

Enactment of law

5. Subject to section 40.6, the Council may enact a Matrimonial Real Property Law as soon as this Land Code comes into force.

Immediate rules

6. A Matrimonial Real Property Law enacted before the work of the Lands Committee and the community consultation is complete, will expire at the end of the 12-month period after the coming into force of this Land Code, unless re-enacted, replaced or amended.

## **PART 8 DISPUTE RESOLUTION**

### **41 Dispute Resolution Panel**

Panel established

1. The Dispute Resolution Panel is hereby established with jurisdiction to resolve disputes in relation to First Nation land.

Appointment of Panel

2. The Panel shall be composed of five (5) panellists, all of whom must be eligible voters.

Representation

3. The Lands Committee shall appoint the panellists, and shall ensure that the Panel represents the various elements of the community, including Elders, youth, professionals and non-resident members.

Term of office

4. The panellists hold office for a term of three (3) years.

No remuneration

5. Panellists are to act on a volunteer basis and receive no remuneration for their services.

## 42 Dispute Procedure

### Disputes

1. Any matter or dispute related to First Nation land may be referred to the Panel for resolution.<sup>11</sup>

### Optional process

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

### Disputes not resolved by Council

3. If a member, or a non-member with an interest in First Nation land, has a dispute with the Lands Committee or with the Council, the person must
  - (a) first attempt to resolve that dispute with the Council or the Lands Committee; and
  - (b) if no resolution can be achieved, the dispute may then be referred to the panel.

### Application procedures

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

### Limitation period

5. The limitation period for referring a matter or dispute to the Panel is
  - (a) thirty (30) days after the day the decision, act or omission being referred was made; or
  - (b) in the case of an estate dispute under section 39.4, eighteen (18) months after the date of the death.

### Panel of three

6. Disputes referred to the Panel are to be heard by three (3) of the five (5) panellists chosen as follows:
  - (a) one (1) panellist is to be chosen by each of the two parties to the dispute; and
  - (b) one (1) panellist, who is to be the chairperson, is to be chosen by the rest of the Panel.

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<sup>11</sup> Disputes that arose before the Land Code takes effect could also be referred to the Panel.

### 43 Impartiality

#### Duty to act impartially

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

#### Offence

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

#### Rejection of application

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

### 44 Powers of Dispute Resolution Panel

#### Powers of Panel

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

#### Rules of Panel

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

#### Professional services

3. The Panel may obtain the service of professionals to assist it in fulfilling its functions, in which case it shall make best efforts to use professional services available in the community.

#### Written decisions

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

#### Reasons

5. The Panel shall give reasons for its decision, and shall do so in writing within 14 days after, the date of the decision.

#### Appeal of decision

6. A decision of the Panel is binding but, subject to any exception established by a law, may be appealed to the Federal Court (Trial Division).

## **PART 9 OTHER MATTERS**

### 45 Liability

#### Liability coverage

1. The Council shall arrange, maintain and pay, insurance coverage for its officers and employees engaged in carrying out any matter related to First Nation land to indemnify them against personal liability arising from the performance of those duties.

#### Extent of coverage

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

#### Bonding

3. Every employee of the First Nation whose responsibilities include land administration or collecting or accounting for land revenue must be bondable.

### 46 Offences

#### Application of the Criminal Code

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