

# LAND CODE DEVELOPMENT

## REGAINING CONTROL OF OUR LANDS AND RESOURCES

September, 2009

### Voting Procedures

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**Band Member  
Dinner Meeting  
September 10, 2009  
Regarding Land  
Code**

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#### Registration for Vote

All eligible voters should have received a letter from Robert McKerracher. Most everyone is familiar with Robert as he has handled our elections for numerous years. Enclosed in the letter is a **GREEN** form which has to be filled out and sent back to Robert. All eligible voters must register for the vote, this process can be done on day of election if you are voting in person, however, all members who will be voting via mail in ballots **MUST** register first before receiving their ballots. It is also recommended to register as soon as possible as this will also save time on voting day. The form is very basic and easy to fill out. If you have any questions regarding the registration please contact either Robert McKerracher at 250-285-3129 or email: [mckerr@gicable.com](mailto:mckerr@gicable.com) or Lise Steele at 250-286-1807x224 or [lise@wewaikai.com](mailto:lise@wewaikai.com)

*A Land Code is the  
**First real  
recognition of our  
right to manage  
our own reserve  
lands and  
resources.***

In order for the We Wai Kai Nation to assume control over our lands, the Land Code & the Individual Agreement must be ratified by the adult members of the Nation. All members who are at least 18 years of age, whether living off-reserve or on-reserve, have the right to vote on the Land Code & the Individual Agreement. The procedure for the community ratification process is developed by the community in accordance with the *Framework Agreement*.

**VOTE DATES FOR OUR LAND CODE:  
SEPTEMBER 24, 25, 26, 2009  
QUINSAM CENTRE & CAPE MUDGE BAND OFFICE.  
8:00AM – 8:00PM EACH DAY**

### ***LUNCH IN THE COMMUNITY GARDEN!***

*The Land Code Department is pleased to join in the celebrations of the **Community Garden in Cape Mudge**. Members from the KDC are hosting a "Pit Cook Lunch" on **September 2<sup>nd</sup>** celebrating the success of the Community Garden. Please join in on this fun filled day with prizes from the Land Code Department!*

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*REGAINING  
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**We are on the WEB:  
[www.wewaikai.com](http://www.wewaikai.com)**

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*We are also on  
FACEBOOK:  
Land Code for  
We Wai Kai  
Nation*

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### **WHATS NEXT:**

**DINNER MEETING – September 10, 2009 AT THE QUINSAM HALL.** Review of our Land Code, Community Ratification Process and our Individual Agreement will be discussed. The voting process is done by registration and this process will also be discussed at this meeting.

### **Off Reserve meetings:**

**Vancouver** – September 14, 2009 – Rosedale on Robson – 5PM start

**Victoria** – September 15, 2009 – Chateau Victoria – 5PM Start

Councillor Jody Wilson Raybould + Lise Steele Land Code Coordinator went door-to-door on the Quinsam and Cape Mudge Reserves this past weekend (August 22/23) delivering the **VOTERS PACKAGE**. This provided a wonderful opportunity to answer your questions as well as remind our citizens to fill in their **GREEN** forms and send them in to Robert McKerracher.

All off reserve packages were mailed on Monday August 24<sup>th</sup>, 2009.

If you have family members who have moved

**PLEASE ADVISE** Lise as soon as possible to ensure they get their copy.

## "YES" VS "NO"

<b>YES</b>	<b>NO</b>
<ul style="list-style-type: none"> <li>✓ We Wai Kai Nation will manage its own reserve lands under the <i>We Wai Kai Nation Land Code</i></li> <li>✓ We Wai Kai will no longer manage its lands and resources according to the <i>Indian Act</i>.</li> <li>✓ More community involvement on land management matters such as Land Laws.</li> <li>✓ We Wai Kai will be able to make timely business and administrative decisions to accelerate Economic Development.</li> </ul>	<ul style="list-style-type: none"> <li>⊗ We Wai Kai Nation lands will continue to be managed by the Department of Indian Affairs under the Indian Act.</li> <li>⊗ We Wai Kai will need to seek approval from INAC for <b><i>every</i></b> land management matter.</li> <li>⊗ It has been known to take 2 to 4 years for a lease for Economic Development to be issued by Canada on behalf of We Wai Kai because of the lengthy processes set out by the Department.</li> </ul>

### Frequently Asked Questions:

➤ **Taxation – Will We Wai Kai Lands be subject to taxation?**

**No.** The current exemption of reserve lands and property situated on-reserve will continue under the relevant provisions of the Indian Act, s.29 & s.89 (1) & (2)

➤ **Can We Wai Kai tax land under the Framework Agreement/Land Code?**

**No.** The Land Code does not authorize laws relating to the taxation of real or personal property. Such laws must continue to be made separately pursuant to section 83 of the Indian Act.

➤ **Will a Land Code affect our Treaty or Aboriginal rights?**

**No.** Our Land Code is not a treaty and will not affect any treaty rights in the future. The Framework Agreement/Land Code is not intended to define or prejudice our inherent rights or other rights of controlling our lands or resources or to preclude other negotiations in respect of those rights.

### **ACCOUNTABILITY**

➤ **Is We Wai Kai council accountable to the members?**

**Yes.** Besides being politically accountable, We Wai Kai council under the Land Code is legally responsible for managing the lands and resources for the benefit of the members of the Nation.

➤ **How will accountability to the members be ensured?**

A Land Code will make provision for our Nation to report annually to our members on its land management activities. The Land Code will also set out rules on financial accountability for its management of lands, resources and revenues. Council is politically accountable for laws that it enacts.

Land Codes may provide that certain laws or policies must be ratified by the community before they take effect. Examples of what might require community approval before taking effect could include:

- ✓ a land use plan,
- ✓ a grant of any interest in First Nation land for a term exceeding 25 years,
- ✓ any grant or disposition of any natural resources for a term exceeding 5 years, or
- ✓ a charge or mortgage of a leasehold interest.

Having our own Land Code will allow the **decision making** to be done by **consent of all eligible voting Citizens of our Nation** and we will no longer be governed by the Minister of Indian Affairs or under *Indian Act* for all matters regarding “land management”.