

So I've heard about Land Code, but what is it? What actually goes into a Land Code?

WHAT IS LAND CODE?

- A **set of guidelines** for how reserve lands and resources are controlled and managed
- Written **by the First Nation**
- **Decreases Canada's management** of our reserve lands
- Requires **approval from the members** of the First Nation

MOVING AWAY FROM THE *INDIAN ACT*

- Creating a Land Code allows a First Nation to **opt out of the 32 land management sections of the Indian Act**
- A First Nation can **take over control and management of their reserve lands and resources** instead of having them be administered by the Federal government in Ottawa
- When done correctly, adopting a Land Code is a huge step forward on the **path to self-governance**

WHAT IS AN INDIVIDUAL AGREEMENT?

- Agreement that deals with:
 - » **Reserve lands** to be managed by the First Nation
 - » Specifics of the **transfer of the control** of land from Canada to the First Nation
 - » **Money to be provided** by Canada to the First Nation for land management
- When this agreement is signed, the **Land Code officially replaces the land management sections of the *Indian Act***

SO, WHAT GOES INTO A LAND CODE?

First Nations' Land Codes outline key areas required to assume full decision-making power over reserve lands and resources — it is VERY important that a Land Code developed and adopted by a First Nation is unique to the community:

- *Section 1: Preliminary Matters*
It's like the "housekeeping section" of a Land Code, which:
 - » Defines important words
 - » Protects the First Nation's rights
 - » Asserts the First Nation's authority to govern
 - » Describes what reserves are subject to the Land Code
- *Section 2: First Nation Legislation*
This section talks about how Tahltan Band Council will go about making laws to govern our reserve lands and resources:

- » **Who** will make laws
- » **How** laws will be decided upon
- » **Where** laws will be written and published
- » **When** and how laws will take effect
- *Section 3: Community Approvals*

This section ensures that community engagement happens in a way that is fair and accessible, explaining:

 - » **Rights of eligible voters** (members)
 - » How and when **community engagement** must happen
 - » Steps involved with a member **meeting and vote**
 - » Types of laws and activities needing **community approval**
- *Section 4: Interests and Licenses in Land*

This section talks about the ways that individual people (members) can have legal “interests” in land. Interests are things like:

 - » Leases
 - » Licenses
 - » Permits
 - » Mortgages
 - » Certificates of Possession (CPs)
- *Section 5: Protection of Land*

This section helps make sure that our reserve lands and resources remain ours, and under our control, by talking about concerns like:

 - » Removal of reserve lands
 - » Heritage sites
 - » Voluntary land exchanges
- *Section 6: Land Administration*

This section talks about the “nuts and bolts” of how land would be managed day-to-day once Canada is no longer administering our land. It covers things like:

 - » Having an **Lands Management Committee**
 - » **Money earned from lands** through rent or fees
 - » **Keeping track of the “interests”** we talked about earlier
- *Section 7: Accountability*

To make sure that leadership manages lands and resources clearly and openly, this section talks about things like:

 - » If a leader has a **conflict of interest**
 - » Keeping **financial records**
 - » Having **regular audits**
 - » Making an **annual land management report**
 - » Allowing members to access information

- *Section 8: Dispute Resolution*

When big organizational changes happen in a community, disputes often happen. This section lays out steps to follow if land-related disputes happen and talks about things like:

- » Having a **Dispute Resolution Panel**
- » Making sure the panel is confidential and **impartial**
- » Steps that the panel will follow in a dispute

- *Section 9: Other Matters*

In this section are the “odds and ends” of the Land Code, where matters (important, but not part of the other categories) are discussed. Things often covered here are:

- » **Land-related insurance** that the Band should to pay
- » What happens when **someone breaks the Land Code**
- » How to **make changes to the Land Code**
- » How and when the Land Code **takes effect**

Learn more by visiting www.tahltan.ca/landcode.
If you have any questions or comments about Land Code, contact askus@tahtlan.ca or call the Band Office at **250-235-3151**.



Tahltan
Band Council