

Options for Community Approval Process

Course Workbook



Last updated: 2013

Options for Community Approval Process

Course link: <https://labrc.com/public/course/Options%20for%20Community%20Approval/player.html>

Welcome

This courselet will provide information to aid a signatory First Nation (FN), who has signed off on their Community Approval Process Plan (CAPP), determine what voting option their community will use to approve a FN Land Code (LC) and an Individual Agreement.

A FN has three voting options to choose from:

- Registered
- Unregistered
- Other

The material provided in this courselet is current to the date of the courselet.

Thank you to Gina Beddome, Ratification Officer (RO) and A1 Gross, Verifier, for providing their technical expertise in the development of the series of four (4) Community Ratification Process (CRP) courselets.

The Big Picture

Introduction:

One of the main requirements under the Framework Agreement on First Nation Lands Management ("Framework Agreement) is for a signatory FN to approve a community approval process by signing off on their CAPP and approving a FN CRP document.

CRP:

It is the CRP document that sets out the procedures for a FN on whether to approve its LC and Individual Agreement as required under the Framework Agreement.

The CRP is how the FN meets its obligation to ensure that each Eligible Voter has the opportunity to become informed and an opportunity for a free vote. When a FN strictly adheres to its approved CRP it fulfills its due diligence and remains transparent to its community.

Community Approval Process Plan:

The CAPP document outlines the activities of the community approval and is the agreement to implement the relevant FN ratification provisions of the Framework Agreement.

Annex A of the CAPP outlines the FNs requirements under the Framework Agreement and the First Nations Land Management Act (FNLMA). Click on attachments for a copy of Annex A and FNLMA.

Framework Agreement

The Framework Agreement in Section 7 outlines the requirements for a community approval of the LC and Individual Agreement. Click on attachments for a copy of the Framework Agreement.

Community Approval Process

Introduction:

Since it is mandatory under the Framework Agreement that a FN must seek community approval of a LC and Individual Agreement a FN must decide on a process to achieve this approval.

What does the Framework Agreement say about a process for community approval?

The Framework Agreement in Section 7.3 sets out three different ways to consider a FN can carry out their community approval and voting process.

Section 7.3 states:

The land code and individual agreement will be considered approved by the community if:

- (a) a majority of eligible voters participate in the vote and at least a majority of the participating voters vote to approve them;
- (b) the First Nation registers all eligible voters who signified, in a manner determined by the First Nation, their intention to vote, and a majority of the registered voters vote to approve them; or
- (c) the community approves them in such other manner as the First Nation and the Minister may agree upon.

How does a FN determine which process they will use?

The Lands Advisory Board Resource Centre (LABRC) field staff is there to aid a FN (if required/requested) in determining their community approval process by:

- Providing technical information
- Providing CRP template documents
- Helping a FN to determine which community voting procedures to use
- Helping to redraft the CRP template to suit the needs of the FN (check with the LABRC staff to ensure it is the latest copy of the CRP template).

Other resources available to the FN is the Virtual Resource Centre (VRC) which contains important information, templates and examples on the community approval process such

- Courselets (CAPP, Series of CRP courselets)
- Model Community Ratification Process documents

Contact your LABRC field staff assigned to your FN on how to get access to the VRC. VRC link:

<http://www.fnlabvrc.com/fnlab/login.php> Click on "Attachments" to view the LABRC Registered and a Non-registered CRP template.

Options for Community Approval

Introduction:

The FN must determine which community approval voting process they wish to go with. The chosen process is described in the CRP document.

Options for Community Approval Voting

There are three options for community approval voting.

Whichever method the FN chooses to use, the Framework Agreement mandatory requirement is that 25% plus one (1) of all Eligible Voters at a minimum must vote "Yes" in order to approve the ratification documents (i.e. Land Code and Individual Agreement). This puts a greater standard of approval, for registration, then the federal approach or regulations (i.e. *Indian Act* voting method) because the vote must be passed with a greater than a simple majority approval.

Picture: Comparison of the Framework Agreement and *Indian Act* Voting Methods

Framework Agreement	Indian Act
<p>The 25%+1 minimum approval rule under the Framework Agreement applies for all three voting methods and also applies to any subsequent re-vote (e.g. second vote).</p> <p>The 25%+1 approval rule is a minimum standard to ensure a threshold of voter participation.</p> <p>Voter turnouts for ratification votes under the Framework Agreement regularly exceed the minimum 25%+1 approval rule and voter turnout usually exceeds those conducted under the Indian Act.</p>	<p>The Indian Act referendum regulations closely resembles the Framework Agreement Non Registered voting method. However, the Indian Act says that during a second vote, there is no minimum voter participation rule, only a majority vote is required.</p> <p>For example under the Indian Act in a second vote, 3 voters could show up and 2 could vote in favor and the issue would be considered legally approved.</p>

Three Options for Community Approval Voting

The Framework Agreement provides three (3) voting options for First Nations. These options are:

- Unregistered - Section 7.3 (a)
- Registered - Section 7.3 (b)
- Other - Section 7.3 (c)

FNs need to understand all three approaches in order to make their choice and reflect it in their CRP document. "Registered" approach is the most used option. The "Unregistered" approach has been used by a couple of FNs and "Other" approach has never been used.

Main Difference Between Registered and Unregistered Voting Options

The main difference is that the registered method is set up so that only interested Eligible Voters who register can vote, so only Registered Voters will be allowed to vote.

The unregistered method is set up where all Eligible Voters can vote.

Another difference between registration and non- registration is in the numbers participating and the minimum approval. A FN should concentrate on percentages, not non-participation. You could wait around all day for Registered Voters to not show up. A FN may want to focus on the ability of a FN to get the minimum numbers of electors to participate in order to decide which method to use.

CRP Template Documents

The LABRC has produced a model Registered CRP and a model Unregistered CRP document. These model templates meet all Of the necessary requirements Of the Framework Agreement.

If a FN chooses to use the model templates then, in all likelihood, the Verifier will be able to verify their CRP and the FN can then focus their work on an acceptable base which will save considerable time and expense.

Registered Method

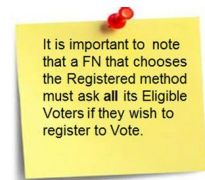
Introduction:

We will take a look at the registered method first as this option is the one most used by FNs to-date. Even though the registered method results in an extra step and more work this is the approach most FNs choose because it is easier to acquire the required voter's participation numbers.

This method also creates more dialogue between the FN administration and their Eligible Voters. This helps the FN to inform their Eligible Voters which is one of the key requirements of the CRP.

What is the Registered Method?

The registered method is set up so that only interested Eligible Voters who register can vote. Therefore the registered method requires that a FN gives every Eligible Voter the option to vote.



Why Chose the Registered Method?

The reason most FNs choose to use the registered method is usually because by using this approach it is more likely that the FN can meet the voting requirements that the Framework Agreement requires them to meet. These requirements relate the minimum number of voters that must participate in the vote.

How does an Eligible Voter Register to Vote?

The Eligible Voters must signify in writing if they wish to vote and must register with the RO.

A FN CRP can allow for registration by mail and at the poll on voting day. Therefore all Eligible Voters have the opportunity to vote even if they do not register before the voting day because they can come to the poll and register first and then cast their ballot.

What if an Eligible Voter does not want to vote?

If an Eligible Voter does not want to vote they should formally indicate that they do not wish to vote and are not issued a ballot. They are not counted in terms of the overall ratification exercise.

What is the Eligible Voter registering for?

Registering to vote is for the LC and Individual Agreement vote only. This registration has nothing to do with registration as a band member or other votes (e.g. Council vote) that the FN may conduct.

What approach does a FN use to register their Eligible Voters?

The FN must use an approach to register their Eligible Voters that the Verifier is able to verify. The model Registered CRP that LABRC provides suggests an approach that has been successfully used by many FNs.

Unregistered Method

Introduction:

The unregistered/non-registered method, to-date, has been used by only a couple of FNs. One FN chose this method because it was the closest to their "Custom " voting process. They felt their Eligible Voters would feel more comfortable using this method as it was familiar. There is a Unregistered CRP template available for any FN that so chooses this method.

What is the Unregistered Method?

The unregistered method is:

That in order to approve the ratification documents in a non-registered vote a majority of Eligible Voters are required to participate in the vote and at least a majority of the participating voters need to vote to approve them.

What is the main difference of the Unregistered Method?

The main difference is that this method does not require voters to register and one of the requirements is that a majority of the Eligible Voters are required to vote "yes" in order to approve the ratification documents as opposed to a majority of Registered Voters in the registration approach.

What is the required number of votes to approve the ratification documents?

For a vote that approves the ratification documents under this option, a minimum 50% plus 1 of all Eligible Voters must participate (show up or mail-in) in a vote. Of those that vote plus 1 must vote "Yes" to approve the ratification documents, as long as the number of "Yes" votes is greater than 25% of all eligible voters.

For example in a community of 1000 Eligible Voters, at a minimum 501 must show up to vote and at a minimum 251 must vote to approve the ratification documents.

It is considered failed if 500 members show up to vote because of the failure to meet the minimum required voter turnout of 501 Eligible Voters. Ballots are not even opened; it doesn't matter if 450 voted to approve.

Minimum 25% plus one is 251 in this scenario.

See next slide for a visual of how this works.

Unregistered Vote

Unregistered Vote Example based on 1000 Eligible Voters

- If Community has 1000 Eligible Voters
- At minimum 501 must show up to vote
- At minimum 252 must vote to approve the ratification documents
- Framework Agreement minimum requirements (25+1) vote to approve = 251



Other Method

The "Other" method is where the community approves the ratification documents in such other manner as the FN and Minister may agree on.

To-date this option has never been used.

This voting process is not to be confused with custom rules made under the *Indian Act*.

This voting method still requires an approval minimum of 25% plus 1 Eligible Voters

Community Approval Calculation for the Vote

Introduction

The community approval calculation for a Registered Vote and a Non-Registered vote can be difficult to understand because the concept of multiple thresholds (i.e. at least 25% of eligible voter, at least 50% Of registered voter, at least 50% Of those who participate) is not a concept that has traditionally been used. As a result, the verifier is well prepared for these discussions with the FN.

The Community Approval Calculation

Al Gross, Verifier, has developed community approval calculation excel documents that are designed to assist the FN to determine its numbers and to discuss the outcome with Council before determining which option to choose. These documents look at registered and unregistered approaches. We will not be looking at "Other" approach but if we did it would require the same minimum requirements.

For both approaches there are a minimum number of votes required to approve the ratification documents (i.e. LC and Individual Agreement). This minimum requirement is that at least 25% of the FN's Eligible Voters need to vote "Yes".

Sample Community Approval Calculation Excel Documents

The sample documents are designed to aid a FN in determining its numbers and:

- Contains some explanatory notes which you may find helpful
- Are interactive, as you will be able to develop scenarios other than the ones that are currently reflected. Which is helpful for planning and discussion purposes
- Allow you to change the number of Eligible Voters and the number of pre-registered and Registered Voters. The spreadsheet will do all the calculations for you.

If you have questions about the excel documents, please contact your Verifier.

Click on attachments for the:

- Sample Community Approval Calculations Non-Registration Approach
- Sample Community Approval Calculation Registration Approach

Sample Scenario for Registered Vote

In this scenario we will look at 100k at 1000 Eligible Voters. For a Registered Vote this scenario looks at the number of Eligible Voters who registered whether by mail or registering at the polling station.

Based on the number of Eligible Voters and the number of Registered Voters a FN can determine how many "yes" votes are required to approve the LC and Individual Agreement.

The number of yes votes must meet the minimum requirements of the Framework Agreement. Click on the "Sample Registered Vote Community Approval Calculation (with voter registration) to see the results if a FN has 1000 Eligible voters.

Sample	
REGISTERED VOTE COMMUNITY APPROVAL CALCULATION	
(WITH VOTER REGISTRATION)	
In this scenario we will look at 1000 Eligible Voters under a Registered Vote:	
Total Eligible Voters	= 1000
Total Registered Eligible Voters	= 400
50% of total Registered Eligible Voters + 1	= 201
Framework Agreement minimum requirements for this scenario	
25% of Total Eligible Voters + 1	= 251
Ratification Process Results	
(A) Number of Registered Voters necessary to constitute a majority	= 201
(B) Minimum Requirements (25% plus 1 Eligible voters)	= 251
NOTE:	
For this approach (B) Framework Agreement minimum requirements (251) had to be used as approach (A) Number of Registered Voters necessary to constitute a majority did not meet the minimum requirements. With the (B) approach the number of yes votes (251) can be obtained with a lower voter turnout (400 Total Registered Eligible Voters) than the "unregistered" (501) voter turnout approach because only Eligible Voters who register can vote. This example calculation demonstrates that the FN can meet the requirements of the Framework Agreement with a lower voter turnout. This actually seems to increase voter turnout because the approach causes considerable dialogue between the FN administration and their eligible voters. This dialogue creates interest and understanding of the process and the Land Code.	

Sample Scenario for Unregistered Vote

In this scenario we will look at 100k at 1000 Eligible Voters. For an Unregistered Vote this scenario looks at the number of Eligible Voters.

Based on the number of Eligible Voters a FN can determine how many "yes" votes are required to approve the LC and Individual Agreement.

The number of yes votes must meet the minimum requirements of the Framework Agreement.

Click on the "Sample Unregistered Vote Community Approval Calculation without voter registration) to see the results if a FN has 1000 Eligible Voters.



Options for Community Approval Process Glossary of Terms

Community Approval Process Plan (CAPP)

The CAPP is a planning document that identifies the respective activities of each of the First Nation and Canada to facilitate a cooperative and coordinated effort and identifies the steps required to reach a Land Code vote within a 2 year timeframe.

Community Ratification Process (CRP)

The CRP is a document that sets out the procedures and rules of the community approval process for the transfer or jurisdiction of reserve lands from Canada to the First Nation and for the First Nation's Land Code and Individual Agreement. There are three available options to the First Nation, under the *Framework Agreement*, for the community approval voting process. The CRP document will describe in detail the process that the First Nation has chosen to use, how the vote is to be conducted and who is eligible to vote.

Developmental

When referring to the *Framework Agreement* "developmental" means those First Nations who are signatories to the *Framework Agreement* and who are developing a Land Code, an Individual Agreement with Canada, and a community approval process to ratify the Framework Agreement, Land Code and Individual Agreement through a vote of the eligible voters.

Due Diligence

The Framework Agreement requires a vote of membership for both the Land Code and Individual Agreement. A vote is not possible unless membership is making an informed decision. This involves an understanding of the implications of assuming management of the lands by becoming fully informed of their legal obligations, liabilities and responsibilities before making a final decision on whether or not to approve a Land Code and Individual Agreement and also making an informed decision as to which lands to include or exclude from the Land Code. First Nations, as part of carrying out due diligence will also: (1) make reasonable inquiries to confirm the facts on which the approval decision is to be based (e.g. that leases are valid or that an environmental site assessment is satisfactory); and, (2) assure itself of the ability of the other party (i.e. Canada) to carry out its responsibilities under the Framework Agreement and Individual Agreement, all for the purpose of evaluating the risks to the First Nation of approving a Land Code.



Eligible Voter

Eligible Voter means a Member of a First Nation who is 18 years of age or older on Voting Day.

First Nations Land Management Act

Is an Act providing for the ratification and bringing into effect of the Framework Agreement on First Nation Land Management. The Act was required under the *Framework Agreement* for two purposes: to ratify the *Framework Agreement*, and to implement those clauses of the *Framework Agreement* that affect third parties or other federal laws, or that are considered important enough to be repeated in the legislation. The *First Nations Land Management Act* is intended to be consistent with the *Framework Agreement* and to apply to the First Nations that are signatories to the *Framework Agreement*. The Act was enacted and given royal assent on June 7, 1999.

Framework Agreement on First Nation Land Management (*Framework Agreement*)

The *Framework Agreement on First Nation Land Management* is a government-to-government agreement. The *Framework Agreement* is an initiative for First Nations to opt out of the land management sections of the *Indian Act* and take over responsibility for the management and control of their reserve lands and resources. The *Framework Agreement* sets out the principal components of this new land management process. The *Framework Agreement* provides First Nations with the option to manage their reserve lands under their own Land Codes. Until a First Nation community develops and approves a Land Code to take control of its reserve lands and resources, federal administration of their reserve lands continues under the *Indian Act*. The *Framework Agreement* is not a treaty and does not affect treaty rights or other constitutional rights of the First Nations.

Indian Act

The *Indian Act* is Canadian federal legislation, first passed in 1876, and amended several times since. It sets out certain federal government obligations and regulates the management of Indian reserve lands, Indian moneys and other resources. Among its many provisions, the *Indian Act* currently requires the Minister of Aboriginal Affairs and Northern Development Canada to manage certain moneys belonging to First Nations and Indian lands and to approve or disallow First Nations by-laws.

Individual Agreement

An Individual Agreement between each First Nation and Canada will be concluded to deal with such matters as: the reserve lands to managed by the First Nation, the specifics of the transfer of administration of land from Canada to the First nation, e.g.



the interests in land held by Canada that are to be transferred to the First Nation, the transfer of revenues and an interim environmental assessment process, and the funding to be provided by Canada to the First Nation for land management.

Land Code

A Land Code will be the basic land law of the First Nation and will replace the land management provisions of the *Indian Act*. The Land Code will be drafted by the First Nation and will make provision for the following matters: identifying the reserve lands to be managed by the First Nation (called “First Nation land”), the general rules and procedures for the use and occupation of these lands by First Nation members and others, financial accountability for revenues from the lands (except oil and gas revenues, which continue under federal law), the making and publishing of First Nation land laws, the conflict of interest rules, a community process to develop rules and procedures applicable to land on the breakdown of a marriage, a dispute resolution process, procedures by which the First Nation can grant interests in land or acquire lands for community purposes, the delegation of land management responsibilities, and the procedure for amending the Land Code.

Lands Advisory Board Resource Centre

Under the *Framework Agreement*, the First Nations have established a Lands Advisory Board (LAB) and a LAB Resource Centre (LABRC) to assist the First Nations in implementing their own land management regimes. The LAB is the political body composed of Chiefs regionally elected from among the First Nations involved. The LABRC is the technical body intended to support First Nations in the developmental and operational phases implementing the Framework Agreement

The LABRC’s functions are:

- developing model land codes, laws and land management systems
- developing model agreements for use between First Nations and other authorities and institutions, including public utilities and private organizations
- on request of a First Nation, assisting the First Nation in developing and implementing its land code, laws, land management systems and environmental assessment and protection regimes -assisting a verifier when requested by the verifier
- establishing a resource centre, curricula and training programs for managers and others who perform functions pursuant to a land code
- on request of a First Nation encountering difficulties relating to the management of its First Nation lands, helping the First Nation in obtaining the expertise necessary to resolve the difficulty
- proposing regulations for First Nation land registration



Ratification Documents

Ratification documents means: the Land Code and Individual Agreement.

Ratification Officer

The Ratification Officer is an impartial and independent contractor who is appointed by the First Nation to conduct the community ratification vote in accordance with the First Nation Community Ratification document.

Registered Voter

Registered Voter means an Eligible Voter who has registered to vote in accordance with First Nation Community Ratification.

Simple Majority

Simple majority means a majority in which the highest number of votes cast for any one candidate, issue, or item exceeds the second-highest number, while not constituting an absolute majority. This method does not require a “quorum” or minimum number of eligible voters to cast a ballot. This method of voting happens most often under the “*Indian Act*” elections for Chief and Council and can occur under land designation votes when a first vote has failed to yield a majority of eligible voters at the polls.

Verifier

The Verifier is an independent person who is jointly selected by the First Nation and Canada, in accordance with the *Framework Agreement*. The Verifier carries out the Verification components of the Developmental Phase that are identified in the CRP document and thus ensures that all aspects of the ratification process are satisfactorily conducted.



ACRONYM LIST OPTIONS FOR COMMUNITY APPROVAL

CAPP	-	Community Approval process Plan
CRP	-	Community Ratification Process
<i>Framework Agreement</i>	-	<i>Framework Agreement on First Nation Land Management</i>
FN	-	First Nation
<i>FNLMA</i>	-	<i>First Nations Land Management Act</i>
LABRC	-	Lands Advisory Board Resource Centre
LC	-	Land Code
RO	-	Ratification Officer
VRC	-	Virtual Resource Centre

COMMUNITY APPROVAL PROCESS PLAN ANNEX A

FIRST NATIONS' REQUIREMENTS UNDER THE FRAMEWORK AGREEMENT ON FNLMA

- 5.1** A First Nation that wishes to manage one or more of its reserves will first develop a land code.
- 5.2** The land code of a First Nation will
- (a)** describe the lands that are subject to the land code;
 - (b)** set out the general rules and procedures that apply to the use and occupancy of First Nation land, including use and occupancy under
 - (i)** licenses and leases, and
 - (ii)** interests in First Nation land held pursuant to allotments under subsection 20(1) of the *Indian Act* or pursuant to the custom of the First Nation;
 - (b.1)** set out the procedures that apply to the transfer, by testamentary disposition or succession, of any interest in First Nation land;
 - (c)** set out the general rules and procedures that apply to revenues from natural resources belonging to First Nation land; granting or expropriating interests in First Nation land, including provisions for notice and the service of notice;
 - (d)** set out the requirements for accountability to First Nation members for the management of moneys and First Nation lands under the land code;
 - (e)** set out the procedures for making and publishing its First Nation laws;
 - (f)** set out the conflict of interest rules for land management;
 - (g)** identify or establish a forum for the resolution of disputes in relation to interests in First Nation lands, including the review of land management decisions where a person, whose interest in First Nation land is affected by a decision, disputes that decision;
 - (h)** set out the general rules and procedures that apply to the First Nation where
 - (i)** set out the general authorities and procedures whereby the First Nation council delegates administrative authority to manage First Nation land to another person or entity; and
 - (j)** set out the procedure by which the First Nation can amend its land code or approve an exchange of its First Nation land.
- 5.3** A land code could also contain the following provisions:
- (a)** any general conditions or limits on the power of the First Nation council to make First Nation laws;
 - (b)** any general exceptions, reservations, conditions or limitations to be attached to the rights and interests that may be granted in First Nation land;
 - (c)** any provisions respecting encumbering, seizing, or executing a right or interest in First Nation land as provided in clause 15; and
 - (d)** any other matter respecting the management of First Nation land.
- 6. DEVELOPMENT OF INDIVIDUAL FIRST NATION AGREEMENT**
- 6.1** The Minister and each First Nation that intends to manage its First Nation land will also enter into an individual agreement to settle the actual level of operational funding for the First Nation and the specifics of the transfer of administration between Canada and the First Nation.
- 6.3** Upon the request of a First Nation that is developing a land code, the Minister will provide it with the following information, as soon as practicable:

- (a) a list of all the interests and licences, in relation to the proposed First Nation land, that are recorded in the Reserve Land Register and the Surrendered and Designated Lands Register under the *Indian Act*;
- (b) all existing information, in Canada's possession, respecting any actual or potential environmental problems with the proposed First Nation land; and
- (c) any other information in Canada's possession that materially affects the interests and licences mentioned in clause 6.3(a)."

"7. **COMMUNITY APPROVAL**

- 7.1 Both the First Nation's land code and its individual agreement with the Minister need community approval in accordance with this clause.
- 7.2 Every person who is a First Nation member, whether resident on or off-reserve, who is at least 18 years of age, is eligible to vote on whether to approve their First Nation's proposed land code and its individual agreement with the Minister.
- 7.3 The land code and individual agreement will be considered approved by the community if:
 - (a) a majority of eligible voters participate in the vote and at least a majority of the participating voters vote to approve them;
 - (b) the First Nation registers all eligible voters who signified, in a manner determined by the First Nation, their intention to vote, and a majority of the registered voters vote to approve them; or
 - (c) the community approves them in such other manner as the First Nation and the Minister may agree upon.
- 7.4 The land code and individual agreement will not be considered approved if less than 25% plus one of all eligible voters voted to approve them.
- 7.5 The First Nation council may, by resolution, increase the minimum percentage for community approval otherwise required under this clause.
- 7.6 A First Nation will take reasonable steps to locate its eligible voters and inform them of:
 - (a) their right to participate in the approval process and the manner in which that right can be exercised; and
 - (b) the content of this Agreement, the individual agreement with the Minister, the proposed land code and the federal legislation.
- 7.7 Reasonable steps to locate and inform eligible voters may include the following:
 - (a) mailing out information to eligible voters at their last known addresses;
 - (b) making enquiries of family members and others to locate eligible voters whose addresses are not known or are uncertain;
 - (c) making follow up contact with eligible voters by mail or telephone;
 - (d) placing advertisements in newspapers circulating in the community and in newspapers circulating in other localities where the number of eligible voters warrants;
 - (e) posting notices in the community;
 - (f) holding information meetings in the community and in other places where appropriate; and
 - (g) making copies of the documents referred to in clause 7.6(b) available at the administration office of the First Nation and in other places where appropriate.

8. VERIFICATION PROCESS

- 8.1 Where a First Nation develops a proposed land code and resolves to submit it to the community for approval, an independent person will be appointed as a verifier to monitor and verify the opting in process. The verifier will be chosen in accordance with clause 44.
- 8.2 The representatives of the First Nation and the Minister, who have been assisting in the process of transferring administration of the land, will meet with the verifier and provide information and advice to the verifier, after consulting with their respective Parties.
- 8.3 The First Nation will submit the following information to the verifier:
- (a) a copy of the proposed land code;
 - (b) an initial list of the names of every First Nation member who, according to the First Nation's records at that time, would be eligible to vote on whether to approve the proposed land code; and
 - (c) a detailed description of the community approval process that the First Nation proposes to use under clause 7.
- 8.4 The verifier will:
- (a) decide whether the proposed land code conforms with the requirements of clause 5;
 - (b) decide whether the proposed community approval process conforms with the requirements of clause 7;
 - (c) determine whether the community approval process is conducted in accordance with the process that was confirmed; and
 - (d) certify as being valid a First Nation's land code that is properly approved by the First Nation.
- 8.5 The verifier also has the power to make a final decision to resolve:
- (a) any dispute regarding whether a portion of a reserve may be excluded from a land code pursuant to clause 4.4; and
 - (b) any dispute regarding the specifics of the transfer of administration between Canada and the First Nation.
- 8.6 A verifier will make decisions that are consistent with clauses 4.4 and 4.5.
- 8.7 A verifier will not deal with disputes over funding.
- 8.8 Within 30 days of receiving the First Nation's information pursuant to clause 8.3, the verifier will issue a written notice to the First Nation and the Minister stating whether the proposed land code and community approval process are consistent with this Agreement.
- 8.9 The verifier will provide written reasons to the First Nation and the Minister in any case where he or she decides that the proposed land code and community approval process are not consistent with this Agreement.”

10. CERTIFICATION OF LAND CODE

10.1 Where a First Nation approves a land code and its individual agreement with the Minister, the First nation council must, without delay, send a true copy of the land code to the verifier together with a statement from the First Nation council that the land code and the individual agreement were properly approved.

10.2 Upon receiving a copy of a First Nation's land code and statement, the verifier will, subject to clause 11, certify the land code as being valid.

11. **DISPUTED VOTE**

11.1 The Minister or any eligible voter may, within five days after the conclusion of the vote, report any irregularity in the voting process to the verifier.

11.2 A verifier will not certify a land code if he or she is of the opinion that the following two conditions exist:

- (1) the process by which the land code was approved varied from the process previously confirmed by the verifier or was otherwise irregular; and
- (2) the land code might not have been approved but for the irregularity in the process.

11.3 Before making a decision under this clause, the verifier will provide the First Nation and the Minister with a reasonable opportunity to make submissions on the issue.

11.4 Any decision by a verifier under this clause must be made within 10 days of the conclusion of the vote.”



CANADA

CONSOLIDATION

CODIFICATION

First Nations Land Management Act

Loi sur la gestion des terres des premières nations

S.C. 1999, c. 24

L.C. 1999, ch. 24

Current to October 31, 2012

À jour au 31 octobre 2012

Last amended on October 5, 2012

Dernière modification le 5 octobre 2012

Published by the Minister of Justice at the following address:
<http://laws-lois.justice.gc.ca>

Publié par le ministre de la Justice à l'adresse suivante :
<http://lois-laws.justice.gc.ca>

OFFICIAL STATUS
OF CONSOLIDATIONS

CARACTÈRE OFFICIEL
DES CODIFICATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit:

Published
consolidation is
evidence

31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications
comme élément
de preuve

Inconsistencies
in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

Incompatibilité
— lois

NOTE

This consolidation is current to October 31, 2012. The last amendments came into force on October 5, 2012. Any amendments that were not in force as of October 31, 2012 are set out at the end of this document under the heading "Amendments Not in Force".

NOTE

Cette codification est à jour au 31 octobre 2012. Les dernières modifications sont entrées en vigueur le 5 octobre 2012. Toutes modifications qui n'étaient pas en vigueur au 31 octobre 2012 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

TABLE OF PROVISIONS

TABLE ANALYTIQUE

Section		Page	Article		Page
	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management			Loi portant ratification de l'Accord-cadre relatif à la gestion des terres des premières nations et visant sa prise d'effet	
	SHORT TITLE	1		TITRE ABRÉGÉ	1
1	Short title	1	1	Titre abrégé	1
	INTERPRETATION	1		DÉFINITIONS	1
2	Definitions	1	2	Définitions	1
	HER MAJESTY	3		SA MAJESTÉ	3
3	Binding on Her Majesty	3	3	Obligation de Sa Majesté	3
	GENERAL	3		DISPOSITIONS GÉNÉRALES	3
4	Ratification and effect	3	4	Ratification et prise d'effet	3
5	Title to First Nation land	3	5	Titre de propriété	3
	ESTABLISHMENT OF LAND MANAGEMENT REGIME	4		MISE EN PLACE DU RÉGIME DE GESTION DES TERRES	4
	LAND CODE AND INDIVIDUAL AGREEMENT	4		CODE FONCIER ET ACCORD SPÉCIFIQUE	4
6	Adoption of land code	4	6	Adoption du code foncier	4
6.1	Survey not mandatory	5	6.1	Arpentage facultatif	5
7	Excluded land	6	7	Exclusion	6
7.1	Exclusion — boundaries of reserve uncertain	6	7.1	Exclusion — limites de la réserve incertaines	6
7.2	Inclusion of previously excluded land	6	7.2	Ajout de terres auparavant exclues	6
	VERIFICATION	7		VÉRIFICATION	7
8	Appointment of verifier	7	8	Nomination du vérificateur	7
9	Notice of determination	7	9	Communication de la décision	7
	COMMUNITY APPROVAL AND CERTIFICATION	8		CONSULTATION POPULAIRE ET CERTIFICATION	8
10	Submission to members	8	10	Approbation des membres	8
11	Publication of notice	8	11	Préavis	8
12	Approval by members	8	12	Approbation	8
13	Copy and declaration	9	13	Copie et déclaration	9
14	Certification	9	14	Attestation	9
	COMING INTO FORCE OF LAND CODE	10		ENTRÉE EN VIGUEUR DU CODE FONCIER	10
15	Coming into force	10	15	Date, force de loi et admission d'office	10
16	Effect	10	16	Effet	10
	RULES ON BREAKDOWN OF MARRIAGE	11		RÈGLES PARTICULIÈRES : ÉCHEC DU MARIAGE	11
17	Obligation of First Nation	11	17	Obligation de la première nation	11
	LAND MANAGEMENT REGIME	11		RÉGIME DE GESTION DES TERRES	11
	FIRST NATION POWERS	11		POUVOIRS GÉNÉRAUX DE LA PREMIÈRE NATION	11
18	Power to manage	11	18	Gestion des terres	11

First Nations Land Management — October 31, 2012

Section	Page	Article	Page
19	12	19	12
Transfer of moneys		Transfert de fonds	
FIRST NATION LAWS	12	TEXTES LÉGISLATIFS	12
20	12	20	12
Power to enact laws		Pouvoir législatif	
21	13	21	13
Environmental protection regime		Régime de protection environnementale	
22	14	22	14
Offences and punishment		Infractions et peines	
23	14	23	14
Evidence		Preuve	
24	14	24	14
Appointment of justices of the peace		Nomination des juges de paix	
FIRST NATION LAND REGISTER	15	REGISTRE DES TERRES DES PREMIÈRES NATIONS	15
25	15	25	15
Establishment		Établissement	
LIMITATIONS ON ALIENATION OF FIRST NATION LAND	16	RESTRICTIONS EN MATIÈRE D'ALIÉNATION	16
26	16	26	16
Alienation of land		Inaliénabilité	
27	16	27	16
Restrictions on exchange		Échange	
28	16	28	16
Expropriation by a First Nation		Expropriation par la première nation	
29	17	29	17
Expropriation by Her Majesty		Expropriation par Sa Majesté	
30	18	30	18
Partial expropriation		Expropriation partielle	
31	18	31	18
Compensation		Indemnité	
32	20	32	20
Restitution		Restitution	
33	20	33	20
Expropriation Act		Loi sur l'expropriation	
LIABILITY	20	RESPONSABILITÉ	20
34	20	34	20
First Nation not liable		Décharge : première nation	
IMMUNITY AND JUDICIAL REVIEW	21	IMMUNITÉ ET CONTRÔLE JUDICIAIRE	21
35	21	35	21
Immunity		Immunité	
36	21	36	21
Determinations final		Interdiction des recours extraordinaires : décisions	
OTHER ACTS	22	CADRE LÉGISLATIF	22
37	22	37	22
Other Acts		Lois fédérales	
38	22	38	22
Indian Act		Loi sur les Indiens	
39	22	39	22
Indian Oil and Gas Act		Loi sur le pétrole et le gaz des terres indiennes	
40	23	40	23
Environmental laws		Lois fédérales en matière d'environnement	
42	23	42	23
Emergencies Act		Loi sur les mesures d'urgence	
43	23	43	23
Acts respecting nuclear energy		Lois relatives à l'énergie nucléaire	
44	23	44	23
Non-application of Statutory Instruments Act		Loi sur les textes réglementaires	
AMENDMENT OF SCHEDULE	23	MODIFICATION DE L'ANNEXE	23
45	23	45	23
Addition of band name		Ajout du nom d'une bande	
TRANSITIONAL PROVISION	24	DISPOSITION TRANSITOIRE	24
46	24	46	24
Validity		Validation	
CONDITIONAL AMENDMENT	24	MODIFICATION CONDITIONNELLE	24

Gestion des terres des premières nations — 31 octobre 2012

Section		Page	Article		Page
	COMING INTO FORCE	24		ENTRÉE EN VIGUEUR	24
*48	Order of Governor in Council	24	*48	Décret	24
	SCHEDULE	25		ANNEXE	25
	RELATED PROVISIONS	27		DISPOSITIONS CONNEXES	27



S.C. 1999, c. 24

L.C. 1999, ch. 24

An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management

Loi portant ratification de l'Accord-cadre relatif à la gestion des terres des premières nations et visant sa prise d'effet

[Assented to 17th June 1999]

[Sanctionnée le 17 juin 1999]

Preamble

WHEREAS Her Majesty in right of Canada and a specific group of first nations concluded the Framework Agreement on First Nation Land Management on February 12, 1996 in relation to the management by those first nations of their lands;

AND WHEREAS the ratification of the Agreement by Her Majesty requires the enactment of an Act of Parliament;

Attendu :

que Sa Majesté du chef du Canada et un groupe déterminé de premières nations ont signé, le 12 février 1996, l'Accord-cadre relatif à la gestion des terres des premières nations, qui vise à confier à ces dernières la gestion de leurs terres;

que la ratification de cet accord-cadre par Sa Majesté est subordonnée à l'adoption d'une loi du Parlement,

Préambule

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *First Nations Land Management Act*.

1. *Loi sur la gestion des terres des premières nations*.

Titre abrégé

INTERPRETATION

DÉFINITIONS

Definitions

2. (1) The definitions in this subsection apply in this Act.

2. (1) Les définitions qui suivent s'appliquent à la présente loi.

Définitions

“council”
« conseil »

“council”, in relation to a First Nation, has the same meaning as the expression “council of the band” in subsection 2(1) of the *Indian Act*.

« accord-cadre » L'Accord-cadre relatif à la gestion des terres des premières nations signé le 12 février 1996 par les premières nations et Sa Majesté du chef du Canada, ainsi que les modifications qui peuvent lui être apportées conformément à ses dispositions.

« accord-cadre »
“Framework Agreement”

“eligible voter”
« électeur »

“eligible voter” means a First Nation member who is eligible to vote under subsection 10(2).

« accord spécifique » Accord conclu en conformité avec le paragraphe 6(3).

« accord spécifique »
“individual agreement”

“First Nation”
« première nation »

“First Nation” means a band named in the schedule.

<p>“First Nation land” « terres de la première nation »</p>	<p>“First Nation land” means reserve land to which a land code applies and includes all the interests or rights in, and resources of, the land that are within the legislative authority of Parliament.</p>	<p>« arpenteur général » S’entend au sens du paragraphe 2(1) de la <i>Loi sur l’arpentage des terres du Canada</i>.</p>	<p>« arpenteur général » “Surveyor General”</p>
<p>“First Nation law” « texte législatif »</p>	<p>“First Nation law” means a law referred to in section 20.</p>	<p>« code foncier » Le code visé au paragraphe 6(1).</p>	<p>« code foncier » “land code”</p>
<p>“First Nation member” « membre de la première nation »</p>	<p>“First Nation member” means a person whose name appears on the band list of a First Nation or who is entitled to have their name appear on that list.</p>	<p>« conseil » En ce qui touche une première nation, le conseil de la bande au sens du paragraphe 2(1) de la <i>Loi sur les Indiens</i>.</p>	<p>« conseil » “council”</p>
<p>“Framework Agreement” « accord-cadre »</p>	<p>“Framework Agreement” means the Framework Agreement on First Nation Land Management concluded between Her Majesty in right of Canada and the First Nations on February 12, 1996, and includes any amendments to the Agreement made pursuant to its provisions.</p>	<p>« droit » S’agissant des terres de la première nation situées au Québec, tout droit de quelque nature que ce soit portant sur celles-ci et, par assimilation, tout droit du locataire; est cependant exclu le titre de propriété.</p>	<p>« droit » “right”</p>
<p>“individual agreement” « accord spécifique »</p>	<p>“individual agreement” means an agreement with a First Nation entered into under subsection 6(3).</p>	<p>« électeur » Personne qui satisfait aux conditions prévues au paragraphe 10(2).</p>	<p>« électeur » “eligible voter”</p>
<p>“interest” « intérêt »</p>	<p>“interest”, in relation to First Nation land in Canada elsewhere than in Quebec, means any estate, right or interest of any nature in or to the land, but does not include title to the land.</p>	<p>« intérêt » S’agissant des terres de la première nation situées au Canada mais ailleurs qu’au Québec, tout domaine, droit ou autre intérêt portant sur celles-ci; est cependant exclu le titre de propriété.</p>	<p>« intérêt » “interest”</p>
<p>“land code” « code foncier »</p>	<p>“land code” means a land code of a First Nation referred to in subsection 6(1).</p>	<p>« intérêts » [Abrogée, 2007, ch. 17, art. 1]</p>	
<p>“licence” « permis »</p>	<p>“licence”, in relation to First Nation land, means</p> <p>(a) in Canada elsewhere than in Quebec, any right of use or occupation of the land other than an interest in that land;</p> <p>(b) in Quebec, any right to use or occupy the land other than a right as defined in this subsection.</p>	<p>« membre de la première nation » Personne dont le nom apparaît sur la liste de bande relative à la première nation ou qui a droit à ce que son nom y figure.</p>	<p>« membre de la première nation » “first nation member”</p>
<p>“Minister” « ministre »</p>	<p>“Minister” means the Minister of Indian Affairs and Northern Development.</p>	<p>« ministre » Le ministre des Affaires indiennes et du Nord canadien.</p>	<p>« ministre » “Minister”</p>
<p>“project” « projet d’exploitation »</p>	<p>“project” has the same meaning as in subsection 2(1) of the <i>Canadian Environmental Assessment Act</i>.</p>	<p>« permis » S’agissant des terres de la première nation :</p> <p>a) situées au Canada mais ailleurs qu’au Québec, tout droit d’usage ou d’occupation portant sur celles-ci ou toute permission au même effet, autre qu’un intérêt;</p> <p>b) situées au Québec, tout droit d’utiliser ou d’occuper celles-ci, autre qu’un droit au sens du présent paragraphe.</p>	<p>« permis » “licence”</p>
<p>“right” « droit »</p>	<p>“right”, in relation to First Nation land in Quebec, means any right of any nature in or to that land, including the rights of a lessee, but does not include title to the land.</p>	<p>« première nation » Bande dont le nom figure à l’annexe.</p>	<p>« première nation » “first nation”</p>
<p>“Surveyor General” « arpenteur général »</p>	<p>“Surveyor General” has the same meaning as in subsection 2(1) of the <i>Canada Lands Surveys Act</i>.</p>	<p>« projet d’exploitation » Projet au sens du paragraphe 2(1) de la <i>Loi canadienne sur l’évaluation environnementale</i>.</p>	<p>« projet d’exploitation » “project”</p>
		<p>« terres de la première nation » Terres d’une réserve auxquelles s’applique le code foncier. Sont compris les droits ou intérêts afférents ainsi que les ressources qui s’y trouvent, dans la</p>	<p>« terres de la première nation » “first nation land”</p>

		mesure où ils relèvent de la compétence fédérale.	
		« texte législatif » Texte législatif visé à l'article 20.	« texte législatif » "first nation law"
Words and expressions in <i>Indian Act</i>	(2) Unless the context otherwise requires, words and expressions used in this Act have the same meaning as in the <i>Indian Act</i> .	(2) Sauf indication contraire, les autres termes de la présente loi s'entendent au sens de la <i>Loi sur les Indiens</i> .	Terminologie : <i>Loi sur les Indiens</i>
Not land claims agreement	(3) For greater certainty, neither the Framework Agreement nor this Act is a land claims agreement referred to in section 35 of the <i>Constitution Act, 1982</i> . 1999, c. 24, s. 2; 2007, c. 17, s. 1; 2012, c. 19, ss. 627, 652(E).	(3) Il est entendu que ni l'accord-cadre ni la présente loi constitue un accord sur des revendications territoriales au sens de l'article 35 de la <i>Loi constitutionnelle de 1982</i> . 1999, ch. 24, art. 2; 2007, ch. 17, art. 1; 2012, ch. 19, art. 627 et 652(A).	Pas un accord sur des revendications territoriales
	HER MAJESTY	SA MAJESTÉ	
Binding on Her Majesty	3. This Act is binding on Her Majesty in right of Canada and any reference in this Act to Her Majesty means Her Majesty in right of Canada.	3. La présente loi lie Sa Majesté du chef du Canada, et le terme « Sa Majesté » ne vise que cette dernière.	Obligation de Sa Majesté
	GENERAL	DISPOSITIONS GÉNÉRALES	
Ratification and effect	4. (1) The Framework Agreement is hereby ratified and brought into effect in accordance with its provisions.	4. (1) L'accord-cadre est ratifié et prend effet conformément à ses dispositions.	Ratification et prise d'effet
Deposit of copies	(2) The Minister shall cause a copy of the Framework Agreement and of any amendment made to the Agreement, certified by the Minister to be a true copy, to be deposited in the library of the Department of Indian Affairs and Northern Development situated in the National Capital Region and in such regional offices of that Department and other places as the Minister considers advisable.	(2) Le ministre fait déposer, à la bibliothèque de son ministère située dans la région de la capitale nationale, ainsi qu'aux bureaux ministériels régionaux et autres lieux qu'il juge indiqués, une copie certifiée par lui conforme à l'original de l'accord-cadre et de toute modification apportée à celui-ci.	Dépôt
Title to First Nation land	5. For greater certainty, except for First Nation land exchanged in accordance with section 27, (a) title to First Nation land is not affected by the Framework Agreement or this Act; (b) First Nation land continues to be set apart for the use and benefit of the First Nation for which it was set apart; and (c) First Nation land continues to be land reserved for the Indians within the meaning of Class 24 of section 91 of the <i>Constitution Act, 1867</i> . 1999, c. 24, s. 5; 2012, c. 19, s. 652(E).	5. Il est entendu que, sauf en cas d'échange conforme à l'article 27, la présente loi et l'accord-cadre n'ont pas pour effet de modifier le titre de propriété des terres de la première nation, celles-ci continuant d'être des terres réservées aux Indiens au sens du point 24 de l'article 91 de la <i>Loi constitutionnelle de 1867</i> et mises de côté par Sa Majesté à l'usage et au profit de la première nation concernée. 1999, ch. 24, art. 5; 2012, ch. 19, art. 652(A).	Titre de propriété

ESTABLISHMENT OF LAND
MANAGEMENT REGIME

LAND CODE AND INDIVIDUAL AGREEMENT

Adoption of land
code

6. (1) A First Nation that wishes to establish a land management regime in accordance with the Framework Agreement and this Act shall adopt a land code applicable to all land in a reserve of the First Nation, which land code must include the following matters:

- (a) a description of the land that is to be subject to the land code that the Surveyor General may prepare or cause to be prepared or any other description that is, in the Surveyor General's opinion, sufficient to identify those lands;
- (b) the general rules and procedures applicable to the use and occupancy of First Nation land, including use and occupancy under
 - (i) licences and leases, and
 - (ii) interests or rights in First Nation land held pursuant to allotments under subsection 20(1) of the *Indian Act* or pursuant to the custom of the First Nation;
- (c) the procedures that apply to the transfer, by testamentary disposition or succession, of any interest or right in First Nation land;
- (d) the general rules and procedures respecting revenues from natural resources obtained from First Nation land;
- (e) the requirements for accountability to First Nation members for the management of First Nation land and moneys derived from First Nation land;
- (f) a community consultation process for the development of general rules and procedures respecting, in cases of breakdown of marriage, the use, occupation and possession of First Nation land and the division of interests or rights in First Nation land;
- (g) the rules that apply to the enactment and publication of First Nation laws;
- (h) the rules that apply to conflicts of interest in the management of First Nation land;
- (i) the establishment or identification of a forum for the resolution of disputes in relation to interests or rights in First Nation land;

MISE EN PLACE DU RÉGIME DE
GESTION DES TERRES

CODE FONCIER ET ACCORD SPÉCIFIQUE

Adoption du
code foncier

6. (1) La mise en place d'un régime de gestion des terres, par la première nation, en conformité avec l'accord-cadre et la présente loi est subordonnée à l'adoption d'un code foncier applicable à l'ensemble des terres comprises dans sa réserve et dans lequel figurent les éléments suivants :

- a) la description des terres visées que l'arpenteur général prépare ou fait préparer éventuellement ou toute autre description qui, à son avis, est adéquate pour préciser les terres visées;
- b) les règles générales — de procédure et autres — applicables en matière d'utilisation et d'occupation de ces terres, notamment en vertu d'un permis ou d'un bail ou en vertu d'un droit ou intérêt découlant soit de la possession accordée en conformité avec le paragraphe 20(1) de la *Loi sur les Indiens*, soit de la coutume de la première nation;
- c) les règles de procédure applicables en matière de transfert, par dévolution successorale, de droits ou intérêts sur ces terres;
- d) les règles générales — de procédure et autres — applicables en matière de revenus tirés des ressources naturelles de ces terres;
- e) les règles applicables en matière de responsabilité, devant les membres de la première nation, en ce qui touche la gestion des terres de la première nation et celle des fonds qui y sont liés;
- f) une disposition relative au processus de consultation populaire visant l'établissement de règles applicables, en cas d'échec du mariage, en matière soit d'utilisation, d'occupation ou de possession des terres de la première nation, soit de partage des droits ou intérêts sur celles-ci;
- g) les règles d'édition et de publication des textes législatifs;
- h) les règles applicables en matière de conflit d'intérêts dans la gestion des terres de la première nation;
- i) une disposition prévoyant soit la constitution d'un organe chargé de régler les diffé-

(j) the general rules and procedures that apply in respect of the granting or expropriation by the First Nation of interests or rights in First Nation land;

(k) the general rules and procedures for the delegation, by the council of the First Nation, of its authority to manage First Nation land;

(l) the procedures that apply to an approval of an exchange of First Nation land; and

(m) the procedures for amending the land code.

rends concernant les droits ou intérêts sur les terres de la première nation, soit l'attribution de cette fonction à un organe donné;

j) les règles générales — de procédure et autres — applicables en matière d'attribution ou d'expropriation, par la première nation, de droits ou intérêts sur ses terres;

k) les règles générales — de procédure et autres — applicables en matière de délégation, par le conseil de la première nation, de ses pouvoirs de gestion des terres;

l) la procédure d'approbation en matière d'échange de terres;

m) la procédure de modification du code foncier.

Land management regime

(2) For greater certainty, if more than one reserve has been set apart for the use and benefit of a First Nation, the First Nation may establish a land management regime for any or all of its reserves.

(2) Il est entendu que la première nation peut mettre en place un régime de gestion des terres pour toutes les réserves mises de côté à son usage et à son profit ou pour certaines d'entre elles.

Précision

Individual agreement

(3) A First Nation that wishes to establish a land management regime shall, in accordance with the Framework Agreement, enter into an individual agreement with the Minister describing the land that will be subject to the land code and providing for

(3) La mise en place d'un régime de gestion des terres est en outre subordonnée à la conclusion, par le ministre et la première nation et en conformité avec l'accord-cadre, d'un accord spécifique qui, en plus de mentionner les terres visées :

Accord spécifique

(a) the terms of the transfer of administration of that land;

a) fixe les modalités de transfert des pouvoirs et fonctions en matière de gestion des terres;

(b) a description of the interests or rights and licences that have been granted by Her Majesty in or in relation to that land, and the date and other terms of the transfer to the First Nation of Her Majesty's rights and obligations as grantor of those interests or rights and licences;

b) précise les droits ou intérêts et les permis qui ont été accordés par Sa Majesté relativement aux terres en question ainsi que la date et les autres modalités du transfert, à la première nation, des droits et obligations de Sa Majesté à l'égard de ceux-ci;

(c) the environmental assessment process that will apply to projects on that land until the enactment of First Nation laws in relation to that subject; and

c) établit un régime d'évaluation environnementale applicable aux projets d'exploitation devant être mis en œuvre sur les terres en question jusqu'à la prise de textes législatifs sur le sujet;

(d) any other relevant matter.

d) prévoit tout autre élément pertinent.

1999, c. 24, s. 6; 2007, c. 17, s. 2; 2012, c. 19, ss. 628, 652(E).

1999, ch. 24, art. 6; 2007, ch. 17, art. 2; 2012, ch. 19, art. 628 et 652(A).

Survey not mandatory

6.1 If the Surveyor General prepares or causes to be prepared a description of lands under paragraph 6(1)(a), the Surveyor General may, if he or she considers it appropriate, sur-

6.1 L'arpenteur général peut, s'il l'estime indiqué, arpenter ou faire arpenter, en vertu de la *Loi sur l'arpentage des terres du Canada*, les

Arpentage facultatif

	vey or have those lands surveyed in accordance with the <i>Canada Lands Surveys Act</i> . 2012, c. 19, s. 629.	terres à l'égard desquelles une description est préparée en vertu de l'alinéa 6(1)a). 2012, ch. 19, art. 629.	
Excluded land	<p>7. (1) Despite subsection 6(1), a portion of a reserve may be excluded from the application of a land code if</p> <p>(a) it is in an environmentally unsound condition that cannot be remedied by measures that are technically and financially feasible before the date that the land code is to be submitted for community approval under subsection 10(1);</p> <p>(b) it is the subject of litigation that is unlikely to be resolved before the date referred to in paragraph (a);</p> <p>(c) it is uninhabitable or unusable as a result of a natural disaster; or</p> <p>(d) the First Nation and the Minister agree that, for any other reason, its exclusion is justifiable.</p>	<p>7. (1) Malgré le paragraphe 6(1), peut être exclue de l'application du code foncier la partie de la réserve qui remplit l'une ou l'autre des conditions suivantes :</p> <p>a) l'environnement y est dans un si mauvais état que des mesures réalisables sur les plans technique et économique ne pourront remédier à la situation avant la date prévue pour la consultation populaire visée au paragraphe 10(1);</p> <p>b) elle fait l'objet d'un litige qui ne sera vraisemblablement pas résolu avant cette date;</p> <p>c) elle est inhabitable ou inutilisable en raison d'un sinistre;</p> <p>d) la première nation et le ministre s'entendent pour conclure qu'elle peut en être exclue pour toute autre raison.</p>	Exclusion
Condition	<p>(2) A portion of a reserve may not be excluded from a land code if the exclusion would have the effect of placing the administration of a lease, other interest or a right in that land in more than one land management regime.</p> <p>(3) [Repealed, 2012, c. 19, s. 630]</p> <p>1999, c. 24, s. 7; 2007, c. 17, s. 3; 2012, c. 19, ss. 630, 652(E).</p>	<p>(2) L'exclusion est invalide si elle a pour effet d'assujettir un bail, quelque autre intérêt ou quelque droit à plus d'un régime de gestion.</p> <p>(3) [Abrogé, 2012, ch. 19, art. 630]</p> <p>1999, ch. 24, art. 7; 2007, ch. 17, art. 3; 2012, ch. 19, art. 630 et 652(A).</p>	Condition
Exclusion — boundaries of reserve uncertain	<p>7.1 (1) Despite subsection 6(1), land may be excluded from the application of a land code if it is uncertain whether the land is located within the boundaries of the reserve.</p>	<p>7.1 (1) Malgré le paragraphe 6(1), peuvent être exclues de l'application du code foncier les terres dont il n'est pas certain qu'elles soient comprises dans les limites de la réserve.</p>	Exclusion — limites de la réserve incertaines
Land subject to lease, other interest or right	<p>(2) If the exclusion of the land would have the effect of placing the administration of a lease, other interest or a right in that land in more than one land management regime, then all the land that is subject to that lease, other interest or right shall be excluded from the application of the land code.</p>	<p>(2) Dans le cas où l'exclusion aurait pour effet d'assujettir un bail, quelque autre intérêt ou quelque droit à plus d'un régime de gestion des terres, toutes les terres visées par le bail, l'intérêt ou le droit doivent être exclues de l'application du code foncier.</p>	Terres visées par un bail, un autre intérêt ou un droit
Limitation — effects of exclusion	<p>(3) The exclusion of the land does not preclude the First Nation or Her Majesty from asserting in an action, a lawsuit or other proceeding that the land is part of the reserve.</p> <p>2012, c. 19, s. 631.</p>	<p>(3) L'exclusion n'a pas pour effet d'empêcher la première nation ou Sa Majesté de faire valoir, dans le cadre de toute action, poursuite ou autre procédure, que les terres en question font partie de la réserve.</p> <p>2012, ch. 19, art. 631.</p>	Réserve — effets de l'exclusion
Inclusion of previously excluded land	<p>7.2 A First Nation shall amend the description of First Nation land in its land code to in-</p>	<p>7.2 La première nation est tenue de modifier le code foncier de façon à y ajouter la descrip-</p>	Ajout de terres auparavant exclues

clude a portion of a reserve excluded under subsection 7(1) or land excluded under subsection 7.1(1) if the First Nation and the Minister agree that the condition that justified the exclusion no longer exists, and the individual agreement shall be amended accordingly.

2012, c. 19, s. 631.

VERIFICATION

Appointment of verifier

8. (1) The Minister and a First Nation shall jointly appoint a verifier, to be chosen from a list established in accordance with the Framework Agreement, who shall

(a) determine whether a proposed land code and the proposed process for the approval of the land code and an individual agreement are in accordance with the Framework Agreement and this Act and, if they are in accordance, confirm them;

(b) determine whether the conduct of a community approval process is in accordance with the process confirmed under paragraph (a); and

(c) certify the validity of a land code that has been approved in accordance with the Framework Agreement and this Act.

Disputes

(2) The verifier shall determine any dispute arising between a First Nation and the Minister before a land code comes into force regarding the terms of the transfer of administration of land or the exclusion of a portion of a reserve from the application of a land code.

1999, c. 24, s. 8; 2012, c. 19, s. 652(E).

Notice of determination

9. (1) The verifier shall, within thirty days after receiving a First Nation's documents, as required by the Framework Agreement, make a determination under paragraph 8(1)(a) and give notice of the determination to the First Nation and the Minister.

Reasons

(2) If the verifier determines that a proposed land code or a proposed community approval process is not in accordance with the Framework Agreement or this Act, the verifier shall give written reasons to the First Nation and the Minister.

1999, c. 24, s. 9; 2012, c. 19, s. 652(E).

tion de la partie de la réserve ou des terres, selon le cas, auparavant exclues, si elle et le ministre concluent que l'exclusion au titre des paragraphes 7(1) ou 7.1(1) n'est plus justifiée. L'accord spécifique doit être modifié en conséquence.

2012, ch. 19, art. 631.

VÉRIFICATION

Nomination du vérificateur

8. (1) Le ministre et la première nation nomment conjointement, parmi les candidats inscrits sur la liste établie à cette fin en conformité avec l'accord-cadre, un vérificateur chargé :

a) de décider de la conformité, avec l'accord-cadre et la présente loi, du projet de code foncier et du mécanisme de consultation populaire proposé pour son approbation et celle de l'accord spécifique et, le cas échéant, d'attester cette conformité;

b) de décider de la conformité du déroulement de cette consultation avec le mécanisme ayant fait l'objet de l'attestation prévue à l'alinéa a);

c) d'attester la validité du code foncier approuvé en conformité avec l'accord-cadre et la présente loi.

Différends

(2) Il est en outre chargé de régler les différends qui surviennent, avant l'entrée en vigueur du code foncier, entre la première nation et le ministre relativement soit aux modalités de transfert des pouvoirs et fonctions en matière de gestion, soit à l'exclusion de toute partie d'une réserve de l'application du code foncier.

1999, ch. 24, art. 8; 2012, ch. 19, art. 652(A).

Communication de la décision

9. (1) Le vérificateur adresse à la première nation et au ministre, dans les trente jours suivant la réception des documents que celle-ci est tenue de lui communiquer aux termes de l'accord-cadre, sa décision rendue en application de l'alinéa 8(1)a).

Motifs

(2) En cas de conclusion défavorable, il consigne aussi ses motifs, qu'il joint à sa décision.

1999, ch. 24, art. 9; 2012, ch. 19, art. 652(A).

COMMUNITY APPROVAL AND CERTIFICATION

CONSULTATION POPULAIRE ET CERTIFICATION

Submission to members	<p>10. (1) If the verifier determines that a proposed land code and a proposed community approval process of a First Nation are in accordance with the Framework Agreement and this Act, the council of the First Nation may submit the proposed land code and the individual agreement to the First Nation members for their approval.</p>	<p>10. (1) Une fois attestée la conformité du projet de code foncier et du mécanisme de consultation populaire proposé avec l'accord-cadre et la présente loi, le conseil peut soumettre le projet et l'accord spécifique à l'approbation des membres de la première nation.</p>	Approbation des membres
Eligibility to vote	<p>(2) Every person who is eighteen years of age or over and a First Nation member, whether or not resident on the reserve of the First Nation, is eligible to vote in the community approval process.</p>	<p>(2) Est habile à voter en ce qui touche cette approbation tout membre de la première nation âgé d'au moins dix-huit ans, qu'il réside ou non dans la réserve en question.</p>	Droit de vote
Information to be provided	<p>(3) The council shall, before proceeding to obtain community approval, take reasonable measures, such as those described in the Framework Agreement, to locate voters and inform them of their right to vote, the means of exercising that right and the content of the Framework Agreement, this Act, the proposed land code and the individual agreement.</p>	<p>(3) Le conseil est tenu, avant de procéder à la consultation populaire, de prendre les mesures utiles — notamment celles prévues par l'accord-cadre — pour retrouver tous les électeurs et les informer, d'une part, de leur droit de vote et des modalités d'exercice de ce droit et, d'autre part, de la teneur de l'accord-cadre, de la présente loi, du projet de code foncier ainsi que de l'accord spécifique.</p>	Devoir d'information
Third parties	<p>(4) If other persons have an interest or right in the land that is to be subject to the proposed land code, the council shall, within a reasonable time before the vote, take appropriate measures to inform those persons of the proposed land code, this Act and the date of the vote.</p> <p>1999, c. 24, s. 10; 2007, c. 17, s. 4; 2012, c. 19, s. 652(E).</p>	<p>(4) Il est en outre tenu de prendre, en temps utile avant le scrutin, les mesures indiquées pour porter la présente loi, le projet de code foncier et la date prévue pour le scrutin à la connaissance de tout autre titulaire de droits ou intérêts sur les terres en question.</p> <p>1999, ch. 24, art. 10; 2007, ch. 17, art. 4; 2012, ch. 19, art. 652(A).</p>	Titulaires de droits ou intérêts
Publication of notice	<p>11. (1) The verifier shall publish a notice of the date, time and place of a vote.</p>	<p>11. (1) Le vérificateur fait publier un avis des date, heure et lieu du scrutin.</p>	Préavis
Role of the verifier	<p>(2) The verifier, and any assistants that the verifier may appoint, shall observe the conduct of a vote.</p>	<p>(2) Il est de plus chargé de la surveillance du déroulement du scrutin et peut s'adjoindre, à cette fin, les assistants qu'il estime nécessaires.</p>	Surveillance du scrutin
Report	<p>(3) Within fifteen days after the conclusion of a vote, the verifier shall send to the First Nation and the Minister the verifier's report on the conduct of the vote.</p> <p>1999, c. 24, s. 11; 2012, c. 19, s. 652(E).</p>	<p>(3) Il adresse à la première nation et au ministre, dans les quinze jours suivant la clôture du scrutin, son rapport au sujet du déroulement.</p> <p>1999, ch. 24, art. 11; 2012, ch. 19, art. 652(A).</p>	Rapport
Approval by members	<p>12. (1) A proposed land code and an individual agreement that have been submitted for community approval are approved if</p> <p>(a) a majority of eligible voters participated in the vote and a majority of those voters voted to approve them;</p>	<p>12. (1) Le projet de code foncier et l'accord spécifique sont tenus pour approuvés lorsqu'ils reçoivent l'appui :</p> <p>a) soit de la majorité des voix exprimées, dans les cas où la majorité des électeurs participent effectivement au scrutin;</p>	Approbation

	<p>(b) all those eligible voters who signified, in a manner determined by the First Nation, their intention to vote have been registered and a majority of the registered voters voted to approve them; or</p> <p>(c) they are approved by the community in any other manner agreed on by the First Nation and the Minister.</p>	<p>b) soit de la majorité des électeurs enregistrés, dans les cas où tous les électeurs ayant fait connaître, selon les modalités fixées par la première nation, leur intention de voter ont été enregistrés;</p> <p>c) soit donné suivant les autres modalités dont conviennent la première nation et le ministre.</p>	
Minimum participation	<p>(2) Notwithstanding subsection (1), a proposed land code and an individual agreement are not approved unless more than twenty-five per cent of the eligible voters voted to approve them.</p>	<p>(2) Dans tous les cas, cependant, l'approbation n'est valide que si plus de vingt-cinq pour cent des électeurs se sont exprimés en sa faveur.</p>	Approbation minimale
Increased percentage	<p>(3) A council may, by resolution, increase the percentage of votes required under subsection (2).</p> <p>1999, c. 24, s. 12; 2012, c. 19, s. 652(E).</p>	<p>(3) Le conseil peut cependant, par résolution, fixer pour l'approbation un pourcentage supérieur à celui prévu au paragraphe (2).</p> <p>1999, ch. 24, art. 12; 2012, ch. 19, art. 652(A).</p>	Pourcentage supérieur
Copy and declaration	<p>13. (1) If a First Nation votes to approve a land code and an individual agreement, its council shall, after the conclusion of the vote, send to the verifier</p> <p>(a) without delay, a copy of the approved code and a declaration that the code and agreement were approved in accordance with section 12; and</p> <p>(b) as soon as the circumstances permit, a copy of the individual agreement signed by the First Nation and the Minister.</p>	<p>13. (1) Après la clôture du scrutin, le conseil adresse sans délai au vérificateur une copie du code foncier approuvé par les membres de la première nation et une déclaration confirmant l'approbation, en conformité avec l'article 12, du code et de l'accord spécifique. De plus, il lui adresse dans les meilleurs délais une copie de ce dernier signé par la première nation et le ministre.</p>	Copie et déclaration
Report of irregularity	<p>(2) The Minister or an eligible voter may, within five days after the conclusion of a vote, report any irregularity in the voting process to the verifier.</p> <p>1999, c. 24, s. 13; 2012, c. 19, s. 632.</p>	<p>(2) Le ministre ou tout électeur peut, dans les cinq jours suivant la clôture du scrutin, informer le vérificateur de toute irrégularité dont a été entaché le déroulement du scrutin.</p> <p>1999, ch. 24, art. 13; 2012, ch. 19, art. 632.</p>	Dénonciation
Certification	<p>14. (1) The verifier shall, after receiving the documents referred to in subsection 13(1), certify the validity of the land code unless the verifier, after giving the First Nation and the Minister a reasonable opportunity to make submissions on the matter but within 10 days after the conclusion of the vote, is of the opinion that</p> <p>(a) the community approval process confirmed under paragraph 8(1)(a) was not followed or the community approval was otherwise irregular; and</p> <p>(b) the land code might not have been approved but for that irregularity.</p>	<p>14. (1) Sur réception des documents qui lui sont adressés en application du paragraphe 13(1), le vérificateur atteste la validité du code foncier sauf si, dans les dix jours suivant la clôture du scrutin et après avoir donné à la première nation et au ministre l'occasion de lui présenter des observations, il tire la conclusion suivante :</p> <p>a) le mécanisme dont il a attesté la conformité au titre de l'alinéa 8(1)a) n'a pas été suivi ou la consultation populaire est par ailleurs entachée d'irrégularité;</p> <p>b) l'approbation n'aurait peut-être pas été donnée sans cette irrégularité.</p>	Attestation

First Nations Land Management — October 31, 2012

Transmittal	(2) The verifier shall, without delay, send a copy of the certified land code to the First Nation and the Minister.	(2) Le vérificateur adresse sans délai à la première nation et au ministre une copie du code foncier dont il a attesté la validité.	Communication
Presumption	(3) A certified land code is deemed to have been validly approved by the First Nation. 1999, c. 24, s. 14; 2012, c. 19, ss. 633(E), 652(E).	(3) Une fois sa validité attestée par le vérificateur, le code est réputé dûment approuvé par la première nation. 1999, ch. 24, art. 14; 2012, ch. 19, art. 633(A) et 652(A).	Présomption
COMING INTO FORCE OF LAND CODE		ENTRÉE EN VIGUEUR DU CODE FONCIER	
Coming into force	15. (1) Subject to subsection (1.1), a land code comes into force and has the force of law on the day on which it is certified or on any other later date that may be specified in or under the land code, and judicial notice shall be taken of the land code in any proceedings from the date of the coming into force of that land code.	15. (1) Sous réserve du paragraphe (1.1), le code foncier entre en vigueur à la date de l'attestation de sa validité ou à la date postérieure qui y est précisée ou qui est déterminée en conformité avec ses dispositions. Il a dès lors force de loi et est admis d'office dans toute procédure judiciaire.	Date, force de loi et admission d'office
Limitation	(1.1) A land code is not to come into force before the day on which the individual agreement is signed by the First Nation and the Minister.	(1.1) L'entrée en vigueur du code foncier ne peut précéder la date à laquelle l'accord spécifique a été signé par la première nation et le ministre.	Réserve
Access to land code	(2) A copy of the land code of a First Nation shall be maintained by the council for public inspection at a place designated by the council. 1999, c. 24, s. 15; 2012, c. 19, ss. 634, 652(E).	(2) Le conseil de la première nation met à la disposition du public, aux endroits qu'il estime appropriés, une copie du code foncier. 1999, ch. 24, art. 15; 2012, ch. 19, art. 634 et 652(A).	Copie à la disposition du public
Effect	16. (1) After the coming into force of a land code, no interest or right in or licence in relation to First Nation land may be acquired or granted except in accordance with the land code of the First Nation.	16. (1) L'acquisition ou l'attribution de droits ou intérêts ou de permis relatifs aux terres de la première nation ne peuvent, à compter de l'entrée en vigueur du code foncier, être effectuées qu'en conformité avec celui-ci.	Effet
Interests or rights of third parties	(2) Subject to subsections (3) and (4), interests or rights in and licences in relation to First Nation land that exist on the coming into force of a land code continue in accordance with their terms and conditions.	(2) Sous réserve des paragraphes (3) et (4), les droits ou intérêts et les permis détenus, à la date d'entrée en vigueur du code foncier, relativement aux terres de la première nation sont maintenus, ainsi que les conditions dont ils sont assortis.	Droits ou intérêts des tiers
Transfer of rights of Her Majesty	(3) On the coming into force of the land code of a First Nation, the rights and obligations of Her Majesty as grantor in respect of the interests or rights and the licences described in the First Nation's individual agreement are transferred to the First Nation in accordance with that agreement.	(3) Les droits et obligations de Sa Majesté à l'égard des droits ou intérêts et des permis précisés dans l'accord spécifique sont, à la date d'entrée en vigueur du code foncier, transférés à la première nation en conformité avec cet accord.	Transfert
Interests and rights of First Nation members	(4) Interests or rights in First Nation land held on the coming into force of a land code by First Nation members pursuant to allotments under subsection 20(1) of the <i>Indian Act</i> or pursuant to the custom of the First Nation are subject to the provisions of the land code govern-	(4) Sont assujettis, à compter de la date d'entrée en vigueur du code foncier, aux dispositions de celui-ci en matière de transfert, de bail et de participation aux revenus tirés des ressources naturelles, les droits ou intérêts des membres de la première nation sur ses terres	Droits ou intérêts des membres de la première nation

ing the transfer and lease of interests or rights in First Nation land and sharing in natural resource revenues.

1999, c. 24, s. 16; 2007, c. 17, s. 5; 2012, c. 19, s. 652(E).

qui découlent soit de la possession accordée en conformité avec le paragraphe 20(1) de la *Loi sur les Indiens*, soit de la coutume de la première nation.

1999, ch. 24, art. 16; 2007, ch. 17, art. 5; 2012, ch. 19, art. 652(A).

RULES ON BREAKDOWN OF MARRIAGE

RÈGLES PARTICULIÈRES : ÉCHEC DU MARIAGE

Obligation of First Nation

17. (1) A First Nation shall, in accordance with the Framework Agreement and following the community consultation process provided for in its land code, establish general rules and procedures, in cases of breakdown of marriage, respecting the use, occupation and possession of First Nation land and the division of interests or rights in First Nation land.

17. (1) La première nation doit veiller à l'établissement, en conformité avec l'accord-cadre et au terme du processus de consultation populaire prévu à cette fin dans le code foncier, de règles générales — de procédure et autres — applicables, en cas d'échec du mariage, en matière soit d'utilisation, d'occupation ou de possession des terres de la première nation, soit de partage des droits ou intérêts sur celles-ci.

Obligation de la première nation

Establishment of rules and procedures

(2) The First Nation shall, within twelve months after its land code comes into force, incorporate the general rules and procedures into its land code or enact a First Nation law containing the general rules and procedures.

(2) Elle est tenue, dans les douze mois qui suivent la date d'entrée en vigueur du code foncier, de les insérer dans ce code ou de prendre des textes législatifs sur le sujet.

Mise en place

Disputes

(3) The First Nation or the Minister may refer any dispute relating to the establishment of the general rules and procedures to an arbitrator in accordance with the Framework Agreement.

(3) La première nation ou le ministre peut, en conformité avec l'accord-cadre, saisir un arbitre de tout différend relatif à l'établissement de ces règles.

Différend

1999, c. 24, s. 17; 2007, c. 17, s. 6; 2012, c. 19, s. 652(E).

1999, ch. 24, art. 17; 2007, ch. 17, art. 6; 2012, ch. 19, art. 652(A).

LAND MANAGEMENT REGIME

RÉGIME DE GESTION DES TERRES

FIRST NATION POWERS

POUVOIRS GÉNÉRAUX DE LA PREMIÈRE NATION

Power to manage

18. (1) A First Nation has, after the coming into force of its land code and subject to the Framework Agreement and this Act, the power to manage First Nation land and, in particular, may

18. (1) La première nation est, à compter de l'entrée en vigueur du code foncier et sous réserve de l'accord-cadre et des autres dispositions de la présente loi, investie des pouvoirs de gestion relatifs à ses terres. Elle peut notamment :

Gestion des terres

(a) exercise the powers, rights and privileges of an owner in relation to that land;

a) exercer tous les pouvoirs et droits liés au titre de propriété;

(b) grant interests or rights in and licences in relation to that land;

b) attribuer des droits ou intérêts et des permis relativement à ces terres;

(c) manage the natural resources of that land; and

c) gérer les ressources naturelles de ces terres;

(d) receive and use all moneys acquired by or on behalf of the First Nation under its land code.

d) recevoir et utiliser les fonds qu'elle perçoit ou qui sont perçus pour son compte sous le régime du code foncier.

Legal capacity

(2) For any purpose related to First Nation land, a First Nation has the legal capacity nec-

(2) Elle a, à l'égard de ses terres, la capacité juridique nécessaire à l'exercice de ses attributions et peut notamment :

Capacité

essary to exercise its powers and perform its duties and functions and, in particular, may

- (a) acquire and hold property;
- (b) enter into contracts;
- (c) borrow money;
- (d) expend and invest money; and
- (e) be a party to legal proceedings.

Exercise of power

(3) The power of a First Nation to manage First Nation land shall be exercised by the council of a First Nation, or by any person or body to whom a power is delegated by the council in accordance with the First Nation's land code, and that power shall be exercised for the use and benefit of the First Nation.

Management body

(4) A body established to manage First Nation land is a legal entity having the capacity, rights, powers and privileges of a natural person.

1999, c. 24, s. 18; 2007, c. 17, s. 7; 2012, c. 19, s. 652(E).

Transfer of moneys

19. On the coming into force of the land code of a First Nation, all revenue moneys collected, received or held by Her Majesty for the use and benefit of the First Nation or its First Nation members cease to be Indian moneys and shall be transferred to the First Nation.

1999, c. 24, s. 19; 2012, c. 19, s. 652(E).

- a) acquérir et détenir des biens;
- b) conclure des contrats;
- c) contracter des emprunts;
- d) dépenser ou placer des fonds;
- e) ester en justice.

(3) Le conseil exerce les pouvoirs de gestion relatifs aux terres de la première nation et peut déléguer, en conformité avec le code foncier, l'une ou l'autre de ses attributions à ce titre à la personne ou à l'organe qu'il désigne. Dans tous les cas, ces pouvoirs ne peuvent être exercés qu'à l'usage et au profit de la première nation.

Exercice du pouvoir

(4) Tout organe mis sur pied en vue de la gestion des terres de la première nation est une entité juridique dotée de la capacité d'une personne physique.

Organe de gestion

1999, ch. 24, art. 18; 2007, ch. 17, art. 7; 2012, ch. 19, art. 652(A).

19. Les fonds perçus, reçus ou détenus par Sa Majesté à l'usage et au profit de la première nation ou de ses membres, et versés au compte de revenu de celle-ci, cessent, à la date d'entrée en vigueur du code foncier, d'être de l'argent des Indiens et sont transférés à la première nation.

Transfert de fonds

1999, ch. 24, art. 19; 2012, ch. 19, art. 652(A).

FIRST NATION LAWS

Power to enact laws

20. (1) The council of a First Nation has, in accordance with its land code, the power to enact laws respecting

- (a) interests or rights in and licences in relation to First Nation land;
- (b) the development, conservation, protection, management, use and possession of First Nation land; and
- (c) any matter arising out of or ancillary to the exercise of that power.

Particular powers

(2) Without restricting the generality of subsection (1), First Nation laws may include laws respecting

- (a) the regulation, control or prohibition of land use and development including zoning and subdivision control;

TEXTES LÉGISLATIFS

20. (1) Le conseil de la première nation peut, en conformité avec le code foncier, prendre des textes législatifs en ce qui touche :

- a) les droits ou intérêts et les permis relatifs aux terres de la première nation;
- b) la mise en valeur, la conservation, la protection, la gestion, l'utilisation et la possession de celles-ci;
- c) toute question qui découle de l'exercice de ces pouvoirs ou qui y est accessoire.

Pouvoir législatif

(2) Sans que soit limitée la portée générale de ce qui précède, les textes législatifs peuvent :

- a) prévoir le zonage ou le lotissement des terres de la première nation ou autrement en régir ou en interdire l'exploitation ou l'utilisation;

Exemples

	<p>(b) subject to section 5, the creation, acquisition and granting of interests or rights in and licences in relation to First Nation land and prohibitions in relation thereto;</p> <p>(c) environmental assessment and environmental protection;</p> <p>(d) the provision of local services in relation to First Nation land and the imposition of equitable user charges for those services; and</p> <p>(e) the provision of services for the resolution of disputes in relation to First Nation land.</p>	<p>b) sous réserve de l'article 5, régir la création, l'acquisition et l'attribution de droits ou intérêts ou de permis relatifs à ces terres et prévoir des interdictions à ce sujet;</p> <p>c) régir la protection de l'environnement et l'évaluation environnementale;</p> <p>d) régir la prestation de services locaux relativement à ces terres et la fixation de droits équitables à cet égard;</p> <p>e) prévoir la fourniture de services de règlement des différends relatifs aux terres.</p>	
Enforcement measures	<p>(3) A First Nation law may provide for enforcement measures, consistent with federal laws, such as the power to inspect, search and seize and to order compulsory sampling, testing and the production of information.</p>	<p>(3) Ces textes législatifs peuvent aussi prévoir, en matière de contrôle d'application, des mesures compatibles avec les règles de droit fédérales, notamment en matière de visite, de perquisition, de saisie, de prise d'échantillons, d'examen et de communication de renseignements.</p>	Contrôle d'application
Inconsistency	<p>(4) In the event of any inconsistency or conflict between the land code of a First Nation and the provisions of a First Nation law or of a by-law made by its council under section 81 of the <i>Indian Act</i>, the land code prevails to the extent of the inconsistency or conflict.</p> <p>1999, c. 24, s. 20; 2007, c. 17, s. 8; 2012, c. 19, s. 652(E).</p>	<p>(4) Le code foncier l'emporte sur les dispositions incompatibles des textes législatifs de la première nation ou des règlements administratifs pris par son conseil en vertu de l'article 81 de la <i>Loi sur les Indiens</i>.</p> <p>1999, ch. 24, art. 20; 2007, ch. 17, art. 8; 2012, ch. 19, art. 652(A).</p>	Incompatibilité
Environmental protection regime	<p>21. (1) After the coming into force of a land code, a First Nation shall, to the extent provided in the Framework Agreement, develop and implement through First Nation laws an environmental protection regime. The regime must be developed in accordance with the terms and conditions set out in the Framework Agreement.</p>	<p>21. (1) Après l'entrée en vigueur du code foncier, la première nation est tenue, dans la mesure prévue par l'accord-cadre, d'élaborer un régime de protection environnementale et de prendre des textes législatifs pour le mettre en œuvre. Elle élabore ce régime conformément aux conditions et modalités prévues dans l'accord-cadre.</p>	Régime de protection environnementale
Minimum standards	<p>(2) The standards of environmental protection established by First Nation laws and the punishments imposed for failure to meet those standards must be at least equivalent in their effect to any standards established and punishments imposed by the laws of the province in which the First Nation land is situated.</p>	<p>(2) Les normes de protection environnementale fixées par les textes législatifs, ainsi que les peines afférentes, doivent être au moins aussi rigoureuses, quant à leurs effets, que celles prévues par les règles de droit de la province où sont situées les terres de la première nation.</p>	Normes minimales
Environmental assessment regime	<p>(3) First Nation laws respecting environmental assessment must, to the extent provided in the Framework Agreement, establish, in accordance with that Agreement, an environmental assessment regime that is applicable to all projects carried out on First Nation land that</p>	<p>(3) Les textes législatifs doivent, dans la mesure prévue par l'accord-cadre, établir, en conformité avec celui-ci, un régime d'évaluation environnementale applicable aux projets d'exploitation devant être réalisés sur les terres de la première nation et dont celle-ci est le promoteur ou le commanditaire ou qui nécessitent</p>	Régime d'évaluation environnementale

	are approved, regulated, funded or undertaken by the First Nation. 1999, c. 24, s. 21; 2012, c. 19, s. 635.	son approbation ou sont assujettis à son pouvoir de réglementation. 1999, ch. 24, art. 21; 2012, ch. 19, art. 635.	
Offences and punishment	22. (1) A First Nation law may create offences punishable on summary conviction and provide for the imposition of fines, imprisonment, restitution, community service and any other means for achieving compliance.	22. (1) Les textes législatifs peuvent créer des infractions punissables par procédure sommaire et prévoir les peines correspondantes : amende, emprisonnement, restitution, travaux d'intérêt collectif ou toute autre peine de nature à assurer leur observation.	Infractions et peines
Incorporation by reference	(2) A First Nation law may adopt or incorporate by reference the summary conviction procedures of Part XXVII of the <i>Criminal Code</i> , as amended from time to time.	(2) Ils peuvent reproduire ou incorporer par renvoi — même avec ses modifications successives — la procédure sommaire prévue par la partie XXVII du <i>Code criminel</i> .	Incorporation par renvoi
Prosecution	(3) A First Nation may, in relation to prosecutions of contraventions of First Nation laws, (a) retain its own prosecutors; (b) enter into an agreement with Her Majesty and a provincial government for the use of provincial prosecutors; or (c) enter into an agreement with Her Majesty for the use of agents engaged by Her Majesty. 1999, c. 24, s. 22; 2012, c. 19, s. 652(E).	(3) La première nation peut, en ce qui touche la poursuite des infractions créées par texte législatif : a) engager ses propres procureurs; b) conclure avec Sa Majesté et le gouvernement d'une province un accord prévoyant le recours aux procureurs provinciaux; c) conclure avec Sa Majesté un accord prévoyant le recours aux mandataires de celle-ci. 1999, ch. 24, art. 22; 2012, ch. 19, art. 652(A).	Modalités de poursuite
Evidence	23. In any proceedings, a copy of a First Nation law appearing to be certified as a true copy by an officer of the First Nation is, without proof of the officer's signature or official character, evidence of its enactment on the date specified in the law. 1999, c. 24, s. 23; 2012, c. 19, s. 652(E).	23. La copie d'un texte législatif paraissant certifiée conforme par un fonctionnaire de la première nation fait foi, dans le cadre de toute procédure, de la date de prise qui y est inscrite sans qu'il soit nécessaire de prouver l'authenticité de la signature ou la qualité officielle du signataire. 1999, ch. 24, art. 23; 2012, ch. 19, art. 652(A).	Preuve
Appointment of justices of the peace	24. (1) A First Nation or, if Her Majesty and the First Nation have entered into an agreement for that purpose in accordance with the Framework Agreement, the Governor in Council, may appoint justices of the peace to ensure the enforcement of First Nation laws including the adjudication of offences for contraventions of First Nation laws.	24. (1) Afin d'assurer l'application de ses textes législatifs, la première nation ou, après la conclusion d'un accord à cet effet entre celle-ci et Sa Majesté conformément à l'accord-cadre, le gouverneur en conseil peut nommer des juges de paix notamment chargés de juger les infractions créées par ces textes.	Nomination des juges de paix
Judicial independence	(2) A justice of the peace appointed for a First Nation shall have tenure and remuneration, and be subject to conditions of removal, that reflect the independence of the office of justice of the peace in the province in which the First Nation land is situated.	(2) Il est tenu compte, comme c'est le cas pour ceux de la province où sont situées les terres de la première nation, de l'indépendance dont jouissent ces juges de paix, dans l'exercice de leurs fonctions, pour la fixation de leur mandat, de leur rémunération et des conditions de leur révocation.	Indépendance judiciaire

	LIMITATIONS ON ALIENATION OF FIRST NATION LAND	RESTRICTIONS EN MATIÈRE D'ALIÉNATION	
Alienation of land	26. (1) First Nation land may not be alienated except where it is exchanged for other land in accordance with the Framework Agreement and this Act.	26. (1) Les terres de la première nation ne sont pas susceptibles d'aliénation, si ce n'est dans le cadre d'un échange effectué en conformité avec l'accord-cadre et la présente loi.	Inaliénabilité
Expropriation	(2) Interests or rights in First Nation land may not be expropriated except by Her Majesty or a First Nation in accordance with the Framework Agreement and this Act. 1999, c. 24, s. 26; 2007, c. 17, s. 10; 2012, c. 19, s. 652(E).	(2) Par ailleurs, seuls Sa Majesté et la première nation peuvent procéder à l'expropriation de droits ou intérêts sur ces terres, et ce en conformité avec l'accord-cadre et la présente loi. 1999, ch. 24, art. 26; 2007, ch. 17, art. 10; 2012, ch. 19, art. 652(A).	Expropriation
Restrictions on exchange	27. (1) A First Nation may exchange First Nation land only if (a) compensation for the First Nation land includes land that Her Majesty has agreed will be set apart as a reserve and that is to become First Nation land; and (b) the Minister has approved the form of the exchange.	27. (1) L'échange visant des terres de la première nation n'est valide que si la contrepartie consiste dans des terres destinées à acquérir cette qualité et si, d'une part, Sa Majesté accepte que celles-ci soient mises de côté à titre de réserve et, d'autre part, le ministre agréé les modalités de forme de l'opération.	Échange
Additional compensation	(2) In addition to land referred to in subsection (1), other compensation may be provided including land that will not become First Nation land.	(2) L'acte d'échange peut aussi prévoir une contrepartie supplémentaire, notamment des terres qui ne sont pas destinées à devenir des terres de la première nation.	Contrepartie supplémentaire
Terms and conditions	(3) An exchange of First Nation land may be made subject to other terms and conditions.	(3) L'échange peut en outre être assujéti à des conditions particulières.	Conditions
Community approval	(4) The exchange of First Nation land must be approved by First Nation members in accordance with the land code of the First Nation and must be completed in accordance with the Framework Agreement. 1999, c. 24, s. 27; 2012, c. 19, s. 652(E).	(4) Il doit être approuvé par les membres de la première nation selon les modalités prévues par le code foncier, puis réalisé conformément à l'accord-cadre. 1999, ch. 24, art. 27; 2012, ch. 19, art. 652(A).	Consultation populaire
Expropriation by a First Nation	28. (1) A First Nation may, in accordance with the general rules and procedures contained in its land code, expropriate any interest or right in its First Nation land that, in the opinion of its council, is necessary for community works or other First Nation community purposes.	28. (1) La première nation peut, en conformité avec les règles prévues par le code foncier, procéder à l'expropriation des droits ou intérêts sur ses terres dont elle a besoin, de l'avis de son conseil, à des fins d'intérêt collectif, notamment la réalisation d'ouvrages devant servir à la collectivité.	Expropriation par la première nation
Exception	(2) An interest or right in First Nation land obtained under section 35 of the <i>Indian Act</i> or held by Her Majesty is not subject to expropriation by a First Nation.	(2) Ne sont toutefois pas susceptibles d'expropriation par la première nation les droits ou intérêts obtenus sous le régime de l'article 35 de la <i>Loi sur les Indiens</i> ou détenus par Sa Majesté.	Exception
Effective date	(3) An expropriation takes effect from the day on which a notice of expropriation is registered in the First Nation Land Register or the	(3) L'expropriation prend effet soit à la date de l'enregistrement d'un avis d'expropriation dans le Registre des terres des premières na-	Prise d'effet

	thirtieth day after the day on which the notice is served on the person whose interest or right is expropriated, whichever is the earlier.	tions, soit, s'il est antérieur à cette date, le trentième jour suivant la signification d'une copie de cet avis à l'exproprié.	
Effect of expropriation	(4) An expropriated interest becomes the property of the First Nation free of any previous claim or encumbrance. In Quebec, a First Nation becomes the holder of an expropriated right free of any previous right, charge or claim.	(4) Les intérêts expropriés deviennent la propriété de la première nation, libres de toute réclamation et de tout grèvement antérieurs. Au Québec, la première nation devient titulaire des droits expropriés, libres de tout droit, charge ou réclamation antérieurs.	Effet
Compensation	(5) A First Nation shall pay fair compensation to the holder of an expropriated interest or right and, in determining that compensation, the First Nation shall apply the rules set out in the <i>Expropriation Act</i> , with such modifications as the circumstances require.	(5) La première nation est tenue de verser au titulaire de tout droit ou intérêt exproprié une indemnité équitable et d'appliquer, dans le calcul de celle-ci, les règles prévues par la <i>Loi sur l'expropriation</i> , compte tenu des adaptations nécessaires.	Indemnisation
Resolution of disputes	(6) Any dispute concerning compensation shall be determined according to the system for the resolution of such disputes established by a First Nation in accordance with the Framework Agreement. 1999, c. 24, s. 28; 2007, c. 17, s. 11; 2012, c. 19, s. 652(E).	(6) Les différends relatifs à l'indemnisation sont réglés selon le système mis sur pied à cette fin par la première nation en conformité avec l'accord-cadre. 1999, ch. 24, art. 28; 2007, ch. 17, art. 11; 2012, ch. 19, art. 652(A).	Règlement des différends
Expropriation by Her Majesty	29. (1) An interest or right in First Nation land may be expropriated by Her Majesty for the use of a federal department or agency and with the consent and by order of the Governor in Council.	29. (1) L'expropriation de droits ou intérêts sur les terres de la première nation par Sa Majesté n'est valide que si elle est agréée par décret et effectuée pour le bénéfice d'un ministère ou organisme du gouvernement fédéral — ci-après appelé «l'expropriant».	Expropriation par Sa Majesté
Consent of Governor in Council	(2) The Governor in Council may consent to an expropriation only if it is justifiable and necessary for a federal public purpose that serves the national interest.	(2) Le gouverneur en conseil ne donne son agrément que si l'expropriation est justifiable et nécessaire à des fins poursuivies dans l'intérêt public national.	Justification
Matters to be considered	(3) The Governor in Council may consent to an expropriation only if the Governor in Council is satisfied that, in addition to any other legal requirements that may apply, the following requirements have been met: (a) there is no other reasonably feasible alternative to the expropriation, such as the use of land that is not First Nation land; (b) reasonable efforts have been made to acquire the interest or right through agreement with the First Nation; (c) the most limited interest or right necessary is expropriated for the shortest time possible; and (d) information relevant to the expropriation is provided to the First Nation.	(3) Le gouverneur en conseil ne donne son agrément à l'expropriation que s'il est convaincu que, outre celles prescrites par toute autre règle de droit, les conditions suivantes sont remplies : a) il n'existe aucune solution de rechange réalisable dans les circonstances, telle l'utilisation de terres autres que celles de la première nation; b) des efforts valables ont été déployés en vue de procéder à l'acquisition des droits ou intérêts par convention avec la première nation; c) l'expropriation projetée a été restreinte, en ce qui touche l'étendue des droits ou intérêts et la période pour laquelle ils sont expropriés, au strict nécessaire;	Conditions

		d) les renseignements pertinents ont été communiqués à la première nation.	
Report to be made public	(4) Before the Governor in Council consents to the expropriation, the department or agency referred to in subsection (1) shall provide to the First Nation, and make available to the public, a report stating the justifications for the expropriation and describing the steps taken to satisfy the requirements of subsection (3).	(4) L'expropriant est tenu d'adresser à la première nation et de publier, avant que le gouverneur en conseil donne son agrément, un rapport qui énonce, d'une part, les motifs justifiant l'expropriation et, d'autre part, les mesures prises pour l'application du paragraphe (3).	Rapport public
Disputes	(5) If a First Nation objects to a proposed expropriation, it may, within sixty days after the report has been made public, refer the matter to a neutral evaluator in accordance with the Framework Agreement.	(5) La première nation peut, dans les soixante jours suivant la publication du rapport, s'opposer à l'expropriation et renvoyer l'affaire à un conciliateur en conformité avec l'accord-cadre.	Différend
Time of consent	(6) The Governor in Council may not consent to the expropriation before the expiration of the period referred to in subsection (5) or, if the First Nation has referred the matter to a neutral evaluator, before the neutral evaluator has reported on the matter. 1999, c. 24, s. 29; 2007, c. 17, s. 12; 2012, c. 19, s. 652(E).	(6) Le gouverneur en conseil ne peut donner son agrément avant l'expiration du délai prévu au paragraphe (5) ou, en cas de renvoi à un conciliateur, avant que celui-ci ait remis son rapport. 1999, ch. 24, art. 29; 2007, ch. 17, art. 12; 2012, ch. 19, art. 652(A).	Délai
Partial expropriation	30. If less than the full interest of a First Nation, or less than the entire right of a First Nation, in First Nation land is expropriated by Her Majesty, (a) the land in which an interest or right is expropriated continues to be First Nation land and subject to the provisions of the land code and First Nation laws that are not inconsistent with the expropriation; and (b) the First Nation continues to have the right to use and occupy that land except to the extent that the use and occupation is inconsistent with the expropriation. 1999, c. 24, s. 30; 2007, c. 17, s. 13; 2012, c. 19, s. 652(E).	30. Dans les cas où l'expropriation par Sa Majesté ne vise pas l'intégralité du droit ou de l'intérêt de la première nation sur les terres en question : a) celles-ci demeurent des terres de la première nation assujetties aux dispositions de son code foncier et de ses textes législatifs qui sont compatibles avec les conditions de l'expropriation; b) la première nation a le droit de continuer de les occuper et de les utiliser pour autant qu'elle ne contrevenne pas aux conditions de l'expropriation. 1999, ch. 24, art. 30; 2007, ch. 17, art. 13; 2012, ch. 19, art. 652(A).	Expropriation partielle
Compensation	31. (1) Where an interest or right in First Nation land is expropriated by Her Majesty, compensation shall be provided to the First Nation consisting of (a) land that, when accepted by that First Nation, will become First Nation land; and (b) any additional compensation required to achieve the total compensation determined under subsection (3).	31. (1) La première nation a droit, en cas d'expropriation de droits ou intérêts sur ses terres par Sa Majesté, à une indemnité composée, d'une part, de terres qui sont destinées à devenir, une fois acceptées par la première nation, des terres de celle-ci et, d'autre part, de toute autre forme d'indemnité nécessaire pour parvenir au total calculé en conformité avec le paragraphe (3).	Indemnité
Land of a lesser area	(2) Land provided to a First Nation as compensation may be of an area that is less than the area of the land in which an interest or right has	(2) Les terres de remplacement ne peuvent être d'une superficie moindre que celle des terres visées par l'expropriation que si la super-	Terres de remplacement

been expropriated if the total area of the land comprised in a reserve of the First Nation is not less following the expropriation than at the coming into force of its land code.

Determination of compensation

(3) The total compensation shall be determined taking into account the following factors:

(a) the market value of the expropriated interest or right or of the land in which an interest or right has been expropriated;

(b) the replacement value of any improvement to the land;

(c) any expenses or losses resulting from a disturbance attributable to the expropriation;

(d) any reduction in the value of any interest or right in First Nation land that is not expropriated;

(e) any adverse effect on any cultural or other special value of the land to the First Nation; and

(f) the value of any special economic advantage arising out of or incidental to the occupation or use of the land to the extent that that value is not otherwise compensated.

Interest

(4) Interest is payable on compensation from the effective date of an expropriation at the pre-judgment interest rate that is paid in civil proceedings in the superior court of the province in which the land is situated.

Dispute

(5) If an agreement on compensation cannot be reached, the First Nation or the expropriating department or agency may refer the matter to an arbitrator in accordance with the Framework Agreement.

Limit

(6) Any claim or encumbrance in respect of an interest expropriated by Her Majesty may only be made or discharged against the compensation paid under this section. In Quebec, any right, charge or claim in respect of a right expropriated by Her Majesty may only be made or discharged against the compensation paid under this section.

1999, c. 24, s. 31; 2007, c. 17, s. 14; 2012, c. 19, s. 652(E).

ficie totale des terres qui composent la réserve de la première nation, calculée au terme de l'expropriation, est au moins égale à celle calculée au moment de l'adoption du code foncier.

(3) L'indemnité totale est calculée compte tenu des éléments suivants :

a) la valeur marchande des droits ou intérêts expropriés ou des terres visées par l'expropriation;

b) la valeur de remplacement de toute amélioration apportée à ces terres;

c) les pertes et les dépenses attribuables aux troubles de jouissance découlant de l'expropriation;

d) la diminution de valeur des droits ou intérêts non expropriés sur les terres de la première nation;

e) les répercussions nuisibles de l'expropriation sur la valeur culturelle ou toute autre valeur particulière, pour la première nation, de ces terres;

f) la valeur de tout avantage économique particulier lié à l'occupation ou à l'utilisation des terres, dans la mesure où cette valeur n'est pas par ailleurs visée par l'indemnité.

Calcul de l'indemnité

(4) L'indemnité porte intérêt, à compter de la date de prise d'effet de l'expropriation, au taux avant jugement applicable dans le cadre des affaires civiles dont est saisie la juridiction supérieure de la province où se trouvent les terres visées par l'expropriation.

Intérêt

(5) La première nation ou l'expropriant peut, en conformité avec l'accord-cadre, saisir un arbitre de tout différend relatif à l'indemnité.

Différend

(6) Le recouvrement de toute réclamation ou la réalisation de tout grèvement, relativement aux intérêts expropriés par Sa Majesté, ne peuvent être poursuivis que jusqu'à concurrence de l'indemnité versée au titre du présent article. Au Québec, le recouvrement de tout droit, charge ou réclamation relativement aux droits expropriés par Sa Majesté ne peut être poursuivi que jusqu'à concurrence de l'indemnité versée au titre du présent article.

Limite

1999, ch. 24, art. 31; 2007, ch. 17, art. 14; 2012, ch. 19, art. 652(A).

Restitution	<p>32. (1) An interest or right in First Nation land expropriated by Her Majesty that is no longer required for the purpose for which it was expropriated shall revert to the First Nation and, if the full interest or the entire right of the First Nation was expropriated, it shall be returned to the First Nation in accordance with terms and conditions negotiated by the First Nation and the expropriating department or agency.</p>	<p>32. (1) Les droits ou intérêts expropriés par Sa Majesté qui ne sont plus nécessaires aux fins ayant donné lieu à l'expropriation sont restitués à la première nation. Dans le cas d'expropriation portant sur l'intégralité du droit ou de l'intérêt de la première nation sur les terres en question, la restitution est effectuée selon les modalités fixées par celle-ci et l'expropriant.</p>	Restitution
Improvements	<p>(2) When an interest or right reverts or is returned to a First Nation, the minister responsible for the expropriating department or agency shall determine the disposition of any improvements made to the land.</p>	<p>(2) Le ministre responsable de l'expropriant décide, en cas de restitution des droits ou intérêts expropriés, du sort des améliorations apportées aux terres en question.</p>	Sort des améliorations
Dispute	<p>(3) If the First Nation and the expropriating department or agency cannot agree on the terms and conditions of the return of the full interest or of the entire right, the First Nation or the department or agency may, in accordance with the Framework Agreement, refer the matter to an arbitrator.</p> <p>1999, c. 24, s. 32; 2007, c. 17, s. 15; 2012, c. 19, s. 652(E).</p>	<p>(3) En cas de différend relatif aux modalités visées au paragraphe (1), la première nation ou l'expropriant peut renvoyer l'affaire à un arbitre en conformité avec l'accord-cadre.</p> <p>1999, ch. 24, art. 32; 2007, ch. 17, art. 15; 2012, ch. 19, art. 652(A).</p>	Différend
<i>Expropriation Act</i>	<p>33. Without limiting the generality of section 37, in the event of any inconsistency or conflict between this Act and the <i>Expropriation Act</i> in relation to the expropriation of interests or rights in First Nation land by Her Majesty, this Act prevails to the extent of the inconsistency or conflict.</p> <p>1999, c. 24, s. 33; 2007, c. 17, s. 16; 2012, c. 19, s. 652(E).</p>	<p>33. Les dispositions de la présente loi l'emportent, en ce qui touche l'expropriation de droits ou intérêts sur les terres de la première nation par Sa Majesté, sur les dispositions incompatibles de la <i>Loi sur l'expropriation</i>.</p> <p>1999, ch. 24, art. 33; 2007, ch. 17, art. 16; 2012, ch. 19, art. 652(A).</p>	<i>Loi sur l'expropriation</i>
LIABILITY		RESPONSABILITÉ	
First Nation not liable	<p>34. (1) A First Nation is not liable in respect of anything done or omitted to be done before the coming into force of its land code by Her Majesty or any person or body authorized by Her Majesty to act in relation to First Nation land.</p>	<p>34. (1) La première nation ne peut être tenue pour responsable des faits — actes ou omissions — commis à l'égard de ses terres, avant l'entrée en vigueur du code foncier, par Sa Majesté ou son délégué en la matière.</p>	Décharge : première nation
Indemnification of First Nation	<p>(2) Her Majesty shall indemnify a First Nation for any loss suffered by the First Nation as a result of an act or omission described in subsection (1).</p>	<p>(2) Sa Majesté est tenue d'indemniser la première nation des pertes attribuables à de tels faits.</p>	Indemnisation
Her Majesty not liable	<p>(3) Her Majesty is not liable in respect of anything done or omitted to be done after the coming into force of the land code of a First Nation by the First Nation or any person or body authorized by the First Nation to act in relation to First Nation land.</p>	<p>(3) Sa Majesté ne peut être tenue pour responsable des faits — actes ou omissions — commis à l'égard des terres de la première nation, après l'entrée en vigueur du code foncier, par cette dernière ou son délégué en la matière.</p>	Décharge : Sa Majesté

Indemnification of Her Majesty	<p>(4) The First Nation shall indemnify Her Majesty for any loss suffered by Her Majesty as a result of an act or omission described in subsection (3).</p> <p>1999, c. 24, s. 34; 2012, c. 19, s. 652(E).</p>	<p>(4) La première nation est tenue d'indemniser Sa Majesté des pertes attribuables à de tels faits.</p> <p>1999, ch. 24, art. 34; 2012, ch. 19, art. 652(A).</p>	Indemnisation
IMMUNITY AND JUDICIAL REVIEW		IMMUNITÉ ET CONTRÔLE JUDICIAIRE	
Immunity	<p>35. No criminal or civil proceedings lie against an arbitrator, mediator, neutral evaluator or verifier appointed under the Framework Agreement or this Act or any member of a board established by section 38 of the Framework Agreement who is, in good faith, exercising a power or performing a duty or function in accordance with the Framework Agreement or this Act for anything done or omitted to be done during the course of the exercise or purported exercise of any power or the performance or purported performance of any duty or function of that person in accordance with the Framework Agreement or this Act.</p>	<p>35. Les vérificateurs, arbitres, conciliateurs ou médiateurs nommés sous le régime de l'accord-cadre ou de la présente loi, ainsi que les membres de tout organe constitué sous le régime de l'article 38 de l'accord-cadre bénéficient de l'immunité en matière civile ou pénale pour les faits — actes ou omissions — accomplis de bonne foi dans l'exercice effectif ou censé tel des pouvoirs et fonctions qui leur sont conférés sous le régime de l'accord-cadre ou de la présente loi.</p>	Immunité
Determinations final	<p>36. (1) Every determination under this Act or the Framework Agreement by a verifier or arbitrator is final, and no order shall be made, process entered or proceedings taken in any court, whether by way of injunction, <i>certiorari</i>, prohibition, <i>mandamus</i>, <i>quo warranto</i> or otherwise, to question, review or prohibit such a determination.</p>	<p>36. (1) Les décisions prises par l'arbitre et le vérificateur sous le régime de l'accord-cadre ou de la présente loi sont définitives: elles ne peuvent être contestées, révisées ou limitées ou faire l'objet d'un recours judiciaire, et il ne peut y être fait obstacle, notamment par voie d'injonction, de <i>certiorari</i>, de <i>mandamus</i>, de prohibition ou de <i>quo warranto</i>.</p>	Interdiction des recours extraordinaires : décisions
Actions final	<p>(2) No order shall be made, process entered or proceedings taken in any court, whether by way of injunction, <i>certiorari</i>, prohibition, <i>mandamus</i>, <i>quo warranto</i> or otherwise, to question, review or prohibit any other action under this Act or the Framework Agreement by a verifier or arbitrator or any action under the Framework Agreement by a neutral evaluator.</p>	<p>(2) De plus, il n'est admis aucun recours ou décision judiciaire — notamment par voie d'injonction, de <i>certiorari</i>, de <i>mandamus</i>, de prohibition ou de <i>quo warranto</i> — visant à contester, réviser ou limiter soit toute autre action de l'arbitre et du vérificateur sous le régime de ces textes, soit l'action du conciliateur sous le régime de l'accord-cadre, ou à y faire obstacle.</p>	Autres mesures
Review by Federal Court	<p>(3) Notwithstanding subsections (1) and (2), the Attorney General of Canada or anyone directly affected by the matter in respect of which relief is sought may make an application under the <i>Federal Courts Act</i> on any of the grounds referred to in paragraph 18.1(4)(a) or (b) of that Act for any relief against a verifier, arbitrator or neutral evaluator by way of an injunction or declaration or by way of an order in the nature of <i>certiorari</i>, prohibition, <i>mandamus</i> or <i>quo warranto</i>.</p> <p>1999, c. 24, s. 36; 2002, c. 8, s. 182.</p>	<p>(3) Malgré ce qui est prévu aux paragraphes (1) et (2), le procureur général du Canada ou quiconque est directement touché par l'affaire peut présenter à la Cour fédérale une demande de contrôle judiciaire, pour l'un des motifs prévus aux alinéas 18.1(4)a) ou b) de la <i>Loi sur les Cours fédérales</i>, afin d'obtenir, contre l'arbitre, le vérificateur ou le conciliateur, toute réparation par voie d'injonction, de jugement déclaratoire, de bref — <i>certiorari</i>, <i>mandamus</i>, <i>quo warranto</i> ou prohibition — ou d'ordonnance de même nature.</p> <p>1999, ch. 24, art. 36; 2002, ch. 8, art. 182.</p>	Contrôle judiciaire

OTHER ACTS

CADRE LÉGISLATIF

Other Acts	<p>37. In the event of any inconsistency or conflict between this Act and any other federal law, this Act prevails to the extent of the inconsistency or conflict.</p>	<p>37. Outre ce qui est prévu à l'article 33, les dispositions de la présente loi l'emportent sur les dispositions incompatibles de toute autre règle de droit fédérale.</p>	Lois fédérales
<i>Indian Act</i>	<p>38. (1) On the coming into force of the land code of a First Nation, the following cease to apply to the First Nation, First Nation members and First Nation land:</p> <p>(a) sections 18 to 20, 22 to 28, 30 to 35, 37 to 41 and 49, subsection 50(4) and sections 53 to 60, 66, 69, 71 and 93 of the <i>Indian Act</i>;</p> <p>(b) any regulations made under section 57 of that Act; and</p> <p>(c) to the extent of any inconsistency or conflict with the Framework Agreement, the land code or First Nation laws, any regulations made under sections 42 and 73 of that Act.</p>	<p>38. (1) Les dispositions et textes ci-après cessent, à l'entrée en vigueur du code foncier, de s'appliquer à la première nation, à ses membres ou à ses terres, selon le cas :</p> <p>a) les articles 18 à 20, 22 à 28, 30 à 35, 37 à 41 et 49, le paragraphe 50(4) et les articles 53 à 60, 66, 69, 71 et 93 de la <i>Loi sur les Indiens</i>;</p> <p>b) les règlements d'application de l'article 57 de cette loi;</p> <p>c) les règlements d'application des articles 42 et 73 de cette loi, dans la mesure où ils sont incompatibles avec l'accord-cadre, le code foncier de la première nation ou ses textes législatifs.</p>	<i>Loi sur les Indiens</i>
Leasehold interests or leases	<p>(2) Subsection 89(1.1) of the <i>Indian Act</i> continues to apply to leasehold interests or leases in any First Nation land that was designated land on the coming into force of a First Nation's land code.</p>	<p>(2) Le paragraphe 89(1.1) de la <i>Loi sur les Indiens</i> continue de s'appliquer en ce qui touche les baux ou intérêts à bail relatifs aux terres de la première nation qui, à l'entrée en vigueur du code foncier, constituent des terres désignées.</p>	Baux
Application	<p>(3) A land code may extend the application of subsection 89(1.1) of the <i>Indian Act</i>, or any portion of it, to other leasehold interests or leases in First Nation land.</p> <p>1999, c. 24, s. 38; 2007, c. 17, s. 17; 2012, c. 19, s. 652(E).</p>	<p>(3) Le code foncier peut par ailleurs étendre l'application du paragraphe 89(1.1) de cette loi — même en partie seulement — à tout autre bail ou intérêt à bail relatif aux terres de la première nation.</p> <p>1999, ch. 24, art. 38; 2007, ch. 17, art. 17; 2012, ch. 19, art. 652(A).</p>	Application étendue
<i>Indian Oil and Gas Act</i>	<p>39. (1) The <i>Indian Oil and Gas Act</i></p> <p>(a) continues to apply in respect of any First Nation land that was subject to that Act on the coming into force of the land code of a First Nation; and</p> <p>(b) applies in respect of an interest or right in First Nation land that is granted to Her Majesty for the exploitation of oil and gas pursuant to a land code.</p>	<p>39. (1) La <i>Loi sur le pétrole et le gaz des terres indiennes</i> continue de s'appliquer en ce qui touche les terres de la première nation qui y sont assujetties à la date d'entrée en vigueur du code foncier de cette dernière. Elle s'applique aussi en ce qui touche les droits ou intérêts sur les terres de la première nation accordés à Sa Majesté, après cette date, pour l'exploitation du pétrole et du gaz.</p>	<i>Loi sur le pétrole et le gaz des terres indiennes</i>
Royalties	<p>(2) For greater certainty, the provisions of the <i>Indian Oil and Gas Act</i> respecting the payment of royalties to Her Majesty in trust for a First Nation apply, notwithstanding any other</p>	<p>(2) Sans que soit limitée la portée générale de ce qui précède, les dispositions de cette loi prévoyant le paiement de redevances à Sa Majesté en fiducie pour les premières nations s'ap-</p>	Redevances

	provision of this Act, in respect of First Nation land referred to in subsection (1). 1999, c. 24, s. 39; 2007, c. 17, s. 18; 2012, c. 19, s. 652(E).	pliquent malgré toute autre disposition de la présente loi. 1999, ch. 24, art. 39; 2007, ch. 17, art. 18; 2012, ch. 19, art. 652(A).	
Environmental laws	40. (1) For greater certainty, in the event of any inconsistency or conflict between a land code or a First Nation law and any federal law that relates to environmental protection, the federal law prevails to the extent of the inconsistency or conflict.	40. (1) Il est entendu que les dispositions du droit fédéral en matière de protection de l'environnement l'emportent sur les dispositions incompatibles du code foncier et des textes législatifs.	Lois fédérales en matière d'environnement
Migratory birds, endangered species, fisheries	(2) For greater certainty, this Act does not extend or limit any right or power in relation to migratory birds, endangered species or fisheries. 1999, c. 24, s. 40; 2012, c. 19, s. 652(E).	(2) Il est aussi entendu que la présente loi n'a pas pour effet d'étendre ou de restreindre quelque droit ou pouvoir que ce soit en matière de pêche, d'oiseaux migrateurs ou d'espèces menacées d'extinction. 1999, ch. 24, art. 40; 2012, ch. 19, art. 652(A).	Pêche, oiseaux migrateurs ou espèces menacées d'extinction
	41. [Repealed, 2012, c. 19, s. 58]	41. [Abrogé, 2012, ch. 19, art. 58]	
Emergencies Act	42. The <i>Emergencies Act</i> continues to apply to First Nation land except that any appropriation, requisition or use of First Nation land required under that Act must be expressly authorized by order of the Governor in Council. 1999, c. 24, s. 42; 2012, c. 19, s. 652(E).	42. La <i>Loi sur les mesures d'urgence</i> continue de s'appliquer aux terres de la première nation, à la différence, toutefois, que les mesures visant la réquisition ou l'usage de ces terres doivent être prises au moyen d'un décret explicite à cet égard. 1999, ch. 24, art. 42; 2012, ch. 19, art. 652(A).	<i>Loi sur les mesures d'urgence</i>
Acts respecting nuclear energy	43. (1) Subject to subsection (2), nothing in this Act limits the application of the <i>Nuclear Safety and Control Act</i> and the <i>Nuclear Energy Act</i> to First Nation lands.	43. (1) Sous réserve du paragraphe (2), la présente loi n'a pas pour effet de porter atteinte à l'application de la <i>Loi sur la sûreté et la réglementation nucléaires</i> et de la <i>Loi sur l'énergie nucléaire</i> aux terres de la première nation.	Lois relatives à l'énergie nucléaire
Expropriation provisions	(2) In the event of any inconsistency or conflict between the provisions of this Act relating to expropriation and the <i>Nuclear Energy Act</i> , the provisions of this Act prevail to the extent of the inconsistency or conflict. 1999, c. 24, ss. 43, 47; 2012, c. 19, s. 652(E).	(2) Les dispositions de la présente loi en matière d'expropriation l'emportent sur les dispositions incompatibles de la <i>Loi sur l'énergie nucléaire</i> . 1999, ch. 24, art. 43 et 47; 2012, ch. 19, art. 652(A).	Expropriation
Non-application of <i>Statutory Instruments Act</i>	44. The <i>Statutory Instruments Act</i> does not apply in respect of a land code or First Nation laws. 1999, c. 24, s. 44; 2012, c. 19, s. 652(E).	44. Sont soustraits au processus réglementaire prévu par la <i>Loi sur les textes réglementaires</i> le code foncier et les textes législatifs. 1999, ch. 24, art. 44; 2012, ch. 19, art. 652(A).	<i>Loi sur les textes réglementaires</i>
	AMENDMENT OF SCHEDULE	MODIFICATION DE L'ANNEXE	
Addition of band name	45. (1) The Governor in Council may, by order, add the name of a band to the schedule if he or she is satisfied that the signing of the Framework Agreement on the band's behalf has been duly authorized and that the Framework Agreement has been signed.	45. (1) Le gouverneur en conseil peut, par décret, ajouter à l'annexe le nom d'une bande dans les cas où il est convaincu que la signature de l'accord-cadre pour le compte de cette dernière a été dûment autorisée et que celle-ci a effectivement eu lieu.	Ajout du nom d'une bande

Coming-into-force date of land code	(2) The Minister may, by order, add to the schedule the date on which a land code comes into force with respect to First Nation lands.	(2) Le ministre peut, par arrêté, ajouter à l'annexe la date d'entrée en vigueur de tout code foncier applicable à des terres de la première nation.	Date d'entrée en vigueur du code foncier
Deletion of band name	(3) The Governor in Council may, by order, delete from the schedule the name of a First Nation and the date on which a land code comes into force with respect to the First Nation's lands, if that First Nation is no longer subject to this Act under the terms of a land claims agreement or a self-government agreement. 1999, c. 24, s. 45; 2012, c. 19, s. 636.	(3) Le gouverneur en conseil peut, par décret, supprimer de l'annexe le nom de la première nation qui n'est plus assujettie à la présente loi aux termes d'un accord sur des revendications territoriales ou sur l'autonomie gouvernementale, ainsi que la date d'entrée en vigueur du code foncier applicable à des terres de cette première nation. 1999, ch. 24, art. 45; 2012, ch. 19, art. 636.	Suppression du nom d'une bande
TRANSITIONAL PROVISION		DISPOSITION TRANSITOIRE	
Validity	46. (1) Any action taken or determination or decision made under the Framework Agreement before the coming into force of sections 6 to 14, 35 and 36 is deemed, to the extent that it would have been valid under those sections, to have been validly taken or made under this Act.	46. (1) Les actes accomplis et les décisions prises sous le régime de l'accord-cadre avant l'entrée en vigueur des articles 6 à 14, 35 et 36 sont, dans la mesure de leur validité au regard de ces articles et sous réserve du paragraphe (2), réputés l'avoir été sous le régime de la présente loi.	Validation
Coming into force of land code	(2) Notwithstanding subsection (1), a land code may not come into force before the coming into force of this section.	(2) Le code foncier ne peut toutefois entrer en vigueur avant la date d'entrée en vigueur du présent article.	Exception
CONDITIONAL AMENDMENT		MODIFICATION CONDITIONNELLE	
47. [Amendment]		47. [Modification]	
COMING INTO FORCE		ENTRÉE EN VIGUEUR	
Order of Governor in Council	* 48. Section 45 comes into force on a day to be fixed by order of the Governor in Council after the completion of a review of the Framework Agreement in accordance with its provisions and any consultations that the Governor in Council may require. * [Note: Section 45 in force May 20, 2003, see SI/2003-108.]	* 48. L'article 45 entre en vigueur à la date fixée par décret. Celui-ci ne peut cependant être pris qu'après l'examen de l'accord-cadre — effectué en conformité avec les dispositions de celui-ci — et les consultations que le gouverneur en conseil juge utiles. * [Note: Article 45 en vigueur le 20 mai 2003, voir TR/2003-108.]	Décret

Gestion des terres des premières nations — 31 octobre 2012

SCHEDULE
(Sections 2 and 45)

ANNEXE
(articles 2 et 45)

NAMES OF FIRST NATIONS AND COMING-INTO-FORCE
DATES OF LAND CODES

NOMS DES PREMIÈRES NATIONS ET DATES D'ENTRÉE EN
VIGUEUR DES CODES FONCIERS

Item	Column 1 First Nation that has signed the Framework Agreement	Column 2 Land code coming- into-force date	Article	Colonne 1 Première nation ayant signé l'accord-cadre	Colonne 2 Date d'entrée en vigueur du code foncier
1.	Westbank		1.	Westbank	
2.	Musqueam		2.	Musqueam	
3.	Fort George (also known as Lheit- Lit'en and Lheidli T'enneh)	November 1, 2000	3.	Fort George (aussi connue sous les noms « Lheit-Lit'en » et « Lheidli T'enneh »)	1 ^{er} novembre 2000
4.	Anderson Lake (also known as N'Quatqua)		4.	Anderson Lake (aussi connue sous le nom « N'Quatqua »)	
5.	Squamish		5.	Squamish	
6.	Siksika Nation		6.	Siksika Nation	
7.	John Smith (also known as Muskoday)	January 1, 2000	7.	John Smith (aussi connue sous le nom « Muskoday »)	1 ^{er} janvier 2000
8.	Cowessess		8.	Cowessess	
9.	The Pas (also known as Opaskwayak Cree)	August 1, 2002	9.	The Pas (aussi connue sous le nom « Cris Opaskwayak »)	1 ^{er} août 2002
10.	Nipissing Band of Ojibways (also known as Nipissing)	July 1, 2003	10.	Bande d'Ojibways Nipissing (aussi connue sous le nom « Nipissing »)	1 ^{er} juillet 2003
11.	Scugog (also known as Mississaugas of Scugog Island)	January 1, 2000	11.	Scugog (aussi connue sous le nom « Mississaugas de Scugog Island »)	1 ^{er} janvier 2000
12.	Chippewas of Rama (also known as Chippewas of Mnjikaning)		12.	Chippewas de Rama (aussi connue sous le nom « Chippewas de Mnjikaning »)	
13.	Chippewas of Georgina Island	January 1, 2000	13.	Chippewas de Georgina Island	1 ^{er} janvier 2000
14.	Saint Mary's		14.	Saint Mary's	
15.	Garden River		15.	Garden River	
16.	Moose Deer Point		16.	Moose Deer Point	
17.	Whitecap No. 94	January 1, 2004	17.	Whitecap N° 94	1 ^{er} janvier 2004
18.	Kinistin	February 1, 2005	18.	Kinistin	1 ^{er} février 2005
19.	Mississauga	August 1, 2009	19.	Mississauga	1 ^{er} août 2009
20.	Whitefish Lake	March 1, 2009	20.	Whitefish Lake	1 ^{er} mars 2009
21.	Songhees	October 1, 2011	21.	Songhees	1 ^{er} octobre 2011
22.	Beecher Bay	August 1, 2003	22.	Beecher Bay	1 ^{er} août 2003
23.	Pavilion	May 1, 2004	23.	Pavilion	1 ^{er} mai 2004
24.	[Repealed, 2008, c. 32, s. 27]		24.	[Abrogé, 2008, ch. 32, art. 27]	
25.	Tsawout	May 29, 2007	25.	Tsawout	29 mai 2007
26.	Kingsclear		26.	Kingsclear	
27.	Skeetchestn		27.	Skeetchestn	
28.	Muskeg Lake	September 1, 2005	28.	Muskeg Lake	1 ^{er} septembre 2005
29.	Burrard	June 6, 2007	29.	Burrard	6 juin 2007
30.	Sliammon	September 30, 2004	30.	Sliammon	30 septembre 2004
31.	Osoyoos		31.	Osoyoos	
32.	Chippewas of Kettle and Stony Point		32.	Chippewas de Kettle et Stony Point	
33.	Dokis		33.	Dokis	
34.	[Repealed, 2012, c. 19, s. 646]		34.	[Abrogé, 2012, ch. 19, art. 646]	
35.	Kitselas	November 25, 2005	35.	Kitselas	25 novembre 2005
36.	McLeod Lake	May 20, 2003			
37.	Shxwhá:y Village (also known as Sqay Village)	January 8, 2007			

First Nations Land Management — October 31, 2012

Item	Column 1 First Nation that has signed the Framework Agreement	Column 2 Land code coming-into-force date	Article	Colonne 1 Première nation ayant signé l'accord-cadre	Colonne 2 Date d'entrée en vigueur du code foncier
38.	T'Sou-ke (also known as Tsouke)	February 1, 2007	36.	McLeod Lake	20 mai 2003
39.	Leq'á:mel (also known as Leqamel)	February 1, 2010	37.	Shxwhá:y Village (aussi connue sous le nom «Sqay Village»)	8 janvier 2007
40.	Flying Dust		38.	T'Sou-ke (aussi connue sous le nom «Tsouke»)	1 ^{er} février 2007
41.	Swan Lake	October 1, 2010	39.	Leq'á:mel (aussi connue sous le nom «Leqamel»)	1 ^{er} février 2010
42.	Henvey Inlet	January 1, 2010	40.	Flying Dust	
43.	Matsqui	February 26, 2009	41.	Swan Lake	1 ^{er} octobre 2010
44.	Seabird Island	September 1, 2009	42.	Henvey Inlet	1 ^{er} janvier 2010
45.	Squiala	July 29, 2008	43.	Matsqui	26 février 2009
46.	Tzeachten	August 21, 2008	44.	Seabird Island	1 ^{er} septembre 2009
47.	Pasqua		45.	Squiala	29 juillet 2008
48.	We Wai Kai (also known as Cape Mudge)	December 7, 2009	46.	Tzeachten	21 août 2008
49.	Chemawawin	September 6, 2010	47.	Pasqua	
50.	Kahkewistahaw		48.	We Wai Kai (aussi connue sous le nom «Cape Mudge»)	7 décembre 2009
51.	Alderville		49.	Chemawawin	6 septembre 2010
52.	Big Island (also known as Anishnaabeg of Naongashiing)	August 1, 2011	50.	Kahkewistahaw	
53.	Fort McKay First Nation		51.	Alderville	
54.	Innu Essipit		52.	Big Island (aussi connue sous le nom «Anishnaabeg de Naongashiing»)	1 ^{er} août 2011
55.	Nanoose		53.	Fort McKay First Nation	
56.	Campbell River		54.	Innu Essipit	
57.	Sumas		55.	Nanoose	
58.	Skawahlook	August 5, 2010	56.	Campbell River	
59.	Cowichan Tribes		57.	Sumas	
60.	Haisla		58.	Skawahlook	5 août 2010
61.	St. Mary's		59.	Cowichan Tribes	
62.	Shuswap		60.	Haisla	
63.	Stz'uminus		61.	St. Mary's	
64.	Williams Lake		62.	Shuswap	
65.	Skowkale		63.	Stz'uminus	
66.	Yakweakwioose		64.	Williams Lake	
67.	Aitchelitz		65.	Skowkale	
68.	Alexis Nakota Sioux		66.	Yakweakwioose	
69.	Tsuu T'ina		67.	Aitchelitz	
70.	One Arrow		68.	Alexis Nakota Sioux	
71.	Long Plain		69.	Tsuu T'ina	
72.	Buffalo Point		70.	One Arrow	
73.	Bingwi Neyaashi Anishinaabek		71.	Long Plain	
74.	Beausoleil		72.	Buffalo Point	
75.	Montagnais du Lac St-Jean		73.	Bingwi Neyaashi Anishinaabek	
76.	Miawpukek		74.	Beausoleil	
77.	Membertou		75.	Montagnais du Lac St-Jean	
			76.	Miawpukek	
			77.	Membertou	

1999, c. 24, Sch.; SOR/2003-178; SOR/2006-216; 2008, c. 32, s. 27; SOR/2008-51, 267; 2012, c. 19, ss. 637 to 651; SOR/2012-217.

1999, ch. 24, ann.; DORS/2003-178; DORS/2006-216; 2008, ch. 32, art. 27; DORS/2008-51, 267; 2012, ch. 19, art. 637 à 651; DORS/2012-217.

RELATED PROVISIONS

— 2008, c. 32, s. 22

Existing interests — *First Nations Land Management Act*

22. Despite section 13, if an interest in land in the Former Tsawwassen Reserve was granted or approved under the *First Nations Land Management Act* and exists on the effective date of the Agreement, the interest continues in effect in accordance with its terms and conditions unless a replacement interest is issued in accordance with Chapter 4 of the Agreement.

— 2008, c. 32, s. 24

Indemnification of Tsawwassen First Nation

24. For as long as the *First Nations Land Management Act* is in force, Her Majesty in right of Canada shall, as of the effective date of the Agreement, indemnify the Tsawwassen First Nation in respect of lands in the Former Tsawwassen Reserve in the same manner and under the same conditions as would be the case if that Act continued to apply to those lands.

— 2008, c. 32, s. 25

Documents in land registries

25. As of the effective date of the Agreement, registrations or records affecting Tsawwassen Lands that are registered or recorded in a land registry under the *Indian Act* or the *First Nations Land Management Act* have no effect.

DISPOSITIONS CONNEXES

— 2008, ch. 32, art. 22

22. Malgré l'article 13, les intérêts sur les terres de l'ancienne réserve de Tsawwassen accordés ou approuvés sous le régime de la *Loi sur la gestion des terres des premières nations* et existants à la date d'entrée en vigueur de l'accord sont maintenus, ainsi que les conditions dont ils sont assortis, à moins qu'un intérêt de remplacement soit accordé conformément au chapitre 4 de l'accord.

— 2008, ch. 32, art. 24

24. Tant que la *Loi sur la gestion des terres des premières nations* demeure en vigueur, Sa Majesté du chef du Canada est tenue, à compter de la date d'entrée en vigueur de l'accord, d'indemniser la Première Nation de Tsawwassen à l'égard des terres de l'ancienne réserve de Tsawwassen, selon les mêmes conditions et modalités que celles qui seraient applicables si cette loi continuait de s'appliquer à l'égard de ces terres.

— 2008, ch. 32, art. 25

25. À compter de la date d'entrée en vigueur de l'accord, les inscriptions et dossiers relatifs aux terres tsawwassennes figurant dans tout registre des terres en vertu de la *Loi sur les Indiens* ou de la *Loi sur la gestion des terres des premières nations* sont sans effet.

Intérêts existants : *Loi sur la gestion des terres des premières nations*

Indemnisation de la Première Nation de Tsawwassen

Registres des terres

**Text of the Framework
Agreement on First Nation Land
Management**

(signed in 1996)

Includes modifications resulting from

Amendment #1 1998
Amendment #2 1998
Amendment #3 2002
Amendment #4 2007
Amendment #5 2011

**Texte de l'Accord-Cadre relatif
à la Gestion des Terres de
Premières Nations**

(signé en 1996)

Comprend les changements apportés par
les modifications suivantes

Modification #1 1998
Modification #2 1998
Modification #3 2002
Modification #4 2007
Modification #5 2011

Framework Agreement on First
Nation Land Management

Accord-cadre relatif à la Gestion
des Terres de Premières Nations

FRAMEWORK AGREEMENT ON
FIRST NATION LAND
MANAGEMENT

ACCORD-CADRE RELATIF À LA
GESTION DES TERRES DE
PREMIÈRES NATIONS

BETWEEN:

ENTRE :

THE FOLLOWING FIRST NATIONS:

LES PREMIÈRES NATIONS
SUIVANTES :

WESTBANK, MUSQUEAM, LHEIDLI
T'ENNEH (formerly known as "LHEIT-
LIT'EN"), N'QUATQUA, SQUAMISH,
SIKSIKA, MUSKODAY, COWESSESS,
OPASKWAYAK CREE, NIPISSING,
MISSISSAUGAS OF SCUGOG ISLAND,
CHIPPEWAS OF MNJIKANING,
CHIPPEWAS OF GEORGINA ISLAND,
SAINT MARY'S, as represented by their
Chiefs and all other First Nations that
have adhered to the Agreement

WESTBANK, MUSQUEAM, LHEIDLI
T'ENNEH (autrefois connue sous le
nom de "LHEIT-LIT'EN"),
N'QUATQUA, SQUAMISH, SIKSIKA,
MUSKODAY, COWESSESS,
OPASKWAYAK CREE, NIPISSING,
MISSISSAUGAS OF SCUGOG
ISLAND, CHIPPEWAS OF
MNJIKANING, CHIPPEWAS OF
GEORGINA ISLAND, SAINT
MARY'S, représentées par leurs chefs
et toutes les autres Premières Nations
qui se sont jointes à l'Entente

AND

ET

HER MAJESTY THE QUEEN IN
RIGHT OF CANADA, as represented by
the Minister of Indian Affairs and Northern
Development

SA MAJESTÉ LA REINE DU CHEF
DU CANADA, représentée par le ministre
des Affaires indiennes et du Nord
canadien

WHEREAS:

ATTENDU QUE :

The First Nations have a profound
relationship with the land that is rooted in
respect for the Spiritual value of the Earth
and the gifts of the Creator and have a deep
desire to preserve their relationship with the
land;

Les premières nations entretiennent une
relation profonde avec la terre, basée sur la
valeur spirituelle qu'elles attribuent à la
Terre et aux dons du Créateur et qu'elles
ont le désir de préserver cette relation;

The First Nations should have the option of

Les premières nations devraient avoir la
possibilité de soustraire leurs terres aux

withdrawing their lands from the land management provisions of the Indian Act in order to exercise control over their lands and resources for the use and benefit of their members;

The Parties wish to enter into a government to government agreement, within the framework of the constitution of Canada, to deal with the issues of land management;

The Parties understand that this Agreement must be ratified;

NOW THEREFORE,

In consideration of the exchange of promises contained in this Agreement and subject to its terms and conditions, the Parties agree that the First Nations shall have the option of exercising control over their lands and resources.

PART I PRELIMINARY MATTERS

1. INTERPRETATION

1.1 In this Agreement,

"Canada" or "Crown" means Her Majesty the Queen in right of Canada; ("Canada")

"eligible voter" means a member of a First Nation who is eligible, pursuant to clause 7.2, to vote under this Agreement; ("électeurs")

"federal law" means a law enacted by

dispositions de la Loi sur les Indiens concernant la gestion des terres de façon à exercer un contrôle sur leurs terres et sur leurs ressources à l'usage et au profit de leurs membres;

Les parties souhaitent conclure un accord de gouvernement à gouvernement, dans le cadre de la constitution du Canada, concernant des questions touchant la gestion des terres;

Les parties reconnaissent que le présent accord doit être ratifié;

PAR CONSÉQUENT,

En contrepartie de l'échange des promesses figurant dans le présent accord et sous réserve de ses modalités, les Parties conviennent que les premières nations doivent avoir la possibilité d'exercer un contrôle sur leurs terres et sur leurs ressources.

PARTIE I QUESTIONS PRÉLIMINAIRES

1. INTERPRÉTATION

1.1 Les définitions qui suivent s'appliquent au présent accord.

« Canada » ou « Couronne » Sa Majesté la Reine du chef du Canada; (« Canada »)

« code foncier » Code adopté par une première nation conformément au présent accord contenant les dispositions générales relatives à l'exercice des droits et pouvoirs de la première nation sur ses terres de

Canada and does not include a land code or a First Nation law; ("loi fédérale")

"federal legislation" means the legislation to be enacted by Canada under Part X; ("loi de ratification")

"First Nation" means a band that is a Party to this Agreement; ("première nation")

"First Nation land", in respect of a First Nation, means all or part of a reserve that the First Nation describes in its land code; ("terres de première nation")

"First Nation Lands Register" means the register established pursuant to clause 51 to register interests or land rights in First Nation land; ("registre des terres de premières nations")

"First Nation law" means a law enacted by a First Nation in accordance with its land code; ("texte législative de la Première nation")

"interest", in relation to First Nation land in any province or territory other than Québec, means any interest, right or estate of any nature in or to that land, including a lease, easement, right of way, servitude, or profit à prendre, but does not include title to that land; ("intérêt")

"land code" means a code, approved by a First Nation in accordance with this Agreement, that sets out the basic provisions regarding the exercise of the First Nation's rights and powers over its First Nation land (although each First Nation can select its own name for the land code); ("code

première nation (les premières nations peuvent néanmoins donner l'appellation de leur choix à ce code foncier). (« land code »)

« Conseil consultatif des terres » Le conseil visé à l'article 38. (« Land Advisory Board »)

« droit foncier » Relativement aux terres de première nation dans la province de Québec, tout droit de quelque nature qu'il soit portant sur ces terres, à l'exclusion du titre de propriété; y sont assimilés les droits du locataire. (« land right »)

« électeurs » Les membres d'une première nation qui ont le droit de voter en vertu de l'article 7.2 du présent accord. (« eligible voters »)

« intérêt » Relativement aux terres de première nation situées dans toute province ou territoire autre que le Québec, tout intérêt, droit ou domaine de quelque nature qu'il soit portant sur ces terres, notamment un bail, une servitude, un droit de passage, un service foncier ou un profit à prendre, à l'exclusion du titre sur ces terres. (« interest »)

« loi de ratification » La loi adoptée par le Canada aux termes de la Partie X. (« federal legislation »)

« loi fédérale » Loi adoptée par le Canada mais ne comprend pas un code foncier ou un texte législatif d'une première nation. (« federal law »)

« membre » À l'égard d'une première

foncier")

"land right", in relation to First Nation land in the Province of Québec, means any right of any nature in or to that land excluding title, and includes the rights of a lessee; ("droit foncier")

"Lands Advisory Board" means the board referred to in clause 38; ("Conseil consultatif des terres")

"licence", in relation to First Nation land, ("permis")

(a) in a province or territory other than Québec, means any right of use or occupation of First Nation land, other than an interest in that land;

(b) in the Province of Québec, any right to use or occupy First Nation land, other than a land right in that land;

"member", in respect of a First Nation, means ("membre")

(a) a person whose name appears on the Band List, or

(b) a person who is entitled to have his or her name appear on the Band List;

"Minister" means the Minister of Indian Affairs and Northern Development, or such other member of the Queen's Privy Council as is designated by the Governor in Council for the purposes of this Agreement; ("ministre")

nation : (« member »)

a) personne dont le nom figure sur la liste de bande;

b) personne qui a droit à ce que son nom y figure.

« ministre » Le ministre des Affaires indiennes et du Nord canadien ou un membre du Conseil privé de la Reine désigné par le gouverneur en conseil aux fins du présent accord. (« Minister »)

« permis » Relativement aux terres d'une première nation : (« licence »)

a) dans une province ou un territoire autre que le Québec, tout droit d'usage ou d'occupation des terres de première nation, autre qu'un intérêt sur ces terres;

b) dans la province de Québec, tout droit d'utiliser ou d'occuper les terres de première nation autre qu'un droit foncier sur ces terres.

« première nation » Une bande qui est Partie au présent accord. (« First Nation »)

« registre des terres de premières nations » Le registre créé conformément à l'article 51 pour l'enregistrement des intérêts ou des droits fonciers sur les terres de premières nations. (« First Nation Lands Register »)

« terres de première nation » Dans le cas d'une première nation, tout ou partie d'une réserve décrite dans son code foncier. (« First Nation land »)

"verifier" means the person appointed pursuant to clauses 8 and 44 to monitor and verify the opting in process for a First Nation. ("vérificateur")

1.2 Terms that are defined or used in the Indian Act have the same meaning in this Agreement, unless the context otherwise requires.

1.3 This Agreement is not a treaty and shall not be considered to be a treaty within the meaning of section 35 of the Constitution Act, 1982.

1.4 The Parties acknowledge that the Crown's special relationship with the First Nations will continue.

1.5 This Agreement does not affect any lands, or any rights in lands, that are not subject to this Agreement.

1.6 This Agreement is not intended to define or prejudice inherent rights, or any other rights, of First Nations to control their lands or resources or to preclude other negotiations in respect of those rights.

1.7 The parties agree that when a provision of this agreement contains both civil law and common law terminology, or terminology that has different meanings in the civil law and the common law, the civil law

« texte législatif de la première nation »
Une loi ou un autre texte législatif adopté par une première nation conformément à son code foncier. (« First Nation law »)

« vérificateur » La personne chargée, en application des articles 8 et 44, de surveiller et de vérifier le processus d'adhésion d'une première nation.
(« verifier »)

1.2 Sauf indication contraire, les termes du présent accord qui sont définis ou utilisés dans la Loi sur les Indiens s'entendent au sens de cette loi.

1.3 Le présent accord ne constitue pas un traité et n'est pas considéré comme un traité au sens de l'article 35 de la Loi constitutionnelle de 1982.

1.4 Les Parties reconnaissent que la Couronne maintiendra la relation spéciale qu'elle entretient avec les premières nations.

1.5 Le présent accord ne s'applique pas aux terres ou aux droits sur ces terres qui ne sont pas visés par lui.

1.6 Le présent accord n'a pas pour but de définir les droits inhérents ou autres des premières nations d'exercer un contrôle sur leurs terres et leurs ressources ni d'y porter atteinte, ni d'empêcher que ces droits fassent l'objet d'autres négociations.

1.7 Les parties conviennent, que lorsque une disposition du présent accord emploie à la fois des termes propres au droit civil et à la common-law ou des termes qui ont

terminology or meaning is intended to apply to this provision with respect to First Nations in the Province of Quebec and the common law terminology or meaning is intended to apply with respect to First Nations in a province or territory other than Québec.

2. FIRST NATION LAND

2.1 Land that is a reserve of a First Nation is eligible to be managed by that First Nation under a land code as First Nation land.

2.2 First Nation land includes all the interests and rights or all the land rights and other rights, as well as the resources that belong to that land, to the extent that these are under the jurisdiction of Canada and are part of that land.

2.3 The Parties agree that First Nation lands are lands reserved for Indians within the meaning of section 91(24) of the Constitution Act, 1867.

3. INDIAN OIL AND GAS

3.1 The Indian Oil and Gas Act will continue to apply to any First Nation lands, or interests or land rights in First Nation land, that are "Indian lands" within the meaning of that Act.

un sens différent dans l'un et l'autre de ces systèmes, l'intention est, d'appliquer à cette disposition la terminologie de droit civil ou le sens qu'on lui donne dans ce système en ce qui a trait aux Premières nations au Québec et la terminologie de common-law ou le sens qu'on lui donne dans ce système en ce qui a trait aux Premières nations dans toute province ou territoire autre que le Québec.

2. TERRES D'UNE PREMIÈRE NATION

2.1 Les terres qui constituent une réserve d'une première nation sont admissibles à être gérées par celle-ci en vertu d'un code foncier à titre de terres de première nation.

2.2 Les terres de première nation comprennent tous les intérêts et droits ou tous les droits fonciers et autres droits ainsi que les ressources relatifs à ces terres dans la mesure où ils relèvent de la juridiction du Canada et font partie de ces terres.

2.3 Les parties reconnaissent que les terres de premières nations sont des terres réservées aux Indiens au sens du point 24 de l'article 91 de la Loi constitutionnelle de 1867.

3. PÉTROLE ET GAZ DES INDIENS

3.1 La Loi sur le pétrole et le gaz des terres indiennes continuera à s'appliquer aux terres de premières nations et aux intérêts ou droits fonciers sur les terres de premières nations qui sont des « terres indiennes » au sens de cette Loi.

3.2 Any interest or land right in First Nation land that is granted to Canada for the exploitation of oil and gas under a land code will be deemed to be "Indian lands" within the meaning of the Indian Oil and Gas Act.

3.3 Section 4 of the Indian Oil and Gas Act will continue to apply to revenues and royalties from oil or gas on First Nation land, despite anything to the contrary in clause 12.

4. RESERVES

4.1 Any reserve managed by a First Nation under a land code will continue to be a reserve within the meaning of the Indian Act.

4.2 Any reserve, title to which is vested in Canada, and managed by a First Nation under a land code, will continue to be vested in Canada for the use and benefit of the respective First Nation for which it was set apart.

4.3 Where a First Nation wishes to manage a reserve, the whole of the reserve will be included as First Nation land to avoid disjointed administration of the reserve, subject to clauses 4.4, 4.5 and 4.5A.

4.4 Subject to clause 4.5A, a portion of a reserve may be excluded from a land code only if:

(a) the portion of the reserve is in an environmentally unsound condition and the condition cannot be remedied

3.2 Les intérêts ou droits fonciers sur les terres de première nation octroyés au Canada pour l'exploitation du pétrole et du gaz en vertu d'un code foncier seront réputés être des « terres indiennes » au sens de la Loi sur le pétrole et le gaz des terres indiennes.

3.3 L'article 4 de la Loi sur le pétrole et le gaz des terres indiennes continuera de s'appliquer aux revenus et aux redevances provenant du pétrole ou du gaz situés sur les terres de première nation, nonobstant toute disposition contraire de l'article 12.

4. RÉSERVES

4.1 Les réserves gérées par une première nation en vertu d'un code foncier demeurent des réserves au sens de la Loi sur les Indiens.

4.2 Toute réserve, dont le titre est détenu par le Canada et qui est gérée par une première nation en vertu d'un code foncier, continuera d'appartenir au Canada à l'usage et au profit de la première nation pour laquelle la réserve fut mise de côté.

4.3 Lorsqu'une première nation souhaite gérer une réserve, l'ensemble de la réserve sera inclus comme terres de première nation de façon à éviter la double administration de la réserve sous réserve des articles 4.4, 4.5 et 4.5A.

4.4 Sous réserve de l'article 4.5A, il est permis de soustraire une partie d'une réserve à l'application du code foncier seulement dans l'un ou l'autre des cas suivants :

a) l'environnement y est si dégradé que

by measures that are technically and financially feasible before the land code is expected to be submitted for community approval;

(b) the portion of the reserve is the subject of ongoing litigation that is unlikely to be resolved before the land code is expected to be submitted for community approval;

(c) the portion of the reserve is uninhabitable or unusable as a result of a natural disaster; or

(d) there exist one or more other reasons which the First Nation and the Minister agree justify excluding a portion of a reserve.

4.5 A portion of a reserve may not be excluded if the exclusion would have the effect of placing the administration of a lease or other interest or right in land in more than one land management regime.

4.5A Land may be excluded from the application of the land code when it is uncertain whether the land forms part of the reserve. An exclusion for this reason shall be without prejudice to the right of the First Nation or Her Majesty to assert that the land forms part of the reserve. If excluding the land would have the effect of placing a lease, other interest or right in land in more than one land management regime, then all land that is subject to that lease, interest or right shall be excluded from the application of the land code.

des mesures réalisables sur les plans technique et économique ne permettront pas de l'assainir avant la présentation prévue du code foncier à l'approbation de la communauté;

b) cette partie de la réserve fait l'objet d'un litige qui ne sera probablement pas résolu avant la présentation prévue du code foncier à l'approbation de la communauté;

c) cette partie de la réserve est inhabitable ou inutilisable en raison d'un sinistre naturel;

d) l'exclusion est justifiée pour une ou plusieurs autres raisons convenues par la première nation et le ministre.

4.5 Une partie de la réserve ne peut être exclue si l'exclusion avait pour effet d'assujettir un bail ou tout autre intérêt ou droit foncier à plus d'un régime de gestion foncière.

4.5A Une terre peut être exclue de l'application du code foncier lorsqu'il y a incertitude quant à la question de savoir si la terre est située ou non dans la réserve. L'exclusion pour ce motif ne porte pas atteinte au droit de la première nation ou de Sa Majesté de faire valoir que la terre fait partie de la réserve. Si l'exclusion a pour effet d'assujettir un bail ou tout autre intérêt ou droit foncier à plus d'un régime de gestion foncière, toute la partie de la réserve qui est assujettie au bail ou autre intérêt ou droit foncier doit être exclue de l'application du code foncier.

4.6 The First Nation will make provision to

amend the description of its First Nation land in its land code to include the excluded portion of the reserve when the First Nation and the Minister agree that the condition justifying the exclusion no longer exists and the individual agreement will be amended accordingly.

PART II OPTING IN PROCEDURE

4.6 Lorsque la première nation et le ministre conviennent que la condition justifiant l'exclusion d'une partie d'une réserve n'existe plus, la première nation fera en sorte que la description des terres de première nation contenue dans son code foncier soit modifiée pour y inclure la partie jusqu'à présent exclue et l'accord distinct sera modifié en conséquence.

PARTIE II PROCÉDURE D'ADHÉSION

5. DEVELOPMENT OF A LAND CODE

5.1 A First Nation that wishes to manage one or more of its reserves will first develop a land code.

5.2 The land code of a First Nation will

(a) describe the lands that are subject to the land code;

(b) set out the general rules and procedures that apply to the use and occupancy of First Nation land, including use and occupancy under

(i) licenses and leases, and

(ii) interests or land rights in First Nation land held pursuant to allotments under subsection 20(1) of the Indian Act or pursuant to the custom of the First Nation;

(b.1) set out the procedures that apply to the transfer, by testamentary disposition or succession, of any interest or land rights in First Nation land;

(c) set out the general rules and procedures that apply to revenues from natural resources belonging to First Nation land;

(d) set out the requirements for accountability to First Nation members for the management of moneys and First Nation lands under

5. ÉLABORATION D'UN CODE FONCIER

5.1 La première nation qui souhaite gérer une ou plusieurs de ses réserves doit préalablement élaborer un code foncier.

5.2 Les éléments suivants figurent dans le code foncier d'une première nation :

a) la description des terres qui y sont assujetties;

b) les règles générales - de procédure et autres - applicables en matière d'utilisation et d'occupation des terres de première nation, notamment :

(i) en vertu d'un permis ou d'un bail,

(ii) en vertu d'un intérêt ou d'un droit foncier sur les terres de première nation découlant soit de l'attribution de cet intérêt ou droit foncier en vertu du paragraphe 20(1) de la Loi sur les Indiens, soit de la coutume de la première nation;

(b.1) les règles de procédure applicables en matière de transfert d'intérêts ou de droits fonciers sur les terres de première nation, par disposition testamentaire ou succession;

c) les règles générales – de procédure et autres - applicables aux revenus tirés des ressources naturelles relatives aux terres de première nation;

d) les exigences touchant l'obligation de rendre compte de la gestion des fonds et des terres de première nation aux termes

the land code;

(e) set out the procedures for making and publishing its First Nation laws;

(f) set out the conflict of interest rules for land management;

(g) identify or establish a forum for the resolution of disputes in relation to interests or land rights in First Nation lands, including the review of land management decisions where a person, whose interest or land right in First Nation land is affected by a decision, disputes that decision;

(h) set out the general rules and procedures that apply to the First Nation when granting or expropriating interests or land rights in First Nation land, including provisions for notice and the service of notice;

(i) set out the general authorities and procedures whereby the First Nation council delegates administrative authority to manage First Nation land to another person or entity; and

(j) set out the procedure by which the First Nation can amend its land code or approve an exchange of its First Nation land.

5.3 A land code could also contain the following provisions:

du code foncier devant les membres de la première nation;

e) les règles d'édiction et de publication des textes législatifs de la première nation;

f) les règles applicables en matière de conflit d'intérêts dans la gestion des terres;

g) la création ou l'identification d'une instance chargée de résoudre les différends concernant les intérêts ou les droits fonciers sur les terres de première nation, y compris la révision de toute décision en matière de gestion des terres contestée par une personne dont les intérêts ou les droits fonciers sur ces terres sont affectés par cette décision;

h) les règles générales – de procédure et autres - applicables à la première nation en matière d'attribution ou d'expropriation d'intérêts ou de droits fonciers sur des terres de première nation, y compris les dispositions en matière d'avis et de notification;

i) les pouvoirs et procédures généraux applicables en matière de délégation, par le conseil de la première nation à une autre personne ou entité, des pouvoirs de gestion des terres de première nation;

j) la procédure selon laquelle la première nation peut modifier son code foncier ou approuver un échange de ses terres de première nation.

5.3 Peuvent également figurer dans le code foncier :

(a) any general conditions or limits on the power of the First Nation council to make First Nation laws;

(b) in any province or territory other than Quebec, any general exceptions, reservations, conditions or limitations to be attached to the rights and interests that may be granted in First Nation land;

(b.1) in the province of Quebec, any general exceptions, reservations, conditions or limits to be attached to the land rights or other rights that may be granted in First Nation land;

(c) any provisions respecting encumbering, seizing, or executing a right or an interest or land right in First Nation land as provided in clause 15; and

(d) any other matter respecting the management of First Nation land.

5.4 In order to clarify the intentions of the First Nations and Canada in relation to the breakdown of a marriage as it affects First Nation land:

(a) a First Nation will establish a community process in its land code to develop rules and procedures, applicable on the breakdown of a marriage, to the use, occupancy and possession of First Nation land and the division of interests or land rights in that land;

a) les conditions ou limites générales applicables au pouvoir du conseil de la première nation d'édicter des textes législatifs de la première nation;

b) dans une province ou un territoire autre que le Québec, les exclusions, réserves, conditions ou délimitations générales applicables en matière d'attribution des droits et des intérêts sur les terres de première nation;

b.1) dans la province de Québec, les exceptions, réserves, conditions ou limites générales applicables en matière d'attribution des droits fonciers et autres droits sur les terres de première nation;

c) les dispositions, telles que prévues à l'article 15, concernant la saisie ou l'exécution d'un droit ou d'un intérêt ou droit foncier sur les terres de première nation, ou le fait de les gérer;

d) toute autre disposition concernant la gestion des terres de première nation.

5.4 Afin de préciser l'intention des premières nations et du Canada en ce qui a trait à l'échec du mariage et à ses effets sur les terres de premières nations :

a) une première nation établira, dans son code foncier, un processus communautaire pour l'élaboration de règles et de procédures applicables, au moment de l'échec d'un mariage, en matière d'usage, d'occupation et de possession des terres de première nation et en matière de partage des intérêts ou des droits fonciers sur ces terres;

(b) for greater certainty, the rules and procedures referred to in clause (a) shall not discriminate on the basis of sex;

(c) the rules and procedures referred to in clause (a) shall be enacted in the First Nation's land code or First Nation laws;

(d) in order to allow sufficient time for community consultation during the community process referred to in clause (a), the First Nation shall have a period of 12 months from the date the land code takes effect to enact the rules and procedures;

(e) any dispute between the Minister and a First Nation in respect of this clause shall, notwithstanding clause 43.3, be subject to arbitration in accordance with Part IX;

(f) for greater certainty, this clause also applies to any First Nation that has voted to approve a land code before this clause comes into force.

6. DEVELOPMENT OF INDIVIDUAL FIRST NATION AGREEMENT

6.1 The Minister and each First Nation that intends to manage its First Nation land will also enter into an individual agreement to settle the actual level of operational funding for the First Nation and the specifics of the transfer of administration between Canada and the First Nation.

b) il est entendu que les règles et procédures mentionnées à l'alinéa a) ne peuvent faire aucune distinction fondée sur le sexe;

c) les règles et procédures mentionnées à l'alinéa a) sont prévues soit dans le code foncier de la première nation, soit dans ses textes législatifs;

d) afin qu'il puisse y avoir une période suffisante pour consulter la communauté, tel que mentionné à l'alinéa a), la première nation dispose d'un délai de 12 mois, à compter de la date d'entrée en vigueur de son code foncier, pour adopter ces règles et procédures;

e) tout différend entre le ministre et une première nation au sujet du présent article est, par dérogation à l'article 43.3, porté en arbitrage en conformité avec la Partie IX;

f) il est entendu que le présent article s'applique également à toute première nation qui a voté en faveur de l'adoption d'un code foncier avant que le présent article n'entre en vigueur.

6. ÉLABORATION D'UN ACCORD DISTINCT AVEC CHAQUE PREMIÈRE NATION

6.1 Le ministre et la première nation qui entend gérer ses propres terres concluront également un accord distinct fixant le niveau du financement opérationnel destiné à la première nation ainsi que les modalités du transfert des responsabilités en matière d'administration entre le

6.2 The First Nation and the Minister will each choose a representative to develop the individual agreement and to assist in transferring administration of the First Nation land.

6.3 Upon the request of a First Nation that is developing a land code, the Minister will provide it with the following information, as soon as practicable:

(a) a list of all the interests or land rights and licences, in relation to the proposed First Nation land, that are recorded in the Reserve Land Register and the Surrendered and Designated Lands Register under the Indian Act;

(b) all existing information, in Canada's possession, respecting any actual or potential environmental problems with the proposed First Nation land; and

(c) any other information in Canada's possession that materially affects the interests or land rights and licences mentioned in clause 6.3(a).

6.4 An amendment to an individual agreement with the Minister must be made in accordance with the procedure in that agreement.

7. COMMUNITY APPROVAL

7.1 Both the First Nation's land code and its

Canada et la première nation.

6.2 La première nation et le ministre désignent chacun un représentant chargé de préparer l'accord distinct et de faciliter le transfert de l'administration des terres de première nation.

6.3 À la demande de la première nation qui élabore un code foncier le ministre lui fournit les renseignements suivants, dans les meilleurs délais :

a) une liste de tous les intérêts ou droits fonciers et permis concernant les terres de la première nation proposées, qui sont consignés dans le registre des terres de réserve et le registre des terres désignées et cédées aux termes de la Loi sur les Indiens;

b) tous les renseignements en la possession du Canada concernant les problèmes environnementaux réels ou potentiels concernant les terres de la première nation proposées;

c) tout autre renseignement en la possession du Canada qui touche notamment les intérêts ou droits fonciers et les permis mentionnés à l'alinéa 6.3 a).

6.4 L'accord distinct conclu avec le ministre est modifié selon la procédure prévue dans celui-ci.

7. APPROBATION DE LA COMMUNAUTÉ

7.1 Le code foncier de la première nation

individual agreement with the Minister need community approval in accordance with this clause.

7.2 Every person who is a First Nation member, whether resident on or off-reserve, who is at least 18 years of age, is eligible to vote on whether to approve their First Nation's proposed land code and its individual agreement with the Minister.

7.3 The land code and individual agreement will be considered approved by the community if

(a) a majority of eligible voters participate in the vote and at least a majority of the participating voters vote to approve them;

(b) the First Nation registers all eligible voters who signified, in a manner determined by the First Nation, their intention to vote, and a majority of the registered voters vote to approve them; or

(c) the community approves them in such other manner as the First Nation and the Minister may agree upon.

7.4 The land code and individual agreement will not be considered approved if less than 25% plus one of all eligible voters voted to approve them.

7.5 The First Nation council may, by resolution, increase the minimum percentage for community approval otherwise required under this clause.

et l'accord distinct conclu avec le ministre doivent être approuvés par la communauté conformément au présent article.

7.2 A le droit de voter, dans le cadre de l'approbation du projet de code foncier de la première nation et de l'accord distinct conclu avec le ministre, tout membre de la première nation qui a au moins 18 ans, qu'il réside ou non dans la réserve.

7.3 Le code foncier et l'accord distinct sont réputés valablement approuvés par la communauté dans les cas suivants :

a) la majorité des électeurs participent au scrutin et au moins une majorité des électeurs participants ont exprimé un vote favorable;

b) la première nation inscrit tous les électeurs qui ont fait connaître, selon les modalités fixées par la première nation, leur intention de voter et une majorité des électeurs inscrits ont exprimé un vote favorable;

c) la communauté les approuve selon d'autres modalités fixées conjointement par la première nation et par le ministre.

7.4 Dans tous les cas cependant, le code foncier et l'accord distinct ne sont approuvés que si au moins vingt-cinq pour cent plus un des électeurs ont exprimé un vote favorable.

7.5 Le conseil de la première nation peut, par résolution, augmenter le pourcentage minimum requis en vertu du présent article pour recueillir l'approbation de la communauté.

7.6 A First Nation will take reasonable steps to locate its eligible voters and inform them of

- (a) their right to participate in the approval process and the manner in which that right can be exercised; and
- (b) the content of this Agreement, the individual agreement with the Minister, the proposed land code and the federal legislation.

7.7 Reasonable steps to locate and inform eligible voters may include the following :

- (a) mailing out information to eligible voters at their last known addresses;
- (b) making enquiries of family members and others to locate eligible voters whose addresses are not known or are uncertain;
- (c) making follow up contact with eligible voters by mail or telephone;
- (d) placing advertisements in newspapers circulating in the community and in newspapers circulating in other localities where the number of eligible voters warrants;
- (e) posting notices in the community;
- (f) holding information meetings in the community and in other places where appropriate; and

7.6 Le conseil de la première nation doit prendre des mesures raisonnables pour retrouver les électeurs et les informer :

- a) de leur droit de participer au processus d'approbation et de la manière d'exercer ce droit;
- b) du contenu du présent accord, de l'accord distinct conclu avec le ministre, du projet de code foncier et de la loi de ratification.

7.7 Parmi les mesures raisonnables envisagées pour retrouver les électeurs et les informer, le conseil peut prendre les mesures suivantes :

- a) envoyer par courrier de l'information aux électeurs à leur dernière adresse connue;
- b) s'enquérir auprès des membres de la famille et d'autres personnes afin de retrouver les électeurs dont l'adresse est inconnue ou incertaine;
- c) effectuer un suivi auprès des électeurs par courrier ou par téléphone;
- d) publier des avis dans les journaux distribués dans la communauté et dans toute autre localité où le nombre d'électeurs le justifie;
- e) afficher des avis dans la communauté;
- f) tenir des réunions d'information dans la communauté et à tout autre endroit approprié;

(g) making copies of the documents referred to in clause 7.6(b) available at the administration office of the First Nation and in other places where appropriate.

7.8 A First Nation will, within a reasonable time before the vote, also take appropriate measures to inform other persons having an interest or land right in its lands of the federal legislation, the proposed land code and the date of the vote.

7.9 Where the federal legislation has not yet been enacted when a First Nation proceeds under this clause, Canada will provide the First Nation with a draft copy of its proposed legislation which the First Nation will use to inform its eligible voters and other persons.

7.10 An amendment to a land code must be made in accordance with the procedure in the First Nation's land code.

8. VERIFICATION PROCESS

8.1 Where a First Nation develops a proposed land code and resolves to submit it to the community for approval, an independent person will be appointed as a verifier to monitor and verify the opting in process. The verifier will be chosen in accordance with clause 44.

8.2 The representatives of the First Nation

g) rendre disponible, au bureau d'administration de la première nation et à tout autre endroit approprié, une copie des documents mentionnés à l'alinéa 7.6b).

7.8 La première nation doit prendre dans un délai raisonnable avant le jour du scrutin, des mesures appropriées pour informer les autres personnes ayant un intérêt ou un droit foncier sur ses terres au sujet de la loi de ratification, du projet de code foncier et de la date du scrutin.

7.9 Si la loi de ratification n'a pas encore été adoptée au moment où la première nation met en oeuvre le présent article, le Canada fournira à la première nation une ébauche du projet de loi que la première nation portera à la connaissance des électeurs et des autres personnes concernées.

7.10 Le code foncier d'une première nation est modifié selon la procédure prévue dans celui-ci.

8. PROCESSUS DE VÉRIFICATION

8.1 Lorsqu'une première nation élabore un projet de code foncier et décide de le présenter à la communauté pour approbation, une personne indépendante doit être nommée à titre de vérificateur chargée de surveiller le processus d'adhésion et d'en vérifier la régularité. Le vérificateur est choisi conformément à l'article 44.

8.2 Les représentants de la première nation

and the Minister, who have been assisting in the process of transferring administration of the land, will meet with the verifier and provide information and advice to the verifier, after consulting with their respective Parties.

8.3 The First Nation will submit the following information to the verifier:

- (a) a copy of the proposed land code;
- (b) an initial list of the names of every First Nation member who, according to the First Nation's records at that time, would be eligible to vote on whether to approve the proposed land code; and
- (c) a detailed description of the community approval process that the First Nation proposes to use under clause 7.

8.4 The verifier will

- (a) decide whether the proposed land code conforms with the requirements of clause 5;
- (b) decide whether the proposed community approval process conforms with the requirements of clause 7;
- (c) determine whether the community approval process is conducted in accordance with the process that was confirmed; and
- (d) certify as being valid a First

et du ministre, qui ont participé au processus de transfert de la gestion des terres, rencontrent le vérificateur et lui fournissent renseignements et avis, après avoir consulté leurs Parties respectives.

8.3 La première nation communique au vérificateur les documents suivants :

- a) un exemplaire du projet de code foncier;
- b) la liste initiale des membres de la première nation qui, selon les registres de la première nation disponibles à ce moment, auraient le droit de voter aux fins de l'approbation de ce code;
- c) un exposé détaillé du processus d'approbation de la communauté proposé par la première nation aux termes de l'article 7.

8.4 Le vérificateur a pour mandat:

- a) de décider de la conformité du projet de code foncier avec les exigences de l'article 5;
- b) de décider de la conformité du processus d'approbation de la communauté proposé avec les exigences de l'article 7;
- c) de décider de la conformité du déroulement du scrutin avec le processus retenu pour l'approbation de la communauté;
- d) d'attester la validité du code foncier de

Nation's land code that is properly approved by the First Nation.

8.5 The verifier also has the power to make a final decision to resolve

(a) any dispute regarding whether a portion of a reserve may be excluded from a land code pursuant to clause 4.4; and

(b) any dispute regarding the specifics of the transfer of administration between Canada and the First Nation.

8.6 A verifier will make decisions that are consistent with clauses 4.4 and 4.5.

8.7 A verifier will not deal with disputes over funding.

8.8 Within 30 days of receiving the First Nation's information pursuant to clause 8.3, the verifier will issue a written notice to the First Nation and the Minister stating whether the proposed land code and community approval process are consistent with this Agreement.

8.9 The verifier will provide written reasons to the First Nation and the Minister in any case where he or she decides that the proposed land code and community approval process are not consistent with this Agreement.

9. CONDUCT OF COMMUNITY VOTE

9.1 Once the verifier confirms that the

la première nation dûment approuvé par elle.

8.5 Le vérificateur a également le pouvoir de trancher de façon définitive :

a) tout différend ayant trait à la question de savoir si une partie d'une réserve peut être soustraite à l'application du code foncier selon l'article 4.4;

b) tout différend concernant les modalités du transfert des pouvoirs d'administration entre le Canada et la première nation.

8.6 Les décisions du vérificateur doivent être conformes aux paragraphes 4.4 et 4.5.

8.7 Le vérificateur ne peut être saisi des différends concernant le financement.

8.8 Le vérificateur émet à la première nation et au ministre, dans les 30 jours de la réception des documents visés à l'article 8.3, un avis écrit indiquant si le projet de code foncier et le processus d'approbation de la communauté proposé sont conformes au présent accord.

8.9 Dans tous les cas où, à son avis, le projet de code foncier ou le processus proposé pour obtenir l'approbation de la communauté ne sont pas conformes au présent accord, le vérificateur consigne par écrit les motifs de cette décision qu'il transmet à la première nation et au ministre.

9. TENUE DU SCRUTIN

9.1 Après que le vérificateur ait décidé que

proposed land code and community approval process are consistent with this Agreement, the First Nation may proceed to submit its proposed land code, and the individual agreement with the Minister, for community approval.

9.2 The verifier will publish one or more notices advising the community of the date, time and place of the First Nation's approval vote.

9.3 The verifier may designate one or more assistants to help observe the conduct of the vote.

9.4 The verifier and any assistant observers will have complete authority to observe the approval process.

9.5 Within 15 days of the conclusion of the vote, the verifier will issue a written report to the First Nation and to the Minister on whether the community approval process was conducted in accordance with the process as previously confirmed.

10. CERTIFICATION OF LAND CODE

10.1 Where a First Nation approves a land code and its individual agreement with the Minister, the First nation council must, without delay, send a true copy of the land code to the verifier together with a true copy of the fully signed individual agreement and a statement from the First Nation council that the land code and the individual agreement were properly approved.

le projet de code et le processus proposé pour obtenir l'approbation de la communauté sont conformes au présent accord, la première nation peut soumettre à l'approbation de la communauté le projet de code foncier et l'accord distinct conclu avec le ministre.

9.2 Le vérificateur fait publier un ou plusieurs avis informant la communauté de la date, de l'heure et du lieu du scrutin.

9.3 Le vérificateur peut s'adjoindre un ou plusieurs assistants pour l'aider à surveiller le déroulement du scrutin.

9.4 Le vérificateur et ses adjoints ont pleins pouvoirs pour surveiller le processus d'approbation de la communauté.

9.5 Le vérificateur remet à la première nation et au ministre, dans les 15 jours suivant la fermeture du scrutin, son rapport écrit au sujet de la conformité du déroulement du scrutin avec le processus d'approbation retenu.

10. CERTIFICATION DU CODE FONCIER

10.1 Lorsque la première nation approuve le code foncier et l'accord distinct avec le ministre, le conseil de la première nation adresse au vérificateur, dans les meilleurs délais, une copie certifiée conforme de l'accord distinct entièrement signé et du code foncier approuvé ainsi qu'une déclaration du conseil de la première nation indiquant que le code foncier et l'accord distinct ont été dûment approuvés.

10.2 Upon receiving a copy of a First Nation's land code, signed individual agreement and statement, the verifier will, subject to clause 11, certify the land code as being valid.

10.3 The verifier will immediately provide the First Nation, the Lands Advisory Board and the Minister with a copy of any certified land code.

10.4 The Lands Advisory Board will, in such manner as it considers advisable, publish a notice announcing the certification of a land code and the date the land code takes effect and advising the public of the means of obtaining copies of it.

10.4.1 Certified copies of the land code will be made available to the public at such places deemed necessary by the First Nation.

10.5 Once a land code is certified by a verifier and takes effect, the land code has the force of law and will be given judicial notice.

10.6 A land code that has been certified pursuant to this Agreement is deemed to have been validly approved by the First Nation.

10.7 A land code takes effect on the day that it is certified by the verifier or on such later date as may be specified in the land code.

11. DISPUTED VOTE

11.1 The Minister or any eligible voter may, within five days after the conclusion of the vote, report any irregularity in the voting

10.2 Sur réception de la copie du code foncier, de l'accord distinct signée et de la déclaration, le vérificateur atteste la validité du code foncier, sous réserve de l'article 11.

10.3 Le vérificateur adresse immédiatement à la première nation, au Conseil consultatif des terres et au ministre une copie du code foncier dont il a attesté la validité.

10.4 Le Conseil consultatif des terres publie, selon les modalités qu'il estime appropriées, un avis attestant la validité du code foncier, sa date d'entrée en vigueur et faisant connaître au public la façon de s'en procurer des copies.

10.4.1 Des copies certifiées du code foncier seront mises à la disposition du public aux endroits que la première nation estime appropriés.

10.5 Dès que le code foncier reçoit l'attestation du vérificateur et qu'il entre en vigueur, il a dès lors force de loi et est admis d'office dans toute instance.

10.6 Une fois sa validité attestée conformément au présent accord, le code est réputé avoir été dûment approuvé par la première nation.

10.7 Le code foncier entre en vigueur à la date de l'attestation de sa validité par le vérificateur ou à la date postérieure fixée dans le code.

11. CONTESTATION DU VOTE

11.1 Le ministre ou tout électeur peut, dans les cinq jours suivant la clôture du scrutin, informer le vérificateur de toute

process to the verifier.

11.2 A verifier will not certify a land code if he or she is of the opinion that the following two conditions exist:

(1) the process by which the land code was approved varied from the process previously confirmed by the verifier or was otherwise irregular; and

(2) the land code might not have been approved but for the irregularity in the process.

11.3 Before making a decision under this clause, the verifier will provide the First Nation and the Minister with a reasonable opportunity to make submissions on the issue.

11.4 Any decision by a verifier under this clause must be made within 10 days of the conclusion of the vote.

PART III

FIRST NATION LAND MANAGEMENT RIGHTS AND POWER

12. LAND MANAGEMENT POWERS

12.1 A First Nation with a land code in effect will, subject to clause 13, have the power to manage its First Nation land and exercise its powers under this Agreement.

irrégularité dont a été entaché le déroulement du scrutin.

11.2 Le vérificateur ne peut attester la validité du code foncier s'il en vient aux conclusions suivantes :

(1) d'une part, le déroulement du scrutin n'est pas conforme au processus d'approbation qu'il a lui-même confirmé au préalable ou est autrement entaché d'irrégularité;

(2) d'autre part, le code n'aurait peut-être pas été approuvé sans cette irrégularité.

11.3 Avant de prononcer une décision aux termes du présent article, le vérificateur donne à la première nation et au ministre l'occasion de présenter des observations.

11.4 Toute décision du vérificateur en vertu du présent article doit être prise dans un délai de 10 jours suivant la conclusion du vote.

PARTIE III

DROITS ET POUVOIRS DE GESTION DES TERRES DE PREMIÈRE NATION

12. POUVOIRS DE GESTION DES TERRES

12.1 Dès que le code foncier entre en vigueur, la première nation a le pouvoir de gérer ses terres de première nation et d'exercer ses pouvoirs en vertu du présent accord, sous réserve de l'article 13.

12.2 This power includes

(a) all the rights, powers and privileges of an owner, in relation to its First Nation land; and

(b) the authority to grant interests or land rights and licences in relation to its First Nation land and to manage its natural resources, subject to clauses 3, 18.5 and 23.6.

12.3 In any province or territory other than Quebec, an interest or licence granted in relation to First Nation land is subject to any exception, reservation, condition or limitation established by the First Nation in its land code.

12.3A In the province of Quebec, a land right or licence granted in relation to First Nation land is subject to any exceptions, reservations, conditions or limits established by the First Nation in its land code.

12.4 For any purpose related to First Nation land, a First Nation will have legal capacity to acquire and hold property, to borrow, to contract, to expend and invest money, to be a party to legal proceedings, to exercise its powers and to perform its duties.

12.5 First Nation land, revenues, royalties, profits and fees in respect of that land will be managed by the First Nation council or its delegate for the use and benefit of the First Nation.

12.2 Elle peut notamment :

a) exercer tous les droits, pouvoirs et privilèges d'un propriétaire, pour ce qui est de ses terres de première nation;

b) sous réserve des articles 3, 18.5 et 23.6, attribuer des permis et des intérêts ou droits fonciers relatifs à ses terres de première nation et gérer ses ressources naturelles.

12.3 Dans une province ou un territoire autre que le Québec, un intérêt ou un permis relatif aux terres de première nation est assujéti aux exclusions, réserves, conditions ou délimitations énoncées par la première nation dans son code foncier.

12.3A Dans la province de Québec, un droit foncier ou un permis relatif aux terres de première nation est assujéti aux exceptions, réserves, conditions ou limites énoncées par la première nation dans son code foncier.

12.4 À l'égard de ses terres de première nation, la première nation a la capacité juridique d'acquérir et de détenir des biens, de conclure des contrats et d'emprunter, de dépenser des fonds et de faire des investissements, d'ester en justice et d'exercer ses pouvoirs et attributions.

12.5 Le conseil de la première nation ou son délégué administre les terres de première nation ainsi que les revenus, les redevances, les recettes et les droits y afférents à l'usage et au profit de la première nation.

12.6 If a First Nation establishes an entity for the purpose of administering its First Nation land, the entity shall be deemed to be a legal entity with the capacity, rights, powers and privileges of a natural person.

12.7 A First Nation has the right, in accordance with its land code, to receive and use all moneys acquired by or on behalf of the First Nation under its land code.

12.8 Once a First Nation's land code takes effect, all revenue moneys collected, received or held by Canada for the use and benefit of the First Nation or its members before that date, and from time to time thereafter, shall cease to be Indian moneys under the Indian Act, except for the purposes of paragraph 90 (1) (a), and shall be transferred by Canada to the First Nation

13. PROTECTION OF FIRST NATION LAND

13.1 Title to First Nation land is not changed when a First Nation's land code takes effect.

13.2 The Parties declare that it is of fundamental importance to maintain the amount and integrity of First Nation land.

13.3 First Nation land will not be sold, exchanged, conveyed or transferred, except for any exchange or expropriation of First Nation land made in accordance with this Agreement.

12.6 Si la première nation met sur pied une entité pour gérer ses terres, l'entité est réputée être une entité juridique ayant la capacité, les pouvoirs, les droits et les privilèges d'une personne physique.

12.7 La première nation a, conformément à son code foncier, le droit de recevoir et d'utiliser les sommes acquises par ou pour le compte de la première nation en vertu de son code foncier.

12.8 À compter de la date d'entrée en vigueur du code foncier d'une première nation, les fonds perçus, reçus et détenus par la Canada à l'usage et au profit de la première nation ou de ses membres avant cette date, ainsi que ceux qui le sont après cette date, cessent d'être de l'argent des Indiens aux fins de la Loi sur les Indiens, sauf aux fins de l'alinéa 90(1)a), et sont transférés par le Canada à la première nation.

13. PROTECTION DES TERRES DE PREMIÈRE NATION

13.1 L'entrée en vigueur du code foncier d'une première nation n'a pas pour effet de modifier le titre des terres de première nation.

13.2 Les Parties déclarent reconnaître l'importance fondamentale que revêt la préservation de la superficie et de l'intégrité des terres de première nation.

13.3 Les terres de première nation ne sont pas susceptibles d'être vendues, échangées ou transférées, si ce n'est dans le cadre d'un échange ou d'une expropriation effectué en conformité avec le présent

14. VOLUNTARY EXCHANGE OF FIRST NATION LAND

14.1 A First Nation has the right to exchange a parcel of First Nation land for another parcel of land, if that other parcel of land becomes First Nation land. An exchange of First Nation land may provide for additional compensation, including land that may not become First Nation land, and may be subject to any other terms and conditions.

14.2 Any exchange of First Nation land will require community approval in accordance with the process established in the land code.

14.3 First Nation land will only be exchanged for land that Canada consents to set apart as a reserve. In addition, the agreement of Canada is required on the technical aspects of the exchange.

14.4 The title to the land to be received in exchange for that First Nation land will be transferred to Canada and will be set apart by Canada as a reserve, as of the date of the land exchange or such later date as the First Nation may specify. This does not apply to land that is received by the First Nation as additional compensation and that is not intended to become First Nation land.

14.5 Where an exchange of First Nation land is approved by a First Nation in accordance with its land code, the First Nation can

accord.

14. ÉCHANGE VOLONTAIRE DE TERRES DE PREMIÈRE NATION

14.1 Une première nation a le droit d'échanger une parcelle des terres de première nation contre une autre parcelle, si cette autre parcelle fait dès lors partie des terres de première nation. L'échange peut également comporter une contrepartie supplémentaire, notamment des terres supplémentaires qui ne sont pas destinées à devenir des terres de première nation, et être assorti d'autres conditions.

14.2 Tout échange de terres de première nation doit être approuvé par les membres de la première nation selon les modalités prévues par le code foncier.

14.3 Des terres de première nation ne peuvent être échangées que contre des terres que le Canada accepte de mettre de côté à titre de réserve. L'accord du Canada est également requis quant aux aspects techniques de l'opération.

14.4 Le titre des terres reçues en échange des terres de première nation sera transféré au Canada, qui mettra ces terres de côté à titre de réserve, à la date de l'échange ou à la date ultérieure fixée par la première nation. Cette disposition ne s'applique pas aux terres remises à une première nation à titre de contrepartie supplémentaire et qui ne sont pas destinées à devenir des terres de première nation.

14.5 Lorsque l'échange des terres de première nation est approuvé par la première nation conformément à son code

execute an authorization to Canada to transfer title to the land.

14.6 Upon the issuance to Canada of an authorization to transfer title to First Nation land under clause 14.5, Canada will transfer title to the land in accordance with the authorization and the applicable terms and conditions of the exchange.

14.7 A copy of the instruments or acts transferring title to First Nation land will be registered in the First Nation Lands Register.

14.8 As of the date of the land exchange, or such later date as the First Nation may specify, the description of First Nation land in the land code will be deemed to be amended to delete the description of the First Nation land that was exchanged and to add the description of the First Nation land received in exchange.

14.9 For greater certainty, the First Nation land that was exchanged will cease to be a reserve.

15. IMMUNITY FROM SEIZURE, ETC.

15.1 The Parties confirm that section 29 and subsections 89(1) and (2) of the Indian Act will continue to apply to any reserve that is First Nation land.

15.2 Subsection 89(1.1) of the Indian Act will continue to apply to all leasehold interests or leases that existed when the land code took effect if the First Nation land was

foncier, la première nation peut délivrer au Canada une autorisation de procéder au transfert du titre sur les terres en question.

14.6 Le Canada procède, sur réception de l'autorisation prévue à l'article 14.5, au transfert du titre sur les terres en question, en conformité avec cette autorisation et avec les conditions de l'échange.

14.7 Une copie des instruments ou actes de transfert du titre sur les terres de première nation sera enregistrée dans le registre des terres de premières nations.

14.8 À partir de la date de l'échange de terres, ou à la date ultérieure fixée par la première nation, la description des terres de première nation dans le code foncier est réputée être modifiée de façon à supprimer la description des terres de première nation qui ont été échangées et à ajouter celle des terres de première nation reçues en échange.

14.9 Il est entendu que les terres de première nation qui ont été échangées cessent de constituer une réserve.

15. INSAISSABILITÉ, ETC.

15.1 Les parties confirment que l'article 29 et les paragraphes 89(1) et (2) de la Loi sur les Indiens continuent de s'appliquer aux réserves faisant partie des terres de première nation.

15.2 Le paragraphe 89(1.1) de la Loi sur les Indiens continue de s'appliquer à tous les baux ou intérêts à bail qui existaient lorsque le code foncier est entré en

designated land at that time.

15.3 A land code may provide that some or all of the provisions of subsection 89(1.1) of the Indian Act are also applicable to other leasehold interests or leases in any First Nation lands.

15.4 The Parties confirm that section 87 of the Indian Act continues to apply to First Nation land, so that

(a) the interest of an Indian or a First Nation in a reserve that is First Nation land remains exempt from taxation, subject to section 83 of the Indian Act; and

(b) the personal property or the movables of an Indian or a First Nation, situated on a reserve that is First Nation land, remains exempt from taxation.

16. THIRD PARTY INTERESTS

16.1 Interests or land rights or licences held by third parties or Canada in First Nation land, that exist at the time the land code takes effect, continue in force according to their terms and conditions.

16.2 Any rights of locatees in possession of First Nation land, either by custom or by allotment under the Indian Act, to transfer, lease and share in natural resource revenues will be defined in the land code.

vigueur, dans le cas où les terres de première nation étaient des terres désignées à ce moment.

15.3 Le code foncier peut énoncer que les dispositions du paragraphe 89(1.1) de la Loi sur les Indiens sont également applicables, en tout ou en partie, aux autres baux ou intérêts à bail sur les terres de première nation.

15.4 Les parties confirment que l'article 87 de la Loi sur les Indiens continue de s'appliquer aux terres de première nation de façon à ce que:

a) le droit d'un Indien ou d'une première nation sur une réserve faisant partie des terres de première nation demeure exempté de taxation, sous réserve de l'article 83 de la Loi sur les Indiens;

b) les biens personnels ou les meubles d'un Indien ou d'une première nation situés sur une réserve faisant partie des terres de la première nation demeurent exemptés de taxation.

16. INTÉRÊTS DES TIERS

16.1 Les intérêts ou droits fonciers ou les permis que détiennent les tiers ou le Canada sur des terres de première nation lorsque le code foncier entre en vigueur continuent d'avoir effet selon leurs conditions.

16.2 Les droits des occupants en possession de terres de première nation, que ce soit conformément à la coutume ou par attribution aux termes de la Loi sur les Indiens, en matière de transfert, de bail et

16.3 Once a land code takes effect, no interest, land right or licence in relation to First Nation land may be acquired or granted except in accordance with the land code.

16.4 For greater certainty, disputes in relation to third party interests shall be dealt with in the forum identified or established in a land code pursuant to clause 5.2(g).

17. EXPROPRIATION BY FIRST NATIONS

17.1 A First Nation with a land code in effect has the right to expropriate interests or land rights in First Nation lands without consent if deemed by the First Nation council to be necessary for community works or other First Nation purposes.

17.2 A First Nation's power of expropriation will be exercised in accordance with the rules and procedures specified in its land code, its laws and this Agreement.

17.3 In any province or territory other than Québec, an interest in First Nation land that a First Nation expropriates becomes the property of the First Nation free of any previous claim or encumbrance in respect of the interest.

17.3A In the province of Québec, the First Nation that expropriates a land right in its First Nation lands becomes the holder of that

de partage des revenus provenant de ressources naturelles seront définis par le code foncier.

16.3 Après l'entrée en vigueur du code foncier, les permis, les intérêts ou droits fonciers concernant les terres de première nation ne peuvent être acquis ou accordés qu'en conformité avec ce code.

16.4 Il est entendu que les différends relatifs aux intérêts des tiers sont réglés selon ce que prévoit le code foncier conformément à l'alinéa 5.2g).

17. EXPROPRIATION PAR LES PREMIÈRES NATIONS

17.1 La première nation ayant un code foncier en vigueur a le droit d'exproprier sans consentement des intérêts ou droits fonciers sur ses terres de première nation, si le conseil de la première nation estime en avoir besoin pour réaliser des ouvrages communautaires ou à d'autres fins de la première nation.

17.2 La première nation procède à l'expropriation conformément aux règles et procédures établies dans son code foncier, à ses textes législatifs et au présent accord.

17.3 Un intérêt sur les terres de première nation dans une province ou un territoire autre que le Québec exproprié par la première nation devient la propriété de celle-ci, libre de toute réclamation ou tout grèvement antérieurs quant à cet intérêt.

17.3A La première nation qui exproprie un droit foncier sur ses terres de première nation dans la province de Québec devient

right free of any previous right, charge or claim in respect of that land right.

17.4 A First Nation that expropriates an interest or land right in First Nation land will give fair compensation based on the heads of compensation set out in the Expropriation Act (Canada).

17.5 A First Nation will establish a mechanism to resolve disputes over compensation it pays for expropriation.

17.6 Any interest in First Nation land that was obtained pursuant to section 35 of the Indian Act or any interest or land right that has been acquired by Canada, or that is acquired after this Agreement comes into force by Canada in accordance with this Agreement, is not subject to First Nation expropriation.

17.7 A First Nation is not precluded from entering into an agreement with a utility or public body for the purpose of granting it an interest or land right in First Nation land that is exempt from expropriation by the First Nation.

17.8 No expropriation of an interest or land right in First Nation land by a First Nation takes effect earlier than either of the following days:

(a) the date the notice of expropriation is registered in the First Nation Lands Register; or

titulaire de ce droit foncier, libre de tout droit, charge ou réclamation antérieurs.

17.4 La première nation qui exproprie un intérêt ou droit foncier sur ses terres de première nation est tenue de verser une indemnité équitable, calculée selon les règles énoncées dans la Loi sur l'expropriation (Canada).

17.5 La première nation est tenue de mettre sur pied un mécanisme de règlement des différends relatifs à l'indemnisation qu'elle paye pour les expropriations.

17.6 Ne sont toutefois pas susceptibles d'expropriation par la première nation les intérêts ou les droits fonciers sur les terres de première nation obtenus sous le régime de l'article 35 de la Loi sur les Indiens ou qui ont été acquis par le Canada ou encore qui seront acquis par le Canada après l'entrée en vigueur du présent accord conformément à celui-ci.

17.7 Il n'est pas interdit à la première nation de conclure avec un organisme public ou une société de service public un accord lui attribuant un intérêt ou un droit foncier sur les terres de première nation non susceptible d'être exproprié par la première nation.

17.8 L'expropriation par une première nation d'un intérêt ou d'un droit foncier sur les terres de première nation ne prend effet qu'à la première des dates suivantes :

a) la date d'inscription de l'avis d'expropriation dans le registre des terres de la première nation;

(b) the 30th day after the day the last copy of the notice is served.

PART IV FIRST NATION LAW MAKING

18. LAW MAKING POWERS

18.1 The council of a First Nation with a land code in effect will have the power to make laws, in accordance with its land code, respecting the development, conservation, protection, management, use and possession of First Nation land and interests or land rights and licences in relation to that land. This includes laws on any matter necessary or ancillary to the making of laws in relation to First Nation land.

18.2 The following examples illustrate some of the First Nation laws contemplated by the Parties:

- (a) laws on the regulation, control and prohibition of zoning, land use, subdivision control and land development;
- (b) laws on the creation, regulation and prohibition of interests or land rights and licences in relation to First Nation land;
- (c) laws on environmental assessment and protection;
- (d) laws on the provision of local

b) le 30^e jour suivant la signification de la dernière copie de cet avis.

PARTIE IV POUVOIRS DE LÉGIFÉRER DE LA PREMIÈRE NATION

18. POUVOIRS DE LÉGIFÉRER

18.1 Le conseil de la première nation ayant un code foncier en vigueur peut édicter des textes législatifs, conformément à celui-ci, concernant le développement, la conservation, la protection, la gestion, l'utilisation et la possession des terres de première nation et des intérêts ou droits fonciers et permis les concernant. Cela comprend les textes législatifs portant sur des questions nécessaires ou afférentes à l'élaboration des textes législatifs relatifs aux terres de première nation.

18.2 Les exemples qui suivent illustrent certaines des fins pour lesquelles les premières nations peuvent adopter des textes législatifs, comme l'envisagent les Parties :

- a) pour réglementer, régir ou interdire le zonage, l'aménagement, l'utilisation, le lotissement ou la mise en valeur des terres;
- b) pour créer et réglementer les permis et les intérêts ou les droits fonciers relatifs aux terres de première nation ou prévoir des interdictions à cet égard;
- c) pour régir la protection de l'environnement et l'évaluation environnementale;

services in relation to First Nation land and the imposition of equitable user charges; and

(e) laws on the provision of services for the resolution, outside the courts, of disputes in relation to First Nation land.

18.3 A land code will not address the taxation of real or personal property or of immovables or movables. Section 83 of the Indian Act will continue to apply.

18.4 In any proceeding, a copy of a First Nation law, appearing to be certified as a true copy by an officer of the First Nation is, without proof of the officer's signature or official character, evidence of its enactment on the date specified in the law.

18.5 This Agreement does not affect or extend existing rights and powers, or create additional rights and powers, related to fisheries.

19. ENFORCEMENT OF FIRST NATION LAWS

19.1 To enforce its land code and its First Nation laws, a First Nation will have the power to

(a) establish offences that are punishable on summary conviction;

(b) provide for fines, imprisonment,

d) pour régir la prestation de services locaux relatifs aux terres de première nation et l'imposition de frais équitables à leurs usagers;

e) pour régir la prestation de services de règlement extrajudiciaire des différends relatifs aux terres de première nation.

18.3 Le code foncier ne traite pas de l'imposition des biens réels ou personnels ou des immeubles ou meubles. L'article 83 de la Loi sur les Indiens continue de s'appliquer.

18.4 La copie d'un texte législatif de la première nation paraissant certifiée conforme par un fonctionnaire de la première nation fait foi, dans le cadre de toute procédure, de son adoption à la date qui y est inscrite sans qu'il soit nécessaire de prouver l'authenticité de la signature ou la qualité officielle du signataire.

18.5 Le présent accord ne modifie en rien les droits et pouvoirs actuels relatifs aux pêcheries, ni ne crée des droits ou pouvoirs additionnels à cet égard.

19. CONTRÔLE D'APPLICATION DES TEXTES LÉGISLATIFS DE LA PREMIÈRE NATION

19.1 Aux fins de contrôle d'application de son code foncier et de ses textes législatifs, la première nation peut :

a) créer des infractions punissables par procédure sommaire;

b) prévoir des peines, notamment les

restitution, community service, and alternate means for achieving compliance; and

(c) establish comprehensive enforcement procedures consistent with federal law, including inspections, searches, seizures and compulsory sampling, testing and the production of information.

19.2 First Nation laws may adopt or incorporate by reference the summary conviction procedures of the Criminal Code for the purpose of enforcement.

19.3 Persons may be appointed by the First Nation or the Governor in Council to act as justices of the peace for the purposes of enforcement. If no justice of the peace is appointed, then First Nation laws will be enforced through the provincial courts.

19.4 A person appointed as a justice of the peace under this clause will have jurisdiction to try offences established by or under a land code or a First Nation law.

19.5 Decisions made by a justice of the peace appointed under this clause may be appealed to a court of competent jurisdiction.

19.6 The First Nation will protect the independence of each justice of the peace it appoints in a way similar to that in a province, for example tenure, removal and

amendes, l'emprisonnement, la restitution, les travaux d'intérêt collectif ou toute autre mesure de nature à assurer l'observation de ces textes;

c) établir, conformément aux lois fédérales, des mesures de contrôle d'application de ces textes notamment en matière d'inspection, de perquisition, de saisie, de prise d'échantillons, d'examen et de communication de renseignements.

19.2 Les textes législatifs de la première nation peuvent, à ces fins, reproduire ou incorporer par renvoi la procédure sommaire du Code criminel.

19.3 La première nation ou le gouverneur en conseil peut nommer des juges de paix chargés d'assurer le contrôle d'application des textes législatifs de la première nation. En l'absence de juges de paix, les poursuites relatives aux textes législatifs de la première nation sont instruites devant les tribunaux provinciaux.

19.4 Il relève de la compétence du juge de paix nommé aux termes du présent article d'instruire les poursuites relatives aux infractions créées par un code foncier ou par un texte législatif de la première nation.

19.5 Les décisions du juge de paix nommé aux termes du présent article sont susceptibles d'appel devant un tribunal compétent.

19.6 La première nation est tenue de protéger l'indépendance des juges de paix qu'elle nomme, de façon analogue à ce que font les provinces, par exemple la durée de

remuneration.

19.7 The First Nation and Canada may enter into agreements for the training, supervision and administrative support for justices of the peace appointed by the First Nation. Provinces may also be parties to such agreements with First Nations.

19.8 The First Nation and Canada will enter into an agreement for the appointment, training, supervision and administrative support for any justice of the peace appointed under this clause by the Governor in Council. The affected province will be invited to participate in the development of and be a party to such agreement.

19.9 For the purpose of prosecuting offences, the First Nation will follow one or more of these options:

- (a) retain its own prosecutor;
- (b) enter into an agreement with Canada and the government of the province to arrange for a provincial prosecutor; or
- (c) enter into an agreement with Canada to arrange for a federal agent to prosecute these offenses.

20. APPLICATION OF FEDERAL LAWS

20.1 Federal laws applicable on First Nation land will continue to apply, except to the extent that they are inconsistent with the

leur mandat, leur destitution et leur rémunération.

19.7 La première nation et le Canada peuvent conclure des ententes concernant la formation, la surveillance et le soutien administratif des juges de paix nommés par la première nation. Les provinces peuvent également être parties à ces ententes avec les premières nations.

19.8 La première nation et le Canada sont tenus de conclure une entente relativement à la nomination, la formation, la surveillance et le soutien administratif des juges de paix nommés aux termes du présent article par le gouverneur en conseil. La province concernée sera invitée à participer à l'élaboration de cette entente et à être partie à celle-ci.

19.9 Aux fins des poursuites, la première nation peut se prévaloir d'une ou de plusieurs des mesures suivantes :

- a) embaucher ses propres procureurs;
- b) conclure avec le Canada et le gouvernement provincial concerné une entente prévoyant le recours à un procureur provincial;
- c) conclure avec le Canada une entente prévoyant le recours à un mandataire fédéral.

20. APPLICATION DES LOIS FÉDÉRALES

20.1 Les lois fédérales applicables sur les terres de première nation continuent de s'appliquer à celles-ci sauf dans la mesure

federal legislation.

20.2 Notwithstanding any inconsistency with the federal legislation, the Emergencies Act will apply on First Nation land, but any appropriation of an interest or land right in First Nation land under the Emergencies Act shall be authorized expressly by an order in council.

20.3 For greater certainty, and subject to Part VII, the Atomic Energy Control Act or any successor legislation continue to apply to First Nation lands.

21. INAPPLICABLE SECTIONS OF INDIAN ACT AND REGULATIONS

21.1 Once a land code takes effect, the First Nation, its members and its First Nation land will not be subject to the following:

- (a) sections 18 to 20 and 22 to 28 of the Indian Act;
- (b) sections 30 to 35 of the Indian Act;
- (c) sections 37 to 41 of the Indian Act;
- (d) sections 49, 50(4) and 53 to 60 of the Indian Act;
- (e) sections 66, 69 and 71 of the Indian Act;

où elles sont incompatibles avec la loi de ratification.

20.2 La Loi sur les mesures d'urgence est applicable sur les terres de première nation, même si elle est incompatible avec la loi de ratification. Cependant, la réquisition d'intérêts ou de droits fonciers sur les terres de première nation aux termes de la Loi sur les mesures d'urgence doit être expressément autorisée par un décret.

20.3 Sous réserve de la partie VII, il est entendu que la Loi sur le contrôle de l'énergie atomique, ou toute loi qui la remplace, continue de s'appliquer sur les terres de première nation.

21. INAPPLICABILITÉ DE CERTAINS ARTICLES DE LA LOI SUR LES INDIENS ET DES RÈGLEMENTS Y AFFÉRENTS

21.1 Dès l'entrée en vigueur de son code foncier, la première nation, ses membres et les terres de première nation, cessent d'être assujettis aux dispositions suivantes :

- a) les articles 18 à 20 et 22 à 28 de la Loi sur les Indiens;
- b) les articles 30 à 35 de la Loi sur les Indiens;
- c) les articles 37 à 41 de la Loi sur les Indiens;
- d) l'article 49, le paragraphe 50(4) et les articles 53 à 60 de la Loi sur les Indiens;
- e) les articles 66, 69 et 71 de la Loi sur les

- (f) section 93 of the Indian Act;
- (g) regulations made under section 57 of the Indian Act; and
- (h) regulations made under sections 42 and 73 of the Indian Act to the extent that they are inconsistent with this Agreement or the land code or the laws of the First Nation.

22. EXISTING FIRST NATION BY-LAWS

22.1 A First Nation will continue to have the authority under the Indian Act to make by-laws.

PART V ENVIRONMENT

23. GENERAL PRINCIPLES

23.1 The council of a First Nation with a land code in effect will have the power to make environmental laws relating to First Nation land.

23.2 The Parties intend that there should be both an environmental assessment and an environmental protection regime for each First Nation.

23.3 The principles of these regimes are set out below.

Indiens;

f) l'article 93 de la Loi sur les Indiens;

g) les règlements pris en application de l'article 57 de la Loi sur les Indiens;

h) les règlements pris en application des articles 42 et 73 de la Loi sur les Indiens dans la mesure où ils sont incompatibles avec le présent accord, avec le code foncier ou avec les textes législatifs de la première nation.

22. RÈGLEMENTS ADMINISTRATIFS ACTUELS DE LA PREMIÈRE NATION

22.1 La première nation conserve le pouvoir d'adopter des règlements administratifs aux termes de la Loi sur les Indiens.

PARTIE V ENVIRONNEMENT

23. PRINCIPES GÉNÉRAUX

23.1 Le conseil de la première nation ayant un code foncier en vigueur a le pouvoir d'édicter des textes législatifs de nature environnementale concernant les terres de première nation.

23.2 Les Parties s'entendent pour qu'il y ait un régime de protection de l'environnement et un régime d'évaluation environnementale pour chaque première nation.

23.3 Les principes de ces régimes sont énoncés ci-dessous.

23.4 The environmental assessment and protection regimes will be implemented through First Nation laws.

23.5 The Parties agree to harmonize their respective environmental regimes and processes, with the involvement of the provinces where they agree to participate, to promote effective and consistent environmental regimes and processes and to avoid uncertainty and duplication.

23.6 This Agreement is not intended to affect rights and powers relating to migratory birds or endangered species. These matters may be dealt with in the context of other negotiations. This Agreement is not intended to determine or prejudice the resolution of these issues.

24. ENVIRONMENTAL MANAGEMENT

24.1 Subject to clause 27, a First Nation with a land code in effect will develop an environmental protection regime, with the assistance of the appropriate federal agencies to the extent that they agree to participate.

24.2 Each First Nation agrees to

harmonize environmental protection with the province in which the First Nation is situated, where the province agrees to participate

23.4 Les régimes de protection et d'évaluation environnementales seront mis en oeuvre par des textes législatifs de la première nation.

23.5 Les Parties conviennent d'harmoniser leurs régimes et processus environnementaux respectifs, en invitant les provinces à participer à cette opération si celles-ci le souhaitent, dans le but de promouvoir l'uniformité et l'efficacité des régimes et processus environnementaux et d'éviter les incertitudes et le double emploi.

23.6 Le présent accord n'a pas pour effet de modifier les droits et pouvoirs concernant les oiseaux migrateurs et les espèces en voie de disparition. Ces questions pourront faire l'objet d'autres négociations. Le présent accord n'a pas pour objet de déterminer la résolution de ces questions ou d'y porter préjudice.

24. GESTION DE L'ENVIRONNEMENT

24.1 Sous réserve de l'article 27, une première nation qui a un code foncier en vigueur élaborera un régime de protection environnementale, avec l'appui des organismes fédéraux concernés, dans la mesure où la province accepte de participer.

24.2 Chaque première nation accepte d'harmoniser son régime de protection environnementale avec celui de la province où elle est située, dans la mesure où la province accepte de participer.

24.3 The First Nation environmental protection standards and punishments will have at least the same effect as those in the laws of the province in which the First Nation is situated.

24.4 For greater certainty, if there is an inconsistency between the provision of a federal law respecting the protection of the environment and a provision in a land code or First Nation law respecting the protection of the environment, the federal provision will prevail to the extent of any inconsistency.

25. ENVIRONMENTAL ASSESSMENT

25.1 Subject to clause 27, a First Nation will, with the assistance of the Lands

24.3 Les normes de protection environnementale et pénalités de la première nation devront avoir au moins l'effet équivalent à celui des lois de la province où se situe la première nation.

24.4 Il est entendu qu'en cas d'incompatibilité entre une disposition d'une loi fédérale en matière de protection de l'environnement et une disposition d'un code foncier ou d'un texte législatif des premières nations en matière de protection de l'environnement, la disposition fédérale l'emporte dans la mesure de l'incompatibilité.

25. ÉVALUATION ENVIRONNEMENTALE

25.1 Sous réserve de l'article 27, la première nation s'efforce, avec l'aide du

Advisory Board and the appropriate federal agencies, make best efforts to develop an environmental assessment process within one year after the First Nation's land code takes effect, or within such longer period as the Minister and the First Nation may agree to.

25.2 The First Nation and the Minister will, in the individual agreement referred to in clause 6, address how to conduct the environmental assessment of projects on First Nation land during the interim period until the First Nation's environmental assessment process is developed.

25.3 The First Nation's environmental assessment process will be consistent with requirements of the Canadian Environmental Assessment Act.

25.4 The First Nation's environmental assessment process will be triggered in appropriate cases where the First Nation is approving, regulating, funding or undertaking a project on First Nation land. The assessment will occur as early as possible in the planning stages of the project before an irrevocable decision is made.

25.5 The Parties agree that section 10 of the Canadian Environmental Assessment Act will not apply to projects located on First Nation land.

Conseil consultatif des terres et des organismes fédéraux intéressés, d'élaborer un processus d'évaluation environnementale dans l'année suivant l'entrée en vigueur du code foncier de la première nation ou dans un délai plus long convenu entre le ministre et la première nation.

25.2 L'accord distinct conclu entre la première nation et le ministre conformément à l'article 6 doit prévoir les modalités de l'évaluation environnementale des projets devant être réalisés sur les terres de première nation au cours de la période transitoire, jusqu'à ce que la première nation ait élaboré un processus d'évaluation environnementale.

25.3 Le processus d'évaluation environnementale mis sur pied par la première nation doit être compatible avec les exigences de la Loi canadienne sur l'évaluation environnementale.

25.4 Sera un élément déclencheur du processus d'évaluation environnementale dans les cas indiqués, tout projet sur les terres de première nation devant être réalisé, financé, approuvé ou réglementé par celle-ci. Cette évaluation doit s'effectuer le plus tôt possible au cours des premières étapes de la planification du projet avant que des décisions irrévocables ne soient prises.

25.5 Les Parties conviennent que l'article 10 de la Loi canadienne sur l'évaluation environnementale ne s'applique pas aux projets situés sur les terres de première nation.

25.6 The Parties agree to use their best efforts to implement the principle that the First Nation's environmental assessment process be used where an environmental assessment of a project on First Nation land is required by the Canadian Environmental Assessment Act.

25.7 The Parties agree to develop a plan to harmonize their respective environmental assessment processes, with the involvement of the provinces where they agree to participate.

26. OTHER AGREEMENTS

26.1 The First Nation and Canada recognize that it may be advisable to enter into other agreements with each other and other jurisdictions to deal with environmental issues like harmonization, implementation, timing, funding and enforcement.

26.2 Where matters being negotiated pursuant to clause 26.1 normally fall within provincial jurisdiction, or may have significant impacts beyond the boundaries of First Nation land, the parties will invite the affected province to be a party to such negotiations and resulting agreements.

27. RESOURCES

27.1 The Parties understand that the obligation of a First Nation to establish

25.6 Les Parties s'efforceront de mettre en œuvre le principe selon lequel le processus d'évaluation environnementale de la première nation sera appliqué lorsque la Loi canadienne sur l'évaluation environnementale exige qu'un projet devant être réalisé sur des terres de première nation fasse l'objet d'une telle évaluation.

25.7 Les Parties conviennent d'élaborer un plan visant à harmoniser leurs processus d'évaluation environnementale respectifs, avec la participation des provinces si celles-ci le souhaitent.

26. AUTRES ENTENTES

26.1 La première nation et le Canada reconnaissent qu'il pourrait être souhaitable de conclure d'autres ententes, entre elles et avec d'autres gouvernements, dans le domaine de l'environnement, notamment au sujet des questions d'harmonisation, de mise en œuvre, de calendrier, de financement et de contrôle d'application.

26.2 Si une question faisant l'objet de négociation en vertu de l'article 26.1 relève normalement de la compétence de la province, ou si de telles questions sont susceptibles d'avoir des effets importants à l'extérieur des terres de première nation, les Parties inviteront la province concernée à être partie à ces négociations et à l'entente qui en résulte.

27. RESSOURCES

27.1 Les Parties reconnaissent qu'une première nation ne peut remplir son

environmental assessment and environmental protection regimes depends on adequate financial resources and expertise being available to the First Nation.

PART VI FUNDING

28. APPROPRIATION

28.1 Any amounts provided by Canada to the First Nations pursuant to funding arrangements in relation to First Nation land shall be paid out of such moneys as may be appropriated by Parliament for this purpose.

29. DEVELOPMENTAL FUNDING

29.1 Canada and the Lands Advisory Board will enter into a funding arrangement to allow the First Nations to develop land codes and community approval processes for their land codes, to negotiate the individual agreements mentioned in clause 6 and to seek community approval under clause 7.

30. OPERATIONAL FUNDING

30.1 An individual agreement between the Minister and a First Nation will determine the resources to be provided by Canada to the First Nation to manage First Nation lands and make, administer and enforce its laws under a land code. The agreement will determine specific funding issues, for example period of time, and terms and

obligation relative à l'établissement de régimes de protection et d'évaluation environnementales que si elle dispose des ressources financières et de l'expertise nécessaires.

PARTIE VI FINANCEMENT

28. CRÉDITS

28.1 Les sommes versées par le Canada aux premières nations conformément aux ententes en matière de financement à l'égard des terres de première nation sont prélevées sur les crédits affectés à cette fin par le Parlement.

29. FINANCEMENT DE DÉMARRAGE

29.1 Le Canada et le Conseil consultatif des terres sont tenus de conclure une entente de financement pour permettre aux premières nations d'élaborer leur code foncier et leur processus d'approbation de la communauté relatif à ce code, de négocier l'accord distinct mentionné à l'article 6 et d'obtenir l'approbation de la communauté prévue à l'article 7.

30. FINANCEMENT DE FONCTIONNEMENT

30.1 L'accord distinct conclu entre le ministre et la première nation fixera les ressources que le Canada s'engage à fournir à la première nation pour que celle-ci gère les terres de première nation et édicte, administre et applique les textes législatifs de la première nation pris en vertu du code foncier. L'accord précisera

conditions.

30.2 A method for allocating such operating funds as may have been appropriated by Parliament will be developed by the Parties and the Lands Advisory Board.

30.3 Unless a First Nation and Canada agree otherwise, an individual agreement respecting the provision of funding under this clause will have a maximum term of five years and will include provisions for its amendment and renegotiation.

31. LANDS ADVISORY BOARD FUNDING

31.1 Canada will enter into a funding arrangement with the Lands Advisory Board for the five year period following the coming into force of this Agreement.

PART VII EXPROPRIATION OF FIRST NATION LAND BY CANADA

32. RESTRICTIONS

32.1 In accordance with the principle stated in clause 13.2, the Parties agree, as a general principle, that First Nation lands will not be subject to expropriation.

32.2 Despite the general principle against expropriation, First Nation land may be expropriated by Canada

(a) only with the consent of the

les différents aspects du financement, par exemple sa périodicité et ses modalités.

30.2 Les Parties et le Conseil consultatif des terres sont tenus d'élaborer une méthode d'attribution des fonds de fonctionnement autorisés par le Parlement.

30.3 À défaut d'entente contraire de la première nation et du Canada, l'accord distinct concernant le financement prévu par le présent article sera en vigueur pour une durée maximale de cinq ans et prévoira des dispositions concernant sa modification et sa renégociation.

31. FINANCEMENT DU CONSEIL CONSULTATIF DES TERRES

31.1 Le Canada est tenu de conclure avec le Conseil consultatif des terres une entente de financement qui portera sur une période de cinq ans à partir de l'entrée en vigueur du présent accord.

PARTIE VII EXPROPRIATION DE TERRES DE PREMIÈRES NATIONS PAR LE CANADA

32. RESTRICTIONS

32.1 Conformément au principe énoncé à l'article 13.2, les parties conviennent qu'en règle générale, les terres de première nation ne peuvent faire l'objet d'une expropriation.

32.2 Malgré le principe général voulant que les terres ne puissent faire l'objet d'une expropriation, le Canada peut toutefois exproprier les terres de première nation, si les conditions suivantes sont

Governor in Council; and

(b) only by and for the use of a federal department or agency.

32.3 The Governor in Council will only consent to an expropriation of First Nation land if the expropriation is justifiable and necessary for a federal public purpose that serves the national interest.

32.4 When making a decision to expropriate First Nation land, the Governor in Council, in addition to other steps that may be required before making such a decision, will at a minimum follow these steps:

(a) it will consider using means other than expropriation and will use those other means where reasonably feasible;

(b) it will use non-First Nation land, where such land is reasonably available;

(c) if it must use First Nation land, it will make reasonable efforts to acquire the land through agreement with the First Nation, rather than by expropriation;

(d) if it must expropriate First Nation land, it will expropriate only the smallest interest or land right necessary and for the shortest time required; and

réunies :

a) le gouverneur en conseil y consent;

b) l'expropriation est faite par un ministère ou un organisme fédéral pour ses seuls besoins.

32.3 Le gouverneur en conseil ne consentira à l'expropriation de terres de première nation que si cela est justifiable et nécessaire à des fins d'intérêt public national relevant de la compétence fédérale.

32.4 Avant de donner son consentement à une expropriation de terres de première nation, le gouverneur en conseil, en plus des autres mesures qui peuvent être requises, prendra au moins les mesures suivantes :

a) il envisagera d'autres moyens que l'expropriation et utilisera ces moyens lorsque cela est raisonnablement faisable;

b) il utilisera des terres autres que celles d'une première nation, lorsque de telles terres sont raisonnablement disponibles;

c) s'il faut utiliser des terres de première nation, il s'efforcera de procéder à l'acquisition des terres par convention avec la première nation et non par expropriation;

d) s'il doit exproprier des terres de première nation, il veillera à ce que l'expropriation se limite au strict nécessaire, tant en ce qui touche l'étendue de l'intérêt ou du droit foncier que la

(e) in every case, it will first provide the First Nation with information relevant to the expropriation.

32.5 Prior to the Governor in Council issuing an order consenting to the expropriation of First Nation land, the federal department or agency will make public a report on the reasons justifying the expropriation and the steps taken in satisfaction of this clause and will provide a copy of the report to the First Nation.

32.6 Where a First Nation objects to a proposed expropriation it may refer the issue to an independent third party for a neutral evaluation under Part IX, within 60 days of the release of the report referred to in clause 32.5.

32.7 An order of the Governor in Council consenting to the expropriation will not be issued earlier than

(a) the end of the 60 day period referred to in clause 32.6; or

(b) the day the opinion or recommendation of the neutral evaluator is released, where the First Nation referred the proposed expropriation to an independent evaluator under clause 32.6.

33. COMPENSATION BY CANADA

période pour laquelle il est exproprié;

e) dans tous les cas, il communiquera d'abord à la première nation tous les renseignements se rapportant à l'expropriation.

32.5 Avant que le gouverneur en conseil ne prenne un décret consentant à l'expropriation de terres de première nation, le ministère ou l'organisme fédéral est tenu de publier un rapport qui énonce les motifs la justifiant et les mesures prises en application du présent article et de fournir en même temps une copie de ce rapport à la première nation.

32.6 Si une première nation s'oppose à un projet d'expropriation, elle peut, dans les 60 jours de la publication du rapport mentionné à l'article 32.5, renvoyer l'affaire à une tierce partie indépendante pour conciliation aux termes de la Partie IX.

32.7 Un décret du gouverneur en conseil consentant à l'expropriation ne sera pas émis avant :

a) soit l'expiration du délai de 60 jours prévu à l'article 32.6;

b) soit le jour où l'opinion ou la recommandation du conciliateur est publiée, si la première nation renvoie le projet d'expropriation à un conciliateur, en application de l'article 32.6.

33. INDEMNISATION PAR LE CANADA

33.1 In the event of the expropriation of First Nation land by Canada under this Part, Canada will provide compensation to the First Nation in accordance with this clause.

33.2 The compensation will include alternate land of equal or greater size or of comparable value. If the alternate land is of less than comparable value, then additional compensation will be provided. The alternate land may be smaller than the land being expropriated only if that does not result in the First Nation having less land area than when its land code took effect.

33.3 The total value of the compensation provided by Canada under this clause will be based on the following:

- (a) the market value of the land or interest or land right that is acquired;
- (b) the replacement value of any improvement to the land that is acquired;
- (c) the damages attributable to disturbance;
- (d) the value of any special economic advantage arising out of or incidental to the occupation or use of the affected First Nation land to the extent that this value is not otherwise

33.1 Si le Canada exproprie des terres de première nation sous le régime de la présente partie, il est tenu d'indemniser la première nation conformément aux termes du présent article.

33.2 L'indemnité comprendra des terres substitutives ayant une superficie égale ou supérieure ou ayant une valeur comparable à celles qui ont été expropriées. Si les terres substitutives ont une valeur inférieure aux terres expropriées, le Canada est alors tenu d'offrir une indemnité supplémentaire. Les terres substitutives peuvent avoir une superficie moindre que les terres expropriées seulement si, à la suite de l'opération, la première nation dispose d'une superficie de terres qui n'est pas inférieure à celle qu'elle avait lorsque son code foncier est entré en vigueur.

33.3 La valeur totale de l'indemnité versée par le Canada aux termes du présent article doit tenir compte des éléments suivants :

- a) la valeur marchande des terres ou de l'intérêt ou du droit foncier acquis;
- b) la valeur de remplacement des améliorations apportées aux terres acquises;
- c) les dommages attribuables au trouble de jouissance;
- d) la valeur de tout avantage économique particulier découlant ou résultant de l'occupation ou de l'utilisation des terres de première nation concernée, dans la mesure où cette valeur n'a pas déjà donné lieu à

compensated;

(e) damages for any reduction in the value of a remaining interest or land right; and

(f) damages for any adverse effect on any cultural or other special value of the land.

33.4 If the value and nature of the compensation cannot be agreed upon by the federal department or agency and the affected First Nation, either party may refer a dispute on compensation to arbitration under Part IX.

33.5 In any province or territory other than Québec, any claim or encumbrance in respect of the interest, or in Québec any right, charge or claim in respect of the land right, expropriated by Canada may only be claimed against the amount of compensation that is otherwise payable to the person or entity whose interest or land right is being expropriated.

33.6 Interest on the compensation is payable from the date the expropriation takes effect, at the same rate as for prejudgment interest in the superior court of the province in which the First Nation land is located.

34. STATUS OF LANDS

34.1 Where less than the full interest or only part of the land right of the First Nation in

une indemnité;

e) les dommages attribuables à la diminution de la valeur de l'intérêt ou du droit foncier non exproprié;

f) les dommages attribuables aux répercussions négatives sur la valeur culturelle ou toute autre valeur particulière de ces terres.

33.4 En cas de différend relatif à la valeur ou à la nature de l'indemnité, le ministère ou l'organisme fédéral ou la première nation peut saisir un arbitre de tout différend relatif à l'indemnité aux termes de la Partie IX.

33.5 Dans les provinces ou territoires autres que le Québec, le recouvrement de toute réclamation ou tout grèvement concernant l'intérêt exproprié par le Canada, ou dans la province de Québec, le recouvrement de tout droit, charge ou réclamation concernant le droit foncier ainsi exproprié, ne peut être demandé que jusqu'à concurrence de l'indemnité par ailleurs payable à la personne ou à l'entité dont l'intérêt ou le droit foncier est visé par l'expropriation.

33.6 L'indemnité porte intérêt à partir de la prise d'effet de l'expropriation, au taux applicable à l'intérêt avant jugement applicable devant la Cour supérieure de la province où sont situées les terres de première nation.

34. STATUT DES TERRES

34.1 Dans les cas où l'expropriation par le Canada porte sur moins que la totalité de

First Nation land is expropriated by Canada,

(a) the land retains its status as First Nation land;

(b) the land remains subject to the land code and to any law of the First Nation that is otherwise applicable, except to the extent the land code or law is inconsistent with the expropriation; and

(c) the First Nation may continue to use and occupy the land, except to the extent the use or occupation is inconsistent with the expropriation.

34.2 Alternate land accepted by the First Nation as part of the compensation will become both a reserve and First Nation land.

35. REVERSION OR RETURN OF INTERESTOR LAND RIGHT IN FIRST NATION LAND

35.1 In any province or territory other than Québec, where an expropriated interest in First Nation land which is less than the full interest of the First Nation in the land is no longer required by Canada for the purpose for which it was expropriated, the interest in land will revert to the First Nation.

35.1A In the province of Québec, where the expropriated land right in First Nation land constitutes only part of the land right of the First Nation in the land, and it is no longer required by Canada for the purpose for

l'intérêt ou seulement sur une partie du droit foncier de la première nation sur les terres en question :

a) les terres conservent leur statut de terres de première nation;

b) les terres demeurent assujetties au code foncier et aux textes législatifs adoptés par la première nation, sauf dans la mesure où le texte ou le code foncier est incompatible avec l'expropriation;

c) la première nation peut continuer à utiliser et à occuper ces terres, sauf dans la mesure où cette utilisation ou cette occupation est incompatible avec l'expropriation.

34.2 Les terres substitutives acceptées par la première nation comme partie de l'indemnité deviennent à la fois une réserve et des terres de première nation.

35. RÉVERSION OU RETOUR D'UN INTÉRÊT OU DROIT FONCIER SUR LES TERRES DE PREMIÈRE NATION

35.1 Dans une province ou territoire autre que le Québec, lorsque l'intérêt exproprié est moindre que la totalité de l'intérêt de la première nation sur les terres en question, cet intérêt est, lorsqu'il n'est plus nécessaire au Canada aux fins de l'expropriation, retourné à la première nation.

35.1A Dans la province de Québec, lorsque l'expropriation porte seulement sur une partie du droit foncier de la première nation sur les terres en question,

which it was expropriated, the land right will return to the First Nation.

35.2 The Minister responsible for the expropriating department or agency, without the consent of the Governor in Council, may decide that the interest or the land right is no longer required and determine the disposition of any improvements.

36. RETURN OF FULL INTEREST OR ENTIRE LAND RIGHT IN FIRST NATION LAND

36.1 Where the full interest or the entire land right of a First Nation in First Nation land was expropriated but is no longer required by Canada for the purpose for which it was expropriated, the land will be returned to the First Nation on terms negotiated by the First Nation and the federal department or agency, at the time of the expropriation or at a later date as agreed to by them.

36.2 Where the terms and conditions of the return cannot be agreed upon by the First Nation and the federal department or agency, either party may refer the dispute to arbitration under Part IX.

36.3 The Minister responsible for the expropriating department or agency, without the consent of the Governor in Council, may decide that the land is no longer required and determine the disposition of any

le droit foncier est, lorsqu'il n'est plus nécessaire au Canada aux fins de l'expropriation, retourné à la première nation.

35.2 Le ministre responsable du ministère ou de l'organisme à l'origine de l'expropriation peut, sans le consentement du gouverneur en conseil, décider que l'intérêt ou le droit foncier exproprié n'est plus nécessaire et il peut déterminer comment disposer des améliorations.

36. RETOUR DE LA TOTALITÉ DE L'INTÉRÊT OU DU DROIT FONCIER SUR LES TERRES DE PREMIÈRE NATION

36.1 Lorsque la totalité de l'intérêt ou le droit foncier entier de la première nation sur les terres en question a été exproprié et qu'il n'est plus nécessaire au Canada aux fins de l'expropriation, les terres seront retournées à la première nation selon les conditions négociées par la première nation et le ministère ou l'organisme fédéral, soit au moment de l'expropriation, soit à une date ultérieure convenue par eux.

36.2 En cas de différend relatif aux conditions du retour, la première nation ou le ministère ou l'organisme fédéral peut renvoyer l'affaire à un arbitre nommé aux termes de la Partie IX.

36.3 Le ministre responsable du ministère ou de l'organisme à l'origine de l'expropriation peut, sans le consentement du gouverneur en conseil, décider que les terres expropriées ne sont plus nécessaires

improvements.

37. APPLICATION OF EXPROPRIATION ACT

37.1 Any provisions of the Expropriation Act, (Canada) that are applicable to an expropriation of First Nation land by Canada continue to apply, unless inconsistent with this Agreement.

PART VIII LANDS ADVISORY BOARD

38. LANDS ADVISORY BOARD

38.1 The Lands Advisory Board shall consist of at least three members appointed:

(a) Prior to September 1, 2003, by the Councils of the original First Nation parties to this Agreement; and

(b) After September 1, 2003, by the Councils of the First Nations that have ratified this Agreement, whether they ratify the Agreement on, before or after that date.

38.2 The Lands Advisory Board will have all necessary powers and capacity to properly perform its functions under this Agreement.

38.3 The Lands Advisory Board will select a chairperson to preside over the Board and, subject to the direction of the Board, to act

et il peut déterminer comment disposer des améliorations apportées aux terres concernées.

37. APPLICATION DE LA LOI SUR L'EXPROPRIATION

37.1 Les dispositions de la Loi sur l'expropriation (Canada) applicables à l'expropriation de terres de première nation par le Canada continuent de s'appliquer dans la mesure où elles ne sont pas incompatibles avec le présent accord.

PARTIE VIII CONSEIL CONSULTATIF DES TERRES

38. CONSEIL CONSULTATIF DES TERRES

38.1 Le Conseil consultatif des terres sera formé d'au moins trois membres nommés :

a) avant le 1er septembre 2003 par les conseils des premières nations qui étaient parties initiales au présent accord;

b) après le 1er septembre 2003 par les conseils des premières nations qui ont ratifié le présent accord, qu'ils l'aient ratifié à cette date, ou avant ou après cette date.

38.2 Le Conseil consultatif des terres possédera tous les pouvoirs et la capacité nécessaires à l'exercice efficace de ses attributions en vertu du présent accord.

38.3 Le Conseil consultatif des terres est tenu de choisir un président qui peut, sous réserve des instructions du conseil, agir

on its behalf.

39. FUNCTIONS OF THE LANDS ADVISORY BOARD

39.1 In addition to any other functions specifically assigned to it by the Parties, the Lands Advisory Board will be responsible for the following functions:

(a) developing model land codes, laws and land management systems;

(b) developing model agreements for use between First Nations and other authorities and institutions, including public utilities and private organizations;

(c) on request of a First Nation, assisting the First Nation in developing and implementing its land code, laws, land management systems and environmental assessment and protection regimes;

(d) assisting a verifier when requested by the verifier;

(e) establishing a resource centre, curricula and training programs for managers and others who perform functions pursuant to a land code;

(f) on request of a First Nation encountering difficulties relating to the management of its First Nation lands, helping the First Nation in obtaining the expertise necessary to resolve the difficulty;

pour le compte du conseil.

39. ATTRIBUTIONS DU CONSEIL CONSULTATIF DES TERRES

39.1 Outre les autres attributions que pourraient lui confier les Parties, le Conseil consultatif des terres possédera les attributions suivantes :

a) il élabore des modèles de code foncier, de textes législatifs et de systèmes de gestion des terres;

b) il élabore des modèles d'ententes destinés à être utilisés entre les premières nations et les autres autorités et institutions, notamment les sociétés de service public et les organismes privés;

c) à la demande d'une première nation, il assiste celle-ci dans l'élaboration et la mise en oeuvre de son code foncier, de ses textes législatifs, de ses systèmes de gestion des terres, et de ses régimes de protection et d'évaluation environnementales;

d) il apporte son aide au vérificateur, à la demande de ce dernier;

e) il met sur pied un centre de ressources, des cours et des programmes de formation à l'intention des gestionnaires et des autres personnes qui exercent des attributions aux termes d'un code foncier;

f) à la demande d'une première nation qui éprouve des difficultés dans la gestion des terres de la première nation, il l'aide à obtenir l'expertise dont elle a besoin pour

(g) proposing regulations for First Nation land registration;

(h) proposing to the Minister such amendments to this Agreement and the federal legislation as it considers necessary or advisable;

(i) in consultation with First Nations, negotiating a funding method with the Minister; and

(j) performing such other functions or services for a First Nation as are agreed to between the Board and the First Nation.

39.2 The Lands Advisory Board will have authority to adopt rules for the procedure at its meetings and generally for the conduct of its affairs.

40. RECORD KEEPING

40.1 The Lands Advisory Board will maintain a record containing

(a) the name of each First Nation that approves a land code;

(b) a copy of that land code;

(c) a copy of each amendment to a land code; and

(d) the dates on which each was approved and certified.

résoudre les difficultés;

g) il propose des règlements concernant l'enregistrement des terres de première nation;

h) il propose au ministre les modifications au présent accord et à la loi de ratification qu'il estime souhaitables ou nécessaires;

i) en consultation avec les premières nations, il négocie avec le ministre un mécanisme de financement;

j) il exerce les autres attributions ou fournit à une première nation les services dont le conseil et celle-ci peuvent convenir.

39.2 Le Conseil consultatif des terres a le pouvoir d'adopter des règles de procédure pour la tenue de ses réunions et, d'une façon générale, pour l'exercice de ses activités.

40. TENUE DES DOSSIERS

40.1 Le Conseil consultatif des terres est tenu de maintenir un registre dans lequel figurent :

a) le nom des premières nations ayant adopté un code foncier;

b) une copie de ces codes fonciers;

c) une copie des modifications apportées aux codes fonciers;

d) les dates auxquelles les codes ont été approuvés et celles auxquelles leur validité a été attestée.

40.2.1 The Lands Advisory Board shall, in consultation with the Minister, prescribe procedures for a First Nation to authorize the signing of this Agreement and for the formal signature of the First Nations to this Agreement, and shall advise the Minister when a First Nation has completed the procedures.

40.2.2 Subject to sub-clause 40.2.1, a First Nation may only become a signatory under this section with the consent of Canada, and Canada shall advise the Lands Advisory Board if and when such consent is given.

40.2.3 The Lands Advisory Board shall receive and record the adhesion of a First Nation party to this Agreement, made after January 1, 2001, and advise the Minister that the said First Nation has signed the Framework Agreement.

41. ANNUAL REPORT

41.1 Within 90 days following the end of each year of operation, the Lands Advisory Board will deliver to the Parties an annual report, in both official languages, on the work of the Board for that year.

41.2 The Minister will cause a copy of the Lands Advisory Board's annual report to be laid before each House of Parliament within the first 30 sitting days of that House after the Minister receives it.

42. LANDS ADVISORY BOARD NO LONGER IN EXISTENCE

40.2.1 Le Conseil consultatif des terres doit, en consultation avec le ministre, prescrire les procédures qu'une première nation doit suivre pour autoriser la signature du présent accord et les procédures régissant la signature formelle de cet accord par les premières nations et il doit aviser le ministre lorsqu'une première nation a complété les procédures.

40.2.2 Sous réserve de l'article 40.2.1, une première nation peut devenir signataire en vertu de cet article seulement avec le consentement du Canada, et ce dernier doit aviser le Conseil consultatif des terres lorsque le consentement a été accordé.

40.2.3 Le Conseil consultatif des terres doit recevoir et inscrire l'adhésion d'une première nation qui est Partie au présent accord, intervenue après le 1^{er} janvier 2001, et aviser le ministre de la signature de l'accord par celle-ci.

41. RAPPORT ANNUEL

41.1 Le Conseil consultatif des terres remet aux Parties, dans les 90 jours suivant la fin de son année de fonctionnement, un rapport annuel, dans les deux langues officielles, concernant les travaux accomplis pendant cette année.

41.2 Le ministre est tenu de présenter le rapport annuel du Conseil consultatif des terres aux deux Chambres du Parlement dans les 30 premiers jours de séance de chaque Chambre suivant sa réception par le ministre.

42. DISPARITION DU CONSEIL CONSULTATIF DES TERRES

42.1 In the event that the Lands Advisory Board is no longer in existence, the functions of the Lands Advisory Board under this Agreement will be performed by the Parties, except as follows:

(a) the functions set out in clauses 29 and 39, except clause 39.1(g), will be performed by the First Nations; and

(b) the functions set out in clauses 10 and 40 will be assumed by the First Nations Lands Register.

PART IX DISPUTE RESOLUTION

43. GENERAL PRINCIPLES

43.1 The Parties are committed to resolving any dispute that may arise out of this Agreement among themselves, amicably and in good faith. Where they cannot resolve a dispute through negotiation, the Parties agree to establish and participate in the out-of-court processes referred to in this Part to resolve the dispute.

43.2 Nothing in this Agreement is to be construed as preventing the Parties from using mediation to assist them in reaching an amicable agreement in respect of any issue in dispute. Where a Party has referred a dispute to mediation, the other Party is obliged to attend an initial meeting with the mediator. However, either Party can end a mediation process any time after the initial meeting.

43.3 Subject to clause 43.4, any dispute

42.1 En cas de disparition du Conseil consultatif des terres, les attributions de celui-ci en vertu du présent accord seront exercées par les Parties, sous réserve des dispositions suivantes :

a) les attributions énumérées aux articles 29 et 39, sauf pour ce qui est de l'alinéa 39.1g), seront exercées par les premières nations;

b) les attributions prévues aux articles 10 et 40 seront assumées par le bureau du Registre des terres des premières nations.

PARTIE IX RÈGLEMENT DES DIFFÉRENDS

43. PRINCIPES GÉNÉRAUX

43.1 Les Parties s'engagent à résoudre entre elles, à l'amiable et de bonne foi, les différends qui peuvent découler du présent accord. Lorsque les Parties n'arrivent pas à s'entendre pour résoudre un différend par la négociation, elles conviennent de mettre sur pied les processus extrajudiciaires de règlement des différends décrits dans la présente partie et d'y avoir recours.

43.2 Les dispositions du présent accord n'empêchent pas les Parties de recourir à la médiation en vue de régler à l'amiable un différend. Lorsqu'une partie a soumis un différend à un médiateur, l'autre partie est tenue d'assister à une première rencontre avec le médiateur. L'une ou l'autre des Parties peut toutefois mettre fin à la médiation en tout temps après cette première rencontre.

43.3 Sous réserve de l'article 43.4, les

arising from the implementation, application or administration of this Agreement, the federal legislation, an individual agreement or an environmental management agreement may be resolved in either of two ways:

(a) Neutral evaluation - it may be referred to neutral evaluation by one party to the dispute; or

(b) Arbitration - it may be referred to arbitration by both parties to the dispute.

43.4 Any dispute respecting compensation for First Nation land expropriated by Canada or the terms and conditions for the return of the full interest or the entire land right in First Nation land will be referred to arbitration.

43.5 Any objection by a First Nation to a proposed expropriation under Part VII that has been referred to neutral evaluation will be evaluated and a report submitted by the neutral evaluator to the First Nation and Canada within 60 days of the referral to the neutral evaluator.

44. PANELS OF ARBITRATORS, ETC.

44.1 The Parties and the Lands Advisory Board will jointly establish lists of mutually acceptable persons willing to act as mediators, arbitrators, verifiers and neutral evaluators.

différends découlant de la mise en oeuvre, de l'application ou de l'administration du présent accord, de la loi de ratification, d'un accord distinct ou d'un accord en matière de gestion de l'environnement peuvent être résolus selon l'un des deux moyens suivants :

a) la conciliation — le différend peut être renvoyé à un conciliateur par l'une des parties impliquées dans le différend;

b) l'arbitrage — le différend peut être soumis à l'arbitrage par les deux parties impliquées dans le différend.

43.4 Sont soumis à l'arbitrage, les différends portant sur l'indemnité à verser par le Canada en raison de l'expropriation par celui-ci de terres de première nation, ou sur les conditions du retour de la totalité de l'intérêt ou du droit foncier entier sur les terres de première nation.

43.5 Toute opposition, par la première nation, à un projet d'expropriation en vertu de la Partie VII qui aura été porté devant un conciliateur sera évalué par ce dernier. Par la suite, un rapport sera soumis, par ce dernier, à la première nation et au Canada dans un délai de 60 jours suivant le dépôt de l'opposition devant le conciliateur.

44. LISTES D'ARBITRES, ETC.

44.1 Les Parties et le Conseil consultatif des terres sont tenus d'établir conjointement des listes de personnes mutuellement acceptables prêtes à agir en qualité de médiateur, d'arbitre, de vérificateur et de conciliateur.

44.2 Parties who become involved in a dispute may select mediators, arbitrators and neutral evaluators from the appropriate list, or may agree to the appointment of an individual who is not on the list.

44.3 The selection and assignment of verifiers and the procedure to be followed by verifiers will be arranged by the Lands Advisory Board, Canada and the First Nation.

44.4 Individuals appointed to act as mediators, arbitrators, verifiers or neutral evaluators must be unbiased and free from any conflict of interest relative to the matter in issue and have knowledge or experience to act in the appointed capacity.

45. NEUTRAL EVALUATION

45.1 Where a dispute is referred to neutral evaluation, the evaluator will where appropriate,

- (a) identify the issues in the dispute;
- (b) assess the strengths of each party's case;
- (c) structure a plan for the progress of the case;
- (d) encourage settlement of the dispute; and
- (e) provide the parties with a non-binding opinion or recommendation to resolve the dispute.

44.2 Les parties à un différend peuvent choisir, parmi ces listes, un médiateur, un arbitre et un conciliateur ou s'entendre sur la nomination d'une personne qui ne figure pas sur ces listes.

44.3 Le Conseil consultatif des terres, le Canada et la première nation choisiront les vérificateurs, définiront leurs attributions et fixeront la procédure que ces derniers doivent utiliser.

44.4 Les personnes nommées en qualité de médiateur, d'arbitre, de vérificateur ou de conciliateur doivent être impartiales et ne pas se trouver en situation de conflit d'intérêts par rapport aux questions en litige; elles doivent par ailleurs posséder la compétence ou l'expérience nécessaires pour agir en cette qualité.

45. CONCILIATION

45.1 Lorsque la situation l'exige, le conciliateur saisi d'un différend exerce les fonctions suivantes :

- a) il précise les questions sur lesquelles porte le différend;
- b) il évalue le bien-fondé des arguments des parties;
- c) il établit un plan afin de faire progresser la situation;
- d) il encourage le règlement du différend;
- e) il remet aux parties une opinion ou une recommandation non exécutoire visant à mettre fin au différend.

46. ARBITRATION

46.1 Unless otherwise agreed by the Parties, each arbitration will be conducted in accordance with this clause.

46.2 The procedure will follow the Commercial Arbitration Code, which is a schedule to the Commercial Arbitration Act.

46.3 If no appropriate procedural provision is in that Code, the parties in dispute may adopt the Commercial Arbitration Rules in force from time to time of the British Columbia International Commercial Arbitration Centre.

46.4 The arbitrator will establish the procedures of the arbitration, subject to this clause.

47. RELATED ISSUES

47.1 The parties to a dispute will divide the costs of the dispute resolution process equally between themselves.

47.2 Any person whose interests will be adversely affected by a dispute that is referred to a dispute resolution process may participate in the process, if

(a) all parties to the process consent; and

(b) the person pays the costs of his or her participation, unless otherwise agreed by the other parties to the dispute.

47.3 The decision of a verifier and a

46. ARBITRAGE

46.1 Sauf entente contraire des Parties, l'arbitrage s'effectuera conformément au présent article.

46.2 La procédure qui sera suivie est celle du Code d'arbitrage commercial, figurant à l'annexe de la Loi sur l'arbitrage commercial.

46.3 Si ce Code ne contient pas de disposition procédurale appropriée, les parties au différend peuvent suivre les Règles d'arbitrage commercial établies à l'occasion par le British Columbia International Commercial Arbitration Centre.

46.4 L'arbitre est tenu de déterminer la procédure d'arbitrage à suivre, sous réserve du présent article.

47. QUESTIONS CONNEXES

47.1 Les parties à un différend assument les frais relatifs à sa résolution à parts égales.

47.2 Toute personne dont les intérêts seraient lésés par un différend porté devant l'un des mécanismes de règlement des différends peut participer au mécanisme de règlement si :

a) d'une part, toutes les parties au mécanisme y consentent;

b) d'autre part, cette personne assume les frais de sa participation, sauf entente contraire des autres parties au différend.

47.3 La décision du vérificateur et la

decision or award of an arbitrator will be final and binding on the participating parties.

47.4 No order shall be made, processed, entered or proceeding taken in any court, whether by way of injunction, mandamus, certiorari, prohibition or quo warranto to contest, review, impeach or limit the action of a person acting as a verifier, an arbitrator or a neutral evaluator under this Agreement.

47.5 Despite clause 47.4, judicial review may be taken under the Federal Court Act within 30 days of a decision of a person acting as a verifier, an arbitrator or a neutral evaluator under this Agreement in respect of such person exceeding his or her jurisdiction, refusing to exercise his or her jurisdiction or failing to observe a principal of natural justice.

PART X RATIFICATION AND ENACTMENTS BY THE PARTIES

48. RATIFICATION OF AGREEMENT

48.1 The Parties agree that they will seek to ratify this Agreement and implement it in the following manner:

- (a) each First Nation agrees to develop a land code and to seek community approval; and
- (b) following community approval by two First Nations, Canada agrees to recommend to Parliament the

décision ou sentence d'un arbitre sont définitives et lient les parties qui ont participé aux mécanismes de règlement.

47.4 Aucune ordonnance ne peut être rendue, exécutée ou inscrite, et aucune poursuite ne peut être initiée devant une cour par voie d'injonction, de mandamus, de certiorari, de prohibition ou de quo warranto pour contester, réviser, empêcher ou limiter une mesure prise par le vérificateur, l'arbitre ou le conciliateur nommé sous le régime du présent accord.

47.5 Malgré l'article 47.4, une demande de révision judiciaire peut, dans les 30 jours qui suivent la décision prise par toute personne agissant comme vérificateur, arbitre ou conciliateur sous le régime du présent accord, être présentée en vertu de la Loi sur les Cours fédérales au motif que cette personne a outrepassé sa compétence, refusé de l'exercer ou n'a pas respecté un principe de justice naturelle.

PARTIE X RATIFICATION PAR LES PARTIES ET MESURES LÉGISLATIVES

48. RATIFICATION DE L'ACCORD

48.1 Les Parties conviennent de ratifier le présent accord et de le mettre en oeuvre de la façon suivante :

- a) chaque première nation s'engage à élaborer un code foncier et à le soumettre à l'approbation de la communauté;
- b) une fois un code approuvé par deux premières nations, le Canada s'engage à recommander au Parlement l'adoption

enactment of legislation.

48.2 This Agreement will be considered to have been ratified by a First Nation when the First Nation approves a land code, and to have been ratified by Canada when the federal legislation comes into force.

49. ENACTMENTS BY THE PARTIES

49.1 Canada agrees that the federal legislation that it recommends to Parliament will be consistent with and will ratify this Agreement.

49.2 In the event of an inconsistency or conflict between the federal legislation and any other federal enactment, the federal legislation will prevail to the extent of the inconsistency or conflict.

49.3 In the event of any inconsistency or conflict between the land code of a First Nation and the provisions of a First Nation law or of a by-law made by its council under section 81 of the Indian Act, the land code will prevail to the extent of the inconsistency or conflict.

PART XI OTHER MATTERS

50. LIABILITY

50.1 The First Nation will not be liable for acts or omissions of Canada or any person or entity authorized by Canada to act in relation to First Nation land that occurred before the First Nation's land code takes effect.

d'une loi de ratification.

48.2 Le présent accord sera réputé avoir été ratifié par une première nation lorsque celle-ci aura approuvé un code foncier, et il sera réputé avoir été ratifié par le Canada au moment de l'entrée en vigueur de la loi de ratification.

49. MESURES LÉGISLATIVES ADOPTÉES PAR LES PARTIES

49.1 Le Canada s'engage à ce que la loi de ratification qu'il présentera au Parlement soit conforme au présent accord et ait pour effet de le ratifier.

49.2 En cas d'incompatibilité ou de conflit entre la loi de ratification et une autre loi fédérale, la loi de ratification l'emporte dans la mesure de l'incompatibilité ou du conflit.

49.3 En cas d'incompatibilité ou de conflit entre le code foncier d'une première nation et des dispositions de ses textes législatifs ou de règlements administratifs pris par son conseil en vertu de l'article 81 de la Loi sur les Indiens, le code foncier l'emporte dans la mesure de l'incompatibilité ou du conflit.

PARTIE XI AUTRES QUESTIONS

50. RESPONSABILITÉ

50.1 La première nation n'est pas responsable des actes ou omissions du Canada ou d'une personne ou entité autorisée par le Canada à agir à l'égard des terres de première nation et qui surviendraient avant l'entrée en vigueur du

50.2 Canada will not be liable for acts or omissions of the First Nation or any person or entity authorized by the First Nation to act in relation to First Nation land that occur after the First Nation's land code takes effect.

50.3 Canada will indemnify a First Nation for any loss arising from an act or omission by Canada, or any person or entity acting on behalf of Canada, in respect of First Nation land that occurred before the First Nation's land code takes effect.

50.4 The First Nation will indemnify Canada for any loss arising from an act or omission by the First Nation, or any person or entity acting on behalf of the First Nation, in respect of First Nation land that occurs after the land code takes effect.

50.5 No action or other proceeding lies or shall be commenced against a person acting as a member of the Lands Advisory Board, a mediator, verifier, neutral evaluator or arbitrator for or in respect of anything done, or omitted to be done, in good faith, during the course of and for the purposes of carrying out his or her functions under this Agreement.

51. FIRST NATION LANDS REGISTER

51.1 Canada will establish a First Nation

code foncier de la première nation.

50.2 Le Canada n'est pas responsable des actes ou omissions de la première nation ou d'une personne ou entité autorisée par celle-ci à agir à l'égard des terres de première nation et qui surviendraient après l'entrée en vigueur du code foncier de la première nation.

50.3 Le Canada s'engage à indemniser la première nation de toute perte découlant d'un acte ou d'une omission du Canada, ou d'une personne ou entité agissant pour son compte, à l'égard des terres de première nation et qui surviendrait avant l'entrée en vigueur du code foncier de la première nation.

50.4 La première nation s'engage à indemniser le Canada de toute perte découlant d'un acte ou d'une omission de la première nation, ou d'une personne ou entité agissant pour son compte, à l'égard des terres de première nation et qui surviendrait après l'entrée en vigueur du code foncier.

50.5 Aucune action ni autre procédure ne peut être intentée contre une personne agissant en qualité de membre du Conseil consultatif des terres, de médiateur, de vérificateur, de conciliateur ou d'arbitre pour avoir, de bonne foi, agi ou omis d'agir dans l'exercice de ses fonctions ou dans le but de les exercer aux termes du présent accord.

51. REGISTRE DES TERRES DE PREMIÈRES NATIONS

51.1 Le Canada est tenu d'établir un

Lands Register to record documents respecting First Nation land or interests or land rights in First Nation land. It will be administered by Canada as a subsystem of the existing Reserve Land Register.

51.2 A separate register will be maintained for each First Nation with a land code in effect.

51.3 The Governor in Council will be authorized in the federal legislation to make regulations respecting the First Nation Lands Register. These regulations will be developed by the Lands Advisory Board and the Minister.

52. STATUS OF DOCUMENTS

52.1 The Statutory Instruments Act, or any successor legislation, will not apply to a land code or to First Nation laws.

53. PROVINCIAL RELATIONS

53.1 Where Canada and a First Nation intend to enter into an agreement that is not referred to in this Agreement but is required to implement this Agreement and where it deals with matters that normally fall within provincial jurisdiction, or may have significant impacts beyond the boundaries of First Nation land, Canada and the First Nation will invite the affected province to be a party to the negotiations and resulting agreement.

registre des terres de premières nations où seront consignés les documents relatifs aux terres de premières nations ou aux intérêts ou aux droits fonciers sur celles-ci. Ce registre sera administré par le Canada à titre de sous-système du registre actuel des terres de réserve.

51.2 Un registre distinct sera créé pour chaque première nation ayant un code foncier en vigueur.

51.3 La loi de ratification autorisera le gouverneur en conseil à prendre un règlement concernant le registre des terres de premières nations. Ce règlement sera élaboré conjointement par le Conseil consultatif des terres et le ministre.

52. STATUT DES DOCUMENTS

52.1 La Loi sur les textes réglementaires ou les lois qui pourraient la remplacer, ne s'appliqueront pas au code foncier, ni aux textes législatifs des premières nations.

53. RAPPORT AVEC LES PROVINCES

53.1 Si le Canada et une première nation entendent conclure une entente qui n'est pas mentionnée dans le présent accord mais qui est nécessaire à la mise en oeuvre du présent accord, et si cette entente traite des questions qui relèvent normalement de la compétence des provinces ou risque d'avoir des effets importants à l'extérieur des terres de première nation, le Canada et la première nation inviteront la province concernée à participer aux négociations de l'entente ainsi qu'à l'entente qui en résulte.

54. TIME LIMITS

54.1 The time limits in this Agreement for the doing of anything may be waived on consent.

55. OTHER REGIMES

55.1 Nothing in this Agreement prevents a First Nation, at any time, from opting into any other regime providing for community decision-making and community control, if the First Nation is eligible for the other regime and opts into it in accordance with procedures developed for that other regime.

55.2 Sub-clause 38.1 and clause 57 do not apply to a First Nation to which sub-clause 55.1 applies.

56. REVIEW PROCESS

56.1 The Lands Advisory Board will, on a continuing basis, consult with representatives of the Parties for the purpose of assessing the effectiveness of this Agreement and the federal legislation.

56.2 Within four years of the federal legislation coming into force, the Minister and the Lands Advisory Board or their representatives will jointly conduct a review of this Agreement. It will focus on the following issues, among others:

- (a) the functioning of land management under this Agreement;
- (b) the adequacy and appropriateness of the funding arrangements;

54. DÉLAIS

54.1 Les Parties peuvent, par consentement mutuel, renoncer aux délais prévus par le présent accord.

55. AUTRES RÉGIMES

55.1 Aucune disposition du présent accord n'empêche une première nation, en tout temps, d'adhérer à tout autre régime en matière de prise de décision et de contrôle par la communauté, à la condition que cette première nation soit admissible à adhérer à cet autre régime et y adhère, conformément à la procédure prévue par cet autre régime.

55.2 Le paragraphe 38.1 et l'article 57 ne s'appliquent pas à une première nation à laquelle le paragraphe 55.1 s'applique.

56. MÉCANISME D'EXAMEN

56.1 Le Conseil consultatif des terres est tenu de consulter régulièrement les représentants des Parties dans le but d'évaluer l'efficacité du présent accord et de la loi de ratification.

56.2 Dans les quatre ans de l'entrée en vigueur de la loi de ratification, le ministre et le Conseil consultatif des terres ou leurs représentants procéderont conjointement à un examen du présent accord. Cet examen portera notamment sur les points suivants :

- a) le fonctionnement de la gestion des terres aux termes du présent accord;
- b) le caractère adéquat et approprié des modalités de financement;

(c) the role of the Lands Advisory Board;

(d) whether there is a demand by other First Nations to use this Agreement;

(e) changes that may improve the functioning of First Nation land management;

(f) the dispute resolution processes; and

(g) such other issues as may be agreed to by the Parties.

c) le rôle du Conseil consultatif des terres;

d) l'identification d'autres premières nations désirant se prévaloir du présent accord;

e) les changements qui pourraient améliorer le fonctionnement de la gestion des terres de première nation;

f) les mécanismes de règlement des différends;

g) toute autre question convenue par les Parties.

56.3 Canada and the First Nations will make best efforts to complete this review within one year. Following completion of the review, the Minister will meet with representatives of the First Nations to discuss the results of the review.

56.3 Le Canada et les premières nations sont tenus de s'efforcer d'achever cet examen dans un délai d'un an. À la fin de l'examen, le ministre rencontrera les représentants des premières nations pour en analyser les résultats.

57. AMENDMENTS

57. MODIFICATIONS

57.1 Until September 1, 2003, this Agreement may be amended by agreement of the parties, provided that the amendments to Part VIII may be made with the consent of Canada and 2/3 of the original First Nation parties to this Agreement.

57.1 Le présent accord peut être modifié jusqu'au 1^{er} septembre 2003 avec le consentement des parties, pourvu que les modifications à la Partie VIII soient apportées avec le consentement du Canada et des deux tiers des premières nations qui étaient Parties initiales au présent accord.

57.2 No amendment affecting the powers, authorities, obligations, operations or operational funding of a First Nation that has ratified this agreement is effective with respect to that First Nation without the consent of that First Nation.

57.2 Aucune modification ayant une incidence sur les pouvoirs, les autorités, les obligations, les opérations ou les fonds de fonctionnement d'une première nation qui a ratifié le présent accord ne peut entrer en vigueur à l'égard de cette dernière sans son consentement.

57.3 After September 1, 2003, this Agreement, may, subject to 57.2, be amended with the consent of Canada and 2/3 of the First Nations which have ratified the Agreement, before, on or after that day.

58. RECITALS

58.1 The recitals form part of this Agreement.

59. COMING INTO FORCE

59.1 This Agreement will come into force in respect of Canada and a First Nation when Canada and that First Nation both ratify this Agreement under Part X.

59.2 Despite clause 59.1, such provisions of this Agreement as are necessary to allow a First Nation to ratify this Agreement before Canada ratifies this Agreement will have effect as of the day Canada and that First Nation both sign this Agreement.

57.3 Sous réserve du paragraphe 57.2, après le 1er septembre 2003, le présent accord peut être modifié avec le consentement du Canada et des deux tiers des premières nations qui l'ont ratifié que ce soit à cette date, ou avant ou après cette date.

58. PRÉAMBULE

58.1 Les dispositions figurant au préambule font partie du présent accord.

59. ENTRÉE EN VIGUEUR

59.1 Le présent accord entrera en vigueur pour ce qui est du Canada et d'une première nation au moment où le Canada et cette première nation auront tous deux ratifié le présent accord conformément à la Partie X.

59.2 Malgré le paragraphe 59.1, les dispositions du présent accord nécessaires à sa ratification par une première nation avant que le Canada ne l'ait ratifié entrent en vigueur le jour où le Canada et cette première nation auront tous deux signé le présent accord.

_____ FIRST NATION
COMMUNITY RATIFICATION PROCESS

- in accordance with -

*The Framework Agreement on
First Nation Land Management*

Dated for Reference

TABLE OF CONTENTS

1.	TITLE AND PURPOSE	4
2.	DEFINITIONS	4
3.	LIST OF VOTERS	5
4.	INFORMATION TO VERIFIER	6
5.	CONFIRMATION BY VERIFIER.....	6
6.	COUNCIL RESOLUTION	6
7.	DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT	7
8.	NOTICE OF VOTE.....	7
9.	INFORMATION TO ELIGIBLE VOTERS	7
10.	INFORMATION TO THIRD PARTIES	8
11.	RATIFICATION DOCUMENTS.....	9
12.	COMMUNITY INFORMATION	9
13.	PRELIMINARY PROCEDURES.....	9
14.	MAIL-IN BALLOTS.....	10
15.	VOTING PROCEDURES AT POLLS ON VOTING DAY	12
16.	ORDERLY VOTING	14
17.	REJECTED BALLOTS	15
18.	OPENING MAIL-IN BALLOTS	15
19.	COUNTING OF BALLOTS	16
20.	PROCEDURAL AMENDMENTS	16
21.	OBJECTIONS.....	17
22.	REPORT BY VERIFIER.....	18
27.	CERTIFICATION OF LAND CODE	18

FORMS

Form 1	Ballot Question
Form 2	Confirmation by Verifier (Land Code and Ratification Process)
Form 3	First Nation Council Resolution (Commencement of Vote)
Form 4	Appointment of Assistant Ratification Officer
Form 5	Notice of Vote
Form 6	Identification Envelope
Form 7	Declaration of Ratification Officer (Mail-in Ballots)
Form 8	Statement of Witness (Mail-in Ballots)
Form 9	Declaration of Ratification Officer (Regular Polls)
Form 9A	Declaration of Assistant Ratification Officer (Regular Polls)
Form 10	Statement of Witness (Regular Polls)
Form 10A	Statement of Witness (Regular Polls)
Form 11	Certification of Ratification Officer (Conclusion of Vote)

Ratification Process – _____ First Nation

Form 12 Report by Verifier (Conclusion of Vote)

Form 13 First Nation Council Resolution (Submission to Verifier, Conclusion of Vote)

Form 14 Certification of Land Code

_____ **First Nation**
COMMUNITY RATIFICATION PROCESS

1. TITLE AND PURPOSE

- 1.1 The title of this document is the _____ *First Nation Community Ratification Process*.
- 1.2 The purpose of this document is to set out the procedure by which _____ First Nation will decide whether to approve its proposed Land Code and the proposed Transfer Agreement with Canada, as required under the *Framework Agreement on First Nation Land Management*.

2. DEFINITIONS

- 2.1 In this document:

"Background Documents" means:

- (a) the *Framework Agreement on First Nation Land Management*;
- (b) the *First Nations Land Management Act*;
- (c) a summary of the *Framework Agreement on First Nation Land Management*;
- (d) a summary of the *First Nations Land Management Act*;
- (e) a summary of the _____ *First Nation Land Code*; and
- (f) a summary of the Transfer Agreement;

"Ballot Question" means the question asked of the Voters in the Ratification Vote in Form 1;

"Council" means the Chief and Councillors of the _____ First Nation;

"Department" means the Department of Indian Affairs and Northern Development;

"Eligible Voter" means a Member of _____ First Nation who is 18 years of age or older on Voting Day;

"*Framework Agreement*" means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, as amended;

"Land Code" means *the* _____ *First Nation Land Code*;

"Lands Manager" means the employee responsible for the management of _____ First Nation reserve lands and includes the Land Management Coordinator and any assistant designated by the Land Management Coordinator;

Ratification Process – _____ First Nation

"List of Voters" means the list of Eligible Voters prepared in accordance with clause 3;

"Member" means a person whose name appears or is entitled to appear on the _____ First Nation membership list;

"Ratification Documents" mean the proposed _____ *First Nation Land Code* and the proposed Transfer Agreement;

"Ratification Process" means this _____ First Nation Community Ratification Process;

"Ratification Officer" means the person appointed by Council under clause 6.1;

"Ratification Vote" means a vote by the Eligible Voters on the Ballot Question conducted according to the Ratification Process;

"Transfer Agreement" means the Individual First Nation Agreement made between _____ First Nation and Her Majesty in right of Canada in accordance with clause 6.1 of the *Framework Agreement* and dated _____, _____;

"Verifier" means the person appointed as Verifier under the *Framework Agreement* and includes any assistant appointed by the Verifier; and

"Voting Day" means the date set for holding the Ratification Vote.

- 2.2 Unless otherwise provided words defined in the *Framework Agreement* have the same meaning in this Ratification Process.
- 2.3 When calculating time, where anything is to be done within a time after, from, of or before a specified day, or where a time is expressed to begin after or to be from a specified day, the time does include that day.
- 2.4 Words in the singular include the plural, words in the plural include the singular and words in the masculine include the feminine, as the case _____ be.

3. LIST OF VOTERS

- 3.1 The Lands Manager, in consultation with the Council, will ensure that a List of Voters is prepared containing the full names, current addresses and band numbers of the Eligible Voters.

4. INFORMATION TO VERIFIER

- 4.1 The Chief of the _____ First Nation will send, or cause to be sent, in quadruplicate the following documents to the Verifier before the Notice of Vote is posted:
- (a) this Ratification Process;
 - (b) the Land Code; and
 - (c) the List of Voters.

5. CONFIRMATION BY VERIFIER

- 5.1 Upon receipt of the documents under clause 4.1, the Verifier will review the Land Code and this Ratification Process to determine whether they are consistent with the *Framework Agreement*.
- 5.2 Pursuant to clause 8.8 of the *Framework Agreement*, the Verifier will, within 00 days of receiving the documents, issue a notice in Form 2 stating whether the Land Code and this Ratification Process are consistent with the *Framework Agreement*.

6. COUNCIL RESOLUTION

- 6.1 After the Verifier confirms the Land Code and this Ratification Process under clause 5.2, the Council will pass a Resolution in Form 3 to:
- (a) appoint the Ratification Officer;
 - (b) confirm the List of Voters;
 - (c) approve the text of the Land Code and this Ratification Process;
 - (d) approve the Transfer Agreement;
 - (e) confirm that the Transfer Agreement was signed with Canada;
 - (f) order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
 - (g) confirm the wording of the Ballot Question; and

(h) set the Voting Day.

7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

- 7.1 The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote and has all the powers necessary to carry out this responsibility.
- 7.2 The Ratification Officer _____ appoint assistants and _____ delegate any of the duties set out in this Ratification Process to the assistants, except the deposit of the mail-in ballots in the ballot box under clauses 14 and 18 and the counting of the results under clause 19.
- 7.3 Upon the appointment of an assistant, the Ratification Officer and each assistant will execute an Appointment of an Assistant Ratification Officer in Form 4.
- 7.4 If the Ratification Officer is unable to perform her duties because of sickness or other reason, the Council _____ appoint an acting Ratification Officer.

8. NOTICE OF VOTE

- 8.1 The Ratification Officer, in consultation with the Council, will post a "Notice of Vote" in Form 5 at least 14 days prior to the Voting Day in places where the Members can read it.
- 8.2 The Verifier will publish the "Notice of Vote" in one or more newspapers at least 12 days prior to Voting Day.
- 8.3 The "Notice of Vote" will contain the following information:
 - (a) the date, place and time of the Ratification Vote;
 - (b) the Ballot Question;
 - (c) instructions for obtaining a copy of the Ratification Documents and the Background Documents; and
 - (d) the name, office address and telephone number of the Ratification Officer.

9. INFORMATION TO ELIGIBLE VOTERS

- 9.1 The Lands Manager will send, in one or more mailings, the following information

Ratification Process – _____ First Nation

to each Member on the List of Voters at his or her last known address:

- (a) a copy of the Notice of Vote;
- (b) a copy of the Land Code;
- (c) a summary of the Land Code;
- (d) a summary of the Transfer Agreement;
- (e) a summary of the *Framework Agreement*;
- (f) a summary of the *First Nation Land Management Act*;
- (h) a communiqué from _____ First Nation explaining the effect of the Ratification Vote; and
- (i) such other documentary or audiovisual materials as the Lands Manager deems appropriate.

9.2 The information to Members will be mailed at least 00 days prior to Voting Day.

10. INFORMATION TO THIRD PARTIES

10.1 At least 30 days prior to Voting Day the Lands Manager will provide the following information to the Department:

- (a) the date of the Ratification Vote;
- (b) a communiqué from _____ First Nation explaining the effect of the Ratification Vote;
- (c) a summary of the *First Nation Land Management Act*;
- (d) a summary of the Land Code; and
- (e) the name, office address and telephone number of a person who _____ be contacted for more information about the management of _____ First Nation land.

10.2 The information provided in accordance with clause 10.1 will enable the

Ratification Process – _____ First Nation

Department to provide that information to each person on any list of interest holders prepared by the Department.

11. RATIFICATION DOCUMENTS

- 11.1 Any Member and any person who holds an interest in _____ First Nation reserve land _____, on request, obtain a copy of the Ratification Documents, the Ratification Process or Background Documents at no cost.
- 11.2 The Lands Manager will ensure that copies of the Ratification Documents, the Ratification Process and Background Documents are available at the administration offices of the _____ First Nation in sufficient quantities to comply with clause 11.1.

12. COMMUNITY INFORMATION

- 12.1 For the purpose of ensuring that Eligible Voters are fully informed prior to casting their votes on the Ballot Question, the Lands Manager _____, after consulting with Council, conduct or cause to be conducted:
- (a) visits at the homes of Eligible Voters;
 - (b) telephone contact with Eligible Voters;
 - (c) information meetings in _____ First Nation and other appropriate places;
or
 - (d) such other information activities as _____ be deemed appropriate.
- 12.2 Information activities in accordance with this clause _____ be conducted at any time prior to two days before Voting Day.
- 12.3 Clause 12.2 does not preclude visits to, or telephone contacts with, Eligible Voters on the Voting Day for purposes only of assisting Eligible Voters to vote.

13. PRELIMINARY PROCEDURES

- 13.1 The Ratification Officer, in consultation with the Council, will:
- (a) designate the place of each poll;
 - (b) prepare sufficient copies of the regular ballots and mail-in ballots, which

will be uniform in size, appearance, quality and weight;

- (c) prepare sufficient copies of the secrecy envelopes, the identification envelopes, and the return envelopes;
- (d) prepare sufficient copies of the voting instructions;
- (e) obtain a sufficient number of ballot boxes;
- (f) provide for a designated voting area at each poll such that an Eligible Voter can mark a ballot free from observation;
- (g) provide a sufficient number of lead pencils for marking the ballot;
- (h) ensure that samples of the Ballot Question are posted or available for examination by Eligible Voters at each poll; and
- (i) ensure that a Commissioner for Taking Oaths or Notary Public will be available as required.

14. MAIL-IN BALLOTS

14.1 An Eligible Voter who will not be able to visit a poll on Voting Day _____ cast a ballot by mail.

14.2 The Ratification Officer will send a pre-folded and initialed ballot in Form 1, an identification envelope in Form 6, a secrecy envelope, a prepaid return envelope and voting instructions to each Eligible Voter who:

- (a) is not a resident of _____ First Nation Indian reserve or the town of _____; or
- (b) who advises the Ratification Officer that he or she will not be able to visit a poll on Voting Day.

14.3 To cast a mail-in ballot, an Eligible Voter will:

- (a) mark the ballot by placing a cross ("X") either in the box marked "YES" or in the box marked "NO";
- (b) enclose and seal the ballot in the secrecy envelope;

Ratification Process – _____ First Nation

- (c) enclose and seal the secrecy envelope in the identification envelope;
 - (d) sign the outside of the identification envelope;
 - (e) enclose and seal the identification envelope in the prepaid mailing envelope; and
 - (f) send the sealed mailing envelope to the Ratification Officer.
- 14.4 A mail-in ballot must be received by the Ratification Officer by the close of the polls on Voting Day.
- 14.5 After receiving a mail-in ballot, the Ratification Officer will, in the presence of two or more Eligible Voters:
- (a) verify each identification envelope and that the sender is an Eligible Voter;
 - (b) check the List of Voters to ensure that the Eligible Voter has not already voted;
 - (c) place a line through the name of the Eligible Voter on the List of Voters;
 - (d) record on the List of Voters the date and time the mail-in ballot was received; and
 - (e) deposit the ballot in its original unopened secrecy envelope in a separate ballot box kept for that purpose; or
 - (f) if the voter is not an Eligible Voter or has already voted, reject the ballot.
- 14.6 The Ratification Officer is personally responsible for the safekeeping of the mail-in ballot box and will ensure that this ballot box remains sealed when not in use and is not opened until such time as the ballots are deposited in the regular ballot box after the close of the polls on Voting Day in accordance with clause 18.
- 14.7 The Ratification Officer will:
- (a) execute a Declaration of Ratification Officer in Form 7; and
 - (b) ensure that each witness executes a Statement of Witness in Form 8.

15. VOTING PROCEDURES AT POLLS ON VOTING DAY

- 15.1 The polls will be open on Voting Day from 9:00 a.m. until 8:00 p.m.
- 15.2 All voting at the polls will be by secret ballot.
- 15.3 The Ratification Officer is responsible for determining whether a person is an Eligible Voter.
- 15.4 At each poll, the Ratification Officer will:
- (a) before the first vote is cast, open each ballot box and request an Eligible Voter to witness that each ballot box is empty;
 - (b) thereupon seal the ballot box and place his signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
 - (c) keep the ballot box in view for reception of ballots;
 - (d) execute a Declaration of Ratification Officer in Form 9; and
 - (e) ensure that each witness executes a Statement of Witness in Form 10.
- 15.5 When a person at a poll requests to vote, the Ratification Officer will:
- (a) ensure that the person is an Eligible Voter;
 - (b) check the List of Eligible Voters to ensure that the person has not already voted, either in person or by mail-in ballot; and
 - (c) provide the Eligible Voter with a ballot, on the back of which are affixed the Ratification Officer's initials so that the initials can be seen when the ballot is folded.
- 15.6 The Ratification Officer will place, on the List of Voters, a line through the name of every Eligible Voter receiving a ballot at a poll.
- 15.7 The Ratification Officer will establish a process of ongoing communication by telephone or other effective means between polls so as to ensure that the List of Voters located at each poll is updated and current in accordance with the requirements of clause 15.6.

Ratification Process – _____ First Nation

- 15.8 The Ratification Officer will explain the method of voting upon request.
- 15.9 If the Ratification Officer determines that the name of an Eligible Voter has been omitted, incorrectly set out or incorrectly included on the List of Voters, he will, in his sole discretion, make the necessary revision and such revision will be final.
- 15.10 An Eligible Voter _____ request special assistance from the Ratification Officer at a poll if the Eligible Voter declares that he or she:
- (a) is not able to read;
 - (b) is incapacitated by blindness or other physical cause; or
 - (c) requires assistance for any other reason.
- 15.11 The Ratification Officer will, on request, provide special assistance to an Eligible Voter at a poll by marking a ballot in secret as directed by the voter and immediately folding and depositing the ballot into the ballot box.
- 15.12 The Ratification Officer, after providing special assistance to an Eligible Voter, will make an entry on the List of Voters opposite the name of the voter indicating:
- (a) that the ballot was marked by the Ratification Officer at the request of the voter: and
 - (b) the reason for the voter's request.
- 15.13 Except for a voter requiring special assistance, every Eligible Voter receiving a ballot at a poll will:
- (a) proceed immediately to a designated voting area;
 - (b) mark the ballot by placing a cross ("X") either in the box marked "YES" or in the box marked "NO";
 - (c) fold the ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
 - (d) immediately give the folded ballot to the Ratification Officer.
- 15.14 Upon receiving a marked ballot, the Ratification Officer, without unfolding it, will:

- (a) verify his or her initials;
 - (b) remove the perforated strip, if any; and
 - (c) deposit the ballot into the ballot box.
- 15.15 An Eligible Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils his or her ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot.
- 15.16 The Ratification Officer will record a ballot returned in accordance with clause 15.15 as spoiled.
- 15.17 An Eligible Voter at a poll who receives a ballot and does not return it to the Ratification Officer will forfeit the right to vote and the Ratification Officer will make an entry on the List of Voters stating that the voter left the poll without delivering the ballot and will record the ballot as spoiled.
- 15.18 At the time set for closing the polls, the Ratification Officer will declare the polls closed, and entry will be denied to the poll until all remaining Eligible Voters in the poll at that time have voted.

16. ORDERLY VOTING

- 16.1 The Council with the assistance of the Ratification Officer will ensure that peace and good order are maintained at the polls.
- 16.2 The Ratification Officer will allow only one Eligible Voter at a time into a designated voting area, except for a voter receiving special assistance.
- 16.3 An Eligible Voter who is present and available to vote at a poll before the closing time will be entitled to vote.
- 16.4 No person will:
- (a) interfere or attempt to interfere with an Eligible Voter when he or she is voting;
 - (b) obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted;

- (c) mark a ballot in a way that identifies the Eligible Voter; or
- (d) mark the secrecy envelope for a mail-in ballot in a way that indicates how the ballot was cast.

17. REJECTED BALLOTS

17.1 A cast ballot will be rejected if it:

- (a) was not supplied by the Ratification Officer or Assistant Ratification Officer;
- (b) was not marked as either "YES" or "NO"
- (c) was marked as both "YES" and "NO";
- (d) was marked outside a box marked "YES" or "NO" or
- (e) has any writing or mark which can identify the Eligible Voter.

17.2 A ballot marked with anything other than a cross ("X") in a box, will not be rejected if:

- (a) the mark does not identify the Eligible Voter; and
- (b) in the opinion of the ratification officer, the intent of the Eligible Voter is clear.

18. OPENING MAIL-IN BALLOTS

18.1 After the close of the polls on Voting Day, the Ratification Officer, in the presence of the Verifier and any other Eligible Voter who _____ be present, will:

- (a) open the ballot box for mail-in ballots;
- (b) open the secrecy envelope and confirm the authenticity of the ballot by checking the affixed initials; and
- (c) deposit the ballot, without opening or showing it, in a ballot box used at a poll.

19. COUNTING OF BALLOTS

- 19.1 After the close of a poll other than the poll at which the Ratification Officer is presiding, the Assistant Ratification Officer presiding at that poll, with the Verifier or Assistant Verifier who will act as a witness, will:
- (a) seal the ballot box at that poll such that no further ballots _____ be deposited in that ballot box;
 - (b) initial the seal; and
 - (c) forthwith transport the sealed ballot box to the Ratification Officer at the poll at which she is presiding.
- 19.2 After the mail-in ballots have been deposited in a ballot box and after all ballot boxes have been received from all polls, the Ratification Officer, in the presence of the Verifier and any other Eligible Voters who _____ be present, will:
- (a) count the number of spoiled ballots;
 - (b) examine all ballots contained in the ballot boxes;
 - (c) reject any ballots as required under clause 17;
 - (d) count the number of ballots marked "YES", the number of ballots marked "NO" and the number of rejected ballots.
- 19.3 When the results of the Ratification Vote have been determined the Ratification Officer will execute a Certification by Ratification Officer in Form 11.
- 19.4 The Ratification Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against and will then affix his or her signature to the seals.
- 19.5 The Ratification Officer will retain the separate envelopes for at least 60 days in her secure possession, and _____ unless otherwise instructed by Council, thereafter destroy the ballots cast and the spoiled ballots.

20. PROCEDURAL AMENDMENTS

- 20.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer, the Council and the Verifier _____

agree on a departure from the procedural requirements of this Ratification Process if they deem it necessary and reasonably believe it will not result in any substantive change.

20.2 The Verifier will state in writing the nature and basis of such departure and make a copy of the statement publicly available.

21. OBJECTIONS

21.1 An Eligible Voter or the representative of Canada appointed under Clause 8.2 of the *Framework Agreement* _____ file an objection with the Verifier if he or she has reasonable grounds for believing that:

- (a) there was a violation of this Ratification Process or an irregularity in that process; and
- (b) the final result of the Ratification Vote might have been different but for the violation or irregularity.

21.2 An objection must be received by the Verifier within 5 days of the Voting Day.

21.3 An objection must be in writing and must:

- (a) identify the name, address and any telephone number of the objector;
- (b) summarize the grounds for the objection; and
- (c) be accompanied by a statutory declaration setting out the grounds for the objection.

21.4 The Verifier _____, if the material sent under this clause is insufficient to decide the validity of the objection, conduct such further investigations, as he deems necessary.

21.5 If an objection is filed under this clause, the Verifier will, within 15 days of Voting Day determine whether the objection is valid.

21.6 If the Verifier determines the objection is valid, he _____ allow the objection and call another Ratification Vote.

21.7 If the Verifier determines that:

Ratification Process – _____ First Nation

- (a) there was neither a violation of this Ratification Process nor any irregularity in that process; or
- (b) there was a violation or an irregularity but the final result of the Ratification Vote was not affected;

the Verifier will dismiss the objection.

22. REPORT BY VERIFIER

- 22.1 Within 15 days of the Voting Day, the Verifier will send a written report in Form 12 on the conduct of the Ratification Vote to the _____ First Nation and the Minister of Indian Affairs and Northern Development.

27. CERTIFICATION OF LAND CODE

- 23.1 If the Land Code and the Transfer Agreement are approved, the Council will, as soon as practicable after receiving the report of the Verifier, pass a resolution in Form 13 sending a copy of the approved Land Code and a declaration of the results of the vote to the Verifier.
- 23.2 Upon receiving the Land Code and the resolution from the Council, the Verifier will certify the Land Code as being valid in Form 14.

**FIRST NATION LANDS MANAGEMENT
FRAMEWORK AGREEMENT**

BALLOT QUESTION

Do you approve:

- The _____ *First Nation Land Code*, dated _____ and
- The *Transfer Agreement* with Her Majesty the Queen in Right of Canada, dated _____?

Mark this Ballot by placing an "X" in one of the following boxes

YES

NO

EXPLANATION

- A “**YES**” vote means that _____ First Nation reserve lands will be managed under the _____ *First Nation Land Code* and the *Framework Agreement on First Nation Land Management*.
- A “**NO**” vote means that _____ First Nation reserve lands will continue to be managed by the Department of Indian Affairs and Northern Development under the *Indian Act*.

CONFIRMATION BY VERIFIER
(Land Code and Ratification Process)

CANADA)
)
PROVINCE OF _____)

I, _____, of _____, in the Province of _____, DO SOLEMNLY DECLARE THAT:

1. I was appointed as the Verifier for _____ First Nation, on the ___ day of _____ for the purpose of verifying the community approval of their Land Code and their Transfer Agreement with Canada, in accordance with the *Framework Agreement on First Nation Land Management*.
2. In accordance with clause 8.3 of the *Framework Agreement*, I received the following information from _____ First Nation on _____:
 - (a) a copy of the _____ *First Nation Land Code*;
 - (b) a list of the names of every Member of _____ First Nation who, according to _____ First Nation's records at that time, would be eligible to vote on whether to approve the Land Code; and
 - (c) a detailed description of the community approval process that _____ First Nation proposes to use.
3. A true copy of the Land Code, entitled the _____ *First Nation Land Code*, dated for reference _____ is attached as Exhibit "1" to this Declaration.
4. A true copy of the approval process, entitled _____ *First Nation Community Ratification Process*, dated for reference _____ is attached as Exhibit "2" to this Declaration.
5. In accordance with clause 8.4 of the Framework Agreement, I reviewed the _____ *First Nation Land Code* and the _____ *First Nation Community Ratification Process* to decide whether:

Ratification Process – _____ First Nation

- (a) the _____ *First Nation Land Code* conforms with requirements of clause 5 of the Framework Agreement; and
 - (b) the _____ *First Nation Community Ratification Process* conforms with clause 7 of the Framework Agreement.
6. In accordance with clause 8.8 of the *Framework Agreement*, the _____ *First Nation Land Code* and the _____ *First Nation Community Ratification Process* are hereby *confirmed/not confirmed* as being consistent with the Framework Agreement.
7. My reasons for not confirming the _____ *First Nation Land Code*/_____ *First Nation Community Ratification Process* are as follows:

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
_____ of _____,)
in the Province of _____, this)
_____ day of _____, 200.)
_____)
_____)
_____)
A Commissioner for Taking Oaths in and)
for the Province of _____.

_____, Verifier

FIRST NATION COUNCIL RESOLUTION
(Commencement of Vote)

The Chief and Council of _____ First Nation, pursuant to the *Framework Agreement on First Nation Land Management* and clause 6 of the _____ *First Nation Community Ratification Process*, do hereby resolve to:

1. Confirm _____ as the Ratification Officer;
2. Confirm the List of Voters;
3. Approve the text of the _____ *First Nation Community Ratification Process*, dated for reference [REDACTED];
4. Approve *the* _____ *First Nation Land Code*, as confirmed by the Verifier and dated for reference _____;
5. Approve the Transfer Agreement with Canada, which includes a process for amendment, dated for reference [REDACTED];
6. Confirm that the Transfer Agreement was signed with Canada;
7. Hold a Ratification Vote to determine if the community approves of the Ratification Documents in accordance with *the* _____ *First Nation Community Ratification Process* as confirmed by the Verifier on [REDACTED];
8. Confirm the Ballot Question in the form attached as Annex #1; and
9. Set the Voting Day to be the ___ day of _____.

Dated at _____ on the [REDACTED]

Chief

, Councilor

, Councilor

, Councilor

(* A quorum for this Band consists of 3 Council members)

, Councilor

APPOINTMENT OF AN ASSISTANT RATIFICATION OFFICER

Date

I, _____, Ratification Officer, appoint _____ to act as my assistant in carrying out my duties in accordance with *the _____ First Nation Community Ratification Process* for the purpose of the Ratification Vote.

_____, Ratification Officer

I, _____ agree to act as an assistant to the Ratification Officer for the purpose of the Ratification Vote and promise to carry out all assigned duties to the best of my abilities and in accordance with *the _____ First Nation Community Ratification Process*.

Assistant Ratification Officer

NOTICE OF VOTE

TO: MEMBERS OF _____ First Nation

TAKE NOTICE that a Ratification Vote will be held pursuant to the _____ *First Nation Community Ratification Process* on _____ in order to determine if Eligible Voters approve the _____ *First Nation Land Code* and Transfer Agreement.

The following question will be asked of the Eligible Voters of the _____ First Nation by ballot:

"Do you approve:

- **The _____ *First Nation Land Code*, dated _____ and**
- **The *Transfer Agreement with Her Majesty the Queen in Right of Canada*, dated _____**

The Ratification Vote will take place on Tuesday, the 27rd day of _____ from 9:00 a.m. to 8:00 p.m. at:

The _____ First Nation Administration Offices
_____, and

Copies of the Background Documents and Ratification Documents _____ be obtained from _____, Land Management Coordinator, at the _____ Administration Office, _____, _____ (telephone _____) or from _____, Lands & Taxation at the _____ Administration Office, _____ (telephone _____).

AND FURTHER TAKE NOTICE that all Members of the _____ First Nation 18 years of age or over as of the date of the Ratification Vote are eligible to Vote.

DATED at _____, this _____ day of _____

_____, Ratification Officer

Attention Eligible Voters living in the _____ area: Mail-in ballot packages will NOT automatically be provided to you. If you are not able to attend a polling station on _____, then please contact _____ and a mail-in ballot package will be provided to you.

IDENTIFICATION ENVELOPE

IDENTIFICATION ENVELOPE

_____ First Nation
RATIFICATION VOTE

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

Full Name of Voter: _____

Voter's Band Number: _____

I confirm that this envelope contains only my ballot, which is sealed inside a secrecy envelope.

Signature of Voter: _____

DECLARATION OF RATIFICATION OFFICER
(Mail-in Ballots)

CANADA)
)
Province of _____)

I, _____, Ratification Officer of _____ First Nation, in the Province of _____, DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all mail-in ballots at _____ First Nation when Eligible Voters of _____ First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing mail-in ballots, I opened ballot box number #2.
3. I saw that the ballot box was empty and I asked Eligible Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of these persons who were present, and prepared it for the reception of ballot papers.
5. I personally deposited all mail-in ballots received at my office in ballot box #2 without opening the secrecy envelope, and kept the ballot box sealed when not in my custody until the ballots were counted.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this ____ day of _____,)
_____.)
_____)

Ratification Officer

A Commissioner for Oaths in and for the Province of _____.

**STATEMENT OF WITNESS
(Mail-In Ballots)**

Date

I, _____ was personally present at _____ on the ____ day of _____ when the Ratification Officer deposited the secrecy envelopes containing the mail-in ballots in ballot box #2; and

1. I am an Eligible Voter.
2. I witnessed that ballot box #2 was empty before any secrecy envelopes containing mail-in ballots were deposited.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

DECLARATION OF RATIFICATION OFFICER
(Regular Polls)

CANADA)
)
Province of _____)

I, _____, Ratification Officer for _____ First Nation, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____, _____ on the 27rd day of _____ when Eligible Voters of _____ First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. Immediately before the Ratification Vote began, I opened ballot box number #1.
3. I saw that the ballot box was empty and I asked Eligible Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of those persons who were present, and kept it in view for the reception of ballot papers.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of British)
Columbia, this _____ day of _____)
_____)

A Commissioner for Oaths in and for the)
Province of _____)

Ratification Officer

DECLARATION OF ASSISTANT RATIFICATION OFFICER
(Regular Polls)

CANADA)
)
Province of _____)

I, _____, Assistant Ratification Officer for _____ First Nation, in the Province of _____, DO SOLEMNLY DECLARE THAT:

5. I was personally present at _____, _____ on the 23rd day of _____ when Eligible Voters of _____ First Nation voted in a Ratification Vote concerning the Ratification Documents.
6. Immediately before the Ratification Vote began, I opened ballot box number #1.
7. I saw that the ballot box was empty and I asked Eligible Voters who were present to witness that the ballot box was empty.
8. I then properly sealed the ballot box, in front of those persons who were present, and kept it in view for the reception of ballot papers.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this _____ day of _____)
_____)

_____))
_____))
A Commissioner for Oaths in and for the _____)
Province of _____)

Assistant Ratification Officer

**STATEMENT OF WITNESS
(Regular Polls)**

Date

I, _____, was personally present at _____, _____ on the 23rd day of _____ when Eligible Voters of _____ First Nation voted in a Ratification Vote concerning the Ratification Documents, and

1. I am an Eligible Voter.
2. I witnessed that the ballot box # 1 was empty before any votes were cast in the Ratification Vote.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

**STATEMENT OF WITNESS
(Regular Polls)**

Date

I, _____, was personally present at _____, _____ on the 23rd day of _____ when Eligible Voters of _____ First Nation voted in a Ratification Vote concerning the Ratification Documents, and

1. I am an Eligible Voter.
2. I witnessed that the ballot box # 1 was empty before any votes were cast in the Ratification Vote.
3. I witnessed the Assistant Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Assistant Ratification Officer.

Witness

CERTIFICATION BY RATIFICATION OFFICER
(Conclusion of Vote)

CANADA)
)
Province of _____)

I, _____, Ratification Officer for _____ First Nation in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was present at _____, _____ on the 23rd day of _____ when Eligible Voters of _____ First Nation voted concerning the approval of *the _____ First Nation Land Code* and Transfer Agreement with Canada in accordance with *the _____ First Nation Community Ratification Process*.
2. A true copy of the Notice of Vote is attached as Exhibit “1” to this Declaration.
3. In accordance with clause 8 of the *Community Ratification Process* the Notice of Vote was posted at least 14 days prior to the Voting Day.
4. In accordance with clause 9 of the *Community Ratification Process*, a copy of the Notice of Vote together with the Ratification Documents and a summary of the Ratification Documents were sent to each person on the List of Voters at his or her last known address at least 12 days prior to the Voting Day.
5. In accordance with clause 10 of the *Community Ratification Process* the information package was sent to the Department of Indian Affairs and Northern Development at least 30 days prior to the Voting Day, for mail out to each person on the Department’s List of Interest Holders.
6. I confirm that the door-to-door visits, community information meetings and telephone contacts were made in the community in accordance with clause 12 of the *Community Ratification Process*.
7. The voting procedure at the _____ poll, including transporting handling of mail-in ballots and the counting of results, was conducted in accordance with clauses 13 to 19 of the *Community Ratification Process*.

Ratification Process – _____ First Nation

8. The names of ___ Eligible Voters appeared on the List of Voters.
9. The number of Eligible Voters who constituted a majority was _____.
10. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* was _____.
12. The results of the Ratification Vote are as follows:
 - (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with clause 14 of the of the *Community Ratification Process*;
 - (b) _____ regular ballots were cast in the Ratification Vote in accordance with clauses 15 and 16 of the *Community Ratification Process*;
 - (c) _____ ballots were spoiled;
 - (d) _____ ballots were rejected in accordance with clause 17 of the *Community Ratification Process*;
 - (e) _____ ballots were marked "YES" for the Question; and
 - (f) _____ ballots were marked "NO" for the Question.
13. Based on the need to meet or exceed the number of Eligible Voters in items 9 and 10 above, the Ratification Documents were *approved/not approved* by the Eligible Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of _____, this _____)
day of _____, _____)
_____)
_____)
A Commissioner for Oaths in and for the)
Province of _____.

Ratification Officer

REPORT BY VERIFIER
(Conclusion of Vote)

CANADA)
Province of _____)

I, _____ of Kelowna, in the Province of _____, DO SOLEMNLY DECLARE THAT:

1. I was present at _____, on the ___ day of _____ when Eligible Voters voted concerning the approval of the _____ *First Nation Land Code* and their Transfer Agreement with Canada in accordance with the _____ *First Nation Community Ratification Process*.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with clause 8.1 of the *Community Ratification Process*, the Ratification Officer posted the Notice of Vote at least 14 days prior to the Voting Day.
4. In accordance with clause 8.2 of *Community Ratification Process*, I arranged for the Notice of Vote to be published in the *Vancouver Province* and *Okanagan Weekly* at least 12 days prior to the Voting Day.
5. In accordance with clause 9 of the *Community Ratification Process*, a copy of the Notice of Vote together with the Ratification Documents and a summary of the Ratification Documents were sent to each person on the List of Voters at his or her last known address at least 12 days prior to the Voting Day.
6. In accordance with clause 10 of the *Community Ratification Process*, the information package was sent to the Department of Indian Affairs and Northern Development at least 00 days prior to the Voting Day, for mail out to each person on the Department's List of Interest Holders.
7. The names of _____ Eligible Voters appeared on the List of Voters.
8. The number of Eligible Voters who constituted a majority was _____.
9. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land*

Ratification Process – _____ First Nation

Management was _____.

10. The results of the Ratification Vote are as follows:
- (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with clause 14 of the *Community Ratification Process*;
 - (b) _____ regular ballots were cast in the Ratification Vote in accordance with clauses 15 and 16 of the *Community Ratification Process*;
 - (c) _____ ballots were spoiled;
 - (d) _____ ballots were rejected in accordance with clause 17 of the *Community Ratification Process*;
 - (e) _____ ballots were marked "YES" for the Question; and
 - (f) _____ ballots were marked "NO" for the Question.
11. Based on the need to meet or exceed the number of Eligible Voters in items 8 and 9 above, the Ratification Documents were *approved/not approved* by the Eligible Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of _____, this _____)
day of _____ . _____)
_____)
_____)
A Commissioner for Oaths in and for the)
Province of _____ .)

Verifier

FIRST NATION COUNCIL RESOLUTION
(Submission to Verifier at Conclusion of Vote)

Whereas *the _____ First Nation Land Code* and the Transfer Agreement with Canada were submitted to a Ratification Vote at _____ First Nation;

Whereas the Verifier has reported that the Ratification was conducted in accordance with *the _____ First Nation Community Ratification Process* confirmed by the Verifier;

Whereas the Eligible Voters approved these documents at the Ratification Vote held on the 23rd day of _____.

Now Therefore, the Chief and Council of _____ First Nation, pursuant to the *Framework Agreement on First Nation Land Management* and clause 27.1 of *the _____ First Nation Community Ratification Process*, do hereby resolve to send to the Verifier the approved _____ *First Nation Land Code*, attached hereto as Annex #1, for certification by the Verifier.

Dated at _____, _____ on the _____ day of _____, _____.

Chief

Councilor

Councilor

Councilor

Councilor

* A quorum for this Band consists of _ Council Members

CERTIFICATION OF LAND CODE

Whereas the _____ *First Nation Land Code* and the Transfer Agreement with Canada were submitted to a Ratification Vote at _____ First Nation;

Whereas I have reported that the Ratification Vote was conducted in accordance with the _____ *First Nation Community Ratification Process* confirmed by me as the Verifier;

Whereas the _____ *First Nation Land Code* and the Transfer Agreement were approved by the Eligible Voters at the Ratification Vote on the _____ day of _____.

Therefore, I hereby certify the _____ *First Nation Land Code*, attached as Annex #1 hereto.

Dated at _____ on the _____ day of _____,
_____.

Verifier

(NAME OF) FIRST NATION
COMMUNITY RATIFICATION PROCESS

- In accordance with -

*The Framework Agreement on
First Nation Land Management*

And

The First Nations Land Management Act

Dated for Reference January 31, 2008

TABLE OF CONTENTS

1. TITLE AND PURPOSE 3
2. DEFINITIONS..... 3
3. REGISTRATION OF ELIGIBLE VOTERS..... 5
4. INFORMATION TO VERIFIER 6
5. CONFIRMATION BY VERIFIER 6
6. COUNCIL RESOLUTION..... 6
7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT 7
8. NOTICE OF VOTE 7
9. COMMUNITY INFORMATION 8
10. INFORMATION TO THIRD PARTIES..... 9
11. AVAILABILITY OF DOCUMENTS 10
12. PRELIMINARY PROCEDURES 10
13. MAIL-IN BALLOTS..... 11
14. VOTING PROCEDURES AT THE POLLS ON VOTING DAY 13
15. ORDERLY VOTING 16
16. REJECTED BALLOTS 17
17. OPENING MAIL-IN BALLOTS 17
18. COUNTING OF BALLOTS..... 18
19. PROCEDURAL AMENDMENTS..... 18
20. OBJECTIONS..... 19
21. REPORT BY VERIFIER..... 20
22. CERTIFICATION OF LAND CODE 20

FORMS

Form 1 **Ballot Question**
Form 2 **First Nation Council Resolution (Information to Verifier)**
Form 2A **Confirmation by Verifier (Land Code and Ratification Process)**
Form 3 **First Nation Council Resolution (Commencement of Vote)**
Form 4 **Appointment of Ratification Officer**
Form 4A **Appointment of an Assistant Ratification Officer**
Form 5 **Notice of Vote**
Form 6 **Voter Registration Document**
Form 7 **Identification Envelope**
Form 8 **Declaration of Ratification Officer (Mail-in Ballots)**
Form 9 **Statement of Witness (Deposit of Mail-in Ballots)**
Form 9A **Statement of Witness (Opening of Mail-in Ballots)**
Form 10 **Declaration of Ratification Officer (Regular Polls)**
Form 11 **Statement of Witness (Regular Polls)**
Form 12 **Certification of Ratification Officer (Conclusion of Vote)**
Form 13 **Report by Verifier (Conclusion of Vote)**
Form 14 **First Nation Council Resolution (Submission to Verifier at Conclusion of Vote)**
Form 15 **Certification of Land Code**

**(NAME OF) FIRST NATION
COMMUNITY RATIFICATION PROCESS**

1. TITLE AND PURPOSE

- 1.1 The title of this document is the (name of) First Nation Community Ratification Process.
- 1.2 The purpose of this document is to set out the procedure by which (name of) First Nation will decide whether to approve its Land Code and the Individual Agreement, as required under the Framework Agreement and the Act.

2. DEFINITIONS

- 2.1 In this Ratification Process:

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

“Background Documents” means:

- (a) the Framework Agreement;
- (b) the Act;
- (c) a summary of the Framework Agreement;
- (d) a summary of the Act; and
- (e) a summary of the Land Code;

“Ballot Question” means the question asked in the Ratification Vote in Form 1;

“(name of) First Nation” means the (name of) First Nation as named in the Act;

“Council” means the Chief and Councillors of the (name of) First Nation;

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

“Eligible Voter” means a Member of (name of) First Nation who is 18 years of age or older on Voting Day;

“Framework Agreement” means the Framework Agreement on First Nation Land Management entered into between the Minister of Indian Affairs and Northern

Development and the Chiefs of fourteen First Nations on February 12, 1996, as amended;

“Individual Agreement” means the Individual First Nation Agreement made between (name of) First Nation and Her Majesty in right of Canada in accordance with clause 6.1 of the Framework Agreement;

“Land Code” means the proposed *(name of) First Nation Land Code*;

“Lands Manager” means the employee responsible for the management of (name of) First Nation reserve lands, and includes a designate;

“List of Registered Voters” means the list of Eligible Voters, prepared in accordance with clause 3.6, who have registered to vote in the Ratification Vote;

“List of Voters” means the list of Eligible Voters prepared in accordance with clause 3.1;

“Member” means a person whose name appears or is entitled to appear on the (name of) First Nation membership list;

“Ratification Documents” means the Land Code and the Individual Agreement;

“Ratification Process” means this (name of) First Nation Community Ratification Process;

“Ratification Officer” means the person appointed by Council under clause 6.1(a);

“Ratification Vote” means a vote by the Registered Voters on the Ballot Question conducted according to the Ratification Process;

“Registered Voter” means an Eligible Voter who has registered to vote in accordance with clause 3.3;

“Verifier” means the person appointed as Verifier under the Framework Agreement and includes any assistant appointed by the Verifier; and

“Voting Day” means the date set for holding the Ratification Vote.

2.2 Unless otherwise provided, words defined in the Framework Agreement have the same meaning in this Ratification Process.

2.3 When calculating time, where anything is to be done within a time after, from, of or before a specified day, or where a time is expressed to begin after or to be from a

specified day, the time does not include that day.

- 2.4 Words in the singular include the plural, words in the plural include the singular, words in the masculine include the feminine and words in the feminine include the masculine, as the context may require.

3. REGISTRATION OF ELIGIBLE VOTERS

- 3.1 The Lands Manager, in consultation with Council, will ensure that a List of Voters is prepared containing the full names, band numbers, birth dates and addresses of the Eligible Voters.
- 3.2 The Ratification Officer will, at least 56 days before Voting Day, send to each Eligible Voter at their last known address a registration package containing a voter registration document in Form 6 and a prepaid return envelope.
- 3.3 An Eligible Voter who wishes to vote in the Ratification Vote must register with the Ratification Officer by:
- (a) completing a voter registration document in Form 6;
 - (b) signing the voter registration document;
 - (c) having a person witness the Eligible Voter's signature;
 - (d) having the witness sign the voter registration document; and
 - (e) returning the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile.
- 3.4 An Eligible Voter may register prior to the posting of the Notice of Vote.
- 3.5 A voter registration document must be received by the Ratification Officer no later than the close of the polls on Voting Day.
- 3.6 The Ratification Officer will maintain an updated List of Registered Voters setting out the names of all Eligible Voters who have returned a valid voter registration document in accordance with clause 3.3.
- 3.7 Subject to clause 13.3, no Eligible Voter may be provided with a mail-in ballot or vote at a poll in the Ratification Vote unless the Eligible Voter is a Registered Voter.

4. INFORMATION TO VERIFIER

4.1 At least 103 days before the Voting Day and before the Notice of Vote is posted, Council will by resolution in Form 2 send, or cause to be sent in quadruplicate the following documents to the Verifier:

- (a) the Ratification Process;
- (b) the Land Code; and
- (c) the List of Voters.

4.2 As soon as practicable after the Notice of Vote is posted, Council will send, or cause to be sent to the Verifier an addendum to the List of Voters sent in accordance with clause 4.1(c), listing any changes to the List of Voters who will be eligible to vote on Voting Day.

5. CONFIRMATION BY VERIFIER

5.1 Upon receipt of the documents under clause 4.1, the Verifier will review the Land Code and the Ratification Process to determine whether they are consistent with the Framework Agreement and the Act.

5.2 In accordance with clause 8.8 of the Framework Agreement, the Verifier will, within 30 days of receiving the documents, issue a declaration in Form 2A confirming whether the Land Code and the Ratification Process are consistent with the Framework Agreement and the Act.

6. COUNCIL RESOLUTION

6.1 After the Verifier confirms the Land Code and this Ratification Process under clause 5.2, Council will pass a Resolution in Form 3 to:

- (a) appoint the Ratification Officer;
- (b) confirm the List of Voters;
- (c) approve the text of the Land Code and the Ratification Process;

- (d) approve the Individual Agreement;
- (e) order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- (f) confirm the wording of the Ballot Question; and
- (g) set the Voting Day.

7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

- 7.1 The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote and has all the powers necessary to carry out that responsibility.
- 7.2 The Ratification Officer may appoint one or more assistant Ratification Officers and may delegate any of the duties set out in the Ratification Process to such an assistant, except:
- (a) the initialling of ballots;
 - (b) the deposit of the mail-in ballots in the ballot box under clauses 13.10(i) and 17.1(c); and
 - (c) the counting of ballots under clause 18.
- 7.3 Upon the appointment of an assistant Ratification Officer, the Ratification Officer and each such assistant Ratification Officer will execute an Appointment of an Assistant Ratification Officer in Form 4A.
- 7.4 If the Ratification Officer is unable to perform his or her duties, Council may appoint an acting Ratification Officer.

8. NOTICE OF VOTE

- 8.1 The Ratification Officer, in consultation with Council, will post a Notice of Vote in Form 5 at least 56 days prior to the Voting Day in public places where it can be read by the Members.
- 8.2 The Verifier will publish the Notice of Vote in one or more local newspapers at least 28 days prior to Voting Day.

8.3 The Notice of Vote will contain the following information:

- (a) the date, place and time of the Ratification Vote;
- (b) the Ballot Question;
- (c) the procedure for registering as a Registered Voter;
- (d) instructions for obtaining a copy of the Ratification Documents, the Background Documents and the Ratification Process; and
- (e) the name, office address and telephone number of the Ratification Officer.

8.4 Forthwith after posting the Notice of Vote, the Ratification Officer will fax a true copy of the Notice of Vote to the Verifier.

9. COMMUNITY INFORMATION

9.1 Council will send or cause to be sent, in one or more mailings, the following information to each Member on the List of Voters at the Member's last known address:

- (a) a copy of the Notice of Vote;
- (b) a copy of the Land Code;
- (c) a summary of the Land Code;
- (d) a copy of the Individual Agreement;
- (e) a summary of the Individual Agreement;
- (f) a summary of the Framework Agreement; and
- (g) a summary of the Act.

9.2 The information sent in accordance with clause 9.1 will be mailed at least 56 days prior to Voting Day.

9.3 In addition to the information provided under clause 9.1 Council may conduct or cause to be conducted:

- (a) visits at the homes of Eligible Voters;
- (b) telephone contact with Eligible Voters;
- (c) information meetings at (name of) and other appropriate places; and
- (d) such other information activities as may be deemed appropriate.

9.4 Activities conducted in accordance with clause 9.3 may be conducted at any time prior to two days before Voting Day.

9.5 Nothing in clause 9.4 precludes visits to, or telephone contact with, any Eligible Voter on the Voting Day for purposes only of assisting such Eligible Voters to vote.

10. INFORMATION TO THIRD PARTIES

10.1 At least 56 days prior to Voting Day the Lands Manager will provide the following information to each person who holds an Interest in (name of) First Nation Land but is not a Member:

- (a) the date of the Ratification Vote;
- (b) a communiqué from (name of) First Nation explaining the effect of the Ratification Vote;
- (c) a summary of the Act;
- (d) a summary of the Framework Agreement;
- (e) a summary of the Land Code; and
- (f) the name, office address and telephone number of a person who may be contacted for purposes of obtaining copies of the Background Documents or further information about the management of (name of) First Nation Land.

10.2 In addition to information provided in accordance with clause 10.1, (name of) First Nation may meet with, or otherwise provide information directly to, persons who hold an interest in (name of) First Nation land but are not Members.

10.3 Nothing in this Ratification Process precludes (name of) First Nation from providing

information in any form it deems appropriate to a municipal corporation, regional district, first nation or other entity with an interest in land in the vicinity of (name of) First Nation land.

11. AVAILABILITY OF DOCUMENTS

- 11.1 Notwithstanding clause 9, any Member may, on request, obtain a copy of the Ratification Documents and the Background Documents at no cost.
- 11.2 Any Member or the representative of Canada appointed under clause 8.2 of the Framework Agreement may upon request obtain a copy of the Ratification Process in relation to an objection under clause 20.
- 11.3 The Lands Manager will ensure that copies of the Ratification Documents and the Background Documents are available at the administration offices of the (name of) First Nation in sufficient quantities to comply with clause 11.1 and 11.2.

12. PRELIMINARY PROCEDURES

- 12.1 The Ratification Officer, in consultation with Council, will:
- (a) designate the polling places;
 - (b) prepare sufficient copies of regular ballots and mail-in ballots, which will be uniform in size, appearance, quality and weight;
 - (c) prepare sufficient copies of the secrecy envelopes, the identification envelopes, and the return envelopes;
 - (d) prepare sufficient copies of the voting instructions;
 - (e) obtain a sufficient number of ballot boxes;
 - (f) provide for a designated voting area at the polls such that a Registered Voter can mark a ballot free from observation;
 - (g) provide a sufficient number of lead pencils and blue or black ink pens for marking the ballot;
 - (h) ensure that samples of the Ballot Question are posted or available for examination

at the polls; and

- (i) ensure that a Commissioner for Oaths or Notary Public will be available as required.

13. MAIL-IN BALLOTS

13.1 A Registered Voter may cast a mail-in ballot.

13.2 The Ratification Officer will provide a pre-folded and initialled ballot in Form 1, an identification envelope in Form 7, a secrecy envelope, a prepaid return envelope and voting instructions to each Registered Voter who:

- (a) is not a resident on a (name of) First Nation Indian reserve; or
- (b) who otherwise requests of the Ratification Officer to cast a mail-in ballot.

13.3 If an Eligible Voter contacts the Ratification Officer and confirms his or her intention to register, the Ratification Officer will, upon being satisfied as to the Eligible Voter's intention, provide a mail-in ballot to the Eligible Voter.

13.4 To cast a mail-in ballot, a Registered Voter will:

- (a) mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
- (b) enclose and seal the ballot in the secrecy envelope;
- (c) enclose and seal the secrecy envelope in the identification envelope;
- (d) sign the outside of the identification envelope;
- (e) enclose and seal the identification envelope in the prepaid mailing envelope; and
- (f) deliver the sealed mailing envelope to the Ratification Officer.

13.5 A mail-in ballot may be delivered to the Ratification Officer by mail, courier or hand delivery.

13.6 A mail-in ballot must be received by the Ratification Officer no later than the close of the polls on Voting Day.

- 13.7 After the Ratification Officer has received a mail-in ballot, the Ratification Officer will:
- (a) confirm that the sender of the mail-in ballot is a Registered Voter or an Eligible Voter who has confirmed his or her intention to register in accordance with clause 13.3;
 - (b) attach the voter registration document to the mail-in ballot package;
 - (c) record the date when the mail-in ballot package was received;
 - (d) confirm that no other mail-in ballot package has been received from the Registered Voter; and
 - (e) store the mail-in ballot package in a secure location until Voting Day.
- 13.8 The Ratification Officer is personally responsible for the safekeeping of mail-in ballot packages until such time as the packages are opened, verified and deposited in a mail-in ballot box in accordance with clause 13.10.
- 13.9 The Ratification Officer will, after the last mail delivery on Voting Day and prior to the close of the polls on that day, retrieve any mail-in ballot packages from the mail.
- 13.10 After retrieving any mail-in ballot packages in accordance with clause 13.9 and prior to the close of the polls on Voting Day, the Ratification Officer will in the presence of two or more Registered Voters who will act as witnesses:
- (a) open a ballot box to be used only for the mail-in ballots;
 - (b) request the two or more Registered Voters to witness that the ballot box is empty;
 - (c) place his or her signature on the seal;
 - (d) ask the witnesses to place their signatures on the seal;
 - (e) forthwith seal the ballot box;
 - (f) in the presence of the witnesses, open each mail-in ballot package;
 - (g) verify that the signature that appears on the identification envelope is the same as the signature that appears on the voter registration document;

- (h) check the List of Registered Voters to ensure that the Registered Voter has not previously voted by mail-in ballot or in person;
- (i) if the Registered Voter has not already voted, deposit the mail-in ballot in its unopened secrecy envelope into the ballot box; and
- (j) place a line through the name of the Registered Voter on the List of Registered Voters.

13.11 Where:

- (a) a Registered Voter has previously voted in person or by mail-in ballot;
- (b) a voter is not a Registered Voter;
- (c) the signature that appears on the identification envelope is not the same as the signature that appears on the voter registration document; or
- (d) the identification envelope is not signed,

the Ratification Officer will reject the mail-in ballot and note the reason for the rejection on the List of Registered Voters and on the unopened mail-in ballot envelope, and will forthwith place the unopened mail-in ballot envelope into a suitable envelope retained for that purpose.

13.12 The Ratification Officer will:

- (a) execute a Declaration of Ratification Officer in Form 8; and
- (b) ensure that each witness executes a Statement of Witness in Form 9 and Form 9A.

14. VOTING PROCEDURES AT THE POLLS ON VOTING DAY

14.1 The polls will be open from ____ a.m. until ____ p.m. on Voting Day.

14.2 All voting at the polls will be by secret ballot.

14.3 The Ratification Officer is responsible for determining whether a person is an Eligible Voter and a Registered Voter.

- 14.4 At each poll, the Ratification Officer will:
- (a) before the first vote is cast, open the ballot box and request a Registered Voter to witness that the ballot box is empty;
 - (b) thereupon seal the ballot box and place his or her signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
 - (c) keep the ballot box in view for reception of ballots;
 - (d) execute a Declaration of Ratification Officer in Form 10; and
 - (e) ensure that each witness executes a Statement of Witness in Form 11.
- 14.5 When a person at a poll requests to vote, the Ratification Officer will:
- (a) ensure that the person is a Registered Voter;
 - (b) check the List of Registered Voters to ensure that the person has not already voted, either in person or by mail-in ballot; and
 - (c) provide the Registered Voter with a ballot, on the back of which are affixed the Ratification Officer's initials so that the initials can be seen when the ballot is folded.
- 14.6 The Ratification Officer will place, on the List of Registered Voters, a line through the name of every Registered Voter receiving a ballot at a poll.
- 14.7 The Ratification Officer will establish a process of ongoing communication by telephone or other effective means between polls so as to ensure that the List of Registered Voters located at each poll is updated and current in accordance with clause 14.6.
- 14.8 Upon request, the Ratification Officer will explain the method of voting.
- 14.9 If the Ratification Officer determines that the name of a Registered Voter has been omitted, incorrectly set out or incorrectly included on the List of Registered Voters, he or she will, in his or her sole discretion, make the necessary revision and such revision will be final.
- 14.10 A Registered Voter may request special assistance from the Ratification Officer at the polls.

- 14.11 The Ratification Officer will, on request and in the presence of a witness acceptable to the Registered Voter and the Ratification Officer, provide special assistance to a Registered Voter at the polls by marking a ballot in secret as directed by the Registered Voter and immediately folding and depositing the ballot into the ballot box.
- 14.12 The Ratification Officer, after providing special assistance to a Registered Voter, will make an entry on the List of Registered Voters opposite the name of the Registered Voter indicating:
- (a) that the ballot was marked by the Ratification Officer at the request of the Registered Voter;
 - (b) the reason for the Registered Voter's request; and
 - (c) the name of the witness.
- 14.13 Except for a Registered Voter requiring special assistance, every Registered Voter receiving a ballot at a poll will:
- (a) proceed immediately to a designated voting area;
 - (b) mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
 - (c) fold the ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
 - (d) immediately give the folded ballot to the Ratification Officer.
- 14.14 Upon receiving a marked ballot, the Ratification Officer, without unfolding it, will:
- (a) verify his or her initials;
 - (b) remove the perforated strip, if any; and
 - (c) deposit the ballot into the ballot box.
- 14.15 A Registered Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils a ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot to the Ratification Officer.
- 14.16 The Ratification Officer will record a ballot returned in accordance with clause 14.15 as

spoiled.

- 14.17 A Registered Voter at a poll who receives a ballot and does not return it to the Ratification Officer will forfeit the right to vote and the Ratification Officer will make an entry on the List of Registered Voters stating that the Registered Voter left the poll without delivering the ballot and will record the ballot as cancelled.
- 14.18 At the time set for closing the polls, the Ratification Officer will declare the polls closed, and entry will be denied to the polls until all Registered Voters remaining in the polls at that time have voted.
- 14.19 After the close of a poll other than the poll at which the Ratification Officer is presiding, the Assistant Ratification Officer presiding at that poll, with the Verifier or Assistant Verifier who will act as a witness, will:
- (a) seal the ballot box at that poll such that no further ballots may be deposited in that ballot box;
 - (b) initial the seal; and
 - (c) forthwith transport the sealed ballot box to the Ratification Officer at the poll at which he or she is presiding.

15. ORDERLY VOTING

- 15.1 Council, with the assistance of the Ratification Officer, will ensure that peace and good order are maintained at the polls.
- 15.2 The Ratification Officer will allow only one Registered Voter at a time into a designated voting area, except for a Registered Voter receiving special assistance.
- 15.3 A Registered Voter who is present and available to vote at a poll before the closing time will be entitled to vote.
- 15.4 No person will:
- (a) interfere or attempt to interfere with a Registered Voter when the Registered Voter is voting;
 - (b) obtain or attempt to obtain information as to how a Registered Voter is about to vote or has voted;

- (c) mark a ballot in a way that identifies the Registered Voter; or
- (d) mark the secrecy envelope for a mail-in ballot in a way that indicates how the ballot was cast.

16. REJECTED BALLOTS

16.1 A cast ballot will be rejected if that ballot:

- (a) was not supplied by the Ratification Officer or assistant Ratification Officer;
- (b) was not marked as either “YES” or “NO”;
- (c) was marked as both “YES” and “NO”;
- (d) was marked outside a box marked “YES” or “NO” such that the Ratification Officer cannot reasonably discern the intent of the Registered Voter; or
- (e) has any writing or mark which can identify the Registered Voter.

16.2 A ballot marked with anything other than a cross (“X”), or marked with anything other than a lead pencil or blue or black pen, will not be rejected if:

- (a) the mark is in a box;
- (b) the mark does not identify the Registered Voter; and
- (c) in the opinion of the Ratification Officer, the intent of the Registered Voter is clear.

17. OPENING MAIL-IN BALLOTS

17.1 After the close of the polls on Voting Day, the Ratification Officer, in the presence of the Verifier and any Registered Voters who may be present, will:

- (a) open the ballot box for mail-in ballots;
- (b) open the secrecy envelope and confirm the authenticity of the ballot by checking the affixed initials; and

- (c) deposit the ballot, without opening or showing it, in a ballot box used at the polls.

18. COUNTING OF BALLOTS

18.1 After the mail-in ballots have been deposited in a ballot box and after all ballot boxes have been received from the polls, the Ratification Officer, in the presence of the Verifier and any Registered Voter who may be present, will:

- (a) count the number of spoiled ballots;
- (b) examine all ballots contained in the ballot boxes;
- (d) reject any ballots as required under clause 16.1; and
- (e) count the number of ballots marked “YES”, the number of ballots marked “NO” and the number of rejected ballots.

18.2 When the results of the Ratification Vote have been determined the Ratification Officer will execute a Certification by Ratification Officer in Form 12.

18.3 The Ratification Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against and will thereupon:

- (a) affix his or her signature to the seals; and
- (b) request the Verifier to affix his signature to the seals.

18.4 The Ratification Officer will retain the separate envelopes for at least 60 days in his or her secure possession, and may unless otherwise instructed by Council thereafter destroy the ballots cast, including the rejected ballots, and the spoiled ballots.

19. PROCEDURAL AMENDMENTS

19.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer, Council or its designate and the Verifier may agree upon a variation of the procedural requirements of this Ratification Process if they:

- (a) deem it necessary to do so; and

- (b) reasonably believe the variation will not result in any substantive change to those procedural requirements.
- 19.2 The Verifier will state in writing the nature and basis of a variation under clause 19.1 and make a copy of the statement publicly available.
- 19.3 The Ratification Officer or Verifier may modify a form appended to this Ratification Process to add or update, but not remove, material detail.

20. OBJECTIONS

- 20.1 An Eligible Voter or the representative of Canada appointed under clause 8.2 of the Framework Agreement may file an objection with the Verifier if the Eligible Voter or representative has reasonable grounds for believing that:
- (a) there was a violation of, or irregularity in, this Ratification Process; and
 - (b) the final result of the Ratification Vote might have been different but for the violation or irregularity.
- 20.2 An objection must be received by the Verifier within five days of the Voting Day.
- 20.3 An objection must be in writing and must:
- (a) identify the name, address and telephone number of the Eligible Voter or representative of Canada making the objection;
 - (b) summarize the grounds for the objection; and
 - (c) be accompanied by a statutory declaration setting out the grounds for the objection.
- 20.4 The Verifier may, if the material provided under clause 20.3 is insufficient to decide the validity of the objection, conduct such further investigations as he deems necessary.
- 20.5 If an objection is filed under this clause, the Verifier will, within 15 days of Voting Day determine whether the objection is valid.
- 20.6 If the Verifier determines the objection is valid, he may allow the objection and call another Ratification Vote.

20.7 If the Verifier determines that:

- (a) there was neither a violation of, nor an irregularity in, this Ratification Process; or
- (b) there was a violation of, or an irregularity in, this Ratification Process but the final result of the Ratification Vote was not affected thereby,

the Verifier will dismiss the objection.

21. REPORT BY VERIFIER

21.1 Within 15 days of the Voting Day, the Verifier will send a written report in Form 13 on the conduct of the Ratification Vote to the (name of) First Nation and the Minister of the Department.

22. CERTIFICATION OF LAND CODE

22.1 The Land Code and the Individual Agreement will be approved if:

- (a) a majority of the Registered Voters vote to approve them; and
- (b) at least 25 per cent plus one of all Eligible Voters vote to approve them.

22.2 If the Land Code and the Individual Agreement are approved, Council will, as soon as practicable after receiving the report of the Verifier under clause 21.1, pass a resolution in Form 14 and send a copy of the approved Land Code and a declaration of the results of the vote to the Verifier.

22.3 Upon receiving the Land Code and the resolution in Form 14 from Council, the Verifier will certify the Land Code in Form 15 and send a copy of Form 15 together with a copy of the certified Land Code to the (name of) First Nation, the Minister of the Department and the Chair of the Lands Advisory Board.

BALLOT QUESTION

Do you approve:

- **The (name of) First Nation Land Code, dated for reference _____, 200_; and**
- **The Individual Agreement with Her Majesty the Queen in right of Canada?**

EXPLANATION

A “**YES**” vote means that (name of) First Nation will manage its own reserve lands under the (name of) *First Nation Land Code*.

A “**NO**” vote means that (name of) First Nation lands will continue to be managed by the Department of Indian Affairs under the *Indian Act*.

YES

NO

Mark this Ballot by placing a Cross (**✕**) in one of the above boxes.

Form 2
Ratification Process

FIRST NATION COUNCIL RESOLUTION
(Information to Verifier)

The Council of (name of) First Nation, in accordance with the clause 8.3 of the Framework Agreement on First Nation Land Management and clause 4 of the (name of) First Nation Community Ratification Process, do hereby resolve to submit the following information to the verifier, in quadruplicate:

1. the proposed (*name of*) *First Nation Land Code* dated for reference _____, 200_;
2. the initial List of Voters who, according to the records of (name of) First Nation, would be eligible to vote on whether to approve the proposed (*name of*) *First Nation Land Code*; and
3. the proposed (name of) First Nation Community Ratification Process, dated for reference _____, 200_.

Dated at (name of), Province of British Columbia on the _____ day of _____ 200_.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of ___ Council members)

Form 2A
Ratification Process

CONFIRMATION BY VERIFIER
(Land Code and Individual Agreement Ratification Process)

CANADA)
)
PROVINCE OF BRITISH COLUMBIA)

I, _____, of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was appointed as the Verifier for (name of) First Nation by the First Nation on the ____ day of _____ 200_ and by Canada on the ____ day of _____ 200_ for the purpose of verifying the community approval of their Land Code and their Individual Agreement, in accordance with the Framework Agreement on First Nation Land Management and the *First Nations Land Management Act*.
2. In accordance with clause 8.3 of the Framework Agreement, I received the following information from (name of) First Nation on _____, 200_:
 - (a) a copy of *the (name of) First Nation Land Code*;
 - (b) a list of the names of every Member of (name of) First Nation who, according to (name of) First Nation's records at that time, would be eligible to vote on whether to approve the Land Code and the Individual Agreement; and
 - (c) a detailed description of the community approval process that (name of) First Nation proposes to use.
3. A true copy of the Land Code, entitled the *(name of) First Nation Land Code*, dated for reference _____, 200_ is attached hereto as Exhibit "1" to this declaration.
4. A true copy of the community approval process, entitled (name of) First Nation Community Ratification Process, dated for reference _____, 200_ is attached hereto as Exhibit "2" to this declaration.
5. In accordance with clause 8.4 of the Framework Agreement and section 8 of the Act, I reviewed the *(name of) First Nation Land Code* and the (name of) First Nation Community Ratification Process to decide whether:

- (a) the *(name of) First Nation Land Code* conforms with the requirements of clause 5 of the Framework Agreement and section 6 of the Act; and
 - (b) the *(name of) First Nation Community Ratification Process* conforms with clause 7 of the Framework Agreement and section 8 of the Act.
6. In accordance with clause 8.8 of the Framework Agreement and section 8.1(a) of the Act, *the (name of) First Nation Land Code* and the *(name of) First Nation Community Ratification Process* are hereby confirmed/not confirmed as being consistent with the Framework Agreement.
7. My reasons for not confirming *the (name of) First Nation Land Code* or *(name of) First Nation Community Ratification Process* are as follows:

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
_____ of _____,)
in the Province of _____, this)
_____ day of _____, 200_.)
_____)
_____)
_____)
A Commissioner for Oaths in and _____)
for the Province of _____.

_____, Verifier

Form 3
Ratification Process

FIRST NATION COUNCIL RESOLUTION
(Commencement of Vote)

The Council of (name of) First Nation, in accordance with the Framework Agreement on First Nation Land Management and clause 6 of the (name of) First Nation Community Ratification Process, do hereby resolve to:

1. Confirm _____ as the Ratification Officer;
2. Confirm the List of Voters;
3. Approve the text of the (name of) First Nation Community Ratification Process, dated for reference _____, 200_;
4. Approve for community ratification *the (name of) First Nation Land Code*, as confirmed by the Verifier and dated for reference _____, 200_;
5. Approve for community ratification the Individual Agreement, which includes a process for amendment;
6. Hold a Ratification Vote to determine if the community approves the Ratification Documents in accordance with the (name of) First Nation Community Ratification Process as confirmed by the Verifier on _____, 200_;
7. Confirm the Ballot Question in the form attached as Annex #1; and
8. Set the Voting Day to be the ___ day of _____ 200_.

Dated at (name of), Province of British Columbia on the ___ day of _____ 200_.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of __ Council members)

Form 4
Ratification Process

APPOINTMENT OF RATIFICATION OFFICER

Date

I, _____, agree to act as Ratification Officer for the Ratification Vote to determine if the voters of the (name of) First Nation approve the Ratification Documents, and will discharge my duties in accordance with the (name of) First Nation Community Ratification Process and the requirements of confidentiality.

_____, Ratification Officer

Form 4A
Ratification Process

APPOINTMENT OF AN ASSISTANT RATIFICATION OFFICER

Date

I, _____, Ratification Officer, appoint _____ to act as my assistant in carrying out my duties in accordance with the (name of) First Nation Community Ratification Process for the purpose of the Ratification Vote.

_____, Ratification Officer

I, _____ agree to act as an assistant to the Ratification Officer for the purpose of the Ratification Vote and promise to carry out all assigned duties to the best of my abilities and in accordance with the (name of) First Nation Community Ratification Process and the requirements of confidentiality.

Assistant Ratification Officer

Form 5
Ratification Process

NOTICE OF VOTE

TO: MEMBERS OF (NAME OF) FIRST NATION

TAKE NOTICE that a Ratification Vote will be held in accordance with the (name of) First Nation Community Ratification Process on _____, 200_ in order to determine if Registered Voters approve the (name of) *First Nation Land Code* and the Individual Agreement.

The following question will be asked of the Registered Voters of (name of) First Nation by ballot:

"Do you approve:

- **The (name of) First Nation Land Code, dated _____, 200_ and**
- **The Individual Agreement with Her Majesty the Queen in Right of Canada?**

The Ratification Vote will take place on _____ day, the ___ day of _____, 200_ from ____ a.m. until ____ p.m. at:

The (name of) First Nation Administration Offices and _____
(Street address) _____, British Columbia (Street address), _____, British Columbia

Copies of the Background Documents, the Ratification Documents and the Ratification Process may be obtained from _____, Land Management Coordinator, at the (name of) First Nation Administration Offices, (address) Province of British Columbia, telephone _____.

AND FURTHER TAKE NOTICE that all Members of (name of) First Nation 18 years of age or older as of the date of the Ratification Vote are eligible to vote, **PROVIDED THAT SUCH MEMBERS MUST COMPLETE A VOTER REGISTRATION DOCUMENT TO BE PLACED ON THE LIST OF REGISTERED VOTERS.** Voter registration documents will be sent to all Eligible Voters whose address is on record with the (name of) First Nation. Voter registration documents are also available from _____, Ratification Officer at the address and telephone number appearing below.

DATED at (name of), Province of British Columbia this _____ day of _____ 200_.

_____, Ratification Officer
_____, Province of British Columbia, _____
Telephone: () _____ Facsimile: () _____

NOTE: Any Registered Voter may vote by mail-in ballot. If an Eligible Voter has not received a Voter Registration Document by _____, 200_ please contact the Ratification Officer so that the necessary form can be supplied to you.

Form 6
Ratification Process

VOTER REGISTRATION DOCUMENT
To Vote in the (name of) First Nation Ratification Vote

I, _____, am registering as a Registered Voter and:
(Print full name)

(Check one only)

I will be able to attend a polling station in person

OR

I wish to receive a mail-in ballot package.

My mailing address is: _____

_____ Postal/Zip Code

My phone number is: _____

I confirm that I am at least 18 years of age, or will be 18 years of age by _____, 200_
and I am a Member of the (name of) First Nation, and that:

My Band Number is _____ and my Date of Birth is _____;

And that I have signed this Voter Registration Form, together with a witness to my signature.

Signature of Eligible Voter

Date

Signature of Witness

Print Name of Witness

For Ratification Officer's Use Only

This is to certify that this Eligible Voter has been registered and his or her full name, band number and date of birth have been placed on the List of Registered Voters.

Date

_____, Ratification Officer

**Form 7
Ratification Process**

IDENTIFICATION ENVELOPE

IDENTIFICATION ENVELOPE

**(NAME OF) FIRST NATION
RATIFICATION VOTE**

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

Full Name of Registered Voter: _____
(Please print you name)

I confirm that this envelope contains only my ballot, which is sealed inside a secrecy envelope.

Signature of Registered Voter

**Form 8
Ratification Process**

**DECLARATION OF RATIFICATION OFFICER
(Mail-in Ballots)**

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer, of _____, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all mail-in ballots at (name of) First Nation when Registered Voters of (name of) First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing mail-in ballots, I opened ballot box number #__.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of the Registered Voters who were present, and prepared it for the reception of ballot papers.
5. I personally deposited all of the mail-in ballots received by me into ballot box #__ without opening the secrecy envelope, and kept the ballot box sealed when not in my custody until the ballots were counted.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this _____ day of _____,)
200_.)
) _____)
) _____, Ratification Officer)
)

A Commissioner for Oaths in and for the
Province of British Columbia

Form 9
Ratification Process

STATEMENT OF WITNESS
(Deposit of Mail-In Ballots)

Date

I, _____ was personally present at _____ on the __ day of _____, 200_ when the Ratification Officer deposited the secrecy envelopes containing the mail-in ballots in ballot box #__, and:

1. I am a Registered Voter.
2. I witnessed that ballot box #__ was empty before any secrecy envelopes containing mail-in ballots were deposited.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

Form 9A
Ratification Process

STATEMENT OF WITNESS
(Opening of Mail-In Ballots)

Date

I, _____ was personally present at _____ on the __ day of _____, 200_ when the Ratification Officer opened the mail-in ballot packages, and:

1. I am a Registered Voter.
2. The mail-in ballot packages were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer confirmed that the signatures that appeared on the identification envelopes were the same as the signatures that appeared on the voter registration documents.
4. The Ratification Officer checked the List of Registered Voters and ensured that the Registered Voter whose name appeared on the mail-in ballot package had not previously voted in person or by mail-in ballot.
5. The Ratification Officer placed a line through the name of each Registered Voter on the List of Registered Voters when she deposited the secrecy envelope of that Registered Voter in the separate ballot box kept for that purpose.

Witness

DECLARATION OF RATIFICATION OFFICER
(Regular Polls)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer, of _____, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____ on the __ day of _____, 200_ when Registered Voters of (name of) First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. Immediately before the Ratification Vote began, I opened ballot box number #__.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of those persons who were present, and kept it in view for the reception of ballot papers.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this _____ day of _____)
200_.)
_____)
_____) _____, Ratification Officer
A Commissioner for Oaths in and for the)
Province of British Columbia)

Form 11
Ratification Process

STATEMENT OF WITNESS
(Regular Polls)

Date

I, _____, was personally present at the polling place at _____ on the __ day of _____, 200_ when Registered Voters of (name of) First Nation were to vote in a Ratification Vote concerning the Ratification Documents, and

1. I am a Registered Voter.
2. I witnessed that the ballot box #__ was empty before any votes were cast in the Ratification Vote.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

Form 12
Ratification Process

CERTIFICATION BY RATIFICATION OFFICER
(Conclusion of Vote)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer for (name of) First Nation in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was present at _____ on the __ day of _____, 200_ when Registered Voters of (name of) First Nation voted concerning approval of *the (name of) First Nation Land Code* and Individual Agreement in accordance with the (name of) First Nation Community Ratification Process.
2. A true copy of the Notice of Vote is attached as Exhibit “1” to this Declaration.
3. In accordance with clause 8.1 of the (name of) First Nation Community Ratification Process I posted the Notice of Vote at least 56 days prior to the Voting Day.
4. The voting procedure, including the handling of mail-in ballots and the counting of results, was conducted in accordance with clauses 12 to 19, both inclusive, of the (name of) First Nation Community Ratification Process.
5. The names of _____ Eligible Voters appeared on the List of Voters.
6. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
7. The number of Registered Voters who constituted a majority was _____.
8. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was _____.
9. The results of the Ratification Vote are as follows:
 - (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with

clause 13 of the (name of) First Nation Community Ratification Process;

- (b) _____ regular ballots were cast in the Ratification Vote in accordance with clauses 14 and 15 of the (name of) First Nation Community Ratification Process;
- (c) _____ ballots were spoiled as provided in clause 14.16 of the (name of) First Nation Community Ratification Process;
- (d) _____ ballots were rejected in accordance with clause 13.11 of the (name of) First Nation Community Ratification Process and not opened or deposited into the ballot box;
- (e) _____ ballots were cancelled in accordance with clause 14.17 of the (name of) First Nation Community Ratification Process;
- (f) _____ ballots were rejected in accordance with clause 16.1 of the (name of) First Nation Community Ratification Process;
- (g) _____ ballots were marked “YES” for the Ballot Question; and
- (h) _____ ballots were marked “NO” for the Ballot Question.

10. Based on the need to meet or exceed the number of Registered Voters in item 7, and the number of Eligible Voters in item 8, above, the Ratification Documents were *approved/not approved* by the Registered Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the _____)
Province of _____, this _____)
day of _____ 200_ .)
_____)
_____, Ratification Officer)
_____)
A Commissioner for Oaths in and for the)
Province of British Columbia)

Form 13
Ratification Process

REPORT BY VERIFIER
(Conclusion of Vote)

CANADA)
)
Province of British Columbia)

I, _____ of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was present at _____ on the ___ day of _____, 200_ when Registered Voters voted concerning approval of *the (name of) First Nation Land Code* and their Individual Agreement in accordance with the (name of) First Nation Community Ratification Process.
2. A copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with clause 8.1 of the (name of) First Nation Community Ratification Process, the Ratification Officer posted the Notice of Vote at least 56 days prior to the Voting Day.
4. In accordance with clause 8.2 of the (name of) First Nation Community Ratification Process, I arranged for the Notice of Vote to be published in the _____ at least 28 days prior to the Voting Day.
5. In accordance with clause 9.2 of the (name of) First Nation Community Ratification Process, a copy of the Notice of Vote and the documents listed in clause 9.1 were sent to each person on the List of Voters at their last known address at least 56 days prior to the Voting Day.
6. In accordance with clauses 9.3 and 9.4 of the (name of) First Nation Community Ratification Process, door-to-door visits, community information meetings and telephone contacts were made in the community.
7. In accordance with clause 10.1 of the (name of) First Nation Community Ratification Process, the information package was sent to any persons who are not Members who hold an interest in (name of) First Nation Land at least 56 days prior to the Voting Day.
8. The names of _____ Eligible Voters appeared on the List of Voters.
9. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
10. The number of Registered Voters who constituted a majority was _____.
11. The number of Eligible Voters who constituted the minimum percentage required for approval

under clause 7.4 of the Framework Agreement on First Nation Land Management and section 12(2) of the *First Nations Land Management Act* was _____.

12. The results of the Ratification Vote are as follows:

- (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with clause 13 of the (name of) First Nation Community Ratification Process;
- (b) _____ regular ballots were cast in the Ratification Vote in accordance with clauses 14 and 15 of the (name of) First Nation Community Ratification Process;
- (c) _____ ballots were spoiled as provided in clause 14.16 of the (name of) First Nation Community Ratification Process;
- (d) _____ ballots were rejected in accordance with clause 13.11 of the (name of) First Nation Community Ratification Process and not opened or deposited into the ballot box;
- (e) _____ ballots were cancelled in accordance with clause 14.17 of the (name of) First Nation Community Ratification Process;
- (f) _____ ballots were rejected in accordance with clause 16.1 of the (name of) First Nation Community Ratification Process;
- (g) _____ ballots were marked “YES” for the Ballot Question; and
- (h) _____ ballots were marked “NO” for the Ballot Question.

13. Based on the need to meet or exceed the number of Registered Voters in item 10, and the number of Eligible Voters in item 11, the Ratification Documents were *approved/not approved* by the Registered Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of _____, this _____)
day of _____ 200___.)
_____)
A Commissioner for Oaths in and for the)
Province of British Columbia)

_____)
_____, Verifier

**Form 14
Ratification Process**

FIRST NATION COUNCIL RESOLUTION
(Submission to Verifier at Conclusion of Vote)

Whereas the (name of) *First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at (name of) First Nation on the ___ day of _____, 200_;

And Whereas the Verifier has reported that the Ratification Vote was conducted in accordance with the (name of) First Nation Community Ratification Process confirmed by the Verifier;

And Whereas the Registered Voters approved these documents at the Ratification Vote held on the ___ day of _____, 200_;

Now therefore the Council of (name of) First Nation, in accordance with the *Framework Agreement on First Nation Land Management* and clause 22.2 of the (name of) First Nation Community Ratification Process, do hereby resolve to send to the Verifier the approved (name of) *First Nation Land Code*, attached hereto as Annex "1", for certification by the Verifier.

Dated at (name of), Province of British Columbia this _____ day of _____, 200_.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of ___ Council members)

Form 15
Ratification Process

CERTIFICATION OF LAND CODE

Whereas the *(name of) First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at (name of) First Nation on the __ day of _____, 200_;

And Whereas I have reported that the Ratification Vote was conducted in accordance with the (name of) First Nation Community Ratification Process confirmed by me as the Verifier;

And Whereas the *(name of) First Nation Land Code* and the Individual Agreement were approved by the Registered Voters at the Ratification Vote on the __ day of _____, 200_;

Therefore, I hereby certify the *(name of) First Nation Land Code*, attached as Annex “1” hereto.

Dated at _____ this _____ day of _____, 200_.

_____, Verifier

SAMPLE

UNREGISTERED VOTE COMMUNITY APPROVAL CALCULATION

(WITHOUT VOTER REGISTRATION)

In this scenario we will look at 1000 Eligible Voters under an Unregistered Vote:

Total Eligible Voters = 1000

At least 50% of total Eligible Voters + 1 need to vote = 501

At least 50% of those who vote + 1 need to vote yes = 252

Framework Agreement minimum requirements for this scenario

At least 25% of Total Eligible Voters +1 need to vote yes = 251

Ratification Process Results

(A) Number of Eligible Voters necessary to constitute a Majority = 252

(B) Minimum Requirements (25% plus 1 Eligible voters) = 251

NOTE:

With this approach the number of Eligible Voters that need to vote is 501 whereas in the registered example approval would have been achieved with a lower Eligible Voter turnout (400 Registered Eligible Voters). It is harder to get 501 Eligible Voters to turn out to vote then it is to get 400 Eligible Voters to register and vote. Both the registered and unregistered example met the *Framework Agreement* mandatory requirement, "that the ratification documents could not be approved unless there were a least 25% + 1" Yes votes (251).

Sample

REGISTERED VOTE COMMUNITY APPROVAL CALCULATION (WITH VOTER REGISTRATION)

In this scenario we will look at 1000 Eligible Voters under a Registered Vote:

Total Eligible Voters = 1000

Total Registered Eligible Voters = 400

50% of total Registered Eligible Voters + 1 = 201

Framework Agreement minimum requirements for this scenario

25% of Total Eligible Voters +1 = 251

Ratification Process Results

(A) Number of Registered Voters necessary to constitute a majority = 201

(B) Minimum Requirements (25% plus 1 Eligible voters) = 251

NOTE:

For this approach (B) Framework Agreement minimum requirements (251) had to be used as approach (A) Number of Registered Voters necessary to constitute a majority did not meet the minimum requirements. With the (B) approach the number of Yes votes (251) can be obtained with a lower voter turnout (400 Total Registered Eligible Voters) than the “unregistered” (501) voter turnout approach because only Eligible Voters who register can vote. This example calculation demonstrates that the FN can meet the requirements of the *Framework Agreement* with a lower voter turnout. This actually seems to increase voter turnout because the approach causes considerable dialogue between the FN administration and their eligible voters. This dialogue creates interest and understanding of the process and the Land Code.