



January 5, 2017

OUR FILE:

YOUR FILE:

Métis Nation – Saskatchewan Secretariat Inc.
231 Robin Crescent
Saskatoon, SK S7L 6M8

Attention: Mavis Taylor, C.E.O.

Dear Madam:

RE: Term of office of Provincial Métis Council

We have been requested to provide an opinion on the current term of office of the existing Provincial Métis Council and whether this PMC can call an MNLA.

We have reviewed the relevant internal governance documents of the Métis Nation – Saskatchewan, relevant case law, and the legal opinion provided to you by the W Law Group dated May 29, 2012 which also considered the term limits of the PMC.

It is our opinion that the term of office of the members of the Provincial Métis Council continues until the next Métis Nation – Saskatchewan election.

We acknowledge the following from May 29, 2012 opinion letter from the W Law Group:

“The difficulty arises because Article 17.3 [of the Constitution of the Métis Nation – Saskatchewan] states that the term of office shall continue “until the next regularly scheduled election in May 2012.” This term is ambiguous for two reasons:

1. There is no “regularly scheduled” election; any election must be scheduled by the MNLA which, in turn, must be called by the PMC;
2. The election is to be held “in May 2012,” however, the constitution provides no remedy or direction in case an election is not held in May 2012.

If a clause is ambiguous and will lead to an absurd result, the principles of interpretation dictate that a written instrument should be interpreted in such a way as to avoid an absurd or inconsistent result. One must look at the consequences of a particular interpretation to determine if that result is a reasonable one that would have been intended by the drafter or drafters of the document.”

Amendments to the Constitution could only have been made with the same formality as they were in 2007, as per Article 17(6). There have been no amendments to Article 17(3) of the Constitution since the May 29, 2012 letter or since the MNLA election that followed it. Article 17(3), as described above, remains applicable and ambiguous.

The principles of interpretation as described have not changed.

The above opinion is further supported when the question more specifically is whether the current PMC can call an MNLA. We are of the opinion that the current term of the PMC must continue as they are the only body which can call an MNLA. If the term of the PMC were not to continue until the next election an absence of authority would be created which would lead to an absurd result.

We are of the opinion that the PMC continue to have authority to govern until the next election when the next PMC will be elected. A reading of this Constitution and other inter-related governance documents offers no other realistic interpretation.

I trust the above is satisfactory.

Yours truly,

CUELENAERE, KENDALL, KATZMAN & WATSON LLP

Per:

for:



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Cc: Evan Shoforost, Special Advisor to Métis Nation – Saskatchewan Secretariat Inc
Ernst & Young,