

**DRAFT**  
**DOKIS FIRST NATION LAND CODE**

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*March 23/14*  
Date

*[Signature]*  
Verifier

JULY 2<sup>ND</sup> 2013

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**DRAFT**

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**JULY 2<sup>ND</sup> 2013**

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## PREAMBLE

WHEREAS Dokis First Nation is a member of the Anishinabek Nation which has existed on this land called Mother Earth since time immemorial; and

WHEREAS Dokis First Nation is a signatory of the Robinson Huron Treaty of 1850 between Her Majesty the Queen and the Ojibway Indians, which among other promises and guarantees, reserved three miles square at Wanabeyakokaun near Lake Nipissing and the Island near the Fall of Okickandawt for Dokis First Nation; and

WHEREAS Dokis First Nation are strong and proud people who have the sacred duty to protect and respect the land and the gifts of the Creator for the well being of their people to the Seventh Generation; and

WHEREAS Dokis First Nation assert that they have the right to govern themselves in relation to matters that are integral to their culture, identity, traditions, language, and with respect to their special relationship to the land and resources; and

WHEREAS Dokis First Nation assert that they have jurisdiction with respect to their land and resources, including the water, air, minerals, timber, plants, and wildlife, and that they have never relinquished this jurisdiction; and

WHEREAS Dokis First Nation has entered into a government to government Framework Agreement on First Nation Land Management (hereinafter the “Framework Agreement”) with Canada on March 31, 2003; and

WHEREAS the Framework Agreement provides that Dokis First Nation may withdraw its lands from the land provisions of the *Indian Act*, and that Dokis First Nation may exercise control over its lands and resources for the use and benefit of their Members; and

WHEREAS Dokis First Nation desires to exercise control over its lands and resources for the use and benefit of its Members subject to the provisions of this Land Code; and

WHEREAS this Land Code is not intended to limit or define the concept, or determine the existence of the inherent right of self-government of Dokis First Nation.

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

## **PART I – DEFINITIONS**

### DEFINITIONS IN LAND CODE

1. In this Land Code, except where the context otherwise indicates, the following definitions apply:
  - a) “Abrogate” means to abolish by authoritative action or to annul;
  - b) “Administration” means the office or body that has responsibility for Dokis Lands and related matters;
  - c) “Authority” means any authority, other than law-making authority;
  - d) “Canada” means Her Majesty the Queen in Right of Canada;
  - e) “Certificate of Entitlement” means a permanent Land Interest granted to a Member in accordance with this Land Code;
  - f) “Chief” means the person who is elected to serve as the spokesperson of Dokis First Nation as determined by section 74 of the *Indian Act*, or as may be determined by custom code or self-government agreement in the future;
  - g) “Child” in respect of a person, means the person’s natural child; adopted child; step-child; or a child whom the person has demonstrated a settled intention to treat as a child of his or her family except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody; and “Children” shall have a corresponding meaning;
  - h) “Commencement Date” means the date that this Land Code comes into effect;
  - i) “Common-Law Partner” means the relationship between two (2) persons who are cohabiting in a conjugal relationship;
  - j) “Community Approval” means the process by which Dokis First Nation shall obtain consent of its Members on Land matters;
  - k) “Community Consultation” means the process by which Dokis First Nation shall seek advice from its Members on Land matters;
  - l) “Community Meeting of Members” means a meeting of Members on Land matters;



- m) “Council” means, collectively, the Chief and Council of Dokis First Nation or any successor elected government of Dokis First Nation as determined under section 74 of the *Indian Act*, or as may be determined by Dokis First Nation by custom code or self-government agreement in the future;
- n) “Councillor” means a member of Council of Dokis First Nation or any successor elected government of Dokis First Nation as determined under section 74 of the *Indian Act*, or as may be determined by Dokis First Nation by custom code or self-government agreement in the future;
- o) “Derogate” means to take away a part so as to impair or detract;
- p) “Dokis First Nation” means Dokis First Nation, also commonly referred to as the Dokis Reserve, Dokis Bay, Dokis Reserve # 9, Dokis Band of Ojibway Indians, Dokis Band, Okikendawt and its Members, and “Dokis” shall have a corresponding meaning;
- q) “Dokis First Nation Land” means any portion of Dokis Reserve that is subject to this Land Code, and “Dokis Land” and “Land” shall have a corresponding meaning;
- r) “Eligible Voter” means for the purpose of voting in respect of Land matters under this Land Code, a Member who has attained the age of eighteen (18) years on or before the day of the vote;
- s) “Extended Family” in respect of a person, means the person’s grandparent, grandchild, first degree aunt or uncle, first degree niece or nephew, mother or father in-law, brother or sister in-law, individuals who reside in the same household, and/or any other relation or relationship that Dokis First Nation may add by Law;
- t) “Framework Agreement” means the Framework Agreement on First Nation Land Management entered into between Canada and thirty (30) First Nations, including Dokis First Nation, on March 31, 2003, as amended;
- u) “Heritage Sites” means areas which Dokis First Nation determines to have special historical or cultural interest, including but not limited to, burial, sacred, traditional, archaeological, and historical sites within Land;
- v) “Immediate Family” in respect of a person, means the person’s natural parent, adopted parent, step-parent, or individual whom has demonstrated the settled intention to act as a parent; Child; Spouse or Common-Law Partner; sister; brother; and legal guardian;

- w) “Individual Agreement” means the Individual Agreement made between Dokis First Nation and Canada in accordance with section 6.1 of the Framework Agreement;
- x) “Jurisdiction” means law-making authority;
- y) “Land Interest” means any interest, right or estate of any nature in or to Land, including a lease, easement, right of way, servitude, or profit a prende, but does not include title to that Land;
- z) “Land Law” means a law, including but not limited to, policies, regulations, standards, restricted to Dokis Land, enacted by the Council in accordance with this Land Code;
- aa) “Land Code Ratification Vote” means a vote of registered Eligible Voters to ratify this Land Code;
- bb) “Land Revenues” means any monetary revenue or other compensation that may be received, generated, or expended in relation to Land;
- cc) “License” in relation to Dokis, means any right of use or occupation of Land, other than an interest in that Land;
- dd) “Local Public Works” means, but is not limited to, the construction and maintenance of roads, bridges, ditches, septic, sanitation, waste management, lagoons, dams, and watercourses within Land;
- ee) “Market Value” means the value that is equal to the amount that would have been paid for a Land Interest or License if a willing seller had sold it to a willing buyer under no duress;
- ff) “Member” means a person whose name appears on or is entitled to appear on the Band List of Dokis, or as may be on a Membership List of Dokis where Dokis determines its own membership in accordance with a membership code or self-government agreement in the future;
- gg) “Membership List” means the list of Members of Dokis as maintained by Aboriginal Affairs and Northern Development Canada under sections 8 to 13 of the *Indian Act*, and “Band List” shall have a corresponding meaning;
- hh) “Natural Resources” means natural resources within Land including, but not limited to, forests, farms, wildlife, plant life, aquatic plants, water, water beds, Riparian Rights, fish and aquatic life, minerals, soil, gravel, stone, and rock;

- ii) “Ratification Vote” means a vote of registered Eligible Voters at a Community Meeting of Members on Land matters;
- jj) “Resolution” means a Resolution of the Council enacted under this Land Code, and “BCR” and “Band Council Resolution” shall have corresponding meanings;
- kk) “Riparian Rights” means the legal rights of owners of land bordering on a river or other body of water, and includes laws that pertain to the use of water for that land;
- ll) “Spouse” means a person who is married to another, whether by a traditional customary, religious or civil ceremony, and/or includes a Common-Law Partner; and
- mm) “Verifier” means a neutral observer to the Land Code Ratification Vote process that is appointed by the Council.

#### DEFINITIONS IN FRAMEWORK AGREEMENT

2. Any word or term in this Land Code which is defined in the Framework Agreement shall have the same meaning as in the Framework Agreement, unless the context otherwise requires.

## **PART II – PURPOSE AND GENERAL PROVISIONS**

#### PURPOSE OF LAND CODE

3. In accordance with the Framework Agreement, the purpose of this Land Code is to set out:
  - a) The transfer of Jurisdiction and Authority for its Lands, Natural Resources, and Land Revenues to Dokis from under the *Indian Act*;
  - b) The Jurisdiction of Dokis with respect to its Lands, Natural Resources, and Land Revenues; and
  - c) The structures and legal procedures through which Dokis will exercise its Jurisdiction and Authority over its Land, Natural Resources, and Land Revenues.

#### ABORIGINAL AND TREATY RIGHTS

4. Nothing in this Land Code will be construed so as to Abrogate or Derogate

from the Aboriginal and treaty rights of Aboriginal Peoples recognized and affirmed by section 35(1) of the *Constitution Act, 1982*.

#### OTHER AGREEMENTS OR TREATIES

5. This Land Code does not preclude Dokis from entering into agreements or treaties on any matter, including matters covered in this Land Code.

#### SPECIAL RELATIONSHIP

6. The special relationship between Canada and Dokis will continue after the Commencement Date.

#### APPLICATION OF FEDERAL LAWS

7. Federal laws applicable on Dokis Land will continue to apply, except to the extent that they are inconsistent with this Land Code.

#### RELATIONSHIP OF LAWS

8. Dokis Land Laws, federal laws, and provincial laws will exist concurrently.

#### CONFLICT OF LAND LAWS AND FEDERAL LAW

9. In the event of an inconsistency or conflict between a Dokis Land Law and a federal law, Dokis Land Law will prevail to the extent of the inconsistency or conflict.

#### CONFLICT OF LAND CODE AND LAND LAWS

10. In the event of an inconsistency or conflict between this Land Code and a Land Law, this Land Code will prevail to the extent of the inconsistency or conflict.

#### INTERPRETATION

11. This Land Code:
  - a) Shall be interpreted in a fair, large, and liberal manner;
  - b) There is no presumption that doubtful expressions, terms or provisions in this Land Code are to be resolved in favour of any particular person or party;
  - c) The provisions will be governed by and construed in accordance with the laws in force in Canada;

- d) Headings or sub-headings are for convenience only and do not form part of this Land Code, and in no way define, limit, alter, or enlarge the scope or meaning of any provision;
- e) A reference to a statute includes every amendment to it, every regulation made under it and any law enacted in substitution for, or in replacement of it;
- f) Unless otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular;
- g) Unless otherwise clear from the context, wherever the masculine is used, it will include the feminine, and the use of the feminine includes the masculine; and
- h) All references to a time period of days means consecutive days and not business days.

### **PART III – JURISDICTION AND AUTHORITY**

#### JURISDICTION OF LAND CODE

12. This Land Code shall govern Dokis' Jurisdiction over:

- a) All rights and resources in the Land, Natural Resources, and Land Revenues of Dokis, to the extent that these are under the jurisdiction of Canada; and
- b) All rights and resources in Land Interests and Licenses granted on Dokis to Members and others by Canada, as provided for in the Individual Agreement.

#### DESCRIPTION OF LAND

13. Dokis Land that is subject to this Land Code is that reserve known as Dokis Indian Reserve No. 9.

#### OTHER RESERVE LANDS

14. Dokis Land includes all reserve lands listed in the Individual Agreement and such other reserve lands as may be described in the Individual Agreement as amended from time to time.

#### PROCESS FOR OTHER RESERVE LANDS

15. Prior to the addition of other reserve lands to the Land Code, Dokis may consult with the Members through a Community Meeting of Members. For greater certainty, a community approval or Ratification Vote is not required for amending the description of reserve land in the Land Code and Individual Agreement as amended from time to time. Council may make a Resolution declaring such other reserve to be subject to this Land Code.

## **PART IV – ADMINISTRATION AND OPERATION**

### STRUCTURES AND LEGAL PROCEDURES

16. Dokis shall implement structures and legal procedures to promote and ensure the effective administration and operation of this Land Code.

### DELEGATION AND ACCOUNTABILITY

17. The Council may not delegate its law-making Jurisdiction to others, but may delegate its administrative Authority to carry out the daily functions and operations of this Land Code. The Council will remain accountable to its Members for the exercise and delegation of any administrative Authority.

### BUDGET

18. An annual budget for the management and operation of matters under this Land Code shall be prepared and included within the overall Dokis budget. The budget shall be presented at a meeting of the Council and copies made available for inspection by Members at the administration offices of Dokis.

### FINANCIAL ACCOUNTS

19. The Council shall maintain one (1) or more financial accounts in a financial institution and shall deposit in those accounts: transfer payments received from Canada for the management and administration of Land; monies received by Dokis from the grant or disposition of any Land Interest or License in Land; all capital and revenue monies received from Canada from the grant or disposition of any Land Interest or License in Land; all fees, fines, charges, and levies collected under a Land Law; all Land Revenue received by Dokis pursuant to this Land Code; and any other revenue received by Dokis pursuant to this Land Code.

### AUDIT, ACCOUNTS AND FINANCIAL STATEMENTS

20. The Council shall see that the accounts and financial statements in regards to this Land Code are maintained in accordance with generally accepted

accounting principles and are prepared annually. Dokis shall appoint a duly accredited auditor to audit the accounts and annual financial statements of Dokis in regards to this Land Code who shall present his or her auditor's report on the accounts and annual financial statements regarding matters under this Land Code at the annual Community Meeting of Members.

#### ANNUAL LAND ISSUES REPORT

21. The Council shall make its best efforts to ensure that an annual report on Land issues is prepared which shall, at a minimum, include a copy of the auditor's report, an annual review of Land management, and such other information relevant to the management and operation of this Land Code. The annual report on Land issues shall be presented at a Community Meeting of Members and made available at the administration offices of Dokis.

#### MANAGEMENT AND OPERATIONAL POLICIES

22. In addition to the foregoing, Dokis may develop management and operational policies for:
- a) Duties, responsibilities, reporting, staffing, and operations of the Administration;
  - b) Preparation and implementation of audits, budgets, books and records;
  - c) Management of Land Revenues;
  - d) Administration and enforcement of offences under this Land Code; and
  - e) Other such matters which are necessary.

### **PART V - ACCESS TO INFORMATION, PRIVACY, CONFLICT OF INTEREST**

#### ACCESS TO INFORMATION

23. A Member may have reasonable access at the administration offices of Dokis to view and access a Land Law, the Dokis Land Register, auditor's report, or annual report on Land issues.

#### REQUESTS FOR INFORMATION

24. A Member may submit a written request to the Administration for a copy of a Land Law, Land Register, auditor's report, or annual report on Land issues.

#### REQUESTS AND ACCESS BY OTHER PERSONS

25. A person who is not a Member of Dokis may submit a written request to the Council to access or obtain a copy of a Land Law, Resolution, or annual report on Land issues, to which a written response will be issued.

#### REASONABLE FEES

26. The Council may establish and charge reasonable fees for accessing or receiving documents.

#### PRIVACY POLICY

27. Dokis shall develop a privacy policy governing the collection, management, use, disclosure, and access to personal information that may be obtained in the course of the management and operation of this Land Code.

#### SHARING OF INFORMATION

28. Dokis may enter into agreements with any other government respecting the sharing of personal information and the confidentiality of that information.

#### CONFLICT OF INTEREST PROCEDURES

29. The Conflict of Interest procedures set forth in this Land Code apply to the following persons when addressing matters that are in relation to this Land Code:
- a) Employees of Dokis;
  - b) Council, the Lands Committee, and the Dispute Resolution Committee; and
  - c) Others as the Council may determine by Resolution or a Land Law.

#### DEFINITION OF CONFLICT OF INTEREST

30. In this Land Code and any Land Law, a “Conflict of Interest” means:
- a) Where a person has a personal interest in the matter;
  - b) Where a person has a family interest in the matter in relation to their Immediate Family;
  - c) Where a person has a financial interest in the matter;



- d) Where a person has a professional or business interest in the matter; and
- e) Where a person has a prejudicial, discriminatory or biased opinion in the matter.

#### COMMON INTEREST

- 31. A Conflict of Interest does not apply to an interest that is held by a Member in common with every other Member.

#### MITIGATE CONFLICT OF INTEREST

- 32. To mitigate against the occurrence of a Conflict of Interest, no more than two (2) members of the same Immediate Family shall be concurrent members of the Lands Committee, Dispute Resolution Committee, or a body which deals with matters relating to this Land Code.

#### INABILITY TO ACT WHERE A CONFLICT OF INTEREST

- 33. In the event that all members of the Lands Committee, Dispute Resolution Committee, or body, are unable to act due to a Conflict of Interest, the matter shall be referred to and decided upon by Council. In the event that a quorum of Council is unable to act due to a Conflict of Interest, the matter shall be referred to and decided upon at a Community Meeting of Members.

#### CONFLICT OF INTEREST POLICY

- 34. The Council may develop a policy and make laws with respect to conflict of interest consistent with the provisions of this Land Code.

## **PART VI – LANDS COMMITTEE**

#### ESTABLISHMENT OF LANDS COMMITTEE

- 35. Dokis hereby establishes a Lands Committee to assist in the effective operation of this Land Code, subject to the terms and conditions set forth herein and may develop additional policies for the administration and management of the Lands Committee.

#### RESPONSIBILITIES OF LANDS COMMITTEE

- 36. The Lands Committee will be accountable for its conduct and actions to Dokis through the Council and the Administration and shall be responsible for providing technical advice and support to the Council and the Administration

regarding:

- a) Matters respecting Dokis Land;
- b) Developing the Land administration system;
- c) Assisting in conducting regular and special Community Meetings of Members, information sessions, and workshops to discuss Land matters;
- d) Recommending Land Laws, Resolutions, policies, and practices regarding this Land Code;
- e) Recommending granting Land Interests and Licenses in Dokis Lands;
- f) Distributing information between Members and the Council on Land matters; and
- g) Other such responsibilities as may be assigned by Council and the Administration.

#### COMPOSITION, SELECTION AND TERM OF LANDS COMMITTEE

37. The Lands Committee shall be comprised of a minimum of four (4) to a maximum of eight (8) members with one (1) position reserved for a member of Council. All members of the Lands Committee must be Eligible Voters of Dokis. The position reserved for a member of the Council shall be selected by a quorum of Council based on his or her availability and knowledge of Land matters. Council shall select the positions reserved for Eligible Voters on the Lands Committee through an application process. Term shall be two (2) years.

#### QUORUM AND MAJORITY VOTE OF LANDS COMMITTEE

38. Fifty percent plus one (50%+1) members of the whole Lands Committee shall constitute quorum. A majority vote of fifty percent plus one (50% + 1) of the Lands Committee members present will decide all questions.

#### LANDS COMMITTEE POLICIES

39. Following the enactment of this Land Code, Dokis shall develop policies to govern the administration and conduct of the Lands Committee.

### **PART VII – CONSULTATION, APPROVAL, RATIFICATION, AND REVISIONS**

#### COMMUNITY CONSULTATION PROCESS

40. Dokis shall implement a Community Consultation process in which proposed enactments of all Land Laws, with the exception of those set forth in section 64 of this Land Code, will be presented to the Members at a Community Meeting of Members to solicit their advice, comments, and opinions on the Land Law. All Members are entitled to participate in the Community Consultation process.

#### MATTERS THAT REQUIRE CONSULTATION

41. The proposed enactment of the following types of Land Laws require Community Consultation:

- a) A community plan or subdivision plan;
- b) Affecting a Heritage Site or environmentally sensitive Land;
- c) Environmental assessments;
- d) Transferring and assigning and interests in Dokis Land;
- e) Matrimonial real property;
- f) Rate and criteria for the payment of fees or rent;
- g) Rights and procedures for the expropriation of Dokis Land;
- h) Rights and procedures for the leasing of Dokis Land; and
- i) Other such matters that Dokis declares by Law or Resolution.

#### FOLLOWING THE COMMUNITY CONSULTATION

42. Dokis shall consider and, where appropriate, adopt the advice, comments, and opinions received from the Members through the Community Consultation process regarding the enactment of the proposed Land Law.

#### COMMUNITY APPROVAL PROCESS

43. Dokis shall seek Community Approval through a vote of Eligible Voters at a Community Meeting of Members on matters set forth in section 45 of this Land Code.

#### COMMUNITY APPROVAL OFFICER

44. The Council may appoint a Community Approval Officer who shall be

responsible for overseeing the administration of the Community Approval vote process.

#### MATTERS THAT REQUIRE COMMUNITY APPROVAL

45. The following Land transactions require Community Approval:

- a) Any first initial land use plan for Dokis;
- b) Any grant or disposition of a Land Interest or License such as by way of a lease, permit, easement, or right-of-way to a Member or a person who is not a Member exceeding a term of forty (40) years;
- c) Any renewal of a grant or disposition of a Land Interest or License to a Member or a person who is not a Member that extends the original term beyond twenty (20) years;
- d) Any grant or disposition of any Natural Resource to a Member exceeding a term of ten (10) years or a value greater than one hundred thousand dollars (\$100,000.00);
- e) Any grant or disposition of any Natural Resources to a person who is not a Member exceeding a term of ten (10) years or a value greater than one hundred thousand dollars (\$100,000.00);
- f) Any designation, development, or deletion of a Heritage Site;
- g) An expropriation of Dokis Land, with the exception of where it is expropriated under section 82 of this Land Code;
- h) Any voluntary Land exchange;
- i) A Land Law on Council's breach of Jurisdiction or Authority under this Land Code;
- j) A matrimonial real property Law; and
- k) Other such Land Laws that the Council declares by Resolution.

#### EXERCISING RIGHT TO VOTE

46. To exercise a right to vote, Eligible Voters may be present in person at the Community Meeting of Members or may vote by mail-in ballot or by other approved voting process. To exercise a right to vote by mail-in ballot or by other approved voting process, Eligible Voters must contact the Community Approval Officer to request a mail-in ballot package or documentation for any

other approved voting process. Proxy voting is not permitted.

#### QUORUM AT COMMUNITY APPROVAL VOTE

47. Ten percent (10%) of all Eligible Voters present at a Community Meeting of Members will constitute quorum for the transaction of the Community Approval vote.

#### VOTE ON QUESTIONS

48. Eligible Voters may vote on each question arising at a Community Meeting of Members and are entitled to one (1) vote on each question. Every question at a Community Meeting of Members shall be decided upon by a show of hands and a count of the mail-in ballots or other such approved voting method.

#### VOTES TO GOVERN

49. If a quorum of Eligible Voters are present in person, by mail-in ballot, or other approved voting process at a Community Meeting of Members, approval by a Community Approval vote may be made by a majority vote of fifty percent plus one (50% + 1) of Eligible Voters present in person, by mail-in ballot, or by other approved voting method at the Community Meeting of Members.

#### RATIFICATION VOTE

50. Dokis shall conduct a Ratification Vote on:
- a) The proposed enactment of any Land Law or matter that the Council declares by Resolution; or
  - b) Amendments to this Land Code.

#### VERIFIER NOT REQUIRED

51. A verifier is not required in any Ratification Vote.

#### MATTERS THAT DO NOT REQUIRE RATIFICATION VOTE

52. A Ratification Vote is not required on:
- a) Revisions to this Land Code made pursuant to section 59;
  - b) An amendment to or renewal of the Individual Agreement; or
  - c) Adding or amending the description of land in the Land Code and

Individual Agreement as amended from time to time.

#### QUORUM AT FIRST RATIFICATION VOTE

53. Fifteen percent (15%) of all Eligible Voters that participate in a Ratification Vote will constitute quorum.

#### VOTES AT FIRST RATIFICATION VOTE

54. If a quorum of Eligible Voters participate in a Ratification Vote in person, mail-in ballot, or by another approved voting method, a matter shall be considered approved if a majority vote of fifty percent plus one (50% + 1) of Eligible Voters cast a vote in favour of the matter.

#### SECOND RATIFICATION VOTE

55. If a quorum of Eligible Voters does not participate in a Ratification Vote, a second Ratification Vote may be called.

#### QUORUM AT SECOND RATIFICATION VOTE

56. Ten percent (10%) of all Eligible Voters present in person, by mail-in ballot, or by another approved method at a second Ratification Vote shall constitute quorum.

#### VOTES AT SECOND RATIFICATION VOTE

57. If a quorum of Eligible Voters participate in a second Ratification Vote, a matter shall be considered approved if a majority vote of fifty percent plus one (50% + 1) of Eligible Voters cast a vote in favour of the matter.

#### NO THIRD RATIFICATION VOTE

58. If a quorum of Eligible Voters do not participate at a second Ratification Vote, the proposed matter will not be executed nor have any effect, and the proposed matter will only be re-submitted for a Ratification Vote if:

- a) Further community consultation occurs;
- b) Community direction is obtained to reconsider the matter; and
- c) Any necessary changes are made to the proposal.

#### MINOR REVISIONS TO LAND CODE

59. The Council may from time to time, arrange and make minor revisions to this

Land Code without requiring Community Consultation, Community Approval, or a Ratification Vote, due to:

- a) A change to the description of Dokis Land;
- b) A reference in this Land Code to a section in another act or document that was amended and resulted in section renumbering;
- c) A reference in this Land Code to an act or parts thereof that have expired, been replaced, or been suspended;
- d) Changes in this Land Code as required to reconcile apparent inconsistencies with other acts;
- e) Minor improvements in the language as may be required to bring out more clearly the intention of Dokis, without changing the substance of this Land Code; and
- f) Correction of editing, grammatical or typographical errors.

#### CONSULTATION, APPROVAL AND RATIFICATION POLICIES

60. The Council may make policies concerning:

- a) Rules of procedure for Community Consultations;
- b) Rules of procedure for Community Approval votes;
- c) Rules of procedure for Community Meetings of Members;
- d) Rules of procedure on loss of confidence in the Council in relation to the exercise of their Jurisdiction and Authority under this Land Code;
- e) Ratification Votes; and
- f) Other such matters which are necessary.

### **PART VIII – LAND REGISTER AND LAND LAWS**

#### ESTABLISHMENT OF LAND REGISTER

61. The Council may make policies and Land Laws to establish:

- a) A Dokis Land Law Register to receive, compile, deposit and maintain all Land Laws and Resolutions; and

- b) A Dokis Land Register to receive, compile, deposit and maintain instruments pertaining to interests and licenses in Dokis Lands and Natural Resources.

#### PURPOSE OF LAND LAWS

62. Dokis may make Land Laws to exercise its Jurisdiction and Authority for its Lands, Natural Resources, and Land Revenues in accordance with this Land Code.

#### TYPES OF LAND LAWS

63. For greater certainty, the Council may make Land Laws for Dokis for such matters as, but not limited to:
  - a) Regulation, control, and prohibition of zoning, land use, subdivision control, and Land development;
  - b) Environmental assessment and protection;
  - c) Provision of and charges for the use of Local Public Works;
  - d) Creation, regulation, and prohibition of Land Interests and Licenses;
  - e) Enforcement of Land Laws; and
  - f) Provision of dispute resolution services to resolve inconsistencies or conflicts.

#### PUBLIC HEALTH, SAFETY AND PROTECTION

64. Council may enact a Land Law for a maximum of sixty (60) days without satisfying the applicable Community Consultation, Community Approval, or Ratification Vote procedures required by this Land Code, where required as a matter of public health, safety or protection. Upon the expiration of the sixty (60) days, the Land Law will be repealed or may be re-enacted upon the required Community Consultation, Community Approval, or Ratification Vote.

#### PROCEDURE FOR MAKING LAND LAWS

65. With the exception of section 64, the following procedures shall be used by Dokis in developing Land Laws:
  - a) Submitting a proposed Land Law at a duly convened meeting of the Council;



- b) Depositing a proposed Land Law with the Chairperson of the Lands Committee;
- c) Posting a proposed Land Law in one or more of the Dokis newsletter, Dokis website, and in public places in Dokis;
- d) Receiving comments and/or amendments on a proposed Land Law;
- e) Approving a Land Law;
- f) Certifying and publicizing a Land Law;
- g) Registering a Land Law; and
- h) Posting an enacted Land Law.

#### INTRODUCTION OF A PROPOSED LAND LAW

66. A proposed Land Law may be introduced at a duly convened meeting of the Council by the Chief or a Councilor; or the representative of any body or authority composed of Members that may be authorized by the Council to do so; or any Eligible Voter.

#### COUNCIL CONSIDERATION OF PROPOSED LAND LAW

67. In considering a proposed Land Law, Council may request additional information; propose amendments; reserve their decision; reject the proposed Land Law; accept the proposed Land Law; or recommend the proposed Land Law be presented at a Community Meeting of Members for Community Consultation or Community Approval.

#### DEPOSIT OF PROPOSED LAND LAW

68. If approved by Council, true copies of a proposed Land Law shall be deposited with the Lands Committee at least thirty (30) days before the enactment of a proposed Land Law.

#### POSTING OF PROPOSED LAND LAW

69. If approved by Council, true copies of a proposed Land Law shall be posted in public places on Dokis, the Dokis website, and Dokis newsletter at least thirty (30) days before the enactment of a proposed Land Law. The posting shall request Eligible Voters to submit any comments, amendments, or opposition to the proposed Land Law in writing to the Lands Committee within a specified timeframe.

#### COMMENTS, AMENDMENTS, OR OPPOSITION TO PROPOSED LAND LAW

70. Upon receipt of comments, amendments, or opposition to a proposed Land Law, the Lands Committee shall provide such to Council for their consideration. Should no comments, amendments, or opposition to the proposed Land Law be received from Eligible Voters within the time specified within the posting of the proposed Land Law, the proposed Land Law may be enacted.

#### APPROVAL OF LAND LAW WHERE A VOTE NOT REQUIRED

71. A Land Law that does not require Community Approval or a Ratification Vote, shall receive final approval upon the acceptance of the proposed Land Law by a quorum of Council at a duly convened meeting of Council that is open to Members; and the fulfillment of sections 68 to 70 of this Land Code.

#### APPROVAL OF LAND LAW WHERE A VOTE IS REQUIRED

72. A Land Law that requires Community Approval under section 45 of this Land Code, shall receive final approval upon the acceptance of the proposed Land Law by a quorum of Council at a duly convened meeting of Council that is open to Members; the fulfillment of sections 68 to 70 of this Land Code; and Community Approval of the proposed Land Law.

#### CERTIFICATION AND PUBLICATION OF LAND LAW

73. Upon acceptance, an original copy of the Land Law shall be certified by signing of a quorum of Council at a duly convened meeting of Council that is open to Members. A copy of the Land Law shall be recorded in the minutes of the Council meeting in which it was certified and registered in the Dokis Land Register.

#### LAND LAW COMING INTO FORCE

74. A Land Law shall come into force on the date specified in the Land Law; or if no date is specified in the Land Law, on the date in which it is certified by Council.

#### POSTING OF LAND LAW

75. Council shall post an original copy of a Land Law in the administrative office of Dokis within seven (7) days after a Land Law comes into force.

#### REGISTRATION OF LAND LAW

76. Original copies of all Land Laws shall be maintained in the Dokis Land Register.

#### ENFORCEMENT OF LAND LAWS

77. Dokis shall have the power to enforce its Land Laws which may include:

- a) The provision of fines, restitution, community service, and alternate means for achieving compliance;
- b) The establishment of offences punishable by summary conviction;
- c) Authorizing agreements with provincial or municipal governments to use provincial legislation to enforce Dokis Land Laws; and
- d) Other matters which are necessary for the enforcement of Dokis Land Laws.

#### LAND POLICIES

78. After the enactment of this Land Code, the Council may develop Land policies for such matters as:

- a) Criteria to be used in determining whether a matter is for public health, safety, or for the protection of Dokis Lands and Members and the process for Council advising Members of such Land Laws;
- b) Processes for depositing and posting a proposed Land Law; receiving comments, amendments, or opposition to a proposed Land Law; criteria to be considered by the Council to determine whether to accept or reject a proposed Land Law; registration of Land Laws; amending or repealing Land Laws; and enforcing Land Laws; and
- c) Other such matters which are necessary.

### **PART IX – PROTECTION OF LAND**

#### DEVELOPMENT OF LAND USE PLAN

79. Dokis may develop and amend from time to time, a land use plan which may include the proposed location of public buildings and structures; establishment of Heritage Sites; zoning, use, access, subdivisions, and Land development; and other such matters applicable to the use of Dokis Land.

#### HERITAGE SITES

80. Dokis shall ensure that the development on any site designated as a Heritage Site under the land use plan undergoes a Community Consultation process with Members. Dokis shall ensure that the deletion of a Heritage Site from the land use plan receives Community Approval.

#### POWER TO EXPROPRIATE LAND

81. In accordance with section 17 of the Framework Agreement and any Land Law enacted for the purpose of establishing the rights and procedures for community expropriation, Dokis has the power to expropriate a Land Interest or License, or a building or structure on Dokis Land.

#### EXPROPRIATION WITHOUT COMMUNITY APPROVAL

82. Dokis may only exercise its power to expropriate Dokis Land without obtaining Community Approval where the expropriation is in the best interest of Dokis and is for a necessary community purpose, examples of which may include, but are not limited to churches or places of worship; community centers or community halls; Band offices; public schools or day care facilities; health care facilities or hospitals; retirement facilities; sewage or water treatment facilities; public and local works; fire halls; and Heritage Sites.

#### EXPROPRIATION WITH COMMUNITY APPROVAL

83. Dokis requires Community Approval where it proposes to expropriate Dokis Land for purposes not within section 82 of this Land Code.

#### EXPROPRIATION LAND LAW

84. In accordance with this Land Code and prior to undertaking any community expropriations, Dokis must enact a community expropriation Land Law, which shall include such provisions as:
- a) Taking or possession of a Land Interest or License;
  - b) Transfer of a Land Interest;
  - c) Notice of expropriation and service of notice;
  - d) Entitlement to compensation for Land expropriation;
  - e) Establishing compensation for Land expropriation;
  - f) Payment of compensation for Land expropriation; and

- g) Other such terms and conditions as are necessary.

#### GOOD FAITH EFFORTS

85. Dokis shall take all reasonable good faith efforts to acquire a Land Interest or License in Dokis Land by mutual agreement before exercising its power to expropriate.

#### PUBLIC REPORT ON PROPOSED EXPROPRIATION

86. Where Dokis deems the community expropriation of Dokis Lands is necessary and before it undertakes a community expropriation, the Council shall issue a public report which sets forth:

- a) The reasons why the community expropriation is necessary;
- b) The reasonable good faith efforts undertaken to attempt to acquire the Dokis Land, Land Interest or License, through mutual agreement;
- c) Any applicable conditions or limitations on the community expropriation;
- d) The community expropriation process; and
- e) Other such details as necessary.

#### NOTICE AND COMPENSATION

87. In accordance with the Framework Agreement and the expropriation Land Law to be enacted under this Land Code, Dokis shall:

- a) Serve reasonable notice of the proposed expropriation and the terms and conditions of such, on each affected holder of the Land Interest or License;
- b) Provide the affected holder with information as to his or her rights, if any, to negotiate, comment, or present on the proposed expropriation; and
- c) Pay fair and reasonable compensation to the holders of the Land Interest or License being expropriated within a specified time and manner.

#### CALCULATION OF COMPENSATION

88. Compensation for expropriated Dokis Land shall be determined in accordance with the expropriation Land Law to be enacted under this Land Code and shall include compensation for its Market Value and the heads of

compensation set out in the *Expropriation Act*.

#### NEUTRAL EVALUATION

89. The resolution of disputes concerning the power of Dokis to expropriate Dokis Land shall be referred to a neutral evaluator within sixty (60) days of receipt of a lodged dispute by one or more of the parties, and shall be determined in the same manner as provided in Part IX of the Framework Agreement.

#### ARBITRATION

90. Disputes concerning the right of the holder of an expropriated Land Interest or License in Dokis to compensation; and disputes concerning the amount of compensation for expropriated Dokis Land shall be resolved by arbitration in the same manner as provided in Part IX of the Framework Agreement.

#### LAND EXCHANGE AGREEMENT

91. In accordance with this Land Code and the Framework Agreement, Dokis has the power to enter into a land exchange agreement with a third party to exchange a parcel of Dokis Land for a parcel of land from the third party. A land exchange agreement must include the following provisions:

- a) A detailed description of the parcel of Dokis Land to be exchanged;
- b) A detailed description of the parcel of land from the third party to be exchanged;
- c) The third party must transfer title to the land to be exchanged to Canada, which will be set apart as reserve land for Dokis;
- d) The Council must pass a Resolution authorizing Canada to transfer title to the parcel of Dokis Land being exchanged to the third party;
- e) Copies of the instruments transferring title to the parcel of land from the third party to Dokis Land are to be registered in both the Dokis Land Register and the First Nation Lands Register of Aboriginal Affairs and Northern Development Canada;
- f) Copies of the instruments transferring title to the parcel of Dokis Land from Dokis to the third party are to be registered in both the Dokis Land Register and the First Nation Lands Register of Aboriginal Affairs and Northern Development Canada;
- g) The parcel of land to be exchanged from the third party to Dokis has

undergone an environmental audit and the required clearances or remediation for any environmental matters have been satisfied at no cost to Dokis, with proof thereof;

- h) The parcel of land to be exchanged from the third party to Dokis is free of any liens or encumbrances, with proof thereof;
- i) The third party indemnifies Dokis for any and all environmental matters, liens, and encumbrances which exist or may exist on the parcel of land to be exchanged, up to the date in which the land exchange shall take effect;
- j) The parcel of Dokis Land to be exchanged with the third party shall cease to have reserve status at the date in which the land exchange shall take effect;
- k) The date in which the land exchange shall take effect; and
- l) Other such provisions that Dokis deems are required.

#### FEDERAL CONSENT OF LAND EXCHANGE

92. Prior to the Community Approval of the land exchange agreement, Dokis must receive a written statement from Canada clearly stating that:
- a) Canada consents to set the parcel of land to be received by Dokis by way of the land exchange agreement as reserve land for Dokis at the date in which the land exchange takes effect, or such other date as the Council may specify by Resolution;
  - b) Canada consents to transfer title to the parcel of Dokis Land to be exchanged to the third party, upon which the parcel of Land shall no longer have reserve status designation; and
  - c) Canada consents to the manner and form of the land exchange as set forth in the land exchange agreement.

#### COMMUNITY APPROVAL OF LAND EXCHANGE

93. Dokis shall obtain Community Approval for the land exchange and land exchange agreement in accordance with this Land Code. The Council shall provide the following information to Eligible Voters at least twenty-one (21) days before the Community Approval vote:
- a) A detailed description of the parcel of Dokis Land to be exchanged;

- b) A detailed description of the parcel of land from the third party to be exchanged;
- c) A description of any compensation, money or otherwise, to be received in the land exchange;
- d) A report by a certified land appraiser stating that the conditions of this Land Code have been satisfied;
- e) A copy of the written statement from Canada stating that it consents to the land exchange and land exchange agreement; and
- f) A copy or summary outlining in sufficient detail the provisions of the land exchange agreement.

#### REQUIREMENTS IN LAND EXCHANGE

94. Dokis may enter into a land exchange agreement if all of the following requirements are fulfilled:

- a) The land exchange has received federal consent;
- b) The land exchange and land exchange agreement has received Community Approval;
- c) The parcel of land to be received by Dokis under the land exchange agreement is comparable to the appraised value of the parcel of Dokis Land that shall be exchanged, as determined and reported on by a certified land appraiser;
- d) The parcel of land to be received by Dokis under the land exchange agreement shall receive reserve status designation by Aboriginal Affairs and Northern Development Canada, become part of Dokis Land, and shall be subject to this Land Code; and
- e) The provisions of a land exchange agreement as set forth in this Land Code have been satisfied.

#### NEGOTIATION FOR OTHER LAND

95. In addition to land received through a land exchange, Dokis may negotiate with third parties to receive other compensation including either money or land or both. Where Dokis negotiates with third parties for parcels of land, it shall take the necessary steps to have the land receive reserve status designation by Aboriginal Affairs and Northern Development Canada.



## **PART X – LAND INTERESTS, LICENSES AND REVENUES**

### FEES, CHARGES, AND LEVIES

96. Dokis has the authority to make laws with respect to rules and procedures to enforce and collect fees, charges, and levies for Land Interests and Licenses, services provided in relation to or on Dokis Land, and other matters as necessary.

### STANDARDS FOR LAND INTERESTS AND LICENSES

97. Dokis may establish mandatory standards, criteria, and forms for the administration of Land Interests and Licenses in Dokis Lands.

### LAND INTERESTS AND LICENSES IN WRITING

98. The creation, grant, disposition, assignment, or transfer of a Land Interest or License in Dokis Land shall be in writing and must be registered in the Dokis Land Register. Upon the enactment of this Land Code, any deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which Dokis, a Member, or another person, purports to grant, dispose of, transfer, or assign a Land Interest or License in Dokis Land, shall be null and void if it contravenes this Land Code.

### CONTINUATION OF EXISTING INTEREST

99. Any Land Interest or License in Dokis Land that existed when this Land Code comes into effect shall continue in force in accordance with its terms and conditions therein.

### NEW LAND INTERESTS AND LICENSES

100. The Council, on behalf of Dokis has the authority to grant the following types of Land Interests or Licenses in Dokis Land:
- a) Allocations of a parcel of Dokis Land to a Member;
  - b) Issuance of a Certificate of Entitlement to a Member;
  - c) A grant or disposition of a Land Interest or License such as by way of a lease, permit, easement, or right-of-way to a Member or a person who is not a Member for a term less than forty (40) years;
  - d) A renewal of a grant or disposition of a Land Interest or License to a Member or a person who is not a Member that extends the original term

for less than twenty (20) years; and

- e) A grant or disposition of any Natural Resource to a Member or a person who is not a Member for a term less than ten (10) years or a value less than one hundred thousand dollars (\$100,000.00).

#### ISSUANCE OF A CONDITIONAL GRANT OR DISPOSITION

101. The grant or disposition of a Land Interest or License in Dokis Land may be subject to the fulfillment of certain terms and conditions as may be required. The grant or disposition of all Land Interests or Licenses is deemed to include section 107 of this Land Code as a condition on any subsequent transfer or assignment.

#### TRANSFER OF LAND INTERESTS OR LICENSES

102. A transfer of assignment of a Land Interest or License in Dokis Lands requires the consent of the Council except in relation to:
- a) A transfer of assignment to a Certificate of Entitlement to a parcel of Dokis Land to a Member, in accordance with section 107 of this Land Code;
  - b) A transfer of estate by testamentary disposition;
  - c) A transfer in relation to matrimonial real property; or
  - d) A transfer that occurs by operation or Law.

#### IN RELATION TO PERSONS WHO ARE NOT MEMBERS

103. A person who is not a Member may only hold a lease, permit, easement, or right-of-way in Dokis Lands. For greater certainty, a person who is not a Member may not hold an interest or right in Dokis Land, be allocated a parcel of Dokis Lands, or hold a Certificate of Entitlement or permanent interest in Dokis Lands.

#### ALLOCATING PARCELS OF LAND

104. The Council, on behalf of Dokis, has the authority to allocate an available parcel of Dokis Land to a Member by way of a lease, rental agreement, or Certificate of Entitlement, in accordance with this Land Code and applicable Land Laws.

#### ISSUING CERTIFICATES OF ENTITLEMENT

105. The Council, on behalf of Dokis, has the authority to issue Certificates of Entitlement to Members. Within a reasonable time after the enactment of this Land Code, Dokis shall enact a Land Law that sets forth the terms, conditions, and process for a Member to apply for a Certificate of Entitlement for a parcel of Dokis Land.

#### NATURE OF INTEREST IN CERTIFICATE OF ENTITLEMENT

106. A Certificate of Entitlement in respect of a parcel of Dokis Land entitles a Member to:

- a) A permanent possession to that specific parcel of Dokis Land;
- b) A benefit from the Natural Resources arising from that specific parcel of Dokis Land;
- c) Transferring, devising, or otherwise disposing of that specific parcel of Dokis Land to another Member, subject to section 103 of this Land Code;
- d) Granting permits to take Natural Resources from that specific parcel of Dokis Land, subject to section 103 of this Land Code;
- e) Any other rights that are attached to certificates of possession under the *Indian Act* and are consistent with this Land Code; and
- f) Other such interests or rights that are consistent with this Land Code that Dokis may grant by way of a Land Law or Resolution.

#### TRANSFER OF CERTIFICATE OF ENTITLEMENT

107. A Member may transfer or assign a Certificate of Entitlement in a parcel of Dokis Land to another Member, without requiring Community Approval or the consent of the Council. For greater certainty, a Member may not transfer or assign a Certificate of Entitlement in a parcel of Dokis Land to a person who is not a Member.

#### TRANSFER ON DEATH

108. A Member who claims to be entitled to possession of Dokis Lands by devise or descent in accordance with the provisions of the *Indian Act* relating to the estate of an Indian is not entitled to lawful possession of that land or Certificate of Entitlement unless:

- a) The Member has filed with Council, an instrument in a form prescribed by Council, duly executed by the personal representative of the estate of the deceased Member transferring the possession to the Member;

and

- b) The instrument referred to in subsection (a) is registered in the First Nation Land Register and the Dokis Land Register.

#### PURCHASER OF A RIGHT OF POSSESSION ON DEATH

109. The purchaser of a right of possession of Dokis Lands under the provisions of subsection 50(2) of the *Indian Act*, shall be deemed not to be in lawful possession of that land unless:

- a) The purchaser has filed with Council, an instrument in a form prescribed by Council, duly executed by the person authorized under the *Indian Act* to execute the transfer of lawful possession of the land obtained under subsection 50(2) of the *Indian Act*; and
- b) The instrument referred to in subsection (a) is registered in the First Nation Land Register and the Dokis Land Register.

#### RESIDENCY AND ACCESS LAND LAWS

110. Dokis has the power to enact residency and access Land Laws in accordance with this Land Code and any membership code or self-government agreement that Dokis may enter into in the future.

#### RIGHTS OF RESIDENCE

111. The following persons have a right to reside on Dokis Land:

- a) A Member who has been allocated a residential lot in Dokis Land, his or her Spouse or Common-Law Partner, and his or her Children;
- b) A Member who has a registered Land Interest in Dokis Land;
- c) A person who has a Land Interest or License in a parcel of Dokis Land subject to the terms and conditions therein; and
- d) A person who is authorized in writing by the Council, subject to the terms and conditions therein.

#### RIGHT OF ACCESS

112. The following persons have a right to access Dokis Lands:

- a) A Member, his or her Spouse or Common-Law Partner, and his or her Children;

- b) A person who is an invited guest of a Member, subject to any Land Law that may be developed regarding persons who are invited guests;
- c) A person, and his or her invited guest, who has a lease, Land Interest or License in a parcel of Dokis, subject to the terms and conditions therein;
- d) A person who is authorized in writing by the Council, subject to the terms and conditions therein;
- e) A person who is authorized by a Land Law;
- f) A representative of a government body, public body, the Province of Ontario, or Canada, who is to establish, operate, or administer a public service, construct or operate a public institution, or to conduct a technical survey, and has obtained written authorization by the Council; and
- g) A person that is not barred by Resolution.

#### PUBLIC ACCESS

113. The following persons may have access to Dokis Land for a special or business purpose if:
- a) He or she does not trespass on occupied Dokis Land and does not interfere with any interest in Dokis Land; and
  - b) He or she complies with this Land Code, Land Laws, and other governmental laws.

#### TRESPASS

114. A person who resides on, accesses, or remains on Dokis in contravention of this Land Code or a Land Law is guilty of a summary conviction offence. Dokis may prosecute a person who contravenes this Land Code through civil remedies or such other remedies that are available by a Land Law or this Land Code.

#### INTERIM POLICY ON MATRIMONIAL REAL PROPERTY

115. Dokis shall enact an interim policy on matrimonial real property within twelve (12) months from the date this Land Code takes effect, which shall set forth the rules and procedures to be applied on a breakdown of marriage for:
- a) The use, access, occupancy, and possession of Dokis Land;

- b) The division of interests in Dokis Land; and
- c) Other such rules and procedures Dokis deems are necessary in relation to matrimonial real property.

#### MATRIMONIAL REAL PROPERTY LAW

116. The interim policy on matrimonial real property shall remain in effect until such time as Dokis enacts a matrimonial real property Law.

#### NO DISCRIMINATION BASED ON SEX

117. The interim policy on matrimonial real property and the matrimonial real property Law shall not discriminate on the basis of sex, but may distinguish between Members and persons who are not Members for the purpose of determining the interest that may be held in Dokis Land.

### **PART XI – DISPUTE RESOLUTION SERVICES**

#### ESTABLISHMENT OF DISPUTE RESOLUTION COMMITTEE

118. Dokis hereby establishes a Dispute Resolution Committee to assist in and/or render resolutions to disputes under this Land Code or a Land Law.

#### COMPOSITION, SELECTION AND TERM

119. The Dispute Resolution Committee shall have a roster of a minimum of three (3) members and shall strive to have representation from Members regardless of residence, and may include persons who are non-Members. Members of the Dispute Resolution Committee shall be selected through an application and interview process in which his or her skills and qualifications will be assessed. The Council will delegate the responsibility and authority for selecting the members of the Dispute Resolution Committee to a body independent of Dokis. Term shall be three (3) years.

#### DUTIES AND RESPONSIBILITIES

120. The Dispute Resolution Committee shall be responsible for providing dispute resolution services under this Land Code.

#### DISPUTE RESOLUTION COMMITTEE POLICIES

121. Dokis shall develop further policies for the Dispute Resolution Committee within a reasonable time after the enactment of this Land Code.

## DUTY OF FAIRNESS

122. Parties who use the dispute resolution services under this Land Code are entitled to:
- a) Be treated fairly;
  - b) Be advised of their right to use the dispute resolution services under this Land Code in a timely manner and provided with sufficient information to reasonably determine whether to use the dispute resolution services;
  - c) Be provided with an opportunity to present his or her position, arguments, and evidence through the dispute resolution services in a timely manner;
  - d) Be provided with fair and impartial dispute resolution services in a timely manner; and
  - e) Where applicable, be provided with written reasons for a decision made through the use of the dispute resolution services in a timely manner.

## APPLICABLE DISPUTES

123. Subject to section 124 of this Land Code, the dispute resolution services of the Dispute Resolution Committee may be used to resolve disputes in relation to the administration, interpretation, and application of this Land Code and Land Laws.

## NON-APPLICABLE DISPUTES

124. Disputes that may arise under this Land Code or Land Laws that may not use the dispute resolution services of the Dispute Resolution Committee include:
- a) The decision of the Council to grant or refuse to grant a Land Interest or License to a person who is not a Member;
  - b) The decision of Dokis to expropriate Dokis Land;
  - c) The prosecution or conviction of an offence under a Land Law or criminal law;
  - d) Matters in which a party to the dispute initiates legal proceedings in a court of competent jurisdiction to resolve the dispute; or
  - e) Matters that are not in relation to this Land Code or Land Law.

#### MANDATORY APPLICATION

125. Dokis may enact a Land Law or include within Land Laws, those instances in which the dispute resolution services of this Land Code must be used to resolve disputes.

#### DISPUTES PRIOR TO ENACTMENT OF LAND CODE

126. Where the parties to a dispute that arose before the enactment of this Land Code so desire, they may use the dispute resolution services under this Land Code.

#### LIMITATION PERIODS

127. Dokis may enact a Land Law that establishes the limitation period for using the dispute resolution services of the Dispute Resolution Committee.

#### DISPUTE RESOLUTION SERVICES OFFERED

128. Dispute resolution services established under this Land Code include Mediation and a Settlement Panel.

#### MEDIATION PROCESS

129. Mediation shall occur where the parties to a dispute agree to make their best efforts to resolve the dispute through a structured process in which a neutral, impartial Mediator of the Dispute Resolution Committee who has no decision-making authority, assists the parties to resolve a dispute. The Mediator shall provide facilitation services to assist the parties to resolve the dispute, but does not have the power to decide the dispute or require the parties to accept a decision. Any resolution of the dispute must be decided upon and agreed to by the parties.

#### RESOLUTION THROUGH MEDIATION

130. The terms of a resolution reached through mediation shall be recorded in writing in a mediation agreement and signed by the parties. If the parties are unable to resolve the dispute through mediation, the Mediator shall issue a report to the parties and the Council stating that the mediation was unsuccessful.

#### SETTLEMENT PANEL PROCESS

131. The dispute resolution services of the Settlement Panel of the Dispute Resolution Committee may be used where the parties agree to, or are



required to, use the services. The Settlement Panel shall hear the presentation of evidence and arguments of the parties, and render a binding written decision on a dispute.

#### AUTHORITY OF SETTLEMENT PANEL

132. The Settlement Panel has the authority to:

- a) Hear disputes in accordance with this Land Code and Land Laws;
- b) Accept evidence and call witnesses for the hearing of disputes;
- c) Reject disputes without a hearing if it determines that the dispute is not within the mandate of the Settlement Panel; the dispute is frivolous, vexatious, or an abuse of process; or a party to the dispute acted or attempted to act in a way to improperly influence the decision of the Settlement Panel;
- d) Issue recommendations to the Council on such matters as the suspension, reconsideration, amendment, or appeal of a dispute, this Land Code or a Land Law;
- e) Confirm or reverse a decision made under this Land Code or a Land Law, in whole or in part;
- f) Substitute its own decision for the decision made under this Land Code or a Land Law;
- g) Direct that an action under this Land Code or a Land Law be taken or ceased;
- h) Make an order to give effect to its decision, such as but not limited to, ordering a survey of a Land Interest; registering a Land Interest; allocating costs for incidental measures to be taken to give effect to an order; and enforcing provisions in accordance with this Land Code or a Land Law;
- i) Render interim decisions where it deems it necessary as a matter of urgency to preserve the rights of the parties to the dispute or to preserve or protect an interest in Dokis Land; and
- j) Other such powers as may be prescribed by this Land Code or a Land Law.

#### APPEAL OR JUDICIAL REVIEW OF DECISIONS

133. Following the enactment of this Land Code, Dokis shall determine by Land Law whether decisions reached through the dispute resolution services may be appealed or subject to judicial review, and if so, to whom.

#### DISPUTE RESOLUTION SERVICES POLICIES

134. Following the enactment of this Land Code, Dokis shall develop policies for the effective administration, interpretation, and application of the dispute resolution services under this Land Code.

## **PART XII – COMING INTO FORCE AND COMMENCEMENT**

#### LAND CODE COMING INTO FORCE

135. This Land Code shall come into force when Dokis approves this Land Code and the Individual Agreement through a Land Code Ratification Vote; the Individual Agreement is fully signed by Dokis and the Minister; and the Verifier certifies this Land Code with Canada, pursuant to the Framework Agreement.

#### COMMENCEMENT DATE

136. This Land Code shall take effect on the first day of the month following certification of this Land Code and the Individual Agreement by the Verifier.