

Land Code at a Glance - Summary

There are 9 Sections in this Land Code:

Part 1 - Preliminary Matters

This section introduces the Land Code to the reader and defines how the document should be read. There is a description of the terms that will be used in the document, an explanation of where the authority to govern comes from, what the purpose of the Land Code is and what lands the Land Code applies to (the reserve land description).

Part 2 - First Nations Legislation

This section outlines what law-making power Woodstock First Nation will have out of the Land Code and the procedure for how new land laws will be created and implemented (including where they will be published and when they take effect) under the Land Code.

Part 3 - Community Meetings and Approvals

This section defines how and what the process is for implementing various elements of the Land Code. For example, approving a Woodstock First Nation land use plan or enacting land laws requires community approval under the conditions defined in this section. This section also touches on the procedures for a “Meeting of Members”, the ratification process, approval thresholds for passing laws or other matters such as: i.e. development of a heritage site, amendment to the land code, or any other matter.

Part 4 - Protection of Land

This section outlines some of the key protections the Land Code offers- and the special conditions by which Woodstock First Nation could expropriate land (only by community approval through ratification vote) and the conditions for calculating compensation, and rights that may not be expropriated. This section also defines the necessity for a law on heritage sites and ensures no development or amendment can be made to the land use plan to get rid of a heritage site created under this law. Finally this section states that an agreement is necessary for Woodstock First Nation to exchange land with another party (i.e. First Nation, Province, and Federal Government) and there are conditions to be met for lands to be received (such as the need for an appointed negotiator, freedom of receiving additional compensation or land in trust, and federal commitment to add any lands to the existing reserve land base).

Part 5 - Accountability

This section deals with how the land code is administered by Woodstock First Nation, including the rules for a “conflict of interest” and the duty to report and abstain from participation in land matters where there is a conflict. Also, in the context of conflict of interest, this section defines the non-application of these rules for common interests, dealing with disputes and penalties.

This section also applies to how financial management, audit and financial reporting will be conducted – establishing separate lands bank accounts, signing officers, bonding, signing authorities, and the adoption of the fiscal year for operations and reporting. This

section also goes into detail about the specific rules for a year to year lands budget and financial policy. The final part of this section is about financial records and the member's right to access information on year to year financial statements, audit report, the annual report on lands, and the penalties for interference or obstructing the inspection of these records by another member- and the coordination and roles responsible for creating and making these documents public (i.e. auditor and council).

Part 6 - Land and Natural Resources Administration

This section begins by establishing the lands committee- it defines the composition, eligibility requirements, selection method, and term of office and dealing with vacancies. This section also will define how revenue monies from lands will be handled (from fees, leases etc.) and how the registration of land interests (leases, permits, licenses) will be conducted and how it is captured through First Nations Land Registry System (FNLRs) and a duplicate register if directed.

Part 7 – Interests and Licences in Land

This section relates more to the operation of the Woodstock First Nation lands administration and how it will address existing Certificates of Possession (CPs) and new land related interests (new CPs or allocations). This section defines that there will need to be written documents, standards created, and that consent will be necessary to process any granting or disposing of assignments of land. This section defines the rights of CP holders and the procedure for cancelling a CP, the transfer and use of a CP, and the situation when a CP holder ceases to be a member. This section also defines the limits on mortgages and seizures, transfers upon death, and the principles for spousal property law.

Part 8 - Dispute Resolution

This section is created to address how possible disputes that could arise by any benefactor (member of Woodstock First Nation) of the Land Code and how the process for addressing disputes will be conducted. For example, an adjudicator (a person/group that makes an official decision about something – especially regarding a disagreement) would be established to resolve disputes in relation to lands unless members could come to some resolve by way of an informal resolution of disputes. The section sets out the powers for the adjudicator, adjudication procedures and decisions and the member's ability to appeal these decisions and expectations around costs.

Part 9 - Other Matters

This section defines four items (could be more) to address common issues such as:

- Liability- the need for director and officer's insurance for land committee members,
- Offences and Enforcement- what are offences and what is the penalty,
- Amendments to Land Code- specifically the process for amending the land code,
- Commencement- defines when the actual start date will be.