

Muskeg Lake Cree Nation

LAND CODE

February 7, 2005

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TABLE OF CONTENTS

Preamble	4
PART 1	4
PRELIMINARY MATTERS	4
1. Title	4
2. Interpretation	4
3. Authority to Govern	7
4. Purpose	7
5. Description of First Nation Land	
PART 2	15
FIRST NATION LEGISLATION	15
6. Law-Making Powers	15
7. Law-Making Procedure	16
8. Publication of Laws	17
9. Commencement of Laws	18
PART 3	18
COMMUNITY APPROVALS	18
10. Rights of Eligible Voters	18
11. Community Input	18
12. Community Approval at a Meeting of Members	19
13. Procedures for Community Meetings	20
14. Community Approvals	21
PART 4	22
PROTECTION OF LAND	22
15. Taking Land for Community Purposes	22
16. Heritage Sites	25
17. Voluntary Land Exchanges and Protections	25
PART 5	27
ACCOUNTABILITY	27
18. Conflict of Interest	27
19. Financial Management	28
20. Financial Records	30
21. Appointment of Auditor	31
22. Annual Report	32
23. Access to Information	32
PART 6	33
LAND ADMINISTRATION	33
24. Lands Advisory Committee	33
25. Membership of the Lands Advisory Committee	35
26. Meetings of the Lands Advisory Committee	36

27.	Revenue From Lands.....	38
28.	Registration of Interests and Licences.....	38
29.	Duplicate Lands Register.....	39
PART 7.....		39
INTERESTS AND LICENCES IN LAND.....		39
30.	Limits on Interests and Licences.....	39
31.	Existing Interests.....	40
32.	Land Management Powers.....	40
33.	Certificates of Possession.....	41
34.	Allocation of Lands.....	41
35.	Transfer and Assignment of Interests.....	42
36.	Limits on Mortgages and Seizures.....	42
37.	Residency and Access Rights.....	43
38.	Spousal Property Law.....	44
PART 8.....		45
DISPUTE RESOLUTION.....		45
39.	Local Dispute Resolution System.....	45
PART 9.....		48
OTHER MATTERS.....		48
40.	Indemnity and Liability.....	48
41.	Offences.....	49
42.	Amendments to Land Code.....	49
43.	Commencement.....	49

PREAMBLE

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

And Whereas the *Framework Agreement on First Nation Land Management* was

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

And Whereas the Muskeg Lake Cree 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 land managed on its behalf by Canada;

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

NOW THEREFORE, THIS LAND CODE IS HEREBY ENACTED AS THE FUNDAMENTAL LAW OF MUSKEG LAKE CREE NATION

PART 1 PRELIMINARY MATTERS

1. Title

Title

1.1 The title of this enactment is the *Muskeg Lake Cree Nation Land Code*.

2. Interpretation

Definitions

2.1 The following definitions apply in this Land Code:

“**Body**” means the Dispute Resolution Body established under section 39;

“**Community Land**” means any Muskeg Lake Cree Nation Land in which all members have a common interest and any portion of the land referred to in Section 5 of this Land Code, including all the rights and resources that belong to the land;

“Community Land Register” means the duplicate register maintained by the Muskeg Lake Cree Nation under Section 29;

“Community Meeting” means a meeting under this Land Code to which the Members are invited to attend;

“Council” means the duly elected Chief and Councillors of Muskeg Lake Cree 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;

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

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

“Framework Agreement” means the *Framework Agreement on First Nations 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 Muskeg Lake Cree Nation, and which has been ratified on behalf of the Government of Canada by an Act of Parliament;

“Immediate relatives”, in respect of a person, means the person’s mother, father, sister, brother, children or spouse;

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

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

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

“Meeting of Members” means a meeting under sections 11 and 13 to which the members are invited to attend;

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

“Spouse” means, in respect of a person, a person who is married to the other, whether by a traditional, religious or civil ceremony.

“Transfer Agreement” means the Individual Transfer Agreement made between Muskeg Lake Cree Nation and Her Majesty in right of Canada.

Paramountcy

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

Culture and Traditions

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

Language

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

Non-abrogation

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

Number

- 2.6 Words in the singular include the plural and words in the plural include the singular.

Fair Interpretation

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

Special Relationship

- 2.8 This Land Code does not abrogate the special relationship between Her Majesty and the Muskeg Lake Cree Nation and its members.

Lands and Interests Affected

- 2.9 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 the land, to the extent that these are under the jurisdiction of Canada; and
 - (b) all the interests and licences granted to Muskeg Lake Cree Nation by Her Majesty the Queen in right of Canada listed in the Transfer Agreement.

3. Authority to Govern

Origin of Authority

- 3.1 The traditional teachings of the Muskeg Lake Cree Nation speak of the obligation of the people of the Muskeg Lake Cree Nation to care for and respect the land and the magnificent wonders of Nature created on the land. By enacting this Land Code, the Muskeg Lake Cree Nation is re-assuring this special responsibility.
- 3.2 The authority to govern its lands and resources flows from the Creator to the Muskeg Lake Cree Nation and from the people to the Chief and Council according to the culture, traditions, customs and laws of our First Nation. The Muskeg Lake Cree Nation are dependent on the land for its resources as has been given to them from the Creator.

4. Purpose

Purpose

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

Ratification

- 4.2 The *Framework Agreement* is ratified and confirmed when the First Nation approves the Land Code.

5. Description of First Nation Land

Community Land

- 5.1 The following Community Land's are subject to this Land Code:

Muskeg Lake Cree Nation No. 102

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Townships 46 & 47, Ranges 6 & 7, West of the 3rd Meridian**

Comprised of the following lands, excluding mines & minerals:

Fractional sections 6, 7, 18, 19, 30 and 31, Township 46, Range 6, West 3rd Meridian
Fractional sections 1, 2, 3, 4, 9, 16, 21, 28 and 33, Township 46, Range 7, West 3rd Meridian

Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 46, Range 7, West 3rd Meridian
 Section 6, Township 47, Range 6, West 3rd Meridian
 Fractional section 7, Township 47, Range 6, West 3rd Meridian
 Sections 1 and 2, Township 47, Range 7, West 3rd Meridian
 Fractional sections 3, 10, 11 and 12, Township 47, Range 7, West 3rd Meridian
 Including all intervening road allowances
 All as shown on Plan 1966 recorded in the Canada Lands Surveys Records (CLSR).

Excepting thereout and therefrom:

A roadway as shown on Plan 52418 CLSR, containing an area of 37.55 hectares (92.78 acres) more or less
 A roadway as shown on Plan 58338 CLSR, containing an area of 4.64 hectares (11.46 acres) more or less
 A roadway as shown on Plan 60645 CLSR, containing an area of 25.61 hectares (63.28 acres) more or less
 That portion of Section 36, Township 46, Range 7, West 3rd Meridian, known as Muskeg Lake Indian Reserve No. 102F, whose rectilinear boundaries are shown on Plan 57893 CLSR, containing 16.19 hectares (40.00 acres) more or less
 Total lands, excluding mines and minerals, containing 7245 hectares (17904 acres) more or less.

Mines and Minerals:

Fractional sections 6, 7, 18, 19, 30 and 31, Township 46, Range 6, West 3rd Meridian
 Fractional sections 1, 2, 3, 4, 9, 16, 21, 28 and 33, Township 46, Range 7, West 3rd Meridian
 Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 46, Range 7, West 3rd Meridian
 Section 6, Township 47, Range 6, West 3rd Meridian
 Fractional section 7, Township 47, Range 6, West 3rd Meridian
 Sections 1 and 2, Township 47, Range 7, West 3rd Meridian
 Fractional sections 3, 10, 11 and 12, Township 47, Range 7, West 3rd Meridian
 Including all intervening road allowances
 All as shown on Plan 1966 recorded in the Canada Lands Surveys Records (CLSR).

Excepting thereout and therefrom:

That portion of Section 36, Township 46, Range 7, West 3rd Meridian, known as Muskeg Lake Indian Reserve No. 102F, whose rectilinear boundaries are shown on Plan 57893 CLSR, containing 16.19 hectares (40.00 acres) more or less
 Total mines and minerals, containing 7313 hectares (18071 acres) more or less.

Asimakaniseekan Askiy Indian Reserve No. 102A

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act. Reserve Lands within the Province of Saskatchewan, Canada

In Township 36, Range 5, West of the 3rd Meridian

Comprised of the following lands, excluding mines & minerals:

All those portions of land shown as Parcels A, C and D on Plan 71873 recorded in the Canada Lands Surveys Records (CLSR).

Total lands, excluding mines and minerals, containing 14.3 hectares (35.3 acres) more or less.

Lake Pitihkwakew Indian Reserve No. 102B

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Townships 47 and 48, Range 9, West of the Third Meridian
Comprised of the following lands, including mines & minerals:**

Firstly, in Township 47:

All those portions of land shown as Parcels A, B, C, D and E as shown on Plan 83712 recorded in the Canada Lands Surveys Records (CLSR)

All those portions of land shown as Parcels F, G, and H, as shown on Plan 88863 CLSR

Secondly, in Township 48:

All those portions of land shown as Parcels J and K, as shown on Plan 88863 CLSR

Total lands, including mines and minerals, containing 470 hectares (1161 acres) more or less.

Muskeg Lake Indian Reserve No. 102B

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Township 47, Range 10, West of the 3rd Meridian**

Comprised of the following lands, including mines & minerals:

Firstly

The northeast $\frac{1}{4}$ Section 7

The northwest $\frac{1}{4}$ Section 8

The northwest $\frac{1}{4}$, southwest $\frac{1}{4}$ and southeast $\frac{1}{4}$ Section 17

The northeast $\frac{1}{4}$ and southeast $\frac{1}{4}$ Section 18

All as shown on Plan 86910 recorded in the Canada Lands Surveys Records (CLSR)

Excepting thereout and therefrom:

Those portions of the above mentioned lands taken for roadway as shown on Plan 86468

CLSR, containing 2.890 hectares (7.140 acres), more or less.

Secondly

The northwest $\frac{1}{4}$, northeast $\frac{1}{4}$ and southeast $\frac{1}{4}$ Section 19

The southwest $\frac{1}{4}$ Section 20

The southeast $\frac{1}{4}$ Section 30

The northeast $\frac{1}{4}$, northwest $\frac{1}{4}$ and southwest $\frac{1}{4}$ Section 32

All as shown on Plan 86910 recorded in the Canada Lands Surveys Records (CLSR)

Total lands, including mines and minerals, containing 970 hectares (2396 acres) more or less.

Muskeg Lake Indian Reserve No. 102C

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Townships 46 and 47, Range 6, West of the Third Meridian**

Comprised of the following lands, including mines & minerals:

Firstly

The fractional north $\frac{1}{2}$ of Section 31, Township 46, Range 6, West 3rd Meridian, as shown on Plan 86906 recorded in the Canada Lands Surveys Records (CLSR)

Excepting thereout and therefrom:

Out of the fractional north $\frac{1}{2}$ of Section 31, a roadway as shown on Plan 86913 CLSR, containing an area of 0.465 hectares (1.15 acres) more or less

Out of the fractional north $\frac{1}{2}$ of Section 31, a roadway as shown on Plan 86343 CLSR, containing an area of 0.146 hectares (0.36 acres) more or less

Secondly

The northwest $\frac{1}{4}$ Section 32, Township 46, Range 6, West 3rd Meridian, as shown on Plan 86906 CLSR.

Excepting thereout and therefrom:

Out of the northwest $\frac{1}{4}$ Section 32, a roadway as shown on Plan 86343 CLSR, containing an area of 0.380 hectares (0.94 acres) more or less

Thirdly

The northeast $\frac{1}{4}$ and southeast $\frac{1}{4}$ and the fractional southwest $\frac{1}{4}$ Section 5, Township 47, Range 6, West 3rd Meridian, as shown on Plan 86907 CLSR.

Excepting thereout and therefrom:

Out of the southeast $\frac{1}{4}$, a roadway as shown on Plan 86343 CLSR, containing an

area of 0.413 hectares (1.02 acres) more or less
Out of the fractional southwest $\frac{1}{4}$, a roadway as shown on Plan 86343 CLSR,
containing an area of 0.368 hectares (0.91 acres) more or less

Fourthly

All that portion of the southeast $\frac{1}{4}$ Section 8, Township 47, Range 6, West 3rd Meridian,
lying southerly of the original road allowance through the Section, as shown on Plan
86907 CLSR.

Excepting thereout and therefrom:

Parcel Y, taken for roadway as shown on Plan 86763 recorded in the Canada Lands
Surveys Records, containing an area of 1.04 hectares (2.57 acres) more or less.
Total lands, including mines and minerals, containing 313 hectares (774 acres) more or
less.

Muskeg Lake Indian Reserve No. 102D

**Land Description of Reserve Lands that will be subject to the Land Code of the
Muskeg Lake Cree Nation under the First Nations Land Management Act.**

**Reserve Lands within the Province of Saskatchewan, Canada
In Township 47, Range 7, West of the 3rd Meridian**

Comprised of the following lands, including mines & minerals:

Firstly

Legal subdivisions 9 and 16 of Section 10, as shown on Plan 86911 recorded in the
Canada Lands Surveys Records (CLSR).

Excepting thereout and therefrom:

Out of legal subdivision 16, a roadway as shown on Plan 86336 CLSR, containing
an area of 0.105 hectares (0.26 acres) more or less

Secondly

Fractional southeast $\frac{1}{4}$ and fractional southwest $\frac{1}{4}$ Section 11, as shown on Plan 86911
CLSR.

Thirdly

Legal subdivisions 3 and 4 of Section 15, as shown on Plan 86911 CLSR.

Excepting thereout and therefrom:

Out of legal subdivisions 3 & 4, a roadway as shown on Plan 86336 CLSR,
containing an area of 0.457 hectares (1.13 acres) more or less.
Total lands, including mines and minerals, containing 131 hectares (324 acres) more or
less.

Muskeg Lake Indian Reserve No. 102E

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Township 46, Range 7, West of the 3rd Meridian**

Comprised of the following lands, including mines & minerals:

The east half of fractional Section 28 and the east half of fractional Section 33, both as shown on Plan 86912 recorded in the Canada Lands Surveys Records (CLSR)
Total lands, including mines and minerals, containing 162 hectares (400 acres) more or less.

Muskeg Lake Indian Reserve No. 102F

Land Description of Reserve Lands that will be subject to the land code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Section 36, Township 46, Range 7, West of the Third Meridian**

Comprised of the following lands, including mines & minerals:

All that portion of Muskeg Lake Indian Reserve No. 102F, as shown on Plan 88320 recorded in the Canada Lands Surveys Records (CLSR).
Total lands, including mines and minerals, containing 14.7 hectares (36.3 acres) more or less.

Muskeg Lake Indian Reserve No. 102G

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Township 47, Range 7, West of the 3rd Meridian**

Comprised of the following lands, including mines & minerals:

Firstly

The northwest $\frac{1}{4}$ and the southwest $\frac{1}{4}$ Section 14, as shown on Plan 86911 recorded in the Canada Lands Surveys Records (CLSR).

Excepting thereout and therefrom:

Out of the southwest $\frac{1}{4}$ of Section 14, a roadway as shown on Plan 86336 CLSR, containing an area of 0.668 hectares (1.65 acres) more or less

Total lands, including mines and minerals, containing 129 hectares (318 acres) more or less.

Muskeg Lake Indian Reserve No. 102H

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Township 45, Ranges 5 and 6, West of the 3rd Meridian
Comprised of the following lands, including mines & minerals:**

Firstly

The whole of the Southwest ¼ Section 19, Township 45, Range 5, West 3rd Meridian, as shown on Plan 86908 recorded in the Canada Lands Surveys Records (CLSR)

Secondly

South ½ of Section 24, Township 45, Range 6, West 3rd Meridian, as shown on Plan 86909 CLSR.

Total lands, including mines and minerals, containing 194 hectares (478 acres) more or less.

Muskeg Lake Indian Reserve No. 102J

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Township 45, Range 6, West of the 3rd Meridian**

Comprised of the following lands, excluding mines & minerals:

West ½ Section 13, as shown on Plan 86909 recorded in the Canada Lands Surveys Records (CLSR).

Total lands, excluding mines and minerals, containing 129 hectares (318 acres) more or less.

Muskeg Lake Indian Reserve No. 102K

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
In Township 46, Range 7, West of the 3rd Meridian**

Comprised of the following lands, including mines & minerals:

All that portion of the statutory Road Allowance that lies to the East of the Eastern boundary of Fractional Sections 28 and 33, and between the Easterly production of the Northern boundary of Fractional North East ¼ Section 33 and the Easterly production of the Southern boundary of the Fractional South East ¼ Section 28, as shown on Plan 86912 recorded in the Canada Lands Surveys Records (CLSR)

Total lands, including mines and minerals, containing 6.48 hectares (16.0 acres) more or less.

Muskeg Lake Indian Reserve No. 102L

Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the First Nations Land Management Act.

**Reserve Lands within the Province of Saskatchewan, Canada
Township 46, Range 5, West 3rd Meridian, described as follows:
Lands, excluding mines & minerals:**

All that portion of Section 4, as shown on Plan 89319 recorded in the Canada Lands Surveys Records (CLSR), that lies to the west of the western limit of the road right of way, as shown on Plan 86642 CLSR and that also lies to the north of the northern limit of the road right of way, as shown on Plan 89309 CLSR.

Lands, excluding mines and minerals, containing 258 hectares (637 acres), more or less.

Mines and minerals:

The whole of Section 4, as shown on Plan 89319 CLSR
Mines and minerals, containing 259 hectares (640 acres), more or less.

Additional Lands

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

- (a) any lands owned jointly by Muskeg Lake Cree Nation 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 Muskeg Lake Cree Nation 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.

Land Exchange

5.3 For greater certainty, section 5.3 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 When the relevant conditions in sections 5.2 and 5.3 are met, the Council shall call a meeting of members under section 11 and, after receiving their input, may by enacting a law declare the land or interest to be subject to this Land Code.

PART 2 FIRST NATION LEGISLATION

6. Law-Making Powers

Council May Make Laws

- 6.1 The Council may, upon the recommendation of the Lands Advisory Committee, and in accordance with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of Community Land, and interests and licences 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 of Community Land.

Example 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 licences in relation to Community Land;
 - (c) laws on environmental assessment and protection;
 - (d) laws on the provision of local services in relation to Community 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 Community Land.

7. Law-Making Procedure

Introduction of Laws

- 7.1 A proposed Land Law may be introduced by a member of the Council, the Land Advisory Committee or by any Member at a duly convened meeting of the Council.

Explanation

- 7.2 The Council may require the member of Council, the Lands Advisory Committee or the Member introducing a proposed Land Law to explain how the law would benefit the community.

Land Advisory Committee
to review

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

Tabling and posting
of proposed land laws

- 7.3 A proposed Land Law may be voted on by the Council only if it has been:
- (a) tabled at a meeting of the Council held at least 30 days before the Land Law is to be considered for the approval of the Council;
 - (b) posted in the administrative offices of the Muskeg Lake Cree Nation in a location to which the public has access and in any other public places on Community Land that the Council deems appropriate at least 21 days before the Land Law is to be considered for the approval of the Council; and
 - (c) published in the community newspaper or distributed to eligible voters at least ten working days before it is considered by Council;
 - (d) reviewed by the Land Advisory Committee; and
 - (e) in compliance with this Land Code.

Members Comments

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

Urgent Matters

- 7.5 The Council may enact a Land Law without the procedures required under section 7.3 if the Council is of the opinion that the law is needed urgently to protect Community Land or the Members, but the law expires 28 days after its enactment, unless re-enacted in accordance with section 7.3.

Approval of Land Law

by Council

- 7.6 Subject to section 7.5, a Land Law is enacted if, at a duly convened meeting, where a quorum of the Council is present, open to the members of Muskeg Lake Cree Nation, a quorum of the Council vote in favour of the Land Law, or as provided in Section 18.

Certification of land laws

- 7.7 The original copy of any Land Law or land resolution concerning Community Land shall be signed by a quorum of the Council present at the meeting at which it was approved.

8. Publication of Laws

Publication

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

Posting Land Laws

- 8.2 Within seven days of a Land Law being enacted, the Council shall post a copy of the law in the administrative offices of the Muskeg Lake Cree Nation in an area to which the public has access for a period of 30 days.

Registry of Land Laws

- 8.3 The Council shall maintain, at the administrative office of Muskeg Lake Cree Nation, a register of, as well as an original copy of all Land Laws enacted, including the date a Land Law was enacted, became enforceable, amended, repealed, replace or no longer in force.

Public Access

- 8.4 A Member, a holder of an Interest or Licence or any other person with the consent of the Council may have reasonable access to the register of Laws during the normal business hours of the Muskeg Lake Cree Nation.

Copies for any person

- 8.5 A Member, a holder of an Interest or Licence or any other person with the consent of the Council may obtain a copy of a Land Law on payment of a reasonable fee set by the Council from time to time.

9. Commencement of Laws

Laws In force

- 9.1 A Land Law comes into force on the date of its enactment or such later date as specified by or under the Land Law.

PART 3 COMMUNITY APPROVALS

10. Rights of Eligible Voters

Rights of Eligible Voters

- 10.1 Each Member who is an Eligible Voter, regardless of where they reside has the right to attend at a Community Meeting and at a Ratification Vote held under the provisions of this Land Code.

11. Community Input

Community Meeting

- 11.1 The Council shall convene a Community meeting to receive input prior to the introduction of the following:
- (a) a Land Law respecting a community plan or subdivision plan;
 - (b) a Land Law declaring land or an interest referred to in section 5.2 or 5.3 to be subject to this Land Code;
 - (c) a Land Law affecting a heritage site or an environmentally sensitive property;
 - (d) a Land Law respecting environmental assessment;
 - (e) a Land Law respecting the transfer and assignment of interests in land;
 - (f) a Land Law respecting the rate and criteria for the payment of fees or rent for land; and
 - (g) any other Land Law or class of Land Law that Council, by resolution, declares to be subject to this section.

Process to Implement Laws

- 11.2 Subject to section 38, 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 Community Meeting

12.1 A Community Meeting shall be held by Muskeg Lake Cree Nation to decide whether to:

- (a) approve a land use plan
- (b) approve a grant or disposition of an interest in or licence to use any Community Land exceeding a term of 35 years;
- (c) approve a renewal of a grant or disposition of an interest in or licence to use any Community Land that extends the original term beyond 35 years;
- (d) approve a grant or disposition of any natural resources on any Community Lands exceeding a term of 3 years;
- (e) approve a charge or mortgage of a leasehold interest;
- (f) approve a law on spousal separation that may be enacted under section 38;
- (g) approve any matter provided for by a Land Law requiring approval by a Community Meeting;
- (h) enact a Land Law or Land Resolution that the Council is unable to enact due to a Conflict of Interest; and
- (i) deny the right to reside on or access to Community Land to a Member.

13. Procedures for Community Meetings

Community Meeting

13.1 Whenever this Land Code or a Land Law requires a Community Meeting, the procedures set out in this Section shall be followed.

Notice to Members

13.2 The Council or the Land Advisory Committee shall call the Committee Meeting by

giving notice to the Members that:

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

Manner of Notice

13.3 The notice of a Community Meeting must be given to the Members as follows:

- (a) by posting the notice at least 14 days before the Community Meeting in the administrative office of the Muskeg Lake Cree Nation in an area to which the public has access and in any other locations as the Council determine appropriate;
- (b) by mailing the notice to Eligible Voters, whose address is known, at least 14 days before the meeting;
- (c) publishing the notice in the community newsletter; and
- (d) such additional method as the Council may consider appropriate in the circumstance.

Who may attend

13.4 All Members have a right to attend a Community Meeting held under the provisions of this Land Code, but other persons may attend with the permission of the Council.

Minimum for quorum

13.5 The Council may by a Land Law establish a minimum number or percentage of Eligible Voters who are required to be present as a quorum for the purposes of making a decision at a Community Meeting. Unless otherwise set by the Council there shall be no quorum of Members required to be present for the purposes of making decisions.

Meeting to be held

13.6 A meeting shall be held on the date, time and at the place set out in the notice, at which time the Council or the Land Advisory Committee shall present the matters to be discussed at the meeting and in the event a vote is to be held at the

meeting, the following procedures shall be followed:

- (a) the Council or the Land Advisory Committee shall provide sufficient information to the Eligible Voters in attendance so as to permit the Eligible Voters to make an informed decision on the matter or matters to be voted on;
- (b) a poll shall be conducted by a member of the Council or a member of the Land Advisory Committee on each matter in respect of which a vote is to be held.

Voting

- 13.7 Decisions are to be made by a majority vote of the Eligible Voters present at a Community Meeting, by a show of hands or in such other method determined by a Land Law.

Other meetings

- 13.8 The Council may schedule more than one Community Meeting to discuss and decide on a matter that requires a Community Meeting. When a meeting or matter to be voted upon is postponed for any reason than the provisions of this Section shall apply to any subsequent Community Meeting called in respect of the same matter or matters.

Other laws

- 13.9 For greater certainty, the Council may make laws respecting Community Meetings, provided such laws are not inconsistent or do not conflict with the provisions of this Section.

14. Community Approvals

Community Approval By Ratification Vote

- 14.1 A Ratification Vote shall be held by Muskeg Lake Cree Nation to decide whether to:
- (a) approve a development on a heritage site referred to in section 16;
 - (b) approve a voluntary exchange of land;
 - (c) approve an amendment to the Transfer Agreement that reduces the amount of funding provided by Canada;
 - (d) approve an amendment to this Land Code; and

- (e) approve any matter provided for by a Land Law requiring approval by a Ratification Vote.

Transfer Agreement
With Canada

- 14.2 An amendment to, or renewal of, the Transfer Agreement does not require community approval by a Ratification Vote, unless the amendment or renewal reduces the amount of funding provided by Canada.

Ratification Process

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

No Verifier

- 14.4 A verifier is not needed in any Ratification Vote, except a vote on an amendment to this Land Code.

Minimum Requirements
For Approval

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

Other Laws

- 14.6 For greater certainty, the Council may make laws respecting ratification votes, provided such laws are not inconsistent or do not conflict with the provisions of this Section.

PART 4

PROTECTION OF LAND

15. Taking Land For Community Purposes

Rights and Interests
That may be
Expropriated

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

Community purposes

- 15.2 A community expropriation may only be made for a necessary community

purpose or works of Muskeg Lake Cree Nation, including but not in any way limited to: a fire hall, sewage or water treatment facility, community centre, public works, roads, schools, day-care facility, hospitals, health-care facility, and retirement home.

Expropriation Laws

- 15.3 Before proceeding to make any community expropriation in accordance with this Land Code, the Council shall make fair and reasonable laws respecting the rights and procedures for community expropriations, including laws respecting:
- (a) procedures governing expropriation, including the taking of possession, compulsory taking of possession and transfer of the right or interest, notice of expropriation and service of notice of expropriation; and
 - (b) entitlement to compensation, determination of the amount of compensation and the method of payment of compensation.

Public Report

- 15.4 Before Muskeg Lake Cree Nation decides to expropriate a right or interest, it shall make a public report on the reasons justifying the expropriation.

Rights That May Not be Expropriated

- 15.5 A right or interest of Her Majesty the Queen in right of Canada or Saskatchewan is not subject to expropriation by Muskeg Lake Cree Nation.

Acquisition by Mutual Agreement

- 15.6 The right of Muskeg Lake Cree Nation to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, rights or interests in Community Land.

Community Approval

- 15.7 In the case of a member's interest, the expropriation must receive community approval by a ratification vote.

Compensation for Rights and Interests

- 15.8 Muskeg Lake Cree Nation shall, in accordance with its laws and the *Framework Agreement*,
- (a) serve reasonable notice of the expropriation on each affected holder of rights or interests in the land to be expropriated; and
 - (b) pay fair and reasonable compensation to the holders of rights or interests in the expropriated land.

Compensation
Calculations

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

- (a) the market value of the land or interest that is acquired;
- (b) the replacement value of any improvement to the land that is acquired;
- (c) the damages attributable to any disturbance; and
- (d) damages for any reduction in the value of the remaining interest.

Market Value

15.10 The "market value" of an expropriated right or an interest is equal to the amount that would have been paid for the right or interest if it had been sold to the reserve by a willing seller and a willing buyer under no duress.

Neutral Evaluation to
Resolve Disputes

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

Arbitration to Resolve
Disputes

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

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

16. Heritage Sites

Community Approval
For 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 Ratification Vote.

Land Use Plan

16.2 No amendment may be made to a land use plan to delete a heritage site unless

the amendment receives community approval by a Ratification Vote.

17. Voluntary Land Exchanges and Protections

Conditions for a land exchange

- 17.1 Muskeg Lake Cree Nation may agree with another party to exchange a parcel of Community Land for a parcel of land from that other party in accordance with this Land Code and the *Framework Agreement* and the *First Nations Land Management Act*.

Negotiators

- 17.2 The Council, by resolution, will appoint the person or persons who will have authority to negotiate a land exchange agreement on behalf of Muskeg Lake Cree Nation.

Community approval

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

No effect

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

Land to be received

- 17.5 No land exchange may occur unless the land to be received in the exchange meets the following conditions:
- (a) it must be equal to or greater than the area of Community Land to be exchanged and it must be at least comparable to the appraised value of the Community Land; and
 - (b) it must become a reserve and Muskeg Lake Cree Nation land.

Additional land

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

Federal consent

- 17.7 Before Muskeg Lake Cree Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of Canada:

- (a) consents to set apart as a reserve the land referred to in section 17.5, as of the date of the land exchange or such later date as the Council may specify by resolution; and
- (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

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

- (a) a description of the Community 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 17.5 have been met;
- (e) a copy and summary of the exchange agreement; and
- (f) a copy of the written statement from Canada referred to in section 17.7.

Process of land exchange

17.9 The land exchange agreement shall provide that:

- (a) the other party to the exchange must transfer to Canada 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 Community 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 Registry.

PART 5

ACCOUNTABILITY

18. Conflict of Interest

Conflict of interest by
Council

18.1 This section applies to:

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

Duty to report and
abstain

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

- (a) disclose the interest to the Council, or the board, committee or other body as the case may be and such disclosure shall be recorded in the minutes of the meeting at which such disclosure is given; and
- (b) not take part in any deliberations on that matter, shall leave the meeting during those discussions or deliberations and shall not vote on that matter.

Common interests

18.3 This section 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 Land Law or land resolution due to a conflict of interest, the Council may refer the matter to a Community Meeting for community approval in accordance with Section 11 and 13 of this Land Code.

Inability to act

- 18.5 If a quorum of the Land Advisory Committee or of any other board, committee or other body is unable to vote on a matter or if an employee is unable to make a decision due to a conflict of interest, the matter shall be referred to the Council for their consideration.

Specific conflict situations

- 18.6 Because of the unusual conflicts of interest possible in the community, no two members who are Immediate Relatives may be members of the board, committee or other body dealing with any matter that is related to Community Land.

Disputes

- 18.7 Questions about whether a breach of this section have occurred may be referred to the Dispute Resolution Body

Other laws

- 18.8 For greater certainty, the Council may enact laws to further implement this section provided such laws are not inconsistent or in conflict with this Land Code.

19. Financial Management

Application

- 19.1 This section applies only to financial matters relating to Community Land.

Establishment of bank accounts

- 19.2 The Council shall maintain one or more financial accounts at a financial institution that is a member institution to which the Canada Deposit Insurance Corporation has a duty to insure deposits pursuant to the *Canada Deposit Insurance Corporation Act*, R.S.C. 1985, c. C-3, as amended, and shall deposit in those accounts the following amounts:
- (a) payments received from Canada for the management and administration of Community Land pursuant to the Transfer Agreement or otherwise;
 - (b) moneys received by Muskeg Lake Cree Nation from the grant or

- (c) disposition of any interests or licences in Community Land;
all fees, fines, charges and levies collected under this Land Code or 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 Community Land pursuant to the Transfer Agreement; and
- (e) any other land revenue received by Muskeg Lake Cree Nation.

Signing officers

- 19.3 The Council shall authorize at least three persons, one of whom shall be a member of the Council, to sign cheques and other bills of exchange or transfer drawn on the account under section 19.2.

Two signatures

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

Fiscal year

- 19.5 The fiscal year of Muskeg Lake Cree Nation 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 adoption the land management budget or supplementary budget, the Council shall, without undue delay:
- (a) present the consolidated land management budget to the Members at an annual community meeting; and
 - (b) make a copy of the consolidated land management budget available at the administrative offices of Muskeg Lake Cree Nation for inspection by members during normal business hours of the Muskeg Lake Cree Nation.

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 or commit itself, by contract or otherwise, to expend moneys, unless such expenditure is authorized by or under a Land Law or resolution or an approved budget.

20. Financial Records

Books of account
and financial records

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

Offences

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

Preparation of
financial statement

- 20.3 Within 30 days after the end of each fiscal year, the Muskeg Lake Cree Nation shall have prepared and provided to the auditor financial statements in comparative form regarding the land related financial records of the Muskeg Lake Cree Nation, containing at a minimum:
- (a) a balance sheet;
 - (b) a statement of revenues and expenditures and a comparison of these with amounts stated in the consolidated land management budget and any supplementary budget; and
 - (c) any other information necessary for a fair presentation of the financial position of Muskeg Lake Cree Nation.

Consolidated
accounts

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

21. Appointment of AuditorAppointment of
auditor

- 21.1 For each fiscal year, a duly accredited auditor shall be appointed for the audit of the land related financial records of Muskeg Lake Cree Nation.

Holding office

- 21.2 The auditor appointed under this section holds office until re-appointed, until the auditor's term of office has been terminated by the Council, or until a new auditor is appointed.

Vacancy in office

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

Remuneration

- 21.4 The auditor's remuneration shall be paid by Muskeg Lake Cree Nation out of the transfer payments received from Canada.

Duty of auditor

- 21.5 The auditor shall, within 90 days after the end of Muskeg Lake Cree Nation's fiscal year, audit the financial statements regarding the land related financial records of the Muskeg Lake Cree Nation, in accordance with Canadian generally accepted auditing standards and prepare and submit to the Council, a written report on such financial statements, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of Community Land related financial transactions.

Access to records

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

Explanation of
auditor's report

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

22. Annual Report

Contents

- 22.1 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 considered worth including by the Council or Lands Advisory Committee.

23. Access to Information

Access

- 23.1 Any Member may, during the normal business hours of the Muskeg Lake Cree Nation in the administrative offices of the Muskeg Lake Cree Nation, have reasonable access to:
- (a) the register of laws;
 - (b) the auditor's report; and
 - (c) the annual report on land issues.

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 resolution of Council.

Copies for Others

- 23.3 Any person who is not a Member may, with the consent of Council, obtain a copy of the auditor's report on payment of a reasonable fee set by resolution of Council.

PART 6

LAND ADMINISTRATION

24. Lands Advisory Committee

Committee established

- 24.1 The Council shall, by resolution, establish a Community Land Advisory Committee to advise Council on land matters.

Composition

- 24.2 The Lands Advisory Committee shall be composed of at least 5 members, all of whom must be eligible voters.

Appointments by Council

- 24.3 The members of the Lands Advisory Committee shall be elected by the Members.

Terms and Duties

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

Procedures

- 24.5 The Lands Advisory Committee may make its own rules of procedure not inconsistent or in conflict with this Land Code or with those established by the Council.

Role of the Lands Advisory Committee

- 24.6 The Lands Advisory Committee shall advise the Council on the enacting of Land Laws and the granting of Interests or Licences.

Delegation of powers

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

Development of land
related policies

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

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

Rules on the Breakdown
of Marriage

24.9 Within 12 months of this Land Code coming into force, general rules and procedures, in cases of the breakdown of a marriage, respecting the use, occupation and possession of Community Land and the division of Interests in such lands, shall either be incorporated into this Land Code or enacted in a Land Law. The Land Advisory Committee shall, as soon as is reasonable after this Land Code comes into force, develop in consultation with the community, such rules and procedures.

Expropriation laws

24.10 Within a reasonable time of being requested to do so by the Council, the Lands Advisory Committee shall, in consultation with the community, develop procedures governing the expropriation of Community Land, the entitlement to, determination of and payment of compensation and the resolution of disputes concerning the right to expropriate and to address compensation issues.

Consultation process

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

Implementation of
policies

24.12 The policies developed by the Lands Advisory Committee shall be presented to the Council for consideration and implementation as Land Laws, Land Resolutions or as amendments to this Land Code, whichever is deemed by the Council to be most appropriate.

25. Membership of the Lands Advisory Committee

Eligibility to be a Lands Advisory Committee Member

- 25.1 Any eligible voter, whether resident on or off Community Land, is eligible for appointment to the Lands Advisory Committee, except for the following persons:
- (a) any person convicted of an offence that was prosecuted by way of indictment in the past 5 years;
 - (b) any person declared to be mentally incompetent by a court of competent jurisdiction in Canada or elsewhere;
 - (c) any person convicted of a corrupt practice in connection with accepting a bribe, dishonesty or wrongful conduct;
 - (d) any person who is a Chief or a Councillor of the Muskeg Lake Cree Nation;
 - (e) any employee of the Muskeg Lake Cree Nation employed on a full time basis; and
 - (g) any person residing outside a 120 kilometer radius of Reserve #102.

Term of office

- 25.2 The length of the term of office for members of the Lands Advisory Committee is the same as for the Council.

Selection procedures

- 25.3 The Council may establish procedures for the selection of members to the Lands Advisory Committee provided such procedures are not inconsistent or in conflict with this Land Code.

Vacancy of Lands Advisory Committee

- 25.4 The office of a member of the Lands Advisory Committee becomes vacant if the person, while holding office:
- (a) is or becomes ineligible to hold office under 25.1;
 - (b) ceases to be a Member;
 - (c) is absent for 3 consecutive meetings of the Lands Advisory Committee without being authorized to do so by the Lands Advisory Committee;

- (d) dies;
- (e) resigns;
- (f) fails to fulfill their obligations and duties required by this Land Code, upon the determination of the Land Advisory Committee; or
- (g) fails to disclose a conflict of interest in accordance with section 18.

Vacancy in term

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

Balance of term of office

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

26. Meetings of the Lands Advisory Committee

Chairperson

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

Functions of the Chairperson

26.2 The functions of the Chairperson are to:

- (a) to chair meetings of the Lands Advisory Committee; and
- (b) report to the Muskeg Lake Cree Nation on the activities of the Lands Advisory Committee.

Alternate Chairperson

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

Quarterly meetings

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

Rules for meetings

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

- (a) whenever possible, all meetings shall be held on Community Land provided that a meeting may be conducted by telephone or other facility which permits each member of the Lands Advisory Committee in attendance to communicate with all other members of the committee at the meeting;
- (b) the Chairperson shall chair meetings, provided that, in the absence of the Chairperson, another member of the committee appointed for that purpose by those in attendance shall chair a meeting;
- (c) the quorum for meetings of the Lands Advisory Committee shall be a majority of the members of the committee;
- (d) all decisions and actions of the Lands Advisory Committee shall be in accordance with a majority vote, which for greater certainty includes the Chairperson; and
- (e) written minutes of the proceedings at each meeting will be kept and the minutes of the preceding meeting approved or revised at the commencement of each meeting.

Access to minutes

26.6 A copy of the minutes of each meeting of the Lands Advisory Committee shall be provided to any Member who requests a copy, on payment of a reasonable fee set by the Council from time to time.

Council attendance

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

Member's attendance

26.8 Any Member, with prior notice to the Chairperson of the Lands Advisory Committee, provided they conduct themselves in an appropriate and professional manner shall have the right, at their own expense, to attend a meeting of the Lands Advisory Committee as an observer.

27. Revenue From Lands

Determination of Fees and Rent

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

28. Registration of Interests and Licences

Enforcement of interests and licences

- 28.1 An Interest or Licence in Community Land created or granted after this Land Code comes into effect or transfer or assignment of such Interest or Licence is not enforceable against a third party, Muskeg Lake Cree Nation or a member, unless it is registered in the Community Land Register.

Enforcement of mortgages and pledges

- 28.2 A charge, pledge or mortgage of a leasehold interest in Community Land or in a building on those lands under an Interest or Licence granted after this Land Code comes into effect is not enforceable against that leasehold interest unless it is registered in the Community Land Register.

Registration of consent or approval

- 28.3 No instrument evidencing an Interest or Licence or a transfer and assignment of an Interest or Licence, that requires consent of the Council, or community approval at a Community Meeting or by a Ratification Vote, may be registered unless a document evidencing such consent or approval, certified by the Chief of the Muskeg Lake Cree Nation or the chairperson of the Lands Advisory Committee is attached to the instrument.

Rules

- 28.4 The Council may make rules respecting the administration of the Community Land Register, the registration of Interests and Licences in it and the recording of any other matter, including but not limited to rules respecting:
- (a) the payment of fees for the registration of Interests and Licences and for any other service in relation to the register; and

- (b) the appointment, remuneration, powers, functions and duties of officers and employees who administer the register.

Duty to deposit

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

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

29. Duplicate Lands Register

Duty to maintain
duplicate register

29.1 The Council shall maintain a land register, to be known as the Community Land Register, in form and content the same as the First Nations Land Register.

Duty of member
to deposit

29.2 Every Member who receives an Interest or Licence in Community Land from another Member shall deposit an original copy of the relevant instrument in the Community Land Register.

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, Community Land may only be created, granted, disposed of, assigned or transferred by a written Land Resolution approved by Council, in accordance with this Land Code.

Standards

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

Improper transactions void

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

Grants to any person

30.4 Upon the recommendation of the Lands Advisory Committee, the Council may allocate or grant an Interest in or Licence to use Community Land to any person.

31. Existing Interests

Members Existing Interests

31.1 Member Interests in Community Land in existence, whether allocated pursuant to the *Indian Act*, custom of the Muskeg Lake Cree Nation or otherwise, shall continue in existence.

Continuation of Existing Interests

31.2 Any Interest in or Licence to use Community 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.

32. Land Management Powers

Authority to make dispositions

32.1 Muskeg Lake Cree Nation, acting through the Council, may grant:

- (a) interests and licences in Community Land, including leases, permits, easements and rights-of-ways, subject to section 12.1; and
- (b) permits to take resources from Community Land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances, subject to section 12.1.
- (c) interests and licences in lands held by certificates of possession, including leases, permits, easements and rights-of-ways; and
- (d) permits to take resources from lands held by certificate of possession,

including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional Grant

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

33. Certificates of Possession

Application

- 33.1 This section codifies the rights attaching to certificates of possession, whether issued under the *Indian Act* or under this Land Code.

Nature of Interest
In CP

- 33.2 Subject to sections 12.1, 28 and 32.1, a certificate of possession in respect of a parcel of land is an interest that entitles the Member holding it to:
- (a) permanent possession of the land;
 - (b) benefit from the resources arising from the land;
 - (c) grant subsidiary interests and licences in the land, including leases, permits, easements and rights-of-ways;
 - (d) transfer, devise or otherwise dispose of the land to another Member;
 - (e) grant permits to take resources from the land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances;
 - (f) any other rights, consistent with this Land Code, that are attached to certificates of possession under the *Indian Act*.
- 33.3 The Muskeg Lake Cree Nation recognizes the certificates of possession issued under the *Indian Act* to War Veterans and to other Members who became 21 years of age, or for some other reason.

34. Allocation of Land

Allocation of Lots
By Procedure

- 34.1 The Council may, with the recommendation of the Lands Advisory Committee,

allocate lots of available land to Members in accordance with procedures established by the Council.

No Community
Approval

34.2 No community approval is required for the allocation of lots to members.

No Allocation of Lots
To Non-members

34.3 A person who is not a Member is not entitled to be allocated a lot or to hold a permanent interest in Community Land.

Issuance of
certificate

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

35. Transfer and Assignment of Interests

Transfer of CPs

35.1 A Member may transfer or assign a certificate of possession to another Member without the need for any community approval or consent of the Council.

Consent of Council

- 35.2 Except for transfers under section 35.1 and transfers that occur by valid will or operation of law:
- (a) there shall be no transfer or assignment of an interest in Community Land without the written consent of the Council; and
 - (b) the grant of an interest or licence is deemed to include section 35.2(a) as a condition of any subsequent transfers or assignments.

36. Limits on Mortgages and Seizures

Protections

36.1 In accordance with the *Framework Agreement*, section 29, section 87 subsections 89(1) and (2) of the *Indian Act* continue to apply to Community Land.

Mortgage of CP

36.2 The interest of a Member in Community Land may be subject to a mortgage or charge, but only to the Muskeg Lake Cree Nation with the written consent of the Council.

Limits on Mortgage

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

Exception

- 36.4 The term of any charge or mortgage shall not exceed 30 years, unless it receives the written consent of the Council and community approval by Community Meeting has been given.

Enforcement of charge or mortgage

- 36.5 A charge or mortgage of a leasehold interest is not subject to seizure, attachment, distress, foreclosure or any other form of execution, unless:
- (a) the charge or mortgage was consented to by the Council;
 - (b) the charge or mortgage was registered in the Community Land Register;
 - (c) a reasonable opportunity to redeem the charge or mortgage is given to the Council.

Power of redemption

- 36.6 If the Council exercises its power of redemption, Muskeg Lake Cree Nation becomes the lessee of the land and takes the position of the charger or mortgager for the purposes after the date of the redemption.

37. Residency and Access Rights

Right of residence

- 37.1 Subject to sections 37.3 and 37.4, the following persons have a right to reside on Community Land:
- (a) Members and their spouses and children;
 - (b) a holder of an Interest or Licence, in accordance with the provisions of the instrument granting the Interest or Licence; and
 - (c) any invitee of a Member referred to in clause (a).

Right of access

- 37.2 Subject to sections 37.3 and 37.4, the following persons, provided they comply with all applicable laws and they do not trespass on occupied land or interfere

with any Interest or Licence granted in Community Land, have a right to access Community Land:

- (a) a holder of an Interest or Licence and those granted a right of access under the Interest or Licence;
- (b) Members, their spouses, and children;
- (c) an invitee of a Member referred to in clause (b);
- (d) a person accessing Community Land for social, recreational or business purpose; or
- (e) a person authorized in writing by the Council, or under a Muskeg Lake Cree Nation law.

Denial of access

- 37.3 Subject to section 37.4, the Council may, for valid and fair reasons, deny or restrict the right to reside on or to access Muskeg Cree Nation Land to any person if, at a duly convened meeting a quorum of the Council vote in favour of a resolution denying or restricting such right of the person.

Denial to Members

- 37.4 The Council may not deny or restrict the right to reside on or to access Community Land to a Member unless such denial or restriction receives community approval in accordance with Section 12.1 (i) of this Land Code.

Trespass

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

Civil remedies

- 37.6 All civil remedies for trespass are preserved.

38. Spousal Property Law

Development of rules and procedures

- 38.1 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 Community Land; and

- (b) the division of interests in that land.

Enactment of rules
and procedures

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

Enactment deadline

- 38.3 The spousal property law must be enacted within 12 months from the date this Land Code takes effect.

General principles

- 38.4 For greater certainty, the rules and procedures developed by the Lands Advisory Committee under this section must respect the following general principles:
- (a) each spouse should have an equal right to possession of their matrimonial home;
 - (b) each spouse should be entitled to an undivided half interest in the matrimonial home, as a tenant in common;
 - (c) the rules and procedures shall not discriminate on the basis of sex; and
 - (e) only Members are entitled to hold a permanent interest in Community Land or a charge against a permanent interest in Community Land.

Immediate rules

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

PART 8

DISPUTE RESOLUTION

39. Local Dispute Resolution System

Appealable disputes

- 39.1 Matters that may be appealed are as follows:

- (a) whether a Land Law was enacted or Land Resolution was passed in accordance with the procedures provided for in this Land Code;
- (b) any matter regarding the allocation of residential lots to Members;
- (c) any matter regarding residency and access rights; and
- (d) any matter provided for by a Land Law or Interest or Licence.

Disputes not resolved
by Council

39.2 If there is an appealable dispute that cannot be resolved by the Council or the Lands Advisory Committee, a Member or any person with an Interest or Licence in Community Land may, in accordance with this section, appeal the dispute.

Limitation period

39.3 The limitation period for an appeal is 30 days after the day the decision, act or omission being appealed was made.

Appeal procedures

39.4 Subject to any Land Law, an appeal shall be made and determined in accordance with the following procedures:

- (a) a person wishing to commence an appeal shall, within 30 days of the day the decision, act or omission being appealed was made, file a notice of appeal by forwarding to the Muskeg Lake Cree Nation, notice of his or her appeal, along with a statutory declaration setting out the matter which the person is appealing and the grounds of the appeal;
- (b) within 10 days of receiving the notice of appeal a dispute resolution body shall be established in accordance with section 39.5;
- (c) the Council shall within 5 working days of the dispute resolution body being established, forward to the dispute resolution body the following:
 - (i) the notice of appeal and statutory declaration received from the person making the appeal; and
 - (ii) a statutory declaration containing answers to the particulars set out in the person's statutory declaration;
- (d) the dispute resolution body shall within 5 days of receiving the information from the Council forward the statutory declaration received from the Council to the person making the appeal and to the Lands Advisory Committee;

- (e) the person making the appeal and the Lands Advisory Committee may, within 5 days of receiving the information from the dispute resolution body, forward to the dispute resolution body a statutory declaration containing answers to the particulars set out in the Council's statutory declaration;
- (f) the dispute resolution body shall, unless agreed by the Council and the person making the appeal provide its decision within 30 days of receiving the statutory declaration containing answers to the particulars set out in the Council's statutory declaration from the person making the appeal and/or the Lands Advisory Committee;
- (g) the dispute resolution body may conduct such investigation or hold any hearings as it deems necessary to dispose of the appeal; and
- (h) the dispute resolution body may establish any procedures necessary to conduct an appeal, provided such procedures are not inconsistent or in conflict with this Land Code or any Land Law.

Dispute resolution body

39.5 Whenever a dispute resolution body is required under the terms of this section of this Land Code it shall be composed of 5 individuals and shall be established as follows:

- (a) the Council and the person making the appeal shall each appoint two individuals within 5 days of the notice of appeal being received by the Muskeg Lake Cree Nation;
- (b) the four individuals appointed by the Council and the person making the appeal shall appoint the fifth individual. In the event the four individuals are unable to come to an agreement on the appointment of the fifth member of the dispute resolution body within 5 days of them being appointed, then the fifth individual to the dispute resolution body shall be appointed by the Lands Advisory Board established under the *Framework Agreement*.

Stay of matter

39.6 A matter appealed shall be stayed and no action taken on the matter pending the disposition of the appeal.

Improper influence

39.7 (a) Any attempt by a person making an appeal or by an Immediate Relative of such person to improperly influence a decision of the dispute resolution body will result in the automatic rejection of the appeal.

- (b) Any attempt by a person responding to an appeal or by an Immediate Relative of such person to improperly influence a decision of the dispute resolution body will result in the automatic granting of the appeal, and at the very least, a referral of the matter or dispute back for a new hearing or decisions.

Power on appeal

39.8 The dispute resolution body may, after hearing an appeal:

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

Majority decision

39.9 All decisions and actions of the dispute resolution body shall be in accordance with a majority vote.

Decision final

39.10 A decision of the dispute resolution body is final and binding, subject to any exception established by a Land Law.

Written decisions

39.11 Decisions of the dispute resolution body must be in writing, signed by the person chairing the dispute resolution body or by an officer designated by the dispute resolution body to do so.

Reasons

39.12 The dispute resolution body may give reasons for its decision, and shall do so in writing if a party to the proceedings requests them before, or within 14 days after, the date of the decision.

PART 9

OTHER MATTERS

40. Indemnity and Liability Coverage

Indemnity

40.1 Members of the Council, the Lands Advisory Committee, a dispute resolution body and officers and employees engaged in carrying out any matter related to

the administration of Community Land are indemnified and saved harmless for all claims, liabilities and demands of any kind or nature whatsoever arising from the performance of their obligations and duties under this Land Code, a Land Law or a Land Resolution, provided they have not acted fraudulently or negligently in the performance of their obligations and duties.

Liability Coverage

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

Extent of Coverage

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

41. Offences

Application of the Criminal Code

- 41.1 Unless some other procedure is provided for by a Land 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 Land Law.

42. Amendments to Land Code

Community approval

- 42.1 To be effective, all amendments to this Land Code must receive community approval by a ratification vote.

Verifier

- 42.2 A verifier is required in any ratification vote on an amendment.

43. Commencement

Preconditions

- 43.1 This Land Code shall not come into force unless:
- (a) the community approves this Land Code and the Transfer Agreement with Canada and this Land Code has been certified by the verifier pursuant to the *Framework Agreement* and the *First Nations Land Management Act*; and

(b) the Individual Agreement has been signed by Canada.

Commencement
date

43.2 Subject to section 43.1, this Land Code shall come into force on the first day of the month following the certification of this Land Code by the verifier.

