

One Arrow First Nation

LAND CODE

December 2013



Certified
Date April 25, 2014
[Signature]
Dave Hoffman, Verifier

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PREAMBLE

Whereas the One Arrow First 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 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 *First Nations Land Management Act*;

And Whereas the One Arrow First Nation has the option of withdrawing its lands from the land provisions of the *Indian Act* in order 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;

And Whereas the One Arrow First 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 THE
FUNDAMENTAL LAND LAW OF THE ONE ARROW FIRST NATION**

PART 1

PRELIMINARY MATTERS

1. Title

Title

- 1.1 The title of this enactment is the One Arrow *First Nation land Code*.

2. Interpretation

Definitions

2.1 The following definitions apply in this Land Code:

“Community land” means any One Arrow First Nation land in which all members have a common interest .“

“Council” means the Chief and Council of the One Arrow First Nation.

“Eligible voter” means, for the purpose of voting in respect of land matters under this Land Code, a member who has attained the age of eighteen (18) years of age on the day of the vote.

“Extended family”, in respect of a person, means the person’s grandparent, parent, uncle, aunt, cousin, sister, brother, child, grandchild, spouse or common law spouse.

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

“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 One Arrow First Nation.

“Immediate relatives”, in respect of a person, means the person’s parent, sister, brother, child, spouse or common law spouse.

“Lands Committee” means the Lands Committee established under this Land Code.

“Law” means a law enacted pursuant to this Land Code.

“Panel” means the Dispute Resolution Panel established under section 40.

“Meeting of members” means a meeting under section 13 to which the members are invited to attend.

“Member” means a person whose name appears or is entitled to appear on the One Arrow First Nation Band Membership List.

“One Arrow” means the One Arrow First Nation.

“First Nation land” means any portion of the One Arrow reserve that is subject to this Land Code under section 5.

“Ratification vote” means a vote of eligible voters under section 14.

“Resolution” means a resolution of the Council enacted under this Land Code.

“Spouse” means a person who is married to another person, whether by a traditional, religious or civil ceremony.

“Transfer Agreement” means the Individual Transfer Agreement made between the One Arrow First Nation and Her Majesty in right of Canada, dated _____.

Paramouncy

2.2 If there is an inconsistency between this Land Code and any other enactment of One Arrow, this Land Code prevails to the extent of the inconsistency.

Culture and traditions

2.3 The structures, organizations and procedures established by or under its Land Code shall be interpreted in accordance with the culture, traditions and customs of One Arrow, unless otherwise provided.

Language

2.4 The language of One Arrow may be used to clarify the meaning of any provision in this Land Code, if the meaning of that provision is not otherwise clear in English.

Non-abrogation

2.5 This Land Code does not abrogate or derogate from any Aboriginal rights or freedoms that pertain to One Arrow or its members.

Fair Interpretation

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

Fiduciary
Relationship

2.7 This Land Code does not abrogate or derogate the fiduciary relationship between Her Majesty and One Arrow and its members.

Lands and interests
affected.

2.8 A reference to “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 that land, to the extent that these are under the jurisdiction of Canada; and

- (b) all the interests and licenses granted to One Arrow by her Majesty in right of Canada listed in the Transfer Agreement.

3. Authority to Govern

Origin of authority

- 3.1 The traditional teachings of One Arrow speak of the obligation of the people of One Arrow to care for and respect the land and the magnificent wonders of Nature created on the land. By enacting this Land Code, One Arrow is re-assuring this special responsibility.

Flow of authority

- 3.2 The authority of One Arrow to govern its lands and resources flows from the Creator to the people of One Arrow, and from the people to the Chief and Council according to the culture, traditions, customs and laws of One Arrow.

4. Purpose

Purpose

- 4.1 The purpose of this Land Code is to set out the principles and administrative structures that apply to First Nation lands and by which One Arrow will exercise authority over those lands in accordance with the *Framework Agreement*.

Ratification

- 4.2 The *Framework Agreement* is ratified and confirmed when this Land Code takes effect.

5. Description of *First Nation land*

First Nation land

- 5.1 The One Arrow First Nation land that is subject to this Land Code is that land included in the following One Arrow reserves:
- (a) One Arrow Indian Reserve No. 95 as shown on Plans 4080 and 94627 Canada Lands Surveys (CLSR);
 - (b) One Arrow Indian Reserve No. 95-1A as shown on Plan 92846 Canada Lands Surveys Records (CLSR);
 - (c) One Arrow Indian Reserve No. 95-1B as shown on Plan 99927 Canada Lands

- Surveys Records (CLSR);
- (d) One Arrow Indian Reserve No. 95-1C as shown on Plan 94621 Canada Lands Surveys Records (CLSR);
 - (e) One Arrow Indian Reserve No. 95-1D as shown on Plans 99927 and 99926 Canada Lands Surveys Records (CLSR);
 - (f) One Arrow Indian Reserve No. 95-1E as shown on Plan 94600 Canada Lands Surveys Records (CLSR);
 - (g) One Arrow Indian Reserve No. 95-1F as shown on Plans 94634 and 94636 Canada Lands Surveys Records as plan no. 94634 & 94636;
 - (h) One Arrow Indian Reserve No. 95-1G as shown on Plan Canada Lands Surveys Records (CLSR);
 - (i) One Arrow Indian Reserve No. 95-1H as shown on Plans 94616 and 946189 Canada Lands Surveys Records (CLSR);
 - (j) One Arrow Indian Reserve No. 95-1I as shown on Plans 86927, 99928, 6904 and 92860 Canada Lands Surveys Records (CLSR);
 - (k) One Arrow Indian Reserve No. 95-1J as shown on Plans 92863, 99136 and 91141 Canada Lands Surveys Records (CLSR) ;
 - (l) Sounding Sky Reserve as shown on Plan 99516 Canada Lands Surveys Records (CLSR); and
 - (m) Tipamahto Aski Indian Reserve No. 95A. as shown on Plan 94762 Canada Lands Surveys Records (CLSR).

Additional lands

5.2 The following lands may be made subject to this Land Code after the applicable condition is met:

- (a) any land owned jointly by One Arrow and another First Nation, when the First Nations involved agree upon a joint management scheme for those lands; and
- (b) any land or interest acquired by One Arrow after this Land Code takes effect, whether by land claim, purchase or other process, when an environmental audit declares it free of environmental hazard and safe for community use, provided the lands are set aside as a reserve.

Land exchange

5.3 For greater certainty, section 5.2 does not apply to land acquired by land exchange, which is governed by the process in section 17.

Inclusion of land or

Interest

5.4 Council shall call a meeting of members under section 11 to obtain the views of members on any proposed inclusion of lands before Council makes any law or resolution to include lands referred to in section 5.2 in this Land Code.

PART 2

ONE ARROW LEGISLATION

6. Law-Making Powers

Council may make laws

6.1 The Council may, in accordance with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of First Nation lands, and interests and licenses in relation to those lands. This power includes the power to make laws in relation to any matter necessary or ancillary to the making of laws in relation to the First Nation land.

Examples of laws

- 6.2 The following examples illustrate some of the laws that may be enacted:
- (a) laws on the regulation, control and prohibition of zoning, land use, subdivision control and land development;
 - (b) laws on the creation, regulation and prohibition of interests and licenses in relation to First Nation land;
 - (c) laws on environmental assessment and protection;
 - (d) laws on the provision of local services in relation to First Nation land and the imposition of equitable user charges; and
 - (e) laws on the provision of services for the resolution, outside the courts, of disputes in relation to First Nation land.

7. Law-Making Procedure

Introduction of laws

- 7.1 A proposed law may be introduced at a duly convened meeting of the Council by
- (a) the Chief or a Councilor; or

- (b) the representative of any body or authority composed of members that may be authorized by Council to do so.

Tabling and posting
of proposed laws

- 7.2 Before a proposed law may be enacted by the Council, it must first be
- (a) tabled at a meeting of the council held at least 28 days before the law is to be enacted; and
 - (b) posted in public places on First Nation land at least 21 days before the law is to be enacted.

Urgent matters

- 7.3 The Council may enact a law without the preliminary steps required under section 7.2, if the Council is of the opinion that the law is needed urgently to protect First Nation land or the members, but the law expires 120 days after its enactment, unless re-enacted in accordance with section 7.2.

Approval of law by
Council

- 7.4 A law is enacted if it is approved by a majority of the Council at a meeting of the Council open to the members.

Certification of laws

- 7.5 The original copy of any law or resolution concerning First Nation land shall be signed by a quorum of the council present at the meeting at which it was enacted.

8. Publication of Laws

Publication

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

Posting laws

- 8.2 Within 7 days after a law has been enacted, the Council shall post a copy of the law in the administrative offices of One Arrow.

Registry of laws

- 8.3 The Council shall cause to be kept, at the administrative offices of One Arrow, a register of the original copy of all laws and resolutions, including laws and resolutions that have been repealed or are no longer in force.

Copies for any
Person

8.4 Any person may obtain a copy of a law or resolution on payment of a reasonable fee set by the Council.

9. Commencement of Laws

Laws taking effect

9.1 A law enacted by the council takes effect on the date of its enactment or such later date as specified by the law.

PART 3

COMMUNITY APPROVALS

10. Rights of Eligible Voters

Rights of eligible
Voters

10.1 Each member who is at least 18 years of age is eligible to vote at a meeting of members and at a ratification vote.

11. Community Input

Prior meeting of
Members

11.1 The Council shall convene a meeting of members to receive their input prior to the introduction of the following laws:

- (a) a law respecting a community plan or subdivision plan;
- (b) a law declaring land or an interest referred to in section 5.2 to be subject to this Land Code;
- (c) a law affecting a heritage site or an environmentally sensitive property
- (d) a law respecting environmental assessment;

- (e) a law respecting the transfer and assignment of interest in land;
- (f) a law respecting the rate and criteria for the payment of fees or rent for land; and
- (g) any other law or class of law that Council, by resolution, declares to be subject to this section.

Process to
Implement Laws

11.2 The Lands Committee shall, 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 meeting

12.1 Community approval at a meeting of members must be obtained for the following:

- (a) any land use plan;
- (b) any grant or disposition of an interest or licence in any First Nation land exceeding a term of 35 years;
- (c) any renewal of a grant or disposition of an interest or licence in any First Nation land that extends the original term beyond 35 years;
- (d) any grant or disposition of any natural resources on any First Nation lands exceeding a term of 5 years;
- (e) a charge or mortgage of a leasehold interest exceeding a term of 25 years;
- (f) any law on spousal separation that may be enacted under section 39;
- (g) to deny the right to reside on, or access to One Arrow land to a Member; and
- (h) any law or class of law that Council, by resolution, declares to be subject to this section.

No approval for
Utilities

12.2 Council may grant a right of way or permit in Community Lands for telecommunication, water, electricity, gas, sewer or other like utility purposes and purposes ancillary thereto for any length of term without first obtaining the approval of Eligible Voters provided for in subsection 12.1(c).

13. Procedure at a Meeting of Members

Voting

13.1 Decisions at a meeting of members are to be made by a majority vote of the eligible voters present at the meeting.

Notice of meeting

13.2 The Council shall give written notice of the meeting of members that

- (a) specifies the date, time and place of the meeting; and
- (b) contains a brief description of the matters to be discussed and decided on at the meeting.

Manner of notice

13.3 The notice of a meeting of members must be given to the members by

- (a) posting the notice in a public place on First Nation land at least 21 days before the meeting;
- (b) mailing the notice to members;
- (c) publishing the notice in the community newsletter at least 10 working days before the meeting; and
- (d) such additional method as the Council may consider appropriate in the circumstances.

Who may attend

13.4 All members have a right to attend a meeting of members, but other persons may attend with the permission of the Council.

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.

Other meetings

- 13.6 The Council may schedule more than one meeting of members to discuss and decide on a matter that requires a meeting of members.

14. Ratification Votes

Community approval
By ratification vote

- 14.1 Community approval by a ratification vote must be obtained for the following:

- (a) any development on a heritage site referred to in section 16;
- (b) any voluntary exchange of First Nation land;
- (c) any amendment to this Land Code; and
- (d) any law or class of law that Council, by resolution, declares to be subject to this section.

Ratification process

- 14.2 Any ratification vote required under this Land Code shall be conducted in substantially the same manner as the *One Arrow First Nation Community Ratification Process*, which was used to ratify this Land Code.

No verifier

- 14.3 A verifier is not needed in any ratification vote.

Minimum
Requirements for
Approval

- 14.4 A matter shall be considered approved at a ratification vote if a majority of the registered voters cast a vote in favour of the matter.

Other laws

- 14.5 For greater certainty, the Council may make laws respecting the Land Code amendment ratification process.

PART 4

PROTECTION OF LAND

15. Expropriation

Rights and interest
that may be
expropriated

15.1 An interest or licence in First Nation land, or in any building or other structure on those lands, may only be expropriated by One Arrow in accordance with the *Framework Agreement* and any land law enacted for the purpose of establishing the rights and procedures for community expropriations.

Community purposes

15.2 A community expropriation may only be made for a necessary community purpose or works of One Arrow, including but not limited to: a fire hall, sewage or water treatment facility, community center, public works, roads, schools, daycare facility, hospitals, health-care facility, and retirement home.

Expropriation laws

15.3 Before proceeding to make any community expropriations 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) transfer of the interest or licence;
- (c) notice of expropriation and service of the notice of expropriation;
- (d) entitlement to compensation;
- (e) determination of the amount of compensation; and
- (f) the method of payment of compensation

Public report

15.4 Before One Arrow decides to expropriate an interest or licence, it shall make a public report on the reasons justifying the expropriation.

Rights that may not
be expropriated

15.5 An interest of Her Majesty the Queen in Right of Canada or the province is not subject to expropriation by One Arrow.

Acquisition by mutual agreement

15.6 The right of One Arrow to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest or licence in First Nation land.

[Community approval

15.7 In the case of an expropriation of a member's interest, the expropriation must first receive community approval at a community meeting.

Compensation for rights and interests

15.8 One Arrow 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 holders of the interest or licence being expropriated.

Compensation calculations

15.9 The total value of the compensation under this section will be based on the following:

- (a) the market value of the interest or licence that is being expropriated;
- (b) the replacement value of any improvement to the land that is 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 "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 the reserve by a willing seller to a willing buyer under no duress.

Neutral evaluation

15.11 A dispute concerning the right of One Arrow to expropriate an interest or licence in First Nation lands shall be reviewed by neutral evaluation, in the same manner

as provided in Part IX of the *Framework Agreement*, and the 60 day period referred to in clause 32.6 of the *Framework Agreement* shall be applied, as appropriate in the circumstance, 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 a person who claims an interest or licence in expropriated First Nation lands to compensation; and
- (b) disputes concerning the amount of the compensation to be paid to the person who held an interest or licence in expropriated First Nation lands.

16. Heritage Sites

Community approval
of development

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

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 or community meeting.

17. Voluntary Land Exchanges and Protections

Conditions for a land
exchange

17.1 One Arrow may agree with another party to exchange a parcel of First Nation land for a parcel of 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 receives community approval by a ratification vote.

Land to be received

17.3 No land exchange may occur unless the land to be received in the exchange meets the following conditions:

- (a) it must be equal to or greater than the area of the First Nation land to be exchanged
- (b) it must be at least comparable to the appraised value of the First Nation land; and
- (c) it must become a reserve and First Nation land subject to this Land Code.

Negotiators

17.4 The persons who will have authority to negotiate a land exchange agreement on behalf of One Arrow must be designated by resolution.

Additional land

17.5 One Arrow may negotiate to receive other compensation, such as money or one or more other parcels of land, in addition to the parcel referred to above which is intended to become a reserve. Such other parcels of land may be held *by* One Arrow in fee simple or some other manner.

Federal Consent

17.6 Before One Arrow 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 to be received in exchange, as of the date of the land exchange or such later date as the Council may specify by resolution or as provided by an agreement with Canada; and
- (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

17.7 Once negotiations on the land exchange agreement are concluded, the Council shall provide the following information to eligible voters at least 21 days before the vote:

- (a) a description of the First Nation land to be exchanged;
- (b) a description of the land to be received in the exchange;
- (c) a description of any other compensation to be exchanged;

- (d) a report of a certified land appraiser setting out that the conditions in section 17.3 have been met;
- (e) a copy or summary of the exchange agreement; and
- (f) a copy of the consent referred to in section 17.6

Process of land exchange

17.8 The land exchange agreement shall provide that

- (a) the other party to the exchange must transfer to Canada the 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 First Nation land being exchanged, in accordance with the exchange agreement; and
- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nations Lands Register.

PART 5

ACCOUNTABILITY

18. Conflict of Interest

Application of rules

18.1 The rules 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 First Nation land;
- (b) each person who is an employee of the *One Arrow First Nation* dealing with any matter that is related to *First Nation land*; and
- (c) each person who is a member of a board, committee or other body of One Arrow dealing with any matter that is related to *First Nation land*.

Duty to report and abstain

18.2 Any person who has any interest, financial or otherwise, in the matter being dealt with that might involve the person or his or her immediate relatives:

- (a) shall disclose the interest to the Council, or the board, committee or other body as the case may be; and
- (b) shall not take part in any deliberations on that matter or vote on that matter.

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 community meeting and, if a quorum of eligible voters is present, a majority of the eligible voters present at the meeting may enact the land law or land resolution.

Inability to act

18.5 If the board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to the Council.

Specific Conflict situations

18.6 Because of the unusual conflicts of interest possible in the community, not more than two members from the same extended family may be members of a board, committee or other body dealing with any matter that is related to *First Nation land*.

Disputes

18.7 Questions about whether a breach of this section has occurred may be referred to the Panel.

Other laws

18.8 For greater certainty, the Council may enact laws to further implement this section.

19. Financial Management

Application

19.1 This section applies only to financial matters relating to First 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 account(s) the following amounts:

- (a) transfer payments received from Canada for the management and administration of First Nation land;
- (b) moneys received by One Arrow from the grant or disposition of any interests or licences in First Nation land;
- (c) all fees, fines, charges and levies collected under a land law or land resolution;
- (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licences in First Nation land; and
- (e) any other land revenue received by One Arrow.

Signing officers

19.3 The Council shall authorize at least three persons, two of whom shall be a member of the Council, to sign cheques and other bills of exchange or transfer drawn on the account.

Two signatures

19.4 To be valid, a cheque or other bill of exchange or transfer drawn on the account must be signed by two signing officers.

Fiscal year

19.5 The fiscal year of One Arrow begins on April 1 of each year and ends on March 31 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 supplementary budgets for that fiscal year.

Procedure

19.7 After adopting the land management budget or supplementary budget, the Council shall, without undue delay

- (a) explain the budget or supplementary budget to the members at an annual community meeting; and
- (b) make a copy of the budget or supplementary budget available at the administrative office of One Arrow for inspection by members at reasonable 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 budget and any supplementary budgets 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 moneys related to land or commit itself, by contract or otherwise, to expend moneys related to land, unless the expenditure is authorized by or under a law or an approved budget.

Financial Policy

19.11 One Arrow may, in accordance with this Land Code, adopt a financial policy to further manage moneys related to First Nation land.

20. Financial Records

Financial records

20.1 One Arrow shall keep financial records related to land in accordance with generally accepted accounting principles.

Offences

20.2 A person is guilty of an offence if the person

- (a) impedes or obstructs anyone from exercising their right to inspect the financial records of One Arrow First Nation; or

- (b) has control of the books or account or financial records of One Arrow and fails to give all reasonable assistance to anyone exercising their right to inspect the financial records.

Preparation of
financial statement

20.3 Within 90 days after the end of each fiscal year, the Council on behalf of One Arrow shall prepare a financial statement in comparative form, containing at a minimum

- (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 One Arrow

Consolidated
Accounts, etc.

20.4 The accounting, auditing and reporting requirements of this Land Code may be done together with, and consolidated with, the other accounts, audits and reports of One Arrow.

21. Audit

Appointment of
Auditor

21.1 For each fiscal year, a duly accredited auditor shall be appointed to audit the land related financial records of One Arrow.

Holding Office

21.2 The auditor appointed under this section holds office until reappointed, or replaced.

Vacancy in office

21.3 Where a vacancy occurs during the term of an auditor, the Council shall, without delay, appoint a new auditor for the remainder of the former auditor's term.

Remuneration

21.4 The auditor's remuneration shall be fixed by the Council.

Duty of auditor

21.5 The auditor shall, within 120 days after the end of One Arrow's fiscal year, prepare and submit to the Council, a report on One Arrow's financial statement, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of One Arrow in accordance with generally accepted accounting principles applied on a basis consistent with that applied in the previous fiscal year.

Access to records

21.6 In order to prepare the report on One Arrow's financial statement, the auditor may at all reasonable times inspect any financial records of One Arrow and any person or body who administers money on behalf of One Arrow.

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

Publish annual report

22.1 The Council, on behalf of One Arrow, shall publish an annual report on lands issues within one month of receipt of the audit report.

Contents

22.2 The annual report will include

- (a) an annual review of land management;
- (b) a copy and explanation of the audit as it applies to lands; and
- (c) any other matter as determined by the Council or Lands Committee.

23. Access to Information

Access

23.1 Any person may, during normal business hours at the main administrative office of One Arrow, have reasonable access to

- (a) the register of laws;
- (b) the auditor's report; and
- (c) the annual report on lands.

Copies for members

23.2 Any member may obtain a copy of the auditor's report or annual report on payment of a reasonable fee set by or under resolution of the Council.

Access to records

23.3 Any person authorized by the Council may, at any reasonable time, inspect the financial records of One Arrow related to First Nation land.

PART 6

LAND ADMINISTRATION

24. Lands Committee

Lands Committee
established

24.1 The Lands Committee is hereby established to

- (a) assist with the development of the land administration system;
- (b) advise the Council and its staff on matters respecting First Nation land;
- (c) recommend laws, resolutions, policies and practices respecting First Nation land to the Council;
- (d) hold regular and special meetings of members to discuss land issues and make recommendations to Council on the resolution of these land issues;
- (e) assist in the communication of land issues between members and the Council; and
- (f) oversee community approvals under this Land Code.

Development of land
related rules and
procedures.

24.2 Within a reasonable time after this Land Code takes effect, the Lands Committee shall, in consultation with the community, ensure that laws, rules and procedures, as may be appropriate, are developed that address the following matters:

- (a) environmental protection and assessment in relation to First Nation land;
- (b) any outstanding issues on the resolution of disputes in relation to First Nation land;
- (c) land use planning and zoning;
- (d) section 39 respecting spousal separation and whether any change should be made to the policy upon which that section is based; and,
- (e) any other matter referred by Council.

Implementation of Policies

24.3 The rules and procedures, once developed, shall be presented to the Council for consideration and implementation as policies, laws or amendments to this Land Code, whichever is most appropriate.

Internal procedures

24.4 The Lands Committee may establish rules for the procedure at its meetings and generally for the conduct of its affairs, not inconsistent with those established by the Council.

25. Membership of the Lands Committee

Composition

25.1 The Lands Committee shall be composed of at least 7 members, all of who must be eligible voters.

Eligibility to be Nominated as a Lands Committee Member

25.2 Any eligible voter, whether resident on or off First Nation land, is eligible for appointment to the Lands Committee, except for the following persons:

- (a) any person convicted of an offence that was prosecuted by way of indictment;

- (b) any person declared a bankrupt; and
- (c) any person convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

Selection of Lands
Committee members

25.3 The members of the Lands Committee are to be appointed by Council.

Term of office

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

Vacancy on Lands
Committee

25.5 The office of a member of the Lands Committee becomes vacant if the person, while holding office,

- (a) resigns;
- (b) is or becomes ineligible to hold office under section 25.2;
- (c) transfers his or her of membership to another First Nation; or
- (d) is absent for 3 consecutive meetings of the Lands Committee for a reason other than illness or incapacity, and without being authorized to do so by the Lands Committee.

Vacancy in term

25.6 Where the office of an appointed member of the Lands Committee becomes vacant for more than 90 days before the date when another appointment made in accordance with this Land Code, as the case may be, to fill the vacancy.

Balance of term of
Office

25.7 A member of the Lands Committee appointed to fill a vacancy remains in office for the balance of the term in respect of which the vacancy occurred.

26. Chairperson of the Lands Committee

Chairperson

26.1 The Lands Committee shall select one of the other Lands Committee members to be the Chairperson.

Alternate
Chairperson

26.2 If the Chairperson is unable to perform the functions of office, either temporarily or on a long-term basis, the Lands Committee shall appoint one of the other Lands Committee members to act as or be the Chairperson.

Functions of
Chairperson

26.3 The functions of the Chairperson include:

- (a) ensuring the preparation of financial statements relating to all activities of the Lands Committee, including the revenues and expenditures concerning First Nation lands;
- (b) tabling the Lands Committee's financial statements with the Council;
- (c) reporting to One Arrow on the activities of the Lands Committee; and
- (d) ensuring that the audited annual financial statements are published under section 21.

27. Revenue From Lands

Determination of
Fees, and rent

27.1 The Lands Committee shall, subject to the approval of the Council, establish the process and recommend any laws, rules and policies for determining

- (a) the fees and rent for interests and licences in community land;
- (b) the fees for services provided in relation to any First Nation land; and,
- (c) the fees and royalties to be paid for the taking of natural resources from First Nation land.

28. Registration of Interests and Licences

Enforcement of
Interest and licences

28.1 An interest or licence in First Nation land created or granted after this Land Code takes effect is not enforceable unless it is registered in the First Nations Land Register.

Registration of
Consent or approval

28.2 An instrument granting an interest or licence in First Nation land that requires the consent of the Council, or community approval, shall include a certificate issued by the Land Manager indicating that the applicable consent or approval has been obtained.

28.3 An instrument registered in the First Nation Land Register which does not include the certificate referred to in clause 28.2 is void.

Duty to deposit

28.4 An original copy of the following instruments shall be deposited in the First Nations Land Register:

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

29. Duplicate Lands Register

Maintain
duplicate register

29.1 The Council may maintain a Duplicate Land Register in the same form and with the same content as the First Nations Land Register.

Duty of member to
deposit.

29.2 Every person who receives an interest or licence in First Nation land from a member shall deposit an original copy of the relevant instrument with One Arrow.

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, First Nation land may only be created, granted, disposed of, assigned or transferred by a written document made in accordance with this Land Code.

Standards

30.2 The Council may establish mandatory standards, criteria and forms for interests and licences in First Nation land.

Improper Transactions void

30.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which One Arrow, a member or any other person purports to grant, dispose of, transfer or assign an interest or licence in First Nation land after the date this Land Code takes effect is void if it contravenes this Land Code.

Non-members

30.4 A person who is not a member may only hold a lease or licence in First Nation land.

Grants to non-members

30.5 The written consent of the Council must be obtained for any grant or disposition of a lease or licence in First Nation land to a person who is not a member.

31. Existing Interests

Continuation of existing interests and licences

31.1 Any interest or licence in First Nation land that existed when this Land Code takes effect will, subject to this Land Code, continue in force in accordance with its terms and conditions.

Members Existing Interests

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

32. New Interests and Licences

Authority to make
dispositions

- 32.1 Subject to section 12.1, the Council may, on behalf of One Arrow, grant;
- (a) interests and licences in community lands, including, leases, permits, easements and rights-of-ways; and
 - (b) licences to take resources from community lands, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional grant

- 32.2 The grant of an interest or licence may be made subject to the satisfaction of written conditions.

Role of the Lands
Committee

- 32.3 The Lands Committee shall advise Council on the granting of interests or licences and may be authorized to act as a delegate of the Council under this section.

33. Allocation of Land

Allocation of lots

- 33.1 The Council may allocate a lot from available First Nation land to a member in accordance with policies and procedures established by the Council.
- 33.2 No community approval is required for the allocation of lots to members.

No allocation of lots
to non-members

- 33.3 A person who is not a member is not entitled to be allocated a lot or to hold a permanent interest in First Nation land.

34. Transfer and Assignment of Interests

Consent of Council

- 34.1 Except for transfers that occur by valid will or operation of law,
- (a) there shall be no transfer or assignment of an interest in First 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 on any subsequent transfers or assignments.

35. Limits on Mortgages and Seizures

Protections

- 35.1 Subject to this Land Code, section 29, section 87 and subsections 89(1) and (2) of the *Indian Act* continue to apply to First Nation land.

Mortgages of leasehold interests with consent

- 35.2 A leasehold interest may be subject to charge or mortgage, with the approval of One Arrow, in accordance with section 12.1 of this Land Code, or the written consent of the Council, as may be applicable.

Time limit

- 35.3 The term of any charge or mortgage of a leasehold interest shall not exceed:
- (a) the term of the lease; or
 - (b) 25 years, or such longer period as may receive community approval.

Default in mortgage

- 35.4 In the event of default in the terms of a charge or mortgage of a leasehold interest, the leasehold interest is not subject to possession by the chargee or mortgagee, by way of foreclosure, power of sale or any other form of execution or seizure, unless
- (a) the charge or mortgage received the written consent of the Council;
 - (b) the charge or mortgage received community approval where required;
 - (c) the charge or mortgage was registered in the First Nations Land Register; and

- (d) a reasonable opportunity to redeem the charge or mortgage is given to the Council on behalf of One Arrow.

Power of redemption

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

36. Residency and Access Rights

Right of residence

36.1 The following persons have a right to reside on First Nation lands;

- (a) members, who have been allocated a residential lot by Council, and their spouses and children;
- (b) members with a registered interest in First Nation land;
- (c) any invitee of a member referred to in clause (a) or (b); and
- (d) lessees and permittees, in accordance with the provisions of the granting instrument.

Right of Access

36.2 The following persons have a right of access to First Nation lands;

- (a) a lessee and his or her invitees;
- (b) a person granted a right of access under a permit;
- (c) One Arrow members and their spouses and children;
- (d) A person who is authorized by a government body or any other public body, established by or under an enactment of One Arrow, Parliament or the province to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey; or
- (e) A person authorized in writing by the Council/Lands Committee or by a One Arrow law.

Public access

36.3 Any individual may have access to First Nation land for any social or business purposes, if

- (a) the individual does not trespass on occupied land and does not interfere with any interest in land;
- (b) the individual complies with all applicable laws; and
- (c) no resolution has been enacted barring that individual.

Denial of Access

36.4 Subject to section 36.3, the Council may, for valid and fair reasons, deny or restrict the right to reside on or to access One Arrow 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.

Denial to Members

36.5 The Council may not deny or restrict the right to reside on or to access One Arrow Land to a Member unless such denial or restriction receives community approval in accordance with section 12.1 (g).

Trespass

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

Civil remedies

36.7 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 First 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 Committee in consultation with the community.

Enactment deadline

37.3 The spousal property law must be enacted within 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 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 their matrimonial home, as a tenant in common;
- (c) the rules and procedures shall not discriminate on the basis of sex; and
- (d) only members are entitled to hold a permanent interest in First Nation land or a charge against a permanent interest in First Nation land.

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 Committee and the community consultation is complete, the law will expire at the end of the 12-month period after the coming into force of this Land Code, unless re-enacted, replaced or amended.

PART 8

DISPUTE RESOLUTION

38. DISPUTE RESOLUTION PANEL

Panel established

38.1 The Dispute Resolution Panel is hereby established with jurisdiction to resolve disputes in relation to First Nation land

Appointment of
Panel

38.2 The Panel shall be composed of 5 panelists, all of whom must be eligible voters.

Representation

38.3 The Lands Committee shall appoint the panelists, and shall ensure that the Panel represents the various elements of the community, including Elders, youth, professionals and non-resident members.

Term of office

38.4 The panelists hold office for a term of 3 years.

No remuneration

38.5 Panelists are to act on a volunteer basis and receive no remuneration for their services.

39. Dispute Procedure

Disputes

39.1 Any person whose interest in First Nation land is affected by a decision of the Council or Land Committee may appeal the decision to the Panel.

Optional process

39.2 For greater certainty, an application to the Panel to resolve a dispute is optional and all other civil remedies continue to be available to members and non-members.

Disputes not
resolved by Council

39.3 If a member, or a non-member with an interest in First Nation land, has a dispute with respect to a decision of the Lands Committee or the Council, the person must first attempt to resolve that dispute with the Council or the Lands Committee, before referring the dispute to the Panel.

Application
Procedures

39.4 Applications to the Panel shall be made in accordance with the procedures established by the Panel.

Limitation period

39.5 An application to refer a dispute with respect to a decision of the Lands Committee or the Council to the Panel shall be made:

- (a) within 30 days after the day the decision, act or omission being referred was made; or
- (b) in the case of a dispute with the Lands Committee or the Council, 30 days after the Lands Committee or Council rejects the attempts at resolution made under section 39.3.

Panel of three

39.6 Disputes referred to the Panel are to be heard by 3 panelists chosen as follows:

- (a) one panelist is to be chosen by each of the parties to the dispute; and
- (b) one panelist, who is to be the chairperson, is to be chosen by the rest of the Panel.

40. Impartiality

Duty to act
Impartially

40.1 The Panel shall act impartially and without bias or favour to any party in a dispute.

Offence

40.2 It is an offence for a person to act, or attempt to act, in a way to improperly influence a decision of the Panel.

Rejection of
Application

40.3 In addition to any other sanction, the Panel may reject an application without hearing it if the Panel believes that the applicant acted, or attempted to act, in a way to improperly influence its decision.

41. Powers of Panel

Powers of Panel

41.1 The Panel may, after hearing a dispute

- (a) confirm or reverse the decision, in whole or in part;
- (b) substitute its own decision for the decision in dispute;
- (c) direct that an action be taken or ceased; or
- (d) refer the matter or dispute back for a new decision.

Rules of Panel

41.2 The Panel may establish rules for the procedure at its hearings and generally for the conduct of its affairs.

Professional services

41.3 The Panel may obtain the service of professionals to assist it in fulfilling its functions, in which case it shall make best efforts to use professional services available in the community.

Written decisions

41.4 Decisions of the Panel must be in writing, signed by the person chairing the Panel or by an officer designated by the Panel to do so.

Reasons

41.5 The Panel may give reasons for its decision, and shall do so in writing if a party to the proceedings requests them within 14 days after the date of the decision.

Appeal of decision

41.6 A decision of the Panel is binding but, subject review by the Federal Court (Trial Division).

PART 9

OTHER MATTERS

42. Liability

Liability Coverage

- 42.1 The Council shall arrange, maintain and pay insurance coverage for its officers and employees engaged in carrying out any matter related to First Nation land to indemnify them against personal liability arising from the performance of those duties.

Extent of coverage

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

43. Offences

Application of the
Criminal Code

- 43.1 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 a One Arrow law.
- 43.2 Any person who commits an offence under this Land Code or a One Arrow law is liable to a fine not to exceed \$5,000 and to a term of imprisonment not to exceed six months or to both fine and imprisonment, provided however, that offences related to One Arrow environmental protection laws may carry penalties consistent with similar environmental protection laws in force in Canada.
- 43.3 A One Arrow law may provide for a penalty which is different than the penalties referred to in clause 43.2.

44. Amendments to Land Code

Community Approval

- 44.1 Subject to section 44.2, amendments made to this Land Code require community approval by ratification vote to be effective.

No Vote Needed

- 44.2 A Ratification Vote is not required for amendments made to this Land Code that do not change the substance of this Land Code. The Council shall, from time to time, review and amend this Land Code. Amendments may be made as a result of, but are not limited to:
- a) an addition of land under section 5.3;
 - b) a reference in this Land Code to a clause in another act or document that was amended and resulted in clause renumbering;

- c) a reference in this Land Code to an Act or parts thereof that have expired, have been repealed or suspended;
- d) minor improvements in the language as may be required to bring out more clearly the intention of Long Plain without changing the substance of this Land Code;
- e) changes in this Land Code as are required to reconcile seeming inconsistencies with other acts; and
- f) correct editing, grammatical or typographical errors

45 Commencement

Preconditions

- 45.1 This Land Code shall take effect if 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*.

Commencement date

- 45.2 This Land Code shall take effect on the first day of the month following the certification of this Land Code by the verifier.

ANNEX

NOTE: While not required, a section concerning interpretation would make clear a number of basic principles to be used when explaining the Land Code. An example of section dealing with interpretation of the Land Code is set out below.

- 2.1 The definitions as set forth in the Framework Agreement and Act shall have the same meaning in this Land Code;
- 2.2 Where the time limited for the doing of an act expires or falls on a Saturday or Sunday or a federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday.
- 2.3 Where the time limited for the doing of an act in the One Arrow administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open.
- 2.4 Where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded.
- 2.5 If there is an inconsistency or conflict between this Land Code and any other enactment of One Arrow, this Land Code shall prevail to the extent of the inconsistency or conflict.
- 2.6 If there is an inconsistency or conflict between this Land Code and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.
- 2.7 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 One Arrow, unless otherwise provided.
- 2.8 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 One Arrow or its Members.
- 2.9 This Land Code is not intended to affect the eligibility of One Arrow 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 One Arrow has not assumed responsibility for such services or programs.
- 2.10 This Land Code shall be interpreted in a fair, large and liberal manner.
- 2.11 The principles set out in the Preamble to this Land Code may be used to interpret this Land Code.

2.12 In this Land Code:

- (a) The use of the word “shall” denotes an obligation that, unless this Land Code provides to the contrary, must be carried out as soon as practicable after this Land Code comes into effect or the event that gives rise to the obligation;
- (b) Unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;
- (c) Headings and subheadings are for convenience only, do not form a part of this Land Code and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Land Code;
- (d) A reference to a law 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.

2.13 This Land Code is not intended to abrogate the fiduciary relationships between Her Majesty the Queen in right of Canada, One Arrow and its Members.