

SUMMARY OF THE SWAN LAKE FIRST NATION LAND MANAGEMENT CODE

INTRODUCTION

The Land Code was drafted under the *Framework Agreement on First Nation Land Management*. The purpose of the Land Code is to set out the principles, guidelines and processes by which Swan Lake First Nation will exercise control and management over reserve lands and resources consistent with the *Framework Agreement*.

RATIFICATION

The Land Code has been developed by the Council in consultation with the Community. It does not come into force unless both it and the Individual Agreement with Canada are ratified by the members of Swan Lake First Nation. If the Land Code is approved, Swan Lake First Nation will manage its own reserve lands. They will no longer be managed by the Minister under the *Indian Act*.

CONTENTS OF THE LAND CODE

Authority The Land Code states that the authority of Swan Lake First Nation to govern its land and resources flows from the Creator to the people of Swan Lake First Nation, and from the people to their Chief and Council, according to the culture, traditions, customs and laws of Swan Lake First Nation.

Swan Lake First Nation Lands All of Reserves # **7A** (Carberry), **8** (Headingly), and **8A** (Indian Gardens) will be managed under the Land Code. Reserve #7 (Main Reserve) will be excluded from the Land Code until such time as the true location of the southern boundary of the Reserve along the lake front is sorted out. A top portion of a survey post appearing to define an upland portion of the Reserve was found in the lake. NRCAN will be carrying out the necessary field investigation to try and locate the bottom portion of the survey post. NRCAN has also been asked to locate 4-5 other survey posts that may be located near this area.

Once NRCAN's investigation is completed for this area, Swan Lake First Nation will review the findings from the investigation and determine if any further action will be required. Once Swan Lake is satisfied that the southern boundary lake front issue has been sorted out, Reserve #7 will be managed under the Land Code with the rest of Swan Lake's reserve lands and Reserve #7 will also be added to the Individual Agreement.

Interests of Members in Land All interests in or licenses to use Swan Lake land by members in the future will be made by Council under the Land Code.

Transfer of Interests A member with a lot can freely transfer it to another member by a valid deed or will. All other transfers of interests in land must be approved by Council.

Natural Resources The natural resources of Swan Lake First Nation lands are considered a part of the land. A member has the right to the natural resources on his or her land and the revenues from those resources.

Law-Making Powers The Council may, subject to the terms of the Land Code, make laws respecting all aspects of its lands. The law-making power is as comprehensive as possible in respect of land matters. Land laws would be made and published in the same ways as by-laws, except that any adult member of Swan Lake First Nation can introduce a land law to the Council.

Conflict of Interest There are rules for conflicts of interest that may arise in land management. These rules apply to the Council and anyone who is administering land or handling revenues from land. The basic rules are for the person to declare a conflict of interest, to refrain from voting on the issue and to remove themselves from the proceedings.

Financial Accountability of Council The Council is accountable to members for the management of moneys and land under the Land Code. An annual financial report will be prepared and audited. The audited financial report will be presented to the members at an annual community meeting of members.

Dispute Resolution The Council will establish a body to resolve any dispute relating to land. The dispute resolution body can review land management decisions if a member, or other person with an interest in reserve land, disputes a decision that affects their land.

Expropriation The Land Code allows expropriation of individuals' interests for community purposes in accordance with the *Framework Agreement*. Fair compensation must be given in every case. A community purpose includes but is not limited to: a fire hall, sewage or water treatment facility, community centre, public works, roads, schools, day-care facility, hospitals, health-care facility, and retirement home. A land law would be enacted to establish the rights and procedures for community expropriations.

Land Committee A Land Committee shall be established to advise the Council on land matters. Land management decisions are expected to be made by the Council.

Community Approvals Certain land laws and other important land matters must be approved by the community before they can take effect. There are two methods of community approval: community meeting of members and ratification vote. Every member of Swan Lake First Nation who is 18 years of age or older, whether resident on or off reserve, can participate in a community meeting of members and a ratification vote to discuss and decide the following matters:

- any Master land use plan;
- any new grant or disposition of an interest or licence to a non-member in any Swan Lake First Nation Land exceeding a term of forty-five (45) years;
- any renewal of a grant or disposition of an interest or license to a non-member in any Swan Lake First Nation Land that extends the original term beyond forty-five (45) years;
- a grant of disposition of any non-renewable natural resources on any Swan Lake First Nation Land exceeding a term of five (5) years;
- any deletion of a heritage site;
- any expropriation of a member's interest;
- any voluntary exchange of Swan Lake First Nation land;
- any land law on matrimonial real property on reserve;
- any amendment to the Land Code.

Registration of Interest To be protected, interests in and licenses to use land must be registered. The Council will keep a land register at its offices and ensure that deeds and other land documents are also registered with the First Nations Land Register, maintained by INAC.

Funding The Land Code does not deal with funding. Canada will provide funding for Swan Lake First Nation to manage its lands under the Individual Agreement.