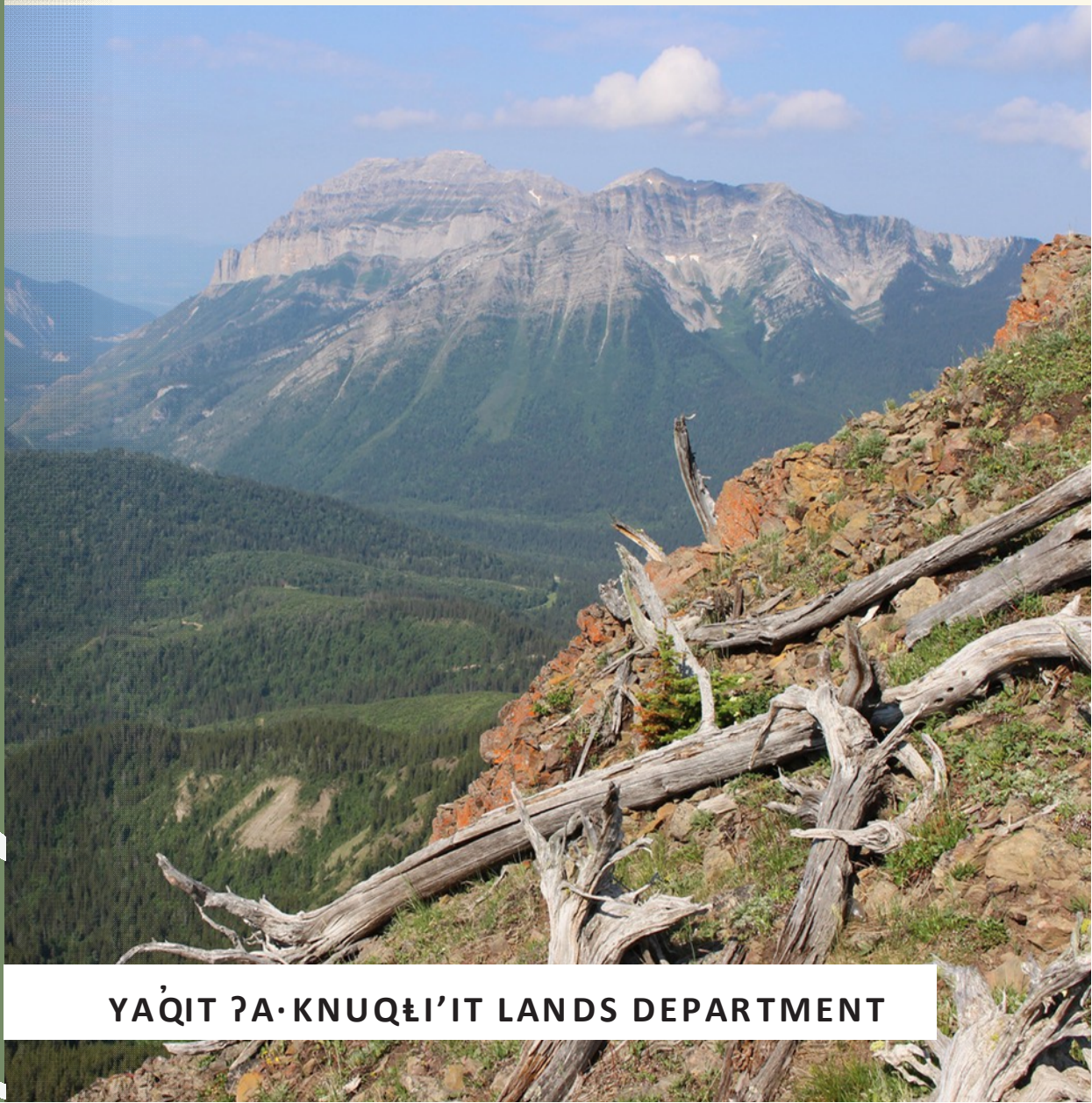


Yaqit ʔa·knuqłi'it



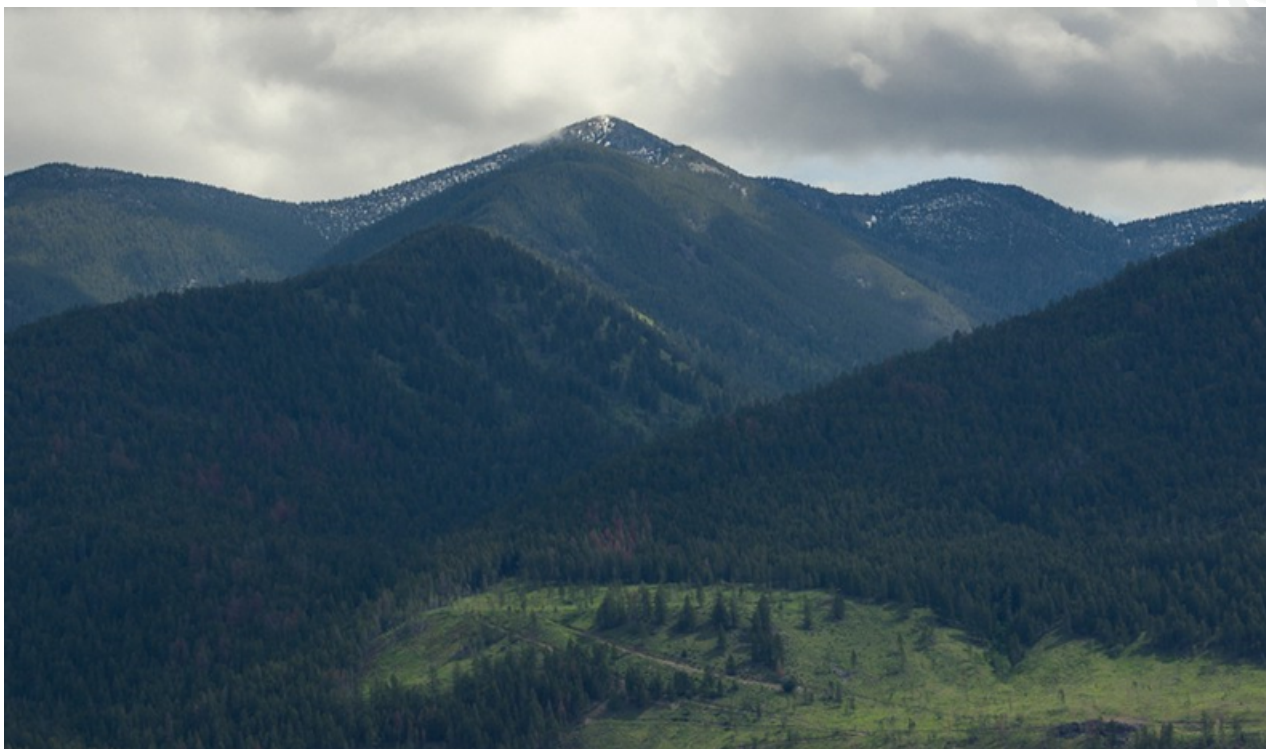
2024

Yaqit ʔa·knuqłi'it Land Code Summary



YAQIT ʔA·KNUQŁI'IT LANDS DEPARTMENT

What is a Land Code?



Land Code and Land Governance

The Land Code is a law asserting Yaqıt ʔa·knuqʔiʔit as the government with the power and authority over our reserve lands and natural resources.

The Land Code explains the land governance structure that Yaqıt ʔa·knuqʔiʔit wishes to use for managing and caring for the lands and natural resources.

Land Governance is made up of the rules, processes, and systems for making decisions about lands and natural resources.

12 Parts of the Land Code

The Land Code consists of 12 parts. Each part is described in the detailed summary below.

| | | | |
|-----------|---|------------|---------------------------------------|
| I | Fundamental Rights | VII | Protection of Land |
| II | Definitions and Interpretation | VII | Conflicts of Interest |
| II | Lands | I | Financial Management |
| I | Lands and Natural Resources Administration | X | Interests and Licences in Land |
| V | Legislation | X | Dispute Resolutions |
| V | Lands and Meetings Votes | XI | Other Matters |

Preamble

The preamble starts with some important statements about leadership responsibility and our connection to the land. It is followed by statements affirming and implementing the United Nations declaration on the rights of Indigenous Peoples.

Explains the purpose of the Land Code and a brief history of how we got to this point.



Land Code Parts

Part I – Fundamental Rights

This section provides a description of Yaqit ʔa·knuq̓i'it rights which are not affected by the Land Code and confirms Canada's fiduciary duties.

Land Rights -The Land Code states that the crown is not free of their fiduciary duty or obligations, such as the duty to consult and accommodate. The fiduciary relationship with the crown remains the same.

Part II – Definitions and Interpretation

Definitions -The words and terminology used in the Land Code are explained in this part of the Land Code.

Interpretation -The explanations given in this part of the Land Code help make the rules and processes in other parts of the Land Code clearer.

Part III – Lands

Description of Lands - The Land Code will only apply to Yaqit ʔa·knuq̓i'it reserve lands including lands added before Land Code comes into effect. More lands may be added in the future through land purchases or acquisitions that are added to reserve through the addition to reserve process.

Lands includes all natural resources to the extent those resources are under the jurisdiction of Yaqit ʔa·knuq̓i'it or Canada, the water and the beds underlying the water, the rights that are part of or that attach to the land, and all interests and licences relating to the Lands.

Part IV – Land and Natural Resources Interpretation

Lands Office – By BCR, Council will identify positions and authorities required to fulfill the duties associated with administering the land code. The Lands office is responsible for:

- Providing advice about land laws, land policies, regulations to Council and lands committee
- Arranging meetings and votes under the Land Code
- Annual work-planning
- Budgeting
- Reporting
- Assisting the lands committee and lands administration with record keeping, data management, forms and procedures.

Lands Committee - Council will appoint a Lands Committee consisting of no less than 3 members for a three-year term. The Lands Committee can advise Council and the Lands Office about lands related issues such as granting interests and licences, land use plans, law-making and policies. The Lands Committee will advise Council of recommendations regarding lands, environmental concerns and priorities.

Council can delegate Lands related authorities, other than enacting a law, to the Lands Committee. Council may terminate the appointment of a member of the Lands Committee.

Part V – Yaqit ʔa·knuqʔiʔit Legislation

Law-Making Powers - Council may make laws regarding lands, the environment and natural resources, establish fees and charges related to land development, and establish offences and enforcement measures.

Law-Making Procedure – This section explain how Yaqit ʔa·knuqʔiʔit will make land laws, including new laws and the repeal or amendment of an existing law. It outlines the requirements for consultation with the Lands Committee, making the draft available to members, and mechanisms for community input.

The Lands Office must have direction from Council before drafting a new or amended Land Law.

Council may pass emergency Land Laws, which expire 120 calendar days after being passed, unless renewed for a maximum of an additional 120 calendar days.

Publication of Land Code and Land Laws - These sections explain how Yaqıt ʔa-knuqʔiʔit will publish land laws and provide notices. Land Laws, including emergency laws, are to be registered and kept in the Land Register.

Part VI – Land Meetings and Votes

Lands Meetings and Votes - The Lands Office must hold a Lands Meeting to seek community input on:

- Proposed land laws
- Prior to Council granting, renewing easements, right of ways, permits or licenses for any type of utilities
- Prior to holding a vote

A vote is required when:

- Adopting a land use plan
- A voluntary land exchange
- Amendments to the Land Code.

A vote may be required to grant or renew an interest of a lease.

This section also sets out the process for conducting a vote including requirements for maintaining an up-to-date Members and eligible voters list, posting notices, contacting members, notice period, and vote notice content. It also prohibits interfering with a vote.

Part VII – Protection of Land

Expropriation - Yaqıt ʔa-knuqtiʔit may only expropriate an interest or licence if an Expropriation law has been enacted and approved by members, and the expropriation meets all requirements under that law and the *Framework Agreement*.

Voluntary Exchange of Lands -Lands may only be exchanged for new lands which will become Lands subject to the Land Code. Any voluntary exchange of lands is subject to these requirements:

- Area and value of new land must be of equal or greater value

- Members must be fully informed of compensation, area, value, and condition of the land
- Land is free of environmental hazards
- A vote is held to approve the land exchange.

Part VIII – Conflicts of Interest

Conflict of Interest Obligations – This section defines who the conflict-of-interest provisions apply to, and the process for dealing with conflicts of interest or perceived conflicts of interest.

Accountability for Conflicts of Interest – This section describes the circumstances where a person fails to meet the conflict of interests obligations under the Land Code, as well as the penalties, court remedies, and consequences.

Part IX – Financial Management

Financial Management - Places financial controls for Land revenues, development of annual lands budget, appointment of signing officers, Council control of signing authority limits, appointment of auditor, and financial record keeping requirements.

Annual Report – Describes requirements for publication of an annual report on lands governance, including summary of land governance activities, and audited financial statements for lands.

Part X – Interests and Licences in Land

Revenue – The Lands Committee must advise Council on the establishment of laws, rules and policies for determining fees, rents, royalties or other amounts to be paid in relation to interests and licences, services in relation to land, and natural resources.

Council, in consultation with the Lands Committee, will establish land laws, rules and policies for determining administrative fees, rents and royalties.

Registration of Interests and Licences – All interests and licenses must be registered in the lands register. Unregistered interests are void if unregistered in the lands register, or is in contravention with the Land Code. No interest can be registered without approval by Council or vote, if required.

Existing Interests – Interests existing prior to Land Code continue in accordance with its terms and conditions. Land Code and land laws apply to all interests whether granted before or after the Land Code comes into force.

Members Only Interests – This section describes the establishment of laws, rules, policies and procedures for transferring of interests. A non-member can never acquire or hold a member only interest.

Interests and Licences – This section describes the transferring, granting, disposing, renewing or assigning interests or licenses by members, Council and non-members. The term of a sublease, licence, easement or permit must not exceed the duration of a lease.

Natural Resources on community lands belong to Yaqit ʔa·knuqʔiʔit. Members may grant licences to take natural resources from Member lands with approval of Council by BCR, and commercial benefits from natural resources on Member lands are to be shared between the Member and Yaqit ʔa·knuqʔiʔit. All commercial use of natural resources requires a licence and payment of fees and/or royalties.

Council may delegate authority over interests and licences to the Lands Committee or Lands Office by BCR.

Limits on Mortgages and Seizure

This section describes limits of mortgages and seizure and includes:

- Restrictions on seizure of land and personal property continue to apply.
- Member only interests can only be subject to a mortgage or charge in favour of Yaqit ʔa·knuqʔiʔit or another member.
- Leasehold interests may be subject to a mortgage or charge in accordance approval requirements under a land law, with the term of the mortgage or charge not to exceed the term of the lease.

- Members may lease land to themselves.
- Rules regarding defaults of a mortgage or leasehold interest.
- Procedures and rules governing Council redemption of a mortgage or charge on a leasehold interest.
- Rules regarding seizure, transfer or assignment of a leasehold interest to a third party.

Registration of Mortgages or Charges – Mortgages and charges are void if not registered in the lands register or is in contravention of the Land Code. No mortgage or charge may be registered without approval by Council or vote if required under the Land Code or a land law.

Residency and Access Rights – This section describes requirements surrounding residency and access:

- Identifies member rights to reside on lands that they have an interest in.
- Defines who can reside on, access, or use different types of land.
- Council may impose closures or restrictions on access to lands for protection of health, safety, environmental or cultural assets.
- Trespassers are guilty of an offence.
- Describes penalties and civil remedies for trespassers.
- Liability limitations.

Wills and Estates – Defines who is entitled to have their interest registered, provided they are entitled to hold that interest under the Land Code or any applicable land laws or court order. A land law may be developed to establish required procedures and documents to register interests arising from wills and estates.

Part XI – Dispute Resolution

Disputes

This section outlines the dispute resolution process and limitations and adjudication processes and limitations.

- Explains the dispute resolution process.
- The process does not apply to disputes in relations to mortgages or leases, decisions related to housing allocations, or decisions of Council to grant or refuse to grant an interest in license in Yaqit ʔa·knuq̓i'it lands.
- Adjudication decisions are binding, but may be appealed subject to exceptions established by a law.
- Council may establish processes or laws for resolving disputes for any matter related to Land.

Part XII – Other Matters

Enforcement – This section outlines penalties for anyone who does not follow the Land Code or purposefully goes against the land rules set out in the Land Code.

Liability - Insurance coverage must be provided to officers and employees to indemnify them against personal liability in performance of their duties.

Amendments to Land Code – Council may pass a BCR to make amendments to the Land Code that do not change the substance of the Land Code. This includes inconsistencies with the Framework Agreement, minor improvements, clarifications, spelling and grammar. A vote is required for any other amendments.

Severability – If any provision of the Land Code of a land law is determined by a court to be illegal or unenforceable, the legality and enforceability of the remaining provisions will not be affected.

Commencement - The Land Code will come into force on the first day of the month following certification.

For further information
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