



Update on new model Land Codes

Change tool



11:00:55

Welcome



Today we will cover:



Overview of the new models for Land Code



Review of the rationale for updates to Land Code authorities and responsibilities



Options for Land Code Amendments



Mute Devices



Recorded Session



Closed Caption



Presentation &
Materials



Questions &
Comments



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Director, Land Code Governance



**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**

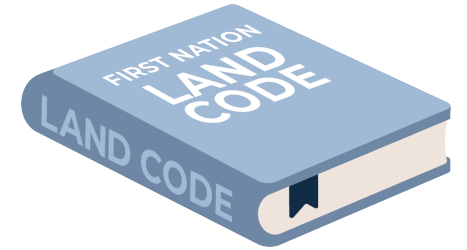
Framework Agreement

- Specifies that a First Nation shall have the option of exercising control over their lands and resources ...
- Section 5 identifies what "will" be in a Land Code and subjects that "may" be put in your land code.



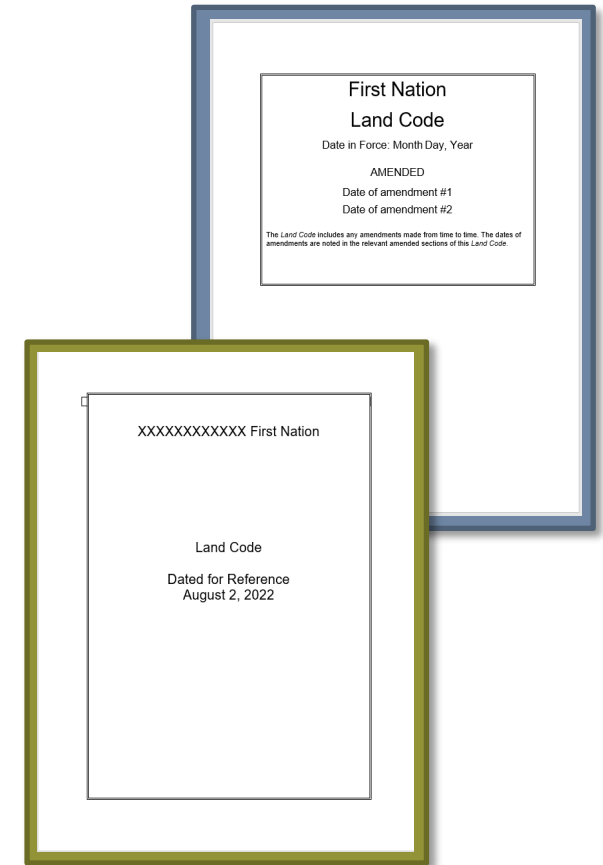
Land Code

- It's a law
- Sets rules & procedures for land code governance
- Outlines roles & responsibilities
- Must be consistent with the Framework Agreement
- Decisions must be consistent with a First Nation's land code
- Land Code should reinforce other laws



WHY THE NEW LAND CODE MODELS?

- ✓ Simplifies procedural requirements
- ✓ Plain language drafting
- ✓ Emphasis on the most important land governance issues (e.g. allotments & law-making procedures)
- ✓ Less emphasis on issues that rarely arise (e.g. expropriation & dispute resolution)



OPTIONS FOR LAND CODE AMENDMENTS



Land Codes require approval of a majority of First Nations members through a vote ... amendments also typically require a majority vote of members.

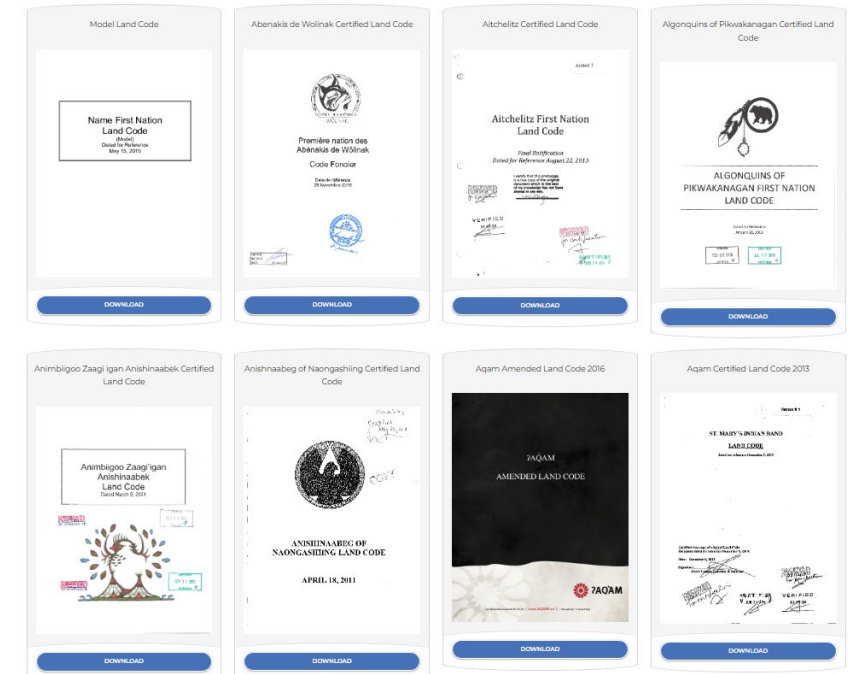
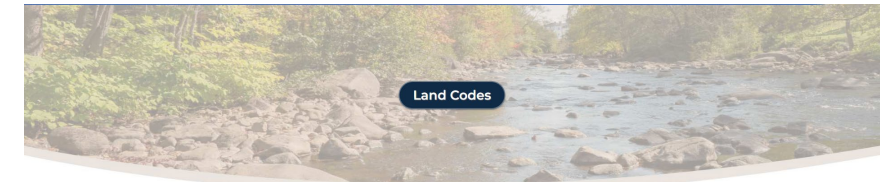
Some land codes only allow Chief & Council to make minor amendments to correct grammar or make necessary updates.

Other land codes authorize Chief & Council to deal with typographical errors, correcting cross-references, and even minor amendments which do not alter the meaning of a provision of a land code.



LAND CODE MODELS

- Your draft land code should be reviewed by legal counsel
- Our "model" land codes include procedures which you may wish to modify for your First Nation (e.g. suggested wording for community meetings, procedural steps for making laws, etc.)
- Our model includes "land rights" of members and other residents which you may wish to modify for your First Nation (e.g. consider who owns or gets revenues from natural resources on your lands, etc.)



OVERVIEW OF NEW MODEL LAND CODES

Land Code Sections



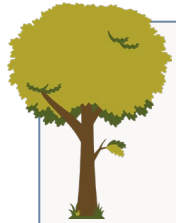
First Nation Land Governance



First Nation Legislation



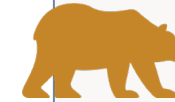
Community Meetings and Approvals



Protection of Land



Accountability – Conflict of Interest & Finance



Land and Natural Resources Administration



Interests and Licences in Land



Dispute Resolution



Other Matters



Preamble

- Explains the purpose of the Land Code and a brief history
- Refers to the Framework Agreement on First Nation Land Management and the First Nation Land Management Act
- First Nations special relationship with Canada
- Some First Nations include their own language in the preamble



Preliminary Matters

- Title & Interpretation
- Authority to govern
- Purpose of the Land Code
- Lands governed by the Land Code (the reserve land description)

First Nation Legislation

- Law-Making Powers
- Law-Making Procedure
- Publication of Land Laws
- Commencement of Land Laws
- Enforcement of Land Laws



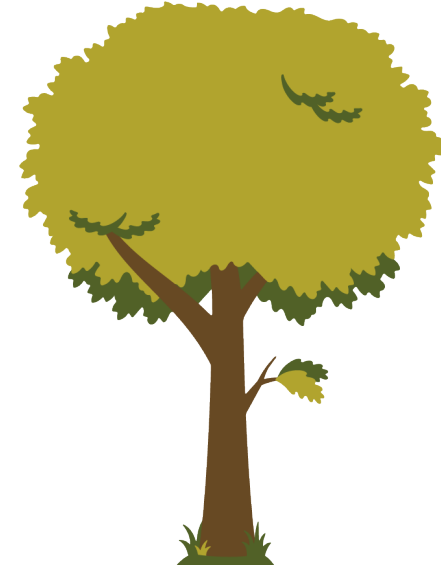
Community Meetings & Approval

- Participation of Members
- Rights of Eligible Voters
- Community Input
- Community Approval
- Procedure at a Meeting of Members
- Ratification Votes



Protection of Land

- Expropriation
- Cultural & Historical Sites and other protected lands
- Voluntary Land Exchanges and Protections



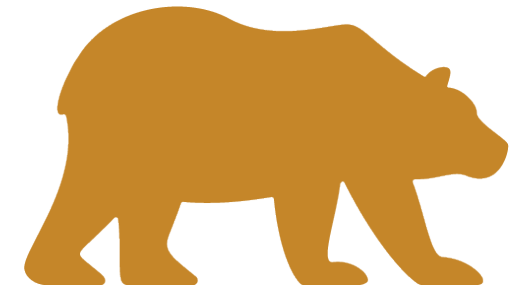
Accountability – Conflict of Interest & Finance

- Conflict of Interest
- Financial Management
- Financial Records
- Audit
- Annual Report
- Access to Information



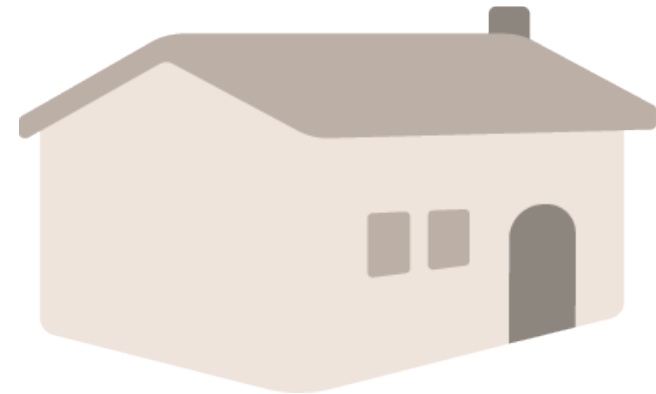
Land and Natural Resource Administration

- Lands Staff
- Lands Committee



Interests and Licences in Land

- Revenue from Land and Resources
- Registration of Interests and Licences
- Limits on Interests and Licences
- Existing Interests
- New Interests and Licences
- Interests of Non-Members
- Certificates of Possession or Member Interests
- Allocation of Land to Members
- Transfer and Assignment of Interests
- Limits on Mortgages and Seizures
- Residency and Access Rights
- Transfers on Death
- Family Homes and Matrimonial Interests (separation & death of spouse)



Dispute Resolution

- Authority to establish Dispute Process



Other Matters

- Liability
- Offences
- Land Code Amendments
- Commencement



Questions & Discussion





Overview of the new models for Land Code

Review of the rationale for updates to Land Code authorities and responsibilities

Options for Land Code Amendments



2022 TMPD EVENT SCHEDULE

• First Nation Land Registry Fundamentals for the CITRIX User

Jan 13



• Records Management & Data Governance Considerations under Land Code

Feb 10



• Considerations for Commercial & Residential Leasing (A to A Leasing) under Land Code

Mar 9-10



• Approaches to Managing Legacy Issues under the Framework Agreement

Apr 7



• Land Governance Office – Considerations for Operational Start Up & Implementation of Land Code

May 12



• Developing a Climate Change Strategy for Resilient Communities under the Framework Agreement

Jun 8-9



• Dispute Resolution under the Framework Agreement and Land Code

Jul 14



• Land Governance Authorities under Framework Agreement & Land Code

Aug 11



• Natural Resource Management under the Framework Agreement

Sep 7-8



• Update on the new model Land Codes

Oct 13



• Land Development Approaches under Land Code

Nov 10



• Environmental Management under Land Code

Dec 7-8



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Webinars

1 Hour Sessions

11:00 – 12:00 PT / 2:00 – 3:00 ET

Workshops

2 Day Sessions

9:00 – 12:00 PT / 12:00 – 3:00 ET



T M Training, Mentorship &
P D Professional Development

Workshops & Webinars

Online Courses

Knowledge Paths Tool

Land Governance Manual

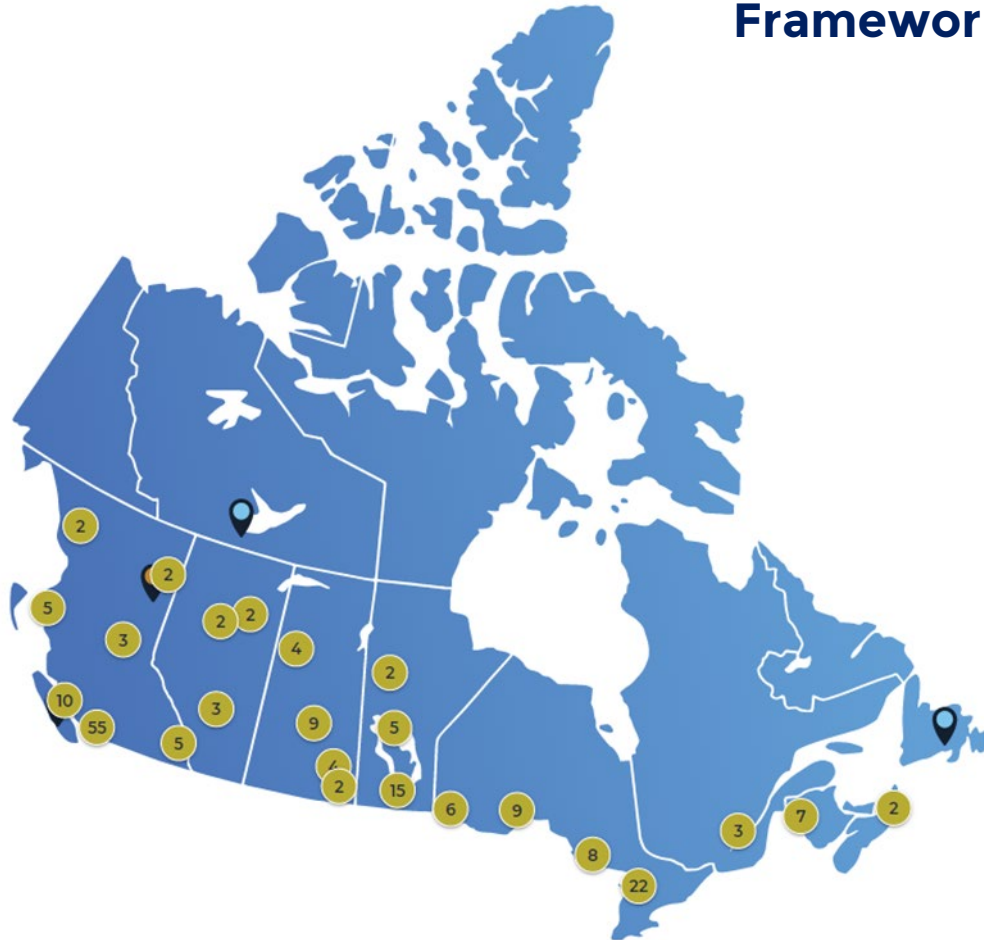
Knowledge Repository

Direct Community Support (1:1)





Framework Agreement Signatory First Nations across Canada



As of October 7, 2022

Total Signatories	194
Operational	101
Developmental - Active	56
Developmental – Inactive	34
Self Governing	3

*Congratulations Woodland Cree Nation
successful vote on Oct 6, 2022*

[Lands Advisory Board](#) >[Resource Centre \(RC\)](#) >[Our History](#)[RC Board](#)[RC Staff](#)[Employment Opportunities](#)[RC Reports](#)

Employment Opportunities

 Full Time Part Time Temporary

[Referrals/Data-Coordinator- Songhees Nation](#)
Songhees Nation

Victoria, BC

Full Time



[Administrative Assistants \(Lands\)- Lower Nicola Indian Band](#)
Lower Nicola Indian Band

Merritt, BC

Full Time

THANK YOU



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