

METIS SETTLEMENTS ACCORD IMPLEMENTATION ACT

Chapter M-15

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Accord” means The Alberta-Metis Settlements Accord made on July 1, 1989 between the Government of Alberta and the Alberta Federation of Metis Settlement Associations;
- (b) repealed RSA 2000 cM-15 s56;
- (c) “Consolidated Fund” means the Metis Settlements Consolidated Fund established by the *Metis Settlements Act*;
- (d) “General Council” means the Metis Settlements General Council established by the *Metis Settlements Act*;
- (e) “General Council Policy” means a policy made by the General Council in accordance with the *Metis Settlements Act*;
- (f) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g) “settlement” means a corporation established by section 2(1) of the *Metis Settlements Act*;
- (h) “settlement area” means the geographic area of a settlement;
- (i) “settlement council” means the council of a settlement.
- (j) repealed 1998 c22 s23

RSA 2000 cM-15 s1;RSA 2000 cM-15 s56

Purposes

- 2** The purposes of this Act are

- (a) to implement certain financial assistance elements of the Accord,
- (b) to implement that part of the Accord relating to the Metis Settlements Transition Commission, and
- (c) to make transitional arrangements for the establishment and development of structures and systems for local government of settlement areas.

1990 cM-14.5 s2

Part 1 Implementing the Financial Assistance Elements of the Accord

Division 1 Transitional Funding

(April 1, 1990 to March 31, 1997)

Conditional payments

3(1) The Provincial Treasurer must pay to the Commissioner from the General Revenue Fund

- (a) \$25 000 000 a year for 7 years for capital development projects and operations and maintenance purposes in settlement areas, and
- (b) \$5 000 000 a year for 7 years for the benefit of settlements and their members.

(2) The first annual payment must be made out of vote 14 under Executive Council in the *Appropriation (Interim Supply) Act, 1990* and completed as soon as practicable after this section comes into force.

(3) The subsequent annual payments must be made on April 1.

1990 cM-14.5 s3

Purposes of conditional payments

4(1) Of each payment of \$25 000 000,

- (a) \$15 000 000 is for capital development projects in settlement areas, and
- (b) \$10 000 000 is for operations and maintenance for the benefit of settlements, including
 - (i) general administration,

- (ii) protective services,
- (iii) environment,
- (iv) utilities,
- (v) community services,
- (vi) land development,
- (vii) transportation,
- (viii) housing, and
- (ix) purposes that are agreed on by the Minister and the General Council.

(2) Each payment of \$5 000 000

- (a) must be held by the Commissioner or paid directly into Part 2 of the Consolidated Fund, and
- (b) must be retained in Part 2 of the Consolidated Fund for use in accordance with section 142(2) of the *Metis Settlements Act*.

1990 cM-14.5 s4

Change in purposes

5 The purposes for which the \$25 000 000 payments are made can be changed by General Council Policy

- (a) from capital development purposes to operations and maintenance purposes,
- (b) from operations and maintenance purposes to capital development purposes, or
- (c) from capital development purposes or operations and maintenance purposes to other purposes for the benefit of settlements and their members.

1990 cM-14.5 s5

**Division 2
Post-transition Funding****(April 1, 1997 to March 31, 2007)****Unconditional payments**

6(1) The Provincial Treasurer must pay to the General Council from the General Revenue Fund \$10 000 000 a year for 10 years for the benefit of the settlements and their members.

(2) The first payment must be made on April 1, 1997.

(3) Each subsequent annual payment must be made on April 1.

1990 cM-14.5 s6

Operation of sections 7 and 8 and Schedule 1

6.1(1) In this section, “alternative funding agreement” means a written agreement between the Minister and the General Council that

- (a) provides for a funding arrangement in respect of Metis settlements, and
- (b) sets out that sections 7 and 8 and Schedule 1 are to be inoperative while the agreement is in force.

(2) If funding is provided for Metis settlements in accordance with an alternative funding agreement for a financial year,

- (a) the requirement under section 7(1) and Schedule 1 or section 8(1) and Schedule 1 for each settlement council to give audited financial statements certifying amounts collected in that financial year, and
- (b) the requirement under section 7(2) or 8(2) for the Provincial Treasurer to make a payment for that financial year

are permanently inoperative in respect of that financial year.

1998 c22 s23

Matching payments from April 1, 1997 to March 31, 2002

7(1) After the end of each financial year during the period April 1, 1997 to March 31, 2002, each settlement council must give the Provincial Treasurer an audited financial statement certifying, for the preceding financial year,

- (a) the amount actually collected by the settlement council from the eligible sources described in Schedule 1, and

- (b) the amount that may subsequently be collected by the settlement council as a result of late payments.

(2) The Provincial Treasurer must pay to a settlement from the General Revenue Fund a sum that equals

- (a) twice the amount of the sum that the auditor certifies was actually collected by the settlement council from the eligible sources in respect of the preceding financial year, and
- (b) twice the amount of any further sum that the auditor subsequently certifies was actually collected by the settlement council from the eligible sources in respect of the preceding financial year.

1990 cM-14.5 s7

Matching payments from April 1, 2002 to March 31, 2007

8(1) After the end of each financial year during the period April 1, 2002 to March 31, 2007, each settlement council must give the Provincial Treasurer an audited financial statement certifying, for the preceding financial year,

- (a) the amount actually collected by the settlement council from the eligible sources described in Schedule 1, and
- (b) the amount that may subsequently be collected by the settlement council as a result of late payments.

(2) The Provincial Treasurer must pay to a settlement from the General Revenue Fund a sum that is

- (a) the same as the amount that the auditor certifies was actually collected by the settlement council from the eligible sources in respect of the preceding financial year, and
- (b) the same as the amount of any future sum that the auditor subsequently certifies was actually collected by the settlement council from the eligible sources in respect of a preceding financial year.

1990 cM-14.5 s8

Review

9(1) The Minister and the General Council must review in 1993, 1996, 2001 and 2006 the money paid out under this Part.

(2) The purpose of each review is to consider whether the money required to be paid under this Part reflects the needs of the settlements and their members in light of prevailing circumstances.

1990 cM-14.5 s9

Part 2 (10 to 24) - Repealed RSA 2000 cM-15 s56

Part 3 (25 to 38) - Repealed 1998 c22 s23

Part 4 (39 to 48.2) – Repealed RSA 2000 cM-15 s56

Part 5 Extinguishment of Actions and Claims

Preamble

49 This Part is enacted within the following context:

- (a) the Crown in right of Alberta is granting certain parcels of land to the General Council by letters patent;
- (b) the patented land and the General Council will be protected by an amendment to the constitution of Alberta;
- (c) this Act, the *Metis Settlements Land Protection Act*, the *Metis Settlements Act* and the *Constitution of Alberta Amendment Act, 1990* are enacted in fulfilment of Resolution 18 of 1985, passed unanimously by the Legislative Assembly, and the Accord;
- (d) it is desirable to quiet not only existing legal actions but those which could arise under or in respect of *The Metis Betterment Act*, RSA 1970 c233, or its predecessors or in respect of trust or fiduciary obligations of the Crown in right of Alberta.

1990 cM-14.5 s49

Certain existing legal actions stayed

50(1) Alberta Court of Queen's Bench actions numbered 83520 and 100945 are stayed and no steps may be taken to proceed with or amend the actions so long as the Legislature does not enact any Act that repeals or amends the *Constitution of Alberta Amendment Act, 1990*.

(2) Subsection (1) does not apply when the subject-matter of the Act referred to in subsection (1) has been approved by a plebiscite under section 7 of the Constitution of Alberta Amendment Act, 1990.

(3) If the actions are no longer stayed pursuant to subsection (1), the provisions of any enactment or rule of law or equity that limits further steps in an action because of the passage of time do not apply with respect to the time the actions were stayed as a result of this section.

(4) Nothing in this section validates any of the claims or defences in the actions referred to in subsection (1).

(5) This section is repealed when the Constitution of Alberta Amendment Act, 1990 is repealed pursuant to section 8 of that Act.
1990 cM-14.5 s50

Certain existing legal actions extinguished

51(1) Alberta Court of Queen's Bench actions numbered 83520 and 100945 and the claims made in them are extinguished.

(2) Nothing in this section validates any of the claims or defences in the actions referred to in subsection (1).

(3) This section comes into force when the *Constitution of Alberta Amendment Act, 1990* is repealed pursuant to section 8 of that Act.
1990 cM-14.5 s51

Extinguishment of other rights of action

52(1) In this section,

- (a) "Crown" includes a Minister of the Crown and agents, delegates or employees of the Crown or a Minister;
- (b) "The Metis Betterment Act" means The Metis Betterment Act, RSA 1970 c233, and the predecessors to that Act, being The Metis Population Betterment Act, SA 1938 (2nd session) c6, The Metis Population Betterment Act, 1940, SA 1940 c6, The Metis Population Betterment Act, RSA 1942 c329 and The Metis Betterment Act, RSA 1955 c202.

(2) All existing and future causes of action in law or in equity by or against the Crown in respect of the following matters are extinguished:

- (a) *The Metis Betterment Act* and regulations, orders in council and ministerial orders made or purportedly made under that Act, including
- (i) acts or omissions, and
 - (ii) representations made,
- respecting the administration, operation or management of that Act or regulations, orders in council or ministerial orders made or purportedly made under that Act;
- (b) the Metis Settlement Associations Grants Administration Fund purportedly established by Treasury Board Minute 143/84, the Metis Settlements Trust Fund continued under section 20 of the *Department of Municipal Affairs Act*, SA 1986 cD-25.1, and the Metis Population Betterment Trust Account referred to in Order in Council numbered O.C. 1785-43 and Alberta Regulations 620/57 and 112/60, and the payment out of those Funds and their winding-up;
- (c) a trust or fiduciary obligation by virtue of, related to or arising out of *The Metis Betterment Act* or regulations, orders in council or ministerial orders made or purportedly made under that Act.
- (3) Nothing in this section acknowledges, admits, validates or recognizes a cause of action referred to in subsection (2).
- (4) Nothing in this section applies to
- (a) Court of Queen's Bench actions numbered 83520 and 100945, or
 - (b) a legal action commenced before April 15, 1990.
- (5) This section is deemed to have come into force on April 15, 1990.

1990 cM-14.5 s52

Part 6 (53 to 57) - Repealed RSA 2000 cM-15 s56

Schedule 1**List of Sources of Income Generated
by Settlement Councils that are
Eligible for Matching Payments
under Sections 7 and 8****Eligible sources**

1 The following sources of income and revenue are eligible for matching payments under sections 7 and 8:

- (a) fees, charges and levies collected under sections 14, 16, 17 and 21 of Schedule 1 of the *Metis Settlements Act*;
- (b) taxes levied and collected under sections 166 and 167 of the *Metis Settlements Act*;
- (c) off-site levies collected under section 168 of the *Metis Settlements Act*;
- (d) any other source of income or revenue agreed to by the Minister and the General Council, except those described in section 2.

Ineligible sources

2 The following revenue or sources of income are not eligible to calculate matching payments:

- (a) revenue from subsurface resources or related to access to subsurface resources;
- (b) surface rights compensation payments;
- (c) grants and interest income;
- (d) payments arising from agreements with other local governments;
- (e) payments from the Crown in right of Canada or an agency of the Crown in right of Canada.

Schedule 2 Repealed 1998 c22 s23.