

INDIAN ACT v. LAND CODE

INDIAN ACT

The Indian Act was interpreted by Canada

The Indian Act is one size fits all

The Indian Act can only be amended by Canada

The Indian Act authorizes the Minister of Indigenous and Northern Affairs Canada to have sole discretion and decision making

The Indian Act can be amended/changed without our consent

KSPFN is not a "Government", we are instead considered a ward, "Ministerial Delegate" and Administrator" with no law-making authority. We can only make legal decisions or bylaws that Canada approves of and not all are enforceable

We have the authority to make certain managerial decisions and make certain bylaws

Indian Act laws, policies, procedures, rules and legal documents are made by Canada and we must follow them

We are not authorized to be in lawful possession of land unless the Minister approves it. This also includes land transfers

There is no environmental assessment or protection laws for our land unless there is an agreement by Canada. Enforcement, monitoring, testing and compliance can be a problem

We are accountable by reporting to Canada only and there are no conflict of interest policies

Members do not have a clear role in certain decisions and they do not have a right to receive or access information

There is no process to solve disputes

Expropriation is possible without our consent by Federal or Provincial governments for the purpose of crown corporations or municipalities

The current government Lands Registry is policy based and does not guarantee land certainty because it is overly bureaucratic with lengthy approval times (6-12 months)

Our legal status/capacity is unclear and uncertain so it discourages lenders and other financial partners

LAND CODE

The Kettle and Stony Point First Nation Land Code was developed by KSPFN members for KSPFN

The KSPFN Land Code is unique to KSPFN

The KSPFN Land Code can be only be changed by a vote of KSPFN members aged 18 and over

Chief and Council and the Members are in the driver's seat

The acts that support our Land Code cannot be changed without the consent of the First Nation parties involved

KSPFN would be recognized as a "Government" with real legislative authority and our laws will be enforceable in the courts. Canada HAS NO AUTHORITY to overrule or cancel our land laws or decisions

We have the authority to make, administer and enforce land laws and manage our reserve lands and resources

Land laws, policies, procedures, rules and legal documents are all developed, approved and enacted by KSPFN according to our Land Code, language and culture

We can create and authorize difference types of legal interests

We can create and enact our own environmental assessment and protection laws

We are accountable by reporting to the Members and having conflict of interest policies

Members have a clear role in decision making, approvals and access to information

We can solve disputes by having our own dispute resolution panel composed of Members

We will have and manage our own KSPFN Lands Registry with dramatically decreased approval times

We will have recognized legal status/capacity to acquire and hold property, to borrow and contract, to expend and invest money and to be a party to legal proceedings



**CHIPPEWAS OF
KETTLE & STONY POINT
FIRST NATION
LAND CODE**

CONTACT

Connie Milliken, Project Manager (Land Code)

PH: (519) 786-2125

E: connie.milliken@kettlepoint.org

6247 Indian Lane, Kettle and Stony Point FN, ON N0N 1J1