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Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 33

METIS SETTLEMENTS ACCORD IMPLEMENTATION ACT

HON. MR. ROSTAD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 33

1990

METIS SETTLEMENTS ACCORD IMPLEMENTATION ACT

(Assented to , 1990)

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Schedules

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) "Commissioner" means the person appointed as Commissioner under this Act or the person acting as Commissioner;
- (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 member of the Executive Council charged by the Lieutenant Governor in Council with the administration of 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) "Transition Fund" means the Metis Settlements Transition Fund established by section 25.

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.

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.

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*.

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.

**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.

**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.

**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.

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.

PART 2

THE TRANSITION PROCESS

Division 1

Principles, Functions and Responsibilities

Principles stated

10 The Commissioner and the Commission must carry out their powers, duties, functions and responsibilities based on the following principles:

(a) the principle of benefiting the people of the settlements:

the transition process is intended to make sure that benefits and services are provided to the people of the settlements in as equitable, efficient and effective a manner as possible;

(b) the principle of co-operation:

the spirit of co-operation between the Government of Alberta and the people of the settlements that has fundamentally characterized the development and implementation of Resolution 18 of 1985, passed unanimously by the Legislative Assembly, must be maintained and continued;

(c) the principle of self-sufficiency and local government autonomy:

a 7-year transition process is intended to achieve political and administrative capacity and responsibility of settlement

councils to enable them to function within the mosaic of local governments in Alberta;

(d) the principle of equity with other local governments:

the transition process is intended to result in the effective use of Provincial benefits for settlements in a manner and at a level that is equitable with other local government jurisdictions in Alberta;

(e) the principle of political respect:

the transition process must respect the political responsibilities of the General Council and settlement councils.

Reporting
relationship of
Commissioner

11 The Commissioner is responsible, through the Transition Authority, to both the Minister and the General Council.

Commissioner's
functions

12 The functions of the Commissioner are

(a) to ensure that the purposes of this Act are achieved and to initiate, organize and administer the development of policies, programs, services and structures to fulfil the purposes of this Act;

(b) to assist the General Council in its administration and in the management of its powers, duties and rights;

(c) to assist settlement councils in their administration and in the management of their powers, duties and rights;

(d) to assist settlement councils and the people of the settlements in meeting eligibility requirements of economic and development programs of the Government;

(e) when appropriate, to co-ordinate, in respect of the settlements, the policies, programs, procedures and services of

(i) departments of Government,

(ii) Government agencies, and

(iii) local authorities having jurisdiction in the settlement areas;

(f) when possible and appropriate, to co-ordinate the policies, programs, procedures and services of the Crown in right of Canada and its agencies;

(g) to give to and receive from the General Council and settlement councils advice on policy, programs, procedures and services;

(h) to administer or supervise the implementation of, or perform any power or duty with respect to, any policy, program, procedure or service assigned to the Commissioner by the Lieutenant Government in Council, a Minister of the Crown, an agency of the Crown or a local authority;

(i) to evaluate from time to time any of the policies, programs, procedures and services referred to in this section and to evaluate the progress made towards fulfilling the purposes of this Act and to report to the Minister and the General Council as jointly required by them;

(j) to organize and plan the activities of the Commission with a view to its dissolution.

Commissioner's
responsibilities

13(1) Despite anything in the *Metis Settlements Act*, the Commissioner is responsible for

(a) the collection, management and control of the income and revenue of settlements,

(b) the management and control of all payments by settlements in accordance with a settlement budget by-law, and

(c) all other matters relating to the financial affairs of settlements

and may issue directives to a settlement about establishing, maintaining or closing accounts and conditions for operating them.

(2) The Commissioner is not responsible for the preparation of settlement budget by-laws.

(3) The Commissioner remains responsible for the matters described in subsection (1) until the Commissioner transfers authority under section 19.

Direction from
General Council

14(1) The Commissioner must take direction from the General Council on matters relating specifically to the collective local government interests of settlement councils.

(2) The Commissioner must comply with General Council Policies.

Annual report
of the
Commissioner

15(1) The Commissioner must, as soon as practicable after the end of each financial year, prepare a report summarizing the

activities of the Commissioner during the preceding financial year that includes an audited financial statement of Commission funds.

(2) The Commissioner must give the report to the Minister and the General Council.

(3) On receipt of the Commissioner's report the Minister must lay a copy of it before the Legislative Assembly if it is sitting, and if it is not sitting, within 15 days after the commencement of the next sitting.

Division 2

Authority to Implement the Accord

Assignment of
powers, duties
and rights to
Commissioner

16(1) For the purpose of carrying out the Commissioner's functions and responsibilities

(a) a settlement council may assign to the Commissioner any power, duty or right the settlement council or settlement has, whether obtained before or after the coming into force of this Act, on terms and conditions acceptable to the Commissioner, or

(b) the Lieutenant Governor in Council may assign to the Commissioner for a specified period of time any power, duty or right that the settlement council or settlement has, whether obtained before or after the coming into force of this Act.

(2) With respect to a power, duty or right assigned under subsection (1), the Commissioner may,

(a) in the name of the settlement council or settlement, exercise the power, duty or right so as to bind the settlement council or settlement,

(b) by order, do anything that a settlement council or settlement is required or empowered to do by by-law or resolution, and

(c) by the Commissioner's signature alone, execute any agreement or other document to be signed by the settlement council or on behalf of the settlement.

(3) A settlement council may not exercise

(a) a power, duty or right assigned to the Commissioner, or

(b) any other power, duty or right so as to interfere with the exercise by the Commissioner of any power, duty or right assigned to the Commissioner.

(4) This section applies despite anything contained in the law from which the settlement council or settlement derives its power, duty or right.

(5) The *Regulations Act* does not apply to an order made under subsection (2)(b).

(6) The Commissioner must ensure that an order made under subsection (2)(b) is posted in the settlement office and is published in *The Alberta Gazette*.

Altering
Government
programs,
policies and
procedures

17(1) The Commissioner may request that programs, policies, procedures, services or rules of Government departments or agencies be altered or rescinded to put into effect any change needed to fulfil the purposes of this Act.

(2) If a request is not complied with, the Transition Authority may issue an alteration to the program, policy, procedure, service or rule, or rescind all or part of it, and the alteration or repeal

(a) becomes effective 45 days after its issue unless the Lieutenant Governor in Council vetoes the alteration or repeal within the 45 days, and

(b) if it is not vetoed, has the same effect as if it was made by the person first having authority to make it.

Delegation of
powers, duties
and functions

18(1) The Commissioner may delegate to any person a power, duty, function or responsibility conferred or imposed on the Commissioner under this or any other enactment, whether the enactment is passed before or after the coming into force of this section.

(2) The delegation must be in writing and may be subject to conditions.

(3) The Commissioner may revoke a delegation at any time.

Transfer of
powers, duties
and functions

19(1) The Commissioner may transfer to a settlement council or the General Council a power, duty, function or responsibility conferred or imposed on the Commissioner under this or any other enactment, whether the enactment is passed before or after the coming into force of this section.

(2) The transfer must be in writing and cannot be revoked.

Regulations to
implement the
Accord

20 The Lieutenant Governor in Council may

(a) make regulations to implement the Accord, and

(b) for the purpose of implementing the Accord, add to, amend or repeal a regulation made under any other Act whether or not that regulation was made by the Lieutenant Governor in Council and despite anything contained in the other Act.

Report on
amendments to
other legislation

21(1) The Commissioner must prepare one or more reports recommending amendments to Acts and regulations necessary to implement the Accord.

(2) The reports recommending amendments must be finished by December 31, 1992, or on any other date agreed on by the Minister and the General Council.

(3) The Commissioner must give the reports to the Minister and the General Council.

Division 3 Particular Activities of the Commissioner

Stationing
employees

22 The Commissioner may station an employee of the Commission in a settlement office for the purpose of carrying out the Commissioner's functions or assisting a settlement council.

Attending
meetings

23 The Commissioner and persons authorized by the Commissioner may attend meetings of the General Council or a settlement council or a committee of either of them in order to carry out the Commissioner's functions.

Right of entry

24(1) In subsection (2), "patented land" has the same meaning as it has in the *Metis Settlements Act*.

(2) The Commissioner and persons authorized by the Commissioner may, in order to carry out the Commissioner's functions,

(a) enter on patented land, and

(b) enter a building or structure used as an office or place of business of the General Council or settlement.

PART 3 METIS SETTLEMENTS TRANSITION FUND

Division 1 Establishment and Administration

Establishment

25(1) The Metis Settlements Transition Fund is established.

(2) The Transition Fund is held and administered by the Commissioner.

Accounts and records	<p>26 The Commissioner must</p> <ul style="list-style-type: none"> (a) establish accounts in the name of the Transition Fund with a bank or an Alberta Treasury Branch, (b) keep the Transition Fund and all accounts and records relating to it separate from accounts and records of the Commission, and (c) operate the Transition Fund in accordance with this Part and generally accepted accounting principles.
Directives and rules	<p>27 The Commissioner may issue directives and rules about the management and administration of the Transition Fund.</p>
Consolidated Cash Investment Trust Fund	<p>28 The Commissioner may, with respect to the Transition Fund, be designated as a depositor to the Consolidated Cash Investment Trust Fund established under the <i>Financial Administration Act</i>.</p>
Nature of the Transition Fund	<p>29 The Transition Fund must be maintained</p> <ul style="list-style-type: none"> (a) as cash, or (b) in the form of investments described in Schedule 2 or made through the Consolidated Cash Investment Trust Fund.
Financial year	<p>30 The financial year of the Transition Fund is April 1 to the following March 31.</p>

Division 2

Payments into and out of the Transition Fund

Payments into the Transition Fund	<p>31(1) For the period from the coming into force of this section to March 31, 1997 there must be paid into the Transition Fund</p> <ul style="list-style-type: none"> (a) the first annual payment of \$25 000 000 less the payments referred to in section 54(2)(a), (b) the subsequent annual payments of \$25 000 000 paid in accordance with section 3, (c) interest or other income from investments made from money in the Transition Fund, (d) the proceeds of sale of anything acquired from the Transition Fund, and (e) anything else specified by the Commissioner.
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(2) No money can be paid into the Transition Fund unless it is described in subsection (1) or authorized by section 32.

Money paid for
2 or more
purposes

32 If the Commissioner receives a payment partly payable into the Transition Fund and partly attributable to other matters, the payment must be paid in the first instance to the Transition Fund, but the part attributable to other matters must be paid out of the Transition Fund as soon as reasonably possible.

Payments out of
the Transition
Fund

33(1) At the direction of the Commissioner, money may be allocated for payment out of the Transition Fund if the payment is

(a) for one or more of the purposes established under this Act for the \$25 000 000 annual payments and is in accordance with

(i) an annual financial allocation policy or amendments to that policy made by General Council Policy, and

(ii) a settlement budget by-law or amendments to that by-law,

(b) authorized by an enactment other than this Act,

(c) for investments described in Schedule 2 or made through the Consolidated Cash Investment Trust Fund,

(d) to refund payments that were made to the Transition Fund in error,

(e) authorized under section 32, or

(f) for anything that is directly attributable to the establishment, operation, administration or management of the Transition Fund.

(2) If the General Council fails to make a financial allocation policy by April 1 each year, the Commissioner may allocate money from the Transition Fund for that financial year in any way that the Commissioner considers appropriate.

(3) A payment cannot be made from the Transition Fund unless the money for the payment has been allocated under this section or is made under section 34.

Special
payments

34(1) The Commissioner may make a payment out of the Transition Fund

(a) to the Commission for any sum that the Commission has paid on behalf of the General Council or a settlement out of Commission funds, or

(b) to the Crown in right of Alberta for any sum that the Provincial Treasurer certifies is due and payable by the General Council or settlement to the Crown or an agent of the Crown.

(2) If the Commissioner makes a payment under subsection (1), the Commissioner must deduct the amount of the payment from money in the Transition Fund that is otherwise due to be paid to the General Council or a settlement.

Cheques and
other
instruments

35(1) No cheque, money order or other negotiable instrument may be issued against, or cash withdrawn from, the Transition Fund for a payment described in section 33(1)(a) or (b) unless the instrument or withdrawal is approved by the Commissioner and

(a) the expenditure is in accordance with a settlement budget by-law or amendments to that by-law,

(b) the expenditure has been authorized by

(i) the settlement chairman or a councillor designated by the settlement council as an alternate signing officer, and

(ii) the settlement administrator,

(c) the settlement administrator certifies that there is money immediately available for the expenditure, and

(d) the expenditure

(i) is made under a written agreement for goods or services that the settlement administrator certifies have been satisfactorily received or provided, or

(ii) is otherwise authorized by resolution of the settlement council and is a proper expenditure.

(2) No cheque, money order or other negotiable instrument may be issued against, or cash withdrawn from, the Transition Fund for a payment described in section 33(1)(c) to (f) unless the expenditure is authorized by the Commissioner.

(3) No payment can be made from the Transition Fund under this section if it would contravene this Act, a directive or rule issued under this Act, or a General Council Policy.

Agreements
sent to
Commissioner

36(1) When a settlement council or the General Council enters into an agreement under which a payment from the Transition Fund may be required, the settlement council or General Council, as the case requires, must promptly send a copy of the agreement to the Commissioner.

(2) Subsection (1) does not apply

(a) to those agreements or kinds of agreement specified in writing by the Commissioner, or

(b) to the one or more settlement councils specified by the Commissioner.

Auditor General **37(1)** The Auditor General is the auditor of the Transition Fund and the Commission.

(2) As soon as practicable after the end of each financial year there must be prepared an audited financial statement of the Transition Fund for the preceding financial year.

Financial Administration Act not to apply **38(1)** Subject to subsection (2), the *Financial Administration Act* does not apply to

(a) the Transition Fund or any expenditures from it, payment into it or activity in relation to it,

(b) a person administering, receiving or disbursing money in relation to the Transition Fund, or

(c) the Commission or money appropriated by the Legislature for the purposes of the Commission.

(2) Section 52 of the *Financial Administration Act* and other provisions of that Act relating to the Consolidated Cash Investment Trust Fund apply.

PART 4

METIS SETTLEMENTS TRANSITION COMMISSION

Division 1

Establishment and Membership

Establishment **39(1)** The Metis Settlements Transition Commission is established as a corporation.

(2) The Commission is composed of

(a) the Commissioner, and

(b) 2 other members to advise the Commissioner,

who are to be known collectively as the “Transition Authority”.

Status of the Commission	40 The Commission is an independent corporation formed as a result of the Accord for the purpose of fulfilling the purposes of this Act in an expeditious and efficient manner.
Members of the Transition Authority	<p>41(1) Of the 2 members of the Transition Authority other than the Commissioner,</p> <p>(a) one must be appointed by the Lieutenant Governor in Council, and</p> <p>(b) one must be appointed by resolution of the General Council.</p> <p>(2) The Lieutenant Governor in Council and the General Council may each appoint an alternate member to act in the absence or incapacity of its respective appointee or if the office becomes vacant.</p> <p>(3) The fees and expenses of the members referred to in subsections (1) and (2) must be set by the Minister after consultation with the General Council.</p> <p>(4) A failure to appoint a member referred to in subsection (1), or a vacancy in the office of a member of the Transition Authority, does not affect the operation of the Commission.</p>
Commissioner's appointment	<p>42(1) The Lieutenant Governor in Council must appoint the Commissioner on the recommendation of the 2 members of the Transition Authority appointed under section 41(1).</p> <p>(2) The Minister must set the fees and expenses payable to the Commissioner.</p> <p>(3) The Commissioner is an employee of the Commission.</p>
Term of office	<p>43(1) The person appointed as Commissioner remains in that position until the Commission is dissolved, unless</p> <p>(a) the Commissioner resigns earlier by giving written notice to both the Minister and the General Council, or</p> <p>(b) the Commissioner's appointment is terminated earlier by the Lieutenant Governor in Council on the recommendation of the 2 members of the Transition Authority appointed under section 41(1).</p> <p>(2) If the office of Commissioner becomes vacant, the other members of the Transition Authority, acting jointly, have all the powers, duties, responsibilities and functions of the Commissioner while the office is vacant.</p>

Division 2 Management of the Commission

Commissioner's management responsibilities	<p>44(1) The Commissioner</p> <ul style="list-style-type: none"> (a) is the chief executive officer of the Commission, (b) has control over and is responsible for the organization, administration and management of the Commission, its staff and their activities, (c) is responsible for the Commission's activities, and (d) is responsible for ensuring that the administrative practices of the Commission are consistent with General Council Policies. <p>(2) The Commissioner is a deputy head for the purposes of the <i>Public Service Act</i>.</p>
Staff	<p>45(1) In accordance with the <i>Public Service Act</i>, there may be appointed employees of the Commission that are required by the Commissioner.</p> <p>(2) The Commissioner may</p> <ul style="list-style-type: none"> (a) with the consent of the deputy head concerned, or (b) with the consent of the Deputy Minister of the Executive Council, <p>second any employee of the public service to work for the Commission for such period as the Commissioner considers necessary.</p>
Experts and advisers	<p>46 The Commissioner may engage the services of experts or persons having special, technical or other knowledge to advise the Commissioner or to inquire into any matter and report to the Commissioner.</p>
Liability	<p>47 The members, officers and employees of the Commission and persons acting under the instructions of any of them are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power under this Act or any other enactment.</p>
Costs and expenses of the Commission	<p>48 The costs and expenses of the Commission must be paid out of money appropriated by the Legislature for that purpose.</p>

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* or its predecessors or in respect of trust or fiduciary obligations of the Crown in right of Alberta.

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.

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.

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* 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.

PART 6

START-UP ARRANGEMENTS, REPEAL AND COMMENCEMENT

First
Commissioner

53(1) *The Commissioner appointed by Order in Council numbered O.C. 203/90 is the Commissioner under this Act and is deemed to have been appointed under section 42(1).*

(2) Anything done by the Commissioner appointed by Order in Council numbered O.C. 203/90 prior to the coming into force of this section for the purpose of implementing the Accord is deemed to have been done under this Act.

Accounting for
payments

54(1) *In this section, "vote 14" means vote 14 under Executive Council in the Appropriation (Interim Supply) Act, 1990.*

(2) As soon as practicable after this section comes into force the Provincial Treasurer must account to the Commissioner for all the payments made from vote 14, distinguishing between

(a) payments made that are designated as part of the first annual payment under section 3, and

(b) payments used to establish and prepare for the operation of the Commission.

(3) The payments referred to in subsection (2)(a) are deemed to have been made in accordance with, and for the purposes required by this Act.

Income

55(1) *In this section, "Accord funds" means the money that would have been in an account from day to day if*

(a) \$30 000 000 had been put into a separate account on April 1, 1990, and

(b) the payments referred to in section 54(2)(a) had been withdrawn from the account on the same days that those payments were actually made.

(2) The Provincial Treasurer must pay to the Commissioner from the General Revenue Fund the income that would have been earned daily on the Accord funds if they had been invested in the Consolidated Cash Investment Trust Fund between April 1, 1990 and the day that the first annual payment referred to in section 3(2) is completed.

(3) The income must be paid to the Commissioner as soon as practicable after this section comes into force and the Commissioner must pay the income into the Transition Fund.

Repeal of Parts
2 to 4 and 6

56(1) *On March 31, 1997,*

(a) section 1(b) is repealed;

(b) Parts 2, 3, 4 and this Part are repealed.

(2) The date of repeal may be changed any number of times by Proclamation issued in accordance with an agreement between the Minister and the General Council.

Effect of repeal

57 *The repeal of Parts 2 to 4 has the following effect:*

(a) the Commission is dissolved and the appointments of the members of the Transition Authority are terminated;

(b) all real and personal property and the liabilities of the Commission become the real and personal property and liabilities of the Crown in right of Alberta or the one or more persons agreed on by the Minister and the General Council;

(c) an employee of the Commission, if the employee concurs,

(i) becomes an employee of the General Council, or

(ii) becomes an employee of the Government of Alberta,

as the Minister and General Council determine, and in the absence of agreement becomes an employee of the Government of Alberta;

(d) assignments under section 16 are repealed, but all actions taken, decisions made or things done remain in effect until they are amended or repealed by General Council Policy or settlement by-law, as the case requires;

(e) the Transition Fund continues to exist and is held and administered by the General Council in accordance with the directives, rules and procedures then in effect until they are subsequently amended or repealed by General Council Policy or the Transition Fund is merged with the Consolidated Fund.

Commencement **58** *This Act comes into force on Proclamation.*

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

Permitted Investments

1(1) In this section, “Provincial corporation” and “securities” have the same meaning as they have in the *Financial Administration Act*.

(2) The Commissioner may invest money from the Transition Fund in any or all of the following:

- (a) securities of a Provincial corporation;
- (b) securities of a city, town, village, municipal district, county, drainage district or hospital district in Alberta or of the board of trustees of a school district or school division in Alberta;
- (c) certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank or treasury branch in consideration of a deposit or deposits made with the bank or treasury branch;
- (d) securities unconditionally guaranteed by a bank as to repayment of principal and interest;
- (e) investment certificates as defined in the *Trust Companies Act* issued or entered into by a trust company registered under that Act;
- (f) securities of the Alberta Energy Company;
- (g) securities of the Export Development Corporation under the *Export Development Act* (Canada);
- (h) an investment within the classes of investments enumerated in section 86 of the *Canadian and British Insurance Companies Act* (Canada);
- (i) securities of a loan company designated as a mortgage investment company under the *Loan Companies Act* (Canada);
- (j) bonds, debentures or other evidence of indebtedness of or guaranteed as to the repayment of principal and interest by the government of a country other than Canada;
- (k) units or shares of
 - (i) a real estate investment trust,
 - (ii) a mutual or pooled fund, or

(iii) a corporation that does not issue debt obligations and holds at least 98% of its assets in cash, investments and loans, and obtains at least 98% of its income from those investments and loans

if the investments or loans that may be made on behalf of the trust, fund or corporation are of those classes of investments authorized under clauses (a) to (j);

(l) an instrument evidencing an interest in a debt obligation where the payment of the debt and the interest on the debt is insured by a company registered under the *Canadian and British Insurance Companies Act* (Canada);

(m) options or futures traded under the supervision of a regulated market designated by the Provincial Treasurer.