

## **SUMMARY OF THE *PEERLESS TROUT FIRST NATION LAND CODE***

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### **INTRODUCTION**

The *Peerless Trout First Nation Land Code* was developed by the Peerless Trout First Nation *Land Code* Committee with supporting resources coordinated by the *Land Code* Coordinator Vernon Alook. Supporting resources included researching other First Nation *Land Codes* and discussions with the Land Advisory Board Resource Center staff and with PTFN Legal Counsel.

The purpose of our *Land Code* is to set out the principles, law making rules and administrative structures that PTFN will follow to exercise law making power and authority to protect and govern our lands.

### **RATIFICATION**

Our *PTFN Land Code* will not apply to PTFN Reserve Lands unless our electors approve both the *Land Code* and the Individual Agreement with Canada in a ratification vote. If the *Land Code* is approved, PTFN will govern its own reserve lands and resources and will no longer be managed by the Minister under the *Indian Act*.

### **PREAMBLE**

PTFN has a sacred relationship with the land, acknowledging that the land is a gift from Kisi Manitou (our God). We recognize our responsibility to protect the lands, water and resources in perpetuity for future Nehiyawahk (PTFN Cree People) in accordance with Nehiyawahk Aski Weyashchikiwin (Our Governing System). This *Land Code* will be the fundamental Land Law of the PTFN.

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### **PART 1 - PRELIMINARY MATTERS**

The purpose of the *Land Code* is to set out the principles and rules that PTFN will follow to govern our land.

The PTFN Land that is subject to this *Land Code* are the reserves known as Peerless Trout Indian Reserve No. 238. This *Land Code* will also apply to any additional lands which are set aside as Reserves of PTFN.

Guiding principles in section 2 will ensure that the Council, Land Committee and people continue to use the land in a respectful manner. They also help guide the ongoing relationship with Canada including Canadian Courts. (APPENDIX "A")

Important protection for our land and people are in section 3.6 which says that this *Land Code* does not change any Aboriginal, Treaty Inherent Rights or other rights for the PTFN people or their lands. This includes the right to ongoing programs and services.

## **PART 2 – FIRST NATION LEGISLATION**

The *Land Code* establishes PTFN's jurisdiction over all rights and resources in reserve lands, natural resources, and land revenues and all rights and resources in reserve land interests and licenses. By enacting this *Land Code*, PTFN is reclaiming this special responsibility.

The *Land Code* enables the Council to make land laws for the development, conservation, protection, management, use and possession of PTFN Reserve Lands.

To enforce PTFN Laws, the *Land Code* sets out power to establish offences, fines and other enforcement procedures including entering into agreements with other governments for enforcement.

Approved land laws must be posted in the minutes of the Council Meeting at which it was enacted, on a notice board accessible to Members in the administration offices, on a member-accessible portion of the website, registered in the First Nations Lands Registry and in the First Nations Gazette and by publication of a notice where Council considers appropriate.

## **PART 3 – COMMUNITY MEETINGS AND APPROVALS**

### **Community Consultation (No Voting Required)**

Community Consultation is for the community to provide input to the Council and Lands department on land matters. Members will be provided notice regarding the land matters before any consultation meeting. Non-members may be invited if the Council or Lands Department deems it advisable. Council may schedule more than one meeting as may be necessary to ensure that the Members and the Lands Department are well informed.

### **Community Approval**

Community Approval must be obtained for the following:

- any master PTFN Land Use Plan;
- any deletion of a heritage site;
- any other matter, Land Law or class of law that Council, by resolution, declares to be subject to this section

## **PART 4 – PROTECTION OF LANDS**

The PTFN may expropriate an Interest or Licence in Peerless Trout First Nation Land, provided that it has made a good faith effort to acquire, by mutual agreement, the Interest or Licence. This power to expropriate is limited to community purposes to be determined by Council, such as: a fire hall, sewage or water treatment facility, community center, public works, utilities, roads, schools, daycare facility, hospitals, health-care facility, retirement home and economic development activities.

The right of PTFN to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest, right in or licence relating to PTFN Land, or for community works. The *Land Code* and *Framework Agreement* provide clear and transparent rules for expropriation, notification, compensation and public reporting.

Before any Community Expropriations Council will enact a Land Law respecting the rights and procedures including:

- (a) the taking of possession of the Interest or Licence;
- (b) transfer of the Interest or Licence;
- (c) notice of expropriation and service of the notice of expropriation;
- (d) entitlement to compensation;
- (e) determination of the amount of compensation;
- (f) the method of payment of compensation; and
- (g) any other provision that Council deems necessary and reasonable.

### **Voluntary Exchange of Land**

The *Land Code* and *Framework Agreement* protect against loss of reserve land by surrender for sale and expropriation. However, PTFN may decide that it is advantageous to exchange some of its reserve land for other lands. An exchange of land cannot occur without the community approval.

### **PART 5 – ACCOUNTABILITY**

Under our *Land Code* PTFN Council Land Staff and land users are accountable to PTFN electors. For example:

- the conflict of interest section will prevent PTFN officials from prioritizing their personal interests instead of the PTFN community interests.
- An annual report will be prepared and published for the electors.

Land Management Reports will be available to electors on the First Nation's website, or in hardcopy upon written request.

### **PART 6 – LAND AND NATURAL RESOURCES ADMINISTRATION**

To assist the Council and Land Department a PTFN Land Committee will be established to:

- (a) advise Council with the development of the Land administration system;
- (b) advise Council and its staff on matters respecting PTFN Land;
- (c) recommend Land Laws, Resolutions, policies and practices respecting PTFN Land to Council;
- (d) consult with Members and Non-Members on PTFN Land issues, and to make recommendations on the resolution of those issues to Council, if required;
- (e) if required to, facilitate Community Consultation meetings of Members and Non-Members and Community Approvals; and
- (f) perform such other duties as may be delegated or assigned by Council under this *Land Code*

## **PART 7 – INTERESTS AND OTHER RIGHTS IN PEERLESS TROUT FIRST NATION LAND**

Any use of PTFN Land after our *Land Code* is approved by the electors is not enforceable unless it is in writing, complies with the *Land Code* and is registered in the First Nation Land Registry.

Under our *Land Code* PTFN will grant Interests and Licences for the use of PTFN lands instead of Indian Affairs.

PTFN will develop a fair system to grant Interests and Licenses to members and non-members.

A person who is not a Member of PTFN shall not hold any interest in PTFN Land except for a lease or a license.

Electors may transfer their interests to other electors, grant to any person a lease, permit or licence within the terms of the original certificate and subject to the *Land Code*, or transfer the certificate to the PTFN for cancellation.

Our *Land Code* makes it clear that PTFN can not lose PTFN Land due to non payment of loans.

The Council may develop a law regarding property rules on the breakdown of a marriage.

## **PART 8 – DISPUTE RESOLUTION**

The purpose of this Part is to enable the parties to a dispute to achieve a just, speedy and inexpensive determination of a matter in dispute, taking into account the values which distinguish dispute resolution from litigation.

## **PART 9 – OTHER MATTERS**

### **Revisions**

A ratification vote is not required for revisions made to this *Land Code* that do not change the substance of this *Land Code*.

### **In Force Date**

This *Land Code* will take effect on the first day of the month following the certification of this *Land Code*, or the date which Council by resolution declares the *Land Code* to be in force.

## APPENDIX “A”

### Guiding Principles

1. The purpose of this *Land Code* is to govern First Nation Land through Peerless Trout First Nation Land Laws in an effective manner without prejudice to the future development, negotiation and implementation of Peerless Trout First Nation rights.
2. Peerless Trout First Nation people are individual and collective indigenous occupants of lands in North America.
3. Peerless Trout First Nation as prior occupants are signatories to a Treaty commonly referred to as Treaty No. 8 which contains mutual covenants, obligations and rights.
4. Peerless Trout First Nation is vested with inherent rights that include without limiting, the right to participate in future land negotiations based on prior informed consent to more fully develop the scope and implementation of their land rights.
5. Peerless Trout First Nation will freely determine the appropriate balance between individual and collective community land rights and obligations to protect these rights and obligations for the benefit of Peerless Trout First Nation.
6. Peerless Trout First Nation law and policy objectives will minimize negative impacts and maximize benefits to protect Peerless Trout First Nation Land and Members.
7. The governance institutions and procedures established by this *Land Code* or subsequent Land Laws will be interpreted in accordance with the culture, traditions and customs of Peerless Trout First Nation to give effect to their land governance system.
8. Peerless Trout First Nation is entitled to access programs and services that are available to individuals, corporations and governments in the Province and Canada.
9. The Framework Agreement will only be amended by prior informed consent of Peerless Trout First Nation and Canada as set out in the Framework Agreement
10. This *Land Code* will only be amended in accordance with the amendment procedure set out in this *Land Code*.
11. This *Land Code* will not be implemented or interpreted in a manner that would diminish the quantity or quality of Peerless Trout First Nation Land.