

1990 BILL 35

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 35**

**METIS SETTLEMENTS ACT**

MS. CALAHASEN

First Reading .....  
Second Reading .....  
Committee of the Whole .....  
Third Reading .....  
Royal Assent .....

## **BILL 35**

1990

### **METIS SETTLEMENTS ACT**

*(Assented to , 1990)*

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

Definitions

**1** In this Act,

- (a) “annual election” means the annual election held to fill vacancies on a settlement council;
- (b) “Appeal Tribunal” means the Metis Settlements Appeal Tribunal established by section 180;
- (c) “Consolidated Fund” means the Metis Settlements Consolidated Fund established by section 134;
- (d) “councillor” means a settlement member elected or appointed to a settlement council;
- (e) “Existing Leases Land Access Panel” means the Metis Settlements Appeal Tribunal Existing Leases Land Access Panel;
- (f) “former Act” means *The Metis Betterment Act*, chapter 233 of the Revised Statutes of Alberta 1970;
- (g) “General Council” means the Metis Settlements General Council incorporated by section 214;

- (h) “General Council Policy” means a policy or an amendment or repeal of a policy made by the General Council, and includes a regulation made under section 229;
- (i) “Land Access Panel” means the Metis Settlements Appeal Tribunal Land Access Panel;
- (j) “Metis” means a person of aboriginal ancestry who identifies with Metis history and culture;
- (k) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (l) “patented land” means land held in fee simple by the General Council under letters patent;
- (m) “public notice” means a notice given to the public in the ways described in section 233;
- (n) “settlement” means a corporation established by section 2(1);
- (o) “settlement administrator” means the person appointed by a settlement council as the senior administrative officer of the settlement, and includes an individual authorized to act in the place of the senior administrative officer;
- (p) “settlement area” means the geographic area of a settlement described in section 50(2);
- (q) “settlement chairman” means the chairman of a settlement council;
- (r) “settlement council” means the council of a settlement;
- (s) “settlement fund” means a fund established by section 148;
- (t) “settlement member” means an individual who is a member of a settlement.

## **PART 1**

### **METIS SETTLEMENTS**

#### **Division 1 Settlements Established**

Establishment	<p><b>2(1)</b> The following corporations are established:</p> <ul style="list-style-type: none"><li>(a) Buffalo Lake Metis Settlement;</li><li>(b) East Prairie Metis Settlement;</li><li>(c) Elizabeth Metis Settlement;</li><li>(d) Fishing Lake Metis Settlement;</li><li>(e) Gift Lake Metis Settlement;</li><li>(f) Kikino Metis Settlement;</li><li>(g) Paddle Prairie Metis Settlement;</li><li>(h) Peavine Metis Settlement.</li></ul> <p>(2) Each settlement consists of the persons who are settlement members of that settlement.</p>
Corporate powers	<p><b>3(1)</b> Subject to this Act, a settlement has the rights, powers and privileges of a natural person.</p> <p>(2) A settlement council may carry out the following activities only if it is permitted to do so under subsection (3):</p> <ul style="list-style-type: none"><li>(a) engage in commercial activities,</li><li>(b) make investments other than those described in Schedule 2,</li><li>(c) lend money,</li><li>(d) borrow money,</li><li>(e) guarantee the repayment of a loan by a lender to someone other than the settlement, or</li><li>(f) guarantee the payment of interest on a loan by a lender to someone other than the settlement.</li></ul>

	<p>(3) A settlement council may do some or all of the activities described in subsection (2) if</p> <ul style="list-style-type: none"> <li>(a) a regulation passed under section 239 or 240 approves the activity, or</li> <li>(b) the activity is <ul style="list-style-type: none"> <li>(i) authorized by a General Council Policy, and</li> <li>(ii) permitted by a settlement by-law.</li> </ul> </li> </ul>
Settlement office	<p><b>4(1)</b> Every settlement council must name a place in the settlement area as its permanent office.</p> <p>(2) A copy of the resolution naming the permanent office must be published in The Alberta Gazette.</p>
Annual meetings	<p><b>5(1)</b> Within 180 days after the end of each financial year a settlement council must call an annual meeting of the residents of the settlement area by giving public notice of the meeting.</p> <p>(2) The purpose of the meeting is</p> <ul style="list-style-type: none"> <li>(a) to discuss past and future activities of the settlement council,</li> <li>(b) to present the audited financial statements for the immediately preceding financial year, and</li> <li>(c) to discuss any matters raised by those present at the meeting.</li> </ul>
Special general meetings	<p><b>6(1)</b> Settlement members may submit a written request to the settlement council for a special general meeting of members, stating the purpose of the meeting.</p> <p>(2) The request for a special general meeting has no effect unless the number of settlement members signing the request is at least 10% of the population of the settlement area determined by the most recent census conducted by the settlement council.</p> <p>(3) On receipt of an effective request, the settlement chairman must give at least 7 days' public notice of a special general meeting of settlement members, stating the date, time, place and purpose of the meeting.</p> <p>(4) The special general meeting must be held within 30 days of the date on which the settlement council receives the request for the meeting.</p>

**Dissolution**      **7** A corporation established under section 2(1) may be dissolved only by an Act of the Legislature.

## **Division 2 Settlement Councils**

**Council composition**      **8(1)** Each settlement has a settlement council composed of 5 councillors.

(2) A settlement council is a continuing body.

**Term of office**      **9** The term of office of a councillor elected at an annual election

(a) starts at the beginning of the organizational meeting of the settlement council held after the annual election at which the councillor is elected, and

(b) ends when the successful candidates at an annual election, held in the year in which the councillor's term expires, are declared to be elected, unless the office becomes vacant earlier.

**Settlement chairman**      **10(1)** At the organizational meeting of a settlement council after an annual election, the councillors must elect a settlement chairman from among themselves.

(2) The term of office of a settlement chairman ends when the successful candidates at the next annual election are declared elected, unless the office becomes vacant earlier.

(3) A settlement chairman 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 vacancy occurs in the office of settlement chairman the councillors must elect another chairman from among themselves to hold office for the balance of the term.

(5) A settlement chairman who

(a) is removed from office as chairman, or

(b) resigns as chairman,

continues on the settlement council as a councillor.

**Resignation**      **11(1)** A settlement chairman may resign the office by presenting a written notice of resignation to a settlement council meeting.



(2) The resignation takes effect from

- (a) the moment it is accepted by the settlement council, or
- (b) if it is not accepted by the settlement council at the meeting, at the moment the meeting is adjourned, unless the resignation is withdrawn before the adjournment.

### **Division 3 Settlement Elections**

**Election day**      **12**(1) An annual election must be held for each settlement council.

(2) Annual elections must be held on the 2nd Monday in May unless a settlement by-law prescribes another date for the election in the settlement area.

(3) A settlement by-law prescribing another date for annual elections is effective only if

- (a) it is passed at least 3 months before the annual election, and
- (b) the new date is within 2 months of the 2nd Monday in May.

**Election procedure**      **13**(1) Councillors must be elected to a settlement council in accordance with the *Local Authorities Election Act* and this Act.

(2) If there is 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 matter.

**Eligibility to vote**      **14** No person is eligible to vote at an annual election or by-election unless that person

- (a) is a settlement member,
- (b) has resided in the settlement area for the 12 months immediately preceding election day, or any lesser period prescribed in a settlement by-law, and
- (c) has his principal residence in the settlement area on election day.

Candidates for  
councillor

**15** A settlement member is eligible to be nominated as a candidate for councillor if the member

- (a) is eligible to vote at the election at which he or she is to be a candidate,
- (b) has resided in the settlement area for the 12 months immediately preceding nomination day, or any lesser period prescribed in a settlement by-law, and
- (c) is not ineligible or disqualified from being a candidate or serving as a councillor.

Agreement  
disclosures

**16(1)** In this section,

(a) “associates” means

- (i) a partnership in which a candidate for councillor is a partner, or
- (ii) a corporation in which the candidate for councillor holds 25% or more of the issued voting shares, or of which the candidate is a director;

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

(2) A candidate for councillor must file with the returning officer at the time of nomination a disclosure statement setting out

- (a) the number of agreements the candidate has entered into with the settlement that are still in effect and, to the extent that the candidate is aware of them, the agreements his or her immediate family and associates have entered into with the settlement that are still in effect, and
- (b) the general nature of each agreement referred to in clause (a) and how long each one lasts.

(3) The disclosure statement is to be held by the returning officer and treated as part of the election records, but must be made available to a settlement member for inspection on request during normal business hours.

(4) A candidate for councillor who wilfully refuses or fails to file the disclosure statement within 14 days after the date of the candidate’s nomination ceases to be eligible as a candidate or, if the candidate has been elected, is disqualified immediately following the election.

Ineligible  
candidates

**17(1)** A settlement member is ineligible to be nominated as a candidate for councillor or to serve as councillor

(a) if, on nomination day or between nomination day and the time that the candidate is declared elected,

(i) the settlement member is or becomes a judge of a court,

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

(iii) the settlement member is or becomes a member of the Appeal Tribunal,

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

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

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

(vii) the settlement member 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*,

(viii) the settlement member refuses or fails to file a disclosure statement under section 16, or

(ix) the settlement member in some other manner is or becomes ineligible to be or disqualified from being nominated as a candidate for, or to serve as, a councillor,

or

(b) if, in the 3 years preceding election day,

(i) the settlement member was convicted of an indictable offence carrying a possibility of imprisonment for 5 or more years,

(ii) the settlement member was convicted of an offence under section 123 of the *Criminal Code* (Canada), or

(iii) the settlement member was removed from a settlement council by a Ministerial order under section 176.

(2) If a candidate for councillor becomes ineligible between nomination day and the time that the candidate is declared elected,

(a) public notice of that fact must 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 is a spoiled ballot.

First elections

**18**(1) The first annual election must be held within 180 days of the date this section comes into force.

(2) The first annual election must be for 5 councillors.

(3) At the first annual 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 one year.

Second elections

**19** At the 2nd annual election

(a) the vacancy on settlement council caused by the passage of time is filled by the candidate who receives the most votes at the election, and that person is 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

**20**(1) At the 3rd and subsequent annual 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) When there are more than 2 vacancies to be filled at the 3rd and subsequent annual elections,

(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 one or more than one 1-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,

**Vacancies**      **21** If a vacancy occurs on a settlement council

(a) within 9 months after an annual election, the vacancy must be filled by a by-election;

(b) more than 9 months after an annual election, the vacancy must be filled at the next annual election.

**By-elections**      **22**(1) If there is one vacancy to be filled at a by-election, the person elected holds office from the date of election for the balance of the predecessor's term.

(2) If there are 2 or more vacancies to be filled at a by-election,

(a) the candidate who receives the most votes is elected for the longest balance of a term to be filled,

(b) the candidate who receives the 2nd most votes is elected for the 2nd longest balance of a term to be filled, and

(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,

and in each case the candidate holds office from the date the election result is declared for the balance of the predecessor's term.

**Oath of office**      **23** Every councillor must take the official oath prescribed by the *Oaths of Office Act* in writing before starting his duties and must give the oath to the settlement administrator for safekeeping.

#### **Division 4 Resignations, Disqualifications and Insufficient Councillors**

**Resignation**      **24**(1) A councillor may resign by giving a written notice of resignation to a settlement council meeting.

(2) The resignation takes effect

(a) from the moment it is accepted by the settlement council,  
or

(b) if it is not accepted by the settlement council at the meeting, from the moment the meeting is adjourned, unless the resignation is withdrawn before the adjournment.

**Disqualification 25(1)** A councillor is disqualified from remaining on the settlement council if

(a) the councillor is convicted of an offence under a law in force in Alberta and sentenced to imprisonment for 3 months or more;

(b) the councillor is convicted of

(i) an indictable offence carrying a possibility of imprisonment for 5 or more years, or

(ii) an offence under section 123 of the *Criminal Code* (Canada);

(c) the councillor is absent, without authorization from the settlement council, from 2 or more consecutive regular council meetings of which the councillor had notice, and the council declares the councillor to be disqualified;

(d) the councillor ceases to be a settlement member;

(e) the councillor uses information gained through his position as a councillor that would not have been available to the councillor as a member of the public to gain a financial benefit either directly or indirectly;

(f) the councillor is appointed as a judge of a court;

(g) the councillor becomes a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;

(h) the councillor becomes an officer of the General Council;

(i) the councillor is appointed as the auditor of the settlement;

(j) the councillor becomes the settlement administrator;

(k) the councillor becomes a member of the Appeal Tribunal;

(l) the councillor becomes a full-time employee of the settlement, other than as settlement administrator, unless a by-law first approves the employment;

(m) the councillor becomes indebted to any settlement for more than \$250, unless a written agreement has been entered into with the settlement to repay the debt and the councillor is not behind in payments under the agreement;

(n) the councillor 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) the councillor is disqualified for refusing or failing to file a disclosure statement under section 16;

(p) the councillor is disqualified from remaining on the settlement council by a court;

(q) the councillor is removed from a settlement council by a Ministerial order under section 176.

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

(a) the settlement member is the settlement administrator, his employment in that office terminates on the date of the election;

(b) the settlement member is a full-time employee of the settlement, his employment terminates 45 days after the date of the election, unless a by-law is passed within the 45 days approving the continuation of the employment.

Duty to resign  
if disqualified

**26(1)** If a person is disqualified from remaining a councillor, the person must immediately resign.

(2) If the person does not resign,

(a) the settlement council may apply by originating notice to a judge of the Court of Queen's Bench for

(i) an order determining whether or not the person is qualified to remain a councillor, or

(ii) an order declaring the person to be disqualified from being a councillor,

or

(b) a settlement member eligible to vote at an annual election who

(i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a councillor, and

(ii) pays into court the sum of \$250 as security for costs,

may apply by originating notice to a judge of the Court of Queen's Bench for an order declaring the person to be disqualified from being a councillor.

(3) The judge may make an order, with or without costs,

(a) declaring the person to be disqualified and the seat on the council to be vacant,

(b) declaring the person to be qualified to remain a councillor, or

(c) dismissing the application.

(4) An application must be made within one year of the date the disqualification of the councillor is alleged to have occurred.

(5) An application may be commenced or continued even though an election has been held between the time at which the disqualification is alleged to have arisen and the time at which the application is or was commenced and whether or not the councillor

(a) resigns before or after the election,

(b) was re-elected in the election,

(c) was not re-elected or did not run in the election, or

(d) has completed a term of office.

Inadvertence or  
genuine error

**27** A judge who hears an application under section 26 and finds that the councillor is disqualified may nevertheless dismiss the application if the judge is of the opinion that the disqualification arose inadvertently or by reason of a genuine error in judgment.

Appeal

**28(1)** The decision of a judge under section 26 or 27 may be appealed to the Court of Appeal.

(2) A person who is declared disqualified under section 26 and appeals the declaration remains disqualified until the final determination of the appeal.

(3) If on the final determination of the appeal the disqualification is set aside, the Court must reinstate the councillor for any



unexpired portion of the term of office for which the councillor was elected and require any person who has been elected or appointed to fill the balance of that term to vacate the office.

(4) If on the final disposition of the appeal the disqualification is set aside but the term of office for which the councillor was elected has expired, the person must not be reinstated, but is eligible to be elected at the next ensuing election in the settlement area, if otherwise qualified.

Costs may be  
reimbursed

**29** If an application under section 26 is dismissed or an order is issued declaring the person qualified to remain a councillor, the settlement council may reimburse the councillor's costs and expenses that the council considers reasonable, other than costs that have already been awarded to the councillor by the judge.

Insufficient  
councillors

**30(1)** When for any reason the necessary number of candidates is not nominated or elected, the Minister may

(a) appoint one or more settlement members to fill the vacancies for a period of not more than 6 months or until the vacancies are filled by an election, or

(b) direct that a by-election be held and appoint a returning officer to conduct the election.

(2) If the number of councillors on a settlement council is reduced to 2 or less, the Minister may appoint one or more settlement members to fill the vacancies for a period of not more than 6 months or until the vacancies are filled by an election, whichever occurs first.

Official  
manager

**31(1)** If all the seats on a settlement council become vacant, the Minister may, by order, appoint a person to act as official manager of the settlement.

(2) An official manager has all the powers and duties of a settlement council and settlement, including the power to hold an election to fill all or some of the vacancies on the council.

(3) If an official manager is appointed for a settlement, the General Council must appoint a settlement member to represent the settlement on the General Council.

(4) The official manager is not a member of the General Council unless appointed to represent the settlement by the General Council.

(5) An order under subsection (1) must be published in The Alberta Gazette.

## PART 2

### SETTLEMENT COUNCIL DECISION MAKING

#### Division 1

#### Settlement Council Meetings

Organizational meetings	<p><b>32(1)</b> The first meeting of a settlement council after an annual election is its organizational meeting, which must be held within 14 days after the date of the annual election.</p> <p>(2) The settlement administrator must give written notice of the date, time and place of the organizational meeting to the councillors.</p>
Regular council meetings	<p><b>33(1)</b> A settlement council must hold as many meetings in each year as it considers necessary to deal with settlement affairs.</p> <p>(2) A settlement council may, at any meeting at which all the councillors are present, decide to hold regular meetings of the council on a stated date, time and place, in which case notice of those meetings is not necessary.</p>
Special council meetings	<p><b>34(1)</b> A settlement chairman</p> <p>(a) may call a special settlement council meeting whenever the chairman considers it necessary to do so, and</p> <p>(b) must call a special settlement council meeting if requested to do so in writing by a majority of councillors.</p> <p>(2) A special settlement council meeting can be held only if a reasonable effort has been made to notify all the councillors of the date, time, place and purpose of the meeting.</p> <p>(3) Despite subsection (2), all the councillors can agree that no notice of a particular meeting is necessary.</p>
By-laws for special meetings	<p><b>35(1)</b> Every settlement council must describe in a by-law</p> <p>(a) the manner in which notices of special settlement council meetings are to be given, and</p> <p>(b) the means by which the settlement administrator is to keep a record of the notices.</p> <p>(2) Only the business specified in the notice calling the meeting can be conducted at a special settlement council meeting unless all the councillors are present, in which case, by unanimous consent, any other business can be conducted.</p>

Open meetings	<p><b>36(1)</b> Settlement council meetings are open to the public.</p> <p>(2) If a councillor or any other person engages in improper conduct at a settlement council meeting, the settlement chairman, or the person presiding at the meeting, may cause the person to be expelled and excluded from the meeting.</p>
Committee meetings	<p><b>37(1)</b> A settlement council can vote to go into committee of the whole or part of council and while in committee may exclude persons who are not members of the committee from the meeting.</p> <p>(2) A settlement council cannot pass a by-law or resolution while it is in committee, except a resolution to revert to a public settlement council meeting.</p>
Procedure at meetings	<p><b>38(1)</b> Three councillors must be present at settlement council meetings to form a quorum.</p> <p>(2) Each councillor present at a settlement council meeting has one vote on matters put to a vote at the meeting, unless the councillor is disqualified from taking part in the vote.</p> <p>(3) If there is an equal number of votes on any matter, the resolution is defeated.</p> <p>(4) When a councillor asks for a recorded vote, the settlement administrator must record in the minutes the name of each councillor present at the meeting and whether the councillor voted for, voted against, abstained from voting or was disqualified from voting.</p> <p>(5) A councillor cannot be represented, or vote, by proxy.</p>
Conflict disclosures	<p><b>39(1)</b> A councillor must disclose to the settlement council any financial interest that the councillor has in a matter before the council.</p> <p>(2) If the matter in which a councillor has a financial interest</p> <p>(a) is to be decided by a resolution, the councillor must not take part in deliberations of the council on that matter or vote on the matter, or</p> <p>(b) is to be decided by a settlement by-law, the councillor may take part in deliberations of the council on that matter and vote on the matter.</p>

	<p>(3) If a disagreement arises about whether a councillor has a financial interest in a matter before the settlement council, the council must decide by vote whether the councillor has a financial interest, and the councillor in question cannot take part in that vote, but is bound by it.</p>
Absence of quorum	<p><b>40(1)</b> A councillor who is not permitted under section 39 to take part in deliberations and to vote on a resolution cannot be counted for the purpose of determining a quorum and must be excluded from the meeting during the deliberations.</p> <p>(2) If the operation of subsection (1) means there would not be a quorum of councillors available to vote on the resolution, the councillors who are not excluded may</p> <p>(a) pass a valid resolution that the matter is to be put to a special or general meeting of settlement members called to pass the resolution, and</p> <p>(b) if a resolution is passed to put the matter before a special or general meeting of settlement members, all the councillors may then take part in deliberations of the council on the matter and vote on the resolution, whether or not they have a financial interest in the matter.</p> <p>(3) Every time that the operation of this section results in too few settlement councillors being able to form a quorum, the issue and decision must be reported to the next general meeting of the settlement.</p> <p>(4) If the operation of this section results in no councillors being able to make a decision, the matter can be referred by the settlement council to a special general meeting of settlement members to decide the matter.</p>
Valid proceedings	<p><b>41</b> Proceedings of a settlement council are not invalid because of a vacancy on the council if at least 3 councillors remain in office.</p>
Meeting procedures	<p><b>42</b> A settlement council may</p> <p>(a) establish or adopt rules of conduct for councillors and others present at settlement council, committee or public meetings;</p> <p>(b) establish or adopt rules governing the calling of settlement council, committee and public meetings, and the public notice to be given of them;</p>

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

## **Division 2 Decisions Generally**

**Kinds of  
decision**

**43**(1) The powers and duties given to a settlement under this Act or any other enactment may be carried out only by the settlement council, except when this Act or any other enactment permits otherwise.

(2) A settlement council can carry out its powers and duties only by resolution or, when required by this Act or any other enactment, by by-law.

(3) Instead of passing a resolution on a matter, a settlement council may pass a by-law on the matter.

(4) A settlement council cannot pass a resolution on a matter when a by-law is required.

**Publication of  
documents**

**44**(1) The following documents must be posted in the settlement office for at least 15 consecutive days unless the settlement council makes an exception under subsection (2):

(a) agreements entered into by the settlement;

(b) proposed by-laws after they have been given first reading;

(c) reports of committees or employees of the settlement after they have been submitted to the settlement council, but not opinions or reports of the settlement solicitor;

(d) audited financial statements of the settlement;

(e) minutes of meetings of the settlement council after they have been adopted by the council;

(f) settlement by-laws after they have been enacted.

(2) A settlement council may decide that subsection (1) does not apply to a specified portion of a document

(a) that contains technical, commercial or confidential information the release of which could prejudice or be damaging to the settlement or any other person, or

(b) the release of which would breach information held in confidence.

(3) A settlement administrator must provide a copy of any document that is required to be posted under this section, within a reasonable time of receiving a written request to do so, at not more than the cost of making the copies.

Recording  
decisions

**45** Every decision and agreement made by or on behalf of a settlement and every resolution must be in writing signed by

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

(b) the settlement administrator.

Minutes

**46**(1) The settlement administrator is responsible for recording in the settlement council minute book all resolutions, decisions and other proceedings of the settlement council.

(2) Minutes of settlement council meetings and settlement by-laws must be kept at the settlement office by the settlement administrator and a copy of them must, on request, be sent to the General Council and the Minister.

Resolutions

**47**(1) A resolution of a settlement council is valid only if at least 3 councillors vote in favour of it at a council meeting, except when this Act or other enactment permits otherwise.

(2) If a resolution is put to a vote at a general or special meeting of settlement members, the settlement members eligible to vote are those

(a) who have resided in the settlement area for the 12 months preceding the date of the vote, or any lesser period prescribed in a settlement by-law, and

(b) who have their principal residence in the settlement area on the date of the vote.

### **Division 3 Staff and Committees**

Settlement  
employees

**48** A settlement council must

(a) appoint a settlement administrator and any other employees considered necessary and fix their remuneration and terms of employment;

(b) prescribe what other duties the settlement administrator has in addition to the duties described by this or any other enactment.

Delegation	<p><b>49(1)</b> A settlement council may appoint committees which may, but need not, include councillors.</p> <p>(2) A settlement council may delegate to a committee any of the council's powers or duties, with or without conditions, except the power to make by-laws.</p> <p>(3) The exercise of a power or performance of a duty by a committee to which it has been delegated has the same effect as the exercise of that power or performance of that duty by the settlement council.</p>
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#### Division 4 Making By-laws

Geographic jurisdiction	<p><b>50(1)</b> Except where the context otherwise requires, the by-law making authority of a settlement council is confined to the geographic area of the settlement.</p> <p>(2) The geographic area of a settlement is</p> <ul style="list-style-type: none"> <li>(a) the land within the outer boundaries of patented land, and</li> <li>(b) additional land that is described by the Lieutenant Governor in Council after consultation between the Minister and the General Council.</li> </ul>
By-law authority	<p><b>51</b> A settlement council may make by-laws respecting</p> <ul style="list-style-type: none"> <li>(a) the matters set out in Schedule 1;</li> <li>(b) the matters described or referred to elsewhere in this Act and in other enactments.</li> </ul>
Enactment of by-laws	<p><b>52(1)</b> 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.</p> <p>(2) If a proposed by-law is in writing and available to councillors and the public, only the title or identifying number need be read at each reading of the by-law.</p> <p>(3) A by-law must not be given second reading unless it is in writing and available to councillors.</p> <p>(4) Following each reading and debate, if any, of a proposed by-law, a vote of the councillors must be taken and the proposed by-law can be given the next reading only if at least 3 councillors vote in favour of the by-law.</p>

By-laws must be passed within 2 years of first reading	<p><b>53(1)</b> If a by-law does not receive third reading within 2 years of first reading, the previous readings are cancelled.</p> <p>(2) If the by-law is defeated on second or third reading, the previous readings are cancelled.</p>
Public notice of by-laws	<p><b>54(1)</b> Every proposed by-law must be presented at a public meeting in the settlement area after second reading but before third reading.</p> <p>(2) At least 14 days' public notice of the date, time and place of the public meeting must be given.</p>
Approval of by-laws	<p><b>55(1)</b> A quorum for public meetings called to vote on settlement by-laws is 15 settlement members who are eligible to vote on the by-law, or any other number specified by settlement by-law.</p> <p>(2) A settlement member is eligible to vote on a by-law presented at a public meeting if</p> <ul style="list-style-type: none"> <li>(a) the member has resided in the settlement area for the 12 months immediately preceding the date of the vote, or any lesser period prescribed in a settlement by-law, and</li> <li>(b) the member has his principal residence in the settlement area on the date of the vote.</li> </ul> <p>(3) Persons affected by an issue under discussion at a public meeting have the right to participate in the discussion of the issue but may not vote on it unless they are settlement members and eligible to vote on it.</p> <p>(4) A by-law voted on at a public meeting is approved if a majority of the settlement members present at the meeting who are eligible to vote, vote in favour of the by-law.</p> <p>(5) If the vote at the public meeting is not in favour of the proposed by-law, the by-law is defeated, and all previous readings are cancelled.</p>
Emergencies	<p><b>56</b> In an emergency that affects the health or safety of the community, the settlement council may, by unanimous resolution, declare that sections 54 and 55 do not apply to a by-law designed to deal with the emergency, in which case no public meeting or vote is required.</p>
Petition for a by-law	<p><b>57(1)</b> Settlement members may petition the settlement council for a by-law about any matter within the by-law making authority of the settlement council.</p>



(2) A petition has no effect unless

(a) the number of settlement members who sign the petition is equal to at least 20% of the population of the settlement area determined by the most recent census conducted by the settlement council, and

(b) the petition substantially complies with section 58.

Contents of  
petition

**58(1)** A petition to a settlement council may consist of one or more pages, but each page must contain an accurate and identical statement of the purpose of the petition, and

(a) each signature must be witnessed by an adult, who must make an affidavit that the persons whose signatures he or she has witnessed are settlement members, and

(b) the complete address and printed name of each settlement member who signs the petition must be set out opposite that member's signature.

(2) An adult who witnesses a signature to a petition must do so by signing opposite the signature of the settlement member.

(3) In computing the number of settlement members who sign a petition, there must be excluded

(a) the name of a person whose signature appears on a page of the petition that does not contain an accurate statement of the purpose of the petition identical to the statement contained on all the other pages of the petition,

(b) the name of a person whose signature is not witnessed, and

(c) the name of a person who is not a settlement member.

Sufficiency of a  
petition

**59(1)** Every petition must be filed with the settlement administrator, who must compute the number of settlement members who have signed the petition and determine the sufficiency of it.

(2) A petition is considered to have been received by a settlement council on the day the settlement administrator declares it to be a sufficient petition.

(3) The settlement administrator must determine the sufficiency of a petition within 30 days of the filing of the petition with the administrator.

(4) No name can be added to or removed from a petition after it has been received by the settlement administrator.

By-law  
prepared based  
on petition

**60(1)** Within 30 days after a settlement administrator declares that a petition is sufficient, the settlement council must cause a by-law dealing with the subject-matter of the request to be prepared, including any other related matter the settlement council considers necessary, and to be read a first and 2nd time.

(2) Sections 54 and 55 apply to by-laws under this section, except that the date fixed for the public meeting must be no later than 30 days after the date on which the by-law receives first reading.

(3) If the by-law is approved at the public meeting, the settlement council must pass the by-law within 30 days of the vote without any alteration affecting the substance of the by-law, unless another means of dealing with the by-law is established with the agreement of the petition's proponents.

(4) If the by-law is defeated at the public meeting, the settlement council may refuse to receive a petition of a similar nature made within one year of the date of the public meeting.

Effective date

**61** A by-law comes into effect

(a) on the day after it is given third reading,

(b) on any later date or dates specified in the by-law, or

(c) if any 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.

Sealing by-laws

**62** After a by-law receives third reading the settlement administrator must sign it and affix the corporate seal.

By-law  
penalties

**63(1)** A settlement council may state the maximum penalty that can be imposed by a court if a by-law made under this Act or any other enactment is contravened.

(2) The maximum penalty may be included in a general penalty by-law or in the by-law in respect of which the penalty is to apply.

(3) The penalties that can be included in by-laws are:

(a) a fine not exceeding \$2500;

(b) a minimum and maximum fine applicable to first, 2nd or subsequent offences, but the maximum fine for each offence must not exceed \$2500;

(c) imprisonment for any period up to 6 months if a fine is not paid.

(4) In addition to any other fine or penalty that a court may impose under this Act or any other enactment or any by-law made under this Act or any other enactment, the court may

(a) when a conviction is for non-payment of money payable to a settlement, also order payment of that sum of money, and

(b) when a 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.

(5) A penalty or fine paid under a settlement by-law under this Act or any other enactment belongs to and forms part of the general revenue of the settlement.

Money payable  
is a debt

**64** Money payable to a settlement under a by-law constitutes a debt due to the settlement by the person liable to pay the money and may be recovered by the settlement by an action for debt.

## **Division 5 Enforcement**

Inspections

**65** A person who is authorized by the settlement council may, at any reasonable time, enter any land, building or structure in the settlement area, other than a dwelling house, to inspect

(a) for a nuisance if the person has reasonable grounds to believe a nuisance exists in or on the land, building or structure, or

(b) for compliance with this Act or the regulations or a settlement by-law or General Council Policy made under this Act.

Inspections of  
dwelling house

**66(1)** A person who is authorized by a settlement council may, at any reasonable time, enter a dwelling house in the settlement area for the purpose of an inspection referred to in section 65(a) or (b) if

(a) an adult living in the dwelling house consents to the entry, or

(b) the person authorized by the settlement council obtains a warrant under subsection (2) authorizing the entry.

(2) A judge of the Provincial Court who is satisfied by information on oath of a person authorized by the settlement council that

(a) there are reasonable grounds to believe that a nuisance exists in a dwelling house, or

(b) it is necessary to enter a dwelling house to inspect for compliance with this Act or the regulations or a settlement by-law or General Council Policy under this Act,

may, ex parte or on such notice as the judge directs, issue a warrant in a form satisfactory to the judge authorizing the person named in the warrant to enter the dwelling house subject to any conditions that the judge considers appropriate.

Documents and  
samples

**67(1)** A person who has entered land, a building or a structure in a settlement area under the authority of section 65 or 66 may

(a) require the production of any books, records or documents that are relevant to the purposes of the inspection and examine them, make copies of them or remove them temporarily for the purpose of making copies, and

(b) take samples of any substance or thing relevant to the purposes of the inspection.

(2) A person who removes any books, records or documents under subsection (1) must

(a) give to the person from whom the items were taken a receipt for the items, and

(b) after making copies forthwith return the items to the person from whom they were taken.

Enforcement  
notices

**68(1)** A settlement council or person acting on its behalf may issue a notice

(a) requiring the occupier of land to remedy, in a manner that the council may direct, any condition on the land, including any building or structure on the land, that constitutes a nuisance or that contravenes a regulation or a settlement by-law or General Council Policy under this Act or any other enactment;

(b) directing the occupier of land to remove any litter or anything causing or contributing to untidy or unsightly land or buildings;

(c) requiring the occupier of land to construct a fence, wall, screen or similar structure to prevent untidy or unsightly land or buildings from being viewed from any right of way or public place;

(d) stating that if the occupier fails, neglects or refuses to remedy any condition, the council may cause any work to be done that the council considers necessary to remedy it;

(e) warning the person to whom it is directed and the holder of an instrument issued in respect of the land on which the matter complained about is located, that the cost of the work done to remedy the condition may be charged to the occupier and, in default of payment,

(i) the cost may be recovered as a debt due to the settlement, or

(ii) a notification of the cost and expenses may be registered in the Metis Settlements Land Registry;

(f) making any other direction that the council considers necessary.

(2) A person who receives a notice under subsection (1) may appeal the notice to the Appeal Tribunal by sending a notice of appeal in writing to the Tribunal within 21 days after the date the notice is received.

Problem  
remedied

**69**(1) If a person fails or refuses to comply with a notice under section 68 and no appeal is made to the Appeal Tribunal, or the appeal is refused or not proceeded with, persons authorized by the settlement council may enter on the land, building or structure and take any action necessary to carry out the work required.

(2) A notification of the costs and expenses incurred may be registered in the Metis Settlements Land Registry, and then are payable by the person who holds the instrument issued in relation to the land, but if no instrument has been issued the costs and expenses must be paid by the occupier of the land, or if there is no occupier, by the settlement.

By-law  
enforcement

**70**(1) If the Minister first approves, a settlement council may provide for the appointment of one or more by-law enforcement officers and describe their powers and duties.

(2) By-law enforcement officers are, in the execution of their duties, persons employed for the preservation and maintenance of the public peace.

(3) The settlement council must, by by-law, establish disciplinary procedures, including procedures, penalties and an appeal process, that apply to by-law enforcement officers.

(4) All by-law enforcement officers must take the official oath prescribed by the *Oaths of Office Act* before starting their duties.

Joint  
agreements

**71** A settlement may enter into an agreement with any other settlement, the Minister on behalf of an improvement district, a municipality or other local authority, to provide for joint law enforcement and such other matters as are agreed on.

## **Division 6 Provincial Law and Regulations**

Consistency  
with provincial  
law

**72(1)** A by-law or resolution that is inconsistent with this Act or any other enactment is of no effect to the extent of the inconsistency, unless it is a by-law or resolution to implement a General Council Policy on hunting, trapping, fishing or gathering.

(2) A by-law or resolution that is inconsistent with a General Council Policy is of no effect to the extent of the inconsistency.

Regulations

**73** The Minister may, in accordance with section 240, make regulations

(a) respecting an administrative and employment policy to be followed by the settlement council and its employees;

(b) respecting payments to be made to councillors, settlement employees and representatives of a settlement.

## **PART 3**

### **SETTLEMENT MEMBERSHIP**

#### **Division 1 Settlement Membership Applications**

Application  
criteria

**74(1)** A person may apply to a settlement council for membership in a settlement only if

(a) the applicant is a Metis and at least 18 years old, and

(b) the applicant

(i) has previously been a settlement member or a member of a settlement association under the former Act, or

(ii) has lived in Alberta for the 5 years immediately preceding the date of application.

(2) The settlement council may waive the residency requirement referred to in subsection (1)(b)(ii) if a parent of the applicant was or is a settlement member or a member of a settlement association under the former Act.

Indians and  
Inuit

**75**(1) An Indian registered under the *Indian Act* (Canada) or a person who is registered as an Inuit for the purposes of a land claims settlement is not eligible to apply for membership or to be recorded as a settlement member unless subsection (2) applies.

(2) An Indian registered under the *Indian Act* (Canada) or a person who is registered as an Inuit for the purposes of a land claims settlement may be approved as a settlement member if

(a) the person was registered as an Indian or an Inuit when less than 18 years old,

(b) the person lived a substantial part of his childhood in the settlement area,

(c) one or both parents of the person are, or at their death were, members of the settlement, and

(d) the person has been approved for membership by a settlement by-law specifically authorizing the admission of that individual as a member of the settlement.

(3) If a person who is registered as an Indian under the *Indian Act* (Canada) is able to apply to have his or her name removed from registration, subsection (2) ceases to be available as a way to apply for or to become a settlement member.

(4) A right to reside on patented land acquired under this or another enactment, a General Council Policy or a by-law is not affected by a decision to refuse an application for membership when the decision is based on this section.

Proving Metis  
identity

**76** Every application for membership in a settlement must be sent to the settlement office and must be accompanied by

(a) a statutory declaration that

(i) the applicant has Canadian aboriginal ancestry, describing the facts on which the declaration is based, and

(ii) the applicant identifies with Metis history and culture;

(b) one or more of the following:

(i) genealogical records as evidence that the applicant has aboriginal ancestry;

(ii) a statutory declaration of at least 2 Metis who are recognized as Metis elders that the applicant has aboriginal ancestry, describing the facts on which the declaration is made;

(iii) such other evidence satisfactory to the settlement council that the applicant has aboriginal ancestry;

(c) an address to which notices and decisions can be sent to the applicant.

Considering  
membership  
applications

**77(1)** A settlement council must consider every application for membership made to it within 90 days of the application being received at the settlement office.

(2) The settlement administrator must give the membership applicant reasonable notice of the date, time and place that the settlement council proposes to consider the application.

Membership  
decisions

**78(1)** An application for membership in a settlement can be approved only if the settlement council is satisfied that the applicant

(a) is a person of Canadian aboriginal ancestry who identifies with Metis history and culture,

(b) has or will have suitable living accommodation in the settlement area, and

(c) is committed to living in the settlement area and preserving a peaceful community.

(2) No application for membership in a settlement can be approved if the applicant

(a) is a member of another settlement,

(b) is in debt to the settlement or any other settlement, unless

(i) satisfactory written arrangements have been made to pay the debt, and

(ii) the applicant is not in arrears in payments,



	<p>(c) is ineligible under section 75, or</p> <p>(d) does not agree to preserve a peaceful community and to comply with this Act, the by-laws and General Council Policies.</p>
Decision on applications	<p><b>79(1)</b> Before a settlement council makes a decision on a membership application it must</p> <p>(a) give the applicant a reasonable opportunity of providing evidence to the council in support of the application, and</p> <p>(b) give the applicant a hearing if the applicant requests it.</p> <p>(2) Within 45 days after considering an application, or any longer period agreed to by the applicant and the settlement council, the settlement council must send to the applicant a notice of its decision stating that the application</p> <p>(a) is approved,</p> <p>(b) is deferred pending further information or compliance with specified conditions,</p> <p>(c) is deferred because of a lack of suitable living accommodation,</p> <p>(d) is approved for a stated probationary period, which cannot be longer than 2 years, or</p> <p>(e) is refused.</p> <p>(3) When an application is deferred or refused, the notice must give reasons for the decision.</p> <p>(4) If an application is deferred because there is a lack of suitable living accommodation in the settlement area, the settlement council may establish a waiting list of persons who have priority for membership when living accommodation is available.</p> <p>(5) A settlement council must send a copy of every membership application decision to the Minister unless the Minister directs otherwise.</p>
Membership approvals	<p><b>80(1)</b> When an application for membership in a settlement is approved by a settlement council or the Appeal Tribunal and the applicant starts to live in the settlement area, the settlement council must</p> <p>(a) notify the Minister that the application is approved, and</p>

	<p>(b) provide the necessary information to the Minister for a record to be made on the Settlement Members List.</p> <p>(2) An applicant for membership in a settlement becomes a settlement member when</p> <p>(a) the settlement council, or on appeal, the Appeal Tribunal, approves the application for membership,</p> <p>(b) the applicant starts to live in the settlement area, and</p> <p>(c) the applicant is recorded on the Settlement Members List as a settlement member.</p> <p>(3) If a dispute arises as to whether an applicant for membership has started to live in a settlement area, the dispute may be referred to the Appeal Tribunal for a decision.</p>
Membership records	<p><b>81(1)</b> A settlement administrator</p> <p>(a) must keep a proper record of settlement membership applications, notices and decisions made about the application, and</p> <p>(b) may keep other information that the settlement council considers necessary about settlement members in that settlement.</p> <p>(2) A settlement member, or a person authorized by the member, is entitled to examine the records under subsection (1) with respect to information about the member at any reasonable time.</p>
Membership in one settlement only	<p><b>82</b> A person is not entitled to be a settlement member of more than one settlement, but if that happens the member must decide in which settlement the member wishes to retain membership as soon as possible after a request is made by a settlement council or by the Minister to do so.</p>
Appeals	<p><b>83</b> If a settlement council refuses or defers an application for membership, or an application is not considered or a decision is not made by the settlement council within the required time, the applicant may appeal in writing to the Appeal Tribunal</p> <p>(a) within 45 days after receiving notice of the refusal or deferral, or</p> <p>(b) within 45 days after the date the council should have made a decision.</p>

Appeal Tribunal hearing **84**(1) On receipt of an appeal under section 83, the Appeal Tribunal must hold a hearing after giving everyone it considers affected by the appeal reasonable notice of the date, time and place of the hearing.

(2) The Appeal Tribunal must make its decision in accordance with Part 7.

## **Division 2**

### **Leaves of Absence and Termination of Membership**

Leave of absence **85**(1) A settlement member has an authorized leave of absence if the member temporarily ceases to reside in the settlement area

(a) because of an appointment or election as an officer of the General Council, or to public office, requiring residence elsewhere,

(b) for educational reasons requiring residence elsewhere,

(c) as a result of imprisonment,

(d) for medical reasons, or

(e) as a result of military or police service requiring residence elsewhere,

but only if the member maintains an appropriate residence in the settlement area and writes the settlement council each year of his or her absence confirming an intention to return as soon as reasonably possible and make the settlement area the member's home.

(2) A settlement council can give a settlement member an authorized leave of absence from the settlement area for any additional reason that appears reasonable to the council and impose terms and conditions on the leave.

(3) A settlement member on an authorized leave of absence is deemed to be a resident of the settlement area for all purposes, except as otherwise provided by settlement by-law.

Termination within member's probationary period **86**(1) A settlement council may terminate the membership of a settlement member within the member's probationary period if the member

(a) does not obtain or stops maintaining suitable living accommodation in the settlement area, or

(b) ceases to be committed to living in the settlement area and maintaining a peaceful community.

(2) The termination of membership of a person under subsection (1) may be by resolution.

(3) If a settlement member is subject to a probationary period and membership is not terminated within that period, any future action to terminate the membership of the person must be taken under section 87.

(4) A settlement council may not pass a resolution or by-law to terminate the membership of a settlement member within the member's probationary period without giving the person

(a) reasonable notice of the resolution or by-law to be considered, and

(b) if the person requests it, an opportunity to be heard before the voting on the resolution or by-law.

Termination of  
settlement  
membership

**87(1)** A settlement council may terminate the membership of a settlement member only by a settlement by-law passed in accordance with this section.

(2) Unless section 90 applies, a settlement member may have his or her membership in a settlement terminated only if the member

(a) ceases to reside on the settlement and has expressly or impliedly abandoned membership, or

(b) has not resided in the settlement area for 12 consecutive months or more, unless there is sufficient reason for the member to be absent.

(3) No settlement by-law terminating a settlement membership can be given first reading unless the settlement council has made every reasonable effort to give the settlement member at least 30 days' written notice of the proposed by-law and the date, time and place on which first reading is proposed.

(4) On the day proposed for first reading the settlement council must, if the settlement member requests, give the member a reasonable opportunity of explaining why the by-law should not be given first reading.

Notice of  
decision and  
appeal

**88(1)** Copies of all settlement by-laws and resolutions terminating the membership of settlement members must be sent to the member concerned and to the Minister.

	<p>(2) The settlement member may appeal the decision to terminate the membership to the Appeal Tribunal by sending a written notice of appeal to the Tribunal within 30 days of receipt of the by-law or resolution.</p>
Tribunal decision	<p><b>89(1)</b> As soon as reasonably possible after receiving an appeal against a settlement membership termination the Appeal Tribunal must hold a hearing after giving everyone it considers affected by the appeal reasonable notice of the date, time and place of hearing.</p> <p>(2) The Appeal Tribunal must make its decision in accordance with Part 7.</p>
Automatic termination	<p><b>90(1)</b> A settlement member terminates membership in a settlement if</p> <ul style="list-style-type: none"> <li>(a) the person voluntarily becomes registered as an Indian under the <i>Indian Act</i> (Canada), or</li> <li>(b) the person becomes registered as an Inuit for the purpose of a land claims agreement.</li> </ul> <p>(2) On receipt from the settlement council of notice of a termination of membership under subsection (1), and after any verification of the facts that is considered necessary, the Minister must remove the name of the person concerned from the Settlement Members List.</p>
Effect of termination	<p><b>91(1)</b> When the membership of a settlement member terminates or is terminated, the member</p> <ul style="list-style-type: none"> <li>(a) loses any rights gained by his or her former membership to reside on or occupy patented land, but</li> <li>(b) does not lose any right to reside on patented land acquired by or under this or any other enactment, a General Council Policy or a settlement by-law.</li> </ul> <p>(2) The termination of settlement membership does not affect any right acquired by the spouse or minor children of the member to continue to reside on patented land.</p> <p>(3) A settlement council and a person whose membership has been terminated may agree on the compensation to be paid to the former settlement member for improvements made on land held by the member and if they cannot agree either of them may refer the matter to the Appeal Tribunal.</p>

Right of residence	<p><b>92</b> A person who is not a settlement member has no right to reside on patented land unless the person</p> <ul style="list-style-type: none"> <li>(a) is part of the immediate family of a settlement member,</li> <li>(b) is a teacher or health care worker,</li> <li>(c) is an employee of the settlement, or</li> <li>(d) is permitted to reside on patented land by this or any other enactment, a General Council Policy or a settlement by-law.</li> </ul>
Continuing entitlement to reside	<p><b>93(1)</b> A person who is permitted to reside in a settlement area under section 92 is entitled to continue to reside in the area unless the settlement council, for just cause, orders the person expelled from the settlement area.</p> <p>(2) No order can be made under subsection (1) unless the person concerned has been given an opportunity to tell the settlement council why he or she should be able to remain in the settlement area.</p>
Appeal	<p><b>94</b> If an order is made under section 93, the person concerned may appeal to the Appeal Tribunal by giving it written notice of appeal within 30 days of receiving the order.</p>
Land allocation cancelled	<p><b>95(1)</b> All of a person's interests in land in a settlement area are terminated</p> <ul style="list-style-type: none"> <li>(a) when the person's settlement membership is terminated, or</li> <li>(b) if an appeal is made, when the Appeal Tribunal or a court confirms or declares that the person's settlement membership is terminated.</li> </ul> <p>(2) The loss of an interest in land under this section does not affect any right of the spouse or the minor children of the former member to continue to reside on the settlement land in which the member had an interest.</p>

### Division 3 Settlement Members List

Establishment	<p><b>96(1)</b> The Minister must establish the Settlement Members List.</p> <p>(2) The following information is to be recorded on the Settlement Members List in respect of each settlement:</p> <ul style="list-style-type: none"> <li>(a) the full name of each settlement member;</li> </ul>
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- (b) the date of birth of each settlement member;
- (c) the settlement of which the person is a member;
- (d) any other information about each settlement member that the Minister and the General Council agree is necessary.

(3) The Minister must keep the Settlement Members List up to date but may, by agreement with the General Council, delegate the responsibility.

(4) The Settlement Members List may be established and maintained as a book or by using any appropriate technology.

Entering names  
on the  
Settlement  
Members List

**97(1)** In this section, “Commissioner” means the Commissioner under the *Metis Settlements Accord Implementation Act*.

(2) The Settlement Members List for each settlement must consist of

(a) the persons shown as “confirmed settlement members” on the Commissioner’s final Settlement Membership Report issued in accordance with the regulations, whether or not the persons meet the requirements for settlement membership under this Act,

(b) the persons shown as “uncertain status” on the Commissioner’s final Settlement Membership Report issued in accordance with the regulations who are subsequently confirmed as settlement members by the Appeal Tribunal, and

(c) other persons approved as settlement members in accordance with this Act.

(3) A name must be removed from the Settlement Members List when a settlement member loses membership in a settlement in accordance with this Act.

Confidentiality

**98** Except for the purpose of determining whether a person is or is not a settlement member, information on the Settlement Members List must be kept confidential and available only to

- (a) the Minister and his authorized representatives;
- (b) the authorized representatives of the General Council;
- (c) the settlement member or a person authorized by the settlement member, in respect of information about the member;

(d) the settlement council and its authorized representatives, with respect to members of the settlement.

## **PART 4**

### **SETTLEMENT LAND**

#### **Division 1 Patented Land**

Creation of  
rights and  
interests in  
patented land

**99** A right or interest in the fee simple estate of patented land may exist only

- (a) under a provision of this or another Act,
- (b) under a General Council Policy, or
- (c) under a settlement by-law that is passed in accordance with a General Council Policy.

Limits on using  
interests in  
patented land as  
security

**100(1)** No right or interest in less than the fee simple estate in patented land held by a settlement member may be mortgaged, charged or given as security except in accordance with a General Council Policy.

(2) Security given or taken contrary to subsection (1) is void.

Interests in  
patented land  
exempt from  
seizure

**101** An interest of less than the fee simple estate in patented land held by a settlement member is exempt from seizure or sale under court order, writ of execution or other process whether judicial or extra-judicial except as provided by a General Council Policy.

#### **Division 2 Metis Settlements Land Registry**

Metis  
Settlements  
Land Registry  
regulations

**102** The Minister may, in accordance with section 239, make regulations

- (a) respecting the establishment, maintenance and control of a Metis Settlements Land Registry and a system for the registration in that Registry of rights, interests and other matters with respect to patented land;
- (b) respecting the registration in the Metis Settlements Land Registry of the rights or interests in patented land held by settlement members that have been converted under the regulations made under section 262;



(c) respecting the registration in the Metis Settlements Land Registry of the rights or interests registered under the *Land Titles Act*;

(d) providing for the registration in the Metis Settlements Land Registry of rights or interests under the former Act or any other enactment on an interim basis until regulations respecting the conversion of rights and interests and regulations making the Registry fully operational are enacted;

(e) adopting all or part of the *Land Titles Act*, with or without modification;

(f) respecting the establishment of an assurance fund for the purpose of paying claims made against the Metis Settlements Land Registry;

(g) determining the priorities of any interests filed, registered or recorded and the legal effect of filing, registering, recording or discharging the interests;

(h) respecting the means of settling disputes arising under the regulations made under this section;

(i) respecting the fees payable for the administration, management and operation of the Metis Settlements Land Registry.

Registrar

**103** In accordance with the *Public Service Act*, there must be appointed a Registrar of the Metis Settlements Land Registry and any other staff or advisors considered necessary.

Effect of  
registration

**104(1)** Despite anything in the *Land Titles Act*, any instrument registered or filed with the Registrar under the *Land Titles Act* in respect of patented land, other than a plan of survey showing the land granted to the General Council by letters patent, has no effect unless the instrument has been registered or filed, as the case may be, in accordance with regulations made under section 102.

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

### Division 3 Subdivision

Subdivision and  
development  
approval

**105** Neither a subdivision approval nor a development approval is required when the subdivision or development is effected solely for the purpose of

- (a) a highway or public roadway,
- (b) a well or battery as defined in the *Oil and Gas Conservation Act*, or
- (c) a pipeline or an installation or structure incidental to the operation of a pipeline.

Subdivision of  
patented land

**106(1)** The Registrar of the Metis Settlements Land Registry must not accept for registration an instrument that has the effect or may have the effect of subdividing land in a settlement area, unless the subdivision is permitted by section 105 or is approved under the regulations.

(2) The Registrar of the Metis Settlements Land Registry must not accept a caveat for registration that relates to an instrument that has or may have the effect of subdividing land in a settlement area unless the subdivision is permitted by section 105 or is approved under the regulations.

Planning  
regulations

**107** The Minister may, in accordance with section 240, make regulations

- (a) prohibiting or controlling and regulating the subdivision of patented land, and exempting certain persons or uses of land from subdivision approval;
- (b) defining “subdivision” for the purpose of this Act;
- (c) prescribing the times within which a subdivision approving authority must make decisions;
- (d) prescribing the conditions that a subdivision approving authority is permitted to impose when granting subdivision approval;
- (e) establishing or naming a person or entity as the subdivision approving authority for patented land or for specific areas of patented land, and providing for delegation of the granting of subdivision approval;
- (f) specifying the time within which a subdivision approval must be converted into an instrument satisfactory for registration in the Metis Settlements Land Registry;
- (g) respecting the cancellation of plans of subdivision.

#### **Division 4 Expropriation**

- Expropriation**      **108**(1) A settlement may acquire by expropriation an interest less than the fee simple in patented land for the purposes of the settlement.
- (2) A settlement may not expropriate unless the expropriation is authorized generally or in respect of specific land or for a specific purpose by settlement by-law.
- (3) The settlement must acquire the interest in accordance with section 6 of the *Metis Settlements Land Protection Act*.

#### **Division 5 Highways**

- Highways**      **109** A settlement council has the direction, control and management of highways, roads, streets and lanes within the settlement area that are not subject to the direction, control and management of the Crown in right of Alberta.

#### **Division 6 Regulations for Hazards**

- Regulations for hazards**      **110**(1) The Lieutenant Governor in Council may make regulations
- (a) prohibiting or regulating and controlling the development or use of land or buildings in the vicinity of an airport;
  - (b) prohibiting or regulating and controlling the development or use of land or buildings in the vicinity of anything that creates or may create a danger to the health and welfare of any person or property;
  - (c) prescribing for the purposes of clause (b) those things that create or may create a danger to the health and welfare of any person or property;
  - (d) authorizing any specified member of the Executive Council or a settlement council, with or without conditions, to exercise any power or duty under the regulations;
  - (e) directing a settlement council to amend a by-law to include any prohibition or regulation and control of development.
- (2) A regulation under subsection (1)
- (a) may be specific or general in its application, and

(b) operates despite a settlement by-law or General Council Policy to the contrary.

## **Division 7**

### **Access to Patented Land**

#### **Definitions**

**111** In this Division,

(a) “authorized project” means a use of, or an activity in, on or under, patented land related to

(i) a right to work or develop minerals that is acquired under the Co-management Agreement,

(ii) a right in respect of a pipeline as defined in *Pipeline Act*,

(iii) a right in respect of a transmission line as defined in the *Hydro and Electric Energy Act*, or

(iv) a right in respect of mains, pipes, wires, conductors, poles or other devices required for conveying, transmitting, supplying or distributing gas, water or electricity or sewage services under the *Water, Gas and Electric Companies Act*;

(b) “Co-management Agreement” means the document set out in Schedule 3 as amended,

(i) before it is signed, by the Minister of Energy, the General Council and the 8 Metis settlements, and

(ii) after it is signed, in accordance with its terms;

(c) “compensation order” means

(i) a compensation order issued by the Land Access Panel that an operator pay compensation under section 118,

(ii) a compensation order issued by the Existing Leases Land Access Panel that an existing mineral lease holder pay compensation under section 118, or

(iii) a compensation order issued by the Surface Rights Board in respect of patented land made before the coming into force of this section;

(d) “development agreement” means an agreement respecting the development of minerals

(i) between an operator and at least the General Council and a settlement council, entered into under the Co-management Agreement, or

(ii) between an existing mineral lease holder and at least the General Council and a settlement council;

(e) “existing mineral lease” means a right to work or develop minerals existing on the date this section comes into force;

(f) “existing mineral lease holder” means the holder of an existing mineral lease;

(g) “minerals” means minerals as defined in the letters patent in or under patented land;

(h) “occupant” means

(i) a settlement council,

(ii) the person in actual possession of a parcel of patented land, and

(iii) a person having a right or interest in patented land that is recorded in the Metis Settlements Land Registry;

(i) “operator” means the person who is authorized or permitted to engage in an authorized project;

(j) “surface lease” means a lease or other instrument under which the surface of a parcel of patented land is held for any purpose for which a right of entry order may be made under this Division, and that provides for compensation.

**Application**      **112** This Division applies only to patented land.

**Purpose**            **113** The purpose of this Division is

(a) to enable an operator to enter and use the surface of patented land for an authorized project,

(b) to entitle an existing mineral lease holder who has no right of entry in respect of the existing mineral lease or who has a right of entry in respect of an existing mineral lease but requires additional surface access to apply for the right to enter and use the surface of patented land for the purpose of that lease, and

(c) to enable occupants of parcels of patented land required for an authorized project or existing mineral lease to have their

	interests considered and to receive fair compensation for any entry, use and related damage to the land.
Entry onto the surface of patented land restricted	<p><b>114</b>(1) An existing mineral lease holder who has no right of entry in respect of the existing mineral lease or who has a right of entry in respect of the existing mineral lease but requires additional surface access must not enter or use the surface of patented land for which the holder has no right of entry, unless the existing mineral lease holder obtains</p> <ul style="list-style-type: none"> <li>(a) the consent of the occupants of the surface of the parcel or parcels of land sought to be entered, or</li> <li>(b) a right of entry to the parcels under an order of the Existing Leases Land Access Panel.</li> </ul> <p>(2) An operator must not enter or use the surface of patented land unless the operator</p> <ul style="list-style-type: none"> <li>(a) has obtained any consent of the General Council and a settlement council required under section 7 of the <i>Metis Settlements Land Protection Act</i>, and</li> <li>(b) has obtained <ul style="list-style-type: none"> <li>(i) the consent of the occupants of the surface of the parcel or parcels of patented land sought to be entered whether or not the consent has been obtained or is required under clause (a), or</li> <li>(ii) a right of entry to the parcels under an order of the Land Access Panel.</li> </ul> </li> </ul>
Application for right of entry	<p><b>115</b>(1) An existing mineral lease holder who is unable to obtain the consent of an occupant to enter or use patented land for an existing mineral lease required under section 114 may apply to the Existing Leases Land Access Panel for a right of entry order in a form prescribed, and with the information required, by the Panel.</p> <p>(2) When considering an application under subsection (1), the Existing Leases Land Access Panel may</p> <ul style="list-style-type: none"> <li>(a) direct the parties to engage in negotiations and provide them with such assistance as it considers necessary,</li> <li>(b) make any inquiries about the matter it considers necessary and ask for information and advice from any other person or agency it considers necessary, whether or not the applicant or other parties to the proceedings agree, and</li> </ul>

	<p>(c) establish any means of making a reasonable decision, including requiring the parties to provide it with their final offers about the issues in dispute.</p> <p>(3) An operator who has obtained the consents required under section 7 of the <i>Metis Settlements Land Protection Act</i> but who is unable to obtain the consent of an occupant to enter or use patented land for an authorized project required under section 114 may apply to the Land Access Panel for a right of entry order in a form prescribed, and with the information required, by the Panel.</p>
Right of entry orders	<p><b>116(1)</b> The Existing Leases Land Access Panel may make a right of entry order giving an existing mineral lease holder a right to enter and use the surface of one or more parcels of patented land for an existing mineral lease.</p> <p>(2) The Land Access Panel may make a right of entry order giving a right to enter and use the surface of one or more parcels of patented land for an authorized project.</p> <p>(3) In their decisions, either Panel may</p> <ul style="list-style-type: none"> <li>(a) make the order exclusive to the applicant,</li> <li>(b) state the purpose of the entry or use, describe the geographic area to which it applies, and describe the activity to which the order relates,</li> <li>(c) state a date on which the order expires, and</li> <li>(d) impose conditions, including those necessary to ensure that development will conform with any development plans of the settlement.</li> </ul> <p>(4) All right of entry orders, and amendments to them and cancellations of them, must be recorded in the Metis Settlements Land Registry.</p>
Notification of right of entry order	<p><b>117</b> After a right of entry order is made, the Existing Leases Land Access Panel or the Land Access Panel, as the case requires, must notify every occupant of the parcels affected by the order of the date, time and place at which it will hear representations about who should receive compensation and how much should be paid.</p>
Determining compensation	<p><b>118(1)</b> In determining the amount of money payable by an existing mineral lease holder or operator to an occupant as compensation, the Existing Leases Land Access Panel or the Land Access Panel must consider any relevant development agreement and may consider the following:</p>

- (a) the value of the parcel of land affected, including
    - (i) the cultural value for preserving a traditional Metis way of life,
    - (ii) the economic value as an asset, and
    - (iii) the productive value;
  - (b) damage in the specific existing mineral lease or authorized project area, including
    - (i) the effect of the lease or project on the present and planned use of the parcel and surrounding area,
    - (ii) the special damages to improvements, crops, wildlife, livestock, trap lines and natural vegetation resulting from the lease or project, and
    - (iii) the amount of the lease or project area that the existing mineral lease holder or operator may damage;
  - (c) the impact of the lease or project on other areas, including
    - (i) disturbance to the physical, social and cultural environment,
    - (ii) location of the lease or project in relation to existing or planned community uses, and
    - (iii) other specific matters, such as the cumulative effect of related projects;
  - (d) any agreement, in addition to a development agreement, entered into by an existing mineral lease holder or operator and the General Council or an occupant;
  - (e) any other factors the Panel considers appropriate.
- (2) The Existing Leases Land Access Panel or the Land Access Panel, as the case requires, may make a compensation order stating
- (a) who must receive compensation, the amount, including interest, and when it must be paid, and
  - (b) how often the compensation specified in the order must be reviewed, if appropriate.

Rehearing and  
review of  
decisions

**119** The Land Access Panel may, without a hearing, amend a compensation order or right of entry order, regardless of who made it, with respect to a person named in it



(a) when the Panel is satisfied that there has been a change of existing mineral lease holder or operator, or

(b) when the Panel is satisfied that there has been a change of occupant and compensation should properly be paid to a new occupant.

Termination of  
right of entry  
order

**120(1)** On application to it, the Land Access Panel may terminate or amend a right of entry order made by it or the Existing Leases Land Access Panel if the Land Access Panel is satisfied that

(a) an existing mineral lease holder or operator is not using the right of entry order, or

(b) there is a good reason to terminate or amend the order.

(2) No decision can be made under subsection (1) without an inquiry into the matter, and a hearing if the existing mineral lease holder or operator so requests.

(3) No decision may be made to terminate a right of entry order to which the *Land Surface Conservation and Reclamation Act* applies unless a reclamation certificate has been issued in respect of the land to which the order relates.

Recovery of  
compensation

**121(1)** If an existing mineral lease holder or operator fails to pay money

(a) under a surface lease, or

(b) ordered to be paid by the Existing Leases Land Access Panel or the Land Access Panel,

within 30 days of the date it is due, the person entitled to receive the money may submit to the Land Access Panel evidence of the failure to pay.

(2) On receipt of satisfactory evidence of failure of the existing mineral lease holder or operator to pay, the Land Access Panel may direct the Provincial Treasurer to pay out of the General Revenue Fund the amount of money to which the person is entitled.

(3) If the Provincial Treasurer pays money to a person under this section, the amount paid constitutes a debt owing by the existing mineral lease holder or the operator to the Crown in right of Alberta.

(4) If a surface lease and a development agreement are combined in one document, this section applies only to that part of the document concerning the surface lease.

Costs of appeal

**122**(1) If an appeal is made against a decision of the Existing Leases Land Access Panel or the Land Access Panel, the costs of the appeal,

(a) when the appeal is by the existing mineral lease holder or operator, are payable by the holder or operator on a solicitor and client basis regardless of the result of the appeal, unless the Court finds special circumstances to justify it to award costs on any other basis, or

(b) when the appeal is by the occupant,

(i) if the appeal is successful, are payable by the existing mineral lease holder or operator on a solicitor and client basis, and

(ii) if the appeal is unsuccessful, are payable on a party and party basis to the party, if any, that the Court in its discretion may direct.

(2) The Existing Leases Land Access Panel or Land Access Panel must vary its decision, without a hearing, to comply with the judgment of the Court of Appeal.

Review of rate  
of  
compensation

**123**(1) In this section and sections 124 to 128,

(a) “lessor” means the party to a surface lease who is entitled to receive compensation under the lease;

(b) “obligated operator” means an existing mineral lease holder or an operator who is obligated to pay compensation under a surface lease, or who is obligated to pay compensation to an occupant under a compensation order;

(c) “parties” means

(i) with respect to the review or fixing of a rate of compensation under a surface lease, the obligated operator and the lessor, and

(ii) with respect to the review or fixing of a rate of compensation under a compensation order, the obligated operator and the occupant;

(d) “rate of compensation” means the annual or periodic compensation payable under a surface lease or compensation order in respect of the matters referred to in section 118.

(2) If a surface lease and a development agreement are combined in one document, sections 124 to 128 apply only to that part of the document concerning the surface lease.

Notice to  
review rate of  
compensation

**124(1)** An obligated operator must give a notice to the lessor or occupant on or within 30 days of every 4th anniversary of the date the surface lease commenced or the right of entry order was made that

(a) the obligated operator wishes to have the rate of compensation reviewed, if applicable, and

(b) the person receiving the notice has a right to have the rate of compensation reviewed or fixed if no compensation has previously been fixed.

(2) If either party indicates that they wish to have the rate of compensation reviewed or fixed, the parties must enter into negotiations in good faith for that purpose.

Application for  
a hearing

**125** If within 12 months of the date of a notice given under section 124 the parties have not agreed on a rate of compensation, the party desiring to have the rate of compensation reviewed or fixed may apply to the Land Access Panel for a hearing to determine the rate of compensation.

Order for  
compensation

**126** The Land Access Panel must hear the application and must make an order fixing, confirming or varying the rate of compensation payable commencing on the anniversary date of the surface lease or compensation order, as the case may be, next following the date notice was given under section 124.

Surface lease  
amended

**127** When the Land Access Panel makes an order varying or fixing the rate of compensation for a surface lease, the order operates to amend the surface lease in respect of the rate of compensation under it, despite anything contained in the surface lease.

Review initiated  
by lessors or  
occupants

**128** If the obligated operator fails to give a notice required under section 124, the lessor or any of the occupants may, within a reasonable time after the failure, give notice to the obligated operator stating that they wish to have the rate of compensation reviewed or fixed and, in that case,

(a) sections 124(2) to 127 apply,

(b) the Land Access Panel, despite section 126, may make its order about the rate of compensation effective from the same date it would have been effective if the obligated operator had given notice in accordance with section 124, and

(c) the Panel may make any order regarding the payment of interest that it considers appropriate.

Right to  
damages

**129** Notwithstanding the *Petty Trespass Act*, a person who, under a right of entry order, enters or uses the surface of patented land contrary to this Division

(a) commits a trespass, and

(b) is liable in damages or otherwise for the trespass to the occupants, or any of them.

## PART 5

### FISHING

Fisheries Act  
(Canada)

**130** This Part is subject to the *Fisheries Act* (Canada) and regulations made under it.

Fishing in  
settlement area

**131** Only

(a) settlement members resident in settlement areas, and

(b) persons authorized under settlement by-laws

may fish in settlement areas.

Fishing for  
sustenance

**132** A settlement member who is resident in a settlement area may

(a) fish in the settlement area, or

(b) fish in any watercourse or body of water that actually adjoins the settlement area,

at any time, except spawning, for the sustenance of the member and the member's immediate family, but not for the purpose of selling, dealing or trafficking in the fish.

Commercial  
fishing licences

**133(1)** At the request of a settlement council, the Minister of Forestry, Lands and Wildlife may authorize the council to issue Metis Commercial Fishing Licences to settlement members and members of adjacent settlements for commercial purposes, with or without conditions.

(2) If fishing licences are issued under subsection (1), a proportion of the total catch designated by the Minister of Forestry, Lands and Wildlife from the body of water from which it is proposed to take the fish must be set aside as available only for settlement members.

(3) No person may buy, sell, deal or traffic in any fish taken under a fishing licence referred to in this section except as permitted by the *Fisheries Act* (Canada) and the settlement council.

## **PART 6**

### **FINANCIAL ADMINISTRATION**

#### **Division 1**

#### **Metis Settlements Consolidated Fund**

**Establishment**      **134**(1) The Metis Settlements Consolidated Fund is established consisting of Parts 1 and 2.

(2) The Consolidated Fund is held and administered by the General Council.

**Accounts and records**      **135**(1) The General Council

- (a) must establish accounts in the name of the Consolidated Fund with a bank, an Alberta Treasury Branch, or any other entity approved by General Council Policy, indicating in each case whether the accounts are for Part 1 or Part 2 of the Fund,
- (b) may establish accounts within each part of the Consolidated Fund in the name of each settlement,
- (c) must keep Parts 1 and 2 of the Consolidated Fund, all accounts and records relating to them, and all accounts and records relating to settlement accounts within the Consolidated Fund, separate from each other, and
- (d) must operate the Consolidated Fund in accordance with this Part and generally accepted accounting principles.

(2) No General Council account

(a) can be opened or operated unless it is opened under subsection (1), or

(b) can be operated except in accordance with resolutions of the General Council.

Directives and rules	<b>136</b> The General Council may issue directives and rules about the management and administration of the Consolidated Fund.
Consolidated Fund administration policy	<p><b>137</b> The General Council may make General Council Policies about</p> <ul style="list-style-type: none"> <li>(a) the manner in which money payable into the Consolidated Fund must be collected, managed or held,</li> <li>(b) the manner in which, the times within which, and the persons to whom, money payable into the Consolidated Fund must be paid, and</li> <li>(c) the accounting, reporting and record keeping required with respect to money payable into, held in, and paid from the Consolidated Fund.</li> </ul>
Nature of the Consolidated Fund	<p><b>138</b> The Consolidated Fund must be maintained</p> <ul style="list-style-type: none"> <li>(a) as cash, or</li> <li>(b) in the form of investments described in Schedule 2.</li> </ul>
Financial year	<b>139</b> The financial year of the Consolidated Fund is April 1 to the following March 31.
Payments into the Consolidated Fund	<p><b>140(1)</b> There must be paid into Part 1 of the Consolidated Fund</p> <ul style="list-style-type: none"> <li>(a) money owned by the General Council,</li> <li>(b) money held by the General Council for the benefit of, as agent for, or in trust for, any person,</li> <li>(c) money held by an employee or official of the General Council in his capacity as an employee or official,</li> <li>(d) grants, donations and all other sources of income or revenue of the General Council, in particular <ul style="list-style-type: none"> <li>(i) money received from the Crown in right of Canada or an agency of the Crown, unless a condition of receipt of the money prevents it from being paid into the Consolidated Fund,</li> <li>(ii) money resulting from a legally enforceable obligation,</li> <li>(iii) surface resource revenue or money resulting from the co-management of subsurface resource agreements, payable to the General Council, and</li> </ul> </li> </ul>

(iv) money received from the Crown in right of Alberta or an agency of the Crown,

(e) the ten \$10 000 000 annual payments paid to the General Council in accordance with section 6 of the *Metis Settlements Accord Implementation Act*,

(f) interest and income from investments made from Part 1 of the Consolidated Fund,

(g) subject to subsection (2)(c), the proceeds of sale of General Council assets or anything acquired by General Council money, and

(h) anything else that is specified by General Council Policy to be paid into Part 1 of the Consolidated Fund.

(2) There must be paid into Part 2 of the Consolidated Fund

(a) the annual payments of \$5 000 000 paid to the Commissioner in accordance with section 3 of the *Metis Settlements Accord Implementation Act*,

(b) interest and income from investments made from Part 2 of the Consolidated Fund,

(c) the proceeds of sale of anything acquired from money in Part 2 of the Consolidated Fund, and

(d) anything else that is specified by General Council Policy to be paid into Part 2 of the Consolidated Fund.

(3) No money can be paid into the Consolidated Fund unless it is described in this section or authorized by this Act or any other enactment.

(4) When money paid into the Consolidated Fund is attributable to a particular settlement, the General Council must pay that money into an account established for that settlement within the Consolidated Fund.

Money received  
for 2 or more  
purposes

**141** If the General Council receives a payment partly payable into the Consolidated Fund and partly attributable to other matters, the payment must be paid in the first instance to the Consolidated Fund, but the part attributable to other matters must be paid out of the Consolidated Fund as soon as reasonably possible.

Payments out of  
the  
Consolidated  
Fund

**142(1)** Money may be paid out of Part 1 of the Consolidated Fund

- (a) in accordance with an annual financial allocation policy or amendments to that policy made by General Council Policy,
- (b) with respect to funds attributable to a particular settlement, in accordance with a settlement by-law,
- (c) for investments described in Schedule 2,
- (d) to refund payments that were made to Part 1 of the Consolidated Fund in error,
- (e) to make payments under section 141, or
- (f) to pay for anything directly attributable to the establishment, operation, administration or management of the Consolidated Fund.

(2) No money is to be paid out of Part 2 of the Consolidated Fund except

- (a) to make investments described in Schedule 2,
- (b) to refund payments made to Part 2 of the Fund in error,
- (c) to make payments under section 141, or
- (d) after March 31, 2007, in accordance with a General Council Policy.

(3) A payment cannot be made from the Consolidated Fund unless the payment is permitted by this section.

Deductions  
from payments

**143** When money is payable out of the Consolidated Fund to a settlement, the General Council may deduct from the payment any sum owing by the settlement to the General Council.

## **Division 2**

### **General Council Financial Allocation Policy**

Annual  
financial  
allocation  
policy

**144(1)** For each financial year the General Council must make a General Council Policy to be known as the financial allocation policy.

(2) A financial allocation policy must

- (a) specify the total amount of money available from the Metis Settlements Transition Fund under the *Metis Settlements Accord*



*Implementation Act for allocation to settlements divided between*

(i) capital development projects, and

(ii) operations, maintenance and other purposes,

(b) specify how the money described in clause (a) is to be allocated between the settlements,

(c) specify the total amount of money available from the Consolidated Fund for allocation to settlements divided between

(i) capital development projects, and

(ii) operations, maintenance and other purposes,

and

(d) specify how the money described in clause (c) is to be allocated between the settlements.

(3) A financial allocation policy may requisition money from the settlements for the purpose of funding the General Council, in which case the Commissioner must pay the sum requisitioned to the General Council out of money allocated to the settlements in accordance with the requisition.

Amendments to  
allocation  
policies

**145** The General Council may amend an allocation policy during a financial year to change or add to the financial allocation policy.

Expiration of  
budget  
authorizations

**146** After the end of a financial year, no further payment can be made by the General Council on the basis of the preceding year's authorized expenditures unless

(a) the payment is authorized by the General Council, or

(b) the expenditure was committed in the preceding financial year but the payment was not made.

Cheques and  
other  
instruments

**147** No cheque, money order, or other negotiable instrument may be issued against, or cash withdrawn from, the Consolidated Fund unless

(a) the expenditure is in accordance with this Act or any other enactment and General Council Policies, and

(b) the expenditure is properly authorized by signing officers of the General Council.

### Division 3 Settlement Funds

Establishment  
of settlement  
funds

**148**(1) The following funds are established:

- (a) Buffalo Lake Metis Settlement Fund;
- (b) East Prairie Metis Settlement Fund;
- (c) Elizabeth Metis Settlement Fund;
- (d) Fishing Lake Metis Settlement Fund;
- (e) Gift Lake Metis Settlement Fund;
- (f) Kikino Metis Settlement Fund;
- (g) Paddle Prairie Metis Settlement Fund;
- (h) Peavine Metis Settlement Fund.

(2) Each settlement fund is held and administered by the respective settlement council.

Accounts and  
records

**149**(1) Every settlement council must

- (a) establish accounts for its settlement fund in the name of the settlement with a bank, an Alberta Treasury Branch, or any other entity approved by General Council Policy,
- (b) keep proper accounts and records of all payments into and payments out of the settlement fund, and
- (c) operate its settlement fund in accordance with this or any other enactment and generally accepted accounting principles.

(2) No settlement accounts

- (a) can be opened or operated unless they are opened under subsection (1),
- (b) can be operated except in accordance with resolutions, by-laws or an enactment, or
- (c) can be opened or operated outside the settlement fund.

Directives and  
rules

**150** A settlement council may issue directives and rules about the management and administration of its settlement fund.

Settlement funds administration by-law	<p><b>151</b> A settlement council may make by-laws respecting</p> <ul style="list-style-type: none"> <li>(a) the manner in which money payable into its settlement fund must be collected, managed or held,</li> <li>(b) the manner in which, the times within which, and the persons to whom, money payable into its settlement fund must be paid, and</li> <li>(c) the accounting, reporting and record keeping required with respect to money payable into, held in and paid from its settlement fund.</li> </ul>
Nature of the settlement fund	<p><b>152</b> Each settlement fund must be maintained</p> <ul style="list-style-type: none"> <li>(a) as cash, or</li> <li>(b) in the form of investments described in Schedule 2.</li> </ul>
Financial year	<p><b>153</b> The financial year of every settlement fund is April 1 to the following March 31.</p>
Payments into settlement funds	<p><b>154(1)</b> There must be paid into settlement funds</p> <ul style="list-style-type: none"> <li>(a) money owned by a settlement,</li> <li>(b) money held by the settlement council for the benefit of, as agent for, or in trust for, any person,</li> <li>(c) money held by an employee or official of the settlement in his capacity as an employee or official,</li> <li>(d) grants, donations and all other sources of income or revenue of a settlement, in particular <ul style="list-style-type: none"> <li>(i) money received from the Crown in right of Canada or an agency of the Crown, unless a condition of receipt of the money prevents it from being paid into the settlement fund,</li> <li>(ii) money raised by a settlement by-law,</li> <li>(iii) money resulting from a legally enforceable obligation,</li> <li>(iv) surface resource revenue or money resulting from the co-management of subsurface resource agreements payable to the settlement,</li> <li>(v) money received from the Crown in right of Alberta or an agency of the Crown, and</li> </ul> </li> </ul>

(vi) money received from the payment of fines paid for contravention of settlement by-laws,

(e) the matching grants paid to settlements in accordance with sections 7 and 8 of the *Metis Settlements Accord Implementation Act*,

(f) interest and income from investments made from the settlement fund,

(g) the proceeds of sale of settlement assets or anything acquired by settlement money, and

(h) anything else that is specified by a settlement by-law or General Council Policy.

(2) No money can be paid into a settlement fund unless it is described in subsection (1) or authorized by section 155.

Money received  
for 2 or more  
purposes

**155** If a settlement receives a payment partly payable into a settlement fund and partly attributable to other matters, the payment must be paid in the first instance to the settlement fund, but the part attributable to other matters must be paid out of the settlements fund as soon as reasonably possible.

Payments out of  
settlement funds

**156(1)** Money may be paid out of a settlement fund

(a) in accordance with a settlement by-law,

(b) for investments described in Schedule 2,

(c) to refund payments that were made to the settlement fund in error,

(d) to make payments under section 155, or

(e) to pay for anything directly attributable to the establishment, operation, administration or management of the settlement fund.

(2) A payment cannot be made from a settlement fund unless the payment is permitted by this section.

#### **Division 4 Settlement Budgets**

Annual  
settlement  
budgets

**157(1)** A settlement council must adopt a budget by-law for each financial year

(a) describing the money allocated to it from

(i) the Transition Fund under the *Metis Settlements Accord Implementation Act*, and

(ii) the Consolidated Fund,

and the purposes for which the money is allocated,

(b) describing the money available for expenditure in its own settlement fund, and

(c) stating the expenditures proposed for

(i) capital development projects, and

(ii) operations, maintenance and other purposes.

(2) A settlement council may amend a budget by-law during a financial year to change or add to a previous budget by-law.

Expiration of  
budget  
authorizations

**158** After the end of a financial year no further payment can be made by a settlement council on the basis of the preceding year's budget by-law unless

(a) the payment is authorized by resolution of the settlement council, or

(b) the expenditure was committed in the preceding financial year but the payment was not made.

Cheques and  
other  
instruments

**159(1)** No cheque, money order or other negotiable instrument may be issued against, or cash withdrawn from a settlement fund, unless

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

(b) the expenditure

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

(ii) is authorized in accordance with a settlement financial administration by-law,

(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 payment can be made under subsection (1) if it would contravene this Act, a directive or rule issued under this Act, a General Council Policy or a settlement by-law.

### **Division 5 Protection of the Consolidated Fund and Settlement Funds**

Audits and  
inspection

**160**(1) The Minister may require an audit or an inspection of the Consolidated Fund or settlement funds or any aspect of them, or an audit of the use of money paid out of any of them.

(2) The Minister may require bank accounts and records maintained in connection with the operation of the Consolidated Fund and settlement funds to be produced for inspection at any time.

(3) The Minister must pay for the cost of an audit or inspection under this section.

Examining and  
taking away  
records

**161**(1) Records prepared or kept by or on behalf of a settlement or the General Council, regardless of whose possession they are in, are open to inspection at all reasonable times by the Minister.

(2) The Minister may apply to the Court of Queen's Bench ex parte or on such notice as the Court directs for an order that the Minister or a person authorized by the Minister may

(a) enter any place where an activity of the settlement or General Council or funded in whole or in part by either of them is carried on,

(b) examine or take away a record that is part of the settlement or General Council records or records kept in respect of activities sponsored in whole or in part by money from the Consolidated Fund or settlement funds,

(c) examine or take away a record that may determine the accuracy of the records that are prepared or kept by or on behalf of a settlement or General Council, and

(d) require a person to give the Minister or person authorized by the Minister all reasonable assistance in performing the Minister's or authorized person's duties.

(3) The Court may make any order it considers appropriate.

(4) The Minister or any person authorized by the Minister may make copies of records taken under subsection (2).

(5) If a document is taken away, a copy of it must be left in its place.

Confidential  
information

**162** Every councillor, officer or employee of a settlement or the General Council must give to the Minister any information that the Minister considers necessary for an audit, inspection or investigation.

Audit

**163**(1) As soon as practicable after March 31 each year there must be prepared an audited financial statement of the Consolidated Fund and each settlement fund for the preceding financial year.

(2) The General Council must appoint the auditor of the Consolidated Fund.

(3) Each settlement council must appoint the auditor of its settlement fund.

Financial  
Administration  
Act not to  
apply

**164** The *Financial Administration Act* does not apply to

(a) the Consolidated Fund or settlement funds, or to any expenditures from them, payment into them, or activities in relation to them, or

(b) a person administering, receiving or disbursing money in relation to the Consolidated Fund or settlement funds.

## **Division 6 Other Financial Matters**

Financial and  
funding  
agreements

**165** The Minister may enter into an agreement with the General Council and one or more settlements respecting financial or funding arrangements for them.

Assessment and  
taxation

**166**(1) If there is a General Council Policy in effect, a settlement council may, in accordance with that Policy, make by-laws to tax land, interests in land or improvements on land in the settlement area, including rights to occupy, possess or use land in the settlement area.

Tax on well-drilling equipment	<p>(2) A settlement by-law under subsection (1) may not assess or tax the fee simple or any lesser interest in patented land held by the General Council unless the assessment and taxation is authorized under a General Council Policy.</p> <p><b>167(1)</b> A settlement council may make by-laws providing for the imposition of a tax on persons who are in legal possession of equipment</p> <ul style="list-style-type: none"> <li>(a) when the equipment is engaged in the drilling of a well for which a licence is required under the <i>Oil and Gas Conservation Act</i>, or</li> <li>(b) capable of or designed for drilling a gas or oil well when the equipment is engaged in servicing a gas or oil well.</li> </ul> <p>(2) The tax must be computed in accordance with a schedule established by the Lieutenant Governor in Council.</p> <p>(3) The settlement administrator may require in writing any owner, conditional owner or lessee of drilling equipment to supply any information that may be necessary to compute the tax.</p> <p>(4) The tax may be imposed at any time during a calendar year and becomes payable on cessation of the drilling or servicing operation and may be recovered with costs and with interest as a debt due to the settlement from the owners, conditional owners or lessees of the equipment.</p> <p>(5) When taxes imposed by a by-law passed under this section remain unpaid for a period of 30 days after the cessation of the drilling or servicing operation, the settlement administrator in writing may levy the taxes with costs by distress.</p>
Development levy by-laws	<p><b>168(1)</b> A settlement council may make by-laws to help pay for the cost of providing settlement or other services or facilities to a development or subdivision by</p> <ul style="list-style-type: none"> <li>(a) imposing levies, to be known as off-site levies, on the developed land or requiring payment for oversize facilities or developments, or both, and</li> <li>(b) authorizing the council to make an agreement on how the levies or payments will be paid.</li> </ul> <p>(2) The by-law must set out the purpose of each levy or payment and say how the amount is to be determined.</p> <p>(3) The levies or payments can only be used to help pay the costs associated with locating or building services or facilities for</p>



- (a) storing, treating or supplying water;
- (b) treating, moving or disposing of sanitary sewage;
- (c) providing storm sewer drainage;
- (d) providing oversize facilities or services.

(4) An off-site levy can only be collected once for any development or subdivision.

Development  
levy regulation

**169** The Lieutenant Governor in Council may make regulations governing, either generally or specifically, the maximum amount that a settlement council may by by-law establish or impose and collect as an off-site levy or payment.

## Division 7 Protecting the Public Interest

Budget,  
accounting and  
audits

**170** The Minister may make regulations respecting

- (a) the preparation and form of budgets by settlement councils;
- (b) the methods of bookkeeping, accounting, recording and reporting to be used by settlement councils;
- (c) requirements for audits of settlements;
- (d) the establishment and maintenance of an assets register.

Inspections and  
investigations

**171(1)** The Minister may appoint a person to inspect or investigate

- (a) a settlement,
  - (b) the General Council, or
  - (c) an entity that is directly or indirectly controlled by a settlement council, the General Council or persons who are employees or officials of a settlement or the General Council.
- (2) The inspection or investigation must be confined to
- (a) the financial or administrative condition of the entity inspected, and
  - (b) matters connected with the management, administration or operation of the entity inspected.
- (3) The Minister may appoint an inspector or investigator

	<p>(a) on the Minister's own initiative, or</p> <p>(b) if requested to do so by the General Council, a settlement council or a substantial number of settlement members.</p> <p>(4) If the Minister decides not to appoint an inspector or investigator when requested to do so under subsection (3)(b), the Minister must give reasons for the decision.</p>
Petition	<p><b>172(1)</b> On the Minister's own initiative or on receipt of a petition from</p> <p>(a) a settlement council, or</p> <p>(b) at least 1/3 of the settlement members of a settlement,</p> <p>the Minister may appoint one or more persons to audit the books and accounts of the settlement for any particular period.</p> <p>(2) The cost of the audit must be paid, in the discretion of the Minister,</p> <p>(a) by the settlement,</p> <p>(b) by the Minister, or</p> <p>(c) by the settlement and the Minister in the proportion specified by the Minister.</p>
Powers of inspectors and investigators	<p><b>173</b> An inspector or investigator</p> <p>(a) may require the help of any person who he thinks can assist him with the inspection or investigation, and</p> <p>(b) has the same powers, privileges and immunities as a commissioner under the <i>Public Inquiries Act</i>.</p>
Report of inspector or investigator	<p><b>174(1)</b> The inspector or investigator must make a report to the Minister about the inspection or investigation.</p> <p>(2) The Minister may send a copy of the report, or extracts of it, to the General Council and any settlement council affected by it.</p>
Bank accounts	<p><b>175</b> A bank, credit union, treasury branch or trust company carrying on business in Alberta must, at the request of the Minister, give the Minister a statement showing the balance or condition of the accounts, with any particulars of the accounts that may be required, of</p> <p>(a) a settlement,</p>

(b) the General Council, or

(c) an entity that is directly or indirectly controlled by a settlement council, the General Council or persons who are officials or employees of a settlement or the General Council.

Improper  
management

**176(1)** If the Minister considers that the affairs of a settlement are managed in an irregular, improper or improvident manner, the Minister may, by order,

(a) dismiss the settlement council or particular councillors or an employee or official of the settlement, or

(b) direct the settlement council or an employee or official of the settlement to take any action that the Minister considers proper in the circumstances.

(2) If a direction under subsection (1)(b) is not carried out, the Minister may, by order, dismiss the settlement council or a particular councillor, or an employee or official of the settlement.

(3) An order of the Minister under subsection (1)(a) or (2) must be published in The Alberta Gazette.

Misuse of funds

**177(1)** If a settlement council borrows, grants, invests, lends or gives a guarantee, spends or authorizes the expenditure of money

(a) without the authorization of a settlement by-law, or

(b) contrary to a budget or other settlement by-law,

the councillors who vote for the resolution are jointly and severally liable for any loss resulting from the resolution.

(2) The liability may be enforced by an action taken in the Court of Queen's Bench by the Minister, the General Council, a settlement council or a settlement member.

Comptroller

**178(1)** The Minister may appoint a comptroller of a settlement if he considers it necessary.

(2) A comptroller has authority to supervise either or both

(a) the settlement council, or

(b) an official manager, if one has been appointed,

in the management or administration of the affairs and business of the settlement.

Replacing  
councillors,  
officials or  
employees

(3) While the appointment of the comptroller continues, no settlement by-law or resolution that imposes a liability or disposes of the money or property of the settlement has any effect unless it is approved in writing by the comptroller.

**179(1)** If a settlement council is dismissed, the Minister may appoint an official manager under section 31.

(2) If one or more councillors are dismissed, the Minister may arrange for a by-election to fill all or some of the vacancies.

(3) The Minister may replace a dismissed official or employee with another person and prescribe all or a portion of the remuneration payable to that person by the settlement.

(4) The remuneration of an employee or official payable by the settlement cannot exceed the remuneration paid to the former official or employee.

## **PART 7**

### **METIS SETTLEMENTS APPEAL TRIBUNAL**

#### **Division 1 Establishment**

Composition

**180(1)** The Metis Settlements Appeal Tribunal is established.

(2) The Appeal Tribunal consists of not less than 7 persons, of whom

(a) one must be appointed by the Minister from a list of nominees provided by the General Council, who is the Tribunal chairman,

(b) 3 must be appointed by resolution of the General Council, one of whom must be designated as a Tribunal vice-chairman by the General Council, and

(c) 3 must be appointed by the Minister, of whom

(i) at least 2 must be persons who are not settlement members, and

(ii) one must be designated as a Tribunal vice-chairman.

(3) The other persons are appointed to the Appeal Tribunal by agreement between the Minister and the General Council.

(4) The Appeal Tribunal chairman may designate any of the persons appointed to the Appeal Tribunal under subsection (3) as a Tribunal vice-chairman.

Unsatisfactory  
nominees for  
chairman

**181(1)** If the General Council fails to submit a list of nominees for Appeal Tribunal chairman, or if the Minister is not prepared to appoint any of the nominees of the General Council as Appeal Tribunal chairman, then either the Minister or the General Council may request the Court of Queen's Bench to name a person as Appeal Tribunal chairman until the General Council submits a nominee that the Minister appoints.

(2) If a request has been made to the Court of Queen's Bench, the Minister and General Council must each submit to the Court a list of persons that the Court could name as Appeal Tribunal chairman and any information and material that the Court requires to name a chairman.

Appeal Tribunal  
chairman

**182(1)** The Appeal Tribunal chairman has the power to act on behalf of the Tribunal in respect of anything relating to its administrative affairs, subject to any direction or decision that is made by the Tribunal.

(2) The Appeal Tribunal chairman may delegate any power, duty or function conferred or imposed on the chairman to a vice-chairman, but the chairman retains authority to exercise or perform the power, duty or function.

(3) If the Appeal Tribunal chairman does not preside at a meeting or proceeding of the Tribunal, the chairman must designate a vice-chairman to do so.

(4) The Appeal Tribunal chairman may resign by giving written notice to the Minister and the General Council.

Terms of office  
and vacancies

**183(1)** A person appointed to the Appeal Tribunal holds office for 4 years and may be reappointed, but may be removed before the term expires by agreement between the Minister and the General Council.

(2) A person appointed to the Appeal Tribunal other than the Appeal Tribunal chairman may resign by giving written notice to the chairman.

(3) If a vacancy occurs in the membership of the Appeal Tribunal, it must be filled in the same way as the position was last filled, unless the requirements of section 180(2) are met.

Panels of the  
Tribunal

**184(1)** The Appeal Tribunal chairman may designate any 3 or more members of the Tribunal to sit as a panel of the Tribunal to

exercise any jurisdiction that the Tribunal may exercise and may cancel the designation of a person as a member of the panel.

(2) When the Appeal Tribunal is required to make a decision on a matter in which the primary issue is settlement membership, a panel designated to hear the matter must include a person appointed to the Tribunal by the General Council, but the majority of the panel must be composed of persons appointed to the Tribunal by the Minister.

(3) When the Appeal Tribunal is required to make a decision on a matter in which the primary issue is the allocation of land, the majority of a panel designated to hear the matter must be composed of persons appointed to the Tribunal by the General Council.

(4) If there is doubt over whether a matter is primarily concerned with land or membership, the Appeal Tribunal chairman must determine the composition of the panel and the chairman's decision is final.

Jurisdiction of  
panels

**185(1)** A panel of the Appeal Tribunal may exercise and perform all the powers and duties of the Tribunal and a reference to the Tribunal in this Act or any other enactment is also a reference to a panel of the Tribunal.

(2) Two or more panels of the Appeal Tribunal may meet simultaneously or at different times.

## **Division 2**

### **Metis Settlements Appeal Tribunal Land Access Panels**

Land Access  
Panel

**186(1)** The Metis Settlements Appeal Tribunal Land Access Panel is established.

(2) The Land Access Panel consists of at least 3 members of the Appeal Tribunal appointed to the Panel by the Appeal Tribunal chairman with the concurrence of the Minister and the General Council.

(3) The Land Access Panel is a panel of the Appeal Tribunal.

(4) A member of the Land Access Panel may be removed from the Panel only by the Appeal Tribunal chairman with the concurrence of the Minister and the General Council.

Existing Leases  
Land Access  
Panel

**187(1)** The Metis Settlements Appeal Tribunal Existing Leases Land Access Panel is established.

(2) The Existing Leases Land Access Panel consists of 5 persons appointed as follows:

(a) a chairman appointed by agreement of the Minister of Energy and the General Council who, on appointment, becomes a vice-chairman of the Appeal Tribunal;

(b) 2 persons appointed by the General Council;

(c) one person appointed by agreement of the Canadian Petroleum Association, the Independent Petroleum Association of Canada and the Canadian Association of Petroleum Landmen;

(d) one person appointed by the Minister of Energy.

(3) If an appointment is not made under subsection (2), the remaining appointees constitute the Panel.

(4) The Existing Leases Land Access Panel is a panel of the Appeal Tribunal and its members are members of the Appeal Tribunal, but

(a) a member of the Existing Leases Land Access Panel may not sit on other panels of the Appeal Tribunal unless the person is also appointed to the Appeal Tribunal under section 180;

(b) members of the Existing Leases Land Access Panel are appointed for such term of office as the person appointing them specifies, but can be reappointed;

(c) the person appointing the panel member may terminate the appointment;

(d) panel members may resign by giving written notice to the Existing Leases Land Access Panel chairman, and the Existing Leases Land Access Panel chairman may resign by giving written notice to the Appeal Tribunal chairman.

### **Division 3 Jurisdiction**

Alternative  
methods of  
dispute  
resolution

**188(1)** The Appeal Tribunal may establish or provide for the establishment of any means of dispute resolution that it considers appropriate, including mediation, conciliation and arbitration processes.

(2) A dispute in respect of which a person has a right of appeal to the Appeal Tribunal under this or any other enactment, a regulation, General Council Policy or a by-law may not be diverted

to another dispute resolution process without the consent of the appellant or the parties concerned.

(3) The Appeal Tribunal may agree to act as an arbitrator under the *Arbitration Act* or to appoint an arbitrator.

Responsibilities

**189(1) The Appeal Tribunal**

(a) must hear appeals and references and perform any function given to it under this Act or any other enactment;

(b) must hear appeals and references and perform any other function given to it or required to be performed by it under the regulations, by-laws or General Council Policies;

(c) may perform other functions given to it;

(d) may decide differences or disputes between 2 or more settlement members or between settlement members and persons who are not members if

(i) all the parties involved in the difference or dispute agree in writing that the Tribunal should decide the matter, and

(ii) the settlement council of the settlement area in which the difference or dispute arises agrees in writing that the Tribunal should decide the matter;

(e) may decide differences or disputes between 2 or more settlements if the settlements agree in writing that the Tribunal should decide the matter;

(f) may decide differences or disputes between a settlement and one or more settlement members or persons who are not members if all the parties involved in the difference or dispute agree in writing that the Tribunal should decide the matter;

(g) may decide differences or disputes between the General Council and any one or more settlements or other persons if all the parties involved in the difference or dispute agree in writing that the Tribunal should decide the matter;

(h) may make an advance ruling on a matter referred to it by 2 or more persons, whether or not a difference or dispute has arisen over the matter.

(2) With respect to a matter referred to it under subsection (1)(c) to (h), the Appeal Tribunal may

(a) take no action on the matter and notify the parties accordingly;



(b) appoint a person to inquire into the matter and make a report, or endeavour to effect an agreement or resolution of the matter;

(c) hold a hearing or decide the matter on the basis of written submissions if the parties agree.

Decisions

**190(1)** The Appeal Tribunal may, in respect of any matter before it,

(a) require, conduct or supervise votes by secret ballot or at a public meeting and make rules for the conduct of the meeting and the vote;

(b) require a transcript of proceedings to be made;

(c) look at anything necessary in order to make a decision;

(d) confirm a mediated or other agreement reached between 2 or more persons in dispute in the form of a decision of the Tribunal;

(e) issue a decision in the form of an order, direction, award or other suitable manner;

(f) make a decision granting the whole or part of the application, reference, matter or appeal before it or grant any further or other relief in addition to or in substitution for it that seems appropriate to the Tribunal;

(g) rehear a matter before making a decision about it;

(h) on receipt of further relevant evidence, and after notice to the persons affected, review, rescind, amend or replace a decision made by it;

(i) amend, make or repeal a settlement by-law to conform with General Council Policy, a regulation or this or another enactment, or to remove an inconsistency or conflict with General Council Policy;

(j) make any decisions that the settlement council could have made;

(k) confirm the settlement council's decision, with or without changes;

(l) reverse the settlement council's decision;

(m) refer a matter back to the settlement council, with or without suggestions or recommendations;

	<p>(n) direct the Registrar of the Metis Settlements Land Registry to correct errors, omissions and discrepancies in the Registry;</p> <p>(o) provide any remedy that, in all the circumstances, fairness requires.</p> <p>(2) If the Appeal Tribunal refers a matter back to a settlement council, the subsequent decision of the council may be appealed to the Tribunal by the applicant.</p> <p>(3) The Appeal Tribunal may, if special circumstances so require, make an interim ex parte decision authorizing, requiring or prohibiting anything that the Tribunal would be empowered on application, notice or hearing to authorize, require or prohibit, but the decision must not be made for any longer time than the Tribunal considers necessary to enable the matter to be heard and determined.</p> <p>(4) The Appeal Tribunal must send copies of all its decisions to</p> <p>(a) the Minister unless the Minister directs otherwise, and</p> <p>(b) all persons that the Tribunal considers affected by the decision.</p>
Costs	<p><b>191</b>(1) The costs of and incidental to proceedings before the Appeal Tribunal are in the discretion of the Tribunal.</p> <p>(2) The Appeal Tribunal may order by whom and to whom any costs are to be paid, and by whom they are to be determined and allowed.</p> <p>(3) The Appeal Tribunal may, with the approval of the Minister, prescribe the fees to be paid by settlements or persons interested in the matters that come before the Tribunal, as a condition of commencing proceedings.</p>
Considerations when making decision	<p><b>192</b> Decisions of the Appeal Tribunal must be consistent with this Act and any other enactment, General Council Policies and valid settlement by-laws.</p>
How decisions are made	<p><b>193</b>(1) A decision of</p> <p>(a) a majority of the members of the Appeal Tribunal, or</p> <p>(b) a majority of a panel of the Tribunal,</p> <p>is the decision of the Appeal Tribunal.</p>

(2) If there is no majority decision of the Appeal Tribunal, the decision of the Tribunal chairman or vice-chairman, as the case may be, is the decision of the Tribunal.

#### **Division 4 Procedural Matters**

Commissioner for oaths	<b>194</b> The Appeal Tribunal chairman and vice-chairmen are commissioners for oaths while acting in their official capacities.
Rules of procedure	<b>195</b> The Appeal Tribunal may make rules of procedure for the conduct of its business.
Rules of evidence not to apply	<b>196</b> The Appeal Tribunal <ul style="list-style-type: none"><li>(a) is not bound by the rules of evidence applicable to judicial proceedings, and</li><li>(b) may accept any oral, written or other evidence that it considers proper, whether admissible in a court of law or not.</li></ul>
Notice to attend or produce	<b>197</b> (1) When in the opinion of the Appeal Tribunal, the Tribunal chairman or a vice-chairman <ul style="list-style-type: none"><li>(a) the attendance of a person is required or the attendance of a person to produce a document or other thing is required, or</li><li>(b) the production of a document or other thing is required,</li></ul> the Tribunal, Tribunal chairman or vice-chairman may cause to be served on the person concerned a notice to attend or a notice to attend and produce a document or other thing, as the case may be, signed by the Tribunal chairman or vice-chairman. <p>(2) If a person fails or refuses to comply with</p> <ul style="list-style-type: none"><li>(a) a notice to attend, or</li><li>(b) a notice to attend and produce a document or other thing,</li></ul> a judge of the Court of Queen's Bench, on application of the Appeal Tribunal or the Tribunal chairman or vice-chairman, may issue a warrant requiring the attendance of the person or the attendance of the person to produce the document or other thing.
Protection of witnesses	<b>198</b> A witness may be examined under oath on anything relevant to a matter before the Appeal Tribunal and must not be excused from answering any question on the grounds that the answer might tend to

- (a) incriminate him,
- (b) subject him to punishment under this or any other Act, or
- (c) establish his liability
  - (i) to a civil proceeding at the instance of the Crown in right of Alberta or of any other person, or
  - (ii) to prosecution under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it must not be used or received against him in any civil proceedings or in any other proceedings under this or any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

Technical  
irregularities

**199** No proceeding or decision of the Appeal Tribunal is invalid because of

- (a) a defect of form,
- (b) a technical irregularity, or
- (c) informality, if there has been substantial compliance with the requirements of this Act.

## Division 5 Decisions

Written  
decisions

**200(1)** Decisions of the Appeal Tribunal must be issued in writing and signed by the Appeal Tribunal chairman or vice-chairman or by the secretary of the Tribunal acting on the chairman's or vice-chairman's behalf.

(2) The Appeal Tribunal

(a) must give reasons for its decision if a party to proceedings before the Tribunal requests before, or within 14 days after, the date of its decision, or

(b) may give reasons if no request has been made for reasons.

(3) A decision purporting to be signed by the Appeal Tribunal chairman, a vice-chairman or the secretary on behalf of the chairman or vice-chairman is admissible in evidence as prima facie proof

(a) of the decision and its contents, and

(b) that the person signing it was authorized to do so,

without proof of the appointment or signature of the chairman, vice-chairman or secretary.

(4) A copy of a decision having endorsed on it a certificate purporting to be signed by the secretary of the Appeal Tribunal, stating that the copy is a true copy, is admissible in evidence as prima facie proof of the decision and its contents without proof of the appointment or signature of the secretary.

Directions  
about when  
orders come  
into force

**201(1)** The Appeal Tribunal may direct in any decision that the decision or any provision of it comes into force

(a) at a future fixed time,

(b) on the happening of a contingency, event or condition specified in the decision, or

(c) on the performance of conditions to the satisfaction of the Tribunal or a person named by it.

(2) The Appeal Tribunal may direct that the whole or any provision of a decision have effect for a limited time or until the happening of a specific event.

(3) The Appeal Tribunal may, instead of making a decision final in the first instance, make an interim order and reserve further jurisdiction, either for an adjourned hearing of the matter or for further application.

Time extensions

**202** When a matter before the Appeal Tribunal is, by this Act or any other enactment or by any rule or decision of the Tribunal, required to be done within a specified time and if the circumstances of the case in its opinion so require, the Tribunal may, with or without notice, extend the time so specified or waive the requirement whether or not the time has expired.

Registration in  
Metis  
Settlements  
Land Registry

**203(1)** A certified copy of an Appeal Tribunal decision for payment of money, costs, expenses or penalty may be registered in the Metis Settlements Land Registry against the instrument held by the person required to pay the money.

(2) When registered under subsection (1), the decision constitutes a lien on any improvements on the land or interest in the improvements held by the person required to pay the money.

## Division 6 Appeals to the Court of Appeal

Appeals to the  
Court of Appeal

**204**(1) An appeal from a decision of the Appeal Tribunal on a question of law or a question of jurisdiction lies to the Court of Appeal after leave to appeal has been obtained.

(2) Application for leave to appeal to the Court of Appeal must be made to a judge of the Court of Appeal within 45 days after the issue of the decision sought to be appealed or within any further time that the judge, in special circumstances, permits.

(3) Notice of the application for leave to appeal must be given to the Appeal Tribunal and to any other person the judge directs.

Decision about  
the leave  
application

**205** The judge may

- (a) grant leave to appeal,
- (b) direct which persons or other bodies must be named as respondents to the appeal,
- (c) specify the questions of law or the questions of jurisdiction to be appealed, and
- (d) make an order about the costs of the application.

Appeal Tribunal  
to be named as  
respondent

**206**(1) The Appeal Tribunal must be named

- (a) as a respondent to the application for leave to appeal, and
- (b) as a respondent to the appeal if leave to appeal is granted.

(2) The Appeal Tribunal is entitled to be represented by counsel at an application for leave to appeal and at the appeal itself.

Decision of the  
Court of Appeal

**207** At the hearing before the Court of Appeal

(a) no evidence other than the evidence that was submitted to the Appeal Tribunal may be admitted by the Court without special leave to do so, but the Court may draw any inferences

(i) that are not inconsistent with the facts expressly found by the Appeal Tribunal, and

(ii) that are necessary for determining the question of law or the question of jurisdiction,

and

(b) the Court may confirm, vary, or reverse a decision of the Appeal Tribunal or refer the matter back to the Tribunal with directions.

Finality of  
Appeal Tribunal  
decisions

**208** Except as otherwise provided,

(a) every decision of the Appeal Tribunal is final, and

(b) no decision of the Appeal Tribunal may be questioned, reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in a court.

Enforcement of  
decisions

**209(1)** Appeal Tribunal decisions may, by leave of the Court of Queen's Bench, be enforced in the same manner as a judgment or order of the Court to the same effect.

(2) The Court of Queen's Bench may

(a) direct that judgment may be entered, or

(b) make orders

in the terms of the decision.

(3) The Court of Queen's Bench may make such orders as are necessary to give effect to the decision and to a judgment under subsection (2).

## **Division 7 Staff and Resources**

Employees

**210** In accordance with the *Public Service Act*, there must be appointed a secretary and such other employees or advisers as the Appeal Tribunal requires.

Report

**211(1)** On or before March 31 in each year, the Appeal Tribunal must give to the Minister and the General Council a report for the year ending on the preceding December 31, showing

(a) the nature of its activities;

(b) the general manner in which it dealt with matters coming before it;

(c) any other matter that the Minister directs.

(2) The Minister must table the Appeal Tribunal's report in the Legislative Assembly if it is then sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.

Immunity	<p><b>212(1)</b> The members and the secretary of the Appeal Tribunal and anyone acting on behalf of the Tribunal are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power of the Tribunal or under this Act or any other enactment.</p> <p>(2) No member of the Appeal Tribunal and no employee or person acting on behalf of the Tribunal can be required to give evidence in a civil action to which the Tribunal is not a party about anything obtained by him or her in the course of his or her work on behalf of the Tribunal.</p>
Appeal Tribunal funding	<p><b>213(1)</b> The Appeal Tribunal chairman and other members of the Tribunal are to be paid remuneration and travelling and living expenses while away from their ordinary places of residence in the course of their duties at a rate prescribed by the Minister.</p> <p>(2) The Appeal Tribunal must estimate and provide to the Minister the expenditures to be incurred by the Tribunal and its members for each financial year.</p> <p>(3) Expenditures related to the Appeal Tribunal, its members and employees must be paid from money appropriated by the Legislature, but if the appropriation is insufficient, the expenditures must be paid from the General Revenue Fund.</p>

## PART 8

### METIS SETTLEMENTS GENERAL COUNCIL

#### Division 1 Establishment

Corporation established	<p><b>214(1)</b> The Metis Settlements General Council is established as a corporation.</p> <p>(2) The General Council consists of the councillors of all the settlement councils and the officers of the General Council.</p>
Corporate powers	<p><b>215</b> Subject to this Act, the General Council has the rights, powers and privileges of a natural person.</p>
Officers of General Council	<p><b>216(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 must be elected by the settlement councils, each of which has one vote, from settlement members who are not councillors.</p>



	<p>(3) The officers of the General Council may attend and participate in meetings of the General Council but have no vote.</p>
Internal management	<p><b>217(1)</b> The General Council may make rules respecting its internal management and affairs including</p> <ul style="list-style-type: none"> <li>(a) the calling of, conduct of, and procedure at its meetings;</li> <li>(b) the election of officers of the General Council, their eligibility, term of office, disqualification and related matters;</li> <li>(c) the process and procedure for passing resolutions, including public notice and consultation with settlement members before passing a resolution.</li> </ul> <p>(2) The General Council must name a place in Alberta as its permanent office and publish that information in The Alberta Gazette.</p>
Executive committee	<p><b>218</b> The General Council may establish an executive committee and delegate to it any of the General Council's powers, duties or functions, except the power to make General Council Policies.</p>
<p><b>Division 2</b> <b>Making Decisions</b></p>	
Decisions made by resolution	<p><b>219(1)</b> The General Council can make decisions only by</p> <ul style="list-style-type: none"> <li>(a) a unanimous resolution, being a resolution approved by all 8 settlement councils,</li> <li>(b) a special resolution, being a resolution approved by at least 6 settlement councils, or</li> <li>(c) an ordinary resolution, being a resolution approved by at least 5 settlement councils.</li> </ul> <p>(2) General Council Policies must be approved by a unanimous resolution or a special resolution.</p> <p>(3) All other decisions of the General Council can be approved by an ordinary resolution, unless a General Council Policy requires another form of approval.</p>
Voting	<p><b>220</b> Each settlement council present at a General Council meeting has one vote in respect of each resolution to be voted on at the meeting.</p>

Resolutions  
must be passed  
at meetings

**221** Every resolution of the General Council must be passed at a regular or special meeting of the General Council.

Unanimous  
General Council  
Policies

**222(1)** The General Council, after consultation with the Minister, may make, amend or repeal General Council Policies

(a) respecting the prohibition or the regulation and control of the sale, lease or other disposition of timber in settlement areas;

(b) respecting the co-management of the subsurface resources of settlement areas and the distribution of the proceeds from exploration for, and development of, those resources;

(c) respecting the means by which any right or interest in patented land 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, use or disposal;

(d) respecting a financial allocation policy for the settlements, which may include a requisition on settlements to fund the General Council;

(e) respecting whether and, if so, under what conditions the General Council may

(i) engage in commercial activities,

(ii) make investments other than those described in Schedule 2,

(iii) lend money,

(iv) make grants of money,

(v) guarantee the repayment of a loan by a lender to someone other than the settlement, or

(vi) guarantee the payment of interest on a loan by a lender to someone other than the settlement;

(f) authorizing a settlement council to engage in some or all of the activities described in section 3(2);

(g) respecting the consent of the General Council under section 7 of the *Metis Settlements Land Protection Act*, and any terms and conditions that must be met before consent is given;

- (h) providing for a levy to be imposed by settlement by-law on the General Council in such form and manner as the Policy provides;
- (i) respecting the assessment or taxation, or both, of land, interests in land or improvements on land, in the settlement area, including rights to occupy, possess or use land in the settlement area;
- (j) permitting settlement by-laws to be made respecting the assessment and taxation of the fee simple or any lesser interest in patented land held by the General Council;
- (k) respecting the means by which the General Council may maintain, create, terminate and grant rights and interests in patented land;
- (l) respecting the allocation of patented land;
- (m) respecting the issuance of rights or interests in patented land and the reservations, exceptions, conditions or limitations in respect of the issuance of the rights or interests;
- (n) respecting the rescinding or termination of rights or interests in patented land;
- (o) respecting the eligibility of persons to be allocated rights or interests in patented land;
- (p) respecting appeals relating to the allocation of rights or interests in patented land;
- (q) respecting the circumstances under which an allocation can be refused;
- (r) respecting the disposition of rights or interests in allocated patented land;
- (s) respecting the disposition of rights or interests in patented land that are not allocated;
- (t) governing the location of utilities and public rights of way in a proposed subdivision and the minimum width and the maximum gradient of public rights of way;
- (u) respecting the devolution of estates and interests in patented land held by a settlement member on the death of the member whether the member dies testate or intestate;
- (v) providing that one or more of the *Administration of Estates Act*, the *Devolution of Real Property Act* and the *Wills Act* do

not apply to specified interests in patented land that are held by settlement members;

(w) describing the persons who are permitted to reside in settlement areas in addition to the persons described in section 92;

(x) respecting the entities in which a settlement or the General Council may establish accounts in addition to those permitted by this Act.

(2) General Council Policies under subsection (1) or an amendment or repeal of them

(a) must be approved by all 8 settlement councils, and

(b) are subject to a veto by the Minister under section 224.

(3) A General Council Policy described in subsection (1) can be made, amended or repealed in accordance with section 223(2) if all the settlement councils agree that the policy is to be passed, and subsequently made, amended or repealed, in accordance with section 223(2).

Special  
resolution  
General Council  
Policies

**223(1)** The General Council, after consultation with the Minister, may make, amend or repeal General Council Policies

(a) respecting membership in settlements;

(b) respecting the taking of a census of settlement members or the population of settlement areas;

(c) respecting the notice required and procedures for General Council meetings or public or special meetings called by the General Council;

(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;

(e) providing for planning, land use and development of settlement areas, including the prohibition or regulation and control of the use and development of land and buildings;

(f) 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;

(g) respecting the right of non-settlement members to reside in a settlement area and the duties associated with being a resident;

(h) respecting those matters that may, by this Act or any other enactment, be subject to a General Council Policy;

(i) respecting such other matters as are considered by the General Council to be for the benefit of the settlements or settlement members.

(2) General Council Policies under subsection (1) or an amendment or repeal of them

(a) must be approved by at least 6 settlement councils, and

(b) are subject to a veto by the Minister under section 224.

(3) A General Council Policy described in subsection (1) can be made, amended or repealed in accordance with section 222(2) if all the settlements agree that the policy is to be passed, and subsequently made, amended or repealed, in accordance with section 222(2).

**Ministerial veto** **224(1)** General Council Policies made under section 222 or 223 or an amendment or repeal of those Policies must be sent to the Minister and come into effect 90 days after they are received by the Minister, or any longer period to which the General Council agrees, 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 or any portion of it by notice in writing to the President of the General Council.

(2) A General Council Policy or any portion of it that is vetoed by the Minister has no effect.

(3) A copy of an order or notice under subsection (1) must be sent to each settlement council.

**Policies not subject to veto** **225** The Minister may, in accordance with section 239, 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 come into effect when they are approved by resolution, or on any later date specified in the Policy.

**General Council Policies subject to approval** **226(1)** 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).

(2) Notwithstanding this Act or any other enactment, the General Council may make a Policy in respect of all or any of the following:

- (a) the prohibition or regulation and control of hunting, killing or taking of wildlife on settlement areas;
- (b) the prohibition or regulation and control of trapping on settlement areas;
- (c) the prohibition or regulation and control of gathering of wild plants on settlement areas;
- (d) subject to any Act of the Parliament of Canada, the prohibition or regulation and control of fishing in settlement areas.

(3) General Council Policies under subsection (2) or an amendment or repeal of them must be approved by all 8 settlement councils and are of no effect unless they are approved by the Lieutenant Governor in Council, which approval may apply to all or any provision of the Policy.

(4) The Lieutenant Governor in Council may,

- (a) to protect rare or endangered species, and
- (b) after consultation between the Minister and the General Council,

rescind all or any aspect of an approval given under subsection (3) and if that occurs the General Council Policy, or the applicable provision of it, is repealed.

(5) If there is a conflict between a General Council Policy approved under this section and this Act or any other enactment, the Policy prevails.

(6) Copies of orders made by the Lieutenant Governor in Council under this section must

- (a) be sent to all the settlement councils and the General Council, and
- (b) be published in The Alberta Gazette.

Effect of  
Policies

**227(1)** A General Council Policy is binding on the General Council and every settlement.

(2) No settlement council can pass a by-law or take any action or authorize or undertake any development or activity that is inconsistent with a General Council Policy.

Model by-laws

**228(1)** A General Council Policy may contain a model by-law that applies to the one or more settlement areas specified as if it were made by the settlement council until the settlement council amends or repeals it.

(2) When a model by-law is included in a General Council Policy, the by-law may include anything that a settlement council could include if the council were making the by-law.

Ministerial  
power to make  
Policies

**229(1)** At the request of the General Council, the Minister may make a regulation respecting anything on which a General Council Policy can be made.

(2) The General Council may amend or repeal a regulation made under subsection (1).

Policies and  
provincial law

**230** General Council Policies that are inconsistent with this or any other enactment are of no effect to the extent of the inconsistency unless this or any other enactment otherwise provides.

Publication of  
Policies

**231** The General Council must publish every General Council Policy and every amendment to or repeal of a General Council Policy in The Alberta Gazette.

Co-operation  
with the  
General Council

**232** The Minister may assist, advise, consult with and enter into agreements with the General Council.

## PART 9

### GENERAL PROVISIONS

Notice

**233(1)** When this Act or the regulations, resolutions or by-laws require a public notice to be given, the notice is properly given if it is posted in the settlement office and is also

(a) published at least once in a newspaper having general circulation in the settlement area, or

(b) posted in at least 4 other widely separated and conspicuous places in the settlement area.

(2) When this Act or the regulations, resolutions or by-laws require a document or notice, other than a public notice, to be sent

or given, the document or notice may be served personally or sent by mail.

(3) A settlement council may prescribe more ways in which a public notice, document or other notice may be given or sent, either generally or for a specific public notice, document or other notice.

Rules about  
residence

**234**(1) The place or residence of a person under this Act is governed by the following rules:

(a) if a settlement member is on an authorized leave of absence described in section 85, the member is a resident of the settlement area for all purposes, except as otherwise provided by by-law;

(b) if clause (a) does not apply, residence is decided by applying whichever of the following rules is applicable, unless the matter is governed by a settlement by-law:

(i) the residence of a person is the true, fixed permanent home or lodging place to which, when the person is absent, he or she has the intention of returning;

(ii) a person does not lose residence by leaving home for a temporary purpose;

(iii) if a person leaves the settlement with the intention of making a permanent residence elsewhere, that person loses residence in the settlement area;

(iv) the place where a person's immediate family resides is to be considered that person's residence unless the person's home is somewhere else and that person intends to remain in that other place;

(v) the residence of a single person is the place where he or she occupies a room as a regular lodger, or to which he or she habitually returns not having any other permanent lodging place.

(2) Unless a settlement by-law otherwise provides, if a settlement member has a residence in both a settlement area and outside the settlement area, he or she must decide on one residence for the purpose of this Act.

Delegation

**235**(1) The Minister may authorize a person to exercise or perform the powers or duties the Minister has under this Act, with or without conditions, and the power or duty may then be exercised or performed by that person in addition to the Minister.



(2) Subsection (1) does not apply to the Minister's regulation-making power.

Corporations  
legislation not  
to apply

**236** The *Business Corporations Act* and the *Companies Act* do not apply to

- (a) the settlements or their activities;
- (b) the General Council or its activities.

No  
compensation

**237** No person is entitled to compensation by reason only of the adoption of or the contents of a General Council Policy or a settlement by-law respecting planning, land use or development control.

## PART 10

### REGULATIONS

Regulations  
generally

**238** A regulation made under this Act

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

Consultation  
with General  
Council on  
regulations

**239(1)** A regulation to be made in accordance with this section may be made, amended or repealed only if the General Council requests the Minister to make the regulation.

(2) The Minister may make, amend or repeal a regulation without a request under subsection (1) if the regulation, amendment or repeal is required to protect the public interest.

(3) Before making, amending or repealing a regulation under subsection (1) or (2), the Minister must

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

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

Consultation  
with settlement  
councils on  
regulations

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

(2) The Minister may make, amend or repeal a regulation without a request under subsection (1) if the regulation, amendment or repeal is required to protect the public interest.

(3) Before making, amending or repealing a regulation under subsection (1) or (2), the Minister must

(a) send a copy of the proposed regulation to each settlement council affected by it and to the General Council requesting their comments, and

(b) give due consideration to written suggestions about the regulation that are received from a settlement council or the General Council within 45 days of the notice.

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

Public interest

**241** For the purposes of sections 239 and 240, 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 for  
difficulties

**242** The Minister may, in accordance with section 239, make regulations despite this or any other enactment

(a) to resolve questions or difficulties resulting from the application of this Act or the application of any other enactment to settlement councils, settlement areas, settlements or the General Council;

(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.

## PART 11

### COURT PROCEEDINGS

Offences and  
penalties

**243(1)** A person who

- (a) contravenes any provision of this Act or the regulations;
- (b) contravenes a notice under section 68;
- (c) contravenes a permit, licence, approval or other authorization, or a condition of any of them;
- (d) obstructs or hinders any person in the exercise or performance of that person's powers or duties under this Act, the regulations or a settlement by-law,

is guilty of an offence and liable on summary conviction to a fine of not more than \$2500.

(2) A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

Order for  
compliance

**244** If a person is found guilty of an offence under section 243, the court may, in addition to any other penalty imposed, order the person to comply with this Act, the regulations, a settlement by-law, a notice under section 68, or a licence, approval or other authorization or a condition of it.

Application to  
quash illegal  
by-laws

**245(1)** The Minister, the General Council or a settlement member may apply to the Court of Queen's Bench to quash a settlement by-law or resolution in whole or in part for illegality.

(2) The application must be made within 2 months of the coming into force of the by-law or resolution.

(3) The Court may make whatever order it considers appropriate in the circumstances.

Penalties on  
officials

**246** A settlement administrator or employee of the settlement

- (a) who refuses, neglects or fails to discharge the duties of the office,
- (b) who knowingly signs any statement, report or return required by this Act, the regulations, a settlement by-law or any other enactment, that contains a false statement, or

(c) who refuses or neglects to hand over to a successor in office, or to the persons designated in writing by the settlement council or the Minister, all money, books, papers and other property of the settlement,

in addition to any civil liability incurred, is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.

## PART 12

### TRANSITIONAL PROVISIONS

#### Division 1

#### Transitional Regulations, General Council Policies and By-laws

First regulations  
and General  
Council Policies

**247(1)** *The regulations and General Council Policies tabled in the Legislative Assembly by the Minister prior to the passage of this Act*

*(a) are enacted as the first regulations and General Council Policies under this Act,*

*(b) are deemed to have met all the requirements for their enactment,*

*(c) come into force when this section comes into force, and*

*(d) may be amended, added to or repealed in accordance with this Act.*

*(2) When this section comes into force, the General Council Policies must be published in The Alberta Gazette.*

Transitional  
regulations

**248(1)** *The Minister may, despite anything in this Act, make regulations governing the first annual election of councillors under this Act including the date of the election, the eligibility of candidates, who may vote for them, their term of office, the procedure before, during and after the election and for any difficulty arising by the application of the Local Authorities Election Act.*

*(2) The Minister may, after consultation with the General Council, and despite anything in this Act, the regulations or General Council Policies make regulations*

*(a) respecting the transition from the former Act to this Act;*

*(b) to resolve questions, difficulties or impossibilities resulting from this Act;*

*(c) altering, varying or prescribing dates or times, whether or not a period of time for doing anything has expired;*

*(d) if a census has not been taken in respect of a settlement area, establishing the population of the settlement area;*

*(e) to better provide for the general intent of this Act and the Metis Settlements Accord Implementation Act.*

*(3) A regulation made under subsection (2) expires on the last day of the session of the Legislative Assembly that immediately follows the making of the regulation.*

*(4) Subsections (2) and (3) and this subsection and regulations made under subsection (2) are repealed on June 30, 1993.*

Consultation on  
by-laws

**249(1)** *For the 3 years after this section comes into force*

*(a) no settlement by-law can be passed unless the by-law is prepared in consultation with the Minister, and*

*(b) no settlement by-law is effective unless it is approved in writing by the Minister.*

*(2) The Minister may, in accordance with section 240, make regulations specifying the subject-matter of by-laws that the Minister does not need to be consulted about and approve, in which case subsection (1) does not apply to the settlement named or the subject-matter specified in the regulation.*

*(3) This section is repealed 3 years after it comes into force.*

Transitional  
Ministerial  
authority

**250(1)** *For the 3 years after this section comes into force the Minister may, in accordance with section 240, by regulation, make by-laws with respect to any one or more of the settlement areas on all or any of the matters on which a settlement council may make by-laws.*

*(2) A settlement council may amend or repeal a by-law made by the Minister under subsection (1).*

*(3) This section is repealed 3 years after it comes into force, but a by-law enacted under subsection (1) continues in effect until it is repealed by the Minister or the settlement council amends or repeals it.*

*(4) Where the settlement council amends a by-law enacted under subsection (1), any portion that is not amended continues in effect until the settlement council amends or repeals it.*

**Division 2  
Interim Councillors, Interim Officers  
of the General Council and Existing  
Authorizations and Orders**

Interim  
councillors

**251(1)** *As soon as reasonably possible after this section comes into force, the Minister must appoint, for each settlement council, 5 persons as interim councillors.*

*(2) The interim councillors of each settlement council*

*(a) constitute the settlement council for the settlement in respect of which they are appointed,*

*(b) are councillors for all purposes, and*

*(c) must hold an organizational meeting within 14 days of their appointment and appoint a settlement chairman at that meeting.*

*(3) The interim councillors hold office*

*(a) for 6 months, or*

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

*whichever comes first.*

*(4) The settlements are not Provincial corporations under the Financial Administration Act or the Auditor General Act.*

Interim officers  
of General  
Council

**252(1)** *As soon as reasonably possible after this section comes into force, the Minister must appoint the first officers of the General Council, who hold office until officers are elected under subsection (2).*

*(2) As soon as reasonably possible after this section comes into force, the settlement councils must elect the officers of the General Council in accordance with section 216.*

*(3) The officers elected under subsection (2) hold office*

*(a) for 9 months, or*

*(b) until their successors are elected under subsection (4),*

*whichever comes first.*

*(4) The settlement councils must elect the officers of the General Council within 60 days of the completion of all the first annual elections for councillors.*

*(5) The General Council is not a Provincial corporation under the Financial Administration Act or the Auditor General Act.*

Authorizations  
continued

**253** *A permit, lease, licence or other authorization issued under the former Act continues with the same effect under this Act as if it had been issued by a settlement council.*

Orders under  
the Surface  
Rights Act

**254(1)** *Compensation orders and right of entry orders made by the Surface Rights Board under the Surface Rights Act in respect of patented land before this section comes into force are deemed to be equivalent orders made by the Land Access Panel under Part 4 of this Act and continue to have the same effect.*

*(2) In dealing with an order or any renewal, amendment or application with respect to an order referred to in subsection (1), the Land Access Panel has all the authority of the Surface Rights Board under the Surface Rights Act in addition to the authority it has under this Act.*

*(3) The order referred to in subsection (1) ceases to be subject to the jurisdiction of the Surface Rights Board when this section comes into force.*

Amending  
boundaries of  
improvement  
districts

**255** *As soon as reasonably possible after this section comes into force, the Minister of Municipal Affairs must amend the boundaries of those improvement districts in which the settlement areas are located so that the settlement areas cease to be part of the geographic area of the improvement districts.*

### **Division 3 Interim Membership, and Time and Applications Made under the Former Act**

Interim  
membership

**256** *A person who is, when this section comes into force, a member of a settlement association under the former Act, is a member of the corresponding settlement until such time as membership is determined in accordance with regulations made under section 257.*

Interim  
membership  
regulation

**257** *The Minister may, in accordance with section 239, make regulations*

*(a) respecting the means by which persons are determined to be settlement members and if a dispute arises, the means of resolving the dispute;*

*(b) governing the transitional arrangements applying to persons until they become settlement members under this Act or their membership status is otherwise settled;*

	<i>(c) governing such other matters respecting settlement membership as is considered necessary.</i>
Counting time under the former Act	<p><b>258</b> <i>When eligibility to vote at an election or on a by-law, or to be a candidate in an election, depends on a period of time, the settlement member can, for the purposes of determining eligibility,</i></p> <p><i>(a) count any applicable period he or she was a member of a settlement association under the former Act, and</i></p> <p><i>(b) count his or her residence in the settlement area immediately before the coming into force of the relevant section.</i></p>
Former applications	<p><b>259</b> <i>An application for membership, land or any other thing that has been made but not decided under the former Act must, after the coming into force of this section, be resubmitted and dealt with under this Act.</i></p>
Deferral of applications	<p><b>260(1)</b> <i>A settlement council may, by by-law, decide to defer or to refuse to consider all or certain kinds of applications for settlement membership until the review of its members in accordance with the regulations under section 257 is complete.</i></p> <p><i>(2) There is no appeal from a decision of a settlement council made in accordance with a by-law passed under subsection (1).</i></p> <p><i>(3) This section applies despite anything contained in this Act.</i></p> <p><i>(4) This section and any settlement by-law passed under it is repealed 2 years after this section comes into force.</i></p>
Former certificates of occupancy and allocations	<p><b>261(1)</b> <i>A certificate of occupancy issued under the former Act must be converted into a certificate of Metis title in accordance with the regulations.</i></p> <p><i>(2) A parcel of land allocated to a member of a settlement association under the former Act for which no certificate of occupancy was issued continues to be allocated to the person under this Act until</i></p> <p><i>(a) the person is determined not to be a settlement member and all rights of appeal are over,</i></p> <p><i>(b) the person is allotted an interest in the parcel in accordance with the regulations and all rights of appeal are over, or</i></p> <p><i>(c) the person's allocation under the former Act is terminated in accordance with the regulations and all rights of appeal are over.</i></p>



*(3) If a person loses a right or interest in land under subsection (2) or the regulations, or if the right or interest is converted into a different right or interest under the regulations, the loss or conversion*

*(a) is not an expropriation, and*

*(b) does not give rise to any common law or equitable right to compensation.*

Conversion  
regulations

**262** *The Minister may make regulations*

*(a) respecting the conversion of rights or interests held by settlement members under the former Act to rights and interests in patented land under this Act;*

*(b) prohibiting the sale, transfer, abandonment or other dealing with interests held under the former Act except for the purpose of converting the rights or interests in accordance with the regulations;*

*(c) extinguishing rights and interests granted under the former Act;*

*(d) providing for rights of appeal with respect to anything provided for in the regulations.*

**Division 4**  
**Transfer of Trust Funds and Accounts**

Metis  
Settlement  
Associations  
Grants  
Administration  
Fund

**263(1)** *Money in the Metis Settlement Associations Grants Administration Fund purportedly established by Treasury Board Minute 143/84 must be paid to the Commissioner for deposit in the Metis Settlements Transition Fund established by the Metis Settlements Accord Implementation Act as soon as practicable, after this section comes into force.*

*(2) The money referred to in subsection (1) is to be held and paid by the Commissioner on the same terms and conditions and for the same purposes as the money was held in the Metis Settlement Associations Grants Administration Fund.*

## Division 5 Election Review

- Election review  
in 1994
- 264** *In 1994 the Minister and the General Council must review and make a report about*
- (a) *the election process, system and legislation for the election of councillors, and*
  - (b) *the election system for officers of the General Council.*

## PART 13

### CONSEQUENTIAL AMENDMENTS, REPEAL AND COMMENCEMENT

#### Division 1 Consequential Amendments

- Amends SA  
1986 cD-25.1
- 265** *The Department of Municipal Affairs Act is amended by repealing section 20.*

- Amends RSA  
1980 cE-16
- 266** *The Expropriation Act is amended by adding the following after section 9 of the Schedule:*

- |     |                                       |  |
|-----|---------------------------------------|--|
| 10. | Metis Settlements Act                 | Right of entry order under Part 4  |
| 11. | Metis Settlements Land Protection Act | Acquisition of an interest less than the fee simple in patented land under section 6 |

- Amends SA  
1987 cF-22.5
- 267** *The Fuel Tax Act is amended*
- (a) *by repealing section 1(1)(aa) and substituting the following:*
    - (aa) “person” includes a partnership and an Indian band;
  - (b) *in section 4(3)(c) by striking out “county” and substituting “county, Metis settlement”;*
  - (c) *in section 5(1)(a)(iii) and (iv) by striking out “county” and substituting “county, Metis settlement”.*

- Amends RSA  
1980 cG-4
- 268** *The Gas Utilities Act is amended in section 1(h) by adding “and includes a Metis settlement” after “municipal district”.*

Amends RSA  
1980 cH-7

**269** *The Highway Traffic Act is amended*

- (a) *in section 1(1) by adding “and includes a Metis settlement” after “municipal district”;*
- (b) *in section 14(1)(a) and (3) by striking out “district or county” and substituting “district, county or Metis settlement”;*
- (c) *in section 15(2) by striking out “council or municipal district” wherever it occurs and substituting “council, municipal district or Metis settlement”;*
- (d) *in section 16(1)(a.1) and (x) by striking out “chief constable or municipal commissioners or municipal manager” and substituting “chief constable, municipal commissioners or municipal manager or, in the case of a Metis settlement, the settlement administrator”;*
- (e) *in section 70(5)(a) by striking out “county or special area” and substituting “county, special area or Metis settlement”;*
- (f) *in section 172(b) by striking out “county or municipal district” wherever it occurs and substituting “county, municipal district or Metis settlement”.*

Amends SA  
1987 cH-11.5

**270** *The Hotel Room Tax Act is amended by repealing section 1(h) and substituting the following:*

- (h) “person” includes a partnership and an Indian band;

Amends RSA  
1980 cH-13

**271** *The Hydro and Electric Energy Act is amended*

- (a) *in section 1(1)*
  - (i) *in clause (h)(i) by striking out “municipal district or county” and substituting “municipal district, county or Metis settlement”;*
  - (ii) *in clause (i) by adding “and includes a Metis settlement” after “county”;*
- (b) *in section 34*
  - (i) *by renumbering it as section 34(1);*
  - (ii) *in subsection (1) by adding “, other than in patented land as defined in the Metis Settlements Act,” after “interest in land”;*
  - (iii) *by adding the following after subsection (1):*

(2) When an operator requires an estate or interest less than the fee simple in patented land as defined in the *Metis Settlements Act* for the purposes of a power plant or transmission line, the estate or interest may be acquired

(a) by negotiation,

(b) under section 6 of the *Metis Settlements Land Protection Act*, in the case of a power plant, or

(c) by proceedings under Part 4 of the *Metis Settlements Act*, in the case of a transmission line.

Amends RSA  
1980 cI-7

**272** *The Interpretation Act is amended in section 25(1) by adding the following after clause (m):*

(m.05) “Metis settlement” means a settlement corporation established under the *Metis Settlements Act* or the geographic area of a settlement corporation, depending on the context in which “Metis settlement” is used;

Amends RSA  
1980 cL-2

**273** *The Land Agents Licensing Act is amended*

(a) *in section 1(b)(ii) by adding the following after paragraph (A):*

(A.1) by a right of entry order under Part 4 of the *Metis Settlements Act*,

(A.2) under section 6 of the *Metis Settlements Land Protection Act*,

(b) *by repealing section 2(b) and substituting the following:*

(b) a person who is a member of a municipal council or Metis settlement council or is employed or engaged by the council and who, for or on behalf of the municipality or Metis settlement, negotiates for or acquires an interest in land within the boundaries of the municipality or Metis settlement;

Amends RSA  
1980 cL-3

**274** *The Land Surface Conservation and Reclamation Act is amended*

(a) *in section 1*

(i) *in clause (i)(i) by striking out “county or municipal district” and substituting “county, municipal district or Metis settlement”;*

(ii) in clause (l) by adding “and includes a Metis settlement” after “special area”;

(b) in section 15

(i) in subsection (2) by adding the following after clause (f):

(g) those members appointed by the Metis Settlements General Council pursuant to subsection (6.1).

(ii) by adding the following after subsection (6):

(6.1) The Metis Settlements General Council incorporated under the *Metis Settlements Act* may appoint one or more of its employees as members of the Council but any member so appointed may act only in reviews under section 58 involving land in a Metis settlement.

(iii) in subsection (7) by striking out “or a regional planning commission” and substituting “, a regional planning commission or the Metis Settlements General Council”;

(iv) in subsection (8) by adding “or the Metis Settlements General Council” after “commission”;

(c) in section 34(e) by striking out “or” at the end of subclause (i), by adding “or” at the end of subclause (ii) and by adding the following after subclause (ii):

(iii) in respect of patented land as defined in the *Metis Settlements Act*, an order granting right of entry under Part 4 of the *Metis Settlements Act*;

(d) in subsection 58(1)(b)

(i) by striking out “or” at the end of subclause (i) and by adding the following after subclause (i):

(i.1) a member appointed by the Metis Settlements General Council, if the land is located within a Metis settlement, or

(ii) in subclause (ii) by adding “or a Metis settlement” after “area”.

Amends RSA  
1980 cM-6

**275** *The Marriage Act is amended by repealing section 29(f).*

Amends RSA  
1980 cM-15

**276** *The Mines and Minerals Act is amended*

(a) *in section 5(1) by adding the following after clause (m.1):*

(m.2) respecting the cancellation of all or part of an agreement by the Minister at the request of the lessee of the agreement where all or part of the location is within the boundaries of patented land as defined in the *Metis Settlements Act* and respecting the determination and payment of compensation for the cancellation;

(b) *by repealing section 33(8) and substituting the following:*

(8) In subsections (6) and (7),

(a) “right of entry order” means a right of entry order as defined in the *Surface Rights Act* and a right of entry order under Part 4 of the *Metis Settlements Act*;

(b) “surface lease” means a lease or other instrument under which the surface of land is held for any purpose for which a right of entry order may be made under the *Surface Rights Act* or Part 4 of the *Metis Settlements Act*, and that provides for the payment of compensation.

Amends RSA  
1980 cN-15

**277** *The Nursing Service Act is amended in section 1*

(a) *by repealing clause (b) and substituting the following:*

(b) “council” means

(i) the council of a municipality, and

(ii) in the case of an improvement district or special area, the Minister of Municipal Affairs;

(b) *in clause (e) by striking out “improvement district, special area or Metis colony” and substituting “improvement district or special area and includes a Metis settlement”.*

Amends RSA  
1980 cO-5

**278** *The Oil and Gas Conservation Act is amended*

(a) *in section 9(3) by adding “or Metis settlement” after “corporation” and by adding “or settlement area” after “municipality”;*

(b) *by repealing section 14.1(2) and substituting the following:*

(2) If an application is made under the *Surface Rights Act* or the *Metis Settlements Act* for a right of entry order in

respect of land necessary for a road the location of which has been prescribed under subsection (1), the Surface Rights Board, Land Access Panel or Existing Leases Land Access Panel shall, if it grants a right of entry order for that road, grant a right of entry to land in the same location as the location prescribed under subsection (1).

Amends RSA  
1980 cP-8

**279** *The Pipeline Act is amended*

*(a) in section 1(1)*

*(i) in clause (a.05)(ii) by adding “or a right of entry order under Part 4 of the Metis Settlements Act” after “Surface Rights Act”;*

*(ii) in clause (j) by adding “or a Metis settlement” after “corporation”;*

*(b) in section 41 by adding “or a Metis settlement” after “corporation”;*

*(c) in section 48*

*(i) in subsection (1) by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):*

*(c) in respect of patented land as defined in the Metis Settlements Act, by proceedings under Part 4 of the Metis Settlements Act;*

*(ii) in subsection (3) by adding “or Part 4 of the Metis Settlements Act” after “Surface Rights Act”.*

Amends RSA  
1980 cP-9

**280** *The Planning Act is amended in section 3 by renumbering it as section 3(1) and by adding the following after subsection (1):*

*(2) This Act and the regulations do not apply to the geographic area of a Metis settlement.*

Amends SA  
1988 cP-12.01

**281** *The Police Act is amended*

*(a) in section 1*

*(i) in clause (e)(i) by striking out “county or municipal district” and substituting “county, municipal district or Metis settlement”;*

*(ii) in clause (h) by adding “and includes a Metis settlement” after “municipal district”;*

Amends SA  
1988 cP-21.5

*(b) in section 4(1)*

*(i) by repealing clause (a) and substituting the following:*

*(a) every county, municipal district and Metis settlement, and*

*(ii) in the portion following clause (b) by striking out “county or municipal district” and substituting “county, municipal district or Metis settlement”.*

**282** *The Provincial Offences Procedure Act is amended*

*(a) in section 1(h)(i) by striking out “county or municipal district” and substituting “county, municipal district or Metis settlement”;*

*(b) in section 1(k)*

*(i) in subclause (iv) by striking out “by the Government or by a municipality” and substituting “by the Government, a municipality or a Metis settlement”;*

*(ii) in subclause (vii) by adding “a Metis settlement,” after “municipality,”;*

*(c) in section 12(2)*

*(i) in clause (b) by striking out “county or municipal district” wherever it occurs and substituting “county, municipal district or Metis settlement”;*

*(ii) in the portion following clause (c) by adding “, Metis settlement” after “district”;*

*(d) in section 20(3)*

*(i) by striking out “and” at the end of clause (a) and by adding the following after clause (a):*

*(a.1) a Metis settlement, is its permanent office, and*

*(ii) in clause (b) by adding “or Metis settlement” after “municipality”;*

*(e) in section 24(4)*

*(i) by striking out “and” at the end of clause (b) and by adding the following after clause (b):*



(b.1) in the case of a defendant that is a Metis settlement, by delivering it personally to the settlement chairman or the settlement administrator, and

(ii) in clause (c) by adding “or Metis settlement” after “municipality”;

(f) in section 30(4)

(i) by striking out “and” at the end of clause (b) and by adding the following after clause (b):

(b.1) in the case of a defendant that is a Metis settlement, by delivering it personally to the settlement chairman or the settlement administrator, and

(ii) in clause (c) by adding “or Metis settlement” after “municipality”.

Amends SA  
1984 cP-27.1

**283** *The Public Health Act is amended*

(a) in section 1(e)

(i) in subclause (i) by striking out “municipal district or county” and substituting “municipal district, county or Metis settlement”;

(ii) by adding “and” at the end of subclause (ii), by striking out “and” at the end of subclause (iii) and by repealing subclause (iv);

(b) in section 73

(i) in subsection (1) by striking out “or” at the end of clause (b) and by adding the following after clause (b):

(b.1) the settlement administrator, in the case of a Metis settlement, or

(ii) by adding the following after subsection (5):

(5.1) Subsection (5) does not apply to a Metis settlement.

Amends RSA  
1980 cP-28

**284** *The Public Highways Development Act is amended*

(a) in section 1(r) by adding “and includes a Metis settlement” after “special area”;

(b) in section 19 by adding the following after clause (a):

(a.1) highways within Metis settlements where the right of management of the highway is retained by the Crown in right of Alberta under letters patent ratified and confirmed by the *Metis Settlements Land Protection Act*,

Amends RSA  
1980 cP-37

**285** *The Public Utilities Board Act is amended*

(a) *in section 1*

(i) *in clause (c) by striking out “county or municipal district” and substituting “county, municipal district or Metis settlement”;*

(ii) *in clause (e) by adding “and includes a Metis settlement” after “municipal district”;*

(b) *in section 43(2)(a) by striking out “clerk or secretary” and substituting “clerk, secretary or administrator”.*

Amends RSA  
1980 cR-13

**286** *The Regulations Act is amended*

(a) *in section 1(1)(b) by adding “Metis settlement,” after “improvement district,”;*

(b) *in section 1(2) by adding the following after clause (a):*

(a.1) a Policy of the Metis Settlements General Council incorporated under the *Metis Settlements Act*;

Amends RSA  
1980 cR-19

**287** *The Rural Gas Act is amended in section 1(p)(i) by striking out “municipal district or county” and substituting “municipal district, county or Metis settlement”.*

Amends SA  
1983 cS-27.1

**288** *The Surface Rights Act is amended by repealing section 2(1) and substituting the following:*

**2(1)** This Act applies to all land in Alberta except land within the geographic area of a Metis settlement.

Amends RSA  
1980 cW-4

**289** *The Water, Gas and Electric Companies Act is amended*

(a) *in section 1 by adding the following after clause (b):*

(c) “municipality” includes a Metis settlement.

(b) *in section 32*

(i) *by renumbering it as section 32(1);*

(ii) in subsection (1) by adding “, other than in patented land as defined in the *Metis Settlements Act*,” after “interest in land”;

(iii) by adding the following after subsection (1):

(2) When the company receives a certificate of approval from the Minister and requires an interest less than the fee simple in patented land as defined in the *Metis Settlements Act*, the interest may be acquired

(a) by negotiation, or

(b) by proceedings under Part 4 of the *Metis Settlements Act*.

## **Division 2 Repeal**

Metis  
Betterment Act  
repealed

**290(1)** *The Metis Betterment Act is repealed on Proclamation.*

(2) *Regulations and Orders in Council made under The Metis Betterment Act and predecessors of that Act are repealed on Proclamation.*

## **Division 3 Commencement**

Coming into  
force

**291** *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, including <ol style="list-style-type: none"><li>(a) the persons who are authorized to sign agreements on behalf of the settlement and any terms or conditions attached to the authorization;</li><li>(b) establishing a quorum for public meetings and the procedure to be followed when a vote is taken at public meetings;</li><li>(c) the establishment, maintenance and safekeeping of the minute book of the council, by-laws and other records of the settlement;</li><li>(d) applications for membership in a settlement;</li><li>(e) establishing waiting lists for the persons described in section 79(4) and the means of deciding which application has priority over another when they are on the list;</li><li>(f) prescribing forms or authorizing them to be prepared.</li></ol>
Miscellaneous matters	<b>3</b> A settlement council may make by-laws <ol style="list-style-type: none"><li>(a) describing the circumstances when a settlement member who is on an authorized leave of absence is not considered to be a resident of the settlement area;</li><li>(b) respecting the establishment of holidays in a settlement area;</li><li>(c) describing the persons who have a right to live on patented land in addition to those described in section 92;</li><li>(d) respecting those matters that may, by this or any other enactment, be subject to a settlement by-law.</li></ol>
Health, safety and welfare	<b>4</b> A settlement council may make by-laws to promote the health, safety and welfare of the residents of the settlement area.

Public order and safety	<p><b>5</b> A settlement council may make by-laws respecting public order and safety, including by-laws</p> <ul style="list-style-type: none"> <li>(a) prohibiting or regulating the discharge of firearms as defined in section 84(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	<p><b>6</b> A settlement council may make by-laws to prevent and extinguish fires, preserve life and property and protect persons from injury or destruction by fire, including</p> <ul style="list-style-type: none"> <li>(a) prohibiting interference with the efforts of persons engaged in extinguishing fires or preventing the spreading of fire, by regulating the conduct of persons at or in the vicinity of a fire;</li> <li>(b) prohibiting or regulating the storage or transportation of explosives or other flammable or dangerous matter;</li> <li>(c) prohibiting or regulating any conduct, activity or other thing that is or may become a fire hazard.</li> </ul>
Nuisances and pests	<p><b>7</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>8</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</li> </ul>

	<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> <li>(c) regulating the keeping by any person of poultry or wild or domestic animals;</li> <li>(d) prohibiting the keeping by any person of poultry or wild or domestic animals in any specified part or parts of the settlement area when, in the opinion of the council, that keeping is likely to cause a nuisance;</li> <li>(e) preventing cruelty to animals.</li> </ul>
Airports	<b>9</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	<b>10</b> A settlement council may make by-laws <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, location and placement of advertising devices.</li> </ul>
Refuse disposal	<b>11(1)</b> A settlement council may make by-laws <ul style="list-style-type: none"> <li>(a) defining “refuse” for the purpose of this section and the by-laws;</li> <li>(b) prohibiting or regulating the placement or depositing of refuse;</li> <li>(c) regulating the activities or use of waste disposal sites established by the settlement council;</li> <li>(d) establishing and regulating a system for the collection and disposal of refuse.</li> </ul>

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

Public health

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

- (a) respecting 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 water in the settlement area;
- (c) compelling the removal of dirt, filth or refuse or any other obstruction from public rights of way or private roads by the person depositing it and providing for its removal at the expense of that person if he or she fails to remove it;
- (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

**13** 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

**14(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 one or more businesses, industries or activities or one or more classes of them.

(2) A settlement council may license any or all businesses, industries or activities

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

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

(3) 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 is to be granted.

(4) A settlement 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

**15(1)** A settlement council may make by-laws

(a) directing the owner of a building 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 the apparatus and appliances required to ensure the proper sanitary condition of the building and premises;

(b) preventing the use of a 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, a person authorized by the settlement council may enter on the land and into the building concerned and make the connection or do other work needed to comply with the directions and charge the cost of it against the land, building, erection or structure concerned.



Sewerage system fees	<p><b>16(1)</b> A settlement council may by by-law impose a service charge payable by all persons occupying property connected to the sewerage system of the settlement.</p> <p>(2) The service charge is to be levied 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 properties connected to the sewerage system.</p>
Special charges	<p><b>17</b> 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.</p>
Planning, land use and development by-laws	<p><b>18</b> A settlement council may make by-laws</p> <ul style="list-style-type: none"> <li>(a) establishing a general plan for land use and development in a settlement area;</li> <li>(b) prohibiting or regulating and controlling the use and development of land and buildings in the settlement area;</li> <li>(c) authorizing the settlement council, or a person designated by it, to prohibit the development or use of land or buildings if there are inadequate arrangements for access to, and for utilities and other services to, the land or buildings.</li> </ul>
By-laws under a General Council Policy	<p><b>19</b> If there is a General Council Policy in effect, a settlement council may, in accordance with that Policy, make by-laws</p> <ul style="list-style-type: none"> <li>(a) prohibiting persons who are not settlement members from hunting, trapping, gathering or fishing in the settlement area;</li> <li>(b) prescribing the terms and conditions under which a person or class of person is permitted to occupy, hunt, trap, gather or fish in the settlement area;</li> <li>(c) prescribing the manner in which and the terms and conditions subject to which a settlement member may acquire <ul style="list-style-type: none"> <li>(i) the right to trap, hunt or gather in the settlement area;</li> <li>(ii) the right to fish in a marsh, pond, lake, stream or creek in the settlement area and the circumstances under which that right may be suspended, limited or revoked;</li> </ul> </li> <li>(d) as to the use by settlement members of a part of the land allocated for occupation by a settlement council in respect of which no person has the exclusive right of occupation;</li> </ul>

(e) respecting the cutting of timber on all or part of the settlement area, including

(i) the amount of timber that may be cut,

(ii) the disposition of the timber cut,

(iii) the disposition of the proceeds of the sale of the timber cut, and

(iv) prohibiting the cutting of timber otherwise than in accordance with the by-laws;

(f) permitting the settlement council to engage in some or all of the activities described in section 3(2);

(g) respecting the rights and privileges of a minor child or adopted minor child of a settlement member and the circumstances under which all or any of those rights or privileges may be suspended or terminated;

(h) respecting the matters described in section 222(1)(k) to (s).

By-laws to  
implement  
General Council  
Policies

**20** A settlement council may make any by-laws that are necessary to implement General Council Policies.

Matters that  
may be  
included in  
by-laws

**21(1)** Settlement by-laws made under this Act or any other enactment may include

(a) a system of granting permits, approvals, licences or similar authority and prohibiting any development, activity, industry, business or thing until the permit, approval, licence or authority has been granted;

(b) the one or more persons, including the settlement council, having authority to issue a permit, approval, licence or authority, whether conditions may be imposed and, if so, the nature of them and who may impose them;

(c) conditions that must be met before a permit, approval, licence or authority is granted or renewed, the nature of them and who may impose them if they are not specified in the by-law;

(d) provisions governing the duration and the suspension, cancellation or revocation of a licence, permit, approval or other authority for failure to comply with a condition or the by-law or for any other reason specified in the by-law;

- (e) the fees, dues, charges or levies payable for any permit, approval, licence or other authorization;
  - (f) the fees, dues, charges or levies payable for anything provided or done by or on behalf of the settlement or for any service or assistance;
  - (g) the method by which fees, dues, charges or levies or the cost of services or assistance are to be calculated or assessed and collected, the persons by whom and when they are to be paid, penalties or interest for non-payment or late payment of money payable and discounts or other benefits for early payment;
  - (h) providing for an appeal in respect of any matter referred to in the by-laws.
- (2) A settlement council may make by-laws prescribing the terms and conditions of a lease, licence, permit, authorization or other right or interest in land granted by it.

## SCHEDULE 2

### INVESTMENTS

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

(2) The General Council or a settlement council may, in accordance with this Act, invest money in all or any 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;

(n) investments authorized by a General Council Policy passed by all 8 settlement councils.

### SCHEDULE 3

#### CO-MANAGEMENT AGREEMENT

This Agreement made this       day of       1990,

Between:

Her Majesty the Queen in right of the Province of Alberta,  
as represented by the Minister of Energy (hereinafter called  
the "Minister")

and

Metis Settlements General Council, a corporation established  
under the *Metis Settlements Act* (hereinafter called the  
"General Council")

and

Buffalo Lake Metis Settlement, a corporation established  
under the *Metis Settlements Act*

and

East Prairie Metis Settlement, a corporation established  
under the *Metis Settlements Act*

and

Elizabeth Metis Settlement, a corporation established under  
the *Metis Settlements Act*

and

Fishing Lake Metis Settlement, a corporation established  
under the *Metis Settlements Act*

and

Gift Lake Metis Settlement, a corporation established under  
the *Metis Settlements Act*

and

Kikino Metis Settlement, a corporation established under the  
*Metis Settlements Act*

and

Paddle Prairie Metis Settlement, a corporation established under the *Metis Settlements Act*

and

Peavine Metis Settlement, a corporation established under the *Metis Settlements Act*

**WHEREAS:**

**1** The Alberta Metis Settlements Accord dated July 1, 1989 and executed by the Alberta Federation of Metis Settlement Associations and on behalf of Her Majesty the Queen in Right of the Province of Alberta contains provisions regarding the co-management of exploration for and development of, the Minerals, including provisions regarding the issuing of Resource Agreements in relation to those Minerals;

**2** The Minister, under section 16(c) of the Act, may issue Dispositions in respect of Crown minerals pursuant to any procedure determined by him;

**3** The Minister may, under section 5(1) of the *Department of Energy Act*, enter into an agreement on or in connection with any matter under his administration; and

**4** The Minister has determined that the procedure he will utilize for issuing the Resource Agreements will be subject to the procedure set forth in this agreement.

The parties hereto agree as follows:

**Article 1 - Interpretation**

**101** In this agreement

(a) "Act" means the *Mines and Minerals Act*;

(b) "Affected Settlement Corporation" means, in respect of any Posting Request, Notice of Public Offering, Bid, Development Agreement or Resource Agreement with respect to any of the Minerals, the Settlement Corporation of the Settlement Area in which the Minerals are located;

(c) "Affected Metis Settlement Access Committee" or "Affected MSAC" means, in respect of any Posting Request, recommended, proposed or approved terms and conditions of an NPO, or an NPO, with respect to any of the Minerals, the committee appointed under Article 2 in respect of the Settlement Area in which those Minerals are located;

- (d) "Bid" means an offer made to the Minister in response to a Notice of Public Offering, which, when accepted by the Minister, would create an agreement between the person making the offer and the Minister with respect to the issuing of a Resource Agreement for the Minerals the subject of the NPO and offer;
- (e) "Bidder" means the person making a Bid;
- (f) "Commissioner" means the Commissioner of the Metis Settlements Transition Commission under the *Metis Settlements Accord Implementation Act*;
- (g) "Development Agreement" means an agreement entered into by the Affected Settlement Corporation, General Council and a Bidder, setting out rights and obligations of those parties with regard to any of the matters referred to in section 303 and surface access of the Bidder to and the exploration for and development by the Bidder of, Minerals in respect of which the Bidder submitted a Bid;
- (h) "Disposition" means an agreement as defined in the Act;
- (i) "Effective Date" means , 1990;
- (j) "Metis Settlements Lands" means the parcels of land granted to the General Council by Her Majesty the Queen in right of Alberta by letters patent;
- (k) "Minerals" means the whole or any part of the mines and minerals, as defined in the *Mines and Minerals Act*, owned by the Minister in the whole or any part of the Metis Settlements Lands, that are not subject to a Disposition
- (i) that was issued by the Minister before the Effective Date, or
- (ii) that is issued by the Minister after the Effective Date but that arises out of, or that is a renewal, continuation, reinstatement or other like extension under the Act of any Disposition issued before the Effective Date;
- (l) "Notice of Public Offering" or "NPO" means a document issued by the Minister to the public, soliciting Bids to acquire Resource Agreements for rights in any of the Minerals;
- (m) "Occupant" means occupant as defined in Division 1 of Part 4 in the *Metis Settlements Act*;
- (n) "Overriding Royalty" means a right reserved in a Development Agreement to the General Council, for it to



receive a share of the portion of production, or of the value of the portion of production, obtained by the Bidder pursuant to Resource Agreements referred to in the Development Agreement, that remains after payment of royalty to the Minister in relation to such production;

(o) "Participation Option" means an option reserved in a Development Agreement to the General Council that allows the General Council to obtain from the Bidder who is a party to the Development Agreement, not more than a 25% specified undivided interest in the Resource Agreements referred to in the Development Agreement;

(p) "Post" means, in respect of any Minerals, the issuing to the public of an NPO with respect to those Minerals by the Minister; and "Posted" has the corresponding meaning;

(q) "Posting Period" means the period of time specified in an NPO that Bidders may submit Bids in response to the NPO;

(r) "Posting Request" means a written request made to the Minister by any person that the Minister Post the Minerals specified in the request;

(s) "Resource Agreement" means a Disposition,

(i) that is issued by the Minister after the Effective Date, and

(ii) under which the Minister grants rights in any of the Minerals,

but does not include any Disposition

(iii) that arises out of or is a renewal, continuation, reinstatement or other like extension under the Act, of another Disposition issued before the Effective Date, or

(iv) in respect of which the person issued the Disposition has been notified by the Minister that the person will not be granted access to any Metis Settlements Lands to recover the Minerals the subject of the Disposition;

(t) "Settlement Area" means "settlement area" as defined in the *Metis Settlements Act*, to the extent such settlement area is comprised of Metis Settlements Lands;

(u) "Settlement Corporation" means each of the parties to this agreement, other than the Minister or the General Council.

**102** The descriptive headings appearing above the Articles of this agreement are inserted for convenience only and do not constitute a part of this agreement.

**103** In this agreement, except where otherwise expressly provided or where the context does not permit

- (a) words in the singular include the plural and vice versa;
- (b) words importing any one of the masculine, feminine or neuter genders include the other genders, and a reference to a person includes a body corporate; and
- (c) “herein”, “hereof” or “hereunder” and similar expressions when used in a section shall be construed as referring to the whole of this agreement and not to that section only.

**104** In this agreement, the days referred to in any provision that contains a reference to a period of days shall be days that are neither a Saturday nor a holiday as defined in the *Interpretation Act*.

**105** Except as provided in this agreement, the procedures and practices generally utilized by the Minister from time to time for the issuing of Dispositions under section 16(b) of the Act, will apply to the issuing of Resource Agreements with respect to any of the Minerals.

**106** Unless otherwise expressly provided herein, references in this agreement to statutes are references to those statutes as amended or substituted from time to time.

## **Article 2 - Metis Settlement Access Committees**

**201** A settlement access committee shall be appointed for each Settlement Area in accordance with this Article.

**202** Each settlement access committee shall comprise 5 members appointed as follows:

- (a) one member to be appointed by the Minister,
- (b) one member to be appointed by the Energy Resources Conservation Board, which member may be part of the staff of the Board but not a member of the Board,
- (c) one member to be appointed by the Settlement Corporation for the Settlement Area in respect of which the committee is being appointed,

receive a share of the portion of production, or of the value of the portion of production, obtained by the Bidder pursuant to Resource Agreements referred to in the Development Agreement, that remains after payment of royalty to the Minister in relation to such production;

(o) "Participation Option" means an option reserved in a Development Agreement to the General Council that allows the General Council to obtain from the Bidder who is a party to the Development Agreement, not more than a 25% specified undivided interest in the Resource Agreements referred to in the Development Agreement;

(p) "Post" means, in respect of any Minerals, the issuing to the public of an NPO with respect to those Minerals by the Minister; and "Posted" has the corresponding meaning;

(q) "Posting Period" means the period of time specified in an NPO that Bidders may submit Bids in response to the NPO;

(r) "Posting Request" means a written request made to the Minister by any person that the Minister Post the Minerals specified in the request;

(s) "Resource Agreement" means a Disposition,

(i) that is issued by the Minister after the Effective Date, and

(ii) under which the Minister grants rights in any of the Minerals,

but does not include any Disposition

(iii) that arises out of or is a renewal, continuation, reinstatement or other like extension under the Act, of another Disposition issued before the Effective Date, or

(iv) in respect of which the person issued the Disposition has been notified by the Minister that the person will not be granted access to any Metis Settlements Lands to recover the Minerals the subject of the Disposition;

(t) "Settlement Area" means "settlement area" as defined in the *Metis Settlements Act*, to the extent such settlement area is comprised of Metis Settlements Lands;

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## **Article 2 - Metis Settlement Access Committees**

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**202** Each settlement access committee shall comprise 5 members appointed as follows:

- (a) one member to be appointed by the Minister,
- (b) one member to be appointed by the Energy Resources Conservation Board, which member may be part of the staff of the Board but not a member of the Board,
- (c) one member to be appointed by the Settlement Corporation for the Settlement Area in respect of which the committee is being appointed,

- (d) one member to be appointed by the General Council, and
- (e) one member to be appointed by the Commissioner or, if the Commissioner ceases to be appointed, by mutual agreement of the other four members, such member to be chairman of the committee.

**203** A person appointed under section 202 as a member of a settlement access committee may be appointed as a member of any other settlement access committee.

**204** Anyone who has appointed a member of a settlement access committee under section 202 may at any time revoke the appointment and appoint a replacement member.

**205** The costs of each member of a settlement access committee shall be borne by the person or government appointing him.

### **Article 3 - Posting**

**301** The Minister shall refer a Posting Request for Minerals that the Minister is willing to Post, to the Affected MSAC within 4 days after receipt by the Minister of recommendations regarding the Posting Request from the Crown Mineral Disposition Review Committee appointed under the *Land Surface Conservation and Reclamation Act*.

**302** The Minister, the General Council and the Affected Settlement Corporation shall cause the Affected MSAC in relation to a Posting Request, to recommend in writing to the Minister within 42 days after the Minister has referred the Posting Request to the Affected MSAC,

- (a) that the Posting Request be denied, or
- (b) that the Minerals that are the subject of the Posting Request be Posted, and any special terms and conditions that should be included in the NPO in relation to the Minerals so Posted.

**303** An Affected MSAC may, for the purposes of section 302(b), recommend terms and conditions concerning the environmental, socio-cultural, and land use impacts, and employment and business opportunities of exploration for and development of the Minerals referred to in a Posting Request, including terms and conditions concerning reservation to the General Council of an Overriding Royalty, Participation Option, or both, with respect to such development.

**304** If the Affected MSAC has recommended under section 302(b) that Minerals not be Posted, the Minister may issue

Dispositions in respect of the Minerals, provided the Minister has, before issuing any such Disposition, notified each person issued such Disposition that he will not be granted access to any Metis Settlements Lands to recover the Minerals.

**305** The Minister may issue a Disposition under section 304 in accordance with the Act and, in doing so, need not comply with the provisions hereof other than section 304.

**306** If the Affected MSAC has recommended under section 302(b) that Minerals be Posted, the Minister shall prepare, based on the terms and conditions recommended by the Affected MSAC in accordance with section 303, the terms and conditions in that respect he proposes to include in the NPO and deliver them to the Affected MSAC for approval.

**307** The Affected MSAC shall approve or disapprove in writing, of the proposed terms and conditions delivered to them by the Minister under section 306, within 14 days after they are received from the Minister.

**308** If the Affected MSAC disapproves of proposed terms and conditions delivered to them under section 306, the Minister shall, unless he decides not to Post the Minerals, amend those terms and conditions and resubmit them to the Affected MSAC for approval in accordance with section 306, and the Affected MSAC shall approve or disapprove of the amended terms and conditions in accordance with section 307, the Minister and the Affected MSAC to repeat this procedure until either the Affected MSAC has approved of the terms and conditions proposed by the Minister or the Minister decides not to Post the Minerals.

**309** Upon receipt of approval of proposed terms and conditions for an NPO under section 307 or 308, the Minister shall include such NPO in the next public offering of minerals scheduled by the Minister that follows such receipt by not less than 21 days.

**310** In addition to any proposed terms and conditions included in an NPO pursuant to this Article, the Minister may, in accordance with section 105, also include in the NPO, any terms and conditions recommended by the Crown Mineral Disposition Review Committee appointed under the *Land Surface Conservation and Reclamation Act*.

#### **Article 4 - Industry Consultation**

**401** The General Council and the Affected Settlement Corporation shall appoint an individual as their representative to consult with potential Bidders for Minerals requested to be Posted in a Posting Request, and shall notify the Affected MSAC of the

name of the appointee before the Affected MSAC recommends any special terms and conditions to the Minister pursuant to section 302(b) in connection with that Posting Request.

**402** To ensure fairness in the process for issuing Resource Agreements, the General Council and Affected Settlement Corporation shall ensure that the representative appointed by them under section 401 only conducts such consultation through public meetings open to all potential Bidders, the schedule for which shall initially be determined and provided to the Affected MSAC by the General Council and Affected Settlement Corporation concurrently with the name of their representative.

**403** A representative appointed under section 401 may change a schedule of public meetings he is to conduct, with respect to all public meetings scheduled other than the first, by way of announcement at any such scheduled public meeting.

## **Article 5 - Award of Agreements**

**501** Within 2 days after the date of the public offering specified in an NPO, the Minister shall provide the General Council and the Affected Settlement Corporation with the name of the Bidder who has offered the greatest amount of bonus payment to the Minister and whose Bid otherwise meets the requirements of the NPO soliciting that Bid and the procedures and practices referred to in section 105.

**502** The General Council and Affected Settlement Corporation may negotiate with the Bidder whose name was provided to them under section 501, with respect only to topics identified in the terms and conditions included in the NPO as open to negotiation and, within 7 days after being provided with that name, notify the Minister that

- (a) the Bidder's Bid should be rejected, or
- (b) the General Council and Affected Settlement Corporation have entered into a Development Agreement with the Bidder.

**503** Upon receipt of a notice under section 502(a) in respect of a Bid or upon the expiration of 7 days referred to in section 502 without the Minister receiving a notice under clause (a) or (b) of that section, the Minister shall reject the Bid and the procedure set out in sections 501 and 502 shall, until

- (a) a Development Agreement is entered into with one of the Bidders,

(b) there are no further Bidders for the Minister to refer to the General Council and the Affected Settlement Corporation, or

(c) the Minister refuses to refer to the General Council and the Affected Settlement Corporation any further Bidders who submitted Bids in response to the NPO,

whichever occurs sooner, be repeated by the Minister, the General Council and the Affected Settlement Corporation, except that the next Bidder, if any, referred to the General Council and the Affected Settlement Corporation shall be the Bidder whose Bid offered the next greatest amount of bonus payment to the Minister compared to the Bid last rejected, and the name of that next Bidder shall be provided to the General Council and the Affected Settlement Corporation within 2 days after the Minister receives notice under section 502(a) that the last Bid was rejected.

**504** The Minister shall, within 21 days after he receives notice that a Development Agreement has been entered into in respect of any Minerals

in accordance with section 502(b), issue an Agreement in respect of those Minerals to the Bidder who is a party to the Development Agreement, or, to the Bidder and the General Council in specified undivided interest, if he receives a written notice from the Bidder within that 21 day period, directing him to issue the Agreement to the Bidder and General Council and indicating their respective specified undivided interests in the Agreement.

**505** A Development Agreement may include as parties thereto, any Occupants who agree to provide to the Bidder who is a party to that Development Agreement, access to any part of the Settlement Area that the Occupants have a right to occupy and that is subject to the Development Agreement.

#### **Article 6 - Amendment of Procedure**

**601** The Minister may from time to time amend any time period specified in Articles 2, 3, 4 or 5 by written notice to the other parties, provided such amendment shall not shorten or extend any such time period by more than the greater of one day or 20% (rounded to the nearest day) of the time period so specified.

**602** Subject to sections 601 to 603, the parties agree that this agreement may be otherwise amended by mutual agreement between the Minister and the General Council.

**603** In the event the Minister and the General Council cannot agree under section 602 with respect to any amendment proposed to this agreement by either, the matter shall be resolved by



arbitration under the *Arbitration Act* of Alberta, by an arbitration panel comprising 5 arbitrators, one to be appointed by each of

- (a) the Minister,
- (b) the Energy Resources Conservation Board under the *Energy Resources Conservation Act*,
- (c) the Commissioner, and

two to be appointed by the General Council.

**604** If a Commissioner ceases to be appointed, the member of any arbitration panel to be appointed by the Commissioner shall be appointed by agreement between the Minister and the General Council.

#### **Article 7 - General**

**701** This agreement is governed by the laws of the Province of Alberta.

**702** This agreement may not be assigned by any party.

**703** Any settlement corporation established under the *Metis Settlements Act* that is not a party hereto on the day this agreement is made, may be made a party to this agreement by mutual agreement between that settlement corporation and all the parties to this agreement.

**704** This agreement enures to the benefit of the parties hereto and their respective successors.

In witness whereof the parties hereto have duly executed this agreement.

Her Majesty the Queen in right of  
the Province of Alberta, as  
represented by the Minister of  
Energy

\_\_\_\_\_  
Minister of Energy

\_\_\_\_\_  
Metis Settlements  
General Council

Buffalo Lake Metis Settlement

East Prairie Metis Settlement

\_\_\_\_\_  
Elizabeth Metis Settlement

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Fishing Lake Metis  
Settlement

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Gift Lake Metis Settlement

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Kikino Metis Settlement

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Paddle Prairie Metis  
Settlement

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Peavine Metis Settlement