



# ANISHNAABEG OF KETTLE AND STONY POINT FIRST NATION LAND CODE SUMMARY

**Freedom is hard work:  
Taking Back Control of Our Lands**

## 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 the Chippewas of Kettle and Stony Point First Nation will exercise control and management over reserve lands and resources consistent with the *Framework Agreement on First Nation Land Management*.

## RATIFICATION

The Land Code was developed in consultation with the Community by the Land Code Development Committee and Council. The Land Code does not come into force unless the Members approve both the Land Code and the Individual Agreement with Canada, in a ratification vote. If the Land Code is approved, the Chippewas of Kettle and Stony Point First Nation will manage its own reserve lands and resources and will no longer be managed by the Minister under the Indian Act.

## CONTENTS OF THE LAND CODE

### PREAMBLE

**Whereas** the Anishnaabeg of Kettle and Stony Point First Nation wish to manage their lands and resources, rather than having their lands and resources managed on their behalf under the *Indian Act*;

**Whereas** the Anishnaabeg of Kettle and Stony Point First Nation recognize that this community *Land Code* does not affect treaty or Aboriginal rights, or traditional lands;

**And Whereas**, the Anishnaabeg of Kettle and Stony Point First Nation reaffirm their statement of claim that the Anishnaabeg Nation has never ceded their interest in the bed and water of the southern portion of Lake Huron Ontario;

**Now Therefore**, this *Land Code* is hereby enacted as the fundamental Land Law of the Anishnaabeg of Kettle and Stony Point First Nation.

### PART 1 PRELIMINARY MATTERS

The title, interpretation, and definitions are set out at sections 1 and 2.

### PART 2 FIRST NATION LEGISLATION

#### **Jurisdiction and Authority**

The *Land Code* establishes the Chippewas of Kettle and Stony Point First Nation's jurisdiction over all rights and resources in the land, natural resources, land revenues, and all rights and resources in land interests and licenses. By enacting the Land Code, the Chippewas of Kettle and Stony Point First Nation is reclaiming this special responsibility.



## LAND CODE SUMMARY

### **Purpose**

The purpose of the *Land Code* is to set out the principles, rules and administrative structures that apply to First Nation land, and how authority over land will be exercised.

### **First Nation Land**

Land that is subject to the *Land Code* is the unceded land base known as the Chippewas of Kettle and Stony Point First Nation, specifically Kettle Point Indian Reserve No.44. Other lands can be added to the *Land Code* in the future.

### **Law-Making: Powers, Procedures, and Publication**

Council may, subject to the terms of the *Land Code*, make land laws respecting the reserve lands subject to the *Land Code*. The law-making power is as comprehensive as possible in respect of land matters and replaces the powers set out in the *Indian Act*. Land laws may be proposed by any Eligible Voter, the Chief, a Councillor, or a representative of any body or authority that is authorized by Council to do so. Members must be given notice before land laws are passed, and may be involved in the development or approval of certain types of land laws. Approved land laws must be posted in the administration office and Members will be notified.

## **PART 3 COMMUNITY INPUT AND APPROVALS**

### **Community Approvals**

Certain land laws and other important land matters must be approved by the community before they can take effect. Every Eligible Voter of the Chippewas of Kettle and Stony Point First Nation, whether resident on or off reserve, can participate in community approvals to discuss and decide the following matters:

- any voluntary land exchange;
- any deletion or development of a heritage site or significant site;
- any grant or disposition of any natural resources exceeding a term of five (5) years;
- any land law on Matrimonial Real Property that may be enacted;
- any matter, land law or class of law that Council, by Resolution, declares to be subject to this section; and
- any amendment to this *Land Code* that significantly changes the scope of the document.

## **PART 4 PROTECTION OF LAND**

### **Acquisition by Mutual Agreement**

The Chippewas of Kettle and Stony Point First Nation may acquire, by mutual agreement, an interest or licence in Land for community purposes subject to the *Land Code*. The *Land Code* and *Framework Agreement* provide clear and transparent rules for notification, compensation and public reporting.

### **Heritage Sites and Significant Sites**

There are provisions for the protection of heritage sites or significant sites.

### **Voluntary Exchange of Land**

The *Land Code* protects against loss of reserve land by surrender for sale or expropriation. However, the Chippewas of Kettle and Stony Point First Nation may decide that it is advantageous to exchange some of its reserve land for other lands. An exchange must be approved by the Members.



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### PART 5 ACCOUNTABILITY

#### **Conflict of Interest**

Members of Council, employees and any member of a board, committee or other body of the First Nation dealing with any matter related to First Nation land must disclose the conflict of interest and shall not take part in any deliberations or vote on that matter. Any claims that there has been a breach of the conflict of interest rules may be referred to the dispute resolution panel.

#### **Accountability of Council**

Council is accountable to Members for the management of moneys and land under the *Land Code*. An annual report will be prepared and published for the Members. The audited financial report will be published jointly with the First Nation annual report.

### PART 6 LAND ADMINISTRATION

#### **Lands Department**

Council may delegate administrative authority to staff to carry out functions necessary for day-to-day administrative operations of First Nation Land and resources.

#### **Lands Committee**

The Lands Committee will consist of 3 to 5 Members and 1 member of Council. The Lands Committee will advise Council on land matters. The Lands Committee will consult with Members, Council and staff on land matters, hold meetings of members, make recommendations on land laws, policies and procedures, and maintain the flow of information on land matters between Members and Council.

#### **Registration of Interests**

The Council will establish and maintain the Chippewas of Kettle and Stony Point First Nation Lands Register and make land laws with respect to the Lands Register. All interests or licenses must be registered.

### PART 7 INTERESTS AND LICENCES IN LAND

#### **Existing Interests**

Any interest or license in First Nation land that existed when the *Anishnaabeg of Kettle and Stony Point First Nation Land Code* takes effect will, subject to the *Land Code*, continue in force in accordance with its terms and conditions. This includes Member and third party interests.

#### **New Interests and Licenses**

All new allocation of land, interests and licenses, shall be granted in accordance with the *Land Code*. The *Land Code* sets out a clear process for granting new allotments of land.

#### **Transfers of Interests and Licenses**

Members may transfer their interests to other Members without community or Council approval. Other transfers, except those that occur by operation of law, require the consent of Council.

#### **Limits on Mortgages and Seizures**

A leasehold interest or the interest of a Member in First Nation Land may be subject to a mortgage or charge, with the written consent of the Council.



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The term of any charge or mortgage of a leasehold interest shall not exceed the term of the lease or 40 years.

### **Residency and Access Rights**

The *Land Code* sets out the rights of residency and access for Members, their families, invited guests, and lessees and their invitees. Public may access First Nation Land for any social or business purposes.

### **Wills and Estates**

The provisions of the *Indian Act* dealing with wills and estates continue to apply with respect to interests in First Nation Land. An interest or a transfer of an interest will be issued to a person who receives an interest in accordance with a written decision of the Minister.

### **Matrimonial Real Property Law**

The Chippewas of Kettle and Stony Point First Nation must enact a matrimonial real property law that establishes the rules and procedures to be applied on the breakdown of marriage that must not discriminate on the basis of sex and must provide for the best interests of children. Only Members are entitled to hold a permanent interest in First Nation Land. The matrimonial real property law once enacted under the *Land Code* supersedes the new federal spousal property legislation.

## **PART 8 DISPUTE RESOLUTION**

### **Panel, Purpose and Process**

Council will establish a dispute resolution panel that will provide facilitated discussion, mediation, negotiation and settlement services to assist in resolving disputes that may arise under the *Land Code* or a land law. All processes are optional and all other civil remedies continue to be available to Members and non-Members.

### **Powers of the Dispute Resolution Panel**

The Panel has the power to confirm or reverse a decision, substitute its own decision for the decision in dispute, direct that an action be taken or ceased, refer the matter or dispute back for a new decision.

## **PART 9 OTHER MATTERS**

### **Offences**

The summary conviction procedures of the Criminal Code apply to offences under the *Land Code* and land laws, unless some other procedure is made by a land law. Offences may be enforced by an appointed Justice of the Peace, or court of competent jurisdiction.

### **Commencement**

This *Land Code* will take effect if the Members approve this *Land Code* and the Individual Agreement with Canada. This *Land Code* comes into effect on the first day of the month following the certification of the *Land Code* by the Verifier.