

# LAND CODE

April 11, 2005

Amended, June 16, 2017

"I hereby certify that this document is a complete and true copy of the original document consisting of 54 pages.

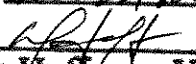
Certified this 6<sup>th</sup> day of August, 20 23, by:

Signature: Kelly Wolfe Name & Title: KELLY Wolfe Chief"


<b>Certified</b>
Date <u>Nov 22, 2017</u>
<u>[Signature]</u>
Dave Hoffman, Verifier

## TABLE OF CONTENTS

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

<i>Certified</i>
Date <u>Nov 22, 2017</u>

<b>Dave Hoffman, Verifier</b>

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

<i>Certified</i>
Date <u>Nov 22, 2017</u>

<b>Dave Hoffman, Verifier</b>

## PREAMBLE

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

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

And Whereas the Muskeg Lake Cree Nation has the option of withdrawing its lands from the land provisions of the *Indian Act* in order to exercise control over its lands and resources for the use and benefit of its members rather than having its land managed on its behalf by Canada;

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

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

## PART 1 PRELIMINARY MATTERS

### 1. Title

Title

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

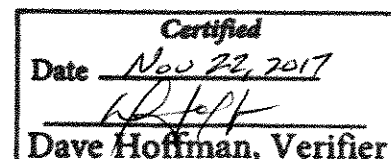
### 2. Interpretation

Definitions

2.1 The following definitions apply in this Land Code:

"Body" means the Dispute Resolution Body established under section 39;

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



**"Community Land Register"** means the duplicate register maintained by the Muskeg Lake Cree Nation under section 29;

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

**"Council"** means the duly elected Chief and Councilors of Muskeg Lake Cree Nation;

**"Eligible Voter"** means, for the purpose of voting in respect of land matters under this Land Code, a Member who has attained the age of eighteen (18) years of age;

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

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

**"Framework Agreement"** means the Framework Agreement on First Nations Land Management entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations, on February 12, 1996, as amended to include Muskeg Lake Cree Nation, and which has been ratified on behalf of the Government of Canada by an Act of Parliament;

**"Immediate relatives"**, in respect of a person, means the person's mother, father, sister, brother, children or spouse;

**"Land Law"** means a Land Law enacted pursuant to this Land Code;


**"Land Resolution"** means a resolution of Council made pursuant to this Land Code;

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

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

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

**"Residential interest"** means a leasehold interest in land and any improvements thereon, including any house, dwelling, apartment, flat, tenement or other place that is occupied or may be occupied as a residence, the principal purpose for which is the use or intended use for permanent living accommodation;

<i>Certified</i>
Date <u>Nov 23, 2017</u>

<b>Dave Hoffman, Verifier</b>

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

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

Paramountcy

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

Culture and Traditions

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

Language

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

Non-abrogation

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

Number

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

Fair Interpretation

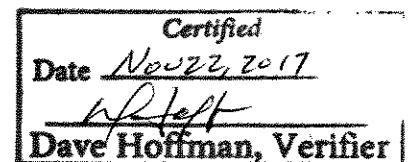
2.7 This Land Code shall be interpreted in a fair, large and liberal manner.

Special Relationship

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

Lands and Interests Affected

2.9 A reference to "land" in this Land Code means all rights and resources that belong to the land, and includes:



- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources belonging to the land, to the extent that these are under the jurisdiction of Canada; and
- (b) all the interests and licences granted to Muskeg Lake Cree Nation by Her Majesty the Queen in right of Canada listed in the Transfer Agreement.

### **3. Authority to Govern**

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

### **4. Purpose**

#### Purpose

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

#### Ratification

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

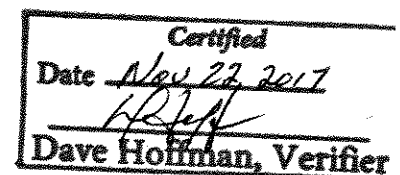
### **5. Description of First Nation Land**

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

#### **Muskeg Lake Cree Nation No. 102**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Townships 46 & 47, Ranges 6 & 7, West of the Third Meridian.**



**Comprised of the following lands, excluding mines & minerals:**

Fractional Sections 6, 7, 18, 19, 30 and 31, Township 46, Range 6, West of the Third Meridian

Fractional Sections 1, 2, 3, 4, 16, 21 and 33, Township 46, Range 7, West of the Third Meridian

Sections 10, 11, 12, 13, 15, 22, 24, 25, 26, 27, 34, 35 and 36, Township 46, Range 7, West of the Third Meridian

Section 6, Township 47, Range 6, West of the Third Meridian

Fractional Section 7, Township 47, Range 6, West of the Third Meridian

Sections 1, 2, and 15 Township 47, Range 7, West of the Third Meridian

Fractional Sections 3, 10, 11 and 12, Township 47, Range 7, West of the Third Meridian

Including all intervening road allowances

All as shown on Plan 1966 recorded in the Canada Lands Surveys Records (CLSR).

**Excepting thereout and therefrom:**

A roadway as shown on Plan 52418 CLSR, containing an area of 37.55 hectares (92.78 acres) more or less

A roadway as shown on Plan 58338 CLSR, containing an area of 4.64 hectares (11.46 acres) more or less

A roadway as shown on Plan 60645 CLSR, containing an area of 25.61 hectares (63.28 acres) more or less

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

Total lands, excluding mines and minerals, containing 7245 hectares (17904 acres) more or less.

**Mines and Minerals:**

Fractional Sections 6, 7, 18, 19, 30 and 31, Township 46, Range 6, West of the Third Meridian

Fractional Sections 1, 2, 3, 4, 16, 21 and 33, Township 46, Range 7, West Of the Third Meridian

Sections 10, 11, 12, 13, 15, 22, 24, 25, 26, 27, 34, 35 and 36, Township 46, Range 7, West of the Third Meridian

Section 6, Township 47, Range 6, West of the Third Meridian

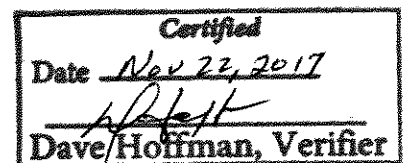
Fractional Section 7, Township 47, Range 6, West of the Third Meridian

Sections 1, 2, and 15 Township 47, Range 7, West of the Third Meridian

Fractional Sections 3, 10, 11 and 12, Township 47, Range 7, West of the Third Meridian

Including all intervening road allowances

All as shown on Plan 1966 CLSR.





**Excepting thereout and therefrom:**

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

Total mines and minerals, containing 7313 hectares (18071 acres) more or less.

**Asimakaniseekan Askiy Indian Reserve No. 102A**

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

**In Township 36, Range 5, West of the Third Meridian.**

**Comprised of the following lands, excluding mines & minerals:**

All those portions of land shown as Parcels A, C and D on Plan 71873 CLSR.  
All those portions of land shown as Parcel E on Plan 75178 CLSR.  
All those portions of land shown as Parcel F on plan 76199 CLSR.  
All those portions of land shown as Lots 1, 2, 3 and 4 on plan 82663 CLSR.  
All those portions of land shown as Lot 12 on plan 2268R in the Regional Survey Saskatchewan.

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

**Asimakaniseekan Askiy Indian Reserve No. 102B**

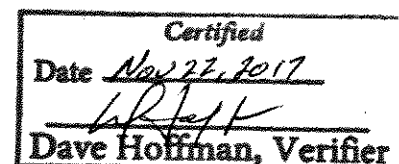
**Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the *First Nations Land Management Act*. Reserve Lands within the Province of Saskatchewan, Canada.**

**Firstly**

Surface Parcel No. 136167576, being the most Southerly 4.877 metres (16 feet) in perpendicular width throughout of Lot 1, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No. 97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of Titles Order No. 64-S-04188, containing 0.019 hectares (0.046 acres) more or less.

**Secondly**

Surface Parcel No. 119944659, being the whole of Lot 2, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No. 97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of



Titles Order No. 64-S-04188, containing 0.029 hectares (0.072 acres) more or less.

**Thirdly**

Surface Parcel No.119944648, being the whole of Lot 3, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No.97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of Titles Order No. 64-S-04188, containing 0.029 hectares (0.072 acres) more or less.

**Fourthly**

Surface Parcel No.119944637, being the whole of Lot 4, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No.97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of Titles Order No. 64-S-04188, containing 0.029 hectares (0.072 acres) more or less.

**Fifthly**

Surface Parcel No.119944626, being the whole of Lot 5, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No.97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of Titles Order No. 64-S-04188, containing 0.029 hectares (0.072 acres) more or less.

**Sixthly**

Surface Parcel No.119944615, being the whole of Lot 6, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No.97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of Titles Order No. 64-S-04188, containing 0.029 hectares (0.072 acres) more or less.


**Seventhly**

Surface Parcel No.119944604, being the whole of Lot 7, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No.97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of Titles Order No. 64-S-04188, containing 0.029 hectares (0.072 acres) more or less.

**Eighthly**

Surface Parcel No.119944592, being the whole of Lot 8, in Block 40, shown on the Plan of record in the Canada Lands Surveys Records as No.97917 and in the Saskatchewan Land Surveys Directory as No. G99, as amended by Master of Titles Order No. 64-S-04188, containing 0.029 hectares (0.072 acres) more or less.

The above described parcels of land contain 0.222 hectares (0.55 acres) more or less, of surface only.

<i>Certified</i>
Date <u>Nov 23 2017</u>

<b>Dave Hoffman, Verifier</b>

**Lake Pitihkwakew Indian Reserve No. 102B**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Townships 47 and 48, Range 9, West of the Third Meridian.**

**Comprised of the following lands, including mines & minerals:**

**Firstly, in Township 47:**

All those portions of land shown as Parcels A, B, C, D and E as shown on Plan 83712 CLSR.

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

**Secondly, in Township 48:**

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

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

**Muskeg Lake Indian Reserve No. 102B**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Township 47, Range 10, West of the Third Meridian.**

**Comprised of the following lands, including mines & minerals:**

**Firstly**

The northeast ¼ Section 7

The northwest ¼ Section 8

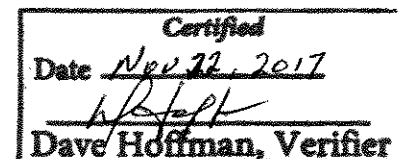
The northwest ¼, southwest ¼ and southeast ¼ Section 17

The northeast ¼ and southeast ¼ Section 18

All as shown on Plan 86910 CLSR.

**Excepting thereout and therefrom:**

Those portions of the above mentioned lands taken for roadway as shown on Plan 86468 CLSR, containing 2.890 hectares (7.140 acres), more or less.



**Secondly**

The northwest ¼, northeast ¼ and southeast ¼ Section 19  
The southwest ¼ Section 20  
The southeast ¼ Section 30  
The northeast ¼, northwest ¼ and southwest ¼ Section 32

All as shown on Plan 86910 CLSR.

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

**Muskeg Lake Indian Reserve No. 102C**

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

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

**Comprised of the following lands, including mines & minerals:**

**Firstly**

The fractional north ½ of Section 31, Township 46, Range 6, West of the Third Meridian, as shown on Plan 86906 CLSR.

**Excepting thereout and therefrom:**

Out of the fractional north ½ of Section 3 I, a roadway as shown on Plan 86913 CLSR, containing an area of 0.465 hectares (1.15 acres) more or less  
Out of the fractional north ½ of Section 31, a roadway as shown on Plan 86343 CLSR, containing an area of 0.146 hectares (0.36 acres) more or less.

**Secondly**

The northwest ¼ Section 32, Township 46, Range 6, West of the Third Meridian, as shown on Plan 86906 CLSR.

**Excepting thereout and therefrom:**

Out of the northwest ¼ Section 32, a roadway as shown on Plan 86343 CLSR, containing an area of 0.380 hectares (0.94 acres) more or less.

**Thirdly**

The northeast ¼ and southeast ¼ and the fractional southwest ¼ Section 5, Township 47, Range 6, West of the Third Meridian, as shown on Plan 86907 CLSR.

**Excepting thereout and therefrom:**

Out of the southeast ¼, a roadway as shown on Plan 86343 CLSR, containing an area of 0.413 hectares (1.02 acres) more or less out of the fractional southwest ¼, a roadway as shown on Plan 86343 CLSR, containing an area of 0.368 hectares (0.91 acres) more or less.

**Fourthly**

All that portion of the southeast ¼ Section 8, Township 47, Range 6, West of the Third Meridian, lying southerly of the original road allowance through the Section, as shown on Plan 86907 CLSR.

**Excepting thereout and therefrom:**

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

Total lands, including mines and minerals, containing 313 hectares (774 acres) more or less.

**Muskeg Lake Indian Reserve No. 102D**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Township 47, Range 7, West of the Third Meridian.**

**Comprised of the following lands, including mines & minerals:**

**Firstly**

Legal subdivisions 9 and 16 of Section 10, as shown on Plan 86911 CLSR.

**Excepting thereout and therefrom:**

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

**Secondly**

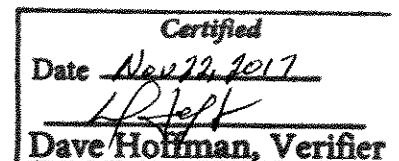
Fractional southeast ¼ and fractional southwest ¼ Section 11, as shown on Plan 86911 CLSR.

**Thirdly**

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

**Excepting thereout and therefrom:**

Out of legal subdivisions 3 & 4, a roadway as shown on Plan 86336 CLSR, containing an area of 0.457 hectares (1.13 acres) more or less.



Total lands, including mines and minerals, containing 131 hectares (324 acres) more or less.

**Muskeg Lake Indian Reserve No. 102E**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Township 46, Range 7, West of the Third Meridian.**

**Comprised of the following lands, including mines & minerals:**

The east ½ fractional Section 28 and the east ½ fractional Section 33, both as shown on Plan 86912 CLSR.

Total lands, including mines and minerals, containing 162 hectares (400 acres) more or less.

**Muskeg Lake Indian Reserve No. 102F**

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

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

**Comprised of the following lands, including mines & minerals:**

All that portion of Muskeg Lake Indian Reserve No. 102F, as shown on Plan 88320 CLSR.

Total lands, including mines and minerals, containing 14.7 hectares (36.3 acres) more or less.

**Muskeg Lake Indian Reserve No. 102G**

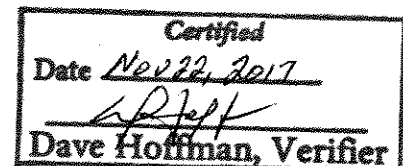
**Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the *First Nations Land Management Act*.**

**Reserve Lands within the Province of Saskatchewan, Canada in Township 47, Range 7, West of the Third Meridian.**

**Comprised of the following lands, including mines & minerals:**

**Firstly**

The west ½ Section 14, as shown on Plan 86911 CLSR.



**Excepting thereout and therefrom:**

Out of the southwest ¼ of Section 14, a roadway as shown on Plan 86336 CLSR, containing an area of 0.668 hectares (1.65 acres) more or less.

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

**Muskeg Lake Indian Reserve No. 102H**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Township 45, Ranges 5 and 6, West of the Third Meridian.**

**Comprised of the following lands, including mines & minerals:**

**Firstly**

The whole of the southwest ¼ Section 19, Township 45, Range 5, West of the Third Meridian, as shown on Plan 86908 CLSR.

**Secondly**

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

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

**Muskeg Lake Indian Reserve No. 102J**

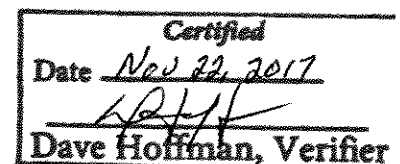
**Land Description of Reserve Lands that will be subject to the Land Code of the Muskeg Lake Cree Nation under the *First Nations Land Management Act*.**

**Reserve Lands within the Province of Saskatchewan, Canada in Township 45, Range 6, West of the Third Meridian.**

**Comprised of the following lands, excluding mines & minerals:**

West ½ Section 13, as shown on Plan 86909 CLSR.

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



**Muskeg Lake Indian Reserve No. 102K**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Township 46, Range 7, West of the Third Meridian.**

**Comprised of the following lands, including mines & minerals:**

All that portion of the statutory Road Allowance that lies to the East of the Eastern boundary of Fractional Sections 28 and 33, and between the Easterly production of the Northern boundary of Fractional North East ¼ Section 33 and the Easterly production of the Southern boundary of the Fractional South East ¼ Section 28, as shown on Plan 86912 CLSR.

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

**Muskeg Lake Indian Reserve No. 102L**

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

**Reserve Lands within the Province of Saskatchewan, Canada in Township 46, Range 4, West of the Third Meridian, described as follows:**

**Comprised of the following lands, excluding mines & minerals:**

All that portion of Section 4, as shown on Plan 89319 CLSR, that lies to the west of the western limit of the road right of way, as shown on Plan 86642 CLSR and that also lies to the north of the northern limit of the road right of way, as shown on Plan 89309 CLSR.

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

**Mines and minerals:**

The whole of Section 4, as shown on Plan 89319 CLSR

Total lands, including mines and minerals, containing 259 hectares (640 acres), more or less.



**Muskeg Lake Indian Reserve No. 102M**

**Reserve Lands within the Province of Saskatchewan, Canada in Township 46, Range 7, West of the Third Meridian, described as follows:**

**Comprised of the following lands, including mines & minerals:**

All those portions of the South West ¼ of Section 29, lying outside the limits of the road right of way shown on the plan in the Canada Lands Surveys Records as No. 96920, and lying outside the bank of Creek No. 1 shown on the plan in the Canada Lands Surveys Records as No. 96917, and lying North and East of the Northern and Eastern limit of the road right of way shown on the plan in the Canada Lands Surveys Records as No. 96918, and lying outside the bank of Lake No. 8, shown on the plan in the Canada Lands Surveys Records as No. 96917, and lying North of the Northern limit of the road right of way shown on the plan in the Canada Lands Surveys Records as No. 96919, together containing 56.0 hectares (138.38 acres) more or less.

The above described parcels of land contain 56.0 hectares (138.38 acres) more or less, of each, surface and mines and minerals.

**Additional Lands**

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

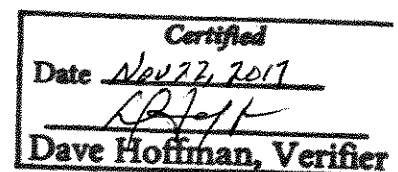
- (a) any, lands held jointly by Muskeg Lake Cree Nation and another First Nation, when the First Nations involved agree upon a joint management process for those lands; and
- (b) any land or interest acquired by Muskeg Lake Cree Nation after this Land Code takes effect, whether by land claim, purchase or other process, when an environmental audit declares it free of environmental hazard and safe for community use.

**Land Exchange**

5.3 For greater certainty, section 5.3 does not apply to land acquired by land exchange, which is governed by the process in section 17.

**Inclusion of Land or Interest**

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



**PART 2**  
**FIRST NATION LEGISLATION**

**6. Law- Making Powers**

Council May Make Laws

6.1 The Council may, upon the recommendation of the Land Advisory Authority, and in accordance with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of Community Land, and interests and licences in relation to those lands. This power includes the power to make laws in relation to any matter necessary or ancillary to the making of laws in relation of Community Land.

Example of Laws

6.2 The following examples illustrate some of the laws that may be enacted:

- (a) the regulation, control and prohibition of zoning, land use, subdivision control and land development;
- (b) the creation, regulation and prohibition of interests and licences in relation to Community Land;
- (c) environmental assessment and protection;
- (d) the provision of local services in relation to Community Land and the imposition of equitable user charges; and
- (e) the provision of services for the resolution, outside the courts, of disputes in relation to Community Land.

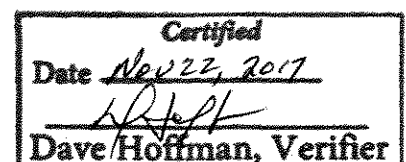
**7. Law-Making Procedure**

Introduction of Laws

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

Explanation

7.2 The Council will require the member of Council, the Land Advisory Authority or the Member introducing the proposed Land Law to explain how the law would benefit the Community.



Land Advisory Authority to review

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

Tabling and posting of proposed land law

- 7.4 A proposed Land Law may be voted on by the Council only if it has been:
- (a) tabled at a meeting of the Council held at least 30 days before the Land Law is to be considered for the approval| of the Council;
  - (b) posted in the administrative offices of the Muskeg Lake Cree Nation in a location to which the public has access and in any other public places on Community Land that the Council deems appropriate at least 21 days before the Land Law is to be considered for the approval of the Council; and
  - (c) published in the community newspaper or distributed to Eligible Voters at least 10 working days before it is considered by Council;
  - (d) reviewed by the Land Advisory Authority; and
  - (e) in compliance with this Land Code.

Member Comment

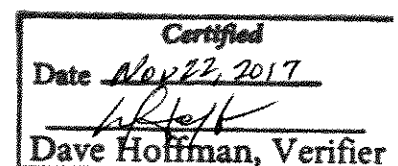
- 7.5 Members shall be entitled to provide written comments to the Council on the proposed Land Law prior to the Land Law being considered for the approval of the Council. The Council shall consider such comments prior to the Land Law being approved by the Council.

Urgent Matters

- 7.6 The Council may enact a Land Law without the procedures required under section 7.4 if the Council is of the opinion that the law is needed urgently to protect Community Land or the Members, however the law expires 28 days after its enactment, unless re-enacted in accordance with section 7.4.

Approval of Land Law by Council

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



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

## **8. Publication of Laws**

### Publication

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

### Posting Land Laws

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

### Registry of Land Laws

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

### Public Access

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

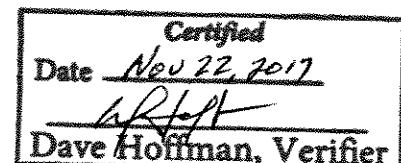
### Copies for any person

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

## **9. Commencement of Laws**

### Laws in Force

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



**PART 3**  
**COMMUNITY APPROVALS**

**10. Rights of Eligible Voters**

Rights of Eligible Voters

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

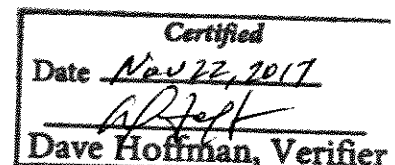
**11. Community Input**

Community Meeting

- 11.1 The Council shall convene a Community Meeting to:

- (a) present the annual report of the auditor prepared in accordance with section 21.4 of this Land Code; and
- (b) to receive input prior to the introduction of the following:
  - (i) Land Laws respecting a community plan or subdivision plan;
  - (ii) Land Laws declaring land or an interest referred to in section 5.2 or 5.3 to be subject to this Land Code;
  - (iii) Land Laws affecting a heritage site or an environmentally sensitive property;
  - (iv) Land Laws respecting environmental assessment;
  - (v) Land Laws respecting the transfer and assignment of interests in land;
  - (vi) Land Laws respecting the rate and criteria for the payment of fees or rent for land; and
  - (vii) any other Land Law or class of Land Law that Council, by resolution, declares to be subject to this section.

- 11.2 Subject to section 38, the Land Advisory Authority shall, within a reasonable time after this Land Code takes effect, establish a community process to develop and implement the laws referred to in section 11.1(b).



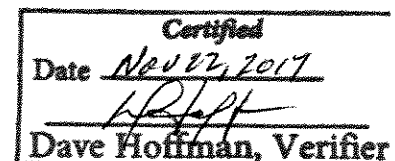
## 12. Community Approval at a Meeting of Members

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

- (a) approve a land use plan;
- (b) approve a grant or disposition of an interest in or licence to use any Community Land, not including a Residential interest, exceeding a term of 49 years;
- (c) approve a grant or disposition of a Residential interest exceeding a term of 99 years;
- (d) approve a renewal of a grant or disposition of an interest in or licence to use any Community Land, not including a Residential interest, that extends the original term beyond 49 years;
- (f) approve a renewal of a grant or disposition of a Residential interest that extends the original term beyond 99 years;
- (g) approve a grant or disposition of any natural resources on any Community Lands exceeding a term of three years;
- (h) approve a charge or mortgage of a leasehold interest, not including a Residential interest, exceeding a term of 49 years,
- (i) approve a charge or mortgage of a Residential interest exceeding a term of 99 years;
- (j) approve a law on spousal separation that may be enacted under section 38;
- (k) approve any matter provided for by a Land Law requiring approval by a Community Meeting;
- (l) enact a Land Law or Land Resolution that the Council is unable to enact due to a Conflict of Interest; and
- (m) make recommendations for the Council's consideration in exercising its authority pursuant to section 37.3 of this Act.

## 13. Procedures for Community Meetings

Community Meeting



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

Notice to Members

13.2 The Council or the Land Advisory Authority shall call the Community Meeting by giving notice to the Members that:

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

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

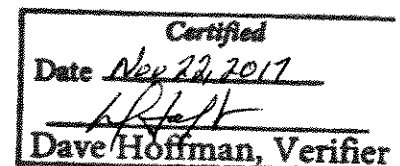
- (a) by posting the notice at least 14 days before the Community Meeting in the administrative office of the Muskeg Lake Cree Nation in an area to which the public has access and in any other locations as the Council determine appropriate;
- (b) by mailing the notice to Eligible Voters, whose address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

Who may attend

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

Minimum for Quorum

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



Meeting to be held

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

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

Voting

13.7 Decisions shall be made by a majority vote of the Eligible Voters present at a Community Meeting, by a show of hands or in such a manner as determined by the Land Advisory Authority.

Other meetings

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

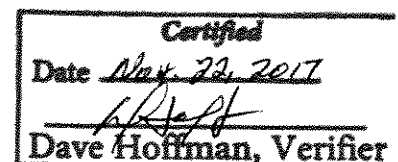
Other laws

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

## 14. Community Approvals

Community Approval By Ratification Vote

- 14.1 A Ratification Vote shall be held by Muskeg Lake Cree Nation to decide whether to:
- (a) approve a development on a heritage site referred to in section 16,
  - (b) approve a voluntary exchange of land;





- (c) approve an amendment to this Land Code;
- (d) expropriate a Member's interest in Community Lands pursuant to section 15.7 of this Land Code; and
- (e) approve any matter provided for by a Land Law requiring approval by a Ratification Vote.

Transfer Agreement with Canada

- 14.2 For greater certainty, an amendment to, or renewal of, the Transfer Agreement does not require community approval by a Ratification Vote.

Ratification Process

- 14.3 Subject to section 17.7, any Ratification Vote required under this Land Code shall be conducted in substantially the same manner as the Muskeg Lake Cree Nation Community Ratification Process, which was used to ratify this Land Code.
- 14.4 A verifier is not needed in any Ratification Vote, except a vote on an amendment to this Land Code.

Minimum Requirements For Approval

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

Other Laws

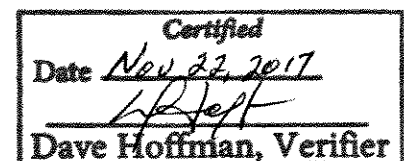
- 14.6 For greater certainty, the Council may make laws respecting Ratification Votes, provided such laws are not inconsistent or do not conflict with the provisions of this section.

## PART 4 PROTECTION OF LAND

### 15. Taking Land For Community Purposes

Rights and Interests that may be Expropriated

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



Community purposes

- 15.2 A community expropriation may only be made for a necessary community purpose or works of Muskeg Lake Cree Nation, including but not in any way limited to: a fire hall, sewage or water treatment facility, community centre, public works, roads, schools, daycare facility, hospitals, healthcare facility, and retirement home.

Expropriation Laws

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

Public Report

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

Rights that may not be Expropriated

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

Acquisition by Mutual Agreement

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

Community Approval

- 15.7 In the case of a Member's interest, the expropriation must receive community approval by a Ratification Vote.

Compensation for Rights and Interests

- 15.8 Muskeg Lake Cree Nation shall, in accordance with its laws and the Framework Agreement:

- (a) serve reasonable notice of the expropriation on each affected holder of rights or interests in the land to be expropriated; and
- (b) pay fair and reasonable compensation to the holders of rights or interests in the expropriated land.

**Compensation calculations**

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

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

**Market Value**

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

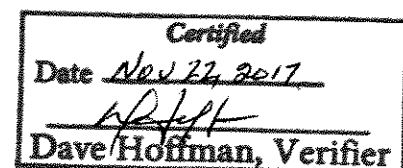
**Neutral Evaluation to Resolve Disputes**

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

**Arbitration to Resolve Disputes**

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

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



## 16. Heritage Sites

### Community Approval for Development

- 16.1 No development shall be allowed on any site designated as a heritage site under the Land Use Plan, unless the development receives community approval by a Ratification Vote.

### Land Use Plan

- 16.2 No amendment may be made to a land use plan to delete a heritage site unless the amendment receives community approval by a Ratification Vote.

## 17. Voluntary Land Exchanges and Protections

### Conditions for a land exchange

- 17.1 Muskeg Lake Cree Nation may agree with another party to exchange a parcel of Community Land for a parcel of land from that other party in accordance with this Land Code and the Framework Agreement and the First Nations Land Management Act.
- 17.2 The Council, by resolution, will appoint the person or persons who will have authority to negotiate a land exchange agreement on behalf of Muskeg Lake Cree Nation.

### Community Approval

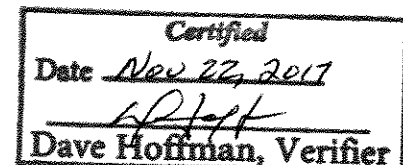
- 17.3 Any exchanges of Community Land must be submitted for community approval by a Ratification Vote in accordance with this Land Code before the land exchange becomes valid and binding on the Muskeg Lake Cree Nation.

### Land to be received

- 17.4 No land exchange may occur unless the land to be received in the exchange:
- (a) is equal to or greater than the area of Community Land to be exchanged and is at least comparable to the appraised value of the Community Land; and
  - (b) will become Community Land.

### Additional land

- 17.5 Muskeg Lake Cree Nation may negotiate to receive one or more other parcels of land as compensation, in addition to the parcel referred to above which is intended



to become Community Land. The other parcels may be held by Muskeg Lake Cree Nation.

**Federal consent**

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

- (a) consents to set apart as a reserve the land referred to in section 17.4, as of the date of the land exchange or such later date as the Council may specify by resolution; and
- (b) consents to the manner and form of the exchange as set out in the exchange agreement.

**Community notice**

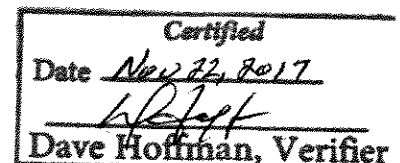
17.7 Once negotiations on the land exchange agreement are concluded, the Council shall provide the following information to eligible voters at least 21 days before the Ratification Vote:

- (a) description of the Community Land to be exchanged;
- (b) description of the land to be received in the exchange;
- (c) description of any other compensation to be exchanged;
- (d) report of a certified land appraiser setting out that the conditions in section 17.4 have been met;
- (e) copy and summary of the exchange agreement; and
- (f) copy of the written statement from Canada referred to in section 17.6.

**Process of land exchange**

17.8 The land exchange agreement shall provide that:

- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;
- (b) the Council must pass a resolution authorizing Canada to transfer title to the Community Land being exchanged, in accordance with the exchange agreement; and



- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nations Lands Registry.

## PART 5 ACCOUNTABILITY

### 18. Conflict of Interest

#### Conflict of interest by Council

18.1 This section applies to:

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

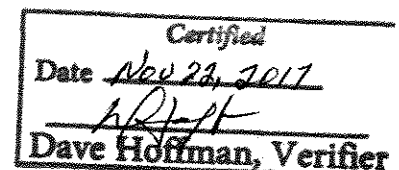
#### Duty to report and abstain

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

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

#### Common interests

18.3 This section does not apply to any interest that is held by a Member in common with every other Member.



Meeting of eligible voters

- 18.4 If the Council is unable to vote on a proposed Land Law or land resolution due to a conflict of interest, the Council may refer the matter to a Community Meeting for community approval in accordance with sections 11 and 13 of this Land Code.

Inability to act

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

Specific conflict situations

- 18.6 Because of the unusual conflicts of interest possible in the community, no two members who are Immediate Relatives may be members of the Land Advisory Authority.

Disputes

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

Other laws

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

## 19. Financial Management

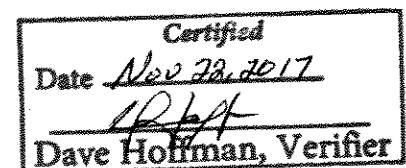
Application

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

Establishment of bank accounts

- 19.2 The Council shall maintain one or more financial accounts at a financial institution that is a member institution to which the Canada Deposit Insurance Corporation has a duty to insure deposits pursuant to the Canada Deposit Insurance Corporation Act, R.S.C. 1985, c. C-3, as amended, and shall deposit in those accounts the following amounts:

- (a) payments received from Canada for the management and administration of Community Land pursuant to the Transfer Agreement or otherwise;



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

**Signing officers**

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

**Two signatures**

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

**Fiscal year**

19.5 The fiscal year of Muskeg Lake Cree Nation begins on April 1 of each year and ends on March 31 of the following year.

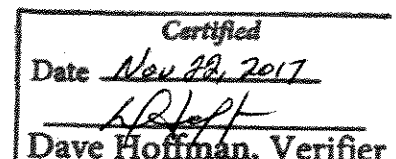
**Adoption of budget**

19.6 The Council shall, by resolution, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Council deems it necessary in the course of the fiscal year, adopt supplementary budgets for that fiscal year.

**Procedure**

19.7 After adoption the land management budget or supplementary budget, the Council shall, without undue delay:

- (a) present the consolidated land management budget to the Members at an annual community meeting; and
- (b) make a copy of the consolidated land management budget available at the administrative offices of Muskeg Lake Cree Nation for inspection by members during normal business hours of the Muskeg Lake Cree Nation.





If no budget

- 19.8 If the Council fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary budgets of the previous fiscal year apply until a new budget is adopted.

Budget rules

- 19.9 The Council may make rules respecting the preparation and implementation of land management budgets.

Expenditures

- 19.10 The Council may not expend moneys or commit itself, by contract or otherwise, to expend moneys, unless such expenditure is authorized by or under a Land Law or resolution or an approved budget.

## 20. Financial Records

Books of account and financial records

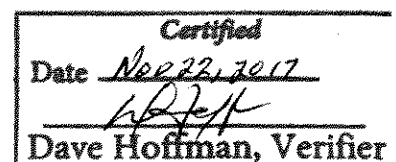
- 20.1 Muskeg Lake Cree Nation shall keep books of account and financial records in accordance with generally accepted accounting principles.

Offences

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

Preparation of financial statement

- 20.3 Within 90 days after the end of each fiscal year, the Muskeg Lake Cree Nation shall have prepared and provided to the auditor financial statements in comparative form regarding the land related financial records of the Muskeg Lake Cree Nation, containing at a minimum:
- (a) a balance sheet;



- (b) a statement of revenues and expenditures and a comparison of these with amounts stated in the consolidated land management budget and any supplementary budget; and
- (c) any other information necessary for a fair presentation of the financial position of Muskeg Lake Cree Nation.

Consolidated accounts

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

**21. Appointment of Auditor**

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

Holding Office

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

Vacancy in office

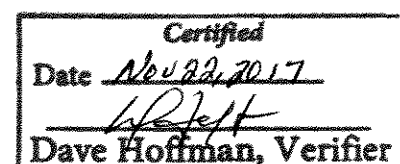
- 21.3 Where a vacancy occurs during the term of an auditor, the Council shall forthwith appoint a new auditor for the remainder of the former auditor's term and shall fix the auditor's remuneration.

Duty of auditor

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

Access to records

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



Explanation of auditor's report

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

**22. Annual Report**

Contents

22.1 The annual report will include:

- (a) an annual review of land management;
- (b) a copy and explanation of the audit as it applies to lands; and
- (c) any other matter considered worth including by the Council or Land Advisory Authority.

**23. Access to Information**

Access

23.1 Any Member may, during the normal business hours of the Muskeg Lake Cree Nation in the administrative offices of the Muskeg Lake Cree Nation, have reasonable access to:

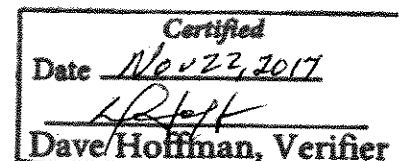
- (a) the register of laws;
- (b) the auditor's report; and
- (c) the annual report on land issues.

Copies for Members

23.2 Any Member may obtain a copy of the auditor's report or annual report on payment of a reasonable fee set by resolution of Council.

Copies for Others

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



**PART 6**  
**LAND ADMINISTRATION**

**24. Land Advisory Authority**

Authority Established

24.1 The Council shall, by resolution and in accordance with section 24 herein, establish a Land Advisory Authority to advise Council on land matters.

Composition

24.2 The Land Advisory Authority shall be comprised of at least five members, all of whom must be eligible voters.

Election by Members

24.3 The members of the Land Advisory Authority shall be elected by the Members in accordance with section 25.3.

Terms and Duties

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

Procedures

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

Role of the Land Advisory Authority

24.6 The Land Advisory Authority shall advise the Council on the enacting of Land Laws and the granting of interests or licences,

Delegation of powers

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

Development of land related policies

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

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

Rules on the breakdown of marriage

24.9 Within 12 months of this Land Code coming into force, general rules and procedures, in cases of the breakdown of a marriage, respecting the use, occupation and possession of Community Land and the division of interests in such lands, shall either be incorporated into this Land Code or enacted in a Land Law in accordance with section 12.1. The Land Advisory Authority shall, as soon as is reasonable after this Land Code comes into force, develop in consultation with the Community, such rules and procedures.

Expropriation laws

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

Consultation process

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

Implementation of policies

24.12 The policies developed by the Land Advisory Authority shall be presented to the Council for consideration and implementation as Land Laws, Land Resolutions or

as amendments to this Land Code, whichever is deemed by the Council to be most appropriate.

## 25. Membership of the Land Advisory Authority

Eligibility to be a Land Advisory Authority Member

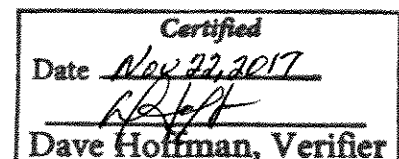
- 25.1 Any Eligible Voter, whether resident on or off Community Land, is eligible for appointment to the Land Advisory Authority, except for the following persons:
- (a) any person convicted of an offence that was prosecuted by way of indictment in the past 5 years;
  - (b) any person declared to be mentally incompetent by a court of competent jurisdiction in Canada or elsewhere;
  - (c) any person convicted of a corrupt practice in connection with accepting a bribe, dishonesty or wrongful conduct;
  - (d) any person who is a Chief or a Councilor of the Muskeg Lake Cree Nation;
  - (e) any employee of the Muskeg Lake Cree Nation employed on a full time basis whose employment is directly related to the management or administration of Community Land; and
  - (f) any person residing outside a 120 km radius of the Community Lands referred to as Muskeg Lake Cree Nation No. 102.

Term of office

- 25.2 Subject to section 25.3, the length of the term of office for each member of the Land Advisory Authority is three years.

Staggered terms

- 25.3 At the first meeting of Members held to elect the members of the Land Advisory Authority (the “**Initial Meeting**”) under this Land Code, as amended from time to time, the members of the Land Advisory Authority shall be elected in the following manner:
- (a) three of the members of the Land Advisory Authority shall be elected to hold office from the date of the Initial Meeting for a term of three years following such date; and



- (b) two of the members of the Land Advisory Authority shall be elected to hold office from the date of the Initial Meeting for a term of two years following such date,

and, thereafter, at each meeting of the Members held to elect members of the Land Advisory Authority following the Initial Meeting, members of the Land Advisory Authority shall be elected to hold office for a term of three years from the date of their election and to replace the members of the Land Advisory Authority who retire from office at such meetings of Members.

**Selection procedures**

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

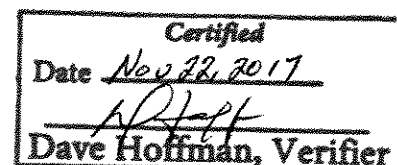
**Vacancy of Land Advisory Authority**

25.5 The office of a member of the Land Advisory Authority becomes vacant if the person, while holding office:

- (a) is or becomes ineligible to hold office under 25.1;
- (b) ceases to be a Member;
- (c) is absent for three consecutive meetings of the Land Advisory Authority without being authorized to do so by the Land Advisory Authority;
- (d) dies;
- (e) resigns;
- (f) fails to fulfill their obligations and duties required by this Land Code, upon the determination of the Land Advisory Authority; or
- (g) fails to disclose a conflict of interest in accordance with section 18.

**Vacancy in term**

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



Balance of term of office

- 25.7 A member of the Land Advisory Authority selected to fill a vacancy remains in office for the balance of the term of the member of Land Advisory Authority they are replacing.

**26. Meetings of the Land Advisory Authority**

Chairperson

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

Functions of the Chairperson

- 26.2 The functions of the Chairperson are to:
- (a) chair meetings of the Land Advisory Authority; and
  - (b) report to the Muskeg Lake Cree Nation on the activities of the Land Advisory Authority.

Alternate Chairperson

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

Quarterly meetings

- 26.4 The Land Advisory Authority shall meet at least once every three months, provided that the Land Advisory Authority shall meet at any time requested by Council.

Rules for meetings

- 26.5 Meetings of the Land Advisory Authority shall be conducted in accordance with the following procedures:
- (a) whenever possible, all meetings shall be held on Community Land provided that a meeting may be conducted by telephone or other facility which permits each member of the Land Advisory Authority in attendance to communicate with all other members of the Land Advisory Authority at the meeting;



- (b) the Chairperson shall chair meetings, provided that, in the absence of the Chairperson, another member of the Land Advisory Authority appointed for that purpose by those in attendance shall chair a meeting;
- (c) the quorum for meetings of the Land Advisory Authority shall be a majority of the members of the Land Advisory Authority;
- (d) all decisions and actions of the Land Advisory Authority shall be in accordance with a majority vote, which for greater certainty includes the Chairperson; and
- (e) written minutes of the proceedings at each meeting will be kept and the minutes of the preceding meeting approved or revised at the commencement of each meeting.

Access to minutes

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

Council attendance

- 26.7 Any member of the Council may attend any meeting of the Land Advisory Authority.


Member's attendance

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

**27. Revenue From Lands**

Determination of Fees and Rent

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

<p><i>Certified</i></p> <p>Date <u>Nov 22, 2017</u></p> <p></p> <p><b>Dave Hoffman, Verifier</b></p>
---

## **28. Registration of Interests and Licences**

### **Enforcement of interests and licence**

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

### **Enforcement of consent or approval**

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

### **Registration of interests**

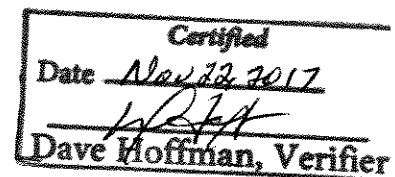
- 28.3 A deed, lease, contract, instrument, document or agreement of any kind by which Muskeg Lake Cree Nation, a Member or any other person purports to grant, dispose of, transfer or assign an interest or licence in Community Land after the date that this Land Code comes into force shall not be registered in the Community Land Register unless the same is authorized pursuant to this Land Code.

### **Registration of consent or approval**

- 28.4 An instrument evidencing an interest or licence or a transfer and assignment of an interest or licence, that requires consent of the Council, or community approval at a Community Meeting or by a Ratification Vote, shall not be registered in the Community Land Register unless a document evidencing such consent or approval, certified by the Chief of the Muskeg Lake Cree Nation or the chairperson of the Land Advisory Authority is attached to the instrument.

### **Rules**

- 28.5 The Council may make rules respecting the administration of the Community Land Register, the registration of interests and licences in it and the recording of any other matter, including but not limited to rules respecting:
- (a) payment of fees for the registration of interests and licences and for any other service in relation to the register; and
  - (b) appointment, remuneration, powers, functions and duties of officers and employees who administer the register.



Duty to deposit

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

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

**29. Duplicate Lands Register**

Duty to maintain duplicate register

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

Duty of member to deposit

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

**PART 7  
INTERESTS AND LICENCES IN LAND**

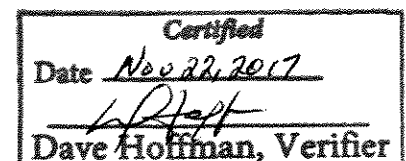
**30. Limits on Interests and Licences**

All dispositions in writing

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

Standards

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



Improper transactions void

- 30.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which Muskeg Lake Cree Nation, a Member or any other person purports to grant, dispose of, transfer or assign an interest or licence in Community Land after the date this Land Code comes into force is void if it is not authorized pursuant to this Land Code, provided that such deed, lease, contract, instrument, document or agreement is not void by reason only of an irregularity or contravention of this Land Code where the grant, disposal, transfer or assignment of the interest or licence in Community Land is conducted in good faith and in accordance with the public interest.

Instrument constitutes proof of interest

- 30.4 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which Muskeg Lake Cree Nation, a Member or any other person purports to grant, dispose of, transfer or assign an interest or licence in Community Land after the date this Land Code comes into force that is registered in the Community Land Register is proof that the person named in the deed, lease, contract, instrument, document or agreement is entitled to the interest or licence in Community Land contemplated therein.

Grants to any person

- 30.5 Subject to any provision in this Part, and upon the recommendation of the Land Advisory Authority, the Council may allocate or grant an interest in or licence to use Community Land to any person.

## 31. Existing Interests

Members Existing Interests

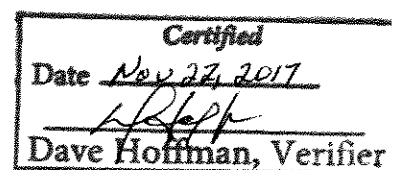
- 31.1 Member interests in Community Land in existence, whether allocated pursuant to the *Indian Act*, custom of the Muskeg Lake Cree Nation or otherwise, shall continue in existence.

Continuation of Existing Interests

- 31.2 Any interest in or licence to use Community Land that existed when this Land Code takes effect will, subject to this Land Code, continue in force in accordance with its terms and conditions.

Existing Interests in Asimakaniseekan Askiy Indian Reserve No. 102A

- 31.3 Without limiting the generality of section 31.2 of this Land Code, the rights and interests of any person, including Aspen Developments Inc., existing in Asimakaniseekan Askiy Indian Reserve No. 102A on the coming into force of



this Land Code are preserved in accordance with their respective terms and conditions and in accordance with the *Muskeg Lake Cree Nation Existing Interests, Rights and Licences Land Law* dated October 7, 2015.

## 32. Land Management Powers

### Authority to make dispositions

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

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

### Conditional Grant

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

## 33. Certificates of Possession

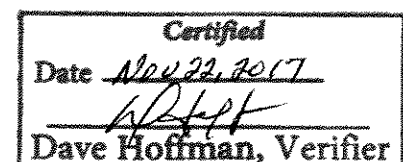
### Application

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

### Nature of Interest in a Certificate of Possession

33.2 Subject to sections 12.1, 28 and 32.1, a certificate of possession in respect of a parcel of Community Land is an interest that entitles the Member holding it to:

- (a) permanent possession of the land;
- (b) grant subsidiary interests and licenses in the land to a non-Member;
- (c) to transfer, devise, grant subsidiary interests and licenses in the land or otherwise dispose of the land to another Member; and



(d) any other rights, consistent with this Land Code, that are attached to certificates of possession under the *Indian Act*.

- 33.3 Notwithstanding any provision in this Land Code, proceeds from the sale, lease or other disposition of any subsurface material, metallic or otherwise, including but not limited to: oil and gas, potash, coal, coal bed methane, sand, gravel, clay or any other subsurface material underlying Community Lands, including Community Lands held pursuant to a certificate of possession, shall be paid to the Muskeg Lake Cree Nation or to Her Majesty in right of Canada in trust for the Muskeg Lake Cree Nation, as applicable.
- 33.4 For greater certainty, a certificate of possession in respect of a parcel of Community Lands shall not convey any rights to any subsurface material, metallic or otherwise, including but not limited to: oil and gas, potash, coal, coal bed methane, sand, gravel, clay or any other subsurface material underlying Community Lands, to an individual Member or any other person.

#### **34. Allocation of Land**

##### Allocation of Lots by Procedure

- 34.1 The Council may, with the recommendation of the Land Advisory Authority, allocate lots of available land to Members in accordance with procedures established by the Council.

##### No Community Approval

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

##### No Allocation of Lots to Non-members

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

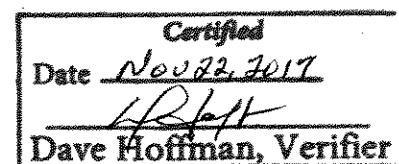
#### **35. Transfer and Assignment of Interests**

##### Transfer of Certificates of Possession

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

##### Consent of Council

- 35.2 Except for transfers under section 35.1 and transfers that occur by valid will or operation of law:



- (a) there shall be no transfer or assignment of an interest in Community Land without the written consent of the Council; and
- (b) the grant of an interest or licence is deemed to include section 35.2(a) as a condition of any subsequent transfers or assignments.

## 36. Limits on Mortgages and Seizures

### Protections

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

### Mortgage of Certificates of Possession

36.2 The interest of a Member in Community Land under a certificate of possession may be subject to a mortgage or charge, but only in favour of the Muskeg Lake Cree Nation or a Member.

### Mortgage of Leasehold Interest

36.3 Subject to sections 36.4 and 36.5, a leasehold interest, including a Residential interest, in Community Land may be subject to charge, mortgage, attachment, levy, seizure, distress and execution, for a term not exceeding the term of the lease.

### Exception

36.4 Any charge or mortgage in respect of

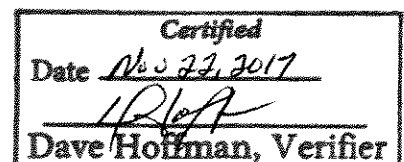
- (a) a leasehold interest, not including a Residential interest, shall not exceed a term of 49 years, or
- (b) a Residential interest shall not exceed a term of 99 years

unless it receives the written consent of the Council and community approval by Community Meeting has been given.

### Enforcement of charge or mortgage

36.5 A leasehold interest, including a Residential interest, is not subject to seizure, attachment, distress, foreclosure or any other form of execution, unless:

- (a) the charge or mortgage was consented to by the Council;



- (b) the charge or mortgage was registered in the Community Land Register;
- (c) a reasonable opportunity to redeem the charge or mortgage is given to the Council.

Power of redemption

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

### 37. Residency and Access Rights

Right of residence

37.1 Subject to sections 37.3, the following persons have a right to reside on Community Land:

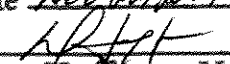
- (a) Members and their spouses and children;
- (b) a holder of an interest or licence, in accordance with the provisions of the instrument granting the interest or licence; and
- (c) any invitee of a Member referred to in clause (a).

37.2 Subject to sections 37.3, the following persons, provided they comply with all applicable laws and they do not trespass on occupied land or interfere with any interest or licence granted in Community Land, have a right to access Community Land:

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

Denial of Access

37.3 The Council may, for valid and fair reasons, deny or restrict the right to reside on or to access Muskeg Cree Nation Land to any person if, at a duly convened

<i>Certified</i>
Date <u>Nov 22, 2017</u>

Dave Hoffman, Verifier



meeting a quorum of the Council vote in favour of a resolution denying or restricting such right of the person.

Trespass

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

Civil remedies

37.5 All civil remedies for trespass are preserved.

**38. Spousal Property Law**

Development of rules and procedures

38.1 In accordance with section 12.1, the Council shall enact a spousal property law providing rules and procedures applicable on the breakdown of a marriage, to:

- (a) the use, occupancy and possession of Community Land; and
- (b) the division of interests in that land.

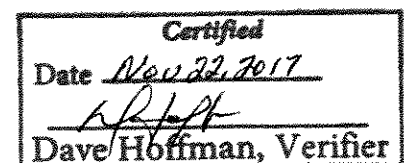
Enactment of rules and procedures

38.2 The rules and procedures contained in the spousal property law and any amendments or changes thereto shall be developed by the Land Advisory Authority in consultation with the Community.

General principles

38.3 For greater certainty, the rules and procedures developed by the Land Advisory Authority under this section must respect the following general principles:

- (a) each spouse should have an equal right to possession of their matrimonial home;
- (b) each spouse should be entitled to an undivided half interest in the matrimonial home, as a tenant in common;
- (c) the rules and procedures shall not discriminate on the basis of sex; and
- (d) only Members are entitled to hold a permanent interest in Community Land or a charge against a permanent interest in Community Land.



Immediate rules

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

## PART 8 DISPUTE RESOLUTION

### 39. Local Dispute Resolution System

Appealable disputes

- 39.1 Matters that may be appealed are as follows:

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

Disputes not resolved by Council

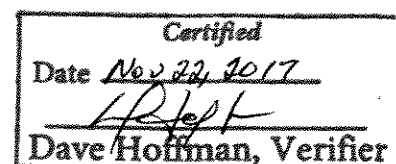
- 39.2 If there is an appealable dispute that cannot be resolved by the Council or the Land Advisory Authority, a Member or any person with an interest or licence in Community Land may, in accordance with this section, appeal the dispute.

Limitation period

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

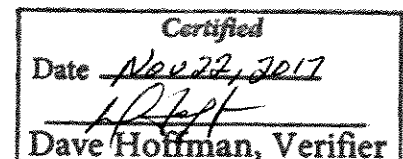
Appeal procedures

- 39.4 Subject to any Land Law, an appeal shall be made and determined in accordance with the following Procedures:
- (a) a person wishing to commence an appeal shall, within 30 days of the day the decision, act or omission being appealed was made, file



- (i) a notice of appeal by forwarding to the Muskeg Lake Cree Nation, notice of his or her appeal,
  - (ii) a statutory declaration setting out the matter which the person is appealing and the grounds of the appeal; and
  - (iii) a refundable appeal bond in the amount of \$2,000.00;
- (b) within 10 days of receiving the notice of appeal a dispute resolution body shall be established in accordance with section 39.5;
- (c) the Council shall within five Working days of the dispute resolution body being established, forward to the dispute resolution body the following:
- (i) the notice of appeal and statutory declaration received from the person making the appeal; and
  - (ii) a statutory declaration containing answers to the particulars set out in the person's statutory declaration;
- (d) the dispute resolution body shall within five days of receiving the information from the Council forward the statutory declaration received from the Council to the person making the appeal and to the Land Advisory Authority;
- (e) the person making the appeal and the Land Advisory Authority may, within five days of receiving the information from the dispute resolution body, forward to the dispute resolution body a statutory declaration containing answers to the particulars set out in the Council's statutory declaration;
- (f) the dispute resolution body shall, unless agreed by the Council and the person making the appeal provide its decision within 30 days of receiving the statutory declaration containing answers to the particulars set out in the Council's statutory declaration from the person making the appeal and/or the Land Advisory Authority;
- (g) the dispute resolution body may conduct such investigation or hold any hearings as it deems necessary to dispose of the appeal; and
- (h) the dispute resolution body may establish any procedures necessary to conduct an appeal, provided such procedures are not inconsistent or in conflict with this Land Code or any Land Law.

Dispute resolution body



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

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

**Improper influence**

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

**Power on appeal**

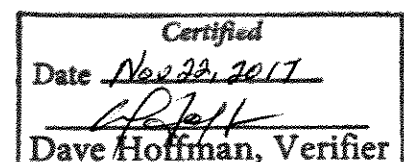
39.7 The dispute resolution body may, after hearing an appeal:

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

**Majority decision**

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

**Decision final**



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

Written decision

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

Reasons

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

Refund of the Appeal Bond

39.12 In the event that the dispute resolution body decides in favor of the appellant, the appeal bond referred to in section 39.4(a)(iii) shall be returned to the appellant and the costs of the appeal shall be borne by Muskeg Lake Cree Nation.

39.13 In the event that the dispute resolution body decides in favor of the respondent, the costs of the appeal shall be paid using the appeal bond referred to in section 39.4(a)(iii) and the balance of the costs of the appeal owing shall be borne by the Nation.

## PART 9 OTHER MATTERS

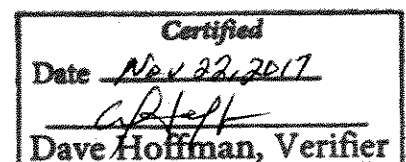
### 40. Indemnity and Liability Coverage

Indemnity

40.1 Members of the Council, the Land Advisory Authority, a dispute resolution body and officers and employees engaged in carrying out any matter related to the administration of Community Land are indemnified and saved harmless for all claims, liabilities and demands of any kind or nature whatsoever arising from the performance of their obligations and duties under this Land Code, a Land Law or a Land Resolution, provided they have not acted fraudulently or negligently in the performance of their obligations and duties.

Liability Coverage

40.2 The Council may, but is not obligated to, arrange, maintain and pay for insurance coverage for its officers and employees engaged in carrying out any matter related



to the administration of Community Land to indemnify them against personal liability from the Performance of those duties.

Extent of Coverage

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

**41. Offences**

41.1 Unless some other procedure is Provided for by a Land Law, the summary conviction procedures of Part XXVII of the Criminal Code, as amended from time to time, apply to offences under this Land Code or under a Land Law.

**42. Amendments to Land Code**

Community approval

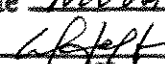
42.1 To be effective, all amendments to this Land Code must receive community approval by a Ratification Vote.

Verifier

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

Stay of matter

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

<i>Certified</i>
Date <u>Nov 22, 2017</u>

Dave Hoffman, Verifier