



HENVEY INLET FIRST NATION

NOTICE OF LAND LAWS NOTICE OF OPEN MEETING OF COUNCIL

TO : All Members, Henvey Inlet First Nation
FROM : Chief Wayne McQuabbie
DATE : 12 September 2017

Notice of Draft Land Laws

On 05 September 2017, Council tabled two new draft Land Laws for enactment:

- **Draft Land Law 2017-18-001** to provide procedures for the amendment and revision of Land Laws and other instruments created by Council under the Land Code; and
- **Draft Land Law 2017-18-002** to create the Henvey Inlet First Nation Land Laws Register.

Both new Land Laws, copies of which are attached, fall within Council's ancillary law-making authority in subsection 7.01(d) of the Land Code and do not require Community Input, Community Approval or ratification.

Notice of Open Meeting of Council, Monday 23 October 2017 at 1:00 pm

An open meeting of Council shall be convened in the Library, Fire Hall Building, French River Reserve No. 13, on Monday, 23 October 2017 to consider the enactment of draft Land Laws 2017-18-001 and 2017-18-002, at 1:00 pm or as soon thereafter as this matter may be dealt with.

Contents of this Notice Package

The following documentation is included in this Notice:

Land Law 2017-18-001

Land Law Proposal to provide for the amendment and revision of Land Laws and other instruments,
Draft Land Law 2017-18-001: Amendment and Revision of Land Laws and Other Instruments

Land Law 2017-18-002

Land Law Proposal to provide for the Henvey Inlet First Nation Land Laws Register
Draft Land Law 2017-18-002: Henvey Inlet First Nation Land Laws Register

Feedback Form

Use the enclosed form to provide your views to the Lands Advisory Committee and to Council if you cannot attend the Open Council Meeting.



The contents of this Notice package have been posted on the Henvey Inlet First Nation website:
<http://www.hifn.ca/>

Purpose and benefit to Henvey Inlet First Nation

The purpose and benefit of each of the proposed new Land Laws is set out in the Land Law Proposal included with it in this Newsletter and Notice package.

Lands Advisory Committee

Our Lands Advisory Committee has been asked to advise Council in relation to the draft Land Laws.

Rescheduling

If for any reason the Open Council Meeting to enact the Land Law cannot be convened or concluded at the location or on the date or time specified in the Notice, Council may reschedule the Open Council Meeting, in whole or in part, to an alternate date, time or place. At least three days' notice of the rescheduling shall be given to the Members by posting the new date, time and location in the Band Office and on the Henvey Inlet First Nation website.

Further Information

If you have any comments or questions in relation to any of the proposed Land Laws or the enactment processes, please do not hesitate to contact any of the following:

Chief Wayne McQuabbie:	tel. (705) 857-2331
Patrick Brennan, Lands Councillor:	tel. (705) 857-2331

Miigwetch!

Chief M. Wayne McQuabbie



LAND LAW PROPOSAL: THE AMENDMENT AND REVISION OF LAND LAWS AND OTHER LAND CODE INSTRUMENTS

Draft Land Law

A draft Land Law entitled

Land Law 2017/18-001: AMENDMENT AND REVISION OF LAND LAWS AND OTHER LAND CODE INSTRUMENTS

is attached for consideration by Council and the Lands Advisory Committee.

Purpose

Land Laws and other regulatory instruments enacted by Council pursuant to its law making authority under Part 2 of the Land Code may from time to time require:

- amendments which change the substance or intent of the Land Law or instrument, or
- minor revisions to correct errors or for clarity, which do not change the substance or intent of the Land Law or instrument.

The Land Code provides procedures for the amendment and the revision of the Land Code, but not for the amendment or revision of Land Laws or other instruments enacted under the Land Code.

The draft Land Law will allow the amendment of Land Laws and other instruments by resolution of Council, subject to compliance with the notice requirements in subsection 8.05 of the Land Code. Depending on the subject matter of the amendment, Community Input, Community Approval or ratification may apply, in which case the notice provisions of subsections 14.01 and 14.02 will also apply.

The draft Land Law also provides for minor "revisions" to Land Laws and other Land Code Part 2 instruments simply by resolution of Council without Community Involvement, on 10 days' notice to Members given by posting a notice in the Band Administration Office and on the HIFN website.

Benefit to Henvey Inlet First Nation

The proposed new Land Law will provide a clear and efficient process for amending and revising Land Laws enacted pursuant to the Land Code.

Authority

The draft Land Law is ancillary to Council's authority to enact Land Laws, regulations, policies and other regulatory instruments in subsections 7.01, 7.02 and 7.03 of the Land Code. Council has authority, pursuant to subsection 7.01(d) of the Land Code, to make Land Laws on any matter necessary or ancillary to the making of Land Laws in relation to Henvey Inlet First Nation Land.

Enactment Procedure

The draft Land Law may be enacted by Band Council Resolution in an open Council meeting after tabling and notice to Members as provided in subsection 8.05 of the Land Code. Council must also seek the advice of the Lands Advisory Committee.



TABLING RESOLUTION SCHEDULE "A"

HENVEY INLET FIRST NATION

D R A F T

LAND LAW 2017-18-001

**AMENDMENT AND REVISION OF LAND LAWS
AND OTHER LAND CODE INSTRUMENTS**

**Enacted pursuant to subsections 7.01(d) and 7.03
of the Henvey Inlet First Nation Land Code**

LAND LAW MAY PROVIDE FOR AMENDMENT OR REVISION

1. A Land Law or other instrument created, enacted, adopted or passed by Council pursuant to its law-making authority in Part 2 of the Henvey Inlet First Nation Land Code may be amended or revised in accordance with its terms.

WHERE NO PROVISION MADE

2. If a Land Law does not expressly provide for amendment or revision:
 - a. the Land Law may be amended by an amending Land Law enacted in compliance with the notice provisions in subsection 8.05 of the Land Code, and in compliance with Part 3 of the Land Code if the matters dealt with in the amendment fall within Land Code sections 12, 13 or 15;
 - b. the Land Law may be revised by a resolution of Council where:
 - i. Council deems the revision to be minor in that it will correct an error or defect in the wording of the Land Law, or will assist in the interpretation or implementation of the Land Law, without changing the purpose, intent or substance of the Land Law, and without requiring further Community Involvement under Part 3 of the Land Code; and
 - ii. not less than 10 days' notice of the open meeting of Council at which the revision may be adopted is given to Members by posting a notice of the meeting, including the draft revision or a summary thereof, in the Band Administration Office and on a Henvey Inlet First Nation website page accessible to all Members.

ADVICE OF LANDS ADVISORY COMMITTEE

3. Prior to amending or revising a Land Law, Council shall seek the advice of the Lands Advisory Committee and may require any party to provide additional documentation, notification and community consultation.

OTHER INSTRUMENTS

4. Any instrument created, enacted, passed or adopted by Council pursuant to its law-making authority in Part 2 of the Land Code, other than a Land Law or an instrument which expressly includes provisions for amendment or revision, may be amended in the manner in which it was created, enacted, passed or adopted, and may be revised in accordance with subsection 2(b) of this Land Law.

REGISTRATION OF AMENDMENT OR REVISION

5. An amendment or minor revision to a Land Law or other instrument created, enacted, adopted or passed by Council pursuant to its law-making authority in Part 2 of the Land Code shall be registered in the Henvey Inlet First Nation Land Laws Register.



Land Law Proposal: The Henvey Inlet First Nation Land Laws Register

Draft Land Law

A Draft Land Law entitled "The Henvey Inlet First Nation Land Laws Register" is attached for tabling.

Statement of purpose

Subsection 9.03 of the Land Code requires the creation of a Henvey Inlet First Nation Land Laws Register in which original copies of each enactment under the Land Code must be deposited and recorded. Subsection 9.04 provides that any person can view the register and obtain a copy of any registered Land Law; subsection 9.05 allows Council to set fees for viewing or obtaining copies of Land Laws.

The Land Laws Register should have an official Registrar appointed by Council who has the duty and powers necessary to officially register, record and abstract documents, to protect the integrity of the register and to produce official certificates of what has been recorded. A Deputy Registrar should also be appointed in case time-sensitive matters must be dealt with when the Registrar is on holidays or otherwise unavailable. Both positions will be part-time and can be combined with other duties.

The Register will require a secure restricted access physical and computer storage area.

Benefit to Henvey Inlet First Nation

The Henvey Inlet First Nation Land Laws Register will allow Members and others to ascertain the laws that apply to all or individual parcels of Henvey Inlet First Nation lands, and is an essential feature of the land administration regime established by the Land Code.

Authority to Enact

Creation and maintenance of the Register is ancillary to subsections 9.03, 9.04 and 9.05 of the Land Code relating to the making and registration of Land Laws. Council has authority to enact Land Laws on any matter ancillary to the making of Land Laws under subsection 7.01(d) of Land Code.

Enactment Procedure

The draft Land Law may be enacted by Band Council Resolution in an open Council meeting after tabling and notice to Members pursuant to subsection 8.05. Council must seek the advice of the Lands Advisory Committee in relation to the draft Land Law.



TABLING RESOLUTION SCHEDULE "B"

HENVEY INLET FIRST NATION

D R A F T

LAND LAW 2017/18-002

THE HENVEY INLET FIRST NATION LAND LAWS REGISTER

Enacted pursuant to subsections 7.01(d), 9.3, 9.4 and 9.5 of the Land Code

PART 1 Interpretation

DEFINITIONS

1. The following definitions apply in this Land Law:

Act means the *First Nations Land Management Act*;

Council means the council of Henvey Inlet First Nation, as duly elected from time to time;

electronic image means a single computer readable image file in Adobe Acrobat (.pdf) format or tagged image file (tif) format, or a Microsoft Word document (.doc or .docx), locked to prevent editing, capable of being printed or displayed with a resolution of at least 200 dots per inch;

holiday means a holiday mandated by federal legislation for federally regulated employees;

Land Code enactment includes the Land Code itself and any Land Law, resolution, revision, rule, regulation, standard, code, policy or other instrument and amendment or revision thereof created, enacted passed or adopted by Council pursuant to its law-making authority in Part 2 of the Henvey Inlet First Nation Land Code; and

Protected Information means any information in any form in which a person has privacy rights protected by applicable privacy legislation or in respect of which Henvey Inlet First Nation or any body, person or authority controlled by Henvey Inlet First Nation, is bound by a duty of confidentiality, and includes any reference to the existence of such information.

PART 2 The Henvey Inlet First Nation Land Laws Register

LAND LAWS REGISTER

2. Forthwith upon the coming into force of this Land Law, Council shall establish and maintain the Henvey Inlet First Nation Land Laws Register which shall include the following books of record:

- a. an indexed Land Law Archive containing:
 - i. original signed paper copies of all Land Code enactments accepted for registration, together with any supporting documentation required by the Land Code or included by reference in the enactment, endorsed by the Registrar with the time and date of registration thereof; and
 - ii. electronic images of all registered Land Code enactments; and
- b. a Land Laws Abstract Index containing an abstract of each registered Land Code enactment.



ALL LAND CODE ENACTMENTS TO BE SUBMITTED FOR REGISTRATION

3. Council shall submit to the Registrar an original copy of every Land Code enactment, signed by a majority of a quorum of Council, or by a person appointed by Council to certify its enactments, for registration.

REGISTRATION

4. Upon receipt of a Land Code enactment in proper form, the Registrar shall register the enactment by endorsing the original enactment with a sequential registration number, the Registrar's seal and a certificate of the time and date of registration.

REGISTRATION, CONT'D

5. Upon registering a Land Code enactment, the Registrar shall:
- a. store the original enactment and an electronic image of the registered enactment in the Land Law Archive;
 - b. abstract from the registered enactment its title, date of enactment, type of enactment, date of registration, Land Laws Register number, brief subject matter; in force date and any other information which the Registrar deems relevant, and add that information to the Land Laws Abstract Index.

GROUND FOR REFUSING REGISTRATION

6. The Registrar shall not register a Land Code enactment document if:
- a. the document is not dated;
 - b. any material part of the document is not legible or any schedule or other attachment referred to in the document is not attached;
 - c. the document does not bear the original signatures of a majority of a quorum of Council, or the original certificate of a person appointed by Council to certify Land Code enactments.

SPENT AND REPEALED ENACTMENTS

7. Upon notice from Council that a registered Land Code enactment is spent or has been amended or repealed, the Registrar shall add an endorsement of that change to the original enactment, to the stored image of the enactment and to the Land Laws Abstract Index, under the Registrar's seal.

ACCESS TO THE LAND LAWS REGISTER

8. Subject to subsection 15, any person may attend at the Henvey Inlet First Nation Register during normal business hours and may view or obtain a copy of an electronic image of any registered Land Code enactment or the Land Laws Abstract Index.

PART 3 Administration

APPROPRIATIONS

9. Council shall appropriate to the Henvey Inlet First Nation Register an annual budget for its staffing, training and operations and extraordinary funds as may be required for special projects from time to time.



TERMS OF APPOINTMENT

10. Council shall appoint and fix the qualifications and terms of engagement of the Registrar of Land Laws and at least one Deputy Registrar, both of whom shall serve at the pleasure of Council, by resolution.

SEAL OF OFFICE

11. The Registrar shall have a Seal of Office and shall affix the seal to all Land Code enactments accepted for registration in the Land Laws Register, and to all certified copies of documents or abstracts.

DELEGATION

12. The Registrar may delegate any or all of the Registrar's duties pursuant to this Land Law to the Deputy Registrar.

VACANCY IN OFFICE OF REGISTRAR

13. Where the office of Registrar becomes vacant, the Deputy Registrar may exercise the power and shall perform the duties of the Registrar until a Registrar is appointed.

REGISTER OPEN HOURS

14. The Henvey Inlet First Nation Register and shall be open from Monday to Thursday from 9:00 a.m. to 4:00 p.m. and on Friday from 9:00 a.m. to noon, EST or EDST, as applicable, except on holidays.

REDACTION OF PRIVATE AND CONFIDENTIAL INFORMATION

15. Prior to providing copies or allowing access to or inspection of any record, the Registrar shall ensure that any Protected Information is completely and effectively redacted, except:

- a. where the application is made by Council or by the authority which enacted the record;
- b. where the applicant produces releases signed by all parties having a protected interest in the Protected information contained in the record, or
- c. pursuant to an order of a court of competent jurisdiction.

ADMINISTRATIVE FEES

16. Council may from time to time by resolution prescribe reasonable fees for the review of documents submitted for registration or recording, for searches or viewings of abstracts and documents, for certification of abstracts or documents and other administrative services provided by the Henvey Inlet First Nation Register.

PART 4 Coming Into Force

COMING INTO FORCE DATE

17. This Land Law shall come into force immediately upon enactment by Council.



LAND LAW PROPOSAL: THE AMENDMENT AND REVISION OF LAND LAWS AND OTHER LAND CODE INSTRUMENTS

Draft Land Law

A draft Land Law entitled

Land Law 2017/18-001: AMENDMENT AND REVISION OF LAND LAWS AND OTHER LAND CODE INSTRUMENTS

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Purpose

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Benefit to Henvey Inlet First Nation

The proposed new Land Law will provide a clear and efficient process for amending and revising Land Laws enacted pursuant to the Land Code.

Authority

The draft Land Law is ancillary to Council's authority to enact Land Laws, regulations, policies and other regulatory instruments in subsections 7.01, 7.02 and 7.03 of the Land Code. Council has authority, pursuant to subsection 7.01(d) of the Land Code, to make Land Laws on any matter necessary or ancillary to the making of Land Laws in relation to Henvey Inlet First Nation Land.

Enactment Procedure

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 - i. Council deems the revision to be minor in that it will correct an error or defect in the wording of the Land Law, or will assist in the interpretation or implementation of the Land Law, without changing the purpose, intent or substance of the Land Law, and without requiring further Community Involvement under Part 3 of the Land Code; and
 - ii. not less than 10 days' notice of the open meeting of Council at which the revision may be adopted is given to Members by posting a notice of the meeting, including the draft revision or a summary thereof, in the Band Administration Office and on a Henvey Inlet First Nation website page accessible to all Members.

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Land Law Proposal: The Henvey Inlet First Nation Land Laws Register

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The Land Laws Register should have an official Registrar appointed by Council who has the duty and powers necessary to officially register, record and abstract documents, to protect the integrity of the register and to produce official certificates of what has been recorded. A Deputy Registrar should also be appointed in case time-sensitive matters must be dealt with when the Registrar is on holidays or otherwise unavailable. Both positions will be part-time and can be combined with other duties.

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Benefit to Henvey Inlet First Nation

The Henvey Inlet First Nation Land Laws Register will allow Members and others to ascertain the laws that apply to all or individual parcels of Henvey Inlet First Nation lands, and is an essential feature of the land administration regime established by the Land Code.

Authority to Enact

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Enactment Procedure

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TABLING RESOLUTION SCHEDULE "B"

HENVEY INLET FIRST NATION

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LAND LAW 2017/18-002

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holiday means a holiday mandated by federal legislation for federally regulated employees;

Land Code enactment includes the Land Code itself and any Land Law, resolution, revision, rule, regulation, standard, code, policy or other instrument and amendment or revision thereof created, enacted passed or adopted by Council pursuant to its law-making authority in Part 2 of the Henvey Inlet First Nation Land Code; and

Protected Information means any information in any form in which a person has privacy rights protected by applicable privacy legislation or in respect of which Henvey Inlet First Nation or any body, person or authority controlled by Henvey Inlet First Nation, is bound by a duty of confidentiality, and includes any reference to the existence of such information.

PART 2 The Henvey Inlet First Nation Land Laws Register

LAND LAWS REGISTER

2. Forthwith upon the coming into force of this Land Law, Council shall establish and maintain the Henvey Inlet First Nation Land Laws Register which shall include the following books of record:

- a. an indexed Land Law Archive containing:
 - i. original signed paper copies of all Land Code enactments accepted for registration, together with any supporting documentation required by the Land Code or included by reference in the enactment, endorsed by the Registrar with the time and date of registration thereof; and
 - ii. electronic images of all registered Land Code enactments; and
- b. a Land Laws Abstract Index containing an abstract of each registered Land Code enactment.



ALL LAND CODE ENACTMENTS TO BE SUBMITTED FOR REGISTRATION

3. Council shall submit to the Registrar an original copy of every Land Code enactment, signed by a majority of a quorum of Council, or by a person appointed by Council to certify its enactments, for registration.

REGISTRATION

4. Upon receipt of a Land Code enactment in proper form, the Registrar shall register the enactment by endorsing the original enactment with a sequential registration number, the Registrar's seal and a certificate of the time and date of registration.

REGISTRATION, CONT'D

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- a. store the original enactment and an electronic image of the registered enactment in the Land Law Archive;
 - b. abstract from the registered enactment its title, date of enactment, type of enactment, date of registration, Land Laws Register number, brief subject matter; in force date and any other information which the Registrar deems relevant, and add that information to the Land Laws Abstract Index.

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6. The Registrar shall not register a Land Code enactment document if:
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APPROPRIATIONS

9. Council shall appropriate to the Henvey Inlet First Nation Register an annual budget for its staffing, training and operations and extraordinary funds as may be required for special projects from time to time.



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- b. where the applicant produces releases signed by all parties having a protected interest in the Protected information contained in the record, or
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