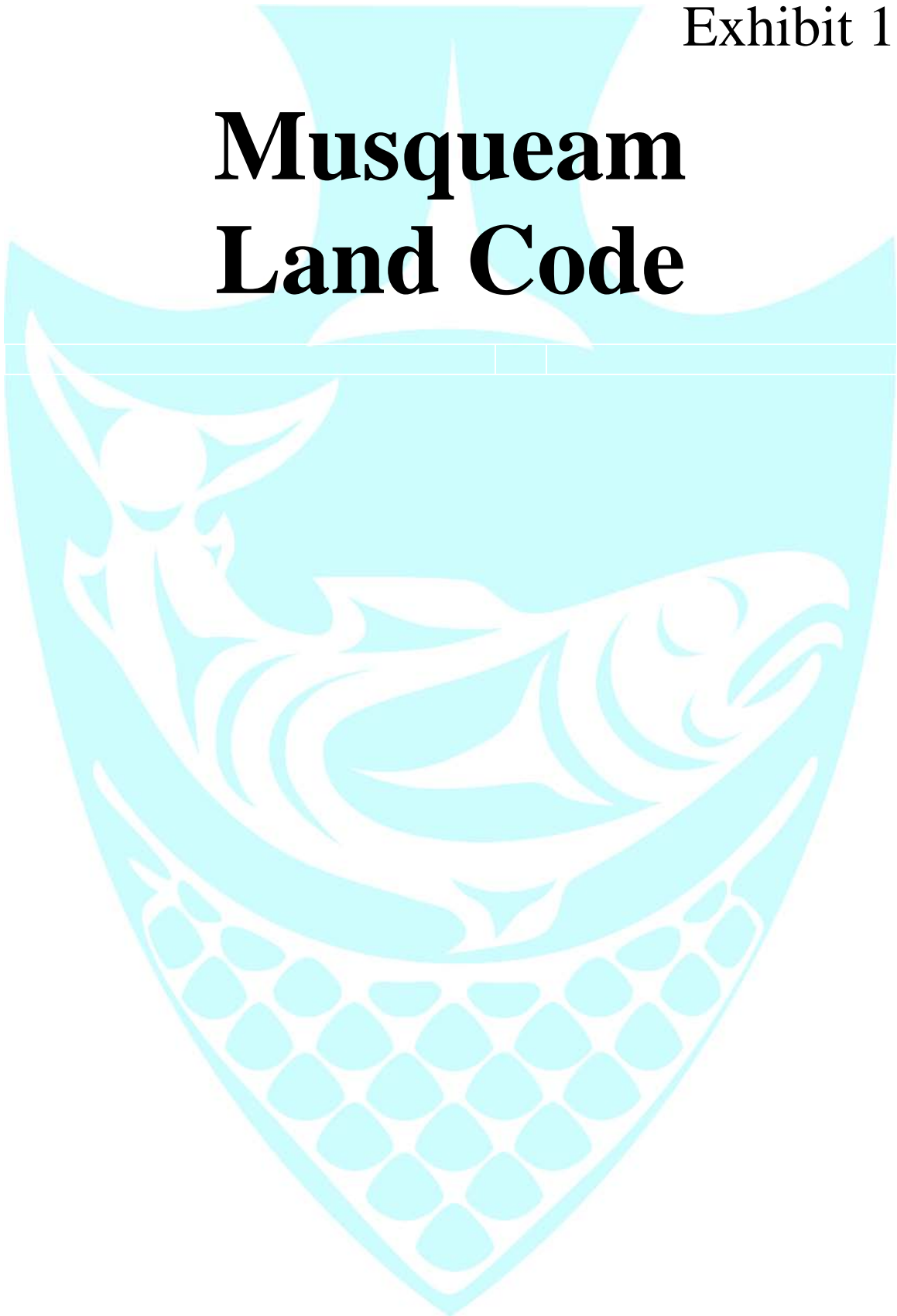


Exhibit 1

Musqueam Land Code



LAND CODE – MUSQUEAM INDIAN BAND

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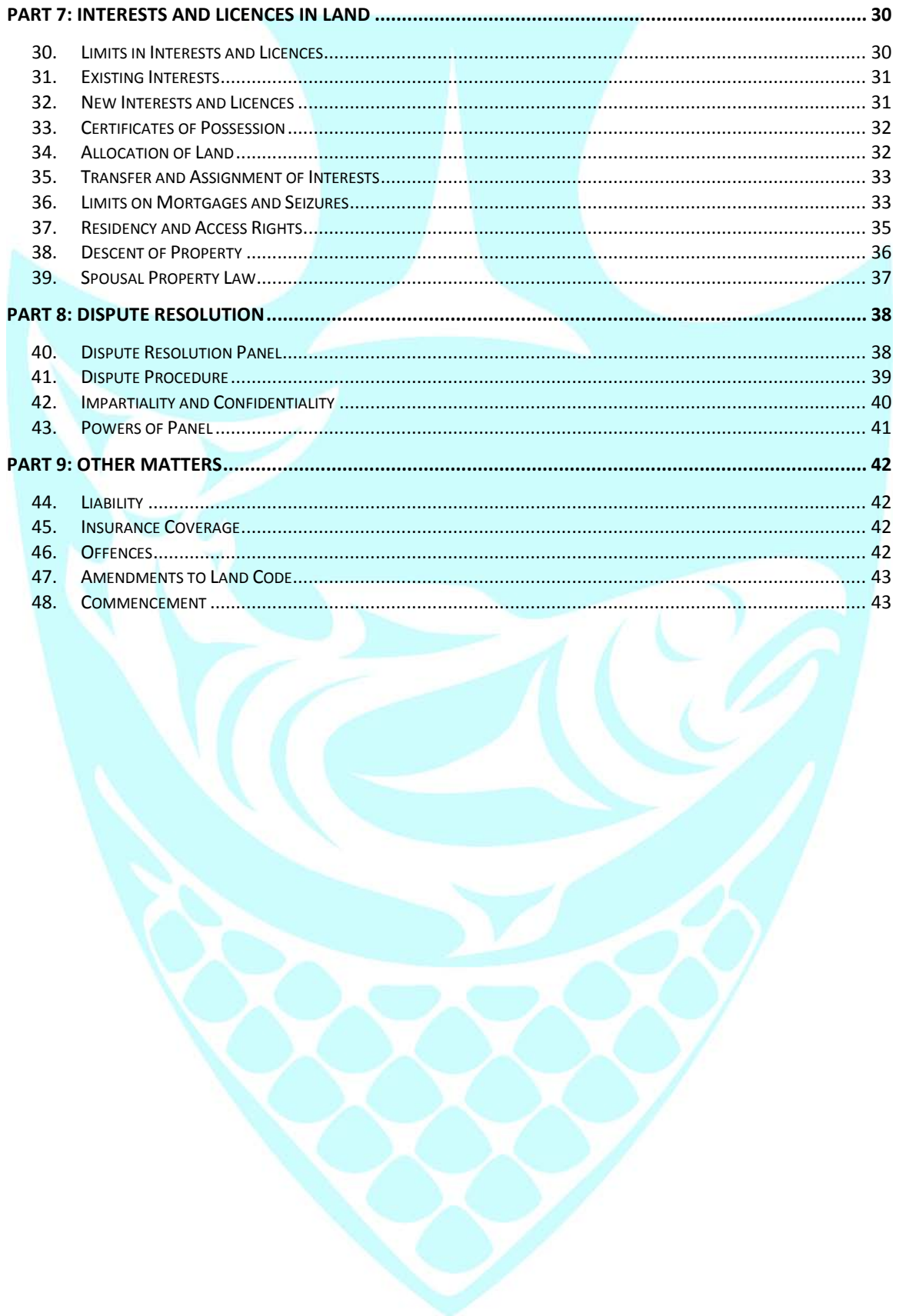
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Preamble

Whereas the Musqueam Indian Band has entered into the *Framework Agreement on First Nation Land Management* with Canada on February 12, 1996 that was ratified on behalf of the Government of Canada by the *First Nations Land Management Act*, S.C. 1999 c.24;

And Whereas the Musqueam Indian Band wishes to manage its lands and resources, rather than having its lands and resources managed by the Department of Indian Affairs on its behalf under the *Indian Act*:

Now Therefore, this Land Code is hereby enacted as the fundamental Land Law of the Musqueam Indian Band.

PART 1: PRELIMINARY MATTERS

1. Title

Title

- 1.1. The title of this enactment is the Musqueam Indian Band Land Code.

2. Interpretation

Definitions

- 2.1. The following definitions apply to this Land Code:

“Act” means the First Nations Land Management Act, S.C. 1999 c. 24, in force as at September 1, 2011;

“Certificate of Possession” means a certificate of possession in respect of First Nation Lands issued prior to the coming into force of this Land Code under section 20 of the Indian Act or a certificate of possession in respect of First Nation Lands issued after the coming into force of this Land Code under section 34 of this Land Code;

“C.P. Holder” means a person who has been issued a Certificate of Possession to First Nation Land either under the Indian Act or section 34 of this Land Code;

“Community” means the community constituted by the Members;

“Community Land” means any First Nation Land, other than First Nation Land held under a Certificate of Possession, in which all Members have a common interest;

“Council” means the elected Chief and Council of the Musqueam Indian Band;

“Duplicate Land Register” means the duplicate register maintained by the Musqueam Indian Band under section 29 of this Land Code;

“Elder” means any Member of the age of 60 years or older.

“Eligible Voter” means, for the purposes of voting in respect of land matters under this Land Code, a Member who has attained the age of eighteen (18) years of age on the day of the vote, regardless of advance polls;

“Extended Family”, in respect of a person, means the person’s grandparent, parent, uncle, aunt, cousin, sister, brother, child (natural or adopted), grandchild or Spouse;

“First Nation Land” means any portion of a reserve that is subject to this Land Code under section 5 of this Land Code which shall include all the rights and resources described in section 2.6 including land, water and air resources;

“First Nation Land Register” means the register maintained by the Department of Indian Affairs and Northern Development under the Framework Agreement or any other register that replaces such register;

“Framework Agreement” means the Framework Agreement on First Nation Land Management entered between the Minister of Indian Affairs and Northern development and the Chiefs of the fourteen First Nations, including the Musqueam Indian Band, on February 12, 1996, as amended from time to time;

“Individual Agreement” means the Individual Agreement related to this Land Code made between the Musqueam Indian Band and Her Majesty in right of Canada dated _____

“Lands Committee” means the Lands Committee established under section 24 of this Land Code;

“Land Use Plan” means at any time the then current land use plan for the First Nation Land duly approved pursuant to the Zoning Law of the Musqueam Indian Band as amended or replaced from time to time;

“Law” means a law enacted pursuant to this Land Code;

“Meeting of Members” means a meeting under section 13 of this Land Code;

“Member” means a person whose name appears on the Musqueam Indian Band Membership List;

“Musqueam Indian Band” means the Musqueam Indian Band, a band for the purposes of the Indian Act;

“Musqueam Indian Band Membership List” means the Membership List maintained under the Musqueam Indian Band Membership Code as the same is amended from time to time.

“Panel” means the Dispute Resolution Panel established under section 40 of this Land Code;

“Ratification Vote” means a vote of Eligible Voters under section 14 of this Land Code;

“Resolution” means a resolution approved by a majority of the Council passed under this Land Code;

“Spouse” means a person who is married to another, whether by a Musqueam traditional, religious or civil ceremony and any person who is cohabiting in a common law relationship with an individual in a conjugal relationship and has so cohabited on a continuous basis for a period of at least two years;

“Youth” means any Member between the age of 18 - 29 years.

Paramourncy

- 2.2. If there is any inconsistency or conflict between this Land Code and any other enactment of the Musqueam Indian Band, this Land Code prevails to the extent of the inconsistency or conflict. If there is an inconsistency or conflict between this Land Code and the Framework Agreement, the Framework Agreement prevails to the extent of the inconsistency or conflict.

Non-abrogation

- 2.3. This Land Code does not abrogate or derogate from any Aboriginal or other rights or freedoms that pertain now or in the future to the Musqueam Indian Band or its Members including, without limitation, rights to land, water and air and natural resources.

Fair interpretation

- 2.4. This Land Code shall be interpreted in a fair, large and liberal manner.

Fiduciary relationship

- 2.5. This Land Code does not abrogate or limit the fiduciary relationship between Her Majesty and the Musqueam Indian Band and its Members.

Lands and interests affected

- 2.6. A reference to “land” in this Land Code means all rights and resources that belong to the land, and includes
- (a) the water, beds underlying water, riparian rights, air rights and renewable and non-renewable natural resources belonging to that land, water or air, to the extent that these are under the jurisdiction of Canada or the First Nation; and
 - (b) all the interests and licenses granted to the Musqueam Indian Band by Her Majesty in right of Canada listed in the Individual Agreement.

3. Authority to Govern

Inherent Right of Self-Government

- 3.1. The authority of the Musqueam Indian Band to govern its lands and resources flows from the inherent right of self government of the Band.

4. Purpose

Purpose

- 4.1. The purpose of this Land Code is to set out the principles and administrative structures that apply to First Nation Land and by which the Musqueam Indian Band will exercise authority over First Nation Land.

Ratification

- 4.2. The Framework Agreement is ratified and confirmed by the Band when this Land Code takes effect.

5. Description of First Nation Land

First Nation Land

- 5.1. The First Nation Land that is subject to this Land Code consists of Musqueam Indian Reserves 2, 3 and 4 including, but not limited to, any sub-surface rights. This Land Code governs all of the land legally described in the Individual Agreement.

Excluded lands

- 5.2. Despite section 5.1, the land described as follows is excluded from the application of this Land Code and may be included after it is cleaned up and a full environmental assessment declares it to be free of environmental hazard and safe for community use: [none].

Additional Lands

- 5.3. Any land or interest acquired by the Musqueam Indian Band after this Land Code takes effect that are reserve lands under the Indian Act, whether by treaty, accretion, purchase or other processes, will be made subject to this Land Code when an environmental audit declares it free of environmental hazard and safe for community use.

Inclusion of land or interest

- 5.4. When the relevant conditions in sections 5.2 and 5.3 of this Land Code are met, the Council shall call a Meeting of Members under section 13 of this Land Code and, if authorized by a majority of those voting at the Meeting of Members, may by passing a Resolution declare the land or interest to be subject to this Land Code.

PART 2: FIRST NATION LEGISLATION

6. Law-Making Powers

Council may make laws

- 6.1. The Council may, in accordance with this Land Code, make Laws respecting:
- (a) the development, protection, management, use and possession of First Nation Lands,
 - (b) interests and licences in relation to First Nation Land and
 - (c) any matter necessary or ancillary to the making of laws in relation to First Nation Lands including the delegation of powers to personnel to administer this Land Code.

Examples of laws

- 6.2. For greater certainty, and without limitation, Council may make Laws relating to the following matters:

- (a) The regulation, control and prohibition of zoning, land use, subdivision control and land development including, without limitation, the establishment of a process for reviewing development plans before a lessee or permittee of First Nation Lands may construct or replace works on First Nation Lands;
- (b) the creation, acquisition, granting, regulation and prohibition of interests and licenses in relation to First Nation Land and with regard to residency, access and trespass to First Nation Land;
- (c) environmental assessment and protection;
- (d) the provision of local services in relation to First Nation Land and the imposition of equitable user charges; and
- (e) the provision of services for the resolution, outside the courts, of disputes in relation to First Nation Land

and may make Laws either on its own initiative or following a recommendation from the Lands Committee.

7. Law Making Procedure

- 7.1. A proposed law may be introduced at a duly convened meeting of the Council by:
 - (a) the Chief or a Councillor; or
 - (b) the Lands Committee.
- 7.2. Before a proposed Law may be enacted by the Council, it must first be:
 - (a) tabled at a meeting of the Council held at least 28 days before the Law is to be enacted together with a legal review; and
 - (b)
 - (c) posted on public notice boards on First Nation Land and advertised in the Community newsletter at least 21 days before the Law is to be enacted.
 - (d) altered, if deemed necessary or desirable by the Council, following any Community consultation at least 14 days before the Law is to be enacted.

Urgent matters

- 7.3. The Council may enact a Law without the preliminary steps required under section 7.2, if the Council is of the opinion that the Law is needed urgently to

protect First Nation Land or the Members, but the Law expires 28 days after its enactment, unless re-enacted in accordance with section 7.2.

Approval of Law by Council

- 7.4. A Law is enacted if it is approved by a majority of the Council at a meeting of the Council open to the Members.

Certification of Laws

- 7.5. The original copy of any Law or resolution concerning First Nation Land shall be signed by not less than a quorum of Council Members.

8. Publication of Laws

Publication

- 8.1. All Laws shall be published in the minutes of the Council.

Posting Laws

- 8.2. Within 7 days after a Law has been enacted, the Council shall post a copy of the Law in the administrative offices of the Musqueam Indian Band and to the Band's website and give notice of it to Eligible Voters in the Community newsletter but failure to do so shall not affect the validity of the Law.

Registry of Laws

- 8.3. The Council shall cause to be kept, at the administrative offices of the Musqueam Indian Band, a register of the original copy of all Laws and Resolutions, including Laws and Resolutions that have been repealed or are no longer in force.

9. Commencement of Laws

Laws taking effect

- 9.1. A Law enacted by the Council takes effect on the date of its enactment or such later date as specified by or under the Law.

PART 3: COMMUNITY INPUT AND APPROVALS

10. Rights of Eligible Voters

Rights of Eligible Voters

10.1. Each Member who is at least 18 years of age on the meeting date is eligible to vote at a Meeting of Members and at a Ratification Vote.

11. Community Input

Prior meeting of Members

11.1. The Council shall convene a Meeting of Members to receive their input prior to the introduction of a Law:

- (a) respecting a community plan or a subdivision plan;
- (b) declaring land or an interest referred to in section 5.2 or 5.3 to be subject to this Land Code;
- (c) affecting a heritage site or an environmentally sensitive property;
- (d) respecting environmental assessment;
- (e) respecting the transfer and assignment or interests in First Nation Land;
- (f) respecting the rate and criteria for the payment of fees or rent for First Nation Land;
- (g) respecting any other matter or class of matter that Council, by Resolution, declares to be subject to this section; and
- (h) respecting the property rights of Spouses.

Process to implement Laws

11.2. Subject to section 39 of this Land Code, the Lands Committee shall, within a reasonable time after this Land Code takes effect, establish a community process to develop and implement the Laws referred to in section 11.1.

12. Community Approval

Community approval by meeting

12.1. Community approval by a majority of those Eligible Voters present at a Meeting of Members must be obtained for the following:

- (a) any Land Use Plan;

- (b) except in favour of the Band, any grant, transfer or disposition of an interest or licence in any First Nation Land exceeding a term of 25 years;
- (c) except in favour of the Band, any renewal of a grant or disposition of an interest or licence in any First Nation Land that extends the original term beyond 25 years;
- (d) except in favour of the Band, any grant or disposition of any natural resources, including water or air resources, on any First Nation Land exceeding a term of 5 years;
- (e) subject to section 36.3 of this Land Code, any lease or charge or mortgage of Community Lands;
- (f) any Law on the property rights of Spouses enacted under section 39.5 of this Land Code; and
- (g) any Law or class of Law that Council, by resolution, declares to be subject to this section.

13. Procedure at a Meeting of Members

Voting

- 13.1. Decisions at all Meetings of Members are to be made by a majority vote of those Eligible Voters present at the meeting. The manner of voting on a Ratification Vote under section 14.1 shall be decided by the Members at the Meeting of Members which shall consist of a show of hands or a secret ballot.

Notice of meeting

- 13.2. The Council shall give written notice of the Meeting of Members that
- (a) specifies the date, time and place of the meeting; and
 - (b) contains a brief description of the matters to be discussed and decided on at the meeting.

Manner of notice

- 13.3. The notice of a Meeting of Members must be given to the Members by:
- (a) posting the notice on public notice boards on First Nation Land and on the website of the Musqueam Indian Band at least 21 days before the meeting;

- (b) delivering or mailing the notice to the Members at least 21 days before the meeting to the latest address that the Band has received from that Member;
- (c) publishing the notice in the community newsletter at least 21 days before the meeting; and
- (d) such additional or alternative method as the Council may consider appropriate in the circumstances.

Who may attend

- 13.4. All Members have a right to attend a Meeting of Members, but non-Members may only attend with the permission of the Council and consensus of those attending the meeting and, if consensus is not reached, by a majority vote of those Eligible Voters present at the Meeting.

Quorum

- 13.5. The quorum for a regular Meeting of Members under this Land Code is “10 % + 1” of Eligible Voters. The quorum for a Meeting of Members to pass a Ratification Vote under section 14.1 of this Land Code is “20% +1” of Eligible Voters.

Other meetings

- 13.6. The Council may schedule more than one Meeting of Members to discuss and decide on a matter that requires a Meeting of Members and, in any event, at least two meetings for matters that Council, by Resolution, declares requires at least two meetings.

Other Laws

- 13.7. For greater certainty, the Council may make Laws respecting Meetings of Members.

14. Ratification Votes

Community approval by Ratification Vote

- 14.1. Community approval by a Ratification Vote passed by a majority of Eligible Voters present at a Meeting of Members must be obtained for the following:
- (a) any development to a heritage site referred to in section 16 of this Land Code;

- (b) any voluntary exchange of Community Land;
- (c) any amendment to the Individual Agreement that reduces the amount owing of funding provided by Canada;
- (d) any Law or class of Law that Council, by resolution, declares to be subject to this section;
- (e) any Law or class of Law under this Land Code that deals with deaths, wills and testaments;
- (f) any Law or class of Law under this Land Code that deals with environmental protection; and
- (g) any Law relating to the property rights of Spouses.

Individual Agreement with Canada

- 14.2. An amendment to, or renewal of, the Individual Agreement does not require community approval by a Ratification Vote, unless the amendment or renewal reduces the amount of funding provided by Canada.

Ratification Process

- 14.3. Any Ratification Vote required to approve an amendment to this Land Code under section 47 of this Land Code shall be conducted in substantially the same manner as the Musqueam Indian Band Community Ratification Process, which was used to ratify this Land Code.

No verifier

- 14.4. A verifier is not needed in any Ratification Vote, except a vote on an amendment to this Land Code required under section 47 of this Land Code.

Requirements for approval

- 14.5. A matter shall be considered approved at a Ratification Vote for the purposes of section 14.1 if a majority of those Eligible Voters present at the Meeting of Members cast a vote in favour of the matter.

Other Laws

- 14.6. For greater certainty, the Council may make Laws respecting Ratification Votes.

Quorum

- 14.7. For greater certainty, the quorum for a Meeting of Members to pass a Ratification Vote under section 14.1 shall be “20% + 1” as set out in section 13.5.

PART 4: PROTECTION OF LAND

15. Expropriation

Rights and interest that may be expropriated

- 15.1. An interest or license in First Nation Land, or in any building or other structure on those lands, may be expropriated by the Musqueam Indian Band acting through the Council in accordance with the Framework Agreement, this Land Code and any Law enacted in accordance with section 15.3. Expropriated interests shall continue in accordance with their terms and conditions as the property of the Band free of any previous claims or encumbrances. The effective date for an expropriation will be determined in accordance with section 28(3) of the Act.

Community works and purposes

- 15.2. In accordance with the rules and procedures contained in this Land Code, the Musqueam Indian Band acting through the Council may expropriate any interest in First Nation Land that, in the opinion of Council, is necessary for community works or other community purposes including but not limited to: a fire hall, sewage or water treatment facility, public works, cemetery, roads, schools, economic development for the benefit of the Community and “not-for-profit” facilities such as day-care facilities, hospitals, health-care facilities, retirement homes, community centres and other similar community facilities and to protect heritage sites.

Expropriation Laws

- 15.3. Before proceeding to make any expropriations in accordance with this Land Code, the Council shall enact a Law respecting the rights and procedures for expropriations, including provisions respecting:
- (a) the taking of possession of the interest or licence;
 - (b) transfer of the interest or licence;
 - (c) notice of expropriation and service of the notice of expropriation;
 - (d) entitlement to compensation;

- (e) determination of the amount of compensation; and
- (f) the method of payment of compensation.

Public report

- 15.4. Before the Musqueam Indian Band decides to expropriate an interest or licence, the Council shall make a report on the reasons for the expropriation that it will arrange to be posted on public notice boards on the First Nation Land.

Rights that may not be expropriated

- 15.5. An interest of Her Majesty the Queen in right of Canada or the Province of British Columbia arising under section 35 of the Indian Act is not subject to expropriation by the Musqueam Indian Band.

Acquisition by mutual agreement

- 15.6. The right of the Musqueam Indian Band to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest or licence in First Nation Land.

Community input

- 15.7. An expropriation of a Member's interest has no effect unless the proposed expropriation first receives input from the community at a Meeting of Members followed by a recommendation from the Land Committee and is approved by a Resolution of the Council.

Compensation for rights and interests

- 15.8. The Musqueam Indian Band shall, in accordance with its Laws and the Framework Agreement,
- (a) serve reasonable notice of the expropriation on each affected holder of the interest or licence to be expropriated;
 - (b) pay fair compensation to the holders of the interest or licence being expropriated as determined under section 15.10;

and no land will be expropriated when the Musqueam Indian Band has insufficient funds to provide fair compensation as described in section 15.10 of this Land Code.

Fair Compensation

- 15.9. If the parties agree on a mutually agreed upon professional land appraiser, the fair compensations for an interest or licence that is being expropriated will be determined by that mutually agreed upon professional land appraiser in accordance with section 15.10. The terms of reference for the appraisal shall be as determined by the parties. The costs for the appraiser shall be borne by the Musqueam Indian Band. If the parties cannot agree upon a professional land appraiser to determine fair market value within 21 days, the matter will be determined in accordance with section 15.10 by arbitration held in accordance with section 15.13.
- 15.10. The fair compensation for an expropriated interest or licence will be determined in accordance with section 28(5) of the Act and by applying the rules set out in the Expropriation Act (Canada), R.S.C. 1985 c. E-2, with such modifications as the circumstances require. Subject to the last sentence, the fair compensation for an expropriated interest or licence shall reflect the provisions of this Land Code and any restrictions on what may be done with the interest or licence, its current term and the need to obtain approvals.

Neutral evaluation to resolve disputes

- 15.11. The resolution of disputes concerning the right of the Musqueam Indian Band to expropriate shall be referred to neutral evaluation, in the same manner as provided in Part IX of the Framework Agreement, and the 60 day period referred to in clause 32.6 of the Framework Agreement shall be applied, as appropriate in the circumstances, by the neutral evaluator.
- 15.12. The Dispute Resolution Panel established under section 40 of this Land Code shall be used if all of the parties wish to use it instead of the procedure described in 15.11.

Arbitration to resolve disputes

- 15.13. The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part IX of the Framework Agreement using the Domestic Commercial Arbitration Rules of the British Columbia Commercial Arbitration Centre:
- (a) disputes concerning the right of the holder of an expropriated interest or licence to compensation; and
 - (b) disputes concerning the amount of the compensation if the parties cannot agree upon a mutually agreed professional land appraiser within 21 days under section 15.9.

16. Heritage Sites

Community approval of development

- 16.1. No development shall be allowed on any site designated as a heritage site under the Land Use Plan, unless the development receives community approval by a Ratification Vote as provided in section 14.1 of this Land Code.

Land Use Plan

- 16.2. No amendment may be made to a Land Use Plan to delete a heritage site unless the amendment receives community approval by a Ratification Vote as provided in section 14.1 of this Land Code.

17. Voluntary Exchanges and Protections

Conditions for a land exchange

- 17.1. The Musqueam Indian Band may agree with another party to exchange a parcel of First Nation Land for a parcel of land from the other party in accordance with this Land Code, the Framework Agreement and section 27 of the Act.

No effect

- 17.2. A land exchange is of no effect unless it receives community approval by a Ratification Vote under section 14.1 of this Land Code.

Land to be received

- 17.3. No land exchange may occur unless the land to be received in the exchange:
- (a) is of equal to or greater than the area of First Nation Land to be exchanged;
 - (b) is at least comparable to the appraised value of the First Nation Land; and
 - (c) becomes a reserve and First Nation Land subject to this Land Code.

Negotiators

- 17.4. The persons who will have authority to negotiate a land exchange agreement on behalf of the Musqueam Indian Band must be designated by Council by way of a Resolution.

Additional land

- 17.5. The Musqueam Indian Band may negotiate to receive other compensation, such as money or one or more other parcels of land, in addition to the parcel referred

to above which is intended to become a reserve. Such other parcels of land may be held by the Musqueam Indian Band in fee simple or some other manner.

Federal consent

17.6. Before the Musqueam Indian Band concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of Canada:

- (a) consents to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as the Council may specify by Resolution; and
- (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

17.7. At such time as negotiation of the land exchange agreement is concluded and at least 21 days before the Ratification Vote provided in section 17.2, the Council or the Lands Committee shall provide the following information to Eligible Voters in a manner that is consistent with the confidential nature of the information:

- (a) a description of the First Nation Land to be exchanged;
- (b) a description of the land to be received by the Musqueam Indian Band;
- (c) a description of any other compensation to be exchanged;
- (d) a report of a certified land appraiser setting out that the conditions in section 17.3 have been met;
- (e) a copy or summary of the exchange agreement; and
- (f) a copy of the statement referred to in section 17.6.

Process of land exchange

17.8. The land exchange agreement shall provide that:

- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;

- (b) the Council must pass a Resolution authorizing Canada to transfer title to the First Nation Land being exchanged, in accordance with the exchange agreement; and
- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nation Lands Register.

PART 5: ACCOUNTABILITY

18. Conflict of Interest

Application of rules

18.1. The rules in section 18.2 apply to the following persons:

- (a) each Member of the Council who is dealing with any matter before Council that is related to First Nation Land;
- (b) each person who is an employee of the Musqueam Indian Band dealing with any matter that is related to First Nation Land; and
- (c) each person who is a member of a board, committee or other body of the Musqueam Indian Band dealing with any matter that is related to First Nation Land.

Duty to report and abstain

18.2. If there is any interest, financial or otherwise, in the matter being dealt with that might involve the person or his or her Extended Relatives, the person:

- (a) shall disclose the interest to the Council, or the board, committee or other body as the case may be; and
- (b) shall not take part in any deliberations on that matter or vote on that matter.

Common interests

18.3. Section 18.2 does not apply to any interest that is held by a Member in common with every other Member including Community Land.

Meeting of Eligible Voters

18.4. If the Council is unable to vote on a proposed Law or Resolution due to a conflict of interest, the Council may refer the matter to a Meeting of Members and, if a quorum of Eligible Voters is present in accordance with section 13.5, a

majority of the Eligible Voters present at the meeting may enact the Law or Resolution.

Inability to act

- 18.5. If a board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to Council.

Specific conflict situations

- 18.6. Not more than two members from the same Extended Family may be members of a board, committee or other body dealing with any matter that is related to First Nation Land. For greater certainty, this section does not apply to the Council.

Disputes

- 18.7. Questions about whether a breach of this section have occurred may be referred to the Dispute Resolution Panel.

Other Laws

- 18.8. For greater certainty, the Council may enact Laws to further implement this section.

19. Financial Management

Application

- 19.1. This section and sections 20-23 apply only to financial matters relating to First Nation Land.

Establishment of bank accounts

- 19.2. The Council shall maintain one or more financial accounts in a financial institution in accordance with generally accepted accounting practices and shall deposit in those accounts
- (a) transfer payments received from Canada for the management and administration of First Nation Land;
 - (b) moneys received by the Musqueam Indian Band from the grant or disposition of any interests or licences in First Nation Land;
 - (c) all fees, fines, charges and levies collected under a Law or Resolution;

- (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licences in First Nation Land;
- (e) any other revenue received by the Musqueam Indian Band; and
- (f) revenues from natural resources belonging to the Musqueam Indian Band.

Signing officers

- 19.3. The Council shall authorize at least three persons who qualify for fidelity bonds, two of whom shall be a Member of the Council, to sign cheques and other bills of exchange or transfer drawn on the accounts referred to in Section 19.2.

Two signatures

- 19.4. A cheque or other bill of exchange or transfer drawn on the account must be signed by at least two persons authorized under section 19.3.

Fiscal year

- 19.5. The fiscal year of the Musqueam Indian Band begins on April 1 of each year and ends on March 31 of the following year.

Adoption of budget

- 19.6. The Council shall, by Resolution, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Council deems it necessary in the course of the fiscal year, adopt supplementary budgets for that fiscal year.

Procedure

- 19.7. After adopting the land management budget or supplementary budget, the Council shall, without undue delay:
- (a) explain the budget or supplementary budget to the Members at the next annual Meeting of Members that is called to consider the annual budget of the Musqueam Indian Band; and
 - (b) make a copy of the budget or supplementary budget available at the administrative offices of the Musqueam Indian Band for inspection by Members between 10 am and 2 pm (excluding times that the band offices are closed for business) on days that those offices are open to the Members.

If no budget

19.8. If the Council fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary budgets of the previous fiscal year apply until a new budget is adopted.

Budget rules

19.9. The Council may make rules respecting the preparation and implementation of land management budgets.

Expenditures

19.10. The Council may not expend moneys related to land or commit itself, by contract or otherwise, to expend moneys related to land, unless the expenditure is authorized by or under a Law or an approved budget.

Financial Policy

19.11. The Council may, in accordance with this Land Code, adopt a financial policy to further manage moneys related to First Nation Land.

20. Financial Records

Financial records

20.1. The Musqueam Indian Band shall keep financial records related to land in accordance with generally accepted accounting principles.

Offences

20.2. A person is guilty of an offence if the person

- (a) impedes or obstructs anyone from exercising their right under sections 19.7(b) and 21 to inspect the financial records of the Musqueam Indian Band; or
- (b) has control of the books or account or financial records of the Musqueam Indian Band and fails to give all reasonable assistance to anyone exercising their right under sections 19.7 (b) and 21 to inspect the financial records.

Preparation of Financial statement

20.3. Within 90 days after the end of each fiscal year, the Council on behalf of the Musqueam Indian Band shall arrange for the preparation of a financial

statement in comparative form relating to management of First Nation Land, containing at a minimum:

- (a) balance sheet;
- (b) a statement of revenues and expenditures and a comparison of these with the amounts stated in the land management budget and any supplementary budget; and
- (c) any other information necessary for a fair presentation of the financial position of the Musqueam Indian Band.

Consolidated accounts, etc.

- 20.4. The accounting, auditing and reporting requirements of this Land Code may be done together with, and consolidated with, the other accounts, audits and reports of the Musqueam Indian Band.

21. Audit

Appointment of auditor

- 21.1. For each fiscal year, a duly accredited auditor shall be appointed to audit the financial records of the Musqueam Indian Band relating to First Nation Land.

Holding office

- 21.2. The auditor appointed under this section holds office until reappointed, or replaced.

Vacancy in office

- 21.3. Where a vacancy occurs during the term of an auditor, the Council shall, without delay, appoint a new auditor for the remainder of the former auditor's term.

Remuneration

- 21.4. The auditor's remuneration shall be fixed by the Council.

Duty of auditor

- 21.5. The auditor shall, within 120 days after the end of the Musqueam Indian Band's fiscal year, prepare and submit to the Council, a report on the Musqueam Indian Band's financial statement relating to First Nation Land, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial

position of the Musqueam Indian Band relating to First Nation Land in accordance with generally accepted accounting principles applied on a basis consistent with that applied in the previous fiscal year.

Access to records

- 21.6. In order to prepare the report on the Musqueam Indian Band's financial statement, the auditor may at all reasonable times inspect any financial records of the Musqueam Indian Band and any person or body who administers money on behalf of the Musqueam Indian Band.

Explanation of Auditor's report

- 21.7. The Council shall present the auditor's report to the Members at a Meeting of Members.

22. Annual Report

Publish annual report

- 22.1. The Council, within 30 days of receiving an audit report under section 21.5, shall prepare and provide to Members an annual report on First Nation Land issues which shall include:
- (a) an annual review of land management;
 - (b) a copy and explanation of the audit report as it applies to First Nation Land;
 - (c) a summary of the audit report; and
 - (d) any other matter considered worth including by the Council or Lands Committee.

23. Access to Information

Access

- 23.1. Any Musqueam Indian Band Member may, during normal business hours at the main administration office of the Musqueam Indian Band, have reasonable access to
- (a) the register of Laws;
 - (b) the auditor's report and summary; and

- (c) the annual report on First Nation Land issues.

PART 6: LAND ADMINISTRATION

24. Lands Committee

Lands Committee Established

24.1. The Lands Committee is hereby established to:

- (a) assist with the development of the land administration system;
- (b) advise the Council and its staff on matters respecting First Nation Land;
- (c) recommend to Council Laws, Resolutions, policies and practices respecting First Nation Land;
- (d) hold regular and special meetings of Members to discuss land issues and make recommendations to Council on the resolution of these land issues;
- (e) assist in the flow of information on land issues between Members and the Council; and
- (f) oversee community approvals under this Land Code.

Development of land related rules and procedures

24.2. Within a reasonable time after this Land Code takes effect, the Lands Committee shall, in consultation with the community, ensure that rules and procedures are developed that address the following matters:

- (a) environmental protection and assessment in relation to First Nation Land;
- (b) any outstanding issues on the resolution of disputes in relation to First Nation Land;
- (c) land use planning and zoning;
- (d) a Law to be passed under section 39 respecting the property rights of Spouses and whether any change should be made to the policy upon which that section is based; and
- (e) the process and criteria for granting interests in First Nation Land.

Presentation to Council

24.3. The rules and procedures, developed under Section 24.2, shall be presented by the Lands Committee to the Council for consideration as policies, Laws or amendments to this Land Code, whichever is most appropriate in the view of the Lands Committee.

Formal procedures

24.4. The Lands Committee may establish rules for the procedure at its meetings and generally for the conduct of its business matters, not inconsistent with those established by Council.

25. Membership of the Lands Committee

Composition

25.1. The Lands Committee shall be composed of 7 Members, including the chairperson, all of whom must be Eligible Voters.

Eligibility to be appointed as a Lands Committee Member

25.2. Any Eligible Voter, whether resident on or off First Nation Land, is eligible for appointment to the Lands Committee, except for the following persons:

- (a) unless waived by a Majority vote of those Eligible Voters present at a Meeting of Members, any person convicted of an offence that was prosecuted by way of indictment;
- (b) any person who is an undischarged bankrupt or owes money to the Musqueam Indian Band; and
- (c) any person convicted of a corrupt practice in connection with an election, including accepting a bribe, dishonesty or wrongful conduct.

Appointment of Lands Committee Members

25.3. The Members of the Lands Committee are to be appointed by Council as follows:

- (a) two Eligible Voters;
- (b) one representative of the Elder Community;
- (c) one representative of the Youth Community ; and
- (d) the other 3 Members are to be members of the Council.

Term of office

- 25.4. The length of the term of office for Members of the Lands Committee is the same as for Council.

Law

- 25.5. The Council shall enact a Law to establish a procedure for the appointment of the Lands Committee, including transitional rules for the first members of the Lands Committee.

Vacancy on Lands Committee

- 25.6. The office of a member of the Lands Committee becomes vacant if the person, while holding office:
- (a) is or becomes ineligible to hold office under section 25.2;
 - (b) is or becomes ineligible because of a transfer of Membership from the Musqueam Indian Band;
 - (c) is absent for 2 consecutive meetings of the Lands Committee for a reason other than illness or incapacity, and without being authorized to do so by the majority of the Lands Committee; and
 - (d) becomes mentally incompetent or deceased.

Vacancy in term

- 25.7. Where the office of an appointed member of the Lands Committee becomes vacant for more than 90 days before the date when another appointment would ordinarily be held, an appointment will be made by Council in accordance with this Land Code to fill the vacancy.

Balance of term of office

- 25.8. A member of the Lands Committee appointed to fill a vacancy remains in office for the balance of the term in respect of which the vacancy occurred.

26. Chairperson of the Lands Committee

Chairperson

- 26.1. The Chairperson shall be chosen by the Lands Committee from among its members.

Alternate Chairperson

- 26.2. If the Chairperson is unable to perform the functions of the office, either temporarily or on a long term basis, the Lands Committee shall appoint one of the other Lands Committee members, or an Eligible Voter, to act as or be the Chairperson, subject to confirmation by the Council.

Functions of Chairperson

- 26.3. The duties of the Chairperson are to:
- (a) ensure the preparation of financial statements relating to all activities of the Lands Committee, including the revenues and expenditures concerning First Nation Lands;
 - (b) table the Land Committee's financial statements with the Council;
 - (c) report to the Musqueam Indian Band on the activities of the Lands Committee; and
 - (d) ensure the audited annual financial statements are prepared and provided by Council under section 22.1;
 - (e) act in accordance with the terms of reference for the Lands Committee.

27. Revenues from Lands

Determination of Fees, and rent

- 27.1. The Lands Committee shall, subject to the approval of the Council, establish the process for determining:
- (a) the fees and rent and other payments for interests and licences in Community Land; and
 - (b) the fees for services provided in relation to any First Nation Land.

28. Registration of Interests and Licences

Enforcement of Interests and services

- 28.1. An interest or licence in First Nation Land created or granted after this Land Code shall have priority based on the order that it is registered in the First Nations Land Register unless expressly postponed to a subsequent interest or licence by a document registered in that Register.

Consent or approval

- 28.2. An instrument requiring the consent of Council or the approval of the Community is null and void unless the instrument includes a certificate signed by a member of the Council that confirms that the required approval has been obtained.

Duty to deposit

- 28.3. The Council shall pass a Law to require that an original copy of the following instruments is deposited in the First Nation Land Register:
- (a) any grant of an interest or licence in First Nation Land;
 - (b) any transfer or assignment of an interest in First Nation Land;
 - (c) every Land Use Plan, subdivision plan or resource use plan; and
 - (d) this Land Code and any amendment to this Land Code.

29. Duplicate Lands Register

Power to maintain duplicate register

- 29.1. The Council may maintain a Duplicate Land Register in the same form and with the same content as the First Nations Land Register.

Duty to deposit

- 29.2. Every person who receives an interest or licence in First Nation Land shall deposit an original copy of the relevant instrument in the Duplicate Land Register.

PART 7: INTERESTS AND LICENCES IN LAND

30. Limits in Interests and Licences

All dispositions in writing

- 30.1. An interest in, or licence to use, First Nation Land may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this Land Code.

Standards

30.2. The Council may establish mandatory standards and criteria for interests and licences in First Nation Land.

Improper transactions void

30.3. A deed, lease, contract, instrument, document or other agreement, by which the Musqueam Indian Band, a Member or any other person purports to grant, dispose of, transfer or assign an interest or licence in First Nation Land after the date of this Land Code takes effect is void if it contravenes this Land Code or if it is not in writing.

Non-Members

30.4. A person who is not a Member may only hold an interest in a lease, licence or permit in First Nation Land. For greater certainty, a person who is not a Member shall not be issued a Certificate of Possession and shall acquire no interest in a Certificate of Possession by transfer, by devise or by descent.

31. Existing Interests

Continuation of existing interests

31.1. Any interest or licence in First Nation Land that existed when this Land Code takes effect will, subject to this Land Code, continue in force in accordance with its terms and conditions. Any renewals in any interest or licence in First Nation Land undertaken after this Land Code takes effect will be in accordance with the terms and conditions of this Land Code.

32. New Interests and Licences

Authority to make dispositions

32.1. Subject to any required approval of the Community under section 12.1 and any Law, the Council may, on behalf of the Musqueam Indian Band, grant:

- (a) interests and licences in Community Lands, including Certificates of Possession, leases, permits, easements and rights-of-ways; and
- (b) permits to take natural resources from Community Lands, including cutting timber or gathering fallen timber or driftwood, or removal of minerals, stone, sand, gravel, clay, soil or other substances.

Conditional grant

32.2. The grant of an interest, licence or permit may be made subject to written conditions as may be stipulated by the Council.

Role of the Lands Committee

32.3. The Lands Committee shall advise Council on the granting of interests, licences and permits and may be authorized by Resolution to act as a delegate of the Council under this section and Council shall seek the advice of the Lands Committee before it exercises any power under this section.

33. Certificates of Possession

Application

33.1. This section sets out the rights attaching to Certificates of Possession, whether issued under the Indian Act or under this Land Code.

Nature of interest in Certificate of Possession

33.2. Subject to any required approval of the Community under section 12.1, section 32, any Law and registration under section 28, a Certificate of Possession in respect of a parcel of land is an interest that entitles the Member holding it to:

- (a) exclusive possession of the land;
- (b) benefit from the resources arising from the land;
- (c) grant subsidiary interests and licences in the land, including leases, permits, easements and rights-of-ways;
- (d) transfer, devise or otherwise dispose of the land to another Member or to the Band;
- (e) grant permits to take resources from the land, including cutting timber or removing minerals, stone, gravel, clay, soil or other substances and grant rights to water and air and all natural resources on the land to the same extent as rights may be granted in the land;
- (f) any other rights, consistent with this Land Code, that are attached to Certificates of Possession under the Indian Act as the same is in force when this Land Code comes into effect.

34. Allocation of Land

Allocation of lots

34.1. Subject to sections 32 and 34.2, the Council may allocate lots of available land to Members in accordance with procedures established by the Council.

34.2. The recommendation of the Lands Committee is required for:

- (a) the allocation of lots to Members; and
- (b) the issuance of Certificates of Possession to Members.

No allocation of lots to non-Members

34.3. Notwithstanding any other provision of this Land Code, a person who is not a Member is not entitled to be allocated a lot or to hold a permanent interest in First Nation Land.

Issuance of Certificate of Possession

34.4. The Council may issue a Certificate of Possession evidencing the interest of a Member for a lot allocated to that Member.

35. Transfer and Assignment of Interests

Transfer of Interests

35.1. Subject to any required approval of the Community under section 12.1 and section 32.2, a Member may transfer or assign an interest in First Nation Land to another Member or the Band without the need for any Community approval or consent of the Council.

Consent of Council

35.2. Except for transfers under section 35.1,

- (a) there shall be no transfer or assignment of an interest in First Nation Land without the written consent of the Council; and
- (b) the grant of an interest or licence is deemed to include section 35.2(a) as a condition on any subsequent transfers or assignments.

In giving its consent, the Council shall take into account all considerations that, acting reasonably, it considers relevant in its discretion.

36. Limits on Mortgages and Seizures

Protections

36.1. In accordance with sections 15.1 and 15.4 of the Framework Agreement, section 29, section 87 and subsections 89(1) (2) and 89.1 of the Indian Act continue to apply to First Nation Land.

Mortgages of Certificates of Possession

36.2. The interest of a Member in a Certificate of Possession may be subject to a mortgage or charge, but only to the Musqueam Indian Band or to another Member with the written consent of the Council.

Mortgages of leasehold interests with consent

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

Time limit

36.4. The term of any charge or mortgage of a leasehold interest shall not exceed the lesser of

- (a) the term of the lease;
- (b) 25 year, or such longer period as may receive Community approval under section 12.1.

Default in mortgage

36.5. In the event of default in the terms of a charge or mortgage of a leasehold interest, the leasehold interest is not subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form or execution or seizure, unless,

- (a) the charge or mortgage received the written consent of the Council;
- (b) the charge or mortgage received Community approval where required;
- (c) the charge or mortgage was registered in the First Nations Land Register; and
- (d) 90 days or such longer period as may be reasonable in the circumstances to redeem the charge or mortgage was given by the chargee or mortgagee to Council acting on behalf of the Musqueam Indian Band and the leaseholder and the chargee or mortgagee have agreed that, if the charge or mortgage is redeemed by the Band within that period, the leasehold interest is to be transferred to the Band.

Power of redemption

- 36.6. If the Council exercises its power of redemption with respect to a leasehold interest, the Musqueam Indian Band becomes the lessee of the land in place of the leaseholder.

37. Residency and Access Rights

Right of residence

37.1. Subject to this Land Code and applicable law including any Law relating to the property rights of Spouses, and any other bylaw or Law of the Musqueam Indian Band, the following persons have a right to reside on the First Nation Land as specified below:

- (a) Members who have been allocated a residential lot by Council, and their Spouses and children under the age of majority (including adopted children) have a right to reside on that lot;
- (b) Members with an interest which has been registered in the First Nation Land Register have a right to reside on the lands described in the registration in accordance with the provisions of the instrument granting that interest;
- (c) any invitees of a Member referred to in clause (a) or (b) have a right to reside on the lot or the lands described in the registration in accordance with the provisions of the instrument granting that interest; and
- (d) lessees and permittees have a right to reside on the lands subject to the lease or permit, in accordance with the provisions of the instrument granting the lease or permit.

Right of Access

37.2. Subject to this Land Code and applicable law including any Law relating to the property rights of Spouses, and any other bylaw or Law of the Musqueam Indian Band, the following persons have a right of access to the First Nation Lands specified below:

- (a) a lessee and his or her invitees has a right of access to the lands subject to the lease;
- (b) permittees and those granted a right of access under the permit have a right of access to the lands subject to the permit;

- (c) Musqueam Indian Band Members and their Spouses and children have a right of access to Community Lands;
- (d) a person who is authorized by a government body or any other public body, established by or under an enactment of the Musqueam Indian Band to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey has a right of access to the lands covered by such authority; or
- (e) a person authorized in writing by the Council or the Lands Committee or by a Musqueam Indian Band Law has a right of access to the lands covered by such authority.

Permitted access

37.3. Subject to this Land Code and applicable law including any Law relating to the property rights of Spouses, and any other bylaw or Law of the Musqueam Indian Band, any individual may have access to First Nation Land for lawful social or business purposes, if:

- (a) the individual does not trespass on land and does not interfere with any interest in land;
- (b) the individual complies with all applicable Laws;
- (c) no Resolution has been passed barring that individual from having access to the land in question, and
- (d) the individual has been invited to the land in question by the Council or a Member or has a right of access under section 37.2.

Trespass

37.4. Any person who resides on, enters or remains on First Nation Land other than in accordance with this Land Code and any Law is guilty of an offence.

Civil remedies

37.5. All civil remedies for trespass are preserved.

38. Descent of Property

- 38.1. Until the Musqueam Indian Band has jurisdiction over the wills and estates of Members, the provisions of the Indian Act dealing with wills and estates shall continue to apply with respect to the First Nation Land except for sections 49 and 50(4) as provided in section 38(1)(a) of the Act.
- 38.2. A Member who claims to be entitled to possession of First Nation Land by devise or descent in accordance with the provisions of the Indian Act relating to the estate of an Indian is not entitled to lawful possession of that First Nation Land unless:
- (a) The Member has filed with Council, and the Council has approved, an instrument, duly executed by the personal representative of the estate of the deceased Members transferring the possession to the Member; and
 - (b) The instrument referred to in subsection 38.2(b) is registered in the First Nation Land Register.
- 38.3. The purchaser of a right to possession of First Nation Land under the provisions of subsection 50(2) of the Indian Act, shall be deemed not to be in lawful possession of the First Nation Land unless:
- (a) The purchaser has filed with Council, and the Council has approved, an instrument, duly executed by the person authorized under the Indian Act to execute a transfer of lawful possession of the First Nation Land obtained under subsection 50(2) of the Indian Act; and
 - (b) The instrument referred to in subsection 38.3(a) is registered in the First Nation Land Register.

39. Spousal Property Law

Development of rules and procedures

- 39.1. Subject to Community approval under section 14.1, the Council shall enact a Spousal Property Law providing rules and procedures applicable on the breakdown of a marriage or termination of cohabitation in a conjugal relationship relating to:
- (a) the use, occupancy and possession of First Nation Land; and
 - (b) the division of interests in the land.

Enactment of the rules and procedures

- 39.2. The rules and procedures contained in the Spousal Property Law shall be developed by the Lands Committee in consultation with the Community and the

proposed rules and procedures shall be submitted to Council for its consideration.

Enactment deadline

- 39.3. The Spousal Property Law must be enacted within 12 months from the date this Land Code takes effect or such longer period as may be agreed by the Council.

General principles

- 39.4. Subject to any applicable law, the rules and procedures developed by the Lands Committee under this section must respect the following general principles:
- (a) unless a marriage contract outlining otherwise has been signed by both Spouses or a court orders otherwise, each Spouse should have an equal right to possession of their matrimonial home;
 - (b) unless a marriage contract outlining otherwise has been signed by both Spouses or a court orders otherwise, each Spouse should be entitled to an undivided half interest in their matrimonial home acquired during their marriage, as a tenant in common;
 - (c) the rules and procedures shall not discriminate on the basis of sex;
 - (d) only Members or the Musqueam Indian Band are entitled to hold a Certificate of Possession in First Nation Land or a charge against a Certificate of Possession in First Nation Land; and
 - (e) notwithstanding any other provision, the best interests and rights of children of the Spouses to remain in the home shall be respected.

Interim Spousal Property Law

- 39.5. In order that Members benefit immediately from the legislative authority of the Council to address the issue of spousal property under this Land Code, the Council may enact an Interim Spousal Property Law as soon as this Land Code comes into force notwithstanding any other provision of this Land Code. The Interim Spousal Property Law will remain in effect until it is replaced by a Law made pursuant to the above provisions of this section.

PART 8: DISPUTE RESOLUTION

40. Dispute Resolution Panel

Panel established

40.1. The Dispute Resolution Panel is hereby established with jurisdiction to resolve disputes to First Nation Land.

Appointment of Panel

40.2. The Panel shall be composed of 7 panellists,

Representation

40.3. The Lands Committee shall appoint the panellists, and shall ensure that the Panel represents the various elements of the community and from as many different families as possible, including two (2) Elders, a CP Holder, a Member who is not a CP holder, a non-resident Member, and two (2) non-Members from outside the Community, one of which is to be a first nation individual.

Term of Office

40.4. The panellists hold office for a term of 3 years and their terms shall be staggered so that two of the panellists are appointed for an initial term of 1 year, two for an initial term of 2 years and three for an initial term of 3 years. A panellist may be re-appointed at the end of his or her term of office.

Remuneration

40.5. Panellists are entitled to receive remuneration based on the remuneration then being paid to members of the Board of Review appointed under the Musqueam Property Assessment Bylaw or any law that may replace it. The costs of the Panel shall be included in the land management budget to be adopted under section 19.6

41. Dispute Procedure

Disputes

41.1. If a Member, or a non-Member with an interest in First Nation Land, has a dispute with the Lands Committee or with the Council, the person must first use reasonable efforts to resolve that dispute with any other person involved in the dispute, then with the Lands Committee and then with the Council, before referring the dispute to the Panel. In no event shall the Land Committee, the Band or the Council be required to reach any agreement with that person or be responsible for that person's failure to use reasonable efforts to resolve the dispute or for any legal costs incurred by that person.

41.2. Any matter or dispute related to First Nation Land, including disputes that arose prior to this Land Code taking effect, may be referred to the Panel for resolution.

Optional process

41.3. An application to the Panel to resolve a dispute is optional. All other civil remedies continue to be available to Members and non-Members.

Application procedures

41.4. Applications to the Panel shall be made in accordance with the procedures established by the Panel.

Limitation period

41.5. The limitation period for referring a matter or dispute to the Panel is

- (a) 90 days after the day of the decision, act or omission being referred was made; or
- (b) in the case of a dispute with the Lands Committee or the Council, 90 days after the Lands Committee or Council rejects the attempts at resolution made under section 41.1.

How Panels are Determined

41.6. Disputes referred to the Panel are to be heard by at least 5 of the 7 panellists chosen as follows:

- (a) two panellists are to be chosen by each of the two parties to the dispute; and
- (b) one panellist, who is to be the chairperson, is to be chosen by the four panellists chosen under paragraph (a).

42. Impartiality and Confidentiality

Duty to act impartially and confidentially

42.1. The Panel shall act impartially, confidentially and without bias or favour to any party in a dispute.

Offence

42.2. It is an offence for a person to act, or attempt to act, in a way to improperly influence a decision of the Panel.

Rejection of application

42.3. In addition to any other sanction, the Panel may reject an application without hearing it if the Panel believes that the applicant acted, or attempted to act, in a way to improperly influence its decision.

43. Powers of Panel

Powers of Panel

43.1. The Panel may, after hearing a dispute:

- (a) confirm or reverse the decision, in whole or in part;
- (b) substitute its own decision for the decision in dispute;
- (c) direct that an action be taken or ceased; or,
- (d) refer the matter or dispute back for reconsideration.

Rules of Panel

43.2. The Panel may establish rules for the procedure at its hearings and generally for the conduct of its affairs.

Professional services

43.3. The Panel may obtain the service of professionals to assist it in fulfilling its functions (land surveyors, for example), in which case it shall make best efforts to use professional services available in the Community.

Written decisions

43.4. Decisions of the Panel must be in writing, signed by the person chairing the Panel or by an officer designated by the Panel to do so.

Reasons

43.5. The Panel shall give reasons for its decision, and shall do so, confidentially and in writing to the parties within 14 days after the date of the decision. The Panel shall maintain, in safekeeping, a record of all its decisions.

Appeal of decision

- 43.6. A decision of the Panel is binding except that any person affected by it may require the Panel to submit a case for the opinion of the British Columbia Supreme Court on a question of law only in accordance with the Rules of the Court for submitting a stated case to the Court.

PART 9: OTHER MATTERS

44. Liability

- 44.1. The Musqueam Indian Band is not liable for anything done or omitted to be done by Canada or anyone authorized by Canada whether prior to or after this Land Code comes into force and nothing in this Land Code is to be interpreted as a waiver by the Band in regard to any liabilities, acts or omissions of Canada or anyone else.

45. Insurance Coverage

Liability Coverage

- 45.1. The Council shall arrange, maintain and pay, out of the transfer payments received from Canada, insurance coverage for its officers and employees engaged in carrying out any matter related to First Nation Land to indemnify them against personal liability arising from the performance of those duties. The costs of such insurance coverage shall be included in the land management budget to be adopted by the Council under section 19.6.

Extent of coverage

- 45.2. The extent of the insurance coverage shall be determined by the Council.

Bonding

- 45.3. The Council must obtain a fidelity bond for each employee of the Musqueam Indian Band whose responsibilities include land administration or collecting or accounting for land revenue.

46. Offences

Application of the Criminal Code

- 46.1. Unless some other procedure is provided for by law, the summary conviction procedures of Part XXVII of the Criminal Code, as amended from time to time, apply to offences under this Land Code or under a law.

47. Amendments to Land Code

Community approval

- 47.1. All amendments to this Land Code must receive Community approval by Ratification Vote in accordance with section 14.3 to be effective except that any amendment to correct typographical errors or other errors of a minor or clerical nature may be made by the Council by Resolution without Community approval.

48. Commencement

Preconditions

- 48.1. This Land Code shall not take effect unless:
- (a) the Community approves this Land Code and the Individual Agreement with Canada and this Land Code has been certified by the verifier pursuant to the Framework Agreement;
 - (b) A Resolution of the Council has been passed confirming that:
 - (i) requisite personnel have been hired to administer this Land Code;
 - (ii) a satisfactory risk management analysis has been conducted and approved by Council;
 - (iii) satisfactory administrative policies and procedures and systems have been developed and approved by Council;
 - (iv) an Interim Spousal Property Law has been developed pursuant to section 39.5; and
 - (v) adequate insurance is in place.

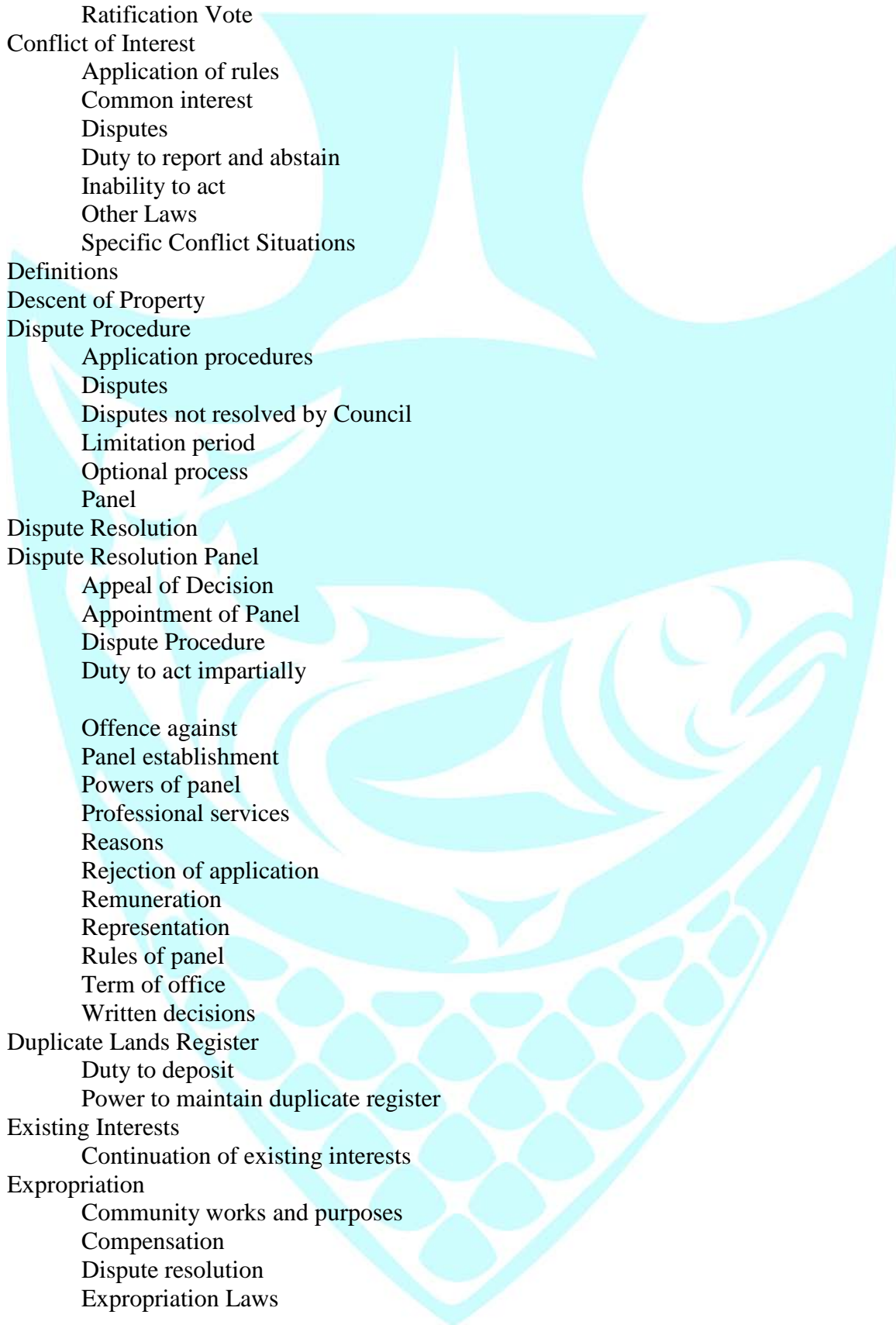
Commencement date

- 48.2. Subject to 48.1, this Land Code shall take effect on the later of:
- (a) the first day of the month following the certification of this Land Code by the verifier; and
 - (b) the date stipulated in a Resolution as the commencement date.

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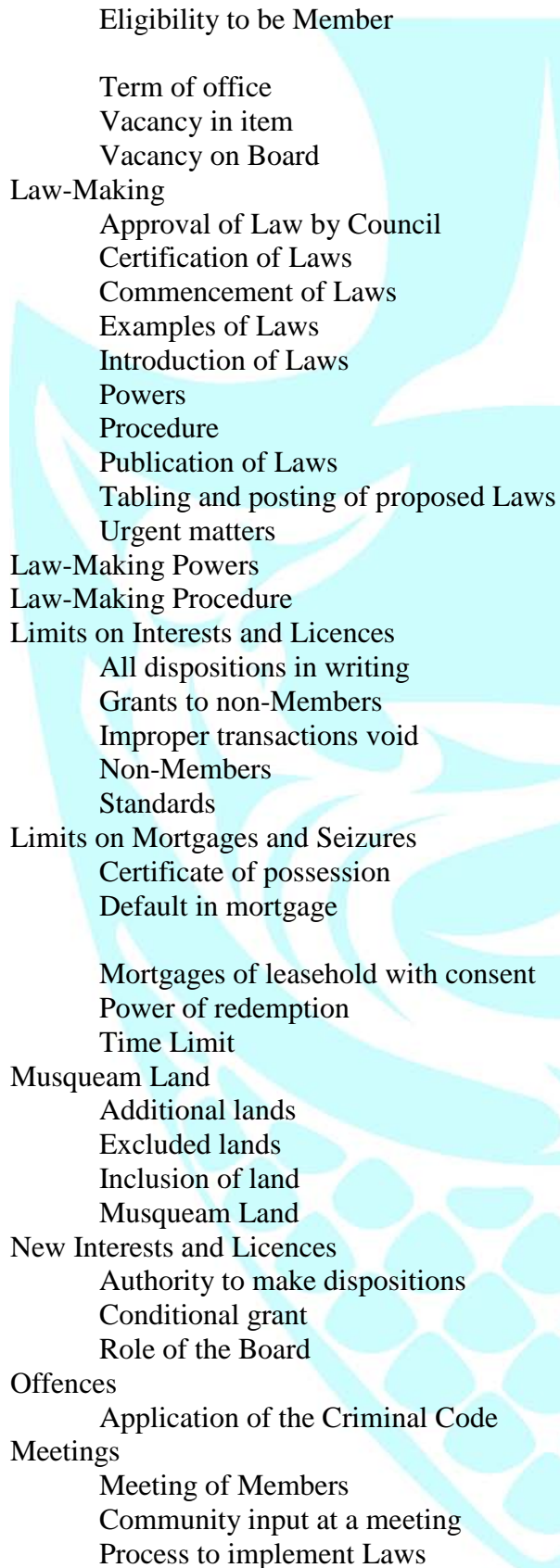


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