

SECTION 14.0

Cree Health and Social Services

14.0.1 Except if elsewhere expressly provided herein, the laws of general application respecting health services and social services shall apply to the Crees in the Territory.

14.0.2 Québec shall establish forthwith upon the execution of the Agreement, and in accordance with the provisions of this Section, a Cree Regional Board of Health Services and Social Services, in order to exercise the powers and functions of a Regional Council within the meaning of the Act respecting Health Services and Social Services (L.Q. 1971, c. 48).

14.0.3 The said Cree Regional Board shall be responsible for the administration of appropriate health services and social services for all persons normally resident or temporarily present in the Region described in paragraph 14.0.5, in conformity with the said law.

14.0.4 The said Cree Regional Board shall also take over and exercise the powers and functions of the existing establishment at Fort George, as well as other establishments hereafter created. The said Board shall also be vested with the ownership of all the assets of the said establishment at Fort George. The Cree Regional Board, in the case of the creation of a new establishment, shall regulate and supervise the election of the members of the boards of directors of such establishments, if it determines that such establishments shall have a board of directors distinct from that of the Cree Regional Board.

14.0.5 The Cree Regional Board shall have jurisdiction over that portion of the Territory comprising Categories IA and IB lands allocated for the James Bay Crees, including the Crees of Great Whale River, as well as Category II lands contemplated in Section 5 of the Agreement, and which region shall be designated as Region 10B. The jurisdiction in respect to Category II shall not preclude the jurisdiction of any other board established from time to time by Québec. For greater certainty, from the coming into force of Complementary Agreement No. 22, the Category IA, IB and II lands of the Crees of Oujé-Bougoumou shall form part of Region 10B, and the Cree Regional Board shall have jurisdiction thereon.

JBNQA, par. 14.0.5

Compl. A. no. 22, sch. 3, s. 4

14.0.6 Notwithstanding paragraph 14.0.2 the Cree Regional Board shall not supervise its own elections, shall not assess its own performance and shall not exercise the functions specified in Section 16 (c) of the said Act, which powers shall be exercised by the Minister of Social Affairs.

14.0.7 In supervising or conducting elections of community representatives to the said Board, the Minister of Social Affairs shall not consider or declare an election to be irregular or invalid due to lack of formalities having been followed providing the Minister is satisfied that the election was carried out in accordance with the customs and procedures or the Native people of said communities and that such customs and procedures did not deprive any qualified individual of the right to vote or of the right to hold office.

14.0.8 In the event that the Minister declares an election of a community representative to be irregular and invalid pursuant to paragraph 14.0.6 the chief of such community shall be the Cree representative for such community on the said Board until another representative from such community has been validly elected.

14.0.9 The existing establishment situated at Fort George shall be part of and shall fall under the authority of the said Cree Regional Board and shall be created as a public establishment of the four classes mentioned in Section 39 of the said Act, by the issue of letters patent or supplementary letters patent, as the case may be, forthwith upon the execution of the Agreement, in accordance with the provisions of the said Act.

14.0.10 All persons normally resident or temporarily present in the said Region 10B shall be entitled to the services included within the jurisdiction and powers of the said Cree Regional Board.

14.0.11 The Cree Regional Board should be composed of:

- a) one (1) Cree representative from and elected for three (3) years by each of the distinct Cree communities (as defined in Section 3) in the said Region existing or hereafter created by or pursuant to the Agreement, ordinarily served by or through the Cree Regional Board;
- b) one (1) Cree representative appointed for three (3) years by the Cree Regional Authority or its successor;
- c) three (3) representatives elected for three (3) years, from among and by those persons who are considered to be members of the clinical staff of an establishment in the said Region within the meaning of the said Act providing that no more than one (1) member of any one professional corporation may serve on the board at any time;
- d) one (1) representative elected for three (3) years, from among and by those persons who are members of the non-clinical staff of any establishment in the said Region;
- e) the director of the community health department of a hospital centre, forming part of the Cree Regional Board or of a hospital centre with which the Cree Regional Board has a service contract or his nominee or the professional director or his nominee. The Cree Regional Authority shall appoint such person if there is more than one such centre;
- f) the general manager of the establishment in the said Region or, if there is more than one such establishment, a person chosen by and from among such general managers.

14.0.12 One-third of the first members elected under sub-paragraphs 14.0.11 a) and 14.0.11 c) shall serve for one (1) year and another one-third of such members shall serve for two (2) years. The members with such terms of office shall be designated by the drawing of lots at the first meeting of the Cree Regional Board.

14.0.13 The term of office of the members of the Cree Regional Board elected in virtue of sub-paragraphs c) and d) of paragraph 14.0.11, shall not be renewed consecutively more than once.

14.0.14 Notwithstanding the provisions of Section 24 of the said Act, the members of the Cree Regional Board shall be indemnified for loss of income incurred by them, in accordance with the regulations to be established by such Board.

The members may also be indemnified in accordance with the said regulations for their expenses incurred in attending such meetings.

Such regulations shall take into account the prevailing conditions in the said Region, shall be subject to the approval of the Minister of Social Affairs and shall take into consideration the following:

- a) Board meetings shall be scheduled, whenever possible, to avoid conflict with the remunerated work of Board members and to take advantage of convenient or inexpensive transport;
- b) if, in spite of the foregoing, individual members suffer loss of income, the Board may indemnify such members for such loss, upon application therefore and where:
 - i) the Board member represents or normally resides in a community other than that in which the meeting is held, and
 - ii) the Board member is either self-employed or employed under conditions which preclude continuation of remuneration during time absent to attend such meetings, and

iii) loss of remuneration is clear and unequivocal rather than potential.

14.0.15 The members of the Cree Regional Board shall, in a general meeting each year, elect a chairman and vice-chairman of the Board from among their number.

In the case of a tie-vote at a meeting of the members of the Board of Directors, the Chairman of the meeting shall have a casting vote.

14.0.16 The Cree Regional Board shall establish, by by-law, an administrative committee and determine its functions, powers and duties. The administrative committee shall consist of the Chairman of the Board, the general manager of an establishment and four (4) other members of the said Board, at least one (1), but not more than two (2), of whom shall have been elected under paragraphs 14.0.11 c), d) and e).

14.0.17 The Cree Regional Board shall meet at least four (4) times annually. A quorum, for such meetings, shall consist of four (4) representatives elected in accordance with the provisions of paragraph 14.0.11 a) and two (2) other representatives.

14.0.18

a) Those persons who are Cree, in accordance with the criteria established in Section 3, and who are entitled to vote and hold office pursuant to the provisions established in Section 10 for local government in the said Region, as well as the Inuit ordinarily resident in the community of Fort George, who are of the age of majority, shall be entitled to vote for and to hold office in the Cree Regional Board.

b) All non-Cree persons who have been ordinarily resident for the twelve (12) months preceding any election in one of the communities served by the Cree Regional Board, shall be entitled to vote for the members to be elected pursuant to sub-paragraph 14.0.11 a).

c) There shall be no residency requirements in respect to entitlement to vote or to hold office under the provisions of sub-paragraphs 14.0.11 c), d), e) or f).

14.0.19 In implementing the Agreement and in dealing with the Cree Regional Board, Québec should recognize and allow to the maximum extent possible for the unique difficulties of operating facilities and services in the North:

a) in recruiting and retaining staff, generally; working conditions and benefits should be sufficiently attractive to encourage competent personnel from outside the said Region to accept posts for periods of time ranging from three (3) to five (5) years;

b) in providing employment and advancement opportunities for the Native people in the fields of health and social services, and in providing special educational programs to overcome barriers to such employment and advancement;

c) in budgeting for the development and operating of health and social services and facilities to compensate for the disproportionate impact of northern costs, including transportation, construction and fuel costs.

14.0.20 Future health and social programs and services should be applied to the maximum extent possible through the Cree Regional Board.

14.0.21 A Cree band may continue to apply for, receive and administer funds from such direct grant programs as may be agreed upon by the Cree Regional Board and such band.

14.0.22 The budget from Québec to the Cree Regional Board shall include funding for the support of health services, which are not included in Provincial programs for the general population, but which are provided to the Native people by the Department of National Health and Welfare or other agencies.

14.0.23 The basis for determining the amounts of the budget support in paragraph 14.0.22 should be the actual expenditures for health and social services for the fiscal years 1974-75 provided by Canada and Québec to the extent of responsibilities assumed by Québec under this Section and Schedule I thereof. Funding will be modified on the basis of changes in the Cree population, the cost of the specific services included and the evolution of provincial programs for the general population.

14.0.24 The expenses of the Cree Regional Board shall be paid in accordance with the provisions of Sections 132 and 136 of the said Act, taking into account the provisions of this Section.

14.0.25 In respect to the implementation of this Section, it is the intention of the parties that all health services in the said Region and social services in the said Region shall ultimately fall under the Cree Regional Board and that the assumption of such responsibility should be achieved in an orderly and deliberate manner. The initial steps towards assuming such responsibility are set out in Schedule 1 of this Section.

14.0.26 Until such time as the Crees have accepted full provincial funding for all health services to the Crees, in accordance with Schedule 1 of this Section, the latter reserve their option in respect to the provisions of such services by Canada.

14.0.27 Health centres, nursing stations and health stations at various locations, in accordance with the attached Schedule 2, belonging to the Department of National Health and Welfare and all material and other assets located in such buildings as part of the regular equipment shall be turned over to Québec by reciprocal Orders in Council. The time schedule for turning over the federal health facilities shall coincide with the assumption of full responsibility for administration of health services by Cree Regional Board at which time the said assets shall be transferred to the said Board by Québec at no cost of it.

14.0.28 Québec shall take all measures necessary in order to implement this Section. The legislation recommended to give effect to the foregoing shall apply notwithstanding the provisions of Section 2 of the Health Services and Social Services Act. Québec undertakes that any future amendments to laws respecting health services and social services which are recommended to the legislator shall not derogate without just cause from the rights of the Crees to the following:

- a) the existence of a separate Board for the administration of health services and social services within Category IA and IB lands and for the Crees within Category II lands;
- b) to uniquely Cree representation from Cree communities in the Territory;
- c) the option for creating a Regional council and separate Boards for each establishment in said Region 10B;
- d) financial support for services which at least maintain existing scope, range, extent and conditions;
- e) administration of future health and social services programs to the fullest extent possible through the Cree Regional Board.

14.0.29 The provisions of this Section can only be amended with the consent of Canada and the interested Native party, in matters of federal jurisdiction, and with the consent of Québec and the interested Native party, in matters of provincial jurisdiction.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec in matters of provincial jurisdiction, and by Parliament in matters of federal jurisdiction.

Annex I

The existing Federal and Provincial services shall remain intact during the period of time preceding the creation of the Cree Regional Board and shall be modified thereafter only by definitive action by the Board either through contract or acceptance of Province funding. Initially, the Board should assume responsibility for all services to the Fort George population by no later than March 31, 1977, and thereafter in accordance with the ability of the Board to assume further responsibilities and subject to acceptance of this by the other Cree communities, but in any event not later than March 31, 1981.

Annex II

Section 14 (CREE)

Land Information Sheet

Real Property Holdings

PLOT No.	OWNER OF LAND	DEPARTMENT OPERATING THE FACILITY	LEGAL DESCRIPTION (OR OTHER IDENTIFICATION)	NATURE OF INTEREST	NATURE OF INSTALLATIONS AND PURPOSE FOR WHICH LAND IS HELD OR USED	COMMENTS (INCLUDING LOCATION)
35	Province of Québec	National Health and Welfare	50°20'N – 78°30'W approximately 0.4 acres at mouth of Eastmain River, East coast of James Bay on Eastmain Reserve	Two bldgs. on Provincial Crown Land	Eastmain Health Centre for provision of medical services to Native people	Land occupied since 1963. New health centre built in 1973.
59	Province of Québec	National Health and Welfare	53°50'N-79°W – Lot 400' wide and running from river bank to depth of 125' on rear and 610' in the front	Four bldgs. on Provincial Crown Land	Fort George Health Centre for provision of medical services to Native people	East shore of James Bay 4. 104 acres. Constructed in 1942.
24		National Health and Welfare	50°30'N-74°15'W – Lots 17 and 18 N.T.S. – 32 1/15-0.9 acres South shore of Lake Mistassini	Two bldgs., 1 trailer on Prov. Crown Land	Mistassini Health Centre for provision of medical services to Native people	Constructed in 1962.
35		National Health and Welfare	52°35'N-78°40'W – 105 mi. North of Rupert House	Three bldgs. on Provincial Crown Land	Paint Hills Nursing Station for provision of medical services to Native people	On East shore of James Bay on Vieux Comptoir.
33		National Health and Welfare	51°30'N-78°45'W – Lot 22 East shore James Bay on Indian Settlement	Three bldgs. on Prov. Crown Land	Rupert House Nursing Station for provision of medical services to Native people	No legal transfer of site.