

LIL'WAT NATION



The Lil'wat Land Law Policy recommendations include Lil'wat Land Laws that have always existed and been followed; these laws have never been written but people always knew that they existed as Lil'wat Law. Presently we are drafting traditional customs into a written version of Lil'wat Laws; Therefore, this proposed Land Law should be formally adopted as the written version of the past Lil'wat Land Law; and furthermore this Law not being "new" law to Lil'wat today is being presented today to become the approved "written" law by the Lil'wat people.

- Lil'wat Land Law Recommendations 1985

Motion no. 004 dated, July 20, 2010

It was moved that the Lil'wat Nation/Mount Currie Band Council move to adopt an updated Lil'wat Land Law to repeal the policy adopted in 1986, and replace it with the documented presented at a council meeting in February 2010, and again in June 2010. This policy comes into force on the day it is accepted by council, and will be utilized by staff to deal with Land Registration issues, land disputes, and other matters pertaining to on-reserve lands.

Mover: Councillor Vaughan Gabriel

Seconded by: Councillor Chris Wells

All in Favor/Motion Carried

[LAND LAW POLICY]

A policy setting out the rules, regulations and responsibilities on the Lil'wat Nation Reserve Land



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SECTION 1: INTRODUCTION

1.1 Preamble

WHEREAS the Lil'wat Nation (“the Nation”) has its own customs, rules and proceedings relating to the use of Lil'wat Nation land;

AND WHEREAS the Land Management Portfolio of the Nation prepared the previous land law as a reflection of previously existing laws of the people of Lil'wat Nation;

AND WHEREAS at a general meeting of the Nation, held March 23, 1986, the citizenship had approved a previous land law and has approved that the Government of the Nation will continue, in the future, to assert jurisdiction over the use of Band land and over its traditional territory;

AND WHEREAS the *Lil'wat Nation Strategic Plan 2005-2010* identified an update of the 1986 Lil'wat Land Policy as a priority;

AND WHEREAS the Lil'wat Land Law Policy (2010) has been presented at community meetings in March and June 2010, and to council in February and July 2010;

NOW THEREFORE the Council of the Band, in accordance with the wishes of the citizens of the Nation repeals the Lil'wat Land Law Policy of 1986 and enacts as its law the following land law as of July 20th, 2010:

1.2 Definitions

Allotment	Means granting the right to use and occupy reserve land to a citizen of the Lil'wat Nation
Cardex Holdings	Means an historical individual interest in reserve land created by Band Council Resolution and approved by the Minister under section 20(1) of the <i>Indian Act</i> . The interest of the holder of a Cardex holding is considered lawful possession under the <i>Indian Act</i> , however, no evidence of title is issued (NETI) until the land is surveyed.
Certificate of Possession	Means evidence of lawful possession under section 20(1) of the <i>Indian Act</i>



Citizenship	Means being a member of the Mount Currie Band, as defined the Mount Currie Band Membership Code, until such a time that the Lil'wat Nation adopts an updated Citizenship Code, upon which the Citizenship Code will replace the Membership Code in this document
Common-Law Marriage	Means two persons not married to each other that have lived together as spouses for a period of not less than one year
Council or Band Council	Means the elected council of the Lil'wat Nation and includes the Chief Councilor
Custom Allotment	Means the right to occupy reserve land which is granted to an individual based on Lil'wat tradition
Family	Means the grandparents, parents, siblings, children, spouse, nieces, nephews, and grand-children of an individual
Family Land	Means the land set aside for the family of an individual, either in equal portions or with a designated caretaker
Family Land Holding	Means that land is registered to the family of an individual and that the land exists for the use and benefit of that family, and their descendants in equal measures. Any children this spouse may have with another person after the death of a family land holder do not share in these rights, except with the agreement of all other children.
Land and Reserve Land	Means all rights and resources in and of the land, including the water, beds underlying water, riparian rights, minerals and subsurface resources and all other renewable and non-renewable resources of the land. Reserve Land means all those lands set aside for the use and benefit of the Lil'wat Nation under Section 18(2) of the <i>Indian Act</i> ;
Land Law	Means the Lil'wat Land Law, which sets out the authorities and responsibilities of the Lil'wat Nation in relation to lands.
Land Management Board	Means those delegated the responsibility of guiding Chief and Council on decisions relating to on-reserve lands based on the Land Management Board Terms of Reference



Land Management Portfolio	Means the elected councilor who is appointed to represent Chief and Council in matters relating to lands
Land Use Designation	Means the type of use allowed in a portion of land
Land Registrar	Means the person appointed by resolution of the Band Council to perform the duties and functions under the Land Law;
Nation	Means the Lil'wat Nation
Occupy	Means that the land can be occupied for a pre- defined period of time.
Possess	Means the ownership, according to Lil'wat Nation customs and traditions set out in this document, of a defined parcel of land
Registration	Means land that has been approved by the Lil'wat Nation Land Management Board and entered into the Land Registry
Reside	Means the right of someone to live on a property, or in a house, without the right to own the land or house
Technical Staff	Means anyone employed by the Mount Currie Band
Use	Means the land can be used in a way that benefits the citizen or Nation
Will	Means a legal declaration by which a person, the testator, names one or more persons to manage his estate and provides for the transfer of his property at death
Zoning By-Law	Means the by-law adopted by Chief and Council to divide the reserves into zones for the purpose of regulating its use.

1.3 Interpretation

(a) If there is an inconsistency or conflict between this Land Law and any other enactment of the Nation, this Land Law shall prevail to the extent of the inconsistency or conflict.



(b) The structures, organizations, by-laws, laws, policies and procedures established by or under this Land Law shall be interpreted in accordance with the culture, traditions and customs of the Nation unless otherwise provided.

(c) This Land Law shall be interpreted in a fair, large and liberal manner.

(d) The preamble may be used to interpret this Land Law.

(e) Through this Land Law, the Nation will exercise its inherent right of self-government and provide for governance that is accessible, stable, effective, accountable and transparent.

1.4 Purpose

(a) The purpose of this Land Law is to set out the principles and administrative structures that apply to the land.

1.5 Land Descriptions

(a) The Lil'wat Nation Land Law affects all lands defined in the Indian Lands Registry as being set aside for the use and benefit of the Lil'wat Nation. This is based on a portion of the Lil'wat Nation Traditional Territory encompassing the reserves currently held for the Mount Currie Band. This law addresses the 10 Reserves included in the Reserve Schedule follows:

- Mount Currie IR #1
- Mount Currie IR #2
- Nesuch IR #3
- Lokla IR #4
- Challetkohum IR #5
- Mount Currie IR #6
- Mount Currie IR #7
- Mount Currie IR # 8
- Challetkohum IR #9
- Mount Currie IR #10

(b) This also includes any and all future reserve lands.



1.6 Authority

(a) The authority of the First Nation to govern its land and resources flows from its inherent right of self-government and its rights, including aboriginal title and those rights. For greater certainty, Council may, in accordance with this Land Law, make by-laws, in relation to:

- 1) development, conservation, protection, management , use and possession of land;
- 2) interests in, and permits and licenses, to use land;
- 3) any matter necessary to give effect to this Land Law;
- 4) zoning and land use planning;
- 5) environment;
- 6) archaeological assessment and protection;
- 7) enforcement;
- 8)provision of services for the resolution of disputes;
- 9) setting aside and regulation of parks, parklands and recreational lands;
- 10)setting aside and regulation of heritage lands;
- 11)creation of management and administrative bodies;
- 12) nuisances;
- 13) sanitary conditions;
- 14) construction and maintenance of boundary and internal fences;
- 15) construction, maintenance and management of roads, water courses, water diversions, storm drains, bridges, ditches and other local and public works; and regulation of traffic and transportation.
- 16) Licensing of businesses

1.7 Register of Laws

(a) Council will ensure that original copy of all Laws and Resolutions, including Laws and Resolutions that have been repealed or are otherwise no longer in force will be kept at the Lil'wat Nation Community Complex.

(b) Any citizen or staff member may, during regular business hours at the Lil'wat Nation Community Complex, have reasonable access to the register of Laws.

(c) Any citizen may obtain a copy of a Law or Resolution upon payment of such reasonable fee as may be set by Council or a body designated by Council

1.8 Process to Amend



(a) The Lil'wat Land Law Policy may be amended by following the procedure set out in Section 2: Development of a Regulatory Measure Procedure.

1.9 All Land Required

(a) The Band declares that all land is required for the use of buildings, gardens or for the more convenient use of buildings located in the community.

SECTION 2: DEVELOPMENT OF A REGULATORY MEASURE PROCEDURE

2.1 Initiation

(a) A procedure for the development of by-laws can be initiated as follows and follow the three readings system set out in sections 2.2, 2.3, and 2.4. The initiation of any of the preceding may occur by:

- 1) Band Council Resolution (BCR)
- 2) Petition of 150 eligible voters
- 3) Recommended through motion by a committee representing Chief and Council.
- 4) Chief and Council may, with a BCR establish a temporary task force with the authority to recommend by-laws, laws, and other regulatory measures.
- 5) Council may enact a temporary (less than one year) law without the following procedure, if Council determines that not enacting this law puts the health and/or safety of the community in jeopardy. The Law will expire after one (1) year.

(b) Upon this recommendation, staff will draft, or engage a qualified consultant to draft a by-law with appropriate community engagement.

(c) Upon recommendation, Council may recommend this process be used in the adoption of other documents, policies, administrative structures, and regulatory measures as it deems necessary.

2.2 First Reading: Acceptance in Principle

(a) Upon completion of the draft law, Council shall table the draft law at a regular meeting of Council.



(b) After considering the draft law at the Council meeting, Council shall, by motion:

- 1) Accept the draft law in principle;
- 2) Reject the draft law; or
- 3) Request further work on the draft law and decide to re-table the draft law at a future Council meeting. This date must be within three months of this council meeting.

(c) Upon the request of any Eligible Voter or technical staff, Council shall explain the reasons for rejecting a draft law.

2.3 Second Reading: Special Citizenship Meeting

(a) Where Council has accepted the draft law in principle, it shall schedule a Special Citizenship Meeting or a regularly scheduled General Assembly for the purpose of considering the draft law, and shall provide notice to the Citizenship at least seven (7) days before the date of the meeting.

(b) The notice required shall include:

- 1) The date, time and place of the Special Citizenship Meeting;
- 2) A summary of the draft law; and
- 3) Notification that a full copy of the draft law can be obtained by Citizens at the Lil'wat Nation Community Complex.

(c) Notice shall be provided to the Citizenship by:

- 1) Publication in the Lil'wat Nation newsletter mailed to Eligible Voters, or by separate written notice delivered or mailed to Eligible Voters; and
- 2) Posting of the notice in a public area of the Lil'wat Nation Community Complex

(d) Copies of the draft law shall be made available to Citizens attending the Special Citizenship Meeting.

(e) At the Special Citizenship Meeting, Council or its designate shall explain the purpose and provisions of the draft law, and Citizens may ask questions and provide comments.



2.4 Third Reading: Enactment of the Law

(a) After the Special Citizenship Meeting, Council shall consider the comments received from Citizens, the needs of the community and other relevant matters, and shall prepare a final draft law that will be considered for enactment at a duly convened meeting of Chief and Council within one month of the Special Citizenship Meeting.

(b) Notice of the Council meeting where the final draft law will be considered shall be posted at least seven (7) days before the meeting in a public area of the Lil'wat Nation administration building and shall include:

- 1) A summary of the final draft law;
- 2) Notification that full copy of the final draft law can be obtained by Citizens at the Lil'wat Nation Community Complex;
- 3) A statement that the final draft law will be considered for enactment at the Council meeting; and
- 4) The date, time and place of the Council meeting.

(c) At the Council meeting, Council shall consider the final draft law and, by Resolution:

- 1) Enact the final draft law as a Lil'wat Nation Law;
- 2) Make changes to the final draft law;
- 3) Reject the final draft law;
- 4) Decide to hold another Special Citizenship Meeting for further comment on the draft law;
- 5) Refer the final draft law to a Special Citizenship Meeting for enactment by Eligible Voters;

(d) Council shall post notice in a public place of the Lil'wat Nation Community Complex, setting out the decision reached by Council concerning a final draft law.

(e) Where Council decides to make substantive changes to a final draft law, Council shall schedule a further Special Citizenship Meeting to consider the draft law and the procedure set out in Section 2.3 shall be followed.

(f) Where Council decides to refer the final draft law to a Special Citizenship Meeting for enactment by Eligible Voters present at such meeting, Council shall schedule a date for the Special Citizenship Meeting.

(g) Notice of the Special Citizenship Meeting where the final draft law will be considered for enactment shall be given to the Citizenship at least seven (7) days before the meeting and shall include:



- 1) A summary of the final draft law;
 - 2) Notification that a full copy of the final draft law can be obtained by Citizens at the Lil'wat Nation administration building;
 - 3) A statement that there will be a vote by secret ballot of the Eligible Voters present at the Special Citizenship Meeting to make a decision on whether or not to enact the final draft law; and
 - 4) The date, time and place of the Special Citizenship Meeting also specifying the time period during which voting will take place.
- (h) Notice of the Special Citizenship Meeting shall be provided to the Citizenship by:
- 1) Publication in the Lil'wat Nation newsletter mailed to Eligible Voters on reserve, or by separate written notice delivered or mailed to Eligible Voters; and
 - 2) Posting of the notice in a public area of the Lil'wat Nation Administration building.
- (i) At the Special Citizenship Meeting, copies of the final draft law shall be made available to Citizens in attendance.
- (j) At the Special Citizenship Meeting, the purpose and provisions of the final draft law shall be explained to the Citizens present at the meeting, and Citizens shall be entitled to ask questions and provide comments.
- (k) Upon completion of discussion on the final draft law the Eligible Voters, including Council members, present at the Special Citizenship Meeting shall vote by secret ballot on the final draft law.
- (l) The law shall be deemed enacted if a Majority of Eligible Voters present at the Special Citizenship Meeting vote in favour of enacting the law.
- (m) If the law is not passed by a Majority of Eligible Voters present at the Special Citizenship Meeting, then council may return the law back to first reading for review.
- (n) The decision at the Special Citizenship Meeting shall be recorded in the minutes and shall have the same effect as a Resolution enacting or not enacting a Lil'wat Nation Law.
- (o) The result of a referendum shall have the same effect as a Resolution enacting a Lil'wat Nation Law.



SECTION 3: LAND REGISTRATION

3.1 Land Registration

- (a) Citizens are prohibited from registering their land under Certificate of Possession pursuant to the Indian Act.
- (b) Only citizens of the Lil'wat Nation can hold interest in registered land.
- (c) People, other than citizens may have the right to occupy, reside upon or otherwise use a parcel of land according to policy.
- (d) Land held under this section will be for *the right to use and occupy* a piece of land that has been approved by the Lil'wat Nation Land Management Board, and for which proof of this approval exists. This *right to use and occupy* must be in accordance with the Community Land Use Plan adopted in September 2009, and any subsequent amendments, or replacements.
- (e) Transfers and sales occurring after this policy comes into place will not be considered valid without the approval of the Land Management Board.
- (f) No registration/transfer/sale of land will be acknowledged until the Land Management Board is convinced that no dispute exists over that land. If a dispute does exist, it will dealt with according to policy set out in Section 7.
- (g) The following allotments are recognized by this Land Law
- 1) Legal Allotments under Section 20 of the *Indian Act*
 - a. Certificate of Possession
 - b. Cardex Holdings
 - 2) Traditional Holdings/ Custom Allotments
- This Land Law recognizes the rights of those Lil'wat Citizens who have been using land, inherited land, or purchased land within the community, and have gone through the registration process.



(h) An individual who completes the land registration process and has their land entered into the Lil'wat Nation Land Registry shall hold the right to use and occupy that piece of land indefinitely, or until such a time it can be challenged according to policy.

(i) Land may be registered and held by an individual or family according to the wishes of the citizen(s) registering the land.

(j) It is recognized that for a variety of reasons land may be transferred. Upon coming into force, no transfer of land will be recognized without the prior approval of Land Management Board. For the purpose of the land law, the following transfers are recognized:

- 1) Sales: an agreement in which property is transferred from the seller to the buyer for a fixed price
 - a) In the case of sales, the Lil'wat Nation will take no responsibility for loss of land/money. It is the responsibility of the transferor to ensure that complete payment is received.
- 2) Transfers: Giving land to another citizen
- 3) Trades: Where a citizen agrees to transfer ownership of an allotment in exchange for another allotment
- 4) Disputed Land: Where through the dispute resolution process, it has been determined that one citizen has been using and/or occupying a parcel of land that belongs to another citizen, this land will be transferred to the rightful owner
- 5) Estate: If a citizen becomes deceased, their interest in land is passed to another citizen or citizens according to the policy set out in Section 4.

(k) The Land Management Board shall approve any transfer of family land to other family members. Transfers of family land shall only be to a citizen of the Nation.

- 1) Absolute Transfer: The owner relinquishes all rights to the land, and transfers the right to use and occupy to the designated person.
- 2) Family Land Use: The family retains the right to use and occupy a piece of land, but gives an individual family citizen the right to use and occupy or portion or the whole of a piece of family land for a designated length of time. The family retains the ownership rights.

3.2 Traditional Land Holdings

(a) There are two types of traditional holdings:

1. Individual Land: The land is held by an individual, or couple.



2. Family Land: Any children this spouse may have with another person after the death of a family land holder do not share in these rights, except with the agreement of all other children.

(b) It is recognized that many families will establish a caretaker for family land. The three levels of caretaker of family land are as follows:

1. Absolute Caretaker: An absolute caretaker occurs when a parent or family decides to put full control over family land into one person, should the land owner pass away. This person will be responsible for distribution and administration of family land.

2. Spokesperson: The spokesperson will be the main contact for a family land allotment. They will be responsible for gathering the opinions of other family citizens as well as ensuring that all family citizens are notified when making a decisions regarding family land.

3. No Appointed: In an instance where no spokesperson or absolute caretaker has been appointed, all family members will need to be present for decision making. This presence can be replaced by signatures or letters stating they approve, or disapprove of a conditional land use. The main contact will be the eldest child or another child designated in writing by other family citizens.

(c) Types of Individual Interest

- a. Sole Possession:
 1. The land belongs to a single individual, with singular control over the allotment
- b. Joint Tenancy
 1. Held by two or more persons as an undivided interest in such a manner, that upon death of one of the joint tenants, the surviving (living) joint tenant(s) automatically holds the entire interest of the property
- c. Tenancy in Common
 1. Held by two or more persons, each of whom holds an undivided interest, which upon death can pass to the heirs and/or beneficiaries through the estate of the deceased

(d) Family land will not be sold outside the family, unless all citizens of the family consent to such disposition. The Land Registrar shall ensure that such consent has been obtained,



on evidence satisfactory to the Land Management Board, before considering the transfer. If there is only one member of the family who is alive, the consent of others representing the other family members must be obtained.

(e) Transferring Citizenship

- 1) When a Lil'wat citizen loses citizenship, they have six (6) months from the date of change to transfer their interests, otherwise, the land, any improvements, permanent or otherwise and all possessions located on it become band property.
- 2) When a Lil'wat citizen loses citizenship and has an interest in family land, they relinquish their interest in that family land.

(f) It is recognized that an individual without family land, nor access to any other land may apply to the Lil'wat Nation Land and Resources Department, or appropriate department for a piece of land. "Requests for Land" will be dealt with according to policy created after this Land Law comes into force.

(g) Lil'wat Nation Land Registry:

- 1) The Lil'wat Nation Land Registry will be an accurate recording of interests and rights in land located within the boundaries of Lil'wat Nation, and all future lands.
- 2) The registry will be administered by the Lands Officer or appropriately delegated staff. The responsibility of administration can be changed by resolution of the Land Management Board, with a BCR passed by Chief and Council.

(h) Right of Occupancy Certificate

- 1) For any lands entered into the Lil'wat Nation Land Registry, a Right of Occupancy Certificate will be issued. Citizens will be provided additional copies upon request. Council retains the right to charge as cost-recovery for additional copies.



SECTION 4.0 WILLS AND INTESTACY

4.1 Situations

(a) There are four potential situations when someone passes away:

- 1) The land is registered, and the person has a will
- 2) The land is registered and the person doesn't have a will
- 3) The land is not registered and the person has a will
- 4) The land is not registered and the person doesn't have a will

(b) The order of preference for determining who receives a piece of land is:

- 1) Will
- 2) Land Registration Papers
- 3) Administrator of the Estate
- 4) Family meeting

(c) If an individual has a will and a registered piece of land, then the will is followed

(d) If the land is registered and someone doesn't have a will, then the order of preference followed in section 4.1 (b) is followed.

(d) If the land is not registered and a person has a will, then it is the responsibility of the deceased's family, with the Lands Officer to determine if the land is registerable, and to complete the land registration process. If the land is in dispute, follow the dispute resolution process. If, after one year no one attempts to register the land, it will go to the dispute resolution panel for a decision. If no family members who are citizens remain in the community, the land will be reverted back to the band and re-distributed.

(e) If the land is not registered, and there is no will, it is the administrator of the will's responsibility with the Lands Officer to determine if the land is registerable, and to complete the land registration process. If the land is in dispute, follow the dispute resolution process. If, after one year no one attempts to register the land, it will go to the dispute resolution panel for a decision. If no family members who are citizens remain in the community, the land will be reverted back to the band and re-distributed.



SECTION 5: ROADS AND EASEMENTS:

5.1 Community Purposes

(a) The Land Management Portfolio, in consultation with Chief and Council and staff, including Land, Housing, and Public Works as may be necessary, shall provide easements through land required for road, sewer, water, flood control, driveways, property access or other community purposes. As far as possible, the Portfolio will obtain the consent of Band citizens when required to go through family land, provided that such consent shall not be unreasonably withheld.

(b) All trails and roads through the land shall be for the use of Band citizens, except such roads as are built solely by a citizen, for the specific use of a particular piece of family land. Citizens are absolutely prohibited from fencing their property in such a way to prevent access to other parts of land, by other citizens. With the approval of the Land Management Board, any Citizen may install a gate to the satisfaction of the Land Management, so that access is provided.



SECTION 6: HERITAGE SITES

6.1 Definition and Ownership

(a) The Lil'wat definition of cultural heritage is inclusive and holistic. To us, cultural heritage includes expressions of culture (songs, dances, art, stories and legends), places of cultural practice (traditional use areas), locales of spiritual and ceremonial significance (including prominent landscape features such as mountain peaks or rivers), and places on the landscape where our people lived (archaeological sites) and were buried. Lil'wat cultural heritage is intimately connected to our landscape and as such includes both human made and natural features. (Lil'wat Heritage Policy [2005]).

(b) All heritage sites belong to the Lil'wat Nation collectively and are to be protected.



SECTION 7: DISPUTE RESOLUTION PROCESS

7.1 Intent

(a) The intent of this Dispute Resolution Process (DRP) is to ensure that all persons entitled to possess, reside upon, use or otherwise occupy allotted Land:

- 1) do so harmoniously with due respect for the rights of others and of the First Nation; and
- 2) have access to First Nation procedures to resolve disputes.

7.2 Background

(a) The First Nation intends that wherever possible, a dispute in relation to First Nation Land will be resolved through informal discussion by the parties to the dispute and nothing in this DRP will be construed to limit the ability of any person to settle a dispute without recourse to this DRP.

(b) The First Nation further intends that a dispute in relation to First Nation Land that is not resolved by informal discussion will, except as otherwise provided, progress in sequence through the following stages provided for in this DRP:

- 1) facilitated discussions;
- 2) hearing by the Dispute Resolution Panel.

(c) The following persons may file a Notice of Dispute under this DRP:

- 1) a Citizen who claims an interest in First Nation Land based on a registered interest;
- 2) a citizen who has a dispute with another person or with the First Nation in relation to the possession, use or occupation of land;
- 3) the Nation when asserting an interest in land; and
- 4) the Nation when disputing the possession, use or occupation of land.

(d) For greater certainty, disputes that originated before this policy comes into effect may be decided under this DRP.



(e) All persons involved in a dispute under this DRP must be:

- 1) treated fairly;
- 2) given a full and equal opportunity to present their case; and
- 3) given reasons for a decision made under this DRP.

(f) Council may prescribe such rules, policies, procedures, forms and reasonable fees not inconsistent with this Land Policy as may be necessary to give effect to this DRP.

(g) A person who wishes to resolve a dispute with another person or the First Nation in relation to the possession, use or occupation of First Nation Land may file a written Notice of Dispute with the Lands Officer setting out:

- 1) the nature of the dispute;
- 2) the facts and supporting arguments upon which the Person filing the Notice of Dispute relies; and
- 3) the relief that is sought.

7.3 Facilitated Discussions

First Stage Procedure

(a) Within 30 days of receiving a Notice of Dispute, the Lands Manager will prepare and deliver a report on the dispute and a copy of the Notice of Dispute to the Chair of the Panel. The Chair of the Panel is the councilor with Lands Portfolio.

(b) As soon as practicable after receiving a report and Notice of Dispute the Chair of the Panel or, at the request of the Chair of the Panel, another person not in conflict with the dispute and designated by the Chair of the Panel for that purpose, will make best efforts to meet with the parties and attempt to resolve the dispute through facilitated discussions.

(c) In setting the date and time of the meeting the Chair of the Panel or other person appointed may consider any need to:

- (a) obtain further information;
- (b) give notice of the dispute to others who have or may have an interest in the dispute; or
- (c) obtain professional advice in relation to the dispute.

(d) Where the Chair of the Panel or other person appointed concludes that the dispute cannot be resolved through facilitated discussions, they may in their sole discretion direct that the dispute proceed to mediation or hearing by the Panel.



7.4 Hearing by Dispute Resolution Panel

(a) If a dispute is not resolved by facilitated discussions, the Panel will hear the dispute at a place and time to be determined by the Panel.

(b) Unless otherwise provided in this DRP, the Dispute Resolution Panel will establish procedures consistent with this Land Law Policy for hearing disputes by the Dispute Resolution Panel.

(c) A dispute will be heard by seven members of the Panel who have no interest or conflict of interest in the dispute, selected as follows:

- (a) Three members of Chief and Council.
- (b) Three citizens, who are not current Chief and Council or Land Management Board members.
- (c) One member of the Land Management Board

(d) The Panel may, after hearing a dispute:

- (a) confirm in whole or in part the decision that is the subject of the dispute;
- (b) reverse in whole or in part the decision that is the subject of the dispute;
- (c) substitute its own decision for the decision in dispute;
- (d) direct that an action be taken or ceased;
- (e) refer the subject of the dispute for reconsideration by the decision maker;
- (f) make an order to give effect to its decision, including any necessary order for the survey of an interest in First Nation Land, the registration of an interest in First Nation Land, and the allocation of the costs of any incidental measures to be taken to give effect to such an order; or

(e) In addition to making a determination, the Panel may:

- 1) make any other recommendation to Council that it deems reasonable and necessary in the circumstances.

(f) The Panel may, in relation to a dispute over which it has jurisdiction under this DRP, make any interim order it considers necessary to preserve the rights of the parties to the dispute or to preserve or protect an interest in First Nation Land.

(g) Decisions of the Panel will be in writing.



(h) Any attempt by a person who has filed a Notice of Dispute to improperly influence a decision of the Panel will, in addition to any other remedies which may be available, result in the termination of proceedings under this DRP and the matter being disputed will remain in effect as originally decided.

(i) The Dispute Resolution Panel will make decisions in camera, and the people in dispute will not know individual final votes, only the final decision.

7.5 Final Approval

(a) At the next duly convened meeting of Chief and Council, the Dispute Resolution Panel's decision will be accepted through the passing of a Band Council Resolution.

7.6 Dispute Resolution Panel

(a) Council will establish a Dispute Resolution Panel.

(b) The Panel will be composed of three citizens, and three band councilors and one member of the Land Management Board. Alternates for each position will be established to ensure there are no conflicts of interest.

(c) Council and the Land Management Board may, for the purpose of identifying citizens of a Panel, establish an eligibility list from which members of a Panel may be appointed to hear a dispute.

(d) For the first Panel established under this DRP, Council will, upon the recommendation of the Land Management Board, appoint citizens for a term of two years with the option to extend to four years.

(e) Thereafter, appointments to the Panel will be for a term of four years provided that if an appointment is made to replace a Panel member who is unable or unwilling to complete a term, the appointment will be made for the remainder of the term of the Panel citizen being replaced.

(f) Council will, upon the recommendation of the Land Management Board, appoint or re-appoint citizens of the Panel at least thirty days prior to the expiry of the term of the member of the Panel whose term is the subject of the appointment or re-appointment.



7.7 Advisors and Mediators

(g) Council, upon the recommendation of the Land Management Board may appoint or contract with expert advisors, mediators, professionals or other Persons to assist in resolving disputes under this DRP.



SECTION 8: ENFORCEMENT

8.1 Enforcement

(a) This Land Law shall come into force on a day fixed by Resolution of the Band Council.

(b) If any citizen acts in breach or in violation of the provisions of this Land Law, the Band Council, by notice served on the citizen, shall require the attendance of the citizen at a duly convened meeting of the Band Council. Band Council may impose such sanctions on the citizen as it deems meet, including, but not limited to the cancellation of any permission to use Land.