

1988 BILL 64

---

Third Session, 21st Legislature, 37 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 64**

## **METIS SETTLEMENTS ACT**

---

HON. MR. ROSTAD

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

## BILL 64

1988

### METIS SETTLEMENTS ACT

(Assented to , 1988)

#### Table of Contents

Interpretation	1
Part 1	
Settlements	
Establishment	2
Corporate powers	3
Part 2	
Settlement Government	
Council composition	4
Terms of office	5
Chairman of council	6
Election day	7
Election procedure	8
Eligibility to vote	9
Candidates for councillor	10
Agreement disclosures	11
Ineligible candidates	12
First elections	13
Annual elections	14
Second elections	15
Third and subsequent elections	16
By-elections	17
Vacancies	18
Insufficient councillors	19
Official administrator	20
Disqualification	21
Resolution of disputes	22
Resignation	23
Oath of office	24
Conflict disclosures	25
Valid proceedings	26
Open meetings	27
Organizational meetings	28
Regular meetings	29
Special meetings	30
Annual meeting	31
Special general meetings	32
Council proceedings	33
Kinds of decision	34
Valid decisions	35
Recording decisions	36

By-laws and minutes	37
Consistency with provincial law	38
Delegation	39
Settlement office	40
Settlement employees	41
Publication of documents	42
Regulations	43

### Part 3

#### Metis Settlements General Council

Establishment	44
Dissolution	45
Composition	46
Corporate powers	47
Co-operation with the General Council	48
Officers of General Council	49
First election of officers	50
Procedure	51
Administration	52
Resolutions	53
General Council Policies	54
Effect of Policies	55
General Council Policies subject to veto	56
Policies not subject to veto	57
General Council Policies subject to approval	58
Model by-laws	59
Temporary policies	60
Policies and provincial law	61
Regulations	62
Coming into force	63

### Part 4

#### Appeals Tribunal

Regulations	64
-------------	----

### Part 5

#### By-law Making Authority

Geographic jurisdiction	65
By-law authority	66
Transitional Ministerial authority	67
Enactment of by-laws	68
Public approval of by-laws	69
Emergencies	70
Referendum	71
Effective date	72
By-law penalties	73
Money payable is a debt	74
Enforcement	75
Coming into effect	76

### Part 6

#### Membership

Membership regulations	77
------------------------	----

### Part 7

#### Land in Settlement Areas

Letters patent	78
Limits on alienation	79
Exemption from seizure	80
Limits on other dispositions	81

Entry on land	82
Land regulations	83
Effect of registration	84
Certificate of occupancy	85
Other allocations	86

#### Part 8

#### Financial Matters

Settlement funding	87
Financial and funding agreements	88
Assessment and taxation	89
Trust fund	90
Grant regulations	91

#### Part 9

#### General Provisions

Planning Act	92
Delegation	93

#### Part 10

#### Regulations

Regulations for difficulties	94
Regulations generally	95
Consultation with General Council on regulations	96
Consultation with settlement councils on regulations	97
Public interest	98
Regulations Act	99

#### Part 11

#### Transitional, Repeal and Commencement

Interim councils	100
Interim membership	101
Former applications	102
Metis Betterment Act	103
Repeal	104
Coming into force	105
Schedule	

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

#### Interpretation

#### 1(1) In this Act,

- (a) “councillor” means a member elected or appointed to a settlement council and includes the chairman;
- (b) “elector” means a person eligible to vote at a local election;
- (c) “former Act” means *The Metis Betterment Act*, chapter 233 of the Revised Statutes of Alberta 1970;
- (d) “General Council” means the Metis Settlements General Council established by this Act;
- (e) “General Council Policy” means a policy adopted by the General Council under this Act and includes a regulation made under section 60;
- (f) “local election” means the annual election held to fill the vacancies on a settlement council;

- (g) “member” means a member of a settlement corporation who is at least 18 years old;
  - (h) “Metis” means an individual of aboriginal ancestry who identifies with Metis history and culture;
  - (i) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
  - (j) “patented land” means land held in fee simple by the General Council pursuant to letters patent issued under the *Metis Settlements Land Act*;
  - (k) “settlement administrator” means the individual appointed by a settlement council as the senior administrative official of the settlement corporation, and includes an individual authorized to act in his place;
  - (l) “settlement area” means, with respect to a settlement corporation, the geographic area of the settlement corporation described in the parcels of land granted under the *Metis Settlements Land Act*;
  - (m) “settlement corporation” means a corporation established under section 2;
  - (n) “settlement council” means the council of a settlement corporation.
- (2) When public notice is required to be given by this Act, regulations made under this Act, resolutions or by-laws, the notice shall be considered to have been properly given if it is given by posting a notice in the settlement office and by
- (a) publishing the notice at least once in a newspaper having general circulation in the settlement area, or
  - (b) posting the notice in at least 4 other widely separated and conspicuous places in the settlement area,
- and in any other way a settlement council prescribes, either generally or for a specific notice.

## PART 1

### SETTLEMENTS

- Establishment      **2(1)** The following corporations are hereby established:
- (a) Buffalo Lake Metis Settlement;
  - (b) East Prairie Metis Settlement;
  - (c) Elizabeth Metis Settlement;
  - (d) Fishing Lake Metis Settlement;
  - (e) Gift Lake Metis Settlement;
  - (f) Kikino Metis Settlement;
  - (g) Paddle Prairie Metis Settlement;
  - (h) Peavine Metis Settlement.

(2) Each corporation established under subsection (1) is composed of the persons who are members in accordance with Part 6.

(3) A corporation established under subsection (1) may be dissolved only by an Act of the Legislature.

Corporate powers

**3(1)** Subject to this Act and the regulations, a settlement corporation has the rights, powers and privileges of a natural person.

(2) The Minister may, in accordance with section 97, make regulations

(a) respecting the activities that may be carried out by a settlement corporation;

(b) respecting the rights, powers and privileges of a natural person that may be exercised by a settlement corporation.

## **PART 2**

### **SETTLEMENT GOVERNMENT**

Council  
composition

**4(1)** Each settlement corporation shall have a settlement council.

(2) A settlement council

(a) is a continuing body, and

(b) shall be composed of 5 councillors.

(3) A settlement council has jurisdiction over its settlement area.

Terms of office

**5** Except when otherwise provided, the term of office of a councillor

(a) commences at the organizational meeting of the settlement council following the local election, and

(b) expires at the commencement of the organizational meeting of the settlement council in the year in which the term expires, unless the office is vacated at an earlier time.

Chairman  
of council

**6(1)** At the first organizational meeting of a settlement council after a local election, the councillors shall elect, from among themselves, a chairman.

(2) Subject to this section, the term of office of the chairman expires at the commencement of the organizational meeting following the next local election.

(3) The chairman of a settlement council may be removed from the office of chairman if, at a special meeting of the settlement council called to consider the matter, at least 3 councillors vote in favour of removing the chairman from office.

(4) If a chairman of a settlement council

(a) is removed from the office of chairman,

(b) resigns as chairman, or

(c) ceases to be a councillor,

the councillors shall elect another chairman from among themselves, who shall hold office for the balance of his predecessor's term unless

he is removed from office, resigns or ceases to hold office before the term of office expires.

- (5) Subject to section 21, a chairman of a settlement council who
- (a) is removed from office as chairman, or
  - (b) resigns as chairman,

remains on the settlement council for the balance of his term as councillor.

(6) A chairman may resign his office by presenting a written notice of resignation to a settlement council meeting and the resignation may not be withdrawn after the meeting is adjourned.

Election day      **7** Election day for a local election for a settlement corporation shall be on a date determined by the Minister.

Election procedure      **8(1)** Councillors shall be elected to a settlement council in accordance with the *Local Authorities Election Act* and this Act.

(2) If there is any inconsistency between this Act and the *Local Authorities Election Act*, this Act prevails.

(3) If the *Local Authorities Election Act* or this Act cannot be applied to an election under this Act, the Minister may make regulations governing the time and conduct of and the procedure at or otherwise relating to the election.

Eligibility to vote      **9** No person is eligible to vote at an election for councillors unless that person

- (a) has been a member of the settlement corporation for at least 12 months immediately preceding election day,
- (b) has resided in the settlement area for the 12 months immediately preceding election day, and
- (c) has his principal residence in the settlement area on election day.

Candidates for councillor      **10** A member may be nominated as a candidate for councillor if that person

- (a) is eligible to vote at the election at which he is to be a candidate,
- (b) has been a resident of the settlement area for the 12 consecutive months immediately preceding nomination day, and
- (c) is not ineligible or disqualified from being a candidate or serving as a councillor.

Agreement disclosures      **11(1)** When a member is nominated as a candidate for councillor, he shall file with the returning officer at the time of his nomination a statement in writing setting out

- (a) the number of agreements he has entered into with the settlement corporation that are still in effect and, to the extent that he is aware of them, the agreements his immediate family and associates have entered into with the settlement corporation that are still in effect, and

(b) the general nature of each agreement and how long each of them lasts.

(2) The statement referred to in subsection (1) shall be held by the returning officer and treated as part of the election records but shall be made available to any member for inspection on request.

(3) A candidate for councillor who wilfully refuses or fails to file the information required under subsection (1) within 14 days after the date of his nomination ceases to be eligible as a candidate or, if the candidate has been elected, is disqualified immediately following his election.

(4) In this section,

(a) “associates” means

(i) a partnership in which the candidate is a partner;

(ii) a corporation in which the candidate holds 25% or more of the issued voting shares, or of which he is a director;

(b) “immediate family” means spouse, father, mother, brother, sister and children.

Ineligible  
candidates

**12(1)** A member is ineligible to be nominated as a candidate for councillor or to be elected as councillor

(a) if, on nomination day or between nomination day and election day, that member

(i) is or becomes a judge of a court,

(ii) is or becomes an officer of the General Council,

(iii) is or becomes a member of the appeals tribunal established under Part 4,

(iv) is or becomes the auditor of the settlement corporation,

(v) is or becomes a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta,

(vi) is or becomes indebted to any settlement corporation for any sum exceeding \$250, unless a written agreement has been entered into with the settlement corporation to repay the debt and he is not behind in his payments under the agreement,

(vii) is or becomes a formal patient under the *Mental Health Act* or is or becomes the subject of a guardianship or trusteeship order under the *Dependent Adults Act*, or

(viii) in some other manner is or becomes ineligible or disqualified to be nominated as a candidate for, or to be elected as, a councillor, or

(b) if, in the 3 years preceding election day, the member was convicted of

(i) any indictable offence punishable by imprisonment for 5 or more years, or

(ii) an offence under section 112 of the *Criminal Code* (Canada).



(2) If a candidate for councillor becomes ineligible between nomination day and election day,

(a) public notice of that fact shall be given to the voters and posted in the voting stations by the returning officer, and

(b) if it is not possible to reprint the ballot forms, a vote cast for the ineligible candidate shall be treated as if it were a spoiled ballot.

First elections **13**(1) An election of councillors under this Act shall be held within 180 days after the coming into force of this section.

(2) The first election shall be for 5 councillors.

(3) At the first election

(a) the candidates who receive the most and 2nd most votes are elected for 3 years,

(b) the candidates who receive the 3rd and 4th most votes are elected for 2 years, and

(c) the candidate who receives the 5th most votes is elected for 1 year.

Annual elections **14** Following the first election of councillors under this Act, a local election shall be held each year to fill

(a) vacancies caused by the passage of time, and

(b) any other vacancy on council required to be filled.

Second elections **15** At the 2nd local election under this Act

(a) the vacancy on settlement council caused by the passage of time shall be filled by the candidate who receives the most votes at the election, who shall be elected for a 3-year term of office, and

(b) if there are other vacancies to be filled, the candidate or candidates with the higher number of votes are elected to the longer unexpired term or terms, as the case requires.

Third and subsequent elections **16**(1) At the 3rd and subsequent local elections,

(a) the candidate who receives the most votes is elected for 3 years, and

(b) the candidate who receives the 2nd most votes is elected for 2 years.

(2) At the 3rd and subsequent local elections, when there are more than 2 vacancies to be filled,

(a) the candidate who receives the most votes is elected for 3 years;

(b) if there are 2 two-year terms to be filled, the candidates receiving the 2nd and 3rd most votes are elected for 2 years;

(c) if there is 1 or more than 1 one-year term to be filled, the candidate or candidates receiving the next most votes are elected to that or those terms, as the case requires.

By-elections	<p><b>17</b> If, at a by-election, there are 2 or more vacancies to be filled,</p> <ul style="list-style-type: none"> <li>(a) the candidate who receives the most votes is elected for the longest unexpired balance of a term to be filled,</li> <li>(b) the candidate who receives the 2nd most votes is elected for the 2nd longest unexpired balance of a term to be filled, and</li> <li>(c) if there are other vacancies the candidate or candidates with the higher number of votes are elected to the longer unexpired term or terms, as the case requires.</li> </ul>
Vacancies	<p><b>18(1)</b> If a vacancy occurs on a settlement council</p> <ul style="list-style-type: none"> <li>(a) within 9 months after a local election, the vacancy shall be filled by a by-election;</li> <li>(b) more than 9 months after a local election, the vacancy shall not be filled until the next local election is held.</li> </ul> <p>(2) A person elected to fill a vacancy in a by-election holds office for the balance of his predecessor's term.</p>
Insufficient councillors	<p><b>19(1)</b> When for any reason the number of councillors required by this Act is not nominated or elected, the Minister may</p> <ul style="list-style-type: none"> <li>(a) appoint 1 or more members to fill the vacancies for a period of not more than 6 months or until the vacancies are filled by an election, or</li> <li>(b) direct that a by-election be held and appoint a returning officer to conduct the election.</li> </ul> <p>(2) If the number of councillors on a settlement council is reduced to less than 3, the Minister may appoint 1 or more members of the settlement corporation to fill the vacancies for a period of not more than 6 months or until the vacancies are filled by an election.</p>
Official administrator	<p><b>20</b> If all the seats on a settlement council become vacant, the Minister may, by order, appoint a person to act as official administrator of the settlement corporation and on appointment the official administrator has all the powers and duties of a settlement council, including the power to hold an election for the purpose of filling all or some of the vacancies existing on the council, but may not sit on the General Council.</p>
Disqualification	<p><b>21(1)</b> A councillor is disqualified from remaining on a settlement council if he</p> <ul style="list-style-type: none"> <li>(a) is convicted of an offence under a law in force in Alberta and sentenced to imprisonment for 3 months or more;</li> <li>(b) is convicted of <ul style="list-style-type: none"> <li>(i) an indictable offence punishable by imprisonment for 5 or more years, or</li> <li>(ii) an offence under section 112 of the <i>Criminal Code</i> (Canada);</li> </ul> </li> <li>(c) is absent, without authorization from the settlement council, from 2 or more consecutive regular council meetings of which he had notice, and the council declares him to be disqualified;</li> </ul>

- (d) ceases to be a member of the settlement corporation;
- (e) uses information gained through his position as a councillor that would not have been available to him as a member of the public to gain a financial benefit either directly or indirectly;
- (f) is appointed as a judge of a court;
- (g) is appointed to the Senate or elected to the House of Commons of Canada or to the Legislative Assembly of Alberta;
- (h) becomes an officer of the General Council;
- (i) is appointed as the auditor of the settlement corporation;
- (j) becomes the settlement administrator;
- (k) becomes a member of the appeals tribunal established under Part 4;
- (l) becomes a full-time employee of the settlement corporation other than as settlement administrator, unless a by-law first approves his employment;
- (m) becomes indebted to any settlement corporation for more than \$250, unless a written agreement has been entered into with the settlement corporation to repay the debt, and he is not behind in his payments under the agreement;
- (n) becomes a formal patient under the *Mental Health Act* or becomes the subject of a guardianship or trusteeship order under the *Dependent Adults Act*;
- (o) is disqualified pursuant to section 11(3);
- (p) is disqualified from remaining on the settlement council by a court.

(2) If at the time that he is elected as a councillor

- (a) a person is the settlement administrator, his employment terminates on the date of his election;
- (b) a person is a full-time employee of the settlement corporation, his employment terminates 45 days after the date of the election unless a by-law is passed approving his employment before that time expires.

Resolution  
of disputes

**22(1)** If a councillor who is disqualified does not resign, the settlement council or an elector may apply by originating notice to the Court of Queen's Bench for an order declaring that the councillor has ceased to hold office.

(2) Sections 32 to 35 of the *Municipal Government Act* apply to a matter referred to the Court of Queen's Bench under subsection (1).

Resignation

**23** A councillor may resign by presenting a written notice of resignation to a settlement council meeting and the resignation may not be withdrawn after the meeting is adjourned.

Oath of office

**24** Every councillor shall make and subscribe to the official oath prescribed by the *Oaths of Office Act* before commencing his duties and shall deposit the oath with the settlement administrator.

Conflict disclosures

**25(1)** A councillor shall disclose to the settlement council any financial interest that he has in any matter before the council and shall not take part in deliberations of the council on that matter or vote on that matter.

(2) If a disagreement arises as to whether a councillor has a financial interest in a matter before the settlement council, the council shall decide by vote whether the councillor has a financial interest, and the councillor in question may not take part in that vote.

(3) When the settlement council decides that a councillor has a financial interest in a matter before the council, the councillor in question shall not take part in deliberations of the council on that matter or vote on that matter.

(4) A councillor who is disqualified from taking part in deliberations and from voting under this section shall be considered not to be present at the settlement council meeting for the purposes of determining a quorum and shall be excluded from the meeting during the deliberations.

Valid proceedings

**26** The proceedings of a settlement council are not invalid by reason of any vacancy or disqualification of a councillor if at least 3 councillors remain in office.

Open meetings

**27(1)** Subject to subsections (2) and (3), settlement council meetings are open to the public.

(2) The chairman of the settlement council or, in his absence, the person presiding at the meeting, may cause to be expelled and excluded from any settlement council meeting any councillor or other person who engages in improper conduct at the meeting.

(3) When a majority of councillors at a meeting are of the opinion that it is in the public interest to hold a committee meeting of the whole or part of the settlement council in private, a settlement council may exclude any person from the meeting but it may not pass a by-law or resolution at the committee meeting except a resolution to revert to an open meeting.

Organizational meetings

**28(1)** An organizational meeting of a settlement council shall be held each year within 14 days after the local election.

(2) The settlement administrator shall give written notice of the date, time and place of the organizational meeting to councillors and to those persons who have been elected to serve as councillors.

Regular meetings

**29(1)** A settlement council shall hold as many meetings in each year as are considered necessary to deal with the business of the settlement corporation.

(2) A settlement council may, at any meeting at which all the councillors are present, decide to hold regular meetings of the council and the resolution shall state the date, time and place of every regular meeting, and no notice of those meetings is necessary.

Special meetings

**30(1)** The chairman of a settlement council may call a special meeting of the council whenever he considers it expedient to do so and

he shall do so when requested in writing by a majority of the councillors.

(2) No special meeting of a settlement council shall be held unless a reasonable effort has been made to notify all councillors of the date, time, place and purpose of the meeting, but no notice is required if all the councillors so agree.

(3) Every settlement council shall provide by by-law the manner in which notices under subsection (2) are to be given and the means by which a record of the notices is to be kept by the settlement administrator.

(4) No business other than that specified in the notice calling the meeting shall be conducted at a special meeting of a settlement council unless all the councillors are present, in which case, by unanimous consent, any other business may be conducted.

Annual meeting **31** Within 90 days after the end of each financial year, the settlement council shall by public notice call an annual meeting of the residents

(a) to discuss the activities of the council in the past year and its proposals for the next year,

(b) to present the audited financial statements for the immediately preceding financial year, and

(c) to discuss any matters raised by those present at the meeting.

Special general meetings **32(1)** The members of a settlement corporation may submit a written request for a special general meeting to the settlement council.

(2) On receipt of the request, the chairman of the settlement council shall by public notice give at least 7 days' notice of a special general meeting of the members to be held at a specified time, date and place.

(3) The date of the meeting set out in the notice shall be not more than 30 days from the date on which the settlement council received the request.

(4) The request referred to in subsection (1) has no effect unless the number of members signing the request is at least 10% of the population of the settlement area as determined by the most recent census.

Council proceedings **33(1)** A settlement council may

(a) establish or adopt rules of conduct for councillors and others present at council, committee or public meetings,

(b) govern the calling of settlement council, committee and public meetings and the public notice of them to be given, and

(c) establish a quorum for committee and public meetings and the procedure to be followed when a vote is taken on any matter at the meeting.

(2) Three councillors must be present at a settlement council meeting to form a quorum.

(3) Each councillor present at a settlement council meeting is entitled to 1 vote on matters put to a vote at the meeting, unless he is disqualified from taking part in the vote.

	<p>(4) Where there is an equal number of votes on any matter the vote shall be deemed to be decided in the negative.</p> <p>(5) Whenever a recorded vote is demanded by a councillor, the settlement administrator shall record in the minutes the name of each councillor present at the meeting and whether the councillor voted for or against or abstained or was disqualified from voting.</p>
Kinds of decision	<p><b>34(1)</b> Except as otherwise provided, the powers and duties conferred or imposed on a settlement corporation under this or any other enactment shall be exercised and performed by the settlement council.</p> <p>(2) A settlement council shall exercise its powers and perform its duties by resolution or, where required by this or any other enactment, by by-law.</p> <p>(3) A settlement council may exercise or perform by by-law any power or duty that is exercisable by resolution.</p>
Valid decisions	<p><b>35(1)</b> A by-law or resolution of a settlement council is valid only if</p> <ul style="list-style-type: none"> <li>(a) it meets the requirements of this Act and the regulations,</li> <li>(b) it is passed at a regular or special meeting of the council, and</li> <li>(c) a quorum of councillors is present at the meeting.</li> </ul> <p>(2) A resolution is adopted by a settlement council if at least 3 councillors vote in favour of it at a council meeting.</p> <p>(3) By-laws of a settlement council shall be made in accordance with Part 5.</p>
Recording decisions	<p><b>36(1)</b> Every order and agreement made by or on behalf of a settlement corporation and every resolution shall be in writing and signed by</p> <ul style="list-style-type: none"> <li>(a) the chairman of the settlement council or a councillor designated by the council as his alternate, and</li> <li>(b) the settlement administrator or a person designated by the settlement council as his alternate.</li> </ul> <p>(2) Every by-law made by the settlement council shall be sealed with the seal of the settlement corporation and signed by</p> <ul style="list-style-type: none"> <li>(a) at least 3 councillors, and</li> <li>(b) the settlement administrator.</li> </ul>
By-laws and minutes	<p><b>37(1)</b> The settlement administrator is responsible for recording in the settlement council minute book all resolutions, decisions and other proceedings of the settlement council.</p> <p>(2) Minutes of all settlement council meetings and the by-laws of the settlement corporation shall be retained by the settlement administrator at the settlement office and a copy of them shall, on request, be sent to the General Council and the Minister.</p>
Consistency with provincial law	<p><b>38(1)</b> Except as provided in section 58(5), a by-law or resolution that is inconsistent with this or any other enactment is of no force or effect to the extent of the inconsistency.</p>

	<p>(2) A by-law or resolution that is inconsistent with a General Council Policy is of no force or effect to the extent of the inconsistency.</p>
Delegation	<p><b>39(1)</b> A settlement council may appoint committees, consisting of 1 or more of its members, and may delegate to them any of the powers and duties conferred or imposed on the settlement council by this or any other enactment except those powers or duties prescribed by the regulations.</p> <p>(2) A committee to which a power or duty is delegated under subsection (1) may exercise the power or duty with the same effect as the settlement council.</p>
Settlement office	<p><b>40(1)</b> Every settlement council shall name a place in the settlement area as its settlement office to which all notices and correspondence to the settlement corporation or the settlement council may be sent.</p> <p>(2) A copy of a resolution made under subsection (1) shall be filed with the Minister, or some other person designated by the Minister, who shall maintain a record of the address of each settlement office.</p>
Settlement employees	<p><b>41</b> A settlement council</p> <p>(a) shall appoint a settlement administrator and any other employees considered necessary and fix their remuneration and terms of employment;</p> <p>(b) may prescribe the duties of the settlement administrator and other employees in addition to the duties prescribed by this or any other enactment.</p>
Publication of documents	<p><b>42(1)</b> Subject to subsection (2), the following documents shall be posted in the settlement office for a period of at least 15 days:</p> <p>(a) any agreement entered into by the settlement corporation and any proposed by-law after it has been given first reading;</p> <p>(b) any report of a committee or employee of the settlement corporation after it has been submitted to the settlement council, other than an opinion or report of the settlement solicitor;</p> <p>(c) audited financial statements of the settlement corporation;</p> <p>(d) the minutes of meetings of the settlement council, after they have been adopted by the council;</p> <p>(e) by-laws of the settlement council after they have been enacted.</p> <p>(2) A settlement council may provide that subsection (1) does not apply with respect to a specified portion of an agreement or report that contains technical, commercial or confidential information the release of which could prejudice the settlement corporation or any other person, or breach information held in confidence.</p> <p>(3) Within a reasonable time of receiving a written request to do so, a settlement administrator shall provide a copy of any document that is required to be posted under this section, at not more than the cost of reproducing the copies.</p>

Regulations	<p><b>43</b> The Minister may, in accordance with section 97, make regulations</p> <ul style="list-style-type: none"> <li>(a) prohibiting or restricting a settlement corporation from delegating those powers and duties prescribed in the regulations;</li> <li>(b) respecting an administrative and employment policy to be followed by the council and its employees;</li> <li>(c) respecting the establishment of a pension plan for employees of a settlement corporation;</li> <li>(d) respecting the establishment of holidays in a settlement area.</li> </ul>
-------------	---

### PART 3

#### METIS SETTLEMENTS GENERAL COUNCIL

Establishment	<b>44</b> There is hereby established a corporation to be known as the "Metis Settlements General Council".
Dissolution	<b>45</b> The General Council may be dissolved only by an Act of the Legislature and with the agreement of the General Council.
Composition	<b>46</b> The General Council is composed of the councillors of every settlement council and the officers of the General Council.
Corporate powers	<p><b>47(1)</b> Subject to this Act and the regulations, the General Council has the rights, powers and privileges of a natural person.</p> <p>(2) The Minister may, in accordance with section 94, make regulations</p> <ul style="list-style-type: none"> <li>(a) respecting the activities that may be carried out by the General Council;</li> <li>(b) respecting the rights, powers and privileges of a natural person that may be exercised by the General Council.</li> </ul>
Co-operation with the General Council	<b>48</b> The Minister may assist, advise, consult with, and enter into agreements with, the General Council to further the purposes of this Act.
Officers of General Council	<p><b>49(1)</b> The officers of the General Council are the President, Vice-president, Secretary and Treasurer.</p> <p>(2) The officers of the General Council shall be elected by the settlement corporations from members who are not settlement councillors.</p> <p>(3) The officers of the General Council may attend and participate in meetings of the General Council but shall have no vote.</p>
First election of officers	<b>50</b> The settlement corporations shall elect the officers of the General Council within 60 days after the first election of settlement councillors under section 13.
Procedure	<p><b>51(1)</b> The General Council shall make decisions by resolution, on which each settlement corporation shall have 1 vote.</p> <p>(2) In order to be passed, a special resolution must be supported by the vote of 75% of the settlement corporations.</p>



	(3) The settlement councillors may establish who is to cast votes for its settlement corporation and the manner of settling how votes are to be cast.
Administration	<p><b>52(1)</b> The General Council may make policies governing meetings of the General Council and the administration of its affairs.</p> <p>(2) The General Council may establish an executive committee of members and officers of the General Council and delegate to it any of its powers, duties or functions, except the power to make a General Council Policy.</p>
Resolutions	<p><b>53(1)</b> Unless this or any other enactment otherwise requires, the General Council shall act by resolution or special resolution.</p> <p>(2) A resolution or a special resolution of the General Council is valid only if</p> <ul style="list-style-type: none"> <li>(a) it meets the requirements of this Act and the regulations, and</li> <li>(b) it is passed at a regular or special meeting of the General Council.</li> </ul>
General Council Policies	<b>54</b> The General Council may, by special resolution, make, amend or repeal a General Council Policy.
Effect of Policies	<p><b>55(1)</b> A General Council Policy is binding on every settlement corporation and no settlement council shall enact any by-law or take any action or authorize or undertake any development or activity that is inconsistent with the Policy.</p> <p>(2) Every settlement council shall comply with General Council Policy.</p>
General Council Policies subject to veto	<p><b>56(1)</b> The General Council may, after consultation with the Minister, make, amend or repeal a Policy in respect of all or any of the matters described in subsection (2).</p> <p>(2) Subject to this Act, the General Council may make a Policy</p> <ul style="list-style-type: none"> <li>(a) respecting membership in the settlement corporations;</li> <li>(b) respecting the taking of a census in respect of the settlement corporations;</li> <li>(c) respecting the notice and procedures for settlement council or General Council meetings or public or special meetings;</li> <li>(d) describing what is or what is not considered to be a financial interest for the purpose of explaining when a conflict of interest may exist;</li> <li>(e) respecting the prohibition or the regulation and control of the sale, lease or other disposition of timber in settlement areas;</li> <li>(f) respecting the means by which any right or interest in land owned by the General Council may be created, the person or persons having authority to create it, the persons who may acquire the right or interest and any conditions or restrictions attached to its creation;</li> </ul>

- (g) respecting the distribution of money that may be appropriated for the general benefit of the settlement corporations;
  - (h) respecting rules to be applied to determine whether a member is to be considered to be a resident of a settlement area;
  - (i) providing for the present and future land use and development of the settlement areas and the regulation and control of the use and development of land and buildings for the purpose of providing a framework for general plans and land use by-laws of the settlement corporations;
  - (j) respecting the occupation or use of patented land that is not allocated to a person or in respect of which no person has exclusive right of possession;
  - (k) respecting whether and, if so, under what conditions the General Council may
    - (i) engage in commercial activities or invest in securities;
    - (ii) lend money;
    - (iii) make grants of money;
    - (iv) guarantee the repayment of loans made by a lender to a settlement corporation;
    - (v) guarantee the payment of interest on a loan to a settlement corporation;
  - (l) respecting those matters that may, by this or any other enactment, be subject to a General Council Policy;
  - (m) respecting such other matters as are considered to be for the benefit of the settlement corporations or their members.
- (3) A General Council Policy or an amendment or repeal of a Policy on a matter described or referred to in subsection (2) shall be sent to the Minister and comes into effect 90 days after it is received by the Minister, or such longer period as the General Council agrees to, unless
- (a) the Minister by order approves the Policy in writing at an earlier date, in which case the Policy comes into effect when it is approved, or on any later date specified in the Policy, or
  - (b) the Minister vetoes the Policy by notice in writing to the President of the General Council.
- (4) A General Council Policy that is vetoed by the Minister has no force or effect.
- (5) The Minister may, in accordance with section 96, make regulations respecting additional matters in respect of which the General Council may make policies under this section.
- (6) A copy of an order or notice under subsection (3) shall be sent to each settlement council.
- 57** The Minister may, in accordance with section 97, specify which General Council Policies are not subject to a veto, or the amendment or repeal of which is not subject to a veto, in which case the Policies

Policies not  
subject to veto

	<p>come into effect when they are approved by special resolution, or on any later date specified in the Policy.</p>
General Council Policies subject to approval	<p><b>58(1)</b> The General Council may, after consultation with the Minister, make, amend or repeal a Policy in respect of all or any of the matters described in subsection (2).</p> <p>(2) Notwithstanding this or any other enactment, the General Council may make a Policy in respect of all or any of the following:</p> <ul style="list-style-type: none"> <li>(a) the prohibition, regulation and control of hunting, killing or taking on settlement areas;</li> <li>(b) the prohibition, regulation and control of trapping on settlement areas;</li> <li>(c) the prohibition, regulation and control of gathering flora on settlement areas;</li> <li>(d) subject to any Act of the Parliament of Canada, the prohibition, regulation and control of fishing in settlement areas.</li> </ul> <p>(3) A Policy or an amendment or repeal of a Policy on any matter described in subsection (2) has no force or effect until it is approved by an order of the Lieutenant Governor in Council.</p> <p>(4) If the Lieutenant Governor in Council by order rescinds his approval under subsection (3), the General Council Policy that was the subject of the approval is thereby repealed.</p> <p>(5) In the case of conflict between a General Council Policy approved under this section and this or any other enactment, the Policy prevails.</p> <p>(6) A copy of an order made under subsection (3) or (4) shall be sent to each settlement council and to the General Council.</p>
Model by-laws	<p><b>59</b> A General Council Policy may contain a model by-law which, if a settlement council fails to pass a by-law in the same or substantially the same form within the time prescribed by the Policy, comes into force in all respects as if it were a by-law made by the settlement council.</p>
Temporary policies	<p><b>60(1)</b> At the request of the General Council, the Minister may make a regulation concerning anything in respect of which the General Council may make a Policy.</p> <p>(2) When the General Council makes a Policy on any matter in respect of which the Minister has made a regulation under subsection (1), the regulation ceases to have effect when the Policy comes into force.</p>
Policies and provincial law	<p><b>61</b> Except where this Act otherwise provides, General Council Policies that are inconsistent with this or any other enactment are of no force and effect to the extent of the inconsistency.</p>
Regulations	<p><b>62</b> The Minister may, in accordance with section 96, make regulations</p> <ul style="list-style-type: none"> <li>(a) providing for the establishment by the General Council of an office to which all notices and correspondence to the General</li> </ul>

Council may be made and for the depositing of other documents and information prescribed by the regulations;

(b) respecting the election of officers of the General Council, their terms of office and their eligibility and qualifications to hold and maintain office;

(c) respecting the powers and duties of officers of the General Council;

(d) respecting the making and recording of decisions of the General Council;

(e) establishing or adopting rules of conduct for the members of the General Council and others present at its meetings;

(f) respecting any other matter relating to the General Council.

Coming  
into force

**63** *Sections 52 to 61 come into force on the day following the commencement of the term of office of the officers of the General Council elected at the first election of the officers.*

#### **PART 4**

##### **APPEALS TRIBUNAL**

Regulations

**64** The Minister may, in accordance with section 96, make regulations

(a) respecting the establishment of an appeals tribunal;

(b) respecting the jurisdiction of the tribunal;

(c) respecting the rules of procedure of the tribunal;

(d) respecting the powers and duties of the tribunal;

(e) respecting the registration and effect of decisions of the tribunal;

(f) respecting appeals from decisions of the tribunal.

#### **PART 5**

##### **BY-LAW MAKING AUTHORITY**

Geographic  
jurisdiction

**65** Except where the context otherwise requires, the by-law making authority of a settlement council is confined to its settlement area.

By-law authority

**66(1)** A settlement council may make by-laws with respect to all or any of the matters set out in Schedule 1.

(2) The Minister may, in accordance with section 97, make regulations respecting matters in addition to those referred to in subsection (1) in respect of which a settlement council may make by-laws.

(3) For the 3 years after the coming into force of this section,

(a) no by-law referred to in subsection (1) shall be passed by a settlement council unless the by-law is prepared in consultation with the Minister, and

(b) no by-law referred to in subsection (1) is effective unless it is approved in writing by the Minister.

(4) Notwithstanding subsection (3), the Minister may, in accordance with section 95, make regulations specifying the subject-matter of by-laws that he does not need to be consulted about and approve, in which case subsection (3) does not apply to the settlement corporation named or the subject-matter specified in the regulation.

(5) Subsections (3) and (4) and this subsection are repealed 3 years after the coming into force of this section.

Transitional  
Ministerial  
authority

**67(1)** For the 3 years after the coming into force of this section, the Minister may, in accordance with section 97, by regulation, make by-laws with respect to any 1 or more of the settlement areas on all or any of the matters prescribed under section 66.

(2) When a settlement council passes a by-law on the same subject-matter as a by-law made by the Minister under subsection (1), the by-law made by the Minister ceases to have effect.

(3) This section is repealed 3 years after the coming into force of this section, but any by-law enacted under subsection (1) continues in effect until it is repealed by the Minister or the settlement council passes a by-law on the same subject-matter.

Enactment  
of by-laws

**68(1)** No by-law has any effect unless it is given 3 distinct and separate readings at a meeting of a settlement council, and no more than 2 readings may be given at the same meeting.

(2) If a proposed by-law is in writing and available to councillors, only the title or identifying number need be read at each reading of the by-law.

(3) A by-law shall not be given 2nd reading unless it is in writing and available to councillors.

(4) Except as otherwise provided, following each reading and debate, if any, of a proposed by-law, a vote of the councillors shall be taken and the proposed by-law shall be given the next reading only if at least 3 councillors vote in favour of the by-law.

(5) If a by-law does not receive 3rd reading within 2 years from the date of the first reading, the previous readings are deemed to have been rescinded.

(6) If the by-law is defeated on 3rd reading, the previous readings are deemed to have been defeated and rescinded.

Public approval  
of by-laws

**69(1)** After 2nd reading but before 3rd reading every by-law shall be presented to a public meeting in the settlement area of which at least 14 days' public notice of the date, time and place has been given.

(2) A by-law that is presented to a public meeting shall not be given 3rd reading unless it is approved by a majority of those members eligible to vote under subsection (5) who are present and vote at the meeting.

(3) If the vote at the public meeting is not in favour of the proposed by-law, it shall be considered to have been defeated, and all previous readings are deemed to have been defeated and rescinded.

(4) A person who may be affected by an issue under discussion at a public meeting has the right to participate in the discussion of that

issue but may not vote on the issue unless that person is a member of the settlement corporation.

(5) A person is eligible to vote on a by-law if the person

(a) has been a member of the settlement corporation for at least 12 months,

(b) has been a resident of the settlement area for the 12 months immediately preceding the date of the vote, and

(c) has his principal residence in the settlement area.

**Emergencies** **70** In an emergency that affects the health or safety of the community, the settlement council may, by unanimous resolution, declare that section 69 is not to apply to a by-law designed to deal with the emergency, in which case no public meeting or vote is required.

**Referendum** **71(1)** The electors of a settlement corporation may submit a written request to the settlement council for a by-law dealing with any matter within the legislative jurisdiction of the settlement corporation and calling for a referendum on the by-law.

(2) A request under this section has no effect unless

(a) the number of electors who have signed the request is equal to at least 20% of the population of the settlement area as determined in the most recent census, and

(b) the request complies with the provisions for petitions under section 6 of the *Municipal Government Act*.

(3) Within 30 days of receiving the request the settlement council shall cause a by-law dealing with the subject-matter of the request and any other related matters the settlement council considers necessary to be prepared and read a first and 2nd time.

(4) Section 69 applies to by-laws under this section, except that the date fixed for the public meeting shall be no later than 30 days after the date on which the by-law received first reading.

(5) If the by-law is approved at the public meeting, the settlement council shall pass the by-law within 30 days of the vote without any alteration affecting the substance of the by-law.

(6) If a referendum is held, the settlement council may refuse to receive a request of a similar nature made within 1 year of the date of the referendum.

**Effective date** **72** A by-law comes into effect

(a) on the day that it is given 3rd reading,

(b) on any later date that is specified in the by-law for it or part of it to come into effect, or

(c) if an approval of the by-law is required, on the date the approval is given or on any future date specified in the approval or the by-law.

**By-law penalties** **73(1)** A settlement council may, by by-law, with respect to the contravention of a by-law made under this or any other enactment,

(a) impose a fine not exceeding \$2500;

	<p>(b) impose a minimum and maximum fine applicable to first, 2nd or subsequent offences, but the maximum fine for each offence shall not exceed \$2500;</p> <p>(c) provide for imprisonment for any period up to 6 months if a fine is not paid.</p> <p>(2) In addition to any other fine or penalty that a court may impose under this or any other enactment or any by-law of a settlement corporation made under this or any other enactment, the court may</p> <p>(a) when a conviction is for non-payment of any fee, charge, levy, dues or other payment for a licence, permit, approval or other authorization, or tax payable to the settlement corporation under a by-law, also order payment of that sum in addition to any fine imposed, and</p> <p>(b) when the conviction is for the failure or refusal of a person to comply with a by-law, order that the person comply with the by-law.</p> <p>(3) A council may enact a general penalty by-law for a contravention of any by-law or of any specified by-laws, and may impose a fine and, in case of non-payment of the fine, imprisonment.</p> <p>(4) A penalty or fine paid under any by-law of a settlement corporation under this or any other enactment belongs to and forms part of the general revenue of the settlement corporation.</p>
Money payable is a debt	<b>74</b> Any fees, dues, charges, levies, taxes, fines, penalties or rents payable by a person to a settlement corporation constitutes a debt due to the settlement corporation and may be recovered in an action for debt.
Enforcement	<p><b>75</b> The Minister may, in accordance with section 97, make regulations</p> <p>(a) governing the enforcement of by-laws;</p> <p>(b) respecting the entering on or in premises for the purpose of the enforcement of this Act, the regulations and by-laws.</p>
Coming into effect	<b>76</b> <i>This Part comes into effect on the day following the commencement of the terms of office of the councillors elected at the first election of settlement councillors under this Act.</i>

## PART 6

### MEMBERSHIP

Membership regulations	<p><b>77(1)</b> The Minister may, in accordance with section 96, make regulations</p> <p>(a) governing membership in the settlement corporations;</p> <p>(b) respecting applications for membership;</p> <p>(c) respecting the criteria for membership;</p> <p>(d) respecting the proof required for membership;</p> <p>(e) respecting the procedure for approving membership;</p>
------------------------	--

- (f) respecting the approval of matters relating to membership;
  - (g) respecting the circumstances under which membership terminates;
  - (h) respecting the effect of membership and the rights and duties associated with membership;
  - (i) respecting any other matter relating to membership.
- (2) Any regulations made pursuant to this section shall recognize the principles that
- (a) an individual may not be a member of a settlement corporation unless the individual is a Metis, and
  - (b) any individual who is properly a member of a settlement association under the former Act is entitled to membership in a settlement corporation.

## PART 7

### LAND IN SETTLEMENT AREAS

Letters patent	<b>78</b> The letters patent issued under the <i>Metis Settlements Land Act</i> may not be registered or filed under the <i>Land Titles Act</i> .
Limits on alienation	<p><b>79(1)</b> The fee simple estate in patented land shall not be mortgaged, charged or given as security.</p> <p>(2) No person may take a fee simple estate in patented land as security for any purpose.</p> <p>(3) No person may, except as provided in a General Council Policy, take an interest less than a fee simple estate in patented land as security for any purpose.</p>
Exemption from seizure	<p><b>80(1)</b> The fee simple estate in patented land is exempt from seizure or sale under court order, writ of execution or any other process whether judicial or extra-judicial.</p> <p>(2) Except as provided in a General Council Policy, an interest in patented land less than a fee simple estate is exempt from seizure or sale under court order, writ of execution or any other process whether judicial or extra-judicial.</p>
Limits on other dispositions	<p><b>81(1)</b> A right or interest in a freehold estate of patented land may exist only pursuant to or by virtue of a specific provision of this or any other enactment.</p> <p>(2) The General Council shall not lease, license, permit, alienate or otherwise dispose of or deal with any right or interest in the freehold estate of patented land except as provided by or pursuant to the regulations.</p>
Entry on land	<b>82</b> A person who has obtained from the Crown in right of Alberta a right to work or develop a mineral in or under any part of the patented land, or a person authorized by such a person, may not, without the consent of the General Council, enter on any part of the land and conduct operations in order to obtain information about a mineral, including its existence or non-existence.



**83** The Minister may, in accordance with section 96, make regulations

- (a) respecting the management of land in the settlement areas;
- (b) respecting the establishing of a Metis Settlements Land Registry and a system for the registration of rights, interests and other matters with respect to land in the settlement areas;
- (c) adopting all or part of the *Land Titles Act*, with or without modifications;
- (d) respecting the establishment of an assurance fund for the purposes of paying claims made against the Metis Settlements Land Registry;
- (e) respecting the means by which the General Council may maintain, create, terminate and grant interests and rights in land in the settlement areas;
- (f) determining the priorities of any interests filed or registered and the legal effect of filing or registration;
- (g) respecting the means of settling disputes arising under section 82 or under the regulations made under this section;
- (h) respecting the subdivision and use of land in a settlement area;
- (i) respecting the transfer of rights and interests registered or recorded under or pursuant to the former Act and the *Land Titles Act* to the system established under the regulations;
- (j) providing for the transitional period during the recording, under this Act, of rights and interests under the former Act or any other enactment and the verification of those rights or interests;
- (k) respecting the fees payable for anything registered or recorded in the Metis Settlements Land Registry;
- (l) respecting the allocation of patented land;
- (m) respecting the issuance of certificates of occupancy;
- (n) respecting the application and approval of the allocation of patented land;
- (o) respecting the eligibility of persons to be allocated patented land;
- (p) respecting the rights and restrictions related to patented land allocated to a person;
- (q) respecting appeals relating to the allocation of patented land;
- (r) respecting the circumstances under which an allocation is refused or terminated;
- (s) respecting the right to reside in a settlement area and the duties associated with being a resident;
- (t) respecting the disposition of allocated patented land;

(u) respecting the disposition of land other than allocated patented land.

Effect of  
registration

**84(1)** Notwithstanding anything in the *Land Titles Act*, any instrument registered or filed with the Registrar under the *Land Titles Act* in respect of patented land has no effect unless the instrument has been registered or filed, as the case may be, in accordance with regulations made under section 83.

(2) Except as otherwise provided in the regulations, the *Land Titles Act* does not apply with respect to patented land in the settlement areas.

Certificate  
of occupancy

**85** A certificate of occupancy issued under the former Act is deemed to be a certificate of occupancy issued under regulations made under section 83(m).

Other allocations

**86** Any parcel of land allocated under the former Act to a member and for which no certificate of occupancy was issued continues to be allocated to the member under this Act so long as the member is making productive use of the land and there is no regulation under section 83 providing for the disposition of the allocated patented land.

## PART 8

### FINANCIAL MATTERS

Settlement  
funding

**87** The Minister may, in accordance with section 97, make regulations with respect to the settlement corporations

- (a) determining the financial year of the settlement corporations;
- (b) respecting the preparation and approval of budgets for operating the settlement corporations and for capital projects;
- (c) respecting the appointment of an auditor;
- (d) respecting the audit and inspection of records;
- (e) respecting reporting of financial activity;
- (f) respecting any administrative or accounting procedures that may be required;
- (g) prescribing any prohibitions, conditions, restrictions or limitations respecting any or all of the matters referred to in this section.

Financial  
and funding  
agreements

**88** The Minister may enter into an agreement with the General Council and the settlement corporations respecting financial or funding arrangements for them.

Assessment  
and taxation

**89(1)** A settlement council has the same power and authority to assess and tax as a council of a municipality has under the *Municipal Taxation Act*.

(2) A settlement council may levy fees in accordance with the regulations.

(3) The Minister may, in accordance with section 97, make regulations respecting the levying of fees on residents of a settlement area.

Trust fund

**90** The Minister, the General Council and every settlement corporation may enter into a trust agreement to provide for all or any of the following matters:

- (a) establishing a trust fund and providing for its purpose;
- (b) appointing 1 or more trustees;
- (c) respecting the money that is to be paid into the fund or a specified part of it;
- (d) respecting the sources of revenue to be paid into the fund;
- (e) providing for the division of the fund into such parts as are agreed, with different rules respecting payments into and from each part of the fund;
- (f) respecting payment out of the fund;
- (g) respecting accounting and administrative records, inspections and audits of the fund and its use;
- (h) any other matter respecting the administration, operation or management of the fund or the trust agreement as may be required.

Grant regulations

**91** The Minister may, in accordance with section 97, make regulations respecting the grants or the class or type of grants that may be made by settlement councils.

## PART 9

### GENERAL PROVISIONS

Planning Act

**92** The *Planning Act* does not apply to land in settlement areas, to the activities on them or to settlement councils.

Delegation

**93**(1) The Minister may delegate in writing to any person any power or duty conferred or imposed on him by this Act or regulations under this Act.

(2) Subsection (1) does not apply to any power of the Minister to make regulations.

## PART 10

### REGULATIONS

Regulations for difficulties

**94** The Minister may, in accordance with section 96, make regulations notwithstanding anything in this or any other enactment

- (a) to resolve questions or difficulties resulting from the application of this or any other enactment;
- (b) altering, varying or prescribing dates or times, whether or not a period of time for doing anything has expired;
- (c) to better provide for the general intent of this Act.

Regulations  
generally

**95** A regulation made under this Act

- (a) may be general or specific in its application;
- (b) may apply to all or 1 or more settlement corporations, settlement councils or settlement areas;
- (c) may be made subject to terms, conditions or limitations.

Consultation  
with General  
Council on  
regulations

**96(1)** A regulation to which this section applies may be made, amended or repealed only at the written request of the General Council.

(2) Notwithstanding subsection (1), the Minister may make a regulation without a request if the regulation is required to protect the public interest.

(3) Prior to making a regulation, the Minister shall

- (a) provide the General Council with notice in writing of the proposed regulation, and
- (b) give due consideration to any written suggestions regarding the regulation that are received from the General Council within 45 days of the notice.

(4) When a regulation is made to which this section applies, a copy of the regulation shall be sent to the General Council, and the General Council shall post the regulation in its office.

Consultation  
with settlement  
councils on  
regulations

**97(1)** A regulation to which this section applies may be made, amended or repealed only if the General Council or a settlement council requests the Minister to make the regulation.

(2) Notwithstanding subsection (1), the Minister may make a regulation without a request if the regulation is required to protect the public interest.

(3) Prior to making a regulation, the Minister shall

- (a) send a copy of the proposed regulation to each settlement council affected by the regulation and to the General Council requesting their comments, and
- (b) give due consideration to any written suggestions regarding the regulation that are received from a settlement council or the General Council within 45 days of the notice.

(4) When a regulation is made to which this section applies, a copy of the regulation shall be sent to each settlement council affected by the regulation and to the General Council, and the settlement council and the General Council shall post the regulation in their respective offices.

Public interest

**98** For the purposes of sections 96 and 97, a regulation is required to protect the public interest if

- (a) it is essential for the peace, order and good government of a settlement area, or
- (b) it is necessary to prevent harm to the general public.

Regulations Act **99** The *Regulations Act* does not apply to by-laws and regulations made under this Act.

## PART 11

### TRANSITIONAL, REPEAL AND COMMENCEMENT

Interim councils **100(1)** *The Minister shall appoint from a list of the names submitted by the members of the local boards under the former Act 5 members of each settlement corporation as the first councillors of the settlement councils under this Act.*

*(2) On the appointment made under subsection (1), the local board of each settlement association established under the former Act is dissolved.*

*(3) The Councillors appointed under subsection (1) are appointed*

*(a) for not more than 6 months, or*

*(b) until an organizational meeting of the settlement council is held following the first election of councillors of the settlement corporation,*

*whichever comes first.*

Interim membership **101** *A person who is, on the coming into force of this section, a member of a settlement association under the former Act is a member of the corresponding settlement corporation until such time as membership is determined in accordance with regulations made under section 77.*

Former applications **102** *An application for membership, land or anything else that has been made but not decided under the former Act shall not, after the coming into force of this section, be dealt with under the former Act.*

Metis Betterment Act **103(1)** The Minister may make regulations  
*(a) respecting the transition, with respect to any matter, from the former Act to this Act;*  
*(b) declaring any provision of the former Act not to apply with respect to any settlement corporation or the members of any settlement corporation.*

*(2) Nothing in the former Act prevents the granting of any land set aside for the purposes of that Act to the General Council pursuant to the Metis Settlements Land Act.*

*(3) Where there is a conflict between this Act and the former Act, this Act prevails.*

Repeal **104(1)** *Sections 2(a), 3, 4 and 9 of The Metis Betterment Act are repealed.*

*(2) The Metis Betterment Act, except the sections referred to in subsection (1), is repealed on Proclamation.*

Coming into force **105** *This Act comes into force on Proclamation.*

## SCHEDULE 1

### BY-LAWS

#### By-law Making Authority of Settlement Councils

General governance	<b>1</b> A settlement council may make by-laws for the general governance of the settlement area.
Internal management	<b>2</b> A settlement council may make by-laws for the internal management of the settlement corporation and may make by-laws <ul style="list-style-type: none"><li>(a) respecting the persons who are authorized to sign agreements on behalf of the settlement corporations and any terms or conditions attached to the authorization;</li><li>(b) respecting the manner in which notices of special meetings are to be given and the means of recording how and when notice was given and to whom;</li><li>(c) respecting the establishment, maintenance and safekeeping of the minute book of the council, by-laws and other records of the settlement corporations;</li><li>(d) respecting applications for membership in a settlement corporation and the forms required to be completed by applicants;</li><li>(e) respecting the establishment of waiting lists of members and the reasons for which one application may be given priority over another;</li><li>(f) prescribing forms for the purposes of this Act.</li></ul>
Health, safety and welfare	<b>3</b> A settlement council may make by-laws for promoting the health, safety and welfare of the residents of the settlement area.
Public order and safety	<b>4</b> A settlement council may make by-laws respecting public order and safety, including <ul style="list-style-type: none"><li>(a) prohibiting or regulating the discharge of firearms as defined in section 82(1) of the <i>Criminal Code</i> (Canada);</li><li>(b) prohibiting or regulating activities or conduct offensive to or not in the public interest as determined by the council;</li><li>(c) establishing curfews for children who are not accompanied by a parent or appropriate guardian and providing for penalties in respect of parents or guardians whose children contravene the by-law.</li></ul>
Fire protection	<b>5</b> A settlement council may make by-laws for the prevention and extinguishment of fires, the preservation of life and property and the protection of persons from injury or destruction by fire, including <ul style="list-style-type: none"><li>(a) prohibiting interference with the efforts of persons engaged in the extinguishing of fires or prevention of the spreading of fire, by regulating the conduct of persons at or in the vicinity of any fire;</li><li>(b) prohibiting or regulating the storage or transportation of explosives or other flammable or dangerous matter;</li></ul>

	(c) prohibiting or regulating any conduct, activity or other thing that is or may become a fire hazard.
Nuisances and pests	<p><b>6</b> A settlement council may make by-laws</p> <ul style="list-style-type: none"> <li>(a) prohibiting unsightly or untidy land or buildings or anything on land that is unsightly or untidy;</li> <li>(b) prohibiting or regulating noise generally or during specified periods throughout or in designated areas of the settlement area;</li> <li>(c) requiring or providing for the removal or burning of trees or shrubs that may interfere with settlement works or utilities;</li> <li>(d) regulating or controlling activities for the purpose of eliminating or mitigating animal or insect pests and diseases.</li> </ul>
Animals	<p><b>7</b> A settlement council may make by-laws</p> <ul style="list-style-type: none"> <li>(a) preventing the leading, riding and driving of cattle or horses in any public place;</li> <li>(b) prohibiting or regulating the running at large of dogs and other animals, including <ul style="list-style-type: none"> <li>(i) providing for the impounding of dogs running at large and for the killing, sale or other disposition of impounded dogs if not claimed from the pound within a specified time with any conditions governing payment of costs and expenses and removal from the pound that the by-law provides, and</li> <li>(ii) licensing dogs and classifying dogs for licensing purposes;</li> </ul> </li> <li>(c) regulating the keeping by any person of wild or domestic animals or poultry;</li> <li>(d) prohibiting the keeping by any person of wild or domestic animals or poultry in any specified part or parts of the settlement area when, in the opinion of council, that keeping is likely to cause a nuisance;</li> <li>(e) for the prevention of cruelty to animals.</li> </ul>
Airports	<b>8</b> A settlement council, subject to any Act of the Parliament of Canada, may make by-laws establishing, controlling, operating or maintaining an airport, aerodrome or seaplane base.
Posters and advertising	<p><b>9</b> A settlement council may make by-laws</p> <ul style="list-style-type: none"> <li>(a) prohibiting or regulating the posting or exhibition of pictures, posters or other material;</li> <li>(b) respecting the removal of anything posted or exhibited contrary to the by-law;</li> <li>(c) prohibiting or regulating the size, use and placement of advertising devices.</li> </ul>
Refuse disposal	<p><b>10(1)</b> A settlement council may make by-laws</p> <ul style="list-style-type: none"> <li>(a) defining “refuse” for the purpose of this section and the by-laws;</li> </ul>

- (b) prohibiting or regulating the placement or depositing of refuse;
- (c) regulating the activities or use of waste disposal sites established by the settlement council;
- (d) establishing and regulating a system for the collection and disposal of refuse.

(2) If a settlement council establishes a system for the collection and disposal of refuse, whether the settlement corporation undertakes the collection and disposal of the refuse or does so by contract, all refuse collected becomes the property of the settlement corporation and may be sold, destroyed or otherwise disposed of as the council directs.

Public health

**11 A settlement council may make by-laws**

- (a) providing for the health of the residents of the settlement area and against the spread of diseases;
- (b) regulating and controlling the use of wells, springs and other sources of water for the settlement area and preventing the contamination of it or of any lake, stream or water in the settlement area;
- (c) compelling the removal of dirt, filth or refuse or any other obstructions from public rights of way or private roads by the person depositing it and providing for its removal at the expense of the person if he defaults;
- (d) compelling the removal from any place within the settlement area of anything considered dangerous to the health or lives of the inhabitants.

Parks and recreation

**12 A settlement council may make by-laws respecting the regulating of activities and equipment in**

- (a) parks or recreation areas;
- (b) trailer courts or mobile home parks;
- (c) campgrounds;
- (d) exhibition or rodeo grounds.

Control of business

**13(1) A settlement council may make by-laws to control and regulate businesses, industries and activities carried on in the settlement area, including**

- (a) the manner and nature of their operation,
- (b) the location of them,
- (c) prohibiting any business, industry or activity without a licence which may apply to persons who carry on the business, industry or activity partly in and partly outside the settlement area, and



(d) making any provision of the by-law applicable to 1 or more businesses, industries or activities or 1 or more classes of them.

and may license any or all of those businesses, industries or activities:

(e) whether or not the business, industry or activity is mentioned elsewhere in this Act, and

(f) whether or not the business, industry or activity has an office in the settlement area.

(2) The power to license a business, industry or activity includes the power to specify the qualifications of the persons carrying on the business, industry or activity and the conditions on which the licence shall be granted.

(3) A council may, in a by-law,

(a) provide for the classification of businesses, industries and activities for the purposes of the by-law;

(b) prescribe different licence fees for different classes of businesses, industries and activities.

Installation of  
water and sewer  
connections

**14(1)** A settlement council may make by-laws

(a) directing the owner of any building situated on land abutting a street or public place in which there is a sewer and water main to install, in the building, connections with the sewer and water mains, and any apparatus and appliances required to ensure the proper sanitary condition of the building and premises;

(b) preventing the use or continuance of any toilet that is not connected with the sewer and providing for it to be removed or filled up;

(c) directing the owner of any building, erection or structure situated on land abutting any public right of way or private road where a system of storm sewers is constructed to connect his building, erection or structure to the system.

(2) If the owner fails or refuses to comply with a direction under subsection (1) within the period of time fixed by the settlement council, an authorized agent of the settlement council may enter on the land and into the building concerned and make the connection and charge the cost of it against the land, building, erection or structure concerned.

Sewage  
system fees

**15** A settlement council may impose and collect a service charge to be determined by the council in a manner it considers equitable, payable by all persons occupying property connected with the sewerage system of the settlement, having regard to the cost of the sewerage system and to the cost of treatment and disposal of sewage and the services respectively rendered with respect to those properties.

Special charges

**16** A settlement council may by by-law impose special levies for the purposes of providing recreation and community services and facilities to residents, and may provide for the charging of admissions or the raising of funds as the council may decide.