

# LONG PLAIN FIRST NATION

## LAND CODE

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January 25 2018  
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May 26/17  
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May 30 2017  
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Certified a True Copy  
This 31<sup>st</sup> day of May, 2017

**APRIL 24, 2014**

*Jeena Heshka*  
A Commissioner for Oaths  
for Saskatchewan.  
My appointment expires  
October 31, 2018

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Sept 17/17  
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# LONG PLAIN FIRST NATION LAND CODE

## PREAMBLE

**Whereas** the Anishinaabe of Long Plain First Nation are represented by the Council of the Long Plain First Nation;

**And Whereas** the Anishinaabe have a profound relationship with the land;

**And Whereas** the Anishinaabe are a party to Treaty Number 1;

**And Whereas** the traditional teachings of the Anishinaabe speak of the special obligation to care for and respect the land and the wonders of nature created on the land;

**And Whereas** Long Plain First Nation wishes to manage its lands and resources, rather than having its lands and resources managed on its behalf by Canada under the *Indian Act*; by adhering to the *Framework Agreement on First Nation Land Management* concluded between Her Majesty in right of Canada and fourteen First Nations on February 12, 1996, and ratified on behalf of the Government of Canada by *The First Nations Land Management, S.C. 1999, c24*;

**NOW THEREFORE, THIS LAND CODE IS HEREBY ENACTED AS THE BASE LAND LAW OF LONG PLAIN FIRST NATION:**

## PART 1

### PRELIMINARY MATTERS

#### 1. Title

Title

1.1 The title of this enactment is the *Long Plain First Nation Land Code*.

#### 2. Interpretation

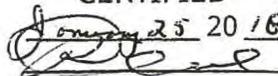
Definitions

2.1 The following definitions apply in this Land Code:

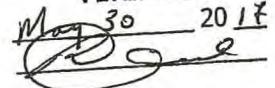
“**Act**” means the *First Nations Land Management Act, S.C. 1999, c24*;

“**Common Law Marriage/Partnership**” means two individuals not legally married to each other that have lived together as life partners for a period of time that is recognized by LPFN regulation, policy practice, custom or tradition as having established a common law marriage/partnership.

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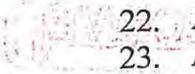
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# LONG PLAIN FIRST NATION LAND CODE

## PREAMBLE

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### PRELIMINARY MATTERS

#### 1. Title

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1.1 The title of this enactment is the *Long Plain First Nation 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, c24;

“**Common Law Marriage/Partnership**” means two individuals not legally married to each other that have lived together as life partners for a period of time that is recognized by LPFN regulation, policy practice, custom or tradition as having established a common law marriage/partnership.

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**"Community Approval"** means a community meeting of eligible voters held for the purpose of voting on a land issue or land law, as set out in this Land Code.

**"Community Input"** means a method of seeking community input of eligible voters on a land issue or land law, as set out in this Land Code.

**"Community Land"** means any Long Plain First Nation land in which all LPFN citizens have a common interest.

**"Council"** means the Chief and Council of the First Nation, and any successor government of the 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.

**"Facilitator"** means an individual appointed from the roster of appeal panelists to serve as a facilitator for the facilitated discussion stage of dispute resolution under Part 8.

**"First Nation"** means the Long Plain First Nation.

**"First Nation land"** means any portion of Long Plain reserve that is subject to this Land Code under section 5.

**"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 Government of Canada and fourteen First Nations, on February 12, 1996, as amended.

**"Interest"** means and interest, right or estate of any nature in or to that land, including a lease easement, right of way, servitude, or profit a prendre, but does not include title to that land, in accordance with section 1 of the Framework Agreement.

**"Land Authority"** means the administrative body established to manage lands under this Land Code consistent with the Framework Agreement and First Nation Land Management Act.

**"Land Code"** means a code, approved by Long Plain First Nation in accordance with the *Framework Agreement on First Nation Land Management*, which sets out the basic provisions regarding the exercise of Long Plain's rights and powers over its land.

**"Land Claim Agreement"** means any agreement between Long Plain and Canada and/or Manitoba that provides for the settlement of any land claim between Long Plain and any other party but does not include a voluntary agreement for an exchange of land.

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**“Land Law”** means a law in relation to lands enacted pursuant to this Land Code.

**“License”** means any right of use or occupation of First Nation land other than an interest in that land in accordance with section 1 of the Framework Agreement.

**“Long Plain”** means the Long Plain First Nation.

**“Panel”** means the Dispute Resolution Panel established under Part 8.

**“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 Long Plain First Nation Band Membership List.

**“Ratification vote”** means a vote of eligible voters as set out in the *Long Plain First Nation Community Ratification Process*, which was used to ratify this Land Code.

**“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 or common law marriage/partnership.

**“Transfer Agreement”** means the Individual Transfer Agreement made between Long Plain First Nation and Her Majesty in right of Canada.

**“Verifier”** means the person appointed pursuant to the *Framework Agreement on First Nation Land Management* to monitor and verify the opting in process.

#### Lands and Interests

2.2 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 Long Plain by her Majesty in right of Canada listed in the Transfer Agreement.

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Fair Interpretation

- 2.3 This Land Code will be interpreted in a fair, large and liberal manner to fulfill the object of this Land Code according to its true intent, meaning and spirit.

Not a full expression of inherent rights

- 2.4 This Land Code is not a full expression of inherent rights of Long Plain First Nation.

Non-derogation

- 2.5 This Land Code will not abrogate or derogate any Treaty or Aboriginal rights or freedoms or fiduciary relationship that pertain now or in the future to Long Plain or its members.

Access to Public Programs

- 2.6 This Land Code is not intended to affect eligibility or access by Long Plain or any of its Members to receive services or participate in any public or aboriginal programs and services that may be established from time to time.

Paramount

- 2.7 If there is an inconsistency between this Land Code and any other enactment of Long Plain, in regard to lands, including by-laws enacted pursuant to section 81 of the *Indian Act*, this Land Code prevails to the extent of the inconsistency.

Ratification

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

### 3. Authority to Govern

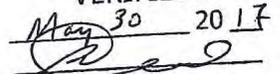
Origin of authority

- 3.1 The traditional teachings of the Anishinaabe of Long Plain speak of the obligation to care for and respect the land and the magnificent wonders of Nature created on the land. By enacting this Land Code, Long Plain is resuming and renewing this special responsibility.

Flow of authority

- 3.2 The authority of Long Plain to govern its lands and resources flows from the Creator to the Anishinaabe of Long Plain, and from the members, to the Chief and Council according to Long Plain culture, traditions, customs and laws.

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#### 4. Purpose

##### Purpose

- 4.1 The purpose of this Land Code is to set out the base principles, guidelines, processes and administrative structures that will govern future law making and management of Long Plain First Nation lands in accordance with the Framework Agreement.

##### Guiding Principles

- 4.2 In balancing the need to protect First Nation lands for future generations with the need to provide a land management framework reasonably suited to ongoing economic development, the following may be considered as guiding principles:
- (a) Management, conservation and protection will honor Long Plain's connection to the land, resources and elements of the natural world to provide for members' physical and spiritual needs, presently and in the future, by applying sound indigenous and non-indigenous principles.
  - (b) Strategic planning goals and priorities will maximize social and financial value of Lands for the benefit of members to ensure the continued existence of Long Plain.
  - (c) Acquisition conservation restoration remediation of Lands with high geological, ecological or heritage values is of primary importance.
  - (d) Preservation of lands should be considered for the most special/most sensitive areas.
  - (e) Management will contemplate multiple uses including traditional land uses while respecting security of tenure.
  - (f) Long Plain Members value the need to respect, protect and promote their heritage, culture and traditions and understand the need to continue to develop contemporary expressions of those traditions and practices.
  - (g) Persons entitled to possess, reside upon, use or otherwise occupy Long Plain First Nation lands, shall do so harmoniously with due respect to the rights of others.
  - (h) Administrative bodies and procedures established by this Code or in subsequent Land Laws may be implemented in accordance with the culture, traditions and customs of Long Plain.

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- (i) The use of the indigenous language of Long Plain in future Land Laws will include clear explanations, illustrations and/or translations so as that all reasonable persons can read and interpret the laws.
- (j) Land Revenues may be used to offset land administration costs, provide for future land growth and saved to adequately fund capital projects that are not eligible for government funding.

## 5. Description of First Nation land

### Long Plain land

- 5.1 The First Nation land that is subject to this Land Code is Long Plain Indian Reserve:
- (a) Long Plain First Nation Reserve No. 6 as described in C.L.S.R. No. 101670; 101668; 93924; 92576; 92575; 71284; 68029; 67767; 52822; T1209; and C.L.S.R. No. 14.
  - (b) Long Plain First Nation Reserve No. 6 Keeshkeemaquah Reserve; as described in C.L.S.R. No. 92575; 66284 and 67767.
  - (c) Long Plain First Nation Madison Reserve No. 1 described in C.L.S.R. (Manitoba) No. 97707.

### Excluded lands

- 5.2 Notwithstanding section 5.1, this Land Code does not apply to any land determined by the Phase 2 Environmental Site Assessment conducted or being conducted by Canada and Long Plain at the time this Land Code comes into effect, to have an environmental hazard or to be otherwise environmentally unsafe for First Nation use, until such land has been the subject of an environmental audit and is declared to be free of environmental hazard and safe for First Nation use.

### Additional lands

- 5.3 Further lands may be made subject to this Land Code if they are or become reserve lands and the following conditions, as applicable, are met:
- (a) any lands jointly owned by Long Plain and another First Nation, when both First Nations agree upon a joint management system for those lands;

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- (b) any land or interest acquired by Long Plain after this Land Code comes into effect, whether by land claim selection ,purchase or other process, when an environmental audit declares it free of environmental hazard and safe for community use; or
- (c) any land in severalty selected under any Land Claim Agreement.

- 5.4 For greater certainty, section 5.3 does not apply to land acquired by land exchange, which is governed by the process in section 17.
- 5.5 Council may rely upon community input received during the process to convert land in section 5.3 instead of calling a meeting of members under section 11.1 to enacting a Law, declare the land or interest to be subject to this Land Code.

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## PART 2

### LONG PLAIN FIRST NATION LEGISLATION

#### 6. Law-Making Powers

Council may make laws

6.1 The Chief and Council may, in accordance with this Land Code, make further Land laws respecting:

- (a) the development, conservation, protection, management, use and possession of First Nation Land;
- (b) interests and licenses in relation to those lands; and
- (c) any matter necessary or ancillary to the making of laws in relation to First Nation land.

Examples of laws

6.2 For greater certainty, the law making power in 6.1 may include but is not limited to the following:

- (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;
- (e) enforcement of Long Plain Land Laws, and
- (f) laws on the provision of services for the resolution, outside the courts, of disputes in relation to First Nation land.

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## 7. Law-Making Procedure With Respect to Lands

### Request for Land Laws

- 7.1 A request for the development of a Land Law may be introduced to Chief and 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, including the Land Authority.

### LPFN Citizen Requests

- 7.2 If a LPFN Citizen requests a Land Law be developed and introduced to Chief and Council they may do so by approaching any of the individuals listed in section 7.1.

### Review of Request

- 7.3 Chief and Council will review the merits of the request for development of a Land Law at a duly convened meeting. The Council decision to reject the request or proceed with the request will be recorded by the Council secretary and notice of the decision will be provided.

### Proceeding with Request

- 7.4 Upon proceeding with development of a Land Law, Chief and Council will discuss development of the law with the Land Authority and direct the Land Authority to proceed with developing a first draft and may recommend the level of Community Notice to be followed by the Land Authority in this Part.

### Consistency of First Draft

- 7.5 The Land Authority will arrange development of a first draft that is consistent with the Framework Agreement, Long Plain First Nation Land Code, other Land Law enacted pursuant to the Long Plain First Nation Land Code, and established principles of First Nation land management.

### Community Notice

- 7.6 The Land Authority will present proposed Land Laws to the community for Community Notice as recommended by Chief and Council or in the absence of a recommendation by Chief and Council in one or more of the following means:
- (a) posting of notice along with a brief description of content, in a public place in the administration offices of Long Plain, and request for concerns in writing to be submitted to the Land Authority;
  - (b) publishing a notice along with a brief description of the content, in the weekly newspaper regularly distributed on Long Plain lands, for at least

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two(2) successive editions and request for any concerns to be submitted in writing to the Land Authority;

- (c) making an announcement via media which may include but not be limited to; radio, newspaper, web site and social media, requesting concerns be submitted in writing to the Land Authority; or
- (d) holding a Meeting of Members.

#### Land Authority Report

7.7 Within a reasonable time after Community Notice is complete, the Land Authority will prepare a report for Council that includes:

- (a) an executive summary of community comments;
- (b) confirmation the proposed law is consistent with the Framework Agreement and Land Code;
- (c) confirmation the proposed law meets the legislative objective; and
- (d) any recommendations the Land Authority may choose to make for Council's consideration.

#### Council Reading Process

7.8 Within a reasonable time after receiving the Land Authority report Chief and Council will:

- (a) schedule a first reading of the report and proposed Land Law;
- (b) schedule a second reading of the recommended Land Law within ten days of first reading to consider the proposed law, community comments and any legal issues as may be required; and
- (c) schedule a third reading within ten days of second reading that may be declared open to Members to attend, that will incorporate any additional changes to the final draft.

#### Ceasing or Suspension of Readings

7.9 During the reading process, Council may suspend and/or cease the reading process if:

- (a) more community discussion or additional information is required or cannot be obtained within a reasonable time frame, or
- (b) significant time is required to gather further information or legal advice,

and the proposed Land Law will restart at the appropriate point in the law making process once the information or advice is acquired.

Enactment of Land Law

7.10 A Land Law will be deemed enacted if it is approved by a majority of Council at the third reading.

Certified Land Law

7.11 Two original copies of an enacted Land Law will be signed by the Council approving the enactment and will be witnessed by the recording secretary for Council meetings.

Urgent matters

7.12 If the Council is of the opinion that a Land Law is urgently needed to protect First Nation land, or holders of valid interests or licenses, the Council may enact a law without complying with the preliminary steps required under this Part, but the law expires 120 days after its enactment, unless re-enacted in accordance with this Part.

Repeal

7.13 From time to time it may be necessary for the Council to repeal a Land Law in whole or in part for reasons that include but are not limited to:

- (a) the intent of the Land Law is no longer valid;
- (b) the law has become inadequate or unnecessary due to the passage of time;
- (c) a recommendation with written explanation by the Land Authority to repeal the Land Law; or
- (d) such other reasons as the Chief and Council deems sufficient.

Notice of Repeal

7.14 Prior to repealing any Land Law the Chief and Council will direct the Land Authority to give thirty (30) days notice of the repeal to Long Plain citizens and any other individuals that may be reasonably affected, in order to give sufficient time for individuals to express questions or concerns.

Land Authority Informs Council

7.15 Upon expiry of the notice period the Council will be informed by the Land Authority of the means of notification, concerns or questions raised; and the Council will make a decision whether to repeal the Land Law.

Certification of Repeal

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7.16 Upon a majority of Council deciding to repeal the Land Law, the Council will sign a resolution repealing the Land Law that will be witnessed and recorded in the same manner as enactment of a Land Law.

**8. Publication of Laws**

Recording and Certification

8.1 The enactment, amendment and repeal of all Land Laws will be certified and recorded in the minutes of the Council.

Posting laws

8.2 Within 7 days after a law has been enacted, amended or repealed the Council will post a copy of the law in the administrative offices of Long Plain and the Land Authority will provide reasonable notice that is appropriate for the circumstances.

Registry of laws

8.3 The Council will maintain a registry of all Long Plain Land Laws, including laws that have been amended, repealed or have expired, at its Council Chambers.

Duplicate Registry at Land Authority

8.4 A duplicate registry of all Long Plain Land Laws, will be maintained at the Land Authority for management and administration of Long Plain lands under this Land Code.

Copies to Departments

8.5 Copies of Land Laws will be provided to the following departments:

- (a) Administration and Finance,
- (b) Housing,
- (c) Lands,
- (d) Long Plain Trust, and
- (e) any other department as required.

Accessibility

8.6 Any individual may obtain one copy of a law and further copies may be available upon 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**

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## COMMUNITY INPUT AND APPROVAL

### 10. Rights of Eligible Voters

Rights of eligible  
Voters

- 10.1 Every member who has attained the age of eighteen (18) years on or before the date of the vote is eligible to vote.

### 11. Community Input at a Meeting of Members

Meeting of  
Members

- 11.1 Council will convene a Meeting of Members to receive community input prior to the second reading set out in section 7.8(b) for laws or classes of laws that would ordinarily require significant community input to be effective, which may include 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 or 5.3 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) a law restricting or denying the right of residency or access by members engaging in activities that endanger lands, land users or individuals resulting in the need to protect lands, land users or individuals on Long Plain Lands.

Annual Review of  
Community Input Process

- 11.2 Council in consultation with the Land Authority will annually review the effectiveness of community input for laws referred to in section 11.1 (a) to (f).

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## 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 license in any First Nation land exceeding a term of 35 years;
- (c) any renewal of a grant or disposition of an interest or license 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 37;
- (g) any law or class of law that Council, by resolution, declares to be subject to this section.

## 13. Procedure at a Meeting of Members

Voting

13.1 As a general rule if a Meeting of Members requires a vote, the outcome will be determined by a majority of votes cast 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 Notice of a Meeting of Members will be provided in one or more of the following means:

- (a) posting notice in public places on Long Plain land at least ten (10) days before the meeting;
- (b) mailing the notice to Long Plain Citizens living off Long Plain land who have registered their names to receive information;

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- (c) publishing the notice in the community newsletter at least ten (10) working days before the meeting;
- (d) making an announcement via media that may include radio, newspaper, web site and social media; and
- (e) such additional means as the Council may consider appropriate.

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

The Council may, by a Law, regulation 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, that reflects the importance of the decision to be considered.

Subsequent meetings

13.5 The Council may schedule a further Meeting of Members if:

- (a) not enough Eligible Voters attend the initial Meeting of Members;
- (b) the Meeting of Members was postponed due to weather or other unforeseen circumstances; or
- (c) additional information was requested by a substantial number of Members attending the initial meeting.

## 14. Ratification Votes

Ratification votes

14.1 Council by resolution may declare any law or class of law to be subject to a ratification vote.

Ratification process

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

No verifier

14.2 A verifier is not needed in any ratification vote.

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## PART 4 PROTECTION OF COMMUNITY LAND

### 15. Protection of Land

#### Security of tenure

- 15.1 Long Plain First Nation respects the rights of all persons who are entitled to use and occupy First Nation land and acknowledges their security of tenure.

#### Respect for land users

- 15.2 All individuals entitled to the use and occupation of Long Plain Land have the responsibility to respect the rights of other land users and will not interfere with any other person's lawful use and occupation of land.

#### Expropriation

- 15.3 Long Plain First Nation has the general power to expropriate for community development purposes. This power will be regulated by appropriate laws and procedures and will only be exercised after a good faith effort to acquire, by mutual agreement, the interest or license in First Nation land.

#### Community development purposes

- 15.4 A community development purpose should be specified in the Land Use Plan, Community Economic Development Plan or similar Community Plan and may include community development purposes such as: a fire hall, sewage or water treatment facility, community center, public works, roads, schools, daycare facility, hospitals, health-care facility, and retirement home.

#### Power based on law

- 15.5 The power of Long Plain to expropriate an interest or license in First Nation land, or in any building or other structure on those lands, may only be expropriated by Long Plain in accordance with the *Framework Agreement*, this Land Code and any land law enacted for the purpose of establishing the rights and procedures for community expropriations, including without limiting:
- (a) the taking of possession of the interest or license,
  - (b) transfer of the interest or license,
  - (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.

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Public report

15.6 Before Long Plain decides to expropriate an interest or license, it shall make a report public on the reasons justifying the expropriation.

15.7 The Land Authority or Chief and Council may recommend a community consultation on the report in the event that; community participation on the Land Use Plan, Community Economic Development Plan or similar Community Plan giving rise to the community development purpose was incomplete or poorly attended.

Rights that may not be expropriated

15.8 An interest of Her Majesty the Queen in Right of Canada or the province is not subject to expropriation by Long Plain, but rather, may be a matter for negotiation or land claim.

Notice and Compensation

15.9 Long Plain 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 license to be expropriated; and
- (b) pay fair and reasonable compensation to the holders of the interest or license being expropriated.

Compensation calculations

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

- (a) the market value of the interest or license 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

15.11 Market value is equal to the amount that would have been paid for the interest or license if it had been sold on the reserve by a willing seller to a willing buyer under no duress; and until such time as a market develops, shall be determined by comparing the value of similar property transactions in the surrounding area and applying a premium or discount as the case may be based upon relevant factors that affect market value.

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Resolution of Disputes

- 15.12 The resolution of disputes concerning the right of Long Plain to expropriate, compensation or amount of compensation shall follow the procedures in Part 8 of this Land Code.

Standard Principles

- 15.13 The resolution of expropriation disputes under Part 8 of this Land Code will include proper consideration of standard principles that exist to guide courts, administrative bodies or tribunals in the fair resolution of disputes as applicable and relevant to land management of Long Plain First Nation.

**16. Heritage Sites**

- 16.1 LPFN may designate lands as a heritage site if the land represents an important feature of LPFN history, culture or traditions.
- 16.2 LPFN will develop laws, regulations, policies and procedures to protect and manage designated heritage sites.

**17. Voluntary Land Exchanges and Protections**

Conditions for a land exchange

- 17.1 Long Plain 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 at a Meeting of Members that meets the established quorum for such decisions or has a significant participation rate by members where no quorum is established by competent Long Plain First Nation law.

Land to be received

- 17.3 The Land to be received in a land exchange shall meet the following criteria:
- (a) it must be equal to or greater than the area of the First Nation land to be exchanged or the market value of the land to be received must be equal to or greater than the market value of the land exchanged adjusted for any premium or discount that may exist between reserve or non-reserve land in the circumstances of the exchange; and
  - (b) it must be intended for the received land to become reserve land.

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Negotiators

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

Additional land

17.5 Long Plain 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 Long Plain in fee simple or some other manner.

Federal Consent

17.6 Before Long Plain 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 Community Approval 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 by a person who is qualified (such as a realtor or appraiser familiar with the type of lands being exchanged) to set out how the lands to be received meet the conditions in 17.3 (a);
- (e) a copy or summary of the exchange agreement; and
- (f) a copy of the consent referred to in section 17.6

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- 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 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

##### Definition

- 18.1 For the purposes of this Land Code, a public official is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.

##### Public Officials

- 18.2 When exercising an official land management power, duty or function, the following persons are deemed to be public officials who have a duty to arrange their private affairs in a manner that will prevent them from being in a conflict of interest:
- (a) each member of the Council;
  - (b) each employee of the Land Authority
  - (c) each employee of Long Plain dealing with any matter that is related to First Nation land; and
  - (d) each person who is a member of a board, committee or other body of Long Plain dealing with any matter that is related to First Nation land.

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Prohibited conduct

18.3 No public official acting in their official capacity will:

- (a) participate in making a decision if he or she knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest;
- (b) use information obtained from their position that is not available to the public to further their own interests or those of their friends or relatives or to improperly further another person's private interests;
- (c) seek to influence a decision of another person so as to further the public official's private interests or those of their friends or relatives or to improperly further another person's private interests.

Interest in Common Excluded

18.4 A public official is not in a conflict of interest merely because he or she has an interest that is held in common with every other Long Plain First Nation member.

Steps to Resolve

18.5 In the event that a conflict of interest arises:

- (a) the person in a conflict will cease further participation and will immediately disclose all information relating to the conflict to their supervising manager, chairperson, Council member or Appeal Panel as the case may be,
- (b) the supervising manager, chairperson, Council or Appeal Panel will postpone further deliberation until the conflict of interest is resolved,
- (c) the conflict shall be resolved within a reasonable time in order to deal with the original matter in a timely manner.

Inability of Council to Act

18.6 If the Council is unable to act due to a conflict of interest, the matter shall be referred to the Land Authority:

- (a) to determine if the Land Authority can act in their stead;
- (b) to obtain professional advice on the conflict; or,
- (c) to take any steps necessary to protect the interests of LPFN, members and third parties who may be affected by the inability of the council to act.

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Inability of Body to Act

- 18.7 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:
- (a) to determine if the Council can delegate the power, duty or function to another body;
  - (b) to obtain professional advice on the conflict; or,
  - (c) to take any steps necessary to protect the interests of LPFN, members and third parties who may be affected by the inability of the council to act..

Disputes

- 18.8 Questions about whether a breach of this section has occurred may be referred to the Appeal Panel providing best efforts have been used to complete the requirements of section 18.5.

Other laws

- 18.9 Long Plain First Nation may enact further laws, regulations or policies to better protect the community and third parties from conflicts of interest.

## 19. Financial Management

Application

- 19.1 Sections 19 to 22 only apply to financial matters in relation to Long Plain First Nation land management.

Establishment of  
Bank accounts

- 19.2 The 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 First Nation land;
  - (b) moneys received by Long Plain from the grant or disposition of any interests or licenses 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 licenses in First Nation land; and
  - (e) any other land revenue received by Long Plain.

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Signing officers

- 19.3 The Council shall authorize a reasonable number of persons as signing officers to sign cheques and other bills of exchange or transfers drawn on Land Management accounts. Council will take reasonable action to provide a fidelity bond for each person in such amount as maybe determined by Council.

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 Long Plain 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 Long Plain 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.

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Financial Policy

19.11 Long Plain through the Council or Land Authority, as the case may be, may, develop laws regulations or policies to further manage land management moneys consistent with this Land Code and ongoing development of accepted accounting principles.

**20. Financial Records**

Financial records

20.1 Long Plain 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 Long Plain; or
- (b) has control of the books or account or financial records of Long Plain 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 Long Plain 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 Long Plain.

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 Long Plain.

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## 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 Long Plain.

### 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 Long Plain's fiscal year, prepare and submit to the Council, a report on Long Plain's financial statement, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of Long Plain 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 Long Plain's financial statement, the auditor may at all reasonable times inspect any financial records of Long Plain and any person or body who administers money on behalf of Long Plain.

### 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 Long Plain, 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

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- (c) any other matter as determined by the Council or Land Authority.

### **23. Access to Information**

Access

- 23.1 Any person may, during normal business hours at the main administrative office of Long Plain, 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 Long Plain related to First Nation land.

## **PART 6**

### **LAND ADMINISTRATION**

### **24. Land Authority**

Land Authority  
established

- 24.1 The Land Authority 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

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- (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 Land Authority 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 37 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 Land Authority 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 Land Authority**

Initial Composition

- 25.1 The Land Authority shall be composed of the Land Director, Land Manager and councilor with portfolio.
- 25.2 When it becomes advisable to do so, Long Plain may establish a Land Authority Board to govern the Long Plain First Nation Land Authority.

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Eligibility

25.3 Any eligible voter, whether resident on or off First Nation land, is eligible for appointment to become a Land Authority board member, except for the following persons:

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

Appointment

25.4 The Council will determine the manner in which Land Authority Board Members are appointed, by enacting a law, regulation, policy or resolution to give effect to the selected process.

Term of office

25.5 The length of the term of office for members of the Land Authority shall be determined by Council however there will be an appropriate mechanism for secure tenure and for removal.

Vacancy

25.6 The office of a member of the Land Authority becomes vacant if the person, while holding office:

- (a) resigns;
- (b) is or becomes ineligible to hold office under section 25.3;
- (c) transfers his or her of membership to another First Nation; or
- (d) is absent for 3 consecutive meetings of the Land Authority for a reason other than illness or incapacity, and without being authorized to do so by the Land Authority.

Vacancy in term

25.7 Where the office of an appointed member of the Land Authority becomes vacant for more than 90 days before the date when another appointment would ordinarily be held, Council shall make a special selection made in accordance with this Land Code, to fill the vacancy.

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Balance of term of  
Office

25.8 A member of the Land Authority 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 Land Authority

Chairperson

26.1 The Land Director or Land Manager, as the case may be, will act as the chairperson until such time as a governing board becomes necessary and is established. Upon being established, the governing board of the Land Authority shall appoint from their members a person to be the Chairperson of the Land Authority.

Alternate  
Chairperson

26.2 If the Chairperson is unable to perform the functions of office, either temporarily or on a long-term basis, the Land Authority shall appoint one of the other Land Authority 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 Land Authority, including the revenues and expenditures concerning First Nation lands;
- (b) tabling the Land Authority's financial statements with the Council;
- (c) reporting to Long Plain on the activities of the Land Authority; 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 Land Authority 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 licenses 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.

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## 28. Registration of Interests and Licenses

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Enforcement of  
Interest and licenses

28.1 An interest or license 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 license in First Nation land that requires the consent of the Council, or Community Approval, shall include a certificate issued by the Land Director, Land Manager or designated officer 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 license in First Nation land;
- (b) any transfer or assignment of an interest or license 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 license in First Nation land from a member shall deposit an original copy of the relevant instrument with Long Plain.

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## PART 7

### INTERESTS AND LICENSES IN LAND

#### 30. Limits on Interests and Licenses

All dispositions in writing.

30.1 An interest in, or license 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 licenses 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 Long Plain, a member or any other person purports to grant, dispose of, transfer or assign an interest or license 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 license 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 license in First Nation land to a person who is not a member.

#### 31. Existing Interests or Licenses

Existing Interests Continue

31.1 Any interest or license 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.

Member Interests Continue

31.2 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 Licenses

Authority to make

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- (c) the transfer or assignment does not violate the fundamental importance to maintain the amount and integrity of First Nation Land.

Consent of Council

34.2 Until such time as Long Plain enacts a law or regulation regarding the transfer and assignment of interests in First Nation Lands:

- (a) the grant of an interest or license is deemed to include as a condition that no transfer or assignment is valid unless the written consent of Council is obtained, and
- (b) no transfer or assignment from a band member to another band member is valid unless the written consent of council is obtained.

**Transfers on Death**

34.3 For greater certainty section 50 of the *Indian Act* continues to apply such that a person who is not entitled to reside on a reserve does not by devise or descent acquire a right to possession or occupation of land in that reserve.

34.4 If a member holding an interest in Land dies intestate and the entire interest in Land does not go by law to the spouse, Council may call a meeting of immediate relatives at the request of any immediate relative, or within three months if no request is made, in order to facilitate discussions on which immediate relative should take what interest in the Land.

34.5 The following rules will apply to a meeting called pursuant to section 34.4:

- (a) the Council will take reasonable steps to provide notice to all immediate relatives of the location and time of the meeting;
- (b) the rights and interests of children will be a primary concern;
- (c) the Appeal Panelists may be requested to assist the immediate relatives in deciding who among them is to receive the interest in land.

34.6 For greater certainty, section 34.4 and 34.5 are intended to supplement section 48 of the *Indian Act* by providing a procedure to facilitate agreements among immediate relatives on how their entitlements, if any, under the *Indian Act* may be implemented in practice.

**35. Limits on Mortgages and Seizures**

Protections

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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 Long Plain, 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 Long Plain.

Power of redemption

35.5 If the Council exercises its power of redemption with respect to a leasehold interest, Long Plain 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) a member, and their spouse and children who have been allocated a residential lot by Council;
- (b) members with a registered interest in First Nation land;

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- (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) a Long Plain member and their spouse and children;
- (d) A person who is authorized by a government body or any other public body, established by or under an enactment of Long Plain, 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/Land Authority or by a Long Plain 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 The Council may, deny or restrict residency or access by any person who is engaging in activity that endangers the community, providing:

- (a) there is reasonable evidence to conclude the person is engaging in the activity;
- (b) a reasonable person could conclude the activity endangers the community;
- (c) at a duly convened meeting, a quorum of the Council vote in favor of a Resolution denying or restricting residency or access that clearly provides facts and justification for the decision;
- (d) a law has not yet been enacted under section 11.1(g) or if enacted, the law did not contemplate the endangering activity; and

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- (e) other reasonable efforts have failed to alleviate the person's participation in the activity.

Trespass

36.5 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

36.6 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 Land Authority with community notice and discussion, for recommendation to Council.

Enactment deadline

37.3 The spousal property law must be consistent with maintaining the integrity and quantity of Long Plain First Nation land and with the right of indigenous people to a homeland and nationality and should be enacted pursuant to this Land Code 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 Land Authority 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 Land Authority 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. Purpose of Process

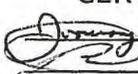
- 38.0 The Dispute Resolution Process is established with jurisdiction to resolve disputes that may arise in relation to interests and rights in Lands.
- 38.1 Any matter or dispute related to Lands, including land management decisions prior to the effective date of this Land Code, may be referred to the Dispute Resolution Process.

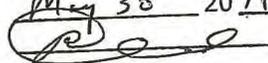
Civil Remedies Continue

- 38.2 Nothing in this Part shall be construed to prevent a party to a dispute from, at any stage of dispute resolution, applying to a court of competent jurisdiction to have the dispute resolved.

Informal Discussions

- 38.3 Long Plain First Nation intends that whenever possible, a dispute in relation to LPFN land, will be resolved through informal discussion by the parties to the dispute and nothing in this Part will be construed to limit the ability of parties to a dispute to reach an agreement to settle a dispute without recourse to this Part.

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May 30 2017  


*January 31 2016*  
*[Signature]*

Staged Process

38.4 Long Plain First Nation intends that a dispute that is not resolved by informal discussion and settlement by the parties, will, except as otherwise provided herein, progress in sequence through the following stages:

- (a) facilitated discussions,
- (b) an appeal; or
- (c) as a final option a court of competent jurisdiction.

Duty of Fairness

38.5 Principles of natural justice apply so as that all persons involved in a dispute under this Part must be:

- (a) treated fairly,
- (b) given a full opportunity to present their case; and
- (c) given reasons for a decision made under this Part.

Challenge to validity of Law

38.6 Nothing in this Part shall be construed to prevent a party to a dispute from challenging the validity of a Land Law, but such challenge may be heard only in a court of competent jurisdiction.

### **39. Appeal Panelists**

Panel Roster

39.1 The Land Authority will develop and maintain a roster of appeal panelists from among Eligible Voters, who have relevant knowledge and experience to serve on the Appeal Panel for facilitated discussions and appeals.

Panel Appointment

39.2 When an Appeal Panel is required, the Chief and Council will appoint an appropriate number of panelists from the roster maintained by the Land Authority.

Unbiased, No Conflict of Interest

39.3 Persons appointed shall be unbiased and free of any conflict of interest regarding the parties or matters in dispute.

Expert Assistance

39.4 The Chief and Council may appoint or contract with expert advisors, mediators, professionals or other persons to assist and advise panelists in resolving disputes, if the Appeal Panel requests assistance.

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## 40. Procedure to File an Appeal

### Procedure to File

- 40.1 A person who wishes to resolve a dispute with another person or LPFN in relation to the use or occupation of LPFN Land may file a written notice of appeal with the Land Authority setting out:
- (a) the nature of the dispute or appeal;
  - (b) the facts and supporting arguments upon which the person filing the written notice of appeal relies; and
  - (c) the relief that is sought.

### Limitation Period

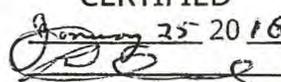
- 40.2 A person wishing to file a written notice of appeal must do so within thirty (30) days of becoming aware of the decision, act or omission being disputed.

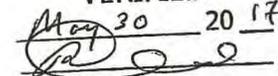
### Who May File an Appeal

- 40.3 A written notice of appeal maybe filed under this Part by:
- (a) an individual; or
  - (b) a person including a corporate or other legal; entity or person who has a dispute with another individual, person or Long Plain First Nation; and
  - (c) anyone with standing to appeal.

### Appeal Panel Not Available

- 40.4 Dispute resolution under this Part is not available for the following matters:
- (a) administration or distribution of an estate unless the immediate relatives consent,
  - (b) housing decisions governed by law, regulation or policies established by Long Plain First Nation Housing,
  - (c) decisions of Chief and Council or administrative bodies that are not in relation to lands.

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May 30 2017  


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## 41. Facilitated Discussion Stage

### Report on Dispute

- 41.1 Within fifteen (15) working days of receiving a written notice of appeal under section 40.1 the Land Authority will prepare and deliver a report to the Chief and Council stating the nature of the dispute and clearly identifying any actions or omissions, if any, of the Land Authority.

### Appointment of Panelists

- 41.2 Within five (5) working days of receiving the report from the Land Authority the Chief and Council will convene a meeting and will appoint an appropriate number of panelists from the roster to serve in the facilitated discussion and appeal stages.

### Initial meeting

- 41.3 Within five (5) working days of the appointment the appointees will meet as facilitators:
- (a) to schedule the facilitation and give notice to the parties of the need for any further information,
  - (b) to determine if advice or assistance may be required, and
  - (c) to address any matters required for a proper facilitation.

### Facilitation

- 41.4 The facilitators will facilitate discussions for a reasonable period of time given the nature and complexity of the dispute, in order to reach an agreement between the parties and will provide their recommended resolution of the dispute in writing for the parties to consider as a settlement of the dispute at the conclusion of facilitated discussions.
- 41.5 Should the parties not reach agreement within a reasonable time after conclusion of facilitated discussions, the dispute will proceed to the appeal stage.

## 42. Appeal Stage

### Powers of Appeal Panel

- 42.1 The Appeal 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.

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Rules of Panel

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

Expert Assistance

42.3 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

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

Decision binding

42.5 A decision of the Appeal Panel is binding and shall be final except for review by a court of competent jurisdiction.

Land Authority Recommendations

42.6 The Land Authority may make recommendations for Council's approval to prescribe rules, policies, procedures, forms and reasonable fees not inconsistent with the Land Code as maybe necessary from time to time to give effect to this Part, including but not limited to:

- (a) remuneration of facilitators, expert advisors, professionals or other persons retained to assist in the resolution of disputes under this Part,
- (b) implementing recommendations of the Appeal Panel; and
- (c) any other matter necessary to give effect to this Part.

Parties will bear their own costs.

42.7 The parties will bear their own costs of participating in the dispute resolution process.

**PART 10  
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.

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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 Long Plain law.

43.2 Any person who commits an offence under this Land Code or a Long Plain 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 Long Plain environmental protection laws may carry penalties consistent with similar environmental protection laws in force in Canada.

43.3 A Long Plain 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 at a Meeting of Members 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) a reference in this Land Code to a clause in another act or document that was amended and resulted in clause renumbering;
- (b) a reference in this Land Code to an Act or parts thereof that have expired, have been repealed or suspended;
- (c) 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;
- (d) changes in this Land Code as are required to reconcile seeming inconsistencies with other acts; and
- (e) correct editing, grammatical or typographical errors.

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## 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 thirty days (30) after the necessary documentation has been complete and executed, including:

- (a) ratification of the Land Code is certified by the Verifier,
- (b) execution of the Individual Agreement by Long Plain and Canada.

CERTIFIED  
*January 25 2016*  
*[Signature]*

VERIFIED  
*May 30 2017*  
*[Signature]*