

Ministre des  
Relations Couronne-Autochtones



Minister of  
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

I, Minister of Crown-Indigenous Relations, HEREBY APPROVE, pursuant to section 83 of the *Indian Act*, the following by-law made by the Whitefish Lake First Nation #459 in the Province of Alberta, at a meeting held on the 7th day of December 2018.

- **Whitefish Lake First Nation #459  
Agricultural Benefits Settlement  
Trust Revenue Account By-law**

Dated at Ottawa, Ontario, this 15 day of April 2019.

A handwritten signature in blue ink that reads "Carolyn Bennett".

Hon. Carolyn Bennett, M.D., P.C., M.P.

**Whitefish Lake First Nation #459 Agricultural Benefits Settlement Trust  
Revenue Account By-Law**

**WHEREAS:**

- A. Pursuant to section 83 of the *Indian Act*, R.S.C. 1985, c. I-5, the Chief and Council of the Whitefish Lake First Nation #459 (the "First Nation") may, subject to the approval of the Minister of Indian Affairs and Northern Development Canada, enact by-laws for the appropriation and expenditure of moneys of the First Nation and matters arising out of or ancillary thereto.
- B. The First Nation has entered into the Whitefish Lake First Nation #459 Agricultural Benefits Settlement Trust (the "Trust") dated as of the 25 day of July, 2017 between the First Nation, as Settlor, and Royal Trust Corporation of Canada (the "Trustee"), as Trustee.
- C. Pursuant to the terms of the Trust, the First Nation has established the Trust Revenue Account to receive Annual Return generated from the Heritage Savings Account, the Education Account, the Off-Reserve Members Account and the Infrastructure and Housing Accounts (the "Trust Accounts").
- D. Pursuant to the terms of the Trust, Annual Return generated from the Trust Accounts shall be deposited by the Trustee into the Trust Revenue Account within sixty (60) days of the end of each Fiscal Year and the Trustee shall advise the Council of the amount of Annual Return paid from each of the Trust Accounts.
- E. The Council of the First Nation wish to enact the following by-law to govern the use, expenditure and accounting of Annual Return paid to the Trust Revenue Account.

**SHORT TITLE**

- 1. This by-law shall be known as the Whitefish Lake First Nation #459 Agricultural Benefits Settlement Trust Revenue Account By-Law (the "By-Law").

**PERMITTED PURPOSES OF THE ANNUAL RETURN**

- 2. Funds deposited into the Trust Revenue Account for such completed Fiscal Year shall be allocated as follows:

- (a) **Heritage Savings Account:**
  - (i) The Annual Return from the Heritage Savings Account shall be used for permitted uses set out in Appendix "1".
- (b) **Off-Reserve Members Account:**
  - (i) The Annual Return from the Off-Reserve Members Account shall be used to address the social, economic and other needs of Members ordinarily resident off-reserve.
  - (ii) A committee consisting of five (5) off-reserve members will be established (the "Off-Reserve Members Committee") to recommend to Council the expenditure of Annual Return generated from the Off-Reserve Members Account in accordance with the permitted uses set out in Appendix "2".
- (c) **Education Account:**
  - (i) The Annual Return generated from the Education Account shall be used to provide pre-school, in-school and post-school educational opportunities and support for Members residing both on and off-reserve in accordance with the permitted uses as set out in Appendix "3".
- (d) **Infrastructure and Housing Account:**
  - (i) The Annual Return generated from the Infrastructure and Housing Account shall be returned to the Infrastructure and Housing Account by April 1 of each Fiscal Year.

## **ADMINISTRATION**

- 3. (a) Prior to the withdrawal and expenditure of any funds in the Trust Revenue Account, the Council shall first pass a Resolution stating:
  - (i) from which Trust Account the Annual Return is being expended;
  - (ii) the use(s) of the expenditure and the amount to be expended on each use; and
  - (iii) that the use of funds is for a permitted purpose.
- (b) The Council shall ensure that any person responsible for the receipt and administration of funds from the Trust Revenue Account adheres to the provisions of this By-Law.

**FINANCIAL REPORTING**

- 4. By April 30 of the following Fiscal Year, the auditors of the First Nation shall provide a financial statement which shall be made available to the Members of the First Nation, accounting for the use and expenditure of all the Annual Return from the Trust Revenue Account paid during the previous Fiscal Year and that all funds have been expended in accordance with this By-Law.

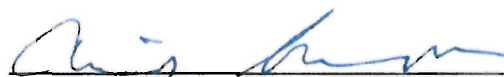
**GENERAL**


- 5. (a) Headings form no part of this By-Law but shall be construed as being inserted for convenience of reference only.  
(b) A finding by a court of competent jurisdiction that a section or provision of this By-Law is void or invalid shall not affect or bear upon the validity or invalidity of any other section or part of this By-Law or this By-Law as a whole.  
(c) In this By-Law, words in the singular include the plural, and words in the plural include the singular.  
(d) Any of the terms not defined in this By-Law shall have the same meaning as set out in the Trust Agreement.


**AMENDMENTS AND REPEAL**


- 6. This By-Law shall come into force immediately upon being approved by the Minister of Indian Affairs and Northern Development Canada.

**THIS BY-LAW IS HEREBY PASSED BY BAND COUNCIL RESOLUTION OF THE WHITEFISH LAKE FIRST NATION #459 AT A DULY CONVENED MEETING HELD ON THE 7 DAY OF December, 2018, A QUORUM EXISTING.**

  
Witness

  
Chief

  
Witness

  
Councillor

Chris Brown Rob  
Witness Councillor

Chris Brown J. Whadeck  
Witness Councillor

Chris Brown J. F. P.  
Witness Councillor

**Appendix "1" of Whitefish Lake First Nation #459**  
**Agricultural Benefits Settlement Trust Revenue Account By-Law**

**Permitted and Prohibited Expenditures for Annual Return from the Heritage Savings Account**

**A. INFRASTRUCTURE**

**1. Permitted Expenditures**

**Examples**

<p><b>Capital and Operational Costs for Construction of Public Facilities</b></p>	<ul style="list-style-type: none"> <li>• Construction of new facilities or enlargements to public buildings including buildings for health, recreation, education, social, cultural or administrative purposes</li> <li>• Leasehold improvements and repairs or re-modeling work to public buildings</li> <li>• Operating and maintenance costs of public buildings</li> <li>• Recreational areas and parks</li> <li>• Schools and other educational facilities</li> <li>• Construction or purchase of existing public housing or community-owned residential buildings to be operated on a not for profit basis</li> <li>• Purchase of land for public housing or infrastructure</li> <li>• Communication networks</li> <li>• Road maintenance</li> </ul>
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**B. PROGRAMS AND SERVICES**

**1. Permitted Expenditures**

**Examples**

<p><b>Community Leadership, Managerial and Administrative Services for Beneficiaries</b></p>	<ul style="list-style-type: none"> <li>• Operations and maintenance of administrative offices</li> <li>• Funding for non-executive</li> </ul>
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	<p>management and administrative positions including employment remuneration and benefits</p> <ul style="list-style-type: none"> <li>• Professional services (consulting, legal, audit)</li> <li>• Leadership training</li> <li>• Authorized trust expenses</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Head Start and K-12 school programs</li> <li>• Youth programs</li> <li>• Work experience programs</li> <li>• Traditional lifestyle programming</li> <li>• Support, operation and management of schools or specialized education or research institutions</li> <li>• Educational grants, bursaries or scholarships</li> <li>• Adult education and e-learning</li> <li>• Trades and apprenticeship training</li> <li>• Educational tours or travel</li> <li>• Internet access (Supernet)</li> </ul>
<b>Health and Public Safety</b>	<ul style="list-style-type: none"> <li>• Health care programs including operation and management of clinics, public health monitoring or study, public health emergency planning</li> <li>• Health related transportation</li> <li>• Supports for persons in distress or victims of abuse</li> <li>• Funding for positions required to deliver health, educational and social programs</li> <li>• Specialized programs for Elders, women, youth or cultural or social development</li> <li>• Community healing</li> <li>• Community Safe Home Plan</li> <li>• Community policing</li> <li>• Emergency Response Committee and programs</li> </ul>
<b>Environmental Protection and Enhancement</b>	<ul style="list-style-type: none"> <li>• Costs associated with managing industry and government consultation-related obligations and functions</li> </ul>

	<ul style="list-style-type: none"> <li>• Environmental clean-up of the Community</li> </ul>
<b>Culture, Sports and Recreation</b>	<ul style="list-style-type: none"> <li>• Operations and management of parks, access trails, sports facilities, entertainment or arts facilities, libraries, specialized training facilities or other community facilities</li> <li>• Sports leagues and associations</li> <li>• Funding for non-executive positions, programs and activities required to deliver education, health, culture, sports or recreational programs</li> <li>• Internet access (Supernet)</li> <li>• Retention and intergenerational transmission of traditional knowledge</li> </ul>
<b>Business Development, Training and Employment</b>	<ul style="list-style-type: none"> <li>• Job referral and hiring center</li> <li>• Computer training and access center</li> </ul>

**2. Prohibited Expenditures**

**Examples**

<b>Financing Private Business and Private Housing Projects</b>	<ul style="list-style-type: none"> <li>• Financing through grants, equity or loans any costs relating to businesses or, residential properties including, the acquisition, mortgage, construction repairs or operations of assets or entities owned by an individual or group of individuals</li> </ul>
<b>Unlawful Activities</b>	<ul style="list-style-type: none"> <li>• Any activities that contravene any applicable federal or provincial statutes, ordinances or regulations</li> </ul>
<b>Financial Payments to Community Leadership</b>	<ul style="list-style-type: none"> <li>• Remuneration, including salary, per diems or honorariums of any kind payable to Council.</li> <li>• Any equity investment, loan or loan guarantee or any other form of financial support for a commercial entity or business in which the First Nation has a direct or indirect interest.</li> </ul>



<b>Unearned Payments</b>	<ul style="list-style-type: none"><li>• equity financing or loan guarantees for member owned business or privately owned housing but excluding assistance for which all Members or a class of Members are eligible to apply such as education costs such as grants, bursaries, scholarships, awards or prizes.</li></ul>
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**Appendix "2" of Whitefish Lake First Nation #459**  
**Agricultural Benefits Settlement Trust Revenue Account By-Law**

**Permitted and Prohibited Expenditures for Annual Return from the Off-Reserve Members Account**

**1. Permitted Expenditures**

- Housing
- Health/Medical
- Culture
- Education
- Sports/Recreation
- Safety
- Environmental
- Business Development/Training and Employment

**2. Prohibited Expenditures**

**Examples**

<b>Unlawful Activities</b>	<ul style="list-style-type: none"> <li>• Any activities that contravene any applicable federal or provincial statutes, ordinances or regulations.</li> </ul>
<b>Financial Payments Leadership &amp; Executive positions or Per Capita Distribution Payments to Members</b>	<ul style="list-style-type: none"> <li>• Remuneration, including salary, per diems or honorariums, of any kind payable to Council or the Off-Reserve Members Committee.</li> <li>• Direct or indirect per capita distribution payments to Members.</li> </ul>

**Appendix "3" of Whitefish Lake First Nation #459**  
**Agricultural Benefits Settlement Trust Revenue Account By-Law**

**Permitted and Prohibited Expenditures for Annual Return  
from the Education Account**

**1. Permitted Expenditures**

**Examples**

<b>Education</b>	<ul style="list-style-type: none"> <li>• Head Start and K-12 school programs</li> <li>• Youth programs</li> <li>• Work experience programs</li> <li>• Traditional lifestyle programming</li> <li>• Support, operation and management of schools or specialized education or research institutions</li> <li>• Educational grants, bursaries or scholarships</li> <li>• Adult education and e-learning</li> <li>• Trades and apprenticeship training</li> <li>• Educational tours or travel</li> <li>• Internet access (Supernet)</li> </ul>
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**2. Prohibited Expenditures**

**Examples**

<b>Financial Payments to Community Leadership</b>	<ul style="list-style-type: none"> <li>• Remuneration, including salary, per diems or honorariums, of any kind payable to the Council.</li> </ul>
<b>Unearned Payments to Individuals</b>	<ul style="list-style-type: none"> <li>• Direct or indirect payments to individual Members of Whitefish Lake First Nation #459 including but not limited to, per capita distribution payments, equity financing or loan guarantees for member owned business or privately owned housing but excluding assistance for which all Members or a class of Members are eligible to apply such as education costs such as grants, bursaries, scholarships, awards or prizes.</li> </ul>
<b>Unlawful Activities</b>	<ul style="list-style-type: none"> <li>• Any activities that contravene any</li> </ul>

	applicable federal or provincial statutes, ordinances or regulations.
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