



**Proposed Kwayaskastasowin Judiciary Act**

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tabled to the MNLA on May 25, 2024 for consideration

Proposed provision	Explanation and comments
<p><b>An Act respecting the Métis Nation – Saskatchewan Judicial Body and providing for settlement of disputes in accordance with the principles of Kwayaskastasowin</b></p>	<p>This is the long title. A long title can make a political or strategic statement and outlines the scope of the legislation.</p>
<p style="text-align: center;"><b>Preamble</b></p> <p>Whereas <b>otipemisiwak</b>, the people own themselves, is a fundamental principle of Métis identity with deep historical roots; and</p> <p>Whereas the authority to create and run a Métis Judiciary includes the existing inherent rights of the Métis Nation – Saskatchewan, as recognized and affirmed by section 35 of the <i>Constitution Act</i>, 1982, the United Nations Declaration on the Rights of Indigenous People, the Métis Nation within Saskatchewan Self-Government Recognition and Implementation Agreement between Métis Nation – Saskatchewan and His Majesty the King in Right of Canada, dated February 23, 2023, the Métis Government Recognition and Self-Government Agreement between Métis Nation – Saskatchewan and Canada dated June 27, 2019; and</p>	<p>The PMC asked for an expanded preamble that would outline Métis values and principles. The current version of the expanded preamble is set out in a separate document.</p> <p>PMC directed that Elders review the draft preamble to the Kwayaskastasowin Judiciary Act. This review is scheduled for June 11, 2024 and the draft content of the preamble presented here should be considered subject to this review.</p>



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<p>Whereas Métis laws are not new to the Métis people; they have existed for generations and include: the laws of the Prairie including the laws for the colony of St. Laurent, the laws of the Buffalo Hunt, the <i>Manitoba Act</i> proposed by the Riel Provisional Government, and bylaws and constitutions for Métis representative organizations and governments in Saskatchewan; and</p> <p>Whereas the Métis have a history of using a judiciary and courts since before 1870 when James Ross Esq. was confirmed as the Chief Justice of Assiniboia under the Honourable Louis Riel, President of the Provisional Government of Assiniboia; the Justices, Magistrates and other officials were appointed to act under the Provisional Government; the days for holding the Courts were fixed and Local Laws and regulations were adopted;<sup>1</sup> and</p> <p>Whereas, as Métis nationhood is growing, more legislation is being developed and more areas of jurisdiction are reclaimed, the need to redevelop internal decision making is apparent; and</p> <p>Whereas the Métis Judiciary embodies the spirit of Kwayaskastasowin – setting things right; and</p>	

<sup>1</sup> *An Act Providing for the due Administration of Public Justice*, Legislative Assembly Chamber, Upper Fort Garry, 26 March 1870, ([Sessional Journal \(gov.mb.ca\)](http://www.gov.mb.ca/sd/SessionalJournal/1870/1870.html))



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<p>Whereas the Kwayaskastasowin Judiciary is built with the input of the Métis people within Saskatchewan; and</p> <p>Whereas <b>sâkhitowin</b>, love, is introduced as an important feature of the Kwayaskastasowin Judiciary. This is how community members want their family members treated within the Kwayaskastasowin Judiciary – with <b>sâkhitowin</b>; and</p> <p>Whereas <b>wahkohtowin</b>, our kinship and connectedness to each other, has a place in the Kwayaskastasowin Judiciary because relationships are central to the way legal cases are processed; and</p> <p>Whereas the Kwayaskastasowin Judiciary is built on the spirit of <b>wahkohtowin</b>, to connect communities and to build and restore relationships. It is inclusive and citizen centred, trustworthy and transparent; and</p> <p>Whereas the values of <b>sâkhitowin</b> and <b>wahkohtowin</b> are central values of Métis people, the Kwayaskastasowin Judiciary will hold children at the centre of decision-considering them and their futures in decisions it makes; and</p>	



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<p>Whereas the Kwayaskastasowin Judiciary is based on <b>nihtohtamowin</b> – a deep and profound listening - listening so well that your speaker knows that they have been heard; and</p> <p>Whereas <b>kiyokeywin</b>, visiting, spending meaningful time connecting, is part of the Kwayaskastasowin Judiciary processes. The Kwayaskastasowin Judiciary will spend time visiting and connecting with communities before relationships break down;</p> <p>Whereas the Kwayaskastasowin Judiciary encourages people to make decisions for themselves creating space to resolve issues on their own;</p> <p>Whereas the Kwayaskastasowin Judiciary is created independently, separate and apart, from the Métis – Nation Saskatchewan governance process to act in trust and in the best interests of the Métis – Nation Saskatchewan and the Métis people; and</p> <p>Whereas the above stated values are core to the Métis Nation within Saskatchewan;</p>	



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<p><b>The Metis Nation Legislative Assembly, in accordance with the authority granted to it by the Métis Nation within Saskatchewan through its Constitution, enacts as follows:</b></p>	<p>This is the enacting clause proposed to be used for the enactment of all MNLA legislation. It cites the constitutional source of authority to enact the law that follows.</p>
<p style="text-align: center;">PART I GENERAL</p> <p><b>Short title</b> 1 This Act may be cited as the <i>Kwayaskastasowin Judiciary Act</i>.</p>	<p>The purpose of the short title is to provide an easier title by which the Act can be formally referenced. This title signals both that this is about judicial decision-making but with an emphasis on “setting things right”.</p>
<p><b>Definitions</b> 2 In this Act:  “<b>Chief Justice</b>” means the Chief Justice of the MN-S Judicial Body appointed in accordance with this Act;  “<b>Community Panel</b>” means the Community Panel established under section 14;  “<b>Constitution</b>” means the <i>Métis Nation – Saskatchewan Constitution</i>;  “<b>Facilitative Panel</b>” means the Facilitative Panel established under section 15;</p>	<p>The definition section provides definitions of words and phrases used in this Act only; the definitions do not apply generally. The purpose of a definition is to ensure legal clarity about words and terms that are used in other than their ordinary sense.</p> <p>The term “Chief Justice” is taken from Riel’s government.</p>



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<p>“<b>Hearing Panel</b>” means a Hearing Panel established under section 16;            “<b>Kwayaskastasowin</b>” means to work towards setting or re-establishing the situation, the people and the relationships on a good path;            “<b>MN-S laws</b>” means Acts enacted by the MNLA and regulations, rules or other documents or instruments enacted pursuant to the authority provided by an Act;            “<b>roster</b>” means one or more of the rosters of the MN-S Judicial Body, including the roster of judges, the roster of elders, the roster of youth, the roster of facilitators and the roster of experts as provided for in this Act.</p>	
<p style="text-align: center;">PART II MN-S JUDICIAL BODY</p>	
<p><b>MN-S Judicial Body established</b>  <b>3</b> The MN-S Judicial Body, comprising Community Panels, Facilitative Panels and Hearing Panels, is established to:</p> <ul style="list-style-type: none"> <li>(a) administer processes and mechanisms to resolve disputes in a restorative way, relying on Métis-built methods; and</li> <li>(b) hear and determine matters brought to it.</li> </ul>	<p>If we change the short title of the Act as above, perhaps we should also change “MN-S Judicial Body” to “Kwayaskastasowin Judiciary”. This would impact the use of the term here but also in the other Acts being proposed.</p>



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<p><b>Composition</b>  <b>4(1)</b> The members of the MN-S Judicial Body include:            (a) a Chief Justice; and            (b) rosters of judges, elders, youth, facilitators and experts for the Chief Justice to draw from to establish Community Panels, Facilitative Panels and Hearing Panels.  <b>(2)</b> The members of the MN-S Judicial Body are entitled to be compensated for their services.</p>	<p>The Judicial Body will consist of a Chief Justice and persons appointed to the various rosters, who will be selected by the Chief Justice to comprise the various panels as required.</p>
<p><b>Judicial Committee</b>  <b>5(1)</b> The Judicial Committee is established consisting of at least five MN-S Citizens as follows:            (a) three lawyers licensed to practice law in a jurisdiction in Canada;            (b) one elder residing in Saskatchewan; and            (c) one youth residing in Saskatchewan.</p>	<p>Persons appointed to the Judicial Committee must be MN-S Citizens.</p>
<p><b>(2)</b> An individual who is a member of the MNLA, a Regional Council, or a Local Council, an employee of the MN-S, or a member of a board of or an employee of an affiliate is not eligible to be appointed as a member of the Judicial Committee.</p>	<p>The purpose of this provision is to ensure that the persons who are appointed to the Judicial Committee are not elected or government officials so that they will be seen as independent in the work they have to do.</p>



## Proposed Kwayaskastasowin Judiciary Act

DRAFT

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(3) The PMC shall make regulations establishing criteria for selecting persons to be appointed to the Judicial Committee.	The Act sets out the primary criteria for appointments to the Judicial Committee in section 6, below. The PMC can expand on the eligibility criteria for appointment, beyond being a registered MN-S citizen, but any expanded criteria must be contained in regulations that are publicly accessible and transparent. The PMC would not be able to apply criteria to the selection process that are secret.
(4) The PMC shall appoint the members of the Judicial Committee in accordance with the criteria established in the regulations.	There has to be some authority tasked with the job of appointing the members of the Judicial Committee, and the PMC seems to be the most appropriate entity to do that, but the appointments to the Judicial Committee have to be made in accordance with the publicly accessible criteria. Note this is relating to the appointment of members of the Judicial Committee, not appointments to the Judicial Body itself.
(5) The Judicial Committee shall: (a) establish the criteria for selecting eligible persons as described in section 6 to be appointed: (i) as the Chief Justice; (ii) as judges to the roster of judges; (iii) as elders to the roster of elders; (iv) as youth to the roster of youth;	The Judicial Committee would have several important functions. It would establish the criteria for selecting individuals to be appointed the Judicial Body in any of the various capacities. It would recommend who should be appointed to the PMC and how much they should be paid, which could be established as a range based on experience and qualifications. It would also investigate complaints about the conduct of members of the





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<p>(v) as facilitators to the roster of facilitators; and            (vi) as experts to the roster of experts;            (b) recommend to the PMC persons to be appointed as members of the MN-S Judicial Body;            (c) determine the compensation to be paid to members of the Judicial Body; and            (d) investigate complaints made concerning the conduct or fitness of members of the MN-S Judicial Body.</p>	<p>Judicial Body.</p> <p>Although the concern has been expressed that having the PMC appoint the members of the Judicial Body meant they would not be independent, there has to be some mechanism for making these appointments. As outlined above, the PMC would only be able to appoint individuals who met the criteria established by and who were recommended for appointment by the Judicial Committee. If someone is not recommended by the Judicial Committee, the PMC could not appoint that person to the Judicial Body. That is a significant restriction on the power to appoint to ensure appointments are made on merit. In addition, it is not solely who makes the appointment that determines independence. Once the appointment is made, the Supreme Court of Canada has said there has to be security of tenure, financial security and administrative independence. This Act would appoint members of the Judicial Body for a specified term thus providing for security of tenure. The Judicial Committee would determine compensation, this providing for financial security. And the Act provides for the Judicial Body to administer its operations independently.</p>
<b>Eligibility for appointment</b>	Persons appointed to the Judicial Body must be MN-S citizens



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<p>6(1) In order to be eligible to be appointed as a member of the Judicial Body, an individual must be an MN-S Citizen who has life experience in and is respected by the Métis community.</p> <p>(2) In order to be eligible to be appointed as the Chief Justice, an individual must be eligible to be licensed to practice law in Saskatchewan and have been licensed to practice law in a jurisdiction in Canada for the 10 years prior to their appointment.</p> <p>(3) In order to be eligible to be appointed to the roster of judges, an individual must be eligible to be licensed to practice law in Saskatchewan and have been licensed to practice law in a jurisdiction in Canada for the five years prior to their appointment.</p> <p>(4) In order to be eligible to be appointed to and continue to serve on the roster of youth, an individual must be between 18 and 29 years old.</p> <p>(5) An individual who is a member of the Judicial Committee, the MNLA, a Regional Council, or a Local Council, an employee of the MN-S, or a member of a board of or an employee of an affiliate is not eligible to be appointed as a</p>	<p>who are respected by and knowledgeable of Métis community.</p> <p>In addition, the Chief Justice must have 10 years legal experience and a person appointed to the roster of judges must have five years. Persons appointed to the roster of youth must be between the ages of 18 and 29.</p> <p>The Judicial Committee will be able to add to these basic requirements when it develops criteria for appointment pursuant to subsection 5(5) above.</p> <p>Elected and government officials, as well as members of the Judicial Committee, cannot be appointed to the Judicial Body.</p>



**Proposed Kwayaskastasowin Judiciary Act**

DRAFT

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<p>member of the MN-S Judicial Body.</p>	
<p><b>Appointment</b>  <b>7(1)</b> The PMC shall appoint the members of the MN-S Judicial Body from the list of those recommended for appointment by the Judicial Committee.</p> <p>(2) The PMC shall report each appointment it makes to the MN-S Judicial Body to the MNLA at its next sitting.</p> <p>(3) The Chief Justice and the judges appointed to the roster of judges hold office for a term of five years, and until a successor is appointed, and may be reappointed.</p> <p>(4) Each member of the MN-S Judicial Body appointed to the roster of elders, youth, facilitators or experts holds office for a term of up to five years, and until a successor is appointed, and may be reappointed.</p>	<p>While the PMC makes the appointments, it must do so from a list of those recommended for appointment by the Judicial Committee. If the Judicial Committee does not recommend a particular person, the PMC will not be able to appoint that person to the Judicial Body.</p> <p>Appointments are made for a term not exceeding five years, although individuals may be reappointed if still eligible.</p>
<p><b>Oath of office</b>  <b>8(1)</b> Each member of the MN-S Judicial Body shall, at the beginning of each term of office to which they are appointed,</p>	<p>The Oath of Office borrows heavily from the oath sworn by James Ross in the Legislative Assembly of Assiniboia when he was confirmed as Chief Justice of the Riel government. This</p>



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<p>take the following Oath or Affirmation of Office:</p> <p>I solemnly swear (promise/affirm) on the voice of the people, that I will faithfully and impartially perform all of the duties of (the Chief Justice/a Judge/an Elder/a Youth/a Facilitator/an Expert) of the Métis Nation-Saskatchewan Judicial Body. I swear (affirm) that I will not bear envy, hatred or malice against anyone, and that I will not act from fear, favour or affection, or hope of reward in any case, but that I will faithfully act impartially between all parties. I will uphold MN-S laws and the Constitution, respect the rich history of my people and the courage and dedication of my ancestors for the benefit of the present and future generations. I will do my best to preserve the peace and build wahkotowin (good relations) so help me (God/Li Boon Jheu) <i>(omit this phrase in an affirmation.)</i></p>	<p>oath is recorded in the reconstituted record of the debates (<a href="https://www.gov.mb.ca/inr/major-initiatives/pubs/laa%20debates.pdf">https://www.gov.mb.ca/inr/major-initiatives/pubs/laa%20debates.pdf</a> at pg. 30):</p> <p>“In the name of God, Amen. I, James Ross, do solemnly swear on the Holy Evangelists, and in the presence of Almighty God,— as I shall answer to God at the great day of Judgment, that I will faithfully and impartially perform all the duties of Chief Justice of Assiniboia. I swear that I will not bear envy, hatred or malice against any one, and that I will not act from fear, favor or affection or hope of reward in any case, but that I will faithfully act between all parties — So help me God.”</p> <p>The Oath also references the voice of the people. This is taken from the oath Riel swore when he was appointed President. The oath is recorded in page 22 of the debates:</p> <p>“I, Louis Riel, do hereby solemnly swear that I will faithfully fulfil, to the best of my ability, my duties as President of the Provisional Government, proclaimed on the 24th November 1869, and also all the duties, which may become connected with the office of President of the Provisional Government of Assiniboia, as they may hereafter be defined by the voice of the people.”</p>



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<p><b>Independence</b>  <b>9</b> The members of the MN-S Judicial Body are independent from the political and bureaucratic arms of the Métis Nation – Saskatchewan, and the MNLA affirms this independence.</p>	<p>For clarity, this is an explicit statement of the independence of the Judicial Body from the MN-S.</p>
<p><b>Jurisdiction</b>  <b>10</b> The MN-S Judicial Body has jurisdiction and authority throughout Saskatchewan, in accordance with the principles of Kwayaskastasowin, to:</p> <ul style="list-style-type: none"> <li>(a) prevent, resolve and decide disputes relating to: <ul style="list-style-type: none"> <li>(i) the validity, application, contravention and interpretation of the Constitution, MN-S laws, and MN-S policies;</li> <li>(ii) actions, inactions or decisions of the MN-S;</li> <li>(iii) complaints about the conduct of elected members of Local Councils, Regional Councils, the PMC or the MNLA;</li> </ul> </li> <li>(b) provide for the voluntary settlement of disputes between or involving MN-S Citizens;</li> <li>(c) impose consequences for contraventions of MN-S laws or MN-S policies, as set out in that legislation or</li> </ul>	<p>We tried to set out a comprehensive list of all the issues that the Judicial Body might ultimately be called upon to deal with. A staged implementation of this jurisdiction can be put in place through the coming into force provision of the Act. See below.</p>



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<p>those policies;            (d) determine whether the whole or any part of any MN-S law is within the jurisdiction of the MNLA or the delegated authority pursuant to the Constitution, and to make binding declarations in that regard;            (e) hear and determine complaints, appeals, or other matters that are referred to it in an MN-S law;            (f) review administrative decisions made by persons or entities pursuant to MN-S laws and MN-S policies and quash any of those decisions that it determines were not made lawfully and fairly or require persons to carry out duties imposed on them in MN-S laws.</p>	
<p><b>Reference questions</b>  <b>11</b>(1) The PMC may refer an issue to the MN-S Judicial Body.            (2) The Chief Justice shall select a Hearing Panel in accordance with section 16 to hear and consider the issue and provide its opinion and reasons.            (3) The terms of the reference must:                (a) set out the subject of the reference; and                (b) name the parties to the proceedings.            (4) The MN-S Judicial Body may direct that any person interested, or any one or more persons as representatives of a</p>	<p>This provision allows the PMC to refer an issue to the Judicial Body for determination without there being a complaint initiated by a MN-S Citizen. It is anticipated that this would be something that would not happen frequently but could be useful where an important constitutional issue or issue relating to the interpretation of a significant legislative provision is necessary.</p>



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<p>class of interested persons, shall be notified of the hearing, and those persons may apply to be heard as intervenors on the matter.</p>	
<p style="text-align: center;"><b>PART III</b> <b>KWAYASKASTASOWIN</b></p> <p><b>Kwayaskastasowin (restorative approach)</b></p> <p><b>12(1)</b> The objective of the Kwayaskastasowin is to build and repair relationships with meaningful participation from the parties.</p> <p>(2) Kwayaskastasowin is a restorative process that encompasses all aspects of the MN-S Judicial Body, including preventative and educational activities engaging communities, intake, fact finding and dispute resolution, whether through a facilitation process or a formal hearing.</p> <p>(3) All parties shall participate in Kwayaskastasowin in good faith, with a heart and mind open to repairing relationships and resolving the dispute.</p> <p>(4) Kwayaskastasowin may include others besides the parties to a complaint where that involvement is conducive to repairing relationships and resolving the dispute.</p>	<p>This part of the Act tries to explain Kwayaskastasowin, emphasizing that it has many functions and that its emphasis is on restoring relationships and building community. Actual decision-making would only happen as a last resort where an issue or dispute could not be resolved through education, discussion and consent.</p>



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<p><b>Community Panels</b>  <b>13(1)</b> The Chief Justice shall select from the rosters an elder, a youth and an expert, if necessary to comprise a Community Panel, as required.            (2) The role of a Community Panel is pro-active, preventative and educational with the goal of building and restoring community.            (3) A Community Panel may refer individuals into the dispute resolution process.</p>	<p>The Community Panels have a particular focus on preventative actions so that disputes don't occur or occur less frequently.</p>
<p><b>Facilitative Panels</b>  <b>14(1)</b> The Chief Justice shall select from the rosters an elder, a youth, a facilitator, and an expert if necessary, to comprise a Facilitative Panel, as required.            (2) The role of a Facilitative Panel is to work to resolve issues without a formal hearing.            (3) Facilitative Panels conduct facilitation with the parties in private.            (4) The Facilitative Panel shall prepare any agreements reached by the parties at the conclusion of the facilitation process.            (5) Anything said during facilitation is confidential, unless the parties agree otherwise, and cannot be used as evidence or provided as information in a hearing by a Hearing Panel or in any other proceeding.</p>	<p>The Facilitative Panels endeavour to resolve disputes or complaints that come to the Judicial Body through a mediation process that attempts to find resolution through discussion and compromise.</p>





**Proposed Kwayaskastasowin Judiciary Act**

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<p><b>Hearing Panels</b>  <b>15</b>(1) Where a formal hearing is required, the Chief Justice shall select from the rosters a judge, an elder and a youth to comprise a Hearing Panel.            (2) The Hearing Panel may select an expert on a particular subject from the expert roster, as needed.            (4) All hearings held by a Hearing Panel are open to the public.            (5) A hearing or part of a hearing may take place in private if there is a compelling reason to do so as determined by the Hearing Panel.            (6) A Hearing Panel shall provide its decisions in writing and shall ensure that they are publicly available.            (7) A Hearing Panel must reach its decisions by consensus, if possible.            (8) If a Hearing Panel cannot reach a consensus, the minority dissenting opinion must be reflected in the final written decision of the Hearing Panel.            (9) A decision of a Hearing Panel is final and cannot be appealed to the PMC, the MNLA, or the Saskatchewan or Canadian courts.</p>	<p>Hearing Panels are a last resort where a dispute cannot be resolved otherwise. Hearing Panels would make written decisions that would bind the parties. If it cannot reach a decision by consensus, its written decision would include the dissenting opinion. The decision of the majority is the decision of the panel, but the majority does not have to include the judge assigned to the panel (I think we may have to explicitly say that).</p> <p>The Hearing Panel’s decision is final and cannot be appealed. We have stated that it cannot be appealed to other courts, but it is inevitable that someone will try to do that at some point. The expectation is that judge of other courts will respect and enforce the decisions of the Judicial Body.</p>
<p><b>Conflict of interest</b>  <b>16</b> A member of a Community Panel, Facilitative Panel or</p>	<p>Perhaps it goes without saying that no one can be involved in</p>



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<p>Hearing Panel shall not participate in a matter in which that member has a conflict of interest.</p>	<p>resolving or deciding a dispute if they have a conflict, but we have said it nevertheless.</p>
<p><b>Rules</b>  <b>17(1)</b> The Chief Justice shall make rules governing the proceedings of the MN-S Judicial Body, including Kwayaskastasowin and, in particular, shall make rules:</p> <ul style="list-style-type: none"> <li>(a) regulating the operation of Community Panels and Facilitative Panels;</li> <li>(b) regulating the operation of Hearing Panels and the conduct of hearings;</li> <li>(c) regulating procedure and documents in the MN-S Judicial Body;</li> <li>(d) respecting the admissibility of evidence;</li> <li>(e) respecting interpretation where required;</li> <li>(f) respecting the reliance on experts by Community Panels, Facilitative Panels and Hearing Panels;</li> <li>(g) relating to the application of Métis customary law;</li> <li>(h) allowing a Hearing Panel to conduct mediation during a hearing if the parties agree;</li> <li>(i) respecting authority to allow the MN-S Judicial Body to deal with urgent matters quickly;</li> <li>(j) respecting the duties of officers of the MN-S Judicial</li> </ul>	<p>The Rules to be made by the Chief Justice are rules relating to administrative and procedural matters, not substantive rights. An aspect of judicial independence is allowing the judiciary to govern their own proceedings. It would always be possible for the MNLA to include specific procedures in its legislation where this is thought to be important. Those specific procedures would override any Rules made by the Chief Justice and would be set out in MN-S laws.</p>



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<p>Body;</p> <p>(k) generally regulating:</p> <p>(i) anything required by this Act or any other MN-S law to be governed by or subject to rules of the MN-S Judicial Body;</p> <p>(ii) anything not sufficiently provided for in this Act; and</p> <p>(iii) any other thing that the Chief Justice considers necessary to better achieve the ends of justice and carrying into effect this Act and the provisions of other Acts respecting the MN-S Judicial Body.</p> <p>(2) All rules of the MN-S Judicial Body must be publicly accessible.</p> <p>(3) If an MN-S law sets out rules or procedures to bring a matter to the MN-S Judicial Body, those rules and procedures apply and take precedence over the rules of the MN-S Judicial Body.</p>	
<p style="text-align: center;"><b>PART IV</b></p> <p style="text-align: center;"><b>MISCELLANEOUS</b></p> <p><b>Employees and contractors</b></p> <p><b>18(1)</b> The MN-S Judicial Body shall, under the direction of the</p>	<p>This provision is one that also supports judicial independence by making it clear that the Judicial Body determines who it needs to hire or contract to do the things it identifies as priorities in its</p>



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DRAFT

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<p>Chief Justice:</p> <p>(a) appoint or employ intake officers, mediators, justice support workers and any other officers and employees that it considers necessary for the proper conduct of its business; and</p> <p>(b) determine the respective duties and powers, the conditions of employment and the remuneration of those officers and employees.</p> <p>(2) The MN-S Judicial Body may engage the services of any legal counsel, consultants and technical advisors that it considers necessary to assist it in carrying out its responsibilities and may pay any fees and expenses in that regard.</p>	<p>operations.</p>
<p><b>Financial</b></p> <p><b>19(1)</b> The MN-S Judicial Body shall prepare and submit annually to the member of the PMC responsible for the administration of justice, in any form that the member may require, an estimate of its financial requirements for the following fiscal year.</p> <p>(2) The MN-S Judicial Body may, to the extent that funds are provided to it, dedicate those funds in the way the MN-S Judicial Body considers necessary and advisable to carry out</p>	<p>While the Judicial Body has to submit a budget and it has to be approved, the Judicial Body determines how to allocate whatever funds are allotted to it. This again shows that the Judicial Body is independent from the MN-S government.</p>



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tabled to the MNLA on May 25, 2024 for consideration

Proposed provision	Explanation and comments
the purposes of this Act.	
<p><b>Reporting</b>  <b>20</b> The MN-S Judicial Body shall annually provide a written report, accessible to MN-S Citizens, outlining its activities and statistics.</p>	<p>Reporting by the Judicial Body will provide information about how it is operating and any relevant statistical information.</p>
<p><b>Immunity from liability</b>  <b>21</b> No action lies or shall be commenced against a member of the MN-S Judicial Body or its officers, employees or contractors with respect to anything done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by the member of the MN-S Judicial Body, officer, employee or contractor in the execution of their duties or with respect to any matter in which it is found that there was a lack or excess of jurisdiction, unless it is proved that the act or omission was done maliciously and without reasonable cause.</p>	<p>Members of the Judicial Body and employees and contractors cannot be subjected to civil litigation for the actions they take in good faith under MNLA legislation. They can only be held liable where they act outside their jurisdiction and did so maliciously or unreasonably.</p>
<p><b>Coming into force</b>  <b>22(1)</b> This Act comes into force when it is enacted by the Métis Nation Legislative Assembly with respect to the following:            (a) the Constitution;</p>	<p>In order to implement the jurisdiction of the Judicial Body in stages allowing it to develop the necessary capacity and for the required funding to be in place, this provision would provide for the Judicial Body to deal with election appeals, complaints or</p>



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<p>(b) appeals pursuant to the <i>Citizenship Act</i>; (c) an application pursuant to the <i>Election Act</i>:     (i) for a recount or addition;     (ii) to void an election; or     (iii) alleging a contravention of the Act.</p> <p>(2) This Act comes into force with respect to any matter other than one described in subsection (1) on a day or days to be fixed by resolution of the PMC.</p>	<p>applications and citizenship appeals as soon as it is enacted (or perhaps a future specified date).</p> <p>The Act could then be extended to apply to any other matter by resolution of the PMC (so it doesn't have to wait for a sitting of the MNLA), or alternatively by resolution of the MNLA.</p> <p>As a further alternative, other subsections can be added to the coming into force section to extend the jurisdiction of the Judiciary at specific times. For example:</p> <p>(2) This Act comes into force with respect to any matter described in clause 10(a) [<i>re disputes about the validity, application, contravention and interpretation of the Constitution, MN-S laws, and MN-S policies</i>] on January 1, 2026 [<i>or another specific date</i>].</p>