

1993

CHAPTER T-20.1

An Act respecting the Implementation of Certain Treaty Land Entitlement Settlement Agreements

(Assented to June 22, 1993)

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

Short title

1 This Act may be cited as *The Treaty Land Entitlement Implementation Act*.

Interpretation

2 In this Act:

- (a) **"Canada"** means Her Majesty in right of Canada;
- (b) **"Crown mineral lands"** means Crown mineral lands as defined in *The Crown Minerals Act*;
- (c) **"Crown minerals"** means Crown minerals as defined in *The Crown Minerals Act*;
- (d) **"Framework Agreement"** means:
 - (i) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Canada, Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands;
 - (ii) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Canada, Saskatchewan and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band; and
 - (iii) any agreement entered into by Canada, Saskatchewan and an Indian band with respect to the settlement of the outstanding treaty land entitlement claim of that band on the same or substantially the same terms as the agreement mentioned in subclause (i);
- (e) **"Indian band"** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (f) **"Saskatchewan"** means Her Majesty in right of Saskatchewan;
- (g) **"water"** means water as defined in *The Water Corporation Act*.

No reservation in lands transferred to Canada

- 3 Notwithstanding the provisions of any other Act or law, no reservation in favour of Saskatchewan, whether express or implied, is retained by Saskatchewan in any lands that are set apart as an Indian reserve pursuant to the terms of the Framework Agreement except those reservations that:
- (a) relate to Crown minerals and Crown mineral lands, the property in and the right to the use of water, or the land forming the bed or shore of any body of water and that are specifically retained by Saskatchewan on the transfer of any lands vested in Saskatchewan to Canada; or
 - (b) are expressly acknowledged by Canada as being retained by Saskatchewan at the time that any lands are set apart as an Indian reserve pursuant to the terms of the Framework Agreement.

CONSEQUENTIAL AMENDMENTS

S.S. 1984-85-86, c.C-50.2 amended

4(1) *The Crown Minerals Act* is amended in the manner set forth in this section.

(2) The following clause is added after clause 2(1)(g):

"(g.1) 'Indian band' means a band as defined in the *Indian Act* (Canada) and includes the council of a band".

(3) Clause 3(4)(c) is amended by striking out "Indian Bands" and substituting "Indian bands".

(4) The following section is added after section 18.1:

Agreements with Indian bands

"18.2(1) For the purposes mentioned in clauses 3(4)(a) and (c), the minister may, on behalf of the Government of Saskatchewan:

- (a) enter into agreements with the Government of Canada or Indian bands or both with respect to the transfer of the administration and control of Crown minerals and Crown mineral lands;
- (b) enter into agreements with the Government of Canada or Indian bands or both with respect to the release of confidential information that may be required to advise those bands of the existence of the interests of third parties in certain Crown minerals and Crown mineral lands;
- (c) enter into agreements with appraisers with respect to the release of confidential information that may be required for the purpose of determining the value of certain Crown minerals and Crown mineral lands;
- (d) release confidential information pursuant to any agreement mentioned in clauses (b) and (c).

(2) No person shall knowingly release confidential information in contravention of the terms of an agreement mentioned in subsection (1)".

(5) The following clause is added after clause 22(1)(i.6):

"(i.7) prescribing the terms and conditions pursuant to which the minister may hold and administer, on behalf of Indian bands, Crown minerals and Crown mineral lands that the Crown has agreed to transfer to Her Majesty the Queen in right of Canada pursuant to an agreement entered into pursuant to section 18.2".

R.S.S. 1978 (Supp.), c.E-0.1 amended

5(1) *The Education Act* is amended in the manner set forth in this section.

(2) Section 2 is amended:

(a) by adding the following clause after clause (p):

"(p.01) '**Framework Agreement**' means:

- (i) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands;
- (ii) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band; and
- (iii) any agreement entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and an Indian band with respect to the settlement of the outstanding treaty land entitlement claim of that band on the same or substantially the same terms as the agreement mentioned in subclause (i)";

(b) by adding the following clause after clause (s.1):

"(s.2) '**Indian band**' means a band as defined in the *Indian Act* (Canada) and includes the council of a band".

(3) The following clause is added after clause 92(1)(c):

"(c.1) enter into agreements with Indian bands with respect to the payment of compensation to the board of education for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the division being set apart as an Indian reserve".

(4) The following section is added before section 291:

School Division Tax Loss Compensation Fund

"290.1(1) The minister may establish a trust fund to be known as the School Division Tax Loss Compensation Fund for the purpose of:

- (a) receiving the payments to be made by Her Majesty in right of Canada and Her Majesty in right of Saskatchewan with respect to school division tax loss compensation pursuant to the terms of the Framework Agreement; and
 - (b) making payments to any school division that loses tax revenue as a result of lands within that school division being set apart as an Indian reserve pursuant to the terms of the Framework Agreement.
- (2) The minister, or any person or association designated by the minister, shall administer the School

Division Tax Loss Compensation Fund in accordance with any regulations prescribed by the Lieutenant Governor in Council for that purpose, including any regulations with respect to the following:

- (a) the authorized investments of the fund;
 - (b) the administrative expenses that may be deducted from the fund;
 - (c) any reports that the minister, or any person or association designated by the minister, may be required to lay before the Assembly with respect to the operation of the fund;
 - (d) any audit of the records and accounts of the fund that may be required.
- (3) The minister may enter into agreements with any person or association with respect to any matter concerning the administration of the fund".

(5) Subsection 350(4) is repealed and the following substituted:

- "(4) A board of education may enter into an agreement with another board of education, the council of a municipality, an Indian band, Her Majesty in right of Saskatchewan or Her Majesty in right of Canada to sell, transfer or exchange property, as the case may be, without having to request tenders or arrange for a public auction, where the board proposes:
- (a) to sell or transfer property to, or to exchange property with, the council of a municipality for the purpose of facilitating community planning; or
 - (b) to sell or transfer property to, or to exchange property with, another board, an Indian band, Her Majesty in right of Saskatchewan or Her Majesty in right of Canada if the property is to be used by the other board, the Indian band, Her Majesty in right of Saskatchewan or Her Majesty in right of Canada for the purpose of a school, an educational purpose or another public purpose.
- "(5) Subject to the other provisions of this section, where a board of education has agreed to sell a school that is located in the Northern Saskatchewan Administration District to an Entitlement Band and the board of education and the Entitlement Band cannot agree on a purchase price, the board or the Entitlement Band may submit the matter to the Arbitration Board established pursuant to the Framework Agreement, and the price determined by the Arbitration Board shall be binding on the board of education and the Entitlement Band.
- "(6) For the purposes of subsection (5), '**Entitlement Band**' means any Indian band that is a party to the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands".

S.S. 1983, c.N-5.1 amended

6(1) ***The Northern Municipalities Act* is amended in the manner set forth in this section.**

(2) Subsection 2(1) is amended by adding the following clause after clause (j.2):

"(j.21) '**Indian band**' means a band as defined in the *Indian Act* (Canada) and includes the council of a band".

(3) Section 131 is amended:

(a) by adding the following clause after clause (1)(b):

"(b.1) Indian bands";

(b) by adding the following subsection after subsection (1):

"(1.1) A council may, by bylaw, provide that the northern municipality may enter into agreements with any person or association or Indian band or with the Government of Saskatchewan or its agents with respect to any matter within the jurisdiction of the council"; **and**

(c) by adding the following subsection after subsection (4):

"(5) A council may, by bylaw, provide that the council may enter into agreements with Indian bands with respect to the following matters:

- (a) the payment of compensation to the northern municipality for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the northern municipality being set apart as an Indian reserve;
- (b) the application, enforcement and compatibility of the bylaws of the northern municipality and the bylaws of the Indian band;

- (c) the provision of municipal services to an Indian band or to persons on an Indian reserve;
- (d) mechanisms for resolving disputes that may arise between the northern municipality and an Indian band with respect to any matter".

S.S. 1989-90, c.R-26.1 amended

7(1) *The Rural Municipality Act, 1989* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended by adding the following clause after clause (m):

"(m.1) **'Indian band'** means a band as defined in the *Indian Act* (Canada) and includes the council of a band".

(3) Section 192 is amended:

(a) by adding the following subsections after subsection (1):

"(1.1) Every municipality that receives or is entitled to receive tax loss compensation from the Rural Municipal Tax Loss Compensation Fund established pursuant to the terms of the Framework Agreement shall maintain, at the ordinary standard established for similar municipal roads within the municipality, all municipal roads within the municipality that are within, adjacent to or provide access to an Indian reserve:

- (a) that has been set apart pursuant to the terms of the Framework Agreement; and
- (b) for which tax loss compensation has been paid by Her Majesty in right of Canada and Her Majesty in right of Saskatchewan.

"(1.2) For the purposes of subsection (1.1), **'Framework Agreement'** means:

- (a) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands; and
- (b) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right Canada, Her Majesty in right of Saskatchewan and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band";

(b) by deleting "subsection (1)" and substituting "subsections (1) and (1.1)" in subsection (2);

(c) by deleting "subsection (1)" wherever it appears in subsection (3) and in each case substituting "subsections (1) and (1.1)"; and

(d) by deleting "subsections (1) and (2)" and substituting "subsections (1), (1.1) and (2)" in subsection (4).

(4) Section 254 is amended:

(a) by repealing clause (1)(b) and substituting the following:

"(b) Indian bands";

(b) by adding "or Indian band" after "or association" in subsection (1.2); and

(c) by adding the following subsection after subsection (4):

"(5) A council may, by bylaw, provide that the council may enter into agreements with Indian bands with respect to the following matters:

- (a) the payment of compensation to the municipality for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the municipality being set apart as an Indian reserve;
- (b) the application, enforcement and compatibility of the bylaws of the municipality and the bylaws of the Indian band;
- (c) the provision of municipal services to an Indian band or to persons on an Indian reserve;
- (d) mechanisms for resolving disputes that may arise between the municipality and an Indian band with respect to any matter".

S.S. 1983-84, c.U-11 amended

8(1) *The Urban Municipality Act, 1984* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended by adding the following clause after clause (o):

"(o.1) **'Indian band'** means a band within the meaning of the *Indian Act* (Canada) and includes the council of a band".

(3) Section 175 is amended:

(a) by adding "or Indian band" after "or association" in clause (1)(a);

(b) by adding the following clause after clause (2)(d.2):

"(d.3) Indian bands"; and

(c) by adding the following subsection after subsection (4):

"(5) A council may, by bylaw, provide that the council may enter into agreements with Indian bands with respect to the following matters:

- (a) the payment of compensation to the urban municipality for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the urban municipality being set apart as an Indian reserve;
- (b) the application, enforcement and compatibility of the bylaws of the urban municipality and the bylaws of the Indian band;
- (c) the provision of municipal services to an Indian band or to persons on an Indian reserve;
- (d) mechanisms for resolving disputes that may arise between the urban municipality and an Indian band with respect to any matter".

S.S. 1983-84, c.W-4.1 amended

9(1) ***The Water Corporation Act* is amended in the manner set forth in this section.**

(2) Section 2 is amended:

(a) by adding the following clause after clause (g):

"(g.1) '**Framework Agreement**' means:

- (i) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, the Crown and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands;
- (ii) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right of Canada, the Crown and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band; and
- (iii) any agreement entered into by Her Majesty in right of Canada, the Crown and an Indian band with respect to the settlement of the outstanding treaty land entitlement claim of that band on the same or substantially the same terms as the agreement mentioned in subclause (i)";

(b) by adding the following clause after clause (h):

"(h.1) '**Indian band**' means a band as defined in the *Indian Act* (Canada) and includes the council of a band".

(3) Section 16 is amended by adding the following clause after clause (1)(d):

"(d.1) to enter into agreements with the Government of Canada and Indian bands relating to the management, administration, development, conservation, protection and control of any water and related land resources in Saskatchewan including agreements for the creation of co-management boards and the delegation to those boards of any of the powers of the corporation with respect to those matters".

(4) The following section is added after section 80:

Framework Agreement implications

"80.1 Notwithstanding any provision of this Act or any other Act:

- (a) the Crown may transfer to Her Majesty in right of Canada the property in and the right to the use of all water that is wholly situated within an Indian reserve that has been set apart pursuant to the terms of the Framework Agreement;
- (b) the Crown may transfer to Her Majesty in right of Canada the land or any portion of the land forming the bed or shore of any surface water that is wholly situated within or that is adjacent to an Indian reserve that has been set apart pursuant to the terms of the Framework Agreement;
- (c) an Indian band shall have the right to place a dock, wharf or pier on the land forming the bed or shore of any surface water at any location that is adjacent to an Indian reserve that has been set apart pursuant to the terms of the Framework Agreement;

- (d) subject to clause (e), an Indian band has common law riparian rights with respect to the use and occupation of any land that has been set apart as an Indian reserve pursuant to the terms of the Framework Agreement and that is adjacent to any surface water;
- (e) common law riparian rights mentioned in clause (d) do not include the ownership of the land forming the bed or shore of any surface water that is adjacent to an Indian reserve mentioned in clause (d)".

Consequential amendment to *The Education Amendment Act, 1993*

10 **Subsection 157(4) of *The Education Amendment Act, 1993*, is repealed and the following substituted:**

"(4) Subsection 350(4) is repealed and the following substituted:

- `(4) A board of education or a conseil scolaire may enter into an agreement with another board of education or conseil scolaire, the council of a municipality, an Indian band, Her Majesty in right of Saskatchewan or Her Majesty in right of Canada to sell, transfer or exchange property, as the case may be, without having to request tenders or arrange for a public auction, where the board or the conseil scolaire proposes:
 - (a) to sell or transfer property to, or to exchange property with, the council of a municipality for the purpose of facilitating community planning; or
 - (b) to sell or transfer property to, or to exchange property with, another board or conseil scolaire, an Indian band, Her Majesty in right of Saskatchewan or Her Majesty in right of Canada if the property is to be used by the other board, the Indian band, Her Majesty in right of Saskatchewan or Her Majesty in right of Canada for the purpose of a school, an educational purpose or another public purpose.
- `(5) Subject to the other provisions of this section, where a board of education or a conseil scolaire has agreed to sell a school that is located in the Northern Saskatchewan Administration District to an Entitlement Band and the board of education or the conseil scolaire and the Entitlement Band cannot agree on a purchase price, the board or the conseil scolaire, as the case may be, or the Entitlement Band may submit the matter to the Arbitration Board established pursuant to the Framework Agreement, and the price determined by the Arbitration Board shall be binding on the board of education or the conseil scolaire, as the case may be, and the Entitlement Band.
- `(6) For the purposes of subsection (5), '**Entitlement Band**' means any Indian band that is a party to the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands' ".

COMING INTO FORCE

Coming into force

11(1) Subject to subsection (2), this Act comes into force on the day of assent.

(2) Section 10 of this Act comes into force on the day that section 1 of *The Education Amendment Act, 1993* comes into force.