

Nelson House First Nation Flooded Land Act

1997, c. 29

[Assented to April 25, 1997]

An Act respecting the Nelson House First Nation and the settlement of matters arising from an agreement relating to the flooding of land

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 *Nelson House First Nation Flooded Land Act*.

INTERPRETATION

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

"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 Nelson House First Nation,

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

"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.

EXEMPTIONS

Indian moneys 3. (1) Amounts paid to the Nelson House First Nation pursuant to the agreement, whether before or after the coming into force of this Act, 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 Act, all amounts collected, received or held by Her Majesty in right of Canada for the use or benefit of the Nelson House First Nation pursuant to the agreement shall be transferred to the Nelson House First Nation in accordance with the agreement.

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 Act, to the Nelson House 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.

CLAIMS

Claims 6. A claim provided for by both the Flood Agreement and the agreement may be exercised by

- (a) the council of the Nelson House First Nation,
- (b) the Nelson House First Nation,
- (c) any person who is a member of the Nelson House First Nation,
- (d) any group or unincorporated association that is wholly or substantially comprised of members of the Nelson House First Nation,
- (e) any unincorporated association established by the council of the Nelson House First Nation,
- (f) any share capital corporation the shares of which are wholly or substantially owned and controlled by the Nelson House First Nation or members of the Nelson House First Nation, and
- (g) any non-share capital corporation the membership of which consists wholly or substantially of the Nelson House First Nation or members of the Nelson House First Nation

only in accordance with the agreement.

ARBITRATION

Arbitration

7. Except as otherwise provided in the agreement, the legislation of Manitoba relating to arbitration applies in respect of any dispute between the parties to the agreement that, under the terms of the agreement, is to be settled by way of arbitration.