

Jan 25/95.

CONSTITUTION OF THE METIS NATION OF SASKATCHEWAN

PREAMBLE

The Metis Nation and People are a distinct **SOCIETY** within the Aboriginal Peoples of Canada. The Metis are distinct from the Indians and Inuit and are the descendants of the historic Metis who evolved in what is now Western Canada and part of the northern United States, as a People with a common political will and consciousness.

Having experienced physical and political conflict and dispossession in the late 1800s, we are still engaged in a continuing struggle to rebuild our social base and revive our cultural heritage and pride. As such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of our People, including the right to a land and resource base, self-government and self-government institutions. In order to achieve these objectives we are hereby re-establishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our Society.

While pursuing these objectives within Saskatchewan, we are also committed to co-operating with the members of the Metis Nation in the rest of the Metis Homeland in order to develop a National Forum to represent our collective interests at the national and international levels.

ARTICLE 1: NAME OF ORGANIZATION

1. The organization shall be known as the "Metis Nation of Saskatchewan."

ARTICLE 2: METIS NATION LEGISLATIVE ASSEMBLY

1. There shall be a Metis Nation Legislative Assembly which shall be the governing authority of the Metis Nation of Saskatchewan.

2. The Metis Nation Legislative Assembly shall be composed of the Local Presidents, the Provincial Metis Council and four representatives of the Metis Women of Saskatchewan.

3. The Metis Nation Legislative Assembly shall have the authority to enact legislation, regulations, rules, and resolutions governing the affairs and conduct of the Metis in Saskatchewan.

4. The President shall assign and recommend portfolios, subject to the approval of the Provincial Metis Council and ratification by the Metis Nation Legislative Assembly. The assignment of portfolios shall be restricted to members of the Provincial Metis Council.

5. The Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council, shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization. In so doing the Assembly shall ensure equity of representation from the Youth, Women and Elders.
6. The Metis Nation Legislative Assembly shall meet at least twice a year.
7. Seventy-Five members of the Metis Nation Legislative Assembly shall constitute a quorum.
8. Notice of any session of the Metis Nation Legislative Assembly shall require thirty days notice to the Local Presidents and Provincial Metis Council.
9. A person is disqualified from being a member of the Metis Nation Legislative Assembly when:
 - a) he/she dies or resigns
 - b) he/she is under sixteen (16) years of age
10. All budgets shall be determined by the Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council.
11. The delegates to the Metis National Assembly of the Metis National Council shall be the Provincial Metis Council and the remainder shall be chosen from amongst the members of the Metis Nation Legislative Assembly, while the President shall form part of the Executive Council of the Metis National Council. This Constitution may be amended to take into account and reflect changes which may take place within the Metis National Council.

ARTICLE 3: PROVINCIAL METIS COUNCIL

1. The Provincial Metis Council shall be composed of the elected Regional Representatives, the Executive and one representative from the Metis Women of Saskatchewan for a total of Sixteen (16) Provincial Metis Council members.
2. The Provincial Metis Council shall form the cabinet and be responsible for the portfolios to be assigned and recommended by the President.
3. The Provincial Metis Council shall be responsible for ensuring that the affiliates, departments, programs and services covered by their portfolios are running smoothly and have the necessary resources to enable them to operate effectively. In addition, they shall provide a report at each meeting of the Provincial Metis Council and each session of the Metis Nation Legislative Assembly or as requested by the President.

4. a). The Provincial Metis Council shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization and Metis Nation Legislative Assembly directives.

b). The Provincial Metis Council shall designate persons who may have signing authority for the purpose of conducting the affairs of the Organization, which shall include the Treasurer.

5. The Provincial Metis Council shall meet at least once every two months.

6. Nine members of the Provincial Metis Council shall constitute a quorum.

7. Notice of any meeting of the Provincial Metis Council shall be given at least seven days prior to such meeting.

8. The Provincial Metis Council shall provide written reports to the Metis Nation Legislative Assembly.

9. Elected Provincial Metis Council members and Presidents should not hold paid positions with the Metis Nation of Saskatchewan or any of the Affiliate Boards.

10. The Provincial Metis Council shall set the date and place for each Metis Nation Legislative Assembly sitting, provided no less than Thirty (30) days written notice is given to the President of each Local.

ARTICLE 4: EXECUTIVE

1. There shall be Three (3) Executive members of the Metis Nation Legislative Assembly who are elected province-wide.

2. The Executive shall be composed of the President, Secretary and Treasurer.

3. The term of office for the Executive shall be three years.

4. a) The President of the Metis Nation Legislative Assembly shall be the head of the Executive, and chief political spokesperson for the Organization.

b) The President shall assign and recommend portfolios, subject to the approval of the Provincial Metis Council and ratification of the Metis Nation Legislative Assembly.

5. The Executive of the Metis Nation Legislative Assembly shall meet at least once per month and three members shall constitute a quorum.

6. The Executive shall provide written reports to the Metis Nation Legislative Assembly.
7. Where a vacancy is created for any reason, including death or resignation, the Metis Nation Legislative Assembly shall elect from the Provincial Metis Council members an interim Executive member, who shall serve until a by-election has been held and the vacancy filled.

ARTICLE 5: REGIONS

1. There shall be Twelve (12) Regions as set out in Schedule A of this Constitution.
2. The Regions shall be governed by a Regional Council composed of the Presidents of the Locals within the respective Regions along with a regionally elected representative who shall be the Chairperson of the Regional Council, as well as the Region's Representative on the Provincial Metis Council of the Metis Nation Legislative Assembly.
3. The Regional Representative shall have the option to sit as the Chairperson of all Institutions and Affiliates, in their respective regions.
4. The Regional Council shall establish regional administrative offices.
5. The Regional Councils shall be responsible for programs and services decentralized to that level.
6. The Regional Councils shall enact a Constitution which is not inconsistent with this Constitution and such Regional Constitutions shall be registered with the Head Office.
7. The Regional Councils may incorporate with the appropriate government department.
8. The Regional Councils may seek the necessary finances and resources to carry out its programs, services, objectives and duties, and where so requested the Provincial Metis Council shall assist in securing these necessary finances and resources.
9. The Regional Councils shall assist their Local Communities in preparing to assume Metis self-government, which includes land, where this is an objective.
10. The Regional Councils shall provide direction to their Representative on the Provincial Metis Council with respect to the aims, objectives and aspirations of the Organization, and for their respective Regions.
11. Where a vacancy is created for any reason, including death or resignation, the Regional Council shall elect from the members of the Council an interim Regional Representative, who shall serve until a by-election has been held and the vacancy filled.

ARTICLE 6: URBAN COUNCILS

1. The Metis Nation of Saskatchewan shall initiate, assist, support, assign, recommend, and facilitate the development, implementation, and establishment of Metis Urban Self-Government Councils in Saskatchewan.

ARTICLE 7: LOCALS

1. The Local shall be the basic unit of the Organization in each community.

2. The Local shall be made up of at least nine members.

3. New Locals can be admitted by the Regional Councils provided this decision is ratified by the Metis Nation Legislative Assembly and the requirements herein are met.

4. Locals can be dissolved by the Regional Councils provided this decision is ratified by the Metis Nation Legislative Assembly and the requirements herein are no longer met.

5. The Metis Nation Legislative Assembly shall adopt rules pertaining to the admission and dissolution of Locals.

6. Each Local shall be governed by an elected leadership as determined through the Constitution of the Local, which may include terms of one to three years and elections may be by ballot box or conducted at a General Assembly of the Local membership.

7. Any Metis who is sixteen years of age or over and is a member of the Local shall be entitled to vote or seek office.

8. Each Local shall enact a Constitution which is not inconsistent with this Constitution, including the establishment of portfolios, committees or other bodies required to address community and other issues, and such Local Constitutions shall be registered with the Regional and Head Office of the Organization.

9. The Locals shall provide yearly up-dates of their membership to the Regional and Head Office, separating those members who are under sixteen years of age, from those sixteen and over.

10. The Locals shall be responsible to prepare the Communities for the assumption of Metis self-government, which includes land, where this is an objective.

11. The Locals may incorporate with the appropriate government department.

12. The Locals may seek the necessary finances and resources to carry out their programs, services and objectives, and where so requested the Provincial Metis Council of the Metis Nation Legislative Assembly shall assist in securing these necessary finances and resources.

ARTICLE 8: ELECTIONS

1. Any member who is sixteen years of age or older may vote or seek elected office within the Metis Nation of Saskatchewan.

2. Elections for the Provincial Metis Council of the Metis Nation Legislative Assembly shall be held on the date set by the Metis Nation Legislative Assembly, based upon the recommendation of the Provincial Metis Council.

3. Elections for the Provincial Metis Council of the Metis Nation Legislative Assembly shall be held at least every three years.

4. The Executive of the Metis Nation Legislative Assembly shall be elected by the total membership at the Local polls by secret ballot.

5. Regional Representatives of the Provincial Metis Council shall be elected within their respective Regions through the establishing of a poll in each Local.

6. The Metis Nation Legislative Assembly shall enact, on a priority basis, an Elections Act, along with the necessary regulations and guidelines.

7. a) A Metis Elections Commission composed of 3 Senators is empowered to oversee and conduct the general elections and by-elections of the Organization.

b) The terms of office of the Senators who sit on the Commission shall cease at the first session of the Metis Nation Legislative Assembly following the elections.

c) The Senators who sit on the Commission shall be appointed by the Metis Nation Legislative Assembly, based upon the recommendations of the Senate, for a term of not more than three years, and are eligible for re-appointment.

d) When the election or by-election date has been set and the election called by the Metis Nation Legislative Assembly, based upon the recommendation of the Provincial Metis Council, the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the Metis Nation Legislative Assembly.

e) The Commission shall appoint a Chief Electoral Officer and other required personnel.

f) The Commission shall be responsible for official recounts and appeals.

g) The decisions of the Commission shall be final and binding, subject to the right of appeal to the Metis Nation Legislative Assembly, which decision shall be final and binding.

h) The Metis Nation Legislative Assembly shall ensure that the Commission has the necessary financial and other resources for the fulfilment of its mandate.

i) The Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council, shall determine the rate of remuneration and expense accounts for the Commission members, along with the period deemed necessary for the work of the Commission.

8. In the event of a vacancy on the Provincial Metis Council of the Metis Nation Legislative Assembly, a by-election shall be called within ninety (90) days from the date of the vacancy.

9. When nominations close all candidates shall take a leave of absence from any elected position on the Provincial Metis Council of the Metis Nation Legislative Assembly or any salaried position with the Organization, or its subsidiary bodies. The Provincial Metis Council members and any person who has a salaried position with the Organization shall continue to receive their salary while they are on such leave of absence.

10. When nominations close and until candidates are unofficially elected, the Senators shall be solely responsible for conducting the affairs and activities of the Organization. The Senators shall receive remuneration for their work during this period.

11. The Provincial Metis Council members shall be on call and shall conduct business or represent the Organization from time to time as requested by the Senate. The Provincial Metis Council members shall receive expenses to compensate for travel as requested by the Senate.

12. All defeated or retiring candidates who were on the Provincial Metis Council prior to the election shall be entitled to and will receive their salary for two weeks after the election.

13. Any candidate who's election has been appealed under section 7(f) and has been found guilty by the Metis Elections Commission of violating section 9 shall forfeit such elected position with a right of appeal to the Metis Nation Legislative Assembly, which decision shall be final and binding.

ARTICLE 9: METIS NATION OF SASKATCHEWAN HEAD OFFICE

1. The Head Office shall be in Saskatoon.

2. The (12) Regional Offices of the Organization shall be accessible to our People and Leadership.

ARTICLE 10: MEMBERSHIP

1. a) Membership is comprised of the Aboriginal People known as "Metis" and who meet the criteria in sub-section (b).
 - b) A Metis is a person of Aboriginal ancestry, who:
 1. can provide proof of his/her ancestry;
 2. declares himself/herself to be a Metis; and
 3. meets one of the following tests:
 - a) is accepted as a Metis by the Metis community;
 - b) has traditionally held himself/herself out to be a Metis; and
 - c) has been recognized by the community-at-large as a Metis.
2. Any Metis who is a member of a duly registered Local is a member of the Metis Nation of Saskatchewan.
3. a) A member shall only belong to one (1) Local.
 - b) A person shall reside in the Local for at least (6) months before he/she is eligible for membership in that Local. The Locals may make exceptions for educational and medical purposes.
4. Members shall be issued a membership card.
 - a) This card shall provide life-time membership in the Organization.
 - b) There shall be no fee for membership cards.
 - c) Membership cards shall be numbered and a register maintained by the Senate in the Head Office. Replacement cards shall retain the original number.
 - d) Membership cards shall be issued by the President or Secretary of a duly registered Local upon completion of the designated form.
5. Where there is a dispute as to membership, a ruling shall be made by the Senate, with a final right of appeal to the Metis Nation Legislative Assembly the decision of which shall be final and binding.
6. The Metis Nation Legislative Assembly shall enact, on a priority basis, a Metis Citizenship Act.

ARTICLE 11: GENERAL ASSEMBLY

1. A General Assembly, composed of members from the Locals, shall be convened by the Metis Nation Legislative Assembly every year.

2. The General Assembly shall provide a Forum whereby the members of the Organization will receive information, review developments and provide guidance to the Metis Nation Legislative Assembly, and discuss, clarify, amend, vote on and ratify amendments to the Constitution.

ARTICLE 12: SENATE, WOMEN AND YOUTH

1. The Metis Nation Legislative Assembly shall make these items a priority, and shall involve the Senators, Women and Youth in the determination of their role and responsibilities within the Organization.

2. The Metis Women of Saskatchewan shall be designated (1) seat in the Provincial Metis Council and (4) seats in the Metis Nation Legislative Assembly. This provision shall cease to apply when women have achieved equitable representation in the Provincial Metis Council and Metis Nation Legislative Assembly.

3. That appointments to vacancies in the Metis Senate be made at area meetings; Further, that Senate appointments be for lifetime or until such time as the Senator is unable to fulfil his/her duties.

4. That the Senate be given the power to resolve disputes occurring in Regions and Locals; Further, that decisions of the Senate shall be final and binding.

5. That the Senate be equally represented by male and female.

ARTICLE 13: METIS INDEPENDENCE

1. Whereas the Metis are seeking self-government as a third order of government within Canada, the organization shall be non-sectarian and non-partisan.

2. The loyalty of the members of the Metis Nation Legislative Assembly must be to the Metis People and Nation, and shall swear an Oath of Allegiance prior to taking office.

3. The leadership shall be responsible and accountable to the Communities, as reflected by the Metis Nation Legislative Assembly, which is the Supreme Body for the Metis within Saskatchewan.

4. Members of the Organization are not precluded from joining political parties of the two other orders of government, being the federal and provincial levels of government.

5. Any Provincial Metis Council member of the Metis Nation Legislative Assembly who chooses to seek the nomination of any Provincial or Federal Political Party in any provincial or federal election shall take a leave of absence from his/her position.

ARTICLE 14: AFFILIATES

1. a) The Metis Nation Legislative Assembly, on behalf of the Metis Nation of Saskatchewan, shall exercise all voting rights, powers, and duties of ownership in relation to the affiliates, based upon the recommendations of the Provincial Metis Council.

b) Where not currently provided all affiliate Articles and By-laws shall be amended at the first reasonable opportunity to conform with this section.

2. The Provincial Metis Council member who is assigned a portfolio shall automatically sit as the Chairperson of the Affiliate(s) which falls under his/her portfolio.

3. A member who is an employee/staff person/management of an Affiliate shall not be permitted to sit on any Affiliate Board.

4. All Affiliates shall have representation from the (12) Regions of the Organization, unless otherwise decided by the Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council.

ARTICLE 15: AMENDING FORMULA

1. The Constitution shall only be amended by the majority of three-quarters of the members of the Metis Nation Legislative Assembly and ratified by three-quarters of the members of the General Assembly.

ARTICLE 16: IMPLEMENTATION

1. The Constitution shall take effect upon its adoption by the General Assembly subject to amendments validly passed by three quarters of the Assembly present, and the conclusion of General Assembly. Upon the happening of these two conditions all previous By-laws of the Organization are repealed and this Constitution shall constitute the sole Constitution of the Organization, until otherwise determined by the Organization.