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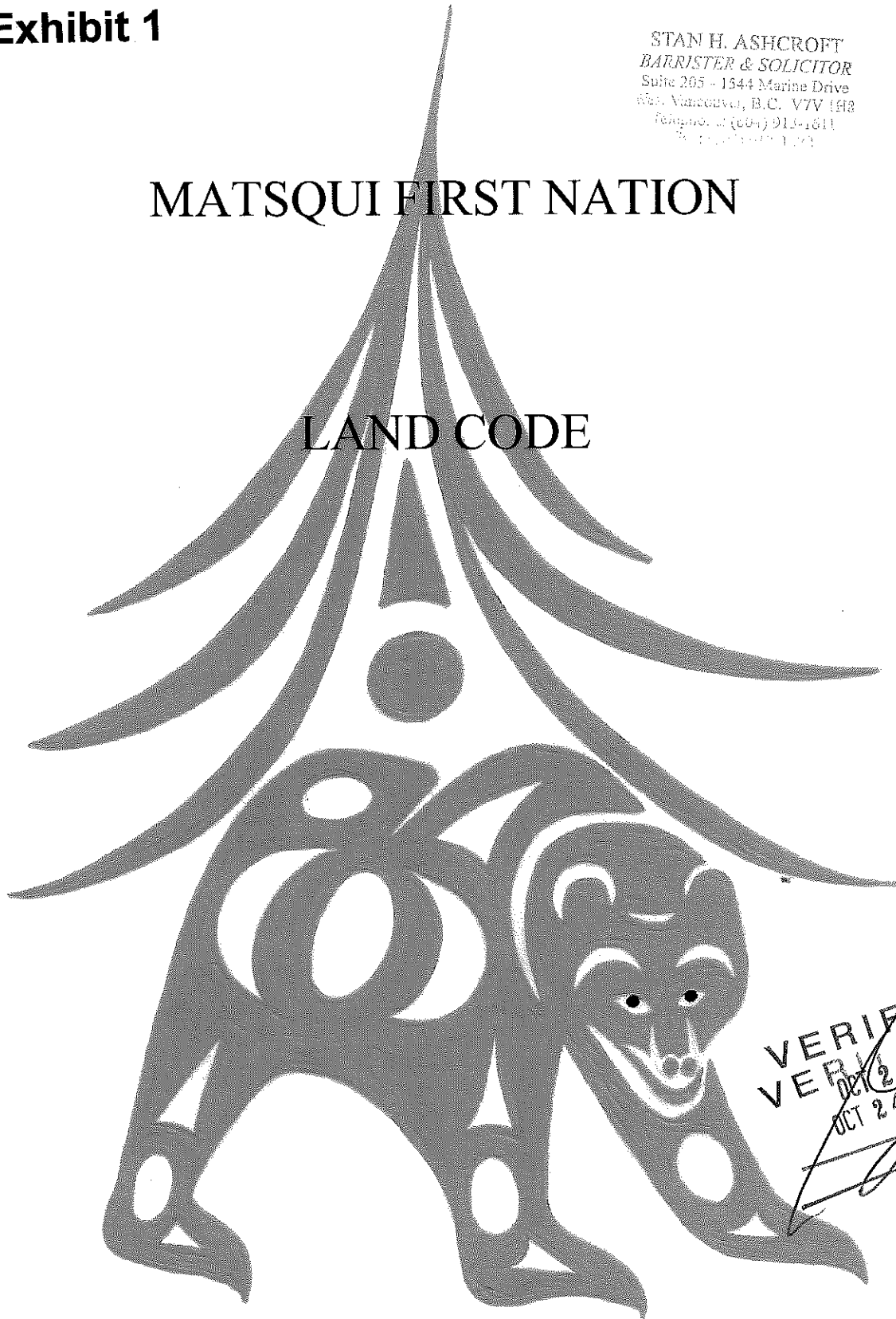
A Commissioner for taking Affidavits for British Columbia

**Exhibit 1**

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**MATSQUI FIRST NATION**

**LAND CODE**



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*[Signature]*

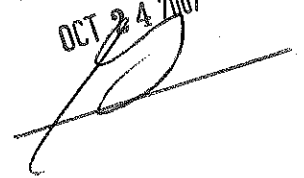
Dated for Reference October 17, 2007

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**MATSQUI FIRST NATION  
LAND CODE**


**Dated for Reference October 17, 2007**

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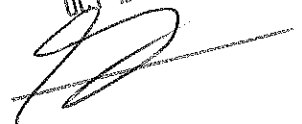
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## PREAMBLE

**WHEREAS** the Matsqui First Nation has a profound spiritual relationship with the land;

**AND WHEREAS** the Matsqui First Nation wishes to enter into the Framework Agreement on First Nation Land Management with Canada, as amended and as ratified on behalf of the Government of Canada by the *First Nations Land Management Act*;

**AND WHEREAS** the traditional teachings of the Matsqui First Nation speak of the obligation of the people of the Matsqui First Nation to care for and respect the land and the magnificent wonders of Nature created on the land;

**AND WHEREAS** by enacting this Land Code, the Matsqui First Nation is re-assuming this special responsibility;

**NOW THEREFORE THIS *MATSQUI FIRST NATION LAND CODE* IS HEREBY ENACTED AS THE FUNDAMENTAL LAND LAW OF THE MATSQUI FIRST NATION.**

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**PART 1**  
**PRELIMINARY MATTERS**

**1. Title**

1.1 The title of this enactment is the *Matsqui First Nation Land Code*.

**2. Interpretation**

Definitions

2.1 In this Land Code:

“Act” means the *First Nations Land Management Act*, S.C. 1999, c. 24;

“Band Land” means First Nation Land in which all Members have a common interest and which is not subject to any individual interest;

“Common-law Marriage” means two individuals not married to each other that have lived together as Spouses for a period of not less than five years;

“Eligible Voter” means, for the purpose of voting in respect of land matters under this Land Code, a member who is eligible to vote under the Matsqui First Nation Custom Election Regulations and Procedures;

“First Nation” means the Matsqui First Nation;

“First Nation Land” means any portion of a Matsqui First Nation Indian reserve that is subject to this Land Code;

“First Nation Land Register” means the register maintained by the Department of Indian Affairs and Northern Development under clause 51.1 of the Framework Agreement;

“Framework Agreement” means the Framework Agreement on First Nation Land Management entered into between the Government of Canada and fourteen First Nations on February 12, 1996, as amended;

“Governing Body” means the Governing Body established under clause 2.1 of Appendix K of the Matsqui First Nation Custom Election Regulations and Procedures;

“Immediate Family” means, in respect of an individual, the individual’s parent, Spouse, sister, brother or child;

“Individual Agreement” means the Individual First Nation Agreement made

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between the First Nation and Her Majesty in right of Canada in accordance with clause 6.1 of the Framework Agreement;

“Instrument” means a formal legal document;

“Land Code” means this *Matsqui First Nation Land Code*;

“Lands Committee” means the Matsqui Lands Committee established under section 14.1;

“Lands Manager” means the First Nation employee responsible for administration of First Nation Land;

“Law” means a Law enacted under this Land Code but does not include a Resolution;

“Matsqui Lands Office” means the office established by the Governing Body to assist in the management and administration of First Nation Lands;

“Matsqui Lands Register” means the register of Matsqui First Nation Lands which is part of the First Nations Land Register established and maintained by Canada and held in the Registry at the National Capital Region;

“Meeting of Members” means a meeting under section 25;

“Member” means a person whose name appears on the Matsqui First Nation membership list;

“Minister” means the Minister of Indian Affairs and Northern Development;

“Panel” means the Dispute Resolution Panel established under section 38.1;

“Ratification Vote” means a vote under section 26;

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

“Spouse” means a person who is married to another person, whether by custom, religious or civil ceremony, and includes a Spouse by Common-law Marriage;

“Verifier” means a verifier appointed in accordance with clause 8.1 of the Framework Agreement; and

“Written Instrument” means an instrument in writing, in the approved form prepared by the Matsqui Lands Office, which purports to create, grant, assign or transfer an interest or licence in First Nation Lands or affect First Nation Lands.

2.2 In this Land Code:


- (a) the use of the word “will” denotes 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) headings and subheadings are for convenience only, do not form a part of this Land Code and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Land Code;
- (d) a reference to a statute includes every amendment to it, every regulation made under it and any law enacted in substitution for it or in replacement of it;
- (e) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular;
- (f) 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;
- (g) where the time limited for the doing of an act expires or falls on a Saturday, a Sunday or a 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 Matsqui administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open; and
- (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.

Paramountcy

2.3 If there is an inconsistency between this Land Code and any other land enactment of the First Nation, this Land Code will prevail to the extent of the inconsistency.

2.4 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.

Culture and Traditions

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

Language

2.6 The language of the First Nation, Halq'emeylem, 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

2.7 This Land Code is not intended to abrogate or derogate from any aboriginal, treaty or other right or freedom that pertains now or in the future to the First Nation or to its Members.

Fair Interpretation

2.8 This Land Code will be interpreted in a fair, large and liberal manner.

Fiduciary Relationships

2.9 This Land Code is not intended to abrogate the fiduciary relationships between Her Majesty the Queen in Right of Canada, the First Nation and its Members.

Lands and Interests Included

2.10 A reference to "land" or "Land" in this Land Code is, unless the context otherwise requires, a reference to First Nation Land and all rights and resources in and of that land, including:

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

**3. Authority to Govern**

Flow of Authority

3.1 The authority of the First Nation to govern its lands and resources flows from the Creator to the people of the First Nation, and from the people to the Governing Body according to the culture, traditions, customs and laws of the First Nation.

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#### **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 First Nation will exercise authority over First Nation Land.

##### Ratification of Framework Agreement

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

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

##### First Nation Land

- 5.1 The First Nation Land that is subject to this Land Code are the Indian reserves known as Reserve #1-Sahhacum, Reserve #2-Matsqui Main, Reserve #3-Three Islands and Reserve #4-Matsqui.

##### Additional Lands

- 5.2 The following lands may be made subject to this Land Code after the applicable conditions are met:
- (a) any reserve lands held jointly for the First Nation and another First Nation, where the First Nations agree upon a joint management scheme for those lands; and
  - (b) any land set apart by Canada in the future as lands reserved for the use and benefit of the First Nation within the meaning of subsection 91(24) of the *Constitution Act 1867* and subsection 2(1) of the *Indian Act*.

##### Land exchange

- 5.3 Section 5.2 does not apply to land acquired in accordance with section 29.

##### Inclusion of land or interest

- 5.4 When the relevant conditions in section 5.2 and 5.3 are met, the Governing Body will call a Meeting of Members and after receiving their input may by enacting a Law, declare the land or interest to be subject to this Land Code.

**PART 2**

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## FIRST NATION LEGISLATION

### 6. Law-Making Powers

#### Governing Body May Make Laws

- 6.1 The Governing Body may, in accordance with this Land Code, make Laws respecting:
- (a) development, conservation, protection, management, use and possession of First Nation Land;
  - (b) interests and licences in relation to First Nation Land;
  - (c) any matter necessary to give effect to this Land Code; and
  - (d) any matter necessary or ancillary to a Law respecting First Nation Land.

#### Examples of Laws

- 6.2 For greater certainty, the Governing Body may make Laws in relation to First Nation Land including:
- (a) regulation, control and prohibition of zoning, land use, subdivision control and land development;
  - (b) creation, regulation and prohibition of interests and licences in relation to First Nation Land;
  - (c) environmental assessment and environmental protection;
  - (d) provision of local services in relation to First Nation Land and the imposition of user charges;
  - (e) provision of services for the resolution, outside the courts, of disputes in relation to First Nation Land;
  - (f) enforcement of First Nation laws;
  - (g) regulation, control, authorization and prohibition of residency, access and the occupation of First Nation Land;
  - (h) authorization and regulation of subdivisions;
  - (i) conduct of surveys;
  - (j) setting aside and regulation of parks, parklands, and recreational lands;

- (k) setting aside and regulation of heritage lands and sacred sites;
- (l) rules and procedures for the receipt, management, expenditure, investment, and borrowing of moneys, and the establishment of administrative structures to manage such moneys;
- (m) creation of management and administrative bodies or agencies;
- (n) removal and punishment of persons trespassing upon First Nation Land or frequenting First Nation Land for prohibited purposes;
- (o) public nuisance and private nuisance;
- (p) regulation of sanitary conditions and the provision of sanitary services in private premises and public places;
- (q) instruction and maintenance of boundary and internal fences;
- (r) instruction, maintenance and management of roads, water courses, water diversions, storm drains, bridges, ditches and other local and public works;
- (s) regulation of traffic and transportation; and
- (t) fishing sites on First Nation Land.

## **7. Law-Making Procedure**

7.1 The Governing Body will enact Laws under this Land Code in accordance with this Part.

Development of Laws

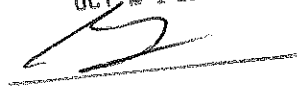
7.2 Development of a Law may be initiated by:

- (a) a Resolution, setting out the specific subject matter of the proposed Law;  
or
- (b) a petition to the Governing Body signed by 30 percent of the Eligible Voters, setting out a request for development of a Law and the intended purpose and specific subject matter of the proposed Law.

Notice

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7.3 Upon initiation of a proposed law, the Governing Body will provide notice to the Members of the subject matter of the proposed law and the general nature of the provisions to be included in the proposed Law.

7.4 Notice under section 7.3 will be provided by:

- (a) publication of a notice in the First Nation newsletter mailed to Eligible Voters at their last known address; or
- (b) by written notice, delivered or mailed to Eligible Voters at their last known address; and
- (c) posting of the notice in a public area of the First Nation administration offices.

7.5 Notice under section 7.3 will:

- (a) invite written comments from Members on the subject matter and content of the proposed Law; and
- (b) specify a date at least 20 days from the date of the notice for Members to provide comments under subsection (a).

Governing Body Shall Consider

7.6 Upon expiry of the time specified under section 7.5(b), the Governing Body will take into consideration any comments received, the needs of the community and other relevant matters and shall prepare a draft Law.

Consideration in Principle

7.7 The Governing Body will table the draft Law at a regular meeting of the Governing Body.

7.8 After considering the draft Law the Governing Body will by Resolution:

- (a) accept the draft Law in principle and set a return date for further consideration by the Governing Body;
- (b) reject the draft Law; or
- (c) direct further work on the draft Law and specify a return date for further consideration by the Governing Body.

Explanation for Rejection

7.9 Upon the request of any Eligible Voter, the Governing Body will explain its reasons for rejecting a draft Law.

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Approval by Council

- 7.10 A Law is enacted if it is approved in writing by a quorum of the Governing Body on a return date set under section 7.8(a) or (c).

Coming into Force

- 7.11 A Law comes into force on the date of its enactment or such other date as may be specified by the Law.

Urgent Matters

- 7.12 The Governing Body may enact a Law without notice if the Governing Body is reasonably of the opinion that the Law is required urgently to protect First Nation Land or Members.
- 7.13 A Law enacted under section 7.12 shall be deemed to have been repealed and to have no force and effect as of 28 days after its enactment, but may be re-enacted in accordance with this Part.
- 7.14 Notwithstanding the provisions of the Matsqui First Nation Custom Election Regulations and Procedures For purposes of enacting a Law under section 7.12, the quorum for the Governing Body will consist of a seventy-five percent majority of the Governing Body.

**8. Publication of Laws**

Publication

- 8.1 All Laws will be published in the minutes of the Governing Body.


Posting Laws

- 8.2 Within seven days after a Law has been enacted, the Governing Body will post a copy of the Law in the First Nation administration offices.

Registry of Laws

- 8.3 The Governing Body will cause to be kept, at the First Nation administration offices, a register of Laws containing the original copy of all Laws and Resolutions, including Laws and Resolutions that have been repealed or are no longer in force.
- 8.4 Any person may, during regular business hours at the First Nation administration offices, have reasonable access to the register of Laws.

Copies for Any Person

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- 8.5 Any person may obtain a copy of a Law or Resolution upon payment of such reasonable fee as may be set by the Governing Body.
- 8.6 Section 8.5 does not preclude the Governing Body from making copies of a Law or Resolution available to Members without fee.

### **PART 3**

## **FINANCIAL MANAGEMENT AND LAND ADMINISTRATION**

### **9. Financial Management**

#### Application

- 9.1 This part applies only to financial matters in relation to First Nation Land that is administered under this Land Code.

#### Establishment of Bank Accounts

- 9.2 The Governing Body will maintain one or more financial accounts in a financial institution and will deposit in those accounts:
- (a) transfer payments received from Canada for the management and administration of First Nation Land;
  - (b) moneys received by the First Nation from the grant or disposition of interests or licences in First Nation Land including monies arising from natural resources;
  - (c) all fees, fines, charges and levies collected under a Law or Resolution in relation to First Nation Land;
  - (d) all capital and revenue moneys received from Canada from the grant or disposition of interests and licences in First Nation land; and
  - (e) any other revenue received by the First Nation from First Nation Land.
- 9.3 The Governing Body will continue or implement a system of financial planning and financial administration for the management of First Nation moneys through which the Governing Body, First Nation employees and other persons who manage moneys in relation to First Nation Lands are accountable to Members within the meaning of clause 5.2(d) of the Framework Agreement.

#### Financial Policy

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

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#### Signing Officers

- 9.5 The Governing Body will authorize a minimum of three persons, at least one of whom will be a member of the Governing Body and one of whom will be the Lands Manager, to sign cheques and other bills of exchange or transfers drawn on a financial account maintained under section 9.2.
- 9.6 A cheque or other bill of exchange or transfer drawn on a financial account maintained under section 9.2 must be signed by any two persons authorized under section 9.5
- 9.7 A payee who is a signor under section 9.5 will not sign a cheque payable to them self.
- 9.8 Every signing officer will complete such security screening process as may be prescribed by Governing Body.

#### Fiscal Year

- 9.9 The fiscal year of the First Nation will begin on April 1 of each year and end on March 31 of the following year.

#### Adoption of Budget

- 9.10 The Governing Body will, by Resolution, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Governing Body deems it necessary in the course of the fiscal year, adopt one or more supplementary budgets for that fiscal year.
- 9.11 Prior to adopting a budget referred to in section 9.10, the Governing Body will consult with the Lands Committee.

#### Procedure

- 9.12 After adopting a land management budget or supplementary budget, the Governing Body will as soon as practicable:
- (a) present the budget or supplementary budget to the Members at a general Matsqui Band meeting; and
  - (b) make a copy of the budget or supplementary budget available at the First Nation administration offices for inspection by Members during regular business hours.

#### If No Budget

- 9.13 If the Governing Body fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary

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budget of the previous fiscal year will apply until another budget is adopted.

Expenditures

- 9.14 The Governing Body may not expend moneys related to First Nation Land or commit, by contract or otherwise, to expend moneys related to First Nation Land unless the expenditure is authorized under a Law or an adopted budget.

Determination of Revenues

- 9.15 The Governing Body may establish a process for determining:
- (a) fees and rent for interests and licences in First Nation Land; and
  - (b) fees for services provided in relation to First Nation Land and compliance with this Land Code.

**10. Financial Records**

Financial Records

- 10.1 The First Nation will keep financial records in accordance with generally accepted accounting principles.

Offences

- 10.2 Any person who has control of the financial records of the First Nation and who:
- (a) impedes or obstructs anyone from exercising a right to inspect those records; or
  - (b) fails to give all reasonable assistance to anyone exercising a right to inspect those financial records,
- is guilty of an offence under this Land Code.

Preparation of Financial Statement

- 10.3 Within 90 days after the end of each fiscal year the Governing Body will prepare a financial statement in comparative form containing:
- (a) 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 full and fair presentation of the financial position of the First Nation in relation to First Nation Land.

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Consolidated Accounts

- 10.4 The accounting, auditing and reporting requirements of this Land Code may be consolidated with other accounts, audits and reports of the First Nation.

**11. Audit**

Appointment of Auditor

- 11.1 For each fiscal year, the Governing Body will appoint a duly accredited auditor to audit the financial records under this Part.
- 11.2 An auditor appointed for other First Nation audits may be appointed under section 11.1.

Vacancy in Office

- 11.3 If a vacancy occurs during the term of an auditor, the Governing Body will forthwith appoint a new auditor for the remainder of the former auditor's term.

Remuneration

- 11.4 An appointment under section 11.1 will contain a statement approving the remuneration to be paid to the auditor.

Duty of Auditor

- 11.5 The auditor will, within 120 days after the end of the First Nation's fiscal year, prepare and submit to the Governing Body an audit report on the First Nation's financial statement stating whether, in the opinion of the auditor, the financial statement presents fairly and accurately the financial position of the 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

- 11.6 The auditor may at all reasonable times inspect any financial records of the First Nation and the financial records of any person or body who is authorized to administer money related to First Nation Land.

Presentation of Auditor's Report

- 11.7 The Governing Body will present the auditor's report at a Meeting of Members.

**12. Annual Report**

Publish Annual Report

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12.1 The Governing Body will prepare and table an annual report on First Nation Land management.

12.2 The annual report will include:

- (a) an annual review of First Nation Land management activities;
- (b) a copy and explanation of the audit report as it applies to First Nation Lands; and
- (c) such other matters as may be directed by the Governing Body.

### **13. Access to Financial Information**

Copies for Members

13.1 A Member may, during normal business hours at the First Nation administration offices, have reasonable access to:

- (a) the auditor's report; and
- (b) the annual report.

13.2 A Member may, during normal business hours at the First Nation administration offices, obtain a copy of the auditor's report or annual report on First Nation Land management.

### **14. Lands Committee**

Lands Committee Established

14.1 A Lands Committee is hereby established to:

- (a) assist with the development of a First Nation Land administration system;
- (b) advise the Governing Body and First Nation staff on matters respecting First Nation Land;
- (c) recommend to the Governing Body Laws, Resolutions, policies and procedures respecting First Nation Land;
- (d) hold regular and special meetings of Members to discuss First Nation Land issues and make recommendations to the Governing Body on the resolution of such issues;
- (e) assist in the exchange of information regarding First Nation Land matters between Members and the Governing Body;

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- (f) oversee community consultations under this Land Code; and
- (g) perform such other duties and functions as the Governing Body may direct.

Development of Land Related Rules and Procedures

14.2 Within a reasonable time after this Land Code takes effect, the Governing Body will, in consultation with the Members, establish rules and procedures to address the following matters:

- (a) environmental protection and environmental assessment;
- (b) resolution of disputes in relation to First Nation Land;
- (c) land use planning and zoning; and
- (d) section 40 respecting spousal property.

Implementation of Policies

14.3 Rules and procedures developed in accordance with section 14.2 will be given full and fair consideration by the Governing Body for implementation as Laws, policies or amendments to this Land Code.

Internal Procedures

14.4 The Governing Body may:

- (a) establish rules and procedures for the conduct of meetings and general affairs of the Lands Committee;
- (b) establish policies for the remuneration and recovery of expenses incurred by Lands Committee members; and
- (c) establish programs for the orientation and education of Lands Committee members.

14.5 The Governing Body will consult with the Lands Committee in the implementation of section 14.4.

**15. Lands Committee Membership**

Composition

15.1 The Lands Committee will be comprised of a minimum of five Eligible Voters.

Eligibility

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15.2 Any Eligible Voter, whether or not resident on First Nation Land, is eligible to be appointed to the Lands Committee, except for:

- (a) an Eligible Voter convicted of an offence that was prosecuted by way of indictment; or
- (b) an Eligible Voter convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

Appointment of Land Management Committee Members

15.3 The members of the Lands Committee will consist of:

- (a) at least one member of the Governing Body; and
- (b) up to an additional nine Members, some or all of whom may be Governing Body Members, all of whom will be appointed by the Governing Body.

15.4 The Governing Body will enact a Law to establish the procedure for selection of Lands Committee members, including such transitional rules as may be necessary for the members of the first Lands Committee.

15.5 A Law enacted under section 15.4 will include:

- (a) a process for providing notice to Members that appointments will be made to the Lands Committee and offering Members an opportunity to apply for such appointments; and
- (b) standards and criteria for appointment to the Lands Committee.

Term of Office and Vacancy

15.6 A member of the Lands Committee will serve in office until that member:

- (a) resigns in writing;
- (b) becomes ineligible to hold office under section 15.2 or 15.3(a);
- (c) ceases to be a Member;
- (d) is absent from three consecutive meetings of the Lands Committee for a reason other than permitted by the Lands Committee; or
- (e) dies or becomes mentally incompetent.

Filling of Vacancy

15.7 Where the office of a member of the Lands Committee becomes vacant, the

vacancy will be filled in accordance with section 15.3.

## **16. Chair of the Lands Committee**

### Chair

16.1 The member of the Lands Committee appointed under section 15.3(a) will be the Chair of the Lands Committee.

### Co-chair

16.2 The members of the Lands Committee will appoint a Co-chair who will perform the functions of the Chair if the Chair is unavailable or unable to perform the functions of office.

### Alternate

16.3 If the Chair and Co-chair are unavailable or unable to perform the functions of office, the Lands Committee will appoint another member of the Lands Committee to serve as interim Chair.

### Duties of the Chair

16.4 The duties of the Chair are to:

- (a) chair meetings of the Lands Committee;
- (b) ensure that financial statements relating to the activities of the Lands Committee, including any applicable revenues and expenditures concerning First Nation Lands, are prepared and tabled with the Governing Body;
- (c) report to the Governing Body and the Members on the activities of the Lands Committee;
- (d) monitor the presentation of the audited annual financial statements under section 11.7; and
- (e) perform such other duties as the Governing Body or the Lands Committee may reasonably prescribe.

## **17. Matsqui Lands Office**

### Administration

17.1 The Governing Body will perform all the duties and functions, and exercise all the powers, of the First Nation that are not specifically assigned to any other person or body established under this Land Code.

17.2 The Matsqui Lands Office shall carry out duties and responsibilities delegated or assigned to it pursuant to this Part or by First Nation Law.

17.3 Without limiting the generality of the duties and responsibilities of the Matsqui Lands Office, it shall:

- (a) administer First Nation Land in accordance with this Land Code and Matsqui First Nation Law;
- (b) prepare forms of Written Instruments for use in registering or recording interests or licences in First Nation Lands where deemed necessary and advisable by the Matsqui Lands Office;
- (c) prepare forms of Written Instruments for use in registering or recording instruments which affect, or purport to affect, First Nation Lands where deemed necessary and advisable by the Matsqui Lands Office;
- (d) receive Written Instruments sought to be registered or recorded in the Matsqui Lands Register;
- (d) review Written Instruments sought to be registered or recorded in the Matsqui Lands Register;
- (e) review Written Instruments for technical compliance with the Land Code, Matsqui First Nation Law and other applicable laws or policies;
- (f) arrange for the execution of Written Instruments and related documentation on behalf of the First Nation, the Minister and Her Majesty the Queen in right of Canada;
- (g) arrange for the registration or recording of Written Instruments in the Matsqui Lands Register;
- (h) maintain and protect records in relation to First Nation Lands;
- (i) prepare and present regular reports to the Governing Body; and
- (j) carry out such duties as are requested or required by the Governing Body consistent with this Land Code, First Nation Law and other applicable law.

Lands Manager

17.4 The Lands Manger shall oversee the day-to-day operations of the administration of First Nation Land and perform such duties and responsibilities consistent with

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this Land Code and First Nation Law.

- 17.5 Without limiting the generality of sections 17.3 and 17.4, the Lands Manager or his or her designate appointed in writing, shall:
- (a) execute such Written Instruments and carry out any action required to be taken by and on behalf of the Minister or Her Majesty the Queen in right of Canada in relation to an interest or licence in First Nation Lands;
  - (b) carry out any action that was required to be taken by the Minister or Her Majesty the Queen in right of Canada in relation to an interest or licence described in section prior to the date this Land Code comes into force; and
  - (c) manage the Matsqui Lands Office;
  - (d) present proposed Laws to the Members; and
  - (e) carry out any action or responsibility delegated to the Lands Manger pursuant to section 17.2.

Delegation

- 17.6 Despite section 17.1 the Governing Body may delegate administrative authority in relation to a Law enacted under section 7.1 to an individual or a body established or authorized under this Land Code.

**18. Registration of Interests and Licences**

Matsqui Lands Register

- 18.1 An interest or licence in First Nation Land created or granted after this Land Code comes into effect is not enforceable unless it is registered or recorded in the Matsqui Lands Register.

Registration of Consent or Approval

- 18.2 No instrument that requires the consent of the Governing Body or approval of the Lands Committee may be registered or recorded in the Matsqui Lands Register unless a certified copy of the document that records the consent or approval is attached to the instrument.

Duty to Deposit

- 18.3 An interest or licence in Matsqui Lands may only be created, granted, assigned or transferred by Written Instrument in accordance with this Land Code.

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- 18.4 No person may acquire an interest or licence in Matsqui Lands by use, occupation or any other means not authorized either pursuant to this Land Code or by Matsqui Law.
- 18.5 No Written Instrument is valid nor shall it be forwarded to the First Nation Lands Registry for registration or recording unless it has first been submitted to the Lands Manager or his or her designate at the Matsqui Lands Office. Only the Matsqui Lands Office may submit a Written Instrument or an instrument described in section 19.8 for registration or recording in the First Nation Lands Registry.
- 18.6 The Governing Body will ensure that a copy of the following is kept at the Matsqui Lands Office:
- licence
- (c) a land use plan or subdivision plan; and
- (d) this Land Code and any amendment to this Land Code.
- 18.7 The Governing Body may enact a Law providing for maintenance of the Matsqui Lands Register in such other land registry system or facility as may meet the requirements of the Matsqui Lands Register.

## **19. First Nation Lands Register**

- 19.1 Interests or licences in, and registrable instruments with affect, or purport to affect, First Nation Lands shall be registered or recorded in the Matsqui Lands Register.
- 19.2 Notwithstanding section 19.1 only those instruments that are in compliance with this Land Code can be registered or recorded in the Matsqui Lands Register.
- 19.3 A copy of all Written Instruments will be kept at the Matsqui Lands Office that are submitted for registration or recording in the Matsqui Lands Register.
- 19.4 Subject to this section, the Act and any regulation passed pursuant to the Act, the Matsqui Lands Register shall be administered in the same manner as the Reserve Land Register established under the *Indian Act*.
- 19.5 The Matsqui Lands Register shall accommodate the registration and recording of interests or licences not accommodated specifically by the *Indian Act*, in accordance with criteria or procedures to be agreed upon by Canada and the Governing Body.
- 19.6 Transactions dealing with interests or licences in Matsqui Lands shall be filed with the Matsqui Lands Office and once verified as technically complying with

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this Land Code and Matsqui Law shall be forwarded to the Matsqui Lands Register for registration or recording.

- 19.7 Financial claims or other assertions of right which affect, or purport to affect, First Nation Land may, in accordance with Matsqui Law and other applicable law, be recorded in the Matsqui Lands Register subject to the approval of the form and content of same by the Matsqui Lands Office.
- 19.8 The types of instruments which may be recorded in the Matsqui Lands Register under section 19.7 include, but are not limited to, instruments relating to:
- (a) Judgments;
  - (b) Court Orders;
  - (c) Rights of First Refusal;
  - (d) Certificates of Pending Litigation;
  - (e) Caveats;
  - (f) Liens;
  - (g) Assignments of Rent;
  - (h) Options to Purchase; and
  - (i) Tax certificates.

The recording of such instruments, or other instruments, is subject to approval by the Lands Manger and the Registrar of the First Nations Land Registry.

**20. Date of Grant or Transfer of Interests or Licences**

- 20.1 The grant, transfer or other disposition of an interest or licence in First Nation Lands shall be effective on the date the documents are registered or recorded in the Matsqui Lands Registry.
- 20.2 An interest or licence in First Nation Lands is not enforceable unless it is registered or recorded in the Matsqui Lands Registry. This section is not meant to preclude *in personam* rights or causes of action that may be pursued by one part as against another party for a claim in relation to an interest in First Nation Lands.

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- 20.3 Subject to section 20.6, registered or recorded interests or licences that affect the same parcel of First Nation Land have priority according to the time and date of their registration and not according to the time and date of their execution.
- 20.4 A registered interest affecting First Nation Land is entitled to priority over an unregistered interest affecting the same parcel of First Nation Land.
- 20.5 A registered mortgage has a priority over a subsequently registered interest that affects the same parcel of First Nation Land, to the extent of the money actually advanced under the mortgage, to a maximum of the amount secured by the Mortgage, even if all or part of the money was advanced after the registration of the subsequently registered interest.
- 20.6 (a) The holder of a registered interest, or a person applying to register an interest, may apply to register or record a postponement agreement that gives priority over the registered interest to a specified interest that was, or is to be, subsequently registered.
- (b) On the registration or recording of a postponement agreement, priority shall be accorded to the interests referred to in the agreement in the manner provided for in the agreement.

## **21. Surveys**

- 21.1 The Governing Body may cause surveys to be made of First Nations Lands in accordance with the *Canada Lands Surveys Act* and the *Canada Lands Surveyors Act*.
- 21.2 The holder of an interest or licence in First Nation Lands may cause surveys to be made of those lands in accordance with the *Canada Lands Surveys Act* and the *Canada Lands Surveyors Act*.
- 21.3 All surveys of First Nation Lands prepared by the Surveyor General of Canada or his or her designate shall be deemed for all purposes to accurately describe and identify the boundaries of the lands covered by such survey.
- 21.4 All surveys respecting First Nation Lands only become effective upon registration or recording in the Matsqui Lands Registry.

## **PART 4 CONSULTATION AND MEMBER APPROVALS**

### **22. Rights of Eligible Voters**

Rights of Eligible Voters

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22.1 An Eligible Voter may vote in a Ratification Vote.

### **23. Approval by Eligible Voters**

Approval

23.1 Approval by majority vote of Eligible Voters who attend a Meeting of the Members must be obtained for:

- (a) a land use plan;
- (b) amendment of a land use plan;
- (c) a grant or disposition of an interest or licence in First Nation Land for a term exceeding 49 years;
- (d) renewal of a grant or disposition of an interest or licence in First Nation Land for a term exceeding 49 years, or that would have the effect of extending the original grant or disposition for a term exceeding 49 years;
- (e) a grant or disposition of natural resources on First Nation Land exceeding a term of one year;
- (f) a Law enacted under section 38; and
- (g) any Law or class of Law that Governing Body, by Resolution, declares to be subject to this section.

23.2 The Governing Body may establish policies and procedures for:

- (a) approvals under section 23.1, including timelines for decision-making; and
- (b) regular review of grants or dispositions issued under sections 23.1(c) to 23.1(f).

### **24. Member Consultation**

Meeting with Committee and Elders

24.1 Prior to approving a draft Law under section 7.10, the Governing Body will call a Meeting of Members to receive input in respect of:

- (a) a land use plan;
- (b) a subdivision plan;

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- (c) declaring land or an interest in land referred to in section 5.2 or 5.3 to be subject to this Land Code;
- (d) heritage land;
- (e) environmentally sensitive property;
- (f) environmental assessment;
- (g) spousal property under section 40; and
- (h) any other matter or class of matters that Governing Body by Resolution declares to be subject to this section.

Process to Implement Laws

- 24.2 The Governing Body will, within a reasonable time after this Land Code takes effect-develop and implement the Laws referred to in section 24.1.
- 24.3 Nothing in this Land Code precludes the Governing Body from consulting with other advisors or representatives of other jurisdictions, including other first nations, municipal corporations and regional districts.

**25. Meeting of Members**

Notice of Meeting

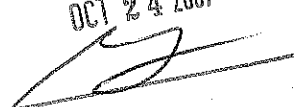
- 25.1 The Governing Body will give written notice of a Meeting of Members that:
  - (a) specifies the date, time and place of the meeting; and
  - (b) contains a brief description of the matters to be discussed at the meeting.

Manner of Notice

- 25.2 Written notice of a Meeting of Members under section 25.1 will be given by:
  - (a) posting the notice in public places on First Nation Land at least 21 days before the meeting;
  - (b) mailing the notice to Members at least 21 days before the meeting; and
  - (c) such additional methods as Governing Body may consider appropriate.

**26. Ratification Votes**

Approval by Ratification Vote

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- 26.1 Approval by a Ratification Vote must be obtained for:
- (a) voluntary exchange of First Nation Land under section 29;
  - (b) amendment of this Land Code;
  - (c) expropriation of a Member's interest under Part 5; and
  - (d) enactment of a Law or class of Laws that the Governing Body by Resolution declares to be subject to this section.

Individual Agreement with Canada

- 26.2 For greater certainty, an amendment to, or renewal of, the Individual Agreement will not require approval by a Ratification Vote unless the amendment or renewal reduces the amount of funding provided by Canada.

Ratification Process

- 26.3 A Ratification Vote required under this Land Code will be conducted, with any appropriate modifications necessary in the circumstances, in substantially the same manner as that provided in the Matsqui First Nation Ratification Process that was used to ratify this Land Code.

Minimum Requirements for Approval

- 26.4 A matter will be approved by a Ratification Vote if a majority of the Eligible Voters participates in the vote and at least a majority of the participating Eligible Voters cast a vote in favour of the matter.

No Verifier

- 26.5 A Verifier is not required in a Ratification Vote.

## PART 5 PROTECTION OF LAND

### 27. Expropriation by First Nation

Rights and Interests That May Be Expropriated

- 27.1 An interest in First Nation Land or in any building or other structure on that land may be expropriated by the First Nation in accordance with the Framework Agreement and any Law enacted under section 27.3 of this Land Code.

Community Purposes

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27.2 An expropriation may be made only for a necessary community purpose or works of the First Nation, including but not limited to fire halls, sewage or water treatment facilities, community centers, public works, roads, schools, day-care facilities, hospitals, health care facilities or retirement homes.

Expropriation Law

27.3 The Governing Body will enact a Law respecting the rights and procedures for expropriations, including provisions in respect of:

- (a) taking possession of an expropriated interest;
- (b) transfer of an expropriated interest;
- (c) notice of an expropriation;
- (d) service of a notice of expropriation;
- (e) entitlement to compensation;
- (f) determination of the amount of compensation; and
- (g) the method of payment of compensation.

Public Report

27.4 Before the First Nation expropriates an interest, the Governing Body will:

- (a) prepare a report on the reasons for the expropriation;
- (b) post a copy of the report in the First Nation administration offices; and
- (c) mail a copy of the report to each Eligible Voter at their last known address.

Acquisition by Mutual Agreement

27.5 The First Nation may expropriate only after a good faith effort to acquire, by mutual agreement, the interest in First Nation Land.

Approval by Ratification Vote

27.6 An expropriation of a Member's interest, where the Member and the Governing Body have not agreed to the expropriation, has no effect unless the proposed expropriation receives prior approval by a Ratification Vote.

Compensation for Rights and Interests

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27.7 The First Nation will, in accordance with its Laws and the Framework Agreement:

- (a) serve reasonable notice of the expropriation on each affected holder of the interest to be expropriated; and
- (b) pay fair and reasonable compensation to the holder of the interest licence being expropriated.

Compensation Calculation

27.8 The total value of compensation payable under section 27.8(b) will be based on:

- (a) the fair market value of the interest being expropriated;
- (b) the replacement value of any improvement to the land being expropriated;
- (c) the damages attributable to any disturbance; and
- (d) damages for reduction in the value of any remaining interest.

Market Value

27.9 The fair market value of an expropriated interest is equivalent 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

27.10 Subject to section 27.13, the resolution of a dispute concerning the right of the First Nation to expropriate will be determined by neutral evaluation in the same manner as provided in Part IX of the Framework Agreement.

27.11 The 60 day period referred to in clause 33.6 of the Framework Agreement will be applied, as appropriate in the circumstances, by the neutral evaluator.

Arbitration to Resolve Disputes

27.12 The resolution of the following disputes will be determined by arbitration in the same manner as provided in Part IX of the Framework Agreement:

- (a) a dispute concerning the right of the holder of an expropriated interest to compensation; and
- (b) a dispute concerning the amount of compensation.

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## 28. Heritage Land

### Governing Body Approval

- 28.1 Development will be permitted on a site designated as heritage land under a First Nation Land use plan only if the proposed development receives approval in writing by a quorum of the Governing Body.
- 28.2 Section 28.1 applies to any lands designated as sacred lands by the Governing Body.

## 29. Voluntary Land Exchange and Protection

### Conditions for a Land Exchange

- 29.1 The First Nation may agree with another party to exchange First Nation Land for land from that other party in accordance with this Land Code and the Framework Agreement.

### No Effect

- 29.2 A land exchange is of no effect unless it receives approval by a Ratification Vote.

### Land to be Received

- 29.3 A land exchange may proceed to a Ratification Vote only if the land to be received by the First Nation:
- (a) is of equal or greater area than the First Nation Land to be exchanged; or
  - (b) is of a value comparable to the appraised value of the First Nation Land to be exchanged. and
  - (c) is eligible to become a reserve under the *Indian Act* and First Nation Land subject to this Land Code.

### Negotiators

- 29.4 A person who negotiates a land exchange on behalf of the First Nation will be designated by Resolution.

### Additional Compensation

- 29.5 The First Nation may receive additional compensation, including money or other land in addition to the land referred to in section 29.3.

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29.6 Such other land may be held by or on behalf of the First Nation in fee simple or otherwise.

Federal consent

29.7 The First Nation may conclude an agreement for a land exchange provided that the agreement contains a condition subsequent that, the Governing Body must receive a written statement from Canada stating that Her Majesty in right of Canada:

- (a) has agreed to set apart as a reserve the land to be received in the land exchange, as of the date of the land exchange or such later date as the Governing Body may specify by Resolution; and
- (b) consents to the form of the land exchange as set out in the land exchange agreement.

Information to Members

29.8 At such time as negotiation of a land exchange agreement is concluded, and at least 21 days before the Ratification Vote provided for in section 29.2, the Governing Body will provide the following information to Members:

- (a) a description of the First Nation Land to be exchanged;
- (b) a description of the land to be received by the First Nation;
- (c) a description of any additional compensation to be received;
- (d) a report of a certified land appraiser stating that the conditions in sections 29.3(a) and (b) have been met;
- (e) a copy of the land exchange agreement; and
- (f) a copy of the statement referred to in section 29.7.

Process of Land Exchange

29.9 A land exchange agreement will provide that:

- (a) the other party to the exchange will transfer to Canada the title to the land that is to be set apart as a reserve;
- (b) the Governing Body will pass a Resolution authorizing Canada to transfer title to the First Nation Land being exchanged, in accordance with the land exchange agreement; and

- (c) a copy of the instruments transferring title to the land will be registered in the Matsqui Lands Register.

## PART 6 CONFLICT OF INTEREST

### 30. Conflict of Interest

#### Application of Rules

#### 30.1 Section 30.2 applies to:

- (a) a member of the Governing Body who is dealing with any matter before the Governing Body that is related to First Nation Land;
- (b) an individual who is an employee of the First Nation dealing with any matter that is related to First Nation Land; and
- (c) an individual who is a member of a board, committee, Panel or other body of the First Nation dealing with any matter that is related to First Nation Land.

#### Duty to Report and Abstain

#### 30.2 If there is any financial or proprietary interest in a matter being dealt with that might involve an individual, the individual's Immediate Family or a business in which the individual holds an interest, that individual will:

- (a) disclose the interest to the Governing Body, employment supervisor, board, committee or other body;
- (b) take no part in any deliberations on the matter; and
- (c) take no part in any vote on the matter.

#### Common Interests

#### 30.3 Section 30.2 does not apply to an interest that is held by a Member in common with every other Member.

#### Meeting of Members

#### 30.4 If the Governing Body is unable to vote on a proposed Law or Resolution due to a conflict of interest, the Lands Manager 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

- 30.5 If a board, committee or other body is unable to act due to a conflict of interest, the matter will be referred to the Governing Body and the Governing Body may decide the matter.

Disputes

- 30.6 Determination of whether a breach of this Part has occurred may be referred to the Panel.

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

### **31. Limits on Interests and Licences**

All Dispositions in Writing

- 31.1 An interest in, or licence to use, First Nation Land may only be created, granted, disposed of, assigned or transferred by an Instrument issued in accordance with this Land Code.

Standards

- 31.2 The Governing Body may, after full and fair consideration of any recommendations made by the Lands Committee, establish mandatory standards, criteria and forms for creating, granting and disposing of interests and licences in First Nation Land.

Improper Transactions Void

- 31.3 A deed, lease, contract, document, agreement or instrument of any kind by which the First Nation, a Member or any other person purports to create, grant, dispose of, assign or transfer an interest or licence in First Nation Land after the date this Land Code comes into effect is void if it contravenes this Land Code.

Non-Members

- 31.4 A person who is not a Member may hold a lease or licence in First Nation Land.

Grants to Non-Members

- 31.5 The written consent of the Governing Body is required in any grant or disposition of a lease or licence in First Nation Land to a person who is not a Member.

### **32. Existing Interests**

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Continuation of Existing Interests

- 32.1 An interest or licence in First Nation Land, whether held by a Member or a person other than a Member, that is in effect when this Land Code comes into effect will, subject to this Land Code, continue in force in accordance with the terms and conditions of that interest or licence.

Cancellation or Forfeiture of Interests or Licences

- 32.2 Except as otherwise provided in this Land Code, First Nation Law or by operation of law no interest or licence in First Nation Lands may be cancelled or forfeited unless:

- (a) all parties to the relevant Written Instrument have consented in writing to the cancellation or forfeiture as the case may be;
- (b) a court of competent jurisdiction has ordered the cancellation or forfeiture of the interest or licence and the time period for filing an appeal of the order has passed without an appeal having been taken; or
- (c) an arbitrator or other person appointed to adjudicate a dispute pursuant to the Written Instrument in issue has ordered or declared the interest or licence to be cancelled or forfeited and no appeal has been taken from the decision within the allotted time.

- 32.3 Notwithstanding section 30.2 no interest or licence in First Nation Lands may be cancelled or forfeited if it will adversely affect:

- (a) An interest or licence in those First Nation Lands held by a third party; or
- (b) a claim against, or interest or licence in, those First Nation Lands held by the First Nation.

- 32.4 If an interest or licence in First Nation Lands is cancelled or forfeited under section 30.2 the Matsqui Lands Register will be amended or rectified accordingly.

licence

**33. New Interests and Licences**

Authority to Make Dispositions

- 33.1 Subject to this Land Code, the Governing Body may grant:

- (a) interests and licences in First Nation Land; and



- (b) permits and licences to take resources from First Nation Land.

#### Conditional Grant

- 33.2 The grant of an interest, licence or permit under section 33.1 may be made subject to conditions.

#### Types of Interests and Licences

- 32.3 The types of interests or licences in First Nation Lands are:

- (a) leaseholds;
- (b) easements;
- (c) permits; and
- (d) mortgages.

### **34. No Lawful Possession**

#### Prohibition of Permanent Interests

- 34.1 No member shall be allocated First Nation Land in perpetuity nor be granted an interest in First Nation Land equivalent to that set forth in subsection 20(1), (2) and (3) of the *Indian Act*.

### **35. Leases and Allocation to Members**

#### Leases and allocations to Members

- 35.1 The Governing Body may enact Laws providing for the leasing of available First Nation Land to Members for residential, commercial or other purposes.
- 35.2 No residential lot will be allocated to any person including a Member
- 35.3 A residential house may only be allocated by the Governing Body to a Member.

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

#### Transfer of Interests

- 36.1 The Governing Body may enact Laws providing that a Member holding a leasehold interest in First Nation Land may transfer, devise or otherwise dispose of that leasehold interest to another Member.
- 36.2 Except for transfers that occur by operation of Law, including transfers of estates by testamentary disposition or in accordance with a Law enacted under section

37:

- (a) there will be no transfer or assignment of an interest in First Nation Land without the written consent of the Governing Body; and
- (b) the grant of an interest is deemed to include section 36.2(a) as a condition of any subsequent transfer or assignment.

### **37. Limits on Mortgages and Seizures**

#### Protections

37.1 In accordance with the Framework Agreement, sections 29, 87, 89(1) and 89(2) of the *Indian Act* continue to apply on First Nation Land.

#### Mortgage of Member's Interest

37.2 The interest of a Member in First Nation Land other than a leasehold interest may be subject to a mortgage or charge only to the First Nation.

#### Mortgages of Leasehold Interests with Consent

37.3 A leasehold interest may be subject to a charge or mortgage only with the written consent of the Governing Body.

#### Default in Mortgage of Leasehold

- 37.4 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 the Governing Body;
  - (c) the charge or mortgage was registered in the Matsqui Lands Register; and
  - (d) a reasonable opportunity to redeem the charge or mortgage was given to the First Nation.

#### Power of Redemption

37.5 If the First Nation exercises its power of redemption with respect to a leasehold interest, the First Nation becomes the lessee of the land and takes the position of the chargor or mortgagor for all purposes after the date of the redemption.

### **38. Residency and Access Rights**

#### Civil Remedies

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38.1 Subject to a Law enacted under section 6.2(n) all civil remedies for trespass are preserved.

No Obligation on the First Nation

38.2 A right of residence or access does not imply any financial obligation on the part of the First Nation.

No Liability on the First Nation

38.3 No liability is imposed upon the First Nation in respect of any person exercising a right of access in accordance with this Land Code for injuries or damages suffered on account of the condition or state of First Nation Land.

### 39. Transfer on Death

39.1 A Member who claims to be entitled to possession of a house First Nation Land by devise or descent in accordance with the provisions of the *Indian Act* relating to the estate of an Indian is not entitled to lawful possession of that house unless the Member has filed with the Governing Body, an instrument in a form prescribed by the Governing Body, duly executed by the personal representative of the estate of the deceased member transferring possession of the house.

Right of Surviving Spouse

39.2 In the event that:

- (a) a Member holding a leasehold interest or a house allocated to that Member in First Nation Land and residing on that leased First Nation Land dies intestate and is survived by a Spouse or dependant who does not hold an interest in that land or the house; or
- (b) a Member holding a leasehold interest in First Nation Land or living in a house allocated to that Member is declared incompetent due to mental incapacity,

the Member's Spouse or dependant may, where their usual place of residence was with the Member at the time of the Member's death or declaration of incompetence, continue to reside on the leased land or in the house until disposition of the Member's interest.

39.3 A Spouse or dependant referred to in section 39.2, whether or not their usual place of residence was with the Member at the time of the Member's death or declaration of incompetence, may make application for transfer of the Member's leasehold interest or the house, and Governing Body will, subject to this Land Code, evaluate the application on its merits and recommend accordingly.

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39.4 In the event that:

- (a) no other provision has been made by a Member referred to in section 39.1 for the disposition of the allocation; or
- (b) the Member's Spouse or dependant does not within a reasonable time make application under section 39.3; or
- (c) a member of the Member's Immediate Family disputes the continued residence on or use of the house by the Member's Spouse or dependant,

the Governing Body will take reasonable steps to advise other members of the Member's Immediate Family that the house held by the Member is available for disposition or is in dispute and the Member's Immediate Family may, with the assistance of the Dispute Resolution Panel if requested, recommend who is to receive the house .

Meeting of Members

- 39.5 If a Member referred to in section 39.1 has no Immediate Family, or if the Immediate Family does not within a reasonable period of time after the date of such Member's death or declaration of incompetence recommend who is to receive the interest, the Governing Body will recommend who is to receive the interest and may call a Meeting of Members to provide advice on the disposition of the interest.
- 39.6 Subject to this Land Code, the Governing Body will make best efforts to implement a recommendation made under section 37.3, 37.4 or 37.5.
- 39.7 A Member who claims to be entitled to possession of First Nation Land by devise or descent in accordance with the provisions of the *Indian Act* relating to the estate of an Indian is not entitled to lawful possession of that First Nation Land or a Certificate of Possession unless:
- (a) The Member has filed with the Governing Body and the Governing Body has approved, a Written Instrument, duly executed by the personal representative of the estate of the deceased Member transferring the possession to the Member; and
  - (b) The Written Instrument referred to in subsection 39.7(a) is registered in the Matsqui Lands Register.
- 39.8 The purchaser of a right to possession of First Nation Land under the provisions of subsection 50(2) of the *Indian Act*, shall be deemed not be in lawful possession of the First Nation Land unless:

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- (a) The purchaser has filed with the Governing Body and the Governing Body has approved, a Written Instrument, duly executed by the person authorized under the *Indian Act* to execute a transfer of lawful possession of the First nation Land obtained under subsection 50(2) of the *Indian Act*; and
- (b) The Written Instrument referred to in subsection 39.8(a) is registered in the Matsqui Lands Register.

#### 40. Spousal Property Law

##### Development of Rules and Procedures

- 40.1 Within twelve months after the date this Land Code comes into effect the Governing Body will enact a spousal property Law applicable on the breakdown of a marriage to:
- (a) the use, occupancy and possession of First Nation Land; and
  - (b) the division of interests in that land.

##### General Principles

- 40.2 The Law developed under section 40.1 will take into account the following general principles:
- (a) a child of the Spouses should have a right to reside in the matrimonial home until the age of majority or until other arrangements have been made in the best interests of that child;
  - (b) the Spouses should resolve spousal property matters by contract or agreement;
  - (c) each Spouse should have an equal right to possession of the matrimonial home;
  - (d) each Spouse should be entitled to an undivided half interest in the matrimonial home as a tenant in common; and
  - (e) the rules and procedures will not discriminate on the basis of sex.

##### Interim Law

- 40.3 The Governing Body may enact an interim spousal property Law at any time within the twelve month period prescribed in section 40.1.
- 40.4 An interim Law enacted under section 40.3 will be deemed to be repealed twelve

months after the coming into force of this Land Code but may be re-enacted in whole or in part in accordance with section 40.1.

## **PART 8 DISPUTE RESOLUTION**

### **41. Dispute Resolution Panel**

#### Panel Established

41.1 A Dispute Resolution Panel is hereby established to hear and resolve disputes in relation to First Nation Land.

#### Representation

41.2 The Governing Body will, for the purpose of identifying members of a Dispute Resolution Panel, establish an eligibility list containing the names of Eligible Voters who are representative of the community, including non-resident Members.

#### No Remuneration

41.3 Unless the Governing Body by Resolution provides otherwise, members of a Dispute Resolution Panel will receive no remuneration.

### **42. Dispute Resolution Procedure**

#### Disputes

42.1 A dispute related to First Nation Land may be referred by the parties to the dispute to a Dispute Resolution Panel for resolution or opinion.

#### Prior Disputes

42.2 For greater certainty, disputes that originated before this Land Code comes into effect may be referred to the Dispute Resolution Panel.

#### Optional Process

42.3 Referral of a dispute to the Dispute Resolution Panel is optional and all other civil remedies continue to be available to a party to the dispute.

#### Informal Resolution of Disputes

42.4 The First Nation intends that wherever possible, a dispute in relation to First Nation Land will be resolved through informal discussion by the parties to the

dispute and nothing in this Part will be construed to limit the ability of any person to settle a dispute without recourse to this Part.

Application Procedures

42.5 Referral of a dispute to the Dispute Resolution Panel will be made in accordance with procedures established by the Governing Body in consultation with the eligible members of a Dispute Resolution Panel and the Lands Committee.

Limitation Period

42.6 The limitation period for referring a dispute to a Dispute Resolution Panel is:

- (a) thirty days after the day the decision, act or omission that is the subject of the dispute occurred; or
- (b) in the case of a dispute under section 39, 12 months after the date of the final recommendation of the Governing Body under that section.

42.7 A Dispute Resolution Panel will be made up of three panelists selected by lot.

42.8 The Chair of the Governing Body will make the selection referred to in section 42.7.

42.9 The panelists selected under section 42.7 will select a chair from among themselves.

**43. Impartiality**

Duty to Act Impartially

42.1 The Dispute Resolution Panel will act impartially and without bias or favour to any party in a dispute.

Offence

43.2 It is an offence under this Land Code for a person to act, or attempt to act, in a way intended to improperly influence a decision of the Dispute Resolution Panel.

Rejection of Application

43.3 In addition to any other penalty provided for an offence under section 43.2, the Panel may refuse an application to hear a dispute if the Panel reasonably concludes that the applicant acted, or attempted to act, in a way to improperly influence a decision of the Panel.

**44. Powers of Dispute Resolution Panel**

Powers of Dispute Resolution Panel

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- 44.1 The Dispute Resolution Panel may, after hearing a dispute:
- (a) confirm or reverse the decision in dispute, 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 for reconsideration.

Rules of Panel

- 44.2 The Dispute Resolution Panel may, consistent with this Land Code, establish rules for procedure at its hearings and for the general conduct of its proceedings.

Professional Services

- 44.3 The Dispute Resolution Panel may retain the services of professionals to assist it in fulfilling its functions, in which case it will make best efforts to use professional services available in the community.

Decisions

- 44.4 The Dispute Resolution Panel will give written reasons for a decision.
- 44.5 Written decisions of the Dispute Resolution Panel will be signed by the chair of the Dispute Resolution Panel.
- 44.6 Subject to section 44.7, a decision of the Dispute Resolution Panel is binding.

Appeal of Decision

- 44.7 Subject to any exception established by a Law a decision of the Dispute Resolution Panel may be reviewed by the Federal Court of Canada.

Costs

- 44.8 Unless otherwise ordered by a Dispute Resolution Panel or an appellate court, the parties to a dispute will bear their own costs.

Alternate Forums

- 44.9 Nothing in this part precludes the Governing Body from establishing additional processes for resolving disputes under this Part, which processes may include facilitated discussion, mediation or arbitration.

**PART 9  
OTHER MATTERS**

**45. Liability**

Liability Insurance

- 45.1 The Lands Manager will arrange for, maintain and pay insurance coverage for:
- (a) liability of the First Nation in relation to First Nation Land; and
  - (b) personal liability of the First Nation's officers and employees for acts done in good faith while engaged in carrying out duties related to First Nation Land.

**46. Enforcement**

Application of the Criminal Code

- 46.1 Unless otherwise provided by a Law, the summary conviction procedures of Part XXVII of the Criminal Code apply to offences under this Land Code and offences under a Law.

Justices of the Peace

- 46.2 The Governing Body may enact Laws respecting appointment of justices of the peace for the enforcement of this Land Code and Laws.

Provincial Courts

- 46.3 If no justice of the peace is appointed, this Land Code and Laws will be enforced in the Provincial Court of British Columbia or British Columbia Supreme Court as the case may require.

**47. Amendments to Land Code**

Ratification Vote

- 47.1 An amendment of this Land Code must receive prior approval by Ratification Vote.

**48. Commencement**

Ratification

- 48.1 This Land Code will be ratified if:
- (a) the Members approve this Land Code and the Individual Agreement in

accordance with the Framework Agreement; and

- (b) this Land Code has been certified by the Verifier in accordance with the Framework Agreement.

Effective Date


- 48.2 Subject to section 48.1, this Land Code shall come into force when the Council has passed a resolution specifying the commencement date.

#### 49. Appendices

Appendices May Be Amended

- 49.1 The Appendices to this Land Code do not form part of this Land Code and for greater certainty section 47 of this Land Code does not apply to an amendment to an Appendix to this Land Code

*Note*  
*The change to*  
*section 48.2 was*  
*verified on Jun 10, 2008*



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## APPENDICES

APPENDIX A: Matsqui First Nation Custom Election & Regulations and Procedures  
(select sections)

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APPENDIX "A"

MATSQUI FIRST NATION

CUSTOM ELECTION

REGULATIONS

&

PROCEDURES

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# MATSQUI FIRST NATION CUSTOM ELECTION REGULATIONS & PROCEDURES

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1.0 **DEFINITIONS**

For the purpose of the Matsqui First Nation Custom Election Regulations & Procedures:

- Constable/Sergeant of arms* means a person employed by the Matsqui First Nation to maintain order and peace during an election poll or referendum
- Corrupt Practice* means vicious and fraudulent intention to evade the prohibitions of the law and the custom of the Matsqui First Nation or an act of an official to procure some benefit for himself/herself or another person contrary to the duty and rights of others
- Council* means the elected Chief and Councillors of the Matsqui First Nation
- Eligible Electors* means all those individuals on the Matsqui First Nation List who have reached the age of 18 years and live within the Stolo Traditional Territory (see Appendix 4)
- Family Representatives* means the selected family leaders for the Matsqui First Nation
- Governing Body* means the Chief, Councillors and Family Representatives
- Gross Misconduct* means theft or falsification of records, willful destruction of Matsqui First Nation property, or endangering the safety of Matsqui Members through incompetence or negligence
- Main Families* means the following six family groups: Martin Julian, McKay, Bird, Collins, Morgan and Jim Julian
- Matsqui Family Resolution* means the document required when selecting board of Councillors
- Signatories* means the Elected Officials ie: Chief & Councillors

Words importing the singular include the plural and vice versa;  
And words importing a male person include a female person

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## 2.0 GOVERNING BODY

- 2.1 The Matsqui First Nation Governing Body shall consist of one (1) elected Chief, Two (2) Councillors and six (6) appointed Family Representatives. One person may hold more than one position on this Governing Body ie: be on Council and be a Family Representative at the same time.
- 2.2 The three (3) elected Council will hold signatory status for all Matsqui First Nation Business.

## 3.0 TERM OF OFFICE

- 3.1 The term of Office for the Matsqui First Nation Governing Body will be 3 years

## 4.0 QUORUM

- 4.1 The quorum for the Matsqui First Nation Governing Body will consist of a simple Majority (ie: 50%+1)

## 5.0 ELIGIBLE ELECTOR

- 5.1 For the purpose of voting in any referendum and for the purpose of the Matsqui First Nation Custom Election Regulations and Procedures a person must:
- (a) be a Matsqui First Nation member; and
  - (b) be at least 18 years of age
  - (c) living within Stolo Traditional Territory (see appendix 4)

## 6.0 ELIGIBILITY CRITERIA FOR CHIEF OR COUNCILLOR

- 6.1 To hold the position of Chief or Councillor for the Matsqui First Nation a person must:
- (a) be a Matsqui First Nation Member: and
  - (b) be at least 21 years of age; and
  - (c) permanently reside on a Matsqui Reserve

## 7.0 SELECTION OF FAMILY REPRESENTATIVES

- 7.1 All existing Family Representatives at the time this document is ratified will continue their roles.

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7.2 Upon circumstances where the representatives is no longer able to continue this role, it will be the family's responsibility to submit a Family Resolution (see appendix 1) indicating who their new representative will be.

## 8.0 SELECTION OF CHIEF AND COUNCILLORS

- 8.1 The existing Chief and Councillors at the time this document is ratified will continue their roles.
- 8.2 The Matsqui First Nation members will determine at a duly convened General Band meeting whether an Election is to be held. This meeting will take place a minimum of 3 months prior to the end of the current Chief and Councillors term. An Election can be called for one, or all of the Chief and Councillor's positions. A decision to hold a position must be supported by a simple majority of those eligible electors in attendance. This vote will be determined by "show of hands".
- 8.3 In the event it is determined that an election shall be held, the membership must abide by the provisions set out in the Matsqui First Nation Custom Election Regulations and Procedures.
- 8.4 In the event that it is determined that an Election is not required, the Governing Body shall sign a Resolution indicating that the existing Chief and Councillor's term is extended for three (3) years pursuant to the decision made by the eligible electors at a General band meeting held on (date). This Resolution will also serve to indicate the Chief and Councillors' acceptance of the extended term.

## 9.0 ELECTORAL OFFICER

- 9.1 The Governing Body shall appoint by Resolution an Electoral Officer to carry out the Election Procedure. The Electoral Officer must be appointed at least 30 days prior to the election date
- 9.2 The Electoral Officer chosen shall:
- (a) not a Matsqui First Nation Member; and
  - (b) not have a vested interest in the outcome of the Matsqui First Nation Election; and
  - (c) be a trained Electoral Officer
- 9.3 The Electoral Officer may appoint a Deputy Electoral Officer if required.

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- 9.4 The Deputy Electoral Officer is authorized to carry out the duties of the Electoral Officer when directed to do so by the Electoral officer.
- 9.5 The Electoral Officer and Deputy Electoral Officer will be paid an honorarium.

## 10.0 APPEAL BOARD

- 10.1 For the purpose of resolving election appeals the Matsqui First Nation Governing Body shall appoint three (3) persons to serve on the Appeal Board for a term of 90 days. These appointments must be made 30 days prior to the Election day.
- 10.2 The Appeal Board shall:
- (a) consist of three (3) people; and
  - (b) not be Matsqui First Nation Members; and
  - (c) be a member of a Stolo Nation living within Stolo Traditional Territory; and
  - (d) not have a vested interest in the outcome of the Matsqui First Nation Election; and
  - (e) submit written acceptance to the Matsqui Board of Councillors.

## 11.0 VACANCIES

- 11.1 A Chief or Councillors' position automatically becomes vacant when that person who holds office:
- (a) is convicted of and indictable offense as defined within the Criminal Code of Canada (see Appendix 5); or
  - (b) resigns; or
  - (c) becomes mentally ill or mentally incapacitated to the point where they cannot perform the required duties, in which case must be reviewed by two doctors according to the Mental Health Act; or
  - (d) loses eligibility status as per section 6 of these Regulations; or
- 11.2 Where a Chief or Counillors' position is vacated then the remaining Governing Body must call a bi-election within 30 days, providing there is more than 3 months remaining in term.

## 12.0 NOMINATION MEETING

- 12.1 If it is deemed, as per section 8, that an election is to be held, there shall be

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Nomination meeting held on the first Wednesday of June for the applicable position(s).

- 12.2 The Electoral Officer will ensure that notices of the Nomination meeting are posted 10 days prior to the meeting in two (2) conspicuous places on the occupied Matsqui Reserves. The notice must identify the following:
- (a) date of nomination meeting; and
  - (b) time, place and duration of the Nomination meeting; and
  - (c) Matsqui First Nation Eligible Electors list
- 12.3 After declaring the nomination meeting open the Electoral Officer will only accept Nominations for one (1) hour.
- During the nomination meeting the Electoral Officer shall:
- (a) verify the electors list with the membership in attendance;
  - (b) inform eligible electors that there will be no adjustments to the voters' list in the 48 hours prior to the opening of polls;
  - (c) read over the rules in the event of a tie;
  - (d) announce the members of the appeal board;
  - (e) ensure Candidates meet the Eligibility Criteria (see 6.0)
- 12.4 Candidates may only be nominated by an eligible elector of the Matsqui First Nation
- 12.5 Candidates may decline their nomination during the meeting.
- 12.6 Any Candidate wishing to withdraw after the nomination meeting must submit a signed letter to the Electoral Officer a minimum of 48 hours prior to the opening of the polls.

### 13.0 **ELECTORS LIST**

- 13.1 The Electoral Officer shall obtain an eligible electors list from the Matsqui First Nation Administrator, which will be based on the Matsqui First Nation mailing list. The list shall be in alphabetical order and contain the name of the eligible electors who are under the age of 21 and therefore ineligible for a Chief/Councillor position.

### 14.0 **ELECTION BY ACCLAMATION**

- 14.1 When the number of candidates for the applicable position(s) does not exceed

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The number required, the Electoral Officer shall declare that person elected by acclamation.

**15.0 NOTICE OF ELECTION POLL**

- 15.1 The Electoral officer shall declare an election poll be held if the number of candidates for the position of one (1) Chief and two (2) Councillors exceeds the number required.
- 15.2 The Electoral officer shall ensure at least two (2) notices are posted on the occupied Matsqui Reserves, notices must be posted the day following the nomination meeting, which will be at least 10 days prior to the election poll.
- 15.3 The notice shall include the following: the date, time and place of where the poll will be held
- 15.4 The poll will take place on the third Wednesday of June every third year (as deemed per section 8) effective from June 1998
- 15.5 The poll must be conducted prior to the completion of the Council's term.

**16.0 PREPARING THE POLL STATION**

- 16.1 All polls will be conducted by secret ballot.
- 16.2 The Electoral officer is responsible for preparing the ballots. The Electoral officer shall ensure that there are sufficient ballots available in case of spoilage. The ballots shall be prepared as shown in Appendix 2.
- 16.3 Election statement shall be prepared by the Electoral officer prior to the election. The statement shall be prepared in the format of the sample shown in Appendix 3.
- 16.4 The Electoral officer must provide a ballot box. The ballot box must be capable of being locked and sealed. Pencils and instructions for marking the ballots must be provided in each voting booth.
- 16.5 The Electoral officer shall place polling booths in areas which are easily accessible and where the electors can mark their ballots secrecy without interference.

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17.0 **VOTING INTEGRITY**

- 17.1 No person shall be allowed to interfere or attempt to interfere with an elector marking his or her ballot.
- 17.2 No person shall be permitted to obtain or attempt to obtain in the polling place any information as to how a person voted.
- 17.3 The Electoral officer may appoint a constable or sergeant of arms to maintain order at the polling place

18.0 **OPENING THE POLL**

- 18.1 Prior to opening the poll the Electoral officer shall ensure that the ballot box is examined by a witness to ensure that the box is empty.
- 18.2 The box will then be locked and sealed for the duration of the poll and signed by the witness.
- 18.3 The polling stations will be set up on the Matsqui Reserve preferably at the Matsqui Band Office at 10:00 am.

19.0 **PROCEDURES FOR VOTING**

19.1 **Identifying an Elector**

The Electoral officer will verify a persons eligibility according to the eligible electors list. The Electoral officer may request photo identification in some instances. Upon verification the Electoral officer shall issue a ballot to the eligible elector. The Electoral officer shall strike the name of the eligible elector from the eligible electors list upon casting their vote.

19.2 **Issue of a Ballot**

The Electoral officer shall issue the ballot to the eligible elector in a manner that will enable secrecy. Upon issuance of the ballot to the eligible elector the Electoral officer will give instructions for marking the ballot. The Electoral officer shall prepare the ballots in a manner that will protect confidentiality.

19.3 **Spoiled Ballots**

An eligible elector that wishes to exchange their ballot may do so, the Electoral officer must write the word "spoiled" on the ballot and retain it.

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19.4 Forfeited Ballot

An eligible elector who received a ballot and refuses to vote, or who leaves the polling place without giving the Electoral officer his/her ballot forfeits their right to vote. When this occurs the Electoral officer must mark the word "forfeited" on the eligible electors list beside that persons name. If the ballot is returned the Electoral officer must mark the word "forfeited" and place it in the ballot box.

19.5 Returns of Ballot

After marking their ballot the eligible elector shall return the folded ballot to the Electoral officer. The Electoral officer shall then verify that it is the same ballot issued to the elector and then shall deposit the folded ballot into the ballot box.

20.0 SPECIAL VOTING PROVISIONS

20.1 Disabled Eligible Elector

If it is determined that an eligible elector who resides on the Matsqui Reserve is unable to attend the polling station the Electoral officer, upon request, may retrieve a vote from this elector. This provision can only be facilitated when a Deputy Electoral officer has been appointed.

20.2 Elector Assistance

The Electoral officer may assist an eligible elector who requires his/her assistance in marking the ballot as indicated by the eligible elector.

21.0 CLOSING THE POLLS

21.1 At precisely 8:00pm the polling place shall be promptly closed. Any eligible elector that is inside of the polling station at closing time and who has not voted, may do so.

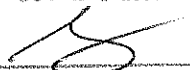
22.0 COUNTING BALLOTS

22.1 At the close of the polling station, the Electoral officer shall commence the ballot counting procedure. The Electoral officer shall appoint two (2) witnesses to be present during the ballot count and keep separate tallies of the ballot counting.

22.2 The Electoral officer shall open the ballot box and examine each ballot and reject those ballots that;

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- (a) have not been provided by the Electoral officer 1 or
- (b) have been marked with "spoiled" or "forfeited" or
- (c) select more than the maximum number of candidates that are required; or
- (d) identifies the elector; or
- (e) is not marked with and "X"

22.3 The Electoral officer shall count the ballots, confirm the results are consistent with the witnesses' tallies, and document the results on the Election statement (Appendix 3). Appointed witnesses or candidates present shall sign the Election Statement with the Electoral officer.

22.4 The Candidate with the most votes shall be declared elected.

### 23.0 **STATEMENT OF RESULTS**

23.1 The Electoral officer shall immediately declare the results of the poll and announce the newly elected Chief / and or Councillor(s) for Matsqui First Nation If after the ballot count there is a tie, the Electoral officer shall announce the need for a Special Poll. (See 25.0 "Special Poll")

23.2 The Electoral officer shall prepare three (3) copies of the Election statements, and submit one to the Department of Indian & Northern Affairs, one to Sto:lo Nation and one to the Matsqui First Nation Administration Office.

### 24.0 **COMMENCEMENT OF TERM**

24.1 The Council will take office at the beginning of July.

### 25.0 **SPECIAL POLL**

This special poll shall take place one week from the date of the original poll. The Electoral officer will announce the date, place and time. The duration of this Special Poll will be from 12:00 noon until 8:00pm. The Electoral officer shall carry out this Special Poll in accordance to sections 16 through to section 27 of the Matsqui Election Regulations. The Eligible electors list will not change, The ballot shall contain only the names of those candidates that were tied with the highest number of votes.

### 26.0 **DISPOSAL OF ELECTION MATERIAL**

26.1 The Electoral officer shall retain all of the ballots and relative documents in a secure location for 60 days. After the expiry of 60 days the Electoral officer may dispose of all election documents.

26.2 In the event of an appeal the ballots shall be kept in a secured place until a

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Decision has been rendered by the Appeal Board.

**27.0 APPEAL PROCEDURE**

- 27.1 Within 30 days after an election an eligible elector may appeal the results if it is believed that:
- (a) there was corrupt practice in connection with an election, or
  - (b) There was a violation of the Election Procedures of the Matsqui First Nation that might have effected the outcome of the election, or
  - (c) A candidate in the election was ineligible to be a candidate.
- 27.2 All appeals shall be in writing and forwarded to the Appeal Board. The appeal documents must contain all the particulars and information supporting the appeal. It is the exclusive responsibility of the appellant to provide the relevant evidence.
- 27.3 The Appeal Board shall, within seven (7) days of the receipt of an Appeal, forward a copy, together with all supporting documents to:
- (a) The Electoral officer; and
  - (b) Each candidate in the election; and
  - (c) The Matsqui Family Representatives.
- 27.4 Candidates, may within fourteen (14) days of receipt of an appeal, forward a copy to the Appeal Board a written response, together with any supporting documents
- 27.5 The Appeal Board shall take such steps as are necessary to secure all pertinent facts relating to the Appeal, including Affidavits.
- 27.6 Upon investigation, the Appeal Board shall, render a decision on the validity of the appeal. The Appeal Board shall report the Decision to the Electoral officer, candidates and the Matsqui Family Representatives. The decision of the Appeal Board is final.
- 27.7 The Appeal Board will be paid an honorarium
- 27.8 The Appeal Board has the authority to develop their rules in resolving the appeal

**28.0 AMENDING PROVISION**

- 28.1 Amendment proposal shall be in writing and delivered to the Matsqui First Nation Administrator and must be accompanied by a petition showing support

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From at least 30% of the eligible electorate.

28.2 The Matsqui First Nation Administrator shall commence amending procedures within ten (10) days of receiving the written proposal.

28.3 The Matsqui First Nation Election Regulations may be amended after

- (a) notice is given to the Matsqui members that an amendment has been proposed, and
- (b) a consultation meeting is held with the Matsqui First Nation members specifically to discuss the amendment proposal has occurred within 30 days after the notice, was received, and
- (c) support from at least 60% of the eligible electors of the Matsqui First Nation in attendance, has been achieved in a referendum held specifically for that purpose. A referendum shall be held within 60 days of the consultation meeting.

28.4 No amendments will take place 60 days prior to a Matsqui First Nation election.

#### 29.0 **EXTRAORDINARY MEETING**

29.1 In the event that an Issue arises that is not addressed by these election regulations, the Matsqui Family Representatives may, within 10 days notice, call an extraordinary meeting of the Band membership. A minimum 60% support of the eligible electorate in attendance is required to resolve any problems created by this specific issue.

#### 30.0 **LIABILITY**

30.1 The Matsqui First Nation or its members shall not be liable for any claims, losses or damages resulting from the deletion or addition of an individual's name to the Matsqui Electors List.

#### 31.0 **SEVERABILITY**

31.1 If any part of these rules is declared to be invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the validity or enforceability of any other part of these election regulations.

#### 32.0 **COMING INTO FORCE**

32.1 These rules shall come into force on the \_\_\_\_ day of \_\_\_\_ 1997, upon ratification by a simple majority of those Matsqui members in attendance who have reached the age of 18 and are residents on the Matsqui Reserves.

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**APPENDIX 1  
MATSQUI FAMILY RESOLUTION**

We, the \_\_\_\_\_ Family, hereby give consent for the following family member to be our Family Representative. **Representative must live On Reserve.**

Name of family representative:

\_\_\_\_\_

Address: \_\_\_\_\_

Phone number: Home \_\_\_\_\_

Work \_\_\_\_\_

**There are \_\_\_\_\_ eligible family electors.**

A simple majority of our on and off reserve family electors have signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

Print list of family members below.  
Signature

Signature

1) \_\_\_\_\_

\_\_\_\_\_

2) \_\_\_\_\_

\_\_\_\_\_

3) \_\_\_\_\_

\_\_\_\_\_

4) \_\_\_\_\_

\_\_\_\_\_

5) \_\_\_\_\_

\_\_\_\_\_

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6) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

7) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

APPENDIX 2

SAMPLE BALLOT

BALLOT FOR CHIEF and COUNCILLORS

Election Poll held for the Matsqui First Nation  
Poll held on Date: \_\_\_\_\_

Mark Ballot by placing an "X" in the box opposite the name of  
Candidate for whom you choose to vote. There is only one (1) Chief  
And two (2) Councillors to be elected. (as per Section 8\*)

Please mark only one (1) box.

Candidate's name

Candidate's name

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*[Signature]*



**APPENDIX 3**

**MATSQUI ELECTION STATEMENT  
POSITION – CHIEF OF THE MATSQUI FIRST NATION  
DATE:**

Number of Eligible Elector: \_\_\_\_\_

Number of Electors who voted: \_\_\_\_\_

Number of Ballots prepared: \_\_\_\_\_

Number of spoiled ballots: \_\_\_\_\_

Number of rejected ballots: \_\_\_\_\_

Number of ballots left over: \_\_\_\_\_

Number of ballots cast in favor of:

Name of Candidate: \_\_\_\_\_

Name of Candidate: \_\_\_\_\_

Term of Office is effective July 1, \_\_\_\_\_ to June 30 \_\_\_\_\_

Verified correct by:

**VERIFIED**  
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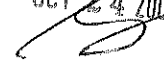

\_\_\_\_\_  
Electoral officer

\_\_\_\_\_  
Witness / Candidate

\_\_\_\_\_  
Witness / Candidate

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\_\_\_\_\_

## APPENDIX 5 INDICTABLE OFFENSES

### Definition:

Indictable Offence- Generally, a more serious criminal charge as distinguished from a summary offense. However, in Canada, the distinction between offenses and summary offenses is somewhat blurred. In some instances, according to the provision of the Criminal Code, the Crown may determine whether an offense will be tried "summarily" or by "indictment" An indictable offense is nonetheless indictable because, if the prosecution chose, it could proceed in respect of it summarily. Originally, indictable offenses were tried only by the higher courts. This is still the case with reference to offenses such as murder and treason under s.469 of the Criminal Code, R.S.C. 1985, C-46. However other indictable offenses can only be tried by magistrate or provincial court judge, while others still may, at the option of the accused, be tried by a magistrate or county court judge, either alone or with a jury.

### Examples:

Examples of strictly Indictable Offenses as noted in the Criminal Code of Canada 1996-1997 are as follows:

Use of a Firearm During the Commission of an Offense	s.85
Possession of a Weapon Dangerous to the Public Peace	s.87
Incest	s.155
Parent or Guardian Procuring Sexual Activity	s.170
Householder Permitting Sexual Activity	s.170
Common Nuisance	s.170
Obtaining Juvenile Prostitute	s.180
Criminal Negligence Causing Death	s.212(4)
Criminal Negligence Causing Bodily Harm	s.221
Murder	s.235
Manslaughter	s.236
Infanticide	s.237
Counselling / Aiding Suicide	s.241
Causing Bodily Harm with Intent	s.244
Dangerous Operation Causing Bodily Harm	s.249(3)
Dangerous Operation Causing Death	s.249(4)
Impaired Operation Causing Bodily Harm	s.255(2)
Impaired Operation Causing Death	s.255(3)
Uttering Threats – Re: Serious Bodily Harm / Death	s.264.1(2)
Assault with a Weapon or Causing Bodily Harm	s.267

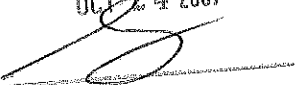
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Aggravated Assault	s.268
Unlawfully Causing Bodily Harm	s.269
Sexual Assault with a Weapon	s.272
Aggravated Sexual Assault	s.273

APPENDIX 5 continued.....

Kidnapping	s.279(1)
Forcible Confinement	s.279(2)
Hostage Taking	s.279(3)
Abduction of a Person under sixteen	s..280
Abduction of a Person Under Fourteen	s.281
Theft over \$1000	s.334(a)
Robbery	s.344
Extortion	s.346
B&E	s.348
Unlawfully in a Dwelling House	s.349
Possession of Break-In Instruments	s.351(1)
Disguise with Intent	s.351(2)
Possession of Instruments for Breaking Into Coin Operated Devices Etc.	s.352
P.S.P. Over \$1000	s.355(a)
False Pretence over \$1000	s.362(2)(a)
Forgery	s.367
Uttering a Forged Document	s.368
False Messages	s.372(1)
Fraud Over \$1000	s.380(1)(a)
Personation with Intent	s.403
Mischief- Causing Danger to Life	s.430(2)
Arson- Disregard for Human Life	s.433
Arson-Damage to Property	s.434
Arson-own Property	s.434(1)
Arson for a Fraudulent Purpose	s.435
Arson by Negligence	s.436
Possession of Incendiary Device	s.436.1
Possession of Counterfeit Money	s.450
Uttering Counterfeit Money	s.452
Trafficking a Narcotic	s.4(1)NCA
Possession for Purpose of Trafficking	s.4(2)NCA
Importing / Exporting a Narcotic	s.5(1)NCA
Cultivation	s.6(2)NCA

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APPENDIX 5 continued.....

Examples:

Examples of Dual Offenses ie: summary and indictable as noted in the Criminal code of Canada 1996-1997 are as follows:

Pointing a Firearm – Negligent Handling / Storage etc.	s.86
Carrying a Concealed Weapon	s.89
Possession of a Prohibited Weapon	s.90
Possession of an Unregistered Restricted Weapon	s.91
Making an Automatic Firearm	s.95.1
Offenses Relating to Public or Peace Officer (Obstruct)	s.129
Public Mischief	s.140
Sexual Interference	s.151
Invitation to Sexual Touching	s.152
Sexual Exploitation	s.153
Anal Intercourse	s.159
Bestiality	s.160
Dangerous Operation (Not causing Bodily harm or death)	s.249
Failure to Stop at Scene of Accident	s.252
Impaired Operation	s.253(a)
Operation While Over 80 mgs	s.253(b)
Refusing Breath Demand	s.254(5)
Refuse Blood Sample	s.254(5)
Operation While Disqualified	s.259(4)
Uttering Threats – Re: Property or Animals	s.264.1(3)
Assault (assault by Trespass s 41(2))	s.266
Assaulting a Peace Officer	s.270
Sexual Assault	s.271
Abduction by a Parent or Guardian, etc.	
-In contravention of Custody Orders	s.282
- No Custody Order	s.283
Theft Under \$1000	s.334(b)
Credit Card Offenses (Theft, Forgery, etc)	s.342
P.S.P. Under \$1000	s.355(b)
False Pretence Under \$1000	s.362(2)(b)

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Fraud Under \$1000	s.380(1)(b)
Mischief (no danger to life, property, data)	s.430
False Alarm of Fire	s.437
Possession of A Narcotic	s.3NCA
Failure to Disclose Previous Prescriptions (Narcotics)	s.3.1INCA
Failure to Disclose Previous Prescriptions (Controlled Drugs)	s.38.1FDA
Trafficking in a Controlled Drug / PPT	s.39.FDA
Possession of a Restricted Drug	s.47. FDA
Trafficking in a Restricted Drug / PPT	s.48.FDA

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