

SAWRIDGE FIRST NATION

***TWINE AND AMMUNITION CLAIM
SETTLEMENT -
PER CAPITA DISTRIBUTION ACT***

Tabled for First Reading: June 18, 2022

First Reading: June 18, 2022

Second Reading: July 23, 2022

Third Reading: September 17, 2022

Came in to force: September 17, 2022

Sawridge First Nation

Twine and Ammunition Claim Settlement – Per Capita Distribution Act

The Sawridge General Assembly enacts as follows:

Short title

1. This Act may be cited as the *Twine and Ammunition Claim Settlement – Per Capita Distribution Act*.

Definitions

2. In this Act,

“Compensation” means the compensation paid by Canada to the Sawridge First Nation in accordance with the terms of the Settlement Agreement;

“Distribution Date” means the first day that is not a Saturday, Sunday or Holiday and does not fall on a date between Christmas Day and New Years Day which is no less than 14 days after the later of

- a. the day the Referendum results are considered to be final in accordance with section 5, or
- b. the day on which the Compensation is received by the First Nation.

“Member” means a Member of the First Nation whose name appears in the Membership List maintained by the First Nation in accordance with the Membership Rules of the First Nation as recognized by the Constitution of the First Nation;

“Per Capita Share” means the amount calculated pursuant to section 8;

“Referendum Day” means the date of the Referendums called by the Council pursuant to Section 4;

“Settlement Agreement” means the Twine and Ammunition Claim Settlement Agreement approved by the Assembly on April 9, 2022 which settled the Sawridge First Nation’s claim that Canada failed to distribute ammunition and twine to the Sawridge First Nation in accordance with Treaty No. 8 during the period from 1899 through 1952, but excluded the Indexation Claim;

“Total Amount of Distribution” means the amount determined in accordance with section 7;

Referendum

Referendum Question

3. After the passage of this Act, the Council shall place before the Assembly the following Referendum Question:

I approve the one time distribution, on an equal per capita basis, to all Members of the First Nation, of 100% of the Compensation received by the First Nation in respect of the Twine and Ammunition Claim Settlement Agreement entered into between the Sawridge First Nation and Canada, which Agreement was approved by the Assembly of the First Nation on April 9, 2022, subject to the provisions of the Twine and Ammunition Claim Settlement Per Capita Distribution Act, notwithstanding that such distribution will, together with all distributions made in the previous twenty four months, exceed 5% of all of the First Nation Money that is held at the time of such distribution. This approval shall also operate to authorize the Council to make Christmas Bonus distributions based on the same formula used in 2021 for the next 2 Christmases after the Distribution made pursuant to this approval without the need for a further Referendum. This referendum question is not an amendment to the Constitution, but is binding on the First Nation, the Council and the Assembly. Should approval by Referendum fail, such funds shall be distributed and held pursuant to section 7(b) of the Twine and Ammunition Claim Settlement Per Capita Distribution Act which does not require Referendum approval for staggered Per Capita distributions.

Calling Referendums

4. If the Assembly makes a motion calling for a Referendum on the question set out in section 3, then the Council shall within 30 days thereafter pass a resolution calling a Referendum of the Resident Electors and a Referendum of the Non-Resident Electors, for the purpose of approving the Distribution, to be held on the same day, in accordance with the *Referendum Act*, not less than 80 days after it is called.

Final Referendum Results

5. The Referendum Results as reported by the Electoral Officer shall be considered to be final 30 days after the Referendum Day, or if there is an appeal of either Referendum, 30 days after all appeals are conclusively resolved.

Referendum Approval

6. The Referendum shall be considered to be approved only if all of the following conditions are met:
 - a. 90% of all of the Resident Electors participate in the Referendum of Resident Electors;
 - b. 90% of all of the Non-Resident Electors participate in the Referendum of the Non-Resident Electors;
 - c. 90% of the votes cast by the Resident Electors in the Referendum of Resident Electors approve the distribution; and
 - d. 90% of the votes cast by the Non-Resident Electors in the Referendum of Non-Resident Electors approve the distribution.

Distribution

Total Amount of the Distribution

7. Once the Referendum results are considered to be final as provided in section 5, then
 - a. if both the Resident and Non-Resident Electors Referendums are approved as set out in section 6, then the Total Amount of the Distribution shall be the Compensation; or
 - b. if either or both Referendums of the resident or non-resident electors fail to approve the Referendum Question authorizing a onetime distribution, on an equal per capita basis, to all members of the First Nation, of 100% of the Twine and Ammunition Claim Settlement Agreement (“Settlement monies”), the Chief and Council shall forthwith distribute the 100% Per Capita Share in such smaller increments to a maximum amount over such period of time that does not require referendum approval pursuant to Article 16(6) of the Sawridge Constitution. The Chief and Council shall deposit the Ammunition and Twine funds into a segregated interest-bearing Trust account for the Members that shall, in each following 24 month period, be distributed in maximum increments that do not require referendum approval pursuant to Article 16(6) of the Sawridge Constitution.

Calculation of Per Capita Share

8. A Per Capita Share shall be calculated by dividing the Total Amount of the Distribution by the total number of living Members of the First Nation on the Distribution Date.

Payment of Per Capita Shares

9. Subject to sections 10 and 11, the Council shall cause the First Nation to distribute to each member a Per Capita Share on the Distribution Date.

Distribution's for Minor Members

10. If a Member is under the age of 18 years on the Distribution Date, then the First Nation shall retain that Member's Per Capita Share in an interest bearing account until that Member turns 18 years of age, and thereafter shall pay that Member's Per Capita Share to that Member.

Payment of Member's Loans from the First Nation

11. If, as an adult, a Member incurs debts owed to the First Nation on the Distribution Date, then the First Nation shall first apply as much of that Member's Per Capita Share as is sufficient to pay that Member's debt to First Nation in full and then, subject section 10, pay the balance of that Member's Per Capita Share (if any) to that Member, provided that, unless that Member has agreed otherwise, if the amount of the Loan is greater than 10% of that Member's Per Capita Share, then only 10% of that Member's Per Capita Share shall be applied to their loan, and the balance of that Member's Per Capita Share shall, subject section 10, be paid to that Member. Any Member shall be afforded a binding Mediation/Arbitration process to resolve any debt they contest they owe to the First Nation.

Effect of Act

12. This Act shall remain in effect until the Total Amount of the Distribution has been distributed to the Members, including the distribution of all amounts payable to Members who were minors on the Distribution Date. Thereafter this Act shall have no further effect.

Coming into force

13. This Act shall come into force on the day it is passed by the Assembly.