys related to land, unless the expenditure is authorized by or under a Law or an approved budget.

#### Financial Policy

- 19.12. The Council may, in accordance with this Land Code, adopt a financial policy to further manage moneys related to First Nation Land.

### **20. Financial Records**

#### Financial records

- 20.1. The Tsawwassen First Nation shall keep financial records related to land in accordance with generally accepted accounting principles.

#### Offences

- 20.2. A person is guilty of an offence if the person
- (a) impedes or obstructs anyone from exercising their right under sections 19.8(b) and 21 to inspect the financial records of the Tsawwassen First Nation; or
  - (b) has control of the books or account or financial records of the Tsawwassen First Nation and fails to give all reasonable assistance to anyone exercising their right under sections 19.8 (b) and 21 to inspect the financial records.

### Preparation of Financial statement

20.3. Within 90 days after the end of each fiscal year, the Council on behalf of the Tsawwassen First Nation shall prepare a financial statement in comparative form, containing at a minimum

- (a) balance sheet;
- (b) a statement of revenues and expenditures and a comparison of these with the amounts stated in the land management budget and any supplementary budget; and
- (c) any other information necessary for a fair presentation of the financial position of the Tsawwassen First Nation.

### Consolidated accounts, etc.

20.4. The accounting, auditing and reporting requirements of this Land Code may be done together with, and consolidated with, the other accounts, audits and reports of the Tsawwassen First Nation.

## 21. Audit

### Appointment of auditor

21.1. For each fiscal year, a duly accredited auditor shall be appointed to audit the financial records of the Tsawwassen First Nation.

### Holding office

21.2. The auditor appointed under this section holds office until reappointed, or replaced.

### Vacancy in office

21.3. Where a vacancy occurs during the term of an auditor, the Council shall, without delay, appoint a new auditor for the remainder of the former auditor's term.

### Remuneration

21.4. The auditor's remuneration shall be fixed by the Council.

## Duty of auditor

- 21.5. The auditor shall, within 120 days after the end of the Tsawwassen First Nation's fiscal year, prepare and submit to the Council, a report on the Tsawwassen First Nation's financial statement relating to this Land Code, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of the Tsawwassen First Nation in accordance with generally accepted accounting principles applied on a basis consistent with that applied in the previous fiscal year.

## Access to records

- 21.6. In order to prepare the report on the Tsawwassen First Nation's financial statement, the auditor may at all reasonable times inspect any financial records of the Tsawwassen First Nation.

## Explanation of Auditor's report

- 21.7. The Council shall present the auditor's report to the Members at an annual Meeting of Members.

## **22. Annual Report**

### Publish annual report

- 22.1. The Council, within 30 days of receiving an audit report under section 21.5, shall prepare and provide to Members an annual report on First Nation Land management issues which shall include:
- (a) an annual review of land management activities;
  - (b) a copy and explanation of the audit report as it applies to First Nation Land;
  - (c) a summary of the audit report; and
  - (d) any other matter considered worth including by the Council or Lands Committee.

## **23. Access to Information**

### Access

- 23.1. Any Tsawwassen First Nation Member may, during normal business hours at the

main administration office of the Tsawwassen First Nation, have reasonable access to

- (a) the register of Laws;
- (b) the auditor's report and summary; and
- (c) the annual report on First Nation Land issues.

#### Access for Members

23.2. Council shall make available accounting staff to explain the auditor's report, within reasonable time, should Tsawwassen First Nation Members request it.

#### Access to records

23.3. Any person authorized by the Council may, at any reasonable time, inspect the financial records of the Tsawwassen First Nation related to First Nation Land.

**PART 6**  
**LAND ADMINISTRATION**

**24. Lands Committee**

Lands Committee Established

24.1. The Lands Committee is hereby established to:

- (a) assist with the development of the land administration system;
- (b) advise the Council and its staff on matters respecting First Nation Land;
- (c) recommend to Council Laws, Resolutions, policies and practices respecting First Nation Land ;
- (d) hold regular and special meetings of Members to discuss land issues and make recommendations to Council on the resolution of these land issues;
- (e) to assist in the flow of information on land issues between Members and the Council;
- (f) oversee Community Approvals under this Land Code.

The Lands Committee may obtain the service of professionals to assist it in fulfilling its functions.

Development of land related rules and procedures

24.2. Within reasonable time after this Land Code takes effect, the Lands Committee shall, in consultation with the community, ensure that rules and procedures are developed that address the following matters:

- (a) environmental protection and assessment in relation to First Nation Land;
- (b) any outstanding issues on the resolution of disputes in relation to First Nation Land;
- (c) land use planning and zoning;
- (d) the process and criteria for granting interests in First Nation Land; and
- (e) the process and criteria for appeals from a decision to grant or refuse to grant an interest in First Nation Land.

#### Implementation of policies

- 24.3. The rules and procedures, developed under Section 24.2, shall be presented by the Lands Committee to the Council for consideration and implementation as policies, Laws or amendments to this Land Code.

#### Formal procedures

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

### **25. Membership of the Lands Committee**

#### Composition

- 25.1. The Lands Committee shall be composed of 7 Members, including the chairperson, all of whom must be Eligible Voters.

#### Eligibility to be selected as a Lands Committee Member

- 25.2. Any Eligible Voter, whether resident on or off First Nation Land, is eligible for appointment or election to the Lands Committee, except for the following persons:
- (a) unless waived by a Majority vote of Eligible Voters at a Meeting of Members any person convicted of an offence that was prosecuted by way of indictment;
  - (b) any person who is an undischarged bankrupt and
  - (c) any person convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

#### Selection of Lands Committee members

- 25.3. The members of the Lands Committee are to be selected as follows:
- (a) 1 Eligible Voter to be appointed by Council;
  - (b) 1 representative of the Elder community to be appointed by Council;

- (c) 1 representative of the community who is not a CP holder at the time of appointment, to be appointed by Council; and
- (d) the other 4 members are to be elected by Eligible Voters.

#### Term of office

25.4. The length of the term of office for members of the Lands Committee is the same as for Council.

#### Staggered terms

25.5. The commencement of the terms of office of the members of the Lands Committee are to be staggered as follows:

- (a) the members appointed by Council are to be appointed by the Council as soon as possible after the election of Council;
- (b) the elected members are to be elected mid-way through the term of the Council on a date fixed by the Council.

#### Election Law

25.6. The Council shall enact a Law to establish a procedure for the Lands Committee election, including transitional rules for the first members of the Lands Committee.

#### Vacancy on Lands Committee

25.7. The office of a member of the Lands Committee becomes vacant if the person, while holding office:

- (a) is or becomes ineligible to hold office under section 25.2;
- (b) is or becomes ineligible because of a transfer of Membership from the Tsawwassen First Nation;
- (c) is absent for 2 consecutive meetings of the Lands Committee for a reason other than illness or incapacity, and without being authorized to do so by the majority of the Lands Committee; and
- (d) dies or becomes mentally incompetent.

### Vacancy in term

- 25.8. Where the office of an elected or appointed Member of the Lands Committee becomes vacant for more than 90 days before the date when another appointment or election would ordinarily be held, a special election may be held or appointment made in accordance with this Land Code, as the case may be, to fill the vacancy.

### Balance of term of office

- 25.9. A member of the Lands Committee appointed or elected to fill a vacancy remains in office for the balance of the term in respect of which the vacancy occurred.

## **26. Chairperson of the Lands Committee**

### Chairperson

- 26.1. The Chairperson shall be chosen by the Lands Committee from among its members.

### Alternate Chairperson

- 26.2. If the Chairperson is unable to perform the functions of the office, either temporarily or on a long term basis, the Lands Committee shall appoint one of the other Lands Committee members, or an Eligible Voter, to act as or be the Chairperson, subject to confirmation by the Council.

### Functions of Chairperson

- 26.3. The duties of the Chairperson are to:
- (a) Chair the meetings;
  - (b) ensure the preparation of financial statements relating to all activities of the Lands Committee, including the revenues and expenditures concerning First Nation Lands;
  - (c) table the Land Committee's financial statements with the Council;
  - (d) report to the Council on the activities of the Lands Committee;
  - (e) ensure the audited annual financial statements are published under section 22.1; and
  - (f) perform such other duties as the Council may reasonably require.

## **27. Revenues from Lands**

### Determination of Fees, and rent

27.1. The Lands Committee shall, subject to the approval of the Council, establish the process for determining:

- (a) the fees and rent for interests and licences in Community Land; and
- (b) the fees for services provided in relation to any First Nation Land.

## **28. Registration of Interests and Licences**

### Enforcement of Interests and services

28.1. An interest or licence in First Nation Land created or granted after this Land Code takes effect is void unless it is registered in the First Nations Land Register.

### Registration of consent or approval

28.2. No instrument that requires the consent of Council, or Community Approval at a Meeting of Members, may be registered unless a certified copy of the document that records the consent or approval is attached.

### Duty to deposit

28.3. The Council shall ensure that an original copy of the following instruments is deposited in the First Nation Land Register:

- (a) any grant of an interest or licence in First Nation Land;
- (b) any transfer or assignment of an interest in First Nation Land;
- (c) every land use plan, subdivision plan or resource use plan; and
- (d) this Land Code and any amendment to the Land Code.

## **29. Duplicate Lands Register**

Duty to maintain duplicate register

- 29.1. The Council shall maintain a Duplicate Land Register in the same form and with the same content as the First Nations Land Register.

Duty of Member to deposit

- 29.2. Every person who receives an interest or licence in First Nation Land from a Member shall deposit an original copy of the relevant instrument in the Duplicate Land Register.

**PART 7**  
**INTERESTS AND LICENCES IN LAND**

**30. Limits in Interests and Licences**

All dispositions in writing

- 30.1. An interest in, or licence to use, First Nation Land may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this Land Code.

Standards

- 30.2. The Council may establish mandatory standards and criteria for interests and licences in First Nation Land.

Improper transactions void

- 30.3. A deed, lease, contract, instrument, document or other agreement, by which the Tsawwassen First Nation, a Member or any other person purports to grant, dispose of, transfer or assign an interest or licence in First Nation Land after the date of this Land Code takes effect is void if it contravenes this Land Code or if it is not in writing.

Non-Members

- 30.4. A person who is not a Member may only hold a lease, licence or permit in First Nation Land. For greater certainty, a person who is not a Member shall not be issued a Certificate of Possession and shall acquire no rights in a Certificate of Possession by transfer, by devise or by descent.

**31. Existing Interests**

Continuation of existing interests

- 31.1. Any interest or licence in First Nation 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. Any renewals in any interest or licence in First Nation Land undertaken after this Land Code takes effect will be in accordance with the terms and conditions of this Land Code.

## **32. New Interests and Licences**

### Authority to make dispositions

- 32.1. Subject to section 12.1 and 35.2, the Council may, on behalf of the Tsawwassen First Nation, grant:
- (a) interests and licences in Community Lands, including Certificates of Possession, leases, permits, easements and rights-of-ways; and
  - (b) permits to take resources from Community Lands, including cutting timber or gathering fallen timber or driftwood, or removal of minerals, stone, sand, gravel, clay, soil or other substances.

### Conditional grant

- 32.2. The grant of an interest, licence or permit may be made subject to written conditions as may be stipulated by the Council.

### Role of the Lands Committee

- 32.3. The Lands Committee shall advise Council on the granting of interests, licences and permits and may be authorized to act as a delegate of the Council under this section.

## **33. Certificates of Possession**

### Application

- 33.1. This section codifies the rights attaching to Certificates of Possession, whether issued under the *Indian Act* or under this Land Code.

### Nature of interest in Certificate of Possession

- 33.2. Subject to sections 12.1 and 28, a Certificate of Possession in respect of a parcel of land is an interest that entitles the Member holding it to:
- (a) exclusive possession of the land;
  - (b) benefit from the resources arising from the land;
  - (c) grant subsidiary interests and licences in the land, including leases, permits, easements and rights-of-ways;
  - (d) transfer, devise or otherwise dispose of the land to another Member;

- (e) grant permits to take resources from the land, including cutting timber or removing minerals, stone, gravel, clay, soil or other substances;
- (f) any other rights, consistent with this Land Code, that are attached to Certificates of Possession under the *Indian Act* in force when this Land Code comes into effect.

### **34. Allocation of Land**

#### Allocation of lots

- 34.1. The Council may allocate lots of available land to Members in accordance with procedures established by the Council.
- 34.2. Community Approval by a majority of Eligible Voters present at a Meeting of Members is required for:
  - (a) the issuance of Certificates of Possession of land parcels exceeding .5 (half) acre to Members.

#### No allocation of lots to non-Members

- 34.3. Notwithstanding any other provision of this Land Code, a person who is not a Member is not entitled to be allocated a lot or to hold a permanent interest in First Nation Land.

#### Issuance of Certificate of Possession

- 34.4. Subject to Section 34.2, the Council may issue a Certificate of Possession evidencing the interest of a Member for a lot allocated to that Member.

### **35. Transfer and Assignment of Interests**

#### Transfer of Interests

- 35.1. A Member may transfer or assign an interest in First Nation Land to another Member without the need for any Community Approval or consent of the Council.

## Consent of Council

35.2. Except for transfers under section 35.1,

- (a) there shall be no transfer or assignment of an interest in First Nation Land without the written consent of the Council; and
- (b) the grant of an interest or licence is deemed to include section 35.2(a) as a condition on any subsequent transfers or assignments.

In giving its consent, the Council shall take into account the impact of the transfer on any arrangements made for social housing including the impact on any security provided for such housing

## 36. Limits on Mortgages and Seizures

### Protections

36.1. In accordance with sections 15.1 through 15.4 of the Framework Agreement, section 29, section 87 and subsections 89(1) and (2) and 89 (1.1) of the *Indian Act* continue to apply to First Nation Land.

### Mortgages of Certificates of Possession

36.2. The interest of a Member in First Nation Land may be subject to a mortgage or charge, but only to the Tsawwassen First Nation or to another Member with the written consent of the Council.

### Mortgages of leasehold interests with consent

36.3. A leasehold interest may be subject to a charge or mortgage, but only with the written consent of Council.

### Time limit

36.4. The term of any charge or mortgage of a leasehold interest shall not exceed the lesser of

- (a) the term of the lease;
- (b) 25 years, or
- (c) such longer period as may receive community approval.

#### Default in mortgage

- 36.5. 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 or execution or seizure, unless,
- (a) the charge or mortgage received the written consent of the Council;
  - (b) the charge or mortgage received Community Approval where required;
  - (c) the charge or mortgage was registered in the First Nations Land Register; and
  - (d) 90 days or such longer period as may be reasonable in the circumstances to redeem the charge or mortgage was given by the chargee or mortgagee to Council acting on behalf of the Tsawwassen First Nation.

#### Power of redemption

- 36.6. If the Council exercises its power of redemption with respect to a leasehold interest, the Tsawwassen First Nation becomes the lessee of the land in place of the chargor or mortgagor.

### **37. Residency and Access Rights**

#### Right of Residence

- 37.1. The following persons have a right to reside on the First Nation Land as specified below:
- (a) Subject to any Law relating to the property rights of Spouses and to Section 34.3, Members who have been allocated a residential lot (either a Certificate of Possession or a mortgage-related Certificate of Possession) by Council, and their Spouses and children, including adopted children have a right to reside on that lot;
  - (b) Members with an interest which has been registered in the First Nation Land Register have a right to reside on the lands described in the registration;
  - (c) any invitee of a Member referred to in clause (a) or (b) have a right to reside on the lot or the lands described in the registration; and

- (d) lessees and permittees, in accordance with the provisions of the instrument granting the lease or permit have a right to reside on the lands subject to the lease or permit.

#### Right of Access

37.2. The following persons have a right of access on First Nation Lands specified below:

- (a) a lessee and his or her invitees has a right of access to the lands subject to the terms and conditions of the lease;
- (b) permittees and those granted a right of access under the permit have a right of access to the lands subject to the terms and conditions of the permit;
- (c) Tsawwassen First Nation Members and their Spouses and children have a right of access to Community Lands;
- (d) a person who is authorized by a government body or any other public body, established by or under an enactment of the Tsawwassen First Nation, 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 has a right of access to the lands covered by such authority; or
- (e) a person authorized in writing by the Council/Lands Committee or by a Tsawwassen First Nation Law has a right of access to the lands covered by such authority.

#### Public access

37.3. Any individual may have access to First Nation Land for any social or business purposes, if:

- (a) the individual does not trespass on occupied land and does not interfere with any interest in land;
- (b) the individual complies with all applicable Laws;
- (c) no Resolution has been enacted barring that individual from having access to the land in question, and
- (d) the individual has been invited to the land in question by the Council or a Member or has a right of access under section 37.2.

## Trespass

- 37.4. Any person who resides on, enters or remains on First Nation Land other than in accordance with a residence or access right under this Land Code is guilty of an offence.

## Civil remedies

- 37.5. All civil remedies for trespass are preserved.

## **38. Transfers on Death**

### Intestacy

- 38.1. If a Member holding an interest in First Nation Land dies intestate and the entire interest in the First Nation Land does not go by law to a Spouse, Council shall call a meeting of Immediate Relatives at the request of any Immediate Relative in order to determine which Immediate Relatives should take what interest in the Land. All efforts shall be made to protect the rights of children. This meeting is to take place within 6 months after the day of the death of the member holding the interest.

### Meeting of Immediate Relatives

- 38.2. If a meeting is called under section 38.1, the following rules apply:
- (a) the Council shall take reasonable steps to advise the deceased's Immediate Relatives of the meeting; and,
  - (b) at the meeting, the deceased's Immediate Relatives may, with the help of the Panel if necessary, decide who among them is to receive the interest in the land.

## Meeting of Members

- 38.3. If the Immediate Relatives, cannot decide who is to receive the interest within 12 months of the date of death the Council shall call a Meeting of Members to discuss the issue and make a recommendation to the Immediate Relatives by a majority of Eligible Voters present at the Meeting of Members on the disposition of the interest. This recommendation may include the acquisition by the First Nation of all or part of the interest as if the interest were being expropriated under section 15 and payment to the Immediate Relatives of fair market value determined under that section.

## *Indian Act* Provisions on Intestacy

- 38.4. Section 38.1 – (3) of this Land Code are subject to sections 48 and 50 (1) – (3) of the *Indian Act* and are intended to supplement those provisions of the *Indian Act* by providing a procedure for facilitating agreements among Immediate Relatives on how their entitlements, if any, under those provisions under the *Indian Act* may be implemented in practice.

## 39. Spousal Property Law

### Development of rules and procedures

- 39.1. The Council shall enact a spousal property Law providing rules and procedures applicable on the breakdown of a marriage or termination of cohabitation in a conjugal relationship relating to:
- (a) the use, occupancy and possession of First Nation Land; and
  - (b) the division of interests in the land.

### Enactment of the rules and procedures

- 39.2. The rules and procedures contained in the spousal property Law shall be developed by the Lands Committee in consultation with the community and the proposed rules and procedures shall be submitted to Council for its consideration.

### Enactment deadline

- 39.3. The spousal property Law must be enacted within 12 months from the date this Land Code takes effect.

### General principles

39.4. For greater certainty, the rules and procedures developed by the Lands Committee under this section must respect the following general principles:

- (a) unless a marriage contract outlining otherwise has been signed by both Spouses, each Spouse should have an equal right to possession of their matrimonial home;
- (b) each Spouse should be entitled to an undivided half interest in their matrimonial home, as a tenant in common;
- (c) the rules and procedures shall not discriminate on the basis of sex;
- (d) only Members are entitled to hold a certificate of possession in First Nation Land or a charge against a certificate of possession in First Nation Land; and
- (e) notwithstanding any other provision, the best interests and rights of children of the Spouses to remain in the home shall be respected.

### Immediate rules

39.5. In order that Members benefit immediately from the legislative authority of the Council to address the issue of spousal property under this Land Code, the Council may enact a spousal property Law as soon as this Land Code comes into force. As this Law would be enacted before the work of the Lands Committee and the community consultation is complete, the Law will expire at the end of the 12 month period after the coming into force of this Land Code, unless re-enacted, replaced or amended.

**PART 8  
DISPUTE RESOLUTION**

**40. Dispute Resolution Panel**

Panel established

- 40.1. The Dispute Resolution Panel is hereby established with jurisdiction to resolve disputes to First Nation Land.

Appointment of Panel

- 40.2. The Panel shall be composed of 7 panellists,

Representation

- 40.3. The Lands Committee shall appoint the panellists, and shall ensure that the Panel represents the various elements of the community and from as many different families as possible, including two (2) Elders, a CP holder, a non-CP holder, a non-resident Member, and two (2) non-Members from outside the community, one of which is to be a first nation individual.

Term of Office

- 40.4. The panellists hold office for a term of 3 years.

No remuneration

- 40.5. Panellists are to act on a volunteer basis and receive no remuneration for their services.

**41. Dispute Procedure**

Disputes

- 41.1. Any matter or dispute related to First Nation Land, including disputes that arose prior to this Land Code taking effect, may be referred to the Panel for resolution.

Optional process

- 41.2. An application to the Panel to resolve a dispute is optional. All other civil remedies continue to be available to Members and non-Members.

### Disputes not resolved by Council

- 41.3. If a Member, or a non-Member with an interest in First Nation Land, has a dispute with the Lands Committee or with the Council, the person must first attempt to resolve that dispute with the Lands Committee and then with the Council, before referring the dispute to the Panel.

### Application procedures

- 41.4. Applications to the Panel shall be made in accordance with the procedures established by the Panel.

### Limitation period

- 41.5. The limitation period for referring a matter or dispute to the Panel is
- (a) 90 days after the day of the decision, act or omission being referred was made;
  - (b) in the case of an estate dispute under section 38, 18 months after the date of the death; or,
  - (c) in the case of a dispute with the Lands Committee or the Council, 90 days after the Lands Committee or Council rejects the attempts at resolution made under section 41.3.

### How Panels are Determined

- 41.6. Disputes referred to the Panel are to be heard by at least 5 of the 7 panellists chosen as follows:
- (a) 1 panellist to be chosen by each of the two parties to the dispute, for a total of 2;
  - (b) 1 panellist, who is to be the chairperson, is to be chosen by the rest of the Panel; and,
  - (c) in the case of situations not adequately covered by section (a) or (b), five panellists will be chosen by the Panel as a whole.

## **42. Impartiality and Confidentiality**

### Duty to act impartially and confidentially

- 42.1. The Panel shall act impartially, confidentially and without bias or favour to any party in a dispute.

### Offence

- 42.2. It is an offence for a person to act, or attempt to act, in a way to improperly influence a decision of the Panel.

### Rejection of application

- 42.3. In addition to any other sanction, the Panel may reject an application without hearing it if the Panel believes that the applicant acted, or attempted to act, in a way to improperly influence its decision.

## **43. Powers of Panel**

### Powers of Panel

- 43.1. The Panel may, after hearing a dispute:
- (a) confirm or reverse the decision, in whole or in part;
  - (b) substitute its own decision for the decision in dispute;
  - (c) direct that an action be taken or ceased; or,
  - (d) refer the matter or dispute back for reconsideration.

### Rules of Panel

- 43.2. The Panel may establish rules for the procedure at its hearings and generally for the conduct of its affairs.

### Professional services

- 43.3. The Panel may obtain the service of professionals to assist it in fulfilling its functions (land surveyors, for example), in which case it shall make best efforts to use professional services available in the community.

#### Written decisions

- 43.4. Decisions of the Panel must be in writing, signed by the person chairing the Panel or by an officer designated by the Panel to do so.

#### Reasons

- 43.5. The Panel shall give reasons for its decision, and shall do so, confidentially and in writing to the parties within 14 days after the date of the decision. The Panel shall maintain, in safekeeping, a record of all its decisions.

#### Appeal of decision

- 43.6. A decision of the Panel is binding but, subject to any exception established by a law, may be appealed to the Federal Court (Trial Division).

**PART 9  
OTHER MATTERS**

**44. Liability**

Liability Coverage

- 44.1. The Council shall make every reasonable effort to arrange, maintain and pay, out of the transfer payments received from Canada, insurance coverage for its officers and employees engaged in carrying out any matter related to First Nation Land to indemnify them against personal liability arising from the performance of those duties.

Extent of coverage

- 44.2. The extent of the insurance coverage shall be determined by the Council.

Bonding

- 44.3. The Council shall make every reasonable effort to obtain a fidelity bond for each employee of the Tsawwassen First Nation whose responsibilities include land administration or collecting or accounting for land revenue.

**45. Offences**

Application of the Criminal Code

- 45.1. Unless some other procedure is provided for by law, the summary conviction procedures of Part XXVII of the *Criminal Code*, as amended from time to time, apply to offences under this Land Code or under a law.

**46. Amendments to Land Code**

Community approval

- 46.1. All amendments to this Land Code must receive Community Approval by Ratification Vote to be effective.

Verifier

- 46.2. A verifier is required in a Ratification Vote on an amendment who shall carry out the same duties and follow the same procedure as set out in the First Nation *Land Management Act* for the approval of this Land Code by the community.

## 47. Commencement

### Preconditions

47.1. This Land Code shall not take effect unless:

- (a) 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

47.2. Subject to 47.1, this Land Code shall take effect on the first day of the month following the certification of this Land Code by the verifier, or the date on which the Individual Agreement is executed on behalf of Canada, whichever is later.

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