



OPASKWAYAK CREE NATION BAND COUNCIL RESOLUTION

*Chronological Number: 06-014
Dated This 27th Day of February , 2006.*

AT A DULY CONVENED MEETING of Chief and Council held in the Council Chambers on Opaskwayak Cree Nation Reserve No. 21E;

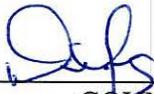
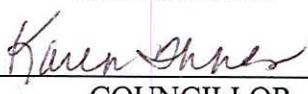
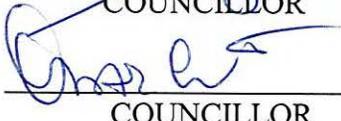
WHEREAS Opaskwayak Cree Nation (OCN) through ratification of their own Land Code on June 20, 2002, for the purpose of setting out the principles, guidelines and processes by which Opaskwayak Cree Nation will exercise control and management over its lands and resources consistent with the Framework Agreement on First Nation Land Management and the First Nation Land Management Act;

AND WHEREAS pursuant to Section 12.1(e) of the OCN Land Code, community approval at a Community Meeting must be obtained for enactment of Spousal Interest Land Law;

AND WHEREAS a community approval meeting was called and held on February 15, 2006 and that a vote was conducted to determine whether eligible OCN Citizens who voted at the community meeting would approve the enactment of the Spousal Interest Land Law;

AND WHEREAS those OCN citizens in attendance voted in favour of enacting the Spousal Interest Land Law and attached is the "Community Approval Process Meeting Report of the Vote";

NOW THEREFORE BE IT RESOLVED that Chief and Council hereby ratify OCN citizens decision to enact the Spousal Interest Land Law with an effective date of February 15, 2006 as of the date of the approval.

 _____ COUNCILLOR	_____ CHIEF	 _____ COUNCILLOR
 _____ COUNCILLOR	 _____ COUNCILLOR	_____ COUNCILLOR
 _____ COUNCILLOR	 _____ COUNCILLOR	_____ COUNCILLOR
_____ COUNCILLOR	 _____ COUNCILLOR	_____ COUNCILLOR
	_____ COUNCILLOR	

An Absolute Majority of Opaskwayak Cree Nation Chief and Council Consists of Seven (7).



OPASKWAYAK CREE NATION

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Opaskwayak Cree Nation Land Law

Spousal Interest Land Law

Enacted this 15th day of February, 2006

Land Law 2006/001

NEKANOOTĀWINĒK - TIPĀNIMISOWIN

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**OPASKWAYAK CREE NATION
SPOUSAL INTEREST LAND LAW**

PREAMBLE

WHEREAS the Opaskwayak Cree Nation has entered into the Framework Agreement on First Nation Land Management with Canada on February 12, 1996, as amended, and as ratified on behalf of the Government of Canada by the *First Nation Land Management Act*, S.C. 1999, C.24;

AND WHEREAS the Opaskwayak Cree Nation had the option of withdrawing the provisions of land management from the *Indian Act* which sections are outlined in section 38 of the *First Nation Land Management Act*;

AND WHEREAS by withdrawing from those provisions of the *Indian Act*, Opaskwayak Cree Nation through their Land Code, was ratified by their citizens on June 20, 2002, now has the authority and jurisdiction to exercise control and management over their lands and resources for the use and benefit of its citizens, rather than having their lands managed by Canada;

AND WHEREAS the Opaskwayak Cree Nation, pursuant to their Land Code, section 37, and pursuant to the Framework Agreement, allows for the enactment of a Land Law setting out rules and procedures, applicable on the breakdown of a marriage or breakdown of a Spousal Relationship, on the use or occupancy of Opaskwayak Cree Nation Land;

AND WHEREAS the Opaskwayak Cree Nation intends to provide rights and remedies without discrimination on the basis of sex, with respect to Spouses who have or claim Interest in OCN Lands upon a breakdown of marriage or Spousal Relationship;

AND WHEREAS it is the intent of Opaskwayak Cree Nation upon granting Interests in OCN Lands that the protection of the Land is foremost;

AND WHEREAS the Opaskwayak Cree Nation has always honoured the traditional and custom allocation of land to its citizens which were was not formally documented but granted through allocation of housing and/or land allocation;

AND WHEREAS the protection of children and ensuring that children have a safe and secure environment to grow up in is a priority;

THEREFORE IT IS HEREBY ENACTED AS A LAW OF THE OPASKWAYAK CREE NATION as approved at a Community Meeting held to enact this OCN Land Law.

1. NAME

1.1 This Land Law shall hereinafter be known as the "Spousal Interest Land Law".

2. APPLICATION OF LAND LAW

2.1 This Land Law applies only to Interests in land or claims which are proven regarding OCN Lands.

2.2 It is the intent of Opaskwayak Cree Nation to provide rights and remedies without discrimination on the basis of sex, with respect to Spouses who have or claim Interest in OCN Lands upon a breakdown of marriage or Spousal Relationship.

2.3 In providing rights and remedies, this Land Law shall be guided by the following principles and priorities:

- (a) the right of the parties in a Spousal Relationship to make their own agreement as to the disposition of Interests on OCN Lands in the event of a breakdown in their Spousal Relationship;
- (b) where the parties have not or are unable to reach their own Spousal Agreement in the disposition of Interests on OCN Lands, this Land Law shall recognize the value of mediation and accept agreements reached through mediation; and
- (c) in the absence of agreement or successful mediation, this Land Law shall recognize the right of the parties to have access to a Court of Competent Jurisdiction to deal with all of their property rights, entitlement and obligations on a Spousal breakdown;

subject, in each case to Opaskwayak Cree Nation Land Code, Land Law and by-laws, which are enacted or which may be enacted, amended or replaced from time to time, in relation to OCN Lands, including any Interest.

2.4 This Land Law shall not be construed as limiting or precluding any right or remedy otherwise available to persons who are or may be affected by it pursuant to any other law applicable on the breakdown of a marriage or Spousal Relationship, with respect to any property other than Interests in OCN Lands.

3. INTERPRETATIONS

- 3.1 For the interpretation of this Land Law, the terms set out herein shall have the following meanings:

"Child" includes a person under the age of eighteen (18) years and includes a child born in or out of wedlock, a legally adopted child and/or a child adopted in accordance with custom;

"Children" includes those persons under the age of eighteen (18) years and includes children born in or out of wedlock, legally adopted children and/or children adopted in accordance with custom;

"Council" means the Chief and Council of Opaskwayak Cree Nation acting collectively for the benefit of OCN Citizens;

"Court" means the Court of Competent Jurisdiction;

"Court of Competent Jurisdiction" means the court referred as the Court of Queens Bench of Manitoba which will remain the Court of Competent Jurisdiction until such time as Opaskwayak Cree Nation has entered into an agreement under section 24 of the *First Nations Land Management Act*;

"First Nation Land Registry System" means the registry system maintained by the Department of Indian and Northern Development pursuant to the *Framework Agreement* and the *First Nation Land Management Act*, section 25;

"Interest" includes any right to use or occupy OCN Lands arising from custom or traditional, or through a grant, instrument, lease, license or permit issued by the OCN Land Authority and includes any interest which has been documented through an agreement registered in the OCN Land Registry and the First Nation Land Registry System;

"Land Authority" means the executive body that facilitates past, present, and future administration, management and land planning, and which executive body was established through Land Law #2002/002, as amended from time to time;

"Lands Department" means the technical staff responsible for OCN Land management;

“Land Law” means a Law enacted pursuant to the OCN Land Code;

“Matrimonial Home” means an interest in a home located on lands under the jurisdiction of the OCN Land Authority and occupied by one or both Spouses as a family home or that is mutually intended to be occupied as a family home;

“Matrimonial Property” means those rights or interests in lands under the jurisdiction of the OCN Land Code that are not the Matrimonial Home, but which are acquired during the Spousal Relationship, which are acquired in anticipation of the Spousal Relationship, or which the Spouses agree is Matrimonial Property, and FURTHER, for greater certainty, the Spouses may also agree that rights or interest in lands under the jurisdiction of the OCN Land Code which would normally be considered Matrimonial Property may be excluded and deemed not to be Matrimonial Property;

“Mediator” means a neutral person assisting one or both Spouses in an effort to reach a Spousal Agreement on how the Matrimonial Home and Matrimonial Property are to be dealt with;

“OCN Citizen” means a person whose name appears on OCN membership list or is entitled to appear and shall have the same meaning as OCN members as defined in the OCN Land Code;

“Opaskwayak Cree Nation (OCN)” means the collective body of first nation members governed by a Chief and Council exercising collective and individual rights as Opaskwayak Cree Nation;

“OCN Housing Policy” is the policy, enacted, as amended, from time to time by the Board of Directors of the OCN Housing Authority Inc., governing the occupation and use of homes owned in whole or in part by, or under the jurisdiction of the OCN Housing Authority Inc.;

“OCN Land Code” means the Land Code ratified and enacted by the eligible registered voters of OCN Citizens, as amended from time to time;

“OCN Land Registry” means the registry system in which OCN Land Laws, Regulations, policies and documentation relating to land management are maintained for recording of Interests in OCN Lands;

"OCN Lands" means all land referred to in the OCN Land Code and Individual Transfer Agreement, including any additional lands which may be registered and recognized as OCN Lands, from time to time;

"Order" means a written direction or instrument issued by a Court of Competent Jurisdiction which determines or decides a matter that has been at issue between the parties under the jurisdiction of this Land Law;

"Ruling" means a judgement or decision by a Court of Competent Jurisdiction, or by an agreed arbitrator, mediator or intermediary, which is binding upon the Parties or which is agreed to be accepted by the parties, with respect to a matter under the jurisdiction of this Land Law;

"Spouse" means one of two persons that are entered into a spousal relationship;

"Spousal Relationship" means two persons who:

- (a) are married to each other;
- (b) have together entered into a marriage that is voidable or void, in good faith on the part of a person relying on this clause to assert any right under this law; or
- (c) have lived in a common-law relationship for more than one (1) year and have a Child or three (3) years if no Children or who are registered or declared under Provincial or Federal Law as a common-law-relationship;

"Spousal Agreement" means any written arrangement, agreeing upon the respective rights and obligations in the possession or division of Matrimonial Property or Matrimonial Home, between the Spouses, either before, during or in the future with respect to a Spousal Relationship.

4. LANDS AFFECTED

- 4.1 Grants of Interest in OCN Land are limited in the length of time that they are valid, therefore this Land Law when referring to OCN Land apply only to the length of time that an allocation is in place either by custom allocations, leases or permits.

- 4.2 No disposition, agreement, award or judgement relating to any OCN Land or any Interest in OCN Land may grant or create any right or interest in a term, condition, or length of time greater than the original Interest or right in OCN Land.

5. AGREEMENT AND THEIR RESPONSIBILITY

- 5.1 When dealing with land issues upon the breakdown of a Spousal Relationship, the Lands Department will work in conjunction with other Opaskwayak Cree Nation divisions or departments that may have an interest or policy in place that will affect a decision on land Interests.
- 5.2 It is the purpose and intention of this Land Law to respect a Spousal Agreement, to the extent that the Spousal Agreement is consistent with the OCN Land Code, this Land Law and other Land Laws, for:
- (a) the use of Matrimonial Property;
 - (b) possession of the Matrimonial Home and Matrimonial Property;
 - (c) the agreement as to who will remain in the Matrimonial Home; and
 - (d) the disposition or partition of the Matrimonial Home and the Matrimonial Property.
- 5.3 The provisions provided for in the Spousal Agreement which deal with the Matrimonial Home and/or Matrimonial Property, upon approval or consent from the Land Authority, shall be valid, binding and enforceable.
- 5.4 Notwithstanding, subsection 5.3, any provision in a Spousal Agreement that would purport to give, award, acknowledge or create an Interest in OCN Land greater than any original term of the Interest granted and registered, and which is in favour of a Spouse, will be required to submit a copy of any such Spousal Agreement pertaining to the Matrimonial Home and/or Property to the Land Authority for their consent or rejection.
- 5.5 The Rulings or Orders rendered by a Mediator or a Court of Competent Jurisdiction, dealing with the allocation of the Matrimonial Property and/or the Matrimonial Home must be registered in the OCN Land Registry and the First Nation Land Registry System.

- 5.6 Approval under subsection 5.3, is dependent upon conformity with the terms and conditions of the original Interest granted or recognized by the Land Authority and conformity of the Spousal Agreement or the Ruling or Order with this Land Law, OCN Land Code and any applicable Land Law.
- 5.7 In the event that possession of the Matrimonial Home or Matrimonial Property is granted to a non-OCN Citizen then that Spouse will be subject to:
- (a) an obligation to enter into a lease which includes a provision for paying fair market rent for the occupation of said land; and
 - (b) the Spousal Agreement will include provision of rent, the duration of occupancy, and provision for renewal if applicable; and the responsible party for the occupancy of the Interest.
- 5.8 In the event that Spouse(s) do not submit the Spousal Agreement, Ruling or Order to the Land Authority, the Land Authority will deem that the name on the Interest registered in the OCN Land Registry and the First Nation Land Registry System shall be recognized as a legal holder of the Interest until such time as a Spousal Agreement or Ruling is submitted and approved.

6. MEDIATION

- 6.1 Upon a Spousal breakdown, in the absence of any pre-existing Spousal Agreement and where the Spouses are unable to conclude a Spousal Agreement with respect to the Interests in OCN Lands, either Spouse can arrange for a Mediator to assist in resolving the Interest, prior to going to a Court of Competent Jurisdiction.
- 6.2 For the purpose of mediation, the Spouses shall notify the Land Authority that they are in the process of coming up with a Spousal Agreement and such agreement will be forwarded to the Land Authority in respect to any land issue.
- 6.3 A designate of the Land Authority will meet with the appointed Mediator to explain and review the OCN Land Code, OCN Land Laws and policies as they apply to the Matrimonial Home and the Matrimonial Property.
- 6.4 Spouses who do not have or are unable to conclude a Spousal Agreement may initiate other mediation alternatives.

- 6.5 For clarity, OCN or the Land Authority will not bear any costs for the mediation, all expenses associated will be at the Spouses cost.
- 6.6 The Mediator shall proceed with due diligence in the mediation and use best efforts to assist the parties in resolving any and all issues with respect to Matrimonial Home and Matrimonial Property.

7. MEDIATION PROCESS AND PROCEDURES

- 7.1 The mediation process and procedures which deal with Matrimonial Property and the Matrimonial Home shall include:
- (a) how and to whom the Interest will be divided;
 - (b) reference to the priority listing by OCN of OCN Lands and the rules and policy regulating the allocation and use of OCN Lands;
 - (c) reference to the OCN Housing Policy and if the house is currently owned by OCN, then this policy shall be binding, especially when dealing with OCN Children;
 - (d) recognition of applicable OCN Land Code, OCN Land Laws, by-laws, land use and regulations; and
 - (e) if fees, duties, rents, service assessments, and charges are assessed, whose responsibility to ensure payments are made.

8. INTERIM PERIOD

- 8.1 During the interim period between when the Spouses have applied for mediation and the time that it takes to make a decision, it is the joint and several responsibility of both Spouses, regardless of the primary occupier to pay any fees, duties, rents, charges, assessed during the period it takes to resolve the dispute.

9. LIQUIDATION OF MATRIMONIAL HOME OR MATRIMONIAL PROPERTY

- 9.1 No asset may be disposed so as to liquidate the underlying Interest of jurisdiction of the Land Authority.

- 9.2 In the event that the decision is to liquidate the Matrimonial Home or Matrimonial Property, the Land Authority will be kept informed during the process, so that in the event that the liquidation affects the allocation of Interest on OCN Land, the parties have notice of the processes for applying for use of land.
- 9.3 Where the land is identified for OCN Citizens, and there are OCN children involved, Council shall determine the validity of the liquidation.
- 9.4 In the event of the liquidation of the Matrimonial Home and/or Matrimonial Property, it will be the responsibility of the Spouses to carry out the decision on liquidation of assets AND FURTHER to inform the Land Authority of the time, place and date in which the liquidation is to take place in order that a Land Authority representative will be in attendance at the proposed sale.
- 9.5 No liquidation shall be permitted where the Matrimonial Home and/or Matrimonial Property is a property owned in whole or in part by the OCN Housing Authority and under the jurisdiction of the OCN Housing Policy.

10. ACCESS TO A COURT OF COMPETENT JURISDICTION

- 10.1 For greater certainty, no court other than a Court of Competent Jurisdiction shall exercise jurisdiction under this Land Law in respect to Interests in OCN Lands.
- 10.2 In the event of the Spousal breakdown, a Spouse may apply to a Court of Competent Jurisdiction to determine disputes in relation to Interests in OCN Lands.
- 10.3 Subject to this Land Law, a Court of Competent Jurisdiction may deal with Matrimonial Home and Matrimonial Property, in a manner consistent with the provisions of the *Family Maintenance Act* (Manitoba) and the *Family Property Act* (Manitoba) with reference to the determination of relevant ownership, possession or occupancy, the division of Interests and the value of Interests.
- 10.4 Notwithstanding section 10.3, an Interest in OCN Land does not include future or contingent Interest in OCN Lands and shall not be taken to confer jurisdiction upon a Court over such Interest under this Land Law.
- 10.5 This Land Law does not apply to Interests in OCN Land received by way of gift or inheritance except for such inheritance or gifts were specifically intended to be a Matrimonial Home or Matrimonial Property and there is proof of that intention.

- 10.6 The Court may make any appropriate and equitable order on the ground of unconscionability where a Spouse has intentionally, recklessly or fraudulently depleted his or her net family property that is an Interest in OCN Lands.
- 10.7 Subject to this Land Law, the Court may make any Order in relation to Interest in OCN Lands held by a Spouse, or by both Spouses, including in appropriate circumstances:
- (a) a declaration whether or not the Interest in OCN Lands is a Matrimonial Home or Matrimonial Property;
 - (b) an Order that an Interest in OCN Lands is to be transferred to a Spouse absolutely, where permitted under this Land Law;
 - (c) an Order that an Interest in OCN Lands be subject to sub-lease by one Spouse to the other for a term of years subject to the such conditions as the Court deems just in all the circumstances;
 - (d) an Order that an Interest in OCN Lands shall be held by the Spouse who has the Child or Children on behalf of the Child or Children;
 - (e) authorize a disposition or encumbrance consistent with Opaskwayak Cree Nation Law of a Spouses Interest in OCN Land that is a Matrimonial Home or Matrimonial Property, subject to the other Spouse's to occupy the land;
 - (f) where it appears that a Spouse has disposed of or encumbered an Interest in OCN Land that is a Matrimonial Home or Matrimonial Property in a fraudulent manner calculated to defeat the rights of the other Spouse under this Land Law, or has falsely and knowingly represented in connection with a disposition or encumbrance that the Interest in OCN Land is not a Matrimonial Home, the Court may declare any such disposal or encumbrance null and void, and may make such other or additional Order as to preserve or restore the Interests of the other Spouse;
 - (g) an Order that an Interest in OCN Lands be sold and liquidated, in circumstances where the Matrimonial Home or Matrimonial Property is not owned by OCN Housing Authority must comply with OCN Land Laws in relation to granting and release of an Interest;

- (h) make any interim or temporary Order to give effect to the purposes of this Land Law or to protect the rights of a Spouse; or
 - (i) make any ancillary Order which the Court deems necessary to give effect to this Land Law.
- 10.8 Where an Order has been made under subsection 10.7, the Spouses shall ensure that the Order is filed and registered with the OCN Land Registry, and that a copy of the Order is provided to any person or agency with a material interest. It shall be the obligation of the Spouses to comply with and implement the Order.
- 10.9 Where an Order is made to sell the Interest in OCN Lands, by auction or otherwise, the sale price of the said Interest shall include any costs associated in reallocation of that Interest in OCN Lands.
- 10.10 Where the Matrimonial Home or the Matrimonial Property is held through a corporation, then the Court may Order that shares in the corporation be transferred between the Spouses, issued to the Spouses, or may require the corporation to transfer assets to a Spouse or to the Spouses.
- 10.11 An Order shall not be made under subsection 10.7, so as to require the sale of an operating business or farm on OCN Lands, or so as to impair seriously its operation, unless there is no reasonable alternative method of achieving an equitable result between the parties.
- 10.12 Where a proceeding has been commenced by the Court, and either Spouse dies before all issues relating to the Interest in OCN Lands have been disposed of by the Court, the surviving Spouse may continue the proceedings against the estate of the deceased Spouse.
- 10.13 For greater certainty, a Spouse for the purposes of applying for relief from a Court includes a former Spouse after the Spousal Relationship has been dissolved by a decree absolute of divorce or by judgement of nullity.
- 10.14 Nothing in this Land Law relieves a party of the requirement to observe the rules and procedures of a Court of Competent Jurisdiction in relation to matrimonial causes.

- 10.15 Nothing in this Land Law limits the application of valid laws of Manitoba and Canada in respect of matrimonial causes, except to the extent that such laws deal expressly or implicitly with Interests in OCN Lands and to that extent that such laws conflict with the OCN Land Code, this Land Law, or other Land Laws.
- 10.16 It is the intention of this Land Law that all rights, entitlements, and obligations of the Spouses be dealt with equitably on the basis of the totality of their circumstances, including the rights, entitlements and obligations in respect to Interests in OCN Lands, but subject to the provisions set out in the Land Law.

11. MATRIMONIAL HOME AND MATRIMONIAL PROPERTY

- 11.1 Whether or not an Interest in OCN Lands is a Matrimonial Home or Matrimonial Property is a question of fact, and, for greater certainty, the provisions of the *Family Maintenance Act* (Manitoba) and *Family Property Act* (Manitoba) dealing with the designation of a Matrimonial Home or Matrimonial Property do not apply in respect to the Interest in OCN Lands.
- 11.2 When only one Spouse holds a registered/documented Interest in OCN Lands that is a Matrimonial Home or/and Matrimonial Property, the other Spouse shall be deemed to hold an equivalent right of possession, regardless AND in the absence of a registration documentation as to whether or not an Interest is a Matrimonial Home and/or Matrimonial Property shall not be deemed to be conclusive proof that an Interest is not a Matrimonial Home and/or Matrimonial Property.
- 11.3 No Spouse, whether or not the Interest is jointly held or not, shall dispose of or encumber an Interest in OCN Lands that is a Matrimonial Home or Matrimonial Property unless:
- (a) the other Spouse joins in the instrument or consents to the transaction;
 - (b) the other Spouse has released all rights in respect of that Interest by a Spousal Agreement; or
 - (c) a Court Order has authorized the transaction or has released the Interest in OCN Lands from application of this section.

- 11.4 If a Spouse disposes of or encumbers an Interest in OCN Lands that is a Matrimonial Home in contravention of section 11.3, the transaction may be set aside on an application to the Court.
- 11.5 When a person proceeds to realize upon an encumbrance or execution against an Interest in OCN Land that is a Matrimonial Home or Matrimonial Property, each Spouse shall have the same right of redemption or relief against forfeiture and is entitled to the same notice respecting the claim and its enforcement or realization.
- 11.6 The Court may, on the application of a Spouse or a person claiming an Interest in OCN Lands that is a Matrimonial Property, where it finds as a fact that the Spouse whose consent or agreement is required cannot be found or is not available, is not capable of giving or withholding consent, or is unreasonably withholding consent, may prescribe conditions including the provision of other comparable accommodation, or payment in place of it, that the Court consider appropriate including, dispensing with a notice required to be given; or making an Order, pursuant to subsection 11.3, which the Court determines to be equitable and just in all the circumstances.
- 11.7 A Court, in consideration whether to direct the one Spouse have exclusive possession of an Interest in OCN that is a Matrimonial Home shall be guided by the principles that:
- (a) the best interest of the Child or Children shall be paramount over the wishes and interests of the Spouses, and the Interests of any third party;
 - (b) the best interests of the Child or Children shall be deemed to be a stable and secure home situation; which provides continuity and security which meets the child's social, emotional, spiritually, physical and intellectual needs and provides opportunities for the Child to grow in a healthy and positive manner;
 - (c) factors including the suitability, quality and condition of the home in terms of safety and health, and the availability and proximity of services, family and social and cultural support may also be considered;
 - (d) where one Spouse receives sole custody or has primary care and control over the Child or Children, then subject to these principles, the Spouse should receive exclusive possession of the Matrimonial Home for the purpose of raising the Child or Children;

- (e) where both parents share joint custody of one or more Children, or where both Spouses have sole custody or primary care and control over different Children, then priority shall be given to the best interest and needs of the youngest Child; or
 - (f) where it is deemed to be in the best interest of the Child or Children to award exclusive possession of the Matrimonial Home for a period of time, this right exclusive possession shall be reconsidered and may be varied from time to time in light of the evolving needs and circumstances of the Child or Children, but shall endure no longer than it takes the youngest Child to reach to age of majority.
- 11.8 Where both parents share joint custody of one or more Children, the principle set out in subsection 11.7, shall be adapted to favour the Spouse with whom the youngest Child principally reside, and if the Child or Children resides substantially equal periods of time with both Spouses, then the principle shall be neutral as between them.
- 11.9 In applying the principle set out in subsection 11.7 and 11.8, the Court may have regard to the fact that one or more of the Children are not OCN Citizens.

12. PENALTIES

- 12.1 A person who contravenes an Order made by a Court of Competent Jurisdiction pursuant to this Land Law in relation to an Interest in OCN Lands is guilty of an offense and liable, on summary conviction to a fine or to imprisonment for a term of not more than 3 months, or both, to be determined by the Court of Competent Jurisdiction.
- 12.2 A fine payable under this Land Law shall be remitted to Opaskwayak Cree Nation by the Court, after reasonable Court costs have been deducted.

13. GENERAL PROVISIONS

- 13.1 Except where otherwise specifically intended, the plural shall include the singular, the singular shall include the plural, the masculine shall include the feminine and the feminine shall include the masculine where used in this Land Law.

- 13.2 This Land Law will be interpreted in full, fair and generous manner, in accord with its spirit and intent, rather than the technical interpretation or construction of its words or technical or typographical errors or no technical defect, breach or failure in the conduct or implementation of the obligations and duties set out in this Land Law shall be considered material or shall affect the application of the Land Law.
- 13.3 This Land Law shall be interpreted in conformity with the following principles in priority:
- (a) in accordance with the values of the OCN Citizens;
 - (b) in accordance with the OCN Land Code, Lands Laws, by-laws, regulations, and policies enacted or adopted by the Opaskwayak Cree Nation and its entities;
 - (c) in accordance with appropriate Federal Law; and
 - (d) in accordance with appropriate Provincial Law;
- 13.4 The headings used in this Land Law have been inserted for convenience only and shall not be used in the interpretation, within this Land Law.
- 13.5 Where any part, section, subsection of this Land Law is struck down or struck out by a Court of Law, that section, subsection or provision will be deemed to be severed, and the remainder of this Land Law will remain and continue in force.

14. **AMENDMENTS**

- 14.1 This Land Law may be amended by Council in the following manner:
- (a) a recommendation from the Land Authority, supporting or requesting the amendment;
 - (b) where the proposed amendment is substantial in nature, it may be referred to a community meeting for input;
 - (c) where an amendment is technical in nature or where urgent or following community input may be enacted by a written Resolution of Council; and

(d) a written Resolution of Council amending this Land Law shall be filed with the OCN Land Registry.

14.2 A notice shall be provided to the community through the local newsletter and by such other means as the Council deems appropriate.

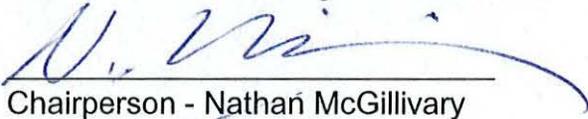
14.3 Upon amending this Land Law, notice shall be published in local newsletter, informing the community members of the changes.

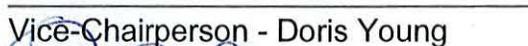
15. COMING INTO EFFECT

15.1 This Land Law shall come into force and effect on 15th day of Feb., 2006

15.2 That the OCN Citizen at a Community Approval Meeting held on February 15, 2006, has adopted this Land Law.

DONE AND PASSED by the Board of Directors of the Land Authority at a meeting held on 4th day of January, 2006, A.D. and FURTHER RECOMMENDS that Chief and Council request that a Community Approval meeting be held to enact vote on enacting this Land Law and which meeting was held on 15th day of February 2006 at the Kikiwak Inn.

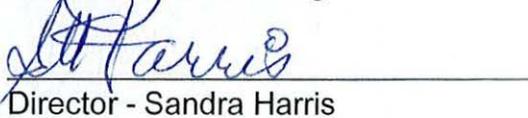

Chairperson - Nathan McGillivray


Vice-Chairperson - Doris Young


Director - Kerry Bignell


Director - Muriel Young


Director - Keith Dick


Director - Sandra Harris


Witness to Directors Signatures

That the Chief and Council of Opaskwayak Cree Nation RATIFIES the Community Approval of the enactment of the Spousal Interest Land Law at a meeting held on 27th day of February, 2006.