

# VOICE OF THE PEOPLE

**REFORMING THE MN-S CONSTITUTION  
AND RELATED LEGISLATION**

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# PRESENTATION OUTLINE

## REFORMING THE MN-S CONSTITUTION AND RELATED LEGISLATION

1. Background Summary
2. Mandate Resolution for Constitutional Reform
3. Métis Nation Self-Government Agreement
4. Consultation Journey Timeline
5. Consultation Process
6. Key Themes of Phase 1 – Consultations
7. Transition from “Not for Profit” to Government
8. Proposed MN-S Constitutional Amendments & Existing Legislation
9. Proposed New Legislation
10. Questions & Comments

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## Background Summary

- MN-S has had a Constitution since 1993. It is the framework in which we govern ourselves & highest law of Métis Nation
- In 1982, section 35 affirmed our rights in the Canadian Constitution
  - MOU Agreement on Advancing Reconciliation was signed with Canada
  - In June 2018, signed the Framework Agreement with the federal government of Canada. This was significant because it allowed for the negotiation of Métis Rights of Self-Government
  - June 27, 2019 - The Métis Government Recognitions and Self-Government Agreement was signed

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# Resolution passed from April 2019 MNLA

Constitutional Reform Mandate: Resolution 2019 April MNLA

It was moved by Gerald Morin and Seconded by Lisa McCallum

**WHEREAS** the Métis Nation-Saskatchewan has heard from citizens of the Métis Nation-Saskatchewan about the need for Constitutional Reform;

**AND WHEREAS** the Métis Nation-Saskatchewan held Constitutional workshops at the Legislative Assembly in April 2019:

**AND WHEREAS** it is deemed that Constitutional Reform is needed.

**NOW THEREFORE BE IT RESOLVED** that the Métis Nation-Saskatchewan under the instructions of the Minister of Intergovernmental Affairs, develop a Constitutional Reform process including further engagement with the Citizens of the Métis Nation-Saskatchewan; and

**FURTHER BE IT RESOLVED** that the Minister of Intergovernmental Affairs report to the next Métis Nation Legislative Assembly on the progress of the Reform process and bring forward any amendments that might be necessary at that time for consideration, discussion and ratification of the Legislative Assembly and the General Assembly.

**CARRIED (MNLA 190414-11)**

87 Delegates voted in favour

0 Delegates voted in opposition

1 Delegate abstained from the vote Reform

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# Métis Nation Self-Government Agreement

- Self-government Agreement sets out what is required in a Constitution
- MN-S already has most of those provisions in our Constitution
- What more needs to be done?
  - Clearly define financial accountability
  - Dispute resolution - Judicial/Tribunal
  - Conflict of Interest Legislation
- How do we transition from a Not-for-Profit to Government?

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# Consultation Journey Timeline

Phase One

September & October 2019

Phase Two

March & April 2020

Phase Three

November 2020

Phase Four

November 2021  
-Further review &  
Consultation

# Consultation Process & Schedule

The phased approach to the Constitutional Reform Process is planned as follows:

CONSULTATION APPROACH	ACTIVITY	TIMEFRAME
SPEAK WITH LEADERSHIP	Dialogue with Métis leadership at MNLA and receive direction on the process to be taken to engage Métis citizens	April 2019
PHASE ONE	<ul style="list-style-type: none"> <li>• ‘Kitchen Table Style’ Community Meetings in twelve regions to hear from our Citizens</li> <li>• Summarize findings of Consultations</li> </ul>	September & October 2019 2019 November MNLA
PHASE TWO	<ul style="list-style-type: none"> <li>• Check point with leadership</li> <li>• Review proposed MN-S Constitutional Amendments including amendments to other existing legislation and proposed new legislation</li> <li>• Phase 2 - Consultations in Regions</li> </ul>	March & April 2020 2020 May MNLA
PHASE THREE	Review ‘drafts’ of legislation and Approval or Ratification	November 2020
PHASE FOUR	Further Review of New/Existing Legislation & Consultation	November 2021

# Key Themes of Phase 1

**Accountability  
& Structure**

**Rights**

**Values**

**Transparency  
& Process**

**Identity**

**Programs &  
Services**



# Summary of Key Themes of Phase 1

MAIN THEME	SUB THEME	DESCRIPTIONS
Accountability and Structure		Government structure, oversight mechanisms, audit, dispute resolution, how to run an MNLA and elections, need for a Judicial Tribunal.
	Leadership	Structure of Métis government leadership, accountability, disciplinary approaches, nomination procedures, rules regarding campaigning
Transparency and Process		Reporting, methods of communication, meeting process, request for clarification or inclusion of locals. Possible Regional and Local Administration Act
	Communication	Best methods for communicating with citizens including some recommendations on specific demographic communication methods.
Rights		Ideas of inherent rights of Métis Nation-Saskatchewan citizens including hunting, fishing, trapping, self governance. How Metis customary laws impact legal decisions.
Identity		What defines Métis identity and how identity impacts social experience.
Values		Processes, beliefs and ideas representing traditional, core, and/or community understandings on what it means to be Métis in Saskatchewan.
Programming & Services		Programming ideas, topics for future research, funding ideas, and other administrative areas for direct citizen service provision.

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# Transition from "Not for Profit" to Government

- Corporate Model - Secretary, Treasurer, Vice-President & President
- Government Model - there is no role for an elected treasurer or Secretary
- Métis Nation Government - What do we want?
- Secretariat Inc under Métis Act, continue it but under our laws and not the Provincial Not For Profit laws

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# Some Proposed MN-S Constitutional Amendments

- The definition of who is Métis remains the same: the definition requires Métis ancestry, holding out as Métis as distinct from other Aboriginal peoples, and acceptance by the Saskatchewan Métis community.
- The governance structure continues existing Locals and Regions, the PMC, and the MNLA, no change at this time
- The General Assembly continues as a mechanism for communication with citizens
- Phase out position of Secretary & Treasurer in 2025, just before the election

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## Proposed MN-S Constitutional Amendments (Continued)

- Recognition of Locals at MNLA: Clerk will make a decision based on materials submitted for “Roll Call” and if there is a discrepancy or dispute, it will be put to the floor of the MNLA Assembly
- Financial accountability provisions are added to require the MNLA to provide for a ‘Treasury Board’ to be responsible for managing MN-S funds.
- Senators will be appointed for life and continue with ceremonial and advisory role.
- Other provisions are added to address conflicts, access to information, etc.
- Amendments to the Constitution will require the support of 75% of a quorum of the members of the MNLA.

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## Impacts to Existing Legislation

- Citizenship
  - Should adoption be included?
  - Applications to go directly to the MN-S Provincial Registrar
- Metis Nation Legislative Assembly Act
  - Changes to align with constitutional amendments (little change)
  - Citizenship
- Elections Act
  - Chief Electoral Officer

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## Proposed New: Judicial and Tribunal Legislation

- Mandate
- Establish a formal dispute resolution or adjudication process (SG requirement)
- Jurisdiction will be available immediately for the tribunal to adjudicate issues relating to:
  1. Locals and whether their constitution is consistent with MN-S Constitution
  2. Conflict of Interest
  3. Citizenship
  4. Elections

# Judicial and Tribunal Legislation (Continued)

- Tribunal will need to consider Métis Customary Laws and these laws will require identification and definition
- Preference will be to mediate, establish alternate dispute mechanisms before going to the Tribunal
- Explore expanded Scope of Jurisdiction that can be provided to come into force at a future date

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## New Legislation

### NEW:

- Tribunal Act
- Conflicts of Interest Act
- Secretariat Act - Transitional Legislation

### OTHER:

- Local & Regional Administration Act (not 2020 Spring)
- Interpretation Act (not 2020 Spring)



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# QUESTIONS & COMMENTS