

Wildlife & Conservation Act

AN ACT RESPECTING THE INHERENT RIGHT OF THE METIS WITHIN SASKATCHEWAN
TO HUNT, FISH, TRAP, GATHER AND CONSERVE WILDLIFE.

SHORT TITLE

1. This Act may be cited as the Metis Wildlife And Conservation Act.

DEFINITIONS

2. In this Act:

- (a) "Metis" means and Aboriginal person as set out in section 35(2) of the *Constitution Act, 1982*, and as defined in the Constitution of the Metis Nation of Saskatchewan;
- (b) "person" means a Metis person;
- (c) "licence" means a licence issued under the authority of this Act or the regulations thereunder;
- (d) "Minister" means the member of the Provincial Metis Council to whom the administration of this Act is assigned;
- (e) "open season" means that period of time as set out in the regulations during which wildlife can be legally hunted;
- (f) "traffic" means to sell, buy or barter;
- (g) "wildlife" includes fish, an animal with a backbone which is wild by nature or a bird of any species, including its eggs;
- (h) "wildlife guardian" means any person appointed or authorized by the Minister to enforce this Act and the regulations thereunder;
- (i) "tribunal" means a tribunal composed of Elders and members of the Local where the person violating the Act or regulations is normally resident, and includes a sentencing circle where the practice is adopted;
- (j) "adult" means a person sixteen years of age and older;
- (k) "Elder" means a well respected person appointed by the Local;
- (l) "Local" has the same meaning as contained in the Constitution of the Metis Nation of Saskatchewan;
- (m) "firearm" includes a bow;

PROPERTY IN WILDLIFE

3. The property in all wildlife within the province is vested in the Creator. Once lawfully hunted, fished, trapped, gathered or taken the property vests in the hunter, fisherperson, trapper, gatherer or taker. Any unlawfully hunted, fished, trapped, gathered or taken wildlife vests in the Minister who shall dispose of it as set out in the regulations.

ADMINISTRATION

4. The Minister may appoint a director to administer the provisions of the Act and regulations.

LICENCES

5. The Minister or those acting under the authority of the Minister may issue or revoke any licence provided for by this Act or the regulations.
6. The Minister may delegate the issuing of licences to each of the Locals of the Metis Nation of Saskatchewan.
7. The Locals which assume that administrative responsibility shall follow and adhere to the guidelines and standards set by the Minister.
8. Every person who has a licence shall, upon request by a wildlife guardian immediately produce it, along with their Metis membership card for examination.

PROHIBITIONS, OFFENCES, PROSECUTIONS AND PENALTIES

9. No person shall hunt, fish, trap, or take wildlife in a closed season.
10. No person shall hunt, fish, trap, or take wildlife without a valid licence.
11. No person shall hunt, trap or take wildlife in a wildlife refuge or preserve, as established by the province of Saskatchewan or the government of Canada and in existence as of the date of the passage of this Act.
12. No person shall hunt within 500 yards of a building, or in any manner or vicinity that endangers the public.
13. No person shall hunt or fish with the aid of an artificial light.

14. No person shall traffic in wildlife.
15. No person under the age of sixteen shall hunt without a parent, or under the supervision of an adult.
16. No person shall hunt, fish, trap or take wildlife while intoxicated or under the influence of drugs or alcohol.
17. No person shall discharge a firearm across a highway or road.
18. No person shall interfere with a wildlife guardian in the discharge of his/her duty.
19. Any person who violates this Act or the regulations shall be brought before a tribunal, which may incorporate a sentencing circle in its determination of a penalty in the event of a conviction.
20. Any person convicted by a tribunal shall have a right to appeal to the Metis Senate of the Metis Nation of Saskatchewan, whose decision shall be final and binding.
21. Any person convicted of an offence under the Act or its regulations shall be required to do community service of a type and duration imposed by the tribunal.
22. Upon a second or subsequent conviction, the tribunal may suspend the right of the person to secure a licence for a specified period of time, but for no more than one year, in addition to mandatory community service.
23. Any person refusing to comply with the decision of the tribunal, or appeal decision shall not be eligible for a licence for a period of one year.

MINISTERIAL RESPONSIBILITIES

24. The Minister, subject to direction from the Legislative Assembly and the Provincial Metis Council, shall perform the following duties:
 - (a) Provide annual reports to the Legislative Assembly;
 - (b) Prepare draft legislation or amendments for presentation to the Legislative Assembly;
 - (c) Prepare regulations for adoption by the Provincial Metis Council;

- (d) Prepare policy papers and guidelines for ratification by the Provincial Metis Council;
- (e) Provide liaison with federal and provincial government departments dealing with wildlife matters;
- (f) Provide liaison with Metis governments or organizations dealing with wildlife matters;
- (g) Generally perform those duties required for carrying out the provisions of the Act and regulations.

POWER TO MAKE REGULATIONS

25. The Provincial Metis Council may make regulations:

- (a) respecting the protection, management, regulations and use of any wildlife or habitat;
- (b) respecting the disposal of wildlife unlawfully hunted, fished, trapped, gathered or taken;
- (c) prescribing species of wildlife to be protected;
- (d) respecting the issuing of licences;
- (e) respecting the hunting, fishing, trapping and taking of wildlife during open season;
- (f) respecting the means of fishing;
- (g) respecting the gathering of eggs;
- (h) authorizing persons to act on behalf of the Minister in the issue of any licence subject to any terms and conditions that the Minister may prescribe;
- (i) regulating hunters, the number of hunters, and the manner of hunting at any time and in any area;
- (j) prescribing the wearing apparel to be worn by hunters;
- (k) regulating the prohibiting the use of certain vehicles or aircraft in any area for any purpose related to the hunting of wildlife;
- (l) setting the price for licences;
- (m) respecting cooperation between the provincial government and the Metis Nation of Saskatchewan with respect to wildlife;

- (n) setting seasons for hunting, taking or trapping wildlife;
- (o) setting seasons for fishing;
- (p) setting the number of big game animals which can be taken by a hunter within a season;
- (q) setting the number of fish and migratory birds which can be taken on a daily basis;
- (r) respecting any other matters relating to wildlife.

EXCEPTION

- 26. Wildlife not covered by this Act or regulations are not prohibited from being hunted, trapped or taken by Metis persons.
- 27. This Act, regulations, policies and guidelines thereunder shall not be interpreted as extinguishing, infringing or abrogating any Aboriginal right or title of Metis, and are purely of a regulatory nature.

AMENDMENTS

- 28. This Act may be amended, repealed or otherwise dealt with by the Legislative Assembly of the Metis Nation of Saskatchewan.

COMING INTO FORCE

- 29. The Act comes into force upon ratification by the Legislative Assembly of the Metis Nation of Saskatchewan.

REGULATIONS RESPECTING THE INHERENT RIGHT OF THE METIS WITHIN
SASKATCHEWAN TO HUNT, FISH, TRAP, GATHER AND CONSERVE WILDLIFE.

TITLE

These regulations may be cited as *The Metis Wildlife And Conservation Regulations, 1994*.

DECLARATION

The hunting, fishing, trapping, gathering and taking of wildlife is solely for the purposes of food, clothing and ceremonial or religious activities, which includes exchange of wildlife for other forms of food.

1. No person shall leave any edible parts of wildlife after a kill.
2. No person is prevented from sharing wildlife as part of traditional Metis culture and practice, but does not include trafficking.
3. Where wildlife has been unlawfully acquired, the Minister or his designate may dispose of the wildlife by distributing it to members of the community based on need.
4. Licences shall be in the form prescribed by the Minister.
 - (a) Until the first day that licences are available to the Local or the Minister's designate, the MNS/MSS membership card shall serve as a valid licence for the taking of big game, fish or migratory birds.
5. There shall be no charge for licences.
6. The season for male big game animals shall be from the 15th of July to the 30th of March in the following year, and for female big game animals from September 1st to the 31st of December each calendar year.
7. The season for fishing shall be from the 1st of May to the 31st of March in the following year.
8. The season for male migratory birds shall be from the 15th of July to the 30th of October in each calendar year, and from September 1st to the 30th of October for female migratory birds.

9. For the 1994 - 1995 seasons, the big game, fishing and migratory birds seasons will begin upon the coming into force of the Act and the regulations thereunder, except where the open season is set for a later date.
10. The number of big game which may be taken each season and by species shall be determined based on the availability of wildlife in a given area and shall be set out by the Minister in yearly guidelines.
11. The number of fish which may be taken by angling shall be limited to 10 on any one given day, except a person shall be allowed to have three days catch in possession.
12. For those using nets, there shall be a limit of one net per family, except where there is a need to feed sled-dogs, an additional net will be permitted.
13. The net mesh size shall be no smaller than 4 1/2 inches.
14. The limit for migratory birds shall be 7 on anyone given day, except for "fall ducks" which shall be 15.
15. The Locals shall have the discretion of issuing additional big game limits to families in need, especially where the family is large and depends on availability of wildlife for sustenance purposes.
16. Licences may be assigned in the case of the elderly, single mothers, widows and handicapped persons to a person of their choice.
17. All persons issued licences under these regulations must wear proper hunting colors during the hunting season established by the province, except where such hunting is virtually absent.
18. All persons shall report each kill of big game to their Local licensing authority.
19. No persons shall take more than their lawful limit of big game, fish or migratory birds.
20. Tribunals consisting of one Elder and two members appointed by the Local shall be established for the purpose of adjudicating violations of the Act or regulations.
21. Sentencing circles may be employed in determining the sentence to be imposed in the event of a conviction being entered.

22. A three person Judicial Committee of the MNS Senate shall be responsible for hearing appeals, which decision is final and binding.
23. The Minister, or his/her designate shall be responsible for having charges preferred and conducting the prosecution.
24. Persons accused of violating the Act or regulations are permitted to engage legal counsel.
25. The procedure for conducting the hearings and appeals shall be those established by the Provincial Metis Council.
26. The Minister shall provide identification documents for wildlife guardians.
27. The Minister may develop policies and guidelines for the protection of wildlife habitat, including clear-cutting practices and areas where clear-cutting may be allowed.
28. These regulations come into force upon ratification by the Provincial Metis Council.

RATIFIED BY THE PROVINCIAL METIS COUNCIL ON JULY 21, 1994.