



## Land Code – Quw'utsun Tumuhw Open House Questions and Answers June 13, 2018

### **How can land code help with trespassing concerns?**

Under the Indian Act, the fine for trespassing on reserve lands is \$50. Under land code, we could pass a trespass law that would increase fines (other First Nations have increased the fine to maximum \$10,000) and could include imprisoning or banishing the trespasser from Cowichan Tribes reserve lands permanently. Our law would be enforced by peace officers under the Criminal Code, and can also be enforced by peace officers that Cowichan Tribes employs. Training members for the role of peace officer is one of our priorities.

### **How will land code impact Natural Resources?**

Under land code, a First Nation is required to make its own environmental laws. Our laws can go above and beyond INAC's policies and the federal environmental assessment law to better protect our reserve land resources (wildlife, water, plants and trees, and air quality).

Under land code, CP holders will still be able to harvest natural resources from their land in the same way that they do now.

### **Will Cowichan Tribes get any revenue or other dollars?**

Yes. Revenues can be generated by leasing and granting rights and licenses to operate business on reserve land. Cowichan Tribes can also develop its own land directly and generate own source revenue for member services and resources.

### **What can be done with the illegal dumping?**

Land Code allows Cowichan Tribes to create enforceable laws as it relates to illegal dumping, which will be recognized fully by the RCMP. Other measures such as security, witnesses and other processes will need to be in place. Currently, there are **no** provisions in the Indian Act specific to environmental management of reserve land or the protection of the environment

### **What will the dispute resolution process be?**

Check out 'Part 8' of the Land Code to learn more about how the dispute resolution process will be created: [http://cowichantribes.com/files/4114/8968/4640/Quwutsun\\_Tumuhw\\_March\\_15\\_2017.pdf](http://cowichantribes.com/files/4114/8968/4640/Quwutsun_Tumuhw_March_15_2017.pdf).

1. Hold a 'Meeting of Members' to gather input on the proposed dispute resolution law
2. Vote on the final draft of the proposed dispute resolution law in order to pass it
3. Create the dispute resolution panel as per the law
4. Use and implement the dispute resolution panel i.e., in the instance of a dispute, each party will choose one person to be on the panel, and the two panelists will jointly select a third person.
  - a. The panel must to act impartially
  - b. The panel may seek the assistance of a professional when making their decision.
  - c. The member(s) may appeal any decision of the dispute resolution panel
  - d. The member(s) would still have the option of going to court

### **Are taxes included in Land Code?**

No, status and tax exempt still applies. Administrative fees for lots to sell and service lots can be incorporated into the Land Code.

