





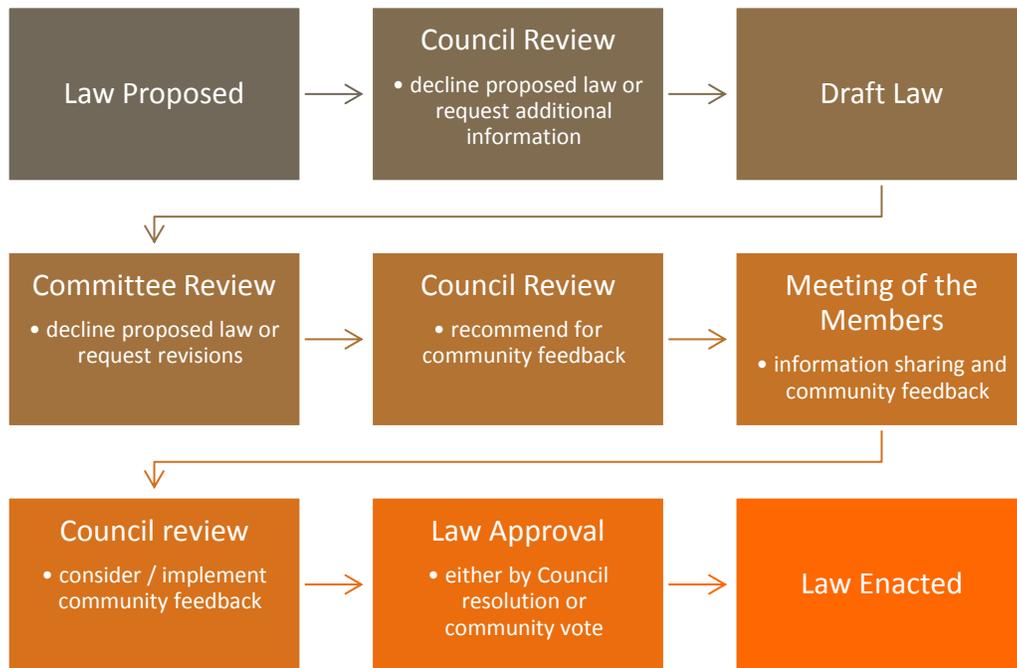


# Qw'utsun Tumuhw (Cowichan Tribes Land Code) Summary

## PART 2: FIRST NATIONS LEGISLATION

### Law Making Powers

This part outlines the law-making powers that Cowichan Tribes will gain and the procedure for how new land laws will be created and implemented. The flow chart below shows how law-making will work.



## PART 3: COMMUNITY INPUT AND APPROVAL

This section describes when a Meeting of Members is needed and how community approvals of new laws and initiatives will happen.

### Rights of Eligible Voters and Public Notice

All Cowichan Tribes members have a right to attend a Meeting of Members called under the Qw'utsun Tumuhw, and participate in a Ratification Vote (18 years and older). Anyone else may attend only with the permission of Council. This section outlines the requirement for members to receive information about proposed laws by way of giving public notice that must be done each time a notice is required, as well as optional methods for giving notice.

### Community Approval by Ratification Vote

Eligible voters will have the option of participating in a community approval process in the same manner the Cowichan Tribes Ratification Vote Process was used to ratify this Qw'utsun Tumuhw.





# Quw'utsun Tumuhw (Cowichan Tribes Land Code) Summary

## Financial Management and Annual Reporting

A financial management law will be developed under the Quw'utsun Tumuhw to deal with transfer payments from the federal government and revenues generated from Cowichan Tribes Tumuhw. On behalf of Cowichan Tribes, Council will publish an annual report on Tumuhw matters.

## **PART 6: LAND ADMINISTRATION**

This part sets out the basics of how Tumuhw will be managed day-to-day once Canada is no longer administering Cowichan Tribes Tumuhw.

This section covers the creation of Lands Committee, how money earned from Tumuhw will be managed, and how land interests will be tracked.

- Lands Committee
  - Composed of five eligible Cowichan Tribes members and two members of Council, all appointed by Council.
  - Responsibilities include community engagement and approvals, development of lands administration system, and advising Council on matters respecting Cowichan Tribes land.

## **PART 7: INTERESTS AND LICENCES IN LAND**

This part describes the general ways that individuals or companies can have legal interests in Cowichan Tribes Tumuhw and how Cowichan Tribes members and non-members can use and occupy Tumuhw.

This section also defines the limits on mortgages and seizures, transfers upon death, and the principles for spousal property law. Council can enact a law establishing Matrimonial Real Property law that would replace the existing Family Homes on Reserve Matrimonial Interests and Rights Act.

### Continuation of Existing Interests

Any interest in Cowichan Tribes Tumuhw that exists when this Quw'utsun Tumuhw comes into effect will continue. Under section 29.5, Council is required, on the recommendation of the Land Investigation Committee, to establish a Law or policy under the Quw'utsun Tumuhw to fairly address *Shhw'a'mut* lands and other unregistered claims and interests.

**Interest:**  
Legal rights to use or occupy land, like leases, licenses, permits, mortgages and Certificates of Possession (CP)

**Under section 30 of the Quw'utsun Tumuhw, a Certificate of Possession (CP) owner keeps all their rights to their CP land, exactly as it is now. Nothing will change.**



# Quw'utsun Tumuhw (Cowichan Tribes Land Code) Summary

## Eligibility for Cowichan Tribes Tumuhw Allotment or Interests

This section talks about what happens if a member becomes a member of another First Nation. In this case, any Tumuhw that they hold will have to be transferred to another Cowichan Tribes member within six (6) months. If it is not transferred, it automatically becomes Un-Allotted Tumuhw. A non-member cannot hold an allotment or Certificate of Possession (CP) but may hold another interest or license. There will need to be written documents, standards created, and consent permitted to process any granting or disposing of assignments of land. Cowichan Tribes can develop laws relating to residency, access, and trespassing.

## PART 8: DISPUTE RESOLUTION

Wherever possible, land-related disputes shall be determined through informal discussions between the parties in a dispute. If the parties are unable to resolve their disputes they may agree to try and resolve the dispute through mediation. If the parties aren't able to decide on a mediator or the mediation process, one or more parties can escalate the dispute to arbitration. If the parties cannot reach an agreement the dispute may be determined by a court of a competent jurisdiction.

Council can enact a law establishing the dispute resolution process that will oversee the process of initiating and addressing disputes. Cowichan Tribes will not be responsible for the costs of dispute resolution between two parties where Cowichan Tribes is not a party.

## PART 9: OTHER MATTERS

Addresses other matters not covered in previous sections. List below outlines some of these items:

- Liability - the need for director and officers insurance for Lands Committee members
- Offences and enforcement - what are offences and what is the penalty
- Quw'utsun Tumuhw Amendments- specifically the process for making changes to Quw'utsun Tumuhw, and community approval process
- Commencement- defines when the actual start date will be
- Quw'utsun Tumuhw and Individual Agreement (IA) need to be approved by the eligible voters, and certified by Chief and Council and the Minister of Indigenous Affairs
- The Quw'utsun Tumuhw comes it effect on the first day of the month following certification