

Kitselas Reserve-Land Management Act

Side by side explanation

Kitselas Land Code	Explanation
PREAMBLE	
WHEREAS the Kitselas People have occupied and benefited from their home lands since time out of memory;	According to our history in the Men of Medeek we occupied the Canyon area since our people discovered the area and is told in the story of the “Lone Fireweed” in our history.
AND WHEREAS the Kitselas People have governed their lives and lands through a system of laws and law making based on the following principles:	The Kitselas people have been making laws and changing laws for centuries and had basic principles on which those laws were based.
Laws they had; but these were few; laws framed by Wise Men who watched the face of nature; who pondered long on the workings of Gyamk, the Sun God who lived in the Sky City of Lahah; laws that were made as they watched cause and effect work out their ends in the lives of men.	The first basic principle is to understand how things work. To understand the reasons and causes of certain events and to determine what effect it has on the people.
Some happening came to the people. The result was good and fortunate. "This is right," said the Wise Men. "This will be embodied in a new law so that good fortune may be still more assured to our People."	The principle is to have two types of laws, the first is to observe the things that work well and are a benefit to the people. An example would be a health law for the prevention of diseases.
And when misfortune came these Wise Men delved deeply to find its cause. At last, satisfied they had learned that which they had sought for, they said, "The action that lies at the root of this difficulty is wrong. Our People must be protected in the future that the same error may not be committed again. We make a new law forbidding that action."	The second type of law is for the prevention of actions that are seen to be harmful to the people of Kitselas.
So grew the Code. So were the children instructed in the ways of Right and Wrong. So generation followed generation, each one more vigorous, more prosperous.	This is a principle to make sure every one is aware and understand the laws and why they are made and what the laws are meant to do. The over all intent is to create a vigorous and prosperous society.
AND WHEREAS the Kitselas People intend to manage their land and resources by entering into the Framework Agreement on First Nation Land Management;	A statement that the Kitselas people agree to manage their land under the Act of Parliament known as “Framework Agreement on First Nation Land Management”;

<p>NOW THEREFORE, THIS <i>KITSELAS RESERVE LANDS MANAGEMENT ACT</i> IS HEREBY ENACTED AS THE FUNDAMENTAL LAND LAW OF THE KITSELAS PEOPLE.</p>	<p>Once the vote is complete and all the “I’s” are dotted and “t’s” are crossed this act becomes the law of Kitselas.</p>
<p>PART 1 PRELIMINARY MATTERS</p>	
<p>Paramourncy</p>	
<p>2.3 If there is an inconsistency or conflict between this Act and any other enactment of the First Nation, this Act will prevail to the extent of the inconsistency or conflict.</p>	<p>This act will be above any by-law passed under the Indian Act.</p>
<p>2.4 If there is an inconsistency or conflict between this Act and the Framework Agreement, the Framework Agreement will prevail to the extent of the inconsistency or conflict.</p>	<p>Because the Framework Agreement is federal law and is the bases for this act the Framework Agreement will prevail if there is a conflict between this act and the Framework Agreement.</p>
<p>Interpretation</p>	
<p>2.5 The structures, organizations, Laws and procedures established by or under this Act will be interpreted in accordance with the culture, traditions and customs of the First Nation, unless otherwise provided.</p>	<p>When judges in court make rulings on this act, they must consider our culture, traditions and customs.</p>
<p>2.6 This Act will be interpreted in a fair, large and liberal manner.</p>	<p>This act is to be applied as fairly as possible by the courts and it must be assumed that all members have equal rights.</p>
<p>2.7 The principles set out in the Preamble to this Act may be used to interpret this Act.</p>	<p>Judges and Panel members must refer to this section when making decisions.</p>
<p>Non-abrogation</p>	
<p>2.8 This Act is not intended to abrogate or derogate from any aboriginal, treaty or other right or freedom that pertains now or in the future to the First Nation or its Members. 2.9 This Act is not intended to affect the eligibility of the First Nation or any Member to receive services or participate in such public or aboriginal programs as may be established from time to time to the extent that the First Nation has not assumed responsibility for such services or programs.</p>	<p>The approval of this act by the people of Kitselas does not in any way diminish our Aboriginal Rights.</p>
<p>2.10 In this Act: (a) the use of the word “will” denotes an obligation that, unless this Act provides to the contrary, must be carried out as soon as practicable after this Act comes into effect or the event that gives rise to the obligation;</p>	<p>The meaning of the word “will” when it is used in this act.</p>
<p>(b) unless it is otherwise clear from the context,</p>	<p>The meaning of the word “including” when it is used</p>

the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;	in this act.
(c) headings and subheadings are for convenience only, do not form a part of this Act and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Act;	Headings are not part of this act.
(d) a reference to a statute includes every amendment to it, every regulation made under it and any Law enacted in substitution for it or in replacement of it;	Any law of Canada that is mentioned in this act will apply to Kitselas and if the Canadian law is changed, the changes will also apply.
(e) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular; and	In this act the use of the singular includes the plural.
(f) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine.	This act does not discriminate between men and women.
Fiduciary Relationships	
2.11 This Act is not intended to abrogate the fiduciary relationships between the Government of Canada, the First Nation and its Members.	This act does not diminish any of the responsibilities of the Government of Canada.
Land and Interests Affected	
2.12 A reference to “land” or “Land” in this Act is, unless the context otherwise requires, a reference to Kitselas Land and all rights and resources in and of such land, including:	How the word land is to be interpreted in this act and what it includes.
(a) the water, beds underlying water, riparian rights, minerals and subsurface resources and all other renewable and non-renewable natural resources in and of that land, to the extent that these are under the jurisdiction of the Government of Canada or the First Nation; and	The word land includes water, beds underlying water, riparian rights, minerals and subsurface resources and all other renewable and non-renewable natural resources.
(b) all the interests and licenses granted to the First Nation by the Government of Canada listed in the Individual Agreement.	The word land includes all the interests and licenses granted to the First Nation by the Government of Canada listed in the Individual Agreement.
3. Authority to Govern	
3.1 By enacting this Act the First Nation is giving effect to its aboriginal title to that portion of its territories comprised of Kitselas Land.	This act will allow the Kitselas people to take over control of our lands from the Department of Indian Affairs.
3.2 The authority of the First Nation to govern its land and resources flows from its aboriginal title and inherent right of self-government.	The Kitselas people’s authority to govern the lands and resources comes from our original authority before contact with Europeans and not from any other source.

<p>3.3 Through this Act, the First Nation will exercise its inherent right of self-government and provide for governance that is accessible, stable, effective, accountable and transparent.</p>	<p>This act officially transfers the authority to govern Kitselas lands and resources to the Kitselas people and removes it from the Department of Indian Affairs.</p>
<p>4. Purpose</p>	
<p>4.1 The purpose of this Act is to set out the principles and legislative and administrative structures that apply to Kitselas Land and by which the First Nation will exercise authority over that land.</p>	<p>This clause states the reason for this act.</p>
<p>Ratification</p>	
<p>4.2 The Framework Agreement is ratified by the First Nation when the First Nation approves this Act.</p>	<p>The framework Agreement will become part of Kitselas law when this act is approved by referendum.</p>
<p>5. Description of Kitselas Land</p>	
<p>5.1 The Kitselas Land that is subject to this Act is that land described in accordance with the <i>First Nations Land Management Act</i> for the purposes of the ratification vote on this Act and the Individual Agreement as follows:</p>	<p>The following is a list of the Kitselas reserves and their legal descriptions that will be transferred from the Government of Canada to the Kitselas people by the Transfer Agreement.</p>
<p>(a) Kitselas Indian Reserve No. 1, being those reserve lands within the Province of British Columbia, Canada in Range 5, Coast District, described as follows: Lands: a parcel bounded by the exterior rectilinear boundaries of Kitselas Indian Reserve No. 1, as shown on Plan BC124 recorded in the Canada Lands Surveys Records (CLSR), and the ordinary high water mark of the Skeena River as shown on a Plan of Survey prepared by Guy Derry BCLS, CLS, under Legal Surveys Division Project No. 2004-10-091. Excepting thereout and therefrom: All that portion required for a railway right of way as shown on Plan RR1008B CLSR, and All that portion required for a railway right of way as shown on Plan 1008A CLSR, except that portion also covered by Plan RR1008B CLSR. Total lands containing 431 hectares, (1064) acres more or less. The above described Reserve Lands are subject to the rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No. 8042,</p>	<p>Legal description of Kitselas Indian Reserve No. 1. Where Gitau is located.</p>

<p>transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the ILR as No. 4111-118.</p>	
<p>(b) Chimdimash Indian Reserve No. 2, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, being the whole of Chimdimash Indian Reserve No. 2 more particularly described as: Lands: all that portion of land bounded by the exterior rectilinear boundaries of Chimdimash Indian Reserve No. 2 as shown on Plan BC124 recorded in the Canada Lands Surveys Records (CLSR), and the ordinary high water mark of the Skeena River as shown on Plan ***** CLSR. (Note *****: The ordinary high water mark of the Skeena River is presently being surveyed under Legal Surveys Division Project No. 2004-10-092. Plan number will be entered in legal description upon recording of the plan in the CLSR.)</p> <p>Excepting thereout and therefrom: All that portion required for a highway right of way as shown on Plan RD3274 CLSR; All that portion required for a highway right of way as shown on Plan 52963 CLSR; and All that portion required for a railway right of way as shown on Plan RR1267A CLSR. Total lands containing 71.1 hectares, (175.7 acres) more or less.</p> <p>The above described Reserve Lands are subject to the rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the Indian Lands Registry as No. 4111-118.</p>	<p>Legal description of Chimdimash Indian Reserve No. 2, located at Chimdimash Creek on the railroad side of the river.</p>
<p>(c) Chimdimash Indian Reserve No. 2A, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, being the whole of Chimdimash Indian Reserve No 2A more particularly described as: Lands: all that portion of land bounded by the exterior rectilinear boundaries of Chimdimash Indian Reserve No. 2A as shown on Plan BC124</p>	<p>Legal Description of Chimdimash Indian Reserve No. 2A, located at Chimdimash Creek.</p>

recorded in the Canada Lands Surveys Records (CLSR), and the ordinary high water mark of the Skeena River as shown on Plan ***** CLSR. (Note *****: The ordinary high water mark of the Skeena River is presently being surveyed under Legal Surveys Division Project No. 2004-10-092. Plan number will be entered in legal description upon recording of the plan in the CLSR.) Excepting there out and there from: All that portion required for a highway right of way as shown on Plan RD3274 CLSR: And all that portion required for a highway right of way as shown on Plan 52653 CLSR.

Total lands containing 127 hectares (314 acres) more or less. The above described Reserve Lands are subject to the rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the ILR as No. 4111-118.

(d) Ikshenigwolk Indian Reserve No. 3, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, described as follows: Lands: a parcel bounded by the exterior boundaries of Ikshenigwolk Indian Reserve No. 3, as shown on a Plan of Survey prepared by David J. Hardwick BCLS, CLS, under Legal Surveys Division Project No. 2004-10-094.

Excepting thereout and there from: All that portion required for a highway right of way as shown on Plan RD3372 CLSR; and

All that portion required for a highway right of way as shown on Plan 57929 CLSR. Total lands containing 27.46 hectares (67.85 acres) more or less. The above described Reserve Lands are subject to the rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the ILR as No. 4111-118.

Legal description of Ikshenigwolk Indian Reserve No. 3. Located on highway 16 at Legate Creek.

<p>(e) Kshish Indian Reserve No. 4, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, being the whole of Kshish Indian Reserve No 4 more particularly described as: Lands: all that portion of land bounded by the exterior rectilinear boundaries of Kshish Indian Reserves No. 4 and 4B as shown on Plan 65891 recorded in the Canada Lands Surveys Records (CLSR), and the ordinary high water mark of the Skeena River as shown on Plan BC 123 CLSR. Excepting there out and therefrom: All that portion required for a highway right of way as shown on Plan RD2540 CLSR; All that portion required for a railway right of way as shown on Plan RR884B CLSR; and All that portion of Kshish Indian Reserve No. 4B as shown on Plan BC585 CLSR. Total lands containing 269 hectares (665 acres) more or less. The above described Reserve Lands are subject to the rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the ILR as No. 4111-118.</p>	<p>Legal description of Kshish Indian Reserve No. 4, Part of old Kitselas.</p>
<p>(f) Kshish Indian Reserve No. 4b, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, being the whole of Kshish Indian Reserve No 4B more particularly described as: Lands: all that portion of land bounded on the south and east by the exterior boundaries of Kshish Indian Reserve No. 4B as shown on Plan BC585 recorded in the Canada Lands Surveys Records (CLSR), and bounded on the north and west by the exterior boundaries of Kshish Indian Reserve No. 4B as shown on Plan 65891 CLSR. Total lands containing 4.05 hectares (10 acres) more or less. The above described Reserve Lands are subject to the rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to</p>	<p>Legal description of Kshish Indian Reserve No. 4b, The graveyard at old Kitselas.</p>

<p>Canada, as amended by provincial Order in Council 1969- 1555, registered in the ILR as No. 4111-118.</p>	
<p>(g) Zaimoetz Indian Reserve No. 5, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, being the whole of Zaimoetz Indian Reserve No. 5, more particularly described as: Lands: all that portion of land bounded by the exterior rectilinear boundaries as shown on Plan BC123 recorded in the Canada Lands Surveys Records (CLSR), and the ordinary high water mark of the Skeena River and Zymoetz River, shown on Plan BC123 CLSR. Excepting there out and there from; All that portion required for road being a parcel of consistent width of 20.116 metres , located 10.058 metres either side of a centre line shown on Plan RD2230 CLSR; and All that portion required for road shown on shown on FB30562 CLSR, being a copy of Plan 1558 recorded in the Land Title Office for Prince Rupert; and All that portion required for road as shown on Plan 52696 CLSR excluding that portion of the old road shown on Plan FB30562 CLSR. Total lands containing 91 hectares (226 acres) more or less. The above described Reserve Lands are subject to: An easement in favour of Pacific Northern Gas Limited, registered in the Indian Lands Registry (ILR) as No. 2235-48, and as shown as Parcels A, C, F, H and J, on Plan 55626 CLSR; and The rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the ILR as No. 4111-118.</p>	<p>Legal description of Zaimoetz Indian Reserve No. 5. located at the mouth of the Copper River.</p>
<p>(h) Kulspai Indian Reserve No. 6, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, being the whole of Kulspai Indian Reserve No. 6 more particularly described as: Lands: all that portion of land bounded by the exterior rectilinear boundaries of Kulspai Indian Reserve No. 6 as shown on Plan 58777 recorded in the Canada</p>	<p>Legal description of Kulspai Indian Reserve No. 6, located on Queensway.</p>

Lands Surveys Records (CLSR), and the ordinary high water mark of the Skeena River, shown as Present High Water Mark on Plan 58777 CLSR. Excepting there out and there from: All that portion required for a highway right of way as shown on Plan 51294 CLSR; and All that portion required for a highway right of way as shown on Plan 56361 CLSR. Total lands containing 6.42 hectares (15.86 acres) more or less.

The above described Reserve Lands are subject to:

A permit in favour of British Columbia Hydro and Power Authority registered in the Indian Lands Registry as No. 305 and as shown on Plan 53491 CLSR; and The rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the ILR as No. 4111-118.

(i) Ketoneda Indian Reserve No. 7, being those Reserve Lands within the Province of British Columbia, Canada in Range 5, Coast District, being the whole of Ketoneda Indian Reserve No. 7 more particularly described as:

Lands: all that portion of land bounded by the exterior rectilinear boundaries of Ketoneda Indian Reserve No. 7 as shown on Plan BC 123 recorded in the Canada Lands Surveys Records (CLSR), and the ordinary high water mark of the Skeena River as shown on Plan BC 123 CLSR.

Excepting thereout and therefrom:

All that portion required for a highway right of way as shown on Plan RD3264 CLSR; and All that portion required for a highway right of way as shown on Plan 57236 CLSR. Total lands containing 38 hectares (93 acres) more or less. The above described Reserve Lands are subject to the rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry (ILR) as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969- 1555, registered in the ILR as No. 4111-118.

Legal description of Ketoneda Indian Reserve No. 7, located on Highway 16 east next to the potato farm.

Additional Land	
5.2 The following lands may be made subject to this Act if they are, or become, reserve land and the following conditions are met:	Other reserve lands can be added to the transfer later if certain conditions are met.
(a) Port Essington Indian Reserve or any other land owned jointly by the First Nation and one or more other First Nations, when the First Nations agree upon a joint management scheme for that land; and	The reserve at Port Essington is jointly owned by Kitselas and Kitsumkalum and can only be transferred with the agreement of the Kitsumkalum Band.
(b) any land or interest acquired by the First Nation after this Act comes into force, whether by land claim, purchase or other process, when an environmental audit declares it free of environmental hazard and safe for First Nation use.	Land that is purchased or acquired in some way can be added to Kitselas lands and will come under the legal control of the Kitselas Band under this act.
Land Exchange	
5.3 For greater certainty, section 5.2 does not apply to land acquired by voluntary land exchange in accordance with section 15.1.	Land that is exchanged by Kitselas for other lands must have the approval of Canada as defined in section 15.
Inclusion of Land or Interest	
5.4 If the relevant conditions in sections 5.2 are met, Council may, after receiving input from the Members, enact a Law declaring the land or interest to be subject to this Act.	Port Essington can be added if the conditions are met.
5.5 For greater certainty, Kitselas Land is First Nation Land within the meaning of the Framework Agreement and the <i>First Nations Land Management Act</i> .	This clause defines Kitselas land.

PART 2: FIRST NATION LEGISLATION

Legislation	Explanation
6. Law-Making Powers	
6.1 Council may, in accordance with this Act, make Laws in relation to:	Section 6.1 establishes the Kitselas Band’s authorities, to make and enact laws to govern reserve lands. The words “the council may” means no other government except the Kitselas Government can make these laws.
a. development, conservation, protection, management, use and possession of First Nation Land;	Laws on what development can take place on reserve lands and how development will be controlled by the band. Laws on conservation of resources on reserve lands such as; requiring replanting of logged off areas or conserving farm lands.

	<p>Laws on protection against trespass, removal of resources such as timber with out a permit. Includes environmental protection such as prohibiting construction next to a salmon stream or construction on a heritage site.</p> <p>Laws on how the band staff manage the lands along with the rules and procedures which must be followed by the Band council, lands authority and the Band staff.</p> <p>Laws on the ownership of lots on reserve lands such as the authority to issue certificates of possession or to create some other method of registering land ownership.</p>
b. interests in, and licenses to use First Nation Land;	<p>The band can create “legal” interests by passing a law to deal with legal issues such as leasing, right of ways, easements for hydro or gas lines. Authority to create a legal right to use or cross reserve lands without owning the land.</p> <p>Laws to allow the band to create a licensing system to register any legal interest created by Kitselas law.</p>
c. any matter necessary to give effect to this Act; and	<p>Authority to make laws on any matters required to make the land management act work, such as, a law on speed limits on reserve lands.</p>
any matter necessary or ancillary to a Law in relation to First Nation Land.	<p>The Band can make laws using authorities that are not listed in section 6.1 or 6.2 which are designed to “fill in the gaps in law making authority” within the land act.</p>
<p>Examples of Laws</p> <p>6.2 For greater certainty, Council may make Laws in relation to First Nation Land including:</p> <p>(a) zoning and land use planning;</p> <p>(b) regulation, control, authorization and prohibition of the occupation and development of land;</p> <p>(c) creation, regulation and prohibition of interests and licenses,</p> <p>(d) perfection of legal interests in traditional property lots located at Old Kitselas</p> <p>(e) environmental assessment and environmental protection;</p>	<p>Section 6.2 is a listing of examples of laws the Kitselas Band can make and are self-explanatory. The words ‘for greater certainty’ means to make more clear or for better understanding.</p> <p>These are not additional powers but a list of examples of laws which can be made under section 6.1.</p>

- (f) archaeological assessment and protection of archaeological and Cultural Resources;
- (g) provision of local services and imposition of user charges;
- (h) enforcement of First Nation Laws;
- (i) provision of services for the resolution, outside the courts, of disputes;
- (j) setting aside and regulation of parks, parklands and recreational lands;
- (k) setting aside and regulation of heritage lands;
- (l) rules and procedures for the receipt, management, expenditure, investment and borrowing of moneys, including the establishment of administrative structures to manage such moneys;
- (m) creation of management and administrative bodies or agencies;
- (n) removal and punishment of persons trespassing upon First Nation Land or frequenting First Nation Land for prohibited purposes;
- (o) public nuisance and private nuisance;
- (p) regulation of sanitary conditions and the provision of sanitary services in private premises and public places;
- (q) construction and maintenance of boundary and internal fences;
- (r) construction, maintenance and management of roads, water courses, water diversions, storm drains, bridges, ditches and other local and public works; and

(s) regulation of traffic and transportation.	
6.3 Council will perform all the duties and functions, and exercise all the powers, of the First Nation that are not specifically assigned to an individual or body established under this Act.	Section 6.3 establishes that the Band Council is responsible for carrying out the provisions of this Act and have the authority to exercise the law making powers enabled by this Land Act.
6.4 Notwithstanding section 6.3 Council may by enacting a Law, delegate administrative authority in relation to a Law enacted under section 6.1 to an individual or body established or authorized under this Land Act.	Section 6.4 gives the Band council the authority to establish a land management institution which is intended to administer the lands independent from the band council. It is administrative authority only, not law making authority. The administration must, by law, always act within the laws established by the Band.
6.5 Where Council enacts a Law under section 6.2 (d), Council will consider oral history records.	The lots on IR 4 (old Kitselas) were never surveyed / recorded by the Department of Indian Affairs. The only map that exists is a hand drawn map by Chris Bolton with the names of the home owners. Families have lived here since the late 1800's and are sometimes confused with traditional lands. They are family homes that have been passed down from one generation to the next, sometimes with wills and most times without written records. The only record for most of the lots is the oral history of the people who live in old Kitselas.
7. Law-Making Procedure	
7.1. Council will enact Laws under this Act in accordance with this Part.	In making laws, the Band Council must follow these procedures in order for any law to be a valid law.
7.2. Development of a Law may be initiated by:	The first step in making a law is to have someone initiate or start the process. Section 7.2 defines who has the authority to initiate a new law, propose an amendment to an existing law or repeal a law that is no longer needed. The Band Council will have to develop procedures on how laws are initiated such as what a law must include.
a. Council;	The Council will have the authority to initiate a new law. Any Band Council member can propose a law and if the majority of the council members agree a new law can be initiated.
b. a committee established under section 11.1; or	A committee of the community will be able to propose laws. This is intended to allow the band members the ability to propose changes in the way the band is governed and can take part in making those changes.
c. any Member, upon recommendation to the committee established under section 7.2(b).	An individual band member can propose laws but must be agreed to by a committee that is representative of the community.

7.3. Upon initiation of a proposed law, Council will:	Section 7.3 states what the council must do once a law is proposed.
a. Prepare or cause to be prepared a draft of the Proposed Law; and	The council will give instructions to write a FIRST draft of the proposed law. The purpose of the draft at this point is to provide the people who will be affected by the law an opportunity to study the law and how they will be affected.
b. provide notice to the Members of the subject matter of the proposed law and the general nature of provisions to be included in the proposed law.	The council will provide to the members an explanation of the proposed law. The reason the law is needed and what problem it is intended to solve and how the law is intended to solve the problem.
7.4. Council will provide notice under section 7.3(b) by:	Section 7.4 outlines the steps the Council or staff must take to ensure the membership is informed of the proposed law.
a. mailing a copy of the draft law to Eligible Voters at their last known address; or	Many of the members do not live in Kitselas and the only way to reach them is through mail.
b. posting of the notice in a public area.	Must post in some public area in Kitselas, for example, the community hall, band office or in some other area where people are able to see it.
7.5. Notice under section 7.3 will:	Section 7.5 states what the notice must contain.
a. where a committee has been established under section 11.1, invite written or oral presentation from the committee on the subject matter and content of the proposed Law;	
b. invite written or oral presentation from Members on the subject matter and content of the proposed law; and	The notice will begin a process of community review of the law and what it is intended to do.
c. specify a date at least 60 days from the date of the notice for Members to respond to Council.	
Council Will Consider	The council will not be bound by the presentations it receives, but it must consider what the membership says in their written or oral presentations and cannot ignore the legitimate concerns of the membership.
7.6. Upon expiry of the time specified under section 7.5(c), Council will take into consideration any presentations received under section 7.5(a) and (b), the needs of the community, any legal review and other relevant matters and will prepare or cause to be prepared a final version of the draft law for tabling with Council.	Section 7.6 states that when the 60 days of public input is up, the Council will write another draft and attempt to include the community concerns, also ensuring that the Council has the authority to make the law and does not infringe on anyone's constitutional rights, etc. The council with legal help will review the draft law and consider the community's comments and any legal advice and recommendations and order that a new draft be written to prepare for a final vote.

7.7. After considering the draft law, Council will, by Order:	The council must consider the draft and do one of three things.
a. accept the draft law in principle and set a return date for further consideration by Council;	The council can agree with the draft and instruct the drafters to complete a final draft ready to be voted on.
b. reject the draft law; or	The council can reject the draft law at this point and the law will be in effect dead and no further work can be done on it.
c. direct further work on the draft Law and specify a return date for further consideration by Council.	The council can request that the draft law go through the committee system a second time if there are concerns about whether meets the original objective or for some other reason.
7.8 Council will explain its reasons for rejecting a draft law.	The council must explain why they reject a law. For example it may be too costly for the community, it may be outside the authority of the council to make, it may infringe on someone's rights or any number of reasons.
7.9 Law is enacted if it is approved by a majority vote of Council.	The law becomes law when the majority of Band Council votes in favour of the law.
7.10 Council may enact a Law without notice if Council is reasonably of the opinion that the Law is required urgently to protect First Nation Land or Members.	The Council cannot act on land matters by passing resolutions or Band Council Resolutions in a Council meeting. Everything Council does on land matters must be done through a band law. If there is an urgent matter that must be dealt with right away and there is no time to go through the entire process of law making through the committee system, the Council can pass an emergency law.
7.11 A Law enacted under section 7.10 will be deemed to have been repealed and to have no force and effect as of 28 days after its enactment, but may be re-enacted in accordance with this Part.	Any emergency law passed by Council is good for only 28 days and is considered dead after 28 days. A law that is intended to be permanent must go through the committee system with community consultation.
8. Publication of Laws	
8.1 All Laws will be published in the minutes of Council.	A record of all laws must be kept and must form part of the business of Council. The enacted law will form part of the minutes of Council to demonstrate it was enacted according to our own law.
8.2 Within seven days after a Law has been enacted, Council will:	The Council must do the following within 7 days.
8.3 Any person may, during regular business hours at the First Nation administration offices, have reasonable access to the register of Laws.	This is for people like developers who want to do business in Kitselas and need to know what the laws in Kitselas are.

9. Commencement of Laws	
9.1 A Law comes into effect on:	Laws come into force at a specific time. In this case, the way this law is written a law will come into force after the council votes in favour of the law and the vote is recorded in the minutes. This section also provides for the band law making authority to make a law defining how a law comes into force.
a. the date it is enacted;	
b. a date set by Order; or	
c. such other date as may be specified by the Law.	

PART 3 MEMBER INPUT AND APPROVALS

10. Rights of Eligible Voters	
10.1 Every Eligible Voter may vote in a Ratification Vote.	Band members whether they live on or off reserve can vote in a referendum.
11. Community Participation	
11.1 Council may by Order establish standing and ad hoc committees of Members or others to:	The Council have the authority to establish either long term or short term committees to do certain things.
(a) assist with the development of the Kitselas Land administration regime under section 22.1;	To help in the planning of the Kitselas land management system.
(b) advise Council and First Nation staff on matters in relation to Kitselas Land;	To provide advice.
(c) recommend to Council Laws, Orders, policies and procedures in relation to Kitselas Land;	To make recommendations.
(d) draft proposed legislation and recommend drafting instructions;	Assist in writing new laws.
(e) discuss Kitselas Land issues and make recommendations to Council on the resolution of these land issues;	Make recommendations to resolve outstanding issues.
(f) assist in the exchange of information in relation to Kitselas Land issues between Members and Council; and	Assist in communicating with the membership.
(g) perform such other duties and functions as Council may direct.	Work of committees are not limited by the above list and are not limited only to lands.
11.2 In establishing committees under section 11.1 Council will have regard to:	When setting up committees, council must consider the following:
(a) representation of community interests and diversity; and	Must consider the different groupings such as, the family groupings, on and off reserve, youth and elders and any other groupings that should be consider to

	ensure the community is fairly represented.
(b) knowledge of the First Nation, including oral knowledge and history.	Council should include in committees people who are knowledgeable in our history, our way of doing things, our traditional methods of handling problems and any other traditional knowledge that is not written anywhere.
11.3 Council will enact a Law establishing policies, processes and criteria for the operation of committees under section 11.1.	The council must write and pass a law to enable it to establish committees and to make into law how committees operate.
11.4 The Law enacted under section 11.3 will include provisions regarding:	Any law made to establish committees procedures must include the following:
(a) specific terms of reference for each committee;	Each committee must have a specific terms of reference for what ever task they are asked to do.
(b) appointment, renewal and dissolution of committees;	Law to include how they are appointed, added to, and dissolved.
(c) openness of committee meetings;	Rules on how committee meetings are open to the membership, how they report to the membership and under what conditions committees may hold private meetings.
(d) solicitation and receipt of oral or written presentations from Members and others;	Rules and steps for council or committees to request contribution of information, ideas, opinions, or the like from the membership or anyone else affected.
(e) recording of oral presentations received under section 11.4(d), including appropriation of funds for transcription;	Rules and procedures for keeping written records of oral presentations.
(f) standards for full and fair consideration of all presentations received by a committee for inclusion in recommendations to Council;	Rules for fair treatment of information, ideas and opinions to ensure none of it is ignored or discounted.
(g) access to expert advisors, legal counsel or other persons to assist in fulfilling the committee's functions;	Provide funding for the hiring of lawyers or other experts required by the committee for proper information.
(h) committee procedures and rules of conduct;	Establish rules for the operation of the committees.
(i) chairing of the committee; and	Rules on who appoints the committee chair and the authority and responsibilities of the chairperson.
(k) such other matters as Council may prescribe.	To do any other things not included in the above list.
11.5 Nothing will preclude Council from appointing a committee under section 11.1 that is formed independently of Council.	There is nothing to prevent community members from forming any committee for any reason and if the council feels that the committee can be beneficial to the community and fits the above criteria, the council can under this act appoint them as an official council committee.
11.6 Subject to Council appropriations in respect of financial obligations, a Committee may:	Council will pay for the costs of committee work but must also stay within a budget based on moneys available. Council can not be required to pay costs if

	the is no money set aside to pay for committees. The council must approve costs and a budget needs to be approved by council.
(a) establish policies for the remuneration and recovery of expenses incurred by committee members; and	Costs of personal expenses for committee members.
(b) establish programs for the orientation and education of committee members.	Cost of training if required.
11.7 Council may enable assignment of First Nation staff or other resource persons to assist the committee in fulfilling its functions.	Council has the authority to assign existing band staff to assist the committee in their work or hire consultants to assist if it is determined they are required.
11.8 Council will appoint a committee under section 11.1 to provide community input prior to the development of a Law in relation to:	Council will require the assistance of community members to develop laws and will do so through the appointment of special committees for the following.
(a) a community plan or subdivision plan;	Laws for community and subdivision planning.
(b) declaring land or an interest referred to in section 5.2 to be subject to this Act;	Laws for additional reserve lands.
(c) a heritage site or an environmentally sensitive property;	Laws for the protection of sensitive lands.
(d) environmental assessment;	Laws for how the environment is protected.
(e) transfer or assignment of interests in land;	Laws for the transfer of lands.
(f) spousal property under section 30.1;	Laws for spousal property rights.
(g) the rate and criteria for the payment of fees or rent for land; and	Laws for how rates and criteria are set and payment is made in leases and permits.
(h) any other matter or class of matters that Council by Order declares to be subject to this section.	Any law that the council decides forms part of the body of laws dealing with Kitselas Lands.
12. Ratification Votes	
Approval by Ratification Vote	
12.1 Approval by a Ratification Vote must be obtained for:	A referendum will be required:
(a) development on a heritage site designated in a land use plan;	If changes are planned on a designated heritage site.
(b) voluntary exchange of Kitselas Land;	If reserve lands are to be exchanged with private land.
(c) expropriation of a Member's interest;	If council uses their expropriation powers.
(d) amendment to the Individual Agreement that reduces the amount of funding provided by Canada;	If the agreement with Canada is to be changed to reduce the funding for the operation of the land act.
(e) amendment of this Act; and	If there is an amendment to this act.
(f) any Law or class of Law that Council by Order declares to be subject to this section.	If a law passed by council state in it that a referendum is required to finalize some issue.
Individual Agreement	
12.2 For greater certainty, an amendment to, or renewal of, the Individual Agreement will not	No referendum will be required to amend the agreement with Canada unless Canada is reducing the

require approval by a Ratification Vote unless the amendment or renewal reduces the amount of funding provided by Canada.	amount of funding to operate the Kitselas land act.
Ratification Process	
12.3 A Ratification Vote under this Act will be conducted in substantially the same manner as that set out in the <i>Kitselas First Nation Community Ratification Process</i> that was used to ratify this Act.	Any referendum to settle any matter related to this act will be the same type of referendum as one that approved the act.
No Verifier	
12.4 A Verifier is not required in a Ratification Vote.	The final counts in the referendum will all that is required to make it official and does not need to be approved by anyone else.
Requirements for Approval	
12.5 A matter will be considered approved by a Ratification Vote if a majority of the Eligible Voters participates in the vote and at least a majority of the participating voters cast a vote in favour of the matter.	A successful vote will require that at least 50% pf the eligible members cast a vote and at least 50% plus 1 vote are in favour of the matter to be voted on.

PART 4 EXPROPRIATION AND LAND EXCHANGE

13. Expropriation by First Nation	
Rights and Interests That May be Expropriated	
13.1 An interest or license in Kitselas Land or in any building or other structure on such land may only be expropriated by the First Nation in accordance with the Framework Agreement and a Law enacted in accordance with section 13.3.	Expropriation power will be held by Kitselas and not by the province or Canada.
First Nation Purposes	
13.2 The First Nation may expropriate only for a necessary community purpose or public works of the First Nation.	Land can only be expropriated for justifiable reasons.
Expropriation Law	
13.3 Council will enact a Law setting out the rights and procedures for expropriation, including provisions in relation to:	Council cannot expropriate any land without first making a law.
(a) taking possession of the interest or license;	The law will include how ownership is transferred and the steps and rules council must follow.
(b) transfer of the interest or license;	Same as above.
(c) notice of expropriation;	Same as above.
(d) service of a notice of expropriation;	Same as above.
(e) entitlement to compensation;	Same as above.

(f) determination of the amount of compensation; and	Same as above.
(g) the method of payment of compensation.	Same as above.
Public Report	
13.4 Before the First Nation may expropriate an interest or license, Council will:	Council can not expropriate any land without first doing the following:
(a) prepare a report on the reasons for the expropriation;	Prepare written reasons.
(b) post a copy of the report in the First Nation administration offices; and	Post the reasons in public.
(c) mail a copy of the report to each Eligible Voter at their last known address.	Copy to all members.
Rights that May Not be Expropriated	
13.5 An interest of Her Majesty the Queen in right of Canada, or an interest previously expropriated under section 35 of the <i>Indian Act</i> , is not subject to expropriation by the First Nation.	Council cannot expropriate any land it does not legally own.
Mutual Agreement	
13.6 The First Nation may expropriate only after a good faith effort to acquire, by mutual agreement, the interest or license in Kitselas Land.	Council can only use expropriation as a last resort and must make every effort to negotiate an agreement with the person owning the land.
Limitation	
13.7 The Law enacted under clause 13.3 will include provisions having the following effect:	Any expropriation law must include the following:
(a) an expropriation will be made only for the smallest interest necessary and for the shortest time necessary; and	The smallest piece of land required and the shortest time it is required.
(b) where less than a full interest is expropriated, a person whose interest is expropriated may continue to use and occupy the land for purposes that are not inconsistent with the expropriation.	If the land is expropriated for a limited use the original owner may continue to use the land.
Notice and Compensation	
13.8 The First Nation will, in accordance with a Law enacted under section 13.3 and the Framework Agreement:	The council must perform the following:
(a) serve reasonable notice of the expropriation on each affected holder of the interest or license to be expropriated; and	Make every attempt to provide notice to any one affected by the expropriation.
(b) pay fair and reasonable compensation to the holder of the interest or license being expropriated.	Pay a fair price for the land.

Compensation Calculation	
13.9 The total value of compensation under section 13.8(b) will be based on:	Calculation of the price will be based on the following:
(a) the fair market value of the interest or license being expropriated;	Price must be similar to the price of the land in the area.
(b) the replacement value of any improvement to the land being expropriated;	The person should be able to purchase a similar piece of land of the same value.
(c) the damages attributable to any disturbance; and	Include costs of inconvenience such as the cost of moving a building.
(d) damages for any reduction in the value of a remaining interest.	Include costs to maintain the value of remaining lands if the entire lot is not taken.
Market Value	
13.10 The fair market value of an expropriated interest or license is equal to the amount that would have been paid for the interest or license if it had been sold on Kitselas Land by a willing seller to a willing buyer.	This can be determined by a real estate agent or some other third party.
Dispute Resolution	
13.11 Subject to section 13.13, the resolution of disputes concerning the right of the First Nation to expropriate will be determined by neutral evaluation in the same manner as provided in Part IX of the Framework Agreement.	The council must stay with in the law in any expropriation and their right to expropriate must be confirmed by a neutral evaluator.
13.12 The 60 day period referred to in clause 32.6 of the Framework Agreement will be applied, as appropriate in the circumstances, by the neutral evaluator.	Must allow 60 days to perform the evaluation.
13.13 Resolution of the following disputes will be determined by arbitration in the same manner as provided in Part IX of the Framework Agreement:	Disagreement on the following will require arbitration as laid out by the Framework Agreement.
(a) a dispute concerning the right of the holder of an expropriated interest or license to compensation; and	Disagreements on rights.
(b) a dispute concerning the amount of compensation.	Disagreements on price.
14. Heritage Sites	
Approval of Amendments	
14.1 No amendment may be made to a land use plan to develop or delete from the land use plan a heritage site designated under that plan unless the amendment receives prior approval by a Ratification Vote.	Heritage sites, such as the graveyard in the canyon, cannot be changed without a referendum.

15. Voluntary Land Exchange	
Conditions for a Land Exchange	
15.1 The First Nation may by agreement with another party exchange Kitselas Land for land from that other party in accordance with this Act and the Framework Agreement.	Kitselas may agree to exchange a piece of land with another piece of land outside Kitselas lands.
No Effect	
15.2 A land exchange is of no effect unless it receives approval by a Ratification Vote.	Land exchange requires a referendum.
Land to be Received	
15.3 A land exchange may proceed to a Ratification Vote only if the land to be received by the First Nation:	The following must be determined before a referendum can be held.
(a) is of equal or greater area than the Kitselas Land to be exchanged;	Land must be of equal or greater value.
(b) is of a value comparable to the appraised value of the Kitselas Land to be exchanged; and	Must be able to prove the value is comparable.
(c) is eligible to become a reserve under the <i>Indian Act</i> and Kitselas Land subject to this Act.	Must go through the additions to reserves process.
Negotiators	
15.4 A person who negotiates a land exchange agreement on behalf of the First Nation will be designated by Order.	The council must officially appoint any negotiators for the band.
Additional Land	
15.5 The First Nation may receive additional compensation, including money or other land in addition to the land referred to in section 15.3.	Land exchanged is not restricted to just trading land. Reserve lands can be traded for extra land and money.
15.6 Such other land may be held by the First Nation in fee simple or other manner.	Extra land can be held as fee simple land and does not become reserve lands.
Federal Consent	
15.7 Before the First Nation concludes a land exchange agreement, it must receive a written statement from Canada stating that Her Majesty in right of Canada:	Land exchanged to be made into Indian reserve land must be approved by the government of Canada under the following conditions.
(a) consents to set aside as a reserve the land to be received in the land exchange under section 15.3, as of the date of the land exchange or such later date as Council may specify by Order; and	Consent in writing before land is exchanged.
(b) consents to the manner and form of the exchange as set out in the land exchange agreement.	Consents to the procedures or steps on how the land is to be exchanged.

Notice	
15.8 At such time as negotiation of a land exchange agreement is concluded, and at least 30 days before the Ratification Vote provided for in section 15.2, Council will provide the following information to the Members:	Once an agreement is reached on the terms of the land exchange and at least 30 days before a referendum the council must inform the membership of the following.
(a) a description, including a legal description, of the Kitselas Land to be exchanged;	Legal description of the reserve lands to be traded.
(b) a description, including a legal description, of the land to be received by the First Nation;	Legal description of the off reserve lands to be received in exchange.
(c) a description of any other compensation to be received;	Report on any moneys to be received in addition to the traded lands.
(d) a report of a certified land appraiser stating that the conditions in sections 15.3(a) and (b) have been met;	Include the land appraiser's report.
(e) a copy of the land exchange agreement; and	Include a copy of the exchange agreement.
(f) a copy of the statement from Canada referred to in section 15.7	Include a copy of the Government of Canada's written approval.
Process of Land Exchange	
15.9 A land exchange agreement will provide that:	A land exchange agreement must include the following:
(a) the other party to the exchange must transfer to Canada the title to the land that is to be set aside as a reserve;	Agreement to transfer the land to the government of Canada in order that it can be designated an Indian Reserve. Note: fee simple land does not need to be transferred to Canada.
(b) Council must pass an Order authorizing Canada to transfer title to the Kitselas Land being exchanged, in accordance with the land exchange agreement; and	Council must give authority to Canada to transfer the land. Canada can not transfer any Kitselas lands without the council granting their authority.
(c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the Kitselas Land Register and the First Nation Lands Register.	Any transfers must be registered for it is considered legal.

PART 5 ACCOUNTABILITY

ACCOUNTABILITY	
16. Application	
16.1 As soon as practicable after this Act comes into force, Council will enact a Law in respect of conflicts of interest and financial matters in relation to the management and administration of Kitselas Land under this Act.	This clause give the council law making authority to make binding laws on conflict of interest in financial matters, management and administration.

17. Conflict of Interest	
General Duties and Definitions	
17.1 A Law enacted under section 16.1 in respect of conflict of interest will be consistent with conflict of interest requirements in effect for public governments in Canada and without limiting the generality of the foregoing, will include:	The Kitselas law should be similar the other conflict of interest laws in Canada and BC and will include the following
(a) a definition of conflict of interest;	Will need to define and be clear on what a conflict of interest is.
(b) a requirement that no member of Council or other person to whom the Law applies will be involved in any transaction or matter where they are in a conflict of interest or appear to be in a conflict of interest;	Must be clear on whom the law applies to, such as band council members and other officials.
(c) a procedure for disclosure of conflicts of interest or appearances of conflicts of interest;	Must include steps for disclosing when there may be a conflict of interest.
(d) a procedure for resolving disputes regarding whether a conflict of interest exists;	Law must include steps for resolving disputes.
(e) a procedure for approving transactions where a conflict of interest or appearance of a conflict of interest exists; and	Law must include steps for approving a transaction where there may be a conflict of interest.
(f) remedies or penalties.	Law must include penalties of some way to remedy the problem is conflict of interest laws and rules are ignored.
18. Financial Management	
Financial Management and Policy	
18.1 A Law enacted under section 16.1 in respect of financial management will be consistent with financial management requirements in effect for public governments in Canada and without limiting the generality of the foregoing, will include:	Any laws passed by council regarding financial management must be similar to other financial administration laws in Canada or BC, but should be specific to Kitselas and will include the following:
(a) continuation or implementation of a system of financial planning and financial administration for the management of First Nation moneys through which Council, First Nation employees and other persons who manage moneys in relation to Kitselas Land are accountable to the Members within the meaning of clause 5.2(d) of the Framework Agreement;	Law to include system of financial planning and administration. To include rules of money management that must be followed by any staff or employee of the band.
(b) establishment of bank accounts;	Law to include the procedures of starting and managing bank accounts.

(c) signing officers;	Law to include who can be a signing officer, how they are added or removed, what their responsibilities are and when do they cease to be signing offices on the band bank accounts.
(d) the fiscal year of the First Nation;	Current fiscal year is April 1 st to March 31 st of each year.
(e) procedures of the development and adoption of annual budgets, including consultation with the Members;	Law to include procedures for budgeting that must be followed by the administrative staff and how and when the membership is to be consulted.
(f) a process for determining	Law to include processes for the following list:
(i) fees and rents for interests and licenses in Kitselas Land; and	How rents and fees are set.
(ii) fees for services provided in relation to Kitselas Land and compliance with this Act.	How fees for services are set and who sets them.
(g) keeping of financial records in accordance with generally accepted accounting principles;	These standards are established by an association called the “Canadian Chartered Accountants Association”. Their authority comes from the Canada Financial Administration Act.
(h) preparation of financial statements;	Law to include how financial statements are prepared and presented.
(i) auditors and audits;	Law to include how and when audits are done.
(j) annual reporting;	Law to include what type of annual reporting will be done.
(k) access to financial information; and	Law to include who has access to financial information and how will financial information can be accessed.
(l) offences and penalties.	Law to include a clear description of what an offence is and what is the penalty for breach of an offence in this act or beach of any law passed by Kitselas.

**PART 6
LAND ADMINISTRATION**

19. Employees and Contractors	
Determination of Standards and Qualifications	
19.1 Council may establish a process for determining standards and qualifications for employees and contractors hired for purposes of implementing and administering this Act.	Council has the authority under this act to set employment and qualification standards and standards for any consultants or contractors.
20. Registration of Interests and Licenses	
Kitselas Land Register	
20.1 Council will maintain a Kitselas Land Register in the same form and with the same	A land registry system will have to be developed for all legal land transactions. Department of Indian Affairs

content as the First Nation Lands Register.	will no longer be responsible for keeping Kitselas land records.
Enforcement of Interests and Licenses	
20.2 An interest or license in Kitselas Land created or granted after this Act comes into force is not enforceable unless it is registered in the Kitselas Land Register.	All transactions will have to be registered for the transaction to be considered legal and enforceable.
Duty to Deposit	
20.3 Council will ensure that an original copy of the following instruments is deposited in the Kitselas Land Register:	The land register must include the following.
(a) a grant of an interest or license in Kitselas Land;	Copy of the original official copy of the land grant.
(b) a transfer or assignment of an interest in Kitselas Land;	Copy of the transfer document.
(c) a land use plan, subdivision plan or resource use plan; and	Copy of the official community plan or subdivision or resource use plan.
(d) this Act and any amendment to this Act	Any amendments to the act.
20.4 Every person who receives an interest or license in Kitselas Land from a Member will deposit an original copy of the relevant instrument in the Kitselas Land Register.	Copies for all documents related to land transaction issued to any person must be included in the registry records.
Registration of Consent or Approval	
20.5 No instrument that requires the consent of Council or community approval may be registered unless a certified copy of the document that records the consent or approval is attached to the instrument.	All copies in the register must be original documents and are certifies copies.
20.6 Notwithstanding section 20.1, nothing in this Act precludes Council from enacting a Law providing for maintenance of the Kitselas Land Register in such other land registry system or facility as may meet the requirements of the Kitselas Land Register.	Kitselas may use some other land registry system other than the registry they develop. Kitselas could join with some other bands of a provincial land registry if it is to their benefit.
21. First Nation Lands Register	
Duplicate Register	
21.1 Council will ensure that a duplicate copy of any instrument deposited in the Kitselas Land Register is deposited in the First Nation Lands Register.	Copies are to be filed to a central land registry.

PART 7
INTERESTS AND LICENSES IN LAND

22. Interests and Licenses	
Regime to be Established	
22.1 Within a reasonable time after this Act comes into force, and prior to enacting any further Laws in relation to interests in, and licenses to use, Kitselas Land, Council will establish a community process to develop and recommend to Council a regime for land management under this Act.	Before the Council makes any laws, they must set up a method by which community members can be properly consulted on how the land system can work for the community. The Act establishes a community process for community input into the content of laws passed by the council. This community consultation will set the community guidelines or principles that Band Councils should follow.
22.2 Without limiting the generality of section 22.1, the process established under that section will consider:	The above process will consider the following. This clause does not in any way limit clause 22.1.
(a) land use planning and zoning;	List of matters include in the community principles.
(b) specific interests and licenses in relation to Kitselas Land that may be continued or created under this Act, which may include leases, permits, easements and rights of way;	List of matters include in the community principles.
(c) allocation of Kitselas Land for residential housing;	List of matters include in the community principles.
(d) specific licenses and permits for harvest and extraction of natural resources from Kitselas Land, which may include cutting timber and extracting minerals, stone, sand, gravel, clay, soil and other substances;	List of matters include in the community principles.
(e) traditional forms of tenure, land use and natural resource use;	List of matters include in the community principles.
(f) processes and criteria that will be applied to the grant, disposition, renewal and enforcement of interests and licenses, which may include Member participation in decision-making;	List of matters include in the community principles.
(g) standards and forms for the grant and disposition of interests and licenses;	List of matters include in the community principles.
(h) environmental assessment and environmental protection;	List of matters include in the community principles.
(i) charge or mortgage of interests, including leasehold interests;	List of matters include in the community principles.
(j) processes and criteria for appeal from decisions to grant or refuse to grant interests in Kitselas Land;	List of matters include in the community principles.
(k) resolution of disputes; and	List of matters include in the community principles.
(l) the policy in relation to spousal property upon which section 30.1 is based.	List of matters include in the community principles.

Implementation	
22.3 Subject to section 11.1, Council may, after full and fair consideration of any recommendations made by the process established under section 22.1, implement such recommendations through the enactment of Laws and establishment of policies, rules and procedures.	The council to use the committee system established under section 11.1 to assist in implementing the community principles.
All Dispositions in Writing	
22.4 An interest in, or license to use, Kitselas Land may only be created, granted, disposed of, assigned or transferred by a written document issued in accordance with this Act.	All land transactions to be legal must be in written legal documents and comply with the laws in this act.
Improper Transactions Void	
22.5 A deed, lease, contract, instrument, document or agreement of any kind by which the First Nation, a Member or any other person purports to create, grant, dispose of, transfer or assign an interest or license in Kitselas Land after the date this Act comes into force is void if it contravenes this Act	After this act comes into force all transactions that happen after this act is passed must comply with this act. If it does not comply the transaction will not be valid legally.
Non-Members	
22.6 A person who is not a Member may hold a lease, license or permit in Kitselas Land.	A non-member may not own Kitselas land but can lease, obtain a permit, or apply to the band for a permit.
Grants to non- Members	
22.7 The written consent of Council must be obtained for any grant or disposition of a lease, license or permit in Kitselas Land to a person who is not a Member.	Council approval in writing will be required for a non-member to obtain a lease, license or permit. Band members will not require council approval.
23. Existing Interests	
Continuation of Existing Interests	
23.1 An interest or license in Kitselas Land, whether held by a Member or a person other than a Member, that is in effect when this Act comes into force will, subject to this Act, continue in force in accordance with the terms and conditions of that interest or license.	Any CP's, leases, licenses, permits or any other forms of land interest, such as traditional ownership, will not be erased by this act and will continue unaffected.
23.2 Council may, subject to an applicable ruling under Part 8 or by a court of competent jurisdiction, cancel or correct any interest or license issued or allotted in error, by mistake or by fraud.	If any of the above exists because of error, mistake or fraud, the council, or a court, has the authority to cancel or correct it.
24. New Interests and Licenses	
Authority to Make Dispositions	
24.1 Subject to this Act, Council may grant:	This clause removes the requirement of the Department

	of Indian Affairs to approve any land transactions and places it in the authority of the Band council. The council must follow this act and any law that are passed under the authority of this act.
(a) interests in Community Land; and	Council can approve any land transactions on lands that are not held by individuals.
(b) licenses and permits to take resources from Community Land.	This includes all resources such as timber, gravel, mushrooms and any other resources on Kitselas lands.
Conditional Grant	
24.2 The grant of an interest, license or permit may be made subject to conditions.	The council has the authority to add conditions such as environmental concerns to the interests they grant.
25. Permanent Interests	
Nature of Interest	
25.1 Subject to section 22.1, Council may enact Laws providing for an interest in Kitselas Land that entitles a Member holding that land to:	This section lists the law making authority the Band has to do the following. The council can not do any of the following without first passing a law:
(a) permanent possession of the land;	Authority list.
(b) benefit from the resources in and of the land;	Authority list.
(c) grant subsidiary interests, licenses and permits in the land;	Authority list.
(d) transfer, devise or otherwise dispose of the land to another Member; and	Authority list.
(e) any other rights, consistent with this Act, that are attached to Certificates of Possession under the <i>Indian Act</i> .	Authority list.
25.2 For greater certainty, no interest under section 25.1 may be granted to a person who is not a Member.	Authority list.
26. Transfer and Assignment of Interests	
Transfer of Interests	
26.1 A Member may transfer or assign an interest in Kitselas Land to another Member without consent of Council.	Council approval is not required for members to transfer land with each other.
Consent of Council	
26.2 Except for transfers under section 26.1 and transfers that occur by operation of Law, including transfers of estates by testamentary disposition or in accordance with a Law enacted pursuant to section 30.1:	Written consent of the Council will be required for all transactions except for: transactions between members, transactions that follow the law or transactions made by a Will.
(a) there will be no transfer or assignment of an interest in Kitselas Land without the written consent of Council; and	All other transactions will require written consent of Council. (except the above).

(b) the grant of an interest or license is deemed to include section 26.2(a) as a condition of any subsequent transfer or assignment.	If the parties in the transaction include council approval as a condition.
27. Limits on Mortgages and Seizures	
Protections	
27.1 In accordance with the Framework Agreement, sections 29, 87, 89(1) and 89(2) of the <i>Indian Act</i> continue to apply to Kitselas Land.	These sections of the Indian Act will remain unchanged and will remain in effect. Section 29 – reserve land are not subject to seizure for any reason. Section 87 – Reserve lands and property on reserve are exempt from taxation and not taxable. Section 89(1) –Reserve can not be mortgaged or subject to seizure by a band or any other person. Only another band member or the band council is able to do that. Section 89(2) – personal property on reserve is not subject to seizure by anyone other than an Indian or the band.
Mortgage of Member’s Interest	
27.2 The interest of a Member in Kitselas Land may be subject to a mortgage or charge only to the First Nation.	Land can be mortgaged to the band and not to a bank. Banks will not be able to take over band land through a mortgage default. In other words the council must guarantee any mortgage with the lender or make some other agreement with the banks.
Mortgages of Leasehold Interests with Consent	
27.3 A leasehold interest may be subject to charge or mortgage only with the written consent of Council.	No mortgage or loans by any outside party will be possible without written consent of Council.
Default in Mortgage	
27.4 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 of execution or seizure, unless:	For a mortgage to be legally binding the following conditions must be met.
(a) the charge or mortgage received the written consent of Council;	Must have written consent of Council.
(b) the charge or mortgage received Member approval where required;	Members approval if required by this act or any law passed by Kitselas.
(c) the charge or mortgage was registered in the Kitselas Land Register; and	The mortgage is registered in the Kitselas land registry system.
(d) a reasonable opportunity to redeem the	Kitselas must first be offered an opportunity to take

charge or mortgage was given to Council.	over the mortgage.
Power of Redemption	
27.5 If Council exercises its power of redemption with respect to a leasehold interest, the First Nation becomes the lessee of the land and takes the position of the chargor or mortgagor for all purposes after the date of the redemption.	Kitselas becomes the legal mortgage holder if they take it over.
28. Residency and Access Rights	
Right of Residence	
28.1 The following persons may reside on Kitselas Land:	List of who may live on Kitselas lands.
(a) a Member;	Someone who is a band member.
(b) a Member who has been allocated a residential lot by Council;	Someone who owns land on Kitselas land.
(c) a Spouse and child of a Member referred to in section 28.1(b);	Someone who is a spouse or child of member.
(d) a Member with a registered interest in Kitselas Land;	A member who has a lease or permit.
(e) an invitee of a Member referred to in section 28.1(b) or (c);	Someone invited by a member.
(f) a lessee or permittee, in accordance with the provisions of the instrument granting the lease or permit.	Anyone with a lease or permit.
28.2 For greater certainty, a Member under section 28.1(a) includes a Member who has been accepted under the Kitselas Membership Code by traditional means.	Anyone accepted by Kitselas according to our membership code.
28.3 A right of residence under section 28.1 does not imply any financial obligation on the part of the First Nation.	The right to live on Kitselas land does not add any other rights.
Right of Access	
28.4 The following persons have a right of access to Kitselas Land:	Persons who have a right to be on Kitselas land and can not be considered trespassing.
(a) a lessee of Kitselas Land;	A person with a lease.
(b) an invitee of a lessee of Kitselas Land;	A person invited by a person with a lease.
(c) a permittee and any person who is granted a right of access under the permit;	A person with a permit to be on Kitselas land.
(d) a Member;	A person who is a member.
(e) a Member's Spouse and children;	A person who is a spouse or child of a member.
(f) a person who is authorized by a government body or any other public body, established by or under an enactment of the First Nation, Canada or British Columbia to establish, operate or administer a public service, to	A person with authority such as the RCMP.

construct or operate a public institution or to conduct a technical survey;	
(g) a person authorized in writing by Council; or	A person with written consent of council.
(h) a person authorized by a Law.	A person who can show he/she has a legal right to be on Kitselas land.
Public Access	
28.5 A person may have access to Kitselas Land for social or business purposes if that person:	Guests and business people have access rights limited by the following:
(a) does not trespass on occupied land;	Can not trespass on land someone is living on.
(b) does not interfere with an interest or license in land;	Can not trespass on leased land .
(c) complies with all applicable Laws; and	Must follow all Kitselas laws.
(d) no Order has been enacted prohibiting that person from having access to Kitselas Land.	An Order must be some form of legal written order and can not be a verbal order.
Trespass	
28.6 Any person who resides on, enters or remains on Kitselas Land other than in accordance with a right of residence or access under this Act is guilty of an offence.	Trespass is an offence that can be punished by law.
Civil Remedies	
28.7 Subject to any Law enacted under this Act, all civil remedies for trespass are preserved.	Canadian laws and any court procedures continue to apply.
No Obligation on the First Nation	
28.8 A right of residence or access does not imply any financial obligation on the part of the First Nation.	A right to live on or be on Kitselas land does not add any other rights.
No Liability on the First Nation	
28.9 No liability is imposed upon the First Nation in respect of any person exercising a right of access in accordance with this Land Code for injuries or damages suffered on account of the condition or state of First Nation Land.	Kitselas can not be sued if someone gets hurt on our lands.
29. Transfers on Death or Mental Incompetence	
Right of Spouse or Dependant	
29.1 In the event that:	If the following happens:
(a) a Member holding an interest in Kitselas Land dies intestate and is survived by a Spouse or dependant who does not hold a registered interest in that land; or	If a band member dies without a will and is survived by a spouse who is not a band member and is not listed as one of the owners of the home: or;
(b) a Member holding an interest in Kitselas	If a band member is declared incompetent and is

<p>Land is declared incompetent due to mental incapacity, the Member's Spouse or dependant may, where their usual place of residence was with the Member at the time of the Member's death or declaration of incompetence, continue to reside on and use the land until the Member's interest is disposed of under this section.</p>	<p>unable to act on their own behalf, the spouse or dependent who is not a band member may continue to reside at the home until the matter is settled.</p>
<p>29.2 A Spouse or dependant referred to in section 29.1, whether or not their usual place of residence was with the Member at the time of the Member's death or declaration of incompetence, may make application for transfer of the Member's interest, and Council will, subject to this Act, decide such application on its merits.</p>	<p>The spouse or dependent can make an application to the band council to take over the ownership of the home whether or not they lived in the home.</p>
<p>Location of Immediate Relatives</p>	
<p>29.3 In the event that:</p>	<p>If the following happens:</p>
<p>(a) no other provision has been made by a Member referred to in clause 29.1 for the disposition of the interest in the Kitselas Land;</p>	<p>If no will was made and no instruction as to the wishes of the person deceased for what happens to the home and land.</p>
<p>(b) the Member's Spouse or dependant does not within a reasonable time make application under clause 29.2; or</p>	<p>If the deceased member's spouse or dependent does not take any steps to make an application for taking over the land. The spouse or dependent must be given time to do this even though there is no time limit.</p>
<p>(c) an Immediate Relative of the Member disputes the continued residence on or use of the land by the Member's Spouse or dependant, Council will take reasonable steps to advise any other Immediate Relatives of the Member that the interest held by the Member is available for disposition or is in dispute, and the Member's Immediate Relatives may, with the assistance of the Panel if requested, recommend who is to receive the interest in the land.</p>	<p>If there is a dispute by an immediate relative of the spouse or dependant living on the land, the council must inform all of the other immediate relatives of the dispute. The immediate relatives can advise the council and make recommendations as to who should get the land. A panel can make a final decision.</p>
<p>Committee</p>	
<p>29.4 If a Member referred to in section 29.1 has no other Immediate Relatives, or if the Immediate Relatives do not within a reasonable period of time after the date of the Member's death or declaration of incompetence recommend who is to receive the interest, Council will decide who is to receive the interest and may appoint a committee under section 11.1 to provide advice on the disposition of the interest.</p>	<p>If the deceased member has no relatives or the relatives decide to do nothing then the council may decide who will become the owner of the land and home. The council may set up a committee to study the problem and give advice to the council on what to do.</p>

29.5 Subject to this Act and any applicable Law, Council will:	Once all the advice and recommendations have been made the council will be required to:
(a) give full and fair consideration to any recommendation made under section 29.3 or 29.4; and	Study and consider all advice and recommendations and by all including the committee set up by council and make a fair decision.
(b) make best efforts to implement that recommendation.	The council will then be required to act on the recommendations.
30. Spousal Property Law	
Development of Rules and Procedures	
30.1 Within 12 months after the date this Act comes into force Council will enact a spousal property Law providing rules and procedures applicable on the breakdown of a marriage to:	The council must draft and pass law on what happens to property when couples divorce or separate. The law must be completed both within a year after the approval of this act.
(a) the use, occupancy and possession of Kitselas Land; and	The law will include, how to determine who uses the land, how to determine who occupies the land and how to determine who can own the land.
(b) the division of interests in that land.	The law will include how to determine how the property is divided between the divorced or separated couple.
Enactment of Rules and Procedures	
30.2 The rules and procedures contained in the spousal property Law will be developed in consultation with the Members.	In drafting the law, the council must make sure the band members have their opinions, ideas and recommendations considered in drafting the law.
General Principles	
30.3 The rules and procedures developed under section 30.2 will take into account the following general principles:	Any rule and procedures developed by the council must include the following.
(a) the children of the Spouses, if any, should have a right to reside in the matrimonial home until the age of majority or until other arrangements have been made in the best interests of the children;	The rights of any children under the age of 18 to remain in the home until other arrangements have been made.
(b) each Spouse should have an equal right to possession of the matrimonial home;	Each spouse has an equal right to the home regardless even if they are not band members or do not have Indian status.
(c) each Spouse should be entitled to an undivided half interest in the matrimonial home as a tenant in common;	Division of assets must be fair and equal and no person can be removed without fair compensation.
(d) the rules and procedures will not discriminate on the basis of sex; and	The rules must be fair to both and not favour either the husband nor wife regardless.
(e) only Members are entitled to hold a Permanent Interest in Kitselas Land or a charge against a Permanent Interest in Kitselas Land.	Legally only band members can own land on the reserve and anyone else can occupy land under some other arrangement that the land code allows for, such as written permission to occupy the land.

Interim Law	
30.4 Council may enact an interim spousal property Law at any time within the 12 month period prescribed in section 30.1.	If the council is unable to pass a law that includes all of the steps laid out in the above, they may pass a temporary law that will automatically expire in 12 months.
30.5 A Law enacted under section 30.4 will be deemed to be repealed 12 months after the coming into force of this Act, but may be re-enacted in accordance with section 30.1.	If the council uses the above clause as the authority to pass a law on divorce and separation, the law will be in effect for one year only and will no longer be law after one year.

PART 8 DISPUTE RESOLUTION

31. Dispute Resolution Panel	
Panel Established	
31.1 Subject to this Part, disputes in relation to Kitselas Land may be resolved by a Panel appointed under this Part.	The band has the authority to appoint a panel to settle disputes but the panel must operate within the limits set by this section.
Appointment of Panel	
31.2 A Panel will be composed of three panelists.	A panel of no more than three people who do not have to be Band members.
Representation	
31.3 Subject to section 32.7, Council will appoint the Panel, and will ensure that the Panel is reasonably representative of the various elements of the community.	Only the council has the authority to appoint the panel members but must make sure they do everything they can to ensure the people they appoint will be fair to all.
No Remuneration	
31.4 Unless Council by Order provides otherwise, members of a Panel will receive no remuneration.	Panel members will not be paid unless the council passes a written order approving payment to panel members.
32. Dispute Procedure	
Disputes	
32.1 Any matter or dispute in relation to Kitselas Land may be referred to a Panel for resolution.	The panel has the authority to resolve any matter in this act and any laws made by council under the authority of this act.
Prior Disputes	
32.2 For greater certainty, disputes that arose before this Act comes into force may be referred to a Panel.	This clause prevents anyone from using the argument that the panel can not settle a dispute because the dispute arose before the act was passed.
Optional Process	
32.3 Referral of a dispute to a Panel is optional and all other civil remedies continue to be available to a party to the dispute.	Persons with a dispute will not be forced to make use of the panel and may use the courts or any other remedy available in the Canadian legal system.
Disputes not Resolved by Council	
32.4 If a Member, or a non-Member with an	A dispute can not go directly to a panel, there must be a

interest in Kitselas Land, has a dispute with Council, that person will attempt to resolve the dispute with Council before referring the dispute to a Panel.	reasonable attempt to resolve the dispute by meeting with the council. The council must meet with the person and make a serious attempt to settle the dispute before sending it to a panel.
Application Procedures	
32.5 Referral to a Panel will be made in accordance with procedures established by Council.	The council must make rules and procedures on how an issue is referred to a panel. For the panel to be legal it must follow the procedures.
Limitation Period	
32.6 The limitation period for referring a matter or dispute to a Panel is:	This clause sets the time limits. After the time expires the dispute can not be heard by the panel.
(a) 30 days after the date the decision, act or omission that is the subject of the dispute occurred;	No longer than 30 days after the issue that caused the dispute occurs.
(b) in the case of a dispute under section 29.3(c), 18 months after the date of the decision; or	No longer than 18 months for the following. The council must follow all of the steps outlined in the following section before sending the issue to the panel. 29.3(c) an Immediate Relative of the Member disputes the continued residence on or use of the land by the Member's Spouse or dependant, Council will take reasonable steps to advise any other Immediate Relatives of the Member that the interest held by the Member is available for disposition or is in dispute, and the Member's Immediate Relatives may, with the assistance of the Panel if requested, recommend who is to receive the interest in the land.
Disputes with Council	
32.7 Notwithstanding section 31.3, in the event of a dispute with Council, and unless otherwise agreed by the Parties to the dispute, the Panel will be appointed as follows:	These clause sets out how a panel is established if the dispute is between a person and the Band Council and the council can not appoint a panel under section 32.1.
(a) one member of the Panel by Council;	One panel member can be appointed by the Band Council.
(b) one member of the Panel by the person referring the dispute to the Panel; and.	One panel member can be appointed by the person having the dispute with the Council.
(c) one member of the Panel by the members appointed under sections 32.7(a) and (b).	One panel will be appointed by agreement between the person appointed by Council and the person appointed by the person having the dispute.
33. Impartiality	
Duty to Act Impartially	
33.1 The members of a Panel will act impartially and without bias or favour to any party in a dispute.	Under this law the panel has no option but to be fair to all.

Offence	
33.2 It is an offence for a person to act, or attempt to act, in a way to improperly influence a decision of a Panel.	Trying to influence the decision of a panel is illegal; this includes improper actions by a panel member.
33.3 In addition to any other penalty provided for an offence under section 33.2, a Panel may refuse to hear a dispute if the Panel reasonably concludes that the applicant acted, or attempted to act, in a way intended to improperly influence a decision of the Panel.	If the panel members believe that they have been improperly influenced they can refuse to hear the dispute.
34. Powers of Panel	
Powers of Panel	
34.1 A Panel may, after hearing a dispute:	The following is a list of the powers of the Panel.
(a) confirm or reverse the decision, in whole or in part;	Decide that the decision is either correct or change the decision.
(b) substitute its own decision for the decision in dispute;	Make a decision that is different from the original.
(c) direct that an action be taken or ceased; or	Make an order for someone to either take some action or to stop some action.
(d) refer the matter or dispute for reconsideration	Send the problem back with instructions to do it over again.
Rules of Panel	
34.2 A Panel may, consistent with this Act, establish rules for procedures at its hearings and for the general conduct of its proceedings.	The Panel can make it's own rules and procedures but it must stay within the laws laid out in this act and any laws passed by Kitselas.
Professional Services	
34.3 Council may retain the service of professionals to assist a Panel in fulfilling its functions, in which case it will make best efforts to use professional services available in the community.	Council can hire outside consultants if there is no one available in the community.
Decisions of Panel	
34.4 A Panel will give reasons for a decision.	The Panel must provide the reasons for any decision it makes.
34.5 Decisions of a Panel will be in writing.	It must be in writing.
34.6 Decisions of a Panel will be signed by the chair of the Panel or by an officer designated by the Panel.	For a decision of the Panel to be binding and legal it must be signed by the Panel chair or someone appointed to sign by the panel.
34.7 Subject to section 34.10, a decision of a Panel is binding.	Decisions of the Panel will be binding unless appealed to a court within 30 days.
Term	
34.8 Where no appeal is taken under section 34.10, a Panel will dissolve 30 days after giving its decision.	If there is no appeal of the Panel decision in 30 days, the panel will automatically cease to exist.
34.9 Where a decision of a Panel is appealed	If the Panel decision is appealed to a court then the

under section 34.10 the Panel may adjourn, but will not be dissolved, until all appeal proceedings have been concluded.	Panel will continue to exist until the courts complete the matter.
Appeal of Decision	
34.10 Subject to any exception established by a Law, a decision of a Panel may within 30 days of the decision being delivered by a Panel, be appealed to a court of competent jurisdiction.	Any Panel decision can be appealed in Provincial court unless there are exceptions written in any of Kitselas laws.
Costs	
34.11 Unless otherwise ordered by a Panel or a court, the parties to a dispute will bear their own costs.	Once a dispute goes to a Provincial Court the persons in dispute will pay all of their own costs.
Alternate Forums	
34.12 Nothing in this part precludes Council from establishing additional processes for resolving disputes, which processes may include administrative appeals, facilitated	The council or the community can establish any forms of dispute resolution process such alternative dispute resolution and nothing in the part of the act stops them from doing so.

PART 9 OTHER MATTERS

35. Liability	
Liability Coverage	
35.1 Council will arrange for, maintain and pay insurance coverage for:	The council must carry insurance for the following:
(a) liability of the First Nation in relation to Kitselas Land; and	To protect the band.
(b) personal liability of the First Nation's officers and employees for acts done or omitted to be done in good faith while engaged in carrying out duties in relation to Kitselas Land.	To protect the band employees while they carry out the functions required by our laws.
Extent of Coverage	
35.2 Council will determine the extent of insurance coverage under section 35.1.	The council has the authority to determine how much insurance is required. (this could be based on the cost of insurance and the amount of funds available to pay for it).
36. Offences	
Application of Criminal Code	
36.1 Unless otherwise provided by a Law, the summary conviction procedures of Part XXVII of the <i>Criminal Code</i> apply to offences under this Act and offences under a Law.	If the band does not pass laws on what happens when a crime under our law occurs, the Criminal Code of Canada will apply.

Justices of the Peace	
36.2 Council may enact Laws in relation to appointment of justices of the peace for the enforcement of this Act and Laws.	Law making authority for the band to establish a justice of the peace to decide legal issues and settle disputes.
Provincial Courts	
36.3 If no justice of the peace is appointed, this Act and Laws will be enforced in the Provincial Court of British Columbia or British Columbia Supreme Court as the case may require.	If the band has no Justice of the Peace, provincial court judges can decide legal issues and settle disputes.
37. Amendments to Act	
Approval by Ratification Vote	
37.1 Amendments to this Act must receive approval by Ratification Vote.	Any changes in the future will require a referendum.
38. Commencement	
Preconditions	
38.1 This Act will be ratified if:	What needs to happen before this becomes law.
(a) the Members approve this Act and the Individual Agreement by Ratification Vote; and	The act can only be approved by a majority vote of the Kitselas membership.
(b) this Act has been certified by the Verifier in accordance with the Framework Agreement.	The Federal Verifier has checked this code against the Land Management Act and the Framework Agreement and has certified that this code is within the Federal Act and is a valid law of Canada.
38.2 Subject to section 38.1 this Act will come into force on the later of:	On what date the act becomes law and requires both of the following to happen.
(a) the first day of the month following certification of this Act by the Verifier; or	Final stamp of approval by the Verifier.
(b) the date the Individual Agreement is executed on behalf of Canada.	Final signing of the agreement by the Government of Canada.