

# A DRAFT METIS ACT

## November 13, 2000

**WHEREAS** the existing Aboriginal rights of Metis 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 Metis people to promote and strengthen the capacity for Metis governance of Metis 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 Metis 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 Metis 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 Metis Act*.

### PART II

#### Recognition of Metis Contributions

#### Recognition of Metis contributions

- 2 The purpose of this Part is to recognize the contributions of the Metis people to the development and prosperity of Canada, including:
  - (a) the rich and evolving history of the Metis people;
  - (b) the cultural distinctiveness of the Metis communities and traditional ways of life of Metis people;
  - (c) the importance of the languages of the Metis people, including the Michif language, to Canada's culture and heritage; the distinctive culture and cultural legacy of the Metis people, as symbolized by the Metis flag, the Metis sash, the Red River cart, the fiddle and the Red River jig;

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

### PART III Bilateral Process

#### Bilateral process

- 3 (1) The Government of Saskatchewan and the Metis Nation of Saskatchewan will work together through a bilateral process to address issues that are important to the Metis people including the following:
- (a) governance;
  - (b) capacity building;
  - (c) land;
  - (d) harvesting.
- (2) Where the Government of Saskatchewan and the Metis Nation of 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).

### PART IV The Metis Nation of Saskatchewan Secretariat Inc.

#### Interpretation of Part

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### 4 In this Part:

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

### **MNS Secretariat Inc. established**

- 5 (1) The Metis Nation of Saskatchewan Secretariat Inc. is established as a body corporate pursuant to this Act.
- (2) The corporation is the administrative body by which the policies and programs of the Metis Nation of Saskatchewan may be carried out and administered.

### **Powers**

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

### **Board of directors**

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

### **Bylaws**

- 8 Bylaws may be made for the government and proper administration of the corporation’s activities, affairs, property and interests.

### **Special meetings**

- 9 (1) If a petition that requests the holding of a special meeting and that is signed by at least 250 Metis individuals of Saskatchewan is delivered to the board of directors, the board of

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directors shall hold a special meeting with the Metis 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.

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

### Access to records

- 11 Any Metis 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.

### 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

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- (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.
- (2) 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.

### **Fiscal year**

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

### **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, 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, its auditor, directors, officers and employees.

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

15 (1) Any Metis individual of Saskatchewan or any creditor of the corporation may exercise the

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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, its directors, officers and employees.

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

### Subsidiaries

- 16 (1) A bylaw may be made to establish any subsidiary that the corporation considers necessary to carrying out its objects.
- (2) A bylaw made pursuant to subsection (1) 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.
- (3) Every subsidiary established pursuant to this section is a body corporate and has the capacity, rights, powers and privileges of a natural person.
- (4) Sections 8 to 15 apply, with any necessary modification, to every subsidiary established pursuant to this section.
- (5) The corporation shall file a notice with the Director within 15 days after establishing a subsidiary pursuant to this section, specifying:
- (a) the name of the subsidiary;
  - (b) the names and addresses of the directors of the subsidiary;
  - (c) the head office of the subsidiary, with complete mailing address; and
  - (d) the fiscal year of the subsidiary.

### Dissolution of predecessor corporation

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

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- (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.

### PART V Coming into Force

#### Coming into force

18 This Act comes into force on assent.

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