



SLIAMMON FIRST NATION

AMENDED LAND CODE

dated for reference December 2011

APPROVED



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SLIAMMON FIRST NATION AMENDED LAND CODE

DECLARATION OF THE SLIAMMON FIRST NATION

We are known collectively as the Sliammon First Nation and through this Land Code, we declare our sovereignty and jurisdiction. We speak our Sliammon language and are part of the larger grouping of the Coast Salish peoples.

Since the beginning of time, our people have lived on the lands that the Creator provided for our Ancestors. They lived by our traditional system of governance that sustained us and our lands and resources for thousands of years. Our society governed all forms of environmental, social and political relations through a sophisticated system of traditional laws, as is our traditional way.

It is from this proud history that Sliammon derives our inherent right of self-government. With jurisdiction and responsible leadership, we will create economic and employment opportunities to sustain and improve the quality of life for present and future generations.

PREAMBLE

WHEREAS the Sliammon First Nation, as it has always done, continues to occupy its lands and based on its traditional teachings, it will empower its Members to be healthy, self-governing stewards of its lands and resources, today and always;

AND WHEREAS the Sliammon First Nation honours its connection to the land, resources and elements of the natural world that provide for its physical and spiritual needs;

AND WHEREAS the Sliammon First Nation recognizes its responsibility to protect the land and its resources for future generations and to protect the rights of the Sliammon First Nation and its Members;

AND WHEREAS the Members of the Sliammon First Nation are a proud, united people whose purpose is to promote a healthy and prosperous future that ensures the continued existence of the Sliammon First Nation as a strong political, social and cultural community that aspires to move ahead as an organized, highly-motivated, determined and self-reliant nation;

AND WHEREAS the Sliammon First Nation values the need to respect, protect and promote its heritage, culture and traditions as the driving force of its success and destiny while understanding that these practices may change and require contemporary expression;



AND WHEREAS Sliammon First Nation wished to manage its land and resources under First Nation Land Management by entering into the Framework Agreement and Individual Agreement with Canada;

AND WHEREAS the Framework Agreement, Individual Agreement and *Sliammon First Nation Land Code* were ratified by Sliammon First Nation on March 20, 2004;

AND WHEREAS the *Sliammon First Nation Land Code* came into force on September 30, 2004;

AND WHEREAS the *Sliammon First Nation Land Code* provides for its amendment with the approval of Members at a Meeting of Members;

NOW THEREFORE, THE SLIAMMON FIRST NATION LAND CODE IS HEREBY AMENDED.

**PART 1
PRELIMINARY MATTERS**

1. Amendment and New Title

Amendment

1.1 The *Sliammon First Nation Land Code* is hereby repealed and replaced with this law.

New Title

1.2 This law may be cited as the *Sliammon First Nation Amended Land Code*.

2. Interpretation

Definitions

2.1 The following definitions apply in this Land Code:

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

“Adjudicator” means the person appointed by Council to the Office of the Adjudicator;

“Canada” means Her Majesty the Queen in Right of Canada;

“Chief” means the lawfully elected Chief of Sliammon First Nation;



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

“Community Lands” means any Sliammon Lands in which all Members have a common interest;

“Community Land Code Meeting” means a Community Land Code Meeting convened in accordance with sections 11.2 or 11.3 of Part 3;

“Council” means the lawfully elected government of the Sliammon First Nation and includes the Chief;

“Cultural Resource” means an object, site or location of a traditional or cultural practice that is of historical, cultural or archaeological significance to the Sliammon First Nation;

“Eligible Voter” means a Member who has attained the age of 18 years on or before the day of the vote;

“Extended Family”, in relation to a person, means the person’s Immediate Family, grandparent, uncle, aunt, cousin or grandchild;

“First Nation Land Register” means the First Nation Land Register established by the Minister under subsection 25(1) of the Act;

“Framework Agreement” means the *Framework Agreement on First Nation Land Management* entered into between Canada and fourteen First Nations on February 12, 1996, and includes any amendments to the agreement;

“Immediate Family”, in relation to a person, means the person’s parent, sister, brother, child or Spouse;

“Indian Act” means the *Indian Act*, RSC 1985, c.I-5;

“Individual Agreement” means the agreement, dated July 30th, 2004, entered into between the Sliammon First Nation and Canada in accordance with clause 6.1 of the Framework Agreement and subsection 6(3) of the Act;

“Land Code” means this *Sliammon First Nation Amended Land Code*;

“Lands Authority” means the Lands Authority established under the *Sliammon First Nation Land Code*;



“Lands Committee” means the Lands Committee established under section 28.1;

“Lands Manager” means the person appointed by Council to manage the Sliammon Lands Office;

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

“Majority” means fifty percent plus one (50% + 1);

“Meeting of Members” means a Meeting of Members convened in accordance with sections 13.5 and 13.6 of Part 3;

“Member” means a person registered on the Membership List;

“Membership List” means the list of names of Members maintained by Sliammon First Nation;

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

“Office of the Adjudicator” is the Office of Adjudicator established under section 40.1 of Part 8;

“Ratification Vote” means a Ratification Vote convened in accordance with section 14.3 of Part 3;

“Resolution” means a formal motion moved by a Council member, seconded by another Council member and passed by a quorum of Council at a duly convened meeting;

“Sliammon First Nation” means the Sliammon First Nation band within the meaning of the *Indian Act* for whose use and benefit in common the Sliammon Lands has been set apart by Canada;

“Sliammon Lands” means the lands described in section 5.1;

“Sliammon Lands Office” means the office established by Council to assist in the management and administration of Sliammon Lands;

“Sliammon Lands Register” means the register of Sliammon Lands maintained by the Sliammon Lands Office;

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



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

Paramountcy

- 2.2 If there is an inconsistency or conflict between this Land Code and any other enactment of the Sliammon First Nation, this Land Code shall prevail to the extent of the inconsistency or conflict.
- 2.3 If there is an inconsistency or conflict between this Land Code and the Framework Agreement, the Framework Agreement shall prevail to the extent of the inconsistency or conflict.

Culture and Traditions

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

Non-abrogation

- 2.5 This Land Code is not intended to abrogate or derogate from any aboriginal, treaty or other right or freedom that pertains now or in the future to the Sliammon First Nation or its Members.
- 2.6 This Land Code is not intended to affect the eligibility of the Sliammon First Nation or any Member to receive services or participate in such public or aboriginal programs as may be established from time to time to the extent that the Sliammon First Nation has not assumed responsibility for such services or programs.

Interpretation

- 2.7 This Land Code shall be interpreted in a fair, large and liberal manner.
- 2.8 The principles set out in the Preamble to this Land Code may be used to interpret this Land Code.
- 2.9 In this Land Code:
- (a) the use of the word “shall” denotes an obligation that, unless this Land Code provides to the contrary, shall be carried out as soon as practicable after this Land Code comes into effect or the event that gives rise to the obligation;



- (b) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;
- (c) headings and subheadings are for convenience only, do not form a part of this Land Code and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Land Code;
- (d) a reference to a statute includes every amendment to it, every regulation made under it and any law enacted in substitution for it or in replacement of it;
- (e) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular; and
- (f) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine.

Fiduciary Relationships

- 2.10 This Land Code is not intended to abrogate the fiduciary relationships between Canada, the Sliammon First Nation and its Members.

Land and Interests Affected

- 2.11 A reference to “land” in this Land Code is, unless the context otherwise requires, a reference to Sliammon Lands and all rights and resources in and of such land, including:
- (a) the water, beds underlying water, riparian rights, minerals and subsurface resources and all other renewable and non-renewable natural resources in and of that land, to the extent that these are under the jurisdiction of Canada or the Sliammon First Nation; and
 - (b) all the interests and licences granted to the Sliammon First Nation by Canada listed in the Individual Agreement.

3. Authority to Govern

Origin of Authority

- 3.1 By enacting this Land Code the Sliammon First Nation is giving effect to its aboriginal title to that portion of its territories comprised of Sliammon Lands.



Flow of Authority

- 3.2 The authority of the Sliammon First Nation to govern its land and resources flows from its aboriginal title and inherent right of self-government.
- 3.3 Through this Land Code, the Sliammon First Nation will exercise its inherent right of self-government and provide for governance that is accessible, stable, effective, accountable and transparent.

4. Purpose

Purpose

- 4.1 The purpose of this Land Code is to set out the principles and legislative and administrative structures that apply to Sliammon Lands and by which the Sliammon First Nation shall exercise authority over that land.

5. Description of Sliammon Lands

Sliammon Lands

- 5.1 The Sliammon Lands that is subject to this Land Code has the same meaning as “first nation land” in the Act and more specifically means the lands described under section 2 of the Individual Agreement as follows:
- (a) Tee shoh sum, Sliammon Indian Reserve No. 1, being those lands within the Province of British Columbia, Canada, as described in the following documents which either set aside lands as reserve for the benefit of the Sliammon First Nation, or alternatively remove these lands from reserve status:
 - (i) the lands described in Provincial Order in Council No. 1036, dated July 29, 1938 and recorded in the Indian Lands Registry as number 8042;
 - (ii) the lands described in the Order in Council of the Privy Council No. 2632, dated November 30, 1932 and recorded in the Indian Lands Registry as number 9381-316;
 - (iii) the lands described in Order in Council of the Privy Council No. 1404, dated July 13, 1933 and recorded in the Indian Lands Registry as number 9382-316; and



- (iv) the lands described in Order in Council of the Privy Council No. 1968-1213, dated June 28, 1968 and recorded in the Indian Lands Registry as number 253606.
- (b) Ah gyk son, Harwood Island Indian Reserve No. 2, being those lands within the Province of British Columbia, Canada, as described in the following document which sets aside lands as reserve for the benefit of the Sliammon First Nation:
 - (i) the lands described in Order in Council of the Privy Council No. 1973-3159 dated October 16, 1973, and recorded in the Indian Lands Registry as number X18885.
- (c) Pah Kee ahjim, Paukeanum Indian Reserve No. 3, being those lands within the Province of British Columbia, Canada, as described in the following document which sets aside lands as reserve for the benefit of the Sliammon First Nation:
 - (i) the lands described in Provincial Order in Council No. 1036, dated July 29, 1938 and recorded in the Indian Lands Registry as number 8042.
- (d) Toh Kwon_non, Toquana Indian Reserve No. 4, being those lands within the Province of British Columbia, Canada, as described in the following document which sets aside lands as reserve for the benefit of the Sliammon First Nation:
 - (i) the lands described in Provincial Order in Council No. 1036, dated July 29, 1938 and recorded in the Indian Lands Registry as number 8042.
- (e) Tohk_natch, Tokenatch Indian Reserve No. 5, being those lands within the Province of British Columbia, Canada, as described in the following document which sets aside lands as reserve for the benefit of the Sliammon First Nation:
 - (i) the lands described in Provincial Order in Council No. 1036, dated July 29, 1938 and recorded in the Indian Lands Registry as number 8042.
- (f) Kah kee ky, Kahkaykay Indian Reserve No. 6, being those lands within the Province of British Columbia, Canada, as described in the following document which sets aside lands as reserve for the benefit of the Sliammon First Nation:
 - (i) the lands described in Provincial Order in Council No. 1036, dated July 29, 1938, and recorded in the Indian Lands Registry as number 8042.



Additional Land

- 5.2 The following lands may be made subject to this Land Code if they are, or become, reserve land and the following conditions are met:
- (a) any land owned jointly by the Sliammon First Nation and one or more other First Nations, when the First Nations agree upon a joint management scheme for that land; and
 - (b) any land or interest acquired by the Sliammon First Nation after this Land Code comes into force, whether by land claim, purchase or other process, when an environmental audit declares it free of environmental hazard and safe for Sliammon First Nation use.

Land Exchange

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

Inclusion of Land or Interest

- 5.4 If the relevant conditions in section 5.2 are met, Council shall call a Community Land Code Meeting in accordance with sections 11.3 and 11.14 and, after receiving input from Members, Council may, by Resolution, declare the land or interest to be subject to this Land Code.

PART 2
SLIAMMON FIRST NATION LEGISLATION

6. Law-Making Powers

General

- 6.1 Council shall develop laws consistent with this Land Code regarding the management, administration, use and protection of Sliammon Lands.

Council May Make Laws

- 6.2 Without limiting the generality of section 6.1, Council may make laws in relation to:
- (a) development, conservation, protection, management, use and possession of Sliammon Lands;



- (b) interests in and licences to use Sliammon Lands;
- (c) any matter necessary to give effect to this Land Code; and
- (d) any matter necessary or ancillary to a law in relation to Sliammon Lands.

6.3 Council may make regulations authorized to be made under a law.

Examples of Laws

6.4 For greater certainty, Council may make laws in relation to Sliammon Lands including:

- (a) zoning and land use planning;
- (b) regulation, control, authorization and prohibition of the occupation and development of land;
- (c) creation, regulation and prohibition of interests and licences;
- (d) environmental assessment and environmental protection;
- (e) archaeological assessment and protection of archaeological and Cultural Resources;
- (f) provision of local services and imposition of user charges;
- (g) enforcement of laws;
- (h) provision of services for the resolution, outside the courts, of disputes;
- (i) setting aside and regulation of parks, parklands and recreational lands;
- (j) setting aside and regulation of heritage lands;
- (k) rules and procedures for the receipt, management, expenditure, investment and borrowing of moneys, including the establishment of administrative structures to manage such moneys;
- (l) creation of management and administrative bodies or agencies;
- (m) removal and punishment of persons trespassing upon Sliammon Lands or



frequenting Sliammon Lands for prohibited purposes;

- (n) public nuisance and private nuisance;
- (o) regulation of sanitary conditions and the provision of sanitary services in private premises and public places;
- (p) construction and maintenance of boundary and internal fences;
- (q) construction, maintenance and management of roads, water courses, water diversions, storm drains, bridges, ditches and other local and public works; and
- (r) regulation of traffic and transportation.

6.5 Council shall perform all the duties and functions, and exercise all the powers, of the Sliammon First Nation that are not specifically assigned to an individual or body established under this Land Code.

6.6 Notwithstanding section 6.5, Council may, by Resolution, delegate administrative authority to an individual or body established or authorized under this Land Code.

7. Law-Making Procedure

General

7.1 Council shall enact laws under this Land Code in accordance with this part.

Development of Laws

7.2 The development of a draft law shall be initiated by:

- (a) a Resolution, setting out the specific subject matter of the proposed law; or
- (b) a petition presented to Council signed by at least forty (40) Eligible Voters, setting out the request for development of a law and setting out the specific subject matter of the proposed law.

First Reading: Draft Law

7.3 Upon completion of the draft law, Council shall table it at a regular meeting of Council for consideration.



Decision on Draft Law

- 7.4 After considering the draft law, Council shall, by Resolution:
- (a) accept the draft law in principle;
 - (b) reject the draft law; or
 - (c) direct further work on the draft law and specify a return date to re-table the draft law at a future Council meeting.

Explanation for Rejection

- 7.5 Upon the request of any Eligible Voter, Council shall explain the reasons for rejecting a draft law.

Second Reading: Community Land Code Meeting on Draft Law

- 7.6 If Council has accepted the draft law in principle, Council shall schedule a Community Land Code Meeting in accordance with sections 11.3 and 11.14 for the purpose of consulting with Members on the draft law.

Written Notice of Meeting

- 7.7 The notice of the Community Land Code Meeting shall include:
- (a) a summary of the draft law;
 - (b) notification that a full copy of the draft law may be obtained by Members at the Sliammon First Nation administration building;
 - (c) an invitation for Members to provide written comments to Council on the draft law; and
 - (d) the return date by which Members must provide written comments to Council, which date shall be at least twenty (20) days from the date of the Meeting of Members.

Conduct of Meeting

- 7.8 Copies of the draft law shall be made available to Members attending the Community Land Code Meeting.



7.9 At the Community Land Code Meeting, Council or its delegate shall explain the purpose and provisions of the draft law, and invite questions and comments by Members.

Council Shall Consider Comments

7.10 After the expiry of the time specified under subsection 7.7(d) for written comments from Members, Council shall consider any comments received, the needs of the community and any other relevant matters, and shall prepare or cause to be prepared a final draft law.

Third Reading: Final Draft Law

7.11 Upon completion of the final draft law, Council shall table it at a regular meeting of Council for consideration.

Decision on Final Draft

7.12 Subject to section 12.1 (*Matters Requiring Approval at Meeting of Members*) and section 14.1 (*Matters Requiring Approval by Ratification Vote*), after considering the final draft law Council shall, by Resolution:

- (a) enact the final draft law;
- (b) make changes to the final draft law;
- (c) reject the final draft law;
- (d) schedule a Community Land Code Meeting in accordance with sections 7.6 and 7.7 for consideration of the final draft law by Members; or
- (e) refer the final draft law for approval by Eligible Voters at a Meeting of Members or in a Ratification Vote.

Written Notice of Approval Meeting

7.13 If a Meeting of Members or a Ratification Vote is called under subsection 7.12(e), section 12.1 or section 14.1 to approve the final draft law, the notice of the meeting or vote shall include:

- (a) a summary of the final draft law; and
- (b) notification that a full copy of the final draft law may be obtained by Members at the Sliammon First Nation administration building.



Enactment of Law by Council

7.14 A law is enacted on the date that it is approved and adopted by Resolution of Council.

Enactment of Law by Eligible Voters

7.15 If a law is approved by Eligible Voters at a Meeting of Members or in a Ratification Vote, the law shall be deemed to be enacted on the date of its approval and it shall have the same force and effect as a law enacted by Resolution of Council.

Enactment of Law on Urgent Matters

7.16 Council may enact a law without calling a Community Land Code Meeting, Meeting of Members or a Ratification Vote if Council is reasonably of the opinion that the law is required urgently to protect Sliammon Lands or Members.

7.17 A law enacted under section 7.16 shall be deemed to have been repealed and to have no force and effect as of twenty-eight (28) days after its enactment, but it may be re-enacted in accordance with this part.

Amendments

7.18 A law may be repealed or amended by following the procedure specified in the law.

7.19 If a law does not specify a procedure for its repeal or amendment, the law may be repealed or amended by the same procedure that was followed to enact it.

Commencement Date

7.20 If the date of commencement is not specified in a law, the law shall come into force on the date of its enactment.

8. Regulation-Making Procedure

8.1 Council may initiate the development of a regulation by Resolution.

8.2 Council may, at any time and in any manner Council considers advisable, consult with Members regarding a proposed regulation.

8.3 A regulation is enacted on the date that it is approved and adopted by Resolution.



9. Publication of Laws and Regulations

Publication

9.1 All laws and regulations enacted by Resolution shall be published in the minutes of Council meeting.

Posting Laws

- 9.2 Within seven (7) days after a law or regulation has been enacted, Council shall:
- (a) post a copy of the law or regulation in a public area of the Sliammon First Nation administration offices; and
 - (b) deposit an original copy of the law or regulation in the register of laws referred to in section 9.3.

Register of Laws

- 9.3 Council shall cause to be kept, at the Sliammon First Nation administration offices, a register of laws containing the original copy of all laws and regulations, including any that have been repealed or that are no longer in force.
- 9.4 Any person may have, during regular business hours at the Sliammon First Nation administration offices, reasonable access to the register of laws.

Copies for Any Person

- 9.5 Any person may obtain a copy of a law or regulation upon payment of such reasonable fee as may be set by Council.
- 9.6 Section 9.5 does not preclude Council from making copies of a law or regulation available to Members without a fee.

**PART 3
MEMBER INPUT AND APPROVALS**

10. Rights of Eligible Voters

Rights of Eligible Voters

10.1 Every Eligible Voter may vote at a Meeting of Members and in a Ratification Vote.



11. Community Land Code Meetings

Community Consultations

- 11.1 The Council, Lands Manager and Lands Committee may hold Community Land Code Meetings to consult with Members on matters relating to Sliammon Lands.
- 11.2 If a Community Land Code Meeting is called under section 11.1, notice shall be given to Members by any method that the Council, Lands Manager or Lands Committee may consider appropriate in the circumstances.

Written Notice of Community Land Code Meeting

- 11.3 If a Community Land Code Meeting is required to be held under this Land Code, written notice of the meeting shall be provided to Eligible Voters at least ten (10) business days before the date of the meeting by:
- (a) a notice delivered or mailed to Eligible Voters at their last known address; or
 - (b) publication of a notice in the Sliammon First Nation newsletter delivered or mailed to Eligible Voters at their last known address; and
 - (c) posting of a notice in a public area of the Sliammon First Nation administration offices.
- 11.4 The written notice of a Community Land Code Meeting shall:
- (a) specify the date, time and place of the meeting; and
 - (b) include a summary of the matter to be discussed at the meeting.

Who May Attend a Community Land Code Meeting

- 11.5 Any Member may attend a Community Land Code Meeting.

12. Meeting of Members

Matters Requiring Approval by Members

- 12.1 Approval at a Meeting of Members shall be obtained for:
- (a) subject to section 16, any land use plan or amendment to a land use plan;
 - (b) a conflict of interest under section 20.10;



- (c) a law enacted under section 38;
 - (d) an amendment to this Land Code; and
 - (e) any law or class of law that Council, by Resolution, declares to be subject to this section.
- 12.2 Subject to section 12.3, any matter requiring approval at a Meeting of Members must receive a Majority vote in favour of the matter in accordance with section 13.3.
- 12.3 Council may, by Resolution, provide that any matter that requires approval at a Meeting of Members may instead be decided by:
- (a) mail-in ballots in accordance with the same standards of quorum and approval that apply under section 13.3; or
 - (b) a Ratification Vote.

13. Procedure at a Meeting of Members

Quorum for a Meeting of Members

- 13.1 The quorum for a Meeting of Members is twenty-five percent (25%) of Eligible Voters.

Voting at a Meeting of Members

- 13.2 Voting at a Meeting of Members shall be conducted by a combination of ballots cast in person at the meeting and mail-in ballots.

Requirements for Approval at a Meeting of Members

- 13.3 A matter shall be considered to be approved at a Meeting of Members if:
- (a) at least 25% of Eligible Voters cast a ballot either in person at the meeting or by mail-in ballot; and
 - (b) the Majority of Eligible Voters who cast a ballot vote in favour of the matter.
- 13.4 Voting in person at a Meeting of Members shall be by secret ballot.



Written Notice of a Meeting of Members

- 13.5 Written notice of a Meeting of Members shall be given to Eligible Voters at least ten (10) business days before the meeting by:
- (a) a notice delivered or mailed to Eligible Voters at their last known address; or
 - (b) publication of a notice in the Sliammon First Nation newsletter delivered or mailed to Eligible Voters at their last known address; and
 - (c) posting of a notice in a public area of the Sliammon First Nation administration offices.
- 13.6 The written notice of a Meeting of Members shall:
- (a) specify the date, time and place of the meeting; and
 - (b) include a summary of the matter to be discussed and decided at the meeting.

Who May Attend a Meeting of Members

- 13.7 Any Member may attend a Meeting of Members.
- 13.8 Council may, by Resolution, declare a Meeting of Members to be a closed meeting that only Members and any other persons identified in the Resolution may attend.

Council May Schedule More Meetings

- 13.9 Council may schedule more than one Meeting of Members to discuss and decide a matter that requires approval at a Meeting of Members.

14. Ratification Votes

Matters Requiring Approval by Ratification Vote

- 14.1 Approval by a Ratification Vote shall be obtained for:
- (a) development on a heritage site designated in a land use plan;
 - (b) voluntary exchange of Sliammon Lands;
 - (c) expropriation of a Member's interest;



- (d) amendment to the Individual Agreement that reduces the amount of funding provided by Canada; and
- (e) any law or class of law that Council, by Resolution, declares to be subject to this section.

Individual Agreement

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

Ratification Vote Process

- 14.3 Subject to section 14.4, a Ratification Vote under this Land Code shall be conducted in substantially the same manner as that set out in the *Sliammon First Nation Community Ratification Process* that was used to ratify the *Sliammon First Nation Land Code*.

No Verifier Required

- 14.4 A Verifier is not required for a Ratification Vote under this Land Code.

Requirements for Approval by Ratification Vote

- 14.5 A matter shall be considered approved by a Ratification Vote if:
- (a) at least the Majority of Eligible Voters participate in the vote; and
 - (b) the Majority of those participating in the vote cast a vote in favour of the matter.

PART 4 EXPROPRIATION AND LAND EXCHANGE

15. Expropriation by Sliammon First Nation

Rights and Interests That May be Expropriated

- 15.1 An interest or licence in Sliammon Lands or in any building or other structure on such land may only be expropriated by the Sliammon First Nation in accordance with the Framework Agreement and a law enacted in accordance with section 15.3.



Community Purposes

- 15.2 The Sliammon First Nation may expropriate only for a necessary community purpose or works of the Sliammon First Nation, including a fire hall, sewage or water treatment facility, community center, public work, road, school, day-care facility, hospital, health-care facility or retirement home.

Expropriation Laws

- 15.3 Council shall enact a law setting out the rights and procedures for expropriation, including provisions in relation to:
- (a) taking possession of the interest or licence;
 - (b) transfer of the interest or licence;
 - (c) notice of expropriation;
 - (d) service of a notice of expropriation;
 - (e) entitlement to compensation;
 - (f) determination of the amount of compensation; and
 - (g) the method of payment of compensation.

Public Report

- 15.4 Before the Sliammon First Nation may expropriate an interest or licence, Council shall:
- (a) prepare a report on the reasons for the expropriation; and
 - (b) post a copy of the report in the Sliammon First Nation administration offices.

Rights that May Not be Expropriated

- 15.5 An interest of Canada, or an interest previously expropriated under section 35 of the *Indian Act*, is not subject to expropriation by the Sliammon First Nation.

Mutual Agreement

- 15.6 Sliammon First Nation may expropriate only after a good faith effort to acquire, by mutual agreement, the interest or licence in Sliammon Lands.



Limitation

- 15.7 The law enacted under section 15.3 shall include provisions having the following effect:
- (a) an expropriation shall be made only for the smallest interest necessary and for the shortest time necessary; and
 - (b) where less than a full interest is expropriated, a person whose interest is expropriated may continue to use and occupy the land for purposes that are not inconsistent with the expropriation.

Notice and Compensation

- 15.8 The Sliammon First Nation shall, in accordance with a law enacted under section 15.3 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 Calculation

- 15.9 The total value of compensation under subsection 15.8(b) shall be based on:
- (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 a remaining interest.

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 Sliammon Lands by a willing seller to a willing buyer.

Dispute Resolution

- 15.11 Subject to section 15.13, the resolution of disputes concerning the right of the Sliammon



First Nation to expropriate shall be determined by neutral evaluation in the same manner as provided in Part IX of the Framework Agreement.

15.12 The 60 day period referred to in clause 32.6 of the Framework Agreement shall be applied, as appropriate in the circumstances, by the neutral evaluator.

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

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

16. Heritage Sites

Approval of Amendments

16.1 No amendment may be made to a land use plan to develop or delete from the land use plan a heritage site designated under that plan unless the amendment receives prior approval by a Ratification Vote.

17. Voluntary Land Exchange

Conditions for a Land Exchange

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

No Effect

17.2 A land exchange is of no effect unless it approved by a Ratification Vote.

Land to be Received

17.3 A land exchange may proceed to a Ratification Vote only if the land to be received by the Sliammon First Nation:

- (a) is of equal or greater area than the Sliammon Lands to be exchanged;
- (b) is of a value comparable to the appraised value of the Sliammon Lands to be exchanged; and



- (c) is eligible to become a reserve under the *Indian Act* and Sliammon Lands subject to this Land Code.

Negotiators

- 17.4 A person who negotiates a land exchange on behalf of the Sliammon First Nation shall be designated by Resolution.

Additional Land

- 17.5 The Sliammon First Nation may receive additional compensation, including money or other land in addition to the land referred to in section 17.3.
- 17.6 Such other land may be held by the Sliammon First Nation in fee simple or other manner.

Federal Consent

- 17.7 Before the Sliammon First Nation concludes a land exchange agreement, it shall receive a written statement from Canada stating that Canada:
- (a) consents to set aside as a reserve the land to be received in the land exchange under section 17.3, as of the date of the land exchange or such later date as 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 At such time as negotiation of a land exchange agreement is concluded, and at least twenty-one (21) days before the Ratification Vote provided for in section 17.2, Council shall provide the following information to the Members:
- (a) a description of the Sliammon Lands to be exchanged;
 - (b) a description of the land to be received by the Sliammon First Nation;
 - (c) a description of any other compensation to be received;
 - (d) a report of a certified land appraiser stating that the conditions in subsections 17.3(a) and (b) have been met;
 - (e) a copy of the land exchange agreement; and



- (f) a copy of the statement from Canada referred to in section 17.7.

Process of Land Exchange

17.9 A land exchange agreement shall provide that:

- (a) the other party to the exchange shall transfer to Canada the title to the land that is to be set aside as a reserve;
- (b) Council shall pass a Resolution authorizing Canada to transfer title to the Sliammon Lands being exchanged, in accordance with the land exchange agreement; and
- (c) a copy of the instruments transferring title to the relevant parcels of land shall be registered in the Sliammon Lands Register and the First Nation Land Register.

**PART 5
ACCOUNTABILITY**

18. Application

18.1 This part applies only to conflicts of interest and financial matters in relation to the management and administration of Sliammon Lands under this Land Code.

19. Conflict of Interest

General Duties and Definitions

- 19.1 No member of Council shall be involved in any transaction or matter where they are in a conflict of interest or appear to be in a conflict of interest.
- 19.2 A conflict of interest exists where a member of Council or a member of their Immediate Family has a personal or business interest in a transaction or matter under consideration by Council which competes, or appears to compete with the interests of the Sliammon First Nation or the objective exercise of the Council members' powers, duties, functions or responsibilities.
- 19.3 No conflict of interest or appearance of a conflict of interest exists where:
- (a) the member of Council or a member of their Immediate Family holds an interest



in the same manner and under the same conditions as other Members;

- (b) Council enacts a law or develops a policy providing members of Council with reasonable remuneration, vacation, sick leave or other benefits for services as elected officials of the Sliammon First Nation; or
- (c) the interests are so remote or insignificant that they could not be reasonably regarded as likely to influence the individual Council member in the exercise of a power or performance of a duty or a function.

20. Procedure for a Conflict of Interest or Appearance of a Conflict of Interest

- 20.1 A member of Council who has, or believes that they have, a conflict of interest shall disclose the nature and extent of the conflict of interest at the first Council meeting after the conflict becomes known to the member of Council, whether or not the transaction or matter giving rise to the conflict has been concluded.
- 20.2 Where the interest of a member of Council has not been disclosed as required by section 20.1 by reason of the member of Council's absence from the meeting at which the matter was first raised, the member of Council shall disclose the interest and comply with this Part at the next meeting of Council.
- 20.3 A member of Council may request a decision of Council on whether there is a conflict of interest.
- 20.4 After declaring the conflict of interest, the member of Council shall:
- (a) leave the meeting during consideration of the matter in question;
 - (b) not be counted in the quorum; and
 - (c) not participate in the discussion or vote on the matter in question.
- 20.5 A member of Council who is in a conflict of interest shall not attempt in any way or at any time to influence the discussion or vote on the matter in question.
- 20.6 Every declaration of a conflict of interest and the details thereof shall be recorded in the minutes of the Council meeting.
- 20.7 Notwithstanding section 19.1, Council may approve a transaction or matter by Resolution where:



- (a) the member of Council has complied with subsections 20.1 through 20.5; and
 - (b) Council determines the transaction or matter is fair and reasonable.
- 20.8 Where a member of Council is shown to have withheld material information or to have provided false or misleading information for consideration in a Resolution approving a transaction or matter under section 20.7, the Resolution shall be without force and effect.
- 20.9 A Resolution authorizing a transaction or matter may be made conditional upon the member of Council taking such steps as Council may prescribe to protect the interests of Council or the Sliammon First Nation or to maintain trust in the conduct of Council's activities.
- 20.10 Where as a result of a conflict of interest a quorum of Council cannot be met, the matter shall be decided at a Meeting of Members.
- 20.11 Notice of a Meeting of Members under section 20.10 shall be provided in accordance with sections 13.5 and 13.6 and shall further include:
- (a) notification that a report on the matter may be obtained at the Sliammon First Nation administration offices; and
 - (b) a statement that a determination of the matter shall be made by a vote of the Eligible Voters in accordance with section 13.3.
- 20.12 At the Meeting of Members Council shall present the report on the matter and invite questions and comments by the Members.
- 20.13 The Eligible Voters present at the Meeting of Members shall vote on whether to approve or reject the transaction or matter, with or without conditions, or make such other decision as may be appropriate in the circumstances.
- 20.14 The decision of the Eligible Voters present at the Meeting of Members shall be recorded in the minutes and, where required, shall have the same effect as a Resolution under section 20.7.
- 21. Competition with Sliammon First Nation Businesses**
- 21.1 No Member of Council shall, during their term of office, engage as a partner, officer, director, shareholder, advisor, employee, or in any other capacity, in any business that is in competition with a business carried on by the Sliammon First Nation, without first complying with the provisions of section 20.7.



22. Financial Management

Financial Management and Policy

- 22.1 Council shall continue or implement a system of financial planning and financial administration for the management of Sliammon First Nation moneys through which Council, Sliammon First Nation employees and other persons who manage moneys in relation to Sliammon Lands are accountable to the Members within the meaning of clause 5.2(d) of the Framework Agreement.
- 22.2 Council may, in accordance with this Land Code, adopt a financial policy to further manage moneys in relation to Sliammon Lands.

Establishment of Bank Accounts

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

Signing Officers

- 22.4 Council shall authorize the signing officers of the Sliammon First Nation to sign cheques and other bills of exchange or transfer drawn on a financial account maintained under section 22.3.

Fiscal Year

- 22.5 The fiscal year of the Sliammon First Nation shall begin on April 1 of each year and end on March 31 of the following year.



Adoption of Budget

- 22.6 Council shall, by Resolution prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if Council deems it necessary in the course of the fiscal year, adopt one or more supplementary budgets for that fiscal year.
- 22.7 Prior to adopting a budget referred to in section 22.6, Council shall consult with the Lands Manager.

Procedure

- 22.8 After adopting a land management budget or supplementary budget, Council shall, as soon as practicable, make a copy of the budget or supplementary budget available at the Sliammon First Nation administration offices for inspection by Members.

Expenditures

- 22.9 Council may not expend moneys in relation to Sliammon Lands or commit itself, by contract or otherwise, to expend moneys in relation to Sliammon Lands unless the expenditure is authorized by a Sliammon Law or an adopted budget.

Other Laws and Policies

- 22.10 Council shall establish a process for determining:
- (a) fees and rents for interests and licences in Sliammon Lands; and
 - (b) fees for services provided in relation to Sliammon Lands and compliance with this Land Code.

23. Financial Records

Financial Records

- 23.1 The Sliammon First Nation shall keep financial records in accordance with generally accepted accounting principles.

Offences

- 23.2 A person who has control of the financial records of the Sliammon First Nation and who impedes or obstructs anyone from exercising a right to inspect those records is guilty of an offence.



Preparation of Financial Statement

- 23.3 Within 90 days after the end of each fiscal year, Council shall prepare a financial statement in comparative form, containing:
- (a) a balance sheet;
 - (b) a statement of revenues and expenditures and a comparison of these with the amounts stated in the land management budget and any supplementary budget; and
 - (c) any other information necessary for a fair presentation of the financial position of Sliammon First Nation in relation to Sliammon Lands.

Consolidated Accounts

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

24. Audit

Appointment of Auditor

- 24.1 For each fiscal year, Council shall appoint a duly accredited auditor to audit the financial records of the Sliammon First Nation in relation to Sliammon Lands.

Vacancy in Office

- 24.2 If a vacancy occurs during the term of an auditor, Council shall forthwith appoint a new auditor for the remainder of the former auditor's term.

Remuneration

- 24.3 An appointment under section 24.1 shall contain a statement approving the remuneration to be paid to the auditor.

Duty of Auditor

- 24.4 The auditor shall, within 120 days after the end of the Sliammon First Nation's fiscal year, prepare and submit to Council an audit report on the Sliammon First Nation's financial statement stating whether, in the opinion of the auditor, the financial statement presents fairly and accurately the financial position of the Sliammon First Nation in accordance with generally accepted accounting principles applied on a basis consistent



with that applied in the previous fiscal year.

Access to Records

24.5 The auditor may at any reasonable time inspect any financial records of the Sliammon First Nation and the financial records of any person or body authorized to administer money in relation to Sliammon Lands.

Presentation of Audit Report

24.6 Council shall present the audit report at a Meeting of Members.

25. Annual Report

Publish Annual Report

25.1 Council shall ensure, within thirty (30) days of receiving an audit report under section 24.4, that an annual report on Sliammon Lands management is prepared.

25.2 The annual report prepared under section 25.1 shall include:

- (a) an annual review of land management activities;
- (b) a copy and explanation of the audit report as it applies to Sliammon Lands; and
- (c) such other matters as may be directed by Council or reasonably requested by the Lands Manager.

26. Access to Financial Information

Access Law

26.1 Council shall, in consultation with the Lands Manager, develop policies and procedures setting out the rights and procedures by which Members and other persons may exercise access to Sliammon First Nation financial information.

26.2 The policies and procedures developed under section 26.1 shall:

- (a) take protection of privacy into account; and
- (b) provide that a Member may, during normal business hours at the Sliammon First Nation administration offices, inspect a copy of the audit report, the annual report on Sliammon Lands management, the budget or the supplementary budget.



PART 6
ADMINISTRATION OF SLIAMMON LANDS

27. Sliammon Lands Office

27.1 The Sliammon Lands Office shall carry out duties and responsibilities delegated or assigned to it under this Land Code and any other applicable law.

27.2 Without limiting the generality of section 27.1, the Sliammon Lands Office shall:

- (a) administer Sliammon Lands in accordance with this Land Code and any other applicable law or regulation;
- (b) develop forms of written instruments for use in registering or recording interests or licences in the Sliammon Lands in the Sliammon Lands Register if it is deemed necessary and advisable by the Sliammon Lands Office;
- (c) process applications for the registration or recording of written instruments and documents in the Sliammon Lands Register in relation to interests or licences in Sliammon Lands;
- (d) provide electronic copies of applications for the registration and recording of written instruments and documents in the Sliammon Lands Register in relation to interests or licences in Sliammon Lands to the First Nation Land Register;
- (e) arrange for the execution of written instruments and documents on behalf of Sliammon First Nation;
- (f) maintain and protect records in relation to Sliammon Lands; and
- (g) perform such other duties and functions consistent with this Land Code as Council may direct.

Lands Manager

27.3 The Lands Manager shall manage the Sliammon Lands Office and perform such duties and responsibilities delegated or assigned to the Lands Manager under this Land Code or any other applicable law.

27.4 In consultation with Council, the Lands Manager may develop policies and procedures required for the proper administration and management of the Sliammon Lands Office and the Sliammon Lands Register.



- 27.5 Without limiting the generality of sections 27.1, 27.3 and 27.4, the Lands Manager shall:
- (a) oversee the day-to-day operations of the Sliammon Lands Office;
 - (b) advise the Lands Committee and Council on matters in relation to Sliammon Lands;
 - (c) make recommendations to the Lands Committee and Council on the development of laws, policies and procedures in relation to Sliammon Lands;
 - (d) subject to Part 8 (Dispute Resolution), hold regular and special meetings with Members to discuss issues related to Sliammon Lands, and make recommendations to the Lands Committee and Council on the resolution of such issues;
 - (e) assist in the exchange of information between Members and Council regarding Sliammon Lands issues;
 - (f) oversee community consultations under this Land Code;
 - (g) schedule and oversee Land Committee elections;
 - (h) monitor community approvals under this Land Code; and
 - (i) perform such other duties and functions consistent with this Land Code as Council may direct.

28. Lands Committee

Lands Committee Established

28.1 The Lands Authority is hereby dissolved and the Lands Committee is established.

28.2 The Lands Committee shall:

- (a) assist the Lands Manager with administrative decisions in relation to Sliammon Lands;
- (b) review draft laws and provide comments to Council;
- (c) recommend to Council laws, policies and procedures in relation to Sliammon



Lands;

- (d) consult with Members on land issues; and
- (e) perform such other duties and functions as Council or the Lands Manager may direct.

Composition

28.3 The Lands Committee shall be composed of:

- (a) the Lands Manager;
- (b) one member of Council appointed by Council; and
- (c) four (4) members elected at a Community Land Code Meeting.

Eligibility for Election to Lands Committee

28.4 Any Eligible Voter, whether or not resident on Sliammon Lands, shall be eligible for election to the Lands Committee, except for the following:

- (a) a person convicted of an offence by way of indictment or felony conviction within five (5) years prior to the date of the election; and
- (b) any person convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

Staggered Terms of Office

28.5 Subject to section 28.8, Lands Committee members shall hold the following terms of office:

- (a) Council shall appoint a member of Council as soon as practicable following Council elections and that member shall sit on the committee until the next Council election;
- (b) the Lands Manager shall sit on the committee for as long as he or she holds the position of Lands Manager;
- (c) elected members shall sit on the committee for a maximum of four (4) years, but they are not precluded from being elected for further terms; and



- (d) an election for two (2) elected positions on the committee shall be held every two years to ensure that elected members serve staggered terms.

Elections

28.6 Elections for Land Committee members shall be held at a Community Land Code Meeting called by the Lands Manager in accordance with sections 11.3 and 11.4.

Voting at Elections

28.7 Every Eligible Voter may vote at a Lands Committee election.

Vacancies

28.8 The office of a Lands Committee member shall become vacant if that member:

- (a) resigns;
- (b) is convicted of an offence under the *Criminal Code*;
- (c) is no longer the Lands Manager;
- (d) is an elected member who ceases to be an Eligible Voter;
- (e) is an appointed member who ceases to be a member of Council;
- (f) dies or becomes mentally incapacitated.; or
- (g) is terminated under section 28.9.

Terminations

28.9 The Council may, by Resolution, terminate the remaining term of a Lands Committee member if:

- (a) the member is absent from three (3) consecutive Lands Committee meetings for a reason other than illness or incapacity without being authorized to be absent by the chairperson; or
- (b) the member fails to perform any of his or her duties in good faith and in accordance with the terms of this Land Code.

Council Fills Vacancies



28.10 Council may appoint a new member to the Lands Committee to fill a vacancy under section 28.8.

28.11 The member appointed under section 28.10 shall serve out the balance of the term of the member whose office was vacated.

28.12 The Council may develop policies regarding the eligibility criteria for appointments to the Lands Committee

Chairperson of Lands Committee

28.13 The Lands Manager shall be the chairperson of the Lands Committee.

28.14 The Lands Committee shall select an alternate chairperson to perform the functions of the chairperson if the Lands Manager is unavailable.

Rules and Procedures of Lands Committee

28.15 In consultation with Council, the Lands Manager shall establish rules and procedures governing Lands Committee elections.

28.16 In consultation with Council and the Lands Committee, the Lands Manager may establish policies, rules and procedures governing committee meetings and the administration of the general affairs of the committee.

29. Officers, Employees and Contractors

General

29.1 Council shall provide for the appointment of officers and the hiring of other employees to administer this Land Code in an effective and fiscally responsible manner in accordance with this Land Code and any other applicable law.

Appointment of Lands Manager

29.2 Council shall, by Resolution, appoint a Lands Manager and an alternate to act in the place of the Lands Manager when he or she is absent.

Standards and Qualifications of Employees

29.3 The Lands Manager may, subject to the approval of Council, establish a process for determining standards and qualifications for employees and contractors hired for purposes of implementing and administering this Land Code.



30. Registration of Interests and Licences

Sliammon Lands Register

30.1 The Sliammon Lands Office shall maintain the Sliammon Lands Register in substantially the same form and with the same content as the First Nation Land Register.

Enforcement of Interests and Licences

30.2 An interest or licence in Sliammon Lands created or granted after September 30, 2004, is not enforceable unless it is registered or recorded in the Sliammon Lands Register.

Duty to Deposit

30.3 The Sliammon Lands Office shall ensure that an original copy of the following instruments received is registered or recorded in the Sliammon Lands Register and the First Nation Land Register:

- (a) an interest or licence in Sliammon Lands granted by Sliammon First Nation;
- (b) an interest in Sliammon Lands transferred or assigned by Sliammon First Nation; and
- (c) this Land Code and any amendment to this Land Code.

30.4 Every person who receives an interest or licence in Sliammon Lands shall register or record an original copy of the relevant instrument in the Sliammon Lands Register.

30.5 The deposit of an instrument in the Sliammon Lands Register and the First Nation Lands Register does not imply that the instrument is validly made or that it has been registered as opposed to having been recorded.

Registration of Consent or Approval

30.6 No instrument that requires the consent of Council, approval of the Sliammon Lands Office, or approval of Members at a Meeting of Members or in a Ratification Vote may be registered or recorded in the Sliammon Lands Register unless a certified copy of the document that records the consent or approval is attached to the instrument.

30.7 Notwithstanding section 30.1, nothing in this Land Code precludes Council from enacting a law providing for the maintenance of the Sliammon Lands Register in such other land registry system or facility as may meet the requirements of the Sliammon First Nation.

Registration Fees



- 30.8 The Sliammon Lands Office may establish and charge reasonable fees for services provided to the public including processing applications for the registration or recording of instruments in the Sliammon Lands Register.
- 30.9 Section 30.8 does not preclude the Sliammon Lands Office from providing services to Members without a fee.

PART 7 INTERESTS AND LICENCES IN SLIAMMON LANDS

31. Interests and Licences

General

- 31.1 The occupation, use and development of Sliammon Lands is subject to this Land Code and any other applicable law.

No Interest or Licence Created

- 31.2 No person may acquire an interest or licence in Sliammon Lands by use, occupation or by any other means that is not authorized under this Land Code or a law enacted under it.

All Dispositions in Writing

- 31.3 An interest or licence in Sliammon Lands may only be created, granted, disposed of, assigned or transferred by a written instrument issued in accordance with this Land Code.

Non-Members

- 31.4 A person who is not a Member may hold a lease, licence, easement, mortgage or permit in Sliammon Lands.

Grants to Non-Members

- 31.5 The written consent of Council shall be obtained for the original grant of a lease, licence, easement or permit in Sliammon Lands to a person who is not a Member.
- 31.6 Notwithstanding section 31.5, if Council has consented to the original grant of a lease in Sliammon Lands to a person who is not a Member, that leasehold interest may be subsequently mortgaged, transferred or assigned without the consent of Council or approval of Members.



32. Existing Interests

Continuation of Existing Interests

- 32.1 An interest or licence in Sliammon Lands, whether held by a Member or a person other than a Member, that is in effect on September 30, 2004 shall, subject to this Land Code, continue in force in accordance with the terms and conditions of that interest or licence.
- 32.2 Council may, subject to an applicable ruling under Part 8 or by a court of competent jurisdiction:
- (a) cancel or correct any interest or licence in Sliammon Lands issued or allotted in error, by mistake or by fraud; and
 - (b) issue a replacement instrument if required.

33. New Interests and Licences

Authority to Make Grants

- 33.1 Subject to this Land Code, Council may grant:
- (a) interests in Community Lands; and
 - (b) licences and permits to take resources from Community Lands.

Conditional Grant

- 33.2 The grant of an interest, licence or permit in Community Lands may be made subject to conditions.

Role of Lands Manager

- 33.3 The Lands Manager may advise Council on the granting of interests, licences and permits in Community Lands and may be authorized to act as a delegate of Council under this part.

34. Permanent Interests of Members

Nature of Interest

- 34.1 Council may enact laws providing for an interest in Sliammon Lands that entitles a Member holding that interest to:



- (a) permanent possession of the land;
- (b) benefit from the resources in and of the land;
- (c) grant subsidiary interests, licences and permits in the land;
- (d) transfer, devise or otherwise dispose of the land to another Member; and
- (e) any other rights, consistent with this Land Code, that are attached to Certificates of Possession under the *Indian Act*.

34.2 For greater certainty, no interest under section 34.1 may be granted to or held by a person who is not a Member.

Transfer and Assignment of Interests

34.3 Members may transfer or assign their interest in Sliammon Lands to the Sliammon First Nation or a Member without the consent of Council or approval of Members.

34.4 For greater certainty, Members may transfer their interest to themselves.

35. Limits on Mortgages and Seizures

Protections

35.1 In accordance with the Framework Agreement and the Act, sections 29, 87, 89(1) and 89(2) of the *Indian Act* continue to apply to Sliammon Lands.

35.2 The Sliammon Lands Office and the Lands Manager shall not be responsible or liable for ensuring that a lease in Sliammon Lands permits the leasehold interest to be mortgaged or charged, that the lease is in good standing or that the leaseholder is in compliance with the terms of the lease.

35.3 Disputes in relation to mortgages of leases shall be determined as follows:

- (a) the parties to the dispute may agree that the dispute may be determined by mediation, arbitration or other dispute resolution mechanism agreed to by the parties; or
- (b) if the parties to the dispute do not agree on a dispute resolution mechanism, the dispute shall be determined by a court of competent jurisdiction.



Mortgage of a Leasehold Interest in Sliammon Lands Held by a Person Who is Not a Member

- 35.4 A leasehold interest in Sliammon Lands held by a person who is not a Member is subject to charge, pledge, mortgage, attachment, levy, seizure, distress and execution without the consent of Council or approval of Members.

Mortgage of Leasehold Interests in Community Lands or in Sliammon Lands Held by a Member

- 35.5 The interest of a Member in Sliammon Lands which is not a leasehold interest may be subject to a mortgage or charge only to the Sliammon First Nation or a Member.
- 35.6 An Indian, as that term is defined in the *Indian Act*, including a Member, may grant a lease to him or herself in the same manner as to another person.
- 35.7 The leasehold interest in Sliammon Lands of an Indian, as that term is defined in the *Indian Act*, including a Member, may be subject to charge, pledge, mortgage, attachment, levy, seizure, distress and execution without the consent of Council or approval of Members, and the mortgagee has the same legal and equitable rights it would have if the leasehold interest was held by a non-Indian.
- 35.8 A leasehold interest in Community Lands is subject to charge, pledge, mortgage, attachment, levy, seizure, distress and execution by the mortgagee.

Default in Mortgage

- 35.9 In the event of default in the terms of a mortgage or charge of a leasehold interest in Sliammon Lands, the leasehold interest is not subject to possession by the mortgagee or chargee, foreclosure, power of sale or any other form of execution or seizure, unless:
- (a) the mortgage or charge was registered in the Sliammon Lands Register; and
 - (b) reasonable notice of the foreclosure was provided to Council.

Power of Redemption

- 35.10 If Council exercises an option to redeem with respect to a leasehold interest under subsection 35.8(b), the Sliammon First Nation becomes the lessee of the leasehold lands and, with the consent of the lender, takes the position of the mortgagor or chargor for all purposes after the date of redemption.

36. Residency and Access Rights



Right of Residence

36.1 The following persons may reside on Sliammon Lands:

- (a) a Member;
- (b) a Member who has been allocated a residential lot by Council;
- (c) a Spouse and child of a Member referred to in subsection (b);
- (d) a Member with a registered interest in Sliammon Lands;
- (e) an invitee of a Member referred to in subsection (b) or (c); and
- (f) a lessee or permittee, in accordance with the provisions of the instrument granting the lease or permit.

36.2 A right of residence under section 36.1 does not imply any financial obligation on the part of the Sliammon First Nation.

Right of Access

36.3 The following persons have a right of access to Sliammon Lands:

- (a) a lessee or mortgagee of Sliammon Lands;
- (b) an invitee of a lessee of Sliammon Lands;
- (c) a permittee and any person who is granted a right of access under the permit;
- (d) a Member;
- (e) a Member's Spouse and children;
- (f) a person who is authorized by a government body or any other public body, established by or under an enactment of the Sliammon First Nation, Canada or British Columbia to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey;
- (g) a person authorized in writing by Council or the Lands Manager; or
- (h) a person authorized by any applicable law.



Public Access

- 36.4 A person may have access to Sliammon Lands for social or business purposes if that person:
- (a) does not trespass on occupied land;
 - (b) does not interfere with an interest or licence in land;
 - (c) complies with all applicable laws; and
 - (d) no Resolution has been enacted prohibiting that person from having access to Sliammon Lands.

Trespass

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

Civil Remedies

- 36.6 Subject to any law enacted under this Land Code, all civil remedies for trespass are preserved.

37. Transfers on Death or Mental Incompetence

- 37.1 A Member who receives an interest in Sliammon Lands by testamentary disposition, succession or through a declaration of mental incompetence is entitled to have that interest registered in the Sliammon Lands Register provided that the written instrument transferring the interest is duly executed by the person duly appointed under the *Indian Act* as the personal representative of the estate of the deceased or the mentally incompetent Member.

- 37.2 A Member who purchases an interest in Sliammon Lands under subsection 50(2) of the *Indian Act* is entitled to have that interest registered in the Sliammon Lands Register provided that:

- (1) the written instrument transferring the interest is duly executed by the person duly authorized under the *Indian Act* to transfer the interest; and



- (2) Council has, by Resolution, consented to the written instrument transferring the interest to the purchasing Member.

37.3 Council may, by Resolution, authorize the Lands Manager to act as a delegate of Council under section 37.2.

37.4 An interest in Sliammon Lands that reverts to Sliammon First Nation under subsection 50(3) of the *Indian Act* shall become Community Lands on the date of reversion or on such other date that the Minister or the Minister's duly authorized delegate may specify.

38. Spousal Property Law

Development of Rules and Procedures

38.1 Council shall enact a spousal property law providing rules and procedures applicable on the breakdown of a marriage of a Member to:

- (a) the use, occupancy and possession of an interest in Sliammon Lands held by the Member; and
- (b) the division of that interest in land.

Enactment of Rules and Procedures

38.2 The rules and procedures contained in the spousal property law shall be developed by the Lands Manager in consultation with Members.

General Principles

38.3 The rules and procedures developed under section 38.2 shall take into account the following general principles:

- (a) the children of the Spouses, if any, should have a right to reside in the matrimonial home until the age of majority or until other arrangements have been made in the best interests of the children;
- (b) each Spouse should have an equal right to possession of the matrimonial home;
- (c) each Spouse should be entitled to an undivided half interest in the matrimonial home as a tenant in common;



- (d) the rules and procedures shall not discriminate on the basis of sex;
- (e) a mortgage of lease of spousal property shall not be set aside if the mortgagee acquired it for value and acted in good faith; and
- (f) only Members are entitled to hold a permanent interest in Sliammon Lands or a charge against a permanent interest in Sliammon Lands.

PART 8 DISPUTE RESOLUTION

39. Informal Resolution of Disputes

Intent

- 39.1 The Sliammon First Nation intends that whenever possible, a dispute in relation to Sliammon Lands shall be resolved through informal discussion by the parties to the dispute and nothing in this part shall be construed to limit the ability of the parties to a dispute to settle a dispute without recourse to this part.

40. Adjudicator Established

Office of the Adjudicator

- 40.1 The Office of the Adjudicator is hereby established to hear and resolve disputes in relation to Sliammon Lands in accordance with this Land Code and any other applicable laws and policies.
- 40.2 The Adjudicator shall be a Barrister and Solicitor and a member of the Law Society of British Columbia who is independent of the parties to a dispute and to other interests in the dispute.

41. Application Procedure

Reference to Adjudicator

- 41.1 The following persons may notify the Lands Manager that they wish to refer the dispute to the Adjudicator for resolution under this part:
- (a) a Member who claims an interest in Sliammon Lands based on a registered interest;
 - (b) a person who has a dispute with another person or with the Sliammon First Nation



- in relation to the possession, use or occupation of Sliammon Lands;
- (c) the Sliammon First Nation when asserting an interest in Sliammon Lands; and
- (d) the Sliammon First Nation when disputing the possession, use or occupation of Sliammon Lands.

Dispute Resolution Not Available

41.2 Dispute resolution processes under this Land Code are not available under this part for disputes in relation to:

- (a) mortgages of lease;
- (b) decisions relating to housing allocation; or
- (c) decisions of Council to grant or refuse to grant an interest or licence in Sliammon Lands.

Disputes Originating Prior to Land Code

41.3 Disputes that originated before September 30, 2004 may be decided under this part.

Demonstration of Reasonable Effort to Resolve

41.4 Persons applying for adjudication under section 41.1 shall demonstrate that they have made reasonable efforts to resolve the dispute.

Limitation Period

41.5 Parties may request a referral to the Adjudicator no later than:

- (a) 60 days after the day the decision, act or omission that is the subject of the dispute occurred; or
- (b) 30 days after an attempt to resolve the dispute informally, in accordance with section 41.4, has failed.

42. Referral to Adjudicator

Lands Manager Shall Establish Procedures

42.1 In consultation with the Lands Committee and Council, the Lands Manager shall establish procedures for referring disputes to an Adjudicator.

42.2 Subject to section 42.3, the Lands Manager shall, in a timely manner as required to settle



the dispute, appoint the Adjudicator in accordance with the procedures established by Council.

Agreement to be Bound

- 42.3 The Lands Manager shall not refer a dispute to the Adjudicator unless all parties to the dispute agree to be bound by the decision of the Adjudicator, in a form prescribed by Council in consultation with the Lands Manager.

43. Duties and Powers of the Adjudicator

Duty to Act Impartially

- 43.1 The Adjudicator shall act impartially and without bias or favour to any party in a dispute.
Offense
- 43.2 It is an offense for a person to act, or attempt to act, in an improper way to influence the decision of the Adjudicator.

Rejection of Application

- 43.3 In addition to any other penalty provided for an offence under section 43.2, the Adjudicator may refuse to hear or decide an application if, regardless of whether a person has been found to have committed an offence under section 43.2, the Adjudicator reasonably concludes that the applicant acted, or attempted to act, in a way to improperly influence the Adjudicator's decision.

Rules of Adjudicator

- 43.4 The Adjudicator may, consistent with this Land Code, establish rules for procedure at hearings and for the general conduct of proceedings.

Professional Services

- 43.5 Prior to retaining the services of any professionals to assist in fulfilling his or her functions, the Adjudicator shall notify the parties to the dispute of the proposed professionals and their estimated services and costs.
- 43.6 Upon agreement of the parties, the Adjudicator may retain the services of professionals to assist in fulfilling his or her functions, in which case they shall make best efforts to use professional services available in the community who do not have a conflict of interest.
- 43.7 The Adjudicator may refuse to hear or decide an application if one or more of the parties refuse to accept the Adjudicator's proposal to retain professionals who are, in the reasonable opinion of the Adjudicator, required to resolve the dispute.



43.8 The Adjudicator may, after hearing a dispute:

- (a) confirm or reverse the decision in dispute, in whole or in part;
- (b) substitute the Adjudicator's own decision for the decision in dispute;
- (c) direct that an action be taken or ceased;
- (d) refer the matter or dispute for reconsideration by the decision-maker; or
- (e) refer the matter to a court of competent jurisdiction or other forum.

Decisions

43.9 The Adjudicator shall give written reasons for a decision and shall sign the written reasons.

43.10 Subject to section 45.1(Appeal of Decision) a decision of the Adjudicator is binding.

43.11 An order from an Adjudicator may be entered into court and enforced through the court of competent jurisdiction.

44. Costs

Costs

44.1 Unless otherwise ordered by the Adjudicator under section 44.2 or by an appellate court, the parties to a dispute shall bear their own costs and an equal share of the costs of the adjudication process.

44.2 The Adjudicator has the authority to order one, both or all of the parties to pay some or all of the costs of the adjudication process, including but not limited to the costs of the Adjudicator and any professionals retained, taking into account:

- (a) the reasonableness of the parties in their positions;
- (b) the conduct of the parties;
- (c) the result of the adjudication;
- (d) the use of professional services; and



- (e) any other relevant factor.

Sliammon First Nation Liability

44.3 For greater certainty, the Sliammon First Nation shall not be liable or responsible for the costs of adjudication under this part, or of any dispute resolution process, where the Sliammon First Nation is not a party.

45. Appeals and Alternate Forums

Appeal of Decision

45.1 Subject to any exception established by a law, a decision of the Adjudicator may be appealed to a court of competent jurisdiction.

Alternate Forums

45.2 Nothing in this part precludes Council from establishing additional processes or laws for resolving disputes, which processes may include facilitated discussion, mediation, administrative appeals, or referral to another forum.

**PART 9
OTHER MATTERS**

46. Liability

Liability Coverage

46.1 Council shall arrange for, maintain and pay insurance coverage for:

- (a) liability of the Sliammon First Nation in relation to Sliammon Lands; and
- (b) personal liability of the Sliammon First Nation's officers and employees for acts done or omitted to be done in good faith while engaged in carrying out duties in relation to Sliammon Lands.

Extent of Coverage

46.2 Council shall determine the extent of insurance coverage under section 46.1.



47. Offences

Application of Criminal Code

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

Justices of the Peace

47.2 Council may enact Laws in relation to appointment of justices of the peace for the enforcement of this Land Code and Laws.

Provincial Courts

47.3 If no justice of the peace is appointed, this Land Code and Laws shall be enforced in the Provincial Court of British Columbia or British Columbia Supreme Court or any court of competent jurisdiction as the case may require.

48. Amendments to Land Code

48.1 Amendments to this Land Code shall be approved at a Meeting of Members.

49. Commencement

49.1 This Land Code shall come into force on the date that it is approved at a Meeting of Members.