



Montreal Lake Cree Nation Land Code

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MONTREAL LAKE CREE NATIONLAND CODE**Preamble**

WHEREAS the Montreal Lake Cree Nation has a profound relationship with the land, water, air, resources, and all that dwell there that is rooted in respect for the spiritual value of the earth and the gifts of the Creator;

AND WHEREAS thirteen 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 inherent control over their land and resources for the use and benefit of their citizens;

AND WHEREAS Canada ratified its commitment to the *Framework Agreement on First Nation Land Management* with the enactment of the *Framework Agreement on First Nations Land Management Act*, S.C. 2022, c. 19, s. 121;

AND WHEREAS under the *Framework Agreement on First Nation Land Management*, Canada recognizes that First Nations have a unique connection to and constitutionally protected interest in their lands and resources, including decision-making, governance, jurisdiction, traditions, and fiscal relations associated with those lands;

AND WHEREAS under the *Framework Agreement on First Nation Land Management*, Canada has committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples in a manner consistent with the Canadian Constitution;

AND WHEREAS Montreal Lake Cree Nation became a signatory on July 27, 2020, to the *Framework Agreement on First Nation Land Management*, as Montreal Lake Cree Nation wishes to govern its land and resources under the *Montreal Lake Cree Nation 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 fiduciary relationship with Montreal Lake Cree Nation will continue;

AND WHEREAS the *Framework Agreement on First Nation Land Management* is ratified by Montreal Lake Cree Nation through community approval of the *Montreal Lake Cree Nation Land Code* ;

NOW THEREFORE, THIS DOCUMENT IS HEREBY ENACTED AS THE FUNDAMENTAL LAND LAW OF THE MONTREAL LAKE CREE NATION AND SHALL BE CITED AS THE MONTREAL LAKE CREE NATION LAND CODE.

PART 1 PRELIMINARY MATTERS

1. Definitions

Clarification

- 1.1 Any words or terms used in this Montreal Lake Cree Nation Land Code ("*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*:

"Band Council Resolution" sometimes referred to herein as "BCR," is a document that captures the expression of the will of the Chief and Council and executed by a quorum of Council.

"Canada" means His Majesty the King in Right of Canada.

"Citizen" means a person whose name appears or is entitled to appear on the Montreal Lake Cree Nation Cree Citizenship List.

"Common-Law Relationship" means the relationship between two (2) persons who are cohabiting for a period of at least one (1) year.

"Community Land" means any Montreal Lake Cree Nation land in which all Citizens have a common interest.

"Council" means those Citizens elected pursuant to the *Montreal Lake Cree Nation Election Act* to sit as Chief and Council, each of whom has voice and vote and a quorum of whom are empowered to act on behalf of and for the benefit of the First Nation.

"Dispute Resolution Panel" or "Panel" is a group of three (3) Citizens who have been appointed by the Lands and Resources Committee, from a Roster Panel of ten (10) Citizens, made up from all sectors (Montreal Lake, Little Red River Reserve, and off-reserve). The Panel is tasked to deal with disputes under this *Land Code*.

"Elder" means a Citizen who is considered an Elder, as recognized and defined by the First Nation and the Council.

“Eligible Voter” means, for the purpose of voting in respect of land matters under this *Land Code*, a citizen who has attained eighteen (18) years of age on or before the day of the vote.

“Entity” means corporations and foreign corporations; profit and not-for-profit corporations; profit and not-for-profit unincorporated corporations; business trusts, estates, partnerships, and two or more persons having a joint or common economic interest.

“Environmental Assessment” means a process to identify, predict and evaluate the potential environmental effects of a proposed project that is carried out on Montreal Lake Cree Nation land, and which is approved, regulated, funded or undertaken by the First Nation. This process happens before decisions about a proposed project are made.

“Expropriation” means an action of taking property for public use and benefit by the Montreal Lake Cree Nation.

“Extended Family” in respect of a person, means the person’s grandparent, uncle, aunt, 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 51.1 of the *Framework Agreement* and regulated by the *First Nations Land Registry Regulations* or any successor land register that may be established to replace the First Nation Lands Register.

“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 as amended.

“Governance Committee” shall mean a committee that is appointed by Chief and Council with representation from each electoral sector and two technicians to provide oversight and recommendations on governance issues in accordance with the terms of reference that may be established by the Nation and changed from time to time.

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

“Individual Agreement” means the Individual Agreement made between the Montreal Lake Cree Nation and Canada, in accordance with the *Framework Agreement*, which accurately describes the land that is subject to this *Land Code* and which provides for a) the terms of the transfer of administration of those lands; b) a description of the interests or rights or licenses that have been granted by His Majesty the King in relation to those lands; c) the environmental process to be applied; and any other relevant matter.

“Interest” means in relation to Montreal Lake Cree Nation land, any interest, right or estate of any nature in or to that land, including a certificate of possession, certificate of entitlement, lease, permit, easement, right of way, servitude, or profit à prendre (a right to take from the soil, such as by logging, drilling, mining, etc.), but does not include a license or title to that land.

“Lands Advisory Board” means the Board referred to in clause 38 of the *Framework Agreement on First Nation Land Management*.

“Land Code” means the Montreal Lake Cree Nation Land Code, referred to herein as the *“Land Code”*.

“Lands and Resources Committee” means the Lands and Resources Committee established under part 6 of this *Land Code*.

“Lands and Resources Manager” means the person selected to administer the lands under the *Land Code*.

“Lands and Resources Portfolio Holder” means the portfolio assigned to one or more of the members of Council during any given term of office.

“License” in relation to Montreal Lake Cree Nationland, means any right of use or occupation of that land, other than an Interest in the land.

“Minerals” means a substance obtained by mining and includes naturally occurring inorganic solids with definite chemical compositions.

“Mining” means the extraction of minerals from the earth and includes the process, extraction, production and business of mining.

“Montreal Lake Cree Nation” means the Montreal Lake Cree Nation and its lands, resources and citizens, sometimes referred to herein as “First Nation”.

“Montreal Lake Cree Nation Land” means any reserve land that is subject to this Land Code in accordance with section 2.7.

“Non-Renewable Resources” means not capable of being renewed and is a finite resource such as minerals, oil and gas.

“Renewable Resources” means capable of being renewed or replaced by natural ecological cycles or sound management procedures, such as trees.

“Riparian Rights” means those limited rights associated with and allocated to landowners, whose land borders on a body of water. These rights include the right of access to or use of that bordering body of water.

“Spouse” means a person who is married to another, whether by a traditional, religious or civil ceremony, so long as it is recognized by law, and includes a spouse by common-law relationship.

2. Interpretation

Interpretation

2.1 In this *Land Code*:

- (a) the *Land Code* shall be interpreted in a fair and just 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) unless otherwise clear from the context, 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 business day;
- (i) where the time limited for the doing of an act in the Montreal Lake Cree Nation 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 Montreal Lake Cree Nation

Language

- 2.3 The Cree language of the Montreal Lake Cree Nation may be used to clarify the meaning of any provision in this *Land Code*.

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 Montreal Lake Cree Nation including any by-laws enacted under section 81 of the *Indian Act*, or any other laws created by the First Nation, 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 Montreal Lake Cree Nation or its citizens; or
 - (b) the fiduciary relationship between Canada and Montreal Lake Cree Nation and its citizens; 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, licenses 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 (riparian rights), water beds underlying water, etc. and renewable and non-renewable resources in and of that land;
 - (b) all the interests and licenses granted by Canada, listed in the Individual Agreement and transferred to the First Nation; and
 - (c) all the interests and licenses granted by Montreal Lake Cree Nation after this *Land Code* comes into effect.

Eligible Reserve Land

- 2.8 Only land that is a reserve of the Montreal Lake Cree Nation is eligible to be governed by Montreal Lake Cree Nation as land under this *Land Code*.

3. Authority to Govern

Origin of authority

- 3.1 The traditional teachings of the Montreal Lake Cree Nation speak of the obligation of the people to care for and respect the land, water, air, resources and all that dwell there. By enacting this *Land Code*, the Montreal Lake Cree Nation is asserting this special responsibility.

Flow of authority

- 3.2 The authority of the Montreal Lake Cree Nation to govern its land flows from the Creator to the people and the inherent right to self-determination of the Montreal Lake Cree Nation and from the people to Council according to the culture, traditions, customs and laws of the Montreal Lake Cree Nation.

4. Purpose

Purpose

- 4.1 The purpose of this *Land Code* is to set out the principles, rules and administrative structures that apply to Montreal Lake Cree Nation and by which the Montreal Lake Cree Nation will exercise full authority and control over that land, in accordance with the *Framework Agreement*.

5. Description of Montreal Lake Cree Nation Land

Montreal Lake Cree Nation Land

- 5.1 Montreal Lake Cree Nation land that is subject to this *Land Code* is the land described in Appendix "A" of this *Land Code* and any other reserve lands or interests of Montreal Lake Cree Nation that are made subject to this *Land Code* by BCR or ministerial order.

Addition to Name First Nation Land

- 5.2 In accordance with any request made by Montreal Lake Cree Nation the Minister may, by order, set apart as a reserve, for the use and benefit of the Montreal Lake Cree Nation any lands the title to which is vested in Canada, and provide in the order that the lands are First Nation Land.

Application of Land Code

5.3 Before the lands are transferred by Canada to Montreal Lake Cree Nation or a third party for the purpose of being set apart as a reserve, or before the lands are set apart as a reserve, Montreal Lake Cree Nation may, in accordance with its *Land Code*:

- (a) grant interests in and licenses in relation to the lands, and
- (b) enact zoning or other laws within the scope of the *Framework Agreement* in relation to the lands;

that will come into force only if and when the lands become Montreal Lake Cree Nation land.

Amendment to the Description of Land

5.4 As of the date of any BCR or ministerial order adding land to Montreal Lake Cree Nation, the description of Montreal Lake Cree Nation land in the *Land Code* will be deemed to be amended to add the description of the Montreal Lake Cree Nation land set out in the BCR or ministerial order.

Additional Lands

5.5 Council may hold a meeting of citizens prior to the amendment of the description of Montreal Lake Cree Nation land subject to this *Land Code*.

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 Montreal Lake Cree Nation land;
- (b) Interests and licenses in relation to Montreal Lake Cree Nation land; and
- (c) any matter necessary or ancillary (assisting) to the making of land laws in relation to Montreal Lake Cree Nation land.

Examples of Land Laws

6.2 For greater certainty, Council may make land laws, in relation to, but not limited to, the following:

- (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 Montreal Lake Cree Nationland;
- (c) Environmental assessment and protection;
- (d) provision of local services in relation to Montreal Lake Cree Nationland and the imposition of equitable (just) user fees and charges;
- (e) enforcement of Land laws through the appointment of peace officers, contracts with the RCMP, or Saskatchewan Environment Resource Management; and
- (f) provision of services for the resolution, outside the courts, of disputes in relation to Montreal Lake Cree Nationland.

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 proposal for a land law may be introduced at a duly convened meeting of Council by:
- (a) the Governance Committee; or
 - (b) the Lands and Resources Committee.

Rationalization of Proposed Land Law

- 7.2 The proponent shall submit a proposal and explanation of the reason for the proposed land law, in writing, to the Council.

Lands Committee Review

- 7.3 Council shall thoroughly review the proposal submitted by the Governance Committee or Lands and Resources Committee, whomever the case may be.

Procedure upon receipt of Proposed Land law

- 7.4 Upon receipt of a draft 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) direct the Governance Committee or the Lands and Resources Committee to prepare 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) review comments and recommendations, provided by the Citizens, Governance Committee and Lands and Resources Committee; and
- (d) take any other steps to give notice of the proposed Land law that Council may consider appropriate.

Urgent matters

7.6 Council may, on a limited basis, 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 Montreal Lake Cree Nation land or the citizens. However, this land law expires one hundred and twenty (120) days after its enactment, unless re-enacted in the ordinary way.

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 citizens.

Certification of Land laws

7.8 The original copy of any approved land law or BCR concerning Montreal Lake Cree Nation 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 Code and Land Laws

Publication

- 8.1 All Land Laws, this *Land Code*, and any enacted amendments to the *Land Code*, shall be published:
- (a) in the minutes of the Council meeting at which it was enacted;
 - (b) by posting a copy of the *Land Code* and land law, within 15 business days after enactment, in a location within the band offices of Montreal Lake Cree Nation accessible to all citizens;
 - (c) by posting a copy of the *Land Code* and land law online; and
 - (d) by any additional method as Council may consider appropriate.

Registry of Land Laws

- 8.2 Council shall cause to be kept, at the band offices of the Montreal Lake Cree Nation a register containing the *Land Code*, all land laws and BCRs, including land laws and BCRs that have been repealed or are no longer in force, in accordance with section 51.2 of the *Framework Agreement*.

Copies for any Person

- 8.3 Any person with a valid interest may obtain a copy of the *Land Code* or a land law or a BCR on payment of a reasonable fee, at the discretion of Council.

9. Enforcement of Land Laws

Enforceability of Land Laws

- 9.1 To enforce its *Land Code* and its Land Laws, Montreal Lake Cree Nation 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 and provincial law, including inspections,

searches, seizures and compulsory sampling, testing and the production of information;

- (d) provincial laws of general application will apply on the Montreal Lake Cree Nation until such time the Montreal Lake Cree Nation enacts its own legislation replacing same; and
- (e) provide for the collection of non-tax debts, fees or charges owed to Montreal Lake Cree Nation using taxation collection remedies made under Montreal Lake Cree Nation taxation laws, if the First Nation has enacted taxation laws or by-laws under another act of Parliament.

Agreement for Recovery of Fines

- 9.2 Montreal Lake Cree Nation may enter into agreements with other governments or government agencies to collect any fines, debts, fees or other penalties imposed by its *Land Code* or First Nation laws.

Prosecuting Offences

- 9.3 For the purpose of prosecuting offences, Montreal Lake Cree Nation may:
- (a) retain its own prosecutor;
 - (b) enter into an agreement with the province to arrange for a provincial prosecutor; and
 - (c) make laws with respect to the appointment and authority of justices of the peace.



PART 3

COMMUNITY MEETINGS AND APPROVALS

10. Participation of Citizens

Participation of Citizens

- 10.1 Every citizen is entitled to participate in community meetings respecting the *Land Code* or land laws.

11. Participation of Eligible Voters

Participation of Eligible Voters

- 11.1 Every eligible voter is entitled to participate in community approvals of the *Land Code* or land laws.

12. Meeting of Citizens and Community Approval Procedure

Notice of meeting

- 12.1 Council shall give citizens written notice of any meeting requiring community approval of land laws. The notice shall include:
- (a) the date, time and place of the meeting;
 - (b) a link for virtual participation, if deemed appropriate by Council;
 - (c) a brief description of the matter to be discussed;
 - (d) a brief description of any matter that requires community approval; and
 - (e) other information and material that Council considers appropriate.

Manner of notice

- 12.2 Notice of the meeting shall be provided to citizens, at least thirty (30) days prior to the meeting or vote, by:
- (a) posting the notice in public places;

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

Permission of Council

12.3 Council may authorize any person, other than a citizen, to attend a meeting of citizens.

Informed Decision

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

13. Community Meetings of Citizens

Community Meetings

13.1 It shall be mandatory for Council to call a meeting of citizens, in relation to and prior to:

- (a) enacting a land law respecting a community plan or subdivision plan;
- (b) any decision that may affect a heritage site or an environmentally sensitive property;
- (c) enacting a land law respecting environmental assessment and protection;
- (d) enacting a land law respecting the transfer and assignment of rights and interests in Montreal Lake Cree Nation land;
- (e) enacting a land law respecting family homes and matrimonial interests on Montreal Lake Cree Nation land;
- (f) enacting a land law respecting the rate and criteria for the payment of fees or rent for Montreal Lake Cree Nation land;

- (g) enacting a land law respecting the rights and procedures on community expropriation (taking of private property by Montreal Lake Cree Nation government); and
- (h) respecting any other matter, land law or class of law that Council, by BCR, declares to be subject to this section.

No Quorum

- 13.2 No quorum or minimum level of participation is required at a meeting of citizens, but may be required for a vote of citizens, in accordance with section 14.

14. Community Approval From Montreal Lake Cree Nation Citizenship

Community approval

- 14.1 It shall be mandatory for Council to obtain community approval, by way of a vote, in relation to the following matters:
- (a) any master land use plan;
 - (b) any new grant or disposition of an interest or license in any Montreal Lake Cree Nation land exceeding a term of forty-nine (49) years;
 - (c) any renewal of a grant or disposition of an interest or license in any Montreal Lake Cree Nationland that extends the original term beyond forty-nine (49) years;
 - (d) any grant or disposition of any renewable and non-renewable resources on any Montreal Lake Cree Nationland exceeding a term of one (1) year;
 - (e) any deletion of a heritage site;
 - (f) any voluntary exchange of Montreal Lake Cree Nation land; and
 - (g) any other matter, land law or class of law that Council, by BCR, 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 (aiding) 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 that may be created by the First Nation from time to time.

Approval by Citizens

- 14.4 A matter shall be considered approved if a minimum of fifty percent (50%) plus 1 of participating Eligible Voters vote in favor of the matter.
- 14.5 Notwithstanding section 14.4, Council may change the voting threshold, in accordance with section 15.4.

15. Community Approval Votes

Approval
by Community vote

- 15.1 Any community approval vote required under this *Land Code* shall be conducted in accordance with a land law enacted for this purpose.

Exceptions

- 15.2 A community approval vote is not required for:
- (a) an amendment to the description of land of this *Land Code*;

- (b) minor revisions to this *Land Code* that do not substantially change the substance of this *Land Code*, made pursuant to section 46.2; and
- (c) an amendment to, or renewal of, the Individual Agreement.

Approval by Majority

15.3 A matter shall be considered approved if a majority of fifty percent plus one (50%+1) of participating eligible voters cast a vote in favor of the matter. For greater certainty, a matter shall not be considered approved if a majority of eligible voters cast their vote in opposition of the matter.

Increased threshold

15.4 Despite 15.3, Council may, by BCR prior to a vote, do either or both of the following:

- (a) establish a percentage of eligible voters who must participate in the vote in order for the result to be binding; and
- (b) require that a percentage greater than fifty percent plus one (50%+1) of participating eligible voters must approve the matter in order to obtain community approval.

Policies, Consultation & Approval

15.5 For greater certainty, Council may make Land laws or policies respecting:

- (a) meetings of citizens;
- (b) community consultations;
- (c) community approval votes;
- (d) any other matter, that Council, by BCR, declares to be subject to part 3 of this *Land Code*.

PART 4 PROTECTION OF LAND

16. Expropriation

Acquisition by Mutual Agreement

- 16.1 Montreal Lake Cree Nation may expropriate an interest or license in Montreal Lake Cree Nationland, 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 Montreal Lake Cree Nationland, or in any building or other structure on that land, may only be expropriated by Montreal Lake Cree Nation 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 Montreal Lake Cree Nation purposes, including, but not limited to, 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 may 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 Montreal Lake Cree Nation expropriates an interest or license, it shall make a public report from the lands office, with copies to the band manager, Council and legal counsel, on the reasons justifying the expropriation

Citizen notification

- 16.6 In the case of an expropriation of a citizen's interest in Montreal Lake Cree Nation land, the affected citizen or citizens shall receive notification of the expropriation within thirty (30) days 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*, any interest in Montreal Lake Cree Nation land that was obtained or acquired by Canada is not subject to expropriation by Montreal Lake Cree Nation.

Compensation for
rights and Interests

- 16.8 Montreal Lake Cree Nation 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 of the *Framework Agreement*, Montreal Lake Cree Nation 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 and the appraisal shall be done by an independent assessor.

Neutral evaluation to Resolve Disputes

16.11 The resolution of disputes concerning the right of Montreal Lake Cree Nation to expropriate shall be determined by neutral evaluation, in the same manner as provided in part IX of the *Framework Agreement*, and the 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 in a manner agreed to by the Montreal Lake Cree Nation and the holder of an expropriated Interest or License, whether by mediation, arbitration, or through the courts 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 Montreal Lake Cree Nation Land

Conditions for a land
exchange

17.1 Montreal Lake Cree Nation may agree with another party to exchange a parcel of Montreal Lake Cree Nation 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 Montreal Lake Cree Nation Land to be exchanged;
- (b) it shall be at least comparable to the appraised value of Montreal Lake Cree land; and
- (c) it shall become Montreal Lake Cree Nation land, subject to this *Land Code*.

Negotiators

- 17.4 The person who will have authority to negotiate a land exchange agreement on behalf of Montreal Lake Cree Nation shall be designated by BCR.

Additional land

- 17.5 Montreal Lake Cree Nation 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 Montreal Lake Cree Nation in fee simple (private land) or some other manner.

Federal Consent

- 17.6 Before Montreal Lake Cree Nation 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 Montreal Lake Cree Nation 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, referred to in section 17.6

Process of land
exchange



17.8 The land exchange agreement shall provide that:

- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;
- (b) Council must pass a BCR authorizing Canada to transfer title to Montreal Lake Cree Nation 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 Montreal Lake Cree Nation, and with full indemnification to Montreal Lake Cree Nation.

PART 5 ACCOUNTABILITY

18. Conflict of Interest or Appearance of Conflict of Interest

Application of rules

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

- (a) each individual member of Council who is dealing with any matter before Council that is related to Montreal Lake Cree Nationland;
- (b) each person who is an employee of Montreal Lake Cree Nation dealing with any matter that is related to Montreal Lake Cree Nationland;
- (c) each citizen of the Panel; and
- (d) each person who sits on a board, committee or other body of Montreal Lake Cree Nation dealing with any matter that is related to Montreal Lake Cree Nationland.

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 exercise his or her authority, 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 Citizens

- 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 to a community meeting of citizens.

Specific Conflict situations

- 18.6 No immediate relatives and not more than two (2) citizens from the same extended family shall be concurrent citizens of an appointed board, committee or other body dealing with any matter that is related to Montreal Lake Cree Nation land. The 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 Montreal Lake Cree Nation land.

Financial policies

- 19.2 All financial matters in relation to Montreal Lake Cree Nation lands administered under this *Land Code* shall be conducted in accordance with the Montreal Lake Cree Nation Finance Administration Policy and all policies and procedures enacted and approved under it.

Administrative structure

- 19.3 Council shall establish the administrative structure:

- (a) to implement all financial policies and procedures;
- (b) to oversee the day-to-day operational responsibilities for managing moneys related to Montreal Lake Cree Nationland;
- (c) to ensure the accuracy of the accounting records;
-  (d) to reconcile, review and approve bank statements;
- (e) to present the annual budgets to citizens;
- (f) to present annually an audit of the financial statements to the citizens; and
- (g) to prepare the annual report to citizens.

20. Annual Report

Publish annual report

- 20.1 Council, on behalf of Montreal Lake Cree Nationshall publish an annual report on land matters.

Contents

- 20.2 The annual report shall include:

- (a) an annual review of Montreal Lake Cree Nationland management;
- (b) annual budget;
- (c) a copy and explanation of the audit as it applies to Montreal Lake Cree Nationland; and
- (d) any other matter as determined by Council or the Lands and Resources Committee.

21. Access to Information

Access

- 21.1 Any person with a valid interest may, during normal business hours at the main band offices of the Montreal Lake Cree Nationhave reasonable access to:

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

Copies for Citizens

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

PART 6

LAND AND RENEWABLE AND NON-RENEWABLE RESOURCES ADMINISTRATION

22. Lands and Resources Manager and Portfolio Holders

Administration

- 22.1 Council shall delegate administrative authority to the Lands and Resources Manager and Lands and Resources portfolio holders to carry out functions necessary for day-to-day management and administrative operations of Montreal Lake Cree Nation land.

23. Lands and Resources Committee

Lands and Resources Committee
established

- 23.1 The Lands and Resources Committee is hereby established for the following purposes:
- (a) assist Council with the development of the land administration system;
 - (b) advise Council and its staff on matters respecting Montreal Lake Cree Nationland;
 - (c) recommend land laws, BCRs, policies and practices respecting Montreal Lake Cree Nationland to Council;
 - (d) consult with citizens and persons with a valid interest on Montreal Lake Cree Nationland issues, and to make recommendations on the resolution of those issues to Council;
 - (e) work closely with the Governance Committee in the drafting of land laws, whenever necessary;
 - (f) oversee community meetings of Citizens, community approval votes; and
 - (g) perform such other duties as may be delegated or assigned by BCR or land law under this *Land Code*.

Process to
Implement Land laws

- 23.2 The Lands and Resources Committee shall, within a reasonable time after this *Land Code* takes effect, recommend to Council a community process to develop and implement land laws.

Internal procedures

- 23.3 The Lands and Resources 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. Implementation of the Lands and Resources Committee

Lands and Resources Committee

- 24.1 Prior to the coming into effect of this *Land Code*, Council shall advertise and select an interim Lands and Resources Committee to serve for a term of up to three (3) years until a policy governing the Lands and Resources Committee comes into force. The council's selection shall be confirmed by BCR.

Policy Governing Successors to
the Lands and Resources Committee

- 24.2 As soon as possible after the selection of the interim Lands and Resources Committee, Council, in consultation with the interim Lands and Resources Committee, shall develop a policy for the selection, election, or appointment of eligible voters to serve on the Lands and Resources Committee, and dealing with such matters as number of citizens, composition, eligibility, Chair and Deputy Chair, functions of the Chair, term of office, remuneration, conditions of service, termination, vacancies arising during term and such other matters as Council deems appropriate to the operation of the Lands and Resources Committee.

PART 7

INTERESTS AND LICENSES IN LAND

25. Revenue from Land and Renewable and Non-Renewable Resources

Determination of
fees and rent

- 25.1 The Lands and Resources 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 Montreal Lake Cree Nation land;
 - (b) the fees for services provided in relation to any Montreal Lake Cree Nation land; and
 - (c) the fees and royalties to be paid for the taking of renewable and non-renewable resources from Montreal Lake Cree Nation land.

26. Registration of Interests and Licenses

Enforcement of
Interest and Licenses

- 26.1 An interest or license in Montreal Lake Cree Nation 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 Montreal Lake Cree Nation 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 Montreal Lake Cree Nation land;
- (b) any transfer or assignment of an interest or license in Montreal Lake Cree Nation 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 Montreal Lake Cree Nation 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 Montreal Lake Cree Nation land.

Improper Transactions void

- 27.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Montreal Lake Cree Nation, a citizen or any other person purports to grant, dispose of, transfer or assign an Interest or License in Montreal Lake Cree Nationland 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 Montreal Lake Cree Nationland 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 amendment or replacement of
existing Interests and Licenses

28.2 Notwithstanding section 28.1, the terms of an existing interest or license made under the *Indian Act* does not restrict the ability of the Montreal Lake Cree Nation and third parties, a citizen or person with a valid interest, by agreement, to modify the existing interest or license or to have the interest or license replaced by a new interest or license issued under this *Land Code*.

Replacing the role of the Minister

28.3 Immediately upon the coming into force of this *Land Code*, Canada transfers to Montreal Lake Cree Nation all the rights and obligations of Canada as grantor in respect of existing interests and licenses in or in relation to Montreal Lake Cree Nation land.

Unregistered Interests

28.4 A policy shall be established as soon as practicable 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 Montreal Lake Cree Nation grant:

- (a) Interests and licenses in Montreal Lake Cree Nation land, including but not limited to citizen allocations, leases, permits, easements and rights-of-way; and
- (b) Licenses to take renewable and non-renewable resources from Montreal Lake Cree Nation land, including but not limited to 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 terms and conditions.

Role of the Lands and Resources
Committee

- 29.3 The Lands and Resources 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 Persons With a Valid Interest

Grants to Persons with a Valid Interest

- 30.1 A transfer or other disposition of all or any part of an Interest or License in Montreal Lake Cree Nation land to a person with a valid interest who is not a citizen shall not be effective unless and until it is confirmed by a BCR of Council.

Citizen

31. Allocation of Land to Citizens

Policies and procedures
for allocation of Land

- 31.1 Subject to the provisions of this *Land Code*, Council in consultation with the Lands and Resources Committee shall establish land laws, policies and procedures for the allocation of land to citizens.

Allocation

- 31.2 Council may, in accordance with this *Land Code*:
- (a) allocate land to citizens; or
 - (b) issue a certificate for an interest to a citizen for land allocated to that citizen.

No allocation of Land
to non-Citizens

- 31.3 A person who is not a citizen is not entitled to be allocated land or to hold a permanent Interest in Montreal Lake Cree Nation land.

32. Transfer and Assignment of Interests

Transfer of Citizen Interest

- 32.1 A citizen may not transfer or assign an interest in Montreal Lake Cree Nation land to another citizen without community approval or the consent of Council.

Consent of Council

- 32.2 There shall be no transfer or assignment of an interest in Montreal Lake Cree Nation land without the written consent of Council, except for:
- (a) transfers that occur by operation of law, including transfers of estate by testamentary disposition; and
 - (b) transfers in accordance with any family homes and matrimonial interests land laws.
- 32.3 For greater certainty, the *Family Homes on Reserves and Matrimonial Interests or Rights Act* shall continue to apply until such time Council enacts their own law.

33. Limits on Mortgages and Seizures

Protections

- 33.1 In accordance with the *Framework Agreement*, sections 29, 87 and 89(1) and (2) of the *Indian Act*, as amended from time to time, continue to apply to the Montreal Lake Cree Nation land.

Sections of Indian Act	Summary
(a) section 29;	exemption from seizure
(b) section 87;	tax exemption
(c) Sub-section 89(1); and	restriction on mortgages, seizure, etc., of property on reserve
(d) Sub-section 89(2).	conditional sale

Mortgage of Allocated Land

- 33.2 The interest of a citizen in First Nation Land may be subject to a mortgage or charge, but only to the Montreal Lake Cree Nation of a citizen thereof, with the express written consent of Council.

Mortgages of
leasehold Interests
with consent

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

Time limit

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

Default in mortgage

- 33.5 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 Montreal Lake Cree Nation.

Power of redemption

- 33.6 Subject to prior redemption by the lessee or citizen, Council may, on behalf of the First Nation, redeem the charge or mortgage from the chargee or mortgager in possession and shall thereupon acquire all the rights and Interests of the chargee or mortgagee and of the lessee or citizen, for all purposes, after the date of the redemption.

Waiver of redemption

- 33.7 Council may waive its right to redemption for any charge or mortgage of a leasehold interest or license.

34. Residency and Access Rights

Right of residence

34.1 The following persons have a right to reside on Montreal Lake Cree Nation land:

- (a) Citizens and their spouse and children;
- (b) Citizens with a registered Interest in Montreal Lake Cree Nationland;
- (c) lessees and permittees, in accordance with the provisions of the granting instrument; and
- (d) a person authorized in writing by Council, the Lands and Resources Committee or by a land law.

Right of Access

34.2 Subject to any land law, the following persons have a right of access to Montreal Lake Cree Nationland:

- (a) a lessee and his or her invitees;
- (b) a person granted a right of access under a permit;
- (c) Montreal Lake Cree Nationcitizens 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 Montreal Lake Cree Nation, 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 the Lands and Resources Committee or by a land law.

Public access

34.3 Any person may have access to Montreal Lake Cree Nationland 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 laws that are applicable on the First Nation; and
- (c) no BCR has been enacted barring that person.
- (d) Notwithstanding any other provision of this *Land Code*, Council may impose closures or restrictions on access to the land by one or more persons to protect the land, public health and safety, the environment or cultural assets.

Use of Roads

34.4 Any person may have the right of access to Montreal Lake Cree Nation public roads, subject to this *Land Code* and land laws.

Trespass

34.5 Any person, who resides on, enters or remains on Montreal Lake Cree Nationland, other than in accordance with a residence or access right under this *Land Code*, is guilty of an offence punishable by summary conviction.

Civil remedies

34.6 All civil remedies for trespass are preserved.

35. Transfers on Death

Indian Act application

35.1 Subject to any land laws on family homes and matrimonial interests, until Montreal Lake Cree Nation 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 Montreal Lake Cree Nation land.

Registration of transfer

- 35.2 A person who receives an interest in Montreal Lake Cree Nationland by testamentary disposition (the passing of property to another on the death of an owner) 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.

36. Family Homes and Matrimonial Interests Land Law

Development of rules
and procedures

- 36.1 Council has the power to enact land laws that apply to spouses in the event of marriage or relationship breakdown, or on the death of a spouse, respecting:
- (a) the use, occupancy and possession of family homes on Montreal Lake Cree Nationland; and
 - (b) the division of the value of any interests held by spouses in or to structures and lands on Montreal Lake Cree Nationland.

Enactment of rules
and procedures

- 36.2 The rules and procedures contained in family homes and matrimonial Interests Land laws shall be developed by the Lands and Resources Committee in consultation with the citizens.

Additional Provisions

- 36.3 Family homes and matrimonial interests land Laws may include, but not limited to:
- (a) provisions for administrating those laws;
 - (b) despite subsection 89 (1) of the *Indian Act*, provisions for enforcing, on Montreal Lake Cree Nationland, an order of a court or a decision made or an agreement reached under those laws; and

- (c) procedures for amendment and repeal of those laws.

Notice of Land Laws

- 36.4 Council will provide, to the provincial Attorney General, notice of its intent to make family homes and matrimonial Interests land laws and, upon enactment, provide a copy of those laws to the Attorney General.

PART 8 DISPUTE RESOLUTION

37. Purpose

Intent

- 37.1 The intent of this part is to ensure that all persons entitled to possess, reside upon, use or otherwise occupy Montreal Lake Cree Nation land do so harmoniously with due respect to the rights of others and of the Montreal Lake Cree Nation and to ensure they have access to Montreal Lake Cree Nation procedures to resolve disputes.

Purpose

- 37.2 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.

38. Disputes

Dispute Prevention

- 38.1 The parties shall use their best efforts to prevent disputes from arising and shall consider the use of dispute resolution processes at the earliest possible stage of any conflict.

Disputes Prior to Land Code

- 38.2 Disputes that arose before the *Land Code* takes effect could also be referred to in this part.

Decision of Council or Lands Committee

- 38.3 If a citizen, or a non-citizen with an interest or license in Montreal Lake Cree Nation land, has a dispute with respect to a decision of Council or the Lands and Resources Committee, the person shall first attempt to resolve that dispute with Council or the Lands and Resources Committee, before referring the dispute to the Panel.

Settle a Dispute

- 38.4 Nothing in this part shall be construed to limit the ability of any person to reach agreement to settle a dispute without recourse to this part.

Settlement Agreement

- 38.5 Any settlement reached through dispute resolution and any agreement reached amongst the parties themselves as noted in section 38.4, shall not be legally binding until it has been reduced to writing and properly executed by, or on behalf of, the parties.

Contractual Agreement

- 38.6 A contractual agreement made under this *Land Code* may establish that the dispute resolution outlined in this *Land Code* and its land laws may prescribe for alternate dispute resolution processes if there is consensual agreement by the parties involved in that agreement. The dispute resolution clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract.

Variation of Rules

- 38.7 The parties to a dispute to which these rules apply may to some degree, modify, vary or amend these rules by consensual agreement in writing, and notify the Panel in writing.

Civil Remedies

- 38.8 For greater certainty, nothing in this part shall be construed to prevent a party to a dispute from, at any stage of dispute resolution, applying to have the dispute resolved in a court of competent jurisdiction.

Challenge to Validity of Law

- 38.9 For greater certainty, nothing in this part shall be construed to prevent a party to a dispute from challenging the validity of a land law, but such a challenge may be heard only in a court of competent jurisdiction.

39. Processes

Staged Processes

- 39.1 Montreal Lake Cree Nation intends that a dispute in relation to Montreal Lake Cree Nation land, except as otherwise provided, may progress through the following stages:

- (a) facilitated discussions;
- (b) negotiation;
- (c) mediation; and

- (d) final arbitration by the Panel.

Procedure to File a Dispute

39.2 A person who wishes to resolve a dispute with another person or Montreal Lake Cree Nation in relation to the use or occupation of Montreal Lake Cree Nationland may file a 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.

39.3 A person who wishes to resolve a dispute with another person or Montreal Lake Cree Nation may seek assistance from the Lands Management staff.

Termination of Processes

39.4 Facilitated discussions, negotiations and mediations may be suspended upon any of the following occurrences:

- (a) the parties reach an agreement;
- (b) one of the parties refuses to continue with facilitated discussions, negotiations or mediation;
- (c) the mediator determines that nothing meaningful is to be gained in continuing the process; or
- (d) upon the request of both parties.

Notice of Termination

39.5 A notice of termination is required when further facilitated discussions, negotiations or mediation shall not resolve the dispute. The dispute may progress to the next stage of the dispute resolution process or final determination by the Panel.

Dispute resolution not available

39.6 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 Montreal Lake Cree Nationland to a non-citizen;
- (d) decisions on expropriation under this *Land Code*: and
- (e) prosecution or conviction of an offence under a land law or under criminal law.

Duty of Fairness

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

- (a) treated fairly;
- (b) given a full opportunity to present their case;
- (c) given reasons for a decision made under this part;
- (d) provided with an interpreter, upon request; and
- (e) receive assistance from the lands manager, if required.

Rules and Procedures

39.8 Council may prescribe such laws, BCRs, rules, policies, procedures, forms and reasonable fees not inconsistent with this *Land Code*, as may be necessary to give effect to this part including:

- (a) facilitated discussions, negotiations, mediations and hearings;
- (b) terms of office for panelists;
- (c) remuneration of facilitators, mediators, dispute resolution panelists, expert advisors, professionals or other persons retained to assist in the resolution of disputes;
- (d) code of conduct for facilitators, mediators, dispute resolution panelists, expert advisors, professionals or other persons retained to assist in the resolution of disputes;

- (e) disclosure and confidentiality;
- (f) imposition of time limitations for submitting a notice of dispute and referring a matter or dispute to the panel;
- (g) implementing recommendations of the panel; and
- (h) any other matter necessary to give effect to this part.

Waiver of Liability

- 39.9 By participating in this dispute resolution process, the parties agree that the facilitators, mediators, dispute resolution 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.

40. Roster Panel Established

Appointment to Roster Panel

- 40.1 The Roster Panel shall be composed of a maximum of ten (10) panelists, which will be Citizens chosen from all sectors (Montreal Lake, Little Red River Reserve, and off-reserve).

Ineligible

- 40.2 Notwithstanding the general rules of conflict of interest in the *Land Code*, no citizen, or employee of Montreal Lake Cree Nation or person already serving on another board, body, or committee related to Montreal Lake Cree Nation Land shall be appointed to the Roster Panel.

Representation

- 40.3 Council shall appoint, by BCR, the roster panelists, and shall ensure that, where possible, the roster panelists represent all sectors of the community.

Rules of Roster Panel

- 40.4 The Montreal Lake Cree Nation Lands and Resources Committee may establish rules for the procedure at its hearings and generally for the conduct of its affairs.

41. Impartiality of the Dispute Resolution Panel

Duty to Act Impartially

- 41.1 The Panel shall act impartially and without bias or favor to any party in a dispute, and in accordance with Part 5 Accountability under this *Land Code*.

Offence

- 41.2 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

- 41.3 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

- 41.4 The Lands and Governance Committee shall establish rules of conduct for the parties to a dispute.

42. Hearings by the Dispute Resolution Panel

Disputes

- 42.1 Applications for resolution by the Panel shall be submitted to the Lands and Resources Department.

Panel of Three Chosen From Roster Panel

- 42.2 Disputes referred to the Roster Panel are to be heard by three (3) panelists chosen by the Lands and Resources Committee.
- 42.3 One (1) panelist, who is to be the chairperson, shall be chosen by the rest of the Panel.

Panel Established

- 42.4 The Panel is hereby established with jurisdiction to resolve disputes in relation to Montreal Lake Cree Nationland.

Dispute resolution not available

- 42.5 For greater certainty, the Panel shall not hear disputes in respect of matters that are not subject to dispute resolution under this *Land Code*.

43. Powers of the Dispute Resolution Panel

Power of the Panel

43.1 The Panel may, after hearing a dispute:

- (a) confirm or reverse the decision, in whole or in part;
- (b) direct that an action be taken or ceased; or
- (c) make an order to give effect to its decision, including any necessary order for the survey of an interest in Montreal Lake Cree Nation land, the registration of an interest in Montreal Lake Cree Nation land, and the allocation of the costs of any incidental measures to be taken to give effect to such an order.

Recommendations by Panel

43.2 In addition to making a determination in respect to a particular dispute, the Panel may recommend to Council:

- (a) the suspension of any land law or decision made by Council for such period as is necessary for Council to reconsider, amend or repeal such land law or decision, provided that any amendment or repeal of a Land law is made in a manner consistent with this *Land Code*; or
- (b) any other recommendation that it deems reasonable and necessary in the circumstances.

Interim Decisions

43.3 The Panel may, in relation to a dispute over which it has jurisdiction under this part, make any interim order it considers to be necessary as a matter of urgency to preserve the rights of the parties to the dispute or to preserve or protect an interest in Montreal Lake Cree Nation land.

Professional Services

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

Written Decisions

- 43.5 Decisions of the Panel shall be in writing, signed by the person chairing the Panel or by an officer designated by the Panel to do so. Where requested, the written decision shall be provided to the party to the proceeding within fourteen (14) days after the date of the decision.

Appeal of Decision

- 43.6 A decision of the Panel is binding but, subject to review by the Federal Court (Trial Division).



PART 9 OTHER MATTERS

44. Liability and Indemnity

Liability Coverage Laws

- 44.1 Council may enact laws providing for limits on liability, defenses and immunities to any person or entity in respect of any act or omission occurring in the exercise of a power or the performance of a duty under this *Land Code* or under a land law.
- 44.2 For greater certainty, no action or proceeding lies or shall be instituted against a person if that person is acting pursuant to the authority of this *Land Code* or the regulations for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person pursuant to or in the exercise or supposed exercise of any power conferred by this *Land Code* or the regulations or in the carrying out of any responsibility imposed by this *Land Code* or the regulations.

Liability Limitations

- 44.3 The limits on liability, defenses and immunities in a Land law shall be no greater than those that would apply to a person or entity performing a similar duty under the laws of the province.

Extent of coverage

- 44.4 Council shall arrange, maintain and pay insurance coverage for its officers and employees engaged in carrying out any matter related to Montreal Lake Cree Nationland to indemnify them against personal liability arising from the performance of those duties and determine the extent of the insurance coverage. The value and extent of the insurance coverage shall be determined by Council.

45. Offences

Application of the Criminal Code

- 45.1 Unless some other procedure is provided for by a land law, the summary conviction procedures of part XXVII of the Criminal Code, as amended from time to time, apply to offences under this *Land Code* or under a land law.

Fines & Imprisonment

- 45.2 Unless some other procedure is provided for by a land law, any person and/or entity who commits an offence under this *Land Code* or under a land law is liable to a fine not to exceed five thousand (\$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 Montreal Lake Cree Nation environmental protection laws may carry penalties consistent with similar environmental protection laws in force in Canada.

46. Amendments to Land Code

Community Approval

- 46.1 Subject to section 46.2, amendments to this *Land Code* must receive approval by a community vote to be effective, following the procedures set out in section 15.

Revisions

- 46.2 A community 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* at a duly convened meeting of Council. Revisions include:
- (a) an amendment of the description of Montreal Lake Cree Nation land subject to this *Land Code*;
 - (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 Montreal Lake Cree Nation without changing the substance of this *Land Code*; and
 - (f) correct editing, grammatical or typographical errors.

47. Coming Into Force

Preconditions

- 47.1 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

- 47.2 This *Land Code* will come into force on the first day of the month immediately following certification by the verifier.

APPENDIX “A”

Description of the Montreal Lake Cree Nation Lands

The following are the land descriptions prepared by Natural Resources Canada for Montreal Lake Cree Nation #106 and #106B.

Montreal Lake Indian Reserve No. 106 (06523) - Dated August 25th, 2022, and recorded in the Canada Lands Surveys Records on July 5th, 2024 as Field book No. 44669

<https://clss.nrcan-rncan.gc.ca/clss/plan/detail/id/FB44669%20CLSR%20SK>

Montreal Lake Indian Reserve No. 106B (06524) - Dated March 29, 2023, and recorded in the Canada Lands Surveys Records on July 5th, 2024 as Field book No. 44670

<https://clss.nrcan-rncan.gc.ca/clss/plan/detail/id/FB44670%20CLSR%20SK>

APPENDIX “B”**Flow Chart for Dispute Resolution Process**