

Province of Alberta

METIS SETTLEMENTS ACT

Revised Statutes of Alberta 2000
Chapter M-14

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Metis Settlements Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Metis Settlements Act		
Land Interests Conversion.....	362/91	
Metis Settlements Election.....	145/93	
Metis Settlements Land Registry	361/91	27/2002, 68/2008, 31/2012, 62/2013, 159/2013, 45/2014
Metis Settlements Subdivision	363/91	58/2004
Transitional Membership	337/90	

METIS SETTLEMENTS ACT

Chapter M-14

Table of Contents

0.1	Recital
1	Definitions
Part 1	
Metis Settlements	
Division 1	
Settlements Established	
2	Establishment
3	Corporate powers
4	Settlement office
5	Annual meetings
6	Special general meetings
7	Dissolution
Division 2	
Settlement Councils	
8	Council composition
9	Term of office
10	Settlement chair
11	Resignation
Division 3	
Settlement Elections	
12	General election
13	Election procedure
14	Eligibility to vote
15	Candidates for councillor
16	Agreement disclosures
17	Ineligible candidates
21	Vacancies

- 22 By-elections
- 23 Oath of office

Division 4
Resignations, Disqualifications and Insufficient Councillors

- 24 Resignation
- 25 Disqualification
- 26 Duty to resign if disqualified
- 27 Inadvertence or genuine error
- 28 Appeal
- 29 Costs may be reimbursed
- 30 Insufficient councillors
- 31 Official manager

Part 2
Settlement Council Decision Making

Division 1
Settlement Council Meetings

- 32 Organizational meetings
- 33 Regular council meetings
- 34 Special council meetings
- 35 Bylaws for special meetings
- 36 Open meetings
- 37 Committee meetings
- 38 Procedure at meetings
- 39 Conflict disclosures
- 39.1 Effect of financial interest on agreements
- 40 Absence of quorum
- 41 Valid proceedings
- 42 Meeting procedures

Division 2
Decisions Generally

- 43 Kinds of decision
- 44 Publication of documents
- 45 Recording agreements
- 46 Minutes
- 47 Resolutions

Division 2.1
Councillors

- 47.1 Councillors

**Division 2.2
Prohibitions**

47.2 Prohibitions

**Division 3
Staff and Committees**

48 Settlement administrator

49 Delegation

**Division 4
Making Bylaws**

50 Geographic jurisdiction

51 Bylaw authority

52 Enactment of bylaws

53 Bylaws must be passed within 2 years of first reading

54 Public notice of bylaws

55 Approval of bylaws

55.1 Budget bylaws

56 Emergencies

57 Petition for a bylaw

58 Contents of petition

59 Sufficiency of a petition

60 Bylaw prepared based on petition

61 Effective date

62 Sealing bylaws

63 Bylaw penalties

64 Money payable is a debt

**Division 5
Enforcement**

65 Inspections

66 Inspections of dwelling house

67 Documents and samples

67.1 Definitions

68 Enforcement notices

69 Problem remedied

70 Bylaw enforcement

71 Joint agreements

**Division 6
Provincial Law and Regulations**

72 Consistency with provincial law

73 Regulations

Part 3 Settlement Membership

Division 1 Settlement Membership Applications

- 74 Application criteria
- 75 Indians and Inuit
- 76 Proving Metis identity
- 77 Considering membership applications
- 78 Membership decisions
- 79 Decision on applications
- 80 Membership approval
- 81 Membership records
- 82 Membership in one settlement only
- 83 Appeals
- 84 Appeal Tribunal hearing

Division 2 Leaves of Absence and Termination of Membership

- 85 Leave of absence
- 86 Termination within member's probationary period
- 87 Termination of settlement membership
- 88 Notice of decision and appeal
- 89 Tribunal decision
- 89.1 Resignation from membership
- 90 Automatic termination
- 91 Effect of termination
- 92 Right of residence
- 93 Continuing entitlement to reside
- 94 Appeal
- 94.1 Enforcement of settlement council order
- 95 Land allocation cancelled

Division 3 Settlement Members List

- 96 Establishment
- 97 Entering names on the Settlement Members List
- 98 Confidentiality

**Part 4
Settlement Land****Division 1
Patented Land**

- 99 Creation of rights and interests in patented land
- 100 Limits on using interests in patented land as security
- 101 Interests in patented land exempt from seizure

**Division 2
Metis Settlements Land Registry**

- 102 Metis Settlements Land Registry regulations
- 103 Registrar
- 104 Effect of registration

**Division 3
Subdivision**

- 105 Subdivision and development approval
- 106 Subdivision of patented land
- 107 Planning regulations

**Division 4
Expropriation**

- 108 Expropriation

**Division 5
Highways**

- 109 Highways

**Division 6
Regulations for Hazards**

- 110 Regulations for hazards

**Division 7
Access to Patented Land**

- 111 Definitions
- 112 Application
- 113 Purpose
- 114 Entry onto the surface of patented land restricted
- 115 Application for right of entry
- 116 Right of entry orders
- 117 Notification of right of entry order
- 118 Determining compensation
- 119 Rehearing and review of decisions

- 120 Termination of right of entry order
- 121 Recovery of compensation
- 122 Costs of appeal
- 123 Review of rate of compensation
- 124 Notice to review rate of compensation
- 125 Application for a hearing
- 126 Order for compensation
- 127 Surface lease amended
- 128 Review initiated by lessors or occupants
- 129 Right to damages

Part 5 Fishing

- 130 Fisheries Act (Canada)
- 131 Fishing in settlement area
- 132 Fishing for sustenance
- 133 Commercial fishing licences

Part 6 Financial Administration

Division 1 Metis Settlements Consolidated Fund

- 134 Establishment
- 135 Accounts and records
- 136 Directives and rules
- 137 Consolidated Fund administration policy
- 138 Nature of the Consolidated Fund
- 139 Financial year
- 140 Payments into the Consolidated Fund
- 141 Money received for 2 or more purposes
- 142 Payments out of the Consolidated Fund
- 143 Deductions from payments

Division 2 General Council Financial Allocation Policy

- 144 Financial allocation policy
- 145 Amendments
- 146 Expiration of budget authorizations
- 147 Cheques and other instruments

**Division 3
Settlement Funds**

- 148 Establishment of settlement funds
- 149 Accounts and records
- 150 Directives and rules
- 151 Settlement funds administration bylaw
- 152 Nature of the settlement fund
- 153 Financial year
- 154 Payments into settlement funds
- 155 Money received for 2 or more purposes
- 156 Payments out of settlement funds

**Division 4
Settlement Business Plans and Budgets**

- 156.1 Business plans
 - 157 Annual settlement budgets
 - 158 Expiration of budget authorizations
 - 159 Cheques and other instruments

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

- 159.1 Standardized financial reports
 - 160 Audits and inspection
 - 161 Examining and taking away records
 - 162 Confidential information
 - 163 Audit
 - 164 Financial Administration Act not to apply

**Division 6
Other Financial Matters**

- 165 Financial and funding agreements
- 166 Assessment and taxation
- 167 Tax on well-drilling equipment
- 168 Development levy bylaws
- 169 Development levy regulation

**Division 7
Protecting the Public Interest**

- 170 Budget, accounting and audits
- 171 Inspections and investigations
- 172 Petition
- 173 Powers of inspectors and investigators
- 174 Report of inspector or investigator

- 175 Bank accounts
- 175.4 Immunity and confidentiality continue
- 176 Improper management
- 177 Misuse of funds
- 178 Comptroller
- 179 Replacing councillors, officials or employees

Division 8

General

- 179.1 Information and records
- 179.2 Confidentiality
- 179.3 Immunity

Part 7

Metis Settlements Appeal Tribunal

Division 1

Establishment

- 180 Composition
- 181 Unsatisfactory nominees for chair
- 182 Appeal Tribunal chair
- 183 Terms of office and vacancies
- 184 Panels of the Tribunal
- 185 Jurisdiction of panels

Division 2

Metis Settlements Appeal Tribunal Land Access Panels

- 186 Land Access Panel
- 187 Existing Leases Land Access Panel

Division 3

Jurisdiction

- 187.1 Overriding considerations
- 188 Alternative methods of dispute resolution
- 189 Responsibilities
- 190 Decisions
- 191 Costs
- 192 Considerations when making decision
- 193 How decisions are made

Division 4

Procedural Matters

- 194 Commissioner for oaths
- 195 Rules of procedure

- 196 Rules of evidence not to apply
- 197 Notice to attend or produce
- 198 Protection of witnesses
- 199 Technical irregularities

- Division 5**
Decisions
- 200 Written decisions
- 201 Directions about when orders come into force
- 202 Time extensions
- 203 Recording in Metis Settlements Land Registry

- Division 6**
Appeals to the Court of Appeal
- 204 Appeals to the Court of Appeal
- 205 Decision about the application
- 206 Appeal Tribunal to be named as respondent
- 207 Decision of the Court of Appeal
- 208 Finality of Appeal Tribunal decisions
- 209 Enforcement of decisions

- Division 7**
Staff and Resources
- 210 Employees
- 211 Report
- 212 Immunity
- 213 Appeal Tribunal funding

- Part 8**
Metis Settlements General Council

- Division 1**
Establishment
- 214 Corporation established
- 215 Corporate powers
- 216 Officers of General Council
- 217 Internal management
- 217.1 Review of roles and responsibilities
- 218 Executive committee

- Division 2**
Making Decisions
- 219 Decisions made by resolution
- 220 Voting

- 221 Resolutions must be passed at meetings
- 221.1 Non-attendance during emergencies
- 222 General Council Policies
- 222.1 Councillor Remuneration and Benefits Committee
- 223.1 Regulations re General Council Policies
- 224 Ministerial veto
- 225 Policies not subject to veto
- 226 General Council Policies subject to approval
- 227 Effect of Policies
- 228 Model bylaws
- 229 Ministerial regulations
- 230 Policies and provincial law
- 231 Publication of Policies
- 232 Co-operation with the General Council
- 232.1 Self-governance advancement proposals

Part 9 General Provisions

- 233 Notice
- 234 Rules about residence
- 235 Delegation
- 236 Corporations legislation not to apply
- 237 No compensation

Part 10 Regulations

- 238 Regulations generally
- 239 Consultation with General Council on regulations
- 240 Consultation with settlement councils on regulations
- 241 Public interest
- 242 Regulations for difficulties

Part 11 Court Proceedings

- 243 Offences and penalties
- 244 Order for compliance
- 245 Application to quash illegal bylaws
- 246 Penalties on officials

Part 11.1 Joint Review Committee

- 246.1 Joint Review Committee

**Part 12
Transitional Provisions****Division 1
Transitional Regulations, General Council Policies and Bylaws**

248 Transitional regulations

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

251 Interim councillors
252 Interim officers of General Council
253 Authorizations continued
254 Orders under the Surface Rights Act
255 Amending boundaries of improvement districts

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

256 Interim membership
257 Interim membership regulation
258 Counting time under the former Act
259 Former applications
261 Former certificates of occupancy and allocations
262 Conversion regulations

**Division 5
Election Review**

264 Election review in 1994

**Part 13
Consequential Amendments, Repeal
and Commencement****Division 1
Consequential Amendments**

265-289 Consequential

**Division 2
Repeal**

290 Metis Betterment Act repealed

Schedules

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

Recital

0.1 This Act is enacted

- (a) recognizing the desire expressed in the *Constitution of Alberta Amendment Act, 1990* that the Metis should continue to have a land base to provide for the preservation and enhancement of Metis culture and identity and to enable the Metis to attain self-governance under the laws of Alberta,
- (b) realizing that the Crown in right of Alberta granted land to the Metis Settlements General Council by letters patent and that the patented land is protected by an amendment to the *Constitution of Alberta* and by the *Metis Settlements Land Protection Act*,
- (c) in recognition that this Act, the *Constitution of Alberta Amendment Act, 1990*, the *Metis Settlements Land Protection Act* and the *Metis Settlements Accord Implementation Act* were enacted in fulfilment of Resolution 18 of 1985 passed unanimously by the Legislative Assembly of Alberta, and
- (d) acknowledging that the Government of Alberta and the Alberta Federation of Metis Settlement Associations made The Alberta-Metis Settlements Accord on July 1, 1989.

2004 c25 s2

Definitions

1 In this Act,

- (a) repealed 2004 c25 s3;
- (b) “Appeal Tribunal” means the Metis Settlements Appeal Tribunal established by section 180;
- (b.1) “budget bylaw” means a bylaw referred to in section 157;
- (b.2) “comptroller” means a comptroller appointed under section 178;
- (c) “Consolidated Fund” means the Metis Settlements Consolidated Fund established by section 134;
- (d) “councillor” means a member of a settlement council, including a settlement chair;

- (e) “Existing Leases Land Access Panel” means the Metis Settlements Appeal Tribunal Existing Leases Land Access Panel;
- (e.1) “financial interest” means a financial interest as defined by General Council Policy for the purposes of this Act, but if there is no General Council Policy defining financial interest for the purposes of this Act, financial interest has the same meaning as pecuniary interest in the *Municipal Government Act*, with the necessary modifications;
- (f) “former Act” means *The Metis Betterment Act*, RSA 1970 c233;
- (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;
- (h.1) “general election” means an election required by section 12;
- (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 Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for 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;
- (m.1) “recording” in respect of a right or interest in patented land means recording as defined in the *Metis Settlements Land Registry Regulation* (AR 361/91);
- (m.2) “registration” in respect of a right or interest in patented land means registration as defined in the *Metis Settlements Land Registry Regulation* (AR 361/91);
- (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 chair” means the chair 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;
- (u) “spouse” means the spouse of a married settlement member, but does not include, for the purposes of section 16(1)(b), a spouse who is living separate and apart from the settlement member if the settlement member and the spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

RSA 2000 cM-14 s1;2002 cA-4.5 s57;2004 c25 s3;
2013 c8 s2;2014 c8 s15

Part 1 Metis Settlements

Division 1 Settlements Established

Establishment

2(1) The following corporations are established:

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

(2) Each settlement consists of the persons who are settlement members of that settlement.

1990 cM-14.3 s2

Corporate powers

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

(2) A settlement council may carry out the following activities only if it is permitted to do so under subsection (3):

- (a) engage in commercial activities,
- (b) make investments other than those described in Schedule 2,
- (c) lend money,
- (d) borrow money,
- (e) guarantee the repayment of a loan by a lender to someone other than the settlement, or
- (f) guarantee the payment of interest on a loan by a lender to someone other than the settlement.

(3) A settlement council may do some or all of the activities described in subsection (2) if

- (a) a regulation passed under section 239 or 240 approves the activity, or
- (b) the activity is
 - (i) authorized by a General Council Policy, and
 - (ii) permitted by a settlement bylaw.

1990 cM-14.3 s3

Settlement office

4(1) Every settlement council must name a place in the settlement area as its permanent office.

(2) A copy of the resolution naming the permanent office must be published in The Alberta Gazette.

1990 cM-14.3 s4

Annual meetings

5(1) 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.

- (2) The purpose of the meeting is
- (a) to discuss past and future activities of the settlement council,
 - (b) to present the audited financial statements for the immediately preceding financial year,
 - (b.1) to present the business plan established under section 156.1,
 - (b.2) to discuss the audited financial statements presented under clause (b) and the business plan presented under clause (b.1), and
 - (c) to discuss any matters raised by those present at the meeting.

RSA 2000 cM-14 s5;2013 c10 s3

Special general meetings

6(1) Settlement members may submit a written request to the settlement council for a special general meeting of members, stating the purpose of the meeting.

(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.

(3) On receipt of an effective request, the settlement chair 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.

(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.

1990 cM-14.3 s6

Dissolution

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

1990 cM-14.3 s7

**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.

1990 cM-14.3 s8

Term of office

9 The term of office of a councillor elected at a general election

- (a) starts at the beginning of the organizational meeting of the settlement council held after the general election at which the councillor is elected, and
- (b) ends when the successful candidates at the next general election are declared to be elected, unless the office becomes vacant earlier.

RSA 2000 cM-14 s9;2004 c25 s4

Settlement chair

10(1) If there is no applicable bylaw made under subsection (2), the councillors must appoint a settlement chair from among themselves at the organizational meeting of the settlement council after a general election.

(2) A settlement council may make a bylaw providing for the settlement chair to be elected.

(3) A bylaw made under subsection (2) does not apply

- (a) in respect of the 2013 general election unless the bylaw comes into effect at least 90 days before the general election, or
- (b) in respect of a subsequent general election unless the bylaw comes into effect at least 180 days before the general election.

(4) If a bylaw made under subsection (2) is repealed, it continues to apply as though it were not repealed

- (a) in respect of the 2013 general election unless the repeal comes into effect at least 90 days before that general election, and
- (b) in respect of a subsequent general election unless the repeal comes into effect at least 180 days before that general election.

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

(6) A settlement chair appointed by councillors from among themselves may be removed from the office of chair by a vote at a special meeting of the settlement council called to consider the matter in which at least 3 councillors vote in favour of removing the chair.

(7) If a vacancy occurs

- (a) in the office of a settlement chair appointed by the councillors from among themselves, or
- (b) within the 180-day period before the next general election, in the office of an elected settlement chair,

the councillors must appoint a settlement chair from among themselves to hold office for the balance of the term.

(8) A settlement chair appointed by councillors from among themselves who

- (a) is removed from office as chair, or
- (b) resigns as chair,

continues on the settlement council as a councillor.

(9) For greater certainty, an elected settlement chair who resigns or otherwise ceases to hold office ceases to be a member of the settlement council.

RSA 2000 cM-14 s10;2004 c25 s5;2013 c8 s4

Resignation

11(1) A settlement chair appointed by councillors from among themselves 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.

(3) For greater certainty, an elected settlement chair may resign in accordance with section 24.

RSA 2000 cM-14 s11;2013 c8 s5

Division 3 Settlement Elections

General election

12 A general election must be held for each settlement council on the first Monday in October 2013 and on the first Monday in October every 4th year thereafter.

RSA 2000 cM-14 s12;2004 c25 s6;2013 c8 s6

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.

1990 cM-14.3 s13

Eligibility to vote

14 No person is eligible to vote at a general 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 bylaw, and
- (c) has his or her residence in the settlement area on election day.

RSA 2000 cM-14 s14;2004 c25 s8

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 bylaw, and
- (c) is not ineligible or disqualified from being a candidate or serving as a councillor.

1990 cM-14.3 s15

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 or adult interdependent partner, 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) If a candidate does not file the disclosure statement at the time of nomination, the nomination is not valid and the returning officer may not act on it.

(5) After an election, the returning officer must give the disclosure statements of every candidate to the settlement administrator, and the settlement administrator must retain the statements for at least 4 years.

RSA 2000 cM-14 s16;2002 cA-4.5 s57;2004 c25 s9;2013 c8 s7

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 *Adult Guardianship and Trusteeship Act*, or
- (viii) repealed 1998 c22 s22(6),
- (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 4 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, between nomination day and the date of the election, a candidate withdraws because the candidate is ineligible, or the returning officer is provided with a copy of an order of a court declaring a candidate to be ineligible,

- (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.

RSA 2000 cM-14 s17;2008 cA-4.2 s144;2013 c8 s8

18 to 20, 20.1 Repealed 2004 c25 s11.

Vacancies

21 If a vacancy occurs on a settlement council

- (a) more than 180 days before the next general election, the vacancy must be filled by a by-election;
- (b) subject to section 10(7), within the 180-day period before the next general election, the vacancy must be filled at the next general election.

RSA 2000 cM-14 s21;2004 c25 s12;2013 c8 s9

By-elections

22 A person elected in a by-election holds office from the date the election result is declared until the end of the predecessor's term.

RSA 2000 cM-14 s22;2004 c25 s13

Oath of office

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

1990 cM-14.3 s23

23.1 Repealed 2013 c8 s10.

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.

1990 cM-14.3 s24

Disqualification

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

- (a) the councillor is ineligible to serve as a councillor under section 17;
- (a.1) 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 or her 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 bylaw 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 *Adult Guardianship and Trusteeship Act*;
 - (o) the contents of the councillor's disclosure statement do not comply with section 16(2);
 - (o.1) the councillor contravenes section 39;
 - (p) the councillor is disqualified from remaining on the settlement council by a court;
 - (p.1) the councillor has a financial interest in an agreement that is not binding on the settlement under section 39.1;
 - (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, the member's employment in that office terminates on the date of the election;
 - (b) the settlement member is a full-time employee of the settlement, the member's employment terminates 45 days after the date of the election, unless a bylaw is passed within the 45 days approving the continuation of the employment.

RSA 2000 sM-14 s25;2008 cA-4.2 s144

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 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 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.

RSA 2000 cM-14 s26;2009 c53 s115

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.

1990 cM-14.3 s27

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.

1990 cM-14.3 s28

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.

1990 cM-14.3 s29

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.

1990 cM-14.3 s30

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.

1990 cM-14.3 s31

Part 2 Settlement Council Decision Making

Division 1 Settlement Council Meetings

Organizational meetings

32(1) The first meeting of a settlement council after a general election is its organizational meeting, which must be held within 14 days after the date of the general election.

(2) The settlement administrator must give written notice of the date, time and place of the organizational meeting to the councillors.

RSA 2000 cM-14 s32;2004 c25 s19

Regular council meetings

33(1) A settlement council must hold as many meetings in each year as it considers necessary to deal with settlement affairs.

(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.

1990 cM-14.3 s33

Special council meetings

34(1) A settlement chair

- (a) may call a special settlement council meeting whenever the chair considers it necessary to do so, and
- (b) must call a special settlement council meeting if requested to do so in writing by a majority of councillors.

(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.

(3) Despite subsection (2), all the councillors can agree that no notice of a particular meeting is necessary.

1990 cM-14.3 s34

Bylaws for special meetings

35(1) Every settlement council must describe in a bylaw

- (a) the manner in which notices of special settlement council meetings are to be given, and
- (b) the means by which the settlement administrator is to keep a record of the notices.

(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.

1990 cM-14.3 s35

Open meetings

36(1) Settlement council meetings are open to the public.

(2) If a councillor or any other person engages in improper conduct at a settlement council meeting, the settlement chair, or the person presiding at the meeting, may cause the person to be expelled and excluded from the meeting.

1990 cM-14.3 s36

Committee meetings

37(1) 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.

(2) A settlement council cannot pass a bylaw or resolution while it is in committee, except a resolution to revert to a public settlement council meeting.

1990 cM-14.3 s37

Procedure at meetings

38(1) Three councillors must be present at settlement council meetings to form a quorum.

(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.

(3) If there is an equal number of votes on any matter, the resolution is defeated.

(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.

(5) A councillor cannot be represented, or vote, by proxy.

1990 cM-14.3 s38

Conflict disclosures

39(1) A councillor must disclose to the settlement council any financial interest that the councillor has in a matter before the council.

(2) If the matter in which a councillor has a financial interest

- (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
- (b) is to be decided by a settlement bylaw, the councillor may take part in deliberations of the council on that matter and vote on the matter.

(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.

1990 cM-14.3 s39

Effect of financial interest on agreements

39.1 No agreement with a settlement under which a councillor of the settlement has a financial interest is binding on the settlement unless

- (a) the agreement is for work in an emergency,
- (b) the agreement is
 - (i) for the sale of goods, or
 - (ii) for the provision of services to the settlement or to persons contracting with the settlement

at competitive prices by a dealer in those goods or services whose entering into the agreement is incidental to or in the ordinary course of the dealer's business,
- (c) the proposed agreement is approved by the settlement council before the agreement is signed by the settlement, or
- (d) the agreement was entered into before the term of the councillor started.

1998 c22 s22(10)

Absence of quorum

40(1) 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.

(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

- (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
- (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.

(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.

(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.

1990 cM-14.3 s40

Valid proceedings

41 Proceedings of a settlement council are not invalid because of a vacancy on the council if at least 3 councillors remain in office.

1990 cM-14.3 s41

Meeting procedures

42(1) In this section, “committee” includes a committee appointed under section 49.

(2) A settlement council may

- (a) establish or adopt rules of conduct for councillors and others present at settlement council, committee or public meetings;
- (b) establish or adopt rules governing the calling of settlement council, committee and public meetings, and the public notice to be given of them;
- (c) establish a quorum for committee meetings and the procedure to be followed when a vote is taken on matters at committee meetings.

1990 cM-14.3 s42;1998 c22 s22(11)

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 bylaw.

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

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

(5) Despite subsection (2), a settlement council may vote on a General Council resolution in the manner provided for in the rules

of the General Council, and Divisions 1 and 2 of this Part do not apply to a settlement council's voting on a General Council resolution.

1990 cM-14.3 s43;1998 c22 s22(12)

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 bylaws after they have been given first reading;
- (c) reports of committees or employees of the settlement, including reports of committees appointed under section 49, 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;
- (d.1) draft business plans proposed to be established under section 156.1;
- (e) minutes of meetings of the settlement council after they have been adopted by the council;
- (f) settlement bylaws after they have been enacted;
- (g) business plans after they have been established under section 156.1.

(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.

(4) If a settlement member makes a written request to the settlement administrator for a copy of a specified agreement for the purposes of determining if the contents of a candidate's disclosure

statement comply with section 16(2), the settlement administrator must

- (a) if the settlement council has not restricted publication of the agreement under subsection (2), provide a copy of the agreement to the member, and
- (b) if the settlement council has restricted publication of the agreement under subsection (2), provide to the member a copy of the parts of the agreement that were not restricted and a copy of the parts of the agreement that were restricted that will enable the member to determine if a candidate's disclosure statement complies with section 16(2),

and the copies must be provided within a reasonable time of receiving the written request at not more than the cost of making the copies.

RSA 2000 cM-14 s44;2013 c8 s11

Recording agreements

45(1) Every agreement made by or on behalf of a settlement and every resolution must be in writing signed by

- (a) the settlement chair or a councillor designated by the council as an alternate signing officer, and
- (b) the settlement administrator.

(2) An agreement made by or on behalf of a settlement may also be signed by the persons authorized under the settlement's bylaws.

1990 cM-14.3 s45;1998 c22 s22(14)

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 bylaws 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.

1990 cM-14.3 s46

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 bylaw, and
- (b) who have their residence in the settlement area on the date of the vote.

1990 cM-14.3 s47;1998 c22 s22(15)

Division 2.1 Councillors

Councillors

47.1(1) Councillors have the following duties and functions:

- (a) to consider the welfare and interests of the settlement as a whole;
- (b) to participate generally in developing and evaluating settlement bylaws and resolutions;
- (c) to participate in settlement council meetings and settlement council committee meetings and meetings of other bodies to which they are appointed by the settlement council;
- (d) to keep in confidence matters discussed in private at a settlement council meeting or settlement council committee meeting until the matters are discussed at a meeting held in public;
- (e) to participate in recruiting and appointing the settlement administrator;
- (f) to obtain information about the operation or administration of the settlement from the settlement administrator or a person designated by the settlement administrator;
- (g) to respect the roles, powers, duties and functions of the settlement administrator and other staff;
- (h) to participate in other decision-making or other activities assigned to a settlement council by this Act or any other enactment or a General Council Policy;
- (i) to exercise any other power and perform any other duty or function assigned to a councillor by this Act or any other enactment or a General Council Policy.

(2) In exercising the powers and carrying out the duties and functions of a councillor, a councillor shall comply with this Act, other applicable enactments, the settlement bylaws and resolutions, General Council Policies and any directions made under this Act.

(3) The Minister may, after consulting with the General Council, make regulations

- (a) prescribing other powers, duties and functions of councillors;
- (b) prohibiting councillors from engaging in specified activities or taking specified actions.

2013 c8 s12

Division 2.2 Prohibitions

Prohibitions

47.2(1) No settlement council or councillor shall authorize a payment to a councillor for serving as a councillor, including, without limitation, a payment of remuneration or honoraria or benefits or expenses, in an amount that exceeds the amount prescribed by or determined in accordance with General Council Policy.

(2) A councillor shall not accept a payment for serving as a councillor, including, without limitation, a payment of remuneration or honoraria or benefits or expenses, in an amount that exceeds the amount prescribed by or determined in accordance with General Council Policy.

(3) No settlement council or councillor shall exercise a power or perform a duty or function that is specifically assigned to a settlement administrator by this Act or any other enactment, a settlement bylaw or a General Council Policy.

2013 c8 s12

Division 3 Staff and Committees

Settlement administrator

48(1) A settlement council

- (a) must appoint a settlement administrator and fix the settlement administrator's remuneration and terms of employment, and

- (b) may prescribe other duties and functions of the settlement administrator in addition to the duties and functions set out in this or any other enactment.

(2) The settlement administrator is the administrative head of the settlement and has the following duties and functions:

- (a) to ensure that the bylaws and resolutions of the settlement are implemented;
- (b) to administer the affairs, bylaws and resolutions of the settlement in a fair, efficient and effective manner and in compliance with this Act, other applicable enactments, the settlement bylaws and resolutions, General Council Policies and any directions made under this Act;
- (c) to advise and inform the settlement council on the operation and affairs of the settlement;
- (d) to establish and maintain, in accordance with any applicable General Council Policy, the systems of financial management for the settlement and the records of the settlement;
- (e) to hire employees of the settlement and fix their remuneration and terms of employment;
- (f) to establish human resource policies for the settlement;
- (g) to exercise any other power and perform any other duty or function assigned to a settlement administrator by this Act or any other enactment or prescribed by the settlement council or a General Council Policy.

(3) The Minister may, after consulting with the General Council, make regulations

- (a) prescribing other powers, duties and functions of settlement administrators;
- (b) prohibiting settlement administrators from engaging in specified activities or taking specified actions.

RSA 2000 cM-14 s48;2013 c8 s13

Delegation

49(1) A settlement council may appoint committees which may, but need not, include councillors.

(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 bylaws.

(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.

1990 cM-14.3 s49

Division 4 Making Bylaws

Geographic jurisdiction

50(1) Except where the context otherwise requires, the bylaw making authority of a settlement council is confined to the geographic area of the settlement.

(2) The geographic area of a settlement is

- (a) the land within the outer boundaries of patented land, and
- (b) additional land that is described by the Lieutenant Governor in Council after consultation between the Minister and the General Council.

1990 cM-14.3 s50

Bylaw authority

51 A settlement council may make bylaws respecting

- (a) the matters set out in Schedule 1;
- (b) the matters described or referred to elsewhere in this Act and in other enactments.

1990 cM-14.3 s51

Enactment of bylaws

52(1) No bylaw has any effect unless it is given 3 distinct and separate readings at a meeting of a settlement council, and no more than 2 readings may be given at the same meeting.

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

(3) A bylaw must not be given second reading unless it is in writing and available to councillors.

(4) Following each reading and debate, if any, of a proposed bylaw, a vote of the councillors must be taken and the proposed

bylaw can be given the next reading only if at least 3 councillors vote in favour of the bylaw.

1990 cM-14.3 s52

Bylaws must be passed within 2 years of first reading

53(1) If a bylaw does not receive third reading within 2 years of first reading, the previous readings are cancelled.

(2) If the bylaw is defeated on second or third reading, the previous readings are cancelled.

1990 cM-14.3 s53

Public notice of bylaws

54(1) Every proposed bylaw must be presented at a public meeting in the settlement area after second reading but before third reading.

(2) At least 14 days' public notice of the date, time and place of the public meeting must be given.

1990 cM-14.3 s54

Approval of bylaws

55(1) A quorum for public meetings called to vote on settlement bylaws is 15 settlement members who are eligible to vote on the bylaw, or any other number specified by settlement bylaw.

(2) A settlement member is eligible to vote on a bylaw presented at a public meeting if

- (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 bylaw, and
- (b) the member's residence is in the settlement area on the date of the vote.

(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.

(4) A bylaw voted on at a public meeting is approved if a majority of the settlement members who are eligible to vote and who vote at the meeting vote in favour of the bylaw.

(5) If the vote at the public meeting is not in favour of the proposed bylaw, the bylaw is defeated, and all previous readings are cancelled.

1990 cM-14.3 s55;1998 c22 s22(16)

Budget bylaws

55.1 Sections 54 and 55 do not apply to a budget bylaw.

2013 c8 s14

Emergencies

56 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 bylaw designed to deal with the emergency, in which case no public meeting or vote is required.

1990 cM-14.3 s56

Petition for a bylaw

57(1) Settlement members may petition the settlement council for a bylaw about any matter, other than a matter referred to in section 157, within the bylaw making authority of the settlement council.

(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.

RSA 2000 cM-14 s57;2013 c8 s15

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.

1990 cM-14.3 s58

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.

1990 cM-14.3 s59

Bylaw 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 bylaw 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 bylaws 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 bylaw receives first reading.

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

(4) If the bylaw 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.

1990 cM-14.3 s60

Effective date

61 A bylaw comes into effect

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

- (b) on any later date or dates specified in the bylaw, or
- (c) if any approval of the bylaw is required, on the date the approval is given or on any future date specified in the approval or the bylaw.

1990 cM-14.3 s61

Sealing bylaws

62 After a bylaw receives third reading the settlement administrator must sign it and affix the corporate seal.

1990 cM-14.3 s62

Bylaw penalties

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

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

(3) The penalties that can be included in bylaws 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 bylaw 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 bylaw, order that the person comply with the bylaw.

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

1990 cM-14.3 s63

Money payable is a debt

64 Money payable to a settlement under a bylaw 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.

1990 cM-14.3 s64

**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 bylaw or General Council Policy made under this Act.

1990 cM-14.3 s65

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 bylaw 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.

1990 cM-14.3 s66

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.

1990 cM-14.3 s66

Definitions

67.1 In sections 68 and 69,

- (a) “Metis land interest” means an interest in patented land other than the fee simple held by the General Council;
- (b) “occupier”, in respect of land, means a person who has a Metis land interest that is recorded in the Metis Settlements Land Registry for the land and a person in actual occupation of the land.

1998 c22 s22(17)

Enforcement notices

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

- (a) requiring an 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 bylaw or General Council Policy under this Act or any other enactment;
- (b) directing an occupier of land to remove any litter or anything causing or contributing to untidy or unsightly land or buildings;

- (c) requiring an 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 an 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 occupier to whom it is directed and one or more occupiers who have recorded interests in 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 those occupiers and, in default of payment,
 - (i) the costs and expenses may be recovered as a debt due to the settlement, and
 - (ii) a notification of the costs and expenses may be recorded in the Metis Settlements Land Registry against those occupiers' interests in the land;
- (f) making any other direction that the council considers necessary.

(2) An occupier 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.

(3) On receipt of a notice of appeal under subsection (2), the Appeal Tribunal may, in addition to exercising the powers in section 190, quash or confirm the notice issued under subsection (1) in respect of all or some of the occupiers who received the notice.

1990 cM-14.3 s68;1998 c22 s22(18)

Problem remedied

69(1) In this section, “responsible occupier” means an occupier who has received a notice under section 68(1) that has not been quashed on appeal in respect of that occupier.

(2) If an occupier fails or refuses to comply with a notice under section 68 and no appeal is made to the Appeal Tribunal, or the Appeal Tribunal dismisses the appeal or confirms the notice in respect of some or all of the occupiers who received the notice, 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.

- (3) The costs and expenses incurred under subsection (2) by the settlement council are an interest in land.
- (4) If a responsible occupier holds a Metis land interest that is recorded in the Metis Settlements Land Registry in respect of the land entered on under subsection (2), a notification of the costs and expenses incurred under subsection (2) may be recorded against that interest, and on the recording
- (a) the costs and expenses are payable by the responsible occupier to the settlement, and
 - (b) no dealings in respect of the responsible occupier's Metis land interest by the occupier may be recorded without the consent of the settlement council until the recording of the notification is cancelled.
- (5) If a responsible occupier does not hold a Metis land interest that is recorded in the Metis Settlements Land Registry in the land entered on under subsection (2), the costs and expenses incurred under subsection (2) are, when the responsible occupier receives a notification of the costs and expenses, payable by the occupier to the settlement.
- (6) The costs and expenses that are payable under this section are a debt due to the settlement and may be recovered by the settlement by an action for debt.
- (7) A settlement may, in addition to the rights under this section, exercise any rights granted under a General Council Policy to collect the costs and expenses incurred under subsection (2) that are payable by a responsible occupier.

1990 cM-14.3 s69;1998 c22 s22(19)

Bylaw enforcement

- 70(1)** If the Minister first approves, a settlement council may provide for the appointment of one or more bylaw enforcement officers and describe their powers and duties.
- (2) Bylaw 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 bylaw, establish disciplinary procedures, including procedures, penalties and an appeal process, that apply to bylaw enforcement officers.
- (4) All bylaw enforcement officers must take the official oath prescribed by the *Oaths of Office Act* before starting their duties.

1990 cM-14.3 s70

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.

1990 cM-14.3 s71

**Division 6
Provincial Law and Regulations****Consistency with provincial law**

72(1) A bylaw 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 bylaw or resolution to implement a General Council Policy on hunting, trapping, fishing or gathering.

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

1990 cM-14.3 s72

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.

1990 cM-14.3 s73

**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.

1990 cM-14.3 s74

Indians and Inuit

75(1) An Indian registered under the *Indian Act* (Canada) or a person who is registered as an Inuk 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) or (3.1) applies.

(2) An Indian registered under the *Indian Act* (Canada) or a person who is registered as an Inuk 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 Inuk when less than 18 years old,
- (b) the person lived a substantial part of his or her 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 bylaw 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.

(3.1) In addition to the circumstances under subsection (2), an Indian registered under the *Indian Act* (Canada) or a person who is registered as an Inuk for the purposes of a land claims settlement may be approved as a settlement member if he or she meets the conditions for membership set out in a General Council Policy.

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

RSA 2000 cM-14 s75; 2004 c25 s20

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.

1990 cM-14.3 s76

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.

1990 cM-14.3 s77

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,
- (c) is ineligible under section 75, or
- (d) does not agree to preserve a peaceful community and to comply with this Act, the bylaws and General Council Policies.

1990 cM-14.3 s78

Decision on applications

79(1) Before a settlement council makes a decision on a membership application it must

- (a) give the applicant a reasonable opportunity of providing evidence to the council in support of the application, and
- (b) give the applicant a hearing if the applicant requests it.

(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

- (a) is approved,
- (b) is deferred pending further information or compliance with specified conditions,
- (c) is deferred because of a lack of suitable living accommodation,
- (d) is approved for a stated probationary period, which cannot be longer than 2 years, or
- (e) is refused.

- (3) When an application is deferred or refused, the notice must give reasons for the decision.
- (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.
- (5) A settlement council must send a copy of every membership application decision to the Minister unless the Minister directs otherwise.

1990 cM-14.3 s79

Membership approval

80(0.1) In this section, “becomes final” in respect of the approval of an application for membership in a settlement means that

- (a) the application was approved by the settlement council and the approval was not appealed,
- (b) the application was approved by the settlement council and, on appeal, the Appeal Tribunal confirmed the approval, or
- (c) the application was refused or deferred by the settlement council and, on appeal, the Appeal Tribunal approved the application.

(1) When an approval of an application for membership in a settlement becomes final and the applicant starts to live in the settlement area, the settlement council must

- (a) notify the Minister that the application is approved, and
- (b) provide the necessary information to the Minister for a record to be made on the Settlement Members List.

(2) An applicant for membership in a settlement becomes a settlement member when

- (a) the approval of the application for membership becomes final,
- (b) the applicant starts to live in the settlement area, and
- (c) the applicant is recorded on the Settlement Members List as a settlement member.

(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.

1990 cM-14.3 s80;1998 c22 s22(20)

Membership records

81(1) A settlement administrator

- (a) must keep a proper record of settlement membership applications, notices and decisions made about the application, and
- (b) may keep other information that the settlement council considers necessary about settlement members in that settlement.

(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.

1990 cM-14.3 s81

Membership in one settlement only

82 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.

1990 cM-14.3 s82

Appeals

83(1) 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

- (a) within 45 days after receiving notice of the refusal or deferral, or
- (b) within 45 days after the date the council should have made a decision.

(2) If a settlement council approves an application for membership in a settlement, any member of the settlement may appeal in writing to the Appeal Tribunal within 45 days after the application was approved.

(3) No settlement member may make an appeal under subsection (2) without the permission of the Appeal Tribunal.

1990 cM-14.3 s83;1998 c22 s22(21)

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.

1990 cM-14.3 s84

**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 bylaw.

1990 cM-14.3 s85

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

1990 cM-14.3 s86

Termination of settlement membership

- 87(1)** A settlement council may terminate the membership of a settlement member only by a settlement bylaw 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 bylaw 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 bylaw 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 bylaw should not be given first reading.

1990 cM-14.3 s87

Notice of decision and appeal

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

(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 bylaw or resolution.

1990 cM-14.3 s88

Tribunal decision

89(1) 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.

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

1990 cM-14.3 s89

Resignation from membership

89.1(1) A settlement member may terminate membership in a settlement by submitting a letter of resignation to the settlement.

(2) The termination of membership under subsection (1) becomes effective 10 days after the letter of resignation is received by the settlement unless the settlement receives a written letter from the settlement member revoking the letter of resignation before the 10-day period expires.

(3) When settlement membership is terminated under this section, the settlement must send a copy of the letter of resignation to the Minister.

1998 c22 s22(22)

Automatic termination

90(1) Unless a General Council Policy provides otherwise, a settlement member terminates membership in a settlement if

- (a) the person voluntarily becomes registered as an Indian under the *Indian Act* (Canada), or

- (b) the person becomes registered as an Inuk for the purpose of a land claims agreement.

(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.

RSA 2000 cM-14 s90;2004 c25 s21

Effect of termination

91(1) When the membership of a settlement member terminates or is terminated, the member

- (a) loses any rights gained by his or her former membership to reside on or occupy patented land, but
- (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 bylaw.

(2) The termination of settlement membership does not affect any right acquired by the spouse or adult interdependent partner or minor children of the member to continue to reside on patented land.

(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.

RSA 2000 cM-14 s91;2002 cA-4.5 s57

Right of residence

92 A person who is not a settlement member is not permitted to reside on patented land unless the person

- (a) is part of the immediate family of a settlement member,
- (b) is a teacher or health care worker,
- (c) is an employee of the settlement, or
- (d) is permitted to reside on patented land by this or any other enactment, a General Council Policy or a settlement bylaw.

1990 cM-14.3 s92;1998 c22 s22(23)

Continuing entitlement to reside

93(1) 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.

(1.1) A settlement council may order a person who is not permitted to reside in the settlement area expelled from the settlement area if the person refuses to leave the settlement area on the request of the settlement council.

(2) No order can be made under subsection (1) or (1.1) 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.

1990 cM-14.3 s93;1998 c22 s22(24)

Appeal

94 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.

1990 cM-14.3 s94

Enforcement of settlement council order

94.1(1) If

- (a) a person who is ordered expelled under section 93 does not appeal the order within the time specified under section 94 or, on appeal under section 94, the Appeal Tribunal confirms the settlement council's expulsion order, and
- (b) the person ordered expelled continues to reside in the settlement area,

the settlement council may apply to the Court of Queen's Bench for an order directing the person to leave the settlement area.

(2) The Court of Queen's Bench on hearing the application may make any order it considers appropriate.

RSA 2000 cM-14 s94.1;2009 c53 s115

Land allocation cancelled

95(1) All of a person's interests in land in a settlement area are terminated

- (a) when the person's settlement membership is terminated, or
- (b) if an appeal is made, when the Appeal Tribunal or a court confirms or declares that the person's settlement membership is terminated.

(2) The loss of an interest in land under this section does not affect any right of the spouse or adult interdependent partner or the minor

children of the former member to continue to reside on the settlement land in which the member had an interest.

RSA 2000 cM-14 s95;2002 cA-4.5 s57

Division 3 Settlement Members List

Establishment

96(1) The Minister must establish the Settlement Members List.

(2) The following information is to be recorded on the Settlement Members List in respect of each settlement:

- (a) the full name of each settlement member;
- (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.

1990 cM-14.3 s96

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.

1990 cM-14.3 s97

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 the Minister's 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.

1990 cM-14.3 s98

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 bylaw that is passed in accordance with a General Council Policy.

1990 cM-14.3 s99

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 or 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.
1990 cM-14.3 s100;1998 c22 s22(26)

Interests in patented land exempt from seizure

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

1990 cM-14.3 s101;1994 cC-10.5 s166;1998 c22 s22(27)

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 recording, registration and filing in that Registry of rights, interests and other matters with respect to patented land;
 - (a.1) defining, for the purposes of this Act, the words “recording” and “registration” in respect of a right or interest in patented land;
 - (b) respecting the recording, registration and filing 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 recording, registration and filing in the Metis Settlements Land Registry of the rights or interests registered under the *Land Titles Act*;
 - (d) providing for the recording, registration and filing 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.

1990 cM-14.3 s102;1998 c22 s22(29)

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.

1990 cM-14.3 s103

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 recorded, 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.

1990 cM-14.3 s104;1998 c22 s22(30)

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.

1990 cM-14.3 s105

Subdivision of patented land

106 The Registrar of the Metis Settlements Land Registry must not accept a document for recording 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.

1990 cM-14.3 s106;1998 c22 s22(31)

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.

1990 cM-14.3 s107

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 bylaw.

(3) The settlement must acquire the interest in accordance with section 6 of the *Metis Settlements Land Protection Act*.

1990 cM-14.3 s108

Division 5 Highways

Highways

109 A settlement 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.

1990 cM-14.3 s109;1998 c22 s22(32)

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 bylaw 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 bylaw or General Council Policy to the contrary.

1990 cM-14.3 s110

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 Resource Development, 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 November 1, 1990;
- (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 November 1, 1990;
- (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 registered 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.
1990 cM-14.3 s111;1998 c22 s22(33)

Application

112 This Division applies only to patented land.

1990 cM-14.3 s112

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.

1990 cM-14.3 s113

Entry onto the surface of patented land restricted

114(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

- (a) the consent of the occupants of the surface of the parcel or parcels of land sought to be entered, or
- (b) a right of entry to the parcels under an order of the Existing Leases Land Access Panel.

(2) An operator must not enter or use the surface of patented land unless the operator

- (a) has obtained any consent of the General Council and a settlement council required under section 7 of the *Metis Settlements Land Protection Act*, and
- (b) has obtained
 - (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
 - (ii) a right of entry to the parcels under an order of the Land Access Panel.

1990 cM-14.3 s114

Application for right of entry

115(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.

(2) When considering an application under subsection (1), the Existing Leases Land Access Panel may

- (a) direct the parties to engage in negotiations and provide them with such assistance as it considers necessary,
- (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
- (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.

(3) An operator who has obtained the consents required under section 7 of the *Metis Settlements Land Protection Act* 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.

1990 cM-14.3 s115

Right of entry orders

116(1) 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.

(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.

(3) In their decisions, either Panel may

- (a) make the order exclusive to the applicant,
- (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,
- (c) state a date on which the order expires, and
- (d) impose conditions, including those necessary to ensure that development will conform with any development plans of the settlement.

(4) All right of entry orders, and amendments to them and cancellations of them, must be recorded in the Metis Settlements Land Registry.

1990 cM-14.3 s116

Notification of right of entry order

117 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.

1990 cM-14.3 s117

Determining compensation

118(1) 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:

- (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.

1990 cM-14.3 s118

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.

1990 cM-14.3 s119

Termination of right of entry order

120(1) On application to it the Land Access Panel may

- (a) 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
 - (i) an existing mineral lease holder or operator is not using the right of entry order, or
 - (ii) there is good reason to terminate or amend the order,
- or
- (b) if the application is by an existing mineral lease holder for additional surface access or amendment of a right of entry order, grant, terminate or amend a right of entry order as required.

(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 Part 6 of the *Environmental Protection and Enhancement Act* applies unless a reclamation certificate has been issued in respect of the land to which the order relates.

RSA 2000 cM-14 s120;2004 c25 s22

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 President of Treasury Board and Minister of Finance to pay out of the General Revenue Fund the amount of money to which the person is entitled.

(3) If the President of Treasury Board and Minister of Finance 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.

RSA 2000 cM-14 s121;2006 c23 s51;2013 c8 s16

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 the basis of the lawyer's charges to the client 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 the basis of the lawyer's charges to the client, and
 - (ii) if the appeal is unsuccessful, are payable on the basis of any costs incurred in the proceeding determined under the *Alberta Rules of Court* 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.

RSA 2000 cM-14 s122;2009 c53 s115

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.

1990 cM-14.3 s123

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.

1990 cM-14.3 s124

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.

1990 cM-14.3 s125

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.

1990 cM-14.3 s126

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.

1990 cM-14.3 s127

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.

1990 cM-14.3 s128

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.

1990 cM-14.3 s129

Part 5 Fishing

Fisheries Act (Canada)

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

1990 cM-14.3 s130

Fishing in settlement area

131 Only

- (a) settlement members resident in settlement areas, and
- (b) persons authorized under settlement bylaws

may fish in settlement areas.

1990 cM-14.3 s131

Fishing for sustenance

132(1) 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.

(2) This section does not authorize the member to fish for the purpose of selling, dealing or trafficking in fish.

1990 cM-14.3 s132;1998 c22 s22(34)

Commercial fishing licences

133(1) At the request of a settlement council, the Minister of Environment and Sustainable Resource Development 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 Environment and Sustainable Resource Development 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.

RSA 2000 cM-14 s133;2002 c30 s22;2013 c8 s17

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.

(3) For the purpose of removing any doubt, Part 2 of the Consolidated Fund is not a trust.

1990 cM-14.3 s134;1998 c22 s22(35)

Accounts and records

135(1) The General Council

- (a) must establish accounts in the name of the Consolidated Fund with a bank, a 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.

1990 cM-14.3 s135;1997 cA-37.9 s39

Directives and rules

136 The General Council may issue directives and rules about the management and administration of the Consolidated Fund.

1990 cM-14.3 s136

Consolidated Fund administration policy

137 The General Council may make General Council Policies about

- (a) the manner in which money payable into the Consolidated Fund must be collected, managed or held,
- (b) the manner in which, the times within which, and the persons to whom, money payable into the Consolidated Fund must be paid, and
- (c) the accounting, reporting and record keeping required with respect to money payable into, held in, and paid from the Consolidated Fund.

1990 cM-14.3 s137

Nature of the Consolidated Fund

138 The Consolidated Fund must be maintained

- (a) as cash, or
- (b) in the form of investments described in Schedule 2.

1990 cM-14.3 s138

Financial year

139 The financial year of the Consolidated Fund is April 1 to the following March 31.

1990 cM-14.3 s139

Payments into the Consolidated Fund**140(1)** There must be paid into Part 1 of the Consolidated Fund

- (a) money owned by the General Council,
- (b) money held by the General Council for the benefit of, as agent for, or in trust for, any person,
- (c) money held by an employee or official of the General Council in the capacity of employee or official,
- (d) grants, donations and all other sources of income or revenue of the General Council, in particular
 - (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,
 - (ii) money resulting from a legally enforceable obligation,
 - (iii) surface resource revenue or money resulting from the co-management of subsurface resource agreements, payable to the General Council, and
 - (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 3 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.

1990 cM-14.3 s140

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.

1990 cM-14.3 s141

Payments out of the Consolidated Fund

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

- (a) in accordance with a 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 bylaw,
- (b.1) with respect to funds attributable to a particular settlement, up to a maximum of \$100 000 for a financial year for the purpose of maintaining basic settlement operations in accordance with a resolution of the settlement's council if at the time of making the payment the settlement has not adopted a budget bylaw for that financial year,
- (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.

1990 cM-14.3 s142;1998 c22 s22(36)

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.

1990 cM-14.3 s143

Division 2 General Council Financial Allocation Policy

Financial allocation policy

144(1) There must be a General Council Policy, to be known as a financial allocation policy, that applies to each financial year.

(2) A financial allocation policy must

- (a) specify the total amount of money available from the Consolidated Fund for allocation to the settlements and General Council, and
- (b) specify how the money described in clause (a) is to be allocated among the settlements and General Council.

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

(4) A financial allocation policy that applies to more than one financial year must specify how the matters provided for in the policy under subsections (2) and (3) apply to each financial year covered by the policy.

1990 cM-14.3 s144;1998 c22 s22(37)

Amendments

145 The General Council may amend a financial allocation policy that applies to a financial year at any time before or during that financial year.

1990 cM-14.3 s145;1998 c22 s22(37)

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.

1990 cM-14.3 s146

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.

1990 cM-14.3 s147

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.

1990 cM-14.3 s148

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, a 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, bylaws or an enactment, or
- (c) can be opened or operated outside the settlement fund.

1990 cM-14.3 s149;1997 cA-37.9 s39

Directives and rules

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

1990 cM-14.3 s150

Settlement funds administration bylaw

151 A settlement council may make bylaws respecting

- (a) the manner in which money payable into its settlement fund must be collected, managed or held,
- (b) the manner in which, the times within which, and the persons to whom, money payable into its settlement fund must be paid, and
- (c) the accounting, reporting and record keeping required with respect to money payable into, held in and paid from its settlement fund.

1990 cM-14.3 s151

Nature of the settlement fund

152 Each settlement fund must be maintained

- (a) as cash, or
- (b) in the form of investments described in Schedule 2.

1990 cM-14.3 s152

Financial year

153 The financial year of every settlement fund is April 1 to the following March 31.

1990 cM-14.3 s153

Payments into settlement funds

154(1) There must be paid into settlement funds

- (a) money owned by a settlement,
- (b) money held by the settlement council for the benefit of, as agent for, or in trust for, any person,
- (c) money held by an employee or official of the settlement in the capacity of employee or official,
- (d) grants, donations and all other sources of income or revenue of a settlement, in particular
 - (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,
 - (ii) money raised by a settlement bylaw,
 - (iii) money resulting from a legally enforceable obligation,
 - (iv) surface resource revenue or money resulting from the co-management of subsurface resource agreements payable to the settlement,
 - (v) money received from the Crown in right of Alberta or an agency of the Crown, and
 - (vi) money received from the payment of fines paid for contravention of settlement bylaws,
- (e) the matching grants paid to settlements in accordance with sections 5 and 6 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 bylaw 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.

1990 cM-14.3 s154

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 settlement fund as soon as reasonably possible.

1990 cM-14.3 s155

Payments out of settlement funds

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

- (a) in accordance with a settlement bylaw,
- (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.

(1.1) Money that a settlement receives under section 142(1)(b.1) for a financial year for the purpose of maintaining basic settlement operations may be paid out of the settlement fund in accordance with a resolution of the settlement's council until the settlement council adopts a budget bylaw for that financial year.

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

1990 cM-14.3 s156;1998 c22 s22(38)

Division 4 Settlement Business Plans and Budgets

Business plans

156.1(1) On or before January 31, 2014, each settlement council must establish a business plan respecting the settlement for the financial year beginning April 1, 2014 and the 2 subsequent financial years.

(2) On or before January 31 of every year after 2014, each settlement council must review its business plan and establish a new business plan for the next financial year and the 2 subsequent financial years.

(3) A business plan established under this section must include the following:

- (a) a description of the mission and core business of the settlement;
- (b) a description of the goals of the settlement, the strategies for achieving the goals, the performance targets for each goal and the measures to be used in assessing whether the performance targets for each goal have been achieved;
- (c) a description of the purposes and objectives of each entity that is directly or indirectly controlled by the settlement council.

2013 c8 s18

Annual settlement budgets

157(1) A settlement council must adopt a budget bylaw for each financial year

- (a) describing the money allocated to it from the Consolidated Fund and the purposes for which the money is allocated,
- (b) describing the money available for expenditure in its own settlement fund,
- (b.1) describing how the budget bylaw relates to the business plan for the financial year, 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 bylaw during a financial year to change or add to a previous budget bylaw.

(3) A budget bylaw may not deal with matters other than the matters referred to in subsection (1).

RSA 2000 cM-14 s157;2013 c8 s19

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 bylaw 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.

1990 cM-14.3 s158

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 bylaw or amendments to that bylaw or, in the case of money received under section 142(1)(b.1), in accordance with a resolution of the settlement's council,
- (b) the expenditure
 - (i) has been authorized by the settlement chair, 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 bylaw,
- (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 bylaw.

1990 cM-14.3 s159;1998 c22 s22(40)

Division 5

Protection of the Consolidated Fund and Settlement Funds

Standardized financial reports

159.1 On or before September 30 of every year, each settlement council must

- (a) prepare, in accordance with General Council Policy, standardized financial reports for the previous financial year for the settlement, and
- (b) file a copy of the standardized financial reports with the Minister and the General Council.

2013 c8 s20

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.

1990 cM-14.3 s160

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.

1990 cM-14.3 s161

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.

1990 cM-14.3 s162

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.

1990 cM-14.3 s163

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.

1990 cM-14.3 s164

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.

1990 cM-14.3 s165

Assessment and taxation

166(1) If there is a General Council Policy in effect, a settlement council may, in accordance with that Policy, make bylaws 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.

(2) A settlement bylaw 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.

1990 cM-14.3 s166

Tax on well-drilling equipment

167(1) A settlement council may make bylaws providing for the imposition of a tax on persons who are in legal possession of equipment

- (a) when the equipment is engaged in the drilling of a well for which a licence is required under the *Oil and Gas Conservation Act*, or
- (b) capable of or designed for drilling a gas or oil well when the equipment is engaged in servicing a gas or oil well.

(2) The tax that is imposed in a year must be calculated in accordance with the rates established for that year under the *Well Drilling Equipment Tax Rate Regulation* (AR 370/94).

(2.1) The General Council may, by General Council Policy, vary the rates referred to in subsection (2) for the purpose of calculating the tax in one or more settlements.

(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.

(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.

(5) When taxes imposed by a bylaw 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.

1990 cM-14.3 s167;1998 c22 s22(41)

Development levy bylaws

168(1) A settlement council may make bylaws to help pay for the cost of providing settlement or other services or facilities to a development or subdivision by

- (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
- (b) authorizing the council to make an agreement on how the levies or payments will be paid.

(2) The bylaw must set out the purpose of each levy or payment and say how the amount is to be determined.

(3) The levies or payments can only be used to help pay the costs associated with locating or building services or facilities for

- (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.

1990 cM-14.3 s168

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 bylaw establish or impose and collect as an off-site levy or payment.

1990 cM-14.3 s169

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.

1990 cM-14.3 s170

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

- (a) on the Minister's own initiative, or
- (b) if requested to do so by the General Council, a settlement council or a substantial number of settlement members.

(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.

1990 cM-14.3 s171

Petition

172(1) On the Minister's own initiative or on receipt of a petition from

- (a) a settlement council, or
- (b) at least 1/3 of the settlement members of a settlement,

the Minister may appoint one or more persons to audit the books and accounts of the settlement for any particular period.

(2) The cost of the audit must be paid, in the discretion of the Minister,

- (a) by the settlement,
- (b) by the Minister, or
- (c) by the settlement and the Minister in the proportion specified by the Minister.

1990 cM-14.3 s172

Powers of inspectors and investigators

173 An inspector or investigator

- (a) may require the help of any person who the inspector or investigator thinks can assist with the inspection or investigation, and
- (b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

1990 cM-14.3 s173

Report of inspector or investigator

174(1) The inspector or investigator must make a report to the Minister about the inspection or investigation.

(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.

1990 cM-14.3 s174

Bank accounts

175 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

- (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 officials or employees of a settlement or the General Council.

1990 cM-14.3 s175

175.1 to 175.3 Repealed 2013 c8 s21.

Immunity and confidentiality continue

175.4(1) For greater certainty, notwithstanding the repeal of sections 175.1 and 175.2, a person who is a former Metis Settlements Ombudsman, investigator or other member of the staff in the Metis Settlements Ombudsman office is not personally liable for anything done or omitted to be done in good faith in the performance or purported performance of a function, power or duty under this Act as a Metis Settlements Ombudsman, investigator or other member of the staff in the Metis Settlements Ombudsman office.

(2) For greater certainty, notwithstanding the repeal of sections 175.1 and 175.3, a person who is a former Metis Settlements Ombudsman, investigator or other member of the staff in the Metis Settlements Ombudsman office shall continue to treat all information that came into the person's possession in the course of performing functions, powers or duties under this Act as a Metis Settlements Ombudsman, investigator or other member of the staff in the Metis Settlements Ombudsman office as private and confidential and shall not release that information except as permitted or required under any law in force in Alberta.

2013 c8 s21

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.

1990 cM-14.3 s176

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 being authorized to do so by this Act or by a settlement bylaw, or
- (b) contrary to a budget or other settlement bylaw,

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.

1990 cM-14.3 s177;1998 c22 s22(42)

Comptroller

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

(2) A comptroller has the powers, duties and functions to supervise the settlement council or an official manager, if one has been appointed, in the management or administration of the affairs and business of the settlement as set out in the comptroller's appointment.

(3) While the appointment of the comptroller continues, no settlement bylaw 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.

RSA 2000 cM-14 s178;2013 c8 s22

Replacing councillors, officials or employees

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.

1990 cM-14.3 s179

Division 8 General

Information and records

179.1(1) Every councillor, officer or employee of a settlement must give to an inspector, investigator or comptroller any information that the inspector, investigator or comptroller considers necessary for the purpose of performing the inspector's, investigator's or comptroller's functions.

(2) An inspector, investigator or comptroller may inspect any record prepared or kept by or on behalf of a settlement council at any reasonable time whether the record is in the possession of the settlement council or another person.

(3) If a person referred to in subsection (1) refuses to give information or if a person refuses to permit the inspection of a record under subsection (2), the inspector, investigator or comptroller may apply to the Court of Queen's Bench ex parte or on the notice the Court directs for one or more of the following orders:

- (a) an order requiring a councillor, officer or employee of a settlement to give the inspector, investigator or comptroller information;
- (b) an order that the inspector, investigator or comptroller may enter any place where a record referred to in subsection (2) may be found;
- (c) an order that the inspector, investigator or comptroller may inspect or take away a record referred to in subsection (2);
- (d) an order requiring a person to give the inspector, investigator or comptroller all reasonable assistance in the performance of the inspector's, investigator's or comptroller's functions.

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

(5) The inspector, investigator or comptroller may make copies of records inspected or taken away under subsection (2) or (3).

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

2013 c8 s23

Confidentiality

179.2 An inspector, investigator and comptroller and a person required to assist an inspector, investigator or comptroller or authorized to act by an inspector, investigator or comptroller shall treat all information coming into their possession in the course of exercising powers or performing duties or functions under this Act as private and confidential and shall not release the information except as necessary to exercise powers or perform duties or functions under this Act or as permitted or required under any law in force in Alberta.

2013 c8 s23

Immunity

179.3 An official manager, inspector, investigator or comptroller or a person required to assist an official manager, inspector, investigator or comptroller or authorized to act by an official manager, inspector, investigator or comptroller is not personally liable for anything done or omitted to be done in good faith in the performance or purported performance of a function, power or duty under this Act.

2013 c8 s23

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

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

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

1990 cM-14.3 s180

Unsatisfactory nominees for chair

181(1) If the General Council fails to submit a list of nominees for Appeal Tribunal chair, or if the Minister is not prepared to appoint any of the nominees of the General Council as Appeal Tribunal chair, then either the Minister or the General Council may request the Court of Queen's Bench to name a person as Appeal Tribunal chair 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 chair and any information and material that the Court requires to name a chair.

1990 cM-14.3 s181

Appeal Tribunal chair

182(1) The Appeal Tribunal chair 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 chair may delegate any power, duty or function conferred or imposed on the chair to a vice-chair, but the chair retains authority to exercise or perform the power, duty or function.

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

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

1990 cM-14.3 s182

Terms of office and vacancies

183(1) A person appointed to the Appeal Tribunal holds office for 4 years and may, subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act, 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 chair may resign by giving written notice to the chair.

(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.

RSA 2000 cM-14 s183;2009 cA-31.5 s59

Panels of the Tribunal

184(1) The Appeal Tribunal chair 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 chair must determine the composition of the panel and the chair's decision is final.

1990 cM-14.3 s184

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.

1990 cM-14.3 s185

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 chair with the concurrence of the Minister and the General Council.

(2.1) The Appeal Tribunal chair may designate one or more members of the Land Access Panel to sit as and exercise the powers of the Land Access Panel, and may cancel such a designation.

(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 chair with the concurrence of the Minister and the General Council.

RSA 2000 cM-14 s186;2004 c25 s28

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 chair appointed by agreement of the Minister of Energy and the General Council who, on appointment, becomes a vice-chair 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, the Small Explorers and Producers 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 chair, and the Existing Leases Land Access Panel chair may resign by giving written notice to the Appeal Tribunal chair.

1990 cM-14.3 s187

Division 3 Jurisdiction

Overriding considerations

187.1 The Appeal Tribunal shall exercise its powers and carry out its duties with a view to preserving and enhancing Metis culture and identity and furthering the attainment of self-governance by Metis settlements under the laws of Alberta.

2004 c25 s29

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) Without limiting the generality of subsection (1), that subsection applies also in respect of the disposition of an appeal to the Appeal Tribunal where the right to appeal is given under this or any other enactment, a General Council Policy or a by-law.

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

RSA 2000 cM-14 s188;2004 c25 s30;2013 c8 s24

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, bylaws 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;
 - (g.1) must review a General Council Policy pursuant to a request in accordance with a General Council Policy under section 222(1)(jj);
 - (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.

RSA 2000 cM-14 s189;2004 c25 s31

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 bylaw to conform with General Council Policy 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;
 - (m.1) with respect to a matter referred to in section 189(1)(g.1), confirm, reverse or vary the General Council Policy or refer the matter back to the General Council, with or without suggestions or recommendations;
 - (n) direct the Registrar of the Metis Settlements Land Registry to correct errors, omissions and discrepancies in the Registry;
 - (o) provide any remedy that, in all the circumstances, fairness requires.
- (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.
- (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.
- (4) The Appeal Tribunal must send copies of all its decisions to
- (a) the Minister unless the Minister directs otherwise, and
 - (b) all persons that the Tribunal considers affected by the decision.

RSA 2000 cM-14 s190;2004 c25 s32;2013 c8 s25

Costs

- 191(1)** The costs of and incidental to proceedings before the Appeal Tribunal are in the discretion of the Tribunal.
- (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.
- (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.

(4) The Appeal Tribunal may waive or reduce a fee prescribed under subsection (3) if it considers that payment of the fee would impose a financial hardship on the person required to pay it.

RSA 2000 cM-14 s191;2004 c25 s33

Considerations when making decision

192 Decisions of the Appeal Tribunal must be consistent with this Act and any other enactment, General Council Policies and valid settlement bylaws.

1990 cM-14.3 s192

How decisions are made

193(1) A decision of

- (a) a majority of the members of the Appeal Tribunal, or
- (b) a majority of a panel of the Tribunal,

is the decision of the Appeal Tribunal.

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

1990 cM-14.3 s193

Division 4 Procedural Matters

Commissioner for oaths

194 The Appeal Tribunal chair and vice-chairs are commissioners for oaths while acting in their official capacities.

1990 cM-14.3 s194

Rules of procedure

195 The Appeal Tribunal may make rules of procedure for the conduct of its business.

1990 cM-14.3 s195

Rules of evidence not to apply

196 The Appeal Tribunal

- (a) is not bound by the rules of evidence applicable to judicial proceedings, and
- (b) may accept any oral, written or other evidence that it considers proper, whether admissible in a court of law or not.

1990 cM-14.3 s196

Notice to attend or produce

197(1) When in the opinion of the Appeal Tribunal, the Tribunal chair or a vice-chair

- (a) the attendance of a person is required or the attendance of a person to produce a document or other thing is required, or
- (b) the production of a document or other thing is required,

the Tribunal, Tribunal chair or vice-chair 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 chair or vice-chair.

(2) If a person fails or refuses to comply with

- (a) a notice to attend, or
- (b) a notice to attend and produce a document or other thing,

a judge of the Court of Queen's Bench, on application of the Appeal Tribunal or the Tribunal chair or vice-chair, may issue a warrant requiring the attendance of the person or the attendance of the person to produce the document or other thing.

1990 cM-14.3 s197

Protection of witnesses

198 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 the witness,
- (b) subject the witness to punishment under this or any other Act, or
- (c) establish liability of the witness
 - (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 the witness, subject the witness to punishment or establish liability of the witness, it must not be used or received against the witness 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.

1990 cM-14.3 s198

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.

1990 cM-14.3 s199

**Division 5
Decisions****Written decisions**

200(1) Decisions of the Appeal Tribunal must be issued in writing and signed by the Appeal Tribunal chair or vice-chair or by the secretary of the Tribunal acting on the chair's or vice-chair'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 chair, a vice-chair or the secretary on behalf of the chair or vice-chair is admissible in evidence as proof, in the absence of evidence to the contrary

- (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 chair, vice-chair 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 proof, in the absence of evidence to the contrary of the decision and its contents without proof of the appointment or signature of the secretary.

1990 cM-14.3 s200

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.

1990 cM-14.3 s201

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.

1990 cM-14.3 s202

Recording 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 recorded in the Metis Settlements Land Registry against the interest held by the person required to pay the money.

(2) When recorded 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.

1990 cM-14.3 s203;1998 c22 s22(43)

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 permission to appeal has been obtained.

(2) Application for permission 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 permission to appeal must be given to the Appeal Tribunal and to any other person the judge directs.

RSA 2000 cM-14 s204;2014 c13 s33

Decision about the application

205 The judge may

- (a) grant permission 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.

RSA 2000 cM-14 s205;2014 c13 s33

Appeal Tribunal to be named as respondent

206(1) The Appeal Tribunal must be named

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

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

RSA 2000 cM-14 s206;2014 c13 s33

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

the Court's permission 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.

RSA 2000 cM-14 s207;2014 c13 s33

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.

1990 cM-14.3 s208

Enforcement of decisions

209(1) Appeal Tribunal decisions may, with the permission 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).

RSA 2000 cM-14 s209;2014 c13 s33

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 advisors as the Appeal Tribunal requires.

1990 cM-14.3 s210

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.

1990 cM-14.3 s211

Immunity

212(1) 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.

(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.

1990 cM-14.3 s212

Appeal Tribunal funding

213(1) The Appeal Tribunal chair 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 rates prescribed by the Minister in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(1.1) If regulations under the *Alberta Public Agencies Governance Act* apply in respect of a rate of remuneration or expenses to be paid to members of the Appeal Tribunal, those regulations prevail, to the extent of any conflict or inconsistency, over any regulations prescribing a rate under subsection (1).

(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.

(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.

RSA 2000 cM-14 s213;2009 cA-31.5 s59

Part 8 Metis Settlements General Council

Division 1 Establishment

Corporation established

214(1) The Metis Settlements General Council is established as a corporation.

(2) Subject to any regulations made under subsection (3), the General Council consists of the councillors of all the settlement councils and the officers of the General Council.

(3) The Minister may, in accordance with section 239, make regulations

(a) reducing the number of councillors that make up the General Council, so long as each settlement has the same number of councillors on the General Council;

(b) dealing with any matter the Minister considers necessary to implement a reduction under clause (a).

1990 cM-14.3 s214;1998 c22 s22(44)

Corporate powers

215 Subject to this Act, the General Council has the rights, powers and privileges of a natural person.

1990 cM-14.3 s215

Officers of General Council

216(1) The officers of the General Council are the President, Vice-president, Secretary and Treasurer.

(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.

(3) The officers of the General Council may attend and participate in meetings of the General Council but have no vote.

1990 cM-14.3 s216

Internal management

217(1) Repealed 2004 c25 s35.

(2) The General Council must name a place in Alberta as its permanent office and publish that information in The Alberta Gazette.

RSA 2000 cM-14 s217;2004 c25 s35

Review of roles and responsibilities

217.1(1) The General Council shall review the roles and responsibilities of the members and officers of the General Council.

(2) The General Council may carry out additional reviews of the roles and responsibilities of the members and officers of the General Council from time to time as it considers appropriate.

2013 c8 s26

Executive committee

218 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.

1990 cM-14.3 s218

Division 2 Making Decisions

Decisions made by resolution

219(1) The General Council can make decisions only by

- (a) repealed 2004 c25 s36,
- (b) a special resolution, being a resolution approved by at least 6 settlement councils, or
- (c) an ordinary resolution, being a resolution approved by at least 5 settlement councils.

(2) General Council Policies must be approved by a special resolution.

(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.

RSA 2000 cM-14 s219;2004 c25 s36

Voting

220 Each settlement council present at a General Council meeting has one vote in respect of each resolution to be voted on at the meeting.

1990 cM-14.3 s220

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.

1990 cM-14.3 s221

Non-attendance during emergencies

221.1 Despite sections 220 and 221, if there is an emergency as defined by the rules of the General Council and as a result of the emergency members of a settlement council are unable to attend a meeting of the General Council, the settlement council may vote on a resolution presented at the meeting in a manner permitted by the rules of the General Council.

1998 c22 s22(45)

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 a settlement, or
- (vi) guarantee the payment of interest on a loan by a lender to someone other than a 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 bylaw 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 a settlement area, including rights to occupy, possess or use land in a settlement area;
- (j) permitting settlement bylaws 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 may 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 *Estate Administration Act*, the *Dower Act*, the *Unclaimed Personal Property and Vested Property Act* and Parts 2 and 3 of the *Wills and Succession Act* do not apply to specified interests in patented land that are held by settlement members;
- (w) respecting the entities in which a settlement or the General Council may establish accounts in addition to those permitted by this Act;
- (x) providing for fees, dues, charges or levies that may be imposed by settlement bylaw for
 - (i) anything provided or done by or on behalf of a settlement or for any service or assistance, or
 - (ii) any permit, approval, licence or other authorization,and providing for the administration and collection of the fees, dues, charges or levies;
- (y) respecting eligibility for membership in settlements for the purpose of section 75(3.1) and respecting termination of membership for the purpose of section 90(1);
- (z) respecting membership in settlements generally;

- (aa) respecting the taking of a census of settlement members or the population of settlement areas;
- (bb) respecting the notice required and procedures for General Council meetings or public or special meetings called by the General Council;
- (bb.1) establishing a code of conduct to govern the conduct of councillors, that includes, without limitation, rules
 - (i) respecting conflicts of interest, including, without limitation, rules
 - (A) defining conflict of interest,
 - (B) requiring a councillor to disclose the names of the councillor's family members, the councillor's employers, the names of corporations in which the councillor is a shareholder, officer or director, the names of each partnership of which the councillor is a member, and the names of other entities in which the councillor has a financial interest,
 - (C) respecting what constitutes a conflict of interest and what does not constitute a conflict of interest,
 - (D) respecting the disclosure of conflicts of interest, and
 - (E) respecting how conflicts of interest are to be dealt with,
 - (ii) governing whether a councillor may have a business or financial arrangement with the settlement council, other than in the normal course of being a settlement member, and if so, governing the conduct of the councillor in the councillor's relationship with the settlement council with respect to the arrangement, and
 - (iii) respecting the obligation of councillors to keep in confidence matters discussed in private at a settlement council meeting or settlement council committee meeting;
- (bb.2) establishing a Councillor Remuneration and Benefits Committee consisting of the persons appointed from time to time by the General Council who are not members or officers of the General Council;
- (bb.3) after the report of the Councillor Remuneration and Benefits Committee has been made public and after considering the

report, prescribing or establishing a method for determining maximum amounts that may be payable to a councillor for serving as a councillor, including, without limitation, amounts of remuneration and honoraria and benefits and expenses;

- (bb.4) respecting whether a councillor or settlement administrator may be a director or officer of, employed by or otherwise associated with an entity that is directly or indirectly controlled by the settlement council, and respecting the relationship between councillors and settlement administrators and entities that are directly or indirectly controlled by the settlement council;
- (bb.5) respecting the systems of financial management for settlements and respecting the form and contents of standardized financial reports for the purposes of section 159.1 and the manner in which the financial reports are to be made public;
- (cc) defining financial interest for the purposes of this Act;
- (dd) 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;
- (ee) 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;
- (ff) respecting the right of individuals who are not settlement members to reside in a settlement area and the duties associated with being a resident;
- (gg) respecting those matters that may, by this Act or any other enactment, be subject to a General Council Policy;
- (hh) respecting other matters considered by the General Council to be for the benefit of the settlements or settlement members;
- (ii) respecting the internal management and affairs of the General Council, including
 - (i) the calling of, conduct of and procedure at its meetings,
 - (ii) the election of officers of the General Council, their eligibility, terms of office, disqualification and related matters,

- (iii) matters related to conflict of interest of members of the General Council,
- (iv) the functions, powers and duties of General Council officers and their executive decision-making and signing authority, both individually and collectively,
- (v) the process and procedure for considering and voting on resolutions and policies, including public notice and consultation with settlement members, and
- (vi) human resource policies for General Council staff;
- (jj) authorizing, in accordance with prescribed criteria, a settlement council to request the Appeal Tribunal to review a General Council Policy where the settlement council considers that the settlement members of its settlement are unfairly disadvantaged by the Policy;
- (kk) respecting the financial administration and management of funds received by and expended by the General Council;
- (ll) establishing criteria for appointments to the Appeal Tribunal and the Selection and Review Committee;
- (mm) respecting matters specified by the Minister by regulation.

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

- (a) must be approved by special resolution, and
- (b) are subject to a veto by the Minister under section 224.

(3) Subsection (2)(a) applies to the amendment or repeal of General Council Policies whether they were made before or after the coming into force of this section.

(4) Subsection (1)(jj) applies only in respect of

- (a) a General Council Policy that is made, or
- (b) an amendment to a General Council Policy that is made

after the coming into force of this subsection.

(5) The Minister may, by order, fix one or more dates by which the General Council must establish General Council Policies under subsection (1)(bb.1) to (bb.5).

RSA 2000 cM-14 s222;2004 c25 s37;2007 cU-1.5 s72;
2010 cW-12.2 s119;2013 c8 s27;2014 cE-12.5 s52

Councillor Remuneration and Benefits Committee

222.1(1) The Councillor Remuneration and Benefits Committee established under section 222(1)(bb.2) shall, on or before a date prescribed by the Minister, and after that date, from time to time as directed by the General Council,

- (a) consider what amounts are appropriate to pay to councillors, including, without limitation, amounts of remuneration and honoraria and benefits and expenses, and
- (b) report and make recommendations to the General Council.

(2) The General Council shall make the report under subsection (1) public within 60 days after receiving the report by posting the report in each settlement office for 15 consecutive days.

2013 c8 s28

223 Repealed 2004 c25 s37.

Regulations re General Council Policies

223.1 The Minister may, in accordance with section 239, make regulations for the purposes of section 222(1)(mm) specifying additional matters on which the General Council may make, amend or repeal General Council Policies.

RSA 2000 cM-14 s223.1;2004 c25 s38

Ministerial veto

224(1) General Council Policies made under section 222 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 other period to which the General Council and the Minister agree, 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.

RSA 2000 cM-14 s224;2004 c25 s39

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.

1990 cM-14.3 s225

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.

1990 cM-14.3 s226

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 bylaw or take any action or authorize or undertake any development or activity that is inconsistent with a General Council Policy.

1990 cM-14.3 s227

Model bylaws

228(1) A General Council Policy may contain a model bylaw 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 bylaw is included in a General Council Policy, the bylaw may include anything that a settlement council could include if the council were making the bylaw.

1990 cM-14.3 s228

Ministerial regulations

229(1) The Minister may

- (a) at the request of the General Council, or
- (b) on the Minister's own motion, where the Minister considers it appropriate to do so,

make a regulation respecting anything on which a General Council Policy may be made.

(2) A regulation made under subsection (1)(b) expires on the earliest of

- (a) the day on which it is repealed,
- (b) the coming into force of a General Council Policy in respect of the subject-matter of the regulation, and
- (c) 2 years after the regulation is made.

RSA 2000 cM-14 s229;2004 c25 s40

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.

1990 cM-14.3 s230

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.

1990 cM-14.3 s231

Co-operation with the General Council

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

1990 cM-14.3 s232

Self-governance advancement proposals

232.1(1) For the purpose of enabling the Metis to attain self-governance under the laws of Alberta, the General Council may, by special resolution, make proposals to the Minister for changes to this Act and the regulations that

- (a) are directed to the creation of a more effective and culturally appropriate structure for the self-governance of the settlements, and
- (b) set out workable alternatives to structures, institutions or systems of self-governance provided in this Act and the regulations.

(2) The Minister shall consider the proposals and provide a response to the General Council with regard to them.

(3) Repealed 2013 c8 s29.

2004 c25 s41;2013 c8 s29

Part 9 General Provisions

Notice

233(1) When this Act or the regulations, resolutions or bylaws 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 bylaws 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.

1990 cM-14.3 s233

Rules about residence

234(1) The place of 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 bylaw;

(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 bylaw:

(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 bylaw 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.

1990 cM-14.3 s234;1998 c22 s22(50)

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.

1990 cM-14.3 s235

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.

1990 cM-14.3 s236

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 bylaw respecting planning, land use or development control.

1990 cM-14.3 s237

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.

1990 cM-14.3 s238

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.

1990 cM-14.3 s239

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.

1990 cM-14.3 s240

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.
- 1990 cM-14.3 s241

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.
- 1990 cM-14.3 s242

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 bylaw,

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.

1990 cM-14.3 s243

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 bylaw,

a notice under section 68, or a licence, approval or other authorization or a condition of it.

1990 cM-14.3 s244

Application to quash illegal bylaws

245(1) The Minister, the General Council or a settlement member may apply to the Court of Queen's Bench to quash a settlement bylaw 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 bylaw or resolution.

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

1990 cM-14.3 s245

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, a settlement bylaw 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.

RSA 2000 cM-14 s246;2013 c8 s30

Part 11.1 Joint Review Committee

Joint Review Committee

246.1(1) The Joint Review Committee is established.

(2) The Minister and the General Council may appoint the members of the Joint Review Committee in accordance with an agreement entered into by the Minister and the General Council.

(3) The Joint Review Committee shall, on or before December 31, 2013 or a date agreed on by the Minister and the General Council,

- (a) consider measures that should be provided for to protect the public interest with respect to matters dealt with in this Act,

- (b) consider measures that should be provided for to ensure that settlement councils and councillors are accountable to settlement members,
- (c) review the provisions of this Act and General Council Policies respecting the matters referred to in clauses (a) and (b),
- (d) review the enforcement provisions of this Act and consider any additional measures that should be provided for, and
- (e) provide a report to the Minister and the General Council that includes any recommendations of the Joint Review Committee regarding amendments to this Act or General Council Policies.

2013 c8 s31

Part 12 Transitional Provisions

Division 1 Transitional Regulations, General Council Policies and Bylaws

247 Repealed 1998 c22 s22(51).

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) to (4) Repealed 1990 cM-14.3 s248(4).

1990 cM-14.3 s248

249 Repealed 1990 cM-14.3 s249(3).

250 Repealed 1990 cM-14.3 s250(3).

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 October 31, 1990, 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 chair 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*.

1990 cM-14.3 s251

Interim officers of General Council

252(1) As soon as reasonably possible after November 1, 1990, 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 November 1, 1990, 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*.

1990 cM-14.3 s252

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.

1990 cM-14.3 s253

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 November 1, 1990 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 on November 1, 1990.

1990 cM-14.3 s254

Amending boundaries of improvement districts

255 As soon as reasonably possible after November 1, 1990, 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.

1990 cM-14.3 s255

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.

1990 cM-14.3 s256

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;
- (c) governing such other matters respecting settlement membership as is considered necessary.

1990 cM-14.3 s257

Counting time under the former Act

258 When eligibility to vote at an election or on a bylaw, or to be a candidate in an election, depends on a period of time, the settlement member can, for the purposes of determining eligibility,

- (a) count any applicable period he or she was a member of a settlement association under the former Act, and
- (b) count his or her residence in the settlement area immediately before November 1, 1990.

1990 cM-14.3 s258

Former applications

259 An application for membership, land or any other thing that has been made but not decided under the former Act must, on and after November 1, 1990, be resubmitted and dealt with under this Act.

1990 cM-14.3 s259

Deferral of applications

260 Repealed 1990 cM-14.3 s260(4).

Former certificates of occupancy and allocations

261(1) A certificate of occupancy issued under the former Act must be converted into a certificate of Metis title in accordance with the regulations.

(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

- (a) the person is determined not to be a settlement member and all rights of appeal are over,
- (b) the person is allotted an interest in the parcel in accordance with the regulations and all rights of appeal are over, or
- (c) the person's allocation under the former Act is terminated in accordance with the regulations and all rights of appeal are over.

(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.

1990 cM-14.3 s261

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.

1990 cM-14.3 s262

Division 4 Repealed 1998 c22 s22(52).

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.

1990 cM-14.3 s264

Part 13 Consequential Amendments, Repeal and Commencement

Division 1 Consequential Amendments

265 to 289 *(These sections make consequential amendments to other Acts. The amendments have been incorporated in those Acts.)*

Division 2 Repeal

Metis Betterment Act repealed

290(1) *The Metis Betterment Act* is repealed.

(2) Regulations and Orders in Council made under *The Metis Betterment Act* and predecessors of that Act are repealed.

1990 cM-14.3 s290

Schedule 1**Bylaws****Bylaw Making Authority of
Settlement Councils****General governance**

1 A settlement council may make bylaws for the general governance of the settlement area.

Internal management

2 A settlement council may make bylaws for the internal management of the settlement, including

- (a) the persons who are authorized to sign agreements on behalf of the settlement and any terms or conditions attached to the authorization;
- (b) establishing a quorum for public meetings and the procedure to be followed when a vote is taken at public meetings;
- (c) the establishment, maintenance and safekeeping of the minute book of the council, bylaws and other records of the settlement;
- (d) applications for membership in a settlement;
- (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;
- (f) prescribing forms or authorizing them to be prepared.

Miscellaneous matters

3 A settlement council may make bylaws

- (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;
- (b) respecting the establishment of holidays in a settlement area;
- (c) describing the persons who have a right to live on patented land in addition to those described in section 92;
- (d) respecting those matters that may, by this or any other enactment, be subject to a settlement bylaw.

Health, safety and welfare

4 A settlement council may make bylaws to promote the health, safety and welfare of the residents of the settlement area.

Public order and safety

5 A settlement council may make bylaws respecting public order and safety, including bylaws

- (a) prohibiting or regulating the discharge of firearms as defined in section 84(1) of the *Criminal Code* (Canada);
- (b) prohibiting or regulating activities or conduct offensive to or not in the public interest as determined by the council;
- (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 bylaw.

Fire protection

6 A settlement council may make bylaws to prevent and extinguish fires, preserve life and property and protect persons from injury or destruction by fire, including

- (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;
- (b) prohibiting or regulating the storage or transportation of explosives or other flammable or dangerous matter;
- (c) prohibiting or regulating any conduct, activity or other thing that is or may become a fire hazard.

Nuisances and pests

7 A settlement council may make bylaws

- (a) prohibiting unsightly or untidy land or buildings or anything on land that is unsightly or untidy;
- (b) prohibiting or regulating noise generally or during specified periods throughout or in designated areas of the settlement area;
- (c) requiring or providing for the removal or burning of trees or shrubs that may interfere with settlement works or utilities;

- (d) regulating or controlling activities for the purpose of eliminating or mitigating animal or insect pests and diseases.

Animals

8 A settlement council may make bylaws

- (a) preventing the leading, riding and driving of cattle or horses in any public place;
- (b) prohibiting or regulating the running at large of dogs and other animals, including
 - (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 bylaw provides, and
 - (ii) licensing dogs and classifying dogs for licensing purposes;
- (c) regulating the keeping by any person of poultry or wild or domestic animals;
- (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;
- (e) preventing cruelty to animals.

Airports

9 A settlement council, subject to any Act of the Parliament of Canada, may make bylaws establishing, controlling, operating or maintaining an airport, aerodrome or seaplane base.

Posters and advertising

10 A settlement council may make bylaws

- (a) prohibiting or regulating the posting or exhibition of pictures, posters or other material;
- (b) respecting the removal of anything posted or exhibited contrary to the bylaw;

- (c) prohibiting or regulating the size, use, location and placement of advertising devices.

Refuse disposal

11(1) A settlement council may make bylaws

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

(2) If a settlement council establishes a system for the collection and disposal of refuse, whether the settlement 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 bylaws

- (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 bylaws 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 bylaws 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 bylaw 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 bylaw,

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

- (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 the owner's 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

16(1) A settlement council may by bylaw impose a service charge payable by all persons occupying property connected to the sewerage system of the settlement.

(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.

Special charges

17 A settlement council may by bylaw 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.

Planning, land use and development bylaws

18 A settlement council may make bylaws

- (a) establishing a general plan for land use and development in a settlement area;
- (b) prohibiting or regulating and controlling the use and development of land and buildings in the settlement area;

- (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.

Bylaws under a General Council Policy

19 If there is a General Council Policy in effect, a settlement council may, in accordance with that Policy, make bylaws

- (a) prohibiting persons who are not settlement members from hunting, trapping, gathering or fishing in the settlement area;
- (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;
- (c) prescribing the manner in which and the terms and conditions subject to which a settlement member may acquire
 - (i) the right to trap, hunt or gather in the settlement area;
 - (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;
- (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;
- (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 bylaws;
- (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).

Bylaws to implement General Council Policies

20 A settlement council may make any bylaws that are necessary to implement General Council Policies.

Matters that may be included in bylaws

21(1) Settlement bylaws 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 bylaw;
- (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 bylaw or for any other reason specified in the bylaw;
- (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 bylaws.

(2) A settlement council may make bylaws 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, drainage district, hospital district or health region under the *Regional Health Authorities Act* in Alberta or of the board of trustees of a school division in Alberta;
- (c) certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank, loan corporation, trust corporation or treasury branch in consideration of a deposit or deposits made with the bank, loan corporation, trust corporation or treasury branch;
- (d) securities unconditionally guaranteed by a bank as to repayment of principal and interest;
- (e) repealed 1992 c21 s26;
- (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), RSC 1985 cI-12, as it read on May 31, 1992;
- (i) securities of a company designated as a mortgage investment company under the *Trust and 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 loansif 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 as defined in the *Insurance Companies Act* (Canada) that is approved to carry on business by order under that Act;
- (m) options or futures traded under the supervision of a regulated market designated by the President of Treasury Board and Minister of Finance;
- (n) investments authorized by a General Council Policy passed by all 8 settlement councils.

RSA 2000 cM-14 Sched. 2;2006 c23 s51;
2012 cE-0.3 s277;2013 c8 s32

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 10 of the *Government Organization 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 Alberta Energy Regulator, which member may be an employee of the Regulator but not a director of the Regulator,

- (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 chair 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 Alberta Energy Regulator under the *Responsible Energy Development 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

Fishing Lake Metis
Settlement

Gift Lake Metis Settlement

Kikino Metis Settlement

Paddle Prairie Metis Settlement

Peavine Metis Settlement

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