

Yaqit ?a-Knuqti' it

Land Code

Date in Force: Month Day, Year

Amended:

June 2023

The *Land Code* includes any amendments made from time to time. The dates of amendments are noted in the relevant amended sections of this *Land Code*.

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YAQIT ?A·KNUQEI 'IT LAND CODE

Whereas The leaders of the Yaqit ?a·knuqei 'it will, by example, be supportive, understanding, respectful, honest and cooperative. Their decision-making will be non-judgmental and consistent. With the direction, guidance, patience, and confidence of the Yaqit ?a·knuqei 'it citizens, the leaders will continue to be responsible and committed to their roles as leaders;

Whereas the *Framework Agreement on Yaqit ?a·knuqei 'it Land Management* provides the option to Yaqit ?a·knuqei 'its 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 under the *Framework Agreement*, Canada recognizes that Yaqit ?a·knuqei 'its have a unique connection to and constitutionally protected interest in their lands, including decision-making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands;

And Whereas under the *Framework Agreement*, Canada has committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples in a manner consistent with the Canadian Constitution, and the *Framework Agreement* acknowledges that Canada's special relationship with Yaqit ?a·knuqei 'its will continue;

And Whereas Yaqit ?a·knuqei 'it became a signatory on **July 13, 2021** to the *Framework Agreement* and wishes to govern lands and resources under a Land Code, rather than under the *Indian Act*;

And Whereas the *Framework Agreement* is ratified by Yaqit ?a·knuqei 'it through community approval of the Yaqit ?a·knuqei 'it Land Code.

NOW THEREFORE, THIS LAND CODE IS ENACTED AS THE FUNDAMENTAL LAND LAW OF THE YAQIT ?A·KNUQEI 'IT.

PART I

1. Yaqit ʔa·knuqʔi 'it's Land Rights

- 1.1 This *Land Code* does not define or prejudice Aboriginal rights, Aboriginal title, treaty rights, inherent rights, or any other rights of Yaqit ʔa·knuqʔi 'it to control their lands or resources or to preclude other negotiations in respect of those rights.
- 1.2 This *Land Code* does not affect any rights of the Yaqit ʔa·knuqʔi 'it under the United Nations Declaration on the Rights of Indigenous Peoples.
- 1.3 This *Land Code* does not affect any lands, or any rights in lands, that are not subject to this *Land Code*.
- 1.4 This *Land Code* does not change the fiduciary relationship between Canada and Yaqit ʔa·knuqʔi 'it.

PART II

DEFINITIONS AND INTERPRETATION

2. Definitions

- 2.1 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.
- 2.2 The following definitions apply in this *Land Code*:

“*Community Lands*” means Lands, other than Member Lands, that are held by Yaqit ʔa·knuqʔi 'it on behalf of and for the benefit of all Members;

“*Council*” means the Chief and Council of the Yaqit ʔa·knuqʔi 'it;

“*Council Resolution*” or “*BCR*” means a band council resolution approved by Council;

“*Eligible Voter*” means a Member who has attained eighteen years of age on or before the last day of a Vote;

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management*, entered into between Yaqit ʔa·knuqʔi 'its and Canada on February 12, 1996, as amended from time to time;

“*Individual Agreement*” means the Individual Agreement providing for the specifics of the transfer of administration made between Yaqit ?a-knuqfi ‘it and Canada in accordance with the Framework Agreement.

“*Interests*” means any interest, right, or estate of any nature in or to Lands, including a Member Only Interest, lease, life estate, easement, right of way, permit and a section 28(2) permit under the *Indian Act*, but does not include:

- (a) Yaqit ?a-knuqfi ‘it title to the Land, including Aboriginal Title;
- (b) mortgages; and
- (c) a License;

“*Land*” or “*Lands*” means any reserve land that is subject to this *Land Code*, including Community Lands and Member Lands;

“*Land Code*” means this *Land Code* as amended from time to time;

“*Lands Committee*” means the committee established under the ‘Lands Committee’ provisions of this *Land Code*;

“*Lands Meeting*” means a meeting open to the participation of Members for purposes set out in this *Land Code*;

“*Land Laws*” mean:

- (a) this *Land Code*; and
- (b) any other laws enacted under this *Land Code* and within Yaqit ?a-knuqfi ‘it authority under the *Framework Agreement*, as those laws are amended from time to time;

“*Lands Register*” means the lands register established pursuant to the *Framework Agreement* or any successor lands register that may be established to replace the Lands Register;

“*License*” means any temporary right of use or occupation of Lands for a term of two years or less but does not include a business license, building permit, or similar instrument;

“*Member*” means a person on the Yaqit ?a-knuqfi ‘it membership list or who, in accordance with the Yaqit ?a-knuqfi ‘it membership code, is entitled to be on that list;

“*Member Lands*” means Lands, other than Community Lands, that are Lands held by Members under a Member Only Interest;

“*Member Only Interests*” means allotments, certificates of possession, and other interests which can only be held by Members under a Land Law;

“*Natural Resources*” means renewable and non-renewable natural resources such as: timber, minerals, stone, sand, gravel, clay, soil, and similar substances;

“*Publish*” means to make information available to Members by posting online and in the Yaqit ?a·knuq̄i ‘it administration office;

“*Spouse*” means a person who is married, whether by a traditional, religious, or civil ceremony, and includes a Spouse by common-law relationship;

“*Vote*” means a vote for purposes set out in this *Land Code* in which all Eligible Voters are entitled to participate.

3. Interpretation

3.1 In this *Land Code*:

- (a) the Preamble and the Yaqit ?a·knuq̄i ‘it’s language may be used to interpret this *Land Code*;
- (b) titles and headings are for convenience only and are not to be used to interpret this *Land Code*; and
- (c) where a time limit falls on a weekend, or any holiday, the time limit is extended to the next business day.

3.2 If there is an inconsistency or conflict between this *Land Code* and the *Framework Agreement*, the *Framework Agreement* prevails to the extent of the inconsistency or conflict.

3.3 If there is an inconsistency or conflict between this *Land Code* and any other Land Law, or by-law under the *Indian Act*, this *Land Code* prevails to the extent of the inconsistency or conflict.

3.4 Any reference to a court in this *Land Code* includes a justice of the peace appointed by Yaqit ?a·knuq̄i ‘it with authority in respect of this *Land Code* and Laws.

PART III

LANDS

4. Description of Lands

4.1 This *Land Code* applies to the following Lands of Yaqit ?a·knuq̄i ‘it:

- a) the Lands described in “Appendix G” of the Individual Agreement with Canada;
- b) Lands added to reserve after this *Land Code* comes into force; and

- c) Lands added to reserve through a land exchange in accordance with this Land Code.

4.2 The Lands include:

- (a) all the Natural Resources;
- (b) the water, and the beds underlying the water;
- (c) all the rights that are part of or that attach to the Land, including riparian rights; and
- (d) all Interests and Licenses, including those previously granted by Canada before this *Land Code* came into force.

PART IV

LAND AND NATURAL RESOURCES ADMINISTRATION

5. Lands Office

- 5.1 Council can pass a BCR that identifies positions in the Lands office as Lands Office staff positions. Lands Office staff positions could be filled by employees, contractors, volunteers, or other persons.
- 5.2 For any Lands Office staff position, Council can pass a BCR setting out:
 - (a) the scope of the position holder's authority to manage Lands; and
 - (b) whether the position holder has the authority to register Lands instruments in the Lands Register for Yaqit ?a·knuqfi 'it.

Unless Council passes a BCR that says otherwise, the Lands Office is responsible for:

- (a) advising Council on the development and amendment of Land Laws;
- (b) arranging Lands Meetings and Votes in accordance with this *Land Code*;
- (c) proposing the annual Land workplan and Lands budget to Council;
- (d) providing input to Yaqit ?a·knuqfi 'it's annual reports in respect of Lands revenues and activities; and
- (e) the Land administration system, such as record keeping, data management, and approved forms and procedures.

5.4 The Lands office will assist with the work of the Lands Committee, and consider advice provided by the Lands Committee in carrying out Lands office responsibilities.

6. Lands Committee

6.1 Council is responsible for establishing the Lands Committee and appointing its members in accordance with this *Land Code*.

6.2 Council must ensure that there are always at least five members appointed to the Lands Committee and Council may renew the appointments of members.

6.3 As soon as possible after this *Land Code* comes into effect, Council must pass a BCR appointing interim members of the Lands Committee who will serve until they are:

- (a) appointed to three-year terms; or
- (b) replaced by other individuals appointed to three-year terms.

6.4 No later than twelve months after this *Land Code* comes into effect, Council must pass a BCR appointing all of the Land Committee members for three year terms so there are no more interim members.

6.5 Council must pass a BCR establishing terms of reference for the Lands Committee regarding committee composition, eligibility, remuneration of members, and any similar matters.

6.6 In addition to any other responsibilities of the Lands Committee under this *Land Code*, the Lands Committee may advise Council and the Lands office on:

- (a) Land related matters, including the granting of Interests and Licenses;
- (b) Land use plans;
- (c) Lands related policies and Land Laws; and
- (d) Members' and others' recommendations regarding Lands and environment concerns and priorities.

6.7 Council can pass a BCR that delegates Lands related authorities, other than enacting Land Laws, to the Lands Committee, including authorities related to particular Lands projects, developments, or activities.

- (a) Council may, by way of a BCR, terminate the appointment of a member of the Lands Committee if they fail to:
 - (b) attend three consecutive meetings of the Lands Committee without the approval of the Lands Committee chair;

- (c) perform their Lands Committee member duties under this *Land Code*, or
- (d) comply with the terms of reference or any code of conduct for the Lands Committee.

PART V

YAQIT ʔA-KNUQEI 'IT LEGISLATION

7. Law-Making Powers

- 7.1 In accordance with the law-making powers set out in the *Framework Agreement*, Council may make Land Laws:
- (a) regarding Lands, environment, and Natural Resources;
 - (b) establishing charges and fees, including development cost charges, or similar charges or fees related to the development of Lands;
 - (c) establishing offences punishable on summary conviction and other enforcement measures; and
 - (d) regarding any matter necessary or ancillary to the making of Land Laws.

8. Law-Making Procedure

- 8.1 This law-making procedure applies whenever a new Land Law is proposed, or an existing Land Law is to be repealed or amended.
- 8.2 This law-making procedure does not apply to regulations if a Land Law sets out a different procedure for making those regulations.
- 8.3 The Lands office must get direction from Council before developing a draft Land Law.
- 8.4 Except where Council has passed an emergency Land Law using this *Land Code*, the Lands office:
- (a) must consult with the Lands Committee about a proposed Land Law and consider advice provided by the Lands Committee;
 - (b) must ensure that a draft Land Law is available to Members by posting it online and in the Yaqit ʔa-knuqei 'it administration office until a final decision is made in respect of the draft Land Law;
 - (c) must hold one or more Lands Meetings in accordance with this *Land Code*;

- (d) may provide other information to Members that the Lands office considers appropriate; and
 - (e) may adjust a draft Land Law that is posted online and in the Yaqit ?a·knuqi 'it administration office, including as a result of input provided by Members and the Lands Committee.
- 8.5 When the Lands office has finalized a draft Land Law, the Lands office must present the draft Land Law to Council for consideration with a summary of the input received from Members and the Lands Committee.
- 8.6 After Council has received a draft Land Law from the Lands office, Council may:
- (a) pass the draft Land Law as presented by the Lands office;
 - (b) pass the draft Land Law after making small changes to the draft Land Law, such as changes to the title or headings, correcting typos or grammar errors, and small changes to align the draft Land Law with other laws of the Yaqit ?a·knuqi 'it;
 - (c) ask the Lands office to do further work on the draft Land Law before it is reconsidered by Council.
- 8.7 Where Council asks the Lands office to do further work on a draft Land Law, the Lands office must take the same steps to get input from Members and the Lands Committee that were followed for the first draft of the Land Law and present a revised draft Land Law to Council for reconsideration.
- 8.8 If Council decides that an emergency Land Law is needed to protect public health, safety, Lands, or Members, Council may immediately pass that emergency Land Law without completing the law-making procedures in this *Land Code*.
- 8.9 If Council decides that an emergency Land Law should be changed or renewed to continue to protect public health, safety, Lands or Members, Council may change or renew that emergency Land Law without a Lands Meeting or completing the other law-making procedures in this *Land Code*.
- 8.10 Emergency Land Laws expire one hundred and twenty (120) calendar days after being passed, unless Council decides the matter is still urgent and renews that emergency Land Law before it expires for a maximum of an additional one hundred and twenty (120) calendar days from the date of renewal.
- 8.11 Any emergency Land Law, including changes and renewals must be published in the same manner as other Land Laws enacted under this *Land Code*.
- 8.12 Land Laws must be signed by a quorum of Council.
- 8.13 Land Laws come into force on the date they are passed and signed by a quorum of Council, or a later date set out in the Land Law.

9. Publication of *Land Code* and Land Laws

- 9.1 Yaqit ?a·knuqfi 'it must publish, register and keep in the Land Register the following:
- (a) all Land Laws, including emergency Land Laws, as changed from time to time, which are currently in force; and
 - (b) where applicable, the last two previous versions of Land Laws, including emergency Land Laws, as changed from time to time.
- 9.2 Council must provide notice of its intention to make a family homes and matrimonial interests Land Law to the Attorney General of the Province, as well as a copy of that Land Law as enacted by Council.

PART VI**LANDS MEETINGS AND VOTES****10. Lands Meetings and Votes**

- 10.1 The Lands office must hold a Lands Meeting:
- (a) whenever the Lands office seeks community input on a proposed Land Law;
 - (b) prior to holding a Vote required under this *Land Code*; and
 - (c) prior to Council authorizing to grant or renew easements, rights of way, permits or licenses issued by Yaqit ?a·knuqfi 'it for any type of utilities that do not provide services to Yaqit ?a·knuqfi 'it or Members.
- 10.2.1 A Vote is required to determine whether a majority of participating Eligible Voters approve:
- (a) adopting a land use plan;
 - (b) a voluntary exchange of Lands;
 - (c) amendments to this *Land Code* which require approval of the Members;
- 10.3 For the purpose of a Vote to authorize Council to grant or renew an Interest or License, the Lands office may determine that the total term of an Interest or License includes any grant or renewal to:
- (a) a successor corporation or business;
 - (b) a person who is a director, operator, or shareholder of the original Interest or License holder;

- (c) an immediate relative of the original Interest or License holder, including a person's parent, sister, brother, child, stepchild, or Spouse; or
 - (d) a similar closely related person or entity.
- 10.4 In collaboration with the Membership Registrar, the Lands office must maintain an up-to-date list of Members and Eligible Voters, including their addresses or other contact information, for the purposes of Lands Meetings and Votes.
- 10.5 The Lands office must provide Members notice of a Lands Meeting, and must provide Eligible Voters with notice of a Vote, by:
- (a) posting the notice online;
 - (b) posting the notice in the Yaqit ?a·knuqfi 'it administration office; and
 - (c) contacting the Member or Eligible Voter by mail, or alternatively contacting them by email if authorized to do so.
- 10.6 The Lands office must provide notice of a Lands Meeting or Vote, in accordance with sections 10.5 and 10.7, at least fourteen (14) calendar days before the Lands Meeting or Vote.
- 10.7 Notice of a Lands Meeting or Vote must include:
- (a) the purpose, date, time, and location of the Lands Meeting or Vote;
 - (b) whether a minimum participation or approval threshold has been set for a Vote;
 - (c) a statement that every Member is entitled to participate in the case of a Lands Meeting and that every Eligible Voter is entitled to participate in the case of a Vote;
 - (d) whether participation in a Lands Meeting or Vote by non-Members is allowed; and
 - (e) methods of participation, including by telephone, online, in-person, mail-in ballot, or any combination of those methods.
- 10.8 A person must not interfere with a Vote in any way, including by:
- (a) inducing or rewarding a person to vote or refrain from voting, or vote or refrain from voting for a particular option or result;
 - (b) interfering with another person's right to vote or preventing them from voting, including by any form of threat, intimidation, or bribe; and

- (c) accepting an inducement or reward for voting or refraining from voting or voting or refraining from voting for a particular option or result.
- 10.9 Any person who interferes with a Vote under this section, is guilty of an offence and is liable on summary conviction to the penalties provided for under this *Land Code*.

PART VII

11. Expropriation

- 11.1 Yaqit ?a·knuqfi 'it may only expropriate an Interest or License if:
- (a) an expropriation Land Law has been enacted in accordance with this *Land Code*; and
 - (b) all requirements regarding expropriation under the Framework Agreement and the expropriation Land Law have been met.

12. Voluntary Exchange of Lands

- 12.1 Lands may only be exchanged for new land which will become Lands subject to this *Land Code*.
- 12.2 Any exchange of Lands is subject to the following requirements:
- (a) the area of the new land and its value must be greater than the Lands which will cease to be Lands;
 - (b) a Vote must be held in which a majority of the participating Eligible Voters approve of the land exchange; and
 - (c) prior to the Vote, the Eligible Voters must be informed of the total compensation, including monetary or other compensation, as well as the area, value, and environmental condition of the new land.

PART VIII

CONFLICTS OF INTEREST

13. Conflict of Interest Obligations

- 13.1 The conflict-of-interest provisions of this *Land Code* apply to:
- (a) Council;
 - (b) employees and contractors;

- (c) members of a board, committee, or other body established by Yaqit? a·knuqfi'it;
 - (d) any person appointed in a dispute resolution process involving Yaqit? a·knuqfi 'it; and
 - (e) any other person when dealing with a matter related to Lands.
- 13.2 These conflict-of-interest provisions continue to apply for eighteen (18) months after a person ceases to hold their position or contract with Yaqit ?a·knuqfi 'it.
- 13.3 Any person who has an actual or perceived conflict-of-interest related to Lands must:
- (a) disclose that conflict of interest to the person or body which is considering or voting on the matter related to Lands; and
 - (b) not take part in any further consideration of that matter nor vote on that matter.
- 13.4 A person has a perceived conflict-of-interest if it would be reasonable to assume that the person's ability to deliberate or decide on the Lands related matter, will be compromised, or has been affected by:
- (a) the person's private interest; or
 - (b) the private interest of an immediate relative, including a person's parent, sister, brother, child, stepchild, or Spouse.
- 13.5 If a board, committee, or other body is unable to act in respect of a Lands related matter, due to an actual or perceived conflict-of-interest, the matter must be referred to Council.
- 13.6 If Council is unable to vote on a Lands related matter or a proposed Land Law, due to an actual or perceived conflict-of-interest, Council must refer that matter, or the proposed Land Law to the Members for a decision at a Vote.
- 13.7 A question regarding a potential conflict of interest may be referred to dispute resolution under this *Land Code* with the agreement of the person who is alleged to have the actual or perceived conflict-of-interest.
- 13.8 Council may establish additional conflict-of-interest rules in a financial administration law or other Land Law.

14. Accountability for Conflicts of Interest

- 14.1 The conflict-of-interest provisions in this *Land Code* apply to persons who have actual or perceived conflicts of interest in Lands related matters and continue to apply after they cease to hold a position or contract with Yaqit ?a·knuqfi 'it.
- 14.2 A person fails to meet the conflict-of-interest obligations under this *Land Code*, where that person:
- (a) fails to declare a conflict-of-interest;
 - (b) provides incomplete or misleading information regarding a conflict-of-interest;
 - (c) improperly participates in a decision where there is a conflict-of-interest; or
 - (d) otherwise fails to comply with any conflict-of-interest rule established by Council.
- 14.3 A person who fails to meet the conflict-of-interest obligations in this *Land Code* is guilty of an offence and is liable on summary conviction to the penalties in this *Land Code*.
- 14.4 If a person fails to meet the conflict-of-interest obligations under this *Land Code*, Yaqit ?a·knuqfi 'it or a Voter may apply to a court for any of the following:
- (a) an order that the person pay to Yaqit ?a·knuqfi 'it an amount equal to the total funds received as a result of the conflict-of-interest;
 - (b) an award of damages;
 - (c) an order that the person no longer hold any office, employment, or any other position with Yaqit ?a·knuqfi 'it for such period as the court considers appropriate; and
 - (d) any other remedy the court considers appropriate,
- and the court may impose any of these remedies whether or not that person has been found guilty of an offence in any other proceeding for failing to meet the conflict-of-interest obligations under this *Land Code*.
- 14.5 If a person fails to meet the conflict-of-interest obligations under this *Land Code*, Council may, by majority vote, decide that the person is subject to any of the following:
- (a) removal from Council;
 - (b) termination as an employee or contractor;

- (c) removal from any board, committee, or other body established by Yaqit ?a·knuqfi 'it;
- (d) removal from any dispute resolution process involving Yaqit ?a·knuqfi 'it; and
- (e) disqualification from holding office, employment, or any other position with Yaqit ?a·knuqfi 'it for any time period Council deems appropriate,

and Council may impose any of these measures whether or not a court in any proceeding has determined that the person has failed to meet the conflict-of-interest obligations in this *Land Code*.

PART IX

Financial Management

15. Financial Management

- 15.1 This Part only applies to financial matters related to Lands that are administered under this *Land Code*.
- 15.2 This Part does not apply to the extent it is inconsistent with a Yaqit ?a·knuqfi 'it financial administration law enacted by Yaqit ?a·knuqfi 'it under the *Yaqit ?a·knuqfi 'its Fiscal Management Act*.
- 15.3 The fiscal year for Yaqit ?a·knuqfi 'it ends at midnight on March 31st of each year, unless a different date is specified under a Yaqit ?a·knuqfi 'it law.
- 15.4 Council must establish one or more accounts dedicated only to Lands at an accredited bank or financial institution.
- 15.5 Council, or a person authorized by Council, must deposit in the accounts dedicated only to Lands, all Lands revenues other than taxes received by Yaqit ?a·knuqfi 'it, including:
 - (a) capital and revenue monies and any other transfer payments received from Canada;
 - (b) moneys received by Yaqit ?a·knuqfi 'it from Interests or Licenses; and
 - (c) fees, fines, charges, and other monies collected by the Yaqit ?a·knuqfi 'it in respect of Lands, including under any Land Laws.
- 15.6 Council must pass a BCR appointing at least three signing officers with authority to issue cheques or approve the transfers of Yaqit ?a·knuqfi 'it funds.

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- 15.7 The following persons are eligible to be appointed by Council as signing officers:
- (a) any member of Council; and
 - (b) any employee of Yaqıt ʔa·knuqıı ‘it or other person selected by a majority of Council.
- 15.8 No cheque is valid unless it is signed by at least two appointed signing officers.
- 15.9 No other transfer of Yaqıt ʔa·knuqıı ‘it funds is valid unless it is approved in writing by at least two signing officers.
- 15.10 A signing officer must not, in relation to Yaqıt ʔa·knuqıı ‘it funds, issue cheques, or carry out other transfers to themselves or to any entity in which they have an ownership interest or are a director.
- 15.11 A person ceases to be a signing officer, if the person ceases to be on Council, ceases employment with Yaqıt ʔa·knuqıı ‘it, or their appointment as a signing officer is terminated.
- 15.12 Council may establish limits on the authority of signing officers including:
- (a) maximum dollar amount of signing authority; and
 - (b) conflict-of-interest rules applicable to signing cheques or transferring funds.
- 15.13 Council must:
- (a) pass a BCR establishing security screening and training processes for signing officers; and
 - (b) periodically review security screening and training processes, and revise those processes as needed.
- 15.14 Council will, prior to the beginning of each fiscal year, adopt an annual Lands budget for all revenues and expenditures relating to Lands.
- 15.15 During a fiscal year, Council may adopt one or more supplementary Lands budgets for that fiscal year.
- 15.16 After adopting an annual Lands budget or supplementary budget, Council must Publish the budget or direct the Lands office to Publish the budget.
- 15.17 If Council fails to adopt an annual Lands budget, the Lands budget for the previous fiscal year, including any supplementary budget, will continue to apply until a new Lands budget is adopted.
- 15.18 No person or body shall spend moneys, or make financial commitments, related to

Community Lands unless the spending is authorized under a Lands budget.

- 15.19 Any person or body who spends moneys or makes financial commitments with respect to Community Lands that are not authorized under a Lands budget is guilty of an offence and is liable on summary conviction to the penalties provided for under this *Land Code*.
- 15.20 Yaqit ?a·knuqfi 'it must keep financial records in relation to Lands in accordance with generally accepted accounting principles.
- 15.21 Yaqit ?a·knuqfi 'it must prepare and publish the annual audited financial statements in relation to Lands within one hundred and twenty (120) days of the end of the fiscal year.
- 15.22 Annual audited financial statements in relation to Lands may be included in the consolidated audited financial statements of Yaqit ?a·knuqfi 'it, provided that Members can obtain information regarding Lands expenditures and revenues in those consolidated statements.
- 15.23 Council must pass a BCR appointing a duly accredited auditor for the purpose of:
- (a) preparing the annual audited financial statements under this *Land Code*; and
 - (b) preparing any other audit that may be required by Yaqit ?a·knuqfi 'it.
- 15.23 Council must ensure that the remuneration paid to an auditor in relation to this *Land Code* is disclosed within the BCR appointing the auditor and in the annual audited financial statements.
- 15.24 The auditor may at all reasonable times inspect any Yaqit ?a·knuqfi 'it financial records, including those relating to Lands.
- 15.25 The auditor may apply to a court for an order to produce other financial records required to carry out the auditor's duties under this *Land Code*.
- 15.26 Any person who:
- (a) impedes or obstructs an auditor from exercising a right to inspect Yaqit ?a·knuqfi 'it financial records; or
 - (b) fails to give reasonable assistance to an auditor exercising a right to inspect Yaqit ?a·knuqfi 'it financial records,
- is guilty of an offence and is liable on summary conviction to the penalties in this *Land Code*.

16. Annual Report

- 16.1 The Lands office must prepare and publish an annual report on Lands governance within one hundred and sixty (160) days of the end of each fiscal year.
- 16.2 The annual report must include:
- (a) summary of Lands governance activities;
 - (b) a copy and explanation of the annual audited financial statements as it applies to Lands; and
 - (c) other matters as may be directed by Council.

PART X**INTERESTS AND LICENSES IN LAND****17. Revenue from Yaqit ?a·knuqti 'it Land**

- 17.1 The Lands Committee must advise Council about Land Laws and policies for determining administrative fees, rent, royalties, or other amounts for:
- (a) Interests and Licenses;
 - (b) services in relation to Land, including fees for applications, registrations, and transfers; and
 - (c) the taking of Natural Resources.

18. Registration of Interests and Licenses

- 18.1 A deed, lease, contract, instrument, document, or agreement of any kind by which the Yaqit ?a·knuqti 'it, a member, or any other person purports to grant, dispose of, transfer, renew, or assign an Interest or License after this *Land Code* comes into force is void if:
- (a) it is not registered in the Lands Register;
 - (b) it is registered in contravention of this *Land Code*; or
 - (c) it is otherwise in contravention of this *Land Code*.
- 18.2 No person can register in the Lands Register any document claiming to grant, dispose of, transfer, renew, or assign an Interest or License unless it is

accompanied by an approval, by Council or by Vote, if required under this *Land Code*.

19. Existing Interests

- 19.1 Any Interest or License that exists when this *Land Code* comes into force must continue in force in accordance with its terms and conditions.
- 19.2 Yaqit Ṭa·knuṭi 'it is not liable for any decrease in value, or any impact on the use, of an Interest or License arising from any exercise of authority under this *Land Code* and Land Laws.
- 19.3 This *Land Code* and Land Laws apply to all Interests or Licenses, whether granted, disposed of, transferred, renewed, or assigned before or after this *Land Code* comes into force.
- 19.4 Council may establish a policy regarding the identification and governance of unregistered and traditional land holdings and may consider any advice provided by the Lands Committee, an Elders Committee or the Lands office regarding that policy.

20. Member Only Interests

- 20.1 Council may, in consultation with the Lands Committee, establish Land Laws, policies, and procedures respecting Member Only Interests and the transfer of those Member Only Interests to other Members, and may consider any advice provided by the Lands Committee regarding those matters.
- 20.2 For greater certainty, a non-Member can never acquire or hold a Member Only Interest.

21. Interests and Licenses

Member Owned Natural Resources

- 21.1 Council may on behalf of Yaqit Ṭa·knuṭi 'it grant, dispose of, transfer, renew, or assign Interests and Licenses in Community Lands.
- 21.2 Members may, in consultation with the Lands Committee, grant, dispose of, transfer, renew, or assign:
- (a) Member Only Interests to another Member; or
 - (b) Interests other than Member Only Interests to any person or entity.
- 21.3 In consultation with the Lands Committee, a non-Member may:
- (a) grant, dispose of, transfer, renew, or assign an Interest, except for Member Only Interests;

- (b) grant, dispose of, transfer, renew, or assign a License; and
 - (c) in the case of a lease, grant a sub-lease, easement, permit or License provided that the grant is permitted by the terms of the lease and the term does not exceed the duration of the lease.
- 21.4 Council may at its sole discretion, waive the requirement of consent of Council for any grant, disposition, transfer, renewal, or assignment of an Interest or License, including those related to a will, intestacy, or a court order.
- 21.5 All Natural Resources on Community Lands belong to Yaqit Ḥa·knuḥi 'it. In accordance with this *Land Code* and any Land Laws, Council can grant, dispose of, transfer, renew, or assign Licenses to take Natural Resources from those Community Lands.
- 21.6 All Natural Resources on a Member's Lands belong to that Member and, in accordance with this *Land Code* and any Land Laws, that Member may grant, dispose of, transfer, renew, or assign Licenses to take Natural Resources from their Lands.
- 21.7 Council can pass a BCR to delegate to the Lands Committee or to the Lands office, Council's authority under this section in respect of any grant, disposition, transfer, renewal, or assignment of Interests and Licenses.

22.Limits on Mortgages and Seizure

- 22.1 As provided in the *Framework Agreement*, the restrictions on seizure of Land continue to apply on Community Lands and Member Lands.
- 22.2 Member Only Interest can only be subject to a mortgage or charge in favor of Yaqit Ḥa·knuḥi 'it or another Member.
- 22.2 The term of any mortgage or charge of a leasehold Interest must not exceed the term of the lease.
- 22.3 A Member's leasehold Interest may be subject to a mortgage or charge, in accordance with any approval requirements for charges or mortgages under any applicable Land Law.
- 22.4 A non-Member's leasehold Interest may be subject to a mortgage or charge in accordance with any approval requirements for charges or mortgages under any applicable Land Law.
- 22.6 Members can lease Lands to themselves.
- 22.7 If a person defaults on the terms of a mortgage or charge of a leasehold Interest, the leasehold Interest is not subject to possession by the mortgagee or chargee, foreclosure, power of sale, or any other form of execution or seizure, unless:

- (a) the mortgagee or chargee received the written consent of Council, if required under this *Land Code*;
 - (b) the mortgagee or chargee received approval, if required under any Land Law;
 - (a) the mortgage or charge was registered in the Lands Register; and
 - (b) Council has had written notice of the default, has had one hundred and twenty (120) calendar days to redeem the mortgage or charge, and Council has not redeemed the mortgage or charge.
- 22.8 If Council redeems a mortgage or charge on a leasehold Interest, Yaqit ?a·knuqfi 'it becomes the lessee of the Land and takes the position of the mortgagor or charge holder for all purposes after the date of redemption.
- 22.9 If Council redeems a mortgage or charge, compensation may be paid to the Member or non-Member who defaulted on that mortgage or charge if a Land Law has been enacted regarding such compensation, and the amount of compensation, if any, must be determined in accordance with that Land Law.
- 22.10 Council may waive its one hundred and twenty (120) calendar day right of redemption for any mortgage or charge of a leasehold Interest.
- 22.11 If Council fails to exercise its power of redemption with respect to a leasehold Interest within one hundred and twenty (120) calendar days, then the mortgagee or chargee may seize the leasehold Interest and subsequently transfer or assign that Interest to a third party without the consent of Council or any other approval required for a transfer or assignment of a leasehold Interest under a Land Law.
- 22.12 If a leasehold Interest is seized and transferred or assigned to a third party under this *Land Code*, consent of Council or any other approval for a mortgage or charge under a Land Law is not required for that third party to obtain a mortgage or charge on that leasehold Interest, provided that:
- (a) the mortgage or charge is obtained within sixty (60) calendar days of the transfer or assignment of the leasehold Interest;
 - (b) the proposed mortgagee or chargee qualifies as an “approved lender” for Canada Mortgage and Housing Corporation insured mortgages;
 - (c) the mortgage must be for the purpose of purchasing the leasehold Interest, or construction or repair on the leasehold Interest;
 - (d) the principal amount secured by the mortgage does not exceed the total value of the leasehold Interest or the construction or repair costs, as the case may be; and

- (e) the mortgage amortization period is no more than thirty (30) years.

23.Registration of Mortgages and Charges

23.1 A mortgage or charge made after this *Land Code* comes into force is void if:

- (a) it is not registered in the Lands Register;
- (b) it is registered in contravention of this *Land Code*; or
- (c) it is otherwise in contravention of this *Land Code*.

23.2 No person can register any mortgage or charge in the Lands Register unless it is accompanied by an approval for that mortgage or charge, if required under this *Land Code* or a Land Law.

24.Residency and Access Rights

24.1 Subject to any Land Laws, a Member, their Spouse and children, as well as the Member's invitees have a right to reside on Lands for which that Member has a Member Only Interest.

24.2 Subject to any Land Laws, Members and Non-Members have a right to reside on Lands set out in an Interest or License, in accordance with the terms of that Interest or License.

24.3 Yaqit ?a·knuqñi 'it Land is not open to access by any persons, except to the extent provided for in this *Land Code* and any Land Law.

24.4 Subject to any Land Laws, the following persons have a right of access to the following Lands:

- (a) a Member, their Spouse and children, as well as the Member's invitees in respect of Community Lands, the Lands for which that Member has a Member Only Interest, and on Lands for which that Member has a right to reside;
- (b) lessees and permittees, and their invitees, on Lands set out in an Interest or License and other Lands to the extent necessary to access those Lands, in accordance with the terms of the Interest or License;
- (c) peace officers, and officials responding to natural disasters, emergencies or urgent health and safety matters on Lands, or acting under federal, provincial, or Yaqit ?a·knuqñi 'it law on Lands; and
- (d) non-Members for social or business purposes, including delivery of goods and services, provided that they do not interfere with any Interest, License,

or any other occupation of Land, and that no Council Resolution has been adopted barring access by that person.

24.5 Notwithstanding any other provision of this *Land Code*, Council:

- (a) can pass a BCR to impose a temporary closure or restrictions on access to any Lands to protect those Lands, or to protect health, safety, environment or cultural assets; and
- (b) must Publish a notice of any such closure or restrictions on Yaqit ?a·knuqfi 'it's website and by any other means Council deems appropriate for notifying the public.

24.6 Any person who, contrary to this *Land Code*, enters onto or stays on Lands:

- (a) without a right to reside on those Lands;
- (b) without a right of access to those Lands; or
- (c) in violation of a temporary closure or restriction on access on those Lands is guilty of an offence.

24.7 Where a person is found guilty of an offence under this *Land Code* relating to a right to reside on Lands, right of access to Lands, or violation of a temporary closure or restriction on access, a court may, in addition to any other penalty:

- (a) order that person to leave or vacate any Lands; and
- (b) order that person not to enter or stay on any Lands.

24.8 All civil remedies for trespass of Lands are preserved.

24.9 Yaqit ?a·knuqfi 'it is not liable for injuries or damages suffered by any person because of:

- (a) the condition or state of Lands;
- (b) any exercise of a right to reside on Lands or a right of access to Lands;
- (c) any entry or stay on Lands in violation of a temporary closure or restriction on access; or
- (d) any other lawful or unlawful entry or stay on Lands.

24.10 A right to reside on Lands or a right to access Lands does not create any financial obligation on the part of Yaqit ?a·knuqfi 'it.

25. Wills and Estates

- 25.1 The following persons are entitled to have their Interest registered in the Lands Register, provided they are entitled to hold that Interest under this *Land Code*, Land Laws, or a court order:
- (a) a Member who receives an Interest under a will or estate;
 - (b) a non-Member or Member who receives a leasehold Interest under a will or estate; and
 - (c) a person who holds an Interest on behalf of a minor or a mentally incompetent person.
- 25.2 A Land Law may establish required procedures and documents to register Interests arising from wills and estates.

PART XI

DISPUTE RESOLUTION

26. Disputes

- 26.1 Council may establish processes, or enact Land Laws, for the resolution of disputes in respect of any matter related to Land.

PART XII

OTHER MATTERS

27. Enforcement

- 27.1 Any person who commits an offence under this *Land Code* is liable on summary conviction to fines, imprisonment, restitution, community service, and alternative means for achieving compliance.
- 27.2 An officer, director, employee, or agent of an organization or corporation which commits an offence under this *Land Code* may be convicted of that same offence even if the organization or corporation is also convicted of the offence.

28 Liability

- 28.1 Council must arrange, maintain, and pay insurance coverage that Council considers appropriate for its officers and employees engaged in carrying out any matter related to Land to indemnify them against personal liability arising from the performance of those duties.

29 Amendments to *Land Code*

29.1 Council can pass a BCR to make amendments to this *Land Code* that do not change the substance of this *Land Code*, including:

- (a) changes in this *Land Code* required to address inconsistencies with the *Framework Agreement*;
- (b) minor improvements to bring out more clearly the intention of the Yađit ʔa·knuq̄i 'it without changing the substance of this *Land Code*; and
- (c) corrections to typos and grammar errors.

29.2 A Vote is required for any amendments to this *Land Code* other than the amendments Council can make with a BCR under section 29.1.

30 Commencement

30.1 This *Land Code* has been approved by a Vote held on the _____ day of _____, 20____.

30.2 This *Land Code* comes into force on the first day of the month following certification of this *Land Code* by the Verifier.