

Appendix E: Arrangement for the Funding and Administration of Social Service

ARRANGEMENT FOR THE FUNDING AND ADMINISTRATION OF SOCIAL SERVICES

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF
CANADA as represented by the Minister of Indian Affairs and
Northern Development (hereinafter referred to as "Canada")

- and -

HER MAJESTY THE QUEEN IN RIGHT OF
ALBERTA as represented by the Minister of Family and Social
Services (hereinafter referred to as "Alberta")

WHEREAS:

Canada continues to have a special relationship with and interest in the Indian people of Canada arising from history, treaties, statutes and the Constitution;

Canada and Alberta recognize and agree that this arrangement will not prejudice the treaty rights of Indian people, nor alter any obligations of Canada to Indian people pursuant to treaties, statutes and the Constitution, including any rights protected by section 35 of the Constitution Act, 1982, nor affect any self-government rights that may be negotiated in future constitutional negotiations;

Canada and Alberta recognize that Indians and Indian Families should be provided with Social Services which take into account their cultures, values, languages and experiences;

Canada and Alberta are desirous of developing an arrangement in respect of the funding and administration for Social Services which would be applicable to Indians in the Province of Alberta; and

Canada and Alberta acknowledge that Indians have aspirations towards self-government and both therefore wish to support the establishment, management, and delivery by Indians and Indian organizations of child and family services and other community-based Social Services for Indians in Alberta.

NOW THEREFORE Canada and Alberta agree as follows:

1. In this arrangement,
 - (a) "Band" or "Indian Band" means, a band as defined in the Indian Act;
 - (b) "care facility" means, a facility for treatment, care or accommodation, including, but not limited to, homes for special care, group homes, foster homes, institutions, hospitals, nursing homes, alcohol and drug treatment centres, shelters for battered women and children, and community homes for care, that is recognized by, or utilized under, Provincial legislation;
 - (c) "child" means a person who is less than eighteen years of age;
 - (d) "fiscal year" means, the twelve month period commencing April 1 of a year and ending March 31 of the next following year;
 - (e) "home for special care" means, a home for special care as defined in the Canada Assistance Plan Act, R.S.C. 1970, c. C-1, as amended from time to time;
 - (f) "Indian" means an Indian as defined in the Indian Act;
 - (g) "Indian Act" means the Indian Act, R.S. 1985, C. 1-5, as amended from time to time;
 - (h) "Indian Family" means a family where at least one adult is an Indian or where the sole adult is the spouse of an Indian; and includes a single individual who is the former spouse of an Indian;
 - (i) "ordinarily residing on a Reserve" means residing on a Reserve, and includes:
 - (i) persons residing in a community listed in Appendix III;
 - (ii) in the case of a child,
 - (a) a child whose parent or guardian having custody of the child was or is residing on a Reserve at the time the child was or is apprehended by or commences to receive Social Services from a Provincial Director of Child Welfare;

- (b) a child who was or is residing on a Reserve in an extended family situation at the time the child was or is apprehended by or commences to receive Social Services from a Provincial Director of Child Welfare;
 - (iii) persons who are away from a Reserve for the purpose of obtaining care in a care facility;
 - (iv) persons who are away from a Reserve, but who were ordinarily resident on-Reserve immediately preceding their leaving, for the primary purpose of accessing a Social Service described in Appendix I because there is no appropriate comparable social service presently available on-Reserve; and
 - (v) persons, described in section 4, who are away from a Reserve for the purpose of accessing post-secondary education or a training program.
- (j) "*Indian Reserve*" or "*Reserve*" means a reserve as defined in the **Indian Act**;
 - (k) "*Social Services*" means the programs and services as described in Appendix I of this arrangement; and
 - (l) "*spouse*" includes a common law spouse pursuant to the laws of Alberta.
2. This arrangement replaces the Memorandum of Understanding Confirming Existing Financial Transfer Agreements, between Alberta and Canada, executed by Canada on September 27, 1985 and Alberta on October 31, 1985, in respect to Treaty Seven and Treaty Eight Indian First Nations, Tribes, and Bands only. This arrangement supersedes and replaces all previous written and verbal negotiations and agreements between Alberta and Canada relating to the matters contained herein, in respect to Treaty Seven and Treaty Eight Indian First Nations, Tribes, and Bands only.
3. Canada will by this arrangement and in accordance with Appendix II:
- (a) arrange for the delivery of Social Services comparable to those provided by Alberta to other residents of the Province, directly or through negotiated agreements with Indian Bands, Indian agencies, Indian organizations, or with Alberta, to persons ordinarily residing on a Reserve; and
 - (b) fund Social Services for Indians and Indian Families ordinarily residing on a Reserve comparable to those provided by Alberta to other residents of the Province; and in particular, reimburse Alberta for those Social Services which Alberta delivers to Indians and Indian Families ordinarily residing on a Reserve.