

The Métis Act

being

Chapter M-14.01 of *The Statutes of Saskatchewan, 2001*
(effective January 28, 2002).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-14.01

An Act to recognize contributions of the Métis and to deal with certain Métis institutions

WHEREAS the existing Aboriginal rights of Métis people are protected pursuant to section 35 of the *Constitution Act, 1982*;

AND WHEREAS the Government of Saskatchewan wishes to work in partnership with the Government of Canada and the Métis people to promote and strengthen the capacity for Métis governance of Métis institutions and communities;

AND WHEREAS, pursuant to section 14.1 of *The Interpretation Act, 1995*, nothing in this Act is to be construed as abrogating or derogating from the existing Aboriginal rights of Métis people mentioned in section 35 of the *Constitution Act, 1982*;

AND WHEREAS nothing in this Act is to be construed as altering or affecting the position of the Government of Saskatchewan that legislative authority in relation to Métis people rests with the Government of Canada pursuant to section 91(24) of the *Constitution Act, 1867*;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I Short Title

Short title

1 This Act may be cited as *The Métis Act*.

PART II Recognition of Métis Contributions

Recognition of Métis contributions

2 The purpose of this Part is to recognize the contributions of the Métis people to the development and prosperity of Canada, including:

- (a) the rich and evolving history of the Métis people;
- (b) the cultural distinctiveness of the Métis communities and traditional ways of life of the Métis people;
- (c) the importance of the languages of the Métis people, including the Michif language, to Canada's culture and heritage;
- (d) the distinctive culture and cultural legacy of the Métis people, as symbolized by the Métis flag, the Métis sash, the Red River cart, the fiddle and the Red River jig;
- (e) the significance of the Métis farms and the Batoche historic site;

- (f) the honourable and invaluable service of the Métis veterans during the two World Wars and the Korean War and in many peace-keeping missions around the world;
- (g) the importance of Métis entrepreneurs to Canada's economy, beginning in the 18th Century with the historic involvement of the Métis in the North West fur trade;
- (h) the leadership role of Métis institutions in providing educational, social and health services to Métis people, and the contribution of those institutions to the delivery of those services; and
- (i) the important contribution of the Métis Nation - Saskatchewan in representing the needs and aspirations of the Métis people.

2001, c.M-14.01, s.2.

PART III Bilateral Process

Bilateral process

3(1) The Government of Saskatchewan and the Métis Nation - Saskatchewan will work together through a bilateral process to address issues that are important to the Métis people, including the following:

- (a) capacity building;
- (b) land;
- (c) harvesting;
- (d) governance.

(2) Where the Government of Saskatchewan and the Métis Nation - Saskatchewan consider it appropriate, they may enter into a memorandum of understanding that reflects the discussions resulting from the bilateral process mentioned in subsection (1).

2001, c.M-14.01, s.3.

PART IV Métis Nation – Saskatchewan Secretariat Inc.

Interpretation of Part

4 In this Part:

- (a) “**corporation**” means the Métis Nation - Saskatchewan Secretariat Inc. established pursuant to section 5;
- (b) “**director**” means, except in section 16, a director of the corporation;
- (c) “**Director**” means the Director within the meaning of *The Non-profit Corporations Act, 1995*.

2001, c.M-14.01, s.4.

MNS Secretariat Inc. established

5(1) The Métis Nation - Saskatchewan Secretariat Inc. is established pursuant to this Act as a body corporate without share capital.

(2) The corporation is the administrative body by which the policies and programs of the Métis Nation - Saskatchewan may be carried out and administered.

2001, c.M-14.01, s.5.

Powers

6 Subject to this Act, the corporation has the capacity, rights, powers and privileges of a natural person.

2001, c.M-14.01, s.6.

Board of directors

7(1) The board of directors consists of those persons who are members of the Provincial Métis Council of the Métis Nation - Saskatchewan.

(2) The board of directors shall direct and manage the activities and affairs of the corporation.

(3) The board of directors shall formalize its decisions by resolution or bylaw.

2001, c.M-14.01, s.7.

Bylaws

8 Bylaws shall be made for the governance and proper administration of the corporation's activities, affairs, property and interests.

2001, c.M-14.01, s.8.

Special meetings

9(1) If a petition that requests the holding of a special meeting and that is signed by at least 250 Métis individuals of Saskatchewan is delivered to the head office of the corporation, the board of directors shall, within 60 days, hold a special meeting with the Métis people of Saskatchewan to discuss any matter stated in the petition respecting the operation of the corporation.

(2) The board of directors shall cause a notice of the meeting mentioned in subsection (1) to be published:

- (a) at least seven days before the day of the meeting; and
- (b) in at least two newspapers having general circulation in Saskatchewan.

2001, c.M-14.01, s.9.

Records

10 The corporation shall maintain, at its head office or at any other place in Saskatchewan designated in the bylaws, the following:

- (a) the bylaws of the corporation and all amendments to them;
- (b) the minutes of meetings and resolutions of:
 - (i) the directors;
 - (ii) any committee of the corporation; and
 - (iii) any meeting held pursuant to section 9;

- (c) copies of all notices published pursuant to subsection 9(2);
- (d) the audited financial statements of the corporation.

2001, c.M-14.01, s.10.

Access to records

11 Any Métis individual of Saskatchewan, or his or her agent, and any other person may examine the records mentioned in section 10 during the usual business hours of the corporation and may make copies on payment of a reasonable fee to the corporation.

2001, c.M-14.01, s.11.

Filing

12(1) Within 15 days after the coming into force of this Act, the corporation shall file with the Director:

- (a) a notice of the names and addresses of the directors of the corporation; and
- (b) a notice of the location and address of the head office of the corporation.

(2) Within 15 days after a change occurs in the name or address of a director of the corporation or in the location or address of the head office of the corporation, the corporation shall file with the Director, as the case requires:

- (a) a notice of the names and addresses of the directors of the corporation; or
- (b) a notice of the location and address of the head office of the corporation.

(3) Within 90 days after the end of the corporation's fiscal year, the corporation shall file with the Director an audited financial statement of the corporation for that fiscal year.

2001, c.M-14.01, s.12.

Fiscal year

13 The fiscal year of the corporation is the period prescribed in the bylaws of the corporation.

2001, c.M-14.01, s.13.

Audit

14(1) The corporation shall appoint a duly qualified auditor who shall audit the records, accounts and financial statements of the corporation:

- (a) annually; and
- (b) at any other time that the corporation may direct.

(2) An auditor appointed pursuant to subsection (1) must be independent of the corporation and its directors, officers and employees.

(3) For the purposes of subsection (2), independence is to be determined in accordance with the rules set out in subsection 148(2) of *The Non-profit Corporations Act, 1995*.

(4) Subsections 156(5) to (9) and sections 157 and 158 of *The Non-profit Corporations Act, 1995* apply, with any necessary modification, to the corporation and its auditor, directors, officers and employees.

2001, c.M-14.01, s.14.

Application of *The Non-profit Corporations Act, 1995*

15(1) Any Métis individual of Saskatchewan or any creditor of the corporation may exercise the powers of a member or a security holder, as the case may be, pursuant to sections 214 to 220 of *The Non-profit Corporations Act, 1995*, and those provisions apply, with any necessary modification, to the corporation and its directors, officers and employees.

(2) For the purposes of this section, any Métis individual of Saskatchewan is deemed to have the status of a member within the meaning of *The Non-profit Corporations Act, 1995*.

2001, c.M-14.01, s.15.

Subsidiaries

16(1) In this section, “**subsidiary**” means a subsidiary corporation without share capital.

(2) A bylaw may be made to establish any subsidiary that the corporation considers necessary to carrying out its objects.

(3) A bylaw made pursuant to subsection (2) must:

- (a) name the first directors of the subsidiary and their terms of office; and
- (b) prescribe how directors, other than the first directors, are to be appointed or elected.

(4) Every subsidiary established pursuant to this section is a body corporate and has the capacity, rights, powers and privileges of a natural person.

(5) Sections 8 to 15 apply, with any necessary modification, to every subsidiary established pursuant to this section.

(6) Within 15 days after establishing a subsidiary pursuant to this section, the corporation shall file a notice with the Director specifying:

- (a) the name of the subsidiary;
- (b) the names and addresses of the first directors of the subsidiary;
- (c) the location and address of the head office of the subsidiary; and
- (d) the fiscal year of the subsidiary.

(7) The corporation may, by bylaw, dissolve a subsidiary, and all remaining rights, obligations, assets and liabilities of the subsidiary on dissolution are transferred to and become the rights, obligations, assets and liabilities of the corporation.

(8) Within 15 days after dissolving a subsidiary pursuant to this section, the corporation shall file a notice with the Director respecting the dissolution.

2001, c.M-14.01, s.16.

Dissolution of predecessor corporation

17(1) In this section, “**predecessor corporation**” means the Métis Nation of Saskatchewan Secretariate Incorporated, incorporated pursuant to *The Non-profit Corporations Act, 1995*.

- (2) The predecessor corporation is dissolved.
- (3) On the dissolution of the predecessor corporation pursuant to this section:
 - (a) the rights, obligations, assets and liabilities, as at the date of the coming into force of this section, of the predecessor corporation, as the predecessor corporation existed on the day before the coming into force of this section, are transferred to and become the rights, obligations, assets and liabilities of the corporation;
 - (b) the corporation may, in its own name, commence and maintain any actions or proceedings, exercise any powers and claim any rights or remedies that the predecessor corporation could have commenced, maintained, exercised or claimed before the coming into force of this section; and
 - (c) any actions or proceedings that could have been brought or maintained against the predecessor corporation, and any rights or remedies that could have been claimed against the predecessor corporation, before the coming into force of this section may be brought or maintained or claimed against the corporation.

2001, c.M-14.01, s.17.

PART V
Coming into Force

Coming into force

- 18 This Act comes into force on proclamation.