

Rainy River First Nations Land Code



Dated for Reference
July 22, 2020

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RAINY RIVER FIRST NATIONS LAND CODE

Preamble

Whereas the Rainy River First Nations 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 their relationship with the Land;

And Whereas fourteen First Nations and Canada concluded a government-to-government *Framework Agreement on First Nation Land Management* on February 12, 1996;

And Whereas the *Framework Agreement on First Nation Land Management* provides the option to First Nations of withdrawing their reserve Land from the land management provisions of the *Indian Act* in order to exercise control over their Land and resources for the use and benefit of their Members;

And Whereas Canada ratified its commitment to the *Framework Agreement on First Nation Land Management* with the enactment of the *First Nations Land Management Act*, S.C. 1999, c.24;

And Whereas Rainy River First Nations became a signatory on December 4, 2017 to the *Framework Agreement on First Nation Land Management*, as Rainy River First Nations wishes to govern its Land and resources under the *Rainy River First Nations Land Code*, rather than having its Land and resources managed on its behalf under the *Indian Act*;

And Whereas the *Framework Agreement on First Nation Land Management* acknowledges that Canada's special relationship with Rainy River First Nations will continue;

And Whereas the *Framework Agreement on First Nation Land Management* is ratified by Rainy River First Nations through community approval of the *Rainy River First Nations Land Code*;

**NOW THEREFORE, THIS LAND CODE IS HEREBY ENACTED AS THE
FUNDAMENTAL LAND LAW OF THE RAINY RIVER FIRST NATIONS.**

PART 1 PRELIMINARY MATTERS

1. Definitions

Clarification

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

Definitions

- 1.2. The following definitions apply in this *Land Code*:

“Canada” means Her Majesty the Queen in Right of Canada;

“Common-Law Partnership” means the relationship between two (2) persons who are cohabiting in a conjugal relationship;

“Council” means the Chief and Council of the Rainy River First Nations or any successor elected government of the Rainy River First Nations;

“Eligible Voter” means, for the purpose of voting in respect of land matters under this *Land Code*, and pursuant to the *Rainy River First Nations Membership Code*, all Non-probationary Members, whether Full or Conditional, who are eighteen (18) years of age on or before the day of the vote;

“Extended Family”, in respect of a person, means the person’s grandparent, uncle, aunt, first degree cousin, grandchild, and/or any other relation or relationship that Council may add by law;

“First Nation Lands Register” means the register established pursuant to clause 51 of the *Framework Agreement* and regulated by the *First Nations Land Registry Regulations*;

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management*, entered into between Canada and the signatory First Nations on February 12, 1996, and amended to include Rainy River First Nations on December 4, 2017;

“Immediate Relatives”, in respect of a person, means the person’s parent, sister, brother, child, and Spouse;

“Individual Agreement” means the Individual Agreement providing for the specific of the transfer of administration made between Rainy River First Nations and Canada in accordance with clause 6.1 of the *Framework Agreement*;

“Interest”, in relation to First Nation land, means any Interest, right or estate of any nature in or to that Land, including a certificate of possession, certificate of entitlement, lease, easement, right of way, servitude, or profit à prendre, but does not include title to that land;

“Land” or “Rainy River First Nations Land” means any reserve land that is subject to this *Land Code*;

“Lands Committee” means the Lands Committee established under part 6 of this *Land Code*;

“License” in relation to Rainy River First Nations land, means any right of use or occupation of that Land, other than an Interest in the land;

“Member” or “Full Member” means an individual who fits the definition as laid out in the *Rainy River First Nations Membership Code* and has the rights and responsibilities of belonging to Rainy River First Nations;

“Non-probationary” means a Member who was never subject to the probationary period referred to in the *Rainy River First Nations Membership Code*, or is no longer subject to the probationary period referred to in the *Rainy River First Nations Membership Code*

“Probationary Member” means a Member subject to the probationary period referred to in the *Rainy River First Nations Membership Code*, who is not yet a Non-probationary Member;

“Rainy River First Nations” means the Rainy River First Nations and its Members;

“Spouse” means a person who is married to another, whether by a traditional, religious or civil ceremony, and includes a Spouse by Common-Law Partnership.

2. Interpretation

Interpretation

2.1 In this *Land Code*:

- (a) the *Land Code* shall be interpreted in a fair, large and liberal manner;
- (b) the word “shall” signifies an obligation that, unless this *Land Code* provides to the contrary, must be carried out as soon as practicable after this *Land Code* comes into effect or the event that gives rise to the obligation;
- (c) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;
- (d) titles and headings have been inserted in the *Land Code* for convenience of reference only, and are not interpretive aids;
- (e) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine;
- (f) unless otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular;
- (g) all references to a time period of days means consecutive days and not business days;
- (h) where the time limited for the doing of an act expires or falls on a Saturday or Sunday, or a First Nation, federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday;
- (i) where the time limited for the doing of an act in the Rainy River First Nations administration building falls on a day when the office is not open, the act may be done on the next day that the office is open;

- (j) where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded; and
- (k) the principles set out in the Preamble to this *Land Code* may be used to interpret this *Land Code*.

Culture and traditions

- 2.2 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 Rainy River First Nations.

Language

- 2.3 The language of the Rainy River First Nations may be used to clarify the meaning of any provision in this *Land Code*, if the meaning of that provision is not otherwise clear in English.

Consistency with *Framework Agreement*

- 2.4 If there is an inconsistency or conflict between this *Land Code* and the *Framework Agreement*, the *Framework Agreement* will prevail to the extent of the inconsistency or conflict.

Paramountcy

- 2.5 If there is an inconsistency or conflict between this *Land Code* and any other enactment of the Rainy River First Nations, including a by-law enacted under section 81 of the *Indian Act*, this *Land Code* prevails to the extent of the inconsistency or conflict.

Rights not affected

- 2.6 This *Land Code* does not change:
- (a) any Aboriginal, Treaty, inherent rights or other rights or freedoms that pertain now or in the future to the Rainy River First Nations or its Members; or
 - (b) the fiduciary relationship between Canada and Rainy River First Nations and its Members; or
 - (c) the by-law powers of Council pursuant to the *Indian Act*.

Lands and Interests affected

- 2.7 A reference to land in this *Land Code* includes all the interests and rights, as well as the resources that belong to that land to the extent these are under the jurisdiction of Canada and are part of that land, and includes:
- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources in and of that land, to the extent that these are under the jurisdiction of Canada;
 - (b) all the Interests and Licenses granted by Canada listed in the Individual Agreement; and
 - (c) all the Interests and Licenses granted by Rainy River First Nations after this *Land Code* comes into effect.

Eligible Reserve Land

- 2.8 Only land that is a reserve of the Rainy River First Nations is eligible to be governed by Rainy River First Nations as land under this *Land Code*.

3. Authority to Govern

Origin of authority

- 3.1 The traditional teachings of the Rainy River First Nations speak of the obligation of the people of the Rainy River First Nations to care for and respect the land and the magnificent wonders of Nature created on the land. By enacting this *Land Code*, the Rainy River First Nations is reclaiming this special responsibility.

Flow of authority

- 3.2 The authority of the Rainy River First Nations to govern its land and resources flows from the Creator to the people of the Rainy River First Nations, and from the people to Council according to the culture, traditions, customs and laws of the Rainy River First Nations.

4. Purpose

Purpose

- 4.1 The purpose of this *Land Code* is to set out the principles, rules and administrative structures that apply to Rainy River First Nations land and by which the Rainy River First Nations will exercise authority over that land in accordance with the *Framework Agreement*.

5. Description of Rainy River First Nations Land

Rainy River First Nations Land

5.1 As per Annex “G” of the *Individual Agreement*, the Rainy River First Nations land that is subject to this *Land Code* is the land described as:

- Rainy River First Nations No. 1 (10056) – Canada Lands Survey Record FB42980
- Rainy River First Nations No. 2 (10057) – Canada Lands Survey Record FB42981
- Rainy River First Nations No. 3 (10058) – Canada Lands Survey Record FB42982
- Rainy River First Nations No. 4 (10059) – Canada Lands Survey Record FB42983
- Manitou Rapids Indian Reserve No. 11 (06248) – Canada Lands Survey Record FB42984
- Long Sault Indian Reserve No. 12 (06146) – Canada Lands Survey Record FB42985

Additional Reserves

5.2 Any new Rainy River First Nations Reserves created through the Additions to Reserve process will automatically be subject to this *Land Code*. The *Land Code* may be amended as needed to include land descriptions of new Reserves as they are added to the Individual Agreement.

Additional Lands

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

- (a) Any land or interest acquired by Rainy River First Nations 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.

PART 2 FIRST NATION LEGISLATION

6. Law-Making Powers

Council may make land laws

6.1 Council may, in accordance with this *Land Code*, make land laws respecting:

- (a) the development, conservation, protection, management, use and possession of Rainy River First Nations land;

- (b) Interests and Licenses in relation to Rainy River First Nations land; and
- (c) any matter necessary or ancillary to the making of land laws in relation to the Rainy River First Nations land.

Examples of Land laws

6.2 For greater certainty, Council may make land laws including:

- (a) regulation, control and prohibition of zoning, Land use, subdivision control and land development;
- (b) the creation, regulation and prohibition of Interests and Licenses in relation to Rainy River First Nations land;
- (c) environmental assessment and protection;
- (d) provision of local services in relation to Rainy River First Nations land and the imposition of equitable user charges;
- (e) enforcement of Rainy River First Nations land laws; and
- (f) provision of services for the resolution, outside the courts, of disputes in relation to Rainy River First Nations land.

Regulatory Instruments

6.3 For greater certainty, in addition to land laws, Council may make other regulatory instruments, including rules, regulations, standards, codes and policies.

7. Law-Making Procedure

Introduction of Land laws

7.1 A proposed land law may be introduced at a duly convened meeting of Council by:

- (a) the Chief;
- (b) a Councillor; or
- (c) the representative of the lands Committee, or other body or authority composed of Members, that may be authorized by Council to do so.

Rationalization of Proposed Land law

- 7.2 Any proponent shall submit a written explanation of the reason for the proposed land law.

Lands Committee Review

- 7.3 Council shall refer a proposed land law to the Lands Committee for review and comment.

Procedure upon receipt of Proposed Land law

- 7.4 Upon receipt of a proposed land law, Council may:
- (a) table the proposed land law for further review or for enactment;
 - (b) request that the proponent provide further information or attend before a future meeting of Council to speak to the proposed land law;
 - (c) undertake or direct the preparation of a draft land law concerning matters raised in the proposed land law, for consideration by Council; or
 - (d) reject the proposed land law.

Tabling and posting
of proposed Land laws

- 7.5 Before a proposed land law may be enacted, Council shall:
- (a) table the proposed land law at a duly convened meeting of Council;
 - (b) post it in public places and publish it online;
 - (c) deposit the proposed land law with the Lands Committee;
 - (d) review comments and recommendations, provided by the Lands Committee; and
 - (e) take any other steps to give notice of the proposed land law that Council may consider appropriate.

Urgent matters

- 7.6 Council may enact a land law without the preliminary steps ordinarily required, if Council is of the opinion that the land law is needed urgently for public health and safety or to protect Rainy River First Nations land or the Members however this land law expires one hundred and twenty (120) days after its enactment unless re-enacted in accordance with the required preliminary steps.

Approval of Land law

- 7.7 Subject to this *Land Code*, a land law is approved by a quorum of Council at a duly convened meeting of Council open to the Members.

Certification of Land laws

- 7.8 The original copy of any approved land law or resolution concerning Rainy River First Nations land shall be signed by a quorum of Council.

Land laws taking effect

- 7.9 A land law enacted by Council takes effect on the date of its enactment or such later date as specified in the land law.

8. Publication of Land Laws

Publication

- 8.1 A land law shall be:
- (a) published in the minutes of the Council meeting at which it was enacted;
 - (b) posted, as soon as practicable after enactment, in a location within the administrative office of Rainy River First Nations accessible to all Members;
 - (c) published online; and
 - (d) published by any additional method as Council may consider appropriate.

Registry of Land laws

- 8.2 Council shall cause to be kept, at the administrative offices of the Rainy River First Nations, a register of all land laws and resolutions, including land laws and resolutions that have been repealed or are no longer in force.

Copies for any
Person

8.3 Any person may obtain a copy of a land law or resolution.

9. Enforcement of Land Laws

Enforceability of Land laws

9.2 To enforce its *Land Code* and its land laws, Rainy River First Nations shall have the power to:

- (a) establish offences that are punishable on summary conviction;
- (b) provide for fines, imprisonment, restitution, community services, and alternate means for achieving compliance;
- (c) establish comprehensive enforcement procedures consistent with federal law, including inspections, searches, seizures and compulsory sampling, testing and the production of information; and
- (d) enter into agreements with provincial or municipal governments with respect to any matter concerning the enforcement of its *Land Code* and land laws.

Prosecuting Offences

9.2 For the purpose of prosecuting offences, Rainy River First Nations may:

- (a) retain its own prosecutor; and
- (b) make laws with respect to the appointment and authority of justices of the peace.

PART 3 COMMUNITY MEETINGS AND APPROVALS

10. Participation of Members

Participation of Members

10.1 Every Member is entitled to participate in the meeting of Members.

11. Participation of Eligible Voters

Participation of Eligible Voters

11.1 Every Eligible Voter is entitled to participate in community approvals.

12. Meeting of Members and Community Approval Procedure

Notice of meeting

12.1 Council shall give written notice of the meeting of Members and any matter requiring community approval at a meeting of Members, and include in the notice:

- (a) the date, time and place of the meeting;
- (b) a brief description of the matter to be discussed;
- (c) a brief description of any matter that requires community approval; and
- (d) other information and material that Council considers appropriate.

Manner of notice

12.2 The notice shall be given to the Members before the meeting or vote, by:

- (a) posting the notice in public places;
- (b) providing the notice to Members and taking reasonable steps to locate and inform Members who reside on and off-reserve;
- (c) posting the notice online; and
- (d) additional methods Council considers appropriate.

Permission of Council

12.3 A person, other than a Member, authorized by Council may attend a meeting of Members.

Informed Decision

12.4 Council may schedule more than one meeting of Members as may be necessary to ensure that Members are well informed before making a decision on a proposed land law or land matter.

13. Community Meetings of Members

Community Meetings

13.1 Council shall call a meeting of Members prior to:

- (a) declaring land or an Interest to be subject to this *Land Code*;
- (b) enacting a land law respecting a community plan or subdivision plan;
- (c) any development affecting a heritage site or an environmentally sensitive property;
- (d) enacting a land law respecting environmental assessment and protection;
- (e) enacting a land law respecting the transfer and assignment of rights and Interests in Rainy River First Nations land;
- (f) enacting a land law respecting matrimonial real property on reserve;
- (g) enacting a land law respecting the rate and criteria for the payment of fees or rent for Rainy River First Nations land;
- (h) enacting a land law respecting the rights and procedures on community expropriation; and
- (i) respecting any other matter, land law or class of law that Council, by Resolution, declares to be subject to this section.

No Quorum

13.2 No quorum or minimum level of participation is required at a meeting of Members.

14. Community Approval

Community approval

14.1 Community approval shall be obtained for the following:

- (a) any new grant or disposition of an Interest or Licence in any Rainy River First Nations land exceeding a term of thirty five (35) years;

- (b) any renewal of a grant or disposition of an Interest or Licence in any Rainy River First Nations land that extends the original term beyond thirty five (35) years;
- (c) any grant or disposition of any non-renewable natural resources on any Rainy River First Nations Land exceeding a term of five (5) years;
- (d) any deletion of a heritage site;
- (e) any voluntary exchange of Rainy River First Nations land; and
- (f) any other matter, land law or class of law that Council, by resolution, declares to be subject to this section.

Utility Permits Excepted

- 14.2 Community approval is not required for an easement, right of way or permit granted by Council for utilities, including telecommunications, water, electricity, natural gas, sewer services and ancillary services.

Method of Voting

- 14.3 Community approval shall be obtained by one or more of the following methods:
- (a) establishing polling locations;
 - (b) show of hands;
 - (c) mail-in ballot;
 - (d) alternative voting methods, such as electronic and telephone voting; or
 - (e) any other method outlined in voting policies.

Quorum

- 14.4 In order to obtain a quorum for community approval, at least twenty-five (25) Eligible Votes must participate.

Approval by Majority

- 14.5 For community approvals, a matter shall be considered approved if a majority of fifty percent plus one (50%+1) of the Eligible Voters who participate vote to approve the matter.

Second Community Approval Vote

- 14.6 If a quorum was not obtained at a first community approval, a second community approval vote may be called without any quorum requirement.

Approval by Majority

- 14.7 A matter shall be considered approved at a second community approval vote, if a majority of fifty percent plus one (50%+1) of the Eligible Voters vote to approve the matter.

15. Amendments to the *Land Code*Community Approval
by Ratification vote

- 15.1 Community approval by ratification vote shall be obtained for an amendment to this *Land Code*.

Exceptions

- 15.2 A community approval by ratification vote is not required for:
- (a) an amendment to the description of Land of this *Land Code*;
 - (b) revisions to this *Land Code* made pursuant to section 45; and
 - (c) an amendment to, or renewal of, the Individual Agreement.

No verifier

- 15.3 A verifier is not required in any ratification vote on amendments to this *Land Code*.

Quorum

- 15.4 In order to obtain a quorum for a community approval for an amendment to this *Land Code* by ratification vote under this *Land Code* at least twenty-five (25) Eligible Voters must participate.

Approval threshold for amendments

- 15.5 A matter shall be considered approved at a ratification vote if a majority of seventy-five percent (75%) of the participating Eligible Voters vote to approve the matter.

Second Ratification Vote

15.6 If a quorum was not obtained at a first ratification vote, a second ratification vote may be called.

Quorum and approval threshold

14.8 If a quorum was not obtained at a first community approval, a second community approval vote may be called without any quorum requirement. The approval threshold of seventy-five percent (75%) will still be required for amendments to this *Land Code*.

Policies Consultation, Approval
and Ratification

15.7 For greater certainty, Council may make land laws or policies:

- a) for meetings of Members;
- b) for community consultations;
- c) for community approvals;
- d) for ratification votes; and
- e) respecting any other matter, that Council, by resolution, declares to be subject to part 3 of this *Land Code*.

PART 4 PROTECTION OF LAND

16. Expropriation

Acquisition by Mutual Agreement

16.1 The Rainy River First Nations may expropriate an Interest or License in Rainy River First Nations land, provided that it has made a good faith effort to acquire, by mutual agreement, the Interest or License.

Rights and Interests
that may be expropriated

16.2 An Interest or License in Rainy River First Nations land, or in any building or other structure on that land, may only be expropriated by Rainy River First Nations in accordance with the *Framework Agreement* and any land law enacted for the purpose of establishing the rights and procedures for community expropriations.

Community purposes

16.3 A community expropriation shall only be made for necessary community works or other Rainy River First Nations purposes, including a fire hall, sewage or water treatment facility, community center, public works, utilities, roads, schools, daycare facility, hospitals, health-care facility, and retirement home.

Expropriation Land laws

16.4 Before proceeding to make any community expropriations in accordance with this *Land Code* and the *Framework Agreement*, Council shall enact a land law respecting the rights and procedures for community expropriations, including provisions respecting:

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

Public report

16.5 Before Rainy River First Nations expropriates an Interest or License, it shall make a public report on the reasons justifying the expropriation.

Member notification

16.6 In the case of an expropriation of a Member's Interest in Rainy River First Nations land, the affected Member or Members shall receive notification of the expropriation within a reasonable time prior to the release of the public report.

Rights that may not
be expropriated

16.7 In accordance with clause 17.6 the *Framework Agreement*, an Interest of Canada or the province in Rainy River First Nations land is not subject to expropriation by the Rainy River First Nations.

Compensation for
rights and Interests

16.8 Rainy River First Nations shall, in accordance with its land laws and the *Framework Agreement*:

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

Compensation calculations

16.9 In accordance with clause 17.4 the *Framework Agreement*, Rainy River First Nations shall calculate the total value of the compensation under this section based on the heads of the compensation set out in the *Expropriation Act (Canada)*.

Market value

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

Neutral evaluation to Resolve Disputes

16.11 The resolution of disputes concerning the right of the Rainy River First Nations to expropriate shall be determined by neutral evaluation, in the same manner as provided in part IX of the *Framework Agreement*, and the sixty (60) day period referred to in the *Framework Agreement* shall be applied, as appropriate in the circumstance, by the neutral evaluator.

Arbitration to resolve
Disputes

16.12 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) disputes concerning the right of a holder of an expropriated Interest or License to compensation; and
- (b) disputes concerning the amount of the compensation.

17. Voluntary Exchange of Rainy River First Nations Land

Conditions for a land exchange

- 17.1 The Rainy River First Nations may agree with another party to exchange a parcel of Rainy River First Nations land for a parcel of land from that other party in accordance with this *Land Code* and the *Framework Agreement*.

No effect

- 17.2 A land exchange is of no effect unless it receives community approval in accordance with this *Land Code* and with clause 14.2 of the *Framework Agreement*.

Land to be received

- 17.3 No land exchange may occur unless the land to be received in the exchange meets the following conditions:
- (a) it shall be equal to or greater than the area of the Rainy River First Nations land to be exchanged;
 - (b) it shall be at least comparable to the appraised value of the Rainy River First Nations land; and
 - (c) it shall become a reserve and Rainy River First Nations land subject to this *Land Code*.

Negotiators

- 17.4 The person who will have authority to negotiate a land exchange agreement on behalf of the Rainy River First Nations shall be designated by resolution.

Additional land

- 17.5 The Rainy River First Nations may negotiate to receive other compensation, such as money or other additional parcels of land, in addition to the parcel which is intended to become a reserve. Such other parcels of land may be held by the Rainy River First Nations in fee simple or some other manner.

Federal Consent

- 17.6 Before the Rainy River First Nations concludes a land exchange agreement, it shall receive a written statement from Canada clearly stating that Canada:

- (a) consents to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as Council may specify; 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, Council shall provide the following information to Eligible Voters before the vote:

- (a) a description of the Rainy River First Nations land to be exchanged;
- (b) a description of the land to be received in the exchange;
- (c) a description of any other compensation to be exchanged;
- (d) a report of a certified land appraiser setting out that the conditions for the land to be received in the exchange have been met;
- (e) a copy or summary of the exchange agreement; and
- (f) a copy of Canada's consent.

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) Council must pass a resolution authorizing Canada to transfer title to the Rainy River First Nations land being exchanged, in accordance with the exchange agreement;
- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nation Lands Register; and
- (d) the land to be set apart as a reserve has been subject to an environmental audit, and clearance or remediation as

necessary, or that Council is satisfied that adequate provisions have been made for such clearance or remediation at no cost to Rainy River First Nations, and with full indemnification to Rainy River First Nations.

PART 5 ACCOUNTABILITY

18. Conflict of Interest or Appearance of Conflict of Interest

Application of rules

18.1 The conflict of interest rules in this *Land Code* apply to the following persons:

- (a) each member of Council who is dealing with any matter before Council that is related to Rainy River First Nations land;
- (b) each person who is an employee of the Rainy River First Nations dealing with any matter that is related to Rainy River First Nations land;
- (c) each member of the Dispute Resolution Panel; and
- (d) each person who is a member of a board, committee or other body of the Rainy River First Nations dealing with any matter that is related to Rainy River First Nations land.

Duty to report and
abstain

18.2 If there is any actual or apparent financial, familial or personal conflict of interest in the matter being dealt with, the person:

- (a) shall disclose the interest to Council, or the board, committee or other body as the case may be;
- (b) shall not take part in any deliberations on that matter or vote on that matter; and
- (c) shall remove themselves from the proceedings.

Apparent conflict of interest

18.3 A person has an apparent conflict of interest if there is a reasonable perception, which a reasonably well-informed person could properly have,

that the person's ability to deliberate or decide on the matter has been affected by his or her private interest or the private interest of an Immediate Relative.

Inability to act

- 18.4 If the Board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to Council.

Meeting of Members

- 18.5 If Council is unable to vote on a matter due to a conflict of interest, Council may refer a matter, a proposed land law or resolution to a community meeting of Members and, if a quorum of Eligible Voters is present, a majority of the Eligible Voters present at the meeting may approve the matter, land law or resolution.

Specific Conflict situations

- 18.6 No Immediate Relatives and not more than two (2) members from the same Extended Family shall be concurrent members of an appointed board, committee or other body dealing with any matter that is related to Rainy River First Nations land. Council or any other elected board, committee or body is exempt from this rule.

Disputes

- 18.7 The Panel has the jurisdiction to hear and decide on any matter concerning a conflict of interest.

Other laws

- 18.8 For greater certainty, Council may develop a policy or enact laws to further implement this section.

19. Financial Management

Application

- 19.1 This section applies only to financial matters relating to Rainy River First Nations land and natural resources.

Financial policies

- 19.2 Council may, in accordance with this *Land Code*, develop, adapt or adopt financial management laws or policies, including:

- (a) regulating the receipt, management and expenditure of moneys, including transfer payments, all capital and revenue moneys received from Canada, all Land revenue, and moneys received from a grant or disposition of any Interest or License in relation to Rainy River First Nations land and natural resources;
- (b) managing financial records and accounts;
- (c) preparing financial statements and audits;
- (d) preparing and implementing budgets and annual presentation of budgets;
- (e) determining the general investment strategy;
- (f) contract notes, loans and other indebtedness;
- (g) establishing fees, fines, charges and levies; and
- (h) establishing and maintaining a recordkeeping system that ensures confidentiality, security of records and document retention.

Disbursements to Members

19.3 Disbursements to Members of proceeds of any revenue-generating agreements relating to Rainy River First Nations land must be distributed in accordance with the Rainy River First Nations' Membership Code.

Administrative structure

19.4 Council shall establish an administrative structure:

- (a) to implement all financial policies and procedures;
- (b) to oversee the day to day operational responsibilities for managing moneys related to Rainy River First Nations land and natural resources;
- (c) to ensure the accuracy of the accounting records;
- (d) to reconcile, review and approve bank statements;
- (e) to present the annual budgets to Members;

- (f) to present annually an audit of the financial statements to the Members; and
- (g) to prepare the annual report to Members.

20. Annual Report

Publish annual report

20.1 Council, on behalf of the Rainy River First Nations, shall publish an annual report on land matters.

Contents

20.2 The annual report shall include:

- (a) an annual review of Rainy River First Nations land and natural resources management;
- (b) annual budget;
- (c) a copy and explanation of the audit as it applies to Rainy River First Nations land and natural resources; and
- (d) any other matter as determined by Council or Lands Committee.

21. Access to Information

Access

21.1 Any person may, during normal business hours at the main administrative office of the Rainy River First Nations, have reasonable access to:

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

Copies for Members

21.2 Any Member may obtain a copy of the auditor's report or annual report.

Access to records

21.3 Any person authorized by Council may inspect the financial records of Rainy River First Nations related to Rainy River First Nations land.

PART 6 LAND AND NATURAL RESOURCES ADMINISTRATION

22. Land Staff

Administration

- 22.1 Council may delegate administrative authority to staff to carry out functions necessary for day to day administrative operations of land and natural resources.

23. Lands Committee

Lands Committee
established

- 23.1 The Lands Committee is hereby established for the following purposes:

- (a) Assist with implementation of this *Land Code*;
- (b) assist with the development of the land administration system;
- (c) advise Council and its staff on matters respecting Rainy River First Nations land;
- (d) recommend laws, resolutions, policies and practices respecting Rainy River First Nations land to Council;
- (e) hold periodic meetings of Members to discuss land issues and make recommendations on the resolution of those issues to Council;
- (f) assist in the communication of land issues between Members and Council;
- (g) oversee community meetings of Members, community approvals and ratification votes; and
- (h) perform such other duties as may be delegated or assigned by resolution or land law under this *Land Code*.

Development of land related rules and procedures

- 23.2 Within a reasonable time after this *Land Code* takes effect, the Lands Committee shall ensure that laws, rules and procedures, as may be appropriate, are developed that address the following matters:

- (a) environmental protection and assessment in relation to Rainy River First Nations land;
- (b) any outstanding issues on the resolution of disputes in relation to Rainy River First Nations land;
- (c) land use planning and zoning; and
- (d) any other matter referred by Council.

23.3 The laws, rules and procedures, once developed, shall be presented to Council for consideration and implementation as policies, laws or amendments to the *Land Code*, whichever are most appropriate.

Internal procedures

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

24. Membership of the Lands Committee

Composition

24.1 The Lands Committee shall be composed of the Lands & Natural Resources Coordinator, one member of Council and two Non-probationary Full Members, whether resident on or off Rainy River First Nations, all of whom must be eligible voters. The Lands & Natural Resources Coordinator is a non-voting position. Lands Committee members are appointed by Council.

24.2 The following persons are not eligible for appointment to the Lands Committee:

- (a) any person convicted of an offence that was prosecuted by way of indictment;
- (b) any person who has declared bankruptcy; and
- (c) any person convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

Term of Committee members

- 24.3 The appointed Council member of the Lands Committee shall serve on the Lands Committee for so long as they remain a member of Council. If Council removes that person, or the person fails to remain on Council following an election, Council will appoint a replacement member in their place.
- 24.4 Other members of the Lands Committee shall serve for a term of four years unless they become ineligible or are reappointed for a further term.
- 24.5 In the event that a Lands Committee member resigns or becomes ineligible to serve, Council must appoint a new member in their place. The new member will serve for the remainder of the term of the vacating member.

Chairperson

- 24.6 The Lands & Natural Resources Coordinator will serve as Chairperson of the Lands Committee. If the Chairperson is unavailable or unable to perform as Chairperson, either temporarily or on a long-term basis, the Lands Committee shall appoint one of the other members to act as or be the Chairperson, subject to confirmation by Council.
- 24.7 The functions of the Chairperson include:
- (a) ensuring there is an agenda prepared and circulated to the Lands Committee before each meeting and minutes and action items circulated after each meeting;
 - (b) ensuring preparation of financial statements relating to all activities of the Lands Committee, including revenues and expenditures concerning Rainy River First Nations land;
 - (c) tabling the Lands Committee's financial statements with Council;
 - (d) reporting to Rainy River First Nations on the activities of the Lands Committee; and
 - (e) ensuring the audited annual financial statements are published.

PART 7 INTERESTS AND LICENCES IN LAND

25. Revenue from Land and Natural Resources

Determination of
fees and rent

- 25.1 The Lands Committee shall, subject to the approval of Council, establish the process and recommend any land laws, rules and policies for determining:
- (a) the fees and rent for Interests and Licenses in Rainy River First Nations land;
 - (b) the fees for services provided in relation to any Rainy River First Nations land; and
 - (c) the fees and royalties to be paid for the taking of natural resources from Rainy River First Nations land.

26. Registration of Interests and Licenses

Enforcement of
Interest and Licenses

- 26.1 An Interest or License in Rainy River First Nations land created or granted after this *Land Code* takes effect is not enforceable unless it is registered in the First Nation Lands Register.

Registration of
Consent or approval

- 26.2 An instrument granting an Interest or License in Rainy River First Nations land that requires the consent of Council, or community approval, shall include a form of certificate indicating that the applicable consent or approval has been obtained.

Duty to deposit

- 26.3 A copy of the following instruments shall be deposited in the First Nation Lands Register:
- (a) any grant of an Interest or License in Rainy River First Nations land;

- (b) any transfer or assignment of an Interest or License in Rainy River First Nations land;
- (c) every land use plan, subdivision plan or resource use plan;
- (d) every land law: and
- (e) this *Land Code* and any amendment to this *Land Code*.

27. Limits on Interests and Licenses

All dispositions in writing

- 27.1 An Interest or License in Rainy River First Nations land may only be created, granted, disposed of, assigned or transferred by a written document made in accordance with this *Land Code* and any relevant land law.

Standards

- 27.2 Council may establish mandatory standards, criteria and forms for Interests and Licenses in Rainy River First Nations land.

Improper Transactions void

- 27.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Rainy River First Nations, a Member or any other person purports to grant, dispose of, transfer or assign an Interest or License in Rainy River First Nations land after the date this *Land Code* takes effect is void if it contravenes this *Land Code*.

28. Existing Interests

Continuation of existing Interests and Licenses

- 28.1 Any Interest or License in Rainy River First Nations 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.

Voluntary replacement of existing Interests and Licenses

- 28.2 For greater certainty, Interests or Licenses previously issued under the *Indian Act* shall continue in effect after the coming into force of this *Land*

Code unless the Member or non-Member voluntarily agrees to have the Interest or License replaced by a new Interest or License.

Replacing the role of the Minister

28.3 Immediately upon the coming into force of this *Land Code*, Canada transfers to Rainy River First Nations all the rights and obligations of Canada as grantor in respect of existing Interests and Licenses in or in relation to Rainy River First Nations land.

Unregistered Interests

28.4 A policy shall be established as soon as practical after the coming into force of the *Land Code* to accommodate unregistered Interests.

29. New Interests and Licenses

Authority to make
Dispositions

29.1 Council may, on behalf of Rainy River First Nations, grant:

- (a) Interests and Licenses in Rainy River First Nations land, including certificates of possession, member allocations, leases, permits, easements and rights-of-ways; and
- (b) Licenses to take natural resources from Rainy River First Nations land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional grant

29.2 The grant of an Interest or License may be made subject to the satisfaction of written conditions.

Role of the Lands
Committee

29.3 The Lands Committee shall advise Council on the granting of Interests or Licenses and may be authorized to act as a delegate of Council under this section.

30. Interests of Non-Members

Grants to non-Members

30.1 A transfer or other disposition of all or any part of an Interest or License in Rainy River First Nations Land to a person who is not a Member shall not be effective unless and until it is confirmed by a resolution of Council.

31. Certificates of Possession or Member Interests

Application

- 31.1 For greater certainty, certificates of possession or Member Interests previously issued under the *Indian Act* shall continue to exist after the coming into force of this *Land Code*.

32. Allocation of Land to Members

Policies and procedures for allocation of Land

- 32.1 Subject to the provisions of this *Land Code*, Council in consultation with the Lands Committee shall establish Land laws, policies and procedures for the allocation of Land to Non-probationary Full Members of Rainy River First Nations.

Allocation

- 32.2 Council may, in accordance with this *Land Code*:
- (a) allocate Land to Non-probationary Full Members; or
 - (b) issue a certificate for an interest to a Non-probationary Full Member for land allocated to that Non-probationary Full Member.

No allocation of Land to Conditional Members and non-Members

- 32.3 A person who is a Conditional Member of Rainy River First Nations or not a Member is not entitled to be allocated Land or to hold a permanent Interest in Rainy River First Nations Land.

33. Transfer and Assignment of Interests

Transfer of Member Interest

- 33.1 A Member may transfer or assign an Interest in Rainy River First Nations Land to another Non-probationary Full Member without community approval or the consent of Council.

Consent of Council

- 33.2 There shall be no transfer or assignment of an interest in Rainy River First Nations Land without the written consent of Council, except for:
- (a) transfers between Non-probationary Full Members;

- (b) transfers that occur by operation of law, including transfers of estate by testamentary disposition; and
- (c) transfers in accordance with the matrimonial real property on reserve law.

34. Limits on Mortgages and Seizures

Protections

34.1 In accordance with the *Framework Agreement*, the following provisions of the *Indian Act*, as amended from time to time, continue to apply to the Rainy River First Nations land:

- (a) section 29;
- (b) section 87;
- (c) Sub-section 89(1); and
- (d) Sub-section 89(2).

Mortgage of Allocated Land

34.2 The Interest of a Member in First Nation Land may be subject to a mortgage or charge, but only to a Non-probationary Full Member or, the Rainy River First Nations with the express written consent of Council.

Mortgages of leasehold Interests with consent

34.3 A leasehold Interest may be subject to charge or mortgage, but only with the express written consent of Council.

Time limit

34.4 The term of any charge or mortgage of a leasehold Interest shall not exceed the term of the lease.

Default in mortgage

34.5 In the event of default in the terms of a charge or mortgage of a leasehold Interest, the leasehold Interest is not subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form of execution or seizure, unless:

- (a) the charge or mortgage received the written consent of Council;
- (b) the charge or mortgage was registered in the First Nation Lands Register; and
- (c) a reasonable opportunity to redeem the charge or mortgage is given to Council on behalf of Rainy River First Nations.

Power of redemption

34.6 Subject to prior redemption by the lessee or Member, Council may redeem the charge or mortgage from the charger or mortgagor in possession and shall thereupon acquire all the rights and Interests of the charger or mortgagor and of the lessee or Member for all purposes after the date of the redemption.

Waiver of redemption

34.7 Council may waive its right to redemption for any charge or mortgage of a leasehold Interest or License.

35. Residency and Access Rights

Right of residence

35.1 The following persons have a right to reside on Rainy River First Nations land, in accordance with the Rainy River First Nations' *Housing Policy*:

- (a) Members and their Spouses and children;
- (b) any person invited by a Member who has been allocated housing according to Rainy River First Nations' *Housing Policy*, to be a co-resident at the same residence;
- (c) lessees and permittees, in accordance with the provisions of the granting instrument; and
- (d) a person authorized in writing by Council or by a Rainy River First Nations Land law.

Right of Access

35.2 The following persons have a right of access to Rainy River First Nations land:

- (a) a lessee and his or her invitees;

- (b) a person granted a right of access under a permit;
- (c) Rainy River First Nations Members and their Spouses and children and his or her invitees;
- (d) a person who is authorized by a government body or any other public body, established by or under an enactment of the Rainy River First Nations, Parliament or the province to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey provided that the person received written authorization from Council; or
- (e) a person authorized in writing by Council or by a Rainy River First Nations land law.

Public access

35.3 Any person may have access to Rainy River First Nations land for any social or business purposes, if:

- (a) the person does not trespass on occupied land and does not interfere with any Interest in Land;
- (b) the person complies with all applicable laws; and
- (c) no resolution has been enacted barring that person.

Use of Roads

35.4 Any person may have the right of access to Rainy River First Nations public roads, subject to this *Land Code* and land laws.

Trespass

35.5 Any person, who resides on, enters or remains on Rainy River First Nations land, other than in accordance with a residence or access right under this *Land Code*, is guilty of an offence.

Civil remedies

35.6 All civil remedies for trespass are preserved.

36. Transfers on Death

Indian Act application

36.1 Until Rainy River First Nations exercises jurisdiction in relation to wills and estates, the provision of the *Indian Act* dealing with wills and estates shall continue to apply with respect to Interests in Rainy River First Nations land.

Registration of transfer

36.2 A person who receives an Interest in Rainy River First Nations land by testamentary disposition or succession in accordance with a written decision of the Minister, or his or her designate, pursuant to the *Indian Act*, is entitled to have that Interest registered in the First Nation Lands Register, provided that they are a Non-Probationary Full Member of the Rainy River First Nations.

Disposition of Interest

36.3 If no provision has been made by the deceased Member of the disposition of the Interest to another Member, the following rules apply:

- (a) the Minister or his or her delegate may make application to Council requesting that an instrument evidencing lawful possession or occupation of Rainy River First Nations land be issued; or
- (b) a certificate for an Interest or other instrument may be issued in accordance with procedures established by Council, or application of the Minister or his or her delegate, if the beneficiary or purchaser is a Non-probationary Full Member of the Rainy River First Nations.

37. Matrimonial Real Property on Reserve Law

Development of rules and procedures

37.1 Council may enact a matrimonial real property on reserve law providing rules and procedures applicable on the breakdown of a marriage, to:

- (a) the use, occupancy and possession of Rainy River First Nations land;
- (b) the division of Interests in that land; and

- (c) the division of the value of improvements in that land.

General principles

37.2 For greater certainty, any rules and procedures developed for matrimonial real property under this section shall 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 their matrimonial home, as a tenant in common;
- (c) the rules and procedures shall not discriminate on the basis of sex; and
- (d) only Non-probationary Full Members are entitled to hold a permanent Interest in Rainy River First Nations land or a charge against a permanent Interest in Rainy River First Nations land.

Interim Rules

37.3 The *Family Homes on Reserve and Matrimonial Interests or Rights Act* (FHRMIRA) shall serve as the interim law in the case of breakdown of a marriage under this *Land Code*. Its provisions regarding breakdown of marriage shall be repealed upon the coming into force of a matrimonial real property on reserve law enacted by Council in accordance with the *Land Code*.

PART 8 DISPUTE RESOLUTION

38. Purpose

Intent

38.1 The intent of this part is to ensure that all persons entitled to possess, reside upon, use or otherwise occupy Rainy River First Nations land do so harmoniously with due respect to the rights of others and of Rainy River First Nations and with access to Rainy River First Nations procedures to resolve disputes.

Purpose

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

39. Roster Panel Established

Panel Established

39.1 The Dispute Resolution Panel (Panel) is hereby established with jurisdiction to resolve disputes in relation to this *Land Code*.

Appointment of the Roster Panel

39.2 The Panel shall be composed of 5 or more individuals. The Lands Committee shall recommend the Panelists to Council for appointment. Council shall appoint the Panelists, and shall ensure that, where possible, the Panelists represent the various elements of the community.

Ineligible

39.3 Notwithstanding the general rules of conflict of interest in the *Land Code*, no Council member, or employee of Rainy River First Nations or member of the Lands Committee shall sit on the Panel.

Rules of Roster Panel

39.4 The Panel may establish rules and procedures for its hearings and generally for the conduct of its affairs.

Remuneration

39.5 Council shall determine the remuneration to be paid to the members of the Panel.

40. Dispute Resolution Process

Decision of Council or Lands Committee

40.1 Any person whose interest in Rainy River First Nation land is affected by a decision of Council or the Lands Committee may appeal the decision to the Dispute Resolution Panel (Panel).

Optional Process

40.2 For greater certainty, an application to the Panel to resolve a dispute is optional and all other civil remedies continue to be available to Members and non-members, at their own cost.

Disputes not resolved by Council

- 40.3 If a Member, or a non-member with an interest in Rainy River First Nations land, has a dispute with respect to a decision of the Lands Committee or the Council, the party must first attempt to resolve that dispute with Council or the Lands Committee, before referring the dispute to the Panel.

Procedure to File a Dispute

- 40.4 Applications for resolution by the Panel shall be submitted to the Lands Department. The application shall consist of written notice of dispute setting out:
- (a) the nature of the dispute;
 - (b) a statement outlining the facts and supporting arguments of the dispute claim; and
 - (c) the relief that is sought.

Applications with incomplete or insufficient information will not be escalated to arbitration by the Panel.

Limitation Period

- 40.5 An application to refer dispute with respect to a decision of Council or the Lands Committee to the Panel shall be made:
- (a) within 30 days after the day the decision, act or omission being referred was made; or
 - (b) in the case of a dispute with Council or the Lands Committee, 30 days after Council or the Lands Committee rejects the attempts at resolution made under section 40.3.

Dispute Resolution not available

- 40.6 Dispute resolution is not available for disputes in relation to:
- (a) administration or distribution of an estate;
 - (b) decisions relating to housing allocations;
 - (c) decisions of Council to grant or refuse to grant an Interest or License in Rainy River First Nations land to a non-Member;

- (d) decisions on expropriation under this *Land Code*: and
- (e) prosecution or conviction of an offence under a land law or under criminal law.

Panel of three

40.7 Disputes referred to the Roster Panel are to be heard by three (3) panelists chosen as follows:

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

Conflict of interest

40.8 Roster members who are in conflict of interest, including perceived conflict of interest, are prohibited from being selected to the Panel of three in relation to the dispute in need of resolution.

41. Powers of the Panel

Powers of the Panel

41.1 The Panel may, after hearing a dispute:

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

Duty of Fairness

41.2 All persons involved in a dispute under this part shall be:

- (a) treated fairly;
- (b) given a full opportunity to present their case; and

- (c) given reasons for a decision made under this part.

Professional services

- 41.3 The Panel may obtain the service of professionals to assist it in fulfilling its functions, in which case it shall make best efforts to use professional services available in the community.

Written Decisions

- 41.4 The Panel will give reasons for its decision, and shall do so in writing within 14 days after the date of the decision. Decisions of the Panel must be in writing, signed by the person chairing the Panel or by an officer designated by the panel to do so.

Appeal of the decision

- 41.5 A decision of the Panel is binding, but, subject to any exception established by law, may be appealed to the Federal Court (Trial Division).

Waiver of Liability

- 41.6 By participating in this dispute resolution process, the parties agree that the facilitators, mediators, arbitrators and panelists shall not be liable to the parties for any act or omission in connection with the services provided by them in, or in relation to, the dispute resolution processes, unless the act or omission is fraudulent or involves willful misconduct.

42. Impartiality of the Dispute Resolution Panel

Duty to Act Impartially

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

Offence

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

Rejection of Application

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

Rules of Conduct for Parties to a Dispute

- 42.4 The Roster Panel shall establish rules of conduct for the parties to a dispute.

PART 9 OTHER MATTERS

43. Liability

Liability Coverage

- 43.1 Council shall arrange, maintain and pay insurance coverage for its officers and employees engaged in carrying out any matter related to Rainy River First Nations land to indemnify them against personal liability arising from the performance of those duties.

Extent of coverage

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

44. Offences

Application of the
Criminal Code

- 44.1 Unless some other procedure is provided for by a Rainy River First Nations 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 First Nation land law.

Fines & Imprisonment

- 44.2 Unless some other procedure is provided for by a Rainy River First Nations land law, any person who commits an offence under this *Land Code* or a Rainy River First Nations land law is liable to a fine not to exceed \$5,000 and to a term of imprisonment not to exceed six months or to both fine and imprisonment, provided however, that offences related to Rainy River First Nations environmental protection laws may carry penalties consistent with similar environmental protection laws in force in Canada.

45. Revisions to *Land Code*

Revisions

- 45.1 A ratification vote is not required for revisions made to this *Land Code* that do not change the substance of this *Land Code*. Council may, from time to time, arrange and revise this *Land Code*. Revisions include:

- (a) an amendment of the description of Rainy River First Nations land subject to this *Land Code* and Individual Agreement;
- (b) a reference in this *Land Code* to a clause in another act or document that was amended and resulted in clause renumbering;
- (c) a reference in this *Land Code* to an Act or parts thereof that have expired, have been repealed or suspended;
- (d) changes in this *Land Code* as are required to reconcile seeming inconsistencies with other acts;
- (e) minor improvements in the language as may be required to bring out more clearly the intention of the Rainy River First Nations without changing the substance of this *Land Code*; and
- (f) correct editing, grammatical or typographical errors.

46. Commencement

Preconditions

- 46.1 This *Land Code* shall take effect if the community approves this *Land Code* and the Individual Agreement with Canada and this *Land Code* has been certified by the verifier pursuant to the *Framework Agreement*.

Commencement date

- 46.2 This *Land Code* shall take effect on the first day of the month following the certification of this *Land Code* by the verifier.