

Athabasca Chipewyan First Nation

Land Code

December 5, 2025



Verified

Certified

The *Land Code* includes any amendments made from time to time. The dates of amendments are noted in the relevant amended sections of this *Land Code*.

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Athabasca Chipewyan First Nation Land Code

Preamble

Whereas Athabasca Chipewyan First Nation / K'ai Tailé Denesųliné have a deep rooted cultural, spiritual, and physical connection *níts'en* since time immemorial;

And Whereas *K'ai Tailé Denesųliné* honours our ancestors' traditional ways of being and knowing, and innovate new ways to protect and preserve their Language, their Land, and their Treaty Rights; | *denénj bech'ánjé ú 2así t'a k'adórelya nj sí bek'édásídlj hó2ą. t'ahú tsąba nálye nj sí eyerots'j nuyatié ú nuhehéné ú t'at'ú náidé sí eyi bóghedi hó2ą. t'at'ú eyi bóghedi walí yanadhé hoxa, t'at'ú nuheba súghá ha sí eyi bekádáníta hok'étt'á;*

And Whereas *K'ai Tailé Denesųliné* are vested with inherent and indigenous rights including to govern their *nené*;

And Whereas *K'ai Tailé Denesųliné* are a signatory to a Treaty commonly referred to as Treaty No. 8, and April 19, 2022, became a signatory to the *Framework Agreement on First Nation Land Management* (hereinafter referred to as the Framework Agreement);

And Whereas *K'ai Tailé Denesųliné's* vision for its current and future generations is a healthy and sovereign nation that enjoys cultural, educational, employment, and economical successes;

And Whereas *K'ai Tailé Denesųliné's* views it as our responsibility to guide, provide, and support economic development for both present and future generations. We are accountable for ensuring a prosperous future;

And Whereas under the Framework Agreement, Canada recognizes that First Nations have a unique connection *níts'en* and its provisions, and have a constitutionally protected interest in their lands, including: decision-making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands;

And Whereas *K'ai Tailé Denesųliné* is committed to developing laws to protect and manage *benené* and provide proficient and dependable land management services

And Whereas under the Framework Agreement, Canada has committed to implementing the *United Nations Declaration on the Rights of Indigenous Peoples* in a manner consistent with the Canadian Constitution and the Framework Agreement acknowledges that Canada's relationship with *K'ai Tailé Denesųliné* will continue;

And Whereas Section 35 of the Canadian *Constitution Act*, 1982, recognizes and declares the existing Treaty and aboriginal rights of the Indigenous peoples of Canada;

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And Whereas the Framework Agreement is ratified by Athabasca Chipewyan First Nation through community approval of this Land Code;

NOW THEREFORE, THIS LAND CODE IS ENACTED AS THE FUNDAMENTAL LAND LAW OF Athabasca Chipewyan First Nation.

Commented [1]: Grounds the Land Code in Dene laws, responsibilities, and teachings

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PART I

GUIDING PRINCIPLES

Athabasca Chipewyan First Nation Principles

- 1.0 The purpose of this Land Code is to govern First Nation Land through Athabasca Chipewyan First Nation Land Laws in an effective manner without prejudice to future development, negotiation and implementation of Athabasca Chipewyan First Nation rights.
- 1.1 Athabasca Chipewyan First Nation people are individual and collective indigenous occupants of lands in North America.
- 1.2 Athabasca Chipewyan First Nation as prior occupants are signatories to a Treaty commonly referred to as Treaty No. 8. which contains mutual covenants, obligations and rights.
- 1.3 Athabasca Chipewyan First Nation is vested with inherent rights that include, without limiting, the right to participate in future land negotiations based on prior informed consent to more fully develop the scope and implementation of their land rights.
- 1.4 Athabasca Chipewyan First Nation will freely determine the appropriate balance between individual and collective community land rights and obligations to protect these rights and obligations for the benefit of Athabasca Chipewyan First Nation.
- 1.5 Athabasca Chipewyan First Nation law and policy objectives will minimize negative impacts and maximize benefits to protect Athabasca Chipewyan First Nation lands and citizens.
- 1.6 All structures, processes, and decisions under this Land Code shall be grounded in, guided by, and interpreted in alignment with the culture, traditions, and customs of the Athabasca Chipewyan First Nation, ensuring that our ways of knowing and being remain central to the governance of our lands.
- 1.7 Athabasca Chipewyan First Nation is entitled to access programs and services that are available to individuals, corporations and governments in the Province and Canada.
- 1.8 The Framework Agreement will only be amended by prior informed consent of the First Nations and Canada as set out in the Framework Agreement.
- 1.9 This Land Code will only be amended in accordance with the amendment procedure set out in this Land Code.
- 1.10 This Land Code will not be implemented or interpreted in a manner that would diminish the quantity or quality of Athabasca Chipewyan First Nation lands

Commented [2]: Explains the foundation of the ACFN Land Code and guide how all land decisions must be made.

PART II
DEFINITIONS

Consistency with
Framework Agreement

2.0 Any words or terms used in this *Land Code* which are defined in the *Framework Agreement* will have the same meaning as in the *Framework Agreement* unless the context otherwise requires.

Definitions

3.0 The following definitions apply in this Land Code:

"**Access**" means unless the context requires otherwise, to enter upon land including buildings or structures on the land;

"**ACFN**" means Athabasca Chipewyan First Nation;

"**Athabasca Chipewyan First Nation Election Code**" means the code approved by ACFN Membership: August 29, 2023;

"**Wholly Owned ACFN Business Entity**" means a corporation, partnership or other entity in which one hundred (100%) percent of the shares, units or other type of ownership interests, as the case may be, are beneficially held by or in trust for the benefit of the Athabasca Chipewyan First Nation, or a trust of which the sole beneficiary is the Athabasca Chipewyan First Nation;

"**ACFN Controlled Business Entity**" means a corporation, partnership or other entity in which fifty-one to ninety-nine (%51-%99) percent of the shares, units or other type of ownership interests, as the case may be, are beneficially held by or in trust for the benefit of the Athabasca Chipewyan First Nation, or a trust of which the sole beneficiary is the Athabasca Chipewyan First Nation;

"**Canada**" means His Majesty the King in right of Canada;

"**Common-Law Partnership**" for the purpose of this Land Code means the relationship between two (2) persons who are cohabiting in a conjugal relationship for at least three (3) years;

"**Council**" means the Chief and Council of Athabasca Chipewyan First Nation;

"**Elder**" means a Athabasca Chipewyan First Nation member 55-65 years of age;

"**Senior Elder**" means a Athabasca Chipewyan First Nation member 65+ years of age;

"**Eligible Voters**" means for the purpose of voting in respect of land matters under this Land Code, a Member who has attained eighteen years of age on or before the last day of a Vote;

"**Enactment**" means an Act or a regulation, Land Law, by-law and this Land Code or a part thereof;

"**Environment**" means the components of the Earth, and includes

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b).

"**Expropriation**" or "**Expropriate**" means when Athabasca Chipewyan First Nation takes over all or part of an interest or License in Land for purposes that are to benefit Athabasca Chipewyan First Nation as a whole;

"**First Nation Land Register**" means the register established pursuant to clause 51 of the Framework Agreement and regulated by the First Nations Land Registry Regulations and includes any successor registry system such as the First Nation Land Governance Registry;

"Framework Agreement" means the *Framework Agreement on First Nation Land Management*, entered into between First Nations and Canada on February 12, 1996, as amended from time to time;

"General Meeting" means a meeting under this Land Code to which the Members are invited to attend;

"Individual Agreement" means the Individual Agreement providing for the specifics of the transfer of administration made between Athabasca Chipewyan First Nation and Canada in accordance with clause 6.1 of the Framework Agreement;

"Interest" in relation to Athabasca Chipewyan First Nation Land, means any interest, right or estate, of any nature in or to that Land including a lease, easement, right of way, but does not include title to land;

"Land" or "Athabasca Chipewyan First Nation Land" means any reserve Land that is subject to this Land Code and includes;

- (a) the air, water, beds underlying the water, aquifers, riparian rights, and renewable and non-renewable natural resources belonging to that land, (in and of that land), to the extent that these are under the jurisdiction of Canada or not validly under the jurisdiction of the Province of *Alberta*; and
- (b) all the Interests and Licences held for the benefit of the Members of Athabasca Chipewyan First Nation before the effective date of this Land Code and listed in the Individual Agreement (Annex G); and
- (c) all the Interests and Licences granted by Athabasca Chipewyan First Nation after this Land Code comes into effect.

"Land Authority" means the authority established to perform land governance functions as set out in this Land Code;

"Land Code" means this Land Code including revisions and amendments as made from time to time;

"Land Meeting" means a meeting open to the participation of Members for purposes set out in Part VII of this Land Code;

"Land Law" means any Land Law enacted in accordance with this Land Code and the Framework Agreement and includes this Land Code unless the context requires otherwise;

"Land Resolution" means a Council Resolution made pursuant to this Land Code or a Land Law to approve granting of an Interest, License, Permit, or Mortgage;

"Lands Tribunal" means the lands tribunal established under Part VII of this Land Code, to adjudicate disputes related to Athabasca Chipewyan First Nation Land;

"Lease" means any contractual agreement by which the Athabasca Chipewyan First Nation, as lessor, grants to another party (Tenant, lessee) the right to occupy, use, or enjoy land, property, housing, or other assets for a specified period in exchange for rent or other consideration, whether for residential, commercial, industrial, business, or any other lawful purpose, and includes all head leases, subleases, existing leases, and any amendments, assignments, or renewals thereof.

"Licence" in relation to Athabasca Chipewyan First Nation Land, means any right of use or occupation of that Land, other than an Interest in the Land;

"Member" means an individual whose name appears or is entitled to appear on the Athabasca Chipewyan First Nation Membership List;

"Spouse" means an individual who is married to another individual, whether by a traditional, religious, or civil ceremony and includes a spouse by Common-Law Partnership;

"Membership Approval" or **"Member Approval"** means approval by the Eligible Voters;

"Minister" means the Minister of indigenous Services Canada including authorized representatives;

"Natural Resources" means renewable and non-renewable substances, including but not limited to oil, coal, natural gas, metals, stone, sand, air, soil, water, animals, birds, fish, vegetation and other living components of ecosystems within land and water;

"Registered instrument" means a document, plan or electronic record whereby an interest is transferred, disposed of, charged, encumbered or affected in any other way, and is registered in the Indian Lands Registry, the First Nations Lands Register;

"Band Council Resolution" means a Band Council Resolution (BCR) approved by quorum of Chief and Council at a duly convened meeting in accordance with section 92 of the Athabasca Chipewyan Nation Election Code;

"Vote" means a vote for purposes set out in this Land Code in which all Eligible Voters are entitled to participate.

Part III

Interpretation

Interpretation

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

4.1. In this Land Code:

- (a) the words "shall" and "must" signify an obligation that, unless this Land Code provides to the contrary, must be carried out as soon as practicable after this Land Code comes into effect or the event that gives rise to the obligation;

(b) unless it is otherwise clear from the context, 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";

(c) titles and headings have been inserted in the Land Code for convenience of reference only, and are not interpretive aids;

(d) 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;

(e) unless otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular;

(f) a reference to an Athabasca Chipewyan First Nation law is deemed to be a reference to the law as amended from time to time and if the law is repealed and replaced by a new law of substantially the same subject matter, the reference to the Athabasca Chipewyan First Nation law is deemed to be a reference to the law that replaced it;

(g) all references to a time period of days means consecutive days, not business days;

(h) where the time limit for doing an act expires or falls on a Saturday or Sunday, or a Athabasca Chipewyan First Nation, federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday;

(i) where the time limit for doing an act in the Athabasca Chipewyan First Nation administration building falls on a day when the office is not open, the act may be done on the next day that the office is open;

(j) where there is a reference to a number of days, or a number of days between two events, in calculating that number of days, the day on which the first event happens is excluded and the day on which the second event happens is included; and

(k) the glossary in Appendix B may be used for the interpretation of the Preamble.

4.2. The following Appendices are incorporated into and form part of this Land Code:

Appendix A - Description of the Athabasca Chipewyan First Nation Land.

Appendix B * Glossary of Dene words used in the Preamble.

4.3. If there is an inconsistency or conflict between this Land Code and the Framework Agreement or the First Nation Land Management Act, the Framework Agreement or First Nation Land Management Act will prevail to the extent of the inconsistency or conflict.

Paramountcy

4.4. If there is an inconsistency between this Land Code and any other land law of the Athabasca Chipewyan First Nation, this Land Code prevails to the extent of inconsistency or conflict.

Rights not affected

4.5. This Land Code does not change:

- (a) any Aboriginal, Treaty, inherent rights or other rights or freedoms that have pertained in the past, now, or in the future to the Athabasca Chipewyan First Nation or its Members or Non-Members living on ACFN Reserve; or
- (b) the application of section 35 of the Canadian Constitution Act, 1982, to Athabasca Chipewyan First Nation or its Members; or
- (c) the fiduciary relationship between Canada and Athabasca Chipewyan First Nation and its Members;
- (d) Athabasca Chipewyan First Nation's eligibility to make claims for historical wrongs or breach of its aboriginal and treaty rights; or
- (e) the by-law powers of Council pursuant to the Indian Act; and does not reduce or abrogate the eligibility of the Athabasca Chipewyan First Nation for funding for programs and services related to land and resource management and economic development.

Lands and Interests affected

4.6. A reference to Land in this Land Code includes all the interests and rights, as well as the Natural Resources that belong to that Land, and includes:

- (a) the air, water, beds underlying the water, aquifers, riparian rights, and renewable and non-renewable natural resources belonging to that land, (in and

of that land), to the extent that these are under the jurisdiction of Canada or not validly under the jurisdiction of the Province of Alberta; and

(b) all the Interests and Licences held for the benefit of the Members of Athabasca Chipewyan First Nation before the effective date of this Land Code and listed in the Individual Agreement (Annex G); and

(c) all the Interests and Licences granted by Athabasca Chipewyan First Nation after this Land Code comes into effect.

Reserve Land

4.7. All Land pursuant to section IV will be governed by Athabasca Chipewyan First Nation under this Land Code.

Special Relationship

4.9. The Framework Agreement acknowledges that Canada's special relationship with Athabasca Chipewyan First Nation will continue.

5. Authority to Govern

Origin Of Authority

5.1 Enacting traditional teachings of the Athabasca Chipewyan First Nation speak of the obligation of the people of the Athabasca Chipewyan First Nation to care for and respect the Land. By passing this Land Code, the Athabasca Chipewyan First Nation is reclaiming this special responsibility.

Flow Of Authority

5.2 The authority of the Athabasca Chipewyan First Nation to govern its Land and resources to the people of the Athabasca Chipewyan First Nation, and from the people to Council to govern according to the culture, traditions, customs, inherent rights and laws of the Athabasca Chipewyan First Nation.

6. Purpose

Purpose

6.1. The purpose of this Land Code is to set out the principles, rules and administrative structures that apply to Athabasca Chipewyan First Nation Land and by which the Athabasca Chipewyan First Nation will exercise authority over that Land in accordance with its inherent right to self government and the Framework Agreement.

PART IV

FIRST NATION LANDS

Reserve Lands

7.0 It is the intention of Athabasca Chipewyan First Nation that all current and future lands held for the benefit of Athabasca Chipewyan First Nation and its members will be subject to this Land Code, including without limiting the following:

- (a) Athabasca Chipewyan First Nation Reserve 8X100 also known as Indian Reserve No. 123 which lands are shown in Canada Lands Survey Record Plan No. 123456 comprised of 200,000 acres more or less.
- (b) Athabasca Chipewyan First Nation Reserve YYY200, also known as Indian Reserve No. 456 as described in Canada Lands Survey Record Plan No. 678910 comprised of 40,000 hectares more or less.
- (c) Athabasca Chipewyan First Nation Reserve ZZZ300 also known as Indian Reserve No. 789, which lands are shown in Winnipeg Land Titles Office as plan no. and C.L.S.R. Plan No ZZZ comprised of approximately one hundred acres, more or less.

Right to Exclude Lands

7.1 Athabasca Chipewyan First Nation will have the right to exclude lands or specific portions of lands from the application of this Land Code or subsequent Land Laws, including lands acquired after the effective date of this Land Code:

- (a) if the lands are not adequately described;
- (b) if the environmental condition of the land is uncertain; or
- (c) if in the sole discretion of Athabasca Chipewyan First Nation, the lands are deemed unsuitable for the purpose of benefiting Athabasca Chipewyan First Nation.

Accretion of Lands

7.2 Athabasca Chipewyan First Nation will not be arbitrarily denied land (including surface and subsurface interests and rights) acquired by natural processes of accretion.

Commented [3]: Canada will provide a Land Description Report based off of the boundary surveys completed in 2025. Once received, the description of ACFN reserves will be placed here.

Errors and Omission

- 7.3 Athabasca Chipewyan First Nation will not be arbitrarily denied land (including surface and subsurface interests and rights) excluded by errors or omissions discovered after this Land Code takes effect, whether the errors or omissions are in this Land Code, Individual Agreement or otherwise. [to override policy]

Addition of Lands

- 7.4 The following lands will be made subject to this Land Code by Athabasca Chipewyan First Nation passing a Land Resolution, without the requirement for a Land Code amendment, revision or community meeting, including:
- (a) land set aside by The Crown or Canada, howsoever the lands were selected or acquired,
 - (b) land entitled to be set aside as reserve lands for the benefit of Athabasca Chipewyan First Nation by court order or by operation of law, including:
 - i. accretion,
 - ii. irregularities with the boundary descriptions
 - iii. lands adjacent to an existing reserve
 - (c) land added to reserve after this Land Code comes into force to correct errors or omissions,
 - (d) land added to reserve through a land exchange in accordance with this Land Code, and
 - (e) any of the above lands held or entitled to be held jointly or in severalty for the benefit of Athabasca Chipewyan First Nation and any other number of First Nations providing the Joint Reserve Land Code Amendment process and Law is completed in accordance with this Land Code paragraph-48.2—Part IIX-- .

Land Resolution

- 7.5 A Land Resolution to add land will include:
- (a) the date the Lands will be made subject to this Land Code and Land Laws enacted pursuant to this Land Code,
 - (b) a description of the lands to be added,
 - (c) the date of the the lands being set aside, court order or operation of law,
 - (d) a summary of the land exchange, and
 - (e) any other pertinent information deemed necessary to include in the Land Resolution to add lands.

Special Nature of Land Preserved

7.6 Land managed by Athabasca Chipewyan First Nation under this Land Code will continue to be reserve land within the meaning of the Indian Act so as that title to Athabasca Chipewyan First Nation Land will not be changed and will not be subject to taxation or seizure.

Self Government Agreements

7.7 This Land Code may be modified for inclusion in an incorporated Self Government Agreement that includes jurisdiction over Athabasca Chipewyan First Nation lands and natural resources as determined by Athabasca Chipewyan First Nation.

PART V

Athabasca Chipewyan First Nation LAND GOVERNANCE POWER

Law Making Power

8.0 Council may make laws in accordance with the law-making powers set out in the Framework Agreement and this Land Code, with respect to:

- (a) the development, conservation, protection, management, use and possession of Athabasca Chipewyan First Nation Land;
- (b) Interests or land rights and Licenses in relation to Athabasca Chipewyan First Nation Land; and
- (c) Land Laws on any matter necessary or ancillary to the making of Land Laws in relation to Athabasca Chipewyan First Nation Land.

Examples of Contemplated Laws

8.1 Without limiting the generality of the foregoing, the following are examples of Land Laws the Council may make:

- (a) the regulation, control and prohibition of zoning, land use, subdivision control and land development;
- (b) the creation, regulation and prohibition of interests or land rights and licences in relation to First Nation Land;
- (c) environmental assessment and protection;

Commented [4]: What follows is meant to give examples or further detail, not to narrow or restrict the broader meaning of what was just stated.

- (d) the provision of local services in relation to First Nation Land and the imposition of equitable user charges; and
- (e) the provision of services for the resolution, outside the courts, of disputes relating to First Nation Land.

8.2 ACFN has the power to make laws regarding the breakdown of a conjugal relationship or death of a spouse in accordance with the Framework Agreement.

Liability Defenses and Immunities

- 8.3 Council with a land code in force will have the power to make laws providing for limits on liability, defences and immunities for any person or entity in respect of any act or omission occurring in the exercise of a power or the performance of a duty under this Land Code or a Land Law.
- 8.4 The limits on liability, defences and immunities prescribed by a Athabasca Chipewyan First Nation Land Law will be no greater than those that would apply to a person or entity performing a similar duty under the law of the province in which the First Nation Land is situated.

Power to Delegate

- 8.5 Athabasca Chipewyan First Nation will have the power to make laws to establish institutions and authorities to give effect to their land governance system and to delegate any of its powers or duties except for its law-making power.

Commented [5]: (ex: water authority, housing authority,)

Intergovernmental Arrangements

- 8.6 Athabasca Chipewyan First Nation will have the power to enter into agreements with other First Nation governments, Canada, a province or their government agencies and departments to manage and administer land governance functions

Commented [6]: (ex: regional prosecutions)

Regulatory Instruments

8.7. For greater certainty, in addition to Athabasca Chipewyan First Nation Land Laws, Council may make other regulatory instruments, including rules, regulations, standards, by-laws, codes and policies.

Application

9.0 Athabasca Chipewyan First Nation will have the power to enforce this Land Code and subsequent Laws, including the power to:

- (a) establish offences that are punishable on summary conviction;

- (b) provide for fines, imprisonment, restitution, community services, and alternate means for achieving compliance;
- (c) establish comprehensive enforcement procedures consistent with federal law, including inspections, searches, seizures and compulsory sampling, testing and the production of information; and
- (d) enter into agreements with provincial or municipal governments with respect to any matter concerning the enforcement of its Land Code and Land laws.

9.1 For the purpose of prosecuting offences, Athabasca Chipewyan First Nation may:

- (a) retain its own prosecutor;
- (b) make laws with respect to the appointment and authority of justices of the peace; and
- (c) develop a prosecution process with other First Nation governments for effective land governance.

Law Making Procedures

Application

10.0 The law-making procedure in this Land Code applies whenever a new Land Law is proposed, or an existing Land Law is to be repealed or amended.

Regulations

10.1 The law-making procedure in this Land Code does not apply to regulations if a Land Law sets out a different procedure for making those regulations.

Council Direction

10.2 ACFN Administration or ACFN Dene Lands and Resource Management must obtain direction from Council before developing a draft Land Law.

Consultation Process

10.3 Except where Council has decided to enact a Land Law on urgent matters in accordance with this Land Code, ACFN Administration or ACFN Dene Lands and Resource Management:

- (a) must consult with the Land Authority regarding a proposed Land Law and consider advice provided by the Lands Authority, if the Lands Authority is appointed;
- (b) must ensure that the draft Land Law is made available to Members by posting online and in the Athabasca Chipewyan First Nation administration office until a final decision is made in respect of that Land Law;

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- (c) must convene one or more Land Meetings in accordance with the requirements of this Land Code;
- (d) may provide other information to Members that Council considers appropriate; and
- (e) may adjust the draft Land Law that is posted online and in the Athabasca Chipewyan First Nation administration office, to include input provided by Members.

10.4 After ACFN Administration or ACFN Dene Lands and Resource Management has finalized the development of a draft Land Law, ACFN Administration or ACFN Dene Lands and Resource Management must present the draft Land Law to Council for consideration and must include a summary of input received from Members.

Council Deliberations

10.5 After Council has received the draft Land Law from ACFN Administration or ACFN Dene Lands and Resource Management, Council may:

- (a) request that the ACFN Administration or ACFN Dene Lands and Resource Management undertake further work on the draft Land Law for reconsideration by Council; or
- (b) enact the draft Land Law after making minor amendments to the draft Land Law, such as changes to the title or headings, typographical or grammatical errors, and minor changes to align the draft Land Law with other laws of Athabasca Chipewyan First Nation;
- (c) decide whether or not to enact the draft Land Law as presented by ACFN Administration or ACFN Dene Lands and Resource Management;
- (d) decline to enact the draft Land Law in its entirety.

Revising Draft

10.6 Where Council requests that ACFN Administration or ACFN Dene Lands and Resource Management undertake further work on a draft Land Law, ACFN Administration or ACFN Dene Lands and Resource Management must take the same steps to obtain input from Members as were followed for the first draft of the Land Law and present a revised draft Land Law to Council for reconsideration.

Certification

10.7 Land Laws must be signed by a quorum of Council to certify their enactment.

Date in Force

10.8 Land Laws come into force on the date of enactment or a later date as specified in the Land Law.

Matrimonial Interests Law

10.9 Council will provide notice of its intention to make a family homes and matrimonial interests Land Law to the Attorney General of the Province, as well as a copy of the Land Law as enacted by Council.

Commented [7]: Required per the Framework Agreement

Emergency Land Laws

Purpose

10.10 If Council is of the opinion that an emergency Land Law is required in order to protect public health, safety, Lands, or Members, the Council may immediately enact an emergency Land Law without completing the law-making procedures set out in this Land Code.

Revisions

10.11 If Council is of the opinion that an emergency Land Law should be revised to continue to protect public health, safety, Lands or Members, Council may revise that emergency Land Law without a Land Meeting or completing the other law-making procedures ordinarily required under this.

Expiration and renewal

10.12 An emergency Land Law will expire one hundred and twenty calendar days after enactment or when the emergency no longer exists, unless Council remains of the opinion that the matter is urgent and renews that emergency Land Law before it expires for a maximum of an additional one hundred and twenty calendar days from the date of renewal and for greater certainty can only be renewed once.

Publication

10.13 An emergency Land Law may be implemented immediately upon enactment and will be published in the same manner as other Land Laws as soon as possible.

PART VI

PUBLICATION

Publication

11.0 Athabasca Chipewyan First Nation must publish:

- (a) all Land Laws currently in force
- (b) all emergency Land Laws,
- (c) all repeals and amendments or laws.

11.1 Athabasca Chipewyan First Nation may facilitate enforcement of Land Laws by publishing, registering and recording Land Laws in the following:

- (a) minutes of the Council meeting at which it was enacted,
- (b) ACFN Administration or ACFN Dene Lands and Resource Management and other community offices,
- (c) website and other online media,
- (d) First Nations Gazette
- (e) with other governments and law enforcement agencies; and
- (f) any additional method as Council may consider appropriate.

Registry of Laws

11.2 Council will maintain a registry of this Land Code and subsequent Land Laws, Regulations and Land Resolutions, including any amendments or repeals and the date in force or no longer in force.

11.3 Any member or person with a valid interest may obtain a copy of this Land Code, a Land Law, Regulation or Land Resolution.

11.4 Any individual engaged in business relations with Athabasca Chipewyan First Nation may obtain a copy of this Land Code, a Land Law, Regulation, or relevant Land Resolution

PART VII

LAND MEETINGS

Participation of Members

- 11.0 Every Member is entitled to participate in a Community Input Meeting, Community Information Meeting, and Community Approval Meeting to provide input or vote as required by this Land Code.

Community Input Meetings

- 12.1 The purpose of Community Input Meeting is for the community to provide input to the ACFN Administration or ACFN Dene Lands and Resource Management when the Council and/or ACFN Administration or ACFN Dene Lands and Resource Management deems it advisable.
- 12.2 Council will give direction to ACFN Administration or ACFN Dene Lands and Resource Management to provide 14 days prior notice of a Community Input Meeting that will include in the notice:
- (a) the date, time and place of the meeting;
 - (b) a brief description of the matter to be discussed; and
 - (c) other information and material that Council considers appropriate.
- 12.3 The notice will be given to the Members before the meeting by:
- (a) posting the notice in public places;
 - (b) posting the notice online; and
 - (c) additional methods Council considers appropriate.
- 12.4 A person, other than a Member, authorized by Council may attend a meeting of Members.
- 12.5 Council may schedule more than one meeting as may be necessary to ensure that the Members and ACFN Administration or ACFN Dene Lands and Resource Management are well informed and have had an opportunity to receive and assess Community Input.

Community Information Meetings

- 13.0 Community Information Meetings must be held by the Council for the following matters, including but not limited to:
- (a) enacting a Land Law respecting a land use plan, community plan or subdivision plan;
 - (b) enacting a Land Law affecting a sacred site or an environmentally sensitive property;
 - (c) enacting a Land Law respecting environmental assessment and protection;
 - (d) enacting a Land Law respecting matrimonial real property on reserve;
 - (e) enacting a Land Law respecting the rate and criteria for the payment of fees or rent for Athabasca Chipewyan First Nation Land;
 - (f) respecting any other matter, Land Law or class of law that Council, by Resolution, declares to be subject to this section.
- 13.1 Council will provide 14 days prior notice of a Community Information Meeting that will include in the notice:
- (a) the date, time and place of the meeting;
 - (b) a brief description of the matter to be discussed; and
 - (c) other information and materials that will inform members.
- 13.2 No quorum or minimum level of participation is required at the Community Information Meeting since no vote is required.

Community Approvals

- 14.0 Community Approval must be obtained for the following:
- (a) any master Land use plan;
 - (b) any new grant or disposition of an Interest or Licence in any Athabasca Chipewyan First Nation Land exceeding a term of ninety-nine (99) years;
 - (c) any renewal of a grant or disposition of an Interest or Licence in any Athabasca Chipewyan First Nation Land that extends the original term beyond ninety-nine (99) years;
 - (d) any grant or disposition of any non-renewable natural resources on any Athabasca Chipewyan First Nation Land exceeding a term of five (5) years; and

Commented [8]: NOT A RATIFICATION VOTE, can be as strict or relaxed as necessary

- (e) any other Land Law or matter that Council declares to be subject to this section by a Law or Land Resolution.

Utility Permits Excepted

14.1 A lease, easement, right of way or utility permit may be granted by Council through a Land Resolution for utilities, including telecommunications, water and sewer services, electricity, natural gas, and ancillary services, without Community Approval.

Community Approval process

14.2 The Community Approval process will include the following:

- (a) Reasonable notice of the purpose of the vote, including time and location of the vote;
- (b) method of voting including without limiting:
 - 1) electronic or other processes consistent with the Land Code

Approval

14.3 The matter discussed and voted upon is approved if a majority of the Eligible Voters who participate in the Community Approval meeting cast their vote in favour of the land matter.

PART VIII

PROTECTION OF COMMUNITY LAND

Applies to all
Interests and Licences

15.0 This Land Code and Land Laws apply to all Interests or Licences, whether created, granted, disposed of, transferred, renewed, or assigned before or after this Land Code comes into force.

No sales, seizures
or fee simple

15.1 For greater certainty, Athabasca Chipewyan First Nation Lands cannot be sold or seized nor can any person acquire fee simple in Athabasca Chipewyan First Nation Lands.

15.2 This Land Code does not permit the granting or acquisition of permanent interests.

Registered Interests and
Licences Continue

15.3 Registered Interests or Licences that have not expired will continue in accordance with their terms and conditions until they expire, which is when a new Interest of Licence may be granted under this Land Code.

No Liability for
Change in value

Commented [9]: Fee simple means full ownership of land. The owner can use it, sell it, lease it, mortgage it, give it away, or pass it on to heirs, subject only to laws and regulations (like zoning or environmental laws).

15.4 Athabasca Chipewyan First Nation is not liable for any decrease in value, or any impact on the use, of an Interest or Licence arising from any exercise of authority under this Land Code and Land Laws.

Interests and Licences
Governed by Land Code

15.5 An Interest in or Licence to use Athabasca Chipewyan First Nation Land created or granted after this Land Code is in force is void unless the Interest or Licence is authorized to be created or granted by this Land Code and/or Land Laws enacted pursuant to it , in writing and registered .

Transfers and assignments
Governed by Land Code

15.6 All transactions purporting to transfer, renew, assign or otherwise dispose of an Interest or Licence to another person are void unless authorized by this Land Code and/or Land Laws enacted pursuant to it, in writing and registered .

Reversion to
Athabasca Chipewyan First Nation

15.7 Every Interest or Licence reverts to Athabasca Chipewyan First Nation in the event that:

- (a) the grant is found to be inconsistent with this Land Code or Land Laws enacted pursuant to it and is therefore void;
- (b) it has expired with no authorized transfer or assignment;
- (c) there is no heir; or
- (d) there is no successor.

Expropriation

Power

16.0 Athabasca Chipewyan First Nation will have the power to expropriate for the following community purposes:

- (a) necessary community public works, including water and sewer treatment roads and ditches and similar community infrastructure;
- (b) construction and access to government offices, including public safety and fire halls;
- (c) education facilities, including schools, preschool, day care, libraries, research facilities;
- (d) cultural centers, including museums, hunting and fishing camps and facilities, pow wow facilities;
- (e) health facilities, including hospitals, nursing stations, personal care homes;
- (f) environmental protection structures, including dikes, berms, weirs, ditches, ponds; and

- (g) similar community public purposes.

Good faith prior
To Expropriation

16.1 Prior to an expropriation, Athabasca Chipewyan First Nation will make good faith efforts to acquire the Interest or Licence by mutual agreement

Expropriation Law
Required

16.2 Athabasca Chipewyan First Nation may only expropriate an Interest or Licence if:

- (a) an expropriation Land Law has been enacted in accordance with this Land Code; and
- (b) all requirements regarding expropriation under the Framework Agreement and Athabasca Chipewyan First Nation expropriation Land Law have been met.

Acceptable Standards

16.3 The expropriation law will contain generally accepted standards for expropriation, including without restricting the generality of the foregoing:

- (a) reasonable notice to the community and to affected holders of registered Interests or Licences;
- (b) full disclosure of the purpose and any research or studies regarding the location of the community purpose;
- (c) a reasonable opportunity for the community and registered land users to discuss the community purpose and supporting research or studies;
- (d) entitlement to reasonable compensation based on standard expropriation classes of compensation as set out in the Expropriation Act of Canada;
- (e) reasonable access to dispute resolution or judicial review of the expropriation process; and,
- (f) any other matter to give effect to a fair expropriation process.

Voluntary Exchange of Land

17.0 Athabasca Chipewyan First Nation may consent to exchange an existing parcel of Land for another parcel of Land, providing that:

- (a) the new parcel of land becomes First Nation Land immediately before the exchange is completed.
- (b) the exchange may be for land of comparable or greater benefit, or may include additional forms of compensation as agreed to by the parties;

- (c) the value of the exchanged lands will be assessed in a manner acceptable to the Athabasca Chipewyan First Nation; and
- (d) all documents necessary to enable the received land to be registered as Athabasca Chipewyan First Nation Land in the *First Nation Land Registry or successor registry such as the first nation land governance registry* {and Athabasca Chipewyan First Nation Duplicate Land Registry are duly executed}.

- 17.1 In addition to the requirements in preceding paragraph 17.0, compensation for the exchange may include additional land that is not intended to become reserve land or further monetary compensation.
- 17.2 The Council will determine if community discussion of a land exchange may take place at a Community Input Meeting, Community Information Meeting or Community Approval Meeting.
- 17.3 Prior to the selected Community Input Meeting, Community Information Meeting or Community Approval meeting the area and value of the land to be exchanged and any additional compensation together with environmental condition of the new land will be disclosed to Members.

PART IX

RESPONSIBLE GOVERNANCE

Financial Management

- 18.0 Athabasca Chipewyan First Nation is a responsible government that will govern lands in accordance with generally accepted accounting principles.
- 18.1 The Council may develop specific financial management and accountability Land Laws, Regulations and policies for responsible governance of all matters under this Land Code, including without limiting the generality of the foregoing:
- (a) regulating the receipt, management and expenditure of moneys, including transfer payments, all capital and revenue moneys received from Canada,
 - (b) all Land revenue and moneys received from a grant or disposition of any Interest or Licence in relation to Athabasca Chipewyan First Nation Land and natural resources;
 - (c) managing financial records and accounts;
 - (d) preparing financial statements and audits;
 - (e) preparing and implementing budgets and annual presentation of budgets;
 - (f) determining the general investment strategy;

- (g) contract notes, loans and other indebtedness;
- (h) establishing fees, fines, charges and levies; and
- (i) establishing and maintaining a record-keeping system that ensures confidentiality, security of records and document retention.

Financial Administration

18.2 Council will establish appropriate administrative authorities, including without limiting:

- (a) to implement all financial policies and procedures;
- (b) to oversee the day to day operational responsibilities for managing moneys related to Athabasca Chipewyan First Nation Land and Natural Resources;
- (c) to ensure the accuracy of the accounting records;
- (d) to reconcile, review and approve bank statements;
- (e) to present the annual budgets to Members;
- (f) to present an audit of the financial statements to the Members annually; and
- (g) to prepare the annual report to Members.

Financial Administration Law

18.3 In the event Athabasca Chipewyan First Nation enacts a First Nation Financial Administration Law, the financial provisions of this Land Code may be revised or repealed to avoid conflict or inconsistency without the need for a formal amendment or Land Code Revision.

18.4 The Council may assign the development of Land Laws, Regulations, policies and procedures to the ACFN Administration, ACFN Dene Lands and Resource Management, Transition Committee, or Land Authority in consultation with the finance department with respect to:

- (a) determining administrative fees rent royalties regarding Interests and Licences;
- (b) services in relation to Land, including fees for applications, registrations, and transfers; and
- (c) the taking of Natural Resources.

Conflict of Interest

Definition

19.0 For the purposes of this Land Code, a public official is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.

FIRST DRAFT K'ai Tailé Denesųliné Land Code October 2024

Public Officials

- 19.1 When exercising an official land management power, duty or function, the following persons are deemed to be public officials who have a duty to arrange their private affairs in a manner that will prevent them from being in a conflict of interest:
- (a) each member of the Council;
 - (b) each employee of the ACFN Administration/ACFN Dene Lands and Resource Management
 - (c) each employee of Athabasca Chipewyan First Nation dealing with any matter that is related to First Nation land; and
 - (d) each person who is a member of a board, committee or other body of Athabasca Chipewyan First Nation dealing with any matter that is related to First Nation land.

Prohibited conduct

- 19.2 No public official acting in their official capacity will:
- (a) participate in making a decision if he or she knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest;
 - (b) use information obtained from their position that is not available to the public to further their own interests or those of their friends or relatives or to improperly further another person's private interests;
 - (c) seek to influence a decision of another person so as to further the public official's private interests or those of their friends or relatives or to improperly further another person's private interests.

Interest in Common Excluded

- 19.3 A public official is not in a conflict of interest merely because he or she has an interest that is held in common with every other member.

Steps to Resolve

- 19.4 In the event that a conflict of interest arises:
- (a) the person in a conflict will cease further participation and will immediately disclose all information relating to the conflict to their supervising manager, chairperson, Council member or Lands Tribunal as the case may be,
 - (b) the supervising manager, chairperson, Council or Lands Tribunal will postpone further deliberation until the conflict of interest is resolved,
 - (c) the conflict shall be resolved within a reasonable time in order to deal with the original matter in a timely manner.

Inability of Council to Act

- 19.5 If the Council is unable to act due to a conflict of interest, the matter shall be referred to ACFN Administration:

- (a) to determine if ACFN Administration can act in their stead;
- (b) to obtain professional advice on the conflict; or,
- (c) to take any steps necessary to protect the interests of Athabasca Chipewyan First Nation, members and third parties who may be affected by the inability of the Council to act.

Inability of Body to Act

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

- (a) to determine if the Council can delegate the power, duty or function to another body;
- (b) to obtain professional advice on the conflict; or,
- (c) to take any steps necessary to protect the interests of Athabasca Chipewyan First Nation, members and third parties who may be affected by the inability of the council to act.

Disputes

19.7 Questions about whether a breach of this section has occurred may be referred to the Lands Tribunal providing best efforts have been used to complete the requirements of section 19.2.

Remedy

19.8 If a person fails to meet the conflict of interest obligations under this Land Code, that person may be subject to common law and equitable remedies including without limiting:

- (a) an order for restitution of any property or monies received as a result of the conflict of interest;
- (b) an award of general and exemplary damages, and
- (c) any other remedy a court considers appropriate.

Other laws

19.9 Athabasca Chipewyan First Nation may enact or adopt further laws, regulations or policies to better protect the community and third parties from conflicts of interest, including laws or rules contained in a First Nation Constitution or Election Act providing the minimum standards in this Land Code are met.

Annual Report

20.0 ACFN Administration and ACFN Dene Lands and Resource Management must prepare and publish an annual report on Lands governance within one hundred and twenty days of the end of each fiscal year.

- 20.1 The annual report must include:
- (a) summary of Lands governance activities;
 - (b) a copy and explanation of the annual audited financial statements as it applies to Lands; and
 - (c) other matters as may be directed by Council.
- 20.2 Members of Athabasca Chipewyan First Nation may obtain a copy of the annual report during normal Monday to Friday business hours.
- 20.3 The Council may pass a Land Resolution directing ACFN Administration to present the annual ACFN Dene Lands and Resource Management Report if the ACFN Dene Lands and Resource Management is unable to do so.
- 20.4 The Council may pass a Land Resolution directing the Transition Committee to present a Transition Committee Report at an annual general meeting in the manner and form contained in the Land Resolution.

Part X

Administrative Authority

ACFN Dene Lands and Resource Management

- 21.0 ACFN Dene Lands and Resource Management will be responsible for the administration of Land and Natural Resources in accordance with this Land Code, including without limiting:
- (a) advising Council on the development, revision and amendment of Land Laws;
 - (b) arranging Land Meetings;
 - (c) proposing annual land work plans and budget submissions for consideration by Council;
 - (d) preparing ACFN Dene Lands and Resource Management submission for the annual report;
 - (e) scheduling Land Authority meetings;
 - (f) developing policies and procedures for registering land transactions in the First Nation Land Registry; and
 - (g) identifying record-keeping data management and equipment needs.

Administrative Authority

21.1 The Council may pass a Land Resolution to delegate authority to the ACFN Dene Lands and Resource Management staff to carry out functions necessary for day-to-day administrative operations of Land and Natural Resources.

Transition Committee

Commented [10]: MAY be established, but not required

22.0 A Transition Committee may be established to support the Council, ACFN Administration, and ACFN Dene Lands and Resource Management to implement an effective transition from Indian Act land management to operating under this Land Code.

Composition

22.1 The Transition Committee may be comprised of TBD Members of Athabasca Chipewyan First Nation to be appointed by ACFN Dene Lands and Resource Management within five months of the day the Land Code is in force.

Term

22.2 The term of the Transition Committee may be two years, or longer if necessary, for a maximum amount of 8 years.

Recommendations

22.3 During the two-year transition phase, the Transition Committee may have a specific role to make recommendations to ACFN Administration or ACFN Dene Lands and Resource Management regarding the following transition phase matters:

- (a) an assessment of the staffing needs for the ACFN Dene Lands and Resource Management;
- (b) developing a budget for transition funding provided by Canada;
- (c) prioritizing ACFN Dene Lands and Resource Management Work Plan activities;
- (d) office space requirements;
- (e) equipment purchases;
- (f) development of an environmental assessment process;
- (g) environmental protection law;
- (h) environmental management plan;
- (i) other recommendations that further effective land management and administration.

22.4 The Transition Committee may pass laws to set out responsibilities of different committees.

22.5 The Council ACFN Administration, and ACFN Dene Lands and Resource Management will consider written transition phase recommendations received

and provide written confirmation to the Lands Transition Committee of the acceptance or rejection of recommendations.

Land Authority

Commented [11]: MAY be established, but not required

23.0 Athabasca Chipewyan First Nation may establish a Land Authority to provide objective advice and guidance to the Council, ACFN Administration, and ACFN Dene Lands and Resource Management upon request on matters including, without limiting, the following:

- (a) revisions and amendments to the Land Code;
- (b) development of Land Laws; or
- (c) any other land matter as the context of this Land Code may require.

Responsibilities

23.1 The responsibilities of the Lands Authority will be guided by the purpose and principles of this Land Code and will include, without limiting, the following:

- (a) participating in Land Meetings;
- (b) providing comments on the ACFN Dene Lands and Resource Management Work Plan;
- (c) other responsibilities that may be assigned by Land Resolution or as the context of this Land Code may require.

Advisory Role

23.2 The Lands Authority will have an advisory role and will not have decision-making authority unless expressly stated or required by the context of this Land Code.

Composition and term

23.3 The Land Authority will be comprised of TBD members of Athabasca Chipewyan First Nation who will be appointed by ACFN Dene Lands and Resource Management within five months of the expiration of the term of the Transition Committee.

Term

23.4 Members appointed to the Land Authority will serve for a term of three years.

Additional Roles and Responsibilities

23.5 Council may enact a Land Law to increase the roles and responsibilities and effectiveness of the Land Authority from time to time without revising or amending this Land Code.

Internal procedures

23.6 Council, ACFN Administration, and the ACFN Dene Lands and Resource Management may jointly establish terms of reference to guide the Land Authority in fulfilling their Land Code duties, roles and responsibilities at the time of appointment.

PART XI
Administration of Interests and Licenses

General Authority

24.0 Council may, on behalf of Athabasca Chipewyan First Nation, and in accordance with this Land Code grant new:

- (a) Interests in and Licences to use Athabasca Chipewyan First Nation Land, including without restricting, member allocations, leases for exclusive occupation of residential, agricultural, commercial and office premises, land use permits, easements and rights-of-ways; and
- (b) Licences regarding Athabasca Chipewyan First Nation natural resources, including without restricting, cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Governance consultation

24.1 Athabasca Chipewyan First Nation Council may in consultation with ACFN Administration, ACFN Dene Lands and Resource Management, Transition Committee or Land Authority establish Land Laws, Regulations, policies and procedures for ongoing governance of grants of an Interest or Licence to protect the certainty of the Interests and Licences, Community Lands, housing, public works and infrastructure.

Conditions

24.2 Council may pass a Land Resolution to grant an Interest or Licence that includes written conditions consistent with this Land Code until such time as Land Laws,

Regulations and policies and procedures are established to govern Interests and Licences.

Residential Allocation of Land to Members

Policies and procedures for allocation of Land

25.0 Athabasca Chipewyan First Nation Council may in consultation with ACFN Administration, ACFN Dene Lands and Resource Management, Transition Committee or Land Authority establish Land Laws, policies and procedures for ongoing governance of residential allocations of Land to Members.

Certificate of Occupation

25.1 Council may allocate Land to a Member by issuing a Certificate of Occupation or Allocation describing the residential purpose and duration of the use of the land by the Member.

25.2 A Certificate of Occupation to a member does not include subsurface rights or natural resources other than the use of well water in accordance with ACFN Administration, ACFN Dene Lands and Resource Management or housing department standards.

No allocation of Land to non-Members

25.3 A person who is the surviving spouse or minor child of the deceased spouse may be allocated a temporary Certificate of Occupation that will expire when that person ceases to reside on ACFN land or passes away or the minor child reaches the age of majority.

Transferability

25.4 A Certificate of Occupation is not transferable unless approved by Council, this Land Code a Land Law or by operation of law.

Mortgages

Land Exempt from Seizure

26.0 Athabasca Chipewyan First Nation Land is exempt from any seizure that would remove the Land from being Lands that are held for the benefit of the Members of Athabasca Chipewyan First Nation, including Community Lands.

26.1 A mortgage or charge made after this Land Code comes into force is void if:

- (a) it is not in writing
- (b) it is not registered in the First Nation Land Registry;
- (b) it is registered in contravention of this Land Code; or
- (c) it is otherwise in contravention of this Land Code.

Mortgages of
leasehold Interests
with consent

26.2 A leasehold Interest may be subject to charge or mortgage, providing the Council has passed a Land Resolution that expresses written consent of Council.

Time limit

26.3 The term of any charge or mortgage of a leasehold Interest must not exceed the term of the lease.

Default in mortgage

26.4 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, or any other form of execution or seizure of premises, unless:

- (a) the charge or mortgage received the written consent of Council;
- (b) the charge or mortgage was registered in the First Nation Land Registry; and
- (c) a reasonable time of 120 days to redeem the charge or mortgage is given to Council.

Power of redemption

26.5 Subject to prior redemption by the lessee or Member, Council may redeem the charge or mortgage from the charger or mortgagor in possession and shall thereupon acquire all the rights and Interests of the charger or mortgagor and of the lessee or Member for all purposes after the date of the redemption.

Waiver of redemption

26.6 Council may waive its right to redemption for any charge or mortgage of a leasehold Interest or Licence.

26.7 No person will register in the First Nation Land Registry any mortgage or charge unless it is accompanied by an approval for that mortgage or charge, by a Land Resolution as required by this Land Code or a Land Law.

Registration of Land Transactions

- 26.8 An Interest in or Licence to use Athabasca Chipewyan First Nation Land created or granted after this Land Code takes effect is not enforceable unless it is authorized by this Land Code or applicable Land Law.
- 26.9 A transfer, renewal or assignment of an Interest in or Licence after this Land Code takes effect is not enforceable if the transfer, renewal or assignment contravenes this Land Code or applicable Land Law and is not registered when required to be registered in the First Nation Land Registry.
- 26.10 Commencing on the date the Land Code is in force, ACFN Administration or ACFN Dene Lands and Resource Management must ensure that all new Interests and Licences are:
- (a) in writing and duly executed by the parties;
 - (b) contain original documents supporting compliance with this Land Code and applicable Land Laws; and
 - (c) capable of being registered in the Land Registry and duplicate Athabasca Chipewyan First Nation Land Registry.
- 26.11 Documents supporting compliance with the Land Code include:
- (a) the term of the Interest of Licence, including any renewals;
 - (b) certified copy of Land Resolutions;
 - (c) certified copy of Community Approval Vote;
 - (d) land use plan or subdivision plans; and
 - (e) other relevant transaction documentation developed by the ACFN Administration, ACFN Dene Lands and Resource Management or Council to ensure compliance with the Land Code;

Registry Standards

- 26.12 Council may establish mandatory standards, criteria and forms in consultation with the ACFN Administration, ACFN Dene Lands and Resource Management and Land Authority for the registration of Interests and Licences in Athabasca Chipewyan First Nation Land.

Residency

- 27.0 Subject to any Land Laws, Members and Non-Members have a right to reside on Athabasca Chipewyan First Nation Land set out in an Interest or Licence, in accordance with the terms and conditions of that Interest or Licence.

Right of residence

27.1 Members with a Certificate of Occupation have a right to residency which extends to their spouse, children and persons in their care providing they are not in breach of the terms and conditions of the Certificate of Occupation or applicable Land Code, Land Law, Regulation or Land Resolution.

27.2 A residential leaseholder has a right to occupancy and residency on Athabasca Chipewyan First Nation Land, providing they are not in breach of the terms and conditions of the lease, Land Code, or Land Law.

Invitees

27.3 Invitees of a Member with a Certificate of Occupation or of a residential leaseholder may reside on Athabasca Chipewyan First Nation Land, providing the invitee abides by this Land Code, Land Laws and all applicable Federal or provincial laws including court orders.

Access

28.0 Athabasca Chipewyan First Nation Land is not open to access by anyone except to the extent provided for in this Land Code and any Land Law or Land Resolution.

Member Access

28.1 Members, including their spouse, children and persons in their care, have a right of access to Athabasca Chipewyan First Nation Land unless access:

- (a) is restricted by this Land Code, a Land Law, Regulation, or valid Land Resolution;
- (b) is restricted by an emergency land law or health order to protect the health and safety of the people and the land;
- (c) could reasonably be anticipated to endanger the health or safety of those seeking access;
- (d) could reasonably be anticipated to endanger the health or safety of Members in the community or land; or
- (e) access is denied by applicable Federal or provincial laws or court orders.

Legal Access

28.2 Subject to any Land Laws, Members and Non-Members have a right to access as set out in an Interest or Licence, in accordance with the terms of that Interest or Licence.

Government Access

28.3 A representative of a First Nation, Federal, Provincial or Municipal government may have access, providing they are acting within the scope of their authority and complying with this Land Code, any Land Law or Land Resolution.

Business and Trades Access

28.4 Persons conducting business or performing work may have access, providing they are acting within the scope of their authority and complying with this Land Code, any Land Law and have been issued a Land Resolution where extended access is required.

Emergency Access

28.5 All persons acting in official capacity who are responding to community health and safety matters have access to perform their prescribed health and safety duties or to respond to natural disasters and emergencies.

Delivery of Goods and Services

28.6 Any person delivering goods and services may have access to Athabasca Chipewyan First Nation Land if:

- (a) the person does not interfere with or trespass on occupied land;
- (b) the person complies with all applicable laws;

Use of Roads

28.7 Any person may have the right of access to Athabasca Chipewyan First Nation public roads, subject to this Land Code, Land Laws or Regulations including posted safety restrictions including speed or weight limitations.

Trespass

29.0 Any person who, contrary to this Land Code, enters onto or stays on Athabasca Chipewyan First Nation Land when asked to leave:

- (a) without a right to reside on those Lands;
- (b) without a right of access to those Lands; or
- (c) in violation of a temporary closure or restriction on access on those Lands is guilty of an offence.

29.1 Where a person is found guilty of an offence under this Land Code relating to a right to reside on Lands, right of access to Lands, or violation of a temporary closure or restriction on access, a court may, in addition to any other penalty:

- (a) order that person to leave or vacate any Lands; and
- (b) order that person not to enter or stay on any Lands.

29.2 Athabasca Chipewyan First Nation is not liable for injuries or damages suffered by any person on account of:

- (a) the condition or state of Lands;

- (b) any exercise of a right to reside on Lands or a right of access to Lands;
- (c) any entry or stay on Lands in violation of a temporary closure or restriction on access; or
- (d) any other lawful or unlawful entry or stay on Lands.

29.3 A right to reside or a right of access to Lands does not create any financial obligation on the part of Athabasca Chipewyan First Nation.

Civil remedies

29.4 All civil remedies for trespass are preserved

Wills and Estates

30.0 The following persons are entitled to have their Interest registered in the First Nations Lands Register, provided that they are entitled to hold that Interest under this Land Code, Land Laws, or a court order:

- (a) a Member who receives an Interest under a will or estate;
- (b) a non-Member or Member who receives a leasehold Interest under a will or estate; and
- (c) a person who holds an Interest on behalf of a minor or a mentally incompetent person.

30.1 A Land Law may establish required procedures and documents to register an Interest arising from wills and estates.

Natural Resources

31.0 All Natural Resources on Community Land belong to Athabasca Chipewyan First Nation and may only be disposed of or transferred in accordance with this Land Code, Land Law or regulation, and with approval by a Land Resolution passed by Council.

31.1 In accordance with this Land Code and any Land Laws, Council may, in respect of Natural Resources grant, dispose of, transfer, renew, or assign Licences to take Natural Resources in Athabasca Chipewyan First Nation lands.

PART XII

REMEDIES and DISPUTE RESOLUTION

Remedies

- 32.0 Athabasca Chipewyan First Nation intends that all remedies generally available in common law and equity with respect to land matters will be available on First Nation Lands in a court of competent jurisdiction, including, without limiting;
- (a) remedies for breach of land instruments,
 - (b) remedies for trespass,
 - (c) general damages,
 - (d) damages for economic loss,
 - (e) specific performance, and
 - (f) court orders, including injunctive relief.
- 32.1 Remedies will take into account the priority to preserve and protect First Nation Lands for the perpetual habitation of Athabasca Chipewyan First Nation citizens.
- 32.2 Remedies will be applied in a manner that reasonably balances the collective community land rights with individual land rights as reflected in this Land Code, including laws or regulations made pursuant to this Land Code and the indigenous rights and culture of Athabasca Chipewyan First Nation.

Dispute Resolution

- 33.0 Athabasca Chipewyan First Nation may establish processes, or enact Land Laws, for the resolution of disputes in respect of any matter related to Land.
- 33.1 Council will appoint a chairperson, one or more vice-chairpersons and as many other members as Council considers appropriate to the **Lands Tribunal** to adjudicate disputes under this Land Code. A majority of those persons appointed by Council to the Lands Tribunal will have knowledge and experience related to lands, resources, administration or finances.
- 33.2 Members of the Lands Tribunal will hold office for a term not exceeding five (5) years and not less than three (3) years and will be removable only for the cause by two-thirds majority of Council of those members who vote on the matter.
- 33.2 Any member of the Lands Tribunal whose term expires or who resigns may be reappointed by Council.

Commented [12]: MUST be established as required by the Framework Agreement

- 33.3 Council will enact Athabasca Chipewyan First Nation Laws to confirm the jurisdiction, powers, and remedial authority of the Lands Tribunal.
- 33.4 Council will determine the remuneration and reasonable expenses to be paid to the members of the Lands Tribunal.
- 33.5 Before assuming office, each member of the Lands Tribunal will take the following oath of office:

I, [name], do solemnly swear (or affirm) that I will faithfully, truly, and impartially, to the best of my knowledge, skill, and ability execute and perform the office of (chairperson, vice-chairperson, member) of the Lands Tribunal without fear or favour, and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matters brought before the Lands Tribunal.

- 33.6 No member of the Lands Tribunal will hear or participate in the decision of any matter in which the member:
- a) has a pecuniary interest; or
 - b) has, within twelve (12) months prior to the date on which the matter was submitted to the Lands Tribunal, acted as legal counsel, representative, or agent for any of the parties to the matter.
- 33.7 Where any member of the Lands Tribunal ceases to be a member of the Lands Tribunal, that member may carry out and complete any duties or responsibilities the member would have carried out or exercised in relation to any proceeding as a member of the Lands Tribunal until the proceeding is completed.
- 33.8 The Lands Tribunal will annually submit a report on its activities and operations to Council through the duly appointed portfolio holder designated by Council, and the report will be presented to the next General Meeting.

33.9 The Chairperson is the presiding officer of the Lands Tribunal.

33.10 The Chairperson may:

- a) establish panels of the Lands Tribunal to determine matters before the Tribunal;
- b) terminate an appointment to a panel;
- c) fill any vacancy on a panel; or
- d) exercise two or more of the authorities set out in clauses (a) to (c).

33.11 A panel of the Lands Tribunal will consist of the Chairperson or a Vice-Chairperson and at least two (2) other members. The panel will consist of an odd number of members including the Chairperson or Vice-Chairperson.

33.12 A panel has the power and authority as set out and delegated by the Lands Tribunal.

33.13 The final decision of a majority of the Lands Tribunal, or of a panel of the Lands Tribunal, will be the final decision of the Tribunal or panel. If there is no majority decision, the decision of the Chairperson or presiding member of the panel will be considered the decision of the Tribunal or panel.

33.14 The Lands Tribunal will determine its own practice and procedure subject to any Athabasca Chipewyan First Nation Laws, but will give the parties an opportunity to present evidence and make representations, orally or in writing.

33.15 When the Lands Tribunal considers it necessary or appropriate to conduct a formal hearing, the hearing will be open to the public but the Lands Tribunal may hold the hearing in camera where the Lands Tribunal is of the opinion that the desirability of avoiding disclosure of intimate financial or personal matters outweighs the desirability of adhering to the principle that hearings be open to the public.

33.16 A final decision, order, direction, declaration or ruling, but not a procedural, interim, or any other decision, order, direction, declaration, or ruling of the Lands Tribunal or a panel, may be reviewed by a court of competent jurisdiction solely by reason that the Lands Tribunal or a panel failed to observe a principle of natural justice, failed to apply Athabasca Chipewyan First Nation law principles, or otherwise acted beyond or refused to exercise jurisdiction, if;

a) the applicant for review has first requested the Lands Tribunal or a panel to review its decision and the Lands Tribunal or the panel has decided not to undertake a review, has undertaken a review and rendered a decision about the matter, or has failed to make a decision on the review within ninety (90) days after the date on which it was made; and

b) no more than thirty (30) days has elapsed from the date of the decision by the Lands Tribunal or the panel not to undertake a review, or the date of the decision on the review, or the expiration of the ninety (90) day period referred to in clause (a).

PART XIII

OTHER MATTERS

Enforcement

34.0 Any person who commits an offence under this Land Code or a Land Law enacted pursuant to this Land Code is liable on summary conviction to fines, imprisonment, restitution, community service, and alternative means for achieving compliance.

34.1 An officer, director, employee, or agent of an organization or corporation which commits an offence under this Land Code may be convicted of that same offence whether or not the organization or corporation is convicted of the offence.

34.2 Offences established by Athabasca Chipewyan First Nation will establish offences under this Land Code, or subsequent Land Laws made pursuant to this Land Code, for the purpose of enforcing Athabasca Chipewyan First Nation Land Laws to protect First Nation Lands and lawful use of First Nation Lands may be further regulated by Land Laws with respect to the elements of the offense, the options and process for resolution, mechanisms of enforcement, and

consequences, including minimums, maximums, and criteria for alternatives to fines and imprisonment.

34.3 Athabasca Chipewyan First Nation regulations may add clarity to the amount of fines or timeframe of prohibited land use activities providing the offence is created and defined clearly by an Athabasca Chipewyan First Nation Law

Liability

35.0 Council will arrange, maintain, and pay insurance coverage that Council considers appropriate for its officers and employees engaged in carrying out any matter related to Land to indemnify them against personal liability arising from the performance of those duties.

Land Code Revisions

Purpose

36.0 Athabasca Chipewyan First Nation will revise this Land Code from time to time:

- a) to improve overall readability, including correcting typographical or grammatical errors,
- b) to renumber paragraphs or alter the order of Parts of the Land Code,
- c) to update references to other First Nation laws or regulations that will be applied by Athabasca Chipewyan First Nation as part of their land laws,
- d) to give effect to a Land Resolution to add reserve land acquired after the Land Code was ratified,
- e) to give legal effect to a Framework Agreement amendment, and
- f) any other purpose to further the original spirit and intent of the Framework Agreement and this Land Code that would not reasonably require a formal amendment.

Revision Process

36.1 Athabasca Chipewyan First Nation Council will consult with senior ACFN Administration or ACFN Dene Lands and Resource Management staff prior to approving a revision and may seek additional input from:

- a) the Land Authority or other departments or committees,
- b) registered land interest or license holders,
- c) elders, youth or lawful land users, and,
- d) financial, environmental, legal or other advisors as deemed

appropriate.

Approval

- 36.2 Council will approve revisions by setting out the nature and effect of the revision in a Land Resolution that will include an attached Land Resolution Revision Directive containing the legal wording and instructions for ACFN Administration or ACFN Dene Lands and Resource Management to give effect to the revision.

Amendments to Land Code

Future Framework Agreement Amendments

- 37.0 Approved Land Code Revisions made to give effect to future Framework Agreement amendments will be deemed to be a Land Code Amendment if an amendment is required; and, the Land Resolution Directive will include necessary legal wording and instructions to give effect to the Framework Agreement amendment.

Joint Reserve Land Code Amendment Process

- 37.1 This Land Code is deemed to be an amended land code pursuant to section 2.1.1 of the Framework Agreement to enable Athabasca Chipewyan First Nation to be eligible to manage First Nation land with one or more other First Nations who have a Land Code in force and if each First Nation has a law that provides for:
- a) a description of the external boundaries of the reserve;
 - b) a uniform set of rules and procedures for the management of the reserve;
 - c) uniform law-making or delegation of law making in respect of First Nation laws on the reserve; and
 - d) the resolution of disputes between the First Nations concerning the management of the reserve.

Effective Date

- 37.2 A Land Code Revision deemed to be an amendment for the purpose of section 2.1.1 of the Framework Agreement in respect of a reserve that is set apart for the use and benefit of more than one First Nation will come into force on the same date the lands become reserve land.

Substantive Amendments

- 37.3 Members, together with Council, will exercise their authority to amend this Land Code when a substantial change is required to:
- (a) increase the decision-making power of the Council,
 - (b) replace a community approval meeting with a community input meeting,
 - (c) the law-making process, or

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- (d) any other significant Land Governance matter that would reasonably require an amendment instead of a revision.

Amendment Process

37.4 The Land Code will be amended in accordance with the following process:

- (a) working group reviews the purpose of proposed amendments
- (b) drafting group develops wording to give effect to the purpose of the amendments
- (c) Council, ACFN Administration or ACFN Dene Lands and Resource Management provide reasonable notice to Athabasca Chipewyan First Nation Members explaining the purpose and proposed amendment wording
- (d) Amendment Vote is held to accept or reject the proposed amendments, and
- (e) Council provides notice of the result of the vote.

Certification of amendment

37.5 Every amendment that is accepted in the Amendment Vote will be certified within fifteen business days by completing the following steps:

- (a) the drafting group amends the Land Code in accordance with the accepted amendment and delivers a draft to the Council, ACFN Administration, or ACFN Dene Lands and Resource Management,
- (b) ACFN Administration or ACFN Dene Lands and Resource Management reviews the draft for accuracy and delivers a certified draft to the Council and drafting group, and
- (c) the Council reviews the certified draft for accuracy and delivers a certified Land Code to the ACFN Administration or ACFN Dene Lands and Resource Management and drafting group, for publication.

Legal Effect

37.6 The amended Land Code takes legal effect immediately upon certification.

Publication

37.7 ACFN Administration or ACFN Dene Lands and Resource Management will be entitled to ensure copies of the newly amended Land Code are available in the offices of Athabasca Chipewyan First Nation for a period of sixty days from the date of certification.

37.8 ACFN Administration or ACFN Dene Lands and Resource Management will provide one certified copy to all land interest and license holders upon request.

Repeals

37.9 Laws and regulations made under authority of the Land Code may be amended or repealed from time to time in accordance with the specific provisions of the law or regulation.

Commencement

38.0 This Land Code has been approved by a Vote held on the _____ day of _____, 20____.

38.1 This Land Code comes into force on the first day of the month following certification of this Land Code by the Verifier.

Non Derogation of Athabasca Chipewyan First Nation Rights

39.0 This Land Code does not define or prejudice Aboriginal rights, Aboriginal title, treaty rights, inherent rights, or any other rights of Athabasca Chipewyan First Nation to control their lands or resources or to preclude other negotiations in respect of those rights.

39.1 This Land Code does not affect any lands, or any rights in lands, that are not subject to this Land Code.

39.2 This Land Code does not extinguish Canada' obligations to Athabasca Chipewyan First Nation, including, without limiting, access to programs and services that are generally available to other governments and individuals.

39.3 This Land Code does not diminish the Constitutional nature of Athabasca Chipewyan First Nation Land.

39.4 This Land Code does not diminish protection in the Indian Act with respect to taxation, exemption of lands from seizure and the inalienability of lands.