

Manitoba Claim Settlements Implementation Act

2000, c. 33

[Assented to October 20, 2000]

An Act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title 1. This Act may be cited as the *Manitoba Claim Settlements Implementation Act*.

PART 1

NORWAY HOUSE CREE NATION FLOODED LAND

Definitions 2. The definitions in this section apply in this Part.

"Agreement"
« *Accord* »

"Agreement" means the agreement concluded between

- (a) Her Majesty in right of Canada,
- (b) Her Majesty in right of Manitoba,
- (c) the Manitoba Hydro-Electric Board, and
- (d) the Norway House Cree Nation,

pursuant to negotiations relating to the comprehensive implementation of the Flood Agreement.

"first nation"
« *première nation* »

"first nation" means the Norway House Cree Nation.

"Flood Agreement"
« *Convention* »

"Flood Agreement" means the agreement concerning the flooding of land concluded between

- (a) Her Majesty in right of Canada,
- (b) Her Majesty in right of Manitoba,
- (c) the Manitoba Hydro-Electric Board, and
- (d) the Northern Flood Committee, Inc.

and signed on December 16, 1977.

Indian moneys

3. (1) Amounts paid to the first nation pursuant to the Agreement, whether before or after the coming into force of this Part, are not Indian moneys within the meaning of subsection 2(1) of the *Indian Act*.

Transfer of amounts held

(2) As soon as practicable after the coming into force of this Part, all amounts collected, received or held by Her Majesty in right of Canada for the use or benefit of the first nation pursuant to the Agreement shall be transferred to the first nation in accordance with the Agreement.

* [Note: Part 1 in force on assent October 20, 2000.]

Subsection 35(4) of the
Indian Act

4. Subsection 35(4) of the *Indian Act* does not apply in respect of any amount paid, whether before or after the coming into force of this Part, to the first nation pursuant to the Agreement.

Section 36 of the *Indian Act*

5. Where land is held or transferred pursuant to the Agreement, section 36 of the *Indian Act* does not apply in respect of that land if the holder or transferee of the land, or any subsequent holder or transferee of the land, is not Her Majesty in right of Canada.

2000, c. 33, s. 11; 2001, c. 4, s. 165; 2002, c. 3, s. 8(F).

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| Designation of surrendered right or interest | <p>12. (1) If the council of a first nation has, by resolution, requested that the Minister set apart certain lands as a reserve under an agreement to which this Part applies, the first nation may, either</p> <p>(a) before the lands are transferred to Her Majesty in right of Canada by the first nation, by Her Majesty in right of Manitoba or by a third party, or</p> <p>(b) before the lands are set apart as a reserve under section 11,</p> <p>designate conditionally or unconditionally, by way of a surrender to Her Majesty in right of Canada that is not absolute, any right or interest in the lands, including for the purpose of the replacement of an existing right or interest in those lands.</p> |
| Application of <i>Indian Act</i> | <p>(2) Sections 39, 40 and 41 of the <i>Indian Act</i> apply in respect of a designation under subsection (1), any references to the Governor in Council being read as references to the Minister.</p> |
| Power of the Minister | <p>(3) On the acceptance by the Minister of a designation under subsection (1), the Minister may grant the designated right or interest to a third party.</p> |
| Effect | <p>(4) If a designation under subsection (1) is accepted by the Minister, the designation and the granting of the right or interest by the Minister take effect at the time the lands are set apart as a reserve under section 11.</p> |
| Certain acts deemed to have been done under <i>Indian Act</i> | <p>(5) As of the time when the Minister sets apart any lands as a reserve under section 11, any right or interest in the lands that was designated by way of a surrender under subsection (1), and any resulting grant that was made under subsection (3), are deemed to have been designated or made, as the case may be, under the <i>Indian Act</i>.</p> <p>2000, c. 33, s. 12; 2002, c. 3, s. 9.</p> |
| Issuance of permits by Minister | <p>13. (1) If the council of a first nation has, by resolution, requested that the Minister set apart certain lands as a reserve under an agreement to which this Part applies, the Minister may, either</p> <p>(a) before the lands are transferred to Her Majesty in right of Canada by the first nation, by Her Majesty in right of Manitoba or by a third party, or</p> <p>(b) before the lands are set apart as a reserve under section 11,</p> <p>authorize, by permit in writing, any person for a period not exceeding one year or, with the consent of the council of the first nation, for any longer period, to occupy, use or reside on any of those lands or exercise any other right on them, including for the purpose of replacing an existing right or interest of that person in those lands.</p> |
| Effect | <p>(2) Rights granted by permits issued under subsection (1) take effect at the time the lands are set apart as a reserve under section 11.</p> |
| Certain acts deemed to have been done under <i>Indian Act</i> | <p>(3) As of the time when the Minister sets apart any lands as a reserve under section 11, a permit issued under subsection (1) in relation to those lands, and any consent given under that subsection, are deemed to have been issued or given, as the case may be, under the <i>Indian Act</i>.</p> <p>2000, c. 33, s. 13; 2002, c. 3, s. 10.</p> |

SCHEDULE

(Paragraph 9(b))

Agreement entered into by the Split Lake Cree Nation, dated December 24, 1992

Agreement entered into by the Garden Hill First Nation, dated March 14, 1994

Agreement entered into by the Red Sucker Lake First Nation, dated March 14, 1994

Agreement entered into by the St. Theresa Point First Nation, dated March 14, 1994

Agreement entered into by the Wasagamack First Nation, dated March 14, 1994

Agreement entered into by the Long Plain First Nation, dated August 3, 1994

Agreement entered into by the Brokenhead Ojibway Nation, dated February 8, 1995

Agreement entered into by the Swan Lake First Nation, dated March 30, 1995

Agreement entered into by the York Factory First Nation, dated January 11, 1996

Agreement entered into by the Nelson House First Nation, dated March 18, 1996

Agreement entered into by the Roseau River Anishnabe First Nation, dated March 29, 1996

Agreement entered into by the Sapatoweyak Cree Nation, dated September 11, 1997

Agreement entered into by the Norway House Cree Nation, dated December 31, 1997