

Algonquins of Pikwàkanagàn First Nation
(Draft)LAND CODE

June 2014

DRAFT

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ALGONQUINS OF PIKWÀKANAGÀN FIRST NATION LAND CODE

Preamble

Whereas the Algonquins of Pikwàkanagàn First Nation has a profound relationship with the Land;

And Whereas the Members of the Algonquins of Pikwàkanagàn First Nation are a proud united people whose purpose is to establish a future that shall ensure a high quality of life while flourishing the environment.

And Whereas, the Algonquins of Pikwàkanagàn First Nation aspires to move ahead as an organized, highly motivated, determined and self-reliant community;

And Whereas the Algonquins of Pikwàkanagàn First Nation has entered into the Framework Agreement on First Nation Land Management with Canada on March 29, 2013 and which was ratified on behalf of the Government of Canada by the First Nations Land Management Act, S.C. 1999, c.24;

And Whereas the Algonquins of Pikwàkanagàn First Nation wishes to manage its lands and resources, rather than having its land and resources managed on its behalf by Canada in accordance with the Indian Act.

Now Therefore, this Land Code is hereby enacted as the Fundamental Land Law of the Algonquins of Pikwàkanagàn First Nation.

PART 1
PRELIMINARY MATTERS

1. Title

1.1 The title of this enactment is the *Algonquins of Pikwàkanagàn First Nation Land Code*.

2. Interpretation

2.1 Definitions

For greater certainty, if context requires, the Algonquins of Pikwàkanagàn First Nation Laws, policies, codes and regulations may prescribe different definitions than is provided in this *Land Code*.

“Applicant” means a person who has submitted an application to become a member of the Algonquins of Pikwàkanagàn First Nation.

“Appeal Board” means the Board established pursuant to this Code, except where the context demands otherwise.

“BCR” means Band Council Resolution.

“Code” means this Land Code.

“Child” includes a child born in or out of wedlock and a legally adopted child.

“Consensus” means where a decision is required to be made under this Code by consensus, the decision making body shall make all reasonable efforts to secure unanimity, but failing this, the authority of the body may be exercised by a simple majority vote.

“Council” means the Council, as defined by the Custom Election Code of the Algonquins of Pikwàkanagàn First Nation.

“Dependant” means a person under the age of 18 years who has not withdrawn from, or a person 18 years of age or older, who is unable by reason of illness or disability to withdraw from the care and control of his parents or his legal guardian.

“Immediate Family” means father, mother, son, daughter, brother, sister and spouse.

“Member” means a member of the Algonquins of Pikwàkanagàn.

“Member of the Algonquins of Pikwàkanagàn First Nation” means a person whose name appears in the Algonquins of Pikwàkanagàn First Nation Membership Register or who is entitled

to have his name appear on the Membership Register.

“Member of the Same Family” includes father, mother, son, daughter, brother, sister, spouse and grandparents, grandchildren, step family and spouse’s immediate family.

“Indian Act” means the Indian Act, R.S.C. 1985, as amended from time to time.

“Member” means a person whose name appears in the Membership Register of the Algonquins of Pikwàkanagàn First Nation.

“Membership Register” means the list containing the name, date of birth and gender of every Member of the Algonquins of Pikwàkanagàn First Nation.

“Non-member” means a person whose name does not appear in the Membership Register and who is not entitled to have his name appear in the Membership Register.

“Pikwàkanagàn” means the land reserved for the use and benefit of the Algonquins of Pikwàkanagàn (otherwise known as Indian Reserve No. 39.)

“Referendum” means a vote to accept or not accept amendments.

“Registrar” means the person, usually the Manager of Lands, Estates & Membership, appointed by the Council by BCR to act as a Registrar pursuant to this Code.

“Spouse” means a person who is legally married to, or who co-habits with a member in a conjugal relationship which lasts longer than 5 years outside of marriage, and provides proof of such.

“Voter” means a person:

- a) whose name appears in the Membership Register and
- b) who has attained the age of eighteen (18) years.

2.4 Clarification

Any words or terms used in this Land Code which are defined in the Framework Agreement shall have the same meaning as in the Framework Agreement, unless the context otherwise requires.

2.3 Number

Words in the singular include the plural, and words in the plural include the singular.

2.4 Paramountcy

If there is an inconsistency or conflict between this Land Code and any other enactment of the Algonquins of Pikwàkanagàn First Nation, this Land Code prevails to the extent of the

inconsistency.

2.5 Cultural and traditions

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 Algonquins of Pikwàkanagàn First Nation, unless otherwise provided.

2.6 Non-abrogation

This Land Code does not Abrogate or Derogate from any Aboriginal, treaty or other rights or freedoms that pertain now or in the future to the Algonquins of Pikwàkanagàn First Nation

2.7 Fair Interpretation

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

2.8 Special Relationship

This Land Code does not abrogate the special relationship between Canada and the Algonquins of Pikwàkanagàn First Nation.

2.9 Land and Interests Affected

A reference to Pikwàkanagàn First Nation Land in this Land Code means all rights and resources in and of the Land, and includes:

- a) The water, beds underlying water, Riparian Rights, and renewable and non-renewable natural resources in and of that Land, to the extent that these are under the jurisdiction of Canada; and
- b) All the interests and licenses granted to the Algonquins of Pikwàkanagàn First Nation by Canada listed in the Individual Agreement.

3. AUTHORITY TO GOVERN

3.1 Origin of authority

The teachings of the Algonquins of Pikwàkanagàn First Nation speak of the obligation of the members to care for and respect the Land and the magnificent wonders of Nature created on the Land. By enacting this Land Code, the Algonquins of Pikwàkanagàn First Nation is re-assuming this special responsibility.

3.2 Flow of authority

The authority of the Algonquins of Pikwàkanagàn First Nation to govern its Land and resources flows from the Creator to the people of the Algonquins of Pikwàkanagàn First Nation, and from the people to the Chief and Council according to the culture, traditions, customs and laws of our Algonquin First Nation.

3.3 Acting through the Council

The Algonquins of Pikwàkanagàn First Nation shall act through its Council, which shall perform all the duties and functions and exercise all the powers of the Algonquins of Pikwàkanagàn First Nation, and from the people to their Council.

4. PURPOSE

4.1 Purpose

The purpose of this Land Code is to set out the principles, rules and administrative structures that apply to the Algonquins of Pikwàkanagàn First Nation Land and by which the Algonquin First Nation shall exercise authority over that Land in accordance with the Framework Agreement.

4.2 Ratification

The Framework Agreement is ratified and confirmed by the Algonquins of Pikwàkanagàn when this Land Code takes effect as declared by Council Resolution.

5. Description of the Algonquins of Pikwàkanagàn First Nation Land

5.1 The Land that is subject to this Land Code is that land:

- a) shown on a copy of the Reference Plan or sketch map specifically prepared for this purpose by the Office of the Survey General of Canada), Natural Resources Canada attached to Annex “?” of the Individual Agreement; and
- b) described in Annex “?” to the Individual Agreement with reference to the original Order-In-Council of the Privy Council (OCPC) or Proclamation setting aside the lands for the benefit of the Algonquins of Pikwàkanagàn First Nation, any subsequent OCPC’s adding lands to the reserve and any subsequent OCPC’s taking land out of the reserve.

5.2 Additional Land

The Algonquins of Pikwàkanagàn First Nation includes all reserve lands listed in the Individual Agreement and such other lands as may be included in the Individual Agreement as amended from time to time.

PART 2

ALGONQUINS OF PIKWAKANAGAN FIRST NATION LAND LAWS

6. LAND LAW-MAKING POWERS

6.1 Council May Make Laws

The Council may, in accordance with this Land Code, make Land Laws respecting:

- a) the development, conservation, protection, management, use and possession of the Algonquins of Pikwàkanagàn First Nation land;
- b) interests and licenses in relation to the Algonquins of Pikwàkanagàn First Nation land; and
- c) Any matter necessary or ancillary to the making of Land Law in relation to the Algonquins of Pikwàkanagàn First Nation land.

7. LAND LAW-MAKING PROCEDURES

7.1 Introduction to Land Laws

A proposed Land Law may be introduced at a duly convened meeting of Council by:

- a) The Chief
- b) A Councillor
- c) A Representative of the Land Committee; or
- d) Any Eligible Voter.

7.2 Tabling and posting or proposed land laws

Before a proposed Land Law may be enacted by the Council, the proposed land law shall be

- a) tabled at a duly convened meeting of the Council held at least twenty eight (28) consecutive days before the land law is to be enacted;'
- b) Deposited with the Manager of Lands at least twenty one (1) consecutive days before the land law is to be enacted for presentation to the Land Committee
- c) Posted in public places within Pikwàkanagàn First Nation and available to all members via webpage at least twenty one (21) consecutive days before the land law is to be enacted.

7.3 Urgent Matters

The Council may enact a land law without the preliminary steps required under Section 7.2, on the recommendation and/or in consultation with the Land Committee, if the Council is of the opinion that the Land Law is required urgently, for public health and safety or to protect the Algonquins of Pikwàkanagàn First Nation Members or land.

7.4 Expiration

A Land Law enacted under this Section 7.3 expires twenty eight (28) consecutive days after its enactment unless re-enacted in accordance with Section 7.3

7.5 Approval of Land Law

A Land law is enacted if it is approved by:

- a) A quorum of Council at a duly convened meeting of Council open to members; or
- b) The eligible voters at a community meeting of members when required.

7.6 Certificate of Land laws

The original copy of any land law or resolution concerning the Algonquins of Pikwàkanagàn First Nation Land shall be signed by a quorum of Council present at the duly convened meeting at which it was enacted or at a duly convened meeting subsequent to the Community approval.

8. PUBLICATION OF LANDS LAWS

8.1 Publication

All land laws shall be recorded in the minutes of Council.

8.2 Posting Land Laws

Within seven (7) consecutive days after a land law has been enacted, Council shall post a copy of the Land Law in all the Administration Offices of the Algonquins of Pikwàkanagàn First Nation.

8.3 Register of Land laws

The Council shall maintain, at the administration office of the Algonquins of Pikwàkanagàn First Nation, a register of the original copy of all land laws and resolutions, including all land laws and resolutions that have been repealed or are no longer in force.

8.4 Copies for any person

Any person, including non-members may obtain a copy of a land law or resolution on payment of a reasonable administrative fee set by the Council, or a body designated by Council.

9. COMMENCEMENT OF LAND LAWS

9.1 Land Laws taking affect

A Land Law enacted by the Council will take effect on the date of its enactment or such later date as specified by or under the Land Law.

10. ENFORCEMENT OF LAND LAWS

10.1 Enforceability of Lands Laws

To enforce its Land Code and its Land Laws, the Algonquins of Pikwàkanagàn First Nation shall have the power to:

- a) Establish offences that are punishable on summary conviction;
- b) Provide for fines, imprisonment, restitution, community services, and alternate means for achieving compliance; and
- c) Establish comprehensive enforcement procedures consistent with federal law, including inspections, searches, seizures and compulsory sampling, testing and the production of information.

PART 3 COMMUNITY INVOLVEMENT

11. PARTICIPATION OF MEMBERS

11.1 Participation of Members

Every member is entitled to participate in the community consultation processes set out in this section of the Land Code

12. PARTICIPATION OF ELIGIBLE VOTERS

12.1 Participation of Eligible Voters

Every Eligible Voter is entitled to participate in the community approval processes set out in this Part 3 of the Land code.

13. COMMUNITY CONSULTATION MEETING OF MEMBERS IN LANDS LAW-MAKING

13.1 Community Consultation meeting of Members

The Council shall consult with Members by convening at a Community Meeting of Members prior to the enactment of a Land Law:

- a) Respecting a community plan or subdivision plan;
- b) Affecting a heritage site or an environmentally sensitive property;
- c) Respecting environmental assessment;
- d) Respecting the transfer and assignment of rights and interests in the Algonquins of Pikwàkanagàn First Nation Land;
- e) Respecting matrimonial real property in Pikwàkanagàn under Section 40;
- f) Respecting the rate and criteria for the payment of fees or rent for land within Pikwàkanagàn;
- g) Respecting the voluntary land exchange agreement under Section 19;
- h) Respecting the rights and procedures on community expropriation; and
- i) Respecting any other matter, law or class of law that Council, by resolution, declares to be subject to this section.

13.2 Process to Implement Land Laws

Subject to Section 40 (MRP), the Land Committee, within a reasonable time after this land code takes effect, shall advise Council on establishing a community process to develop and implement Land Laws.

14. PROCEDURE AT A COMMUNITY MEETING OF MEMBERS

14.1 Notice of Community Meetings and Members

The Council shall give written notice of the Community Meeting of Members that:

- a) specified the date, time and place of the meeting;
- b) contains a brief description of the matters to be discussed and decided on at the meeting; and
- c) contains the name and telephone number of a contact person.

14.2 Manner of notice

- a) posting the notice in public places in Pikwàkanagàn at least twenty-one working days before the meeting;
- b) mailing the notice to Members with current mailing addresses not residing in Pikwàkanagàn;
- c) publishing the notice in the community newsletter at least twenty (20) working days before the meeting; and
- d) such additional method as Council may consider appropriate in the circumstances.

14.3 Who may attend

All members of the Algonquins of Pikwàkanagàn First Nation may attend.

14.4 Permission of Council

A person, other than a Member, may attend a Community Meeting of Members only with permission of Council.

14.5 Other Meetings

The Council may schedule more than one Community Meeting of Members to discuss and decide on a matter that requires a Community Meeting of Members.

14.6 Other Land Laws

Subject to sections 13 and 14, for greater certainty, the Council may make laws respecting Community Meetings of Members.

15. COMMUNITY APPROVAL AT THE COMMUNITY MEETING OF MEMBERS

15.1 Community Approval by Community Meeting of Members must be obtained for the following:

- a) any Master Land Use Plan;
- b) any new grant or disposition of an interest or license to a non-member in Pikwàkanagàn exceeding a term of forty (40) years;
- c) any renewal of a grant or disposition of an interest or license to a non-member in Pikwàkanagàn that extends the original term beyond forty (40) years;
- d) any grant or disposition of any non-renewable natural resources on any Algonquins of Pikwàkanagàn First Nation Land exceeding a term of five (5) years;
- e) any deletion of a heritage site referred to in Section 18 of this Land Code;
- f) an expropriation of a Member's interest referred to in Section 17 of this Land Code;
- g) any voluntary exchange of Algonquins of Pikwàkanagàn First Nation Land referred to in Section ? of this Land Code;

- h) any Land Law on matrimonial real property in Pikwàkanagàn that shall be enacted under section ; and
- i) any law or class of law that Council, by Resolution, declares to be subject to this section.

15.2 Quorum

The quorum for a Community Meeting of Members under this Land Code is ten percent (10%) of Eligible Voters.

15.3 Voting

If there is a quorum present at a Community Meeting of Members, decisions may be made by a majority vote of fifty percent plus one (50% + 1) of the Eligible Voters present at the meeting.

16. RATIFICATION VOTES

16.1 Community approval by a Ratification Vote must be obtained for the following:

- a) any amendment to this Land Code; and
- b) any law or class of law that Council, by Resolution, declares to be subject to this section.

16.2 Individual Agreement with Canada

For greater certainty, an amendment, to, or renewal of, the Individual Agreement does not require community approval by a Ratification Vote, unless the amendment or renewal reduces the amount of funding provided by Canada.

16.3 Ratification Process

Any Ratification vote required under this Land Code shall be conducted in substantially the same manner as outlined in the Rules and Regulations of a Ratification Vote.

16.4 Exception

For greater certainty, revisions made pursuant to Section 15 do not require community approval by Ratification Vote.

16.5 Quorum

In order to obtain a quorum for a Community approval by Ratification Vote under this Land Code at least twenty-five (25%) of Eligible Voters must vote.

16.6 Minimum Requirements for Approval

A matter shall be considered approved by Ratification vote if a majority of the Eligible voters who voted cast a vote in favour of the matter.

16.7 Second Ratification Vote

If a quorum was not obtained pursuant to above, a second Ratification Vote shall be called.

16.8 Second Attempt at Ratification Quorum

The quorum for Community approval for a second attempt at a Ratification Vote under this Land Code is ten percent (10%) of Eligible Voters.

16.9 Voting

If a quorum of Eligible Voters is present for a second attempt at a Ratification Vote, decisions may be made by a majority vote of fifty percent plus one (50% +1) of the Eligible Voters present at the meeting.

16.10 No Third Ratification Vote

If the required quorum pursuant to Section 15 is not obtained, the amendment to the Individual Agreement or the amendment to the Land Code shall not be executed, shall have no effect and shall not be submitted for a third Ratification Vote. The document may be re-submitted for a Ratification Vote under Section 15 provided additional community consultation occurs, community direction is obtained to re-draft and the document is re-drafted accordingly.

16.11 Other laws

For greater certainty, the Council may make laws respecting Referendum Votes.

PART 4 PROTECTION OF LAND

17. EXPROPRIATION

17.1 Acquisition by Mutual Agreement

The right of the Council to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest or license in Algonquins of Pikwàkanagàn First Nation Land.

17.2 Rights and Interests That May be Expropriated

Any interest or license in Algonquins of Pikwàkanagàn First Nation Land, or in any building or other structure on those Lands, may only be expropriated by the Council of the Algonquins of Pikwàkanagàn First Nation in accordance with Section 17 of the Framework Agreement and any Land Law enacted for the purpose of establishing the rights and procedures for community expropriations.

17.3 Community Purpose

A community expropriation shall only be made for a necessary community purpose or works of the Algonquins of Pikwàkanagàn First Nation.

17.4 Expropriation Laws

Before proceeding to make any community expropriations in accordance with this Land Code, the Council shall enact a Land Law respecting the rights and procedures for community expropriations, including provisions respecting:

- a) the taking of possession of the interest or license;
- b) transfer of the interest or license
- c) notice of expropriation and service of the notice of expropriation;
- d) entitlement to compensation;
- e) determination of the amount of compensation; and
- f) the method of payment for compensation.

17.5 Member notification

In the case of an expropriation of a Member's interest in the Algonquins of Pikwàkanagàn First Nation Land, the affected Member or Members must receive notification of the expropriation within a reasonable time prior to the release of the public report referred to in Section 16.

17.6 Public Report

Before the Algonquins of Pikwàkanagàn First Nation decides to expropriate an interest or license, it shall make a public report on the reasons justifying the expropriation.

17.7 Compensation for Rights and Interests

The Algonquins of Pikwàkanagàn First Nation shall in accordance with its Laws and the Framework Agreement:

- a) serve reasonable notice of the expropriation on each affected holder of the interest or license to be expropriated; and
- b) pay fair and reasonable compensation to the holders of the interest or license being expropriated.

17.8 Compensation Calculations

The Algonquins of Pikwàkanagàn First Nation shall calculate the total value of the compensation under this section based on the heads of compensation set out in the Expropriation Act (Canada).

17.9 Market Value

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

17.10 Neutral Evaluation to Resolve Disputes

The resolution of disputes concerning the right of the Algonquins of Pikwàkanagàn First Nation to expropriate shall be determined by neutral evaluation, in the same manner as provided in Part 4 of the Framework Agreement, and the sixty (60) day period referred to in clause 32.6 of the Framework Agreement shall be applied, as appropriate in the circumstances, by a neutral evaluator.

17.11 Arbitration to Resolve Disputes

The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part 4 of the Framework Agreement.

- a) Disputes concerning the right of the holder of an expropriated interest or license to compensation; and
- b) Disputes concerning the amount of the compensation.

18. Heritage Sites

18.1 No development shall be allowed on any site designated as a Heritage Site under the Land Use Plan, unless the development receives community consultation at a Community Meeting of Members.

18.2 For greater certainty, no amendment may be made to a Land Use Plan to delete a heritage site unless the amendment receives community approval at a Community Meeting of Members.

19. Voluntary Land Exchanges and Protections

19.1 The Algonquins of Pikwàkanagàn First Nation may agree with another party to exchange a parcel of Land for a parcel of land from that other party with this Land Code.

19.2 A land exchange is of no effect unless it receives community approval at a Community Meeting of Members.

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

- a) It must be equal to or greater than the area of the Algonquins of Pikwàkanagàn First Nation Land to be exchanged;
- b) It must be at least comparable to the appraised value of the land for which it is to be exchanged;
- c) It must receive "Reserve" status and become part of the Algonquins of Pikwàkanagàn First Nation Reserve No. 39 and subject to this Land Code.

19.4 The person or persons who shall have the authority to negotiate a land exchange agreement on behalf of the First Nation must be designated by Resolution.

19.5 The Algonquins of Pikwàkanagàn may negotiate to receive other compensation, such as money or one or more other parcels of land, in addition to the parcel referred to in Section 19.4 above which is intended to become part of the reserve. Such other parcels of land may be held by the Algonquins of Pikwàkanagàn First Nation in fee simple or some other manner.

19.6 Before the Algonquins of Pikwàkanagàn First Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Canada:

- a) Consents to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as the Council may specify by Resolution; and
 - b) Consents to the manner and form of the exchange as set out in the exchange agreement.
- 19.7 Once negotiations on the land exchange agreement are concluded, the Council/Land Committee shall provide the following information to Eligible Voters at least twenty one (21) consecutive days before the vote:
- a) A description of Algonquins of Pikwàkanagàn First Nation Land to be exchanged;
 - b) A description of the land to be received in exchange;
 - c) A description of any other compensation to be received;
 - d) A report of a certified land appraiser setting out that the conditions in section 19.6 above has been met;
 - e) A copy or summary of the exchange agreement;
 - f) A copy of consent from Community meeting.
- 19.8 The land exchange agreement shall provide that:
- a) The other part to the exchange must transfer to Canada the title to the land which is to set apart as Reserve;
 - b) The Council must pass a resolution authorizing Canada to transfer title to the Algonquins of Pikwàkanagàn Land being exchanged, in accordance with the exchange agreement;
 - c) A copy of the instruments transferring title to the relevant parcels of land must be registered in the Algonquins of Pikwàkanagàn First Nation Register and a copy sent to the First Nation Lands Register; and
 - d) The Land to be set apart as part of the Reserve has been subject to an environmental audit, and clearance or remediation as necessary, or that Council is satisfied that adequate provision has been made for such clearance or remediation at no cost to the Algonquins of Pikwàkanagàn First Nation and with full indemnification to the Algonquins of Pikwàkanagàn First Nation.

PART 5

ACCOUNTABILITY

20. Conflict of Interest

20.1 The rules in Section 23 apply to the following persons:

- a) Each member of the Council who is dealing with any matter before Council that is related to Algonquins of Pikwàkanagàn First Nation Land;
- b) Each person who is an employee of the Algonquins of Pikwàkanagàn First Nation dealing

- with any matter that is related to First Nation Land; and
- c) Each person who is a member of a board, committee or other body of the Algonquins of Pikwàkanagàn First Nation dealing with any matter that is related to First Nation Land.
- 20.2 If there is any financial, familial or personal conflict of interest in the matter being dealt with, the person;
- a) shall disclose the interest to the Council, or the board, committee or other body as the case may be;
- b) shall not take part in any deliberations on that matter or vote on that matter; and
- c) shall remove themselves from the proceedings.
- 20.3 Section 23.3 does not apply to any interest that is held by a Member in common with every other member.
- 20.4 If the board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to the Council.
- 20.5 If the Council is unable to vote on the proposed law or resolution due to a conflict of interest, the Council may refer the matter to a Community Meeting of Members and, if a quorum of Eligible Voters is present, a majority of the Eligible Voters present at the meeting may enact the Land Law or Land Resolution.
- 20.6 No immediate relatives, as referred to in the definitions, and not more than two (2) Members from the same extended family shall be concurrent Members of an appointed board, committee or other body dealing with any matter that is related to Algonquins of Pikwàkanagàn First Nation Land.
- 20.7 For greater certainty, the Council or any other elected board, committee or body is not included under the rule set out in Section 20.6 above.
- 20.8 Questions about whether a breach of this section has occurred may be referred to the Panel.
- 20.9 For greater certainty, the Council may enact laws to further implement this section.

21. Financial Management

- 21.1 This section applies only to financial matters relating to the Algonquins of Pikwàkanagàn First Nation Land.
- 21.2 The Council shall maintain one or more financial accounts in a financial institution and shall deposit to those accounts:
- a) transfer payments received from Canada for the management and administration of the Algonquins of Pikwàkanagàn First Nation Land;

- b) monies received by the Algonquins of Pikwàkanagàn First Nation from the grant or disposition of any interests or licenses in the Algonquins of Pikwàkanagàn First Nation land.
 - c) all fees, fines, charges and levies collected under a Land Law or Land Resolution;
 - d) all capital and revenue monies received from Canada from the grant or disposition of any interests and licenses in Algonquin of Pikwàkanagàn First Nation lands.
 - e) any other Land revenue received by the Algonquins of Pikwàkanagàn First Nation.
- 21.3 The Council shall authorize at least five 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.
- 21.4 To be valid, a cheque or other bill of exchange or transfer drawn on the account must be signed by two (2) signing officers.
- 21.5 The fiscal year of the Algonquins of Pikwàkanagàn First Nation begins on April 1 of each year and ends on March 31 of the following year.
- 21.6 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.
- 21.7 After adopting the Land management budget or supplementary budget, the Council shall, without undue delay:
- a) explain the budget or supplementary budget to the Members at an annual community meeting of members and
 - b) make a copy of the budget or supplementary budget available at the administration offices of the Algonquins of Pikwàkanagàn First Nation for inspection by Members at reasonable hours.
- 21.8 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.
- 21.9 The Council may make rules respecting the preparation and implementation of Land management budgets.
- 21.10 The Council shall not expend monies related to Land or commit itself, by contract or otherwise, to expend monies related to Land, unless the expenditure is authorize by or under a Land Law or an approved budget.
- 21.11 The Algonquins of Pikwàkanagàn First Nation may, in accordance with this Land Code, adopt a financial policy to further manage monies related to the Algonquins of Pikwàkanagàn First Nation Land.

22. Financial Records

- 22.1 The Algonquins of Pikwàkanagàn First Nation shall keep financial records related to Land in accordance with generally accepted accounting principles.
- 22.2 A person is guilty of an offence if the person:
- a) impedes or obstructs any Member from exercising their right to inspect the financial records of the Algonquins of Pikwàkanagàn First Nation; or
 - b) Has control of the books or accounts or financial records of the Algonquins of Pikwàkanagàn and fails to give all reasonable assistance to any Member exercising their right to inspect the financial records.
- 22.3 Within one hundred and twenty (120) consecutive days after the end of each fiscal year, the Council on behalf of the Algonquins of Pikwàkanagàn First Nation shall prepare a financial statement in comparative form, containing at a minimum:
- a) a balance sheet
 - b) a statement of revenues and expenditures and a comparison of these with the amounts stated in the Land management budget and any supplementary budget; and
 - c) any other information necessary for a fair presentation of the financial position of the Algonquins of Pikwàkanagàn First Nation.
- 22.4 The accounting, auditing and reporting requirements of this Land Code may be done together and consolidated with, the other accounts, audits and reports of the Algonquins of Pikwàkanagàn First Nation.

23. Audit

- 23.1 For each fiscal year, a duly accredited auditor shall be appointed to audit the land related financial records of the Algonquins of Pikwàkanagàn First Nation.
- 23.2 The auditor appointed under this section holds office until reappointed, or replaced.
- 23.3 Where a vacancy occurs during the term of the auditor, the Council shall without delay, appoint a new auditor for the remainder of the former auditor's term.
- 23.4 The auditor's remuneration shall be approved by Council.
- 23.5 The auditor shall, within one hundred and twenty (120) consecutive days after the end of the fiscal year prepare and submit to the Council, a report on the Algonquins of Pikwàkanagàn First Nation's financial statement, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of the Algonquins of Pikwàkanagàn First Nation in accordance with generally accepted accounting principles

applied on a basis consistent with that applied in the previous fiscal year.

23.6 In order to prepare the report on the Algonquins of Pikwàkanagàn First Nation's financial statement, the auditor may at all reasonable times inspect any financial records and any person or body who administers money on behalf of the Algonquins of Pikwàkanagàn.

23.7 The Council shall present the auditor's report to the Members at a Community Meeting of Members.

24. Annual Report

24.1 The Council, on behalf of the Algonquins of Pikwàkanagàn First Nation, shall publish an annual report on Land issues within one month of receipt of the audit.

24.2 The annual report shall include:

- a) an annual review of Land Management;
- b) a copy and explanation of the audit as it applied to Land; and
- c) any other matter considered worth including by the Council or Land Committee.

25. Access to Information

25.1 Any Member may, during normal working business hours at the main administrative office have reasonable access to:

- a) the register of land laws;
- b) the auditor's report; and
- c) the annual report on Land issues.

25.2 Any member may obtain a copy of the auditor's report or annual report on payment of a reasonable fee set out or under Resolution of the Council.

25.3 Any person authorized by the Council may, at any reasonable time, inspect the financial records of the Algonquins of Pikwàkanagàn related to First Nation Land.

PART 6 LAND MANAGEMENT

26. Land Staff

26.1 Council may delegate administrative authority to staff to carry out functions necessary for

day to day administrative operations of lands and resources.

27. Land Committee

27.1 The Land Committee is hereby established to:

- a) assist with the development of the land administration system;
- b) advise the Council and its staff on matters respecting the Algonquins of Pikwàkanagàn Land;
- c) Recommend Land Laws, Resolutions, policies and practices respecting the Algonquins of Pikwàkanagàn First Nation Land to the Council;
- d) hold regular special Community Meetings of Members to discuss land issues and make recommendations to Council on the resolution of these land issues;
- e) assist in the flow of information on land issues between Members and the Council;
- f) oversee community approvals under this Land Code; and
- g) carry out any other duties as may be assigned or delegated by Council.

27.2 Development of land related rules and procedures

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

- a) environmental protection and assessment in relation to the Algonquins of Pikwàkanagàn First Nation Land;
- b) any outstanding issues on the resolution of disputes in relation to Algonquins of Pikwàkanagàn First Nation Land;
- c) land use planning and zoning; and
- d) Section 40 respecting matrimonial real property on the Algonquins of Pikwàkanagàn First Nation Land;

27.3 Implementation of Policies

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

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

28. Members of the Land Committee

28.1 The Land Committee shall be composed of 7 members, all of whom must be Eligible Voters.

- 28.2 The members of the Land Committee are to be selected as follows:
- a) one (1) member of Council shall be appointed by the Council; and
 - b) the other members shall be determined by a Land Law that shall be enacted within a reasonable time after the *Land Code* comes into effect.
- 28.3 The Council shall enact a law to establish the procedure for the Land Committee selection, whether by appointment or election, including transitional rules for the first members of the Land Committee.
- 28.4 The office of a member of the Lands Committee becomes vacant if the person, while holding office:
- a) is or becomes ineligible to hold office under Section 28.2; or
 - b) is or becomes ineligible because of a transfer of membership from the Algonquins of Pikwàkanagàn First Nation; or
 - c) is absent for three (3) consecutive meetings of the Land Committee for a reason other than illness or incapacity, and without being authorized to do so by the Land Committee; or
 - d) is declared to mentally incompetent by a Medical or Civil authority; or
 - e) resigns from the Land Committee; or
 - f) has deceased; or
 - g) the member of the Land Committee appointed under Section 28.3 (a) ceases to be a member of Council.
- 28.5 Where the office of an elected or appointed member of the Land Committee become vacant for more than ninety (90) consecutive days before the date when another appointment or election would ordinarily be held, the seat may be offered to the next candidate who received the most votes in the last election, or a special election may be held or appointment made in accordance with this *Land Code*, as the case may be, to fill the vacancy.
- 28.7 A member of the Land Committee appointed or elected to fill a vacancy remains in office for the balance of the term in respect of which the vacancy occurred.

29. Chairperson of the Land Committee

- 29.1 The member of the Council who is appointed to the Land Committee is the Chairperson of the Land Committee, unless his or her duties on Council preclude fulfilling this function.
- 29.2 If the Chairperson is unable to perform the functions of office, either temporarily or on a long term basis, the Council shall appoint one (1) of the other Council members to act as or be the Chairperson, subject to confirmation by the Council.

29.3 The functions of the Chairperson are to:

- a) chair meetings of the Land Committee;
- b) ensure the preparation of financial statements relating to all activities of the Land Committee, including the revenues and expenditures concerning Algonquins of Pikwàkanagàn First Nation Lands;
- c) table the Land Committee's financial statements with the Council;
- d) report to the Algonquins of Pikwàkanagàn First Nation on the activities of the Land Committee;
- e) ensure the audited annual financial statements are published under Section 23; and
- f) perform other such duties as the Land Committee may reasonably prescribe.

30. Revenue from Land

30.1 The Land Committee shall, subject to the approval of the Council, establish the process for determining:

- a) the fees and rent for interests and licenses in community Land; and
- b) the fees for services provided in relation to any Algonquins of Pikwàkanagàn First Nation Land.

31. Registration of Interests and Licenses

31.1 An interest or license in Algonquins of Pikwàkanagàn First Nation Land created or granted after the Land Code takes effect is not enforceable unless it is registered in the Algonquins of Pikwàkanagàn First Nation Land Register.

31.2 No instrument that requires the consent of the Council, or community approval, may be registered unless a certified copy of the document that records the consent or approval is attached.

31.3 The Council shall ensure that an original copy of the following instruments is deposited in the First Nations Lands Register, as established by Canada, in accordance with Section 51.1 of the *Framework Agreement*:

- a) any grant of an interest or license in Algonquins of Pikwàkanagàn First Nation Land;
- b) any transfer or assignment of an interest in Algonquins of Pikwàkanagàn First Nation Land;

32. Algonquins of Pikwàkanagàn First Nation Land Register

32.1 The Council shall maintain the Algonquins of Pikwàkanagàn First Nation Land Register.

- 32.2 Every person who receives an interest or license in Algonquins of Pikwàkanagàn First Nation Land from a Member shall deposit an original copy of the relevant instrument in the Algonquins of Pikwàkanagàn First Nation Land Register.

PART 7 INTERESTS AND LICENSES IN LAND

33. Limits on Interests and Licenses

- 33.1 An Interest in, or license to use, Algonquins of Pikwàkanagàn First Nation Land may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this *Land Code*.
- 33.2 The Council may establish mandatory standards, criteria and forms for interests and licenses in Algonquins of Pikwàkanagàn First Nation Land.
- 33.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Algonquins of Pikwàkanagàn First Nation, a Member or any other person purports to grant, dispose of, transfer or assign an interest or license in Algonquins of Pikwàkanagàn First Nation Land after the date this *Land Code* takes effect is void if it contravenes this *Land Code*.
- 33.4 A person who is not a Member may only hold a lease, license or permit in Algonquins of Pikwàkanagàn First Nation Land. A non-member cannot hold title to First Nation Land.
- 33.5 The written consent of the Council must be obtained for any grant or disposition of a lease, license or permit in Algonquins of Pikwàkanagàn First Nation Land to a person who is not a Member.

34. Existing Interests

- 34.1 Any interest or license in Algonquins of Pikwàkanagàn First Nation Land that existed when this *Land Code* take effect shall, subject to this *Land Code*, continue in force in accordance with its terms and conditions.

35. New Interests and Licenses

- 35.1 Subject to Section 15.1, the Council may, on behalf of the Algonquins of Pikwàkanagàn First Nation, grant:
- a) interests and licenses in community Land, including certificates of possession, lease,

- permits, easements and rights of way; and
- b) permits to members or non-members, to take resources from community Land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

35.2 The grant of an interest, license or permit may be made subject to the satisfaction of written conditions.

35.3 The Land Committee shall advise Council on the granting of interests, licenses and permits and may be authorized to act as a delegate of the Council under this section.

36. Certificate Of Possession

36.1 This section identifies the rights attaching to Certificates of Possession, whether issued under the Indian Act or under this *Land Code*.

36.2 Subject to 31?, 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) transfer, devise or otherwise dispose of the Land to another Member;
- d) grant permits to take resources from the Land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances;
- e) any other rights, consistent with this Land Code, that are attached to certificates of possession under the Indian Act; and
- f) any other rights, consistent with this Land Code, that Council may grant by way of Land Law or Resolution.

37. Allocation of Land

37.1 The Council may by certificate of possession, lease or rental agreement allocate lots of available Land to Members in accordance with this Land Code and procedures and/or conditions established by the Council.

37.2 No community approval is required for:

- a) the allocation of lots to Members; or
- b) the issuance of certificates of possession to Members.

37.3 A person who is not a Member is not entitled to be allocated a lot or to hold a permanent interest in Algonquins of Pikwàkanagàn First Nation Land.

37.4 The Council may issue a certificate of land holding to a Member for a lot allocated to that Member.

38. Transfer and Assignment of Interests

38.1 A Member may transfer or assign their interest in Algonquins of Pikwàkanagàn First Nation Land to another Member without the need for any community approval or consent of the Council.

38.2 Except for transfers under section 38.1 and transfers that occur by operation of Law, including transfers of estate by testamentary disposition, or in accordance with a Law enacted pursuant to section 40:

- a) there shall be not transfer or assignment of an interest in Algonquins of Pikwàkanagàn First Nation Land without the written consent of the Council; and
- b) the grant of an interest or license is deemed to include section 38.2 (a) as a condition on any subsequent transfer or assignments.

39. Residency and Access Rights

39.1 The following persons have a right to reside on Algonquins of Pikwàkanagàn First Nation Land:

- a) Members, who have been allocated a residential lot by Council, and their spouses and children;
- b) Members with a registered interest in Algonquins of Pikwàkanagàn First Nation Land;
- c) any invitee of a Member referred to in clause (a) or (b); and
- d) lessees and permittees, in accordance with the provisions of the instrument granting the lease or permit.
- e) a person authorized in writing by the Council/Land Committee or by an Algonquins of Pikwàkanagàn First Nation Law.

39.2 The following persons have a right of access to Algonquins of Pikwàkanagàn First Nation Land:

- a) a lessee and his or hers invitees;
- b) permittees and those granted a right of access under the permit;
- c) Algonquins of Pikwàkanagàn First Nation Members and their Spouse and children, and his or her invitees;
- d) a person who is authorized by a government body or any other public body, established by or under an enactment of the Algonquins of Pikwàkanagàn First Nation, Parliament or the province to establish operate or administer a public

- service, to construct or operate a public institution or to conduct a technical survey;
or
- e) a person authorized in writing by the Council/Land Committee or by an Algonquins of Pikwàkanagàn First Nation Law.
- 39.3 Any person may have access to Algonquins of Pikwàkanagàn First Nation Land for any social or business purpose, if:
- a) the person does not trespass on occupied Algonquins of Pikwàkanagàn First Nation Land and does not interfere with any interest in Algonquins of Pikwàkanagàn First Nation Land;
 - b) the person complies with all applicable laws; and
 - c) no Resolution has been enacted barring that person from Algonquins of Pikwàkanagàn First Nation Land.
- 39.4 Any person who resides on, enters or remains on Algonquins of Pikwàkanagàn First Nation Land other than in accordance with a residency or access right under this *Land Code* is guilty of a summary offence.
- 39.5 All civil remedies for trespass are preserved.

40. Matrimonial Real Property on First Nation Law

- 40.1 Passed by referendum March 30, 2014. Please see attached.

PART 8 DISPUTE RESOLUTION

41. Purpose

- 41.1 The intent of this part is to ensure that all persons entitled to possess, reside upon, use or otherwise occupy Algonquins of Pikwàkanagàn First Nation Land do so harmoniously with due respect to the rights of others and of the Algonquins of Pikwàkanagàn First Nation and with access to Algonquins of Pikwàkanagàn First Nation procedures to resolve disputes.

- 41.2 The purpose of these rules is to enable the parties to a dispute to achieve a just, speedy and inexpensive determination of matters in dispute, taking into account the values which distinguish dispute resolution from litigation.

42. Processes

- 42.1 The parties shall use best efforts to prevent disputes from arising and shall consider the use of dispute resolution processes at the earliest possible stage of any conflict.

- 42.2 Disputes that arose before the *Land Code* takes effect could also be referred to this Part.
- 42.3 Nothing in this part shall be construed to limit the ability of any person to reach agreement to settle a dispute without recourse to this Part.
- 42.4 Any settlement reached through dispute resolution shall not be legally binding until it has been reduced to writing and properly executed by, or on behalf of, the parties.
- 42.5 Algonquins of Pikwàkanagàn First Nation intends that a dispute in relation to Algonquins of Pikwàkanagàn First Nation Land, except as otherwise provided, progress in sequence through the following stages provided for in the part:
- a) negotiation;
 - b) facilitated discussions;
 - c) mediation; and
 - d) final arbitration by the Dispute Resolution Panel.
- 42.6 Negotiations, facilitated discussions and mediations may be suspended upon any of the following occurrences:
- a) the parties reach an agreement;
 - b) one of the parties refuses to continue with the negotiation, facilitated discussion or mediation;
 - c) the mediator assesses that nothing meaningful is to be gained in continuing the process; or
 - d) upon the request of both parties.
- 42.7 A notice of termination is required when further facilitated discussions or mediation shall not resolve the dispute. The dispute may progress to the next stage of the dispute resolution process or to final arbitration.
- 42.8 Dispute resolution is not available under this part for disputes in relation to:
- a) administration or distribution of an estate;
 - b) decisions relating to housing allocations;
 - c) decisions of Chief and Council to grant or refuse to grant an interest or license in Algonquins of Pikwàkanagàn First Nation Land to a non-Member;
 - d) decisions on expropriation under section 17 of this *Land Code*; and
 - e) prosecution or conviction of an offence under a Land Law or under criminal law.
- 42.9 All persons involved in a dispute under this part shall be:

- a) treated fairly;
 - b) given a full opportunity to present their case; and
 - c) given reasons for a decision made under this part.
- 42.10 Chief and Council may prescribe such laws, Resolutions, rules, policies, procedures, forms and reasonable fees not inconsistent with this *Land Code*, as may be necessary to give effect to this part including but not limited to:
- a) remuneration of facilitators, mediators, arbitrators, expert advisors, professionals or other persons retained to assist in the resolution of disputes under this part;
 - b) disclosure and confidentiality;
 - c) implementing recommendations of the Dispute Resolution Panel made under section 50.2; and
 - d) any other matter necessary to give effect to this part.
- 42.11 Council shall establish a code of conduct for facilitators, mediators, arbitrators, expert advisors, professionals or other persons retained to assist in the resolution of disputes under this part.
- 42.12 By participating in this dispute resolution process, the parties agree that the facilitators, mediators, arbitrators and panelists shall not be liable to the parties for any act or omission in connection with the services provided by them in, or in relation to, the dispute resolution processes, unless the act or omission is fraudulent or involves willful misconduct.
- 42.13 Council may establish a Land Law that sets out the mandatory application of this part in certain circumstances.
- 42.14 Subject to any Land Law enacted under section 42. 13, a contractual agreement made under the Land Code may establish that the dispute resolution outlined in the Land Code and its Land Laws may be mandatory or may to some degree prescribe for alternate arbitration process if there is consensual agreement by the parties involved in that agreement. The dispute resolution clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract.
- 42.15 Subject to any Land Law enacted under section 42.13, the parties to a dispute to which these rules apply may to some degree modify, vary or amend these rules by consensual agreement in writing, and notify the Dispute Resolution Panel in writing.
- 42.16 Notwithstanding section 42.13 and 42.14, nothing in this part shall be construed to prevent a party to a dispute from, at any stage of dispute resolution, applying to have the dispute resolved in a court of competent jurisdiction.
- 42.17 Nothing in this part shall be construed to prevent a party to a dispute from challenging the

validity of a Land Law, but such a challenge may be heard only in a court of competent jurisdiction.

43. Negotiation

43.1 Algonquins of Pikwàkanagàn First Nation intends that wherever possible, a dispute in relation to Algonquins of Pikwàkanagàn First Nation Land shall be resolved by negotiation through informal discussion by the parties to the dispute prior to entering the dispute resolution process by filing a notice of dispute.

44. Procedure to File a Dispute

44.1 A person who wishes to resolve a dispute with another person or the Algonquins of Pikwàkanagàn First Nation in relation to the use or occupation of Algonquins of Pikwàkanagàn First Nation Land may file a written notice of dispute with the Lands, (Estate & Membership?) setting out:

- a) the nature of the dispute;
- b) a statement outlining the facts and supporting arguments of the dispute claim; and
- c) the relief that is sought.

44.2 The limitation period for submitting a notice of dispute and referring a matter or dispute to the Panel is:

- a) thirty (30) consecutive days after the day the decision, act or omission being referred was made;
- b) thirty (30) consecutive days after the breakdown of negotiation; or
- c) in the case of a breakdown and termination of facilitated discussions or mediation, thirty (30) consecutive days after the notice of termination.

45. Facilitated Discussions

45.1 Within thirty (30) consecutive day of receiving a notice of dispute under section 44.1, the Lands Department shall prepare and deliver a report on the dispute and a copy of the notice of dispute to the Chair of the Dispute Resolution Panel.

45.2 As soon as practicable after receiving a report and notice of dispute under section 45.1 the Chair of the Dispute Resolution Panel or another person not affected by the dispute and designated by the Algonquins of Pikwàkanagàn First Nation Land Committee for that purpose, shall make best efforts to meet with the parties and attempt to resolve the dispute through facilitated discussions.

45.3 In setting the date and time of the meeting referred to in section 45.2 the Chair of the

Dispute Resolution Panel or other person appointed for the purpose of section 45.2 may consider any need to:

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

45.4 Where the Chair of the Dispute Resolution Panel or other person appointed for the purpose of section 45.2 concludes that the dispute cannot be resolved through facilitated discussions, he may in his or her sole discretion direct that the dispute proceed to mediation or final arbitration hearing by the Dispute Resolution Panel.

46. Mediation

46.1 A mediator shall be selected jointly by the parties to the dispute and the Dispute Resolution Panel.

46.2 If the parties to the dispute and the Dispute Resolution Panel are unable to agree on a mediator, the Dispute Resolution Panel shall hear the dispute.

46.3 The mediator has no authority to decide the dispute without the agreement of the parties to the dispute.

46.4 At the conclusion of mediation, the mediator shall submit a written report on the mediation proceedings to the parties to the dispute and the Dispute Resolution Panel.

47. Final Arbitration Procedure

47.1 Any matter or dispute related to Algonquins of Pikwàkanagàn First Nation Land may be referred to the Panel for resolution.

47.2 Dispute referred to the Panel are to be heard by three (3) panelists chosen as follows:

- a) one (1) panelist is to be chosen by each of the two (2) parties to the dispute;
- b) one (1) panelist, who is to be the chairperson, shall be chosen by the rest of the Panel; and
- c) in the case of situations not adequately covered by section (a) or (b), all three (3) panelists shall be chosen by the Panel as a whole.

48. Dispute Resolution Panel

48.1 The Dispute Resolution Panel is hereby established with jurisdiction to resolve disputes in relation to Algonquins of Pikwàkanagàn First Nation.

48.2 The Panel shall be composed of a maximum of twenty (20) panelist, all of whom must be Eligible Voters.

48.3 Notwithstanding section 20.6, in order to avoid conflict of interest, no council member, or employee of Algonquins of Pikwàkanagàn First Nation or person already serving on another body, board or committee of the Algonquins of Pikwàkanagàn First Nation shall sit on the Panel.

48.4 The Land Committee shall appoint the panelist, and shall ensure that the Panel represents the various elements of the community.

48.5 The panelists hold office for a term of three (3) years.

48.6 Unless Council by Resolution or law provides otherwise, panelists are to act on a volunteer basis and receive no remuneration for their services.

49. Impartiality

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

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

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

50. Powers of Panel

50.1 The Panel may, after hearing a dispute:

- a) confirm or reverse the decision, in whole or in part;
- b) substitute its own decision for the decision in dispute;
- c) direct that an action be taken or ceased;
- d) refer the matter or dispute back for a new decision; or
- e) make an order to give affect to its decision, including any necessary order for the survey of an interest in Algonquins of Pikwàkanagàn First Nation Land, the registration of an interest in Algonquins of Pikwàkanagàn First Nation Land, and the allocation of the cost of any incidental measures to be taken to give effect to such an order.

50.2 In addition to making a determination under section 50.1, the Dispute Resolution Panel

may:

- a) recommend to Chief and Council the suspension of any Land Law or decision made by Chief and Council for such period as is necessary for Chief and Council to reconsider, amend or repeal such law or decision, provided that any amendment or repeal of a Land Law is made in a manner consistent with this Land Code; or
 - b) make any other recommendation to Chief and Council that it deems reasonable and necessary in the circumstances.
- 50.3 The Dispute Resolution Panel may, in relation to a dispute over which it has jurisdiction under this part, make any interim order it considers to be necessary as a matter of urgency to preserve the rights of the parties to the dispute or to preserve or protect an interest in Algonquins of Pikwàkanagàn First Nation Land.
- 50.4 The Panel may establish rules for the procedure at its hearings and generally for the conduct of its affairs.
- 50.5 The Panel may obtain the services of professionals to assist it in fulfilling its functions, in which case it shall make best efforts to use professional services available in the community.
- 50.6 Decisions of the Panel must be in writing, signed by the person chairing the Panel or by an officer designated by the Panel to do so.
- 50.7 The Panel shall give reasons for its decisions, and shall do so in writing if a party to the proceedings requests them before, or within fourteen (14) consecutive days after, the date of the decision.
- 50.8 A decision of the Panel is binding but, subject to any exception established by a law, may be appealed to the Federal Court (Trial Division).

PART 9 OTHER MATTERS

51. Liability

- 51.1 The Council shall arrange, maintain and pay, out of the transfer payments received from Canada, insurance coverage for the Algonquins of Pikwàkanagàn First Nation officers, employees and members of a board, committee or other body engaged in carrying out any matter related to Algonquins of Pikwàkanagàn First Nation Land to indemnify them against personal liability from the performance of the those duties.

- 51.2 The extent of the insurance coverage shall be determined by the Council.
- 51.3 Every employee of the Algonquins of Pikwàkanagàn First Nation whose responsibilities include Land management or collecting or accounting for Land revenue must be bondable.

52. Offenses

- 52.1 Unless some other procedure is provided for by law, the summary conviction procedures of Part XXVII of the Criminal Code, as amended from time to time, apply to offenses under this Land Code or under a law.

53. Revisions to Land Code

- 53.1 A Ratification Vote is not required for revisions made to this Land Code that do not change the substance of this Land Code. The Council shall, from time to time, arrange and revise this Land Code. Revisions may be made as a result of, but are not limited to:
- a) a reference in this Land Code to a clause in another act or document that was amended and resulted in clause renumbering;
 - b) a reference in this Land Code to an Act or part thereof that have expired, have been repealed or suspended;
 - c) minor improvements in the language as may be required to bring out more clearly the intention of the Algonquins of Pikwàkanagàn First Nation without changing the substance of the Land Code;
 - d) changes in this Land Code as are required to reconcile seeming inconsistencies with other acts; and
 - e) correct editing, grammatical or typographical errors.

54. Commencement

- 54.1 This Land Code shall not take effect unless the community approves this Land Code and the Individual Agreement with Canada and this Land Code has been certified by the verifier pursuant to the Framework Agreement.
- 54.2 Subject to section 54.1, this Land Code shall take effect on the first day of the month following the certification of this Land Code by the verifier.