

Chemawawin Cree Nation

LAND CODE

Ratified May 27, 2010

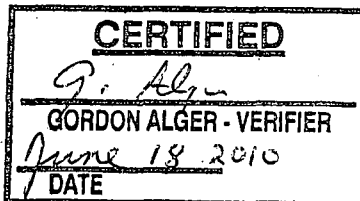


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PREAMBLE

Whereas the Chemawawin Cree Nation has a profound relationship with the land that is rooted in respect for the spiritual value of the Earth and the gifts of the Creator and has a deep desire to preserve its relationship with the land;

And Whereas Chemawawin Cree Nation understands that the land is sacred and is more than just the surrounding environment and more than just the air that we breath; but that it includes all the elements around us the water, the plants, the animals, the people and our ties to the land, that we are all connected physically, spiritually and intellectually.

And Whereas Chemawawin Cree Nation is seeking to re-gain control over its lands and resources as a step towards the control it had prior to being relocated to Cedar Lake; by re-building its governance systems and social structure that were lost and destroyed as a result of the relocation.

And Whereas the *Framework Agreement on First Nation Land Management* was entered into by the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, and which was ratified on behalf of the Government of Canada by *The First Nations Land Management Act*;

And Whereas the Chemawawin Cree Nation has the option of enacting its own land code to exercise control over its lands and resources for the use and benefit of its members, rather than having its lands managed on its behalf by Canada; by moving away from the land provisions of the Indian Act, including 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;

And Whereas Chemawawin Cree Nation is in the process of moving into self-government and recognition of establishing its own inherent laws and by enacting its own land code is another stepping stone in that direction;

And Whereas the Chemawawin Cree Nation wishes to exercise control over its lands and resources for the use and benefit of its members by adhering to the *Framework Agreement on First Nation Land Management* and having *The First Nations Land Management Act* apply to its lands.

**NOW THEREFORE, THIS LAND CODE IS HEREBY ENACTED AS A
FUNDEMENTAL LAW OF THE CHEMAWAWIN CREE NATION**

PART 1

PRELIMINARY MATTERS

1. Title

Title

- 1.1 The title of this enactment is the *Chemawawin Cree Nation Land Code*.

2. Interpretation

Definitions

- 2.1 The following definitions apply in this Land Code:

“CCN Land” means Chemawawin Cree Nation Land;

“Chemawawin Cree Nation Land” means any portion of the Chemawawin Indian Reserve that is subject to this Land Code, and includes all rights and resources that belong to such lands;

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

“Community Consultation” means a process of information being presented to Members either through a Community meeting, notices, door-to-door, or media;

“Chief and Council” means the duly elected Chief and Council of the Chemawawin Cree Nation;

“Dispute Resolution Body” means the Dispute Resolution Body established under section 38;

“Duplicate Land Register” means the duplicate register maintained by the Chemawawin Cree Nation under section 28;

“Eligible Voter” means for the purpose of voting in respect of land matters under this Land Code;

1. A Band Member, residing on or off reserve, who:
2. Is registered on the Chemawawin Cree Nation Band List;
3. Is the full age of eighteen (18) years; and
4. Is eligible to vote in Band elections.}

“Eligible Registered Voter” means an Eligible Voter who is registered to vote under the same process set out in the Community Ratification Process.

“Extended Family”, in respect of a person, means the person’s grandparent, parent, uncle, aunt, cousin, sister, brother, child (to include custom adopted child), grandchild, spouse (including common-law spouse), mother-in-law and father-in-law.

“First Nations Land Management Act” means *The First Nations Land Management Act*, S.C., 1999, c. 24, as amended from time to time;

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

“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 to include the Chemawawin Cree Nation, and has been ratified on behalf of the Government of Canada by *The First Nations Land Management Act*;

“Immediate Relatives”, in respect of a person, means the person’s mother, father, sister, brother, children (to include custom adopted child) or spouse;

“Interest” means any interest right or estate of any nature in or to that land including a lease, easement, right of way, servitude or profit a prendre, but does not include title to that land.

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

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

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

“Ratification vote” means a vote of eligible Members to obtain community approval in accordance with section 14;

“Resolution” means a resolution of Council made pursuant to this Land Code;

“Spouse” means a person who is married to another, whether by a traditional, religious or civil ceremony; and includes common-law spouse;

“Transfer Agreement” means the document that contains provisions for the transferring of lands, revenues and any other land related matters made between Chemawawin Cree Nation and Her Majesty the Queen in right of Canada.

Paramourncy

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

Culture and Traditions

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

Language

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

Non-abrogation

- 2.5 This Land Code does not abrogate or derogate from any Aboriginal, Treaty or other rights or freedoms that pertain to the Chemawawin Cree Nation or its Members.

Number and Gender

- 2.6 Whenever the singular and the masculine are used throughout this Land Code, the same shall be construed as meaning the plural or the feminine or neuter genders as the context so requires

Reference to Days

- 2.7 Any reference in this Land Code to the term "day" or "days" shall refer to calendar days, unless otherwise specified.

Fair Interpretation

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

Special Relationship

- 2.9 This Land Code does not abrogate the special relationship between Her Majesty the Queen and the Chemawawin Cree Nation and its Members.

Lands and Interests Affected

- 2.10 A reference to "Chemawawin Cree Nation Land" in this Land Code means all rights and resources that belong to the land, and includes:

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

3. Authority to Govern

Authority

3.1 The traditional teachings of the Chemawawin Cree Nation speak of the obligation of the people of the Chemawawin Cree Nation to care for and respect the land and the magnificent wonders of nature created on the land. By enacting this Land Code, the Chemawawin Cree Nation is re-assuring this special responsibility in reclaiming its aboriginal title to CCN Lands.

~~3.2 The authority of the Chemawawin Cree Nation to govern its lands and resources flows:~~

- (a) from the Creator to the people of the Chemawawin Cree Nation, and from the people to the Chief and Council according to the culture, traditions, customs and laws of the Chemawawin Cree Nation; and
- (b) from the inherent and Treaty rights of the Chemawawin Cree Nation and its Members, and the inherent right of the Chemawawin Cree Nation to self-govern their own affairs.

4. Purpose

Purpose

4.1 The purpose of this Land Code is to set out the principles, rules and structures that apply to Chemawawin Cree Nation Land and resources and by which the Chemawawin Cree Nation will exercise authority over those lands in accordance with the *Framework Agreement*.

Ratification

4.2 The adhesion by the Chemawawin Cree Nation to the *Framework Agreement* is ratified and confirmed when this Land Code comes into force by a Ratification Vote.

5. Description of First Nation Land

Community Land

5.1 The following Chemawawin Cree Nation Lands are subject to this Land Code:

- (a) all lands included within the Chemawawin Indian Reserve No. 1, 2, and 3 comprising of the following lands legally described as follows:

Chemawawin Cree Nation Reserve No.1 – Reserve Lands within the Province of Manitoba, Canada in Unsurveyed Township 50, Ranges 20 and 21, West of the Principal Meridian. Comprised of the following Lands including mines and minerals: Parcels A and B shown on Plan 62803 recorded in the Canada Lands Surveys Records.

Total lands, including mines and minerals containing 11.87 hectares, (29.34 acres) more or less

Chemawawin Cree Nation Reserve No. 2 – Reserve Lands within the Province of Manitoba, Canada in Townships 47 and 48, Ranges 16 and 17, West of the Principal Meridian. Comprised of the following Lands including mines and minerals: Parcels A and B, shown on Plan 62804 recorded in the Canada Lands Surveys Records (CLSR).

Total lands, including mines and minerals containing 237.223 hectares, (586.19 acres) more or less.

Chemawawin Cree Nation Reserve No. 3 – Reserve Lands within the Province of Manitoba, Canada in Townships 45 and 46, Ranges 16 and 17, West of the Principal Meridian. Comprised of the following Lands excluding mines and minerals: Parcels A, B, C, D and E, shown on Plan 69315 recorded in the Canada Lands Surveys Records (CLSR); Parcel F, shown on Plan 69315 recorded in the Canada Lands Surveys Records (CLSR).

Total lands, excluding mines and minerals containing 4498.17 hectares, (11115.2 acres) more or less.

**Mines and Minerals: In Townships 45 and 46, Ranges 16 and 17, West of the Principal Meridian: Parcel A, B, D and part of Parcel E lying to the south of a line drawn north of parallel with and perpendicularly distant 1220 meters from the most southerly limit of Parcel F as said parcels are shown on Plan 69315 CLSR
Total mines and minerals, containing 2182.1 hectares (5391.99 acres) more or less.**

- (b) all lands that may be set apart after this Land Code comes into force as reserve lands for the exclusive use and benefit of the Chemawawin Cree Nation.

Additional Lands

- 5.2 Any lands excluded from the application of this Land Code may only be included after it is cleaned up and a full environmental assessment declares it to be free of environmental hazards and safe for community use:

Inclusion of Land

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

PART 2

FIRST NATION LEGISLATION

6. Law-Making Powers

Council May Make
Laws

- 6.1 The Council may, upon the recommendation of the Lands Advisory Committee and in accordance with this Land Code, make Laws respecting:
- (a) the development, conservation, protection, management, use and possession of Chemawawin Cree Nation Land;
 - (b) interests and licences in relation to Chemawawin Cree Nation Land; and
 - (c) any matter necessary or ancillary to the making of Laws in relation to Chemawawin Cree Nation Land.

Example of Laws

- 6.2 For greater certainty, Council may make Laws regarding, but not limited to:
- (a) the regulation, control and prohibition of zoning, land use, subdivision control and land development;
 - (b) the creation, regulation and prohibition of interests and licences in relation to Chemawawin Cree Nation Land;
 - (c) environmental assessment and protection;
 - (d) the provision of local services in relation to Chemawawin Cree

- Nation Land and the imposition of equitable user charges;
- (e) enforcement of Chemawawin Cree Nation Laws; and
- (f) the provision of services for the resolution, outside the courts, of disputes in relation to Chemawawin Cree Nation Land.

7. Law-Making Procedure

Introduction of Laws

- 7.1 A proposed Law may be introduced by a member of the Council, at a duly convened meeting of the Council.

Explanation

- 7.2 The Council may require the member of Council, introducing a proposed Law to explain how the Law would benefit the community.

Land Advisory Committee to Review

- 7.3 Following the introduction of the proposed Law, if not done already, the proposed Law shall be provided to the Lands Advisory Committee for review and comment. The Lands Advisory Committee shall provide any comments to the Council on the proposed Law:

Tabling and Posting of Proposed Land Laws

- 7.4 A proposed Law shall not be approved by the Council unless it is:
- (a) tabled at a meeting of the Council held at least sixty (60) days before the Law is to be considered for the approval of the Council;
 - (b) posted in the administrative offices of the Chemawawin Cree Nation in a location to which the public has access and in any other public places on Chemawawin Cree Nation Land that the Council deems appropriate, at least thirty (30) days before the Law is to be considered for the approval of the Council;
 - (c) published in the community newspaper or distributed to Eligible Voters at least thirty (30) days before it is considered by Council;
 - (d) reviewed by the Lands Advisory Committee in accordance with 7.3; and
 - (e) is compliant with this Land Code.

Members Comments

- 7.5 Members shall be entitled to provide written comments to the Council on the proposed Law prior to the Law being considered for the approval of the Council. The Council shall consider such comments prior to the Law being approved by the Council.

Urgent Matters

- 7.6 The Council may enact a Law without the procedures required under section 7.3 if the Council is of the opinion that the Law is needed urgently to protect Chemawawin Cree Nation Land or the Members concerning health and safety. A Law enacted under this section expires sixty (60) days after its enactment, unless re-enacted in accordance with section 7.3.

Approval of Land Law
by Council

- 7.7 A Law is enacted if, at a duly convened meeting, where a quorum of the Council is present, open to the Members of the Chemawawin Cree Nation, a quorum of the Council vote in favour of the Law, or as provided in section 18.4.

Certification of Land
Laws

- 7.8 The original copy of any Law or Resolution concerning Chemawawin Cree Nation Land shall be signed by a quorum of the Council present at the meeting at which it was approved.

8. Publication of Laws

Publication

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

Posting Laws

- 8.2 Within seven (7) days of a Law being enacted, the Council shall post a copy of the Law in the administrative offices of the Chemawawin Cree Nation in an area to which the public has access for a period of at least thirty (30) days.

Registry of Laws

- 8.3 The Council shall maintain at the administrative offices of the Chemawawin Cree Nation, a register of, as well as an original copy of all Laws and Resolutions enacted, amended, repealed or replaced from time to time.

Copies for any
Person

- 8.4 A Member, a holder of an interest or licence or any other person with the consent of the Council may obtain a copy of a Law or Resolution.

9. Coming into Force of Laws

Laws in Force

- 9.1 A Law comes into force on the date of its enactment or such later date as may be specified in the Law.

PART 3

COMMUNITY APPROVALS

10. Rights of Eligible Voters

Rights of Eligible
Voters

- 10.1 Each Member who is an Eligible Voter, both on and off-reserve, has the right to attend a Meeting of Members or Ratification Vote held under the provisions of this Land Code.

11. Community Input

Community Meeting

- 11.1 The Council shall convene a Meeting of Members to receive input prior to the introduction of a Law:
- (a) respecting a community plan or subdivision plan;
 - (b) declaring land referred to in section 5.2 to be subject to this Land Code;
 - (c) affecting a heritage site or an environmentally sensitive property;
 - (d) respecting environmental assessment;
 - (e) respecting the transfer or assignment of interests in Chemawawin Cree Nation Land;

- (f) respecting the rate and criteria for the payment of fees or rent for Chemawawin Cree Nation; and
- (g) respecting any Law or class of Laws that Council, by Resolution, declares to be subject to this section.

Process to
Implement Laws

11.2 Subject to section 37, the Council shall, in consultation with the Lands Advisory Committee and within a reasonable time after this Land Code takes effect, establish a community process to develop and implement the Laws referred to in section 11.1.

12. Community Approval at a Meeting of Members

Community Approval
by Community Meeting

12.1 Community approval at a Meeting of Members must be obtained for the following:

- (a) to approve a land use plan;
- (b) to approve a grant or a renewal of a disposition of an interest in or licence to use any Chemawawin Cree Nation Land exceeding a term of twenty-five (25) years;
- (c) to approve a charge or mortgage of a leasehold interest exceeding a term of twenty-five (25) years in any Chemawawin Cree Nation Land;
- (d) to approve a Law on spousal separation that may be enacted under section 37;
- (e) to enact a Law or Resolution that the Council is unable to enact due to a Conflict of Interest;
- (f) to approve any Law or class of Laws that Council, by Resolution, declares to be subject to this section.

13. Procedures for Meetings of Members

Notice to Members

13.1 Council shall give written notice of a Meeting of Members that:

- (a) specifies the date, time and place of the Meeting;
- (b) contains a brief description of the matters to be discussed and decided on at the Meeting; and
- (c) if a vote is to be held, advise the Members that a vote will take place at the Meeting.

Manner of Notice

13.2 Written notice of a Meeting of the Members shall be given to the Members by:

- (a) posting the notice at least thirty (30) days before the Meeting in the administrative offices of the Chemawawin Cree Nation in an area to which the public has access, and in any other locations as the Council may determine;
- (b) mailing the notice to off-reserve Eligible Voters, whose addresses are known, at least thirty (30) days before the Meeting;
- (c) publishing the notice in the community newsletter; and
- (d) such additional methods as the Council may consider appropriate in the circumstances.

Who May Attend

13.3 A Member may attend a Meeting of Members.

13.4 A person other than a Member may attend a Meeting of Members only with the permission of the Council.

Minimum for Quorum

13.5 The Council may, by a Law or Resolution, establish a minimum number or percentage of Eligible Voters who are required to be present to constitute a quorum for the purposes of making decisions at a Meeting of Members.

Meeting to be held

13.6 A Meeting of Members shall be held on the date, time and at the place set out in the notice, at which time the Council or the Lands Advisory Committee shall

present the matters to be discussed at the Meeting and in the event a vote is to be held at the Meeting, the following procedures shall be followed:

- (a) the Council or the Lands Advisory Committee shall provide sufficient information to the Eligible Voters in attendance so as to permit the Eligible Voters to make an informed decision on the matter or matters to be voted on; and
- (b) in order for a meeting of members to take place quorum of the Chief and Council must be present.

Voting

13.7 Decisions at a Meeting of Members shall be made by a majority vote of the Eligible Voters present at the Meeting, by a show of hands or in such other method as determined by a Law or Resolution of the Council.

Other Meetings

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

Postponement of Meetings

13.9 Chief and Council may postpone an initial meeting of members if:

- a) not enough eligible voters attend the initial meeting of members;
- b) the initial meeting of members was postponed due to unforeseen circumstances;
- c) additional information is requested by a substantial number of members attending the initial meeting of members.

The provisions of this section shall apply to any subsequent Meeting of Members called in respect of the same matter or matters.

Other Laws

13.10 For greater certainty, the Council may make Laws respecting Meetings of Members provided such Laws are not inconsistent with and do not conflict with the provisions outlined in this Land Code.

14. Ratification Vote

Community Approval by Ratification Vote

14.1 Community approval by a Ratification Vote must be obtained for the following:

- (a) to approve a development on a heritage site or deletion of a heritage site from a land use plan as provided for in section 16;
- (b) to approve the expropriation of a Member's interest in Chemawawin Cree Nation Land as provided for in section 15.7;
- (c) to approve a voluntary exchange of Chemawawin Cree Nation Land as provided for in section 17;
- (c) to approve any amendments to this Land Code; and
- (d) to approve any Law or class of Laws that Council, by Resolution, declares to be subject to this section.

Transfer Agreement with Canada

14.2 For greater certainty, an amendment to, or renewal of the Transfer Agreement does not require community approval by a Ratification Vote.

Ratification Process

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

No Verifier

14.4 A verifier is not required in any Ratification Vote conducted under this Land Code.

Minimum Requirements for Approval

14.5 A matter shall be considered approved at a Ratification Vote if a majority of the Eligible Registered Voters cast a vote in favour of the matter.

Other Laws

14.6 For greater certainty, the Council may make Laws respecting the conducting of Ratification Votes under this Land Code provided such Laws are not inconsistent with and do not conflict with the provisions outlined in this Land Code.

PART 4

PROTECTION OF LAND

15. Lands for Community Purposes

Rights and Interests
that may be
Expropriated

- 15.1 An interest or licence in Chemawawin Cree Nation Land, or any right or interest in any building or other structure located on Chemawawin Cree Nation Land, may only be expropriated by the Chemawawin Cree Nation in accordance with the *Framework Agreement* and any Law enacted for the purpose of establishing the rights and procedures for such expropriations in accordance with section 15.3.

Community Purposes

- 15.2 A community expropriation may only be made for a necessary community purpose or works of the Chemawawin Cree Nation, including but not limited to a fire hall, sewage or water treatment facility, community centre, public works, roads, schools, day-care facility, hospitals, health-care facility and retirement homes.

Expropriation Laws

- 15.3 Before proceeding to make any community expropriation in accordance with this Land Code, the Council shall enact a Law respecting the rights and procedures for community expropriations, including provisions respecting:
- (a) the taking of possession of the interest or licence;
 - (b) compulsory taking of possession;
 - (c) the transfer of the interest or licence;
 - (d) notice of expropriation and service of the notice of expropriation;
 - (e) entitlement to compensation;
 - (f) determination of the amount of compensation; and
 - (g) the method of payment of compensation.

Public Report

15.4 Before the Chemawawin Cree Nation decides to expropriate an interest or licence, it shall make a public report on the reasons for the expropriation.

Rights that may
not be Expropriated

15.5 Any registered interests of Her Majesty the Queen in right of Canada or Manitoba existing on Chemawawin Cree Nation Land at the time of coming into force of this Land Code are not subject to expropriation by the Chemawawin Cree Nation.

Acquisition by
Mutual Agreement

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

Community Approval

15.7 In the case of a Member's interest, the expropriation must receive community approval by a Ratification Vote.

Compensation for
Rights and Interests

15.8 The Chemawawin Cree Nation shall, in accordance with its Laws and the *Framework Agreement*:

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

Compensation
Calculations

15.9 The total value of the compensation under section 15.8(b) shall, where applicable, be based on the following:

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

Market Value

15.10 The "fair market value" of an expropriated interest or licence is equal to the amount that would have been paid for the interest or licence if it had been sold on Chemawawin Cree Nation Land by a willing seller to a willing buyer under no duress.

Neutral Evaluation to
Resolve Disputes

15.11 The resolution of disputes concerning the right of the Chemawawin Cree Nation to expropriate shall be determined by neutral evaluation in the same manner as provided in Part IX of the *Framework Agreement* and the sixty (60) day period referred to in clause 32.6 of the *Framework Agreement* shall be applied, as appropriate in the circumstances, by the neutral evaluator.

Arbitration to Resolve
Disputes

15.12 The resolution of the following disputes shall be determined by arbitration in the same manner as provided in Part IX of the *Framework Agreement*.

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

16. Heritage Sites

Community Approval
For Development

16.1 No development shall be allowed on any site designated as a heritage site under a land use plan unless the development receives community approval by a Ratification Vote.

Land Use Plan

16.2 No amendment may be made to a land use plan to delete a heritage site unless the amendment receives community approval by a Ratification Vote.

17. Voluntary Land Exchanges and Protections

Conditions for a Land Exchange

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

Negotiators

- 17.2 The Council, by Resolution, shall appoint the person or persons who shall have authority to negotiate a land exchange agreement on behalf of the Chemawawin Cree Nation.

Community Approval

- 17.3 Any exchanges of Chemawawin Cree Nation Land must be submitted for community approval by a Ratification Vote in accordance with this Land Code before the land exchange becomes valid and binding on the Chemawawin Cree Nation.

No Effect

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

Land to be Received

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

Additional Land

- 17.6 The Chemawawin Cree Nation may negotiate to receive one or more other parcels of land as compensation in addition to the parcel referred to in section 17.5 above which is intended to become part of the reserve. The other parcels may be held by the Chemawawin Cree Nation in fee simple or in some other manner.

Federal Consent

- 17.7 Before the Chemawawin Cree Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of Canada:
- (a) consents to set apart as a reserve the land referred to in section 17.5, as of the date of the land exchange or such later date as the Council may specify by Resolution; and
 - (b) consents to the manner and form of the exchange as set out in the land exchange agreement.

Community Notice

- 17.8 Once negotiations on the land exchange agreement are concluded, the Council shall provide the following information to Eligible Voters at least thirty (30) days before the Ratification Vote:
- (a) a description of the Chemawawin Cree Nation Land to be exchanged;
 - (b) a description of the land to be received by the Chemawawin Cree Nation in the exchange;
 - (c) a description of any other compensation to be exchanged;
 - (d) a report of a certified land appraiser stating that the conditions outlined in sections 17.5 (a) and (b) have been met;
 - (e) a copy and summary of the land exchange agreement; and
 - (f) a copy of the written statement from Canada referred to in section 17.7.

Process of Land Exchange

- 17.9 The land exchange agreement shall provide that:
- (a) the other party to the exchange must transfer to Canada, title to the land which is to be set apart as a reserve;
 - (b) the Council must pass a Resolution authorizing Canada to transfer title to the Chemawawin Cree Nation Land being exchanged, in accordance with the land exchange agreement; and

- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nations Land Register.

PART 5

ACCOUNTABILITY

18. Conflict of Interest

Conflict of Interest by Council

18.1 The provisions outlined in section 18.2 apply to the following persons:

- (a) each member of the Council who is dealing with any matter before Council that is related to Chemawawin Cree Nation Land;
- (b) each person who is an employee of the Chemawawin Cree Nation dealing with any matter that is related to Chemawawin Cree Nation Land;
- (c) each member of the Lands Advisory Committee;
- (d) each member of the Dispute Resolution Body established under the terms of this Land Code; and
- (e) each person who is a member of a board, committee or other body of the Chemawawin Cree Nation dealing with any matter that is related to Chemawawin Cree Nation Land.

Duty to Report and Abstain

18.2 If a member of Council, the Lands Advisory Committee, the Dispute Resolution Body, an employee of the Chemawawin Cree Nation or a member of a board, committee or other body of the Chemawawin Cree Nation dealing with any matter that relates to Chemawawin Cree Nation Land has any interest, financial or otherwise, in the matter being dealt with that might involve the person or his or her Immediate Relatives, the person shall:

- (a) disclose the interest to the Council, the Lands Advisory Committee, the Dispute Resolution Body or the board, committee or other body, as the case may be, and such disclosure shall be recorded in the minutes of the meeting at which such disclosure is given; and

- (b) not take part in any deliberations on that matter, shall leave the meeting during those discussions or deliberations and shall not vote on that matter.

Common Interests

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

Meeting of Eligible Voters

- 18.4 If the Council is unable to vote on a proposed Law or Resolution due to a conflict of interest, the Council may refer the matter to a Meeting of Members for community approval in accordance with sections 12 and 13 of this Land Code and, if a quorum of Eligible Voters is present, a majority of the Eligible voters at the Meeting may enact the Law or Resolution

Inability to Act

- 18.5 If a quorum of the Lands Advisory Committee or of any other board, committee or other body is not unable to vote on a matter, or if an employee is unable to make a decision due to a conflict of interest, the matter shall be referred to the Council for their consideration.

Specific Conflict Situations

- 18.6 Because of the unusual conflicts of interest possible in the community, no more than two (2) members from the same Extended Family may be members of a board, committee or other body dealing with any matter that is related to Chemawawin Cree Nation Land.
- 18.7 For greater certainty, section 18.6 shall not apply to the Council.

Disputes

- 18.8 Questions about whether a breach of this section has occurred may be referred to the Dispute Resolution Body.

Other Laws

- 18.9 For greater certainty, the Council may enact Laws to further implement this section provided such Laws are not inconsistent with and do not conflict with the provisions outlined in this Land Code.

19. Financial Management

Application

- 19.1 This section and sections 20, 21, 22 and 23 apply only to financial matters relating to Chemawawin Cree Nation Land.

Establishment of Bank Accounts

- 19.2 The Council shall maintain one or more financial accounts at a financial institution that is a member institution to which the Canada Deposit Insurance Corporation has a duty to insure deposits pursuant to the *Canada Deposit Insurance Corporation Act*, R.S.C. 1985, c. C-3, as amended, and shall deposit in those accounts the following:
- (a) payments received from Canada for the management and administration of Chemawawin Cree Nation Land pursuant to the Transfer Agreement or otherwise;
 - (b) monies received by the Chemawawin Cree Nation from the grant or disposition of any interests or licences in Chemawawin Cree Nation Land;
 - (c) all fees, fines, charges and/or levies collected under this Land Code or any Law or Resolution;
 - (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licences in Chemawawin Cree Nation Land; and
 - (e) any other land revenue received by the Chemawawin Cree Nation.

Signing Officers

- 19.3 The only signing officers to sign cheques and other bills of exchange or transfers drawn on the accounts referred to in section 19.2 shall be as defined in the Chemawawin Financial Administration By-law or such other law or by-law that may come in force in the future relating to financial matters.

Two Signatures

- 19.4 To be valid, a cheque or other bill of exchange or transfer drawn on an account maintained by the Council under section 19.2 must be signed by two signing officers.

Fiscal Year

- 19.5 The fiscal year of the Chemawawin Cree Nation shall begin on April 1st of each year and end on March 31st of the following year.

Adoption of Budget

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

Procedure

- 19.7 After adoption of the land management budget or any supplementary budget(s), the Council shall without undue delay:
- (a) present the land management budget or supplementary budget(s) to the Members at a Meeting of Members, and
 - (b) make a copy of the land management budget or supplementary budget(s) available at the administrative offices of the Chemawawin Cree Nation for inspection by Members during normal business hours.

If no Budget

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

Budget Rules

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

Expenditures

- 19.10 The Council may not expend monies or commit itself, by contract or otherwise, to expend monies relating to Chemawawin Cree Nation Land unless such expenditure is authorized by or under a Law, Resolution or an approved budget.

Other Laws and Policies

- 19.11 The Council may enact further Laws or adopt such further policies as may be necessary to implement the provisions outlined in this section.

20. Financial Records

Books of Account and Financial Records

- 20.1 The Chemawawin Cree Nation shall keep books of account and financial records in accordance with generally accepted accounting principles.

Offences

- 20.2 A person is guilty of an offence if that person:
- (a) impedes or obstructs anyone from exercising their right to inspect the books or account or financial records of the Chemawawin Cree Nation; or
 - (b) has control of the books or account or financial records of the Chemawawin Cree Nation and fails to give all reasonable assistance to any one exercising their right to inspect those books or records.

Preparation of Financial Statement

- 20.3 Within sixty (60) days after the end of each fiscal year, the Council on behalf of the Chemawawin Cree Nation shall prepare a financial statement in comparative form regarding the land related financial records of the Chemawawin Cree Nation, containing at a minimum:
- (a) a balance sheet;
 - (b) a statement of revenues and expenditures and a comparison of these with amounts stated in the land management budget and any supplementary budget(s); and
 - (c) any other information necessary for a fair presentation of the financial position of the Chemawawin Cree Nation.

Consolidated Accounts

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

21. Appointment of Auditor

Appointment of Auditor

- 21.1 For each fiscal year, a duly accredited auditor shall be appointed by the Council to audit the land related financial records of the Chemawawin Cree Nation.

Holding Office

- 21.2 The auditor appointed under this section holds office until re-appointed or until a new auditor is appointed.

Vacancy in Office

- 21.3 Where a vacancy occurs during the term of an auditor, the Council shall forthwith appoint a new auditor for the remainder of the former auditor's term and shall fix the auditor's remuneration.

Remuneration

- 21.4 The auditor's remuneration shall be fixed by the Council and paid out of the transfer payments received from Canada.

Duty of Auditor

- 21.5 The auditor shall, within one hundred and twenty (120) days after the end of the Chemawawin Cree Nation's fiscal year, audit the financial statements regarding the land related financial records of the Chemawawin Cree Nation in accordance with Canadian generally accepted auditing standards and prepare and submit to the Council, a written audit report on such financial statements, stating whether, in the opinion of the auditor, the financial statements present fairly the financial position of Chemawawin Cree Nation Land related financial transactions.

Access to Records

- 21.6 In order to prepare the report on the Chemawawin Cree Nation's financial statements, the auditor may at all reasonable times inspect the financial records, accounts, books, minutes, vouchers and receipts of the Chemawawin Cree Nation and any person or body who is authorized to administer land related money on behalf of the Chemawawin Cree Nation.

Explanation of
Auditor's Report

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

22. Annual Report

Contents

- 22.1 The Council shall, within thirty (30) days of receiving an audit report under section 21.5, prepare in consultation with the Lands Advisory Committee a report on Chemawawin Cree Nation Land Management which shall include:
- (a) an annual review of land management activities;
 - (b) a copy and explanation of the audit report as it applies to Chemawawin Cree Nation Lands; and
 - (c) any other matter considered worth including by the Council.

23. Access to Information

Access

- 23.1 Any Member may, during normal business hours of the Chemawawin Cree Nation administrative offices, have reasonable access to:
- (a) the register of Laws;
 - (b) the auditor's report; and
 - (c) the annual report.

Copies for Members

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

Copies for Others

- 23.3 Any person who is not a Member may, with the consent of the Council, obtain a copy of the auditor's report.

PART 6
LAND ADMINISTRATION

24. Lands Advisory Committee

Committee
Established

- 24.1 The Council shall, by Resolution, establish a Lands Advisory Committee to advise Council on land matters.

Composition

- 24.2 The Lands Advisory Committee shall be composed of at least five (5) members, all of whom must be Eligible Voters.

Appointments by
Council

- 24.3 The members of the Lands Advisory Committee shall be chosen by Council. The majority of members must reside on Chemawawin Cree Nation Land.

Terms and Duties

- 24.4 The Council may, by Resolution or policy, establish the terms and duties of the Lands Advisory Committee and its members and the procedures to be followed by the Lands Advisory Committee, provided they are not inconsistent or in conflict with this Land Code.

Initial Procedures

- 24.5 The Lands Advisory Committee may establish rules and procedures for the conducting of its meetings and general affairs, provided that any such rules and procedures are not inconsistent with or conflict with this Land Code or with any Laws, Resolutions or policies established by the Council having application to the Lands Advisory Committee.

Role of the Lands
Advisory Committee

- 24.6 The Lands Advisory Committee shall advise the Council on the enacting of Laws and the granting of interests or licences in relation to Chemawawin Cree Nation Land.

Delegation of Powers

24.7 The Council may delegate any of its land management powers under this Land Code to the Lands Advisory Committee. Such delegation shall be in writing, must be approved by a quorum of the Council at a duly convened meeting and must be posted in the administrative offices of the First Nation to which the public has access.

Development of Land
Related Policies

24.8 Within a reasonable time after this Land Code comes into force, the Lands Advisory Committee shall, in consultation with the community and subject to the approval of Chief and Council, develop policies that address the following matters:

- (a) environmental protection and assessment in relation to Chemawawin Cree Nation Land;
- (b) any outstanding issues on the resolution of disputes in relation to Chemawawin Cree Nation Land;
- (c) land use planning; and
- (d) any other matter requested by the Council.

Rules on the Breakdown
of Marriage

24.9 Within twelve (12) months of this Land Code coming into force, general rules and procedures in cases of the breakdown of a marriage respecting the use, occupation and possession of Chemawawin Cree Nation Land and the division of interests in such lands, shall either be incorporated into this Land Code or enacted in a Law. The Lands Advisory Committee shall, as soon as this Land Code comes into force, develop in consultation with the community, such rules and procedures.

Consultation Process

24.10 In fulfilling its obligation to consult with the community as required under sections 24.8 and 24.9, the Lands Advisory Committee shall make efforts to ensure the Members are informed on such policies and rules and procedures by mailing information to the Members, by holding meetings with the Members or by undertaking any other form of consultation as the Council may consider appropriate in the circumstance.

Implementation
of Policies

24.11 The policies and related procedures developed by the Lands Advisory Committee in accordance with sections 24.8 and 24.9 shall be presented to the Council for approval by way of a Band Council Resolution. These policies or related procedures shall be implemented as policies or laws or as amendments to this Land Code, whichever is deemed by the Council to be most appropriate.

25. Membership of the Lands Advisory Committee

Eligibility to be a
Lands Advisory
Committee Member

25.1 Any Eligible Voter, whether resident on or off Chemawawin Cree Nation Land, is eligible for appointment to the Lands Advisory Committee, except for the following persons:

-
- (a) any person convicted of an offence that was prosecuted by way of indictment in the past five (5) years;
 - (b) any person who has held the status of a bankrupt or who has filed for bankruptcy protection in the past five (5) years;
 - (c) any person declared to be mentally incompetent by a court of competent jurisdiction in Canada or elsewhere; and
 - (d) any person convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

Term of Office

25.2 The length of the term of office for members of the Lands Advisory Committee shall be determined by the Council.

Selection Procedures

25.3 The Council may establish procedures for the selection of members to the Lands Advisory Committee provided such procedures are not inconsistent with and do not conflict with the provisions outlined in this Land Code. **(See 26.1, 2 and 3)**

Vacancy of Lands
Advisory Committee

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

- (a) is or becomes ineligible to hold office under 25.1;
- (b) ceases to be a Member;
- (c) is absent for three (3) consecutive meetings of the Lands Advisory Committee without being authorized to do so by the Lands Advisory Committee;
- (d) dies;
- (e) resigns;
- (f) fails to fulfill their obligations and duties required by this Land Code;
- (g) fails to disclose a conflict of interest in accordance with section 18.2; or
- (h) is removed by Resolution of the Council in accordance with any Law or policy enacted by the Council having application to the Lands Advisory Committee.

Vacancy in Term

- 25.5 Where the office of a selected member of the Lands Advisory Committee becomes vacant for more than ninety (90) days before the date when another selection would ordinarily be held, a special selection may be made in accordance with this Land Code, as the case may be, to fill the vacancy.

Balance of Term of Office

- 25.6 A member of the Lands Advisory Committee selected to fill a vacancy remains in office for the balance of the term of the member of Lands Advisory Committee they are replacing.

26. Meetings of the Lands Advisory Committee

Chairperson

- 26.1 The members of Lands Advisory Committee shall select one of their members to act as Chairperson for the Committee. The Chairperson shall have the same rights to make, second and vote on motions or resolutions as other members of the Lands Advisory Committee.

Functions of
the Chairperson

26.2 The duties of the Chairperson are to:

- (a) chair meetings of the Lands Advisory Committee;
- (b) report to the Chief and Council on the activities of the Lands Advisory Committee; and
- (c) perform such other duties as the Chief and Council may reasonably prescribe.

Alternate
Chairperson

26.3 If the Chairperson is unable to perform their functions, either temporarily or on a long term basis, the Lands Advisory Committee shall appoint one of the other Lands Advisory Committee members to act as the Chairperson for the relevant period.

Quarterly Meetings

26.4 The Lands Advisory Committee shall meet at least once every three (3) months, provided that the Committee shall meet at any time requested by the Council.

Rules for Meetings

26.5 Meetings of the Lands Advisory Committee shall be conducted in accordance with the following procedures:

- (a) whenever possible, all meetings shall be held on Chemawawin Cree Nation Land provided that a meeting may be conducted by telephone or other communication facility which permits each member of the Lands Advisory Committee in attendance to communicate with all other members of the Committee at the meeting;
- (b) the Chairperson shall chair meetings, provided that in the absence of the Chairperson another member of the Committee appointed for that purpose by those in attendance may chair a meeting;
- (c) the quorum for meetings of the Lands Advisory Committee shall be where there are present a majority of the members of the Committee;

- (d) all decisions and actions of the Lands Advisory Committee shall be in accordance with a majority vote, which for greater certainty includes the Chairperson; and
- (e) written minutes of the proceedings of each meeting shall be kept and the minutes of the preceding meeting approved or revised at the commencement of each meeting.

Access to Minutes

- 26.6 A copy of the minutes of each meeting of the Lands Advisory Committee shall be provided to any Member who requests a copy.

Council Attendance

- 26.7 Any member of the Council may attend any meeting of the Lands Advisory Committee.

Members Attendance

- 26.8 Any Member at their own expense may attend a meeting of the Lands Advisory Committee as an observer in accordance with the rules and procedures of the Lands Advisory Committee.

27. Revenue from Lands

Determination of
Fees and Rent

- 27.1 The Lands Advisory Committee shall, subject to the approval of the Council, establish a process for determining:
- (a) the fees and rent for interests and licences in Chemawawin Cree Nation Land; and
 - (b) the fees for services provided in relation to any Chemawawin Cree Nation Land.

28. Duplicate Lands Register

Duty to Maintain
Duplicate Register

- 28.1 The Council shall maintain a land register (to be known as the "Duplicate Land Register"), in form and content the same as the First Nations Land Register. Further, Council shall ensure that an original copy of the following interests is registered in the Duplicate Land Register:

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

Duty of Member to Deposit

28.2 Every Member who receives an interest or licence in Chemawawin Cree Nation Land from another Member shall deposit an original copy of the relevant instrument in the Duplicate Land Register.

29. Registration of Interests and Licences

Enforcement of Interests and Licences

29.1 An interest or licence in Chemawawin Cree Nation Land created or granted after this Land Code comes into effect, or a transfer or assignment of such interest or licence is not enforceable against a third party, the Chemawawin Cree Nation or a Member, unless it is registered in the Duplicate Land Register.

Enforcement of Mortgages and Pledges

29.2 A charge, pledge or mortgage of a leasehold interest in Chemawawin Cree Nation Land or in any building or structure relating to Chemawawin Cree Nation Land under an interest or licence granted after this Land Code comes into effect, is not enforceable against that leasehold interest unless it is registered in the Duplicate Land Register.

Registration of Consent or Approval

29.3 No instrument evidencing an interest or licence or a transfer and assignment of an interest or licence, that requires consent of the Council, or community approval at a Meeting of Members or by a Ratification Vote, may be registered unless a document evidencing such consent or approval, certified by the Chief of the Chemawawin Cree Nation or the Chairperson of the Lands Advisory Committee is attached to the instrument.

Rules

29.4 The Council may make rules respecting the administration of the Duplicate Land Register, the registration of interests and licences and the recording of any other matter, including but not limited to rules respecting:

- (a) the payment of fees for the registration of interests and licences and for any other service in relation to the Register; and
- (b) the appointment, remuneration, powers, functions and duties of officers and employees who administer the Register.

Duty to Deposit

29.5 The Council shall ensure that an original copy of the following instruments is deposited in the First Nations Land Register:

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

PART 7

INTERESTS AND LICENCES IN LAND

30. Limits on Interests and Licences

All Dispositions in Writing

30.1 An interest in, or licence to use Chemawawin Cree Nation Land may only be created, granted, disposed of, assigned or transferred by a written Resolution approved by the Council in accordance with this Land Code.

Standards

30.2 The Council may establish mandatory standards, criteria and forms for interests and licences in Chemawawin Cree Nation Land.

Improper
Transactions Void

- 30.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Chemawawin Cree Nation, a Member or any other person purports to grant, dispose of, transfer or assign an interest or licence in Chemawawin Cree Nation Land after the date this Land Code comes into force is void if it is not authorized pursuant to this Land Code.

Grant to any Person

- 30.4 The Council may allocate or grant an interest in or licence to use Chemawawin Cree Nation Land to any person.

31. Existing Interests

Members Existing
Interests

- 31.1 Member interests in Chemawawin Cree Nation Land that existed when this Land Code takes effect, and which were allocated pursuant to the *Indian Act*, shall continue in existence in accordance with their terms.

32. Land Management Powers

Authority to make
Dispositions

- 32.1 Subject to section 12.1, the Council may on behalf of the Chemawawin Cree Nation grant:
- (a) interests and licences in Chemawawin Cree Nation Lands, including leases, permits, easements and rights-of-ways; and
 - (b) permits to take resources from Chemawawin Cree Nation Lands, including, but not limited to, cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional Grant

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

33. Allocation of Land

Allocation of Lots
by Procedure

- 33.1 The Council may, with the recommendation of the Lands Advisory Committee, allocate lots of available land to Members in accordance with procedures established by the Council.

No Community
Approval

- 33.2 No community approval is required for an allocation under section 33.1.

No Allocation of Lots
To Non-members

- 33.3 A person who is not a Member is not entitled to be allocated a lot on Chemawawin Cree Nation Land.

Issuance of
Certificate

- 33.4 The Council may issue a certificate of the interest to a Member for a lot allocated to that Member.

34. Transfer and Assignment of Interests

Consent of Council

- 34.1 there shall be no transfer or assignment of an interest in:
- (a) Chemawawin Cree Nation Land without the written consent of the Council; and
 - (b) the grant of an interest or licence is deemed to include section 34.1(a) as a condition of any subsequent transfers or assignments.

Types of Assignments
and Transfers

- 34.2 This section applies to assignments and transfers made by instrument, valid will or operation of law.
- 34.3 In order to avoid undue hardship on beneficiaries a member holding any interest on CCN lands and wishes to include the interest in his/her shall seek prior approval from Chief and Council.

35. Limits on Mortgages and Seizures

Protections

- 35.1 In accordance with the *Framework Agreement*, sections 29, 87 and subsections 89(1) and (2) of the *Indian Act* continue to apply to Chemawawin Cree Nation Land.

Limits on Mortgage

- 35.2 A leasehold interest in Chemawawin Cree Nation Land may be subject to charge, mortgage, attachment, levy, seizure, distress and execution for a term not exceeding the term of the lease.

Exception

- 35.3 The term of any charge or mortgage of a leasehold interest shall not exceed the lesser of:
- (a) the term of the lease;
 - (b) twenty-five (25) years; or
 - (c) such larger period as may receive majority approval at a Meeting of Members.

Enforcement of Charge
or Mortgage

- 35.4 In the event a default in the terms of a charge or mortgage, no leasehold interest is subject to possession by the chargee or mortgagee or is subject to seizure, attachment, distress, foreclosure or any other form of execution, unless:
- (a) the charge or mortgage was consented to by the Council;
 - (b) the charge or mortgage was registered in the Duplicate Land Register;
and

- (c) a reasonable opportunity to redeem the charge or mortgage is given to the Council.

Power of Redemption

- 35.5 If the Council exercises its power of redemption, the Chemawawin Cree Nation becomes the lessee of the land and takes the position of the mortgagor for all purposes after the date of the redemption.

36. Residency and Access Rights

Right of Residence

- 36.1 Subject to sections 36.3 and 36.4, the following persons have a right to reside on Chemawawin Cree Nation Lands subject to applicable Laws.
- (a) Members and their spouses and children;
 - (b) a holder of an interest or licence, in accordance with the provisions of the instrument granting the interest or licence; and
 - (c) any invitee of a Member.

Right of Access

- 36.2 Subject to sections 36.3 and 36.4, the following persons shall have a right of access to Chemawawin Cree Nation Land, subject to all applicable Laws:
- (a) a holder of an interest or licence and those granted a right of access under the interest or licence;
 - (b) Members and their spouses and children;
 - (c) an invitee of a Member referred to in clause (b);
 - (d) a person accessing Chemawawin Cree Nation Land for social, recreational or business purposes; or
 - (e) a person authorized in writing by the Council or under a Chemawawin Cree Nation Law.

Denial of Access

- 36.3 The Council may, for valid and fair reasons, deny or restrict the right to reside on or to access Chemawawin Cree Nation Land to any person if, at a duly convened

meeting a quorum of the Council vote in favour of a Resolution denying or restricting such right of the person.

Trespass

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

Civil Remedies

- 36.5 All civil remedies for trespass are preserved.

37. Spousal Property Law

Development of Rules
and Procedures

- 37.1 The Council shall enact a spousal property Law providing rules and procedures applicable on the breakdown of a marriage, to:
- (a) the use, occupancy and possession of Chemawawin Cree Nation Land;
and
 - (b) the division of interests in that land.

Enactment of Rules
and Procedures

- 37.2 The rules and procedures contained in the spousal property Law shall be developed by the Lands Advisory Committee in consultation with the community.

Enactment Deadline

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

General Principles

- 37.4 For greater certainty, the rules and procedures developed by the Lands Advisory Committee under this section must respect the following general principles:
- (a) each spouse should have an equal right to possession of their matrimonial home;
 - (b) each spouse should be entitled to an undivided half interest in the matrimonial home, as a tenant in common;

- (c) the rules and procedures shall not discriminate on the basis of sex; and

Immediate rules

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

PART 8

DISPUTE RESOLUTION

38. Local Dispute Resolution System

Appointment of dispute resolution body

1. The Council shall, within 60 days of the coming into force of this Land Code appoint a Dispute Resolution Body to deal with disputes relating to CCN land that arise after this Land Code comes into force.

Notices of Dispute

2. The matters that may be subject to a Notice of Dispute which may be filed with the Dispute Resolution Body shall be provided for by a CCN law.

Right to file Notice of Dispute

3. In addition to those matters set out in a law pursuant to section 2. above, a Member, or a non-member with an interest or licence in CCN land (each referred to as the "complainant"), may file a Notice of Dispute with the Dispute Resolution Body in accordance with this section.

Disputes Resolved by Council

4. The Council shall attempt to resolve any dispute, or delegate to the Lands Advisory Committee to resolve a dispute, prior to any person having a right to file a Notice of Dispute with the Dispute Resolution Body.

Time to File Notice of Dispute

5. No Notice of Dispute may be filed more than thirty (30) days after the day the decision, act or omission in issue.

Procedure for Filing Notice of Dispute

6. A Notice of Dispute shall be filed with the Dispute Resolution Body along with a statutory declaration (together referred to as the "Notice of Dispute") setting out:
 - a) the matter which the complainant is contesting,
 - b) the name of the responding party or person (if the named responding party is the Chief and Council or an employee, body or committee of the CCN then the Notice of Dispute shall refer to the CCN as the responding party); and,
 - c) the grounds of the dispute.

Responding to a Notice of Dispute

- ~~7. Within ten (10) days of receiving the Notice of Dispute, the Dispute Resolution Body provide notice to the responding party or person named (hereinafter the "Respondent") in the Notice of Dispute with a copy of the Notice of Dispute and the statutory declaration of the Complainant.~~

Notice of Response

8. The Respondent shall have ten (10) days to respond to the Notice of Dispute with a Notice of Response, together with a statutory declaration containing answers to particulars set out in the Notice of Dispute.

Notice of Reply

9. The Complainant may within ten (10) days of receiving the Notice of Response forward to the Dispute Resolution Body a statutory declaration containing answers to the particulars set out in the Respondent's statutory declaration (hereinafter the "Notice of Reply").

Investigations

10. The Dispute Resolution Body may conduct such investigation or hold any hearings as it deems necessary to dispose of the dispute.

Decision to be Rendered

11. The Dispute Resolution Body shall, unless otherwise agreed by the Complainant and Respondent, provide its decision:
 - i) within thirty (30) days of receiving the Notice of Reply; or
 - ii) by expiry of the time period set out in this section.

Council shall Establish Procedures

12. The Chief and Council may establish any procedures by law or otherwise necessary for the operation of the Dispute Resolution Body or for the resolution of disputes, provided such procedures are not inconsistent with or conflict with this Land Code or any Law.

Dispute Resolution Body

13. The Dispute Resolution Body shall consist of up to seven (7) persons selected by such process as determined by the Chief and Council.

Stay of Matter

14. A matter which is the subject of a Notice of Dispute shall be stayed and no action shall be taken on the matter pending the disposition of the Notice of Dispute.

Power of Body

15. The Dispute Resolution Body may after hearing a dispute:
 - (a) confirm or reverse the decision, in whole or in part;
 - (b) Make recommendations that an action be taken or ceased;
 - (c) refer the matter or dispute back to the decision maker appealed from for a new decision.

Majority Decisions

16. All decisions and actions of the Dispute Resolution Body shall be determined in accordance with a majority vote.

Decisions Final and Binding

17. A decision of the Dispute Resolution Body is final and binding, subject to any exception established by a Law.

Decisions in Writing

18. Decisions of the Dispute Resolution Body must be in writing, signed by the person chairing the Dispute Resolution Body or by an officer designated by the Dispute Resolution Body to do so.

Reasons for the Decision

19. Upon the request of the Complainant or Respondent, the Dispute Resolution Body shall give reasons for its decision, and shall do so in writing within fourteen (14) days after such request.

PART 9

OTHER MATTERS

39. Indemnity and Liability Coverage

Indemnity

- 39.1 Members of the Council, the Lands Advisory Committee, the Dispute Resolution Body and officers and employees engaged in carrying out any matter related to the administration of Chemawawin Cree Nation Land are indemnified and saved harmless for all claims, liabilities and demands of any kind or nature whatsoever arising from the performance of their obligations and duties under this Land Code, a Law or a Resolution, provided they have not acted fraudulently or negligently in the performance of their obligations and duties.

Liability Coverage

- 39.2 The Council may, but is not obligated to, arrange, maintain and pay for insurance coverage for its officers and employees engaged in carrying out any matter related to the administration of Chemawawin Cree Nation Land to indemnify them against personal liability arising from the performance of their duties.

Extent of Coverage

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

40. Offences

Application of the
Criminal Code

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

41. Amendments to Land Code

Community
Approval

- 41.1 All amendments to this Land Code must receive community approval by Ratification Vote to be effective.

42. Commencement

Preconditions

- 42.1 This Land Code shall not come into force unless:
- (a) the community approves this Land Code and the Transfer Agreement with Canada and this Land Code has been certified by the verifier pursuant to the *Framework Agreement*; and
 - (b) the Transfer Agreement has been signed by Canada.

Commencement
Date

- 42.2 Subject to section 42.1, this Land Code shall come into force on the first day of ____, 20__ or the date Canada signs the Transfer Agreement, whichever is later.