

## SECTION 9

### **Local Government over Category IA Lands**

**9.0.1** Subject to all other provisions of the Agreement, there shall be recommended to Parliament special legislation concerning local government for the James Bay Crees on Category IA lands allocated to them.

Such legislation shall contain the following provisions inter alia:

- a) the incorporation of each Cree band and the extension of the corporate membership to include all Crees eligible to benefit under the Agreement;
- b) the establishment of band councils and provisions for their election and term of office as well as the filling of vacancies and contestation of elections; there shall also be provisions that the powers of the incorporated band shall be exercised through the band council and that each band shall have the option of electing or appointing its chief and councillors according to band custom, which shall apply to the extent that it is compatible with the corporate structure of the band. Such band customs shall be set out in the by-laws of the band and such by-laws shall be subject to the approval of the Minister of Indian Affairs and Northern Development;
- c) powers of the band council, which shall include these powers under the existing sections 28 (2), 81 and 83 of the Indian Act and all or most of the powers exercised by the Governor-in-Council under s. 73 of the Indian Act as well as certain non-governmental powers;
- d) the powers of taxation for community purposes, in such manner and to such extent as may be agreed upon;
- e) provisions establishing the right of use of the individual Cree in a given plot of land, limiting the rights of the individual to the use of one lot for residential purposes; provisions governing the allotment of additional land for non-residential purposes; provisions governing the right to take land for community use and the right to compensation for improvements where land is taken for community use;
- f) the regulation and licencing of business activities, trades, occupations, merchants and work on the reserve;
- g) tax exemptions which shall be the same as those provided by the Indian Act or other acts of Canada applying from time to time to Indians registered under the Indian Act shall apply to Indians registered under the Indian Act who reside on Category IA lands;
- h) provisions for exempting from seizure Category IA lands and Cree property thereon, similar to those extended to other Indians as provided for in the Indian Act, unless otherwise agreed upon;
- i) provisions governing residence on Category IA lands;
- j) provisions governing access to Category IA lands;
- k) provisions governing the granting, by the band, on Category IA lands of servitudes, usufructs and other rights of use and occupation and leases respecting such lands to any persons including non-Indians;
- l) provisions relating to band public works;
- m) certain defined powers relating to land use and environmental and social protection;
- n) powers of the band council relating to the protection and use of natural resources consistent with and subject to applicable laws and regulations and in conformity with the terms of the Agreement;
- o) the general powers of the Minister of Indian Affairs and Northern Development to supervise the administration of Category IA lands;

p) and such other powers as may be incidental and/or ancillary to the exercise of local government or the implementation of the Agreement;

**9.0.2** Discussions shall take place forthwith upon the execution of the Agreement between Canada and the James Bay Crees to determine, in accordance with the above provisions 9.0.1 a) to 9.0.1 p), the terms of the special legislation to be so recommended.

Until such legislation is enacted, the Indian Act shall apply to such lands, subject to all other provisions of the Agreement.

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JBNQA, par. 9.0.2

A. corr.

**9.0.3** Notwithstanding the foregoing, in the event that the Indian Act applies to Category IA lands, Cree beneficiaries under the Agreement who are not Indians under the Indian Act shall be entitled to reside on the reserve.

**9.0.3A** There shall be recommended by Canada to Parliament amendments to the legislation contemplated by paragraphs 9.0.1 to 9.0.3 hereof which shall have the legislative effect of incorporating the Crees of Oujé-Bougoumou as a band under the said legislation and of integrating the Crees of Oujé-Bougoumou into the said legislation as a separate Cree band and a Cree local government with the same status, rights, privileges and obligations as the other Cree bands and Cree local governments contemplated by the said legislation.

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Compl. A. no. 22, sch. 4, s. 1

**9.0.4** The provisions of this Section can only be amended with the consent of Canada and the interested Native party.

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JBNQA, par. 9.0.4

A. corr.