

"REACHING INTO THE PAST, BUILDING THE FUTURE"

MNC SPECIAL ASSEMBLY

NOVEMBER 13-15, 1994

WINNIPEG, MANITOBA

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MNC SPECIAL ASSEMBLY

NOVEMBER 13-15, 1994
2100 McPhillips St. Garden City Inn
WINNIPEG, MB
"Reaching into the Past, Building the Future"

Draft Agenda

Sunday, November 13

5:00-9:00 p.m. Registration desk open
6:30-10:00 Reception --at hotel

Monday, November 14

8:30 am Registration desk open
9:00 -9:45am Opening prayer by Father Guy Lavallée
 Opening ceremonies, with welcome by Gerald Morin
 Greetings from Harvey Bostrum, Province of Manitoba
 Appointment of Assembly Co-Chairs, Chief Returning
 Officer and Resolutions Committee
 Nominations for president open

9:45-10:00 am Coffee Break

10:00 am Introduction of Social Policy Review
 Panel discussion with briefings by Michel Smith, Human
 Resources Development Canada and Diane Gilies (MNC)

12:30 -1:30 Lunch Break

1:30--3:00 Inherent Right/Enumeration Discussion
 Youth & Vet.

3:00-3:15 Coffee Break

3:15-5:30 Justice/Policing Review
 Shaming

6:00 Resolution Committee Meeting

Monday, Nov. 14 (continued)

7:15 p.m. Cocktails (Cash Bar)
7:45 Awards Dinner
10:00-- Dance

Tuesday November 15

8:30-12:30 Assembly Reconvenes
Resolution Committee Tables Report

Consideration of Draft Constitution and Conflict of
Interest Guidelines/Administrative Structure

10:00-10:15 *Pres. Close*
Coffee Break

12:30 *election*
Nominations for President Close

12:30-1:30 Lunch

1:30-3:30 Candidates' Forum
(10 Minute Speeches,
200 10-15 Minute Question and Answer Each Candidate)

3:30 Elections
Constitutional Discussion Continues

5:30 p.m. Close of Assembly

Wednesday November 16

11:00 a.m. Commemoration of Louis Riel Day

MEMORANDUM

TO: Special Assembly Delegates
DATE: November 10, 1994
RE: Social Security Reform

Background

The federal government has launched a major review of Canada's social safety net which promises to have a major impact upon Metis people. Secretary of State, Ethel Blondin-Andrew, was mandated to examine the impact of these reforms on Aboriginal people. The MNC has met with Minister Blondin and has agreed to participate in the reform process and in this regard, Ms. Blondin has provided resources to the MNC and certain Metis regional associations to help prepare a "brief" to the Parliamentary Committee established to review the government's Social Security Reform proposals.

The background documentation includes the following:

Briefing Note - Social Program Review

This document outlines the major thrust of the of the government's Green Book reform proposals. This paper outlines the major points, the fiscal framework and elaborates upon the five pillars of the government's proposals:

- Canada Assistance Plan;
- changes to Unemployment Insurance scheme;
- changes to employment programs;
- child care initiatives;
- changes to the post-secondary education system.

Background on Metis Social Security Reform

This paper sets out pertinent information on the social and economic circumstances of Metis people. It sets out five major concerns:

- unemployment is the major problem;
- large number of Metis dependent on government transfers;
- most Metis occupations are low paying and seasonal;
- Metis education levels fall below Canadian average;
- There are a large number of single parent families.

Metis Population on Social Assistance

This document sets out the estimated number of Metis on welfare. This document compares the number of Metis people on welfare with other Aboriginal people and the general Canadian population.

BRIEFING NOTE SOCIAL PROGRAM REVIEW

This note reviews the social security reform proposals as set out in the Discussion Paper, also known as the Green Book, released by the federal government on October 5, 1994.

Public consultations are being held through the Standing Committee on Human Resource Development. According to the Committee's current schedule, the MNC must prepare a written submission on the federal proposals by December 9, 1994 at the latest.

MAJOR POINTS

1. The federal government is proposing to implement very significant cut-backs to the two most important income security programs in Canada, **Unemployment Insurance** and the **Canada Assistance Plan** (welfare). Although these programs have been cut-back before, the extent of the cut-backs now being considered makes it impossible to maintain either of these programs in their current form. Both U.I. and CAP will be entirely restructured to meet the federal government's deficit reduction objectives. At the same time, Unemployment Insurance premiums are to be reduced.
2. The Discussion Paper proposes to re-orient spending on social security programs away from income support and towards a) enhancement of employment skills and potential of those requiring assistance; and b) increasing support for children of low-income families. Accordingly, it proposes to enhance spending on "employment programs" and on measures to reduce child poverty. Increased spending on "employment programs" is to be derived from cut-backs to the Unemployment Insurance Program, part of which will be used to finance enhancement to employment programs, and part of which will be used to finance reductions in premiums. The Green Book proposes to implement the Red Book commitment to create 150,000 more child day care spaces at a cost of \$720 million over the next three years, although it is not clear where this money is to come from. In addition, the Child Tax Benefit, which was introduced in 1993 to replace Family Allowance and previous child tax credits, will be better targeted to low-income families with children.
3. The federal government proposes to revamp employment programs so that they actually work for Canadians who need them. The Green Book favors an approach which would

see greater devolution of employment programs to the provinces and the community level.

4. Federal entitlements under the post-secondary education component of EPF are to be frozen at 1993-94 levels effective in 1996-97. The effect will be to eliminate the cash transfer component of post-secondary EPF entitlement over the next ten years. The Green Book proposes that rather than have the cash component disappear, the federal government would take what remains of it in 1996-97 (approximately \$2 billion) and use it for student loans.

FISCAL FRAMEWORK

Although the matter was not raised in the Red Book, the Liberal Government has been talking about the need to reform social programs ever since its election. (The federal bureaucracy has been working on this matter for several years.)

In the February 1994 budget, the federal government announced that spending on CAP and the education component of EPF would be frozen at 1993-94 levels starting in 1996-97. Spending on these programs was allowed to increase by 5.4% in 1994-95, but the budget announced that CAP funding will be frozen at 1994-95 levels in 1995-96, while EPF expenditures will next year once again be subject to the cap of GNP growth minus 3 percentage points. This means that there will have to be absolute reductions in the funding of CAP and EPF (education component) in 1996-97 in order to bring spending back down to what it was in 1993-94. The budget anticipated that this would lead to savings of \$1.5 billion in 1996-97.

The Green Book proposals are premised on the fiscal framework laid out in the February budget, but it seeks additional savings from the Unemployment Insurance program to finance new initiatives outlined in the proposals, and it would apparently lead to additional spending on child poverty. The following are the major fiscal initiatives contained in the proposals:

Unemployment Insurance - major savings are required from this program in order to finance two objectives: enhancement of employment programs and reductions in UI premiums, which are described as a payroll tax. Two basic options are offered to produce savings: create a brand new program whose principal feature would be to reduce benefits for repeat users of UI and require them to up-grade skills for the job market, or introduce even more cut-backs to eligibility requirements and benefit levels and periods. No goal is set on the

amount of savings these changes should produce, but the commitment is made to use any savings to fund enhancements to employment services and reductions in premiums.

Employment Programs (Job Training, Labour Force Development) - the commitment made in the Discussion Paper is to enhance the funds the federal government already spends in this area (\$1.4 billion through the Canadian Jobs Strategy and \$1.9 billion via U.I. for a total of \$3.3 billion). The question is how should these programs be restructured so that they assist people on U.I. or welfare obtain jobs. This is key to the initiative and the federal proposals in this regard are examined separately later in this note. The amount by which employment programs would be enhanced depends on the amount of savings that will be generated through UI reform and the way in which these savings are divided between employment programs and premium reduction.

Canada Assistance Plan: the Discussion Paper says nothing about having to cut CAP funding in 1996-97, although it does briefly mention the fact that "Given the fiscal context, in 1996-97 and beyond, funding for CAP or possible successor programs will not exceed its 1993-94 funding level of about \$7.7 billion." (Discussion Paper, p. 74). The CAP Act is to be entirely recast. The proposed new options are examined elsewhere in this note.

Child Care: The federal government proposes to implement the Red Book commitment to create up to 150,000 additional regulated child care spaces once the economy grows by at least 3%. It appears that GNP growth will reach 3% in 1994, meaning that the commitment is now due to be acted upon. This would actually require additional funding of \$720 million over the next three years, but the Discussion Paper is not at all clear about where this money is to come from.

Education Component of EPF: The education component of EPF represents the federal government's contribution to post-secondary education. It consists of a cash transfer and a tax point transfer to the provinces. With the exception of 1994-95, total entitlements under EPF have been capped not to increase faster than the rate of GNP growth minus 3 percentage points. Since the value of tax points have tended to increase over time, funding caps on total entitlements have had the effect of reducing the cash component, a situation which will be rendered even more acute once total entitlements for the post-secondary component of EPF are frozen at 1993-

94 levels in 1996-97. Under this scenario, the cash component of the EPF education entitlement would entirely disappear within ten years. Rather than see the cash component disappear, the federal government proposes to take what remains of this cash component in 1996-97 (roughly \$2 billion) and use it to make direct loans to students.

Child Tax Benefit: The Child Tax Benefit is a tax expenditure program introduced in 1993 to replace Family Allowance and existing tax child credits. Total cost of the program in 1994 was apparently \$5.1 billion (which is measured in foregone revenues not direct expenditures from the public purse). The Paper proposes that this program could be better targeted to low-income families with children and perhaps integrated with provincial programs assisting low-income families with children. The Paper is mute on whether this is expected to generate budgetary savings or whether will cost more than the current program.

PROPOSED CHANGES TO THE CANADA ASSISTANCE PLAN

CAP is an open-ended, cost-shared entitlement program. The imposition of caps on federal contributions makes it impossible to maintain 50:50 cost-sharing and jeopardizes the entitlement nature of the program. From \$800 million to \$1 billion of the \$1.5 billion in savings expected to be generated from social security reform is to come from CAP. It is unlikely that the provinces will be willing or able to pick up this lost. Moreover, it must be remembered that CAP funds are to be permanently frozen at their 1993-94 level (\$7.7 billion), which means that the financial crunch on provincial welfare programs promises to get progressively worse over time. The only recourse is to either reduce benefits and/or try to reduce welfare caseloads.

To this end, the federal proposals call for a complete restructuring of the Canada Assistance Plan. Three basic options are put forward:

- **a universal Guaranteed Annual Income**, which would likely be implemented through the tax system - this proposal is rejected on the grounds that it would be too expensive;
- **block funding** to the provinces of the funds which remain in CAP - the Green Book insists that national principles would have to be developed that reflect the two goals of increasing employability and reducing child poverty;
- **redirecting funding to new priorities**, under which both federal expenditures under CAP and the Child Tax

Benefit and provincial welfare and child support expenditures would be redirected towards a new set of programs designed to increase employability and reduce child poverty - this appears to be the favored option, although the design of new programs and the interface between federal and provincial responsibilities remain unclear.

CAP would not survive in anything resembling its current form. The bottom line is that the federal government is unlikely to continue to fund welfare programs on a cost-shared basis; its contributions will henceforth be capped in a way similar to EPF. As a quid pro quo, the federal government is now prepared to give more flexibility to the provinces in the design of welfare programs that would be eligible for federal funding. The Green Book even suggests that workfare programs could be considered valid welfare programs, as would provincial income supplementation programs, such as APPORT in Québec, which is not cost-shareable under current rules. Nonetheless, the federal government still wants to control the general direction of welfare programs, and to this effect proposes that welfare spending, both at the federal and provincial levels, should be redirected towards two general objectives: enhancing employability of welfare recipients (including the disabled); and reduction of child poverty. These principles would be enshrined in new federal legislation of some kind. The key issue, however, is development of a new funding formula by which limited federal funds are to be allocated to the provinces, and this is not addressed in the proposals. Nor does the Discussion Paper disclose whether the existing conditions attached to CAP transfers to the provinces (i.e., non-discrimination on the base of residence; guarantee of a right of appeal; and allocation of benefits based on need) would be maintained.

What remains unstated but what is also impossible to avoid given the fiscal context is that whatever changes are made to CAP must result in a reduction in income support (i.e., welfare benefits) unless the numbers on social assistance are significantly reduced. Having more welfare recipients up-grade their skills through "employment programs" could lead to a reduction in welfare rolls, but the evidence is far from conclusive on this point. The SAR Strategy which the federal government and the provinces have been operating since 1985 shows that welfare recipients who do take employment training do have a significantly better chance of successfully entering the labour force, but the strategy did not result in an overall reduction in the number of persons on welfare. (Given limited job opportunities, a job taken by a former welfare recipient is not available to someone else currently not on welfare, who eventually trickles down onto the welfare rolls.) If employment programs do not actually lead to a reduction in the number of persons on welfare,

then, given funding limits, there will be little alternative but to cut welfare payments.

PROPOSED CHANGES TO UNEMPLOYMENT INSURANCE

The Unemployment Insurance program has been a target of cut-backs for over a decade now. Initially established as an **insurance program**, by the early '70's the federal government had moved to make the program a vehicle for its social redistribution policies (i.e., regionally sensitive benefit structure, introduction of fisherman's benefits, training benefits etc.) As the Unemployment Insurance Account was usually in a surplus position, the Conservatives assimilated the Account into the Consolidated Revenue Fund and started cutting-back on benefits in order to generate savings from premiums to be used for other purposes. The program has been so savaged that there is now little relationship between premiums and benefits; premium income is being used to pay for social programs ranging from training and wage supplementation programs to maturity benefits, while those who pay the premiums are increasingly denied access to the unemployment insurance that premiums are supposed to pay for. The Green Book proposals no longer considers premiums to be insurance premiums, but describes them instead as a "payroll tax" that discourages the hiring of new workers.

The rationale for changing the U.I. Program this time is the need to free-up funds for the enhancement of "employment programs". The Green Book makes it clear that it is seeking to pay for the cost of creating more and better job counselling and job training services for the unemployed and for welfare recipients by generating savings from the U.I. Fund.

Two options are being proposed:

1. Design a new **Employment Insurance Program**: The proposal is to create a two-tiered program. Persons who use unemployment insurance infrequently would receive **basic benefits**, while frequent users would receive **adjusted benefits**. Adjusted benefits would likely be lower than basic benefits, and persons on adjusted benefits would be required to up-grade their skills in order to find a job and provided with assistance to do so. In addition, eligibility for benefits would be subject to income testing of the household, thereby denying benefits to many persons in two-income households. These changes would affect about 40% of all U.I. recipients and would have their greatest impact on seasonal workers and on workers in industries where lay-offs are common.

2. Make adjustments to the current program: Up to this point, cut-backs to U.I. have been achieved by tinkering with eligibility requirements and reducing the amount and length of benefits. The Green Book suggests that this approach could be continued by increasing the number of weeks required to qualify for U.I. and by reducing the amount and duration of benefits for everybody.

Whatever the option chosen, the Green Book proposes that serious consideration should be given to extending U.I. coverage to "non-standard" employment: part-time, temporary, self-employed and multiple job holders. Non-standard employment is the fastest growing type of employment and is coming to represent a significant part of the workforce. This likely represents an attempt by the federal government to generate more premium revenues, but will also be attractive to many workers including self-employed workers such as home day-care providers and fur trappers.

The proposals say nothing about how much money the federal government wants to save from U.I. reform. Whatever savings are generated will be used in part to enhance employment programs and in part to reduce premiums. The federal government is making it a priority to reduce the "payroll" tax on business that U.I. premiums represent. The exact distribution of the savings is not specified.

CHANGES TO EMPLOYMENT PROGRAMS

The federal government currently spends approximately \$1.4 billion on job training through the Canadian Jobs Strategy and \$1.9 billion through U.I. (Job Development Fund). These programs would be restructured, the two accounts possibly amalgamated, and additional funds made available through savings generated from U.I. reform. These funds would be directed towards programs which actually serve to improve the employability of persons on welfare or on unemployment insurance. The Green Book is not too clear on the type of programs the federal government has in mind or the extent to which existing job training programs would have to change. Among the suggestions offered are the following:

- enhanced needs assessment and counselling services;
- improve labour market information;
- enhance basic skills training (literacy);
- adapt institutional training to actual local needs;
- greater emphasis on workplace training programs;

- experiment with innovative approaches to employment.

If the Green Book is unclear about what the new employment programs would look like, it is much clearer about how they should be managed. The basic thrust is to decentralize program design, delivery and administration to the local or community level under the premise that the local level knows best what its needs are. This devolution would be accompanied by greater flexibility in program design, enabling provinces and local communities to put together packages that best suit their particular needs and viewpoints. The Green Book outlines three guiding principles for program management:

- management by results: federal funds would be directed to programs that prove they work;
- focusing on the community: programs should be designed to deal with the real needs at the local level;
- towards a new federal-provincial partnership: programs should be delivered by the level of government best suited to deal with the matter (which in most cases is the province).

Devolution of federal responsibilities for job training to the provinces is a major part of the federal proposals. The Green Book notes that the federal government has already offered the provinces the opportunity to enter into new three-year Labour Force Development Agreements, which, among other things, would:

- transfer responsibility for strategic planning of various federal employment services, including institutional and workplace training, to the provinces;
- transfer responsibility for the management of federal institutional training spaces to the provinces;
- allow provinces to create and manage a network of "single window" offices that would integrate provincial services such as welfare and provincial job training programs with federal services such as unemployment insurance, federal job training programs and other labour market services;
- transfer responsibility to the provinces to operate a number of other federal programs, such as cooperative education and Canada Employment Centers for Students.

Indications are that the federal government may even be prepared to go further in its devolution of employment programs to the provinces. The Green Book is, however, completely silent on the fiscal arrangements that would be involved. Would programs be cost-shared and on what basis? The Green Book does not deal with this issue.

Although the Green Book does not say as much, the emphasis placed on community driven and managed programming and on devolution suggests that it may be possible for aboriginal groups to take over responsibility for the design, delivery and management of employment programs for their people. The proposals open up this opportunity.

CHILD CARE INITIATIVES

Child poverty is being made one of the thrusts of social security reform. The indication is that what remains of CAP funding will be targeted in part to program initiatives explicitly designed to provide assistance to children of low-income families.

The federal government is also prepared to implement the Red Book commitment to create an additional 150,000 day-care spaces. These are regulated day-care spaces. By far the majority of children of working parents are being provided for through home day-care, which is not being dealt with in these proposals.

The Green Book also proposes to make changes to the Child Tax Benefit, a refundable tax credit program, currently available to all families with children with household income below \$60,000. Maximum benefits of \$1,020 per child are, however, available only to families with incomes less than \$25,921. Benefits decrease progressively at higher incomes, the exact "reduction rate" being dependent on income level and family size. Families of the working poor with annual earnings of between \$3,750 and \$25,921 can receive an additional Working Income Supplement, the maximum benefit of which is \$500 per year.

In a technical paper released in November 1994, the federal government shed more light on the type of changes being considered to the Child Tax Benefit. Basically, three major options are being put forward:

- **Restructure the Child Tax Benefit alone:** Under this option the federal government would restructure the Child Tax Benefit to provide higher levels of assistance to low-income households while cutting back on benefits received by higher income households. One alternative would see the Child Tax Benefit to families with incomes under \$15,000 per year

increase to \$2,500 per child, with benefits then being reduced at a rate of 5.5% of income for families with one child, 10% for families with two children and 13% for families with three or more children. Another proposal would be to increase benefits to \$2,000 for the first child, \$1,500 for the second and \$1,300 for each additional child for families with incomes of less than \$18,250 per year, again with more rapid reduction rates for higher income families. All the options considered would raise benefits to families below a certain income level while reducing them for higher income families. Some of the options would require the federal government to put more money into the Child Tax Benefit than it presently spends, while other program designs would be expenditure neutral.

- **Integrate the Child Tax Benefit with Provincial Social Assistance Spending on Children:** Under this proposal, federal expenditures on the Child Tax Benefit and provincial welfare expenditures on children of welfare recipients would be integrated into one national Child Support Program directed not just to welfare recipients but to the working poor as well. The basic idea is to take the welfare allocations for children of welfare families, combined them with the federal Child Tax Benefit, and create a new program directed exclusively to support children of low-income households, whether they receive welfare or not. The child component of welfare would no longer exist. This option would require provinces to agree to standardize their programs under a national program, and could be more expensive than current arrangements depending on how many working poor are included.
- **Enhance Working Income Supplement only:** The Working Income Supplement is designed to help people get off welfare by providing them with additional assistance once they get a job. If integration of provincial welfare programs with the Child Tax benefit is impossible in the short term, the federal government could act alone to increase the assistance available through the Working Income Supplement to encourage more people to get off welfare. Assistance could be increased from \$500 to \$1,000 per year with no changes in income thresholds, with the additional costs being paid for by reductions in Child Tax Benefits for families with incomes above \$53,000.

These changes could be combined with new measures to increase the level of child support payments made to custodial parents, clarify their tax treatment and ensure compliance with court orders.

POST-SECONDARY EDUCATION PROPOSALS

The Green Book makes two major proposals designed to provide more financing to students entering post-secondary institutions:

- What remains of the cash component of the post-secondary entitlement under EPF in 1996-97 - roughly \$2 billion - would be removed from EPF and transferred to a student loan program.
- RRSP rules could be modified to allow funds to be withdrawn tax free for the purpose of continuing education on the condition that they would be repaid gradually, along the lines of the current First Time Homebuyer's Plan.

Removal of direct funding to universities and other post-secondary institutions will place financial pressures on these institutions which will likely result in increasing tuition fees. The Green Book admits that this will likely occur, but argues that fees have been going up steadily anyway and will likely continue to increase regardless. Given this situation, ways must be found to provide students with more resources to attend university.

Giving students higher loan amounts means only that they would face higher debt loads upon graduation. The Green Book suggests that a new student loan program could be put into place which would not only provide students with more loans but which would also adjust repayment schedules based on ability to pay. These **Income Contingent Repayment** loans would also be easier to collect since they could be tied into the tax system and deducted at source.

This proposal would allow the federal government to recapture control of a monies which it currently gives to the provinces on a completely unconditional basis. There are no conditions attached to the post-secondary component of EPF, and there is some question as to whether or not provinces are actually using the funds the federal government makes available to finance post-secondary education. (A study commissioned by the federal government in the early 1980's - the Johnson Report - found that many provinces were using the money for other purposes.) By retaking control of these funds, the federal government would acquire resources to have more of an impact on the

direction post-secondary education is taking in Canada today.

BACKGROUND ON MÉTIS Social Security Reform

This note briefly reviews some of the more pertinent information available on Métis social conditions that have a bearing on social security reform.

1. Unemployment Is The Major Problem

Aboriginal people off-reserve, including the Métis, have labour force participation rates approaching the Canadian average, which indicates that they are just as integrated in the workforce and just as willing to work as other Canadians. The proportion of Métis people who actually have jobs - the employment to population ratio - is however much lower than the Canadian average. The culprit is the high rate of unemployment among aboriginal peoples. **The unemployment rate for aboriginal peoples, including Métis, is from two to three times the Canadian average.** This holds for both men and women and for all age groups. Without reducing the excessively high unemployment rate for aboriginal peoples, it is very difficult to imagine how aboriginal people can be better integrated in the workforce.

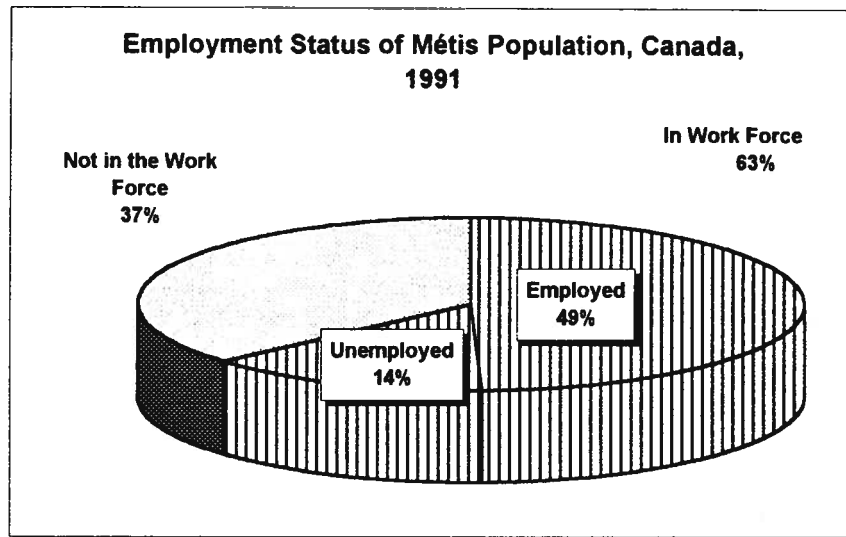
	Métis	Off- Reserve Indians	Indians On Reserve	Inuit	General Canada
Participation Rate	63.1%	60.7%	45.3%	57.2%	67.9%
Unemployment Rate	21.7%	23.4%	30.8%	25.0%	10.2%
Employment to Population Ratio	49.4%	46.5%	31.4%	42.9%	61.0%

Source: APS, catalogue 89-534 and Stats. Can., catalogue 93-124

The federal proposals are not oriented to reducing unemployment but to reducing welfare rolls, which is not necessarily the same thing.

2. Large Population Dependent on Transfer Payments

Based on data obtained from the Aboriginal People's Survey (APS), approximately 51% of Métis adults in Canada in 1991 relied on sources of income other than earned income. Some 14% of the entire adult population was classified as unemployed, a good portion of whom would have to rely on Unemployment Insurance. Among the Métis, this unemployed population is made up mainly of men (62.1%).



Another 37% of the adult Métis population was listed as not being in the workforce. This population was made up of young people between the ages of 15 and 24 (40.0%), women between the ages of 25 and 54 (27.9%), the elderly (21.4%) and lastly of men between the ages of 25 and 54 (10.7%). Most of the disabled would also be included in this population. It is among the "not in the workforce" population that the majority of welfare recipients are to be found.

According to APS results, 22.1% of all Métis adults received social assistance benefits in 1990. This suggests that a good part (approximately 60%) of the "not in the workforce" population is in fact on welfare. Adult Métis welfare recipients were primarily women between the ages of 25 and 54 (38.6%), young people between the ages of 15 and 24 (30.9%), men between the ages of 25 and 54 (22.5%) and the elderly (7.9%). By way of comparison, in 1990, only 6.9% of the Canadian population was on welfare.

APS statistics probably understate the degree of Métis dependency on social security programs. In Canada as a whole, welfare loads have jumped by 50% since 1990 to the point that by March 1994 over 10% of the Canadian population was on welfare. Unemployment has not improved. Nonetheless, available statistics suggest that at least 36% (and probably more) of the entire adult Métis population is dependent on either welfare or U.I. for its income. Changes to social security programs will therefore have a disproportionate impact on the Métis.

3. Occupational Structure Dominated By Low-Paying and Seasonal Employment

Those Métis who do have jobs - which was about half of the adult population in 1991 - were employed, by and large, in sectors of the economy where seasonal work and lay-offs are not uncommon. More over, the average employment income of Métis was, regardless of occupation, considerably lower than the Canadian average, indicating that Métis were, by and large, regulated to the low end of job classifications and to part-time employment.

TABLE II Occupation and Average Employment Income, Métis and General Population, Canada, 1991.						
	Total Metis Adults			Total General Population		
	Number		Average Income	Number		Average Income
TOTAL Occupations	54,670	100.0%	\$16,415	14,905,395	100.0%	\$24,329
Managerial, Administrative	3,250	5.9%	\$27,793	1,759,925	11.8%	\$40,199
Natural Sciences, Engineering, Math	970	1.8%	\$28,068	581,135	3.9%	\$36,599
Social Sciences	1,685	3.1%	\$18,462	327,170	2.2%	\$31,798
Religion	n.a.	0.0%	n.a.	32,980	0.2%	\$22,138
Teaching	1,620	3.0%	\$22,902	649,605	4.4%	\$31,619
Medicine and Health	1,720	3.1%	\$20,642	739,775	5.0%	\$31,167
Artistic, Literary, Recreational	735	1.3%	n.a.	256,200	1.7%	\$21,611
Clerical	7,545	13.8%	\$14,700	2,676,195	18.0%	\$18,059
Sales	3,005	5.5%	\$14,745	1,361,055	9.1%	\$21,173
Service	10,825	19.8%	\$9,438	1,916,600	12.9%	\$14,539
Farming, Horticultural, Animal Husbandry	1,320	2.4%	\$10,417	455,075	3.1%	\$13,769
Fishing, Trapping	1,080	2.0%	\$10,656	53,150	0.4%	\$16,896
Forestry and Logging	1,030	1.9%	\$14,805	85,425	0.6%	\$20,058
Mining, Quarrying (oil&gas)	565	1.0%	\$32,264	65,900	0.4%	\$36,119
Processing	1,765	3.2%	\$21,297	425,195	2.9%	\$23,063
Machining	790	1.4%	\$25,780	268,925	1.8%	\$28,399
Product Fabricating/Assembling/Repairing	2,075	3.8%	\$24,407	900,160	6.0%	\$24,710
Construction Trades	6,095	11.1%	\$19,491	856,515	5.7%	\$26,095
Transport Equipment Operating	1,850	3.4%	\$17,988	516,870	3.5%	\$26,512
Material Handling	1,160	2.1%	\$11,712	234,930	1.6%	\$20,136
Other Crafts & Equipment Operating	725	1.3%	\$20,804	156,505	1.0%	\$28,850
Occupations Not Classified Elsewhere	2,045	3.7%	\$10,616	306,485	2.1%	\$18,819
Persons Not Classifiable by Occupation	2,735	5.0%	\$10,280	279,610	1.9%	\$11,868
Source: Statistics Canada. Employment Income by Occupation, Ottawa: 1991 Census of Canada, Aboriginal Peoples Survey, MNC #9						
Note: 1980 Standard Occupational Classification used for Occupation						

Table II sets out the occupational structure and employment income of Métis based on the APS and compares this to Census information for the general Canadian population based on the 1980 Standard Occupational Classification (1980 SOC).

It shows that Métis are significantly under-represented in Managerial occupations - social work is about the only occupational category where they seem to hold their own relative to the general population. Approximately 20% of all employed Métis males work in the Construction Trades, which is twice the Canadian average for males. Construction trades in Canada are known to be seasonal. Over 50% of all employed Métis women work in the clerical or service occupations, dominated by low incomes. A much higher portion of Métis, particularly Métis males, are involved in primary industries - farming, fishing and trapping, forestry and logging and mining - than is the case for the Canadian population. Overall, 7.3% of employed Métis were involved in primary industries in 1991, compared to a Canadian average of 4.4%. Once again, these are occupations which are largely seasonal in nature. Fewer Métis work in manufacturing or processing industries - which are known to offer high "blue collar" incomes - than the Canadian average.

As the above Table makes clear, the income derived from employment is also much lower for Métis than the Canadian average. In 1990, Métis who did work made on average only \$16,415 for the year; the comparable Canadian average was \$24,329. This income discrepancy exists in virtually all occupations. The discrepancy between Canadian and Métis employment income is even more acute when gender differences are considered. Métis males in 1990 on average earned \$19,739 from employment; in Canada as a whole, men earned \$29,847. Working Métis women, on the other hand, earned only on average \$12,569 in 1990, compared to a Canadian average female employment income of \$17,751.

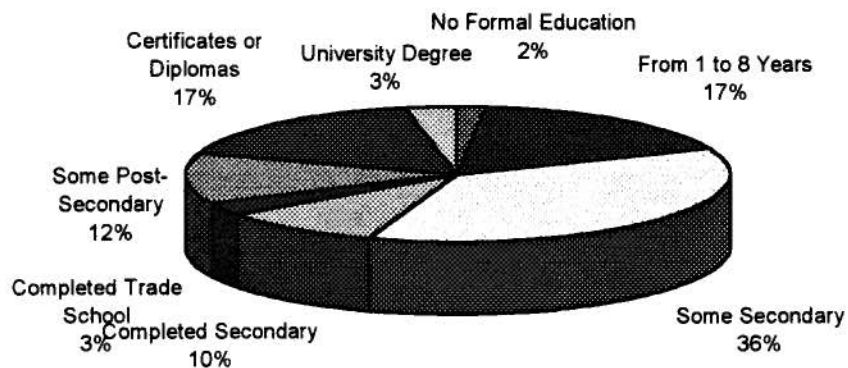
There is obviously a great need to improve the employment skills of Métis, both men and women, in order to raise the standard of living and to overcome the evident barriers which exist to the full integration of Métis into the Canadian workforce. However, measures that will reduce benefits to U.I. recipients in occupations characterized by low-pay, seasonal work or frequent lay-offs, promise to have a disproportionate impact on Métis. Moreover, if enhanced employment programs are targeted only at people who do not have jobs, little will be done for the working poor, which is what the majority of Métis are.

4. Educational Levels Below the Canadian Average

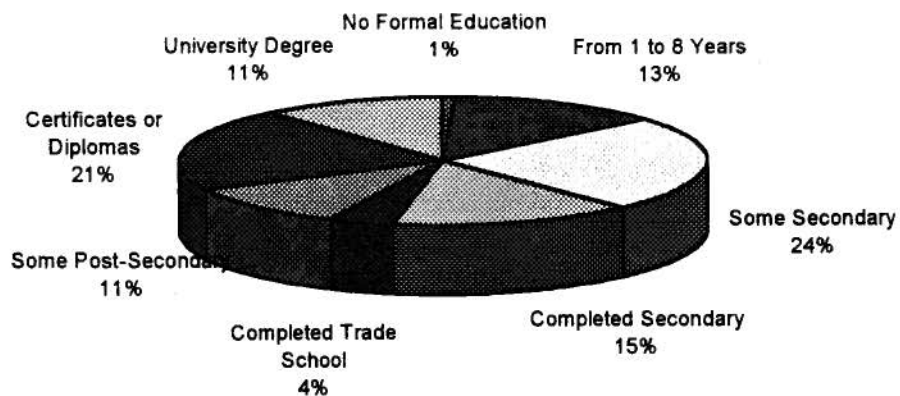
In today's society, it is far from the case that Métis, or any other of the aboriginal peoples for that matter, are uneducated in the sense of not having any formal schooling. Only 1.6% of Métis adults have no formal education. The problem is that relatively few Métis have achieved the educational levels being required in today's society. The

past few decades have witnessed a general up-grading of educational qualifications required for employment, even for menial jobs. According to Human Resources Canada's projections, the majority of new jobs to be created in the future will require at least a university degree. It is critical to place the Métis, and in particular the next generation, in a position where they can compete effectively on the job market and take advantage of the employment opportunities that exist.

Highest Level of Educational Attainment, Métis, Adults, 1991



Highest Level of Educational Attainment, General Population, Adults, 1991



As matters currently stand, 55% of the Métis adult population nationally has less than a high school diploma; the comparable figure for Canada as a whole is 38%. Only 3% of the Métis have a university degree, compared to 11% of the general population. Some 42% of the Métis adult

population nationally has at least a high school diploma, trade school certificate, or has attended a post secondary institution or received a non-university diploma or certificate of some kind; 50% of the Canada's adult population has a similar level of educational attainment. The major difference between the Métis and general Canadian populations in terms of educational attainment lies in the much larger proportion of Métis who fail to attain the most basic level of education - a high school diploma - and the very small numbers of Métis found at the top of the educational ladder - a university degree.

Given the high proportion of Métis people with less than a high school diploma, it should not be surprising to find that many lack basic literacy and numeracy skills, but Statistics Canada data does not allow us to document this fact. A study completed by Kuan Yang for the Gabriel Dumont Institute in 1993 did, however, find exceedingly high levels of illiteracy among Métis people in Saskatchewan (Saskatchewan Métis Family Literacy and Youth Education Strategy, September, 1993).

One of the basic problems is the number of Métis who fail to complete high school. It must be remembered that failure to complete high school does not necessarily spell the end of educational attainment. Some people obtain certificates and diplomas later on in life, and some even get to university, without ever having graduated from secondary school. However, completing high school is usually indicative of success later on in life, while failure to complete high school often results in limited "life opportunities".

Table III displays by sex and age group the proportion of Métis who never completed high school. It is based on questions asked in the APS survey to respondents between 15 and 49 years of age.

The Table show, first, that a very high proportion of Métis youth - some 47% in the age group 19 to 24 - are not today completing high school. This may be indicative of the failure of the school system and society generally to assume its responsibilities in terms of preparing the young for the future. Second, it shows that the majority of Métis in older age cohorts did not themselves complete high school. This may indicate that many Métis households lack an education culture that could help the younger generation to place greater value on academic learning. It also suggests just how much is being asked of the older generation when it is told to up-grade its educational levels.

Special efforts must be made to encourage Métis youth to complete their basic high school education - preferably before they enter the labour force - and to assist Métis to qualify for and complete post-secondary studies, particularly university degrees.

TABLE III
Calculation of the Number and Percentage of Métis Between 15-49
Who Never Completed High School

	Never Went To High School	Attended But Did Not Complete High School	Total Who Never Completed High School	Total Population	Percent of Total Population Who Never Completed High School
BOTH SEXES					
15-18	410	1920	2330	11270	20.67%
19-24	980	5610	6590	13915	47.36%
Sub-Total 15-24	1390	7530	8920	25185	35.42%
25-34	3110	10870	13980	24915	56.11%
35-49	4785	8400	13185	20510	64.29%
TOTAL	9285	26800	36085	70610	51.10%
MALES					
15-18	160	860	1020	5410	18.85%
19-24	520	2720	3240	6255	51.80%
Sub-Total 15-24	675	3580	4255	11680	36.43%
25-34	1665	4945	6610	11140	59.34%
35-49	2540	4255	6795	10625	63.95%
TOTAL	4885	12775	17660	33430	52.83%
FEMALES					
15-18	250	1060	1310	5840	22.43%
19-24	465	2890	3355	7660	43.80%
Sub-Total 15-24	710	3950	4660	13505	34.51%
25-34	1445	5920	7365	13770	53.49%
35-49	2240	4145	6385	9915	64.40%
TOTAL	4405	14020	18425	37185	49.55%
Source: MNC Special Run on APE # 13					

5. Importance of Children and Lone Parent Families

Aboriginal populations, including the Métis, have a very different demographic structure than the general Canadian population. Children - which Statistics Canada defines as persons aged 0 to 14 - form a very significant portion of the total population of the aboriginal peoples of Canada. They comprise 37.8% of the self-identifying Métis population, 36.8% of the off-reserve Indian population, 38.5% of the on reserve Indian population, and 42.6% of the Inuit population of Canada. Overall, 37.8% of the total aboriginal population of Canada is below the age of 15. In the general Canadian population, on the other hand, children represent only 20.9% of the population. The aboriginal population is therefore much younger overall than the Canadian population, and has a very large child cohort.

Aboriginal populations do not share the Canadian characteristic of an aging population profile. There is no indication that aboriginal population profiles have been

distorted by the "baby boom". Whereas 12% of Canada's population is currently 65 and over, persons 65 and over make up only 2.8% of Canada's Métis population, 2.6% of off-reserve Indians, 4.2% of Indians on reserve, and 2.2% of Canada's Inuit population. Aboriginal populations are consequently relatively youthful.

Single family households are more important among the Métis than they are for the general Canadian population. Approximately 82% of all households in which there is at least one Métis person are single family households; in Canada as a whole, only 71% of all households are one family households. Non-family households - single persons or unattached individuals sharing accommodations - are more common in the general population (where they represent 28% of all households) than among Métis (where they constitute only 16% of households). Generally speaking, Métis live in family units.

But, as shown in Table IV, a disproportionate number of Métis households are composed of **lone parent families**. According to APS data, 20% of Métis households are lone parent households; according to the 1991 Canadian Census, only 9.5% of all households in Canada were lone parent households. Lone parent families are therefore twice as common among Métis than in the general population.

	Métis			General Canadian		
	Number	Percent	Average Income	Number	Percent	Average Income
All Households	65000	100.0%	\$35.668	10018265	100.0%	\$46.137
Couples with Never Married Children	29025	44.7%	\$45.685	4384435	43.8%	\$58.000
Couples without Never Married Children	11025	17.0%	\$38.235	1795155	17.9%	\$53.622
Lone Parent Families	13270	20.4%	\$20.185	953635	9.5%	\$29.018
Non-Family Households	10705	16.5%	\$23.071	2775670	27.7%	\$27.154
Other (Multiple Family)	980	1.5%	\$57.172	109365	1.1%	\$78.733

Source: Calculated from APS Special Item # 21 and Statistics Canada catalogue 92-331, Tables 4, 9, and 23-331, Table 1

It is common knowledge that by far the greatest number of lone parent households are headed by women, that they have lowest household income of any group, and that they account for a great proportion of all households on welfare.

The priority to be given to combating child poverty in the new social security scheme being proposed by the federal government promises also to have significant implications for Métis households.

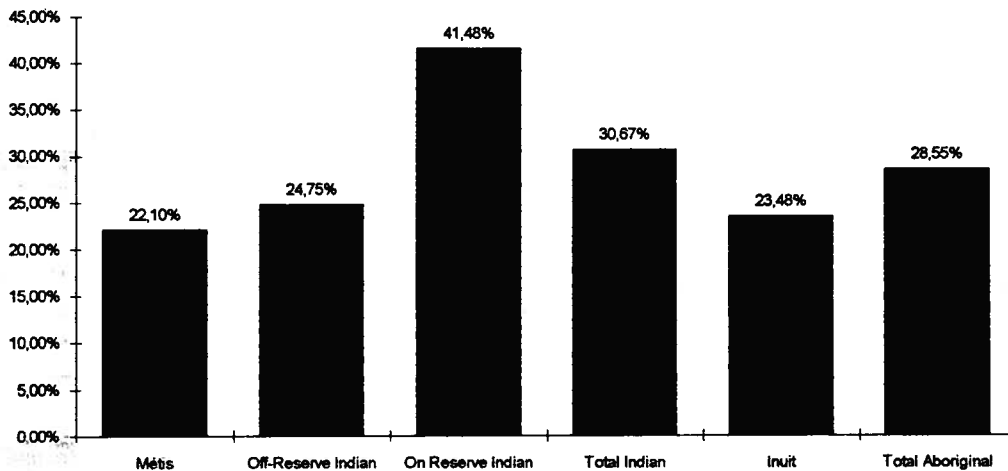
MÉTIS POPULATION ON SOCIAL ASSISTANCE

The Official Figures

Statistics have been published on the number of self-identifying aboriginal persons 15 years and older who received social assistance during the 1990 calendar year (APS, Statistics Canada catalogue 89-534, Table 4.3). The percentage of aboriginal adults on social assistance in Canada is shown in Chart I below.

CHART I

CANADA, Percentage of Aboriginal Adult Population (15+) on Social Assistance, 1990



Statistics Canada has already published the figure of 29% of the adult aboriginal population on social assistance (Statistics Canada, The Daily, Monday, September 20, 1993, p. 6). The figures in Chart I will therefore likely become the "official" figures for the percentage of aboriginal people on welfare.

On the basis of these official APS figures, 22.1% of the self-identifying Métis nation-wide had received welfare benefits in 1990. This was the lowest incidence of welfare among the aboriginal peoples. The highest incidence of welfare occurs among on reserve Indians. If Métis are compared to off-reserve aboriginal persons only, the proportion of adult Métis on welfare is very close to the proportion of adult off-reserve Indians and adult Inuit on welfare, although still slightly less.

There is reason to believe, however, that the APS estimates may be low, which reasons can best be explained by exploring the difficulties inherent in trying to compare the APS data on welfare recipients with data for the Canadian population generally.

Comparison with General Population

There is no easy way to compare the social assistance figures generated for aboriginal peoples through the APS with the Canadian population generally. The ASP survey asked: "During the course of 1990 did you receive any of the types of income listed below.....3c. Social assistance or welfare payments? Do not include Family Allowance and Child Tax Credits" (Statistics Canada, User's Guide: Aboriginal Data, Appendix F, p. 54). This question was asked only of adults, that is persons 15 years and over. No similar question has ever been placed on census or post-census questionnaires directed at the Canadian population generally, which makes comparison difficult.

The Canadian Census (20% Sample) does ask persons about sources of income, but the data groups social assistance payments with provincial tax credits, workers compensation, provincial top-ups of GIS, veterans allowances, spousal allowances and several other income sources under "Other Income from Government Sources" (Statistics Canada, 1991 Census Dictionary, p. 46-47). It is not possible to disaggregate the data even through a special run, which means that Census information cannot be used as a basis of comparison with the APS on this particular point.

The other Statistics Canada database which could potentially be used as a basis of comparison, the "small area data base", presents basically the same problem. The "small area data base" is derived from personal income tax data supplied by Revenue Canada and therefore applies to the universe of Canadian taxfilers which, though not the same, is roughly comparable to the Canadian adult population. However, welfare income is grouped under the heading "Non-taxable Income/Provincial Tax Credits", which includes the Child Tax Credit, GIS, the Spousal Allowance, the GST Tax Credit and several other revenue sources. Once again, the data cannot be disaggregated, which makes it impossible to use this data source for comparison with the APS survey results on welfare income.¹

¹Starting with the 1992 tax returns, it will be possible to separately identify social assistance payments in tax data, but this will only apply from 1992 onwards.

The only other source of information on the number of Canadians on welfare is the data gathered by National Health and Welfare, now the Department of Human Resources, on welfare case loads and number of persons receiving social assistance under the Canada Assistance Plan (CAP) by province and territory. The data on the number of persons assisted under CAP (General Assistance Component), which is compiled at the end of March every year, is the most useful source of information since this database treats persons, as does the APS data, and not case loads. However, unlike the APS, the data from National Health and Welfare is not limited simply to the adult population but includes all persons directly receiving welfare benefits (i.e. the household head) plus their dependents (see Health and Welfare Canada, Inventory of Income Security Programs in Canada, Appendix F). To be able to compare the number of persons on welfare in the aboriginal population with the number of persons on welfare in the population generally, it is necessary to adjust the APS data to include, as does the data from National Health and Welfare, both persons directly receiving welfare payments and their dependents.

Adjusting the Data

The APS measures only the number of adults on welfare while the data from National Health and Welfare measures the entire population. Two types of problems arise in trying to adjust APS data to National Health and Welfare parameters:

- a) inclusion of children: the APS does not indicate the number of children (persons 14 and under) who are dependents of welfare households. The simplest way to translate APS data into numbers which might be comparable to the database from National Health and Welfare is to assume that children divide between welfare and non-welfare households in the same way that adults do. This is a conservative assumption since children would likely have a higher propensity to belong to welfare households than independent adults. It is not possible to calculate, at this time, what this greater propensity would be statistically.
- b) inclusion of adult dependents: since the APS was a sample survey, the respondents selected for interviews in any particular household were not necessarily the household head. Many of them were children and young adults who were dependents of the household. The question about income sources, upon which APS welfare statistics are based, referred to

personal income sources and not household income. Dependents of welfare households would not necessarily have reported welfare income, since the income was not theirs but their parents or guardians. For example, a person between 15 and 18 years of age, living at home, may not have reported receiving income from welfare because he or she in fact did not, even though the parents may have. Similarly, a wife of a person on welfare may have not disclosed welfare as a source of personal income. It is possible therefore for some adult dependents to have been missed in the sampling of persons on welfare in the APS survey.

This could have important consequences for the computation of the proportion of aboriginal persons on welfare. This proportion, it must be remembered, is established by dividing the number of adult individuals who reported having received welfare in 1990 by the total number of adults in the population. This means that unless one reported welfare income, it was assumed that one was not a welfare recipient. This assumption is however misleading if a significant number of adults, that is persons 15 and over, were in fact dependents of welfare households without personally having received welfare benefits. In this event, the number of welfare recipients, as that term is used by National Health and Welfare, would be greater than the figures produced by the APS and the proportion of aboriginal persons on welfare would increase.

Unfortunately, there is no sure and easy way of overcoming these difficulties. For example, the APS has published information on income levels of aboriginal populations and these could, theoretically, be used to estimate the number of adult dependents that might have been excluded from the welfare figures. Normally, it could be assumed that only persons who reported income for 1990 could have reported welfare income as a source of income. In this event, the income category that is most likely to contain adult dependents who might not have reported welfare income is the "no income" category (i.e. persons who reported having received no income from any source in 1990). However, the APS survey did not itself ask any questions about income levels; all information published through the APS on income levels is derived from cross-tabulation with the 1991 Census (20% Sample). This in itself would not be a problem if the APS published statistics had removed any evident contradictions or discrepancies between the APS survey

results and the 1991 Census results. For example, if a person had responded "no income" in the Census questionnaire but had acknowledged having received welfare income in the APS questionnaire, then it would have been important for the APS to remove that person from the "no income" category when publishing its results. This did not, however, take place. For whatever reason, Statistics Canada chose not to alter the 1991 Census results in any way.² Consequently, the data being published on income levels is not strictly comparable to the data being published on income sources.

For lack of a more precise way to measure the total aboriginal welfare population and to make the data comparable to the data from National Health and Welfare, this study has chosen to adjust the APS figures by treating all the 'no income' category as dependent adults. Our suspicion is that it is made up primarily, though not exclusively, of young adults, most between the age of 15 and 18, but some older still, who live at home with parents or guardians, and who are not self-supporting and as such report no income. Published data does not allow us to confirm this hypothesis, but confirmation is immaterial to the present argument. The "no income" category must be made up of adults (15+) who depend on someone else for their livelihood since it is inconceivable for an adult to survive without any source of income in the world we know. As dependents, these adults should not be included in the tabulation of the total adult population on welfare but should rather be treated, for the purposes of establishing proportions of the population on welfare, in the same way as children.

To adjust the APS figures to make them more comparable to the data available from National Health and Welfare, the following has therefore been done:

- The total adult population was adjusted to exclude the "no income" category on the grounds that this category was made up of dependents for welfare calculations, in the same way as children generally.
- The estimate of the number of aboriginal persons on welfare was then divided by this new total, to arrive at a more accurate estimate of the number of independent adults on welfare.
- The new proportion was then applied to the dependent population to arrive at an estimate of the total aboriginal population on welfare. The dependent

²conversation with Statistics Canada officials.

population was made up of all children under 15, as reported in the APS, together with all persons listed as having "no income" for 1990. It was assumed that this population would split between welfare/non-welfare in the same way as the adult population generally. The results obtained were then simply added to the results for the independent adult population to arrive at an estimate for the total aboriginal population on welfare.

A More Likely Scenario

CHART II

Percentage Population On Welfare, CANADA, 1990

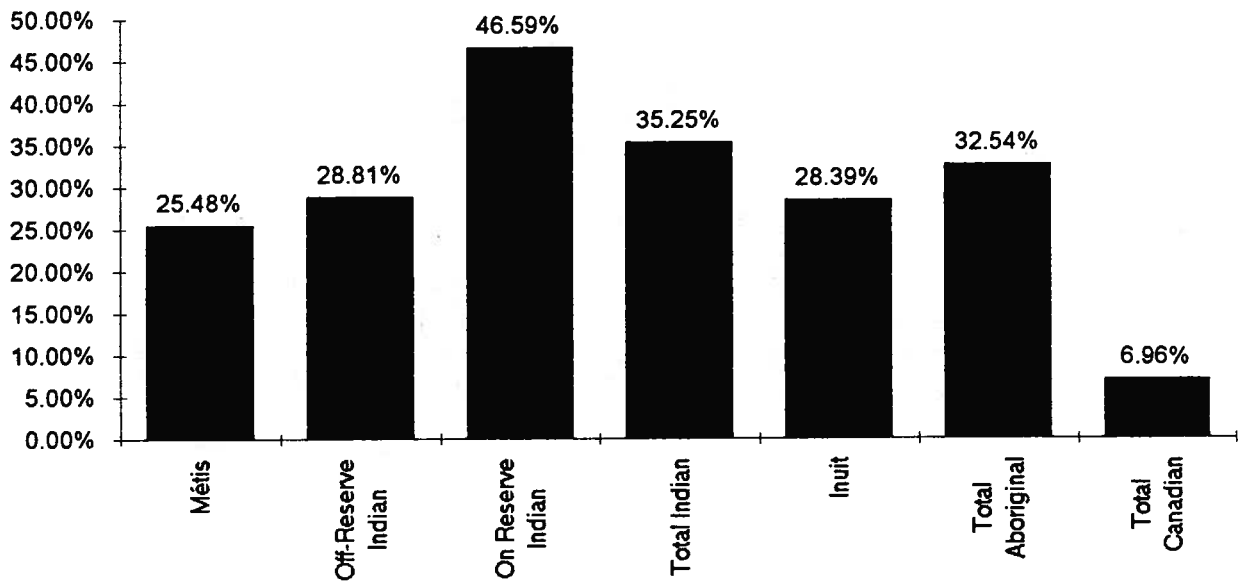


Chart II displays, for Canada, the proportion of aboriginal persons on welfare, as adjusted above, and the proportion of the Canadian population on welfare, according to National Health and Welfare, in 1990.³ Excluding the "no income" category from the general adult population and then

³Source: Canadian population figures by province and territory were downloaded from CANSIM, Matrix 1 (the annual average of the latest quarterly estimates were used); Canadian population on social assistance by province and territory was obtained directly from the Department of Human Resources; aboriginal persons on welfare was calculated by adjusting APS data to remove the 'no income' category from total adult population and redistributing it on the same lines as dependent children.

redistributing it in the same way as child dependents leads to about a 3 percentage point increase in the number of aboriginal persons on welfare. This is closer to the way National Health and Welfare figures are generated and likely presents a much more accurate picture of the actual numbers of aboriginal persons relying on welfare.

Nationally, about one in four Métis persons were welfare recipients in 1990. This was below average for aboriginal peoples generally, but far in excess of the Canadian average. Based on APS survey results, adjusted to estimate the number of dependent adults on welfare, 32.5% of all aboriginal persons in Canada received welfare in 1990, but the highest proportions were on reserve, where 46.6% of Indians were on welfare. Off reserve percentages are closer to the Métis proportions - 28.8% of off-reserve Indians and 28.4% of Inuit received welfare benefits in 1990, compared to 25.5% for Métis. As of 1990, only 7.0% of all Canadians were welfare recipients. The extent of welfare dependency is therefore much higher for aboriginal peoples, including Métis, than for the general population.

Since 1990

The APS data is for 1990, which was a good year relative to what has happened since. The recession, changes to the Unemployment Insurance program and to provincial welfare programs has translated in a phenomenal increase in the number of Canadians receiving welfare benefits. Canada-wide, the number of Canadians on welfare increased by 54.14% between 1990 and 1993, to the point that, as of March 31, 1993, 10.4% of Canada's population was receiving welfare. The increase was most acute in Eastern Canada, particularly in Ontario, and more modest in the Prairie provinces, as Table I below demonstrates.

It is difficult to determine whether and how this trend of increasing welfare loads has impacted aboriginal peoples. Perhaps the number of aboriginal persons on welfare had already reached a "saturation point" in 1990 and the increases since have been relatively modest compared to the general population. What happened in the N.W.T. lends some support to this argument. The N.W.T. has the highest proportion of its total population on welfare of any jurisdiction, but also witnessed the smallest percentage increases in welfare loads since 1990. Then again, the general trend may have impacted the aboriginal population at least to the same extent as the Canadian population generally, and perhaps more so.

TABLE I

Increase in Percentage of Population on Welfare 1990-93		
	Percent Pop. on Welfare 1993	Percent Increase Since 1990
CANADA	10.36%	54.14%
Newfoundland	11.73%	42.17%
P.E.I.	9.58%	46.51%
Nova Scotia	10.69%	25.89%
New Brunswick	10.41%	16.22%
Québec	10.29%	33.37%
Ontario	11.99%	90.47%
Manitoba	7.89%	31.54%
Saskatchewan	6.81%	26.06%
Alberta	7.37%	31.72%
B.C.	9.16%	49.68%
Yukon	7.86%	150.00%
N.W.T.	17.70%	15.63%

Assuming that the trends seen in the population generally have affected aboriginal populations in exactly the same proportions, an estimate can be made of the percentage of the aboriginal population on welfare in 1993. These estimates are set out for Canada in Table II below. Based on a simple extrapolation from welfare trends in the general population, the portion of the Métis people on

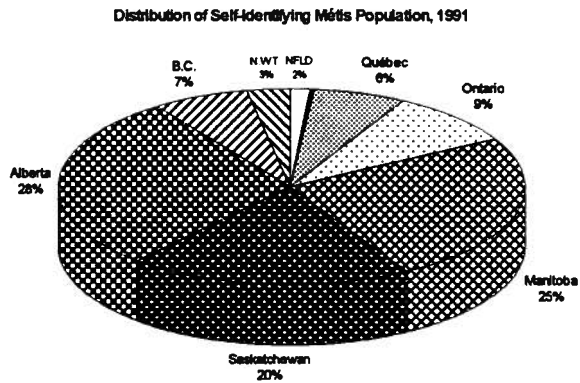
TABLE II

ESTIMATES OF PERCENTAGE OF ABORIGINAL PERSONS ON WELFARE, CANADA, 1993						
	Métis	Indian			Inuit	Total Aborigin al
		Off- Reserve	On Reserve	Total Indian		
Official APS 1990	22.10%	24.75%	41.48%	30.67%	23.48%	28.55%
1993 Estimate based on Official APS	32.90%	36.84%	61.74%	45.65%	34.95%	42.49%
Adjusted APS 1990	25.48%	28.81%	46.59%	35.25%	28.39%	32.54%
1993 Estimate based on Adjusted APS	37.93%	42.88%	69.35%	52.47%	42.26%	48.44%

social assistance could now be as high as 37.9%, although this figure should likely be considered an upper limit. In any event, the number of aboriginal persons on welfare is without a doubt larger in 1993 than it was in 1990.

Regional Variations

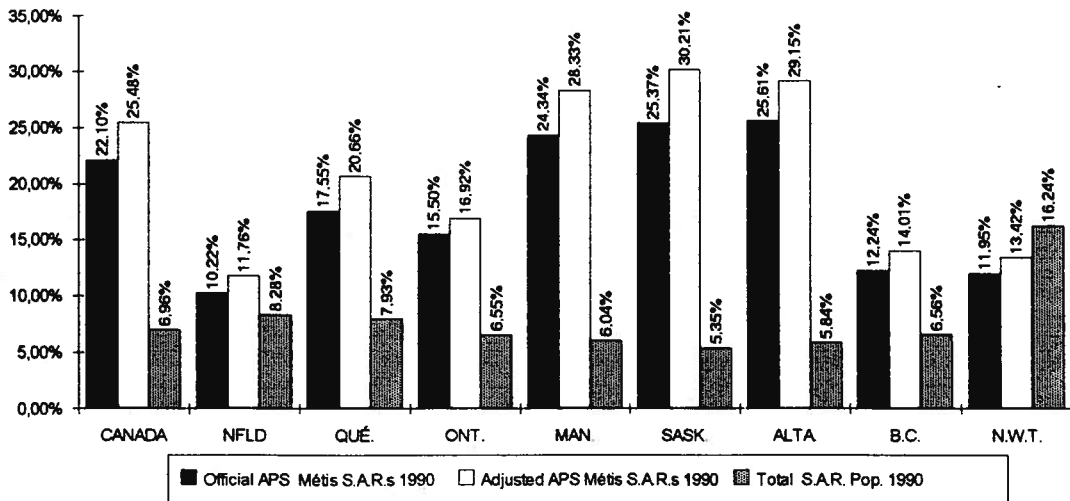
The Métis are not distributed evenly across Canada. According to APS data on the self-identifying population, over 73% of Canada's Métis population is concentrated in the three Prairie provinces. The self-identifying Métis population of Prince Edward Island (0), Nova Scotia (225) and New Brunswick (100) is insignificant. Though not as large as the Métis population of the Prairie provinces, the APS survey also identified significant Métis populations in Newfoundland, Québec, Ontario, British Columbia and the Northwest Territories.



There are important regional differences in the number and proportion of Métis on welfare. Chart III below traces the percentage of Métis on welfare in 1990 in each of the

CHART III

PERCENTAGE OF MÉTIS POPULATION ON WELFARE, By Province and Territory, 1990



provinces where there are significant self-identifying Métis populations. For each province, the Chart compares the proportion of Métis on welfare to the percentage of the general population which received welfare benefits in 1990.

The provinces where there is the greatest difference between the proportion of Métis on welfare and the proportion of the general population on welfare are the three Prairie provinces. In 1990, the incidence of Métis on welfare in these provinces was from 3 to 5 times greater than the incidence of welfare in the general population of those provinces. In Newfoundland, Métis welfare rates, though still higher than the general population, were relatively close to the incidence of welfare in the general population. In Québec, Ontario and British Columbia, the percentage of Métis on welfare tended to be in range of 2 to 2.5 times larger than the incidence of welfare in the general population, indicating that the Métis in these provinces must be somewhat better off overall than their counterparts on the Prairies. In the Northwest Territories, the incidence of welfare among Métis is actually slightly lower than for the general population. This reflects the high incidence of welfare in the Northwest Territories, particularly among the Indian and Inuit population, which comprise the majority of the population of the territory.

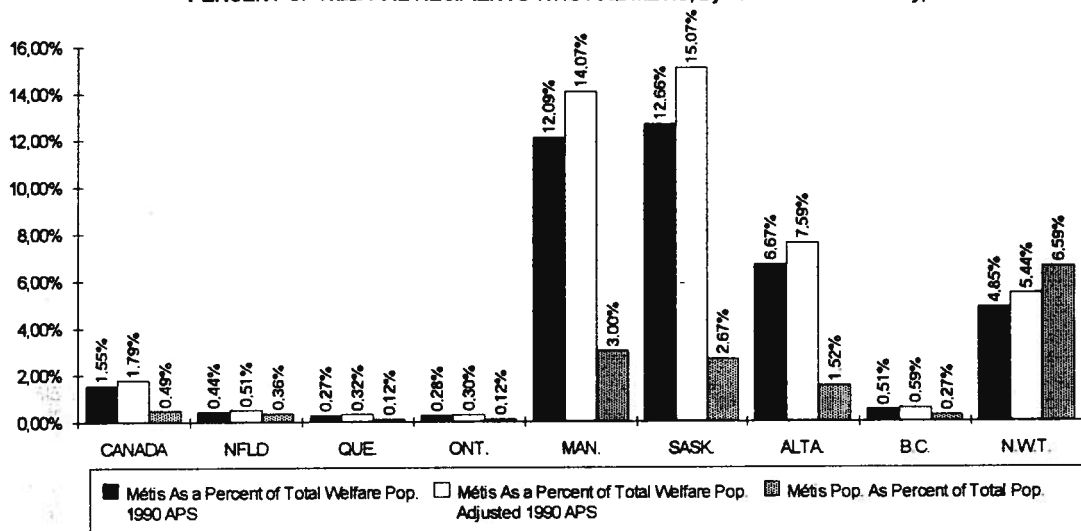
Given the regional concentration of the Métis and the regional differences in the incidence of welfare, it is not surprising to find that Métis form an important segment of the total welfare population only on the Prairies and, to a lesser extent, the Northwest Territories. As Chart IV below demonstrates, Métis comprise from 12% to 14% of the welfare population of Manitoba, though they represent only 3% of the population of the province; they comprise from 13% to 15% of all the persons on welfare in Saskatchewan in 1990, although Métis accounted for only 2.7% of the population of that province; and Métis comprised from 6.7% to 7.5% of the welfare population of Alberta, and only 1.5% of the provincial population. In the Prairie provinces, Métis are significantly over-represented in the welfare population and form an important segment of that population.

In most other regions of Canada, Métis are over-represented on welfare rolls but relatively less so than on the Prairies and certainly form a less significant part of the total welfare population. In Newfoundland, Québec, Ontario and British Columbia, Métis are represented in the welfare population in proportions much closer to their share of the total provincial population. Nonetheless, in each of these provinces, the proportion of Métis on welfare remains

larger than their share of the population. Their share of the total population is so small, however, that they do not contribute inordinately to the total welfare load of these provinces.

CHART IV

PERCENT OF WELFARE RECIPIENTS WHO ARE MÉTIS, By Province and Territory, 1990



The situation of the Métis in the Northwest Territories is unique. Métis in the N.W.T. accounted in 1990 for from 4.9% to 5.4% of the total welfare population of the territories, which is a significant percentage. However, this was less than their share of the total population, which was 6.6%. Consequently, only in the N.W.T. were there proportionately fewer Métis on welfare than their numbers in the population would warrant.

Conclusions

1. The APS data likely underestimates the number and percentage of aboriginal persons on welfare in 1990 owing to the fact that APS figures do not include children and to the fact that it likely classified many dependent adults as non-recipients even when they were dependents of welfare households.
2. Based on available information, from 22% to 25% of the Métis population were welfare recipients in 1990. This

was the lowest among the aboriginal peoples, but very close to the incidence of welfare among other off-reserve aboriginal peoples. The portion of Métis people on welfare was very much higher than the rate for the Canadian population as a whole, which was 7% in 1990.

3. The proportion of Canadians on welfare has increased phenomenally since 1990, and in 1993 stood at 10.4% of the population, a 54.1% increase since 1990. This means that the figures generated from the APS are low relative to current levels of welfare recipients. It is difficult to determine exactly how the trend towards increasing welfare rolls has affected the aboriginal peoples, but nationally, the incidence of welfare among Métis people could now be as high as 37.9%.
4. Relative to their share of the total population, the Métis are over-represented in the welfare population in all provinces and territories except the Northwest Territories. However, the Métis comprise an important segment of the welfare population only in the three Prairie provinces and in the Northwest Territories. Problems are particularly acute in Manitoba, Saskatchewan and Alberta.

Analytic
February 16, 1994

Métis National Council

MEMORANDUM

TO: MNC Special Assembly Delegates
FROM: Marc LeClair
DATE: November 8, 1994
RE: Inherent Rights

Under the Agenda Item "Inherent Rights", you will find three documents:

- Options for Implementing Self-Government for the Métis Nation (prepared by the federal government)
- Elements to be incorporated in a Métis Governance Implementation Process (prepared by MNC)
- Kananaskis Planning Session Report (prepared by Jay Cowan).

Options for Implementing Self-Government

This document, prepared by the Privy Council Office, outlines some of the discussion that has been undertaken between the Métis Nation representatives and the federal and provincial governments. As you will note from their document, the federal government still does not have a concrete plan on how to proceed with the implementation of the inherent right.

Elements to be incorporated in a Métis Governance Implementation Process

The MNC prepared this document to advance the issue of Métis Governance implementation further. It identifies a number of key elements necessary to ensure that governance negotiations are expedited. The federal government has not responded to these elements to date. Delegates are invited to review them carefully.

Kananaskis Planning Session

As part of the Inherent Right consultative exercise, a planning session was held to assist in the formulation of an MNC position on the inherent right. The enclosed report provides a summary of the discussion. Delegates are encouraged to review the report.

AGENDA

MÉTIS ENUMERATION AND REGISTRY AND MÉTIS NATION SELF-GOVERNMENT

Ottawa, Ontario
November 2, 1994

1. MÉTIS ENUMERATION/REGISTRY

- **Presentation by Statistics Canada on Métis enumeration**
- **Presentation by Regulatory Consulting Group on Métis registry**

2. MÉTIS SELF-GOVERNMENT

- **Presentation by Privy Council Office of draft paper on Métis self-government**

October 5, 1994

**OPTIONS FOR IMPLEMENTING SELF-GOVERNMENT
FOR THE MÉTIS NATION**

Federal, provincial, territorial and Métis Nation officials have held a series of meetings to explore options for implementing the inherent right of self-government for the Métis Nation. This paper sets out a description of the range of options and related considerations which have been discussed to date. It does not assign any priorities among the options nor reflect the views of individual participants on them.

In addition to the process options presented below, officials have discussed a number of models of self-government. These are presented in the attached Annex.

SELF-GOVERNMENT PROCESS OPTIONS

The process options identified below are presented on the premise of a practical, bottom-up implementation of Métis self-government. None of the options are intended to detract from existing provincial/territorial processes or existing or future comprehensive claims.

(A) Province-by-Province Accords

This process would entail negotiation of self-government agreements at the provincial level between representatives of the provincial Métis organization, the province in question and the federal government.

(B) National Accord With the Métis Nation to Guide Implementation at the Regional/Provincial or Community Level

Under this approach, a separate Accord would be negotiated with the Métis Nation at the national level (i.e., the federal government, British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, the Northwest Territories and the Métis Nation). The Accord would provide an overall framework to guide implementation of self-government at the provincial, regional, or community level, whether on a sectoral or comprehensive basis.

- 2 -

(C) Métis in the Northwest Territories

A variation which could apply to the Northwest Territories in both the above options is for Métis and Dene to negotiate and implement self-government jointly on a regional basis.

Enhancements to Process Options

In the context of this paper, the following enhancements to process options are presented as Métis specific institutions and processes. However, they could be part of institutions and processes dealing with all Aboriginal groups.

(1) Establishment of a Commission to Facilitate Negotiations

An arms-length, independent Commission could be established to act as a central resource centre for self-government negotiations. In addition to providing a central repository for information on self-government negotiations, the Commission could provide research assistance and training for negotiators.

(2) Dispute Settlement Mechanism

A dispute settlement mechanism could be established to provide for mediation, and binding or non-binding arbitration, in the event of a dispute.

(3) Funding Arrangements for the Self-Government Negotiation Process

Possible cost-sharing funding arrangements could be made on the basis of a pre-set formula or on a case-by-case basis. Possible mechanisms for providing funding could be by an arms-length agency or by parties to the negotiation.

Legal Instruments for Implementation

There was some preliminary discussion of the legal nature of the implementation accords and self-government agreements (e.g., political accords, treaties). Further discussion will be required on this issue when the nature of the self-government process becomes more well-defined.

Representation in Self-Government Negotiations

- 3 -

Governments and the Métis will have to address the issue of the role of Métis representative institutions at the national, provincial and community level in the tripartite self-government negotiations process.

NATURE AND SCOPE OF NEGOTIATION

Areas of Jurisdiction

Prior to negotiation of agreements to implement self-government, there will have to be consensus among federal, provincial, and Métis representatives on what areas of jurisdiction should be included in the negotiations. The MNC has proposed that the Métis people have jurisdiction and responsibility for the following areas:

land and resources, including use	language and culture
education	training and manpower
policing and administration of justice	health
social services	family and children's services
economic development	community infrastructure
housing	environmental protection
raising of revenues	customary law
citizenship	matters of a local and private nature

FURTHER ISSUES FOR NEGOTIATION

- Financing of Métis governments, including institutional costs
- Federal and provincial responsibilities to fund programs and services for Métis
- Financial arrangements and accountability measures

- 4 -

- **MNC desire to include the provision of a land base to Métis within the negotiations to implement self-government**

ANNEX**MODELS OF METIS SELF-GOVERNMENT**

N.B.: The models discussed below represent an initial list of options and are not necessarily mutually exclusive.

(A) Metis National Governing Structure

The Metis National Governing Structure, proposed by the Metis National Council (MNC), would consist of a Metis Nation Legislative Assembly, the Metis Nation Senate and Provincial or Territorial Legislative Assemblies. The authority of these governing structures would be based on the Constitution of the Government and People of the Metis Nation. Under this proposal, the Metis Legislative Assembly would be the sole representative body of the Metis people of Canada at the national level and would exercise, within the context of the Canadian federation and within the limits of the Metis Constitution, the rights, powers, privileges of a third order of government in Canada.

Under this proposal, a range of service-delivery institutions could be established to deliver programs and services to Metis people. Ultimate responsibility for these agencies and institutions would rest with the elected leaders in the Metis government, who are in turn accountable to the grass-roots membership.

(B) Institutional Model

This model focuses on individuals who do not live in geographically defined Aboriginal communities, and is based on the development of single purpose institutions serving specific functions in relevant sectoral areas (e.g., education and training institutes, child welfare agencies, economic development corporations, and housing directorates). It could be applied at the national, provincial and municipal levels.

The mandate of these institutions could range from delivering devolved federal or provincial programming to assuming jurisdiction in certain areas.

- 2 -

**(C) Self-Government for Geographically-Defined
Metis Communities**

This model applies to self-government on existing land-based communities such as the Metis Settlements in Alberta, and Metis-governed communities which could be established on land in the context of future self-government negotiations.

METIS PARTICIPATION IN PUBLIC GOVERNMENT

In addition to the models of Metis self-government set out in the previous section, changes to current public government structures and processes could be implemented to make them more responsive to the needs of Metis and Metis communities. Although Metis would increase their influence in these institutions, the government model would remain a public one rather than be Metis specific.

(A) Modified Public Government Model

The use of public government as a model for self-government could take one of the following forms:

- **Establishment of municipal structures similar to those found in incorporated areas of a province.** For example, in many provinces, the largely unincorporated areas in the north do not have municipal structures in place. Instead, these areas are represented by advisory councils (such as the local improvement districts in Alberta) which make recommendations to their respective provincial governments on the various issues facing the areas. The enhancement of these structures would involve agreements that would make them more accountable to the local population, and would provide them with increased authority and responsibility similar to that of a municipality.
- **Re-draw municipal boundaries in order to delineate significant population concentrations of Aboriginal people.** This could mean the restructuring of municipal boundaries, where feasible, in order to form new municipalities where the Metis and Aboriginal population would form the majority. These municipalities, when formed, would operate like any other municipality in the province.

- 3 -

(B) Enhanced Participation Model

Self-government models often involve the creation of separate Aboriginal structures and institutions which are directed by Aboriginal people. However, self-government could include measures which increase Aboriginal peoples' control over decisions and services affecting their lives.

The essential principle of the enhanced participation model is to ensure that Aboriginal needs are addressed directly through, for example, the appointment of representatives to public decision-making bodies and processes.

The enhanced participation model could be applied to structures ranging from the local to the national level. It may include Aboriginal representatives on service agency boards, within local government structures, such as municipal councils, school boards or hospital boards, or within provincial or national agency boards. It might also include guaranteed Metis representation in federal and provincial legislative assemblies.

BACKGROUND

The federal government has indicated it is prepared to proceed "on the principle that the inherent right of self-government is an existing Aboriginal and treaty right". In January 1994, the government confirmed this commitment and initiated a six-month national consultation process to determine the most appropriate means to implement the inherent right of self-government. For MNC, this has included inter-governmental dialogue with the federal, provincial and territorial orders of government. These consultations were unilaterally extended to the fall of 1994. To date, however, the federal government has yet to make clear what the next steps are in the national process.

The federal government has also indicated it will take the lead in trilateral negotiations involving the provinces to define the nature and scope of federal and provincial responsibility for Métis. To date, however, the federal government has yet to indicate how it intends to lead the discussion in this area. The only tangible step in this direction occurred last May when Minister McLellan agreed to raise the possibility of referring the issue of federal responsibility for Metis to the Supreme Court of Canada with the Justice Minister and to involve the President of the Metis National Council in the discussion. This meeting has yet to be held.

Within the context of discussions relating to the Metis Nation, discussions to date indicate that implementation of Métis governance will take place through trilateral negotiation processes established in each province and territory. The only outstanding issue seems to be whether this will be accomplished under a Métis National Framework or through separate regional frameworks. In Quebec City in May 1994, the federal and provincial governments agreed to pursue this issue further in the context of the federal consultative process on the inherent right. The federal interlocutor also indicated that there was a consensus to incorporate practical solutions to the complex issues of community-based concerns.

The Inherent Right discussions to date have focused only on the process options for the development of a new federal self-government negotiation policy framework. These discussions have yet to produce much substance on the nature of this framework and whether the current tripartite negotiation framework is to be changed to reflect the new legal and political positions of the federal government. The federal government has indicated it is prepared to consider protecting self-government agreements as new section 35 treaties, or as part of land claims agreements. It is not clear whether this protection would be afforded to any resulting agreements flowing from the current tripartite process.

In order to provide more focus for these discussions the MNC tabled a paper with federal and provincial officials in Calgary entitled "Elements to be incorporated in a community-based self-government implementation Framework". From the MNC's point of view, the paper sets out 9 elements to be incorporated in a new Metis governance negotiation framework.

The MNC has also recommitted itself to its founding principles upon which it was formed and has recently adopted the following Metis Nation Declaration. The Declaration forms the foundation for the discussion of the elements below.

The Métis Nation values self-reliance, self-sufficiency and individual and collective rights and freedoms. The Metis Nation possesses the right of self-determination, including the inherent right of Metis Governance which may be expressed and implemented by its citizens at the local, regional, provincial/territorial and national levels.

It should be noted that the following comments under each of the elements is put forward for discussion purposes only. It was prepared in part, to elicit a response from the federal, provincial and territorial governments on what are, and have been considered essential elements to an implementation process. As is discussed below, the MNC is particularly interested in the federal government's views on a variety of matters and in the absence of any documentary information as to how the federal government intends to implement the inherent right, the MNC is placed in the anomalous situation of leading the federal inherent rights discussion process by default. While Metis are ostensibly to be the intended beneficiaries of new implementation processes, the MNC will nonetheless be seeking greater clarity from the federal government as to how it intends to proceed with future discussions on this issue.

1. Establishment of a Commission to Facilitate Negotiations

The establishment of machinery to facilitate negotiations was viewed favorably by governments in the Canada Round of discussions. The idea of establishing a Ministers/Leaders Forum was based upon the need to provide overall political accountability for the implementation of self-government. The forum's proposed workplan was to complete an implementation plan for the inherent right within six months and to discuss a range of matters including consideration of "the possible establishment of an office(s) to facilitate the negotiations processes".

2. Dispute Settlement Mechanism

The establishment of a dispute settlement mechanism was also viewed as an essential component of the governance package negotiated in the Canada Round of discussions. The political Accord called for the establishment of a Mediation/Arbitration Tribunal that would be available upon the request of a party and any resulting discussions would only be binding upon the parties if consent was provided at the commencement of the proceedings.

The Tribunal's mediation functions were to be employed before a party went to court. The costs of the tribunal was to be shared equitably by the federal and provincial governments with Aboriginal peoples and governments making the appointments.

The MNC seeks to combine the facilitation functions discussed above with the mediation and arbitration functions. The MNC seeks an independent body which would serve to facilitate the timely implementation of the inherent right of Metis governance. In addition, the MNC believes that the body should be responsible for administering the resources for the negotiation processes. This would eliminate the anomalous situation where the people who administer negotiation funding are the same people who sit at the negotiation table for governments.

3. Nature and Scope of Negotiations

Jurisdictions and Authorities

Discussions to date have focused upon legal control over jurisdictional areas rather than on elaboration upon the jurisdictions to which Metis people would like to exercise authority. Even less has been discussed concerning the nature and scope of the Metis governmental activity and authorities which would accompany such jurisdictional recognition. To a certain extent, MNC provincial and territorial affiliates and their associated service delivery institutions provide a conceptual framework for the types of governmental

activities that can occur. But all have agreed that further institutional development needs to occur.

During previous constitutional discussions, the MNC put forward a non-exhaustive listing of jurisdictions to be exercised by Metis governments. The Metis Nation Accord provided for governance negotiations to deal with issues such as jurisdiction, economic and fiscal arrangements and in a separate section, land. The following areas were put forward during discussions in the Canada Round.

land and resources, including use	language and culture
education	training and manpower
policing and admin. of justice	health
social services	family and children's services
economic development	community infrastructure
housing	environmental protection
raising of revenues	customary law
citizenship	matters of a local and private nature

To the extent that a transparent policy framework exists at the federal level, it provides that the "agenda may include a wide range of items including housing, economic development, health care, justice, social services, education, training, language and culture". In April of 1993, FPRO compiled an overview of the agenda items that were then under discussion (see attached).

The MNC approach to the jurisdictional question is to place the discussion of jurisdictions in the context of the federal government's recognition of the inherent right of Metis Governance. Accordingly, the MNC will be looking for the federal government's new policy to recognize that Metis people have jurisdiction and responsibility for the areas listed above. Accordingly, the MNC believes that tripartite discussions should proceed upon the basis that Metis people have inherent authority over, for example, education. The purpose of the tripartite negotiations would then be reduced to elaborating upon the institutional make up of the institutions and how they would be financed. It would be for Metis people themselves to determine the organizational structures of the institutions in any given jurisdictional field.

4. Land and Resources

Metis view the existence of a land base as an essential element of the inherent right of Metis governance. The MNC made plain its desire to negotiate this recognition and subsequent acquisition of a land base in the Canada Round of discussions. Metis people believe that all orders of government are

responsible for providing the Metis with an adequate land and resource base and seek commitments in an implementation process to that effect.

The MNC will be seeking a commitment in the federal implementation process to broaden the scope of negotiations on the land issue. Specifically, the MNC seeks a commitment from the federal government that federal Crown lands will be on the table for negotiations and that the federal government will facilitate the transfer of provincial Crown lands and resources to Metis governmental authorities. The MNC also seeks a new policy framework that would enable Metis to participate in co-management arrangements.

5. Financing of Metis Governments

The MNC believes the federal government's policies relating to the financing of current Metis institutions and the provision of programs and services require major reforms to bring them into line with the inherent right of Metis governance. The MNC has been consistently on record as advocating the need to restructure the fiscal relationship with governments. Until very recently, the federal government's preferred approach has been to put off discussion of financing issues until tripartite negotiations. The MNC believes that this policy has frustrated the negotiation process and favours the adoption of a new fiscal framework for tripartite discussions. Minister Irwin has identified the question of financing self-government as a key issue and has expressed a willingness to negotiating new financial arrangements. He has also identified a number of factors to be taken into consideration for the negotiations. The MNC is prepared to discuss these in the Metis Nation process.

Institutional Costs

In the Canada Round, governments drew a distinction between the direct institutional costs of Metis institutions and the costs of Metis programs and services with the federal government agreeing to assume a substantial portion of the institutional costs. The MNC believes that the federal government should recommit itself to assuming a substantial share of the costs associated with Metis governing institutions and should extend its fiscal commitment beyond financial support for Metis national, provincial and territorial institutions to Metis community institutions. This would not only ensure that Metis are treated equitably with other community-based Aboriginal groups, but would enable communities to become more involved in the overall implementation process. Extending assistance to community locals of Metis organizations would ensure the "incorporation of practical solutions to the complex issues of community based concerns" and would

bring the overall process into line with Minister McLellan's orientation expressed in Quebec City.

In short, the MNC seeks a commitment in the implementation process that it will assume a substantial share of institutional costs and an expansion of its current institutional funding policy.

Programs and Services

The MNC also believes that it is essential to develop a new federal policy relating to the financing of programs and services that are directly and indirectly targeted at Metis. A new policy is necessary to provide a more stable foundation for negotiations relating to the programs and services to be provided by Metis governments. In the Canada Round, the federal government agreed to assume its share of the net incremental program and delivery costs and to provide transfer payments to assist Metis institutions to establish similar types of programs and services as those enjoyed by other Aboriginal Peoples. The Metis also committed to share in the portion of the costs.

In the tripartite discussions to date, the federal policy has been only to discuss the financing of programs and services that fall within federal jurisdictional authority. The self imposed narrow view of its jurisdictional authority has been a convenient means to avoid fiscal commitments and has merely served to frustrate the negotiation process. The MNC believes that when it comes to negotiation of financing arrangements, the jurisdictional issue should be set aside and the federal government should recommit itself to assuming its share of programs and services to be provided by Metis governments. Such a policy would respect the fact that Metis people currently pay taxes to both the federal and provincial governments.

Nature of Financing and Accountability

Currently, Metis institutions rely on funding received from the federal government by way of "core funding", for ongoing operations, and "project funding", for certain research and policy development activities. Programs and services are generally directly delivered by federal and provincial government departments. Where Metis institutions serve as delivery agents of federal and provincial programs and services, these are accompanied by a wide range of ad hoc contribution and grant agreements with accountability for funds received to government departments rather than to Metis people themselves.

These current financial arrangements create many problems for both the federal government and Metis institutions. Moreover, they are inconsistent with, and in fact hamper, the evolution of Metis government. The results of recent audits, make it abundantly clear that there is a need to establish a new

financial relationship with the governments, one which leads to a coherent financial system, better management and accountability for the funding received from government, while at the same time making progress towards the development of Metis governance. These two objectives are not inconsistent, and in fact, are mutually reinforcing.

Metis seek to have these financial arrangements changed by moving to more global and longer term intergovernmental transfers in lock step with the implementation of increased accountability mechanisms for funds expended. Only through a restructured fiscal relationship will Metis governance become an operational reality. Accordingly, Metis seek to negotiate new intergovernmental funding mechanisms and to have these mechanisms entrenched in the implementation process.

6. Devolution of Governmental Responsibilities

The federal government has promised a new partnership with Aboriginal peoples and has committed itself to devolving programs and services to Aboriginal people. While this is the stated policy of the new government, the transfer of programs and services has yet to be implemented for Metis. Accordingly, the Metis seek to ensure that the federal government's commitment to devolution is incorporated in the new implementation policy.

Metis seek to have this policy apply to federal and provincial government programs and services of general application where Metis are disproportionately affected by those programs and services.

7. Metis Settlements and Metis in the Northwest Territories

The MNC recognizes the unique position of the Metis Settlements and the Metis in the Northwest Territories. In the Canada Round special provisions addressed these unique circumstances. Accordingly, the MNC will be seeking adoption of appropriate implementation processes for these two unique constituencies.

8. Representation of Metis Nation

The MNC believes that it is essential to recognize current Metis representative institutions in the new tripartite implementation framework. Recognition of Metis national, provincial and territorial representative organizations is viewed as an essential element in a coherent and rational tripartite process and is the best means to coordinate the implementation of negotiations that have a community focus. Too often in the past federal and provincial governments have avoided dealing with the real issues facing

Metis by taking piecemeal approaches and by-passing the established leadership in the Metis community.

The nature of Metis political organization and the approaches that Metis have consensually adopted within the Metis community as a whole makes tripartite negotiations with Metis provincial organizations a must. This is not to say that situations will not arise that will make it necessary for direct community representation. Clearly, Metis agree that tripartite negotiations require a community-based focus.

**Report to the
Métis National Council**

**Kananaskis Planning Session
July 27 - 29, 1994**

Report to the Métis National Council Kananaskis Planning Session: July 27 - 29, 1994

BACKGROUND: The Métis National Council, like most organizations today, is operating in a climate of constant and difficult change. This circumstance, when coupled with the history of the development of the MNC and the complexity of the tasks that confronts it, calls for the effective implementation of a series of strategic plans to guide it in the future. This planning process is an ongoing function of the staff of the MNC and is conducted as part of their normal activities. The ratification of the plans as developed from time to time is undertaken by the Executive and the General Assembly of the Métis National Council.

ENVIRONMENTAL SCAN: The development of such plans is affected by a number of factors. These include:

1. The number and complexity of the tasks that fall within the mandate of the MNC.
2. The primary task of the development of self-government for the Métis Nation requires the design and implementation of a substantial number of "governmental institutions" that must serve as the political structure and bureaucracy of a nation that encompasses a large number of individuals spread throughout Canada and the United States. There are very few models upon which to build these structures and far too little consensus between all the affected parties at the present time, as to what the final product should look like.

Consequently, the process of building the Métis Nation, by its very nature, must be a highly iterative one. Accordingly, it demands

operational environment limits the amount of detailed strategic planning that can be undertaken on specific activities of the Métis National Council.

3. Changes in elected officials (and sometimes bureaucrats) within the federal and provincial governments, that come about as a result of periodic elections, often slow-down or interrupt the process of negotiations on the establishment of a Métis self-government. At the very least, new officials must be briefed on the process to date. Furthermore, in some instances, newly elected officials and newly appointed bureaucrats may not share the viewpoint of the previous government or staff with regard to the establishment of Métis self-government and negotiations must "start all over again".
4. At the same time, elections of Métis politicians (and the change of staff within the provincial Métis organizations) can also influence the process of self-government and negotiations. Again, at the very least, new briefings may be required. Further to that, new Métis administrations may hold different opinions with regard to the establishment of a Métis Nation than did the previous administration. In those cases, internal negotiations must take place at the national level, before a united front can be presented to governments on the issues.
5. The basic and operational structure of the Métis National Council is evolving as new provincial organizations and groups within the Métis Nation attempt to find and/or establish their own place within the overall system. Given the constitution of the MNC, the Executive must deal with these issues on an ongoing basis. The decisions it takes on

various requests for representation can have a profound impact on the way the MNC conducts its business and implements its strategic plans.

6. The recent history of the Métis National Council has revolved primarily around constitutionally-related talks as undertaken within the context of the repatriation of the constitution; the Meech Lake Accord; and, the Charlottetown Accord. These events, because of their highly intensive and demanding nature, have preoccupied the staff and politicians of the Métis National Council on an almost continuous basis.

In the first instance, the need to negotiate the rights of the Métis Nation and its involvement in the constitutional talks placed great demands upon the organization and its leadership. Having successfully accomplished that task, it was then necessary to expand upon that work during the Charlottetown Accord negotiations. Then once that had been successfully done by the staff and politicians of the organization, it was then necessary to become intricately involved in the development and promotion of the Charlottetown Accord.

While the MNC was highly successful in these efforts, that success came at the cost of some of its ability to consolidate its own organization.

Consequently, the activities of the MNC, in large part for the last ten years, have been externally propelled. Demands placed upon it by outside parties and circumstances drove the internal agenda. They also helped to shape and consolidate the organization under a program that focused on "external opposition", rather than the one that revolved around building an organization from the grassroots level up. In that regard, the MNC was largely leadership and staff driven, as the organizations at the provincial level and the general membership rallied

around the need to promote the rights and interests of Métis people within a national debate.

Now that the constitutional debate has diminished (at least temporarily), the organization no longer has an all-consuming external focus that binds it together and it must strengthen its own internal mechanisms. This is a difficult task at this time, given the lack of a formal decision-making process that is based on the needs of the organization itself, rather than one that is focused on responding to outside influences.

7. It is also important to note that the Métis National Council has enjoyed much of the success it has achieved because of dedicated, forceful and dynamic leadership from its politicians and staff. The abilities of these individuals to promote the interests of the Métis Nation in a variety of circumstances have been instrumental to the establishment and survival of the organization. At the same time, the personalities and specific aspirations of these individuals have also influenced the direction of the MNC on specific issues. Accordingly, as the leadership changed from time to time, some priorities and approaches to different matters could change as well.
8. The various approaches to the implementation of self-government by the different provincial Federations can complicate the negotiations at a national level. As each Federation develops its own governing institutions and laws, the MNC will need to develop supporting mechanisms and ensure that the national approach complements and reinforces a wide variety of provincial approaches.
9. The report of the Royal Commission on Aboriginal Peoples which is expected in 1995 will capture and influence the "aboriginal agenda"

for a period of time. The recommendations of the Commission will take on a "life of their own" and will likely engender a wide ranging public debate on many crucial issues. The scope and outcomes of this debate, over which the MNC and the provincial Federation will have limited influence, may impact upon the basic objectives of the organizations and their relationship with other aboriginal organizations, the different levels of government and the general public.

10. It is likely that the period leading up to and immediately following the release of the Royal Commission's report may place additional demands upon the Executive and staff of the MNC. During that time, other activities may be delayed or postponed.

11. The absence of a formal, universally agreed upon definition as to who is Métis is a critical constraint on the ability to further define the Métis Nation and its governing mechanisms. Without being able to explicitly describe who will be the citizens of the Métis Nation who will fall under its jurisdiction, it is impossible to finalize its structure. Accordingly, there is a pressing need to formalize and complete registration and enumeration policies and programs.

At this time there does not appear to be unanimity as to who will enjoy the privileges and responsibilities of citizens of the Métis Nation. While work has been ongoing for some time with regard to the definition and enumeration of Métis citizens, there are still a number of outstanding issues and questions that require clarification and finalization before further progress can be made on a number of

different fronts. Ultimately, these decisions will profoundly impact upon the work of the Métis National Council.

This task takes on added importance in areas where new Métis groups and organizations are now forming such as with the newly emerged Métis in Labrador and the Métis Nation of Quebec organizations, which are part of the Native Council of Canada's Métis Confederacy. The emergence of these organizations outside of the MNC can be a complicating factor of some significance for the MNC if left unanswered.

12. It was noted by Mr. Chartier that the UN working group on Indigenous Population is finalizing a draft declaration on Rights of Indigenous People as part of their designation of the International Decade of the World's Indigenous People which begins December 10, 1994.

He also indicated that the World Council of Indigenous People's, North American Region, has a vacancy to which the MNC should consider appointing a person. (This position was filled by the NCC until recently and before that by the AFM.) In order for the Métis Nation to get consolidated status at the United Nations it must prove that it is international in scope, has had a constitution and being incorporated as an international organization for 3 years. Consequently, if this option is to be pursued, there will be a need to incorporate an international organization for that purpose.

MOVING TOWARDS SELF-GOVERNMENT: As with any strategic planning exercise, these environmental factors play a prominent role in identifying the issues of primary concern to an organization and the potential responses that it may develop to those issues.

In that context, it is important to note that the matter of self-government for Métis people is still very much an undefined institution and process in the minds of many individuals. In fact, there does not appear to be a clear definition within the different provincial federations comprising the MNC with regard to exactly what should be included in self-government and what the final institution would look like. This circumstance poses a very significant problem for the MNC in that a difference of opinion within the organization or an unclear vision as to what self-government will be makes it difficult to negotiate with outside parties who are expressing concerns about the lack of definition of self-government from their own perspectives.

The current federal government appears sympathetic to the notion of self-government for Métis people and will likely take an active role in attempting to establish at least some preliminary mechanisms to lead towards self-government if pressured to do so by the MNC.

Provincial governments vary in their approach to the issue of Métis self-government, but for the most part, at the present time, there are a number of "sympathetic" provincial governments that would be prepared to move towards the establishment of some limited forms of self-government as well.

The election of a significant number of members of the Reform Party to the Federal Parliament can be a significant complication. It is likely that at least members of the Reform Party will mount a very aggressive campaign in opposition toward any move to extending the rights of aboriginal people or the establishment of a self-government mechanism. They have the potential to rally the right-wing and many more centralist Canadians to their cause. A groundswell of momentum of this nature could dissuade the

Federal government and some provincial governments from pursuing their own agenda, unless there was a significant show of public support from more progressive Canadians.

MÉTIS NATIONAL COUNCIL MISSIONS STATEMENT: The current mission statement of the Métis National Council sets out a number of specific objectives. While there was not sufficient discussion of the actual mission statement at the Kananaskis meeting, it appears that on the basis of the lack of any substantive opposition to the specific goals, the general objectives are acceptable to the group that was present at that time. While the mission statement does not directly reference self-government, it is obvious that self-government is crucial to the implementation of the central goals of the organization as identified in the mission statement. Of course, it is not possible for the group to agree to the pursuit of self-government, given the reluctance of one of the primary provincial federations to do so.

THE KANANASKIS DECLARATION: The Kananaskis Declaration represents a compromise approach that was necessary to accommodate the diversity of opinion at the meeting; however, the vagueness of its wording was required to reach agreement limits its value as a directing force. Basically, while it reinforces the rights of the people of the Métis Nation, it stops at the broadest definition of those rights and leaves open the mechanism of enforcing them to the membership at the local, regional, provincial/territory and national levels of the Métis Nation. This approach will make it very difficult for a national organization to negotiate with the federal and provincial governments with regard to the specifics of Métis self-government.

Therefore, while the declaration was a very useful exercise in "buying some time" during which some differences of opinion between the representatives of the different provincial federations could be worked out, it does no more than that. It will be necessary to work out those differences of opinion before proceeding on a national basis with negotiations that include representatives of all the provincial federations on the matter of self-government.

ISSUES AS IDENTIFIED BY MR. CHARTIER: At the commencement of the meeting, Mr. Clem Chartier identified a number of issues and questions which he suggested the Métis National Council has to deal with. They are:

1. Who and where are the Métis? Would Métis individuals have dual citizenship? How would those persons who have attained treaty status under Bill C31 fit into the Métis Nation?
2. What geographic area would constitute the Métis Nation?
3. How would the homeland relate to that geographic area?
4. How many Métis are there?
5. How would they be enumerated? Would it be based on an actual count of individuals and statistical data combined or just on the head count alone? Would an enumeration be national in scope and implementation both, or would it be national in scope but implemented at a provincial level?
6. How would one test the allegiance of organizations to the Métis Nation? Would it be a requirement that in order to be an organization within the Métis Nation those groups could belong to only one national organization (government).
7. How would Métis organizations develop solidarity on different positions within the various forms before which the issues of concern of the Métis Nation are being reviewed?

8. How does one define the inherent right of self-government? Will the Métis Nation be one of three orders of government or will it be a public/non-ethnic government (or combination of both)?

9. What form would a Métis Nation International thrust take? Should the Métis Nation seek consultative status with the United Nations? How does it become more active with respect to international issues and forums?

10. What role would the Métis Nation play with respect to court cases and litigation regarding land rights, hunting, fishing, etc.? Should those cases be coordinated under the realm of the Métis Nation and should the Council participate more actively in test cases?

As well, the participants in the Kananaskis workshop identified a number of general and specific issues which they felt should be dealt with by the Métis National Council as a whole. They are:

1. What is the Métis Nation? This question would be answered by determining who would qualify as a citizen of the Métis Nation, along with agreement on the overall vision and specific values of the Métis Nation. That visions and values statement would ultimately be translated into a constitution, bylaws and vision statement of the Métis Nation in whatever form it ultimately takes.

2. What is the Métis National Council? This issue would be resolved by identifying the MNCs basic principles and values and then confirming an organization structure that allows the Council to apply those principles in the most efficient manner while remaining

true to the core values of the organization.

3. How do the individual members of the MNC (at the national and provincial levels) collectively rally around the vision and the activities of the organization? Of course, the first two steps in this process is identifying who would be a member of the Métis National Council and what are the visions and activities they will be expected to support. Once those two questions have been answered and a common approach is agreed upon, it will then be possible to develop mechanisms for support, input and ongoing involvement of individuals within the MNC.

4. The same question has to be asked with regard to the provincial federations and associations. Will they be expected to support all the positions of the Métis National Council, or will they be able to pick and choose their support of the MNC on the basis of specific issues? If they choose to support the MNC on a particular issue, it will then be necessary to determine how they can organize around that issue in support of the Council's and its own objectives. Again, the resolution of this question will depend upon the identification and agreement as to which associations actually make up the Métis National Council and what role different types of organizations will play within it. In this regard, it will be necessary to define mandates for different types of organizations and define their specific powers with respect to decision-making for and involvement in MNC activities.

5. As well, it will be important to determine how provincial and territorial federations and associations are accountable to, as well as autonomous of, the Métis National Council. As noted at the

workshop, the Prairie federations, as founding members of the MNC, enjoy special status. The scope of that status and any special privileges associated with it must be reconciled within the organization as a whole. This is especially important as new provincial and territorial associations seek membership in the MNC.

6. The final general issue that the group felt was important to resolve was to determine how the Métis National Council moved forward from the Kananaskis meeting with a common vision and a clear-cut agenda. Unfortunately, it was impossible to finalize that vision and agenda at the meeting, so this question remains one that will need to be answered in a more generic sense in the future.

ISSUES BROUGHT FORWARD BY WORKSHOP PARTICIPANTS: Throughout the workshop, participants identified a number of specific issues which they felt were important to consider. These included:

1. What is the inherent right of self-government, and in fact, should there even be self-government for the Métis Nation?
2. What form and content should the Métis National Council constitution take?
3. What specific means should be used to identify citizens of the Métis Nation?
4. What would be the mobility rights of members of the Métis Nation if they cross provincial borders?

5. What should be the role of the women's organizations within the Métis National Council?
6. How will the Métis Nation involve itself in international affairs?
7. What is the role of the Métis Senate and how should it structure its activities in the future?
8. Who should represent British Columbia within the Métis National Council?
9. What role should the MNC take in litigation of Métis' rights in the courts at the federal and provincial levels.

OUTCOMES OF THE KANANASKIS MEETING: While the Kananaskis meeting did allow for a thorough discussion of a number of outstanding issues, and did result in the Declaration which allowed the group to reconcile (albeit temporarily) the issue of how to pursue self-government; it failed to accomplish one of its major objectives of the validation of the mission statement of the Métis National Council and agreement upon specific actions to take in the near and longer-term future to lead the MNC to the attainment of its objectives. There were a number of reasons that prevented it from doing so.

1. There was not a clear understanding amongst all the participants in the meeting as to the purpose, objective and format of the meeting. While, in fact, the meeting's objectives were established by the executive of the MNC at its previous meeting, and the purpose of the meeting was clearly communicated by staff to participants in the Kananaskis?? Workshop, there was no real commitment to that purpose by a number of key participants at the workshop. Accordingly, it was not possible

to establish any real momentum towards the original goals of the meeting.

This problem was exacerbated by not relinquishing control of the meeting to the facilitator at its commencement. The situation created an ambiguity that was difficult to dispel with regard to why people were at the meeting, what was expected of them as part of the workshop and who was giving direction to the process.

2. The position of the recently elected executive of the Manitoba delegation ran somewhat contrary to the direction of the previous Manitoba administration and the MNC as a whole. Given that the difference of opinion revolved around the fundamental issue of self-government, this was an issue that required thorough discussion and consideration, before other matters could be even discussed, much less resolved. All parties should be credited for their willingness to address this issue in an open and thoughtful manner, and in the end it was resolved as much as could be hoped for due to the desire of all parties to listen to each other, understand everyone's individual and collective concerns, and work towards a reconciliation of opposing viewpoints. Notwithstanding that ultimate success, the time required to review and discuss the matter occupied a fair portion of the workshop. This created additional time constraints on an already heavy agenda.
3. In some instances, the wrong people were at the table. Or at the very least the types of decisions that were expected out of the meeting were impossible under the circumstances. The organizational structure of the Métis National Council gives significant decision-making powers to the founding partners of the MNC. Those powers carry with them considerable responsibilities.

At the Kananaskis meeting, decisions that can in reality only be taken by the executive members of the MNC were thrown open to the entire group which included non-elected representatives, groups seeking, but not yet having obtained, official recognition as members of the MNC, and groups representing opposing factions within a particular geographic area of the country.

While the inclusion of all these participants broadened the scope of the discussions and resulted in valuable insights and opinions, it did not lend itself to effective decision-making.

Participants brought differing expectations to the meeting and it was impossible to develop a common base of understanding as to what should be and what could be accomplished at the workshop. For that reason a clear direction was never established.

4. Different priorities brought different agendas to the meeting. A number of participants in the meeting sought very clear decisions as to the future involvement of their organizations within the Métis National Council. A planning workshop is not the forum to resolve those matters, but some parties were unwilling to let go of the issue and the group as a whole did not wish to limit any discussions. Therefore, control of the meeting was taken over from time to time by different parties who were pushing a particular agenda item. This circumstance prevented the establishment of the continuity that would be required to make a strategic plan exercise of this nature successful. As each group pursued its own priority issues, the focus of the meeting changed and it was impossible to build from the smaller, easier to take, decisions to the more complex discussions. Consequently, the meeting never moved

from one of a discussion of discreet issues to a review of inter-related issues within the context of a planning framework.

5. The lack of time for the workshop, coupled with the need to forego evening sessions in order to allow for informal discussions between the participants, was also a major factor in the lack of career resolutions on significant issues. Planning strategies for issues as complex as ones that confront MNC is a difficult process at the best of times. In most cases, in order to bring discussions to a head when such diverse opinions exist, it is necessary to "push the participants" as a means of forcing a decision. That pushing process involves long hours with definitive time lines by which time decisions should be taken. Neither circumstance existed at the Kananaskis Workshop.

Notwithstanding these obvious problems, the Kananaskis Workshop was not without some positive outcomes. At the very least, the divisive issue of whether or not to proceed with self-government was not allowed to split the group. As well, participants who brought a specific agenda to the table were usually allowed substantive opportunities to discuss that item with considerable input from all participants. Finally, some relationship building amongst the different parties took place.

OUTSTANDING ISSUES: However, the validation of the values and the mission statement of the MNC is still an outstanding matter. During the course of the discussion of those values and principles, many of the other outstanding matters will be considered. That process will lead to the refinement of the existing strategic and operational plans of the MNC.

One of the most important outcomes of that procedure should be the reaffirmation of the political commitment to a strategic plan that would then guide the organization through the next few turbulent years.

It is now up to the leadership and staff of the Métis National Council to determine if it wishes to pursue the strategic planning process and the resolution of those issues. If it decides to do so, the following process is recommended.

A three day planning workshop should be scheduled for the period immediately following the next annual assembly. The purpose of this workshop should be to develop a comprehensive framework for the strategic plan of the Métis National Council for the next year. That plan will address the general and specific issues as identified by participants at the Kananaskis workshop. While it would not be possible to resolve all those matters, a strategic plan should, at the very least, define the issues in detail and establish a process for their resolution over time.

There are basically two ways to go about organizing that proposed workshop.

1. delegate that organization to staff of the MNC and call upon them to conduct the sessions themselves; or
2. contract out the organization of and facilitation of the workshops to an independent body.

In either case, the following steps are recommended for the development of the workshop: a basic overview of the possible goals and format of the workshop should be prepared and reviewed with staff and the Executive of the MNC;

1. consultations should be held with the staff and elected leadership of the MNC to develop and gain commitment to the workshop agenda;
2. background briefing materials on the issues to be reviewed at the workshop should be prepared and circulated to staff and workshop participants at least three weeks previous to the dates of the workshop;

3. participants in the workshop should be asked to review the background materials and provide any comments they may have on the materials at least one week previous to the workshop being held;
4. facilitation of the actual workshop sessions;
5. a draft report on the workshop should be written and circulated to workshop participants for review and comment;
6. based on those comments, a final report should be prepared and reviewed with staff of the MNC; and,
7. that staff would then develop strategic plans from that report that would be presented to the Executive for their consideration, revision and approval.

CONCLUSION: The staff and the elected leadership of the Métis National Council have moved the organization forward through some extremely difficult and forbidding times through hard work, dedication to the goals and objectives of the Métis people and highly successful negotiations. For most of the past decade efforts have been focused on extremely demanding constitutional talks and ancillary activities. That situation has now changed and the organization has the opportunity to deal with some long standing issues within a more relaxed environment that allows for longer-term strategic planning.

That strategic planning process should follow a number of formal steps. They are:

1. Environmental Scan;
2. SWOT (strengths, weaknesses, opportunities, threats) Analysis;
3. Identification of Strategic Objectives (primary goals based on Mission Statement);
4. Resources Needs (human and financial) Analysis;
5. Identification of Specific Objectives (tasks needed to reach Strategic Objectives.)

6. Development of Functional Plans (individual workplans for each task); including:
 - confirmation of necessary human and financial resources;
 - assignments of specific responsibilities;
 - timelines;
 - milestones;
 - monitoring mechanisms; and,
 - contingency plans.
7. Evaluations; and
8. Learning and Sharing.

Many of the activities now being undertaken by the MNC at the staff level are being guided by plans that they have developed at the internal level. As well, much of the work required to complete steps one, two and three as listed above has been done. Accordingly, a large part of the proposed workshop would consist of reviewing the issues and recommended responses in the context of available resources so that the specific activities that the MNC would undertake in the next year could be prioritized according to their importance to the elected leadership and the capacity of the organization to carry out those tasks. That process of prioritization would encourage political commitment to the work of the staff and the elected leadership on behalf of the Métis National Council. It would also result in realistic objectives for that work and clear direction for the organization in the upcoming year.

Metis National Council

MEMORANDUM

TO: MNC Special Assembly Delegates
FROM: Marc LeClair
DATE: November 8, 1994
RE: Enumeration of the Metis Nation

Background

The establishment of an enumeration of the Metis Nation has been on the MNC political agenda since its inception. The MNC commenced detailed technical work on the methodology and costing of an enumeration process in 1993. In September 1993, the new government promised in its Red Book to "provide assistance to enumerate the Metis."

The following chronicles enumeration activities to date:

February 1994, Toronto—MNC obtains commitment from federal/provincial Native Affairs Ministers that enumeration is a priority area. Officials are tasked with responsibility to examine the issue.

May 1994, Quebec City—MNC tables six month workplan to conduct detailed methodology and costing for the conduct of an enumeration and the operation of a Metis Registry.

November 1994, Ottawa—MNC officials meet with federal/provincial officials to discuss methodology and costing. Federal/provincial officials agree to take the proposals back for further political direction.

The enclosures under this agenda item include:

- Metis Registry Act (prepared by MNC)
- Metis Enumeration and Registry Project
 - Cost Estimate (prepared by Statistics Canada)
 - Organization, Structure and Budget of Registry Office, Appeals Advocate and Appeal Board (prepared by RCGI)

Metis Registry Act

The Metis Registry Act provides a legal framework for the conduct of an enumeration and the establishment of a Registry Office. The legal framework incorporates the definition of Metis from the draft Constitution and sets out procedures for the registration process. You will note that the definition incorporates both self-identification and community acceptance as the primary criteria for defining who is Metis.

Metis Enumeration and Registry Project (Statistics Canada)

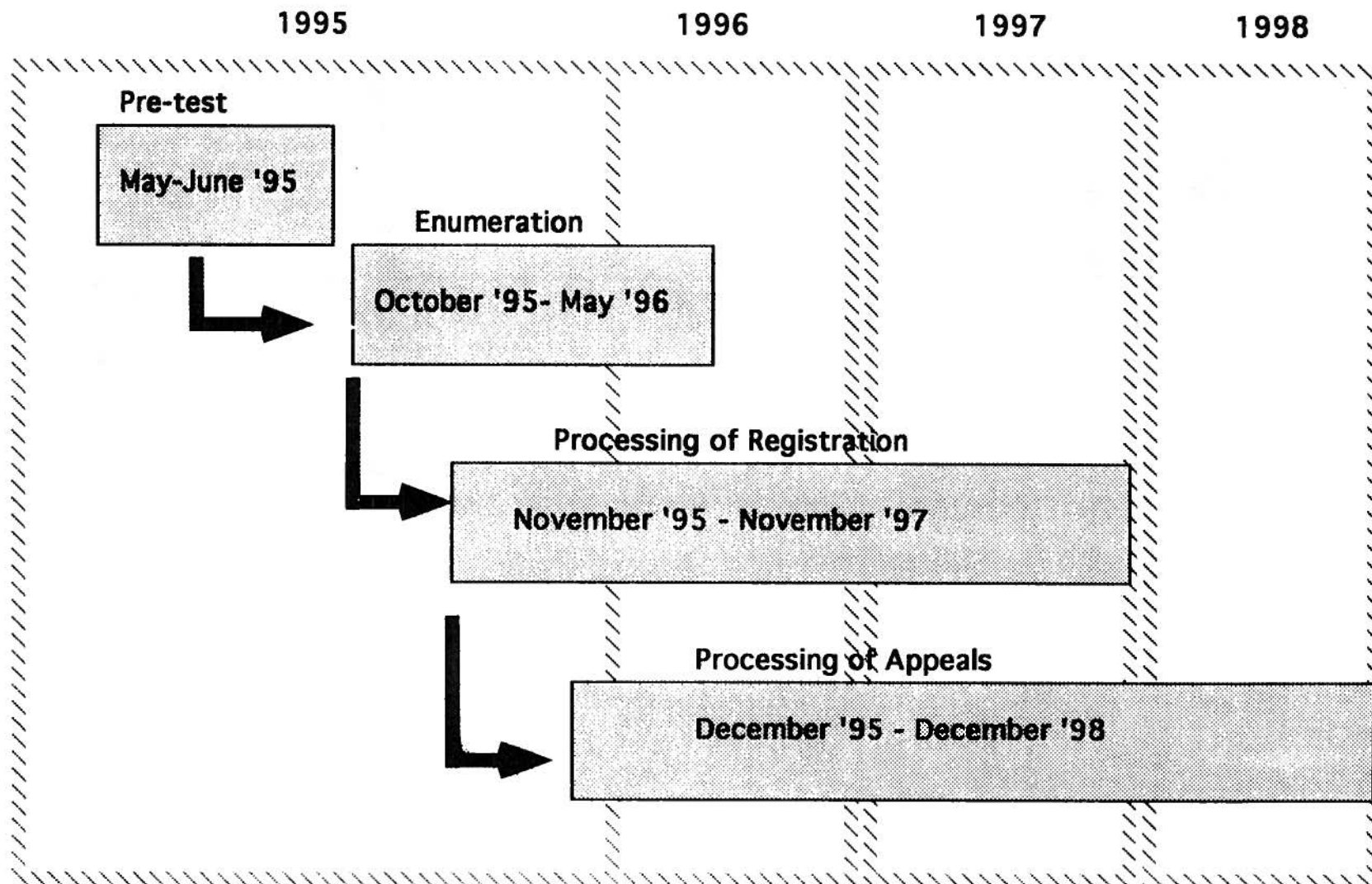
This document sets out the methodology to be employed in the conduct of the enumeration. You will note the exercise involves working from existing Metis organization lists and building upon those through the "snowball method". The overall effort is to be assisted through a communication effort including Metis community liaison workers.

Organization, Structure and Budget of Registry Office, Appeals Advocate and Appeal Board

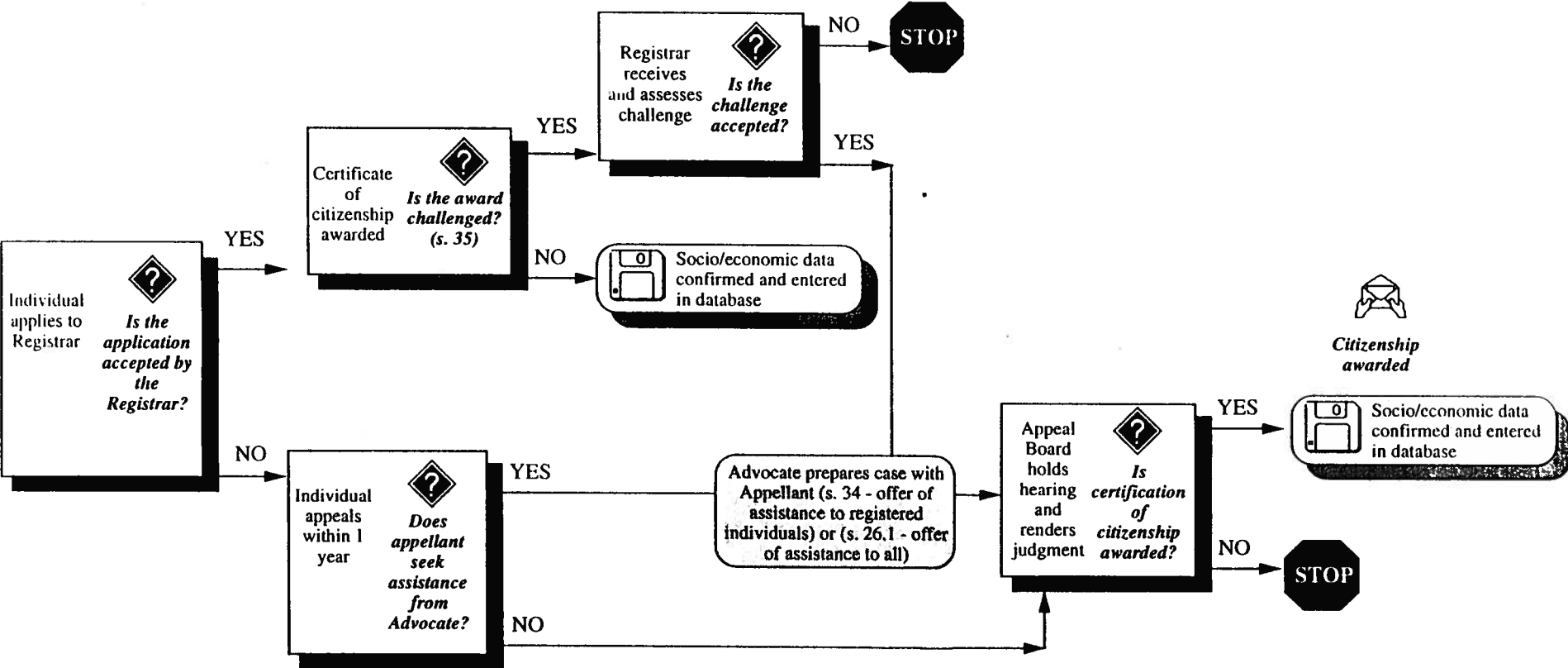
This document sets out the workings of the ongoing Metis Nation registry. Once the enumeration process identifies Metis individuals, the names and data will be forwarded to the Metis Nation Registrar who will process the application and add the name to the Registry. The procedure to be followed in the registration process is set out in the Registry Act.

Attached you will also find some of the flow charts for this process.

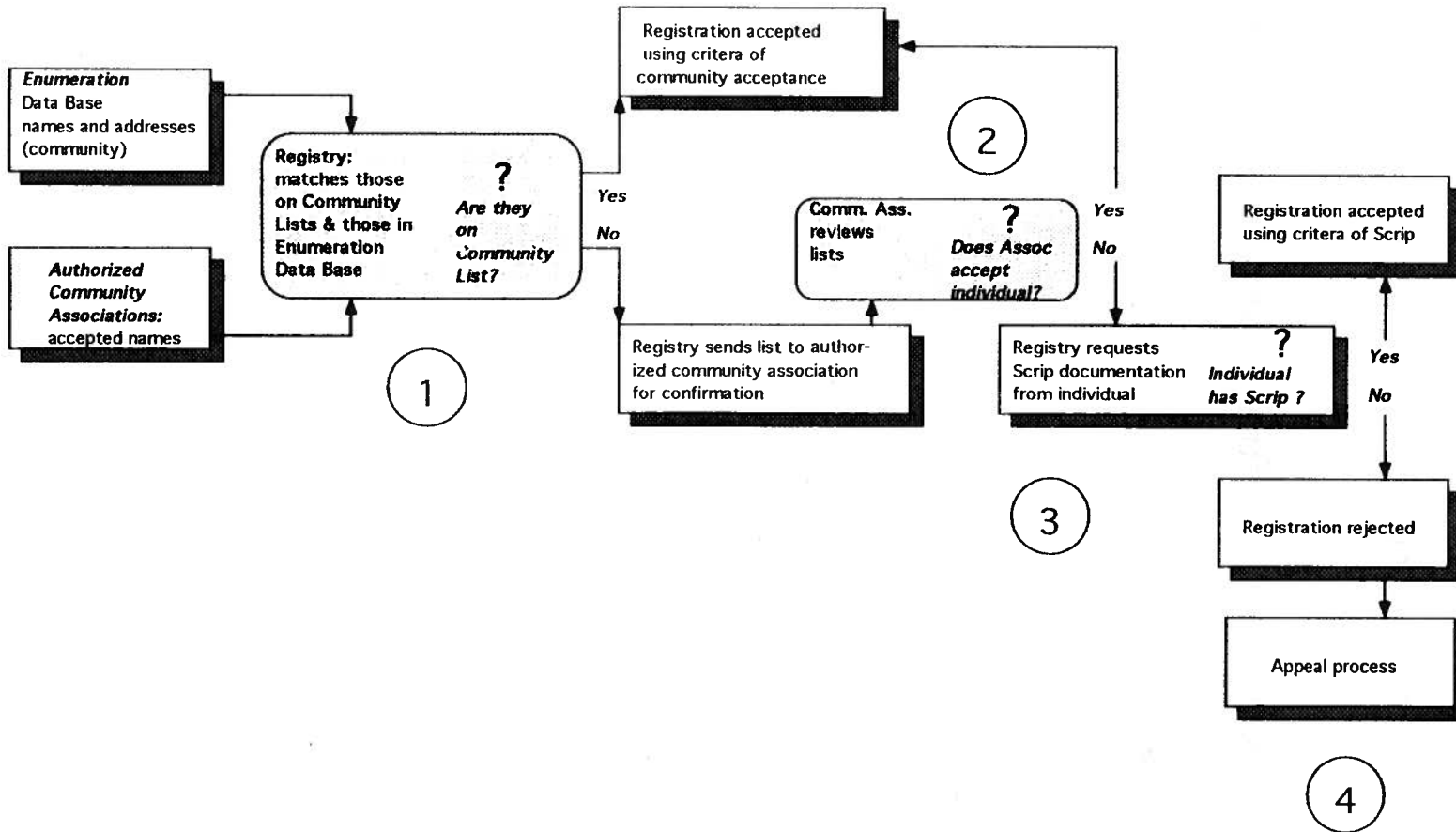
Projected Schedule of Métis Enumeration and Registration



The Functioning of the Registration and Appeal Process



Checks and Balances in the Registration Process



GLOBAL BUDGET

Costs of Enumeration \$4,010,000

Costs of Registry (four years) \$6,554,000

Total **\$10,564,000**

MÉTIS NATIONAL COUNCIL

METIS REGISTRY ACT

DRAFT

AUGUST 23, 1994

FOR DISCUSSION PURPOSES ONLY

Preamble

WHEREAS the Metis Nation believes the preservation of Metis identity is of fundamental importance to the maintenance and development of Metis culture;

AND WHEREAS the Metis people have the collective and individual right to maintain and develop their unique culture and identity, including the right to identify themselves as Aboriginal or Indigenous;

AND WHEREAS the Metis Nation possesses the inherent right within the Canadian Federation to define its own citizens including the establishment of rules of law to maintain a current Registry of Metis People;

AND WHEREAS the Métis Nation desires that fair and consistent rules governing the identification of its people be established in Law;

NOW THEREFORE the Métis Nation Parliament enacts the following Law:

Title

1. This Law may be cited as the *Métis Nation Registry Law*.

Definitions

2. In this Law, the following definitions apply:

"Appeals Advocate Office" means the office established under this Law to assist persons in making appeals to the Appeal Board;

"Appeal Board" means the board established under this Law to hear appeals from the Registrar;

"authorized Métis organization" means a provincial, territorial or local Métis association listed in Schedule I;

"child" includes a child adopted or a child born out of wedlock;

"Minister" means such member of the Métis National Council as is given responsibility for this Law;

"registered" means registered as a Métis under this Law;

"Registrar" means the Registrar appointed under this Law to administer the registry system and this Law.

"Aboriginal people" includes the people recognized in Section 35 of the *Constitution Act, 1982*.

Entitlement to Registration

3. A person is entitled to be registered as a Métis if the person is an Aboriginal person who identifies himself or herself as Métis, who is distinct from an Indian or Inuit, and

- (a) the person is a descendant of a Métis who received, or who was entitled to receive, a land grant or Scrip grant under the *Manitoba Act, 1870* or under the *Dominion Lands Acts* as enacted from time to time; or
- (b) the person is recognized as a Métis by an authorized Métis community organization in accordance with this Law.

Community Recognition

4. (1) An authorized Métis organization shall recognize a person as Métis if the person can produce historical records denoting the person as coming from a Metis community and only if the person complies with one or more of the following standards:

- (a) the person must normally reside within the community or jurisdiction represented by the organization;
- (b) the person must have expressly held themselves out to be Métis in the community or jurisdiction;
- (c) the person is active in the Metis community or jurisdiction.

(2) The authorized Metis organization must make its decision impartially and in good faith.

(3) The authorized Metis organization must issue a document in Form ___ recognizing the person.

(4) An authorized Métis organization may recognize a person as a Métis if it receives an affidavit, from a Metis deponent who is not a immediate relative of the person, attesting that the deponent personally

knows the person to be recognized and personally knows that the person has held himself or herself out to be a Métis.

Registration Process

5. (1) A person who wishes to be registered as a Métis may apply to the Registrar in Form _____ and in the manner established by the Registrar.

(2) The parent or guardian of a child under 18 years of age may apply for registration on behalf of the child.

(3) The guardian of a person who is under a mental or legal disability may apply for registration on behalf of the person.

(4) No person is obliged to apply for registration.

6. (1) In the case of an application for registration on the basis of para. 3 (a), the applicant must provide historic or genealogical evidence, such as the records or documents of a government, church or community, to show that the person is a descendant of a Métis referred to in that paragraph.

(2) In the case of an application for registration on the basis of paragraph 3 (b), the applicant must provide a copy of the document of recognition issued by the authorized Métis organization.

7. The Registrar shall review applications for registration and shall register a person as a Métis only if

- (a) the person is entitled to be registered as a Métis; and
- (b) the application is properly made.

8. (1) The Registrar shall, on request, issue a certificate attesting that a person who is registered shall be recognized as being a Métis for all purposes.

(2) The certificate shall be in Form ____.

9. During the [four] year period following the coming into force of this Law, the Registrar shall establish and implement a process to seek out and encourage the registration of all persons who are entitled to be registered as Métis.

Voluntary Deregistration

10. (1) A person who is registered as a Métis may, at any time, request to be deregistered.
- (2) The Registrar shall deregister a person who, by written request, declares that he or she no longer wishes to be registered as Métis.
- (3) Deregistration under this section is provisional for a period of one year during which time the person may reinstate his or her registration by written request to the Registrar.
- (4) A person who has deregistered may reapply for registration.

Registry System

11. The Registrar shall maintain a uniform system for the registration of the people of the Metis Nation.

12. (1) The following minimum information about a registered Métis shall be included in the registry system:

- (a) the person's name;
- (b) the person's address or place of residence;
- (c) the person's date of birth;
- (d) the person's marital status and the name of any spouse;
- (e) the names and dates of birth of any children of the person;
- (f) the other information submitted in support of the person's application for registration; and
- (g) such genealogical information about the person as may exist.

(2) The Registrar may collect and register additional demographic information about registered Métis.

13. Metis who make a written request at the registrar's office may have access only to the names of the persons who are registered as Métis.

14. The Registrar shall cause the registry system to be kept safely by administrative, physical and technological safeguards that are reasonable and consistent with this Law.

15. The Registrar may enter into agreements with the government of a province or territory or with the government of Canada respecting the collection and exchange of information for the better functioning of the registry system but may not disclose confidential information without the consent of the registrant.

Registry Office

16. (1) There is hereby established the Registry Office, consisting of
- (a) the Registrar;
 - (b) Deputy Registrars in each province or territory;
 - (c) and the staff of the Registry Office.
- (2) The Registry Office is separate and independent from the public service of the Métis Nation but the members of the Registry Office may be considered to be members of the public service for the purpose of employment benefits.
- (3) The Registry Office shall act impartially and in good faith in the exercise of its functions.
17. (1) The Registrar shall be appointed by the Assembly of the Métis Nation.
- (2) The Registrar shall hold office for a term of five years.
 - (3) The Registrar may be removed from office only by the Métis National Council for cause.
 - (4) The Registrar may be re-appointed.
18. (1) The Registrar shall appoint an Assistant Registrar and such other expert, technical and clerical staff to the Registry Office as is required for the proper operation of this Law.
- (2) The Assistant Registrar shall hold office for a term of three years.

Functions of the Registrar

19. (1) The Registrar, in addition to any other function set out in this Law, is responsible for

- (a) maintaining the registry system;
- (b) administering this Law;
- (c) reviewing applications and deciding whether a person is entitled to be registered or not;
- (d) making decisions on the voluntary deregistration of individuals;
- (e) reviewing objections to the registration of individuals and deciding whether there are sufficient grounds to justify a hearing on the issue;
- (f) ensuring that the relevant files are provided to the Appeal Board in cases of objections or appeals;
- (g) recommending to the Minister plans and budgets relating to this Law; and
- (h) managing the staff of the Registry Office.

(2) The Registrar may delegate his or her functions to the Assistant Registrar.

20. (1) The Registrar shall have a seal of office.

(2) The seal of office may be reproduced by the Registrar in any manner and has the same effect whether it is manually applied or otherwise reproduced.

21. The Registrar shall communicate with the Métis National Council through an Executive Member appointed for this purpose.

Appeals Board

22. (1) An Appeal Board is hereby established to hear and resolve
- (a) objections to the registration of a person; and
 - (b) appeals from a decision of the Registrar not to register a person.
- (2) The Appeal Board shall be composed of seven panels with each panel being composed of three members.
- (3) The members of the Appeal Board must be respected members of the Métis Nation.
- (4) The panels of the Appeal Board shall be appointed as follows:
- (a) one panel shall be appointed by the authorized Métis organization representing the Northwest Territories;
 - (b) one panel shall be appointed by the authorized Métis organization representing British Columbia;
 - (c) one panel shall be appointed by the authorized Métis organization representing Ontario;
 - (d) one panel shall be appointed by the authorized Métis organization representing Alberta;
 - (e) one panel shall be appointed by the authorized Métis organization representing Saskatchewan; and
 - (f) one panel shall be appointed by the authorized Métis organization representing Manitoba.
23. (1) Each member of the Appeal Board shall hold office during good behaviour for a term of three years, but may be removed for cause by the authorized Métis organization that recommended the appointment.
- (2) A member of the Appeal Board shall hold office on a part-time basis.
 - (3) A member whose term expires may be re-appointed.
 - (4) The Metis National Council shall designate one member of the Appeal Board to be the Chairperson of the Appeal Board.

- (5) The Appeal Board shall have an official seal, which shall be judicially noticed.

Appeals Advocate Office

24. (1) The Appeals Advocate Office is hereby established to assist persons in making appeals to the Appeal Board.

(2) The members of the Appeal Advocate Office shall be appointed by the Métis National Council.

25. (1) The Appeals Advocate Office is separate and independent from both the Registry Office and the public service of the Métis Nation, but the members of the Appeals Advocate Office may be considered to be members of the public service for the purpose of employment benefits.

(2) The Appeals Advocate Office shall act impartially and in good faith in the exercise of its functions.

26. (1) The Appeals Advocate Office shall offer its assistance free of charge to appellants.

(2) An appellant is not obliged to use the services of the Appeals Advocate Office.

Objections to Registration

27. (1) Any registered person may object to the registration of a person because the person is not entitled to be registered.

(2) A person who wishes to make an objection to the registration of a person shall send a written objection to the Registrar.

(3) The written objection shall

(a) identify the person making the objection and set out the person's address and telephone number;

- (b) state the name of the person being objected to and the grounds of the objection; and
 - (c) be dated and signed by the person making the objection.
- (4) No member of the Registry Office, the Appeals Advocate Office or the Appeals Board may make an objection under this section.

28. Any person objecting to the registration of a person has the burden of proving that the person is not entitled to be registered.

29. A person shall not be deregistered by reason only that his or her membership in an authorized Métis organization was suspended, terminated or canceled.

30. (1) The Registrar shall review each objection and determine whether there are sufficient grounds to justify the Appeal Board hearing the particular case.

(2) The Registrar shall reject any objection that is frivolous or vexatious.

(3) Where a objection to the registration of a person has been made, the Registrar shall notify the person of the objection, the grounds of the objection and, where applicable, the evidence necessary to meet the objection.

(4) If the Registrar believes there are sufficient grounds to justify a hearing on an objection, the Registrar shall send the relevant file to the Appeals Board for a hearing.

31. Any person whose registration is being objected to shall be given a reasonable opportunity to make representations in the case.

Request for an Appeal Hearing

32. (1) A person who claims to be entitled to be registered but who was refused registration by the Registrar may request an appeal hearing before the Appeal Board.

(2) A person who wishes to request an appeal shall send a written request to the Appeal Board.

(3) The written request shall

- (a) identify the person making the appeal and set out the person's address and telephone number;
- (b) state the grounds of the appeal; and
- (c) be dated and signed by the person making the request.

33. The Appeals Board Office shall review each request for an appeal hearing and determine whether there are sufficient grounds to justify an appeal hearing in the particular case.

34. If the Appeals Board Office believes there are sufficient grounds to justify an appeal hearing, the Office shall

- (a) send the case to the Appeals Board for a hearing; and
- (b) provide notice to the appellant of the assistance of the Appeals Advocate services in making his or her appeal to the Appeal Board.

35. No person may refer a matter or dispute to the Appeal Board regarding a decision, act or omission of the Registrar later than one year after the day the decision, act or omission was made.

Hearings Before the Appeal Board

36. (1) The procedure for the hearing of objections and appeals by the Appeal Board shall be made and determined in accordance with such rules of procedure as may be established by the Appeal Board.

(2) The time and place of a hearing shall be determined by the President of the Appeals Board.

37. Each panel has jurisdiction for hearing objections or appeals arising within the province or territory that it represents.

38. (1) A panel of the Appeals Board shall

(a) consider each objection or appeal referred to it on the basis of the file and the submissions of the parties; and

(b) determine whether the person should be deregistered or registered, as the case may be.

(2) An appeal from the Registrar's decision not to register a person shall be by way of a new hearing on the merits and the Board may hear new evidence.

39. (1) The Appeal Board shall decide any matter referred to it on the basis of an oral hearing, unless the parties agree that the decision be made on the basis of written submissions only.

(2) The Appeal Board may, with the consent of the parties, resolve any matter by any customary method of resolving disputes.

(3) The Appeal Board may determine the admissibility, relevance and weight of evidence in proceedings before it.

(4) The Appeal Board has, as regards the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.

40. (1) The decision of a panel of the Appeal Board in a matter is a decision of the Appeal Board.

- (2) The Appeal Board may appoint a person to inquire into and report on any matter before making a decision on it.
- (3) The Appeal Board shall sit and determine proceedings before it with an odd number of members.
41. A decision of the majority of the members conducting a hearing is a decision of the Appeal Board.
42. (1) Decisions of the Appeal Board must be in writing, signed by the person chairing the hearing or by an officer designated by the Board to do so.
- (2) The Appeal Board may give reasons for its decision, and shall do so if a party to the proceedings requests them before, or within 14 days after, the date of its decision.
- (3) A decision of the Appeal Board, or the reasons for a decision, purporting to be signed by a person chairing the hearing or by an officer designated to sign it is admissible as evidence of the decision without proof of the appointment of those persons or their signatures.
- (4) The Appeal Board shall send copies of its decision to the parties and to other persons that it considers to be directly affected by the decision.
43. The Registrar shall take whatever steps are necessary to implement the decision of the Appeals Board.
44. Every order or decision of the Appeal Board is final and binding and is not subject to further appeal.
45. The decisions of the Appeal Board are subject to judicial review for breach of fundamental justice.

Confidentiality of Information

46. (1) Every member of the Registry Office and the Appeals Advocate Office shall keep the information obtained under this Law about an individual confidential.

(2) No member of the Registry Office or the Appeals Advocate Office shall, unless authorized under this Law,

- (a) communicate, or allow to be communicated, to any person any information obtained under this Law; or
- (b) allow any person to inspect or have access to any records containing information obtained under this Law.

(3) The following releases of information are authorized:

- (a) the publication or provision of information of a general statistical nature that does not disclose information about an individual;
- (b) the publication or provision of information about an individual with the written consent of the individual; and
- (c) the publication or provision of the name of an individual who is registered.

47. The Registrar may collect, collate, publish and distribute such statistical information regarding registered Métis as he or she may consider to be necessary or advisable in the interests of the Métis Nation.

Offences

48. It is an offence for a person to furnish false information in an application for registration.

49. It is an offence for a member of the Registry Office or Appeals Advocate Office to breach the duty of confidentiality.

Annual Report

50. (1) Within 60 days following the end of each calendar year, the Registrar shall deliver a report to the Minister, for submission to the Métis Nation Parliament on the work of the Registry Office for that year.

(2) A copy of the Registrar's report shall be laid before each House of the Métis Nation Parliament within the first 15 sitting days of that House after the Minister receives it.

Other Provisions

51. The members of the Registry Office, Appeals Advocate Office or the Appeal Board or a person acting on their behalf

- (a) is not personally liable for anything done or intended in good faith to be done in the exercise or purported exercise of a power or duty under this Law; and
- (b) is not required to give evidence, in a civil action to which the member or person is not a party, respecting anything done in the exercise of such a power or duty.

52. The members of the Registry Office, Appeals Advocate Office or the Appeal Board shall, before taking office, take an oath of office, in Form ___ before a Senator or Elder of the Métis Nation.

53. The remuneration and employment benefits of the members of the Registry Office, Appeals Advocate Office and the Appeals Board shall be established by the Métis National Council.

54. The time limits in this Law for the doing of anything may be waived on consent.

Coming into Force

55. This Law shall come into force on _____.

SCHEDULE I
LIST OF AUTHORIZED MÉTIS ORGANIZATIONS

SCHEDULE II

FORMS

Note: Other forms to be developed.

OATH OF OFFICE

I,, do solemnly swear/affirm that I will faithfully and honestly fulfill my duties under the Métis Nation Registry Law and that I will keep information obtained in the course of my duties under this Law about an individual confidential.

**Métis Enumeration
and
Registry Project
- Cost Estimate**

*Prepared for the Métis National Council
by Statistics Canada*

NOTE: The errata reported at the November 2, 1994 meeting of the technical group have been corrected in the version of the report. As well, the table showing the pro rated costs has been amended to show cost pro rated by ancestry and identity for both the enumeration project and the operations of the Registry.
BJW.

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INTRODUCTION

The purpose of this document is to provide detailed cost estimates for the Métis Enumeration and Registry Project. This document is based on the earlier report prepared by Statistics Canada titled "Métis Enumeration and Registry Project" dated August 24, 1994. Like the earlier document, this one is predicated on a series of working assumptions. These will again be highlighted in the text. The working assumptions remain essentially unchanged with two notable exceptions. In the discussion following the original report, it was suggested that the collection of a bare minimum of data (tombstone data) should be considered. Costs will be presented in this report for both a larger survey as initially suggested and a minimal questionnaire. Secondly, the communications plan has been amended to include a community liaison programme. This is intended to address concerns about adequate local communications. Changes in the text from the August 24, 1994 document and new text are shaded for easy reference.

1 TECHNICAL INFRASTRUCTURE AND COLLECTION OPERATIONS FOR CREATION OF REGISTRY AND DATABASE

1.1 Hardware

Working Assumption

- 1) The hardware must support data processing activities for both the creation of the Registry and Database and the on-going administration of both.

The recommended equipment, an IBM PS 6000 model 530, will have the capacity to accommodate both initial collection activities and on-going administration of the Registry and Database without the need for upgrades. The hardware that should be acquired is as follows:

<u>Item</u>	
IBM RS6000 Model 530	1
9600 PBS Modem	7
Ethernet Card	1
X.25 TCP/IP Gateway	1
Ethernet Hub	1
Transceiver	1
UPS	1
LAN Administrator	1
Workstation	8
Laser Printer	16
Workstations	6
Bar Code Scanners	

The cost of this hardware configuration is \$199,000.

1.2 Software

Working Assumptions

- 1) As with the hardware, the software acquired must support both initial collection activities and future administrative requirements.

The relational database management system recommended is Oracle. Licenses for development and run-time versions will be i.e. required. Additionally, office automation tools will be needed (word processing software, spread sheet software, etc.) The software to be acquired is as follows:

Item	
ORACLE Database System (8 user)	1
ORACLE Front End Dev. License	2
ORACLE Run Time License (8 user)	1
Office Automation Tools	16

Total software costs will be \$37,000. This is a fixed cost.

1.3 Systems Development

Working Assumptions

1. Total volume of membership lists will be 47,000 names and addresses.
2. Membership lists will contain a minimum of full name and mailing address.
3. Membership lists will not be machine readable.
4. Membership lists are representative of the Métis population and there are no large pockets of the Métis population that are not included on the Mailing List.
5. All participants in the creation of the membership lists (i.e. the various Métis organizations) will be advised of the format and content of the expected membership lists.
6. The enumeration questionnaire will be distributed on the basis of one per household.
7. Unduplication, evaluation and adjustment of the Mailing List will be a centralized operation.
8. Verification of data entry will provide quality control of this phase of the operation.

9. This keying of the list will occur in Head Office.
10. Referrals will contain at a minimum full name and mailing address.
11. After unduplication each M.E.Q. will yield 2.5 Referrals.
12. Only family members residing at the same postal address will be listed on the M.E.Q.
13. Family members not residing at the same postal address can only be listed as Referrals.
14. Relationship to the respondent will be collected for family members residing at the same postal address.
15. Unduplication, evaluation and adjustment of the Mailing List will be a centralized operation.
16. The volume of socio economic data collected will either be similar to that collected on a Census 2B questionnaire, or minimal (tombstone) data.
17. Verification will provide quality control of the keying.
18. This phase will occur in the regional sites.
19. The costs presented here are based on the development work being done by a staff manager and staff programmers. Costs could be reduced by contracting this activity out.
20. All systems development work must be completed prior to the pilot test.

The systems development work will require 6-8 months to complete and test thoroughly before proceeding to the pilot survey. The total costs of systems development is \$185,000. This is a fixed cost.

1.4 Collection Operations

Working Assumptions

- 1) A pre-test of this survey is crucial to the ultimate success of the project.
- 2) Each questionnaire will net 2.5 referrals.

- 3) The overall response for each wave will be 60%.
- 4) People are willing and able to provide the names and addresses of other Métis.

This plan reflects a collection operation carried out concurrently in the five provinces and the Northwest Territories.

The table titled "Anticipated Volumes - Waves 1, 2, and 3" in the August 24, 1994 document expresses the expected workloads in terms of individuals (names). Since the M.E.Q. will be completed at the household level, the actual number of questionnaires will be lower. The following table reflects expected volumes at the household or questionnaire level.

**ANTICIPATED VOLUMES
(HOUSEHOLDS)**

	WAVE 1	WAVE 2	WAVE 3	TOTALS
Primary Mailout	35000	31500	28350	94,850
Thank You	35000	31500	28350	94,850
Initial Response	14000	12600	11340	37,940
1st Reminder	21000	18900	17010	56,910
Interim Response	19250	17325	15593	52,168
2nd Reminder	15750	14175	12757	42,682
Final Response	21000	18900	17010	56,910

1.4.1 Sequence of Collection and Related Activities

This plan and estimate is predicated on evaluation and collection activities occurring in the following sequence:

- Preparation of initial mail list
- Evaluation of initial mail list
- Coverage improvement initiatives (as required)
- Pilot Survey
- Evaluation of Pilot Survey

- Main Survey -Wave 1
 -Wave 2
 -Wave 3
- Creation of working Registry and Database

1.4.2 Preparation of Initial Mailing List

Working Assumptions

1. Total volume of membership lists will be 47,000 names and addresses.
2. Membership lists will contain a minimum of full name and mailing address.
3. Membership lists will not be machine readable.
4. Membership lists are representative of the Métis population and there are no large pockets of the Métis population that are not included on the Mailing List.
5. All participants in the creation of the membership lists will be advised of the format and content of the expected membership lists.
6. The enumeration questionnaire will be distributed on the basis of one per household.
7. Unduplication, evaluation and adjustment of the Mailing List will be a centralized operation.
8. Verification of data entry will provide quality control of this phase of the operation.
9. This keying of the list will occur in Head Office.

After unduplicating for both individuals and households there will be 35,000 households in the initial mailing.

Cost \$36,000

This includes the manual preparation of the association lists, keying and unduplicating.

1.4.3 Evaluation of Lists

The lists must be reviewed to ensure that all areas of each province/territory are represented and that there are no significant pockets of Métis missing from the lists.

Cost \$14,000

1.4.4 Coverage Improvement Initiatives

If the evaluation of the list uncovers deficiencies, then it will be necessary to undertake some initiative to improve the lists in the identified areas. This may take several different forms.

For example, the Métis association locals in and around the area concerned may be re-contacted to determine if there are additional sources of names such as social organizations, sports leagues, etc. A membership drive could be considered in the area in question. Or alternately a very targetted media campaign could be mounted in the area to improve the lists.

Cost \$20,000

(NOTE: This is a very rough estimate. Until the lists are thoroughly evaluated the need for any coverage improvement activity will be unknown.)

1.4.5 Pilot Survey

The Pilot Survey is described in Section 2.2. Cost estimates are included in that section.

1.4.6 Data Collection Waves 1, 2, and 3

This estimate includes supplies, printing, postage, clerical preparation, keying and unduplication of the file following waves 1, 2 and 3.

Estimates	
2B data	724,000
Tombstone data	558,000

2 MÉTIS ENUMERATION QUESTIONNAIRE (M.E.Q.)

Cost Working Assumptions

- 1) The M.E.Q. will either be similar in size (keystrokes) and content (questions) to a Census 2B or it will collect minimal (tombstone) data only, equal to 100 keystrokes.
- 2) The M.E.Q. will contain a question(s) that will serve to tentatively identify Métis, or at least to start the identification process.
- 3) After unduplication, each M.E.Q. will yield 2.5 referrals.
- 4) The final response rate will be 60%.
- 5) The M.E.Q. will be distributed on the basis of one per household. This means that the membership list will be processed to remove family members from the same house.
- 6) The M.E.Q. will be designed to allow for the listing of all members of the household.
- 7) The M.E.Q. will collect data on family relationships within the household only.

2.1 Qualitative study of questionnaire (MEQ)

In order to evaluate the questionnaire that will be used for the project, it is proposed that a two-stage process be adopted. The first stage will be a qualitative study based on the in-depth interview method. What this will involve is, on the basis of a small sample of respondents from the target population, simulating the conditions under which the questionnaire is to be answered (self-enumeration) and discussing with the persons selected any problems that they had in completing the questionnaire.

We propose to select a sample of 50 persons from the initial list and conduct in-depth interviews in two sites in Canada, selected on the basis of their proximity to the places where Métis populations are concentrated. The interviews should be conducted by project team members who have experience with the design and evaluation of questionnaires. If this proves to be impossible, several consulting groups in Canada are specialized in this type of study (naturally the evaluation costs would then be greatly increased).

This type of evaluation allows for assessing the wording of the questions and the response choices and for identifying the problems encountered with various

concepts or terms used in the questionnaire. Other elements that can be evaluated are the response burden, the precision and exactness of the responses given, the average time to complete the questionnaire, the ordering and presentation of the questions in the questionnaire, the materials that will accompany the questionnaire and the appropriateness of the collection method proposed.

The expected cost of this activity is approximately \$5,000. This covers preparation of the materials, rental of premises for the interviews, the participants' expenses and possibly their fees, as well as the expenses of project team members. These costs could reach between \$10,000 and \$15,000 should it be necessary to contract the study out to a private firm.

2.2 Pilot Survey

The objective of the pilot survey is to replicate the survey project on a small scale in order to test out its various components and the way they interrelate.

In the specific case of the Métis Enumeration Project, the proposal is to select a sample of respondents from the initial list (as corrected) and then go through all the collection and processing stages of the first wave of the project. This study should make it possible to evaluate a number of elements, including the following:

- various working assumptions underlying the project, in particular the response rate, the number of follow-ups needed to obtain an acceptable response rate, the ability and willingness of the persons contacted to provide the information requested, and the average number of references supplied by respondents;
- the initial sample frame of the survey;
- the survey questionnaire;
- the data processing system;
- the computerized matching system for eliminating duplications;
- the resources earmarked for the project.

The recommended sample is 2,000 persons, and it should be distributed as follows (if the numbers on the initial list allow)

Ontario	300
Manitoba	500
Saskatchewan	400
Alberta	500
B.C.	200
N.W.T.	100

Given an expected response rate of 60%, the sample should yield 1,200 respondents.

Assuming a unit cost of \$17.50, it is expected that the pilot survey operations would cost approximately \$35,000. The design, development and management of the test as well as the analysis of the results should require an additional \$25,000. The total cost of the Pilot Study is \$97,000.

3 COMMUNICATIONS PLAN

Background

A private sector organization will be contracted to undertake the enumeration. The frame (Mailing List) for this data collection operation will be derived from membership lists of various national, provincial and territorial Métis organizations. This approach assumes the people already on the lists of such organizations are willing and able to provide the names and addresses of other Métis in their community.

There are two critical assumptions that underlie this survey. The first is the anticipated response rate. Response rates for mailback household surveys are typically in the 30-40% range. Using proactive communications techniques and an aggressive follow-up strategy, it is hoped that response rate can be boosted to 60%. The second is that it is intended that each individual in each of the first two mailouts will produce additional names and addresses for subsequent contact.

Each respondent will receive three separate mailings. The first will include the Métis Enumeration Questionnaire (M.E.Q.), an introductory letter and promotional material. A second mailing sent five days after the first will include a general thank you/reminder card. Two weeks after the first mailout, a final follow-up letter will be sent, including a second M.E.Q.

Because it is hoped that people will call seeking to be included in the mailout, it will be necessary to establish a telephone assistance service. One of its responsibilities will be to check to re-inforce the message with respondents that a Métis Registry is a positive development for their cultural survival.

Target Audiences

- Métis people living in both rural and urban areas
- media
- Ministers and other government representatives responsible for the administration of programs and services for Aboriginal peoples
- other Aboriginal peoples
- general public

Messages

1. There is a need to collect improved information on the Métis people in order for them to fully realize their Constitutional and legal rights.
2. The Métis Nation has the right to determine its own membership.
3. A Registry of Métis people will conserve Métis culture and promote the national identity of the Métis people.
4. The process of registration -- and subsequently updating Registry information -- is a gesture of pride in Métis heritage and identity.

Strategic Considerations

The majority of the Métis population will qualify for inclusion in the initial Métis Nation Registry based on self-identification and community acceptance. The hundreds of Métis local associations across the Métis homeland (Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and the Northwest Territories) will assist in confirming the identity of these people. As inclusion on the Registry becomes associated with the rights and privileges of Métis membership, there will be protests and subsequent appeals regarding entitlements. This appeal process will be coordinated by a Métis Appeals Board, yet to be established.

One of the key objectives of the communications strategy is to reduce the number of individuals who may improperly come forward and claim Métis heritage or identity. This will lead to cost savings in the subsequent registration and appeals process. It should lead to an awareness among the general public of the importance of the Métis registration process.

Any communications effort should include an education component to introduce the idea of a Métis Registry and underscore its importance to the future of the Métis people. People must be able to directly link the act of registration with efforts to promote and protect the rights of the Métis people.

Action Plan

A. Responsibilities

The Métis National Council or their authorized agents will be responsible for generating the necessary promotional and communications materials in support of this survey, and for providing information on *why* the survey is being conducted as well as the purpose of the National Métis Registry.

Questions on policy decisions, costs, history and future uses of the information will be directed to the MNC, while questions on methodology, types of questions asked and other survey-related queries will be directed to those conducting the actual enumeration.

B. Components

I. Métis people living in both rural and urban areas

- a. Educational Brochure to accompany the initial mail out:* Because the concept of a Métis Registry is new, it will be necessary to clearly explain the intent and objectives for establishing such a Registry to those who are the recipients of the first wave mailout. This is of particular importance, because the success of the subsequent survey waves depend on the first recipients referring the names and addresses of people known to them -- friends, relatives and acquaintances. Strong emphasis must therefore be given to the elements which are in place to protect the privacy of participants and the integrity of their personal information, specifically that information will only be used by the Métis Registry, and not made available to other agencies.
- b. Subsequent mail out materials (Thank you/reminder notice, final letter, etc.):* Each subsequent communication contact with survey recipients should emphasize with increasing firmness the long term implications of participation for the success of Métis political and cultural concerns. Participation in the survey should be equated with cultural pride and responsibility.
- c. Paid Advertising:* Paid advertising -- designed to make members of the Métis population aware of the initiation a Registry and the existence of the survey -- are proposed for placement shortly before initial field work begins. The ads will explain the purpose of the data collection and the need for full Métis participation.

Print component: Print ads will be placed in Canada's largest circulation dailies in the weekend papers for a period of 12 weeks beginning one week before the proposed start of field activities. The message of the ads will not only stress the importance of being included in the Registry, but promote the theme that one should be *Proud to be Métis*; in this way the ads will target themselves specifically to the Métis population and not the general public. The ads will explain the Registry and the need for a survey and

contain a 1-800 where people can call for more information. These newspapers will include, but not necessarily be limited to:

- The Globe and Mail
- Toronto Star
- Toronto Sun
- Ottawa Citizen
- Calgary Sun
- Calgary Herald
- Winnipeg Free Press
- Brandon Sun
- Regina Leader-Post
- Saskatoon Star-Phoenix
- Edmonton Journal
- Edmonton Sun
- Vancouver Sun
- Vancouver Province

Print ads will also be placed in Aboriginal, Métis and northern newspapers and periodicals, including but not limited to:

In Ontario:

- Northern Times
- Aboriginal Voice

In Manitoba:

- Le Métis
- Opasqui Times
- Thompson Citizen

In Saskatchewan:

- New Breed
- The Northerner
- Nipawin Journal

In Alberta:

- Native Network News
- Windspeaker
- Slave Lake Leader
- Athabasca Advocate

In British Columbia:

- Kahtou
- Squamish Chief

Radio component: Radio advertisements which conform to the same objectives of the print ads will be used. It is proposed to run radio advertising on 100 broadcast stations selected to cover the five provinces and territories as widely as possible. Ads will run up to 20 times on each station, in periods when the number of listeners is determined to be highest.

Television component: The high cost of television advertising production and placement makes its cost effectiveness for this survey marginal. It is not recommended.

d. *Educational materials:* The message and information provided through the paid advertising component will be reinforced with a comprehensive education program. Among materials proposed for production are:

- video presentation: featuring prominent members of the Métis community, the video will explain details of how to register, the types of information required for registration and why participation is essential. The *Proud to be Métis* theme will be maintained. The video -- supplied with information copies of the M.E.Q. -- will be distributed to community centres, Métis organizations and schools, as well as provided, on request, to respondents calling the 1-800 telephone assistance line.
- speakers bureau: Métis spokespersons who can speak competently and authoritatively on the topic of the Registry and survey will be made available to make presentations to groups of potential respondents.
- fact sheets: highlighting the major questions and answers concerning the Registry and survey will be developed for distribution to media or to be provided to respondents.
- posters: designed to remind potential respondents of the timing of the registration process -- reinforcing the *Proud to be Métis* theme -- will be produced for use in high traffic locations such as community centres, post offices, Métis locals, federal/provincial/municipal and Métis service delivery agencies and other locales to be identified.

e. *Community Liaison Program:* The community liaison program will employ five Métis people per province/territory for a period of 10 weeks to muster support for the enumeration in their regions. This may be achieved through presentations to community groups or schools, personal visits, event attendance and telephone follow-up.

2. Métis Enumeration -- Communication Resources

Communication Activity	Proposed Expenditure \$
Communications strategy	40,000
Radio advertising	300,000
Print	745,000
Production of promotional materials	
Postage/Distribution	250,000
1-800 service (installation, staff, training)	75,000
Core Staff	210,000
Community Liaison Program	480,000
Total	\$2,100,000

NOTE: These activities only cover up to the period of enumeration. A post enumeration plan, which communicates the results of the enumeration to respondents, media, governments and the general public is recommended.

3. Media

The media will be notified of the proposed Registry and upcoming survey prior to the start of paid advertising. Comprehensive media kits including samples of the promotional and educational materials developed for respondents will be distributed. Individual follow-up by Métis spokespersons will ensure media outlets have a thorough understanding of the objectives of the exercise and are convinced of the importance of obtaining full participation from the Métis population.

Public service announcements -- for use on radio and in print and electronic media bulletin boards -- will be developed and distributed at intervals throughout the field process. Distribution will roughly correspond to the various survey waves.

4. Government Ministers and other representatives responsible for the administration of programs and services for Aboriginal peoples

Since it is anticipated that the Registry/survey will generate interest and questions throughout both the Métis and Aboriginal communities, it is imperative that those who would ordinarily serve those communities can respond to general questions knowledgably and refer specific queries to the appropriate source. Information kits similar to those produced for media distribution will be sent out to MPs/MPPs/MLAs and municipal elected representatives. Included in these kits will be articles suitable for publication in HOUSEHOLDERS and community newsletters.

5. Other Aboriginal People

As with government service providers, since it is anticipated that the Registry/survey will generate interest and questions throughout both the Métis and Aboriginal communities, it is imperative that groups which ordinarily serve the general Aboriginal community are briefed on the existence of the Métis activities so they can respond to questions from their own members knowledgably and reduce possible confusion. Information kits similar to those produced for media distribution will be sent out to identified Aboriginal organizations. Included in these kits will be articles suitable for publication in organization newsletters.

6. General public

There are two primary objectives in communicating with the general public. The first is to ensure that public opinion is generally supportive for the Métis objectives in generating a Registry for their people. The goal should be to ensure the general public is aware of the survey and its ultimate purpose and views it as an innocuous activity which has no potentially negative or political impact. This will ensure that non-Métis will encourage people of their acquaintance who may be Métis to participate in the survey. It will minimize potential negative reaction to the perception that Métis may be demanding additional or undeserved rights.

The second primary objective is to minimize the number of non-Métis who may want to participate in the survey or feel they should be registered. The print and broadcast media advertising will generate interest among the general public, even though the message is specifically targeted to Métis, simply because issues concerning Aboriginal people are popular.

There are no specific activities which can be undertaken to achieve these objectives. Instead, the objectives must be considered as underlying all other communications activities. This means that telephone inquiries must be skilfully screened to ensure that appropriate respondents are encouraged to participate, while interested non-Métis have are reassured that the Registry is not a threat to their rights and offers no benefit to them.

C. Implementation

The components required for full implementation of this communications plan are:

- Educational Brochure to accompany initial mail out*
- Thank you/reminder notice*
- Final letter*
- Establishment of 1-800 Telephone Assistance Service*
- Print advertising*
- Radio advertising*
- Educational Video*
- Speakers Bureau*
- Fact Sheets (developed in conjunction with Questions and Answers)*
- Posters*
- Media Kits*
- Government department/Aboriginal Organization information kits*
- Public Service Announcement*

Each of the components in this communications plan require several steps in development before implementation. These following suggested steps should be considered for the successful realization of each component:

- Research
- Text development
- Approvals
- Text finalization
- Editing
- Translation
- Graphic design
- Production
- Printing
- Delivery for distribution
- Procurement of appropriate consultative services
- Procurement of necessary electronic and computer equipment
- Development of information and training materials

- Staff hiring
- Staff training
- Media buy
- Media placement
- Filming
- Post production
- Identification of expert support
- Training on presentation skills
- Promotion of availability of service
- D. Evaluation of communications activities

Evaluation will be ongoing throughout the survey activities to measure if objectives were being met, and if proposed activities were completed on schedule and within budget. A record of the complaints or questions received by the 1-800 operators may be used to measure how well the targeted clients were informed.

Reactions at presentations and briefing sessions will be recorded and used to measure understanding and acceptance of the Registry concept.

Print and electronic media will be monitored and a media coverage report produced following the completion of survey field work.

Response rates will be monitored after the first wave of returns to determine if the communications strategy requires modification to improve the rate of participation of the number of secondary referrals.

4 REGIONAL AND HEAD OFFICE OPERATIONS CENTRES

Working Assumptions

- 1) During the creation of the Registry and the Database, (i.e. the data collection phase) collection operations will be run from two regional sites and head office.
- 2) Once the Registry and Database are created the six provincial and territorial organizations will have on-line access to the Registry and Database.
- 3) The ability to add, delete and modify records on the Database will reside in the Head Office. Any changes to the Database will occur after the appropriate files have been received in the Head Office.

4.1 Background

Responsibility for operations for the collection phase of this project will be shared between the Head Office and two regional sites. Two sites are suggested in order to maximize operational efficiency and effectiveness. Spreading the work over more sites will lead to increased costs and a reduction in the quality of the keying operation. It is necessary to maintain certain functions in the central office. The unduplication of the file must be done centrally for example.

Once the Registry and Database are created and operational all six provincial and territorial organizations will have direct on-line access to both the Registry and to the Database.

4.2 Space Requirements

Office and warehouse/storage space will be required for the central site and the two regional sites. The costing formula, below, is similar to the one used for a Census and will provide adequate office space and storage space as well.

SPACE REQUIREMENTS AND COSTS

	STAFF	SQ. M/ PERSON	COST/ SQ. M.	ANNUAL COST	FITUP COSTS	TOTAL COST
CENTRAL	16	14	170	38080	11424	49504
SITE 'A'	18	16	170	48960	14688	63648
SITE 'B'	18	16	158	45504	13651	59155
TOTAL	52			132544	39763	172307

The total cost for space is \$172,300.

4.3 Staff

Most of the operational staff costs have been discussed earlier - Systems Development in Section 1.3; Collection Operations in Section 1.4.6; and, Communications in Section 3.2. The remaining staff to be considered fall mainly into the administrative and management categories. The cost for these functions is \$363,000.

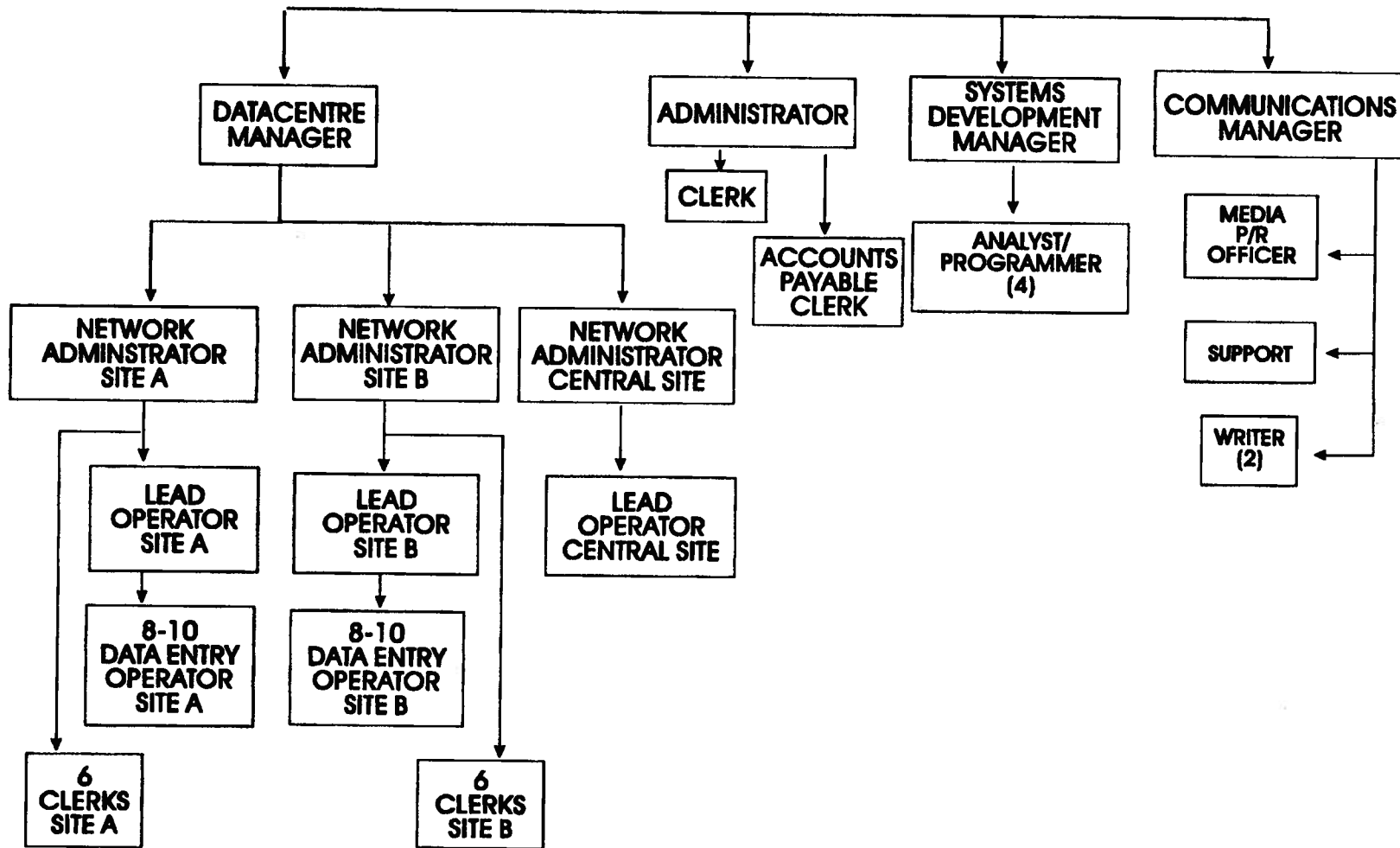
The following table and organization chart display the costs for all staff and a suggested organizational structure.

STAFF COSTS

	2B OPTION			MINIMAL OPTION		
POSITION	# OF DAYS	DAILY RATE	TOTAL SALARY	# OF DAYS	DAILY RATE	TOTAL SALARY
Project Director	390	275	107,250	390	275	107,250
Data Center Manager	261	230	60,030	261	230	60,030
Network Administrator	783	140	109,620	783	140	109,620
Lead Hand	522	120	62,640	522	120	62,640
Keyers	1500	96	144,000	900	96	86,400
Clerks	800	90	72,000	500	90	45,000
Office Admin	250	145	36,250	250	145	36,250
Accts. Payable Clerk	250	110	27,500	250	110	27,500
Receptionist/Clerk	250	90	22,500	250	90	22,500
Systems Dev Man	130	670	87,100	130	670	87,100
Programmers	200	490	98,000	200	490	98,000
Communications - Man	250	192	48,000	250	192	48,000
Media/Pr. Off	250	163	40,750	250	168	42,000
Liaison Officers	2400	120	288,000	2400	120	288,000
Writers	500	163	81,500	500	168	84,000
Comm. Support	250	144	36,000	250	144	36,000
Total Salaries			1,321,142			1,240,290

ORGANIZATION CHART

PROJECT DIRECTOR



4.4 Equipment

The rental equipment (faxes, copiers, etc.) and furniture plus the cost of telephone systems for the three sites will be \$48,000 for the collection period.

5 UPDATE PROCESS

Working Assumptions

- 1) The update will be biennial.
- 2) The update will employ a mailout/mailback procedure similar to the original enumeration.
- 3) The update questionnaire, in addition to updating name, address and telephone, will also update five variables previously collected.
- 4) Each Métis household on the Registry will receive an update Questionnaire.
- 5) Anyone who does not respond will be flagged on the Registry.
- 6) After three follow-up attempts, non-respondents will be removed from the Registry and put on a non-respondents file.
- 7) Other than via volunteered information, the update process will be the sole vehicle for accounting for births, deaths, and changes of addresses.
- 8) The initial volume will be 58,000
- 9) Response to the initial mailout will be 40%; to the first follow-up an additional 20%; to the second follow-up an additional 15%; and to the final follow-up an additional 5%. The total response will be 80%.

Background

It will be necessary to update both the Registry and Database from time to time. In the case of the Registry, this will account for births, deaths and changes of address. The process to update the Registry affords an opportunity to update selected variables on the Database. Every Métis household on the Métis Registry will receive an update questionnaire. The update will take place every two years.

The total cost of the Update will be \$568,700. This includes clerical preparation, material, keying, postage and three follow-up attempts.

6 COST SUMMARIES

6.1 Summary of Costs Presented in Sections 1 to 5

Section	Item	2B Data	Cost (\$,000) Tombstone Data
1.1	Hardware	199	199
1.2	Software	37	37
1.3	Systems Development	185	185
1.4.2	Preparation of Initial Mailing List	36	36
1.4.3	Evaluation of Lists	14	14
1.4.4	Coverage Improvement	20	20
1.4.6	Data Collection Waves 1, 2 and 3	724	558
2.1	Qualitative Study of M.E.Q.	15	15
2.2	Pilot Survey	97	97
2.3	Communications Plan	2100	2100
4.2	Space	172	172
4.3	Staff	363	363
4.4	Office Equipment	48	48
5	Biennial Update	569	569
	Total (Establishment of Registry and Database)	4,010	3,844
	Total (Including First Biennial Update)	4,579	4,413

6.2 Fixed\Variable Costs (Min. Data)

Costs - Tombstone Data

Item	Fixed Costs (\$000's)	Variable Costs (\$000's)
Hardware	151	48
Software	37	
Systems Development	185	
Prepare of Initial List	36	
Evaluate Lists	14	
Coverage Improvement		20
Data Collection	210	348
Study of M.E.Q.	15	
Pilot Study	97	
Communications Planning	210	1890
Space	172	
Staff	363	
Equipment	48	
TOTALS	1,538	2,306

6.3 Fixed\Variable Costs (2B Data)

Costs - 2B Data

Item	Fixed Costs (\$000's)	Variable Costs (\$000's)
Hardware	151	48
Software	37	
Systems Development	185	
Prepare of Initial List	36	
Evaluate Lists	14	
Coverage Improvement		20
Data Collection	215	509
Study of M.E.Q.	15	
Pilot Study	97	
Communications Planning	210	1890
Space	172	
Staff	363	
Equipment	48	
TOTALS	1,543	2,467

6.4 Pilot Study Costs

Item	Cost
Prepare of Initial List	36
Evaluate Lists	14
Pilot Survey	97
TOTAL	147

6.5 Pro Rated Costs

PRO RATED COSTS (2B AND MIN. DATA) ENUMERATION PROJECT		
ANCESTRY		
	2B Data	Min. Data
Total Enumeration Costs	4010000	3844000
Pro Rated Costs		
Ontario	573430	550461
Manitoba	970420	931017
Saskatchewan	697740	669625
Alberta	1198990	1150125
British Columbia	473180	454361
Northwest Territories	92230	88412
NOTE: These costs have been apportioned based on 1991 Census data. (Statistics Canada Cat # 94-327, Table 1 - Aboriginal Origin Responses, for Canada, Provinces and Territories, 1991 - 20% Sample Data - Total Metis Responses.)		

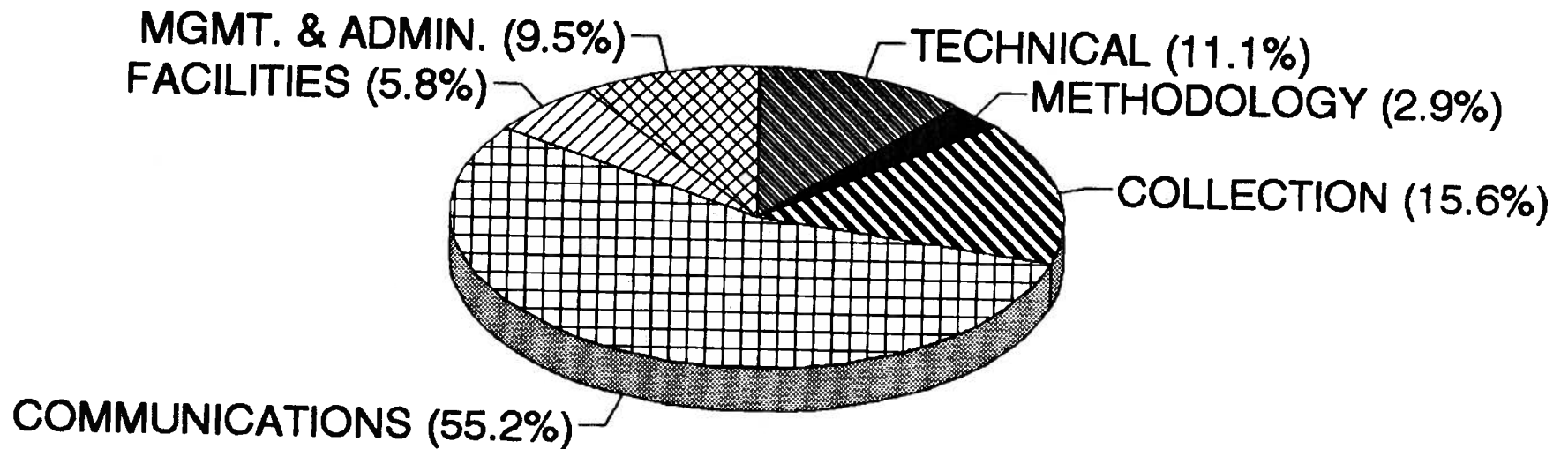
IDENTITY		
	2B Data	Min. Data
Total Enumeration Costs	4010000	3844000
Pro Rated Costs		
Ontario	388970	372868
Manitoba	1074680	1030192
Saskatchewan	874180	837992
Alberta	1255130	1203172
British Columbia	292730	280612
Northwest Territories	124310	119164
NOTE: These costs have been apportioned based on 1991 Aboriginal Peoples Survey data. (Statistics Canada Cat # 94-327, Table 1 - Population Reporting Aboriginal Identity by Aboriginal Group, Sex and Age Group, for Canada, Provinces and Territories, 1991.)		

PRO RATED COSTS REGISTRY & APPEALS OPERATIONS	
ANCESTRY	
Total Registry Costs	6861509
Pro Rated Costs	
Ontario	982568
Manitoba	1661857
Saskatchewan	1195275
Alberta	2052963
British Columbia	811030
Northwest Territories	157815
NOTE: These costs have been apportioned based on 1991 Census data. (Statistics Canada Cat # 94-327, Table 1 - Aboriginal Origin Responses, for Canada, Provinces and Territories, 1991 - 20% Sample Data - Total Metis Responses.)	

IDENTITY	
Total Registry Costs	6861509
Pro Rated Costs	
Ontario	665566
Manitoba	1838884
Saskatchewan	1495809
Alberta	2147652
British Columbia	500890
Northwest Territories	212707
NOTE: These costs have been apportioned based on 1991 Aboriginal Peoples Survey data. (Statistics Canada Cat # 94-327, Table 1 - Population Reporting Aboriginal Identity by Aboriginal Group, Sex and Age Group, for Canada, Provinces and Territories, 1991.)	

COST ESTIMATES

(BY MAJOR ITEM OF EXPENDITURE)



**ORGANISATION,
STRUCTURE AND BUDGET
OF THE REGISTRY OFFICE,
APPEALS ADVOCATE AND APPEAL BOARD**

The Regulatory Consulting
Group Inc.
October 13, 1994

**ORGANISATION, STRUCTURE AND BUDGET
OF THE REGISTRY, APPEALS ADVOCATE
AND APPEAL BOARD**

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Fixed and Variable Costs for the Appeal Board

**DESIGNING THE STRUCTURE AND GLOBAL BUDGET
FOR THE MÉTIS REGISTRY OFFICE, APPEALS ADVOCATE OFFICE
AND APPEAL BOARD**

PREFACE

This document covers two phases of the planning work to establish the Métis Registry Office, Appeals Advocate Office and Appeal Board. First, it estimates the volume of activity with which these offices will have to deal and proposes performance targets. Second, it proposes a structure for the organisations and develops a four year global budget for each organisation.

ESTIMATING THE VOLUME OF ACTIVITY FOR THE MÉTIS REGISTRY

INTRODUCTION

The purpose of this component is to estimate the number of staff needed to process applications for citizenship.

This component deals with 2 parts:

- applications for citizenship, and
- appeals against the Registrar's decisions granting or denying registration.

The work dealing with applications involves a three step process. First, the total number of applications to be received must be estimated; second, a time schedule of when those applications would be received in the Registrar's Office could be set out and third, an estimate can be made about how fast the applications can be processed. These three steps would then lead to a determination of how many staff would be required to process the applications at the selected rate of processing.

The work dealing with appeals involves the same three steps: estimating the total number of appeals, when they might be received and how much time would be required to handle each appeal.

THE ENUMERATION

The Enumeration will be carried out in 4 phases: **first**, there will be a pre-test of an entire province. The **second** phase is the first wave of mailings of the questionnaire after the pre-test. This will be followed by the remaining **two phases** which are the additional two waves of mailings to those persons referred by others.

The **pre-test** is scheduled for May to June 1995. Statistics Canada advises that at the time of writing (October '94) it is likely that the pre-test results cannot be considered for inclusion in the enumeration. The geographic area covered by the pre-test will have to be recovered in the enumeration.

ESTIMATING THE TOTAL NUMBER OF APPLICATIONS AND THEIR TIMING

a) Total Number of Applications

The 1991 Census indicates that there may be about 200,000 Métis persons in Canada. Those living west of the Quebec border are the majority of the 200,000.

The 1991 Census indicates that there may be about 60,000 Métis households. Statistics Canada assumes that there are 3.3 persons per Métis household. Statistics Canada planning assumes that, similar to the census, one questionnaire per household will be filled in. Thus, one household head filling in a questionnaire will likely result in a count of 3.3 Métis persons.

We need to estimate the number of returns from Wave I in order to estimate how many staff will be needed in the Registry at the beginning of the enumeration. Wave I is expected to be mailed out September 1995.

The mailouts in the Wave I would be sent to those on the Métis Affiliates' lists. It is estimated that there are 47,000 names on that list. Some of these names will be heads of households, thus the actual number of mailouts in the Wave I will be less than 47,000; however, the number of individual Métis identified through Wave I will likely be greater than the number of questionnaires mailed.

b) Timing of the Return of the Questionnaires

The enumeration is projected to be carried out from September '95 to April '96. There are two dates of concern to us: when the questionnaires would be received in the Enumeration data entry Office and when they would come to the Registry Office for processing.

The applications from the Wave I would be received in the Enumeration Office 2-3 weeks after each of the 3 mailouts has been done. Statistics Canada believes that the bulk of the questionnaires will be received 10 days after the initial mailout. The Enumeration Office will then take some time to key-in the information contained in the completed questionnaire. Statistics Canada has planned a cut-off time for keying in the information from each wave. This means that the returns from each mailout will be received and keyed-in within the following time frames:

- Wave I: applications to be received October - November 17, 1995.
- Wave II: applications to be received end January to February 23, 1996.
- Wave III: applications to be received April - May 3, 1996.

The questionnaires would be transmitted to the Registry Offices as the keying-in is completed. If Statistics Canada assumptions are borne out, the bulk of the Wave I questionnaires will arrive in the Enumeration key-in Office by the second Week of October. The Wave I questionnaires would then be received in the Registry Office from the third week of October. We agree with this assumption in that people will respond to the publicity campaign and that the community liaison workers and community campaigns will concentrate on having as many individuals as possible respond immediately to the Enumeration. These communications measures would have been refined during the pre-test.

It should be noted that Statistics Canada believes that only 60% of the mailed questionnaires will be returned. Thus, 28,200 of the possible total 47,000 mailouts would be returned in the First Wave. The Registry Office will likely receive these questionnaires to process from October 16 to November 17. This is a period of 5 weeks, meaning that 1128 questionnaires would be received each day in the Registry Office. This number of applications is the reason why we assume there will be a backlog of work for the Registry Office in October '95.

For the entire enumeration, the above schedule indicates that the Registry Office would likely receive all the questionnaires by the end of May 1996, following the Wave III mailing. This date, of course, is subject to revision should the enumeration be extended due to measures to increase the responses or should the dates of the enumeration be altered.

PROCEDURES TO PROCESS THE APPLICATIONS FOR REGISTRATION

The Department of Indian Affairs places the onus on C-31 applicants to furnish the necessary documents required to meet the eligibility criteria to become registered Indians.

Should a similar process be chosen for the Métis Registry, it would mean that the individual would have to attach either proof of Scrip or of community acceptance to the Enumeration questionnaires.

The two following sections set out the steps an individual would have to complete to obtain these documents:

a) Steps to search genealogical records for Scrip criteria

The following steps to search genealogical records for proof of Scrip are based on those suggested by the National Archives staff. It is noted that the proof would be based on an application for Scrip not on receipt of Scrip. There are no consistent records containing names which would prove receipt of Scrip. The Archives have some Scrip certificates on file. They do not generally contain the name of the individual. Scrip certificates were exchanged for the actual cash value and looked like bank notes.

1. Trace genealogical tree of family
 - may have to go back to 1902 (Commission)
 - may have to go back two or three generations to establish a clear link to Scrip which would have been available from about 1883-1902:

applicant born	mid 60s	mid-40s
parents born	mid 40s	mid 20s
grandparents born	mid 20s	born end 1800s Scrip period
great-grandparents born	last part of 1800's Scrip period	

2. Support with birth, marriage, death certificates obtained from provincial Vital Statistics Offices.
3. 1901 census - identified racial origins might be useful for Ontario, B.C. and NWT where Scrip is not found. (Ontario Algoma district records searched without Métis origin being found).
4. Application for Scrip verified at Archives (RG 15, finding aid 19-21, 19 Manitoba and 20, 21 are Saskatchewan and Alberta). This series of files contains the affidavits supporting Scrip. Most records are hand-written and there are few street addresses.
5. Individuals must look at the index, then search for volume number, then for microfilm reel number and then examine the microfilm reel. Archives staff help searchers. There is a 5-6 month backlog for staff assistance at the time of writing.

b) Procedures for Community Acceptance Criteria

The draft Métis Registry Act contains a description about how confirmation of community acceptance can be obtained. It also provides the following definition of a Métis: "a person who identifies himself or herself as Métis, who is distinct from an Indian or Inuit", and who is a descendant of a person who received a land grant or Scrip grant or

"who is recognised as a Métis by an authorised Métis community organisation in accordance with the Act".

The Act continues that "a person must produce historical records denoting the person as coming from a Métis community" and that he "must normally reside within the community or jurisdiction represented in the organisation and/or that the person must have expressly held themselves out to be Métis in the community and/or that the person is active in the community or jurisdiction".

The Métis organisation issues a document of recognition after the individual submits, in some cases, an affidavit.

The Métis organisation could provide one document per individual or household but it would be more efficient to submit a list of names to the Registrar's Office.

PROCESSING THE APPLICATIONS

There are two alternative ways for the Registry Office to process applications for registration purposes:

- to treat each household as 1 application; or
- to treat each individual as 1 application.

In the **first option**, the head of the household's status would cover all those which he/she includes in the questionnaire. This option is based on the premise that the head of the household would be the primary individual to which Scrip could be traced or, that if that individual were recognised by the community then, all members of the household are likely also accepted in the community and/or they are issue of the household head. This is the way in which C-31 applications are processed by the Department of Indian Affairs.

As noted previously, this would mean that the number of total treatable applications for Métis registration purposes could be between 36,000 - 60,000. Thirty-six thousand is a 60% return rate of the questionnaire. Sixty thousand is an average of 3.3 persons in the household if the total population is 200,000.

The **second option** is that each individual referred to on each application be treated as a separate application for registration purposes. This is estimated to be 136,000 - 200,000 applications. The 136,000 is again a 60% return rate.

We have adopted the procedures used by the Department of Indian Affairs of **processing the applications by household (60,000 households)** in order to estimate the processing time and the number of the applications for registration.

TIME REQUIRED TO PROCESS EACH APPLICATION

The Registry staff would:

- acknowledge receipt of the application;
- verify the correct documents are annexed to the application;
- write to inform applications that more information is required;
- draft briefing notes to the Registrar on questionable cases;
- prepare letters explaining the reasons why an application is rejected;
and
- prepare dossiers for appeals.

In addition, the Registry staff might communicate personally with applicants and will certainly require inter-office consultation with colleagues and superiors.

It is estimated that the number of applications the processing staff can process will increase as their experience and knowledge level increases. We estimate that each staff member could process 5 applications per day in the first month. This would increase to 7-8 applications per day in the second month of processing and then to 10 applications per day in the third month. This rate of 10 applications per day per employee would be maintained.

These estimates are based on experience in the Department of Indian Affairs under S. 31 of the Act. Fully trained departmental officers can process 5 applications per day. We believe that Métis Registry staff could process 7- 10 applications per day because the registration criteria under the Métis Registration statute are less rigid than those under the Indian Act for Section 31. They are less rigid in that community acceptance is a criteria.

PERFORMANCE TARGETS

The following estimates are based on 3 scenarios: processing 5, 7 or 10 applications per day. This is 100, 140 or 200 applications per month. We can now estimate the number of staff and the time period over which they could process 36,000-60,000 applications for registration.

Table 1: Processing 36,000 applications

Number of staff	5 applications per day - 20 days/month	7 applications per day - 20 days/month	10 applications per day - 20 days/month
12 staff	30 months	22 months	15 months
25 staff	15 months	11 months	7 months

Table 2: Processing 60,000 applications:

Number of staff	5 applications per day - 20 days/month	7 applications per day - 20 days/month	10 applications per day - 20 days/month
12 staff	50 months	36 months	25 months
25 staff	24 months	17 months	12 months

The tables indicate that with 12 staff processing applications at a rate of 10 per day and with 20 days in a month, it would take 15 or 25 months to process 36,000 or 60,000 applications. It is noted that these estimates do not include sick leave or vacation period considerations.

These estimates indicate that claims could be completed using 12 staff by November 1997 (a two year period) and using 25 staff by October 1996 (a one year period).

The 2 year processing time seems acceptable. It is then, used as the assumption upon which the Registry Office will be designed.

APPEALS

Appeals might be launched against decisions which the Registrar makes to reject applications for citizenship. Under the statute, it could be launched by an applicant any time within a year after the Registrar's decision. A Third party appeal, that is, an appeal from an individual who is not the applicant can occur at any time and is not subject to the one year limitation.

The experience in Indian Affairs with S.31 indicates that staff undertake a second review of rejected applications due to new information being provided after a rejection is sent out. This second review encompasses about 20% of total applications received.

Administrative tribunals traditionally have an appeal rate of 5-10% of total applications. We could estimate that about 1,800 - 6,000 appeals might be launched as indicated in the following table:

Table 3: Estimated Number of Appeals

No. of Applications	No. of Appeals at 5%	No of appeals at 10 %
36,000	1,800	3,600
60,000	3,000	6,000

The Department of Indian Affairs notes that each appeal takes at minimum, one week of staff time to process. The number of appeals will depend to a large extent, on how clear and precise the registration criteria are and how clear the information on criteria is written and how well it is understood by the applicants.

We reject the idea that the appeal rate will be 5-10%. The criteria for Registration are straight-forward. We believe that the number of appeals will be significantly less than 1% of the total 60,000 households expected to apply.

**STRUCTURE AND GLOBAL BUDGETS
FOR THE
REGISTRY OFFICE, THE APPEALS ADVOCATE AND
THE APPEAL BOARD**

INTRODUCTION

The structure of the three organisations and their global budgets can be drawn from a determination of:

- their roles and responsibilities; and
- the volume of activity with which they will deal.

ROLES AND RESPONSIBILITIES:

The roles and responsibilities of these three organisations were set out in the draft statute, "Métis Registry, Legal Framework". The output of the three organisations will be three items:

- a list of names with addresses of Métis citizens;
- data files on these individuals, containing genealogical information; and
- statistical information on the socio-economic conditions of Métis citizens.

In order to achieve these outputs, the organisations will undertake a process of receipt of applications, assessment of them, confirmation of the status to the individuals applying, and finally the organisation and storage of the information.

The linkages between the roles and processes among the organisations is as follows:

- Registry - acceptance or rejection of citizenship status of applicants, 'gatekeeper' on appeals by third parties to the Appeal Board and maintenance of the entire data base;
- Appeals Advocate - assistance to applicants when appealing to the Appeal Board;
- Appeal Board - confirmation or rejection of status of citizenship on appeal of Registrar's decision.

These linkages are displayed on the diagram entitled: "The Functioning of the Registration and Appeals Process" found in the annexes.

THE FLOW OF WORK AND ITS IMPACT ON THE STRUCTURE AND COSTS

The volume of activity which the organisation will deal with has three phases:

- the initial Registration process originating from the enumeration;
- an on-going maintenance of the data base; and
- a bi-annual update of the data-base.

Phase I — Registration Process (varied organisation)

The assumptions made about the first phase are that the Registry Office will have approximately 60,000 applications to process and that it can process them at a rate of 10 per day per case officer. With 12 case officers, this would mean that the Office can process these applications over a 2 year period. The costs of the organisation for this phase, minus the costs for the core organisation (referred to below) are labelled **variable costs**. The size of this organisation is large in order to process the large number of applications.

The assumptions made about the activity for Appeals Advocate is that it will be low: there will be few appeals. This is because the decision of the Registrar will be based upon whether the applicant has community acceptance or not and whether Scrip can be traced back. These criteria are straight forward. Thus, the Appeals Advocate Office has been designed as a small organisation.

These assumptions about a small number of appeals also cover the operations of the Appeal Board.

Phase II — On-going Maintenance (core organisation)

The on-going maintenance of the data base will deal with such matters as third party challenges to registration, changes of addresses to the electoral list, deregistration requests. The Office will be required to prepare and draft reports, to present and interpret socio-economic data and to prepare budget projections for its operations. The costs for this on-going phase are described as the **core costs** of the Office because they represent the core organisation which will be built upon when activity increases.

Phase III — Update

There are two main assumptions made about the organisation required for the update of the data base. First, it is assumed that the core staff from the core operations phases will be the central management team when the Registry Offices expands to undertake phase three, the biannual update. Second, the staff required for the bi-annual update will be similar to that required for the initial registration.

MANAGEMENT CONCERNS

The other issues to be addressed when designing an organisation are those dealing with the management processes. The proposed structure is based upon a number of assumptions:

- a non-hierarchical management structure. In other words, the number of supervisory positions has been minimised;
- minimal secretarial staff;
- independent working teams of case officers, registry personnel with defined functions and defined points of interaction;
- a small executive office in which each individual undertakes a mix of responsibilities.

There are also a number of other assumptions upon which the costs are based:

- equipment is rented for short term needs; and
- short-term staff needs are met through contracting when possible.

The salary scales upon which the costs are based are those of the federal public service (1993) with an estimated of 25% benefits attached to the basic salary scale. Accommodation prices are those approved by Public Works Canada for Ottawa at \$200 per square metre and the accommodation space is that approved by Treasury Board for federal public servants.

DESCRIPTION OF THE STRUCTURE

Registry Office

The structure for the core organisation would consist of three components: a Registrar's Office, a Records Office and Program Management. The Registrar's Office would consist of the Registrar, an administrator and a communications person, either of whom could also act as manager of the Records Office. The Records Office would house the filing, form-letter preparation and mailing operations. Program Management would include a case officer for registration activities and the social and economic analysts.

The structure for the variable organisation would build on this structure by adding personnel in the Records Office and the Program Management. This latter section would become devoted entirely to registration activities during the processing of the 60,000 applications.

The core organisation would be composed of 10 persons. The variable organisation, required to process the 60,000 applications over a 2 year period, would be 27.

Appeals Advocate

The period during which appeals will be processed will likely be 2 1/2 years from the beginning of the registration process. During this processing period, which we have called the variable cost period, the Office would consist of a lawyer, an administrator and a case officer.

Once the 2 1/2 year period is over, the Appeals Advocate Office would operate with contract staff only. An administrator could be retained in order to undertake the logistical work required to put an appeal procedure in motion. Lawyers could be engaged under contract in the location of an appeal.

Appeal Board

The Appeal Board would have a similar structure to the Appeals Advocate. The core organisation would exist by contract only. An administrator would be retained to provide continuity in procedures.

The first 2 1/2 years of life of the organisation is the period in which the bulk of appeals are expected. The Appeal Board would consist of the provincial members (without remuneration), an administrator and a case officer. The costs association with this variable structure of 3 persons would create the variable costs of the Appeal Board. As noted above, the core costs would be contract costs.

GLOBAL BUDGET OF THE REGISTRY OFFICE, APPEALS ADVOCATE AND APPEAL BOARD

The global budgets requirements of these institutions have been estimated at about \$7 million over a four year period.

The global budgets have been divided into the two parts: the on-going core organisation costs and the expanded variable organisation costs to deal with the initial Registration.

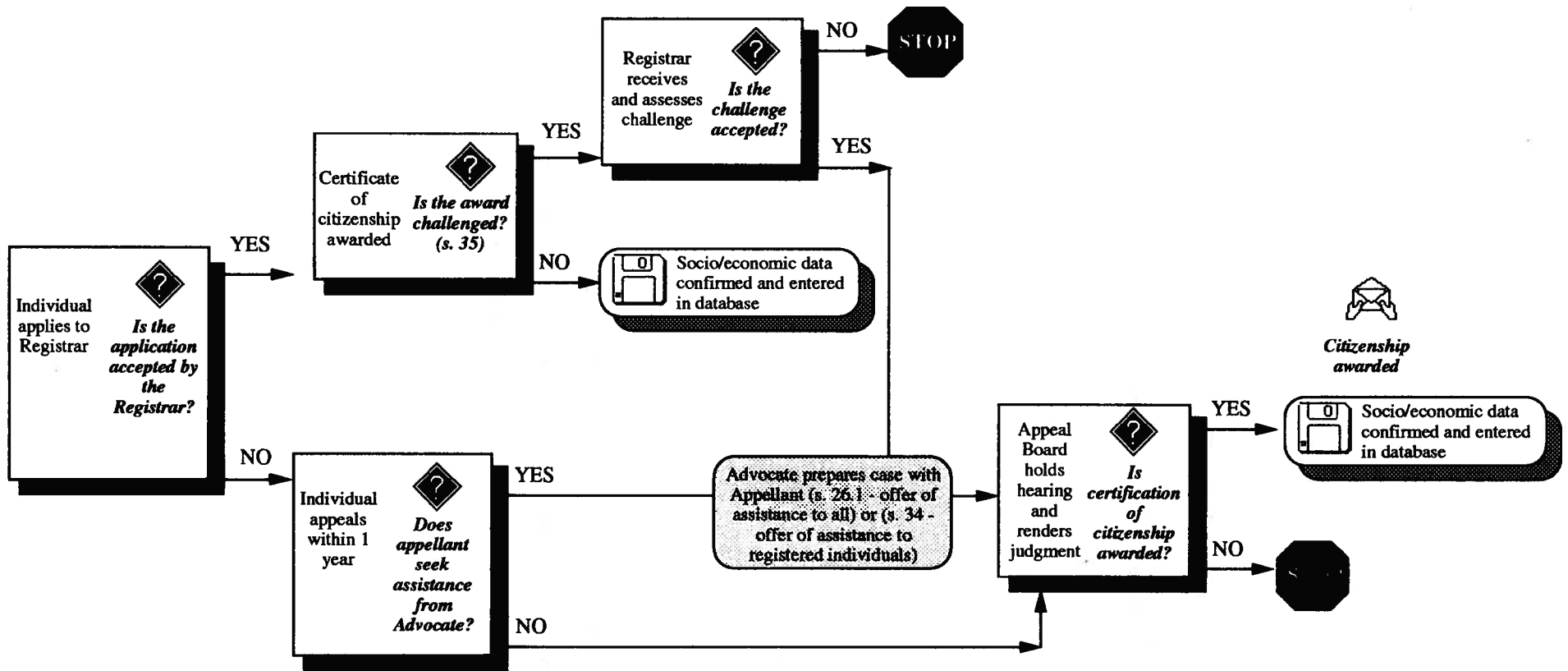
The core organisations of the Métis Registry Office, the Appeals Advocate and Appeal Board require 38% of the budget for the organisations required to process the 60,000 applications for registration. In other words, the budget for the organisations required to process the applications are 2 1/2 times larger than the budget for the on-going organisations.

The table on the following page summarises the global budget (\$) amounts required for each organisation over a four year period:

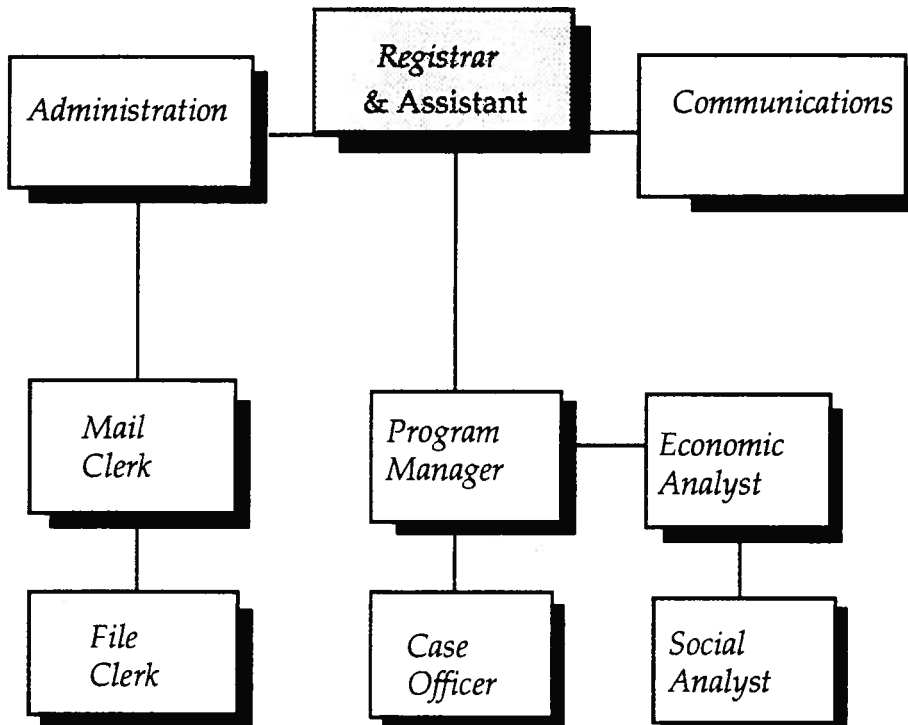
Global Budgets for Registry Office, Appeals Advocate and Appeal Board

Organisation	Year 1	Year 2	Year 3	Year 4
Registry Office				
- core operations	792,395	792,395	792,395	792,395
- variable costs for initial registration	1,191,700	1,191,700		
Total: Registry Office	1,984,095	1,984,095	792,395	792,395
Appeals Advocate Office				
- core operations	45,000	45,000	45,000	45,000
- variable costs	231,883	231,883	115,941	
Total: Appeals Advocate	276,883	276,883	160,941	45,000
Appeal Board				
- core operations	45,000	45,000	45,000	45,000
- variable costs	147,565	147,565	73,782	
Total: Appeal Board	192,565	192,565	118,782	45,000
Grand Total	2,453,543	2,453,543	1,072,118	882,395
Cumulative four year total: \$6,861,509				

The Functioning of the Registration and Appeal Process



MÉTIS CORE OFFICE



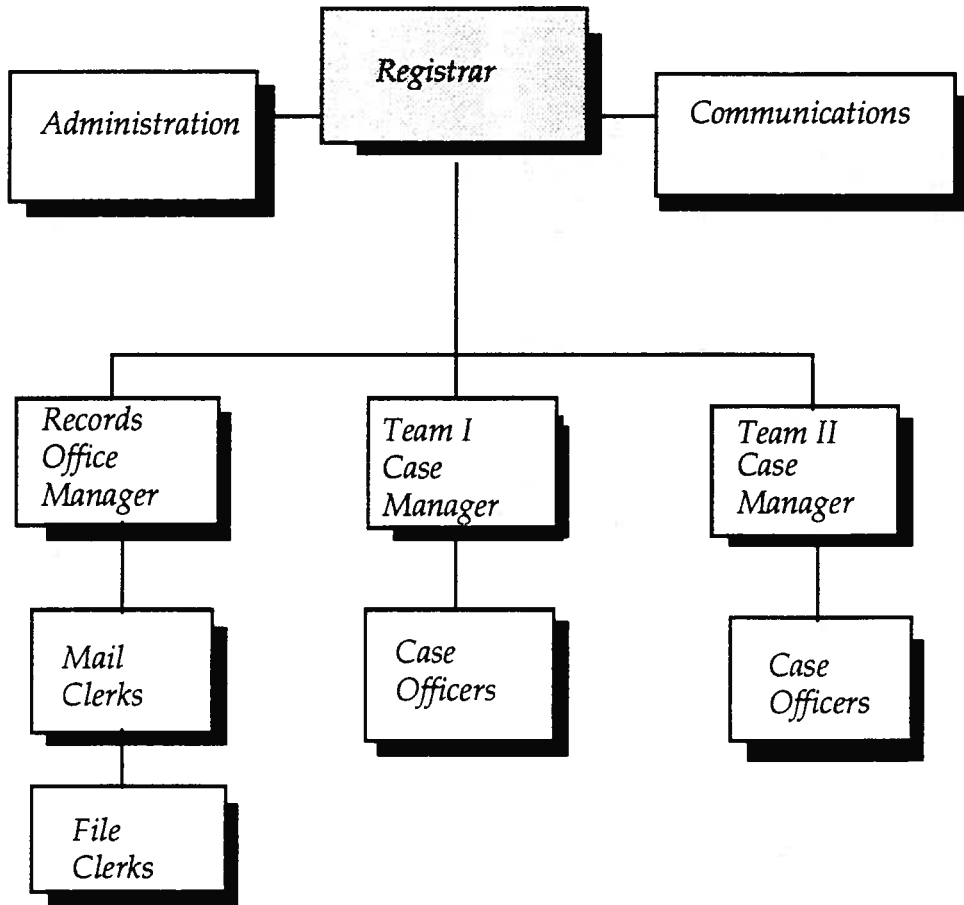
Total Personnel: 10
Total Cost per annum: \$792,395.00

Core Costs for Métis Registry

Registrar's Office	Base Salary	Benefits	Total
Registrar PM6	\$66,729.00	\$17,110.00	\$83,839.00
Administrative Assistant AS2	\$39,994.00	\$10,254.00	\$50,248.00
Executive Assistant & Communications PM 4	\$47,514.00	\$11,750.00	\$59,264.00
Administrator FI 2	\$51,496.00	\$13,204.00	\$64,700.00
Case Officers			
1 Manager PM5	\$56,821.00	\$14,500.00	\$71,321.00
1 Case Officer PM3	\$43,313.00	\$10,825.00	\$54,138.00
2 Analysts ES 3	\$49,656.00	\$12,823.00	\$124,958.00
Records Office			
1 File Clerk PM2	\$40,123.00	\$10,254.00	\$50,377.00
1 Mail Clerk CR 3 (10 Staff)	\$29,150.00	\$7,000.00	\$36,150.00
Accommodation			
	sq. metre x \$200		
Registrar PM6	17		\$3,400.00
Administrative Assistant AS 2	14		\$2,800.00
Communications PM 4	16		\$3,200.00
Administrator FI 2	16		\$3,200.00
Case Officer Manager PM 5	16		\$3,200.00
1 Case Officers PM 3	15		\$9,000.00
2 Analysts ES3	15	2x	\$6,000.00
1 File Clerk PM 2	14		\$3,000.00
1 Mail Clerk CR 3	10		\$2,800.00
Common areas:			\$2,000.00
reception, conference & file rooms	27+63+100		\$38,000.00
Operating Costs			
Office Supplies	\$1,000/empl	\$10,000.00	
Equipment Rental (photocopiers) 2x\$2,400		\$4,800.00	
Communications (telephones & couriers)		\$5,000.00	
O&M		\$14,000.00	
Training		\$10,000.00	
Travel		\$5,000.00	\$48,800.00
1 time purchase			
office set up	\$2,400 x 10	\$24,000.00	
filing cabinets	\$400 x 10	\$4,000.00	
fax machines	\$1000 x 2	\$2,000.00	
computers	\$4,200 x 10	\$42,000.00	\$72,000.00
Grand Total:			\$792,395.00

MÉTIS OFFICE FOR ENUMERATION PROCESS

(Variable Structure)



Total Personnel: 27

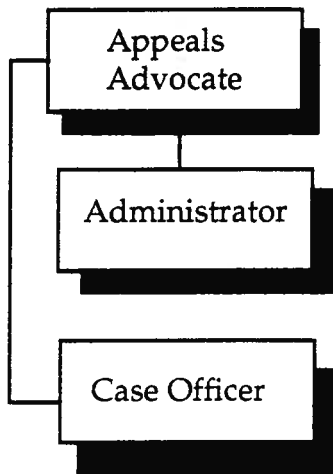
Total Cost per Annum: \$1,984,095.00

(Variable & Core Costs)

Metis: Variable Costs

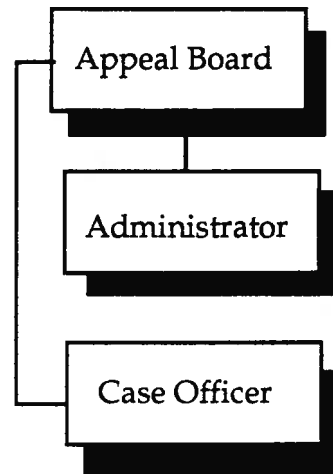
Variable Costs				
Case Officers 2 Teams				
		Base Salary	Benefits	Totals
1 Case Officer Manager PM 5		\$ 56,821.00	\$ 14,500.00	\$ 71,321.00
9 Case Officers PM 3	9 x	\$ 43,313.00	\$ 10,825.00	\$487,242.00
Records Office				
1 Manager PM 4		\$ 47,514.00	\$ 11,750.00	\$ 59,264.00
4 File Clerks PM 2	4 x	\$ 40,123.00	\$ 10,254.00	\$201,508.00
1 Mail Clerk AS 2		\$ 39,994.00	\$ 10,254.00	\$ 50,248.00
Administration				
1 Administrator AS 3 (17 staff)		\$ 42,486.00	\$ 10,825.00	\$ 53,311.00
sq. metre x \$200				
Accommodation				
1 Case Officer Manager PM 5		16 \$	3,200.00	\$ 3,200.00
9 Case Officers PM 3	9 x	15 \$	3,000.00	\$ 3,000.00
1 Records Manager PM 4		16 \$	3,200.00	\$28,800.00
4 File Clerks PM 2	4 x	14 \$	2,800.00	\$ 2,800.00
1 Mail Clerk AS 2		14 \$	2,800.00	\$ 11,200.00
Administrator AS 3		14 \$	2,800.00	\$2,800.00
Common areas: reception, files, conference room etc.		15 \$	3,000.00	\$3,000.00
		63+100	\$ 32,600.00	\$ 32,600.00
Operating Costs				
Office Supplies	\$1,000x17	\$ 17,000.00		\$ 17,000.00
O&M				\$92,289.00
Communications		\$ 5,000.00		\$5,000.00
Training		\$ 7,000.00		\$7,000.00
Travel				
Fax Machine		\$ 1,000.00		\$1,000.00
Equipment Rental				
office desk etc. rental	x 17	\$ 25,500.00		\$25,500.00
photocopiers	\$2,400 x 2	\$ 5,000.00		\$5,000.00
computers	\$40/1000	\$ 28,560.00		\$28,560.00
Grand Total				\$ 1,191,643.00

**MÉTIS APPEALS
ADVOCATE OFFICE**



Total Personnel: 3
Fixed Costs: \$45,000
Variable Costs: \$231,883

MÉTIS APPEAL BOARD



Total Personnel: 2
Fixed Costs: \$45,000
Variable Costs: \$147,565

Appeals Advocate Costs

Appeals Advocate Office

Core Costs

contract	\$40,000.00		
travel	\$5,000.00		\$45,000.00

Variable costs

Advocate LA 1	\$55,929.00	\$13,982.00	\$69,911.00
1 Administrator AS 3	\$42,486.00	\$10,825.00	\$53,311.00
1 Case Officer PM 4	\$47,514.00	\$11,750.00	\$59,264.00

\$182,486.00

Accommodation	sq. metre x \$200			
LA		17.00	\$3,400.00	
Administrator AS 3		15.00	\$3,000.00	
Case Officer PM 4 (3 staff)		14.00	\$2,800.00	\$9,200.00

Operating Costs

Office Supplies	\$1000 x 3	\$3,000.00		
O&M		\$18,249.00		
Communications		\$2,000.00		
Training		\$3,000.00		
Travel				
Fax Machine		\$1,000.00		\$27,249.00

Equipment Rental

Office desk etc	\$1,500 x 3		\$4,500.00	
photocopiers	1 x 2400		\$2,400.00	
computers	\$40/\$1,000 x 3 x \$4,200 x12		\$6,048.00	\$12,948.00

Grand Total Variable Costs				\$231,883.00
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Appeal Board Costs

**Appeal Board
Core Costs**

Contract			\$40,000.00	
travel			\$5,000.00	\$4,500.00
Variable Costs				
1 Administrator AS 3		\$42,486.00	\$10,825.00	\$53,311.00
1 Case Officer PM 4 (2 staff)		\$47,514.00	\$11,750.00	\$59,264.00
				\$112,575.00
Accommodation	sq. metre x \$200			
Administrator AS 3		15	\$3,000.00	
Case Officer PM 4		14	\$2,800.00	\$5,800.00
Operating Costs				
Office Supplies	\$,1000 x 2		\$2,000.00	
O&M			\$11,258.00	
Communications			\$2,000.00	
Training			\$2,000.00	
Travel			\$0.00	
Fax Machine			\$1,000.00	\$18,258.00
Equipment Rental				
Office desk etc	\$1,500 x 2		\$4,500.00	
photocopiers	1 x 2400		\$2,400.00	
computers	\$40/\$1,000 x 2 x \$4,200 x12		\$4,032.00	\$10,932.00
Grand Total Variable Costs				\$147,565.00

MÉTIS NATIONAL COUNCIL

INTERIM REPORT

DRAFT

**SUBMITTED TO
THE DEPARTMENT OF JUSTICE**

BY

THE MÉTIS NATIONAL COUNCIL

OCTOBER, 1993

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I PURPOSE

The purpose of this Report is to provide the MNC Executive and the Department of Justice with an update on the establishment and work of the MNC Justice Secretariat.

II BACKGROUND

The federal government established the Aboriginal Justice Review Initiative (AJI) in 1991. The five year initiative is designed to make immediate improvements and to develop a strategy to address the needs and aspirations of Aboriginal people in the area of justice administration. The overall objectives of the initiative are to enhance the responsiveness, fairness, inclusiveness and effectiveness of the justice system for Aboriginal people. Other objectives include support for:

- increasing Aboriginal responsibility for the administration of justice;
- implementing a tripartite process in which federal and provincial or territorial governments and Aboriginal people work together to improve the justice system;
- helping Aboriginal people to identify justice problems in their communities and to develop potential solutions through pilot and demonstration projects;
- creating mechanisms to facilitate information sharing within and between Aboriginal communities and all levels of government;
- testing new approaches and models for delivering justice services to Aboriginal people;
- conducting research, and carrying out consultations on justice issues of concern to Aboriginal people; and
- developing cross-cultural training for judges and justice system officials.

In keeping with these objectives, all projects funded under the AJI fall within five major categories:

- policy consultations and co-ordination;
- cross cultural training;

- public legal education and information;
- resource centre; and
- pilot projects.

Pilot projects are to include: comprehensive legal services; • alternative dispute resolution; • diversion; involvement of aboriginal people in the justice process; • customary law; • alternative approaches within the existing constitutional frame work; • crime prevention; and • improved services to women, victims and youth.

III STRUCTURE OF THE REPORT

This report is intended to synthesize the opinions and recommendations of a number of Metis people that are or have been involved in the justice system. It profiles a number of reports and manuscripts that have focused on Metis involvement in the Justice system and outlines the progress achieved in establishing the Metis National Council Justice Secretariat. The recommendations set out in the report provide a framework for the implementation of future initiatives by the Justice Secretariat.

IV MÉTIS NATIONAL COUNCIL JUSTICE SECRETARIAT

The Métis National Council received funding to establish a Justice Secretariat in the 1992/93 fiscal year. The Justice Secretariat is to identify priorities, develop policies and establish culturally acceptable standards for the ongoing process of reforming the Canadian justice system. The Secretariat is to conduct consultations, research and policy development geared towards developing alternatives to the existing justice system. It is expected that the Secretariat will develop models for community based justice initiatives: establish resources and expertise to support Métis communities in devising community responses to justice issues; and increase Métis awareness of the operation of the Canadian justice system.

After extensive consultations with the MNC Executive, the MNC took steps to activate the Secretariat by hosting two conferences. The first conference brought together Métis police in Regina and the second conference involved Métis lawyers. From the conferences several individuals were identified to sit on the Justice Secretariat. The Secretariat is to be chaired by Gerald Morin, President of the Métis National Council and Executive Member responsible for Justice. Other members of the Secretariat include:

Clem Chartier	Jean Teillet†
Remi Smith	Mark Stevenson
Garth Wallbridge	Ron Lamabe
Alek Allard	

The first meeting of the Justice Secretariat was held in Ottawa on October 20 & 21, 1993. The Justice Secretariat agreed upon the following mission statement, objectives and elaborated on the functions of the Secretariat.

4.1 Mission Statement

Promote the aspirations and recognition of the Métis Nation by undertaking Métis justice initiatives.

4.2 Objectives

The objectives of the Secretariat are to:

- promote education and research on enhancing Métis participation in the justice system and to sensitize the justice system to the needs and aspirations of the Métis;
- establish and promote Métis legal associations and institutions in the justice area;

- enhance Métis participation in the administration of justice including the investigation and research into alternative justice models; and
- explore and promote traditional and contemporary notions of Métis justice.

4.3 Functions

The functions of the justice Secretariat include the following:

1. undertaking policy development in consultation with interested Métis individuals and organizations;
2. advising the Executive Member responsible for the administration of justice within the MNC;
3. advising on the need to undertake litigation by or against the Métis Nation;
4. coordinating the justice related initiatives of Métis provincial associations and agencies;
5. securing resources and expertise to support Métis communities in devising community responses to justice issues;
7. informing members within the Canadian justice system at all levels of the goals, aspirations and principles of Métis justice initiatives;
8. coordination of the relationship between Métis people and various governments, departments, agencies and employees within the Canadian justice system;
9. increasing Métis awareness of the workings of the Canadian justice system;
10. facilitating greater Métis participation in the current justice system; and
11. to develop alternatives to the existing justice system;

V REPORTS RELATING TO MÉTIS AND THE CRIMINAL JUSTICE SYSTEM

Métis people have voiced concern over the administration of justice for several decades with little or no response from the governments of Canada. A study prepared for the Royal Commission on Aboriginal Peoples noted that

over thirty studies have been undertaken leading to numerous recommendations of which few have been implemented. The study concludes that "the fact that these recommendations are repeated reinforces the awareness of the inadequacies of the existing as well as the need for immediate action".

As with most social policy areas, the majority of the studies fail to desegregate the unique interest of the Métis people. The exception to this rule has been the reports in the prairie provinces where the bulk of the Métis people live. The Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta, the Aboriginal Justice Inquiry of Manitoba, 1991 and the Report of the Saskatchewan Métis Justice Review Committee, 1992 all recognize the unique interests of the Métis people. However, these reports have yet to be implemented in any comprehensive way.

One of the earliest studies into the administration of justice occurred when the Métis established a "Crime and Justice Commission" to examine the reasons for the large number of Aboriginal people in penal institutions. One of the major conclusions reached in the report and highlighted in virtually all subsequent reports relating to the Administration of justice linked high incarceration rates with the poor socio-economic conditions of Aboriginal people. In the words of the Commission chair:

...to substantiate previous claims, it became glaringly apparent that a major contributing factor was the lack of meaningful economic base in the majority of the communities that the prisoners came from..... being denied and economic base has kept us at or below the bottom rung of the socio-economic ladder, which prevents us from even dealing with our day to day survival in a meaningful way. Unless we can plan in a realistic and objective manner our own future as a Nation of people and are afforded the facilities to do so, we cannot in any intelligent manner think in the broader terms as being an integral part of the Canadian mosaic. Every day becomes a crisis situation which does not allow the majority of our people to broaden their experiential base or to look beyond their immediate community and its debilitating confines.

The Report of the Government of Saskatchewan Métis Justice Review Committee also recognized "that without major changes to improve the social and economic conditions which characterize the lives of many Métis people in this province, changes to the criminal justice system will only have a limited effect". The committee identified this as one of their overarching concerns and outlined that "The criminal justice system in Saskatchewan is ill equipped to address fundamental social problems affecting Aboriginal people in the areas of poverty, employment, health, education and loss of cultural identity".

However, the Manitoba Métis Federation report, *The Struggle For Recognition; Canadian Justice and the Métis Nation* cautioned that simply blaming the socio-economic circumstances of the people has been used as an excuse to do nothing to the criminal justice system and for not holding the system accountable. The report provides:

Although most Aboriginal people feel that descriptive studies of over incarceration and systemic discrimination have been "done to death", the MMF research reveals few research efforts that actually evaluate the justice system with a view to holding it accountable for its failures—failures in program planning, implementation and evaluation. As long as the planners and policy makers of the justice system are allowed to rationalize its failures by pointing to, and blaming, large and vaguely-defined "social problems" and claim that these are factors beyond control, they will continue to sidestep questions of relevancy and will continue to feed the syndrome of blaming the victim.

The MMF report paints a grim picture of the root causes for the social and economic under development. The Report highlights the impact of the two Métis Diaspora's which occurred following the settlement of Manitoba and the Northwest placing particular emphasis upon the social fragmentation resulting from the geographical dispersal of Métis people:

Many western Métis were degraded economically into a marginal class outside the primary economy of railroad and agricultural settlements. This degradation was accompanied by a new personal and legal straitjacket. The older settler perceptions of the Métis as pathologically inferior, as a society fit only for an earlier stage of social evolution, were given new life by the settlement of the Great Plains. They were legally ennobled as citizens of the Empire while at the same time receiving the harsh inquisitorial reality of the English legal process. They were to be controlled by an occupying army which both coerced and fed.

In this process of degradation, a legal process—the criminalization of the western Métis—played a major part. Law became the straitjacket of social degradation through which many western Métis and plains Indians were consigned to the oblivion of a marginal class under the "parental tutelage" of a "superior" white civilization. As the major agency of state administration on the plains, the North West Mounted Police used two weapons to marginalize the Métis people. Permissive laws allowed a form of inquisitorial justice to prevail in relation to the Métis. Famine and poverty resulting from the combination of climate, of military depredation and of settlement, gave the North West Mounted Police the power of life and death over many Métis. The carrot and stick of food in return for forced labour created a legal and social dependency class.

In the view of the Saskatchewan Justice Committee,

this marginalization is the legacy of assimilationist policies which, however well or badly intentioned, have resulted in relations of dependency, a loss of control over virtually all aspects of life, and widespread social

disorganization. Put another way, such policies have contributed to pervasive poverty, unemployment and dependence on social assistance; low levels of formal education; increasing rates of family breakdown; high levels of substance abuse, violence, illness and disease; and, last, but hardly least, high levels of conflict with the law.

The MMF Report also reviews the historical justice practices of Métis people and the premium that was placed on more sensitive forms of conflict resolution. The report takes a scathing attack on the present justice systems focus upon adversarialism and confrontation. The report notes:

The concepts of adversarialism, accusation, confrontation, guilt, argument, criticism and retribution are alien to the Aboriginal value system, although perhaps not totally unknown to Aboriginal peoples. In the context of Aboriginal value systems, adversarialism and confrontation are antagonistic to the high value placed on harmony and the peaceful coexistence of all living beings, both human and non-human, with one another and with nature. Criticism of others is at odds with the principles of non-interference and individual autonomy and freedom. The idea that guilt and innocence can be decided on the basis of argument is incompatible with a firmly rooted belief in honesty and integrity that does not permit lying. Retribution as an end in itself, and as an aim of society, becomes a meaningless notion in a value system which requires the reconciliation of an offender with the community and restitution for victims.

The same contradictions between Aboriginal values and the dominant justice system result in a heavy burden being placed on Aboriginal accused, plaintiffs and witnesses who enter into the 'white' justice system. Accusation and criticism (giving adverse testimony), while required in the Canadian justice system, are precluded in an Aboriginal value system which makes every effort to avoid criticism and confrontation.

Refusal or reluctance to testify, or when testifying, to give anything but the barest and most emotionless recital of events appears to be the result of deeply rooted cultural behaviour in which giving testimony face to face with the accused is simply wrong ... [and] where in fact every effort seems to have been made to avoid such direct confrontation.

In Aboriginal societies, it may be ethically wrong to say hostile, critical, implicitly angry things about someone in his or her presence, precisely what our adversarial trial rules require.

The MMF research concluded that the following factors interact to produce over representation of Métis people as offenders. They are equally applicable in other provinces and territories.

1. There has been an historical repression of Métis custom (traditional), social structures and support systems.
2. The Métis have little discretionary time or money available to respond as a community to the problems of the crime.

3. Official responses to the problems documented above are usually framed in terms of social control rather than social development.
4. Aboriginal people as a visible minority have been denigrated and their history has been conveyed in a distorted way. In youths this leads to self-derogation, feelings of helplessness and alienation.
5. The intended child welfare remedies have not worked for Métis children.
6. Official justice system interventions have been culturally alien or irrelevant and poorly understood by the Métis community.
7. Participation in lawmaking and the administration of the laws has been effectively denied the Métis.
8. The official justice system has acted in ways which engender disrespect and cynicism within the Métis community.
9. In many instances correctional and other related services have been denied or not made available to the Métis.

The Métis Society of Saskatchewan position on reforms to the Justice system was summed up in the following manner:

Consistent with the goal of self-determination is the idea that Métis people need to be in charge of the delivery of justice services to themselves and that these justice services have to be grounded in the Métis traditional way of life. The goal of the Métis people in Saskatchewan is that ultimately they must have their own justice systems based on their own laws, administered by their own people.

The Saskatchewan Justice committee confirmed two important points that are to guide the implementation of reforms to the criminal justice system. These are:

1. that meaningful changes can only come about when the Métis community is actively involved in deciding what changes are to be made, how they are to happen, and shares responsibility for the changes; and
2. that because each Métis community is at a different stage of development, they are at different stages of readiness for change. A project or initiative that may be right for one community may not be right for another. The unique and special circumstances of each community must be recognized.

These are also two principles that guide the recommendations that follow in this report. In addition, the MNC believes strongly that reforms to the justices system must be undertaken in a cooperative fashion involving all levels of government.

The Métis Nation of Alberta's submission to the *Task Force on the Criminal Justice System and its Impact on the Indian and Métis people of Alberta* sums up the views of the MNC on the need for a new and ongoing mechanisms to reform the justice system over time where it states:

1. It must override wherever possible, the unjustified withholding of information perpetuated and secrecy which prevents broad understanding of how the system works and the subtle dynamics that influence it.
2. It must override the self-serving protectionism that works to avoid change and preserve the status quo.
3. It must challenge the use of power and position to perpetuate itself.
4. It must be inter-disciplinarian, breaking down barriers between sectors and agencies within the system.
5. It must ensure the most complete and effective flow of information possible both among sectors and agencies, and to the public in ways that will transmit knowledge and promote understanding.
6. It must ensure that the people are fully informed at all stages of the development of policies, programs and projects affecting them.
7. It must ensure that the people openly, directly or through representatives who are accountable to them, have meaningful consultation on all policies, programs and projects affecting them.
8. It must ensure that the people have significant participation in the implementation and ongoing maintenance of policies, programs and projects affecting them.
9. It must have the complete political commitment of the governments to which those sectors and agencies are accountable.

VI CRIMINAL JUSTICE DATA

Given the history of the federal government's treatment of Métis people, it is not surprising that no official statistics have been kept on the Métis. In fact, as has been stated, the federal government even took the unprecedented step of removing the Métis from the national census in 1941. Consequently, Canada does not know who, how many, and where the Métis people are. The federal government is unable to obtain information on the Métis because they remain undifferentiated from the general population.

The absence of accurate demographic and statistical information has left the Métis people at a serious disadvantage. There have been scores of reports on the conditions of Aboriginal peoples which rely exclusively on data from

Indian and Inuit communities. In many cases, authors of reports on "Aboriginal" conditions do not state they are excluding the Métis but report data taken strictly from the many sources on Indian people.

In policy and program delivery terms, the absence of demographic and socio-economic data for Métis has meant denial of federal services. The tendency has been for federal departments offering "status-blind" Aboriginal programs to deal with readily identifiable Indian and Inuit communities. A case in point is the Solicitor General's Aboriginal policing policy initiative which excludes Metis. The Métis are placed at a double disadvantage relative to Indian communities, totally excluded from benefits by the Department of Indian Affairs and largely ignored by "status-blind" programs.

The situation in the provinces is much the same. Provincial government departments do keep records on status Indian clients because the federal government reimburses the provinces for services to Indians. But provincial departments with a mandate to provide services to Métis—such as the Saskatchewan Indian and Métis Secretariat—do not have Métis-specific data. The Secretariat has indicated that Métis identification cannot be made because many programs such as Native Housing and the Native Alcohol Council provide "status-blind" services. Lacking accurate data on Métis clients, provincial departments guess at how many Métis need or use their services.

The following data is the best available data on Metis involvement in the criminal justice system.

6.1 Charges, Sentences and incarceration—Adults

Police statistics on Métis incarceration are not standardized across the country nor within each force. As the Canadian Centre for Justice Statistics notes in the document "Police-Reported Aboriginal Crime in Calgary, Regina and Saskatoon" (Statistics Canada, 1993), all its data on the subject of race, whether through police observation or self-reporting, is unreliable.

When categorization is made by police observation, errors are frequent, since there are no true visible criterion for race. As for victims or offenders volunteering ethnic information, the Canadian Centre for Justice Statistics remarks,

Criminal justice procedures are by their nature adversarial and the cooperation of those against whom actions are being taken is not assured. The high probability of no response or an inaccurate response from the accused regarding their race... seriously undermines the self-reporting approach.

While the researchers believe they are able to give general indicators of the rates of incarceration of aboriginals compared to the general population, they

were unable to break down the statistics into smaller categories than "Aboriginal" and "Non-Aboriginal".

However, it is safe to say that like other Aboriginals, Métis are over represented in the police stations, on the court dockets, and in prisons and penitentiaries.

Of the total aboriginal offenders held federally, Métis men comprise

- 30.8% of aboriginal offenders on the prairies;
- 15.4% of offenders in the Pacific Region;
- 6.2% of offenders in Ontario,
- 5.8% of offenders in the Atlantic,
- and 14.2% of offenders in Quebec.

Métis women compose 25% of the aboriginal women in federal custody. (Solicitor General of Canada Task Force, 1990)

In the article, *Devalued People: Status of the Métis in the Justice System: The Struggle for Recognition*, Manitoba Métis Federation, 1991), Barkwell, Gray, et al., provide some specific statistics on Métis offenders.

Métis adults in Manitoba constitute:

- 13.19 % of offenders on probation, and
- 12.60 % of jail admissions.

The Aboriginal Justice Inquiry of Manitoba noted that according to provincial court data, Aboriginals were charged with fewer property offenses and more crimes against the person and provincial statute violations, than non-Aboriginals.

Regarding sentencing, the Task Force on the Criminal Justice System and Its Impact on the Indian and Métis People of Alberta (1991) heard that "There is a history of Métis and Indian people pleading guilty to charges that they may not be guilty of. Some reasons include: plea bargaining, not wanting to spend 'dead time' in remand, not aware of legal rights."

Barkwell and Longclaws in "The Current Status of Métis People in the Federal Correctional System" (*The Struggle for Recognition*, 1991) note that Aboriginal offenders are less likely to be released on parole; they are more likely to be held in medium or maximum security; they tend to have been born in smaller communities than non-Aboriginal prisoners, but a majority lived in centres of over 10,000 population before their admission to prison.

Our research indicates that waivers and 'gating' are significant elements in maintaining the over-representation of Aboriginal people in the inmate population."

One of the factors weighed when parole is requested is a community assessment. The parole officer will interview community leaders, family and friends to determine if there is support for the inmate. "In practice, Métis community leaders are seldom, if ever, contacted....A Manitoba Métis Federation vice-president confirmed that he could not recall one contact for community assessment in his fifteen years on a local council.

Fine option and community service work centre operations are available in 24 Manitoba Métis communities, including Community Councils and Local Government Districts, four Manitoba Métis Federation locals, and four Indian/Métis Friendship centres.

In all, 85 out of 135 Métis communities in Manitoba are served by these programs. "Overall, the Fine Option/Community Service Order program seems to serve the Treaty Indian/Métis/Non-status Indian community quite well". While 23.6% of Métis defaulted on fines and were admitted to jail in 1988, 13.6% of non-Aboriginals defaulted. However, there is a gender gap. Manitoba Métis Federation research indicates that Métis women are less likely to complete the fine option or community service work, possibly because of child care difficulties, transportation problems, and low incomes.

6.2 Charges, Sentences and incarceration—Young Offenders

Barkwell, Gray, et al., in "Devalued People: The Status of the Métis in the Justice System", also furnish statistics on Métis young offenders.

Aboriginal youth experience conflict with the law at a younger age than non-aboriginal youth. In Manitoba, Métis youth are admitted to probation at the mean age of 15.6 years, compared to 16.1 years for non-Natives. More than one-third (34.4%) of Métis youths admitted to probation are not living with their parents, compared to 25% of non-Native youth. The average age of first conviction for Métis children is 14.2 years, compared to 15 years for non-Natives.

Métis young offenders also tend to have less education; 56.8% of Métis youth have less than Grade nine education, compared to 34.4% of non-Native youth. Métis success rate on probation supervision is only 34.9%, compared to a 52.1% success rate for non-Natives and 42.8% success rate for Indians living on reserves.

The data from the Manitoba Métis Federation indicates that Métis youth admissions to open custody for young offenders for 1984-87 exceeded all non-

Native admissions and Treaty Indian admissions. Métis children are committed to youth institutions at twice the rate they are diverted from court.

In Manitoba, Métis youth constitute:

- 14% of those diverted from court;
- 17.9% of those receiving probation;
- 30.4% of those receiving secure custody;
- 34.8% of those with mixed custody dispositions; and
- 38% of those receiving open custody.

Barkwell, et al, comment that these institutions are distant from these youths' communities, and so it is difficult to maintain support networks for rehabilitation. Open custody "in fact is a very secure jail".

The Ombudsman of Manitoba criticized the youth custody program to the Manitoba Legislature in 1989. Among his concerns about living conditions and educational standards, he questioned whether the programming of these centres could meet the diverse needs of the residents, given the high number of Métis and Indian children.

The Alberta Task Force on Justice noted that Aboriginal young offenders face more severe sentences, and spend more time in custody than non-Aboriginal youths.

Barkwell, et al, point out that alternatives to custody are less used for Métis youth than for others. Only 25% of Métis communities served by local fine option and community service order programs are also served by local youth justice communities.

This is not from lack of enthusiasm in the Métis communities. The Federation held three justice workshops in November 1989. Delegates indicated that few communities had been approached to participate in youth diversion programs. Yet 88.9% indicated they wanted more information about the justice system, and 59.7% felt there was enough interest to warrant a justice issues workshop. Barkwell, et al., conclude that part of the reason for lack of diversion of Métis youth from court is a lack of outreach and information about community alternatives to these Métis communities .

VII EXPERIENCES WITH THE JUDICIAL SYSTEM

The MNC held two special consultations with Métis participants in the Justice system around which many of the recommendations set out below originate from. A conference of Métis people that currently work with the Royal Canadian Mounted Police, municipal police forces and members of the Ontario Provincial Police was held in Regina while a conference of Métis

lawyers was held in Calgary. The MNC has also examined a wide range of policing reports affecting Aboriginal people.

7.1 Police Relations

The Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta (1991) heard submissions from the Alberta Federation of Métis Settlements regarding the lack of trust in police and lack of communication.

"Settlement members feel the police only come around when there is trouble If relations are to be improved, police must spend more time at the Settlement, specifically for community relations (e.g., home visits). This would allow them to meet the people in their home environment so they can become more familiar with the lifestyle and culture."

Regarding cross-cultural training, the report points out that "the single largest ethnic or cultural minority group with whom the RCMP deals Canada-wide is probably the Aboriginal population" and so the largest component of the training should focus on aboriginal culture, particularly identifying the differences between Indian and Métis cultures. This is one solution to the pervasive racism documented in submissions to the Alberta Task Force.

Affirmative action to hire more Aboriginals in all aspects of correctional services have been recommended. Special constables have served a limited policing function, and there are calls for more locally-based "peacekeeping", in the Aboriginal sense.

Currently 12 Métis and non-status communities in Manitoba have one or more police constables appointed by local community police committees under the Northern Affairs Act. These constables then apply for status under the Provincial Police Act as special constables. This is in keeping with the spirit of the recommendation by the Aboriginal Justice Inquiry of Manitoba that Métis and non-status communities consider developing a regional police force, with a police commission.

To meet specific needs in isolated and rural areas, joint projects are being explored. The Métis Settlements of Alberta announced a joint policing initiative between the Whitefish Band of Atikameg and the Gift Lake Métis Settlement to provide a fully-empowered three-person police force for both communities.

While the emphasis is on developing local solutions for individual communities, the Alberta Task Force observed that there is no agency that speaks with one voice for those in conflict with the law. It recommended Métis liaisons with the municipal police force, and further, that the Métis

Association of Alberta take a leadership role with urban people in conflict with the law.

During workshops at the 1990 "Sharing Common Ground" Leadership conference on Aboriginal Policing Services in Edmonton, participants recommended including Métis representatives on police commissions and emphasized that the Métis must be recognized as a distinct group with identifiable needs in any co-operative endeavors.

7.2 Métis Policing Conference

The Métis policing conference noted that Métis have not been a part of the Aboriginal Policing initiatives within the Department of the Solicitor General. This is not because the Métis communities are not anxious and willing to take part but because the basic issues such as jurisdiction and need have not been addressed in foundational research. One of the participants summed up the problem in the following manner:

Métis people have been the victims of a stubborn and destructive federal bias which holds that all people are the same, and assimilation is the only acceptable future for cultures which do not conform to the dominant culture.

A representative from the Government of Saskatchewan noted that the federal bias towards Status Indians is not helping address the larger issues within the urban centers where many Métis reside. He noted that "85 % of the Aboriginal who come in conflict with the law are people coming out of the urban areas, while the federal government dedicates 100 % of its fiscal commitment to Indian reserves that account for less than 15% of the problem." Representatives from Alberta noted that the Métis Settlements are not eligible for the Solicitor General's policing initiatives.

Many conference participants believe strongly that the reason for the deplorable statistics stem from poverty and boredom. One conference participant summed up the feeling of the group this way:

When winter comes, the reality is that some people believe that it is far better to be in jail. The ultimate solution is to enhance economic development and to expand access to recreation programs because boredom is one of the biggest problems in the north.

Other participants spoke to the need for defining prevention strategies. One participant put it this way:

"we should be looking at how we put priority on prevention and define strategies to keep our people out of the penal institutions. We need to work with the police in the area of prevention. Police are the foot soldiers of the judicial system and they need to know that our needs are different

than the white man's. We also need to look at a judicial system that meets the needs of our people. We need a system where society pays their debt to the victim".

Representatives from the OPP stressed the need for real employment equity.

"We need to remove barriers to make the process equal. The current promotional process should not necessarily be determined by length of service. Minorities and women must be included in development opportunities and it needs to be done through more sensitive evaluation mechanisms. The process has not been held accountable in the past, supervisors have developed their *protégés* by putting them into an acting positions without regard to the merit of other candidates."

Conference participants agreed that the merit principle cannot be abandoned and that Métis have to start promoting the idea that being Métis is not an impediment; that the mixed heritage of Métis is in fact an advantage, especially when it comes to policing in Aboriginal communities.

The conference also believed strongly in the need for a community focused policing approach and that it is important to recognize the cultural differences of the three distinct Aboriginal peoples. They noted that deployment practises were not sensitive to these differences. One Métis member of the RCMP who had benefited from the Special Constable Program expressed the concern this way:

After coming through the Special Constable Program, I was sent to an Indian community in Prince Rupert. It was culture shock for me and it was not easy for me to operate in that environment. If the recruiting officer had been on the ball I would have been sent to a Métis community where I could identify with the people and their problems. Where I am now working we have four Métis members and the Métis community senses the difference. They are not afraid to come forward for advice and they provide us with information because they trust us. It helps us do our job better and the community obtains better policing services.

Another participant noted that the key to effective policing is to "build a bond with the community and to find ways for the community to become involved because when you're making time for the community, you're not a policeman, you're a friend and a real role model".

The conference concluded by calling for the establishment of a task force to make recommendations on policing issues affecting Métis people. The conference participants recommended that the task force should address the following:

- jurisdictional issues;

- needs in different types of communities within the Métis Homeland;
- Métis community resources, community infrastructures, existing models, existing personnel;
- Métis-specific training for police officers—historical, cultural, and contemporary knowledge of Métis concerns;
- role of policing function of game wardens and conservation officers;
- enhancing Métis involvement within existing police forces;
- crime prevention and community safety strategies;
- identification and development of a network among Métis people involved in policing in Canada;
- level of crime in various types of Métis communities; and
- types of crime and punishment presently involving Métis people.

Recommendations on Policing:

1. The Métis National Council recommends increasing the number of Métis police officers in the RCMP, the Ontario Provincial Police and in municipal police forces.
2. The MNC recommends the development of community policing approaches.
3. The MNC recommends the establishment of a Métis Policing Task Force with the following mandate:
 - jurisdictional issues;
 - needs in different types of communities within the Métis Homeland;
 - Métis community resources, community infrastructures, existing models, existing personnel;
 - Métis-specific training for police officers—historical, cultural, and contemporary knowledge of Métis concerns;
 - role of policing function of game wardens and conservation officers;
 - enhancing Métis involvement within existing police forces;
 - crime prevention and community safety strategies;
 - identification and development of a network among Métis people involved in policing in Canada;
 - level of crime in various types of Métis communities; and
 - types of crime and punishment presently involving Métis people.

4. **The MNC also recommends Métis participation on all relevant police commissions and tribunals.**

VIII COMMUNITY-BASED ALTERNATIVES

The various aboriginal task forces and inquiries have advocated both evolutionary and radical changes to the justice system. These range from indigenization of the corrections system through employment equity, to cross-cultural training, to the establishment of parallel aboriginal justice systems.

In practical terms, various aboriginal justice initiatives have commenced in communities and reserves across the country. Leonard Mandamin provides a useful definition of community as a unit for delivery of justice in this context. He suggests that an Aboriginal community could be defined as a single group of people living at a specific settlement, or a collection of many groups united by a common language, culture and political governing structure. ("Aboriginal Justice Systems: Relationships" from The Report of the National Round Table on Aboriginal Justice Issues, Royal Commission on Aboriginal Peoples, 1993).

The community level may be the appropriate place for addressing concerns such as these raised by the Métis Association of Alberta in a presentation to the Task Force in Alberta (1991, Justice on Trial):

Judges should order convicted people to attend school while incarcerated.

Far too many Métis people are being incarcerated because of fine default. One should not be further penalized because one is too poor. It costs more money to put people in prison than to sentence them to a fine option program.

Judges have far too much discretion with little accountability to the public. Court monitoring should be considered to accumulate enough data to force change.

One promising community justice tool is the Sentencing Circle. The Métis Society of Saskatchewan has established two Sentencing Circles in northern Métis communities. The first in an urban setting premiered in April 1993 in Saskatoon.

The circles are intended to make the judgment process more attuned to the needs of the community. By including community members sitting in judgment on other members, the emphasis will be on reconciliation rather than externally imposed sanctions. ("Aboriginal Justice Inquiries, Task Forces and Commissions: An Update", Report of the National Round Table on

Aboriginal Justice Issues, for the Royal Commission on Aboriginal Peoples, 1993).

Some communities are applying solutions to Aboriginal justice concerns in areas incorporating other populations. In Fort Chipewyan, Alberta, where there is a small non-aboriginal population, the two First Nations and a Métis group jointly started a youth justice committee.

When a young offender pleads guilty or is found guilty, the judge directs him/her and the parents to appear before the Native Youth Justice Committee. The members of the committee are elders and leaders who discuss with the family the causes of the youth's misconduct and what should be done about the situation. Frequently the consensus decision includes the agreement of the young offender. Reports indicate that the number of young offenders charged has dropped by one-third, as have the number of repeat offenders (Alberta Task Force, 1991).

For future evolution of courts, in Alberta, the Métis Settlements may provide local dispute resolutions. These may be appealed to the Métis Settlements Appeal Tribunal, the only existing Aboriginal Appellate tribunal. With jurisdiction to hear appeals of membership and land decisions, it has the potential to develop from a strictly administrative and civil function to a useful form of dispute resolution for the Métis. Such a body could direct the Aboriginal justice systems in a common approach to criminal justice issues facing Aboriginal communities.

Rather than replace these working models with a single Aboriginal justice system in the future, Aboriginal justice systems could incorporate these local strategies and initiatives. "Ultimately, aboriginal justice systems will need to be developed in a manner that allows flexible responses to community needs and sufficient consistency to satisfy the expectation that justice be even-handed in all Aboriginal communities across Canada" (Leonard Mandamin, Report of the National Round Table on Aboriginal Justice Issues, Royal Commission on Aboriginal Peoples).

In a paper for the Windsor law faculty, Teresa James writes "Direct community participation in sentencing will not be appropriate for all crimes, nor for all offenders, nor all communities. However...the sentencing circle could be an important step in the attempt to develop a more purposeful, effective and humane response to crime." She quotes Judge Stuart, of the Yukon Territorial Court, who first advocated the use of a circle sentencing hearing procedure:

The justice system cannot be serious about forging new partnerships with communities and fostering community participation unless it is equally serious about its readiness to respect the values, beliefs, concerns and desires of the

community. This does not mean sweeping away the beliefs and values inherent to the justice system, it means seeking constructive changes that merge the positive practices and beliefs of communities and the justice system. Time, and a willingness to trust and experiment, will reveal what changes are best suited to evolve a justice system capable of being a viable influence in each community.

Recommendations on Sentencing, Incarceration and Community Orders:

4. **The MNC recommends increased Métis community participation in sentencing processes and that the socio-economic conditions of the offender and community be considered to determine whether there is a causal connection and, if so, such considerations to be taken into account in the sentencing of the offender.**
5. **The MNC recommends the establishment of more meaningful sentences including the implementation of community service work as part of the sentence.**
6. **The MNC recommends the implementation of education and training programs including counselling programs relating to drug, substance and alcohol abuse and family violence with follow-up monitoring following release.**
7. **The MNC recommends the establishment of a Métis community based correction and parole services including enhanced use of diversion programs.**
8. **The MNC recommends Métis representation on the National Parole Board.**

IX STAFFING COURTS

Just as there is need for more aboriginal involvement in law enforcement, the various inquiries and task forces noted that more Métis people must be involved in defending, sentencing, rehabilitating and ultimately diverting Métis offenders.

The Alberta Task Force noted that no Métis elders were involved in prison visits. The Saskatchewan Métis Justice Review Committee called for the Legal Aid Commission to institute employment equity to achieve greater aboriginal participation. At minimum, they recommended staff levels mirror the level of Aboriginals in the population. At optimum, the percentage of aboriginal staff should equal the percentage of aboriginal clients.

The Department of Justice's own 1991 discussion paper, "Aboriginal People and Justice Administration" noted that the Canadian Association of Law

Teachers considers aboriginal lawyers to be under-represented in the legal profession and urges that the Department increase the level of its assistance to Métis and non-status Indian applicants.

In presentations to the Task Force in Alberta (1991), both the Federation of Métis Settlements and the Canadian Human Rights Commission advocated the appointment of lay judges. In the Commission's words:

An area of even lower aboriginal representation is the judiciary, whose impact on Indian and Métis lives through the court system is profound. In view of the evident difficulty of hiring qualified native judges for the mainstream system in the short or medium term, consideration should be given to training native lay judges for dealing with aboriginal cases. Both Indian and Métis groups have expressed interest in such an initiative.

The Inquiry also recommended that the federal government acknowledge and recognize the Métis people as coming within the meaning of section 91 (24) of the Constitution Act, 1867, and that the Government fulfill this mandate by devising appropriate initiatives in conjunction with Métis people of Canada.

And to undertake initiatives of decentralization and democratization, the Inquiry's final recommendation was that ongoing funding to Aboriginal organizations be provided in a manner consistent with

- the need of Aboriginal people for an ongoing, consistent revenue base
- the right of Aboriginal people, as original owners of the land, to a fair share of revenue resources from both levels of government
- greater access to the revenue-generating powers and sources available to federal and provincial governments.

Recommendations from the Métis lawyers conference:

9. The MNC recommends the establishment of a Métis Nation Justice Secretariat with following functions:

- **legal studies grants;**
- **legal education;**
- **intervenor capacity;**
- **assist in development of alternative justice approaches;**
- **maintain registry of Métis in legal profession; and**
- **monitor and maintain statistics (from Métis register)**

10. The MNC recommends the transfer of control over the Department of Justice's Native Legal Studies Program to a Métis Legal Education Secretariat with an increase in the number of student placements from the current level of 13 full and 7 part-time grants to 75 full-time and 25 part-time students. Grants will be made available to students in full-time attendance in law school and bar school. Full and part-time students engaged in criminology programs and graduate students undertaking their thesis on legal questions affecting Métis rights should also be eligible for student assistance.
11. The MNC recommends that student grants cover a full twelve-month period with students providing their services to the Métis Community during periods where they are not engaged in full-time attendance including a six-month period of service on completion of their degrees in legal aid clinics or equivalent service for non-lawyers. The expanded grant program shall be overseen by a committee composed of Métis representatives. The Métis Nation shall establish guidelines for eligibility with a proviso that eligibility will be opportunity-based and shall include provisions for recipients to provide community service to the Métis community.
12. The MNC recommends the Métis Nation Legal Education Secretariat possess a legal education function to promote awareness of the law within the Métis Nation and to develop cross-cultural education programs for members of the legal profession. The Secretariat shall also provide research expertise in reforming the justice system to accommodate the unique needs and aspirations of Métis people.
13. The MNC recommends that the Canadian Association of Law Teachers and the Canadian, provincial and territorial law societies and the various branches of the Canadian Bar Association continue to promote legal education and studies on Aboriginal legal issues including a distinct focus on Métis legal issues.
14. The MNC recommends that the Métis Nation Lawyers Association possess a capacity to intervene in legal actions impacting upon the rights and benefits enjoyed by people of the Métis Nation.

Recommendations relating to Judicial Reforms:

15. The MNC recommends increasing the number of Métis people on the bench and as justices of the peace based upon merit. The MNC further recommends that the Department of Justice and provincial and territorial ministries of justice maintain a current register of Métis

lawyers and other legal practitioners and review such registers when new appointments to the judiciary are made.

16. The MNC recommends the Government of Canada and provinces and territories in the Métis Homeland engage MNC member associations in discussions on the desirability of establishing distinct Métis judicial processes in provinces and territories. The MNC further recommends the establishment of pilot projects to explore alternative dispute resolution mechanisms to resolve breaches of the peace involving the offender, victim and members of the judiciary with a focus on restitution and victims compensation.
17. The MNC recommends the repatriation of the judiciary to the Métis community through the establishment of liaison officers from members of Métis communities to assist the circuit courts carry out their work in northern and remote communities where numbers and case loads warrant. Liaison officers should be provided with assistance to establish local justice committees, such committees to provide the members of the circuit court with periodic reports on the nature and scope of the conditions within the community that give rise to errant behaviour.
18. The MNC recommends the appointment of Métis people to judicial councils.

X RECOGNITION UNDER SECTION 91(24)

One of the central recommendations of the Aboriginal Justice Inquiry of Manitoba dealt with the critical need for the federal government to assume its jurisdictional responsibilities for the Metis people:

that the federal and provincial governments acknowledge and recognize the Métis people as coming within the meaning of section 91(24) of the Constitutional Act, 1867, and that the Government of Canada accept that it has primary constitutional responsibility to seek to fulfill this mandate through devising appropriate initiatives in conjunction with the Métis people in Canada.

The rights of the Métis were confirmed when the 1982 Constitution Act recognized them as one of the Aboriginal peoples of Canada. Both constitutional status and historic evidence of cultural distinction must now be considered in determining the obligations of the federal government.

To read that s. 91(24) does not include Métis would be contrary to the spirit of the principles of interpretation adopted with respect to s. 35 (1) and would have the effect of driving an unwelcome jurisdictional wedge through the

"existing Aboriginal and treaty rights of the Aboriginal peoples of Canada" which are "recognized and affirmed" in s. 35(1).

The MNC believes the Metis fall within the purview of Section 91 (24). Our reasons area as follows:

- Pre and post-confederation Indian Acts quite expressly included persons of mixed blood. Some Half-Breeds were later expressly excluded, suggesting that without such exclusion, they would be included;
- with the exception of Schwartz, all legal commentators that have reviewed the question conclude that Métis fall within section 91 (24);
- the historical materials show that Métis were sometimes included with Indians, sometimes with Whites and sometimes with no one. No final conclusion can be drawn from the ordinary usage of the term;
- however, it is unnecessary to refer to ordinary usage in that the question should be determined on the basis of the following two points alone:

Half-Breeds and Metis are recognized as having Indian title.

s.35(2) recognizes the Métis as an Aboriginal people of Canada.

As argued above it is incongruous to say that the Métis could have Aboriginal title, and yet not be Aboriginal. Aboriginal title is, if nothing else, a personal right and there is no way at law in which it can be held by anyone other than an Aboriginal person. The relevance of s.35(2) is interpretive. That is, if Métis were not included in s.91(24) prior to 1982, then it cannot be said that s.35(2) had the effect of amending s.91(24) so as to include them.

However, this is not the case. There was certainly a controversy prior to 1982 and s.35(2) can be seen as resolving the controversy in the highest law of the land. That is, it should not be necessary to resolve the controversy on its historical basis alone. Section 35(2) resolves it.

Recommendation:

19. **The federal government should immediately assume its jurisdiction for all Aboriginal people on the basis of Section 91 (24) and Parliament should immediately honour its obligations under that section.**

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To: Métis National Council Special Assembly Delegates

From: Senator Thelma Chalifoux

Date: November 9, 1994

On behalf of the MNC Senate Commission, I am honoured to report back to the MNC Assembly with a proposed Draft Constitution of the Government of the People of the Métis Nation.

Many of you will recall that the MNC Special Assembly in Vancouver, B.C. in 1993, mandated our Senate Commission with the responsibility of consulting the people on developing a new Constitution for the next MNC Special Assembly, originally scheduled for November of 1993. While circumstances did not furnish us with an opportunity to present the Constitution in 1993, I am sure you will agree that the added time has allowed all of us to reflect carefully upon the issue further.

In developing the constitution, the committee met with a wide range of individuals and groups. The Commission attended the majority of the provincial and territorial assemblies last year. The Commission drafted a questionnaire that was widely circulated, soliciting comments from grass roots people at the community level. The Commission also benefited greatly from constitutional reports prepared by provincial associations during the Charlottetown discussions.

It should be stressed that this "working draft" constitution is not put forward as a take it or leave it proposition. The document is intended to solicit comments and can be adapted as required by the MNC Assembly. It is merely a humble attempt to advance constitutional discussions which, in our view, have gone on far too long.

While the Commission realizes that the making of a constitution takes time, we want to caution that the unending constitutional debate saps the energy of the people. A decade has now passed since the adoption of the current constitution which all agree requires changes. The proposed Senate constitution may not be perfect, but there are few, if any, constitutions in the world that are.

Constitutions, like the set plans laid out to govern the hunt in days past, must be susceptible to change in order to meet new and emerging circumstances. However, like the basic law of the hunt, a constitution must have the support of the people and more importantly, the people must agree to abide by the terms of the constitution and to defend them when necessary.

In addition to the constitution, you will find a draft Administrative Structure of the Proposed Métis Nation Government, prepared to complement—in administrative terms—the functions and personnel requirements of a fully-functioning governmental structure. The document elaborates upon the roles and responsibilities of the proposed governmental body and the costs associated with running its committees and secretariat. I specifically draw your attention to the draft organizational chart in the appendix of the document.

You will also find two very important draft documents relating to conflict of interest. We all know too well the need to ensure integrity in our political system. The two draft Conflict of Interest Acts are intended to promote integrity. Both are put forward as model codes and we encourage all our existing political institutions to consult them carefully.

The Métis Nation Parliament Members Conflict of Interest Act would apply to elected Métis representatives. The Métis Nation Public Employees Conflict of Interest Act would apply to staff. I might add for emphasis, both acts are among the toughest acts adopted by any government in Canada.

Finally, you will find a document called “Métis Nation Government Organization and Public Service Law”. This is a legal document to be passed by the Métis Nation government to regulate the legal affairs of the Secretariat. This document would form the legal basis for our relations with the other orders of government as well as private business. The voting procedures in the public service law mirror those set out in the draft Constitution of the Government and People of the Métis Nation (set out in legal terms). It also sets out critical areas such as provisions for the Auditor General, the organization and management of the public service, including the Office of the Comptroller. Finally, it deals with boiler plate issues such as the corporate seal, execution of documents, notice, etc.

In closing, I would like to take this opportunity to personally thank the members of the Senate Commission, Senators Dave Barron, Edith McLeod, John Boucher, Ed Head and Pete Fraser and the staff of the Métis National Council in assisting in the overall effort. We still have much work to do. However, it is my hope that the work we have undertaken will lighten the load on the road to Métis self-government.

WORKING DRAFT

**CONSTITUTION OF THE
GOVERNMENT AND
PEOPLE OF THE MÉTIS NATION**

APRIL 1994

EXECUTIVE OVERVIEW

PREAMBLE—The preamble sets out the background for the Constitution.

PART I, FOUNDATIONS OF THE METIS NATION—deals with the foundation upon which the Metis Nation rests. This includes a declaration that the Metis Nation is third order of government in Canada, exercises all the rights of the Metis under section 35 of the Constitution of Canada and that until the Metis Nation enacts legislation, the laws of Canada will apply to Metis people. It recognizes that Metis people will have dual Canadian and Metis citizenship, defines the Metis and authorizes the Metis Nation Parliament to make laws to enumerate and register the Metis. Finally, this part recognizes Batoche as the Capital of the Metis Nation, and authorizes the Metis Nation Parliament to adopt a Metis Nation flag, anthem and emblem.

PART II, CENTRAL GOALS OF THE METIS NATION—sets out the goals of the Metis Nation. These include the restoration of a land and resource bases, the recognition of Metis jurisdiction and to seek cooperative relationships with other Canadians. It also focuses upon improving living conditions of Metis people and respecting the individual rights of Metis. Finally, it recognizes that one of the central goals is the independence of the Metis Nation and a commitment to resist any aggression upon the Metis Nation or any of its people.

PART III, PRINCIPLES OF THE METIS NATION—outlines some of the principles that are important to the Metis people including the family, education, training, employment and work. It also recognizes the importance of culture and language. This part recognizes that religion and politics should be separate and that people should have the right to express opinions so long as those opinions do not bring dishonour to the Metis Nation. Finally, it recognizes that the basis for interaction between Metis should be mutual respect, cooperation and tolerance and that all power rests with the people.

PART IV, THE METIS NATION GOVERNING STRUCTURES—sets out the structures of the Metis Nation Parliament including the recognition of a Metis Nation Legislative Assembly, Metis National Council and a Metis Senate. The composition of the legislature (how many votes and seats each provincial and/or territorial association will send) is set out in the Constitution. This part sets out the responsibilities of the Metis Nation Legislative Assembly, the MNC and the Senate and sets out the basic procedures for enacting laws and motions as well as the functioning of the Parliament. This part also requires that Members of the legislature swear an oath.

PART V, EXECUTIVE INSTITUTIONS—sets out the responsibilities of the Executive institutions including a Cabinet (a restructured Metis National Council) and the President. The composition of the Cabinet and the ministries to be created will be determined by the Metis National Council. More importantly, the method for selecting the President will be based upon one person, one vote. Initially, however, the first President of the Metis Nation will be chosen by a national leadership convention.

PART VI, TRANSITIONAL AND OTHER PROVISIONS—sets out the constitutional amending formula and indicates that the Constitution shall be reviewed after a five-year period.

WORKING DRAFT

CONSTITUTION OF THE GOVERNMENT AND PEOPLE OF THE METIS NATION

PREAMBLE

WHEREAS the Métis people of Canada are desirous of strengthening the historic bonds among Métis people across the Métis Homeland;

AND WHEREAS the Métis people of Canada share a common cultural identity, political will and desire to build a new foundation to protect and strengthen Métis identity;

AND WHEREAS Métis people have an inherent right to govern themselves and continue to assert this right within the context of the Canadian federation;

AND WHEREAS Métis people are known as Otipemsiwak or as a Nation of People who always had and will continue to have control of their own destiny;

AND WHEREAS Métis provincial and territorial representative bodies have determined that it is time to build the Métis Nation and to strengthen the governmental structures throughout the Métis Homeland;

AND WHEREAS the Métis people are resolutely intent upon reclaiming their rights to land and control over Métis citizenship; and

NOW THEREFORE the Métis people declare this document to be the Constitution of the Métis Nation.

PART I

FOUNDATIONS OF THE MÉTIS NATION

- 1.** The Métis Nation shall be the sole representative body of the Métis people of Canada at the national level and shall exercise, within the context of the Canadian federation and within the limits of this Constitution, the rights, powers, privileges and jurisdictions of a third order of government in Canada.
- 2.** Unless it is otherwise expressed or implied, the name Métis Nation shall be taken to mean the Métis Nation as constituted under this Part.
- 3.** The Métis Nation shall be divided into six jurisdictions composed of Métis representative bodies from Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and the Northwest Territories.

4. For each jurisdiction there shall be one representative body per province or territory who shall possess a written constitution, practise democratic procedures in determining the selection of its leadership, and shall convene an Assembly at least once a year.
5. The Métis Nation shall not extinguish or surrender its rights to land or resources nor surrender any of its jurisdiction to any other government in Canada except pursuant to a treaty, land claims agreement or inter-governmental agreement ratified by the Métis people affected by the agreement and where the jurisdiction or rights to be surrendered or extinguished apply to all Métis, the treaty or inter-governmental agreement has been ratified by the Métis Nation Legislative Assembly.
6. The Métis Nation shall enjoy and have the power to exercise all Aboriginal, treaty or other rights or freedoms that pertain to the Métis people as one of the Aboriginal people of Canada under the *Constitution Act, 1982*.
7. (1) The Capital of the Métis Nation shall be in Batoche.
(2) Until such time as a permanent Parliament is constructed, the Métis Nation Legislative Assembly shall meet in such place as may be deemed appropriate by the Métis National Council.
8. The people of the Métis Nation shall have dual Canadian and Métis citizenships.
9. (1) For the purposes of this Constitution "Métis" means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit and
 - (a) is a descendant of those Métis who received or were entitled to receive land grants and/or scrip under the provisions of the *Manitoba Act, 1870*, or the *Dominion Lands Acts*, as enacted from time to time, or
 - (b) is recognized as a Métis by a Métis provincial/territorial or local association as set forth in laws enacted by the Métis Nation Legislative Assembly.

(2) For the purposes of identifying the people of the Métis Nation, the Métis Nation Legislative Assembly shall establish laws for the enumeration and registration of the Métis people of Canada including

maintaining a current list of recognized provincial/territorial and Métis community associations.

10. No Métis person who has been recognized as a Métis may lose his or her citizenship by reason of suspension or termination of membership in a Métis provincial or community association.
11. The Métis Nation Legislative Assembly shall adopt a flag to be known as the "Flag of the Métis Nation," which shall be raised to full mast at all official functions involving the Métis Nation.
12. The Métis Nation Legislative Assembly shall adopt an anthem to be known as the "Anthem of the Métis Nation," which shall be played at the opening and closing of the Métis Nation Legislative Assembly and such other official functions involving the Métis Nation as is appropriate.
13. The Métis Nation Legislative Assembly shall adopt an emblem to be known as the "Emblem of the Métis Nation," which shall be the official symbol of the Métis Nation.
14. The laws of Canada and the laws of the provinces and territories continue to apply to the Métis Nation, subject nevertheless to displacement by laws enacted by the Métis Nation Legislative Assembly or its provincial or territorial Legislative Assemblies.

PART II

CENTRAL GOALS AND ASPIRATIONS OF THE METIS NATION

15. The central goals and aspirations of the Métis Nation are to:
 - (a) represent and promote the interests of the Métis Nation;
 - (b) restore Métis lands and resources for future generations;
 - (c) achieve the full recognition of the Métis Nation and its jurisdiction within the Canadian federal system;
 - (d) seek cooperative and productive relations with other Canadian governments and peoples based upon mutual respect, sharing and tolerance;
 - (e) promote progress and prosperity among Métis people in all cultural, social, economic and political fields;

- (f) achieve self-sufficiency for the Métis people and the institutions of the Métis Nation;
- (g) maintain and promote respect for the individual rights and freedoms of the Métis people and the equal protection and advancement of female and male Métis; and
- (h) maintain the independence and integrity of the Métis Nation, safeguard its stability and resist any aggression upon its existence or any of its people.

PART III

PRINCIPLES OF THE METIS NATION

16. The family shall form a cornerstone of the Métis community and Métis Nation laws shall promote and safeguard it and shall be directed at enabling the family and its members to become self sustaining, productive and healthy.
17. Education and training shall be the primary instruments for social development and Métis Nation laws or initiatives shall be directed at their promotion and enhancement.
18. Employment and work shall form the basis for the growth and prosperity of Métis people and Métis Nation laws or initiatives shall be directed at enhancing employment opportunities and the general advancement of Métis people.
19. The culture and language of the Métis Nation shall nourish Métis identity, unity and patriotism and Métis Nation laws and initiatives shall be directed at their promotion and enhancement.
20. The Métis Nation shall make no laws respecting the establishment, the promotion or the discouragement of maintaining, practicing or otherwise participating in religious activities or institutions.
21. (1) The basis for interaction between Métis shall be mutual respect, co-operation, sharing and tolerance.

(2) All Métis shall have the freedom to hold opinions and express them orally or in writing or by any other means, unless such opinions bring dishonour to the Métis Nation.
22. Discrimination based on sex, language, race, nationality, ethnic origin, age, religion, profession, education, colour, physical or mental disability or social position shall be strictly forbidden.

23. (1) All power within the Métis Nation rests with the people and may only be exercised through the established structures and institutions set out in this Constitution.
- (2) Any authority within the Métis Nation that is not exercised in accordance with this Constitution is of no force or effect.

PART IV

THE METIS NATION GOVERNING STRUCTURE

24. (1) The Métis Nation Governing Structure shall consist of a Métis Nation Legislative Assembly, the Métis Nation Senate and Provincial or Territorial Legislative Assemblies.
- (2) The Provincial and Territorial Legislative Assemblies shall be vested with primary legislative power and responsibility except for those matters specifically assigned to the Métis Nation Legislative Assembly under this Constitution.
- (3) The Métis Nation Legislative Assembly shall hold an annual ordinary session every calendar year.
- (4) Extraordinary sessions of the Legislative Assembly shall be held upon the call of three-quarters of the Members of the Métis National Council.
- (5) At least half of the members of both the Métis Nation Legislative Assembly and the Métis National Council must be present to constitute a session of the Métis Nation Legislative Assembly.

Composition and Selection of Members of the Métis Nation Legislative Assembly

25. (1) Representation within the Métis Nation Legislative Assembly shall be based upon representation by population. **Transitional Provision**—Until an enumeration of the Métis Nation is completed, representation of each Métis Provincial and Territorial Legislative Assembly shall be based upon its proportion of the population within the Métis Homeland according to the distribution set out under subsection (2).

(2) Representation in the first Legislative Assembly shall be as follows:

Ontario	8
Manitoba	16
Saskatchewan	16
Alberta	16
British Columbia	8
Northwest Territories	8

(3) Until the electoral processes of each of the provincial and territorial representative bodies within the Métis Homeland is harmonized and the Métis Nation Legislative Assembly enacts a law governing the election of its Members, the method of selection of Members of the Métis Nation Legislative Assembly shall be determined by the provincial and territorial representative bodies.

(4) The Métis Nation Legislative Assembly shall enact an electoral law to provide for direct one person one vote elections for the position of President.

(5) Every citizen of the Métis Nation, 18 years of age or older, has the right to vote in an election of the President and of Members of Provincial and territorial Legislative Assemblies and to be qualified for membership therein.

Responsibilities of Métis Nation Legislative Assembly

26. (1) The Métis Nation Legislative Assembly has authority to enact laws for the Métis Nation over all matters specifically assigned under this Constitution.
- (2) The Métis Nation Legislative Assembly shall make decisions based upon majority vote.
- (3) The Métis Nation Legislative Assembly shall be responsible for the following matters:
- (a) the formulation of national policies relating to all matters set out in this Constitution, including policy to achieve the central goals and aspirations of the Métis Nation;
 - (b) the ratification of all intergovernmental agreements or treaties that affect the Aboriginal, treaty or other rights or freedoms of the Métis Nation;

(c) defining the jurisdiction and responsibility of the departments, committees, task forces or boards and agencies carrying out the work of the Assembly;

(d) enacting electoral laws for the election of Members and the President;

(e) enacting laws relating to the enumeration and registration of Métis people;

(f) enacting a code of ethics or such other instruments as may be necessary to uphold the integrity of the Métis Nation Legislative Assembly and Government of the Métis Nation; and

(g) adopting rules of procedure to govern the working of the Legislative Assembly and its constituent parts.

Composition and Selection of Métis Nation Senate

27. (1) The Métis Nation Senate shall be composed of one Métis person appointed from each of the provinces and territories within the Métis Homeland.

(2) Métis individuals from each province or territory shall be appointed by the province or territory concerned based upon criteria to be established by the province or territory.

Responsibilities of Métis Nation Senate

28. The Métis Nation Senate shall be responsible for:

(a) swearing in the Members of the Métis Nation Legislative Assembly, Ministers of the Métis National Council and the Leader and Deputy Leader of the Métis Nation;

(b) initiating procedures and establishing criteria respecting decorations, medals of honour or other commemorative recognition of the Métis Nation;

(c) resolving conflicts among members of the Métis Nation Legislative Assembly and the Métis National Council;

(d) resolving conflicts among the Métis Nation Legislative Assembly and any of the provincial, territorial or women's representative bodies within the Métis Nation; and

(e) any such other responsibility vested in it by this Constitution or by the Laws of the Métis Nation.

Procedures of Métis Nation Legislative Assembly

29. (1) At the opening of each session of the Métis Nation Legislative Assembly, the election of a Speaker and Deputy Speaker shall be the first order of business and shall not be interrupted by any other proceeding.
- (2) The Speaker and Deputy Speaker shall have general charge of the business of the Métis Nation Legislative Assembly and shall be the final authority on all procedural questions.
- (3) Decisions regarding procedural questions shall be based upon the usages, forms, customs and precedents of the *Laws of St. Laurent*, as amended from time to time by the Métis Nation Legislative Assembly.
- (4) The sessions of the Métis Nation Legislative Assembly shall be open to all Métis people.
- (5) The Métis Nation Legislative Assembly and the Métis National Council shall convene and sit in the same chamber during Legislative sessions but shall vote separately unless otherwise provided for in this Constitution.
- (6) Where at least half of the Members of either the Métis Nation Legislative Assembly or the Métis National Council request an opportunity to retire to consider a matter before the Legislative Assembly, the Speaker shall separate the chamber.
30. (1) Legislation and Motions shall be the two primary law making instruments of the Métis Nation Legislative Assembly.
- (2) Laws shall be considered enacted upon the satisfaction of the following procedures:
- (a) a draft law is submitted by a Legislative Assembly Member to the Speaker;
 - (b) the Métis Nation Legislative Assembly has reviewed the law and adopted it by a majority vote;
 - (c) the Métis National Council has reviewed and endorsed the law; and

(d) the President of the Métis Nation has signed the law.

(3) If at least half the Members of the Métis National Council propose amendments to a law adopted by the Métis Nation Legislative Assembly, the law with the proposed amendments shall be returned to the Métis Nation Legislative Assembly for reconsideration.

(4) If the amendments proposed by the Métis National Council are accepted by the Métis Nation Legislative Assembly after reconsideration, the law shall be signed by the President of the Métis Nation.

(5) If the amendments proposed by the Métis National Council are not accepted by the Métis Nation Legislative Assembly, the law may nevertheless be enacted in its original form by a two-thirds vote of the Members of the Métis Nation Legislative Assembly.

31. Motions may be initiated by any Member of the Legislative Assembly or Métis National Council and shall be considered adopted upon a simple majority vote of the combined Members of the Métis Nation Legislative Assembly and the Métis National Council.
32. Laws that are enacted and motions that are adopted shall be recorded and published in the official gazette of the Métis Nation Legislative Assembly within two months following the close of a legislative session.

PART V

EXECUTIVE INSTITUTIONS

33. The executive institutions of the Métis Nation shall consist of:
- (a) an Executive Council, which shall be called the Métis National Council; and
 - (b) the President of the Métis Nation.

Composition and Selection of Executive Council

34. The Métis National Council shall be composed of the President of the Métis Nation and the Leaders of the Provincial and Territorial representative bodies within the Métis Homeland.
35. (1) The President of the Métis Nation shall be responsible for intergovernmental and international affairs and shall assign executive responsibilities among the various other members of the Executive.

Oath of Allegiance

36. Before a Member of the Cabinet undertakes the duties, obligations and responsibilities of office he or she shall swear the following oath to be administered by a Member of the Métis Nation Senate:

I swear that I will be faithful to the Métis Nation and will uphold and defend the Constitution, the laws of the Metis Nation and the duties of my office and will carry out the duties, obligations and responsibilities in a manner that will bring honour to the Métis Nation and her people, so help me God.

Responsibilities of Métis National Council

37. (1) The Métis National Council shall be responsible for dealing with all internal and external matters within the competence of the Métis Nation according to the laws adopted by the Métis Nation Legislative Assembly and this Constitution.
- (2) Without limiting the generality of subsection (1), the Cabinet shall carry out the following responsibilities:
- (a) the implementation of the general motions, policies or recommendations of the Métis Nation Legislative Assembly;
 - (b) the drafting and submission of laws for presentation to the Métis Nation Legislative Assembly;
 - (c) the adoption of policies for the implementation of Métis Nation laws including any administrative, financial or other policies for the effective and efficient functioning of Métis Nation departments, secretariats or committees; and
 - (d) any other jurisdiction or responsibility vested in it by this Constitution or by the Métis Nation Legislative Assembly.
- (3) At the outset of each session of the Legislative Assembly, Executive Members shall file an Annual Report with the Speaker of the Legislative Assembly outlining the activities of the Executive Member together with a full financial accounting and other Members of the Legislative Assembly shall be given an opportunity to question the Minister thereon.

DRAFT

THE METIS NATION GOVERNMENT

ADMINISTRATIVE STRUCTURE

JUNE 1994

THE MÉTIS NATION GOVERNMENT

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THE MÉTIS NATION GOVERNMENT

INTRODUCTION

This document will set out the role, structure and costs of the Métis Nation Government. The document describes the different functions of the Government, how these functions interrelate and the public service required to support the functioning of the Government.

Government is a group of individuals who decide how a community should live together. Governments are formed by citizens of a community to make the rules about how citizens will act towards each other and towards citizens of other communities. Government oversees how citizens accept the rules. Government also provides some of the means which citizens can use to achieve their collective goals.

Governments enact laws which are binding rules and for which penalties and sanctions are applied if the rules are not followed. Governments also decide policies which are non-binding guidelines about how things should be done. A guideline gives direction about a course of action and, unlike a law, a policy does not insist that the course of action be followed.

Governments are normally composed of several institutions each with different functions and powers. This division of powers avoids a concentration of power in the hands of a few. This division also means that there must be ways of reaching decisions through internal processes to find agreement on the laws and policies.

This division of powers among the different parts of the Government will determine in the structure of government and will determine the relations between of them.

THE GOVERNMENT OF THE MÉTIS NATION

The proposed Métis governing structure is a federal style governmental system composed of the President and the Executive Council, the Legislative Assembly, the Métis Nation Senate and provincial Métis Legislative Assemblies. This document does not include the administrative structures for provincial Métis Legislative Assemblies.

The Métis Government is a congressional type of government. The legislature, those who make the law, and the executive, those who administer the laws and implement the policy, are separate institutions. The members of one institution are not part of the other institution.

The Constitution of the Métis Nation states that the federal and provincial laws remain in effect until displaced by laws adopted by the Métis

Nation Assembly. The provincial Métis Assemblies will be the primary law-making bodies. However, the Nation Legislative Assembly has the authority to adopt laws covering national areas of concern such as citizenship. The policy proclamations of the Métis Nation Legislative Assembly will guide the development of program initiatives in provincial Assemblies and in federal and provincial governments.

THE LEGISLATIVE ASSEMBLY

The Métis Nation Legislative Assembly coalesces opinions and channels policies to the governing authorities. The Assembly will mobilise the Métis Nation to influence parallel or uniform federal or provincial legislation in areas of specific concern to them.

The Métis Assembly will have 4 functions:

- law making and treaty ratification;
- advising on policy matters;
- allocating funding; and
- overseeing the operation of the Government and the implementation of policy by provincial Assemblies.

The Assembly will adopt laws in those areas that cover the Métis Enumeration and Registry, the Elections Act for the Métis Nation Parliament and the Acts establishing the MNC Secretariat. In this regard, the Assembly will be responsible for defining the machinery of its Government and adopting Act for each of the Ministries. The Assembly will also adopt a Metis government organization and public service law.

The Assembly will also ratify all intergovernmental agreements and new treaties that affect the Métis Nation. The Assembly will also develop a code of ethics for the elected representatives and the public service.

Policy proclamations will assist the development of program initiatives in provincial Assemblies and in federal or provincial governments.

The Assembly will vote funds for the operation of the Secretariat and it will oversee the administration carried out by the executive.

The Legislative Assembly is composed of 70 elected representatives from the Provincial Assemblies. The Legislative Assembly will meet 2 times per year. It will sit for 5 days each time. However, committees of the Assembly will meet when the Assembly is not in session. They will work with the public service to develop policy. (see Annual Calendar of Meetings).

THE EXECUTIVE INSTITUTIONS

The President

The proposed Métis governing structure has a President who is responsible for intergovernmental and international affairs. He has the power to designate the portfolios of the the Executive Council and chairs the meetings of the Executive Council. The Executive Council members include the 6 Presidents of the Provincial/Territorial Assemblies who are also elected by popular vote.

The President is to be elected by popular vote.

The Executive Council

The Executive Council is the executive part of the Government which administers the laws and applies the policies. It is composed of the Ministers of the Government. The Ministers will oversee the work of the public service. They will also identify issues and formulate options which the Assembly could consider for law and policy-making.

The Executive Council will meet four times per year, two of which will occur just prior to the sessions of the Legislative Assembly. (see Annual Calendar of Meetings).

The Public Service

There could be two parts to the public service: that supporting the Legislative Assembly and that supporting the Executive Council. The functions of these two organisations are summarised in Annex A. The structure of the public service is set out in diagram form in Annex C.

There are three operating principles of the organisation of the public service:

- centralised functions to achieve economies in the organisations;
- multidisciplinary policy teams to accomplish horizontal integration of expertise across policy fields; and
- rotation of staff with the annual cycle of operations of the Assembly and Executive Council to achieve efficiencies in administration.

These three principles mean that the traditional approach of providing separate service units for the elected representatives and the public service is not proposed. A central unit for administration, finance, human resources and communication will service the Assembly and the Executive Council Secretariat. This organisation is possible for two reasons: first, because there is not a Party system in the Assembly, whereby one Party governs and one Party opposes. This means that the public service can serve all Assembly persons rather than having to be loyal to a governing Party. Second, the Auditor General reports to Parliament. This assures accountability of government operations to the Assembly persons.

Multidisciplinary policy formulation teams are suggested. They can be formed from different parts of the Executive Council Secretariat. This will mean that the needed expertise of social, economic and statistics will be brought to bear on a particular subject. Such an approach could be reinforced by a process whereby all the White Papers containing policy proposals will be reviewed by all groups in the Secretariat.

Finally, a number of positions are necessary only when the Assembly and the Executive Council are in session. It is proposed that these positions not be staffed on a permanent basis. These positions can be filled by staff filling other positions during the periods the Assembly and Council sit.

The number of positions and the total annual costs of the public service is as follows:

Location	Permanent	All Positions	Total Annual Costs \$
Legislative Assembly	15	20	1,008,500
Auditor General	2	2	140,800
President's Office	5	5	402,900
Executive Council Secretariat	36	39	2,716,300
Total positions/costs	58	66	4,268,500

The details of the above table are found in Annex C and D.

THE FUNCTIONING OF THE GOVERNMENT

The Executive Council and the Legislative Assembly engage in three key processes: one on legislation, one on policy and one on estimates. (see chart "The Functioning of the Legislative Assembly and the Executive Council).

Legislation

The legislative process leads to the proclamation of Acts by the Métis Nation. As noted above, the Acts would cover such processes as Enumeration, Elections, financial procedures and public service staff relations and employment. Legislation originates with the Executive Council.

Legislation can originate with an individual member of the Assembly or with the Executive Council. In the first instance, an Assembly member will propose draft legislation to the Assembly. The Assembly considers the legislation and can endorse it. The endorsement will form an order for the Executive Council to develop the legislation and to resubmit it to the Assembly.

In the second instance, the Council will approve legislation and ask a member of the Assembly to submit it to the Assembly. After Assembly consideration and adoption, the President will sign the legislation and it will be submitted to the Speaker for proclamation.

If the Assembly amends the legislation, it will return to the Council for reconsideration. Should the Council endorse the amendments, it will then go to the President for signature and to the Speaker for proclamation.

If, however, 1/2 of the Council members propose further amendments, the Assembly will reconsider the amended legislation. If the Assembly accepts the amendments, the President will sign the legislation. If the Assembly rejects the amendments, the original legislation can be reconsidered by the Assembly. With a 2/3rds vote, the original legislation can be adopted by the Assembly, the President will sign the legislation and submit it to the Speaker for proclamation.

The Senate will resolve disputes between the Assembly and the Council.

Policy

The policy process leads to policy proclamations. The policy would form the direction given to the provincial and federal governments and the Métis provincial governments for program development and delivery. As noted above, policy could cover such topics as personnel training, child care, education, housing, etc.

A responsible minister will develop the policy proposals with the help of the public service and a Standing Committee of the Assembly. The process is similar to that of a Minister tabling a White Paper for Parliament's consideration except that the White Paper would not be endorsed by the Executive Council or Cabinet before a Standing Committee examines it. This will allow for public consultation before rather than after the governing body endorses the concept and should lead to a better result. (see Chart: Policy Formation Process for the Métis Nation Government).

The Minister will then participate in the Standing Committee of the Legislative Assembly as it studies the policy. The study process would involve the hearing of witnesses and the study of expert analysis. Public servants will proceed to support the Committee study.

The Standing Committee will complete its review and submit a report to the Assembly. The Minister will submit the report to the Executive Council. An Assembly representative will be put the policy proposal to a combined sitting of the Legislative Assembly and the Executive Council. The policy is adopted through a majority vote. The Speaker will then proclaim the proposal.

Estimates

Estimates process will result in the approval by the Assembly of the operating expenditures of the government. The President and the Ministers will table at the beginning of the annual sittings the estimates for the operation of the government. This is, in effect, a projected budget for the Government with an explanation of the projected activities.

Committees can examine these estimates and make reports to the House. The estimates will be approved at the end of the first week of sitting, through a vote by the Assembly. (See MNC Budget Estimates.)

MÉTIS NATION LEGISLATIVE ASSEMBLY

The Métis Nation Legislative Assembly coalesces opinions and channels policies to the governing authorities. The Assembly will mobilise the Métis Nation to influence parallel or uniform federal or provincial legislation in areas of specific concern to them.

The Assembly could have 4 Standing Committees to examine laws, to define policy and to undertake an oversight role. Each committee could be composed of a minimum of 6 representatives, reflecting the 6 provincial boards. Alternatively, each committee could have a membership of 9 representatives, having 2 each from Manitoba, Saskatchewan and Alberta, reflecting the number of members from these provinces and one from the other provinces and territories. The committees will examine the annual reports each Minister submits at the beginning of the annual sittings of the Assembly as well as the future spending estimates of the Government.

The Public Service of the Legislative Assembly

The staff of the Legislative Assembly will carry out 5 functions to support the Chamber and its committees:

- organising, notification of sessions of the Assembly, and the matters of daily proceedings;
- supporting the daily operations of the Assembly;
- providing Members' services support for travel, communications, committee hearings, accommodation and working supplies;
- communicating Assembly activities and disseminating information on Assembly proclamations;
- auditing/overseeing the operations of the Government and the implementation of programs in the provinces.

Some of the activities which the public services will undertake will be:

- identifying daily order of business and creating and managing information systems to inform Assembly representatives;
- advising on procedure and undertaking procedural research;
- organizing votes and recording their results;
- recording debates and printing and distributing written transcripts of its proceedings;
- writing and publishing the Gazette;
- printing proclamations and undertaking communications activities such as press release preparation and media contact;
- undertaking research and policy analysis with Ministries;
- drafting and printing of reports of Committees.

Proposed Organisation of the Public Service

The public service for the Legislative Assembly would include 5 sections:

- Speaker's Office;
- Clerk's Office;
- Assembly Operations;
- Committee Operations; and
- Records and Documentation.

The Speaker's Office and the Clerks' office would only be staffed during the period of the sitting of the Assembly. The Standing Committees would be

staffed on a permanent basis because they would be working throughout the year on policy proposals from the Ministers.

When the Assembly is sitting, the Committee staff could undertake the duties of the Assembly's Operations. It is estimated that 15 permanent staff members will be required. (see Annex B)

Four Standing Committees are proposed. They mirror the four policy units of the Executive Council:

- Justice and Legislative Affairs;
- Economic Development;
- Social Development; and
- Governance and Land Claims.

The public service for these committees could consist of a 3 member team for each committee: a clerk, an assistant and a researcher. The clerk would be responsible for organising the meetings of the Committee, of informing the members of the time, date and location, of reserving accommodation, of inviting witnesses to appear before it and of organizing the distribution of material for members' study. The assistant would help the clerk in this. The clerks would also advise on procedure, maintain minutes of the meetings and record votes.

The researcher would provide members with information on the study subject so that they could pursue it through questioning witnesses. They would also examine the annual reports of the Minister and the spending estimates and brief members so that they could also examine these documents. The researchers would draft the reports for the committee.

The records and documents officer would manage the library for the members and researchers.

The financial, administration, equipment, travel and accommodation requirements of the Assembly would be handled from the Central Administration and Finance units in the Executive Council Secretariat.

An Auditor General will be appointed to be the Assembly's auditor. He will oversee the operations of the Executive Council Secretariat and the Ministries.

COUNCIL AND ITS SECRETARIAT

Council is the committee of Ministers which will function collaterally with the Assembly to decide on policy and legislation. The Presidents of provincial legislative assemblies will be the ministers of the Council. A President, elected by popular vote, will chair the Council. The Council will meet 4 times per year, two of which occur just before the Legislative Assembly opens.

The President will have the power to distribute the ministry portfolios among the ministers.

The Public Service

The Secretariat to the Council has five basic functions:

- support to the President
- decision-making process of the Council;
- provision of all financial, human resource, communications and administrative support for the Government as a whole; and
- development of policy in conjunction with the Standing Committees; and
- drafting of legislation and motions.

The Clerk's office will organise Council meetings, prepare briefing notes to guide Ministers' discussion and record the decisions and minutes of Council meetings. One objective is to ensure that all the affected interests have been consulted and that a full range of alternatives has been considered prior to decisions. The Secretary ensures that the President and the Council possess the information required to make decisions. In addition, the Secretariat will communicate and disseminate information about the decisions taken by Cabinet.

A major focus of the Secretariat would be the development and co-ordination of policy to ensure complementary between new proposals, existing policies and the Government's overall objectives. The policy units are organised into expert areas, such social policy, economic policy etc. The policy analysts from one unit could join with those of another to develop policies. They will pay particular attention to the necessary overlaps and integration between social, economic and legal policy. For example, in economic development policy, attention can be paid to the impact on the family of dislocation and child care needs. In addition, the policy analysts will assess the implementation of policy. Policy will be implemented by the provincial and federal governments as well as by the Métis governments. The policy units will examine how well the programs achieve the policy goals.

The Secretariat will prepare the on-going annual spending of Government. It will also critically review new spending proposals and provide advice to the Council on them. It will establish the administrative regulations for departmental operations. It will also assist Ministers in preparing an annual report of their activities to the Assembly.

The Secretariat will establish and operate the personnel management, including the staffing process for the public service. Appointments based on

merit and continued employment based upon achievement of results will form part of the regulations it will establish.

The Secretariat will draft the legislation and policy motions which will be presented to the Legislative Assembly.

The Activities

The Secretariat will undertake a number of activities:

- supporting the President's intergovernmental, international and appointments duties;
- organising the meetings, notifying ministers of the timing and agendas for meetings and circulating appropriate documents;
- preparing briefings on the agenda items by identifying major issues and areas of disagreement;
- preparing policy papers and working with Standing Committees on the preparation of policy documents, including:
 - problem identification, data collection, policy analysis;
 - preparation of material to support Legislative Committees;
 - program evaluations;
- preparing and drafting legislation and motions for submission to the Assembly;
- preparing and implementing communications plans for the policy initiatives and other matters of concern to the Nation;
- providing advice on legal matters and on the Code of Conduct;
- preparing the regulations on human resource policy, staffing and management and implementing the policies, undertaking staffing action and supervising the operations in Ministries;
- establishing financial administration guidelines, managing their implementation and supervising the operations in Ministries;
- analysing new spending proposals and advising Council on their appropriateness;
- preparing the Annual Spending Estimates and annual report by the Ministers; and
- preparing the Annual Report of the President and the President's Speech on the Nation to the Assembly.

President

38. (1) The Legislative Assembly of the Métis Nation shall enact an electoral law based upon one person one vote for the election of President within one year of the coming into force of this Constitution with the first election of the Métis Nation to be held no later than two years following the coming into force of this Constitution.
- (2) The Office of the President shall be automatically vacated:
- (a) if the President resigns; or
 - (b) is found to be of unsound mind.
- (3) The term of the President shall not exceed three years after the date of the general election.

Oath of Allegiance

39. Before the President undertakes the duties, obligations and responsibilities of office he or she shall swear the following oath to be administered by a Member of the Métis Nation Senate:

I swear that I will be faithful to the Métis Nation and will uphold and defend the Constitution, the laws of the Metis Nation and the office of President and will carry out my duties, obligations and responsibilities in a manner that will bring honour to the Métis Nation and her people, so help me God.

Responsibilities of the President

40. (1) The President of the Métis Nation shall be responsible for intergovernmental and international affairs and shall be responsible for enhancing and promoting the cultural, social, economic and political interests of the Métis Nation.
- (2) Without restricting the generality of subsection (1), the President shall be responsible for
- (a) calling meetings of the Cabinet, chairing its meetings and directing its debates;
 - (b) supervising and co-ordination the activities of Ministers;
 - (c) diplomatic appointments;
 - (d) in consultation with the Cabinet, calling the Métis Nation Legislative Assembly into session;

(e) opening the annual session of the Métis Nation Legislative Assembly with a "state of the Métis Nation" address highlighting the important matters arising during the year and the details of the Leader's plan for the Métis Nation in the ensuing year;

(f) supervising the implementation of Métis Nation laws, motions and policies through the Métis National Council; and

(g) representing the Métis Nation on all matters not specifically assigned under the Constitution.

(3) The President shall file an Annual Report outlining the activities of the President together with a full financial accounting at the outset of the Legislative Assembly and the Members shall be given an opportunity to question the President thereon.

41. The President shall appoint a senior member from the Cabinet and this member shall be responsible for the exercise all the powers of the President in the event that he or she is absent or unable to act for any reason; and such other responsibilities as may be assigned by the Métis Nation Legislative Assembly or Cabinet.
42. In the event that the office of President becomes vacant during the term of office, the Métis National Council shall appoint a replacement who shall serve the remaining term, if the term is less than one year, or if the term is longer than one year, until the next session of the Métis Nation Legislative Assembly at which time the Assembly shall appoint a replacement.

The Public Service of the Métis Nation

43. (1) The Métis National Council shall establish a Secretariat to carry out the work of the Métis Nation Legislative Assembly, the Métis National Council, the President and the Métis Nation Senate.
- (2) The President shall appoint a Secretary to the Cabinet who shall be responsible for supervising, appointing and dismissing persons engaged to carry out the work of the Secretariat.
44. The public service shall be considered a national trust and members of the public service shall pursue the interests of the Métis Nation alone.

PART VI**TRANSITIONAL AND OTHER PROVISIONS**

45. This Constitution may only be amended upon the approval of two thirds of the combined membership of the Métis Nation Legislative Assembly and the Métis Nation Council of Ministers.
46. The provisions of this Constitution shall be reviewed five years following the date of its coming into force.
47. This Constitution shall take effect when it is adopted by the Executive of the Métis National Council and adopted by a resolution of the National Assembly of the Métis Nation. The day this Constitution comes into force shall be the day specified in the resolution of the National Assembly of the Métis Nation.

COMMENTS ON THE MÉTIS NATION DRAFT CONSTITUTION

*We would appreciate your written comments
under the appropriate headings listed below*

PREAMBLE:

FOUNDATIONS OF THE MÉTIS NATION:

CENTRAL GOALS OF THE MÉTIS NATION:

PRINCIPLES OF THE MÉTIS NATION:

THE MÉTIS NATION GOVERNING STRUCTURES:

EXECUTIVE INSTITUTIONS:

TRANSITIONAL AND OTHER PROVISIONS:

Organisation of the Executive Council's Secretariat

It is proposed that the Executive Council be composed of 7 sections:

- President's and Deputy Leader's Office;
- Clerk of the Executive Council Office;
- Policy and Planning Advisors;
- Central Communications;
- Central Administration;
- Human Resources;
- Legal Drafter; and
- Central Records, mail and Library.

Most of the staff for the Secretariat will be full time because it is the central core of the Government which will function all year. There are about 3 positions which could be staffed on a temporary basis when the Council and Assembly meet. Approximately, 39 positions have been identified for the Council. Thus, the total number of permanent positions is 36. (see Annex B).

The President requires support for his national and international duties. The Deputy Leader can be the linkage with the Assembly for the day-to-day operations. He will be the co-ordinating point for Ministers to table legislation and White Papers before the Assembly and for deciding with the Speaker what business be transacted by the Assembly.

The Clerk of the Executive Council could be responsible for the smooth and effective operation of the Government. The Secretariat provides advice to the Council on the overall conduct of government business, including the strategic handling of major issues and subjects that are of particular interest to the President.

The policy analysts will undertake research and analyse data in order to develop policy and program alternatives. Adjustments to policies and new policies will be suggested from the operation of programs at the provincial or federal level. The intergovernmental affairs analysts will gather and analyse information about programs and client groups at the provincial, federal and provincial Métis government level. They will be a critical feed-in to the policy development process. These officers can identify issues to be analyzed by the policy analysts and judge their relative priority.

In addition, new policies can arise from analysing the difference between the Métis social and economic indicators and those of the Canadian population in general. In this regard, those analysts working in the Enumeration area can bring their knowledge to bear. The bringing together of analysts from different policy units within the Secretariat is how horizontal integration of policy and cross fertilisation between economic and social and legal expertise can occur.

One important function of the policy units will be strategic planning. This will examine the conditions in the environment and assess or evaluate the way in which programs are meeting those conditions.

The policy teams could also include support for the Standing Committees. They will require a liaison with the Standing Committee as it carries out examination of policies and administrative assistance to physically provide information to the Committee members.

Two other tasks of the policy officers will be, first, to provide briefing notes for Executive Council discussion of issues. These will allow resolution of questions by identifying the objectives of the Government and the factors critical to the achievement of those objectives. Second, they will support the Minister in his negotiations with provincial and federal governments of the implementation of the policies.

The Central Administration would set out policy, similar to the Financial Administration Act and would prepare the budget for the Government as a whole. In addition, the administrative services would undertake all the booking of accommodation, arranging for travel, purchasing of equipment, etc.

The Human Resources section would similarly develop policy for human resource management of the Government as a whole, including hiring on merit, pay and benefits, training, staff relations etc.

The Communications section would provide those services needed by public servants such as media monitoring and when the Council and Assembly are in session, those services required for press conferences, printing and publication of the Gazette and the printing and distribution of the White Papers on policy and pieces of legislation.

The Central Records and Library services pertain to the filing systems, documentation centre and mail logging and distribution services for the entire Government.

The Registry Office, the Appeals Advocate Office and the Appeals Board will operate independently from the Executive Council Secretariat. However, the Secretariat could provide administrative and human resource support to these organisations.

**SUMMARY OF FUNCTIONS THE PUBLIC SERVICE OF
THE LEGISLATIVE ASSEMBLY AND THE EXECUTIVE COUNCIL
SECRETARIAT**

LEGISLATIVE ASSEMBLY	SECRETARIAT
organising, advising of sittings and the matters of daily proceedings;	support to the President;
supporting the daily operations of the Assembly;	support to the decision making process by organising, co-ordinating, recording and communicating Cabinet decision-making;
providing Members' services support for travel, communications, committee hearings, accommodation and working supplies;	developing policy initiatives, strategic and operational planning and program evaluation;
communicating Assembly activities and disseminating information on Assembly proclamations;	provision of all financial, human resource, communications and administrative support for the Government;
auditing/overseeing the operations of the Ministries.	drafting legislation and motions.

**GENERAL COSTS FOR THE MÉTIS NATION GOVERNMENT - GRAND TOTAL - \$
4,614,606**

Office	Personnel	Accom- modation¹	Training²	Travel	Phones³	Printing and Office Supplies⁴
Leg. Assembly	849,200	72,000	7,500	10,000	9,000	30,000 ⁶
Auditor General	144,400	3,800	3,000	10,000	4,000	2,000
President's Office	298,000	26,400	2,500	30,000	6,000	5,000
Executive Council	2,073,006	138,800	16,000	70,000	81,000	35,000 ¹
Total	3,364,606	241,000	29,000	120,000	100,000	387,000

COSTING ASSUMPTIONS FOR THE MÉTIS NATION GOVERNMENT

¹ Based upon \$200 sq. metre, Ottawa average (\$22 sq.ft) plus conference, mail and library space

² Based upon \$500 per employee, except Registry Office which is C&L \$1500/employee

³ Based upon costs of similar sized Federal Department

⁴ Based upon costs of similar sized Federal Department of \$1,000/employee/year

⁵ Does not include \$250,000 for work station furniture, \$12,000 for fax machines nor \$520,000 for computers but includes \$2,000 for photocopier lease, 10% renewal of computer equipment and allowance for purchase of shelving and filing cabinet etc.

⁶ Based upon similar sized Federal Department x 2 to cover printing and Assemblymen's supplies

Salaries - Treasury Board, Rates of Pay, Public Service of Canada, April 1993

Benefits - 25% of salaries

Accommodation - Treasury Board guidelines, federal department in centre of Ottawa

Training - \$500 per employee per year

Printing and Office Supplies - \$1,000 per employee per year.

**PERMANENT PERSONNEL REQUIRED AND THEIR RESPONSIBILITIES IN
THE ORGANISATIONS OF THE MÉTIS NATIONAL GOVERNMENT**

(Total Positions - 58)

Legislative Assembly

Position	Classification	Salary	Benefits
Clerk*	EX 1	84,000	21,400
Secretary	SC 3	31,000	8,000
4 Committee Clerks	PM 3	173,300	43,300
4 Assistants	AS 2	160,000	41,000
4 Researchers	PM 4	190,000	47,000
1 Records Officer	AS 2	40,000	10,200
Total - 15		678,300	170,900

Speaker's Office: secretary, Assembly Liaison and clerks for Daily Orders, Votes and Proceedings and Procedure Advisory to be staffed on a temporary basis

Auditor General

Position	Classification	Salary	Benefits
Auditor General	EX 1	84,000	21,400
1 Secretary	SC 3	31,000	8,000
Total - 2		115,000	29,400

President's and Deputy Leader's Offices

Position	Classification	Salary	Benefits
Executive Assistant	PM 6	66,700	17,100
Secretary	SC 3	31,000	8,000
Administrative Assistant	AS 2	40,000	10,200
Deputy Leader's Office *			
Executive Assistant	PM 6	66,700	17,100
Secretary	SC 3	31,000	10,200
Total - 5		235,400	62,600

* Assembly Assistant to be staffed on a temporary basis

Executive Council Secretariat

Position	Classification	Salary	Benefits
Clerk*	EX 2	93,200	24,000
Secretary	SC 3	31,000	8,000
Secretariat			
4 Strategic Planning & Special Projects Officer	PM 6	266,900	68,400
4 Policy Analyst	PM 5	227,300	58,000
4 Provincial and Federal Government programs and Provincial Métis Government programs	PM 4	190,000	47,000
4 Committee support administrative assistant	AS 2	160,000	41,016

Deputy Leader's Office: Assembly Assistant - to be staffed only when Assembly sits.

Clerk's Office: 2 administrators to be staffed only when Council meetings held.

Central Administration			
Secretary	SC 2	27,200	7,000
Finance & Administration policy (FAA) and planning	EX 1	84,000	21,400
Budget preparation and payment authorisation -	FI 4	69,100	17,700
Finance (accounts receivable and payable and payroll) -	FI 2	51,500	13,200
Travel, Accommodation and equipment (and telephones)	AS 3	42,500	10,800
Contracting and purchasing -	AS 3	42,500	10,800

Executive Council Secretariatcont'd

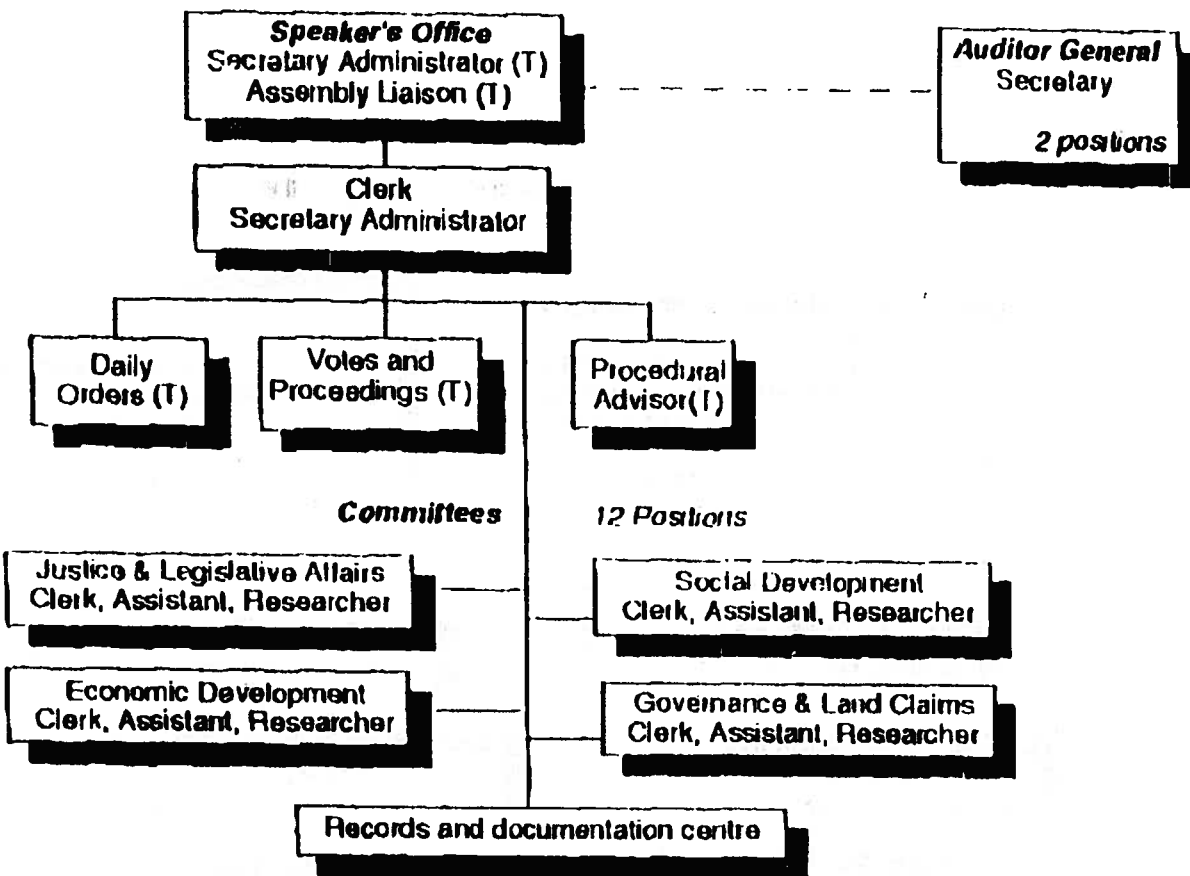
Human Resources			
Secretary administrator	SC 3	31,000	8,000
Staffing policy and training planning	PE 5	62,000	15,900
Position criteria and Staffing action	PE 2	42,700	11,000
Staff relations and pay and benefits	PE 2	42,700	11,000
Communications			
media relations	PM 6	66,700	17,100
clerk typist	CR5	33,000	8,500
Records, Library and mail services			
2 officers: information	PM 2	78,200	20,000
mail administrator	CR 4	29,200	7,500
computer support	CS 2	48,200	11,700
Total - 36		1,634,900	438,106

ORGANIZATION CHART FOR THE METIS

Grand Total Positions = 1
Permanent positions = 5

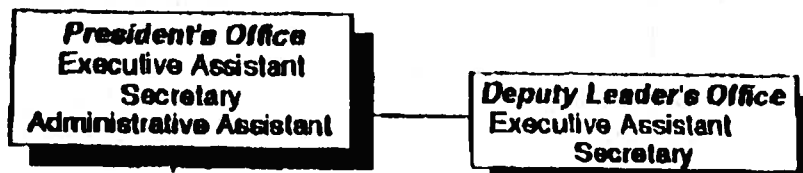
LEGISLATIVE ASSEMBLY

Total Positions = 20
Permanent positions = 15



PRESIDENT'S OFFICE

Total positions = 5
Permanent positions = 5



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EXECUTIVE COUNCIL SECRETARIAT

Total positions = 39
Permanent positions = 36

Clerk of the Executive Council
Secretary
2 Administrators (T)
Assembly Liaison Officer (T)

Justice And Legislative Affairs

Strategic Planner

Policy Analyst

Intergovernmental Affairs
Analyst

Committee Support

Economic Development

Strategic Planner

Policy Analyst

Intergovernmental Affairs
Analyst

Committee Support

Social Development

Strategic Planner

Policy Analyst

Intergovernmental Affairs
Analyst

Committee Support

Governance And Land Claims

Strategic Planner

Policy Analyst

Intergovernmental
Analyst

Committee Support

Central Administration

- Administration policy
 - Finance planning
 - Finance administration
 - Travel & Accommodation
 - Contracting and purchasing
- 6 positions

Communications

- Media Relations
- Logistics & Press Releases
- Media Monitoring, Printing and Publications

3 positions

Human Resources

- Staffing policy
- Position criteria and staffing action
- Staff Relations and Pay & Benefits

4 positions

Legal Drafter

Central Records/
Library

4 positions

Métis Nation Parliament Members'

Conflict of Interest Act

DRAFT

May 6, 1994

Métis Nation Parliament Members' Conflict of Interest Act

Executive Summary

The draft *Métis Nation Parliament Members' Conflict of Interest Act* would apply to members of the Métis Nation Legislative Assembly and the Métis Nation Executive Council; it would not apply to the Senate, nor to the provincial or territorial legislative assemblies.

The Act would seek to address conflicts of interest between the public duties and the private interests of these individuals. It would do so by establishing a three-part system:

1. It would establish an independent officer of the Métis Parliament, known as the **Commissioner of Members' Interests**. This individual (who perhaps would be a Métis elder -- s/he must be someone of unassailable integrity, and basic common sense) would serve to supervise the disclosure of interests by members; advise members how to arrange their private affairs to avoid conflicts with their public duties; advise members, as issues come up, how to resolve them in the public interest; and finally, to investigate any alleged breaches of the Act, and recommend sanctions.
2. It would require full **public disclosure** of members' private interests (defined broadly), as well as the private interests of each member's family. This allows the public to see that the public interest is paramount over private interests.

Because there is no way to enforce an obligation on a family member to disclose private interests to the commissioner, the obligation is imposed on the member to disclose to the best of the member's knowledge, information and belief the private interests of the family members.

3. It would set up **rules** concerning decision-making in matters where a private interest could be furthered, improper exercise of influence, improper use of insider information, gifts, outside activities, post-employment, and government contracts.

A major issue to be addressed concerns the line between a member's duty to constituents and the duty to the Métis Nation as a whole. This is particularly relevant for members of the Métis Nation Executive Council. (This issue arises in conflict of interest issues because frequently a member's private interests are synonymous with those of his or her constituents, and it would be inappropriate for the member to withdraw from participation on those issues.)

D R A F T
Métis Nation Parliament Members' Conflict of Interest Act

Preamble

WHEREAS elected representatives of the Métis Nation are expected to perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the Métis Nation Government are conserved and enhanced:

AND WHEREAS elected representatives of the Métis Nation are expected to act in a manner that will bear the closest public scrutiny;

NOW THEREFORE the Métis Nation Parliament enacts the following Law:

Title

1. This Law may be cited as the *Métis Nation Parliament Members' Conflict of Interest Act*.

Definitions

2. In this Law, the following definitions apply:

"commissioner" means the Commissioner of Members' Interests appointed under section 16;

"excluded private interest" means

- (i) an asset, liability or financial interest of less than \$2,000 in value.
- (ii) a source of income of less than \$2,000 a year.
- (iii) real property that is used primarily for a residence or for recreation;
- (iv) personal property used for transportation, household, educational, recreational, social or aesthetic purposes.
- (v) cash on hand or on deposit with a financial institution that is lawfully entitled to accept deposits.
- (vi) fixed value securities issued by a government or municipality in Canada or an agency of a government or municipality in Canada.

(vii) a registered retirement savings plan, retirement or pension plan or employee benefit plan, that is not self-administered.

(viii) an investment in an open-ended mutual fund that has broadly based investments not limited to one industry or one sector of the economy,

(ix) a guaranteed investment certificate or similar financial instrument,

(x) an annuity, life insurance policy or pension right,

(xi) an asset, liability or financial interest that is held

(a) as executor, administrator or trustee, or

(b) by bequest or inheritance, during the twelve months following the date it devolves,

(xii) an interest certified by the commissioner as being an excluded private interest;

"member" means a member of the Legislative Assembly or of the Executive Council, and includes the President and each minister of the Executive Council;

"member's family" means a person who is

(i) the member's spouse,

(ii) a minor child of the member, or a minor who is dependent primarily on the member for financial support and toward whom the member has demonstrated a settled intention to treat as a family member, and

(iii) a relative of the member or the member's spouse who lives as part of the member's household and is primarily dependent on the member or the member's spouse for financial support;

"Métis Nation Government" includes the Métis Nation Legislative Assembly, the Métis Nation Executive Council, and each provincial/territorial legislative assembly;

"Métis Nation Parliament" includes the Métis Nation Legislative Assembly and the Métis Nation Executive Council;

"minister" means a minister of the Métis Nation Executive Council;

"private interest" means

- (i) an asset, liability or financial interest.
- (ii) a source of income.
- (iii) a position of director or officer in a corporation or association.
- (iv) membership of a board, commission or agency of the Métis Nation, the Crown in right of Canada or a province, or a municipality, and
- (v) an office, commission or employment in the service of the Métis Nation, the Government of Canada or a province, at the nomination of [? for the Métis Nation], the Crown in right of Canada or a province, or an officer of the Métis Nation, the Crown in right of Canada or a province;

Note that this should be revised to reflect the appropriate technical appointment procedure for the Métis Nation.

"source of income" means

- (i) in the case of employment, the employer.
- (ii) in the case of contract work, the party with whom the contract is made, and
- (iii) in the case of income arising from a business or profession, the business or profession; and

"spouse" means a person to whom the member is married or with whom the member is living in a conjugal relationship outside marriage, but does not include a person to whom the member is married if they have made a separation agreement or if their support obligations and family property have been dealt with by a court order or separation agreement.

Conflict of Interest

3. A member shall not make or participate in making a decision in his or her capacity as a member where the member knows or ought reasonably to know that in the making of the decision there is the opportunity to further, directly or indirectly, a private interest of the member or the member's family.

- Consider what "decisions" members of the Legislative Assembly or the Executive Council are likely to make or participate in. In light of the proposed structure and role of each entity, does this formulation of this -- central -- obligation make sense?
- Note that this obligation, and those contained in sections 4 and 5, usually supplement the *Criminal Code* provisions that prohibit breach of trust, influence-peddling, taking bribes, etc. Will those sections be amended to apply to members of the Métis Nation Government? If not, consideration should be given to including some provisions addressing this most serious type of conduct.

Influence

4. A member shall not use his or her office to seek to influence a decision made by another person to further, directly or indirectly, a private interest of the member or the member's family.

Insider Information

- 5.(1) A member shall not use or share information that is gained in his or her capacity as a member and is not available to the general public to further or seek to further a private interest of the member or the member's family.

- (2) A member shall not use or share information that is gained in his or her capacity as a member and is not available to the general public to improperly benefit another person.

Activities on Behalf of Constituents

6. This Act does not prohibit the activities in which members normally engage on behalf of constituents.

Consider whether this provides enough guidance, in particular for members of the Executive Council who have the dual roles of president of the provincial/territorial legislative assembly (constituents = the province/territory) and as minister (duty to Métis Nation as a whole.)

Private Interest Not Furthered

7. For purposes of the Act, a decision is deemed not to further, directly or indirectly, a private interest where the decision

- (i) is of general public application.
- (ii) affects the member or the member's family as one of a broad class of the public, or
- (iii) concerns the remuneration or benefits of a member provided by or under an Act.

This assumes that the remuneration and benefits of members are determined by statute. Are members of the Executive Council paid by the national government, or by the province/territory? In either case, is it provided under a statute?

Accepting Extra Benefits

8.(1) A member shall not, directly or indirectly, accept a fee, gift or personal benefit, except compensation authorized by law, that is connected, directly or indirectly, with the performance of his or her duties of office.

(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the duties or responsibilities of office.

(3) Where a gift or personal benefit referred to in subsection (2) exceeds \$200 in value, or where the total value of gifts and personal benefits received directly or indirectly from one source in a twelve-month period exceeds \$200, the member shall immediately file with the commissioner a disclosure statement, indicating the nature of the gift or benefit, its source and the circumstances under which it was given and received.

(4) Nothing in this section prohibits the acceptance of reimbursement of reasonable travel and associated expenses incurred in performing services that are in the public interest, provided that the amount and source of the reimbursement, as well as a description of the services performed, are immediately set out by the member in a disclosure statement filed with the commissioner.

(5) A disclosure statement filed under subsection (3) or (4) shall be filed with the member's public disclosure statement and made available for inspection by the public.

Carrying on Outside Activities

9.(1) A minister shall not

- (a) engage in employment or in the practice of a profession;
- (b) carry on business; or
- (c) hold an office or directorship other than in a social club, service club, religious organization or political party.

except as required or permitted by the responsibilities of the member or where the activities are not likely to interfere with the public duties of the minister.

(2) Nothing in this section shall be interpreted or applied to prevent a member who is not a minister from

- (a) engaging in employment or the practice of a profession;
- (b) carrying on a business; or

(c) being a director, a partner or holding an office, other than an office the member may otherwise not hold,

so long as the member, notwithstanding the activity, is able to fulfil the member's obligations under this Act.

(3) A member may consult with the commissioner to consider whether the member should withdraw from an activity, or whether the activity may adequately be reconciled with the member's obligations by the compliance obligations set out in section 15.

Evasion of Act

10. A member shall not sell or transfer a private interest on terms and conditions that have as their purpose the evasion of a provision of this Act.

Post-Employment

11. A minister shall not permit his or her duties as a minister to be influenced by plans for or offers of future employment.

12. (1) Except in accordance with a waiver or variance granted by the commissioner under section 13, a minister or an officer or employee of the Métis Nation Government shall not knowingly award to, or approve a contract with, or grant a benefit to,

(a) a person who within the previous year was a minister, or

(b) a corporation or other entity

(ii) in which the person holds 10% or more of the shares, or

(iii) of which he or she is an employee, director or partner,

where to do so would contravene this section.

(2) Subsection (1) does not apply to a contract awarded by public tender under which no special preference or treatment was given because the person to whom it was awarded was, within the previous year, a minister or because the corporation or other entity to which it was awarded is one in which the person holds 10% or more of the shares or of which he or she is an employee, director or partner.

(3) Except in accordance with a waiver or variance granted by the commissioner under section 13, a person who was a minister shall not, within one year after ceasing to hold that office,

(a) be employed by, or serve on the board of directors of, a person or entity with which the former minister had significant official dealings during the last year of service in that office;

(b) make representations to or otherwise have dealings with a ministry or entity for which the former minister was responsible during the last year of service in that office; or

(c) accept, directly or indirectly, a contract or benefit from a ministry or entity for which the former minister was responsible during the last year of service in that office.

(4) A person who was a minister shall not advise or represent a person or entity, in return for a fee or other benefit, concerning a proceeding, transaction, negotiation or case to which the Métis Nation Government is a party, and in respect of which the former minister acted for or advised the Métis Nation Government while in office, where the matter might have resulted in the conferring of a benefit of a commercial or private nature on a person or class of persons that is other than the general public or a broad class.

(5) For purposes of this section, "significant official dealings" means substantial involvement over a period of time of the former minister personally.

· The post-employment restrictions apply only to ministers, and not also to members of the Legislative Assembly, on the assumption that ministers will have responsibility for programs where there is scope for post-employment abuse or the appearance of impropriety. Will the policies adopted by the Executive Council and the Legislative Assembly be such as to warrant blanket application of the provisions to all members of both bodies?

· Note that the definition of Métis Nation Government (in section 2) includes the provincial and territorial legislative assemblies, as well.

13. On receipt of an application in writing by a person who was a minister, the commissioner may, in writing, waive or vary a prohibition contained in section 12 in relation to that person, on those terms and conditions that the commissioner considers appropriate, where in the opinion of the commissioner the public interest would be served by so doing, including the public interest in attracting capable and qualified individuals to public office.

Government Contracts

14. (1) A member shall not knowingly, directly or indirectly, be a party to a contract with the Métis Nation Government under which public money of the Métis Nation is paid, and under which the member receives a benefit.

(2) Subsection (1) does not apply to a member solely on the ground that a party to a contract is a corporation or partnership in which a member or the member's family has a shareholding or interest, if

(a) the shareholding or interest is 10% or less;

(b) the commissioner is of the opinion that the shareholding or interest is insufficient to interfere with the member's public duties; or

(c) the shareholding or interest has been placed in a trust that the commissioner is satisfied will prevent the member exercising authority or control over the affairs of the corporation or partnership and will ensure the member will not receive a payment derived directly from the contract.

(3) Subsection (1) does not apply to

(a) a contract that existed before the member became a member, or an extension of such a contract according to its terms;

(b) a contract awarded by public tender under which no special preference or treatment was given because of the member or the member's family having an interest in it;

(c) a contract that, either alone or in combination with all contracts with the Métis Nation Government in the same calendar year, in which the member or the member's family has an interest, has a value of less than \$10,000;

(d) a contract for goods or services made in an emergency;

- (e) a contract for goods or services provided in a case where no other person is qualified and available to provide the goods or services;
- (f) the completion of a contract that devolves by descent, limitation or marriage, or as devisee, legatee, executor or administrator, where less than 12 months have elapsed after the devolution;
- (g) a benefit received or transaction entered into
 - (i) by a member or the member's family under a law of the Métis Nation Government,
 - (ii) under which the member or the member's family is entitled, upon fulfilling the conditions specified in or under the law, to receive the benefit or enter into the transaction on terms in common with the general public or a defined class of the public to which the member or the member's family belongs, and
 - (iii) where the benefit or transaction is not subject to the exercise of discretion by a person;
- (h) a contract under which one of the member's family becomes an employee of or an independent contractor for personal services to the Métis Nation Government; or
- (i) the reimbursement of expenses incurred by the member or the member's family while on the business of the Métis Nation Government.

As drafted, the section prohibits contracts with any level of the Métis governments, including, for example, by a member from one province with the provincial Métis government of another province.

Procedure on Conflict of Interest

15. (1) A member who has reasonable grounds to believe that he or she would have the opportunity to further, directly or indirectly, a private interest, other than an excluded private interest, of the member or the member's family, by participating in the consideration of a matter before the Legislative Assembly or the Executive Council, or a committee of either of them, shall, if present at a meeting considering the matter

- (a) disclose the general nature of the private interest, and
- (b) withdraw from the meeting without voting or participating in the consideration of the matter.

(2) A minister who knows or should reasonably know that there is a matter requiring the minister to make or participate in making a decision in which there is the opportunity to further, directly or indirectly, a private interest, other than an excluded private interest, of the minister or the minister's family, then the minister shall request another minister to perform the minister's duties in the matter for the purpose of making or participating in making the decision.

Does this provision make sense in view of the anticipated role of the Executive Council? Alternatively, should a similar provision be included to apply to members of the Legislative Assembly?

Commissioner

16. (1) There shall be a Commissioner of Members' Interests who is an officer of the Métis Nation Parliament.

(2) The commissioner shall be appointed by both Houses of the Métis Nation Parliament.

(3) The commissioner shall hold office during good behaviour for a term of five years, and may be reappointed for further terms.

(4) The commissioner may be removed from office only by the Métis Nation Executive Council for cause.

(5) The commissioner may appoint for the term and on the conditions that the commissioner may determine those employees and officers that are necessary for the performance of the duties of the commissioner.

(6) The remuneration and employment benefits of the commissioner shall be established by the Métis Nation Executive Council.

(7) The commissioner and every person employed by the commissioner shall swear an oath or make a solemn declaration to keep confidential information relating to the personal interests and property of members received or obtained under this Act.

Section 16 is designed to ensure that the Commissioner is independent. It has been drafted to parallel the appointment of the Registrar under the draft *Métis Nation Registry Law*.

Annual Report

17. (1) The commissioner shall report annually upon the affairs of his or her office to the Speaker of the Métis Nation Legislative Assembly who shall present the report to each house of the Métis Nation Parliament within 3 sitting days of receiving it.

- Since it is anticipated that the Legislative Assembly and the Executive Council will each sit for only 5 days, twice a year, this provision requires submission of the annual report within 3 days of receipt.
- Is the Speaker able to present the report to the Executive Council (as proposed in the draft *Métis Nation Registry Law*)? Or must this be done by the President?

(2) The commissioner may from time to time issue summaries of advice given, where it is possible to do so without disclosing information of a confidential nature or identifying the individual concerned.

(3) In each annual report made under this section the commissioner shall take every reasonable precaution to avoid revealing information that may identify a member or a member's family.

Disclosure Statement

18. (1) Every member shall, within 60 days of being elected to the Legislative Assembly or named to the Executive Council, and then annually before April 1, file with the commissioner a disclosure statement containing

- (a) a full statement of the member's private interests;
- (b) the audited financial statement of the assets, liabilities and financial interests of
 - (i) each corporation in which the member and the member's family hold 10% or more of the shares.
 - (ii) each partnership in which the member and the member's family hold 10% or more of the interest, and
 - (iii) each partnership or corporation controlled by a partnership or corporation referred to in subparagraph (i) or (ii);
- (c) a statement, to the best of the member's knowledge, information and belief, of each private interest of the member's family.

How are the Presidents of the provincial/ territorial legislative assemblies named to the Métis Nation Executive Council? Are they "named." "appointed"? Subsection (1) may have to be revised to reflect the procedure.

(2) The statement referred to in paragraph (1)(c) shall contain the audited financial statement of the assets, liabilities and financial interests of

- (i) each corporation in which the member's family hold 10% or more of the shares.
- (ii) each partnership in which the member's family hold 10% or more of the interest, and
- (iii) each partnership or corporation controlled by a partnership or corporation referred to in subparagraph (i) or (ii).

(3) A material change to the information required to be disclosed to the commissioner under this section shall be reported to the commissioner in writing by the member not more than 60 days after the change occurs.

(4) A disclosure statement made under this section is privileged except to the extent necessary to ensure compliance with this Act.

(5) After reviewing the disclosure statement received from a member the commissioner may require that the member meet with the commissioner to ensure that adequate disclosure has been made and to discuss the member's obligations under this Act.

Public Disclosure Statement

19. (1) The commissioner shall prepare a public disclosure statement for each member, which shall be submitted to the member for review.

(2) The public disclosure statement shall identify each private interest other than an excluded private interest of the member and the member's family disclosed to the commissioner by the member, but shall not show the amount or value of a private interest.

(3) An interest may be qualified in the public disclosure statement as "nominal," "significant," or "controlling" where in the opinion of the commissioner it would be in the public interest to do so.

(4) The public disclosure statement of each member shall be placed on file at the office of the commissioner, and made available for public inspection during normal business hours.

This section has been drafted on the assumption that the annual reports referred to in the *Métis Draft Constitution*, subsections 37(3) and 40(3) are intended to provide for a public statement of the official activities of the minister/ President, and not the personal activities. The personal interests, activities would be disclosed under this Act.

Commissioner's Advice and Certificate

20. (1) Upon reviewing the disclosure statement received from the member, and after considering information received during a meeting with the member, the commissioner shall advise the member whether steps need be taken to ensure that the member's obligations under this Act are fulfilled.

(2) The commissioner may make a recommendation to a member that in order to fulfil the member's obligations under this Act, the member sell a private interest at arm's length, or place the private interest in a trust on those terms and conditions that the commissioner may specify, with or without other arrangements to be made that will ensure that the member's obligations under this Act are fulfilled.

(3) Where the commissioner is satisfied on the basis of the disclosure statement and subsequent steps taken by a member, whether in response to advice received from the commissioner or not, that the member has fulfilled the member's disclosure obligations, then if the member requests, the commissioner shall certify in writing to the member, and the member is entitled to rely on the certificate for all purposes of this Act, according to its terms.

(4) Advice or a certificate given by the commissioner to a member under this section is privileged, except to the extent necessary to ensure compliance with this Act, to the member, and may be made public only by the member or with the member's written consent.

(5) Notwithstanding subsection (4), a copy of any advice or certificate given under this section shall be given by the commissioner to the President, where the advice or certificate relates to a minister or that member's family.

· Most conflict of interest statutes would call for the Prime Minister or Premier to receive the advice/certificate for ministers and their families. It may be less appropriate here, where the President has no discretion to select members of the Executive Council; however, since the President does have discretion to allocate ministerial portfolios among the various members of the Executive Council, arguably it is important that s/he know the areas of possible conflict faced by each.

Designated Excluded Private Interests

21. Where it would not be contrary to the purposes of this Act, and would be consistent with the public interest, the commissioner may designate a private interest of a member or a member's family to be an excluded private interest, either absolutely or on stated conditions.

Commissioner's Opinion

22. (1) A member may, by application in writing, request that the commissioner give an opinion and make recommendations on a matter respecting the obligations of the member under this Act.

(2) The commissioner may make whatever inquiries that the commissioner considers appropriate and provide the member with a written opinion and recommendations.

(3) The opinion and recommendations of the commissioner are privileged, but may be released by the member or with the written consent of the member.

(4) Notwithstanding subsection (3), a copy of any opinion or recommendations given under this section shall be given by the commissioner to the President, where the opinion or recommendations relate to a minister or that member's family.

(5) In the consideration of any matter under this Act, an opinion or recommendations given by the commissioner to a member is binding upon the commissioner in relation to any subsequent consideration of the facts upon which the opinion or recommendations were based, in relation to that member.

Destruction of Records

23. The commissioner shall retain all documents in his or her possession that relate to a member or a member's family for a period of 12 months after a member ceases to be a member, after which the commissioner shall destroy all such documents, unless there is an inquiry current under this Act or a charge has been laid against the member or the member's family under the *Criminal Code* to which the documents may relate.

Should documents relating to members of the Executive Council be retained for a longer period?
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Inquiries

24. (1) A member who has reasonable grounds to believe that another member is in contravention of this Act may, by application in writing setting out the grounds for the belief and the nature of the contravention alleged, request that the commissioner give an opinion respecting the compliance of the other member with this Act.

(2) The commissioner, on his or her own initiative, may conduct an inquiry to determine whether a member has failed to fulfil an obligation under this Act when in the opinion of the commissioner it is in the public interest to do so.

(3) The Legislative Assembly may, by resolution, request that the commissioner give an opinion on a matter respecting the compliance of one of its members with this Act.

(4) The Executive Council may, by resolution, request that the commissioner give an opinion on a matter respecting the compliance of one of its members with this Act.

Should this request be by resolution of the Executive Council, or by the President alone? Or both?

25. (1) Upon receiving a request under subsection 24(1), (3) or (4), or where the commissioner decides to conduct an inquiry under subsection 24(2), and on giving the member concerned reasonable notice, the commissioner may conduct an inquiry.

As drafted, the commissioner would have discretion whether or not to conduct an inquiry, even here s/he has received a resolution from the Legislative Assembly or the Executive Council.

(2) Where the commissioner conducts an inquiry under subsection (1), the commissioner shall give the member to whom the inquiry relates a copy of the request, and at all appropriate stages throughout the inquiry the commissioner shall give the member reasonable opportunity to be present and to make representations to the commissioner in writing or in person or by counsel or other representative.

(3) Where the commissioner decides to conduct an inquiry under subsection (1), the commissioner has all the powers of a commissioner under Part I of the *Inquiries Act*.

What statute would apply to the commissioner? The *Inquiries Act* is federal, but each province has its own similar statute. Will the Legislative Assembly enact one to apply to the Métis Nation?

(4) Where the commissioner determines that the subject matter of an inquiry conducted by him or her is under investigation by police or is the subject matter of criminal proceedings, the commissioner shall hold the hearing in abeyance pending final disposition of that investigation or those proceedings.

(5) Where during the course of an inquiry the commissioner determines that there are reasonable grounds to believe that an offence contrary to an Act of the Métis Nation or the Parliament of Canada has been committed, the commissioner shall immediately refer the matter to the appropriate authorities and hold the inquiry in abeyance pending final disposition of a resulting investigation and proceedings.

- Does the *Criminal Code* apply?
- Is it appropriate to refer to offences against an "Act of the Métis Nation"?
- Should references be made to offences against any particular provincial laws?

Report on Inquiry

26. (1) Where the inquiry relates to a member of the Métis Nation Legislative Assembly, the commissioner shall report the results of the inquiry to the Speaker of the Legislative Assembly, who shall transmit the report to the President.

(2) Where the inquiry relates to a member of the Métis Nation Executive Council, the commissioner shall report the results of the inquiry to the President, who shall transmit the report to the Speaker of the Legislative Assembly.

(3) In all cases, the commissioner shall report the results of the inquiry to the member concerned.

(4) The Speaker shall table the report in the Legislative Assembly at the next session of the Legislative Assembly, and the President shall table the report in the Executive Council at the next session of the Executive Council.

- If the Speaker is able to present the report to both Houses of Parliament, as under subsection 17(1), then this would be preferable.
- Should each House get a copy of the report relating to a member of the other House?
- Should the provincial/territorial legislative assembly receive a copy of any report on its President/representative on the Executive Council?

(5) The commissioner shall report the results of the inquiry as soon as possible, and in any event no later than 90 days after beginning the inquiry.

Penalties

27. Where the commissioner determines that a member has failed to fulfil an obligation under this Act, the commissioner may recommend, in the report under section 26,

- (a) that the member be reprimanded,
- (b) that the member make restitution or pay compensation,
- (c) if the member is a member of the Legislative Assembly, that the member be suspended from the Legislative Assembly, with or without pay, for a period specified in the report.

(d) if the member is a member of the Executive Council, that the member be suspended from the Executive Council, with or without pay, for a period specified in the report, and replaced for that period by someone appointed by the provincial or territorial assembly of which the member is the president.

- The ultimate penalty, declaring the member's seat vacant, has not been included, pending clarification of the election law.
- Is (d) feasible? If not, some suitable penalty should be included for members of the Executive Council.

28. (1) A recommendation in a report of the commission relating to a member of the Legislative Assembly shall not take effect unless the report is sent to the Speaker under subsection 26(1) and concurred in by resolution of the Legislative Assembly.

(2) A recommendation in a report of the commission relating to a member of the Executive Council shall not take effect unless the report is sent to the President under subsection 26(2) and concurred in by resolution of the Executive Council.

Should the concurrence of the provincial or territorial assembly of which the member of the Executive Council is the president also be required, before a penalty may be imposed?

(3) A report tabled in either the Legislative Assembly or the Executive Council pursuant to subsection 26(4) shall be taken up and disposed of in the session in which it is tabled, or within such longer period as that House shall determine.

29. Where a report to the Legislative Assembly or the Executive Council pursuant to section 28 is adopted, any compensation recommended in the report is a debt due to the person identified in the report as having suffered damage and may be recovered as such from the member to whom the report relates by that person in any court of competent civil jurisdiction in Canada.

Court of competent civil jurisdiction in Canada or the Métis Nation?

Exculpatory Certificate

30. (1) Where, after considering a matter under section 25, the commissioner concludes that, having regard to all the circumstances, there was no failure without reasonable justification in the member's fulfilment of an obligation under this Act, then the commissioner shall, without providing further information, so certify to the member in writing and shall give a copy of the certificate

(a) to the Speaker of the Legislative Assembly, if the member concerned is a member of the Legislative Assembly, and

(b) to the President, if the member concerned is a member of the Executive Council.

- Should a copy be sent to both Houses?
- If the matter relates to a member of the Executive Council, should a copy of the certificate be given to the provincial or territorial assembly of which the member is President? Or shall the member do that?

(2) Where the commissioner gives a copy of the certificate to a member under this section, the commissioner shall, on the request of the member, provide the member with the information and explanations in support of the conclusion referred to in subsection (1) that the commissioner considers appropriate in the circumstances, and the member may publish or otherwise deal with the information and explanations so provided as the member sees fit.

Regulations

31.(1) Subject to subsection (2), the commissioner may, with the approval of the Executive Council, make regulations

- (a) prescribing classes of interests to be excluded private interests within the meaning of subparagraph 2(xii);
- (b) prescribing criteria for determining what constitutes material change for the purpose of subsection 18(3); and
- (c) generally to carry out the purposes and provisions of this Act.

(2) Before making any regulation under this Act, the commissioner shall submit a draft thereof to a committee of the Legislative Assembly and a committee of the Executive Council as is designated by order of each House for the purposes of this section, and shall obtain the approval of those committees to the draft.

- Should any regulation-making power be included?
- Whose approval is required to regulations? (Counterpart to the Governor in Council.)
- Should draft regulations be submitted to committees of each House?

Miscellaneous

32. (1) No action lies against the commissioner in respect of any advice, certificate, opinion or report made by the commissioner within the authority given the commissioner under this Act.

(2) Neither the commissioner nor any officer or employee of the office of the commissioner is a competent or compellable witness in a proceeding in a court arising out of or in relation to any advice, certificate, opinion or report made by the commissioner, except in relation to a question whether the commissioner acted within the authority given him or her under this Act.

DRAFT

Métis Nation Parliament Members' Conflict of Interest Act

33. Where any provision of this Act requires anything to be done or caused to be done by a member either forthwith or within a stipulated time, the commissioner may on request from that member, extend the time as it applies to that member, as the commissioner considers reasonable and not inconsistent with the public interest.

Coming into Force

34. This Act shall come into force on _____.

Métis Nation Public Employees'

Conflict of Interest Act

DRAFT

May 6, 1994

Métis Nation Public Employees' Conflict of Interest Act

Executive Summary

The draft *Métis Nation Public Employees' Conflict of Interest Act* would apply to all employees of the Métis Nation Parliament, including employees of the Métis Nation Legislative Assembly, the Métis Nation Executive Council, and the ministries.

The proposed bill sets out a series of rules governing conduct of public employees in matters of decision-making or other official activities where private interests could be furthered; improper use of influence; improper use of insider information; abuse of office; preferential treatment of family members and friends; gifts and other benefits; outside employment; post-employment; ownership of assets and financial interests; and political activities.

The draft would provide general rules of conduct, and establish channels whereby a public employee could obtain guidance on particular issues as they arise. It also sets out procedures when there is an allegation that a public employee has breached the Act.

D R A F T

Métis Nation Public Employees' Conflict of Interest Act

Preamble

WHEREAS the public service of the Métis Nation is considered a national trust;

AND WHEREAS public employees of the Métis Nation are expected to perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the Métis Nation Government are conserved and enhanced;

AND WHEREAS public employees of the Métis Nation are expected to act in a manner that will bear the closest public scrutiny;

NOW THEREFORE the Métis Nation Parliament enacts the following Law:

Title

1. This Law may be cited as the *Métis Nation Public Employees' Conflict of Interest Act*.

Definitions

2. In this Law, the following definitions apply:

"designated official" means the member of the Executive Council or the Legislative Assembly at the head of the ministry, department, agency or section in which the public employee works, or the person designated by that member for the purposes of this Act:

"employee's family" means a person who is

- (i) the employee's spouse.
- (ii) a minor child of the employee, or a minor who is dependent primarily on the employee for financial support and toward whom the employee has demonstrated a settled intention to treat as a family member, and
- (iii) a relative of the employee or the employee's spouse who lives as part of the employee's household and is primarily dependent on the employee or the employee's spouse for financial support;

"private interest" means

- (i) an asset, liability or financial interest.
- (ii) a source of income, and
- (iii) a position of director or officer in a corporation or association;

"public employee" means an employee of any of the ministries, departments, agencies or sections of the Métis Nation listed in the Schedule to this Act;

Does this properly identify all the employees to be covered by this Act

"source of income" means

- (i) in the case of employment, the employer,
- (ii) in the case of contract work, the party with whom the contract is made, and
- (iii) in the case of income arising from a business or profession, the business or profession; and

"spouse" means a person to whom the member is married or with whom the member is living in a conjugal relationship outside marriage, but does not include a person to whom the member is married if they have made a separation agreement or if their support obligations and family property have been dealt with by a court order or separation agreement.

Conflict of Interest

3. A public employee shall not make or participate in making a decision, or participate in any official activity, in his or her capacity as a public employee where the public employee knows or ought reasonably to know that in the making of the decision or the participation in the official activity there is the opportunity to further, directly or indirectly, a private interest of the public employee or the employee's family.

Influence

4. A public employee shall not use his or her office to seek to influence a decision made by another person to further, directly or indirectly, a private interest of the public employee or the employee's family.

Insider Information

5.(1) A public employee shall not use or share information that is gained in his or her capacity as a public employee and is not available to the general public to further or seek to further a private interest of the public employee or the employee's family.

(2) A public employee shall not use or share information that is gained in his or her capacity as a public employee and is not available to the general public to improperly benefit another person.

Private Interest Not Furthered

6. For purposes of the Act, an action or decision is deemed not to further, directly or indirectly, a private interest where the action or decision

(a) is of general public application.

(b) affects the public employee or the employee's family as one of a broad class of the public, or

(c) concerns the remuneration or benefits of a public employee provided by or under an Act.

Abuse of Office

7. A public employee shall not, for his or her personal benefit or in any outside employment, office or position,

(a) use an advantage derived from his or her employment as a public employee.

(b) use Government premises, equipment or supplies, or

(c) perform such employment or conduct himself or herself in such office or position so as to appear to act in an official capacity or with Government approval or to represent Government opinion or policy.

Preferential Treatment

8.(1) A public employee shall not accord preferential treatment in relation to any official matter to the employee's family, other relatives, or friends, or to organizations in which the public employee, the employee's family, other relatives, or friends have an interest, financial or otherwise.

(2) A public employee shall withdraw from participation in the process of appointments and promotions of public employees where the public employee may be in a position to influence the decision to appoint or promote the employee's family, other relatives, or friends.

(3) A public employee shall withdraw from exercising any regulatory, inspection or discretionary functions in matters involving the public employee, the employee's family, other relatives, or friends, including matters such as contracts, land grants and leases, provision of residential accommodation, or provision of financial assistance for commercial purposes by grants, loans or guarantees, subsidies or otherwise.

(4) A public employee shall notify the designated official of any matter in respect of which the public employee has withdrawn pursuant to this section.

(5) Notwithstanding subsections (2) and (3), the designated official may authorize the public employee to participate in the process or exercise the functions, where the public employee discloses the nature of the relationship and the designated official is satisfied that to do so would not be contrary to the purposes of this Act and would be consistent with the public interest, and that no preferential treatment will be accorded by reason of the relationship.

Is this formulation over-broad, particularly insofar as it requires withdrawal from activities involving friends, not only relatives?

Gifts and Other Benefits

9. (1) A public employee shall not accept, directly or indirectly, a gift, favour or service from a person having dealings with the ministry, department or agency employing the public employee, other than normal hospitality between persons doing business together and gifts or tokens as part of protocol or customarily presented to persons participating in public functions.

(2) Any gift, favour or service that is accepted by a public employee under subsection (1), with a value over \$75, shall be disclosed to the designated official by indicating the nature of the gift, favour or service, its source, and the circumstances under which it was given and received.

(3) The designated official may require that any gift, favour or service accepted by a public employee under this section be retained by the ministry, department, agency or section or be disposed of for charitable purposes.

Carrying on Outside Activities

10. (1) A public employee shall not engage in any outside employment or other activities that would place on the public employee demands inconsistent with his or her official duties and responsibilities, or call into question the public employee's capacity to perform his or her official duties and responsibilities objectively.

(2) A public employee shall disclose to the designated official any outside employment or outside activities that could place on the public employee demands inconsistent with his or her official duties and responsibilities, or call into question the public employee's capacity to perform his or her official duties and responsibilities objectively, and the designated official may require that such employment or activity be curtailed, modified or ceased.

(3) Any outside employment or other activities that may be undertaken by a public employee must not interfere unduly with regular duties, whether through telephone calls or otherwise, and must not involve the use of Government premises, equipment, or supplies, unless the use is authorized by the designated official.

Post-Employment

11. A public employee shall not permit the performance of his or her official duties to be influenced by plans for or offers of future employment or other business activities.

Certain public service codes of conduct (the federal government and the Northwest Territories) restrict the activities of senior public servants for 1 year after they leave the public service. Most provinces do not impose any such restriction on public servants.

The balance to be struck in such cases is between satisfying the public that a former public servant is not getting preferential treatment or taking unfair advantage of connections or knowledge, versus discouraging the best candidates from entering the public service for fear it will excessively restrict their options later.

This draft proposes no post-employment restrictions, but instead rules governing the accord of preferential treatment by current public servants.

Disclosure

12. (1) Any private interest of the public employee or the employee's family that is or could be furthered, directly or indirectly, by actions taken or decisions made in the course of the public employee's official activities, shall be disclosed by the public employee to the designated official.

(2) After reviewing the disclosure made by the public employee under subsection (1), the designated official shall advise the public employee whether steps need be taken to ensure that the public employee's obligations under this Act are fulfilled.

(3) The designated official may make a recommendation to the public employee that in order to fulfil the public employee's obligations under this Act, the public employee sell a private interest at arm's length, place the private interest in a trust on those terms and conditions that the designated official may specify, with or without other arrangements to be made that will ensure that the public employee's obligations under this Act are fulfilled.

(4) A disclosure statement made under this section is privileged except to the extent necessary to ensure compliance with this Act.

Political Activities

13. Public employees shall not engage in partisan political activities that impair the political neutrality, either real or perceived, of the public service.

Administration

14. Every designated official shall swear an oath or make a solemn declaration to keep confidential information relating to the personal interests and property of members received or obtained under this Act.

15. (1) Every designated official is responsible for

(a) ensuring that every public employee under his or her authority has read the obligations imposed under this Act, and complies with the Act, and

(b) establishing procedures to ensure that precautions are taken by public employees under his or her authority to avoid breaches of the obligations of this Act.

(2) Every public employee has the right to request and obtain from the designated official written approval of, or refusal to approve, a course of conduct that may be, or appear to be, a contravention of this Act by the public employee.

(3) An approval under subsection (2) shall not be refused where, in the opinion of the designated official,

(a) the course of conduct would not result in a breach of the Act,

(b) the applicant has taken reasonable precautions to avoid breaching the Act, or

(c) any breach of the Act resulting from the course of conduct would be trivial.

(4) An approval under subsection (2) shall not be granted where, in the opinion of the designated official, the course of conduct would

(a) impair public confidence in the existing or subsequent performance of the duties of the applicant,

(b) impair relations with other governments,

(c) discredit the professionalism of the public service.

- (d) cast doubt on the probity and impartiality of the governmental process, or
- (e) in any way diminish public confidence in the integrity of government.

16. (1) Upon becoming aware of an apparent breach of the obligations under this Act, the designated official shall send to each public employee involved a written notice containing particulars of the breach and requiring a written explanation.

(2) Notwithstanding subsection (1), the designated official may decide not to issue a notice where he or she is of the opinion that the allegation is trivial, frivolous or vexatious, or the allegation is made in bad faith.

17. The written explanation in response to a notice under section 15 may set out any facts or arguments that indicate that

- (a) the public employee did not breach the obligations of the Act,
- (b) the public employee did not intend to breach the obligations of the Act,
- (c) the public employee could not reasonably have foreseen the occurrence of the breach of the obligations of the Act,
- (d) the public employee took reasonable precautions to avoid breaching the obligations of the Act,
- (e) the breach was committed by someone else,
- (f) the breach of the obligations of the Act was committed with the permission or upon the instructions of a superior of the public service, or
- (g) the breach was trivial.

Enforcement

18. In the event the designated official determines that a public employee breached an obligation of this Act, then the designated official shall have the power to take such action in respect of the breach as he or she deems necessary or appropriate, having regard to all the relevant circumstances of the breach, including the power

(a) to require the public employee to divest or to require that the employee's family divest of any private interest, which may include selling the private interest at arm's length, or placing the private interest in a trust on terms and conditions specified by the designated official;

(b) to require the public employee to cease any employment, office or position outside of the employment as a public employee;

(c) to transfer the public employee to another position within the ministry, department, agency or section;

(d) to remove the public employee for a temporary period from the duties which gave rise to the breach of obligation;

(e) to accept the resignation of the public employee;

(f) to suspend or discipline the public employee;

(g) to require the public employee to make restitution or pay compensation; and

(h) to recommend to the _____ [Executive Council?] the dismissal of the public employee.

These provisions may be affected by any statute governing the public service, or any collective bargaining agreement in force between the Métis Nation and the public service.

Appeals

19. An appeal lies to the _____ in respect of any decision of a designated official under this Act, and the decision of the _____ shall be final and binding and not subject to further appeal.

Should further appeal be available?

Coming into Force

20. This Act shall come into force on _____.

DRAFT AMENDMENTS TO MNC BYLAWS

MÉTIS GOVERNMENT ORGANIZATION

AND

PUBLIC SERVICE LAW

[WORKING COPY]

MAY 12, 1994

MÉTIS GOVERNMENT ORGANIZATION AND PUBLIC SERVICE LAW

EXECUTIVE SUMMARY

The draft *Métis Government Organization and Public Service Law* is intended to implement many of the important elements of the draft Constitution into the existing corporate structure of the Métis National Council Secretariat Inc.

It would be subordinate to the decision making provisions in the MNC Constitution, including the the Legislative Assembly, the Executive Council, the President, the Auditor General and the Public Service. This draft does not deal with the Senate.

The provincial and territorial associations would remain as the members of the MNC for corporate purposes, but they would elect delegates to sit as the Legislative Assembly. Until the enumeration is completed, the number of delegates would be as set out in the draft Constitution. The Legislative Assembly would act in the place of the member associations as the ultimate authority.

The Board of Directors of the MNC would become the Executive Council. The President would chair the Executive Council. Until and electoral law is enacted, the President would be elected by the Legislative Assembly.

The Auditor General would be appointed by the Legislative Assembly for a five year term. There would be independence and security of office. The functions of Auditor General would be similar to those of a government Auditor General.

For the initial period, the Public Service would consist of the Staff of the President, the Office of the Clerk of the Executive Council and the Office of Controller. The President's staff would assist the President. The Clerk's office would contain the bulk of the public service, e.g. administration, research, policy, etc. The Controller's office would handle financial administration.

The Clerk would have the authority to manage the public service under the direction of the President and the Executive Council. In this draft, management issues are listed as topics for the development of rules and policy. It would be possible to establish the policy and rules directly in this Law if that level of detail is desired.

The corporate matters required by the *Canada Corporations Act* will also have to be included. Many of these corporate matters are currently contained in By-law # 1 of the MNC. That By-Law would be repealed and replaced by this Law.

There are still many technical issues to be resolved because of the need, during this transitional phase, to fit within the existing Canadian corporate structure.

Preamble

WHEREAS the Métis people have adopted a *Constitution of the Government and People of the Métis Nation* that requires the establishment of the institutions of Métis government, including the establishment of a public service;

AND WHEREAS the Métis Nation possesses the inherent right within the Canadian Federation to establish the institutions of its own government;

AND WHEREAS the Métis National Council Secretariat Inc. is established as a corporation under the *Canada Corporations Act*;

AND WHEREAS the Métis National Council Secretariat Inc. will function in the [transitional] role of the Government of the Métis Nation;

AND WHEREAS the Métis National Council Secretariat Inc. has previously enacted a *By-Law #1* which must be replaced;

NOW THEREFORE the Métis Nation Parliament enacts the following Law:

Note: This draft is an attempt to harmonize the existing corporate structure of the MNC with the draft Constitution. This draft would implement the many aspects of the Constitution. There may still some issues that would need to be resolved in later drafts.

Title

This Law may be cited as the *Métis Nation Government Organization and Public Service Law*.

Definitions

In this Law, the following definitions apply:

"Auditor General" means the auditor of the MNC appointed under Part III;

"Clerk" means the Clerk of the Executive Council, appointed under section 42;

"Controller" means the chief financial officer of the MNC appointed under section 48;

"delegates" means the delegates elected to represent the member associations of the MNC;

"Executive Council" means the council composed of the President and Executive Members;

"Executive Member" means a member of the Executive Council other than the President;

"Legislative Assembly" means the group of delegates elected to represent the member associations of the MNC;

"MNC" means the Métis National Council Secretariat Inc.;

"President" means the President of the MNC and chairperson of the Executive Council.

PART I
MEMBER ASSOCIATIONS AND LEGISLATIVE ASSEMBLY

Member Associations

The MNC has the following members:

- the Métis Nation of Alberta;
- the Manitoba Métis Federation Inc.;
- the Métis Nation of Saskatchewan;
- the Métis Nation of British Columbia;
- the Métis Nation of Ontario; and
- the Métis Nation of the Northwest Territories.

Election of Delegates

Each member association shall elect delegates to represent it and to sit as the Legislative Assembly.

Until an election law is enacted by the MNC, delegates shall be elected in accordance with the rules of the respective member associations.

Until the enumeration of the Métis Nation is completed, each member association is entitled to elect delegates in accordance with the following ratios:

- the Métis Nation of Alberta - 16 delegates;
- the Manitoba Métis Federation Inc. - 16 delegates;
- the Métis Nation of Saskatchewan - 16 delegates;
- the Métis Nation of British Columbia - 8 delegates;
- the Métis Nation of Ontario - 8 delegates; and
- the Métis Nation of the Northwest Territories - 8 delegates.

A delegate must belong to the member association that the delegate represents.

The president of a member association is not eligible to be a delegate.

Each member association shall elect its delegates [annually] no later than _____ of each year.

A delegate has a term of office of [one year] commencing on _____ and may be re-elected one or more times.

Legislative Assembly

The delegates of the member associations constitute a body to be known as the Legislative Assembly.

The Legislative Assembly shall for all purposes be deemed to be and to have all the powers of the member associations, including the power to

enact laws for the MNC, including in particular electoral laws for the election of delegates to the Legislative Assembly and election of the President and laws relating to the enumeration and registration of Métis people;

formulate national policies relating to all matters set out in the *Constitution of the Government and People of the Métis Nation*, including policies to achieve the central goals and aspirations of the Métis Nation;

ratify all intergovernmental agreements or treaties that affect the Aboriginal, treaty or other rights or freedoms of the Métis Nation;

enact a code of ethics to uphold the integrity of the MNC;
establish rules of procedure to govern the workings of the Legislative Assembly;

revoke any resolution or order enacted by the Executive Council;

appoint committees of the Legislative Assembly and to define their roles and responsibilities;

approve the annual budget of the MNC; and

adopt or reject any financial statement for the MNC.

Sessions of the Legislative Assembly

The annual general session of the Legislative Assembly shall be held at such place as the Executive Council may determine.

The annual general session of the Legislative Assembly shall be held at such time as the President, in consultation with the Executive Council, may determine, but not later than five months after the end of each fiscal year.

Other sessions of the Legislative Assembly may be called by order of the President.

Notice of a session of the Legislative Assembly shall be given to the member associations not less than [30] days before a session.

Where notice of a session of the Legislative Assembly has been received by a member association, the accidental failure of any individual delegate of that member association to receive a notice does not invalidate any resolution passed or any proceedings taken at the session.

The quorum of the Legislative Assembly is 40 delegates.

Note: This provision could be added:

The President and Executive Members are entitled to attend sessions of the Legislative Assembly, but they are not delegates and are not to be counted for the purposes of the quorum.

Unless otherwise provided by the rules of the Legislative Assembly, any question arising at a general session of the Legislative Assembly shall be decided by a majority of the votes cast.

Every delegate who is present at a session of the Legislative Assembly is entitled to one vote.

The delegates shall elect a Speaker and a deputy Speaker from among themselves to preside over sessions of the Legislative Assembly.

Note: Provisions on the Senate are not included in this draft.

**PART II
EXECUTIVE COUNCIL**

Appointment and Functions of the Executive Council

The Executive Council consists of the President and six Executive Members.

The business and affairs of the MNC shall be under the direction and control of the Executive Council, subject to the laws and resolutions of the Legislative Assembly.

The Executive Council

shall perform the functions of the board of directors of the MNC for the purposes of the *Canada Corporations Act*; and

may exercise such powers and do all such things or acts as may be done by the MNC, except for any power, thing or act that under this or any other Law of the Métis Nation or under the *Canada Corporations Act* may only be exercised or done by the member associations.

The President and Executive Members shall perform the functions of directors of the MNC for the purposes of the *Canada Corporations Act*.

President

Until an electoral is enacted for the election of the President by the Métis Nation at large, the President shall be elected by the Legislative Assembly.

The President holds office for a term of [3] years.

The office of President becomes vacant if the President
resigns by notice in writing to the MNC;
dies;
becomes bankrupt; or
becomes mentally incompetent

Note: A further explanation of the functions of President may be necessary, although many specific functions are dealt with separately in this draft.

Executive Members

The Executive Members shall be the six persons holding office, from time to time, as the presidents of each member association of the MNC.

The office of an Executive Member becomes vacant if the Executive Member
ceases to be the president of a member association;
resigns by notice in writing to the MNC;
dies;
becomes bankrupt; or
becomes mentally incompetent.

If the position of Executive Member becomes vacant, the member association that is without its Executive Member may appoint a person to fill the vacancy temporarily.

The person appointed as Executive Member under subsection (2) holds office for the unexpired portion of the term of the Executive Member causing the vacancy.

Note: What about the remuneration of the President?

Meetings of the Executive Council

The President shall preside over meetings of the Executive Council.

A meeting of the Executive Council may be called by the President at any time.

The Clerk shall convene the meetings of the Executive Council.

The Executive Council shall hold at least four meetings each fiscal year.

A quorum at any meeting of the Executive Council consists of four Executive Members, if at least two of following member associations are represented:

the Métis Nation of Alberta;

the Manitoba Métis Federation Inc.; and

the Métis Nation of Saskatchewan;

Meetings of the Executive Council may be held either at the head office or elsewhere as the Executive Council [President?] may from time to time determine.

Notice of meetings of the Executive Council shall be given to each Executive Member not less than seven days before the meeting is to take place.

A meeting of the Executive Council may be held at any time without formal notice if the President and all the Executive Members are present and consent.

Notice of any meeting of the Executive Council, or any irregularity in a meeting or in the notice of a meeting, may be waived by the persons affected.

The Executive Council may adopt a resolution without meeting if the resolution is in writing and is signed by the President and all the Executive Members.

The President and any Executive Member may attend a meeting of the Executive Council by means of a telephone or other communications facilities if it permits all persons participating in the meeting to communicate adequately with each other during the meeting.

A person participating in a meeting referred to in subsection (1) is deemed to be present at the meeting.

Questions arising at any meeting of the Executive Council shall be decided by a majority of votes.

Decisions of the Executive Council that are to be made under this or any other law shall be made by resolution.

A Executive Member is not entitled to receive remuneration for acting as a Executive Member but is entitled to be paid for his or her expenses properly incurred in connection with the business of the MNC.

PART III AUDITOR GENERAL

Appointment

The Legislative Assembly shall appoint a qualified auditor to be the Auditor General of the accounts of the MNC.

The Auditor General shall hold office during good behaviour for a term of five years, but may be removed from office for cause by the Legislative Assembly.

Note: The *Canada Corporations Act* should be checked to see if there are any inconsistencies with these audit provisions.

A person who has served as Auditor General is not eligible to be re-appointed to that office.

If the Auditor General is absent or unable to perform the functions of office or if the office is vacant, the Executive Council may appoint a person to temporarily perform the functions of Auditor General.

The salary and benefits of the Auditor General shall be fixed by the Legislative Assembly.

The Auditor General shall not be considered to be a member of the public service.

Note: What about the staff of the Auditor General?

Such staff as is necessary to enable the Auditor General to properly perform the functions of office shall be appointed by the President.

The Auditor General is authorized to manage his or her staff with the same powers as the Clerk with respect to public employees.

Audit Functions

The Auditor General shall make such examinations and inquiries as are necessary to enable him or her to report as required by this Law.

The auditor shall at all reasonable times have access to all records, documents, accounts and vouchers of the MNC, and may require from the President, Executive Members, delegates, officers and employees of the MNC such information and explanations as the Auditor General may consider necessary for the performance of his or her functions.

The Auditor General shall

examine the financial statements of the MNC;

state whether the financial statement presents fairly the financial position of the MNC and the results of its operations in the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any; and

express any reservations that he or she may have regarding the financial statements or the affairs of the MNC.

The Auditor General shall report annually to the Legislative Assembly

on the work of his or her office; and

on whether he or she received all the information and explanations required in performing the functions of office.

The Auditor General shall, in the annual report, also call attention to anything he or she considers to be significant or of a nature that should be brought to the attention of the Legislative Assembly, including in particular any case where

accounts have not been faithfully and properly maintained or MNC money has not been fully accounted for;

essential records have not been maintained or the rules and procedures applied have been insufficient to safeguard and control MNC property or to ensure that expenditures have been made only as authorized;

money was expended for unauthorized purposes;

money has been expended without due regard to economy or efficiency; or

satisfactory procedures have not been established to measure and report the effectiveness of programs, where appropriate and reasonable.

Each annual report of the Auditor General shall be submitted to the Legislative Assembly within 90 days after the end of the fiscal year.

The Auditor General may make a special report to the Legislative Assembly on any matter of special importance or urgency that, in his or her opinion, should not wait until submission of the annual report.

The Auditor General shall, without delay, any report to the Executive Council any case where MNC money has been improperly retained by any person.

**PART IV
ORGANIZATION OF THE PUBLIC SERVICE
OF THE MÉTIS NATION**

Staff of the President

There is hereby established within the public service of the Métis Nation, the Staff of the President.

The Staff of the President shall provide administrative support to the President and any person fulfilling the functions of President.

Office of the Clerk of the Executive Council

There is hereby established, within the public service of the Métis Nation, the Office of the Clerk of the Executive Council, consisting of the Clerk and the staff of that office.

The President, in consultation with the Executive Council, shall appoint the Clerk.

The Clerk and the staff of the Office of the Clerk shall

- assist the decision-making process of the Executive Council;
- assist the Executive Council in supervising the conduct of government;
- research, develop and co-ordinate policies and programs;
- provide communication services, media liaison, and publishing services;
- advise on personnel policies, rules and procedures;
- provide employee training and development, human resource planning and organization studies;
- manage human resources and the application of this Law;
- draft laws and motions for presentation to the Legislative Assembly;
and
- manage information systems, library services and mail and properly maintain all books and records of the MNC.

The Clerk is responsible for overseeing and controlling the attendance, conduct and work performance of the public service.

The Clerk may delegate his or her functions to any public employee who is responsible for managing a portion of the public service.

The powers of the Clerk are subject to the general direction of the President.

Office of the Controller

There is hereby established, within the public service of the Métis Nation, the Office of the Controller, consisting of the Controller and the staff of that office.

The President, in consultation with the Executive Council, shall appoint the Controller.

The Controller and the staff of his or her office is responsible for
financial administration and purchasing; and
preparing financial plans and the annual budget for the MNC.

The powers of the Controller are subject to the general direction of the President.

General Organization

The Clerk may organize the public service into sections and assign functions to each section.

The Auditor General, the Registry Office, the Appeals Advocate Office and the Appeal Board are separate from the public service.

PART V
MANAGEMENT OF THE PUBLIC SERVICE

Classification of Positions

The Clerk may establish classification plans that define and designate the classes of positions in the public service in order to

establish a uniform treatment of employees performing the same kind and level of work; and

provide a systematic basis for organization and administration.

Recruitment, Selection and Appointment

The Clerk is responsible for the recruitment, selection and appointment of the public service and may establish policies

defining the standards and procedures to be followed in recruitment, selection and appointment of public employees; and

providing for the conditions of initial periods of probationary employment.

Appointments to the public service shall be made on the basis of the selection of the most suitable applicants.

Note: Do you want to state a preference for Métis employees?

Oath of Service

Every new public employee shall take an oath or affirmation in the following form:

I, _____, do swear (or solemnly affirm) that I will be faithful to the Métis Nation and will uphold and defend the Constitution, the Laws of the Métis Nation and the duties of my employment and will carry out my duties, obligations and responsibilities in a manner that will bring honour to the Métis Nation and her people and that I will not, without due authorization, disclose or make known any matter or thing that comes to my knowledge by reason of my employment in the public service.
So help me God (omit in affirmation).

Conditions of Service

The Clerk is responsible for establishing rules and policies for public employees governing

- the attendance and hours of work;
- the granting of holidays;
- overtime;
- annual vacation, sick leave, education leave and other forms of leave;
- the application of salary ranges;
- employee benefits;
- the settlement of salary grievances;
- promotion or demotion;
- employee conduct, discipline, dismissal or suspension; and
- any other matter within the scope and purpose of this Law.

Each public employee shall comply with the applicable provisions of the *Métis Nation Public Employees' Conflict of Interest Act*.

Disciplinary Action

A public employee may be dismissed, suspended or subjected to other disciplinary action by the Clerk if the employee

- is unable to satisfactorily perform the functions of his or her position;

has breached the terms or conditions of his or employment; or
has committed an act of misconduct or negligence

Subsection (1) is subject to the terms of any collective agreement or employment contract.

**PART VI
CORPORATE AND OTHER MATTERS**

Head Office

For the purposes of the *Canada Corporations Act*, the registered office of the MNC shall be located at such address in the City of _____, in the Province of _____ as the Legislative Assembly may from time to time determine.

Corporate Seal

The MNC shall have a seal with the following impression:

[impression of seal]

The seal of the MNC shall be in the custody of the Clerk and may, when required, be affixed by the Clerk or by any person authorized by the President to any contract, document or instrument in writing that has been signed in accordance with this Law.

Indemnification

The MNC shall indemnify any person who is or was the President, an Executive Member or officer of the MNC against all costs, charges and expenses, including an amount paid to settle an action or satisfy a claim, reasonably incurred by the person in respect of any civil, criminal or administrative proceeding to which the person is a party by reason of being or having been the President, an Executive Member or an officer.

The MNC may not indemnify a person under subsection (1) if the person

failed to act honestly and in good faith with a view to the best interests of the MNC; or

in the case of a criminal or administrative proceeding, the person had no reasonable grounds for believing that his or her conduct was lawful.

The MNC may not, without the approval of a court, indemnify a person under subsection (1) in respect of an action by or on behalf of the MNC to procure a judgment in its favour.

The MNC may purchase and maintain insurance for the benefit of a person referred to in subsection (1) against any liability incurred by the person by reason of holding or having held office, except where the liability relates to a failure to act honestly and in good faith with a view to the best interests of the MNC.

Cheques, Drafts and Notes

All cheques, drafts or orders for the payment of money, and all notes and acceptances and bills of exchange shall be signed by the Controller or such persons, whether or not officers of the MNC, and in such manner, as the President may from time to time determine.

Execution of Documents

Contracts, documents or any instruments in writing that require the signature of the MNC may be signed by the President, in accordance with the directions of the Executive Council, and any contract, document or instrument so signed is binding upon the MNC without further authorization or formality.

The Executive Council may from time to time authorize any person to sign contracts, documents or instruments in writing generally, or to sign a specific contract, document or instrument in writing, on behalf of the MNC.

Fiscal Year

The fiscal year of the MNC ends on March 31st in each year.

Costs of Administration

The costs of the administration of the MNC are payable out of the monies authorized by the Legislative Assembly.

Note: It is expected that there will be a separate Financial Administration Law that will set out the budgetary process and the various authorities for making expenditures by the MNC.

Notices

The signature to any notice given by the MNC may be written, stamped, typewritten or printed, in whole or in part.

Any notice required by this Law or any other law of the MNC may, unless otherwise provided, be given to a person by

personal delivery;

prepaid mail to the person's address as it appears in the records of the MNC; or

telephone facsimile to the person's facsimile number as it appears in the records of the MNC.

Any period of notice shall be calculated exclusive of the day on which the notice is delivered, mailed or faxed, and of holidays observed by the Canada Post, but inclusive of the day for which the notice is given. delivered, mailed or sent by telephone facsimile.

A certificate of the Clerk, or other duly authorized officer of the MNC in office at the time of the making of the certificate, as to the facts in relation to the mailing, delivery or publication of any notice shall be conclusive and binding.

Other Matters

The by-law entitled *By-Law #1* as enacted and amended by the MNC is repealed.

This Law shall come into force on the _____.

The National Museum of the Metis

An Update

November 10, 1994

Museum Master Plan Phase 1

In order to preserve the evidence of the past and to promote the living heritage of the Metis, the Metis National Council (MNC) commissioned a study to investigate the feasibility of developing a Museum of the Metis. The firm of Sears & Russell Consultants Limited, museum specialists, were awarded the project and began work in October, 1993.

Over five months the consultants talked to more than 50 people to find their vision for a Museum. A Phase 1 Report, documenting the findings of the consultations was submitted to the MNC in April of this year.

A national Museum would present the Metis as a dynamic element of every region of Canada.

The Metis community strongly supported the idea of a museum which would serve the needs of the entire Metis nation and present the Metis perspective in all its activities. A vision was developed for a Museum which would be independent of political organizations, but accountable to the MNC; which would preserve the Metis heritage and traditions; and which would reflect the evolving Metis culture of today and tomorrow. The

Museum would offer archival and genealogical research resources to interested people.

The people we talked to felt that the Museum's exhibits and programmes should be directed towards two distinct audiences — Metis, to help maintain and strengthen cultural awareness, and other Canadians, to tell the real story of the Metis nation. A number of sites were suggested for the location of the museum. Our recommendation was for a central national museum in Winnipeg, at The Forks and a group of affiliate institutions in other communities with significant Metis populations. The national Museum could become a tourism destination within Winnipeg. The Museum's programmes and exhibitions would offer a range of meaningful experiences for Metis and non-Metis alike.

New Directions

The work of Phase 2 included an interim information package prepared for review by the MNC in September, 1994. Shortly after this was prepared, the consultants met with the President and officials of the Manitoba Metis Federation. They expressed considerable interest in the possibility of a major Metis cultural institution being created in their province, and they were very supportive of the concept of the National Museum of the Metis at The Forks.

Coincidentally, the MMF were soon to meet with the Manitoba Cabinet to discuss a series of issues of mutual interest, and the proposed museum was included on the agenda. The MMF suggested that the inauguration of the project in 1995, the 125th anniversary of Manitoba joining Canada, would be a most appropriate recognition of the key role played by the Metis nation in this process.

The MMF also indicated an interest in including offices for the Federation, and for the Louis Riel Institute in the new museum building. Of course, the new building will be designed to provide separate identities for the museum and for the other functions.

One of the strongest messages received from the Metis consulted during Phase 1 was that the proposed institution should serve people in their own communities, and express the many varieties of local heritage as well as the national perspective.

For instance, the Nation Museum will act as a focus for knowledge and expertise concerning the Metis material heritage. Not only will it house a major collection of artifacts, but the staff will act as a source for information and advice for other museums, historical societies and individuals who wish to preserve Metis material. Using the national Museum as a

This Update is submitted to the Metis National Council to present the work completed to date by the firm of Sears & Russell Consultants on the Feasibility Study and Master Plan for a Museum of the Metis.

The National Museum of the Metis

An Update

November 10, 1994

clearing-house, people across the Metis homeland will be able to exchange information on research and conservation, perhaps through e-mail links, as well as through fax and telephone.

The National Museum of the Metis will have a strong commitment to training individual Metis in the various skills associated with the preservation, research, and display of historical objects. The Metis heritage is at risk partly because of a lack of skilled people who are both qualified to deal with the artifacts, and knowledgeable about the culture that produced them. Through its training activities, the National Museum will be able to support and promote the cause of Metis heritage far from its building in Winnipeg.

An important function for the National Museum will be to create exhibits to be sent to museums and other cultural sites across Canada. Small presentations which help individual Metis communities learn about aspects of Metis culture with which they may not be familiar will be circulated to local museums, schools, libraries, and community centre.

The Board of Trustees of the new Museum will represent both the formal Metis representative organizations (MNC and the five provincial/territorial organizations) and the Metis community at large. Each organization will appoint a representative; the

method of selection of the other Board members has not yet been decided. However, the resulting Board of about a dozen members, will be broadly representative of the Metis nation as a whole. Non-voting representatives of the Federal, Provincial, and Municipal governments will also join the Board.

The National Museum of the Metis Current Proposal

Site: Winnipeg at The Forks

Facility: New Building to be shared with Manitoba Metis Federation and the Louis Riel Institute

Estimated Size: 35,000 sq. ft. (museum only)

Estimated Cost: \$8 Million (museum only)

Schedule: If detailed planning begins in 1995, Museum could open in 1998.

Governance: Board of 12 Metis, plus representatives of 3 levels of government.

Finally, a word about the name of the new institution. Throughout this report we have used the term "National Museum of the Metis" as a clear indicator of its scope and function. However, in order both to make the organization more

welcoming to Metis people, and to characterize it as a unique and special place among non-Metis, we suggest that a suitable Michif word or phrase be adopted as the primary designation, with "The National Museum of the Metis" as a subtitle. The Michif word could relate to the Forks as a place, or it could convey appropriate feelings of family gathering, a place of welcome, or some similarly inclusive idea.

What's Next?

The second phase of the study is nearing completion. A report documenting this work will be presented to the Metis National Council within the next few weeks. This report will present the work completed to date, including responses to the recommendations submitted by various Metis and government representatives.

Your comments and suggestions will be gratefully received and seriously considered. Please direct your responses to:

Metis National Council
50 O'Connor Street, Suite 305
Ottawa, Ontario K1P 6L2

or

Sears & Russell Consultants
111 Avenue Road, Suite 700
Toronto, Ontario M5R 3J8

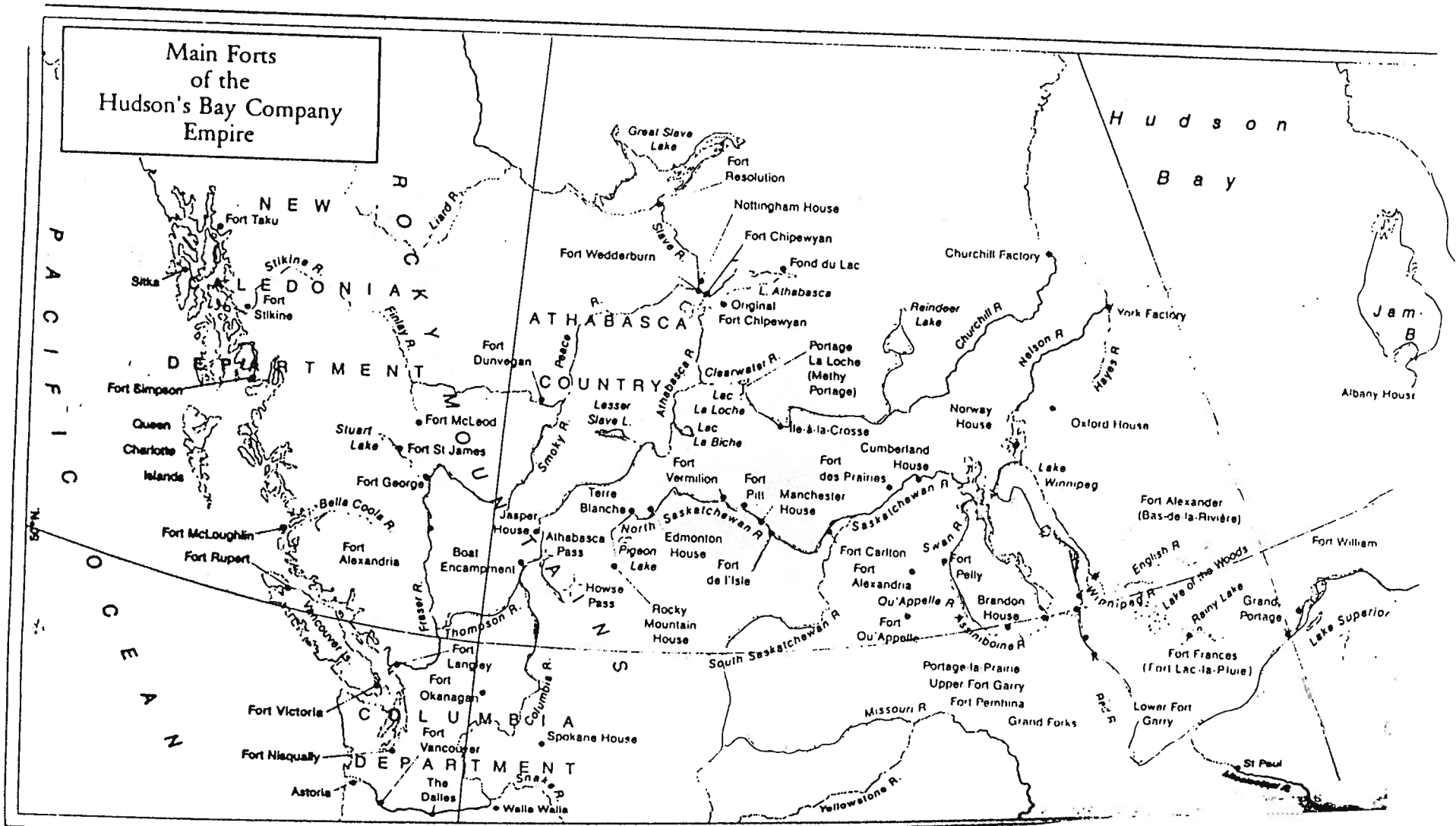
**SEARS &
RUSSELL**

METIS MASTER TRAIL YOUTH SERVICES PROJECT

FALL 1994



Main Forts
of the
Hudson's Bay Company
Empire





THE MÉTIS NATIONAL COUNCIL RALLIEMENT NATIONAL DES MÉTIS

50, rue O'Connor Street, # 315
Ottawa, Ontario, Canada
K1P 6L2

Tel: (613) 232-3216
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For Immediate Release

July 21, 1994

MNC Seeks Métis Youth To Canoe Historic Métis Water Route

OTTAWA-- The Métis National Council (MNC) is calling for applications from male and female youths, 18-24, to participate in a four-month heritage project including a two-month canoe trip across the northern part of western Canada.

This Métis Heritage Project will trace a historic Métis water route along the Churchill and Seal Rivers, to Hudson's Bay. Twenty youths will develop their outdoor skills and their ability to work as a team and with northern communities. Funded by the Youth Services Canada program, the project will assist youths who may have trouble with regular educational situations to develop skills to work as guides. Applicants must be currently unemployed and available to start orientation in early August.

The trip will run from mid-August to mid-October. Participants will meet near La Loche in northern Saskatchewan, canoe to Cumberland House, and then move to Tadoule Lake and the Seal River. Participants will keep diaries, meet with communities along the way, and draw up a list of cultural and historical activities that wilderness operators can use.

The following two months will be spent in job-readiness training and research into starting businesses in eco-tourism.

This is an exciting opportunity for enterprising youth to develop a potentially lucrative career in the emerging eco-tourism sector.

Eco-tourism and adventure tourism are growing in popularity. While this often takes place in traditional Métis territory, most operators have little experience with Métis culture and can offer no insight into Métis history. Participants will have an opportunity to reconnect with their Métis heritage, and will be encouraged to start their own tourism businesses.

A weekly stipend and a bonus at the end of the project will be paid by the MNC. Food for the six week trip will be provided, as will an outdoor clothing allowance. Transportation from the end site will be covered.

Applicants must ∞ be of Métis or Dene ancestry,
∞ between 18 and 24 years old.

Applicants should ∞ have experience in wilderness activity
∞ be capable of physically-demanding travel
∞ have basic canoeing and swimming skills
∞ have experience working in teams.

Interest in a future career as a guide or outdoor educator is an asset.

Please send a resume of your experience and activities, the names of two people who can evaluate your ability to undertake this activity, and a cover letter explaining why you are interested in participating.

Apply before August 1st to MNC, 315-50 O'Connor Street, Ottawa, ON K1P 6L2, fax (613) 232-4262.

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Contact: Marc LeClair (613) 232-3216



YOUTH SERVICE CANADA INFORMATION SHEET

Youth Service Canada (YSC) is part of the federal government's Youth Employment and Learning Strategy to address unemployment among out-of-school young people 18 to 24 years of age. Projects called lead sites will start in the summer of 1994, with regular projects beginning in the fall of 1994.

Youth Service Canada projects:

- focus on work experience and skills development
- are for young people, 18 to 24, unemployed, out of school ranging from high school dropouts to college or university graduates
- are community-based, last normally six to nine months and pay participants a weekly stipend and completion bonus
- will expose young people to: personal growth, community development and learning, entrepreneurship, sustainable development and environmental work.

Why is there a lead-site phase?

Youth Service Canada is a new and innovative program that needs to be "test driven" this summer to see what works and what doesn't work for the participants and the project sponsors.

Features being tested are:

- the concept of providing unemployed youth with an alternative to collecting unemployment insurance or social assistance
- use of community, non-profit sponsors
- project activities and project length
- the stipend and bonus system.

Projects will be assessed and participants will be asked for their views on how well Youth Service Canada fulfilled the following objectives:

- enabling young people to improve attitude/motivation
- developing transferable job-related skills
- preparing for further education/training, self-employment or job search and placement in the labour market.

How can unemployed, out-of-school young people find out about participating in a YSC lead-site project?

A list and description of YSC projects will be sent to all Canada Employment Centres (CECs). If interested, young people should contact the project coordinator. Project coordinators will select participants according to how their interests, skills and abilities fit the project activities.

Will all out-of-school, unemployed young people between the ages of 18 and 24 be automatically eligible to participate in a YSC project?

All Canadian citizens or permanent residents between the ages of 18 and 24 who are unemployed and out of school are eligible.

Are UI and Social Assistance recipients eligible?

Yes. Young people on UI will have to choose between YSC participation and remaining on UI benefits. Young people on income assistance will need to respect provincial policies and guidelines regarding social benefits.

Will participants be eligible for UI, and/or social assistance, once the project is over?

Youth Service Canada participants are not eligible for UI when the project ends. Young people in need of welfare assistance will have to contact their provincial social services ministry for eligibility criteria.

Was there a formal call for project proposals for the lead-site phase?

No formal call for proposals for Youth Service Canada projects could be issued prior to Cabinet approval on April 14, 1994. Projects were selected from the 170 unsolicited proposals that were sent directly to Human Resources Development Canada.

Sponsors of projects not retained for the lead-site phase will be informed that they can resubmit their proposal to their local region for consideration when the full operational phase gets underway later in the fall of 1994.

When will the program be fully operational and how will it run?

The regular YSC program is scheduled to start in the fall of 1994. A working committee has been established at Human Resources Development Canada to coordinate and ensure effective program implementation. Full details for the regular program will be provided at a later date.

Who can sponsor a project?

There is no definition yet as to what kind of group(s) can sponsor a project.

When and how will project sponsors be able to apply?

Information and guidelines on the submission of proposals will be available through Canada Employment Centres (CECs) before the regular program starts in the fall of 1994. Sponsors interested in submitting a project will be able to apply through their nearest CEC.



THE MÉTIS NATIONAL COUNCIL RALLIEMENT NATIONAL DES MÉTIS

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FOR IMMEDIATE RELEASE

August 25, 1994

MÉTIS YOUTH CANOE TRIP LAUNCHED IN PRINCE ALBERT

Twenty Métis youth will relive the experiences of their ancestors this fall as they survey the possibilities of expanding eco-tourism in the Métis Homeland of Manitoba, Saskatchewan and Alberta.

Through the assistance of Youth Services Canada, these young Métis will retrace the water trails their ancestors blazed in the early development of western Canada. One of four national projects, the Métis Youth Canoe Trip will explore opportunities for young people to find employment in the growing field of eco-tourism. This project "has considerable potential to add significantly to Canadian eco-tourism and adventure travel," according to the Canadian Heritage Rivers Secretariat.

Gerald Morin, President of the Métis National Council, stated, "This outstanding wilderness experience, combined with the opportunity to expand Métis cultural identity, will be a powerful motivating force in the lives of these young people. In addition to a greater sense of self-esteem, they will acquire the skills and experience necessary to become guides and entrepreneurs serving the eco-tourism market."

Ethel Blondin-Andrew, Secretary of State for Training and Youth, said, "The mission of the Métis Youth Service Canada project will be to promote self-reliance, care and respect for others, concern for the environment and Métis culture. Their project will also give the youth an opportunity to learn the spirit of co-operation, to discover the thrill of adventure and the physical experience will promote an overall wellness of body, mind and spirit."

Peter C. Newman, author of the epic histories *Caesars of the Wilderness* and *Company of Adventurers*, calls this trip "an eminently worthwhile and essential return to historical roots -- a wonderful adventure, a way for youthful Métis to touch the earth, feel the country and achieve resonance with their brave predecessors".

The team consists of Métis youth from across the Métis homeland: 7 representatives from Manitoba, 4 from Alberta, 4 from Saskatchewan, 3 from Ontario and 2 from the Northwest Territories, including 6 women and 14 men.

On August 26, the team will start the six to seven week canoe trip across the north. Dignitaries including MNC President Gerald Morin and federal representatives will be present for an official sendoff in Prince Albert, Sask.

Eleven canoes will navigate the Churchill, Clearwater and Saskatchewan Rivers, which constitute part of the historic Métis route used during the fur trade. During the trip, the team will camp along the way, meet with elders in Cumberland House and other sites along the way, and learn about Métis heritage.

This is a pilot project sponsored by the Youth Services Canada to encourage unemployed youth to investigate career options. The team will be paid a weekly stipend and a bonus upon completion of the trip. After the trip, the team will spend two months in job readiness training and research into employment opportunities in guiding and outfitting.

Corporate sponsors include Metropolitan Life and Tilley Endurables.

For more information, contact Cheryl Sutherland at the Métis National Council, (613) 232-3216. Guy Freedman, Director of this project, will be in Prince Albert at the Marlboro Inn, (306) 763-2643.



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FOR IMMEDIATE RELEASE

AUGUST 25, 1994

Métis Youth Services Canoe Trip Participants Expect to Reconnect with Nature and their Heritage

Twenty Métis youth will relive the experiences of their ancestors this fall as they survey the possibilities of expanding eco-tourism in the Métis Homeland.

The team consists of 7 representatives from Manitoba, 4 from Alberta, 4 from Saskatchewan, 3 from Ontario and 2 from the Northwest Territories, including 6 women and 14 men.

After two weeks of training in Prince Albert, Sask., the team sets off August 27 to paddle the Churchill, Clearwater and Saskatchewan rivers. The trip will trace traditional Métis water routes used during the fur trade. It will conclude in early October. The participants will then spend time in the classroom studying eco-tourism and receiving job-readiness training.

The participants, all aged between 18 and 24, come from a variety of backgrounds. They share enthusiasm about learning more about their Métis heritage.

Richard Tietge is a 20-year-old from Grande Prairie, Alberta. He has worked as a forest fire fighter and was named recruit of the year in 1990. His grandfather was a trapper in Fort Vermilion.

I have gone out on the trapline with him and enjoyed it very much. I am fascinated by the stories he tells about "the old days" of trapping. This trip would offer me a chance to really experience what it might have been like.

Patti Bouvier, a Métis and Dene from Fort Providence, NWT, has trained in fire fighting and canoe racing. She hopes to become an RCMP officer or game officer. "When I was a little girl, my dad used to take my sisters and me on his trap-line. Since then I fell in love with nature."

Sky Richard, 18, from Dauphin, Manitoba, has certificates in St. John's Ambulance, CPR, wilderness orientation, and swim badges. He has created survival kits and emergency shelters in all seasons. His hobbies include sketching, reading philosophy, and meditation.

Being a spiritual person, I feel that the canoe trip would provide a much-needed invigoration of my bond to Mother Earth and a long awaited return to nature's embrace. This type of "getting back to nature" would offer a unique possibility for insight and awareness with regards to my own artistic abilities and skills in writing.

Tammy Wilson, a nineteen-year-old from Blue Ridge, Alberta, was named Youth Role Model for her zone for the 1993-4 term. She has worked as a camp leader and cabin counselor at Surprise Lake Camp. She calls this "the opportunity of a lifetime." She plans to attend an Environmental Sciences program at Lakehead College.

Participants include

Bradley (B.J.) Maggrah, from Wabigoon, Ontario (aged 18)
Douglas Serré, Mattawa ON (18)
Jeremy Reynolds, Midland, ON (18)
Sky Richard, Dauphin, MB (18)
Rocky Perry, The Pas< MB (19)
Daniel Carriere, St. Pierre, MB (19)
Matthew Flett, Ebb & Flow, MB (20)
Porscha Barron-McNabb, Dugald, MB (20)
Sara McIvor, Winnipeg, MB (19)
April Newans, Winnipeg MB (22)
Clayton Morin, Ile-a-la-Crosse, SK (21)
Nathan Favel, Ile-a-la-Crosse, SK (20)
Shanonn Norton, Buffalo Narrows, SK (22)
Roland Hanson , Buffalo Narrows, SK(18)
Tammy Wilson, Blue Ridge, AB (19)
Richard Tietge, Grande Prairie, AB (20)
Darcy Lizotte, Fort Vermilion AB (22)
Brandon Paul, Grande Prairie, AB (19)
Keith McDermott, Fort Resolution, NWT (18)
Patti Bouvier, Fort Providence, NWT (23)

Biographies of the participants are available upon request.

For more information, contact Cheryl Sutherland at the MNC, at (613) 252-3216. Guy Freedman, the Director of the project, can also be reached at that number.

BY-LAW CHANGES

I Section 3 of MNC Bylaw No.1 is hereby repealed and the following Membership provision enacted:

3. Membership in the Corporation shall be the Metis Nation of Alberta, Manitoba Metis Federation, Metis Nation of Saskatchewan (hereinafter referred to as Founding Members), the Metis Nation of Ontario and the Metis Nation in British Columbia.

II The following new Bylaw provisions are hereby enacted:

Organizational Structure

- 6 (a) The Métis Nation Organizational Structure shall consist of a Métis Nation General Assembly, the Board of Governors and the Office of the President.

Metis Nation General Assembly

6. (b) (i) A Métis Nation General Assembly shall be held at least once every 12 to 18 months and at the call of the Board of Governors.

(ii) Unless amended by resolution of the Board of Governors, representation of each Métis Member Association at the General Assemblies shall be determined by the Board of Governors of the Metis National Council and the method of selection of delegates shall be determined by the respective provincial Members.

(iii) The Métis Nation General Assembly and the Board of Governors have responsibility for the formulation of national policies.

(iv) Decisions of the Metis Nation General Assembly shall be by a 50% plus one of the votes cast.

III Section 8 of MNC Bylaw No.1 is hereby repealed and the following Directors' provision enacted:

8. The Board of Governors shall consist of the Presidents of each member association and the President of the Metis National Council, who shall be the Chief Executive Officer.

IV The following new Bylaw provisions are hereby enacted:

Office of the President of the Metis Nation

8 (b) (i) Unless amended by resolution of the Board of Governors, the President of the Metis Nation shall be elected by the Metis Nation General Assembly by 50% plus one of the votes cast.

(ii) The election of the President shall take place between the second and third year of the President's term which shall be set by the Board of Governors.

(iii) The President of the Métis Nation shall be responsible for the management of the Secretariat and shall be the Chief Spokesperson for the Metis Nation, responsible for enhancing and promoting the cultural, social, economic and political interests of the Métis Nation in the spirit of the Riel Government.

(iv) The position of President of the Metis National Council shall not be held by an elected person at the provincial level and will be a full time salaried position with the remuneration determined by the Board of Governors.

(v) Notwithstanding (iv), a person who holds an elected position at the provincial level may be elected as President of the Metis National Council provided that the person relinquishes the position at the provincial level within a reasonable period of time but no later than 90 days following the date of the said election.

(vi) The President shall be responsible for chairing meetings of the Board of Governors and directing its debates.

(vii) The Office of the President shall be automatically vacated:

(1) upon death;

(2) where the President resigns; or

(3) upon unanimous consent of all Member Association Presidents.

(viii) In the event that the office of President becomes vacant during the term of office, the Board of Governors shall appoint a replacement from among themselves until the next Metis Nation General Assembly at which time the Assembly shall elect a new President.

V Section 9 of MNC Bylaw No.1 is hereby repealed and the following Voting provisions enacted:

Voting

9. (a) For the purposes of determining the number of voting delegates for the election of a President of the Metis Nation at a general assembly, the Presidents of the Founding Members shall have (5) votes each and, subject to paragraph (b), all other Members shall have a minimum of one vote each.
- (b) Non-founding Members have the right to acquire one additional vote upon providing proof that its membership is equal to at least 40% of the average membership of the Founding Members, and, further they have the right to acquire an additional vote upon providing proof that its membership has increased by at least twenty percent of the average membership of the Founding Members to a maximum of five votes.
- (c) Except for bylaw changes, the Presidents of each Member Association shall have one vote each and the President of the Metis Nation shall vote only in the event of a tie.
- (d) Notwithstanding any provision in this By-Law, any resolution to alter, amend, delete or in any way change these By-Laws shall require unanimous consent of the Founding Members.

VI Section 11 of MNC Bylaw No.1 is hereby repealed and the following Quorum provisions enacted:

Quorum

11. At all meetings of Governors a quorum shall be four Governors and shall include the President and two of the Founding Members.

VII Section 14 of MNC Bylaw No.1 is hereby repealed and the following Notice provisions enacted:

Notice of Meetings

14. (a) The President shall be responsible for calling meetings of the Board of Governors or the President shall call and preside at a meeting of the Governors where three Governors in writing request a Board Meeting two of which must represent Founding Members.
- (b) Notice of the meeting shall be communicated to each Governor not less than 7 days before the meeting and confirmed by telefax or letter.
- (c) A Governor may, if all the Governors of the Corporation consent, participate in a meeting of the Board of Governors or of a committee of the Board by means of such telephone or other communications facilities as permit all persons to participate in such a meeting and is deemed to be present at the meeting.
- (d) Meetings of the Board of Governors may be held at any time without notice if all the Governors have waived notice of the meeting in any manner.

Notes:

New numbering to be integrated within existing text.

Wherever the term "Directors" is used, change to "Governors".

SIGNED AT WINNIPEG, MANITOBA this 15th day of November, 1994.

Gerald Morin, President
Metis Nation of Saskatchewan

Billijo DeLaRonde, President
Manitoba Metis Federation

Gerald Thom, President
Metis Nation of Alberta

RESOLUTION ON SOCIAL SECURITY REFORM

Métis National Counsel Assembly —November 14, 1994

Whereas, the Government of Canada has proposed a major restructuring of unemployment insurance, social assistance, employment training, post-secondary education and child support programs in Canada under the name of Social Security Reform;

And whereas, the changes being proposed to social security programs are designed primarily to reduce spending on the Canadian social safety net;

And whereas, the Métis in National Assembly consider that job creation is the most effective way of reducing the costs of social programs and that reducing expenditures on Unemployment Insurance and social assistance can only really be accomplished by reducing unemployment;

And whereas, the unemployment rate for Métis is twice the national average and many Métis are employed in occupations that would be seriously affected by the proposed restructuring of the Unemployment Insurance Program;

And whereas, the Government of Canada admits that unemployment will continue to exceed 10% nationally well into the next century, while at the same time suggesting that the unemployed and persons on welfare can find jobs if only they take training;

And whereas, the proportions of of Métis persons who must rely on welfare, particularly single mothers, far exceeds the national average;

And whereas, the Métis Nation is extremely concerned with proposals to devolve responsibility for job training to the provinces, without consideration of the right of Métis people to manage their own affairs through self-government;

And whereas, the Métis Nation considers it exceeding important to adequately prepare the younger generations for the future through education;

And whereas, the needs of Métis families are not being adequately met through the proposals to reform child care and the Child Tax Benefit;

And whereas, the Métis in National Assembly wish to impress upon the Government of Canada their profound opposition to the approaches being put forward which would ultimately lead to the erosion of the social safety net

BE IT RESOLVED:

1. CANADA ASSISTANCE PLAN

That, nothing be done to reduce the already low levels of benefits under social assistance programs or to restrict access to such programs on the part of those in need;

That, under no circumstances should social assistance recipients be required against their will to preform "community service" or workfare in order to obtain benefits;

That, the three fundamental principles of the Canada Assistance Plan - benefits based on need; no residency qualifications; and the right of appeal - continue to be enshrined in any federal legislation that may succeed the Canada Assistance Plan;

That, the Liberal Government recall that it was elected on the pledge of creating jobs and that that the most effective means of reducing the number of people on social assistance is job creation;

That, steps be taken to examine the feasibility of transferring the amounts spent by the Government of Canada and the Provinces on social assistance for Métis to Métis Government institutions.

2. UNEMPLOYMENT INSURANCE

That, the Government of Canada take steps immediately to restructure the Unemployment Insurance Program as the insurance program it was intended to be, providing equal benefits to all workers who pay premiums;

That, the Government of Canada extend coverage under the Unemployment Insurance Program to part-time workers and the self-employed following actuarially sound insurance principles;

That, the Government of Canada cease raiding the Unemployment Insurance Fund to pay for job training programs and to reduce the deficit, including the current proposals to use premium revenues to pay for "enhanced employment programs";

That, the Métis National Council reject the proposal to create a two-tiered benefit system because it would penalize and create hardships for the many Métis that have seasonal occupations;

That, the Métis National Council reject the proposal to tie benefits to household income because this departs from the insurance principles of the program and create hardships for many two-income families.

3. EMPLOYMENT PROGRAMS

That, assistance with up-grading skills and labour market employability should be available to all Canadians and not just to people on welfare or those receiving U.I. benefits;

That, responsibility for the design, management and administration of employment programs for Métis be devolved to Métis institutions, through direct bi-lateral arrangements with the federal government, and not to the provinces;

That, the Métis consider it critically important to ensure the future well-being of the younger generations by creating programs for early intervention for education and integration in the job market;

That, a study be undertaken of the feasibility of establishing Métis managed educational institutions responding to the needs of Métis children and adolescents;

That, employment programs should be funded from sources other than the Unemployment Insurance Program;

That, available funds for aboriginal employment programs be allocated equitably among the aboriginal peoples, which is not the case today;

4. CHILD SUPPORT

That, the Métis support the federal government's initiative to increase the number of day-care spaces by 150,000 over three years, but that they request the Government of Canada consider setting aside an equitable allocation of spaces for Metis and put into place more flexible criteria to enable the subsidization of care in family home day-care settings as well as in institutional day-care settings;

That, the Métis support in principle the integration of provincial social assistance expenditures on children with the Child Tax Benefit in order to create a national program to combat child poverty applying to both social assistance recipients and the working poor;

5. POST-SECONDARY EDUCATION

That, given the small number of Métis with university degrees, the Government of Canada consider putting into place a program to assist Métis access and complete post-secondary studies through the establishment of a Métis Education Trust Fund;

That, the Métis consider access to education to be a universal right which should be offered on the basis of universal free access to all those who meet academic standards;

That, the Métis are opposed to any moves which would increase tuition fees for students or increase their debt loads, and as a result request the federal government not to eliminate the cash component of Established Programs Financing for post-secondary institutions;