In the Executive Council Chamber, Winnipeg

The 3rd day of January A.D. 1962.

PRESENT

The Honourable Mr. Evans in the Chair.
Mr. McLean
Mr. Lyon
Mr. Johnson
Mr. Carroll
Mr. Withey
Mr. Hutton
Mr. Weir
Mr. Christianson
Mr. 
Mr. 
Mr. 
Mr.

ON MATTERS OF STATE

To His Honour the Lieutenant-Governor-in-Council

The undersigned, the Minister of Welfare

submits for approval of Council a report setting forth that:

WHEREAS subsection (1) of Section 12 of The Department of Welfare Act provides as follows:

12. (1) Where the Governor-General-in-Council or any person, institution, foundation, association, society or other organization, (in this section called "the grantor") will, under an Act of the Parliament of Canada or otherwise, make a grant or gift of moneys to the Government of Manitoba for the promotion, advancement, improvement, protection, or security, in any way, of the welfare of citizens of the province, the Minister, acting for, and on behalf of the government, may, subject to subsection (3), enter into an agreement with the grantor respecting the purposes for which, and the terms and conditions on which, the moneys shall be received and expended by the government.

AND WHEREAS subsection (3) of Section 12 of The Department of Welfare Act provides as follows:

(3) The minister shall not enter into an agreement under subsection (1) or (2) unless, before the execution thereof by him, it has been approved by order of the Lieutenant-Governor-in-Council."

AND WHEREAS the Government of Canada and the Government of the Province of Manitoba are desirous of entering into an agreement to provide that The Children's Aid Society of Western Manitoba shall perform, carry out, and provide its services to, for, and on behalf of Indians residing on Indian reserves lying within the boundaries described in the articles of incorporation of the said society;

AND WHEREAS it is deemed advisable and expedient that the Government of Manitoba enter into an agreement in the form set out in—
the schedule hereto, or an agreement to the like effect, with the
Government of Canada, providing inter alia for payment by the
Government of Manitoba to The Children's Aid Society of Western
Manitoba for the performance by it of the services as aforesaid,
and for reimbursement in full by the Government of Canada to the
Government of Manitoba in respect of such payment to The Children's
Aid Society of Western Manitoba.
MEMORANDUM OF AGREEMENT MADE THIS
DAY OF January 1962,
BEtween

THE GOVERNMENT OF CANADA, hereinafter referred to as "Canada"

OF THE FIRST PART;

AND

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, hereinafter re-
ferred to as "Manitoba"

OF THE SECOND PART.

WHEREAS Canada and Manitoba are desirous of entering into an
agreement to provide that the Children's Aid Society of Western Manitoba shall
perform, carry out and provide its services to, for and on behalf of Indians
residing on Indian reserves lying within the boundaries described in the
articles of incorporation of the said Society.

NOW, THEREFORE, this agreement witnesseth that in consideration
of the premises and the mutual covenants and agreements herein contained
the parties hereto hereby covenant and agree each with the other as follows:
1. In this agreement,

(a) "Child Welfare Act" means the Child Welfare Act, Revised
       Statutes of Manitoba 1954, Chapter 35, as amended;

(b) "Indian means a person who
       (i) pursuant to the Indian Act, Revised Statutes of
           Canada 1952, Chapter 149, is registered as Indian
           or is entitled to be registered as an Indian, and
       (ii) resides on an Indian reserve lying within the
            boundaries described in the articles of incorporation
            of the Society;

(c) "per diem cost" means the amount determined from time to time
       by the Advisory Committee pursuant to subsection (8) of section
       34 of the Child Welfare Act in respect of the care of each
       child in the charge of, or committed to the care and custody
       of the Society, for each day that the charge or the care and
custody continues, and the cost of supervision of the child as determined from time to time by the Society;

(d) "Society" means the Children's Aid Society of Western Manitoba serving the area in the Province of Manitoba as outlined in the Articles of Incorporation of the said Society and incorporated under the provisions of the Child Welfare Act;

(e) "total cost of services" means the amount determined by subtracting the total revenues received or payable to the Society from the per diem cost in any year from the total expenditures of the Society for that year; and

(f) "year" means the period commencing the 1st day of January and ending the 31st day of December following.

2. Manitoba shall require the Society to provide, perform and carry out to, for and on behalf of the Indians, those services that it provides, performs and carries out under the Child Welfare Act, including adoption services, services to unmarried parents, services for the protection of children, and ward and non-ward care.

3. (a) Where an Indian child has been committed to the care and custody of the Society by a court having jurisdiction for that purpose, Canada shall, on the production to it of the committal order or a copy thereof, pay to Manitoba the per diem cost for the care of such child.

(b) Where an Indian child has been placed in the charge of a Society by agreement between the Society and the local representative of the Indian Affairs Branch of the Department of Citizenship and Immigration, Canada shall pay to Manitoba the per diem cost for the care of such child.
Canada shall pay to Manitoba each year the cost to the Society for that year (excluding per diem costs payable by Canada under paragraph 3 hereof) in providing, performing and carrying out the services referred to in paragraph 2 hereof to, for and on behalf of the Indians, such cost to be determined in the following manner, that is to say, by dividing the amount of time spent by the Society during the year in performing, carrying out and providing its services to, for and on behalf of Indians by the total amount of time spent by the Society during that year in performing, carrying out and providing its services to, for and on behalf of all its clients, including Indians, and multiplying the quotient by the total cost of services for that year, provided, however, Canada's liability under this paragraph shall not exceed $10,000 in any one year.

If it appears that the cost to the Society in any year (excluding per diem costs payable by Canada under paragraph 3 hereof) for providing, performing and carrying out the services referred to in paragraph 2 hereof to, for and on behalf of the Indians, as determined pursuant to paragraph 4 hereof, may exceed the amount of $10,000, the amount of Canada's maximum liability may be increased by agreement between the Minister of Citizenship and Immigration for Canada and the Minister of Welfare for Manitoba.

Where an unmarried, pregnant Indian woman is cared for by one of the three such Homes in the Province of Manitoba established for that purpose, or other boarding house, by agreement between the Society and the local representative of the Indian Affairs Branch of the Department of Citizenship and Immigration, Canada shall pay to Manitoba the regular rate charged by such home or boarding house, as the case may be, for the care of such Indian woman.

Manitoba shall pay the cost of medical services, exclusive of
hospitalization costs, provided to an Indian child referred to in paragraph 3 hereof, and Canada shall reimburse Manitoba for the cost of such medical services.

8. The staff of the Society shall have access to the Indian reserves lying within the boundaries described in the articles of incorporation of the Society for the purpose of performing, providing and carrying out its services to, for and on behalf of the Indians.

9. Canada or any person appointed by Canada is entitled to have access at all convenient times to any records, documents, books and accounts of Manitoba relating to the operation of the Society and is entitled to require from Manitoba such information and explanations as Canada or such person deems necessary.

10. Manitoba will undertake to provide the material requested by Canada for record purposes and will be responsible for ascertaining and vouching for the method and application of the cost determining factors of the Society.

11. This agreement shall remain in force for a term of one year from the day and year above written, and shall renew itself automatically from year to year thereafter unless written notice of termination is given by either party hereto to the other at least ninety days prior to the expiration of the said term or any renewal.

12. Any notice given pursuant to paragraph 11 hereof may be communicated as follows:

(a) to Canada, by registered mail addressed to the Minister of Citizenship and Immigration at Ottawa, and

(b) to Manitoba, by registered mail addressed to the Minister of Welfare at Winnipeg.
IN WITNESS WHEREOF the Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration, has hereunto set her hand on behalf of the Government of Canada and the Honourable John Christianson, Minister of Welfare of Manitoba, has hereunto set his hand on behalf of the Government of the Province of Manitoba.

Signed on behalf of the Government of Canada by the Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration in the presence of

        ________________
        Minister of Citizenship and Immigration

Signed on behalf of the Government of the Province of Manitoba by the Honourable John Christianson, Minister of Welfare in the presence of

        ________________
        Minister of Welfare
THEREFORE he, the Minister, recommends:

1. That the Government of Manitoba do enter into an agreement in the form set out in the schedule hereto, or an agreement to the like effect, with the Government of Canada.

2. THAT the Minister of Welfare be authorized to enter into and execute such an agreement for, and on behalf of, the Government of Manitoba.

Submitted and Recommended

[Signature]

Minister of Welfare

Upon consideration of the foregoing report and recommendation Council advises that it be done as recommended by the Honourable the Minister of Welfare; and His Honour the Lieutenant-Governor-in-Council is pleased to approve the said report and recommendation and doth order accordingly.

[Signature]

President of the Council
or
Presiding Member of the Executive Council.
Order

of
The Lieutenant-Governor-in-Council
of
The Province of Manitoba

ON MATTERS OF STATE

Subject:

Authorize Minister of Welfare to enter into and execute an Agreement with Government of Canada respecting Child Welfare Services in the territories served by the Children's Aid Society of Western Manitoba.

Approved and Submitted by Council the 3rd day of January A.D. 1962.

Approved and Ordered by His Honour the Lieutenant-Governor the day of January A.D. 1962.