

SUMMARY OF THE TSLEIL-WAUTUTH NATION LAND CODE

Dated for reference: February, 2007

The *Framework Agreement of First Nation Land Management* (the "Agreement") was signed by the Minister of Indian Affairs and Northern Development and 13 First Nations on February 12, 1996. The Agreement was an initiative for First Nations to take over the control and management of their reserve lands and resources outside the *Indian Act*. The Agreement was ratified on June 17, 1999 by the enactment of the *First Nations Lands Management Act*.

The Tsleil-Waututh Nation was added as a signatory to the Agreement. The final step for the Tsleil-Waututh to exercise its land management is to create and enact its own Land Code and enter into an Individual Agreement with Canada.

The following is a summary of the proposed Tsleil-Waututh Land Code:

Part 1 – Preliminary Matters

This Part contains:

- definitions of specific words and terms used throughout the Land Code.
- the purposes of the Land Code which are to set out the principles and administrative structure by which the Tsleil-Waututh shall exercise their authority over their reserve land and lands that become Tsleil Waututh reserve land in the future ("Tsleil-Waututh Lands").

Part 2 – Land Rules

This Part establishes the Land Rules that will govern and manage Tsleil-Waututh Lands.

The following are some of the highlights of the more important sections:

- section 6 establishes the Tsleil-Waututh Lands Office, which duties will, among other things, consist of:
 - preparing forms for registration and recording of interests and licences in Tsleil-Waututh Lands
 - receiving documents for registration and recording in the Tsleil-Waututh Lands Register, which will be part of the First Nations Land Register that is maintained by Canada in Ottawa
 - reviewing documents that are being submitted for registration and recording and arranging for their registration and recording in the Tsleil-Waututh Lands Register
 - preparing and presenting reports to Council

- section 6.3 permits the appointment of a Manager of Lands to oversee and manage the Tsleil-Waututh Lands Office and carry out any other action or responsibility delegated to that person by Council
- section 7.3 establishes the types of interests or licences in Tsleil-Waututh Lands such as allotments, leaseholds, easements, permits and mortgages, and that they can only be created, granted, assigned or transferred by written documents that comply with the Land Code
- pursuant to section 8.4 all documents proposed to be registered or recorded in the Tsleil-Waututh Registry must be first provided to the Tsleil-Waututh Lands Office for review and submitted to Ottawa
- pursuant to section 10.2 no further Allotments may be granted until a Tsleil-Waututh Law has been enacted
- pursuant to section 11.1 leaseholds in Community Lands (lands not held by an individual Tsleil-Waututh Nation member) that are less than 15 years may be granted by Resolution; leaseholds for a period of 15 years to 49 years will require a Special Membership Meeting and leaseholds for longer than 49 years will require a Referendum
- pursuant to section 12.1 and 12.3 Easements and Permits for a term of less than 15 years or of any length may be granted by Resolution; Easements and Permits for a term of more than 15 years will require a Special Membership Meeting
- where it is deemed appropriate, section 12.2 permits the Council to grant and Easements or Permit to utility companies by resolution for any length of term
- section 13.1 permits sub-interests in allotments to be created
- section 14.1 permits Allotments and Leaseholds to be mortgaged with the consent of Council
- if a Tsleil-Waututh member mortgages a sub-interest in allotted land it may be subject to seizure pursuant to section 14.3
- an Allotment may only be mortgaged in favour of another Tsleil-Waututh member or the Nation pursuant to section 14.2
- section 18 sets out the procedures that will govern the Tsleil-Waututh Lands Register and the types of instruments that may be registered or recorded

- the effective date of the grant or transfer of an interest or licence will be the date the documents are registered or recorded in Ottawa pursuant to section 19.1
- section 20 sets out the procedure for the cancellation or forfeiture of interests or licenses
- section 21 sets out when surveys will be required
- section 23 provides for the expropriation of an interest in Tsleil-Waututh Lands for a Community Purpose. A Community Purpose has been defined as a purpose which is intended to provide a facility, benefit or support for the Tsleil-Waututh Members or persons residing on Tsleil-Waututh Lands and is limited to transportation and utility corridors and requirements related to transportation and utility corridors
- pursuant to section 25 the Council may delegate some of the authority it has pursuant to this Part to the Manager of Land or the Tsleil-Waututh Lands Office
- within one year the Tsleil-Waututh, pursuant to section 26, are required to enact a Law respecting the treatment of interests and licences upon the breakdown of a marriage involving a Member

Part 3 – Law Enactment Procedures

This Part sets out how Tsleil-Waututh Laws relating the management and administration of Tsleil-Waututh Lands will be drafted, enacted and amended. The development of a Tsleil-Waututh Law related to the management and administration of Tsleil-Waututh Lands may be initiated by a Resolution of the Council or by a Petition presented to Council that is signed by at least twenty-five Eligible Voters. An Eligible Voter is a person who is 18 years of age, is listed on the Membership List and is included on the Eligible Voters List.

Part 4 – Officers and Employees

This Part provides for the appointment of a Manager of Lands to manage the Tsleil-Waututh Lands Office and other employees as may be necessary to carry out effective land management.

Part 5 – Land Advisory Committee

This Part sets out the procedure for the establishment of a Lands Advisory Committee which duties will consist of:

- assisting with the development of the Tsleil-Waututh Lands administration system

- advising Council and Tsleil-Waututh Lands Office staff on matters relating to Tsleil-Waututh Lands
- recommending to Council policies and procedures relating to Tsleil-Waututh Lands
- where community approval is required under the Land Code this process will be monitored by the Lands Advisory Committee

Part 6 – Special Membership Meetings

This Part sets out the procedure and criteria for holding and conducting a Special Membership Meeting. A Special Membership Meeting is a meeting held as required for Tsleil-Waututh Members to consider a specific issue or Tsleil-Waututh Laws to be enacted pursuant to the Land Code.

Notices of Special Membership Meetings will be posted by the Director of Administration and Public Works in a public area of the Tsleil-Waututh administration building at least five days before the meeting. Consent is obtained at a Special Membership Meeting if a Majority of Eligible Voters present at the Special Membership Meeting vote in favour of the issue.

Part 7 – Financial Management and Accountability

All of the monies received in respect of the management and administration of the Tsleil-Waututh Lands will held in a separate Tsleil-Waututh trust account. A budget will be developed each year and be presented to the membership for consultation.

Part 8 – Conflict of Interest

This Part sets out the conflict of interest policy respecting the management and administration of Tsleil-Waututh Lands and the procedure that must be followed where there is a conflict of interest or the appearance of a conflict on interest.

Part 9 – Referendum Procedures

This Part sets out the procedure for holding a referendum where a referendum is required by the Land Code.

A person must be an Eligible Voter to be entitled to vote in a referendum. At least sixty days prior to the date set for the referendum, the Council will determine the questions to be asked, appoint an Electoral Officer to conduct the referendum and appoint an Arbitrator to hear and determine any appeals of the referendum.

The Electoral Officer shall prepare the Electors List and post it in a public area no later than sixty days prior to the date on which the referendum is to be held.

A question put to referendum will be approved if a Majority of the Eligible Voters who cast ballots vote "Yes" to the question asked.

Part 10 – Amendment of the Land Code

This Part sets out the procedure for the development and passage of amendments to the Land Code.