

Nipissing First Nation ratified our existing Land Code on May 9, 2003. A lot has changed in the past 19 years and it is time we update our Land Code. NFN Land Code has been reviewed by our Lands Committee and legal counsel. These and any other amendments to the Land Code will require a vote which is proposed to take place on February 25, 2023.

Significant Amendments

The following is a summary of the more significant proposed amendments to the Nipissing First Nation Land Code:

Voluntary exchange of land – In the existing land code community approval is needed for any voluntary exchange of land. These exchanges occur when, as an example, reserve land is needed for provincial highways and Ontario offers NFN other alternative land in exchange. The proposed change is that, if certain conditions are met: the proposed land is equal size or greater; appraised value is equal or greater; and the land shall become a reserve, a voluntary land exchange can occur by First Nation resolution.

Financial Management- The land code was ratified in 2003 which was prior to the *First Nation Financial Management Act* and the NFN GiChi Naaknigewin. The proposed change is to remove the references to NFN having the authority to enact financial management laws and policy removed. This is now covered by the GiChi-Naaknigewin and the NFN financial management law now.

Renewal of Leasehold interest over 35 years - In the existing land code, community approval is needed for a renewal of a lease hold interest in land exceeding 35 years. It is proposed that we amend so that it is removed; However, community approval is still need for the original period in excess of 35 years;

Land use plan - In the existing land code, a land use plan needed community approval by community meeting. It is proposed that consultation by a community meeting is required for land use plans and then the council can consider approval by BCR.

Dispute resolution panel and roster panel – The existing Land code has a dispute resolution panel and a roster panel. These panels were never used, difficult to maintain and not practical. The proposed change in the land code is that arbitration by the “panel” is changed to a NFN Tribunal, essentially replacing final arbitration. Negotiation, facilitated discussion and mediation still intact and unchanged. The NFN tribunal will consist of three individuals appointed by council.

Lands Committee – In the existing land code the land committee has a decision making role. The land committee was never been used in that way. It is proposed that it be amend to reflect its actual consultative role, not decision making. The bigger decisions concerning lands are made by chief and council as they are elected and accountable to the membership.

Registration of Mortgage interests – The land code is amended to acknowledge that under certain circumstances, a band member may get a mortgage. This includes mortgage loans from the band or another band member. It is proposed that the land code is amended to allow and recognize this.

Amending the Land Code – The existing land code requires an elaborate process to amend the land code. This includes registration of voters, a significant threshold for participation, verified and if that is not met, a second and possibly other votes. It is proposed that the land code be amended to allow for amendment of the land code with community consultation and then considered for approval by NFN chief and council resolution.

Minor Amendments

The following are the more minor amendments have been proposed:

To remove reference to when the land code is coming into force. These were relevant when the land code was first enacted but are now obsolete and outdated and have been completed or fulfilled;

To include reference to NFN Gichi-Naaknigewin which did not exist in 2003 when the land code was enacted;

To include statements that the land code compliance can be incorporated into contracts for lands not yet considered reserve;

To extend land laws for emergency purposes for an additional 120 days on top of existing 120 days without the normal consultation for land laws in emergency circumstances only;

To expand the authorities to enter into agreements for enforcement of the land code with other “governments” not just Ontario;

To include immunity from civil liability for employees, contractors or prosecutors who are enforcing the land code in good faith.

To remove the reference to Natural Resources as responsibility for lands department;

To add “water” as an interest capable of being granted under the land code such as ground water;

To change reference to “family home and” matrimonial real property law to simply Matrimonial Real Property Law because that is what NFNs MRP law is called.

To add minor children of a band member as having a right to reside on reserve and to remove reference to invitees in the same clause. They have right to visit but not necessarily reside;

To add the grounds for judicial review by the courts for NFN tribunal decisions.