

**METIS NATION - SASKATCHEWAN
METIS RIGHTS CONFERENCE**

**METIS NATION - SASKATCHEWAN
GENERAL ASSEMBLY**

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**METIS NATION – SASKATCHEWAN
METIS RIGHTS CONFERENCE
BATOCHE, SASKATCHEWAN
JUNE 21, 2002**

AGENDA

- 9:00 a.m. Opening Prayer
- 9:10 a.m. Welcoming Remarks
- Allan Morin, Minister of Intergovernmental Affairs, MNS
 - Senator Ritchie, Chairperson, MNS Senate
- 9:30 a.m. Keynote Speaker
- Gerald Morin, President, Métis National Council
- 9:45a.m. Session One: *Dominion Lands Act* Scrip Process and litigation
- Professor Frank Tough, University of Alberta
 - Clem Chartier, President MNS
- 11:15 a.m. Session Two: Hunting and Fishing Rights within Saskatchewan and the
Metis Wildlife and Conservation Act and Regulations
- Clem Chartier, President MNS
 - Dwayne “Trudeau” Roth, Lawyer
 - Jason Madden, General Counsel, MNC
 - Norman Hansen, Minister of Environment and Natural Resources,
MNS
- 12:00 p.m. LUNCH BREAK
- 1:00 p.m. Session Two Continued
- 2:00 p.m. Session Three: Who Possesses these Rights? Definition of Métis.
- Clem Chartier, MNS President & Intergovernmental Affairs Minister,
MNC
 - Jason Madden, General Counsel, MNC
- 3:00 p.m. Justice Matters.
- MFCJS
- 5:00 p.m. Adjournment

**GABRIEL DUMONT INSTITUTE
ANNUAL GENERAL ASSEMBLY**

BATOCHÉ, SASKATCHEWAN
JUNE 22, 2002

AGENDA

- 9:00 a.m. Report from the Chair of Gabriel Dumont Institute
- 9:30 a.m. Financial Statements – Overview of most recent audited Statements
(Director of Finance)
- 10:00 a.m. By-law changes
(Identified in attached correspondence)
- 12:00 p.m. Adjournment
LUNCH

**METIS NATION - SASKATCHEWAN
GENERAL ASSEMBLY**

BATOCHÉ, SASKATCHEWAN
JUNE 22, 2002

AGENDA

- 1:00 pm. Opening Prayer
- 1:10 p.m. Executive Reports: President, Vice-President, Secretary and Treasurer
(including a Financial Statement and Audit)
- 2:00 p.m. Constitutional Amendments
- 2:30 p.m. Resolutions
- 3:30 p.m. Update on Métis Child Wellness Conference: November 2002
- 4:00 p.m. Adjournment

SUMMARY - METIS STATEMENT OF CLAIM

Para. 1 - 34

- lists the individuals who are the Plaintiffs in this law suit;

Para. 35

- the Plaintiffs sue on behalf of all members of the Metis Nation who live or consider their homeland to be in northwestern Saskatchewan;
- Map is attached describing the "Plaintiffs' Homeland" (claim area);

Para. 36 - 38

- lists the Metis Nation of Saskatchewan, The Metis Society of Saskatchewan Inc., and the Metis National Council as Plaintiffs;

Para. 39

- Describes Canada as a Defendant;

Para. 40

- Describes Saskatchewan as a Defendant;

Para. 41

- before 1870 Metis people in general were a distinct Aboriginal people who possessed lands in western Canada;
- These people and their descendants are referred to as the Metis Nation, whose lands are called the "Metis Nation Homeland";

Para. 42

- Sets out a brief historical development of the Metis Nation;
- Fur trade spread, and intermarriage produced children of mixed Indian and European ancestry;
- Became known as "Metis" or "Halfbreeds";
- Distinct communities developed throughout the Metis Nation Homeland;
- Economy of Metis communities were based on fur trade, freighting and buffalo hunt;
- Political and social awareness developed;

Para. 43

- Before 1870 the Metis people in the claim area (Plaintiffs' Homeland) were a distinct Aboriginal people;
- Sets out the development of the Metis in the Plaintiffs' Homeland in the Ile-a-la-Crosse and Green Lake areas;
- Metis Nation developed within the claim area;
- Ancestors hunted, trapped, fished and gathered for commercial and subsistence reasons;
- Fur trading post at Ile-a-la-Crosse and Green Lake developed;

- Ancestors used a "Made Beaver" monetary system until 1908;

Para. 44

- Most individual Plaintiffs and members they represent are descendants of citizens of the Metis Nation who lived within the Plaintiffs' Homeland before 1870;
- Other individual Plaintiffs and members they represent moved into the Plaintiff's Homeland and have been accepted in the community;

Para. 45

- Royal Proclamation of 1763 established a system to deal with Aboriginal rights and title;

Para. 46

- Rupert's Land and North-Western Territory Order of 1870 required Canada to comply with this system when settling western Canada;

Para. 47

- The Rupert's Land and North-Western Territory Order applies to the Plaintiffs;
- It also recognizes Plaintiff's Aboriginal rights and title in western Canada;

Para. 48

- In 1888 Commissioners Irvine and Goulet appointed to negotiate Treaty and issue scrip in Green Lake area;
- In 1900 issuing of scrip extended in Green Lake area;
- In 1906 Commissioner McKenna appointed to negotiate Treaty and issue scrip in northern Saskatchewan;
- In 1907 Commissioner Borthwick took adhesions and issued scrip to Halfbreeds who were missed in 1906;
- Commissioners refused to negotiate with Metis people on a collective basis;
- Dealt with them individually;
- Offered them either scrip or give up their identity as Metis and take Treaty as Indians;
- Scrip did not provide a way for Metis to obtain land and resource base which they needed;

Para. 49

- Plaintiffs continue to have Aboriginal rights;
- Aboriginal rights includes right to land and resources, harvesting rights and right of self-government;

Para. 50

- This system set out in the Royal Proclamation should have been applied by Canada to Metis people in the claim area;
- This system was not applied to Metis people in the claim area;

Para. 51

- These Aboriginal rights are recognized and affirmed by section 35 of the Constitution Act, 1982;

Para. 52

- Scrip system was unilaterally imposed;
- Metis have been reduced to marginal economic and political positions;
- Metis have continued their distinct culture and political organizations;
- Metis have continued relying on traditional use of resources i.e.
 - hunting, trapping, fishing and gathering;

Para. 53

- Metis Aboriginal rights exist along with the Aboriginal and Treaty rights of Indian people in the claim area;
- Indian Aboriginal and Treaty rights are not affected by the claim;

Para. 54

- Rights claimed fall within section 91(24) of the Constitution Act, 1867;
- Is claimed that Plaintiffs are "Indians" within the meaning of section 91(24) of the Constitution Act, 1867;

Para. 55

- Canada is in a fiduciary relationship to the Metis Nation and its citizens;

Para. 56

- Canada was required to obtain the collective consent of Metis people and negotiate agreements;
- Failure to do so was a breach of Canada's fiduciary duty to the Plaintiffs;

Para. 57

- Fiduciary obligation had constitutional status under Rupert's Land and North-Western Territory Order;

Para. 58

- Canada knew little scrip would be redeemed for land by Metis people;
- Canada knew scrip would be sold to speculators for much less than it was worth;
- Canada helped scrip speculators;
- Scrip system was a sham - not designed to convey benefits on Metis people, was a breach of Canada's fiduciary obligation;

Para. 59

- Canada breached fiduciary obligation when it imposed the scrip system in the Plaintiffs' Homeland;
- Canada knew the scrip system would destroy the land base which the Metis needed and were entitled to;

Para. 60

- Scrip system did not extinguish the Aboriginal rights of the Plaintiffs in the Plaintiffs' Homeland;

Para. 61

- Plaintiffs have called upon Canada and Saskatchewan to recognize their Aboriginal rights;
- They have consistently refused to acknowledge these rights;

Para. 62

- Canada continues to be in breach of its fiduciary obligation by refusing to negotiate a land claim agreement;

Para. 63

- International law says that Canada should recognize the Aboriginal rights of the Plaintiffs;
- Plaintiffs have the right to self-determination within the Plaintiffs' Homeland;

Para. 64

- Claim relies upon specific legislation;

Para. 65

- After the Metis Nation emerged in the Plaintiffs' Homeland the Province of Saskatchewan was established;
- From 1905 to 1930 Canada retained control of lands and resources in the Plaintiffs' Homeland;

Para. 66

- Natural Resources Transfer Agreement transferred Crown lands and resources from Canada to Saskatchewan;

Para. 67

- Canada assigned its rights in Crown land to Saskatchewan;

Para. 68

- Saskatchewan's interests in the Plaintiffs' Homeland are subject to the Aboriginal rights of the Plaintiffs;

Para. 69

- Canada and Saskatchewan have wrongfully transferred lands and resources in the Plaintiffs' Homeland to other persons without consent;
- The effect of this has been to deny the Aboriginal rights of the Plaintiffs;

- As a result the Plaintiffs have suffered damages;

Para. 70

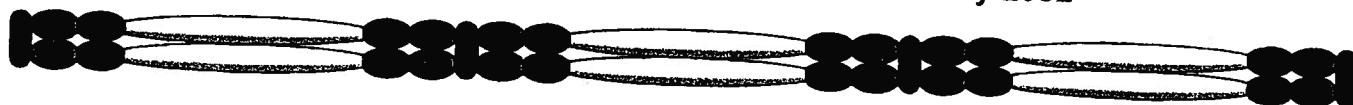
- Plaintiffs remain a landless people and are economically and politically marginalized;
- Plaintiffs are still a distinct Aboriginal people within the Plaintiffs' Homeland and are suffering damages as a result of Canada and Saskatchewan historically refusing to recognize their Aboriginal rights;
- Plaintiffs suffered and continue to suffer damages individually and collectively because of refusal to recognize Aboriginal rights;

Para. 71

- Sets out the specific matters that the Plaintiffs are claiming:
 - (a) - the Plaintiffs have existing Aboriginal rights and title to the Plaintiffs' Homeland;
 - includes Aboriginal title and rights to land and resources;
 - includes harvesting rights - fish, hunt, trap and gather - subsistence and commercial purposes;
 - inherent right of self-government;
 - (b) - Plaintiffs' have a right to land and resources in the Plaintiffs' Homeland;
 - amounts to be determined through negotiation or trial;
 - these rights take priority over third party land and resource interests in the Plaintiffs' Homeland;
 - (c) - Canada and Saskatchewan have an obligation to negotiate a land claim agreement;
 - (d) - If Canada and Saskatchewan fail to negotiate a land claim agreement, Court should order them to negotiate one;
 - (e) - Canada and Saskatchewan should transfer land and resources to the Plaintiffs;
 - (f) - That Plaintiffs are "Indians" within the meaning of section 91(24) of the Constitution Act, 1867;
 - (g) - Saskatchewan's interests in the Plaintiffs' Homeland are subject to the Plaintiffs' Aboriginal rights and title;
 - (h) - Canada is in a fiduciary relationship to the Metis Nation and its citizens and has breached that fiduciary duty;
 - (i) - Injunctions to stop Canada and Saskatchewan from transferring or using lands or resources within the Plaintiffs' Homeland which would prejudice a land claim agreement;
 - (j) - The Court should retain jurisdiction to deal with any disputes that arise out of this Court action;
 - (k) - Damages;
 - (l) - Costs;
 - (m) - Other relief that may be necessary.

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prepared & updated by Jean Teillet - January 2002



New in 2002 Update

∞

Powley and Blais

go to the Supreme Court of Canada in Fall of 2002

∞

Métis Act Proclaimed in Saskatchewan - January 28th 2002

∞

What's Inside!

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∞ Introduction

The Métis have been engaged in an ongoing legal battle with the government of Canada since the middle of the 19th Century. Most of these battles have been about preserving the lands and rights of the Métis. This summary provides a brief analysis of the court decisions that touch and concern Métis rights.

∞ The Structure of Canadian Courts

Prior to any discussion on Aboriginal rights generally, or Métis case law specifically, it is helpful to understand the Canadian Court system. The cases you will read about in this Summary are at various levels of court. The level is important because the higher up the ladder a case goes, the more influence it has and the more people, governments and lower courts are bound by it.

The court ladder looks like this. Cases usually start at the bottom of the ladder at either #4 or #5, and over a period of many years, work their way to the top.

1. Supreme Court of Canada
2. Provincial Courts of Appeal
3. Queens Bench/B.C. Supreme Court/Ontario Superior Court
4. Provincial Court/County Court/Ontario Court of Justice
5. Justice of the Peace

Basically the theory is this – higher courts bind the courts below them. Courts of equal level within a province have persuasive power on each other, but not binding power. Courts from one province do not bind a court from another province, although a Court of Appeal decision from one province will have great persuasive power on a Court of Appeal in another province considering the same issue. A decision of the Supreme Court of Canada is binding on every court in Canada, while a decision of a Justice of the Peace will have almost no effect on anyone other than the actual defendant.

The application of court decisions is often interpreted by provincial governments to be narrower than the rule of law states. The following appears to be the general rule of application for provincial governments in harvesting cases. Justice of the Peace decisions (#5) respecting Aboriginal harvesting rights are usually ignored by provincial government ministries and are not interpreted as creating any precedent applicable to other Métis in the same family, in the same community, or even to the same person who might be charged again with the same offence.

∞ The Law of Aboriginal Rights

The law of Aboriginal rights is based on a fundamental principle of fairness. For thousands of years, going back at least as far as Roman times, our law has protected the rights of Indigenous peoples. To most people it seems fair that those who lived on the land first, before a newer legal regime is created, have some rights that the law should protect. At this most fundamental level, fairness means that the Indigenous peoples (in Canada we use the term “Aboriginal peoples”)

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have a right to continue to exist - *as a people*. The common law of 'Aboriginal rights' is the legal mechanism whereby Aboriginal peoples' existence is recognized and protected by law.

In Canada we have now protected Aboriginal rights in the highest law we have - the *Constitution Act, 1982*- which reads as follows:

s. 35(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

What is included within this concept of Aboriginal rights? Theoretically it contains the rights necessary to ensure the survival of the Aboriginal people. This includes such basic rights as the right to harvest, language rights, the right to exercise Aboriginal religions and culture. It also includes the right to self-government and to occupy and possess the lands on which the Aboriginal people historically depended.

The law of Aboriginal rights is ancient and fairly new – all at the same time. The law of Aboriginal rights is ancient because as far back as Columbus arriving on the shores of North America, the Spanish debated their right to assert any sovereignty over the Aboriginal peoples of North America. They finally decided that they were not only right to assert their sovereignty, but that it was their duty to do so, because the Aboriginal peoples were heathens and it was their duty to bring Christianity to North American Aboriginal people. While this evangelical justification of the assertion of sovereignty is no longer politically correct, the ancient assumption that a sovereign must justify the use of its power over Aboriginal people has held ever since.

We say that the law of Aboriginal rights is new because until 1960 Aboriginal people had no access to lawyers to claim their Aboriginal rights and it was not until the *Calder*¹ case in 1973 that the courts recognized that Aboriginal rights were rights which could be legally enforced. Prior to 1973 the government had successfully argued that Aboriginal rights were moral and political obligations only. So Aboriginal rights, as a legal protection for Aboriginal peoples in Canada, is new in that it is less than 30 years old.

∞ What is the test for proving an Aboriginal right?

The courts have said that the onus is on the claimant to prove the existence of the right claimed. Therefore if Aboriginal people believe they have a right they must prove it. The test for proving Aboriginal rights to date has been set out by the Supreme Court of Canada in Indian case law. The cases of *Sparrow*² and *Van der Peet*³ set out the basic test for Aboriginal harvesting rights while *Delgamuukw*⁴ sets out the test for Aboriginal land rights and title.

The purpose of s. 35(1) is the protection and reconciliation of the interests of Aboriginal peoples. Since, according to the Supreme Court of Canada, cultures have many features in common, courts will only protect as Aboriginal rights, those "crucial elements" of a distinctive Aboriginal

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society that are *Aboriginal*. The test is called the “integral to their distinctive society test”. The gist of the test is that the claimant Aboriginal group must prove that the activity it seeks to protect is integral to its society; that they exercised the practice, tradition or custom before contact with Europeans; and that they have continued to practice it ever since (although perhaps in modernized form).

Practice, tradition or custom – Courts, in identifying the right at issue must take into perspective the common law and also must be sensitive to the Aboriginal perspective on the meaning of the rights at stake.

Precise identification – the nature of the particular practice, tradition or custom must be determined. With respect to harvesting activities, the usual distinction is whether the harvesting practice is for food or for exchange or for commercial purposes. Also the significance of the practice, tradition or custom is a factor to be considered. Courts must consider (1) the nature of the action which the applicant is claiming was done pursuant to an Aboriginal right; (2) the nature of the government regulation, statute or action being impugned; and (3) the practice, tradition or custom being relied upon to establish the right. Activities must be analyzed at a general rather than a specific level. Courts must recognize modern forms of practice, tradition or custom.

Central significance – the claimant must demonstrate that the practice, tradition or custom was one of the things that made the culture of the Aboriginal society distinctive – one of the things that truly made the society what it was. The significance of the practice, tradition or custom does not identify the nature of the claim, but is key in showing whether the practice, tradition or custom is integral. Note that in *Adams*⁵ the Supreme Court of Canada held that reliance on fish, as a necessary part of a war campaign, is sufficient to meet the integral to their distinct society test. This hardly seems to meet the strict “integral to their distinct society test” laid out in *Van der Peet* and falls somewhat short of answering the question of whether without the activity the society would be what it was. It may be that the *Adams* test reflects the fact that the case was about food fishing whereas *Van der Peet* reflects the strict scrutiny which courts will give to exchange or commercial rights.

Time period – the Aboriginal claimant must demonstrate that the practice, tradition or custom was integral to the Aboriginal community in the period prior to contact between Aboriginal and European societies. Evidence to prove this may relate to Aboriginal practice, tradition or customs post-contact that demonstrate pre-contact origins. The Supreme Court was careful to say in *Van der Peet* that the fact that the test was prior to contact for Indian peoples did not preclude Métis claims. The Court said it would wait until a Métis claim was before it before it decided this issue for the Aboriginal rights claimed by Métis. In *Adams* the SCC held that “contact” was when the Europeans established “effective control.” It should be noted that the difference in time in *Adams* is quite significant. There are almost 70 years between contact (the visit of Cartier in 1535) and effective control (the arrival of Champlain in 1603).

Continuity – the Aboriginal claimant must demonstrate that the connection with the practice, tradition or custom has continued to the present day. Note that the time, method and manner of the exercise of the practice, tradition or custom may have changed over time. The evidence of continuity does not have to be an unbroken chain.

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Specific Rather than General – Courts must focus on the specific Aboriginal group claiming the right. Aboriginal rights are not nationally applied. If one Aboriginal people or group has established in the courts that it possesses a right to harvest, it does not mean that all Aboriginal people or groups have the same right.

Independent Significance – If the right claimed is “merely incidental” to an integral practice, tradition or custom it will not be protected as a s. 35 right. No piggybacking.

Distinctive not Distinct – the right claimed doesn’t have to be unique, rather it must be a distinguishing characteristic.

Influence of Europeans – Aboriginal rights will not be protected under s. 35 if they only can be said to exist because of the influence of European culture. A practice, tradition or custom may have modified and adapted in response to European arrival – that’s acceptable.

Relationship to the Land – Courts must examine the Aboriginal people’s relationship to the land and the practice, tradition or custom. Note that in *Adams* the Supreme Court of Canada held that whether or not land title has been extinguished, there may still be harvesting rights in that territory.

∞ Do Aboriginal rights exist if they have not been proven in court?

This question is often called the empty or full box question. The s. 35 box is said to contain Aboriginal and treaty rights. Governments across Canada seem prepared to recognize that specifically identified treaty rights are in the s. 35 box. An example of a specifically identified treaty right is found in the *Robinson Huron Treaty* of 1850:

... to allow the said Chiefs and their tribes the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof, as they have heretofore been in the habit of doing....

But are Aboriginal rights protected in the s. 35 box without going to court to prove them? Is s. 35 of the *Constitution Act* a box that is full of existing Aboriginal rights and the only question is whether or not they are being properly recognized and affirmed? Or is s. 35 an empty box that only holds Aboriginal rights after they have been affirmed by the courts? There are two perspectives on this question. Government sees the s. 35 box as empty of Aboriginal rights unless and until they are proven in court. Aboriginal people tend to see the box as full and think that the courts should be looking, not to the question of their existence but to the proper affirmation and recognition of those rights.

Recently the Supreme Court of B.C. in *Taku River Tlingit v. Tulsequah Chief Mine Project*⁶ held that there are affirmative constitutional obligations on government before the right has been proven in court.

The respondents argue that s. 35 of the *Constitution Act, 1982* is not engaged until such time as the Tlingits have established [in court] the aboriginal rights and title they say would be unjustifiably infringed by the Project ... The limited extent of the Crown’s duty urged by the respondents is, in my view, excessively rigid and confining, especially when considered in light of the Crown’s duty to negotiate as defined in *Delgamuukw*.

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This view has most recently been strongly affirmed by the Ontario Court of Appeal in *Powley*.⁷ In that case the Mr. Justice Sharpe said,

I do not accept that uncertainty about identifying those entitled to assert Métis rights can be accepted as a justification for denying the right ... The basic position of the government seems to have been simply to deny that these rights exist, absent a decision from the courts to the contrary. While I do not doubt that there has been considerable uncertainty about the nature and scope of Métis rights, this is hardly a reason to deny their existence. There is an element of uncertainty about most broadly worded constitutional rights. The government cannot simply sit on its hands and then defend its inaction because the nature of the right or the identity of the bearers of the right is uncertain.

∞ Why does s. 35 only recognize and affirm "existing" Aboriginal rights?

Section 35 of the *Constitution Act, 1982* recognizes and affirms "existing" Aboriginal and treaty rights. What does "existing" mean in this context? Prior to 1982, Aboriginal rights could be extinguished in three ways: (1) by surrender; (2) by constitutional enactment; or (3) by validly enacted federal legislation. The law has always presumed that Aboriginal rights can be surrendered or sold to the Crown. This theory has never changed and is still reflected in modern land claims agreements.

In order to extinguish Aboriginal rights by way of the Constitution or federal legislation, the standard to be met is called the "clear and plain extinguishment" test. There appear to be two Constitutional provisions that purport to have extinguished Aboriginal rights. The first is the *Manitoba Act, 1870* which states that its purpose is "...to extinguish the Indian title preferred by the Half-Breeds..." The second is the *NRTA*, which has been interpreted by the Supreme Court of Canada in *Badger*⁸ as extinguishing commercial harvesting rights.

Federal legislation, passed prior to 1982, must also have clearly stated that its purpose was to extinguish Aboriginal rights. If it didn't say it clearly and plainly then the courts will not presume that the legislation accomplished the extinguishment.

There is also a theory that Aboriginal rights can lose their constitutional protection by non-usage. This is reflected in the continuity discussion above. If the Aboriginal people no longer rely on or practice a particular right for a lengthy period of time, then the courts might find that the right no longer is an "existing" right. In such a case the right would not have been "extinguished" but it might not be in existence either.

Since 1982 Aboriginal rights can be extinguished only by way of surrender or constitutional enactment. Neither federal nor provincial legislation can now extinguish Aboriginal or treaty rights.

Most recently the Supreme Court has also said that Aboriginal rights are not protected by the common law prior to 1982 or the *Constitution Act, 1982* if they are incompatible with the Crown's assertion of sovereignty. This theory of sovereign incompatibility comes from the *Mitchell*⁹ case, which was about the right of Mohawks to bring goods purchased in the United

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States across the US-Canada border without paying customs duties. In that case the majority of the court found that the Mohawks had not proved that they had an Aboriginal right to trade across the border. The majority therefore did not address the sovereign incompatibility argument. However, in his concurring judgment Mr. Justice Binnie held that the Mohawk right was extinguished by Canada's establishment of border controls prior to 1982. In other words the Mohawk right was incompatible with the assertion of sovereignty by Canada over its borders.

∞ What is the traditional territory of the Métis right to harvest?

Aboriginal rights arise out of the use and occupation of a particular Aboriginal people's traditional territory. Many Métis consider that their traditional territory spreads across provincial boundaries and encompasses the entire Métis Nation homeland. Métis hold to this belief because they understand the history of their ancestors. They know that their grandfathers and grandmothers traveled widely in pursuit of the harvest.

The courts are unlikely to have the same perspective. Courts to date have viewed harvesting rights belonging to a community not to individuals. Therefore, it is likely that courts will not look to whether an individual's ancestors hunted far and wide. Rather the court will likely look to what territory that community relied on to support itself. It seems likely that this will result in a restricted geographic territory. Further, provincial courts have no jurisdiction to declare Aboriginal rights across provincial boundaries. It is for this reason that Métis harvesting rights must be proven in each province all across the Métis Nation Homeland.

∞ Aboriginal Land Rights

The most definitive statement on Aboriginal land rights and title comes from the Supreme Court of Canada in *Delgamuukw*. The case began in the early 1980s and concerns the Aboriginal title and self-government rights of the Gitksan and Wet'suwet'en peoples who claimed ownership and jurisdiction over 58,000 square kilometres in northwest B.C. The Supreme Court made no determination as to whether or not the Gitksan or Wet'suwet'en had Aboriginal title. They sent it back to trial. However the SCC did set out several important tests in the judgment including, the test for the admissibility of Aboriginal oral history as evidence, the nature of Aboriginal title, the test for proving Aboriginal title, as well as the test for proving infringement and extinguishment of Aboriginal title. The Supreme Court held that:

"In order to establish a claim to Aboriginal title, the claimant group must establish that it occupied the lands in question at the time at which the Crown asserted sovereignty over the land...

Three aspects of Aboriginal title are relevant ... First, aboriginal title encompasses the right to exclusive use and occupation of land; second, aboriginal title encompasses the right to choose to what uses land can be put, subject to the ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of aboriginal peoples,; and third, that lands held pursuant to aboriginal title have an inescapable economic component." [emphasis in original]

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The Test for Title - In order to make out a claim for Aboriginal title, the Aboriginal group asserting title must satisfy the following criteria:

- (i) the land must have been occupied prior to sovereignty,
- (ii) if present occupation is relied on as proof of occupation pre-sovereignty, there must be a continuity between present and pre-sovereignty occupation, and
- (iii) at sovereignty, that occupation must have been exclusive.

∞ *What is the Date for the Assertion of Sovereignty* - This date varies across the country. It will be a matter of establishing the historical fact. Note that when the court speaks of 'asserting' sovereignty they probably mean the implementation of sovereignty.

Traditional Laws - The Aboriginal perspective on the occupation of their lands can be shown, in part, but not exclusively, from their traditional laws, because those laws were elements of the practices, customs and traditions of Aboriginal peoples. If at the time of sovereignty, an Aboriginal society had laws in relation to land, those laws would be relevant to establishing the occupation of lands, which are the subject of a claim for Aboriginal title. Relevant laws might include, but are not limited to, a land tenure system or laws governing land use.

Physical Occupation - The fact of physical occupation is proof of possession at law, which in turn will ground title to the land. Physical occupation may be established in a variety of ways, ranging from the construction of dwellings, through cultivation and enclosure of fields, to regular use of definite tracts of land for hunting, fishing or otherwise exploiting its resources. In considering whether occupation sufficient to ground title is established, one must take into account the group's size, manner of life, material resources and technological abilities, and the character of the lands claimed.

Substantial Connection - Land that was occupied pre-sovereignty, and with which the Aboriginal group has maintained a substantial connection, is sufficiently important to be of central significance to the culture of the claimants.

Proof of Present Occupation - An Aboriginal community may provide evidence of present occupation as proof of pre-sovereignty occupation. Evidence must be provided of continuity between present and pre-sovereignty occupation because the relevant time for the determination of Aboriginal title is at the time before sovereignty.

The Nature of the Occupation May Have Changed - The fact that the nature of occupation has changed would not ordinarily preclude a claim for Aboriginal title, as long as a substantial connection between the people and the land has been maintained.

Exclusive Occupation - At sovereignty, occupation must have been exclusive. Exclusive occupation can be demonstrated even if other Aboriginal groups were present, or frequented the claimed lands. Under those circumstances, exclusivity would be demonstrated by "the intention and capacity to retain exclusive control." *Delgamuukw* confirms that Aboriginal title is established based on evidence of use and occupation. The Supreme Court also held that Aboriginal title has an economic component and contains rights to participate in decisions regarding the use of that land.

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No Métis land claim case has yet made it to court on the substantive issues. Although the Métis Nation-Saskatchewan (*Morin v. The Queen*) has launched one in the northwestern part of the province. However the *Delgamuukw* case sets a test that is compatible with the historical basis of Métis claims. The Métis did exist, as a people, on their lands prior to the assertion of sovereignty by the Canadian state. Métis can prove their use and occupation of their lands. While they did not exclusively use and occupy their lands, the court in *Delgamuukw* affirmed the concept of "shared exclusivity". In other words it is possible for two different Aboriginal people to share Aboriginal title to the same traditional territory.

∞ Aboriginal Harvesting Rights

The Aboriginal right to harvest is usually described only as the right to hunt and fish. In fact it encompasses much more than this. The right concerns the ability of Aboriginal people to use and rely on their lands to sustain their people. This means all parts of the lands. Therefore it is more correct to say that Aboriginal people have a right to harvest which *includes* the right to hunt and fish. It is not limited to the right to hunt and fish because it also includes the right to, among other things, harvest food from plants and use trees for wood. The theory is that if Aboriginal people have a right to harvest, they must also have the right to do all the things necessary to participate in that harvest, including transportation to and from the harvesting area, access to the land, the ability to build camps and cabins, and use firearms.

No rights are absolute and Aboriginal rights are no exception to this rule. Aboriginal rights can be limited by justifiable government regulation or legislation. In other words, governments may recognize and affirm an Aboriginal right but still limit the exercise of the right. When can an Aboriginal right be limited? According to the Supreme Court of Canada an Aboriginal right may be limited for, among other things, health, conservation or safety. (*Sparrow, Van der Peet*).

Barring these reasons, existing Aboriginal rights to hunt and fish for food, have priority over all other harvesting. According to the Supreme Court of Canada in *Delgamuukw*, Aboriginal peoples must, at the very least be consulted by federal and provincial governments in the making of regulations which will limit their harvesting rights. Some situations may even require Aboriginal consent before the government can proceed.

With respect to the Aboriginal harvesting rights claimed by the Métis, first and foremost, it is understood that Métis people are Aboriginal people. The Métis existed as a people before the Crown asserted its sovereignty over the central and western parts of Canada. Métis people have always sustained themselves by harvesting their lands. They hunted and fished throughout the Métis Nation Homeland. They have continued to do so to this day. Métis harvesting rights have never been validly extinguished. Therefore, Métis have an existing Aboriginal right to hunt and fish for food, which is recognized and affirmed by the *Constitution Act, 1982*.

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∞ Government Jurisdiction for Métis

The question of jurisdiction for Métis is a problem that has arisen in almost every aspect of Métis life. Both federal and provincial governments (with the exception of Alberta) deny that they have jurisdiction for Métis. While there is a whole ministry at the federal and provincial levels for Indians, there are no institutions of the federal government that take on the responsibility for Métis. In the federal government there is a "Métis Interlocutor" but the position comes with no permanent budget and only one staff person. The term "interlocutor" means that it is not permanent. In very real terms this means that Métis cannot partake of any of the systems set up to deal with Aboriginal issues such as the Indian Claims Commission, the Comprehensive Claims Process, the Specific Claims Process, test case funding, the Department of Indian Affairs, etc.

One way of dealing with this issue would be to have a reference question directed to the court. This was done for the Inuit in *Re Eskimos*.¹⁰ However, only a government can bring a reference question before the courts and no government in Canada will agree to sponsor the reference.

As a result of this exclusion Métis have raised the issue of whether Métis are "Indians" for the purposes of s. 91(24) and the *NRTA* in court in an attempt to resolve the issue.

∞ 91(24)

Section 91(24) of the *Constitution Act, 1867* sets out the division of powers as between the federal and provincial governments. Section 91 is the list of federal powers. Section 92 is the list of provincial powers. Section 91(24) is the provision that states that the federal government has jurisdiction over "Indians and lands reserved for Indians". It is under this authority that the federal government has enacted the *Indian Act*.

What is included in the phrase "Indians and lands reserved for Indians"? The federal government usually interprets this as Indians *on* lands reserved for Indians and tries to offload responsibility for Indians not on reserve to the provinces. The provinces deny that they have any responsibility for Indians at all, whether on or off reserve.

Who are "Indians" in s. 91(24)? It is usually thought that Indians, whether or not they are registered under the *Indian Act*, are within the meaning of s. 91(24). The court in *Re Eskimos* has also determined that Inuit (previously called Eskimos) are "Indians" for the purposes of s. 91(24). The question of whether the Métis are also included within the meaning of "Indians" for s. 91(24) has not been determined by a court to date. The issue is included in several cases that are now before the courts.

∞ NRTA

Aboriginal food harvesting rights on the Prairies are further complicated by the *NRTA*. There is a *NRTA* in each of the Prairie Provinces and they each form part of the Constitution of Canada (*Constitution Act, 1930*). The *NRTA* appears to give the food harvesting rights of the Aboriginal

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people on the Prairies more constitutional protection than those who live elsewhere in Canada. The *NRTA* states that:

In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

The question of whether Métis are "Indians" for the purposes of the *NRTA* has been considered now in several cases. It should be noted that the question is not whether Métis are "Indians" in the cultural or social sense. Rather it is strictly in the legal sense of the term. "Indian" has a legal definition in the *Indian Act*, in s. 91(24) of the *Constitution, 1867*, in the *NRTA*, and in s. 35 of the *Constitution Act, 1982*.

In *Grumbo*¹¹, the Saskatchewan Court of Appeal declined to decide whether Métis are "Indians" within the meaning of the *NRTA*. However they did overturn the *Laprise*¹² decision. *Laprise* had previously held that Métis were not "Indians" for the purposes of the *NRTA*. In that case the court applied the definition of "Indian" from the *Indian Act*. In *Grumbo*, the court held that the *NRTA* is a constitutional document and must be interpreted purposefully and the question of who is included within the term "Indian" can not be determined based on a statute definition such as the *Indian Act* that changes constantly.

The Manitoba Court of Appeal has now considered the same question in the *Blais*¹³ case. The court firmly rejected including Métis within the harvesting protections of the *NRTA*. The Manitoba Court of Appeal, in finding that Métis do not have their harvesting rights protected by the *NRTA*, took pains to state that this finding does not mean that Métis on the Prairies don't have an Aboriginal right to harvest that can be protected within the meaning of s. 35 of the *Constitution Act, 1982*. While the Court of Appeal found that Mr. Blais himself did not prove that he had an Aboriginal right to hunt, they based their decision on the lack of evidence.

Remember the previous discussion that courts from one province don't bind courts from another province. Therefore, while the Manitoba Court of Appeal decision that Métis are not "Indians" for the purposes of the *NRTA* binds Manitoba, it will not bind Alberta or Saskatchewan.

Mr. Blais sought and was granted leave to appeal to the Supreme Court of Canada. The question before the Supreme Court will be whether Métis are "Indians" for the purposes of the *NRTA*. It is likely that *Blais* will be argued before the Supreme Court in late 2002 or early 2003.

In *Ferguson*,¹⁴ the Alberta Q.B. court held that Mr. Ferguson was a 'non-treaty Indian' within the meaning of the *NRTA* because he had Indian blood and followed an Indian mode of life. It is questionable whether the restriction in *Ferguson* to those who follow an "Indian mode of life" is correct in law.

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∞ Scrip & Land Grants

One of the most important aspects of Métis history and tradition is scrip and the role it has played in the lives of the Métis Nation. Almost all Métis families have stories about their ancestors receiving scrip in recognition of their "Indian title." Scrip was supposed to provide a land base for the Métis. Stories about how scrip was lost, stolen or swindled from the Métis are abundant.

Scrip (sometimes mistakenly pronounced 'script') is now virtually an obsolete concept, although it has a long history of use in finance. It refers to a certificate indicating the right of the holder to receive payment later in the form of cash, goods or land. From the 1870s until the early 1950s the term was in current use in all of Western Canada. For the Métis, it meant virtually one thing – land.

Scrip was the means by which the government of Canada distributed lands to groups of people it wished to reward or pacify. They gave scrip to both sides of the North West Rebellion of 1885 – to the Métis and to the soldiers who put down the Rebellion. For the Métis scrip was intended to accomplish one other important purpose – the extinguishment of Métis claims to "Indian title."

There were basically two types of scrip – land scrip and money scrip. Both were meant to give the bearer a certain amount of land. Scrip notes looked like paper money and were usually issued in the amount of \$80, \$160 or \$240. Land scrip was generally issued for 80, 160 or 240 acres.

Although scrip was bought and sold, it was not actually money. Its value was that it could be redeemed for a certain amount of land from the government. In the early days of scrip distribution, \$160 of scrip entitled the bearer to 160 acres of land. As land values increased \$160 of scrip would buy only 80 acres of land.

Scrip was issued pursuant to the *Dominion Lands Acts*. Land grants were also issued to Métis pursuant to the *Manitoba Act, 1870*. The question of what effect scrip and land grants had on Métis land rights is the subject of the *Dumont* case and the *Northwest Saskatchewan Land Claim* case. Neither of these cases has come to court yet, so there is no judicial finding on the question.

The question of what effect scrip had on Métis harvesting rights has been considered by the Saskatchewan Court of Queen's Bench in *Morin & Daigneault*.¹⁵ There the court held that scrip did not extinguish hunting and fishing rights. The court also held that extinguishment of Aboriginal rights could be effected by legislation (pre 1982) which had the clear and plain intention of extinguishing such right. However, the *Dominion Lands Acts* and the scrip issued pursuant to those *Acts* were utterly silent on the issue of hunting and fishing. Likewise the land grant patents received under the *Manitoba Act* say nothing about hunting and fishing.

The Supreme Court of Canada has recently affirmed in *Côté*¹⁶ and *Adams* that food hunting and fishing rights may continue to exist even if land rights were extinguished. As we understand it

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no legislation in Canada prior to 1982 clearly and plainly extinguished Métis hunting and fishing rights.

∞ Commercial Harvesting Rights

On the issue of commercial exploitation of game and fish, the courts have been very clear that an Aboriginal right to hunt and fish for food does not necessarily include commercial activity. In *Badger*, the Supreme Court of Canada found that while Treaty 8 (1899) did protect commercial activity, the later imposition of the *NRTA* in 1930 limited harvesting to subsistence hunting, fishing and trapping.

The Supreme Court of Canada decisions in *Van der Peet* and *Gladstone*,¹⁷ confirm that Aboriginal commercial harvesting rights can be recognized and affirmed within the meaning of s. 35, but there must be sufficient evidence to prove their existence. The Supreme Court decided in *Marshall*¹⁸ that treaties can be read to include a commercial harvesting right. The Supreme Court has also considered the commercial aspects of trading goods across the US-Canada border in *Mitchell*. In that case the court declined to find that the Mohawks have an Aboriginal right to trade across the border.

The only Métis cases to date that include consideration of commercial activity are *Tucker* and *O'Connor*. These are about commercial fishing under the *Half-breed Addendum to Treaty Three*. They have not yet come on for a hearing.

∞ Aboriginal Self-government

The federal government in its Inherent Right Policy has recognized that s. 35 of the *Constitution Act, 1982* includes the inherent right to self-government. The *Royal Commission for Aboriginal Peoples* stated that the right of self-government is a right of all Aboriginal peoples, including the Métis Nation.

Recall that above we noted that Aboriginal rights are not absolute and that they may be limited by justifiable government legislation and regulation. Aboriginal rights are collective rights. They are rights belonging to the collective but exercised by individual members of that collective. They belong to the collective in order that the collective or the Aboriginal people may continue to survive as a people.

The ultimate survival of a people must be in the hands of its leaders. In order to effect that survival the leaders must be able to make policies, laws and regulations. This right to make policies, laws and regulations is not limited to provincial or federal governments. It also includes Aboriginal governments.

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Aboriginal self-government has been considered by the courts in a few cases. First, in *Pamajewon*¹⁹ where the Shawanaga First Nation asserted an Aboriginal right to self-regulate gaming. The Supreme Court of Canada rejected the claim.

More recently the self-government provisions of the Nisga'a Treaty have been attacked in the *Campbell*²⁰ case as unconstitutional. The B.C. Supreme Court found that the self-government provisions in the Nisga'a Treaty were constitutional. The plaintiffs in the *Campbell* (now the Premier of B.C. plus two others who are now members of cabinet in the B.C. provincial government) appealed to the B.C. Court of Appeal. After being elected as the new government of B.C., the plaintiffs withdrew the case.

The Métis National Council and its provincial governing member organizations are the legitimately elected leadership of the Métis people in the Métis Nation and therefore have the right and the responsibility to enact policies, laws and regulations which will ensure that Métis people can continue to support their lives by hunting and fishing. This responsibility may be carried out by enacting harvesting policies, laws or regulations and/or by negotiating harvesting agreements with the government.

∞ The 19th Century Legal Record

1849: The first Métis rights case was the trial of Guillaume Sayer in Rupertsland (present day Manitoba). The *Sayer* case is famous because it was the Métis Nation's first stance for a right to economic self-sufficiency without undue interference.

History tells us that Louis Riel Sr. and several Métis hunters surrounded the courthouse where the trial was taking place. Mr. Sayer was found guilty, but no sentence was imposed and the Métis considered it a victory. They then began to exercise the free trade of their furs. The *Sayer* trial effectively destroyed the Hudson's Bay Company trade monopoly and the cry of "*Le commerce est libre!*" was the Métis song of the day.

1850: The Métis in Sault Ste Marie, Ontario fight for inclusion in the Robinson Huron Treaty. They are denied participation as a collective, but their lands were guaranteed by Robinson, the treaty commissioner.

1869: Louis Riel formed a provisional government to negotiate the terms of Manitoba's entry into Canada. The events at Red River led to the inclusion of the Métis in the *Manitoba Act*. This event, which should have heralded a new relationship with the Métis, in fact led to a tragically flawed system of land grants and a scrip process implemented in reluctant recognition of the Aboriginal land rights claimed by the Métis. The *Dominion Lands Acts* continued this system until at least 1921. The system led to the forced dislocation of the Métis.

1875: The Métis of Rainy Lake and Rainy River, Ontario signed a Memorandum of Agreement by which they adhered to Treaty 3. This adhesion guaranteed them lands and harvesting rights.

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1885: Batoche, Duck Lake, Fish Creek – these are the names that evoke old Métis battles. These battles resulted from the Métis attempts to protect their lands and their existence as a people. The results of these physical battles are well known. Bounties were placed on the heads of Métis warriors. Métis who participated in the battles were found guilty of treason and sentenced to terms of imprisonment. Riel himself was tried and convicted of high treason. He was hanged in Regina on November 16, 1885.

∞ The 20th Century Legal Record

For most of the early part of the 20th Century Métis are largely absent from the law courts, although there are some cases where Métis unsuccessfully sought to have their scrip or land grants adjudicated.

Beginning in 1902 the federal government began to establish some Métis townships in Saskatchewan near Green Lake. The creation of these farms continued over the next four decades. In the 1930s, the Alberta government set aside lands that became the Métis Settlements. The Saskatchewan Métis settlements are largely lost and the Green Lake farm is now the subject of litigation. The Alberta settlements have continued, although there are less of them than there used to be. With the new 1990 *Métis Settlements Act* the future of the settlements is hopefully more secure.

From the 1940s until the 1980s, there is almost a complete silence on Métis in the law. While there is political activity, the Métis only begin to reappear consistently in the legal record after their inclusion in the *Constitution Act, 1982*. Since then there has been a small explosion of Métis legal battles. These recent battles are the main subject of the remainder of this Summary.

∞ Land

*Dumont*²¹

The Manitoba Métis Federation (MMF) and several individual Métis seek a declaration that various federal and provincial statutes and orders-in-council enacted during the 1870s and 1880s were unconstitutional because they had the effect of depriving the Métis of land to which they were entitled under the *Manitoba Act, 1870*.

If *Dumont* is successful there will be a declaration that some provisions of the *Manitoba Act, 1870* are unconstitutional. On that basis the MMF may proceed with another claim for compensation for the losses the Métis suffered as a result of the unconstitutional activities of the government. The result of a successful second suit by MMF would probably be a substantial financial settlement.

The *Dumont* case has not, to date, made it to court on the substantive issue. As a preliminary move, the federal government applied to have the claim struck out of court. A majority of the Manitoba Court of Appeal agreed that it should be struck. They said that the legislation had not negatively affected Métis rights and that s. 31 of the *Manitoba Act* did not create a communal

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interest in land for Métis, but rather individual rights. They went on to say that because of this, the MMF did not have a case. O'Sullivan J.A. dissented:

"The problem confronting us is how can the rights of the Métis people as a people be asserted. Must they turn to international bodies or to the conscience of humanity to obtain redress for their grievances as a people, or is it possible for us at the request of their representatives, to recognize their people claims as justiciable?

...

In my opinion ... the rights of the Métis people must be capable of being asserted by somebody. If not by the present plaintiffs, then by whom?

It must be noted that the existence of the Métis people is asserted in the Constitution as of the present, not simply as of the past.

...

... I think it is important to accept that the claims asserted by the plaintiffs in the present action are justiciable and not merely political...in the end, in my opinion it is in the development of law to deal with claims of "peoples" that lies the best hope of achieving justice and harmony in a world full of minority rights."

In March of 1990 the attempt by the federal government to have the case struck out of court was appealed by the MMF to the Supreme Court of Canada. The Supreme Court unanimously overturned the Manitoba Court of Appeal decision. They refused to allow the MMF case to be struck out. So back it went to provincial court in Manitoba.

The Crown subsequently brought another preliminary matter – a demand for particulars (a demand that the MMF provide them with more and very specific information). The demand for particulars went as far as the Manitoba Court of Appeal, which determined that some of the demand for information should be given by MMF to the Crown. This type of preliminary motion is quite usual in civil litigation.

Dumont is currently being prepared for trial and was set down to begin in Spring of 2002. However, in late 2001, the Crown applied for a two year adjournment. The Court will determine whether it will grant the adjournment and if so, the length of any adjournment, in February 2002.

Morin v. The Queen (Northwest Saskatchewan Métis Land Claim)

In 1994 the Métis Nation-Saskatchewan and their locals in Northwest Saskatchewan filed a land claim in court on behalf of the Métis of that area. To date this is the only Métis court case that seeks a declaration that Métis have Aboriginal title to land. Research has been going on since the claim was filed. There is no way to tell when this will come to court, except to say that it will not likely be soon.

Paul & the North Slave Métis Alliance

The North Slave Métis Alliance (NSMA) claims to represent Métis who live in the North Slave Region of the NWT. In this case the NSMA has filed an injunction to stop the Dogrib Treaty negotiations until they are either included at the Dogrib table or given their own land claim

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negotiations table. The injunction application was heard at the Federal Court in Edmonton in December of 2001.

∞ 91(24)

Daniels & Gardner

This sole question before the court in this case is whether Métis are "Indians" for the purposes of s. 91(24) of the *Constitution Act, 1867*. The matter has not come to trial yet and most recently the federal government filed a motion to strike the claim as showing no cause of action.

Section 91(24) is also included in the arguments in *Maurice* and *Maurice & Gardiner*.

∞ NRTA

Laprise

In this case the court ruled that non-treaty Indians did not have harvesting rights and that they were not covered by the *NRTA*. The court ruled that persons not entitled to registration under the *Indian Act* were also not entitled to the harvesting protections of the *NRTA*. Laprise in his testimony stated that his mother was a treaty Indian and his father was a non-treaty Indian. His paternal grandfather and grandmother received scrip although this did not emerge during the trial.

This case has been explicitly overturned with the Saskatchewan Court of Appeal judgment in *Grumbo*. It is no longer good law. Also, George Laprise has now received his status as an "Indian" within the meaning of the *Indian Act* as a result of Bill C-31.

Blais

On August 22, 1996, Ernie Blais was convicted for hunting out of season contrary to s. 26 of the *Wildlife Act* in Manitoba. The Crown admitted that the accused was Métis. The issue at trial was whether the Métis right to hunt had been extinguished. Mr. Blais argued that he had Aboriginal rights protected by s. 35 and the *NRTA*.

The trial judge found that the defendants were Métis and that hunting and fishing were integral to their Aboriginal culture. However, he found that their harvesting rights had been extinguished by Treaty No. 1(2), the *Manitoba Act* or the *Dominion Lands Act* (1883). The judge further held that Métis are not included in the term "Indian" in the *NRTA*.

Blais was subsequently appealed to the Manitoba Court of Queen's Bench. On appeal the s. 35 issue was not argued. Only the *NRTA* issue was before the Q.B. Judge. The Manitoba Q.B. Judge in *obiter* (meaning in answer to a question which is not before him) stated that the rights of the Métis had been extinguished long before 1930 by land grants pursuant to the *Manitoba Act* and scrip under the *Dominion Lands Acts*. He further found that Métis are not "Indians" for the purposes of the *NRTA*.

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Mr. Blais appealed to the Manitoba Court of Appeal and the decision was handed down in April of 2001. The court held (in reasoning that is consistent with the Saskatchewan Court of Appeal in *Grumbo*) that the *NRTA* protects existing rights and does not create new rights. Therefore in order to win this case, Mr. Blais had to prove first, that he had an Aboriginal right to hunt that existed in 1930 (the date the *NRTA* came into existence) and second, that he was an 'Indian' for the purposes of claiming the protection of paragraph 13 of the *NRTA* for that existing Aboriginal right. The direct question before the Court of Appeal was whether Métis are "Indians" for the purposes of paragraph 13 of the *NRTA*.

In answer to the first question, the Manitoba Court of Appeal found that Mr. Blais did not prove that he has an Aboriginal right to hunt. The evidence put forward by Mr. Blais at trial was not sufficient to support a finding that he has an Aboriginal right to hunt in the area of the province where the hunting took place.

In answer to the second question, the court found that Métis are not included in the term "Indian" for the purposes of paragraph 13 of the *NRTA*.

"There is simply no support for the contention that there was any intention to make such a dramatic and unprecedented alteration to existing rights by enlarging the definition of "Indian" to include another distinct Aboriginal group."

The court is careful to state (often) that their finding in answer to the first question is based on the lack of evidence presented at trial. The Court is not saying that there is no Métis right to hunt in Manitoba. They are saying that they could not make that finding based on the lack of evidence before them. There was almost no evidence with respect to hunting and none at all with respect to the specific area at issue (near Vassar in south east Manitoba).

This does not mean that another case could not be brought in the same area that would successfully prove that Métis did have the right to hunt. It only means that Mr. Blais didn't give the court enough evidence to make that finding.

The Court of Appeal was quite definite that Métis are not "Indians" for the purposes of paragraph 13. If Mr. Blais had been successful in finding that Métis are included within the term 'Indians' for paragraph 13 of the *NRTA*, then a Métis right to hunt for food would be secured for all Métis for the entire province. Obviously that would be a helpful finding because Métis harvesting rights would not be restricted to traditional territory. Also Métis rights would be given equal protection to the rights of Indians.

Unfortunately, the Supreme Court of Canada also held that the protection of paragraph 13 means that there is no commercial right to harvest for Indians.

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Grumbo

Mr. Grumbo was charged with possession of wildlife taken by an Indian for food, contrary to s. 32 of the *Wildlife Act* in Saskatchewan. The main issue in *Grumbo* was the same as in *Blais* - whether a Métis is an "Indian" within the meaning of the *NRTA*. The Crown admitted that Métis are Indians for the purposes of s. 91(24) of the *Constitution Act, 1867*. The finding of the trial judge was that Mr. Grumbo was not an Indian for the purposes of the *NRTA*.

At the Court of Queen's Bench, the judge held that the Crown failed to establish that Mr. Grumbo was not an Indian. He went on to find that if there was any doubt it should be resolved in favour of the accused and therefore he found that the Crown failed to establish Grumbo's guilt. He overturned (quashed) the trial court conviction.

It is this period (between August 2nd 1996 and May 14th 1998) that Métis in Saskatchewan speak of as "when we had our right to hunt."

The Crown appealed to the Saskatchewan Court of Appeal and on June 19, 1997, *Grumbo* was argued at that court. On May 14, 1998 the Court of Appeal delivered its judgment in *Grumbo*. The majority held that there was a preliminary issue to be determined before the Court could decide whether or not Métis are Indians for the purposes of the *NRTA*. They held that the *NRTA* does not confer new rights. Rather the *NRTA* accommodates, preserves and where necessary, amends pre-existing Aboriginal rights. Therefore the preliminary issue is whether the Métis had existing Aboriginal title or harvesting rights prior to the enactment of the *NRTA*. The majority found that no evidence or argument had been presented to address this fundamental preliminary issue and they ordered a new trial. They were careful to state that nothing,

"said herein should be taken by the judge presiding over the new trial to have decided any of the issues referred back to him by the order for a new trial."

Further, the Saskatchewan Court of Appeal overturned the *Laprise* decision leaving the path clear for another case to argue that Métis, (a) have existing Aboriginal rights; and (b) that those rights are protected because they are "Indians" within the meaning of the *NRTA*.

Unfortunately the result of *Grumbo* is that the Q.B. judgment, which found that Métis had a right to hunt in the province, has been overturned. This is not to say that Métis have no s. 35 hunting rights, it merely means that the issue of whether Métis hunting rights are protected by the *NRTA* will have to be litigated again. Meanwhile, *Morin & Daigneault* is still good law and it confirms a Métis right to harvest in northwestern Saskatchewan which is recognized and affirmed by s. 35 of the *Constitution Act, 1982*.

The Crown has stayed the charge rather than proceed back to trial with Mr. Grumbo.

Laliberte

On August 26th 1995 Mr. Laliberte was charged with hunting out of season and without a license contrary to the *Saskatchewan Wildlife Act*. Mr. Laliberte lives in Green Lake, Saskatchewan and

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was hunting on a bush trail near Beaver River that is a few miles northwest of Green Lake. The hunting area was unoccupied Crown land.

The trial judge found the following historical and anthropological facts. First he found that Green Lake is a Métis community. Between 1902 and the early 1960s, the federal and provincial governments allocated a total of 12 townships in the vicinity of Green Lake to enable an estimated 10,000 Métis to live and sustain themselves in their traditional manner.

The trial judge found that the defendant was Métis and that hunting, as well as trapping, fishing and gathering, were defining features of the historic Métis culture. Judge White further found that the Métis still rely quite heavily on wildlife for food and that the "traditional avocations of hunting, trapping, fishing and gathering are still central to the way of life of the people of Green Lake."

The question before the court was whether or not the defendant, as a Métis is an "Indian" for the purposes of the *NRTA*. The trial judge found that Métis are not Indians for the purposes of the *NRTA*. However he was clear that his judgment reflected the fact that he felt bound by *Laprise*. At trial, White J. acknowledged that in the absence of the *Laprise* decision he would have found that Métis are "Indians" for the purposes of the *NRTA*. The judge invited the defendant to appeal the decision since he felt that a higher court could address what he considered to be the wrongly decided *Laprise* case.

The decision of Judge White in *Laliberte* was delivered on June 19, 1996. Mr. Laliberte subsequently filed a notice of appeal to the Saskatchewan Queen's Bench.

On November 28, 1996, in *Laliberte* the QB judge found that the major issue in both *Grumbo* and *Laliberte* was the status of the *Laprise* decision as well as the inclusion or exclusion of Métis from the *NRTA*. The *Laliberte* QB judge decided that it was best all round to await the Court of Appeal decision in *Grumbo*. He adjourned *Laliberte* pending the *Grumbo* decision.

In July of 1999, after the *Grumbo* decision was handed down, the court ordered a new trial. The Crown subsequently stayed the charges in *Laliberte*.

Ferguson

Ferguson was a descendant of Métis scrip recipients and based his defense on the *NRTA*. The case revolved around whether or not a Métis or a "non-treaty" Indian was an "Indian" for the purposes of the *NRTA*. Scrip was not included in the analysis. The Alberta Court of Queen's Bench upheld the trial judge's finding that non-treaty Indians are included within the meaning of "Indian" in the *NRTA*. Note should be taken, that at trial, when questioned as to how he identified, Mr. Ferguson identified as Cree, not Métis.

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∞ Section 35 Harvesting Rights

*McPherson & Christie*²²

In 1990 McPherson and Christie were charged with hunting out of season. The trial took place in 1992 and both were convicted but the judge also declared that the provisions of the *Wildlife Act* under which they were charged were of no force and effect. He delayed the declaration of invalidity until August 1, 1994 and directed the Crown to enact new regulations which would register Métis who relied for subsistence on hunting as a way of life and would permit them to hunt moose for food in priority over non-Aboriginal hunters. The judge made several important findings of fact. He found that the defendants were Métis and had Aboriginal hunting rights which were recognized and protected within the meaning of s. 35 of the *Constitution Act, 1982* and that those rights had not been extinguished. He further found that s. 26 of the *Wildlife Act* unjustifiably infringed those rights.

On appeal at the Manitoba Court of Queen's Bench, the Q.B. judge upheld the finding of fact that McPherson and Christie were Métis and had existing Aboriginal hunting rights. He acquitted them and held that s. 26 of the *Wildlife Act* did not apply to them.

Morin & Daigneault

Two Métis men were charged with several violations under the *Saskatchewan Fishery Regulations*. The court found that they had an Aboriginal right to fish for food. The court held that the *Dominion Lands Act* or scrip did not extinguish Métis harvesting rights because it is silent on the issue of hunting, fishing and trapping. The judge held also that Métis have not and are not receiving the same benefits under the law as Indian people and that this is a violation of s. 15 of the *Canadian Charter of Rights and Freedoms*. (Note that s. 15 was not argued before the judge).

The Crown appealed to the Court of Queen's Bench where the trial judgment was upheld. To date this case and *Powley* are the two decisions that recognize and affirm s. 35 Aboriginal harvesting rights for Métis. Although the right was also recognized by the Court Queen's Bench in Manitoba in *McPherson & Christie*, it was limited to Métis who live an Aboriginal way of life and rely on hunting for subsistence. The decision of the Q.B. judge in *Morin & Daigneault* is not restricted in any way.

*Buckner*²³

Brad Buckner identifies as Métis. He was charged with a hunting offence. His mother is a Micmac with ancestry that comes from the Maritimes. Mr. Buckner and his family now live in the Treaty 3 area of Ontario. He claimed in his defense at court that he had a Treaty or Aboriginal right to hunt. The trial judge found that there was an existing Métis community in Treaty 3 with recognized hunting rights. She further found that Mr. Buckner had been accepted as a member of the Métis Nation of Ontario. Therefore he had a right to hunt because the Métis community in that area had a right to hunt. The community could decide to accept him as a member and if it did, then he could share their right to hunt.

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The Crown brought a motion to appeal this decision before a judge of the Ontario Provincial Court but it was struck out as being out of time.

Powley

The Powleys were charged with hunting a moose without a license. The Powleys claimed that they had an existing Aboriginal or treaty right to hunt as Métis. The Court found that they were Métis, that there was a historic Métis community at Sault Ste Marie and that the Métis members of that community have existing Métis harvesting rights. He further held that the regulatory scheme infringed that right to hunt and that there was no justifiable reason for that infringement. The judge further noted the disparity between the way the Ontario government treats Indians and Métis and held that there was no reason to justify the different approaches taken towards the two Aboriginal communities (Indian and Métis) in the Sault Ste. Marie area.

The judge further addressed the question of "Who is a Métis" and set the following test:

... I find that a Metis is a person of Aboriginal ancestry; who self identifies as a Metis; and who is accepted by the Metis community as a Metis.

The Court held that a right to hunt under the *Robinson Huron Treaty* had not been established.

Although the test for proving "Indian" Aboriginal rights is to establish that those rights existed pre-contact with European settler societies, the judge held that the test must be flexible enough to give effect to the purpose of preserving the culture of Aboriginal peoples. He set the date in Sault Ste. Marie at between 1815 and 1850 for Metis.

The Crown appealed to the Ontario Superior Court of Justice. The appeal judge revised the definition of Métis. He found that a Métis is a person who:

1. Has some ancestral family connection (not necessarily genetic) to the historic Métis community;
2. Self-identifies as Métis; and
3. Is accepted by the Métis community or a locally organized community branch, chapter or council of a Métis association or organization with which that person wishes to be associated.

The appeal judge rejected the Crown's argument that a Métis must prove "objectively determinable ties" to a local Métis community.

The appeal judge further found that the Métis have an Aboriginal right to hunt within the meaning of s. 35. The appeal judge further stated that:

Surely, at the heart of s. 35(1), lies a recognition that aboriginal rights are a matter of fundamental justice protecting the survival of aboriginal people, as a people, on their lands. The Métis have aboriginal rights, as people, based on their prior use and occupation as a people. It is a matter of fairness and fundamental justice that the aboriginal rights of the Métis which flow from this prior use and occupation, be recognized and affirmed by s. 35(1) of the *Constitution Act, 1982*.

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The appeal judge found that there is an obligation on government to negotiate agreements with Métis to resolve their harvesting issues.

... meaningful content cannot be given to s. 35(1), nor can the rule of law flourish, in an environment where...the aboriginal peoples are required...to...litigate against the Crown through every level of court...surely...the search for a just settlement of the s. 35 rights of the aboriginal peoples of this province, must lead us to a process of good faith negotiations...

In this respect, I adopt fully the learned trial judge's exhortation...

"Is it not time to find answers regarding the issues affecting the Métis?"

The Crown appealed to the Ontario Court of Appeal. The appeal was argued in January of 2001 and the decision of the court was handed down on February 23, 2001.

On appeal the Crown argued that Métis have no identity or rights separate from Indians and that a Métis harvesting right was subordinate to an Indian harvesting right. They also argued that hunting was not important to the Métis.

The Court dismissed all of the Crown's arguments and confirmed the decisions made in the lower courts.

The Powley's ancestors were part of the original Métis community at Sault Ste Marie. Later, some of their ancestors took treaty. The Court rejected the Crown's argument that the Métis community lost its Aboriginal rights because some of their Métis ancestors took treaty.

The court recognized that the Métis exist, as a separate and unique Aboriginal people. The Court noted that throughout history, the government has refused to accept the existence of the Métis as a people. It has used the uncertainty about who is "Métis" and who represents the interest of Métis to deny the Métis people their rights. The Court recognized the complex and difficult history of the Métis people but said this history could not be used to deny the Métis their existence as a people or their constitutional rights.

"The constitution formally recognizes the existence of distinct "Métis peoples", who, like the Indian and Inuit, are a discrete and equal subset of the larger class of "aboriginal peoples of Canada."

The Court confirmed that Aboriginal harvesting rights can be exercised by Métis who:

- demonstrate a genealogical connection to the historic Métis community;
- identify as Métis; and
- are accepted by the Métis community.

The Court recognized that there may be others who claim Métis status but do not have a genealogical connection to the historic Métis community. Whether or not these people may also exercise Métis harvesting rights was not decided in this case.

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The Court also stated, for the first time ever, that the government owes the Métis a fiduciary duty. This means that the government is in a trust-like relationship with the Métis people and must act accordingly.

The Court said that the government should now consult and negotiate with the Métis community to create a new regulatory system that fully recognizes and respects the Métis right to hunt for food.

Métis harvesting rights are a legal reality. The government now has a choice. It can stop regulating Métis hunting, in the same way it does not regulate Indian hunting. Or, it can create a new regulatory system that would cover Métis food harvesting. This means that Métis hunting rights must be recognized as equal to Indian hunting rights and both must be given priority over all other users.

The Court confirmed the statements in the earlier decisions urging good faith negotiations between the government and representatives of the Métis community.

...courts should design their remedies to facilitate negotiations...The aim of this negotiation process should be consensual decision-making or treaty making.

To allow for these negotiations to occur, the Court delayed the effect of this case for one year. If the new system is not in place by February 23, 2002, the law will no longer apply to Métis.

Powley is now law for Ontario. Ontario's Court of Appeal does not bind other provinces. So, this decision does not mean that the harvesting rights of Métis are now recognized in other parts of the Métis Homeland. Still, the Ontario Court of Appeal decision is very persuasive. This decision will certainly be reviewed very carefully by the governments of the other provinces. Governments across Canada will pay particular attention to the statements that government cannot sit on its hands and do nothing with respect to Métis rights.

The Supreme Court of Canada has now granted leave to appeal in *Powley*. The hearing is set for October of 2002.

*Howse*²⁴

Six Métis in Cranbrook, B.C. were charged with several charges including hunting without a licence contrary to the *Wildlife Act*. The defendants were taking part in an organized Métis hunt for moose and deer to provide food for their families.

The trial judge found that the defendants were Métis based on the Superior Court definition in *Powley*. The judge further found that the Métis traditionally hunted in the Rocky Mountain Trench and that hunting was an integral part of Métis culture prior to the assertion of effective control. He further found that there was no evidence that the hunting rights of the Métis had been extinguished. The B.C. regulatory scheme did not recognize or affirm the Aboriginal hunting rights of its Métis citizens and interfered with their harvesting.

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The trial judge found that all of the defendants met the onus of showing that they have an Aboriginal right to hunt pursuant to s. 35 of the *Constitution Act, 1982*.

The Crown appealed to the B.C. Supreme Court. The appeal was scheduled to be heard in early July of 2001, but has been adjourned.

∞ Other Food Harvesting Cases in Progress

There are several other harvesting cases at one stage or another in the trial process. These include *Maurice & Gardiner*, and *LaViolette* in Saskatchewan, and *Giroux, Lepage, Tucker, O'Connor* and *Servant* in Ontario.

∞ Commercial Fishing Rights

Tucker and O'Connor

There are two cases that deal with a Métis right to fish for commercial purposes. Tucker and O'Connor are commercial fishermen in the Treaty Three area of Ontario (near the Manitoba border). They are both descendants of signatories to the *Half Breed Addendum to Treaty Three*. In March of 2001 they both filed judicial review applications in the Ontario Divisional Court.

Mr. O'Connor commercial fishes on Lake of the Woods. The government has closed down his fishery in order to support the Indian fishery. Mr. O'Connor is arguing that this amounts to expropriation of his treaty right and creates a hierarchy of rights as between Indians and Métis, both of which are unconstitutional.

Mr. Tucker commercial fishes on Rainy Lake. The government has severely restricted his fishery to the point where it is almost not commercially viable. The government is preferring the sport fishery, especially American tourists, over his Aboriginal fishery. Mr. Tucker says this is unconstitutional.

These cases both were heard by a Fisheries Hearing Officer in 1999, who determined that the government has no obligation to consider Métis claims to Aboriginal fishing rights. The Minister subsequently moved to close out Mr. O'Connor's fishery and further restrict Mr. Tucker's fishery. The Minister's decisions are the subject for the judicial review. It is not likely that these cases will be heard until 2003.

∞ Section 15

Maurice

The Métis of Northwest Saskatchewan have another case pending in court called *Maurice*. This case is about the Primrose Lake Air Weapons Range in Saskatchewan. When the Range was established, Métis and Indians who lived and/or trapped in the range were compensated for the

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loss of their harvesting area. Indians were compensated at a higher rate than Métis, and indeed some Métis never got compensated at all. The Indians have recently received a full review of the issue under the Indian Claims Commission. This review led to a large multi-million dollar settlement for Indian communities such as Canoe Lake.

The Métis applied to the Indian Claims Commission asking to have their claims considered at the same time but were refused. The Department of Indian Affairs maintains that Métis were compensated and that the matter is finished. The Indian Claims Commission maintains that its mandate includes Indians only and that they cannot deal with Métis claims.

Indians have several government mechanisms where they can raise their land claims and harvesting issues. The federal government has created a large land claim structure including Comprehensive Claims and Specific Claims as well as the Indian Claims Commission.

Meanwhile the Métis have nowhere to go to raise their land claims issues - except court. This raises the issue of whether the government can treat Indians differently than Métis in similar fact situations. *Maurice* will address these issues and is in preliminary stages as of this date. The Métis National Council is an intervener in the case.

∞ Alberta Métis Settlements Cases

Alberta is unique in the Métis Nation Homeland in that it currently has the only legislated regime that recognizes and gives effect to Métis land and local governance. This has been accomplished through the *Métis Settlements Accord Implementation Act*, *Métis Settlements Land Protection Act*, *Métis Settlements Act* and the *Constitution of Alberta Amendment Act*. These are collectively referred to as the Métis Settlements legislation.

The Métis Settlements legislation is delegated authority from the provincial government. It provides a framework within which Métis Settlement institutions can develop laws concerning membership, land, financial accounting, resource development and other issues pursuant to settlement council bylaws, General Council policies and ministerial regulations.

The general rule is that Provincial laws continue to apply to the Métis Settlements. One exception is in the area of hunting, fishing, trapping and gathering. The General Council has the authority to enact policies in this area and once enacted these policies are given priority over other provincial law. These must be made in consultation with the Minister and approved by all the settlement councils and the Lieutenant Governor in Council. They can be abrogated only to protect endangered species and after consultation with the General Council.

Enforcement is accomplished through the Métis Settlements Appeal Tribunal (MSAT). MSAT has delivered well over a hundred decisions, most of which concern membership, interests in settlement land, family law, inheritance, surface rights, and housing and debt settlements.

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The Métis Settlements in Alberta comprise 1.25 million acres of land, most of which is affected by substantial oil and gas activity. An important issue for the General Council is to balance development and traditional lifestyles. Two panels of MSAT have jurisdiction with respect to leases, compensation and rights of entry on settlement lands – the Land Access Panel (LAP) and the Existing Leases Land Access Panel. (ELLAP) Both can grant compensation and are charged with taking into account the “cultural value of the land for preserving a traditional Métis way of life”.

The issue of how to place an economic value on the impacts of development on activities such as berry picking, hunting, trapping and fishing have been addressed at least one case to date.

*Husky Oil*²⁵

In 1996, the Land Access Panel considered whether compensation should be awarded for the cultural value of the land as it relates to preserving a traditional Métis way of life. The Panel has the authority to base its assessment on the impact of the lease or project on the physical environment and on the social and cultural environment.

The Panel found as a fact that oil and gas activity, however minimal, has an impact on the surrounding environment and since Métis traditional culture is wholly dependent on the maintenance of that physical environment, oil and gas activity has a corresponding impact on Métis culture for which the existing mineral lease holder must pay compensation.

The Panel imposed compensation in the amount of \$800 per year on the leasing company. The low amount represents,

“...the minimum amount of compensation payable...if the occupants wish to receive compensation above the \$800.00 minimum...[they] must prove, through oral or written testimony, that the impact on the social or cultural environment is such that greater compensation is warranted.

...

Nothing was actually advanced by the occupants to show that such a loss had occurred.”

∞ The Métis Act - Saskatchewan

The government of Saskatchewan has introduced a new bill into the Saskatchewan legislature. Bill 42 is *An Act to recognize contributions of the Métis and to deal with certain Métis Institutions*. The *Métis Act* was proclaimed on January 28th 2002.

Known as the *Métis Act*, the Bill formally recognizes the culture, history, customs and language of the Métis. It provides a mechanism for the Métis Nation-Saskatchewan to engage in a bilateral process of negotiations about capacity building, land and resources, governance and harvesting. The *Métis Act* also provides for the incorporation of the Métis Nation-Saskatchewan Secretariat Inc. This will take the MNS out of the *Non-Profit Corporations Act*.

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∞ The Status of Métis Rights – Province by Province

The status of Métis rights, as of June 2001, is different in each province and even different within different parts of a province.

BC – The *Howse* case established a s. 35 right to hunt in the Cranbrook area. Because this case is at a low level of court it will not be considered a precedent for the entire province.

Alberta – The *Ferguson* case is usually considered a Métis case but since he identified as Cree at trial, it is open to question. The result is that if you live in Alberta and have Indian blood and live an Indian mode of life (which may or may not include all Métis) you are considered to have a right to harvest that is protected by the *NRTA*.

Saskatchewan – In the northern part of Saskatchewan, as a result of *Morin & Daigneault*, Métis are considered to have a right to harvest. The right is not considered by the Crown to be proven for Métis in other parts of Saskatchewan.

Manitoba – As a result of *McPherson & Christie*, Métis who live in northern Manitoba and have a subsistence lifestyle, are considered to have a right to hunt. However, as a result of *Blais*, Métis in southern Manitoba are considered by the Crown not to have a right to hunt.

Ontario – As a result of the *Powley* decision, Métis are considered to have an Aboriginal right to harvest. However, the decision was (stayed) suspended for one year to facilitate negotiations towards a new harvesting regime. Whether a new harvesting regime is negotiated or not, on February 23, 2002, Métis will be able to exercise their harvesting rights in Ontario.

The upshot is – if you are Métis you may have an Aboriginal right to harvest, but it depends on where you live. Until a Métis case makes it to the Supreme Court of Canada there is no settled law on the issue of Métis harvesting rights.

∞

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Endnotes:

- ¹ *Calder et al. v. A.G. B.C.* [1973] SCR 313 (S.C.C.)
- ² *R. v. Sparrow* [1990] 1 S.C.R. 1075 (S.C.C.)
- ³ *R. v. Van der Peet* [1996] 4 C.N.L.R. 177 (S.C.C.)
- ⁴ *Delgamuukw v. B.C.* [1998] 1 C.N.L.R. 14 (S.C.C.)
- ⁵ *R. v. Adams* [1996] 4 C.N.L.R. 1 (S.C.C.)
- ⁶ *Taku River Tlingit First Nation v. Tulsequah Chief Mine Project* [2000] B.C.J. No. 1301 (B.C.S.C.)
- ⁷ *R. v. Powley* [1999] 1 C.N.L.R. 153 (Ont. Prov Ct.); aff'd [2000] 2 C.N.L.R. 233 (Ont. S.C.J.); aff'd [2001] 2 C.N.L.R. 291; leave to appeal granted by S.C.C.
- ⁸ *R. v. Badger* [1996] 2 C.N.L.R. 77 (S.C.C.)
- ⁹ *Mitchell v. Canada (Minister of National Revenue-M.N.R.)* [2001] 3 C.N.L.R. 122 (S.C.C.)
- ¹⁰ *Re Eskimos* [1939] S.C.R. 104 (S.C.C.)
- ¹¹ *R. v. Grumbo* [1996] 3 C.N.L.R. 122 (Sask. Q.B.); rev'g [1998] 3 C.N.L.R. 172 (Sask. C.A.)
- ¹² *R. v. Laprise* [1977] 3 W.W.R. 379; aff'g [1978] 6 W.W.R. 85; overturned in *R. v. Grumbo* [1998] 3 C.N.L.R. 172 (Sask. C.A.)
- ¹³ *R. v. Blais* [1997] 3 C.N.L.R. 109 (Man. Prov. Ct.); aff'g [1998] 4 C.N.L.R. 103 (Man. Q.B.); aff'g [2001] 3 C.N.L.R. 187 (Man. C.A.); leave to appeal granted by S.C.C.
- ¹⁴ *R. v. Ferguson* [1993] 2 C.N.L.R. 148; aff'g [1994] 1 C.N.L.R. 117 (Alta. Q.B.)
- ¹⁵ *R. v. Morin & Daigneault* [1996] 3 C.N.L.R. 157 (Sask. Prov Ct.); aff'd [1998] 1 C.N.L.R. 182 (Sask. Q.B.)
- ¹⁶ *R. v. Côté* [1996] 4 C.N.L.R. 26 (S.C.C.)
- ¹⁷ *R. v. Gladstone* [1996] 4 C.N.L.R. 65 (S.C.C.)
- ¹⁸ *R. v. Marshall* [1999] S.C.J. No. 55; [1999] S.C.J. No. 66 (S.C.C.)
- ¹⁹ *R. v. Pamajewon*, [1996] 2 S.C.R. 821 (S.C.C.)
- ²⁰ *Campbell v. British Columbia (AG)*, [2000] B.C.J. No. 1524 (B.C.S.C.)
- ²¹ *Dumont v. AG Canada* [1990] 2 C.N.L.R. 19 (S.C.C.); rev'g (sub nom *Manitoba Métis Federation Inc. v. Attorney General of Canada*) [1988] 3 C.N.L.R. 39 (Man. C.A.); rev'g [1987] 2 C.N.L.R. 85 (Man. Q.B.). See also *Dumont v. AG Canada* [1992] 2 C.N.L.R. 34 (Man. C.A.); rev'g [1991] 3 C.N.L.R. 22 (Man. Q.B.)
- ²² *R. v. McPherson* [1992] 4 C.N.L.R. 145; aff'd [1994] 2 C.N.L.R. 137 (Man. Q.B.)
- ²³ *R. v. Buckner* (1997) O.J. No. 1165 (Ont. Prov Ct.)
- ²⁴ *R. v. Howse* [2000] B.C.J. No. 905 (B.C. Prov Ct.)
- ²⁵ *Husky Oil Limited and Barrington Petroleum Limited and Elizabeth Métis Settlement*, MSAT-LAP Order No. 1, May 8, 1996

Filed Sec Gen. 3/02

**IN THE SUPREME COURT OF CANADA
(Manitoba Court of Appeal)**

BETWEEN:

ERNEST LIONEL JOSEPH BLAIS,

Appellant (Accused),

- and -

HER MAJESTY THE QUEEN,

Respondent (Informant),

- and -

METIS NATIONAL COUNCIL,

(Intervenor).

NOTICE OF APPEAL

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IN THE SUPREME COURT OF CANADA
(Manitoba Court of Appeal)

BETWEEN:

ERNEST LIONEL JOSEPH BLAIS,

Appellant (Accused),

- and -

HER MAJESTY THE QUEEN,

Respondent (Informant),

- and -

METIS NATIONAL COUNCIL,

(Intervener).

NOTICE OF APPEAL

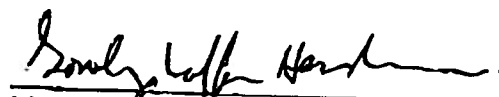
TAKE NOTICE that the Appellant (Accused) Ernest Lionel Joseph Blais appeals to this Court pursuant to a judgment of this court delivered on December 6, 2001 granting leave to appeal to the Appellant, from the decision of the Manitoba Court of Appeal delivered April 11, 2001 upholding the decision of the Manitoba Court of Queens Bench, Wright J, rendered September 9, 1998 upholding the conviction of the Appellant under section 26 of the Wildlife Act of Manitoba and the dismissal of the Appellant's Application under section 52 of the *Constitution Act 1982* that section 26 of the Wildlife Act of Manitoba violated section 35 (1) of the *Constitution Act 1982* by Judge Swail of the Provincial Court of Manitoba.

AND FURTHER TAKE NOTICE that the Appeal from the decision of the Manitoba Court of Appeal shall include the following grounds, namely:

1. That the Appellant is a Métis person within the definition of section 35(2) of the *Constitution Act* 1982 and possesses Aboriginal rights as they existed in 1982;
2. That section 13 of the Natural Resources Transfer Agreement (NRTA), which was entrenched in the Canadian constitution in 1930 provides subsistence hunting rights for "Indians" on the Prairie provinces and in particular, in Manitoba;
3. That the Appellant, as a Métis person, falls within the constitutional meaning of the term "Indian" under section 13 of the NRTA;
4. That section 26 of the *Wildlife Act* of Manitoba of which the Appellant stands convicted is inapplicable in respect to the Appellant, and is of no force or effect to the extent that it infringes or limits the Appellant's right to hunt under section 13 of the NRTA;
5. That the Manitoba Court of Appeal erred in law in failing to declare under section 52 of the *Constitution Act*, 1982, that section 26 of the *Wildlife Act* of Manitoba was inapplicable to the Appellant;

6. That the Court of Appeal erred in law in failing to consider and weigh the evidence of the hunting customs and practices of Manitoba Métis before 1930 when considering the meaning of the term "Indian" under Section 13 of the *Natural Resources Transfer Agreement*, and in placing weight upon the lack of evidence of the hunting practices of the Appellant and his direct ancestors, and in placing weight on the geographical location of where the alleged offence took place and the lack of evidence of Métis hunting in that area of Manitoba.
7. And on such further grounds as counsel may advise.

Dated at Winnipeg, Manitoba this 3rd day of January, 2002.



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TO: THE REGISTRAR OF THIS COURT:

AND TO: THE ATTORNEY-GENERAL FOR THE PROVINCE OF MANITOBA

AND TO: Counsel for the Attorney General for the Province of Manitoba:
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AND TO: METIS NATIONAL COUNCIL, Intervenor at the Court of Appeal

AND TO: Counsel for the Intervenor,
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Q.B. No. 619 of A.D. 1994

C A N A D A
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

GERALD J. MORIN, MAX MORIN, NORMAN HANSEN, LOUIS MORIN, VITAL MORIN, PIERRE CHARTIER, FLORA BISHOP, MARGUERITE MONTGRAND, MONIQUE SYLVESTRE, THEOPHILE LALIBERTE, ANNIE JOHNSTONE, ELLEN LEMAIGRE, NORBERT MERASTY, NANCY MORIN, MARTHA WAITE, FRANK PETIT, JOHNNY WOODWARD, MARIUS MONTGRAND, DENNIS SHATILLA, VICTOR CUMMINGS, ERNEST SYLVESTRE, CHARLIE MOISE, IVAN JANVIER, DONALD LAPRISE, JEFFREY MORIN, JOE ROY, FRANK KENNY, PETER BUFFIN, ERNEST GARDINER, EDWARD GARDINER, AMBROSE MAURICE, GEORGE SMITH, GEORGE LAFLEUR, CALVIN ROY, on behalf of themselves and all other members of the Metis Nation who make or consider their homeland to be that part of Northern Saskatchewan referred to herein as the Plaintiffs' Homeland, METIS NATION OF SASKATCHEWAN, THE METIS SOCIETY OF SASKATCHEWAN INC. and METIS NATIONAL COUNCIL,

PLAINTIFFS

HER MAJESTY THE QUEEN In Right of Canada, as represented by the Attorney General of Canada, and HER MAJESTY THE QUEEN In Right of the Province of Saskatchewan, as represented by the Minister of Justice of the Province of Saskatchewan,

DEFENDANTS

STATEMENT OF CLAIM

WOLOSHYN MATTISON
Barristers and Solicitors
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Q.B. No. 619 of A.D. 1994

C A N A D A
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

GERALD J. MORIN, MAX MORIN, NORMAN HANSEN, LOUIS MORIN, VITAL MORIN, PIERRE CHARTIER, FLORA BISHOP, MARGUERITE MONTGRAND, MONIQUE SYLVESTRE, THEOPHILE LALIBERTE, ANNIE JOHNSTONE, ELLEN LEMAIGRE, NORBERT MERASTY, NANCY MORIN, MARTHA WAITE, FRANK PETIT, JOHNNY WOODWARD, MARIUS MONTGRAND, DENNIS SHATILLA, VICTOR CUMMINGS, ERNEST SYLVESTRE, CHARLIE MOISE, IVAN JANVIER, DONALD LAPRISE, JEFFREY MORIN, JOE ROY, FRANK KENNY, PETER BUFFIN, ERNEST GARDINER, EDWARD GARDINER, AMBROSE MAURICE, GEORGE SMITH, GEORGE LAFLEUR, CALVIN ROY, on behalf of themselves and all other members of the Metis Nation who make or consider their homeland to be that part of Northern Saskatchewan referred to herein as the Plaintiffs' Homeland, METIS NATION OF SASKATCHEWAN, THE METIS SOCIETY OF SASKATCHEWAN INC. and METIS NATIONAL COUNCIL,

PLAINTIFFS

HER MAJESTY THE QUEEN In Right of Canada, as represented by the Attorney General of Canada, and HER MAJESTY THE QUEEN In Right of the Province of Saskatchewan, as represented by the Minister of Justice of the Province of Saskatchewan,

DEFENDANTS

NOTICE TO DEFENDANTS

1. The Plaintiff may enter judgment in accordance with this Statement of Claim or such judgment as may be granted pursuant to the Rules of Court unless:

within twenty (20) days if you were served in Saskatchewan

within thirty (30) days if you were served elsewhere in Canada or in the United States of America

within forty (40) days if you were served outside Canada and the United States of America

(excluding the day of service) you serve a Statement of Defence on the Plaintiff and file a copy thereof in the office of the Local Registrar of the court for the Judicial Centre of Saskatoon.

2. In many cases a Defendant may have the trial of the action held at a Judicial Centre other than the one at which the Statement of Claim is issued. Every Defendant should consult her lawyer as to her rights.

3. This Statement of Claim is to be served within six (6) months from the date on which it is issued.

4. This Statement of Claim is issued at the above-named Judicial Centre the 1st day of March, A.D. 1994.

BARBARA GRIFFITHS

Dy _____
Local Registrar

reel

CLAIM

1. The Plaintiff, Gerald J. Morin is a Metis and is the President of the Metis Nation of Saskatchewan, The Metis Society of Saskatchewan Inc. and the Metis National Council. He resides in the City of Saskatoon, in the Province of Saskatchewan.
2. The Plaintiff, Max Morin is a Metis and is a Regional Director of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Ile a la Crosse, in the Province of Saskatchewan.
3. The Plaintiff, Norman Hansen is a Metis and is a Regional Director of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Buffalo Narrows, in the Province of Saskatchewan.
4. The Plaintiff, Louis Morin is a Metis Elder and is a Senator of the Metis Nation of Saskatchewan. He is also the President of Local 40 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Turnor Lake, in the Province of Saskatchewan.
5. The Plaintiff, Vital Morin is a Metis Elder and is a Senator of the Metis Nation of Saskatchewan. He resides in the community of Ile a la Crosse, in the Province of Saskatchewan.

6. The Plaintiff, Pierre Chartier is a Metis Elder. He resides in the community of Buffalo Narrows, in the Province of Saskatchewan.

7. The Plaintiff, Flora Bishop is a Metis Elder. She resides in the community of Beauval, in the Province of Saskatchewan.

8. The Plaintiff, Marguerite Montgrand is a Metis Elder. She resides in the community of La Loche, in the Province of Saskatchewan. Her father, Pierre Maurice, a Metis, received money scrip on her behalf.

9. The Plaintiff, Monique Sylvestre is a Metis Elder. She resides in the community of Michele Village, in the Province of Saskatchewan. Her father, Alexandre Janvier, a Metis, received money scrip on her behalf.

10. The Plaintiff, Theophile Laliberte is a Metis Elder. He resides in the community of Buffalo Narrows, in the Province of Saskatchewan. His father, Raphael Laliberte, a Metis, received money scrip on his behalf.

11. The Plaintiff, Annie Johnstone is a Metis Elder. She resides in the community of Pinehouse, in the Province of Saskatchewan. Her father, Joseph Nanatomakan, a Metis, received money scrip on her behalf.

12. The Plaintiff, Ellen Lemaigre is a Metis Elder. She resides in the community of Garson Lake (Whitefish Lake), in the Province of Saskatchewan. Her father, John Laprise, a Metis, received money scrip on her behalf.

13. The Plaintiff, Norbert Merasty, is a Metis Elder. He resides in the community of Green Lake, in the Province of Saskatchewan.

14. The Plaintiff, Nancy Morin is a Metis and is a Regional Metis Women Representative as recognized by the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. She resides in the community of Beauval, in the Province of Saskatchewan.

15. The Plaintiff, Martha Waite is a Metis and is a Regional Metis Women Representative as recognized by the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. She resides in the community of Buffalo Narrows, in the Province of Saskatchewan.

16. The Plaintiff, Frank Petit is a Metis and is the President of Local 39 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of La Loche, in the Province of Saskatchewan.

17. The Plaintiff, Johnny Woodward is a Metis and is th

President of Local 156 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Bear Creek, in the Province of Saskatchewan.

18. The Plaintiff, Marius Montgrand is a Metis and is the Vice-President of Local 40 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Turnor Lake, in the Province of Saskatchewan.

19. The Plaintiff, Dennis Shatilla is a Metis and is the President of Local 62 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Buffalo Narrows, in the Province of Saskatchewan.

20. The Plaintiff, Victor Cummings is a Metis and is the President of Local 70 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of St. George's Hill, in the Province of Saskatchewan.

21. The Plaintiff, Ernest Sylvestre is a Metis and is the President of Local 65 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Michele Village, in the Province of Saskatchewan.

22. The Plaintiff, Charlie Moise is a Metis and is the

President of Local 162 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Black Point, in the Province of Saskatchewan.

23. The Plaintiff, Ivan Janvier is a Metis and is the President of Local 130 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Descharme Lake, in the Province of Saskatchewan.

24. The Plaintiff, Donald Laprise is a Metis and is the President of Local 127 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Garson Lake, in the Province of Saskatchewan.

25. The Plaintiff, Jeffrey Morin is a Metis and is the President of Local 21 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Ile a la Crosse, in the Province of Saskatchewan.

26. The Plaintiff, Joe Roy is a Metis and is the President of Local 82 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Patuanak, in the Province of Saskatchewan.

27. The Plaintiff, Frank Kenny is a Metis and is the President of Local 174 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides at Canoe River, in

the Province of Saskatchewan.

28. The Plaintiff, Peter Buffin is a Metis and is the President of Local 37 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Beauval, in the Province of Saskatchewan.

29. The Plaintiff, Ernest Gardiner is a Metis and is the President of Local 41 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Jans Bay, in the Province of Saskatchewan.

30. The Plaintiff, Edward Gardiner is a Metis and is the President of Local 41 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Cole Bay, in the Province of Saskatchewan.

31. The Plaintiff, Ambrose Maurice is a Metis and is the President of Local 176 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Sapawgamak, in the Province of Saskatchewan.

32. The Plaintiff, George Smith is a Metis and is the President of Local 9 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Pinehouse, in the Province of Saskatchewan.

33. The Plaintiff, George Lafleur is a Metis and is the President of Local 67 (which includes both of the communities of Dore Lake and Sled Lake) of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Sled Lake, in the Province of Saskatchewan.

34. The Plaintiff, Calvin Roy is a Metis and is the President of Local 5 of the Metis Nation of Saskatchewan and The Metis Society of Saskatchewan Inc. He resides in the community of Green Lake, in the Province of Saskatchewan.

35. The individual Plaintiffs sue on behalf of themselves and all other citizens of the Metis Nation who make or consider their homeland to be that part of northern Saskatchewan which approximate area is shown as shaded on the map attached hereto as Appendix "A", and which is referred to herein as the "Plaintiffs' Homeland".

36. The Plaintiffs are citizens of the Metis Nation of Saskatchewan, a government established within Saskatchewan for the purpose of representing the interests of the Metis.

37. The Plaintiffs are also members of The Metis Society of Saskatchewan Inc., an organization incorporated under the laws of the Province of Saskatchewan for the purpose of representing the administrative interests of the Metis within Saskatchewan. It has also been incorporated to provide a legally recognized entity

to carry out various functions on behalf of the Metis Nation of Saskatchewan.

38. The Plaintiffs are also citizens of the Metis National Council, a government established within Canada for the purpose of representing the interests of the Metis Nation.

39. The Defendant, Her Majesty The Queen In Right of Canada, is the lawful government of the Dominion of Canada. The Attorney General of Canada is the Minister of Her Majesty The Queen In Right of Canada who is responsible for the statutes of Canada and the Constitution of Canada, and who represents Her Majesty and the Government of Canada in litigation concerning Canada, referred to herein as "Canada".

40. The Defendant, Her Majesty The Queen In Right of the Province of Saskatchewan, is the lawful government of the Province of Saskatchewan. The Minister of Justice for the Province of Saskatchewan is the Minister of Her Majesty The Queen In Right of the Province of Saskatchewan who is responsible for the statutes of Saskatchewan, and who represents Her Majesty and the Government of Saskatchewan in litigation concerning Saskatchewan, referred to herein as "Saskatchewan".

41. The Plaintiffs say that prior to 1870 the Metis, who lived in what was then known as Rupert's Land and the North Western Territory, were a distinct Aboriginal people, comprising

their own cultural and political community, who collectively possessed, occupied, used and had the benefit of lands and resources, in accordance with their own laws and customs, throughout the area now known as western Canada. Those Metis people and their descendants are referred to herein as the "Metis Nation", and their lands are referred to herein as the "Metis Nation Homeland".

42. The Plaintiffs say that the Metis Nation emerged within the Metis Nation Homeland from the 17th century, as follows:

- (a) As the French and English fur trade spread into the areas which now comprise western Canada, intermarriage produced children of mixed Indian and European ancestry who became known as "Metis" or "Halfbreeds";
- (b) Over time, numerous distinct and identifiable Metis communities developed throughout the Metis Nation Homeland, having a common identity, economy, and political structure;
- (c) The economy of most Metis communities was based primarily on the fur trade, including the harvesting of furs, freighting and the buffalo hunt (for the supply of pemmican and tallow); and

- (d) The political and social consciousness of the Metis Nation was exhibited, inter alia, through political and military actions in defence of Metis rights such as the 1816 Battle of Seven Oaks (where the Metis Nation flag was unfurled); the Battle of the Grand Coteau in 1851; the establishment of the provisional government in the Red River in 1869-70 (which led to the negotiated entry of Manitoba into Confederation, along with the rest of Rupert's Land and the North Western Territory); and the subsequent 1885 armed resistance at Batoche.

43. The Plaintiffs say that prior to 1870, some members of the Metis Nation lived within the Plaintiffs' Homeland and comprised a distinct Aboriginal cultural and political community, who collectively possessed, occupied, used and had the benefit of lands and resources within the Plaintiffs' Homeland in accordance with their own laws and customs. This situation developed as follows:

- (a) During the evolution of the Metis Nation, the ancestors of the Plaintiffs continued to hunt, trap, gather and fish for both commercial and subsistence purposes in and around the fur trading posts at Ile a la Crosse and its network of secondary posts (established in 1776 by Thomas Frobisher and shortly thereafter taken over by the

Northwest Company) and at Green Lake (established in 1782 by the Northwest Company). In 1799 the Hudson's Bay Company established posts at Ile a la Crosse and Green Lake;

- (b) As part of the economy and business life of the area, the Plaintiffs' ancestors dealt in a fur economy of credit and debt using a "Made Beaver" monetary system which was not replaced by a "Cash" monetary system until as late as 1908; and
- (c) With the expansion of trading posts, Metis settled in various communities in the area now known as north-western Saskatchewan; historically and presently those Metis made and continue to make their livelihood from the lands and resources in the Plaintiffs' Homeland.

44. The great majority of the individual Plaintiffs and the members of the class they represent, who make or consider their homeland to be within the Plaintiffs' Homeland, are direct descendants of the citizens of the Metis Nation who resided within the Plaintiffs' Homeland prior to 1870, while the other individual Plaintiffs and members of the class they represent moved into the Plaintiffs' Homeland more recently and have been accepted as members of that distinct cultural and political community.

45. The Plaintiffs say that the Royal Proclamation made by His Majesty King George III on the 7th of October, 1763 (referred to herein as the "Royal Proclamation") codified a policy and system of equitable principles to be followed and complied with to deal with the Aboriginal rights and title of Aboriginal peoples.

46. The Plaintiffs say that the 1870 Rupert's Land and North-Western Territory Order, R.S.C. 1985, App. 11, No. 9, with Schedules, required Canada to consider and settle, in conformity with the equitable principles which uniformly governed the British Crown in its dealings with Aboriginal peoples, the claims of Aboriginal peoples to compensation for lands required for purposes of settlement. The Plaintiffs further say that the equitable principles referred to therein include, inter alia, the policy and system of equitable principles codified by the Royal Proclamation.

47. The Plaintiffs say that the Rupert's Land and North-Western Territory Order, supra, applies to the Plaintiffs as Indians within the meaning of the term as used in the said Order and Royal Proclamation and is a recognition and affirmation of the Plaintiffs' Aboriginal rights and title.

48. The Plaintiffs say that:

(a) Canada, in 1888, by Order in Council P.C. No. 2675

dated December 14, 1888, appointed Lieutenant Colonel Irvine and Roger Goulet Commissioners to negotiate with the Green Lake Indians their adhesion to Treaty Six, formerly concluded in 1876. Mr. Goulet was also empowered to, and did, issue scrip to the Halfbreeds of the Green Lake area, redeemable in land (known as land scrip) or in payment for land (known as money scrip);

- (b) Canada, in 1900, by Orders in Council P.C. No. 460 dated March 2, 1900, P.C. No. 1197 dated May 4, 1900 and P.C. No. 1444 dated June 19, 1900, extended the issuing of scrip to Halfbreeds born in the North-West Territories between July 15, 1870 and December 31, 1885. This resulted in the further issuing of scrip in Green Lake in 1900 by Commissioners Narcisse Omer Cote and Samuel McLeod;
- (c) Canada, in 1906, by Orders in Council P.C. No. 1459 and 1457, dated July 20, 1906, appointed James A. J. McKenna Commissioner to negotiate Treaty 10 with the Cree and Dene Indians of northern Saskatchewan. He was also empowered to, and did, issue scrip to the Halfbreeds: money scrip redeemable in the amount of \$240.00 for the purchase of Dominion Land and land scrip redeemable for 240 acres of Dominion Land;

- (d) Canada, in 1907, by Order in Council dated April 6, 1907, appointed Thomas Alexander Borthwick Commissioner to take adhesions to Treaty 10 and issue scrip to Halfbreeds who were not issued scrip in 1906;
- (e) The Commissioners referred to in (a) to (d) refused to negotiate with the Metis people collectively. Instead, they dealt with the Metis individually, offering them only two choices: accept scrip or give up their identity as Metis and take Treaty as Indians; and
- (f) The scrip issued by the Commissioners did not and could not provide a means for the Plaintiffs or their ancestors to secure the land and resource base which they needed and were entitled to in order to ensure a secure collective future in the Plaintiffs' Homeland because scrip could not be redeemed for land within the Plaintiffs' Homeland.

49. As a consequence of the facts and matters set out in paragraphs 41 to 48, the Plaintiffs say that, at all material times, the Plaintiffs and their ancestors had and continue to have Aboriginal rights, as members of the Metis Nation, arising out of their possession, occupation, use and benefit of the

Plaintiffs' Homeland. These rights include, inter alia, Aboriginal rights and title to the possession, occupation, use and benefit of those lands and resources in the Plaintiffs' Homeland which they required and continue to require in order to sustain themselves as a distinct Aboriginal people; harvesting rights, including rights to fish, hunt, trap and gather, for subsistence and commercial purposes; and an inherent right of self-government which includes the authority to safeguard and develop their languages, culture, economies, identity, institutions, and traditions, and to develop, maintain and strengthen their relationship with their lands, waters and environment so as to determine and control their development as a people according to their own values and priorities and to ensure the integrity of their society.

50. The Plaintiffs say that the policy, system and equitable principles referred to in paragraphs 45 to 47 should have been applied by Canada to the members of the Metis Nation residing within the Plaintiffs' Homeland, rather than the scrip system referred to in paragraph 48 hereof, but were not so applied. As a result thereof, the lands and resources in the Plaintiffs' Homeland have, at all material times, been "reserved" for the benefit of the citizens of the Metis Nation, within the meaning of that term in the policy reflected in the Royal Proclamation, and the powers and interests of the Defendants in respect of those lands and resources have, at all material times, been subject to the rights and interests claimed herein, until a

mutually agreeable land claim agreement is concluded with the Plaintiffs' informed consent.

51. The Plaintiffs say that their rights referred to in paragraphs 49 and 50 are existing Aboriginal rights which are recognized and affirmed in section 35 of the Constitution Act, 1982.

52. The Plaintiffs say that:

(a) As a result of the unilateral imposition of the scrip system, their ancestors and now themselves, have been reduced to marginal economic and political positions; and

(b) This marginalization has occurred, even though the Plaintiffs and their ancestors have persisted in continuing their distinct Metis culture, collective aspirations and political organizations, including a continued reliance on traditional use of resources such as hunting, trapping, fishing and gathering.

53. The Plaintiffs' Aboriginal rights and title co-exist with the Aboriginal and Treaty rights and titles of the Indian peoples in the Plaintiffs' Homeland, which rights and titles are not affected by the within claims.

54. The Plaintiffs say that the rights and interests claimed herein fall within section 91(24) of the Constitution Act, 1867, on the basis that the Plaintiffs are "Indians" within the meaning of the said section and that the reference to "lands reserved for the Indians" in the section includes the Plaintiffs' Homeland and resources claimed by the Plaintiffs herein.

55. The Plaintiffs further say that the Defendant Canada was and is in a fiduciary relationship with the Metis Nation and its citizens, and owed and continues to owe a fiduciary duty to the Plaintiffs in regard to the exercise of Canada's authority, as it affects the rights of the Plaintiffs.

56. The Plaintiffs say that the Defendant Canada, as part of its fiduciary duty to the Plaintiffs, was required to obtain the collective consent of the Metis people within the Plaintiffs' Homeland and to negotiate agreements to secure the rights of these Aboriginal peoples within the Plaintiffs' Homeland. The failure to obtain such consent and to negotiate such agreements were and are breaches of the fiduciary duty owed to the Plaintiffs.

57. The said fiduciary obligation of Canada acquired constitutional status pursuant to the Rupert's Land and North Western Territory Order, R.S.C. 1985, App. 11, No. 9.

58. The Plaintiffs say, in addition to paragraph 48 hereof, that Canada knew that very little scrip would be redeemed for land by the Metis people within the Plaintiffs' Homeland, and would in fact be sold to speculators for a fraction of its worth. To this end, Canada established accounts for speculators travelling with the Scrip Commissions and established other procedures to promote and assist the transfer of scrip to speculators. As a result, the Plaintiffs say that the scrip system, referred to in paragraph 48 hereof, was a sham that was never designed to convey benefits on Metis people, and accordingly was a breach of the fiduciary duty owed to the Plaintiffs.

59. The Plaintiffs say that the Defendant Canada acted in further breach of its fiduciary obligation to Metis people when it imposed the scrip system on the Metis people of the Plaintiffs' Homeland, as referred to in paragraph 48 hereof, in that Canada knew or ought to have known that the scrip system imposed was designed to and would destroy, rather than secure, the base of land and resources which the Metis needed, and were entitled to, in order to continue to live as a distinct Aboriginal people in the Plaintiffs' Homeland.

60. As a result of the above, the Plaintiffs say that the operation of the scrip system did not extinguish the Aboriginal rights and title of the Plaintiffs within the Plaintiffs' Homeland.

61. The Plaintiffs say that they and their ancestors, on many occasions, have demanded that the Defendants recognize their Aboriginal rights and title and negotiate agreements to secure their collective future in the Plaintiffs' Homeland, but the Defendants have consistently refused to acknowledge the rights and title of the Plaintiffs and their ancestors, or to negotiate on the basis of those rights and title.

62. The Defendant Canada was and continues to be in breach of the fiduciary obligation owed to the citizens of the Metis Nation to the present time by refusing to negotiate or conclude a land claim agreement with the Plaintiffs.

63. The Plaintiffs say that the Defendant Canada has obligations pursuant to customary and conventional international law, as it has developed to this time, to recognize and affirm the Aboriginal rights and title of the Plaintiffs within the Plaintiffs' Homeland and to recognize and affirm the right not to be deprived thereof without their consent. The Plaintiffs, as Aboriginal peoples, have the right to self-determination within the Plaintiffs' Homeland in accordance with international law. The Defendant Canada was and continues to be in breach of these legal obligations owed to the Plaintiffs.

64. The Plaintiffs specifically plead and rely upon the following:

- (a) The Constitution Act, 1867, and in particular sections 91(24), 109 and 146 thereof;

- (b) The Rupert's Land and North-Western Territory Order, R.S.C. 1985, App. 11, No. 9, and in particular section 14 thereof, with Schedules;

- (c) The Manitoba Act S.C. 1870, c.3, and in particular section 31 thereof;

- (d) The Dominion Lands Act, 1879, as amended, and in particular section 125(e) thereof;

- (e) The Constitution Act, 1930, and in particular sections 1 and 2 of Part 3 of the Schedule thereto; and

- (f) The Constitution Act, 1982, and in particular sections 25, 35, 37, 37.1 and 52 thereof.

65. After the Metis Nation emerged as an Aboriginal nation in western Canada and, in particular, in the Plaintiffs' Homeland in the north-western part of the Province of Saskatchewan, the Province of Saskatchewan was established in 1905 by the Saskatchewan Act, 4-5 Edward VII, c. 42. From 1905 to 1930, the Defendant Canada retained control of the lands and resources

within the Plaintiffs' Homeland.

66. By the Natural Resources Transfer Agreement dated March 20th, 1930, between the Government of the Dominion of Canada and the Government of the Province of Saskatchewan, which was subsequently ratified by the Constitution Act, 1930, and in particular sections 1 and 2 of Part 3 of the Schedule thereto, The Saskatchewan Natural Resources Act, S.C. 20-21 George V, 1930, Chapter 41 and An Act Relating to the Transfer of Natural Resources to the Province, S.S. 20 George V, 1930, Chapter 87, the interest of the Crown in Crown lands, mines, minerals and royalties, subject to a number of exceptions, was transferred from the Defendant Canada to the Defendant Saskatchewan.

67. The Plaintiffs say that the Defendant Saskatchewan is an assignee of all rights in Crown lands from the Defendant Canada, and as such has no greater right in the Crown lands than did the Government of Canada prior to the execution of the Natural Resources Transfer Agreement.

68. The Plaintiffs further say that the interests of the Defendant Saskatchewan in the Plaintiffs' Homeland are subject to the Aboriginal rights and title of the Plaintiffs.

69. The Plaintiffs say that both Defendants have wrongfully alienated lands and resources within the Plaintiffs' Homeland to

other persons without the consent of the Plaintiffs, and without first providing a secure land and resource base for the Plaintiffs or their ancestors or predecessors. The effect of the said wrongful alienation by the Defendants has been the denial of the use and benefit of the Aboriginal rights and title of the Plaintiffs. As a result of the wrongful alienation by the Defendants to third parties of the Plaintiffs' interest in these lands, the Plaintiffs have been denied their Aboriginal rights and title within the Plaintiffs' Homeland and have suffered loss and damage as a result thereof.

70. The Plaintiffs say that they remain a landless people and that they continue to be economically and politically marginalized as a result thereof. They continue to be a distinct Aboriginal people within the Plaintiffs' Homeland. Both Defendants have historically failed and/or refused and continue to fail and/or refuse to recognize the Plaintiffs' Aboriginal rights and title within the Plaintiffs' Homeland. As a result thereof, the Plaintiffs have suffered and continue to suffer damages both individually and collectively.

71. The Plaintiffs therefore claim:

(a) A Declaration that the Plaintiffs have existing Aboriginal rights and title within the Plaintiffs' Homeland, which are recognized and affirmed in section 35 of the Constitution Act, 1982, and which have never been

lawfully surrendered or extinguished, which rights and title include, inter alia:

- (i) Aboriginal title and rights to the possession, occupation, use and benefit of those lands and resources in the Plaintiffs' Homeland which they require to sustain them as a distinct Aboriginal people;
 - (ii) harvesting rights, including rights to fish, hunt, trap and gather, for subsistence and commercial purposes; and
 - (iii) an inherent right of self-government which includes the authority to safeguard and develop their languages, culture, economies, identity, institutions, and traditions, and to develop, maintain and strengthen their relationship with their lands, waters and environment so as to determine and control their development as a people according to their own values and priorities and to ensure the integrity of their society;
- (b) A Declaration and an Order that the Plaintiffs have a right to the possession, occupation, use and benefit of land and resources in the Plaintiffs' Homeland

fulfilment of the rights claimed in paragraphs 71 (a)(i) and (ii) hereof, as determined through negotiations for a land claim agreement or at trial, and that such rights of the Plaintiffs within the Plaintiffs' Homeland have priority over the land and resource interests of all third parties to whom lands and resources have been wrongfully alienated by the Defendants;

- (c) A Declaration that the Defendants have an obligation to negotiate with the Plaintiffs, in good faith, to conclude a mutually agreeable land claim agreement within the meaning of section 35(3) of the Constitution Act, 1982;
- (d) In the alternative, an Order that the Defendants negotiate with the Plaintiffs, in good faith, a mutually agreeable land claim agreement within the meaning of section 35(3) of the Constitution Act, 1982;
- (e) In the further alternative, Orders requiring the Defendants to transfer lands and resources to the Plaintiffs in recognition of their Aboriginal rights and title;
- (f) A Declaration that the rights and interests claimed herein fall within section 91(24) of the Constitution Act, 1867, on the basis that the Plaintiffs are "Indians"

within the meaning of the said section and that the reference to "lands reserved for the Indians" in the section includes the Plaintiffs' Homeland and resources claimed by the Plaintiffs herein;

- (g) A Declaration that the interests of the Defendant Saskatchewan in the Plaintiffs' Homeland, including legislative authority regarding lands, mines, minerals and royalties, are subject to the Plaintiffs' Aboriginal rights and title;
- (h) A Declaration that the Defendant Canada is in a fiduciary relationship to the Metis Nation and its citizens, owes a fiduciary duty to the Plaintiffs and is in breach of its fiduciary duty to the Plaintiffs;
- (i) A Permanent or Interlocutory Injunction to restrain officials of either or both of the Defendants from authorizing any alienation or use of lands or resources within the Plaintiffs' Homeland which would interfere with the Plaintiffs' rights herein or prejudice their negotiation of a land claim agreement;
- (j) A Declaration that this Honourable Court shall retain jurisdiction to resolve all outstanding disputes between the parties as to the implementation of the Declarations and Orders of this Honourable Court;

- (k) Damages;
- (l) The costs of this action;
- (m) Such further and other relief as counsel may advise and this Honourable Court may allow.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 15th day of March, 1994.

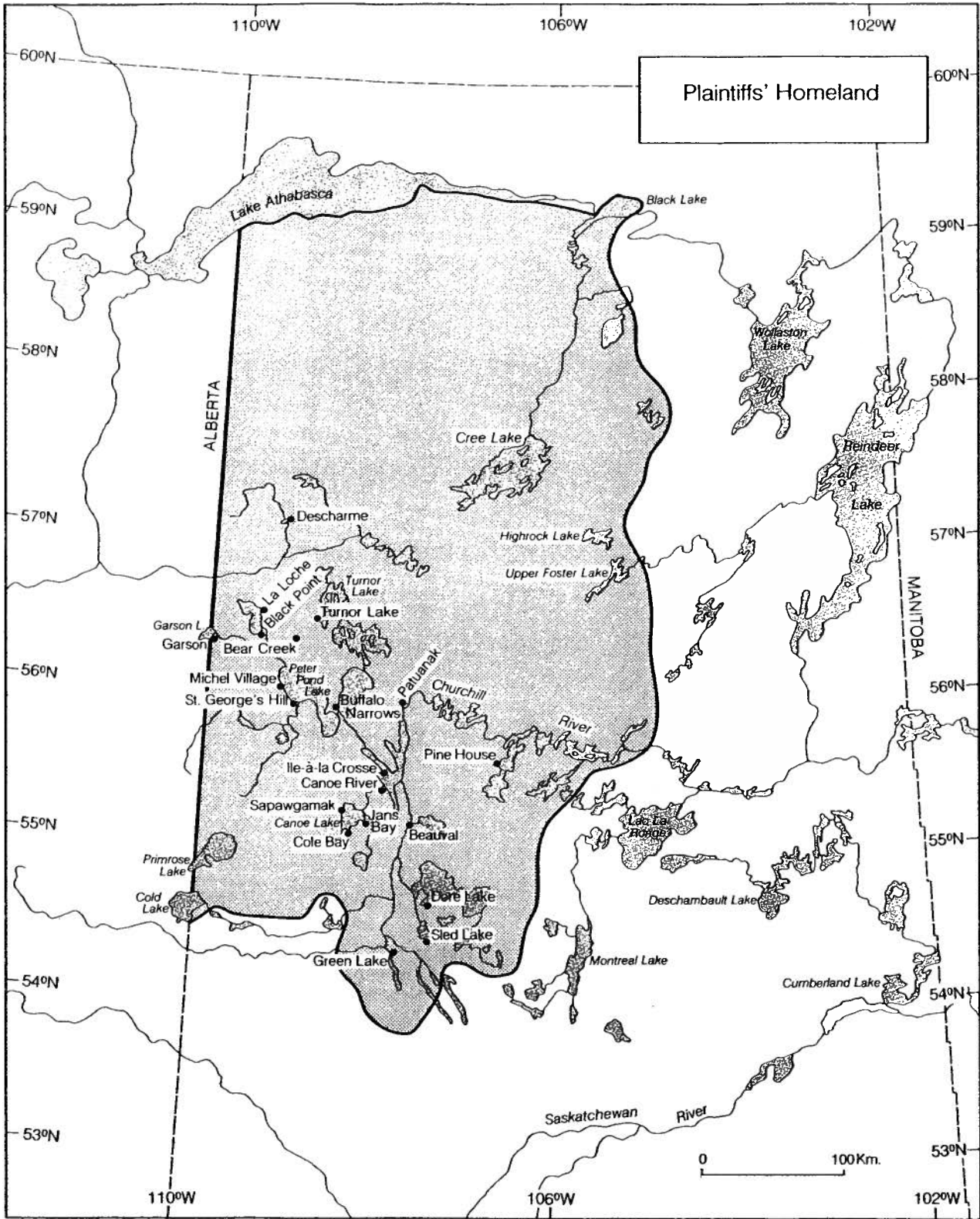
WOLOSHYN MATTISON & CLEM
CHARTIER

Per: 
Solicitors for the Plaintiffs

This Statement of Claim was delivered by:

WOLOSHYN MATTISON & CLEM CHARTIER
Barristers and Solicitors
200 Scotiabank Building
111 - 2nd Avenue S.
Saskatoon, Saskatchewan
S7K 1K6

and the address for service is same as above.
Lawyers in Charge of File: JAMES D. JODOUIN, DOUGLAS J. KOVATCH
and CLEM CHARTIER
Telephone No. (306) 244-2242



Appendix A

Q.B. No. 619 of 1994

IN THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF SASKATOON

BETWEEN:

GERALD J. MORIN, MAX MORIN, NORMAN HANSEN, LOUIS MORIN,
 VITAL MORIN, PIERRE CHARTIER, FLORA BISHOP,
 MARGUERITE MONTGRAND, MONIQUE SYLVESTRE,
 THEOPHILE LALIBERTE, ANNIE JOHNSTONE, ELLEN LEMAIGRE,
 NORBERT MERASTY, NANCY MORIN, MARTHA WAITE, FRANK PETT,
 JOHNNY WOODWARD, MARIUS MONTGRAND, DENNIS SHATILLA,
 VICTOR CUMMINGS, ERNEST SYLVESTRE, CHARLIE MOISE,
 IVAN JANVIER, DONALD LAPRISE, JEFFREY MORIN, JOE ROY,
 FRANK KENNY, PETER BUFFIN, ERNEST GARDINER,
 EDWARD GARDINER, AMBROSE MAURICE, GEORGE SMITH,
 GEORGE LAFLEUR, CALVIN ROY, on behalf of themselves and all other
 members of the Metis Nation who make or consider their homeland to be that part
 of Northern Saskatchewan referred to herein as the Plaintiffs' Homeland, METIS
 NATION OF SASKATCHEWAN, THE METIS SOCIETY OF SASKATCHEWAN
 INC. and METIS NATIONAL COUNCIL

PLAINTIFFS

- and -

HER MAJESTY THE QUEEN in Right of Canada, as represented by the
 ATTORNEY GENERAL OF CANADA, and HER MAJESTY THE QUEEN in
 Right of the PROVINCE OF SASKATCHEWAN, as represented by the Minister of
 Justice of THE PROVINCE OF SASKATCHEWAN

DEFENDANTS

STATEMENT OF DEFENCE ON BEHALF OF THE DEFENDANT, HER MAJESTY
 THE QUEEN IN RIGHT OF THE PROVINCE OF SASKATCHEWAN

W. Brent Cotter, Q.C.
 Deputy Attorney General
 8th Floor, 1874 Scarth Street
 Regina, Saskatchewan
 S4P 3V7

*Service Accepted
 May 13 1994
 DK*

Q.B. No. 619 of 1994

IN THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF SASKATOON

BETWEEN:

**GERALD J. MORIN, MAX MORIN, NORMAN HANSEN, LOUIS MORIN,
VITAL MORIN, PIERRE CHARTIER, FLORA BISHOP,
MARGUERITE MONTGRAND, MONIQUE SYLVESTRE,
THEOPHILE LALIBERTE, ANNIE JOHNSTONE, ELLEN LEMAIGRE,
NORBERT MERASTY, NANCY MORIN, MARTHA WAITE, FRANK PETIT,
JOHNNY WOODWARD, MARIUS MONTGRAND, DENNIS SHATILLA,
VICTOR CUMMINGS, ERNEST SYLVESTRE, CHARLIE MOISE,
IVAN JANVIER, DONALD LAPRISE, JEFFREY MORIN, JOB ROY,
FRANK KENNY, PETER BUFFIN, ERNEST GARDINER,
EDWARD GARDINER, AMBROSE MAURICE, GEORGE SMITH,
GEORGE LAFLEUR, CALVIN ROY, on behalf of themselves and all other
members of the Metis Nation who make or consider their homeland
to be that part of Northern Saskatchewan referred to herein as
the Plaintiffs' Homeland, METIS NATION OF SASKATCHEWAN,
THE METIS SOCIETY OF SASKATCHEWAN INC. and METIS NATIONAL COUNCIL**

PLAINTIFFS

- and -

**HER MAJESTY THE QUEEN in Right of Canada, as represented by the
ATTORNEY GENERAL OF CANADA, and HER MAJESTY THE QUEEN in
Right of the PROVINCE OF SASKATCHEWAN, as represented by the
Minister of Justice of THE PROVINCE OF SASKATCHEWAN**

DEFENDANTS

**STATEMENT OF DEFENCE OF THE DEFENDANT, HER MAJESTY THE QUEEN
IN RIGHT OF THE PROVINCE OF SASKATCHEWAN**

1. This Statement of Defence is filed on behalf of Her Majesty the Queen in right of the Province of Saskatchewan.

2. Saskatchewan denies each and every material allegation of fact or law contained in the Plaintiffs' Statement of Claim except as hereinafter specifically admitted.

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3. Saskatchewan admits that organizations known as the Metis Nation of Saskatchewan, the Metis Society of Saskatchewan Inc. and the Metis National Council exist and that the Plaintiff, Gerald J. Morin, is the President of those organizations. Saskatchewan has no knowledge of the offices that any of the other individual Plaintiffs hold in those organizations, if any.

4. Saskatchewan admits paragraphs 39 and 40.

5. In response to paragraphs 41 and 42, Saskatchewan admits the following:

(a) As a result of marriages between French and English traders and Indian women in Rupert's Land and the North Western Territory, children of mixed European and Indian ancestry were born who came to be known as "Metis" or "half-breeds";

(b) Many of these Metis participated in the fur trade economy;

(c) Historical events known as the Battle of Seven Oaks in 1816, the Battle of the Grand Coteau in 1851, the establishment of a provisional government in Red River in 1869, and the North-West Rebellion in 1885 did occur;

(d) The Metis are recognized as one of the "Aboriginal peoples of Canada" by section 35(2) of the *Constitution Act, 1982*;

and expressly denies all of the other allegations contained therein.

6. In response to paragraph 43, Saskatchewan admits the following:

(a) Prior to 1870, some Metis lived within the area being claimed by the Plaintiffs and participated in the fur-trade economy; and

(b) Some Metis continue to reside within the area being claimed by the Plaintiffs and earn a livelihood by fishing or trapping;

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and expressly denies all of the other allegations contained therein.

7. Saskatchewan has no knowledge of the allegations made in paragraph 44 and puts the Plaintiffs to the strict proof thereof.
8. In response to paragraphs 45, 46 and 47, Saskatchewan says that:
 - (a) The Royal Proclamation of 1763, by its terms, did not apply to Rupert's Land and, therefore, did not apply to much of, if not all, of the lands claimed by the Plaintiffs; and
 - (b) The Rupert's Land and North-Western Territory Order of 1870 by which those lands were admitted into and became part of Canada did provide that the Canadian government would consider and settle the claims of the Indian tribes to compensation for lands required for purposes of settlement in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with Aboriginal people, but that the Order did not bestow any rights upon the Indians or anyone else.
9. In further response to paragraphs 45, 46 and 47, Saskatchewan says that the equitable principles referred to the Royal Proclamation and the Rupert's Land and North-Western Territory Order have been complied with with respect to the claims of the Metis to Aboriginal rights and title.
10. In response to sections (a), (b), (c) and (d) of paragraph 48, Saskatchewan admits that scrip was issued to certain "half-breeds" and Metis inhabiting the lands claimed by the Plaintiffs.
11. Saskatchewan denies the allegations made in sections (e) and (f) of paragraph 48.

12. In response to paragraphs 49, 50, 51 and 52, Saskatchewan expressly denies that the Plaintiffs ever had or now have the Aboriginal rights and title claimed and puts the Plaintiffs to the strict proof thereof.

13. Saskatchewan further says that if the Plaintiffs ever had Aboriginal rights and title to the lands claimed, which is not admitted but is expressly denied, those rights and title have been extinguished as a result of the operation of the following statutes:

(a) *Manitoba Act, 1870.*

(b) *Dominion Lands Act, 1879.*

(c) *Provincial Lands Act, 1931.*

and the statutes enacted from time to time in substitution or replacement of those Acts, all Regulations and Orders made pursuant to those Acts and all actions carried out pursuant to the authority thereof and by the operation of Treaty Nos. 6, 8 and 10.

14. Saskatchewan does not respond to paragraphs 55, 56, 57, 58, 59, 62 and 63, as they relate to claims against Canada only.

15. In response to paragraphs 65, 66, 67 and 68, Saskatchewan admits the following:

(a) That the Province of Saskatchewan was established in 1905 by the *Saskatchewan Act*;

(b) That Canada retained ownership of all Crown lands, mines, minerals and royalties within Saskatchewan until 1930 at which time they were transferred to Saskatchewan by the *Saskatchewan Natural Resources Transfer Agreement* which was confirmed by the *Constitution Act, 1930*; and

(c) That, by paragraph 1 of the Saskatchewan *Natural Resources Transfer Agreement*, Saskatchewan obtained ownership of the said Crown lands, mines, minerals and royalties subject to any interest other than that of the Crown in the same;

and expressly denies all of the other allegations contained therein.

16. Saskatchewan expressly denies paragraphs 69 and 70.

17. Saskatchewan says that the Plaintiffs are not entitled to the declarations, orders, damages, costs and other relief sought in paragraph 71 and asks that their claim be dismissed in its entirety, with costs.

Dated at the City of Regina, in the Province of Saskatchewan, this 13th day of May, 1994.

W. Brent Cotter, Q.C.
Deputy Attorney General

Per: 

Solicitors for the Defendant, Her Majesty the Queen
in right of the Province of Saskatchewan

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This Statement of Defence was prepared by:

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Q.B. No. 619

of 1994

IN THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

GERALD J. MORIN, MAX MORIN, NORMAN HANSEN, LOUIS MORIN, VITAL MORIN, PIERRE CHARTIER, FLORA BISHOP, MARGUERITE MONTGRAND, MONIQUE SYLVESTRE, THEOPHILE LALIBERTE, ANNIE JOHNSTONE, ELLEN LEMAIGRE, NORBERT MERASTY, NANCY MORIN, MARTHA WAITE, FRANK PETTIT, JOHNNY WOODWARD, MARIUS MONTGRAND, DENNIS SHATELLA, VICTOR CUMMINGS, ERNEST SYLVESTRE, CHARLIE MOISE, IVAN JANVIER, DONALD LAPRISE, JEFFREY MORIN, JOB ROY, FRANK KENNY, PETER BUFFIN, ERNEST GARDINER, EDWARD GARDINER, AMBROSE MAURICE, GEORGE SMITH, GEORGE LAFLEUR, CALVIN ROY, on behalf of themselves and all other members of the Metis Nation who make or consider their homeland to be that part of Northern Saskatchewan referred to herein as the Plaintiffs' Homeland, METIS NATION OF SASKATCHEWAN, THE METIS SOCIETY OF SASKATCHEWAN INC. and METIS NATIONAL COUNCIL,

PLAINTIFFS

- and -

HER MAJESTY THE QUEEN In Right of Canada, as represented by the Attorney General of Canada, and HER MAJESTY THE QUEEN In Right of the Province of Saskatchewan, as represented by the Minister of Justice of the Province of Saskatchewan,

DEFENDANTS

STATEMENT OF DEFENCE OF THE DEFENDANT
HER MAJESTY THE QUEEN IN RIGHT OF CANADA

The Attorney General of Canada, on behalf of the defendant Her Majesty the Queen in right of Canada, in answer to the Statement of Claim herein, says as follows:

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1. With respect to paragraph 1 of the Statement of Claim, he admits that the plaintiff Gerald J. Morin is the President of The Metis Society of Saskatchewan Inc., and that he resides at Saskatoon, Saskatchewan. He does not admit the remaining allegations in paragraph 1 of the Statement of Claim.
2. He has no knowledge of the allegations in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of the Statement of Claim, and he does not admit them.
3. In answer to paragraph 35 of the Statement of Claim, he denies that the matters alleged in the Statement of Claim have adversely affected the individual plaintiffs, and accordingly he denies that the individual plaintiffs have standing to claim the relief sought in the Statement of Claim. He also denies that the individual plaintiffs have standing to bring this action in a representative capacity; he denies that the group or class of persons described in paragraph 35 of the Statement of Claim has any or any sufficient common interest to enable an action to be brought on behalf of its members in a representative fashion; and he denies that the membership of group or class of persons described in paragraph 35 of the Statement of Claim can be ascertained with sufficient precision to enable an action to be brought on behalf of its members in a representative fashion.
4. In answer to paragraph 36 of the Statement of Claim, he admits that there is an organization known as the "Metis Nation of Saskatchewan" which purports to represent the interests of the Metis or of certain Metis. He does not admit that the plaintiffs are members of that organization, and he denies that the Metis Nation of Saskatchewan is a government established within Saskatchewan.
5. In answer to paragraph 37 of the Statement of Claim, he admits that The Metis Society of Saskatchewan Inc. is a body corporate established under the laws of the

Province of Saskatchewan. He has no knowledge of the remaining allegations in paragraph 37 of the Statement of Claim, and he does not admit them.

6. In answer to paragraph 38 of the Statement of Claim, he admits that there is an organization known as the "Metis National Council" which purports to represent the interests of the Metis or of certain Metis. He does not admit that the plaintiffs are members of that organization, and he denies that the Metis National Council is a government established within Canada.
7. He admits the allegations in paragraphs 39 and 40 of the Statement of Claim.
8. In answer to paragraph 41 of the Statement of Claim, he admits that in the 19th century, persons of mixed Indian and European ancestry, known variously as "Metis", "half-breeds" and "country-born", lived in parts of what was then known as Rupert's Land and the North-Western Territory. He denies the remaining allegations in paragraph 41 of the Statement of Claim.
9. In answer to paragraph 42 of the Statement of Claim, he admits that:
 - (a) As the French and British fur trade spread into the areas which now comprise Western Canada, intermarriage produced children of mixed Indian and European ancestry who became known as "Metis" or "half-breeds";
 - (b) In the 19th century, Metis communities developed in a number of locations in what is now western Canada;
 - (c) In the 19th century, the economy of most Metis communities was based primarily on the fur trade, including the harvesting of furs, freighting and the buffalo hunt;

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- (d) A provisional government which included members of the Metis community was established at the Red River Settlement in 1869; the Province of Manitoba, Rupert's Land, and the North-Western Territory were admitted into the Dominion of Canada in 1870; and Metis participated in armed resistance at Batoche and other locations in the Northwest Territories in 1885.

He denies the remaining allegations in paragraph 42 of the Statement of Claim.

10. In answer to paragraph 43 of the Statement of Claim, he admits that:

- (a) In the 19th century, Metis lived in the area depicted in Appendix "A" to the Statement of Claim, and some of these Metis engaged in hunting, trapping, gathering and fishing for commercial and subsistence purposes;
- (b) Some of those Metis who lived in the area depicted in Appendix "A" to the Statement of Claim participated in the "Made Beaver" system of account which was established by the Hudson's Bay Company;
- (c) With the expansion of trading posts, Metis settled in various communities in the area now known as north-western Saskatchewan; in the 19th century and at present some of these Metis made and continue to make their livelihood by hunting, trapping, fishing or otherwise using the lands and resources in the area depicted in Appendix "A" to the Statement of Claim.

He denies the remaining allegations in paragraph 43 of the Statement of Claim.

11. He has no knowledge of the allegations in paragraph 44 of the Statement of Claim, and he does not admit them.

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12. In answer to paragraph 45 of the Statement of Claim, he admits that the Royal Proclamation of 7 October 1763 set out certain policies and principles with respect to the dealings of the British Crown with the aboriginal peoples inhabiting the colonies and territories which were described in the Royal Proclamation. He does not admit the remaining allegations in paragraph 45 of the Statement of Claim.

13. In further answer to paragraph 45 of the Statement of Claim, he says that the Royal Proclamation of 7 October 1763 had no application to Rupert's Land, and therefore had no application to a large part of the area depicted in Appendix "A" to the Statement of Claim, including, at least, the localities of La Loche, Black Point, Garson, Bear Creek, Michel Village, St. George's Hill, Buffalo Narrows, Patuanak, Pine House, Île-à-la-Crosse, Canoe River, Sapawgamak, Jans Bay, Cole Bay, Beauval, Dore Lake, Sled Lake and Green Lake.

14. In answer to paragraph 46 of the Statement of Claim, he admits that in the Address to the Crown from the Senate and House of Commons of Canada dated 16 and 17 December 1867, which prayed for the admission of Rupert's Land and the North-Western Territory into the Dominion of Canada (which admission was effected by the *Rupert's Land and North-Western Territory Order*), the Senate and House of Commons of Canada represented that upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement would be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines. He says that any obligation which resulted from this undertaking was of a political nature, and did not, in law, affect or limit the legislative or prerogative powers of the Crown to deal with aboriginal claims. He denies the remaining allegations in paragraph 46 of the Statement of Claim.

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15. In answer to paragraph 47 of the Statement of Claim, he says that by its terms, the Royal Proclamation of 7 October 1763 applied only to Indians inhabiting the colonies and territories which were described in it, and had no application to Rupert's Land or to such part of the area depicted in Appendix "A" to the Statement of Claim as formerly was included in Rupert's Land (including the localities listed in paragraph 13 hereof). He says that by its terms, the application of the Joint Address of 16 and 17 December 1867 was limited to the "claims of the Indian tribes". He denies that the plaintiffs are "Indians" or members of "Indian tribes" within the meaning of those terms as used in the Royal Proclamation of 7 October 1763 or in the Joint Address of 16 and 17 December 1867, and he denies that either of these documents constitutes a recognition or affirmation of any aboriginal right or title on the part of the plaintiffs.
16. He admits the allegations in sub-paragraph 48(a) of the Statement of Claim.
17. He admits the allegations in sub-paragraph 48(b) of the Statement of Claim, except that he says that the Order in Council dated 2 March 1900 actually is numbered P.C. 438, and that the Commissioners who issued scrip at Green Lake in 1900 were J.A. Côté and Samuel McLeod.
18. He admits the allegations in sub-paragraph 48(c) and 48(d) of the Statement of Claim.
19. In answer to sub-paragraph 48(e) of the Statement of Claim, he says that the Metis or half-breeds who participated in the negotiations and transactions which are described in sub-paragraphs 48(a), 48(b), 48(c) and 48(d) of the Statement of Claim did not ask or attempt to negotiate collectively, and chose or consented to deal with the Commissioners as individuals. He denies that the Commissioners were under any legal obligation to negotiate with collective groups. He admits that the Commissioners offered the Metis a choice between accepting scrip or adhering to

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Treaty, but he says that the individuals concerned also were free to decline to choose either of these options. He denies the remaining allegations in paragraph 48(e) of the Statement of Claim.

20. He denies the allegations in paragraph 48(f) of the Statement of Claim, and he says that if the plaintiffs' ancestors dealt with the Commissioners (which he does not admit), they did not evince any desire to establish a collective future or to secure a collective land and resource base.
21. He denies the allegations in paragraphs 49, 50, 51, 52 and 53 of the Statement of Claim.
22. In answer to paragraph 54 of the Statement of Claim, he says that to the extent that any of the individual plaintiffs are of Indian ancestry, they may be "Indians" within the meaning of paragraph 91(24) of the *Constitution Act, 1867*. He denies that the Metis constitute a distinct or identifiable group to which paragraph 91(24) of the *Constitution Act, 1867* has any application, and he denies the remaining allegations in paragraph 54 of the Statement of Claim. He says that in any event the question of the degree to which legislative jurisdiction under paragraph 91(24) of the *Constitution Act, 1867* may extend to matters affecting the plaintiffs is of no relevance to the claim which is asserted by the plaintiffs.
23. He denies the allegations in paragraphs 55, 56, 57, 58, 59, 60, 61, 62, and 63 of the Statement of Claim.
24. He says that paragraph 64 of the Statement of Claim is comprised entirely of citations of legislative provisions, and by its terms is not susceptible to being admitted or denied.

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25. In answer to paragraph 65 of the Statement of Claim, he admits that the Province of Saskatchewan was established by the *Saskatchewan Act* in 1905, and that from 1905 to 1930, the Crown lands and resources in the area depicted in Schedule "A" to the Statement of Claim remained under the administration and control of the Government of Canada.
26. He admits the allegations in paragraphs 66 and 67 of the Statement of Claim.
27. He denies the allegations in paragraphs 68, 69 and 70 of the Statement of Claim.
28. In answer to the Statement of Claim as a whole, he says that the inception of British sovereignty over the area depicted in Schedule "A" to the Statement of Claim dates from:
- (a) 1670, when the lands depicted in Schedule "A" to the Statement of Claim were granted to the Hudson's Bay Company by Royal Charter;
 - (b) In the alternative, 1713, when by Article 10 of the Treaty of Utrecht, the King of France relinquished his claims to the lands in question; or
 - (c) In the further alternative, 1763, when by the Treaty of Paris, the King of France ceded all of his colonies and territories in North America to the British Crown.
29. He denies that the ancestors of the plaintiffs collectively occupied the area depicted in Schedule "A" to the Statement of Claim as a discrete, organized society before the inception of British sovereignty, which at its latest dates from 1763. He says that while ancestors of the plaintiffs (both Indian and European) may have been present

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in the area depicted in Schedule "A" before 1763, no Metis communities existed, and no discrete Metis identity, society, economy or political structure existed before the inception of British sovereignty, either in the area depicted in Schedule "A" or in any part of what is now Manitoba, Saskatchewan, Alberta, British Columbia, the Yukon Territory and the Northwest Territories.

30. Further or in the alternative, he says that in the event that the plaintiffs or their ancestors had any of the rights alleged in paragraphs 49 and 50 of the Statement of Claim (which he does not admit, but expressly denies), any such rights were extinguished through the operation of one or more of the following:
- (a) Sections 31 and 33 of the *Manitoba Act, 1870*, 33 Vict., c. 3 (Canada) [R.S.C. 1985, App. II, No. 8], as amended by 36 Vict., c. 38 (Canada); *An Act respecting the appropriation of certain Dominion Lands in Manitoba*, 37 Vict., c. 20 (Canada), and the Orders in Council made thereunder, including Order in Council P.C. 874 dated 25 April 1871, Order in Council P.C. 406 dated 26 April 1875, Orders in Council dated 7 September 1876, 26 June 1877 and 4 July 1878, Order in Council P.C. 810 dated 20 April 1885, Order in Council P.C. 15 dated 7 January 1892, Order in Council P.C. 1672 dated 6 June 1892, Order in Council P.C. 3058 dated 4 December 1893, and the issue of scrip pursuant to these provisions;
 - (b) Section 125 of the *Dominion Lands Act, 1879*, 42 Vict., c. 31 (Canada), re-enacted as section 81 of the *Dominion Lands Act, 1883*, 46 Vict., c. 17 (Canada), and as section 90 of the *Dominion Lands Act*, R.S.C. 1886, c. 54, [amended by 62-63 Vict., c. 16, s. 4 (Canada) and re-enacted as section 6 of the *Dominion Lands Act*, R.S.C. 1906, c. 55], and the Orders in Council made thereunder, including Order in Council P.C. 685 dated 30 March 1885,

Order in Council P.C. 821 dated 18 April 1885, Order in Council P.C. 1202 dated 2 July 1885, Order in Council P.C. 309 dated 1 March 1886, Order in Council P.C. 657 dated 13 April 1886, Order in Council P.C. 898 dated 9 May 1887, Order in Council P.C. 2675 dated 14 December 1888, Order in Council P.C. 1394 dated 14 June 1889, Order in Council P.C. 2114 G(3) dated 24 March 1891, Order in Council P.C. 630 dated 12 March 1892, Order in Council P.C. 2125 H dated 28 February 1894, Order in Council P.C. 503 J dated 16 October 1894, Order in Council P.C. 670 dated 20 March 1897, Order in Council P.C. 652 K dated 14 February 1895, Order in Council P.C. 893 dated 3 May 1899, Order in Council P.C. 918 dated 6 May 1899, Order in Council P.C. 438 dated 2 March 1900, Order in Council P.C. 596 dated 13 March 1900, Order in Council P.C. 1197 dated 4 May 1900, Order in Council P.C. 1489 dated 12 June 1900, Order in Council P.C. 575 dated 16 March 1901, Order in Council P.C. 1444 dated 19 June 1900, Order in Council P.C. 1182 dated 6 June 1901, Order in Council P.C. 1613 dated 13 August 1904, the Order in Council dated 12 January 1906, Order in Council P.C. 1459 dated 20 July 1906, and the Orders in Council dated 6 April 1907 and 15 February 1908, and the issue of scrip pursuant to these provisions;

- (c) Treaty Number 6, made between Her Majesty Queen Victoria and the Plain and Wood Cree and other Indians;
- (d) Treaty Number 8, made between Her Majesty Queen Victoria and the Cree, Beaver, Chipewyan and other Indians; and
- (e) Treaty Number 10, made between His Majesty King Edward VII and the Chipewyan, Cree and other Indians.

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31. He says that the provisions referred to in paragraph 30 hereof had the effect of completely extinguishing any aboriginal rights which may have existed in the area depicted in Appendix "A" to the Statement of Claim, and substituting for any such aboriginal rights the rights provided for in the statutes, Orders in Council and treaties cited in paragraph 31 hereof.
32. In further answer to the Statement of Claim as a whole, he says that the plaintiffs' claim is barred by paragraphs 3(1)(e), 3(1)(f), 3(1)(g), 3(1)(h), and by sections 18, 19, and 20 of *The Limitation of Actions Act*, R.S.S. 1978, c. L-15, and sections 24 and 32 of the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50.
33. In further answer to the Statement of Claim as a whole, he says that if the plaintiffs have standing to sue (which he expressly denies), they or those whom they represent have for so long delayed asserting their claims and taking proceedings thereon, that it is no longer possible or reasonably practicable for him to procure evidence to answer or defend against such claims or proceedings, and accordingly, the relief sought by the plaintiffs should be refused on account of laches.
34. The Attorney General of Canada, on behalf of Her Majesty, accordingly asks that the claim of the plaintiffs be dismissed with costs.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 29th day of April, 1994.

THE ATTORNEY GENERAL OF CANADA

Per: Mark R. Kindrachuk

Mark R. Kindrachuk

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This document was delivered by:

**Department of Justice (Canada)
Saskatchewan Regional Office
700 - 229 - 4th Avenue South
SASKATOON, Saskatchewan
S7K 4K3**

**Address for service is: same as above
Lawyer in charge of file: Mark R. Kindrachuk
Telephone: (306) 975-4756
File: S-18964**

**MANITOBA
MÉTIS
FEDERATION**

**MÉTIS
NATION -
SASKATCHEWAN**

**MÉTIS
NATION OF
ALBERTA**

MEDIA RELEASE

**PRAIRIE MÉTIS GOVERNMENTS DECIDE TO PURSUE JOINT
RIGHTS AND LAND STRATEGY**

For Immediate Release

Contact: Manitoba Métis Federation - Will Goodon - 204-792-9601
Métis Nation - Saskatchewan - Kathy Hodgson-Smith - 306-
220-7586
Métis Nation of Alberta - Lisa Wendland - 780-982-7483

Saskatoon, Saskatchewan - At a Prairie Métis Leaders Forum this weekend, the Manitoba Métis Federation (MMF), Métis Nation - Saskatchewan (MNS), and Métis Nation of Alberta (MNA) unanimously decided to jointly explore options to pursue litigation to redress long outstanding land and harvesting rights issues for the Métis Nation within the three prairie provinces. In addition, the delegates, who are the elected leaders of the Métis Nation within the three prairie provinces, agreed to jointly develop a political strategy and an awareness campaign of the wrongs done to the Métis people in these jurisdictions.

The Forum consisted of presentations on the Natural Resources Transfer Agreements (NRTAs), as well as, the administration of the Manitoba Act Métis land provisions for the Métis and the Dominion Lands Act scrip system of the Northwest from regarded academics and legal professionals.

The presentations identified that the NRTAs, which transferred provincial land and resources to Manitoba, Saskatchewan and Alberta, have not addressed the land and harvesting rights of the Métis Nation within the prairies. As well, the presentations identified that the administration of the Métis land and scrip grant systems within the Northwest effectively stole

the lands of the Métis people within the prairies. Currently, the Métis have no forum to redress these land issues with the federal government or the provincial government.

Prairie Métis Nation leaders decided to take a united stand to have the land and resource rights of their people recognized and redressed. A resolution was passed by consensus which outlined the positions of the Métis Nation leaders and follow up action.

"We are standing together to tell the federal government and the provincial governments that they did not and still do not protect Métis aboriginal rights", stated MMF President David Chartrand. "We are in a fiduciary relationship with the Crown. The rights and interest so f our people must be considered and protected. This promise is in Canada's Constitution - the highest law of the land. It has also been affirmed by the Supreme Court of Canada. To date, the federal and provincial governments have not done this and this must be changed.

"We are working together because these issues affect us all equally, as the governments of the Métis Nation within the prairies. Our legal and political strategies will focus on getting our people's land back", said MNS President Clem Chartier.

"Our people know that the governments have not treated us appropriately. They have not fulfilled their fiduciary obligations to the Métis people," said MNA President Audrey Poitras. "It is time that all Canadians are told the full story of the fraud perpetuated on our people by governments and their representatives. It is time for the Crown to acknowledge that they did not protect our rights as an Aboriginal people. We are prepared to do what it takes to ensure that our story is heard and our claims and rights are redressed - including litigation."

A technical team of legal representatives has been established to develop options to be presented to an upcoming Prairie Métis Leaders Forum to be held in six months.

BRIEFING NOTE

NATURAL RESOURCES TRANSFER AGREEMENT

1930

CLEM CHARTIER
JANUARY 21, 2002

I. INTRODUCTION:

When Manitoba entered Canadian Confederation in 1870, the lands making up the original postage stamp province of Manitoba, along with the remaining territory/lands comprising the rest of Rupert's Land and North Western Territory came under federal ownership. In order to regulate federal lands, Parliament passed the *Dominion Lands Act*.

When Saskatchewan became a province in 1905 the lands remained under federal ownership. The same with Alberta. As a consequence, the lands within the provinces of Manitoba, Saskatchewan and Alberta remained federal Crown lands.

Those three provinces were not happy with this arrangement and through negotiations most of the Crown lands were transferred from the federal Crown to the provincial Crowns. This was accomplished by the 1930 Natural Resources Transfer Agreements. Each province signed their own Agreements between themselves and the federal government. In addition, each province passed legislation ratifying the Agreements. Finally, the Parliament of Great Britain passed the *Constitution Act, 1930* which made the Agreements part of the Canadian Constitution.

Several paragraphs of the Agreements are of significance to Aboriginal peoples and Aboriginal rights. In particular, paragraph one preserves existing rights, and paragraph 12 (13 in Manitoba) preserves and protects the harvesting rights of "Indians".

II. RE: ABORIGINAL TITLE/RIGHTS

For the purposes of this briefing note, it is sufficient to simply note that paragraph 1 preserves existing Aboriginal title/rights to the lands that were being transferred to the three provinces. By virtue of paragraph 1, the federal government transferred to each of the three prairie provinces "the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom ... subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same".

Assuming we are correct in stating that the scrip system under the *Dominion Lands Act* was not capable of or did not extinguish Métis Aboriginal title and/or other Aboriginal rights (such as harvesting rights), then those rights were preserved by paragraph 1.

III. RE: ABORIGINAL HUNTING, TRAPPING AND FISHING RIGHTS

Paragraph 12 (13 Man.) contains a guarantee from the provinces of Manitoba, Saskatchewan and Alberta that the "Indians" of the province shall have the right to continue to hunt, trap and fish for food at all times of the year on all unoccupied Crown lands, or lands they have a right of access to.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

The Supreme Court of Canada (SCC) has dealt with a number of cases dealing with Treaty Indians and paragraph 12 (13 Man.). In order to fit within these cases, the Métis have to prove that they are included within the term "Indian" contained in the NRTA 1930.

To date the SCC has held that Indians within Manitoba, Saskatchewan and Alberta, under the NRTA, can hunt year round on unoccupied Crown lands, or on lands where they have permission to hunt, can hunt with the assistance of dogs, can use hard point bullets, and perhaps can hunt at night with lights (this last matter is currently in the courts). The SCC has also held that paragraph 12 extinguishes the commercial hunting and fishing rights preserved by Treaty. Also, the SCC has held that any "Indian" from anywhere in Canada, can hunt in the three prairie provinces.

The following is the current situation by province as to whether Métis fall within the term "Indian" in the NRTA 1930:

1. Manitoba.

The leading case is *R. v. Blais*. This case has been through the Provincial Court, the Court of Queen's Bench and the Court of Appeal. All three courts have held that the Métis are not covered by the term "Indian" in paragraph 13 (12 in Sk and Alta) of the NRTA 1930. The case is currently under appeal in the SCC and will likely be heard within the next 12 - 18 months. The MNC had intervened in the Manitoba Court of Appeal, and will be applying for intervener status in the SCC.

If the SCC decides that Métis are not included in the term "Indian" in paragraph 13 of the NRTA 1930 between Manitoba and Canada, this will likely also apply to the Agreement between Saskatchewan and Canada, as well as the Agreement between Alberta and Canada, as all three paragraphs are identical.

2. Saskatchewan.

In Saskatchewan the leading case is *R. v. Grumbo*. At trial the provincial court held that Métis were not included under paragraph 12, although the Crown admitted that Métis were covered by the term "Indian" in s.91(24) of the *Constitution Act, 1867*. The court held that it was bound by the precedent set by the Sask Court of Appeal in the 1978 *Laprise* decision which held that the term "Indian" in para 12 was determined by the definition of Indian contained in the *Indian Act*. However, the Court of Queen's Bench sitting in Yorkton held that the Métis were covered by the term "Indian" in para 12, and that he was not bound by the *Laprise* case. That decision was rendered in August 1996. In May 1998, the Sask Court of Appeal held that the *Laprise* case was wrongly decided, but held that before they could decide whether the Métis fall within the term "Indian" in para 12 of the NRTA, it would first have to be determined whether the Métis had hunting and fishing rights when the NRTA was entered into in 1930. As there was no evidence to determine this, the Court of Appeal ordered a new trial. As a result, the hunting and fishing rights exercised by the Métis within Saskatchewan (including those Métis from outside Sask) since August 1996 came to an end. The Crown then stayed the case against Mr. Grumbo.

A current case testing this aspect of the law is *R. v. Maurice and Gardiner*. In this case the defendants were charged with hunting at night with a light. In October 2001 they were convicted. The appeal from that case was heard on January 24, 2002 in Court of Queen's Bench in Battleford. The decision has been reserved. After the *Grumbo* victory, Métis hunting under para 12 were able to do so at night with the aid of night lights. However in February 1998 a regulation banning hunting at night with lights was enacted by the province on the basis of safety. This applied to both the Métis and Treaty/Status Indians.

It should also be mentioned that within Saskatchewan, the Court of Queen's Bench in *R. v. Morin & Daigneault* (1997) has ruled that the Métis who received scrip in 1906 at Ile a la Crosse and La Loche continue to have hunting and fishing rights (for food). Both Maurice and Gardiner are from northwest Saskatchewan and are descendants of Métis who received scrip at Ile a la Crosse. As a result, they have met part of the requirement as set out by the Sask Court of Appeal. It now remains to be determined whether their Aboriginal harvesting rights were meant to be protected/included with para 12.

At trial, the provincial court judge stated he did not have to decided whether Métis are covered by para 12, as paragraph 12 hunting rights do not include hunting at night with a light. If the Court of Queen's Bench agrees that para 12 hunting rights includes the use of lights at night, the court will have to decide whether the Defendants/Appellants, as Métis, are "Indians" for the purposes of para 12.

3. Alberta

In Alberta the leading case is *R. v. Ferguson*. In provincial court, in 1993, it was held that the term "Indian" in para 12 included non-Treaty Indians as defined by the 1927 *Indian Act*, that is "any person of Indian blood ... who follows the Indian mode of life". In that case it was held that Mr. Ferguson was of Indian blood and lived an Indian mode of life. The Court of Queen's Bench upheld that decision, and it was not appealed.

So in Alberta, any Métis who can prove they are "of Indian blood" and "live an Indian mode of life" will not be prosecuted.

IV. CONCLUSION

At this stage, we simply have to wait and see how the SCC rules on this issue in the *Blais* case. However, a ruling by the SCC that Métis are not included under the term "Indian" in para 12 (13) of the NRTA 1930 will not preclude Métis Aboriginal harvesting rights under s.35(1) of the *Constitution Act, 1982*, which may include the right to hunt, trap and fish for commercial purposes.

**AN ACT RESPECTING THE INHERENT RIGHT OF THE MÉTIS WITHIN
SASKATCHEWAN TO HUNT, FISH, TRAP, GATHER AND CONSERVE
WILDLIFE.**

SHORT TITLE

1. This Act may be cited as the Métis Wildlife and Conservation Act.

DEFINITIONS

2. In this Act:
 - (a) “Métis” means an Aboriginal person as set out in section 35(2) of the Constitution Act, 1982, and as defined in the Constitution of the Métis Nation – Saskatchewan;
 - (b) “person” means a Métis person;
 - (c) “licence” means a licence issued under the authority of this Act or the regulations thereunder;
 - (d) “Minister” means the member of the Provincial Métis Council to whom the administration of this Act is assigned;
 - (e) “open season” means that period of time as set out in the regulations during which wildlife can be legally hunted;
 - (f) “traffic” means to sell, buy or barter;
 - (g) “wildlife” includes fish, an animal with a backbone which is wild by nature or a bird of any species, including its eggs;
 - (h) “wildlife guardian” means any person appointed or authorized by the Minister to enforce this Act and the regulations thereunder;
 - (i) “tribunal” means a tribunal composed of Elders and members of the Local where the person violating the Act or regulations is normally resident, and includes a sentencing circle where the practice is adopted;

- (j) "adult" means a person sixteen years of age and older;
- (k) "Elder" means a well respected person appointed by the Local;
- (l) "Local" has the same meaning as contained in the Constitution of the Métis Nation – Saskatchewan;
- (m) "firearm" includes a bow.

PROPERTY IN WILDLIFE

- 3. The property in all wildlife within the province is vested in the Creator. Once lawfully hunted, fished, trapped, gathered or taken the property vests in the hunter, fisherperson, trapper, gatherer or taker. Any unlawfully hunted, fished, trapped, gathered or taken wildlife vests in the Minister who shall dispose of it as set out in the regulations.

ADMINISTRATION

- 4. The Minister may appoint a director to administer the provisions of the Act and regulations.

LICENCES

- 5. The Minister or those acting under the authority of the Minister may issue or revoke any licence provided for by this Act or the regulations.
- 6. The Minister may delegate the issuing of licences to each of the Locals of the Métis Nation – Saskatchewan.
- 7. The Locals which assume that administrative responsibility shall follow and adhere to the guidelines and standards set by the Minister.
- 8. Every person who has a licence shall, upon request by a wildlife guardian immediately produce it, along with their Métis membership card for examination.

PROHIBITIONS, OFFENCES, PROSECUTIONS AND PENALTIES

9. No person shall hunt, fish, trap, or take wildlife in a closed season.
10. No person shall hunt, fish, trap, or take wildlife without a valid licence.
11. No person shall hunt, fish, trap, or take wildlife in a wildlife refuge or preserve, as established by the province of Saskatchewan or the government of Canada and in existence as of the date of the passage of this Act.
12. No person shall hunt within 500 yards of a building, or in any manner or vicinity that endangers the public.
13. No person shall hunt or fish with the aid of an artificial light.
14. No person shall traffic in wildlife.
15. No person under the age of sixteen shall hunt without a parent, or under the supervision of an adult.
16. No person shall hunt, fish, trap or take wildlife while intoxicated or under the influence of drugs or alcohol.
17. No person shall discharge of firearm across a highway or road.
18. No person shall interfere with a wildlife guardian in the discharge of his/her duty.
19. Any person who violates this Act or the regulations shall be brought before a tribunal, which may incorporate a sentencing circle in its determination of a penalty in the event of a conviction.
20. Any person convicted by a tribunal shall have a right to appeal to the Métis Senate of the Métis Nation – Saskatchewan, whose decision shall be final and binding.
21. Any person convicted of an offence under the Act or its regulations shall be required to do community service of a type and duration imposed by the tribunal.
22. Upon a second or subsequent conviction, the tribunal may suspend the right of the person to secure a licence for a specified period of time, but for no more than one year, in addition to mandatory community service.

23. Any person refusing to comply with the decision of the tribunal, or appeal decision shall not be eligible for a licence for a period of one year.

MINISTERIAL RESPONSIBILITIES

24. The Minister, subject to direction from the Legislative Assembly and the Provincial Métis Council, shall perform the following duties:
- (a) Provide annual reports to the Legislative Assembly;
 - (b) Prepare draft legislation or amendments for presentation to the Legislative Assembly;
 - (c) Prepare regulations for adoption by the Provincial Métis Council;
 - (d) Prepare policy papers and guidelines for ratification by the Provincial Métis Council;
 - (e) Provide liaison with federal and provincial government departments dealing with wildlife matters;
 - (f) Provide liaison with Métis governments or organizations dealing with wildlife matters;
 - (g) Generally perform those duties required for carrying out the provisions of the Act and regulations.

POWER TO MAKE REGULATIONS

25. The Provincial Métis Council may make regulations:
- (a) respecting the protections, management, regulations and use of any wildlife or habitat;
 - (b) respecting the disposal of wildlife unlawfully hunted, fished, trapped, gathered or taken;
 - (c) prescribing species of wildlife to be protected;
 - (d) respecting the issuing of licences;
 - (e) respecting the hunting, fishing, trapping and taking of wildlife during open season;
 - (f) respecting the means of fishing;
 - (g) respecting the gathering of eggs;
 - (h) authorizing persons to act on behalf of the Minister in the issue of any licence subject to any terms and conditions that the Minister may prescribe;
 - (i) regulating hunters, the number of hunters, and the manner of hunting at any time and in any area;
 - (j) prescribing the wearing apparel to be worn by hunters;

- (k) regulating the prohibiting the use of certain vehicles or aircraft in any area for any purpose related to the hunting of wildlife;
- (l) setting the price for licences;
- (m) respecting cooperation between the provincial government and the Métis Nation – Saskatchewan with respect to wildlife;
- (n) setting seasons for hunting, taking or trapping wildlife;
- (o) setting seasons for fishing;
- (p) setting the number of big game animals which can be taken by a hunter within a season;
- (q) setting the number of fish and migratory birds which can be taken on a daily basis;
- (r) respecting any other matters relating to wildlife.

EXCEPTION

- 26. Wildlife not covered by this Act or regulations are not prohibited from being hunted, trapped or taken by Métis persons.
- 27. This Act, regulations, policies and guidelines thereunder shall not be interpreted as extinguishing, infringing or abrogating any Aboriginal right or title of Métis, and are purely of a regulatory nature.

AMENDMENTS

- 28. This Act may be amended, repealed or otherwise dealt with by the Legislative Assembly of the Métis Nation – Saskatchewan.

COMING INTO FORCE

- 29. This Act comes into force upon ratification by the Legislative Assembly of the Métis Nation – Saskatchewan.

**Regulations respecting the inherent right of the Métis
within Saskatchewan to hunt, fish, trap, gather and conserve
wildlife.**

TITLE

These regulations may be cited as ***The Métis Wildlife And Conservation Regulations, 1994.***

DECLARATION

The hunting, fishing, trapping, gathering and taking of wildlife is solely for the purposes of food, clothing and ceremonial or religious activities, which includes exchange of wildlife for other forms of food.

1. No person shall leave any edible parts of wildlife after a kill.
2. No person is prevented from sharing wildlife as part of traditional Métis culture and practice, but does not include trafficking.
3. Where wildlife has been unlawfully acquired, the Minister or his designate may dispose of the wildlife by distributing it to members of the community based on need.
4. Licences shall be in the form prescribed by the Minister. (Amended 1998)
5. There shall be no charge for licences.
6. The season for male big game animals shall be from the 15th of July to the 30th of March in the following year, and for female big game animals from September 1st to the 28th of February in the following year.
7. The season for fishing shall be from the 1st of May to the 31st of March in the following year.
8. The season for male migratory birds shall be from the 15th of July to the 30th day of October in each calendar year, and from September 1st to the 30th of October for female migratory birds.
9. For the 1994 - 1995 seasons, the big game, fishing and migratory birds seasons will begin upon the coming into force of the Act and the regulations thereunder, except where the open season is set for a later date.

10. The number of big game which may be taken each season and by species shall be determined based on the availability of wildlife in a given area and shall be set out by the Minister in yearly guidelines.

11. The number of fish which may be taken by angling shall be limited to 10 on any one given day, except a person shall be allowed to have three days catch in possession.

12. For those using nets, there shall be a limit of one net per family, except where there is a need to feed sled-dogs, an additional net will be permitted.

13. The net mesh size shall be no smaller than 4 1/2 inches.

14. The limit for migratory birds shall be 7 on any one given day, except for "fall ducks" which shall be 15.

15. The Locals shall have the discretion of issuing additional big game limits to families in need, especially where the family is large and depends on availability of wildlife for sustenance purposes.

16. Licences for big game shall not be issued to persons under 19 years of age, unless they have a family to care for. They shall however be eligible for a licence for the period of September 1st to December 31st in each calendar year.

17. Licences may be assigned in the case of the elderly, single-mothers, widows and handicapped persons to a person of their choice.

18. All persons issued licences under these regulations must wear proper hunting colors during the hunting season established by the province, except where such hunting is virtually absent.

19. All persons shall report each kill of big game to their Local licencing authority.

20. No persons shall take more than their lawful limit of big game, fish or migratory birds.

21. Tribunals consisting of one Elder and two members appointed by the Local shall be established for the purpose of adjudicating violations of the Act or regulations.

22. Sentencing circles may be employed in determining the sentence to be imposed in the event of a conviction being entered.

23. A three person Judicial Committee of the MNS Senate shall be responsible for hearing appeals, which decision is final and binding.

24. The Minister, or his/her designate shall be responsible for having charges preferred and conducting the prosecution.

25. Persons accused of violating the Act or regulations are permitted to engage legal counsel.

26. The procedure for conducting the hearings and appeals shall be those established by the Provincial Métis Council.

27. The Minister shall provide identification documents for wildlife guardians.

28. The Minister may develop policies and guidelines for the protection of wildlife habitat, including clear-cutting practices and areas where clear-cutting may be allowed.

29. These regulations come into force upon ratification by the Provincial Métis Council.

Ratified by the Provincial Métis Council on July 21, 1994.

R. v. Morin and Daigneault
Saskatchewan Court of Queen's Bench
September 8, 1997

The Accused in this case were two Metis men from the Village of Turnor Lake in north-western Saskatchewan. On December 1, 1993, they set a number of nets in Moberly Lake and an unnamed lake, locally known as Fox Lake. They did not have licenses authorizing them to fish by means of nets in these lakes. They were accordingly charged with a number of offences under the *Saskatchewan Fisheries Regulations* made pursuant to the *Fisheries Act*, R.S.C. 1985, c. F-14. At trial, they asserted that, as Metis, they had an existing Aboriginal right to fish for food which was protected by section 35(1) of the *Constitution Act, 1982* and which rendered the regulations inapplicable to them. Judge Meagher of the Saskatchewan Provincial Court acquitted each of the Accused. He held that they had an existing Aboriginal right to fish for food and that this right had not been extinguished by the issuance of scrip under the *Dominion Lands Act*.

The Crown appealed this decision to the Saskatchewan Court of Queen's Bench. The appeal was heard by Laing J. He agreed with the Trial Judge that the Accused had an existing Aboriginal right to fish for food and that this right had not been extinguished by the issuance of scrip. Mr. Justice Laing did, however, state that Metis Aboriginal rights are "site specific" and that the finding of an existing Aboriginal right for one group in one location does not necessarily establish the same right for another group in a different location. The Crown did not appeal Laing J.'s decision.

This decision made it incumbent upon the province to recognize that at least some Metis people have existing Aboriginal rights to fish for food. While the *Morin and Daigneault* case dealt only with fishing rights, it was the opinion of the Department of Justice that it was very likely that in a similar case the courts would reach the same conclusion with respect to hunting rights. As a result, the Department of Environment and Resource Management, in conjunction with the Department of Justice, developed enforcement guidelines with respect to the application of provincial hunting and fishing laws to Metis people. The enforcement guidelines set out that a Metis Aboriginal right to hunt or fish for food will be recognized only if the following criteria are met:

1. The person must be able to demonstrate Metis ancestry.
2. The person must be a permanent resident of a community within the Northern Administration District.
3. The person must also be able to demonstrate that his family has a long standing connection to the particular northern community in which he or she resides.
4. The person must be "living off the land" as his ancestors have done for centuries or, to put it another way, he must be living a "traditional lifestyle".

The enforcement guidelines are being challenged in the Saskatchewan Provincial Court in *R. v. Maurice and Gardiner*. The accused in this case are two Metis men from Meadow Lake. They have been charged with illegally hunting at night with artificial lights. They are arguing, among other things, that they have an existing Aboriginal right to hunt which involves a challenge to the geographical restrictions set out in the enforcement guidelines as Meadow Lake is not located in the Northern Administration District.

PREPARED BY: P. Mitch McAdam
Constitutional Law Branch
Saskatchewan Justice

November 2, 2000

* prepared for Ab. Rights Forum under Bilateral Process.

MÉTIS NATIONAL COUNCIL
DEFINITION OF "MÉTIS"

Definitions

1. "Métis" means a person who self-identifies as Métis, is of Historic Métis Nation ancestry, and is accepted by the Métis Nation through the Acceptance Process.
2. "Acceptance Process" means the process to accept applications for registration on the Métis Nation Register, as established herein, and administered by the respective MNC provincial governing member jointly with the MNC, all as amended from time to time.
3. "Historic Métis Nation" means the Aboriginal people then known as Métis or Half-breeds who resided in the Historic Métis Nation Homeland
4. "Historic Métis Nation Homeland" means the area of land in west central North America used and occupied as the traditional territory of the Métis, or Half-breeds as they were then known.
5. "MNC" or "Métis National Council" means the governing body that represents the Métis Nation.
6. "MNC provincial governing member" means the provincial or territorial entities who jointly form the MNC.
7. "Métis Nation" means the Aboriginal people descended from the Historic Métis Nation which is now comprised of all Métis Nation Citizens and is one of the "aboriginal peoples of Canada" within the meaning of s.35 of the Constitution Act 1982.

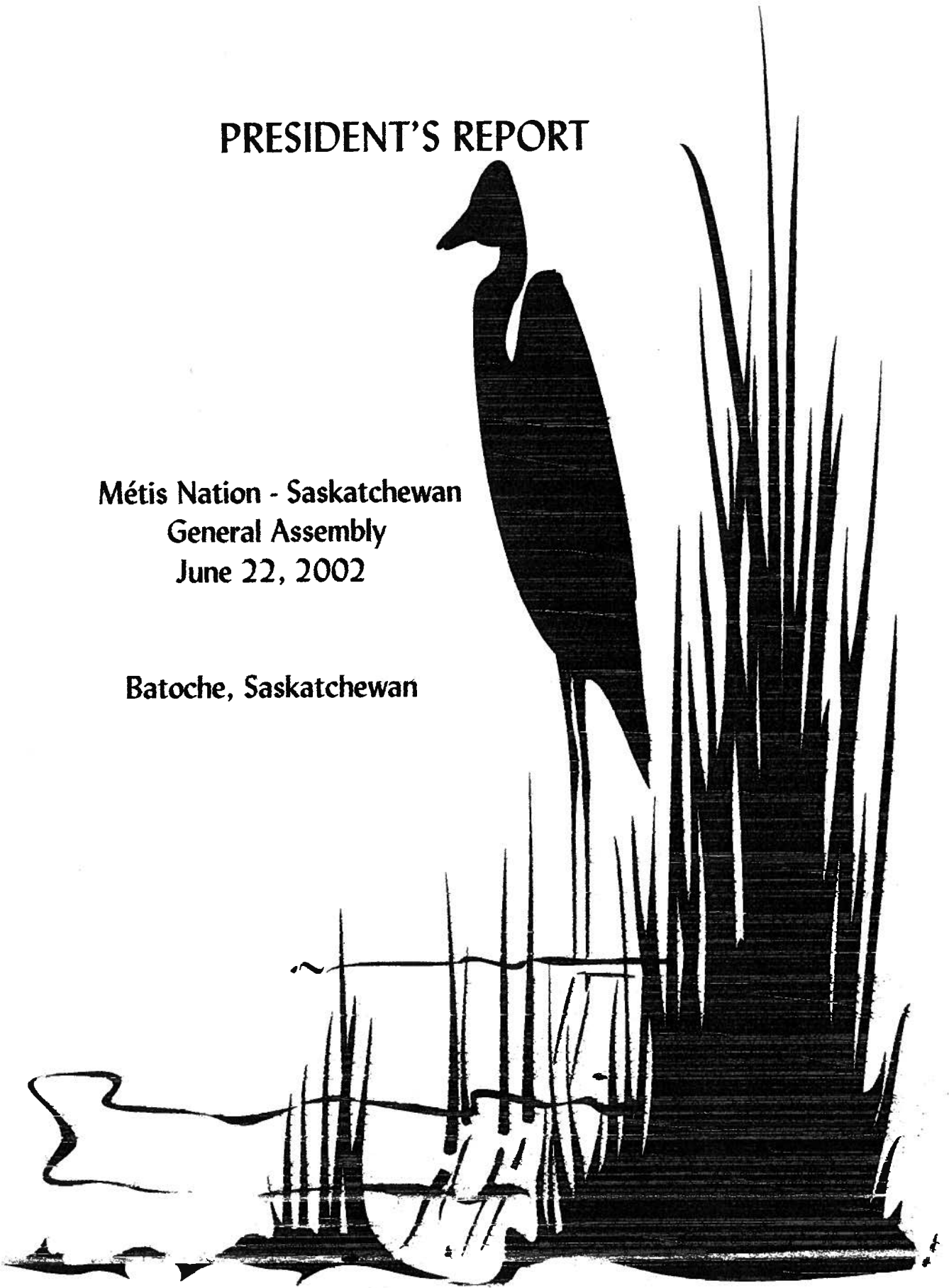
MÉTIS NATIONAL COUNCIL
DEFINITION OF "MÉTIS"

8. "Métis Nation Citizen" means a person whose name is on the Métis Nation Register.
9. "Métis Nation Register" means the national list of Métis Nation Citizens and includes the lists maintained by the MNC governing members, all as amended from time to time.
10. "Registrar" means a person appointed by an MNC provincial governing member who is responsible for maintaining the Métis Nation Register within its respective jurisdiction and includes any person appointed by the MNC as national Registrar.

PRESIDENT'S REPORT

Métis Nation - Saskatchewan
General Assembly
June 22, 2002

Batoche, Saskatchewan



**PRESIDENT'S REPORT
MÉTIS NATION - SASKATCHEWAN
GENERAL ASSEMBLY**

**June 22, 2002
Batoche, Sask**

As President of the Métis Nation - Saskatchewan, I welcome all of our Members to this session of the General Assembly. I also welcome members of the Senate who have been able to join us today.

Since our last session, the MNLA/PMC has continued working on a number of initiatives which are of importance and benefit to our people and communities. Many of these initiatives have been undertaken by our Affiliates and respective Ministers and are dealt with in their written reports in greater detail. I will only highlight some of the initiatives which we have undertaken.

PROVINCIAL INITIATIVES:

Communications: We have continued to try to keep our citizens informed of developments through the issuing of the New Breed magazine every two months. While relatively successful, there is still room for improvement. We require more news from our communities and regions. As well the Affiliates should use this vehicle to keep our citizens informed of developments. We also require ads to be taken out so that we can afford to keep publishing the magazine. We are hopeful that we will be able to expand the capacity of the New Breed magazine over the next few years.

The MNS has a website (www.metisnation-sask.com) which provides a lot of basic information, although it does require updating on a periodic basis.

Métis Rights: The rights of our people remains an important element of the work that the PMC has been pursuing since the last General Assembly. In particular, the MNS leadership has continued its efforts to gain recognition of the rights of our people to harvest for food, as well as continuing our struggle to regain our lands.

In terms of harvesting rights, because of the Morin and Daigneault fishing case in northwest Saskatchewan, SERM is not charging Métis from northern Saskatchewan if they are hunting and fishing for food, and if they do not have a job. By policy, SERM is stating that Métis living north of the NAD line, in order to harvest fish and wildlife, must meet the following four criteria: must be Métis, must be a long-term resident of a particular northern community, must be a permanent resident of the north, and must be living a traditional lifestyle off the land. These criteria I believe is an incorrect reading of the Morin and Daigneault case, which in SERM's own later court testimony would mean that over 90% of the Métis in northern Saskatchewan would not qualify. For all Métis south of the Northern Administration District (NAD) line (which runs below Green Lake and Cumberland House) SERM states that Métis will be charged if they are caught hunting or fishing without a license

In the fall of 2000, a charge of hunting at night with a light in the Maurice and Gardiner case went to trial in Provincial Court sitting at Meadow Lake. In a written decision handed down on Friday, October 5, 2001 both Mr. Maurice and Mr. Gardiner, Métis from northwest Saskatchewan living at Meadow Lake at the time of the charge were convicted with hunting at night with a searchlight. The case was defended as it was viewed as an opportunity to address SERM's interpretation of the Morin and Daigneault case, especially the last two of its four criteria. It was also viewed as an opportunity to deal with s.91(24) of the Constitution Act 1867 and the federal government's jurisdiction and responsibility for Métis, as well as paragraph 12 of the NRTA 1930 which had been the subject of the Grumbo case out of Yorkton. Unfortunately, the Judge did not deal with

any of those issues, and ruled that regardless of Aboriginal rights or paragraph 12 hunting rights, no one, including Indians, can hunt with a light at night outside of Indian Reserves. The Judge also ruled that the joint SERM/MNS consultations on night hunting held in January 1998 were sufficient to meet the Sparrow test. That case was appealed to the Court of Queen's Bench in Battleford, with a decision rendered on February 25, 2002 upholding the decision of the trial judge. The Queen's Bench decision has not been appealed. However, the case is still important as it confirmed the communal Aboriginal hunting rights of the Métis of Sapwagamik.

There is a new Métis Aboriginal fishing rights test case involving Mr. Laviolette of Meadow Lake, who was charged at Green Lake with fishing in a closed season. This case has the potential of extending the s.35 Aboriginal harvesting rights to Métis living below the Northern Administration District (NAD) line. While Mr. Laviolette's mother was originally from Green Lake, his father was originally from Duck Lake/Carlton. In any event, both Green Lake and Duck Lake/Carlton were not covered by the Scrip Commission of 1906 which dealt with the Métis people/communities covered by the Morin and Daigneault case. It is truly a new test case. The trial, originally scheduled for two weeks in June 2002, has been adjourned, and will likely be heard sometime during the late fall or early winter of 2002. Any financial contributions which our citizens, Locals or Regions can contribute will certainly be appreciated. Payments can be made to the "Métis Legal Defence Fund", or sent to the MNS Head Office.

In connection with land, there has always been a desire expressed to continue pursuing the return of the Métis farms or lands in replacement of the farms that were lost. As well, work has continued on the north west land claim litigation test case. In follow-up to the Métis farms issue, a four-month research project was undertaken in the summer of 2000 through a joint cooperative effort between CCDF and the MNS Tripartite and Bilateral Process Unit. This project examined the history and current status of the Métis farms in southern Saskatchewan and

has formed the basis of our lobbying with the provincial government in our efforts to secure a return of those farms or other lands in replacement of lands lost. In this connection, now that the Métis Act has been proclaimed and the companion MOU signed, we are making the return of the Métis farms, as well as the Green Lake Townships one of our priority areas for negotiations. This will be communicated to the province at a meeting scheduled to take place on June 27, 2002 with the Deputy Minister of Aboriginal Affairs.

With respect to the north west land claim litigation test case, as reported previously, a research team from the University of Alberta is currently in year four of an initial two year research project jointly funded by the federal and provincial governments. We were able to enter year three through test case funding received from the federal government (PCO) through the Métis National Council, and year four through additional research funding from the provincial Department of Justice. This test case will determine whether the scrip process under the Dominion Lands Act was a valid method of extinguishing the Aboriginal title to the land possessed by the Métis. If we are successful in getting a ruling that it was not a valid extinguishment, it will be a precedent for all Métis in western Canada.

While our General Assembly in 1993 opted for the northwest land claim as a test case, I believe it is now time that we seriously consider the possibility of proceeding on other scrip commissions and geographic regions. To this end, active discussions have taken place with the Manitoba Métis Federation and the Métis Nation of Alberta to join the MNS in exploring the feasibility of engaging in joint action on a land claim test case, or at the very least, joint research. This is an appropriate discussion, as most to the Scrip Commissions prior to 1906 (for example, the Scrip Commissions of 1885, 1886 and 1887) covered large areas of southern Manitoba, Saskatchewan and Alberta. Those discussions began in the fall of 2001, and resulted in a joint Leadership/Boards meeting (Prairie Métis Leaders Forum) on January 26 - 27, 2002 in Saskatoon. The Forum heard

updates on land rights issues, including the Manitoba Métis Federation s.31 (Manitoba Act, 1870) land action, where the MMF is seeking a court ruling that the federal government did not fulfill its obligations to transfer 1.4 million acres to the Métis of original province of Manitoba and the northwest Saskatchewan land action. The Forum ended with a joint press conference announcing the decision of the three prairie Métis governments/organizations to pursue a joint strategy with respect to research, and to explore options for potential joint litigation. The next session of the Prairie Métis Leaders Forum will take place in Winnipeg in July 2002.

Finally, we have continued to discuss harvesting (hunting, fishing, forestry, etc) issues with the province through our MNS/SERM Task Force which has been meeting on a regular basis. Through this process we are looking at the potential for some form of accommodation for Métis with respect to such harvesting of resources. Norman Hansen, MNS Minister of Environment and Natural Resources will be able to give you more written information about this process and outcomes to date.

Definition of Métis: The definition of Métis which was unanimously adopted by the MNLA in March 1999, while receiving majority support at the MNS General Assembly in November 2000, did not receive the required 75% to enable a constitutional amendment.

That being the case, this gives us an opportunity to move forward with the proposed definition which would apply across the whole of the Métis Nation, from Ontario to British Columbia. Under the leadership of the Métis National Council, consultations on a national Métis definition have been taking place over the past four years. In the Métis Nation Agenda consultations within Saskatchewan, our people had selected "Option B", which refers to the people who are descendants of the historic Métis Nation of western Canada. This "Option" has also received favor of the majority of Métis from the other provinces represented by the MNC.

At the MNC's General Assembly in June 2001, a draft definition (Option B) was adopted in principle, for the purpose of further discussion and consultations in our respective jurisdictions. At the MNS Legislative Assembly held on November 27 – 28, 2001, the MNLA endorsed that draft definition.

Essentially, the draft definition speaks to the development of the Métis as a people with a distinct history, culture, language, identity and geographic homeland. It is a "Nation" of people. It is not a collection of Aboriginal persons who cannot belong to Indian nations or bands. It is important to note that in Aboriginal rights cases, such as hunting or fishing rights, it is only those persons who can show that they belong to a distinct Métis people and community who can establish a Métis Aboriginal right. We do not have to establish an Indian right in order to establish a Métis right. The two are distinctly separate. For example, a non-Status Indian cannot establish a Métis Aboriginal right, only an Indian Aboriginal right.

It is therefore important for us, as Métis, to adopt a definition which clearly identifies our existence as a distinct Aboriginal people. It is my belief that the draft currently before us accomplishes that. I encourage you to lend your support to a draft definition which I can take forward to the MNC Board of Governors meetings, as well as to the Métis Rights Panel deliberations. Your endorsement of the MNC/MNLA (MNS) Assemblies' adoption of the draft definition should also be given to the PMC so that we can, with the leadership from the other provinces, adopt a definition which we can collectively relate to and live by. This is particularly important in that, as our people move from province-to-province their citizenship status would transfer with them. They should not have to reapply when they do move out of province. A common definition and a national registry to complement the provincial registries would accommodate this.

It is proposed that the draft definition will be brought forward at the MNC's 2002 General Assembly for final adoption and ratification. It is also proposed that this definition would form one of the cornerstones of the MNC's proposed new Constitution, which will be adopted within the next two years.

It is also important to note that if we do not in the near future arrive at a collective decision on a definition of Métis, the courts surely will, as more Métis hunting and fishing cases move through that system. If we can collectively agree on a definition which covers the whole of the Métis Homeland as represented by the MNC, the courts surely will honour that decision, and not impose their own definition. Again, it is critical that we arrive at a resolution to the definition issue.

Political Leaders Forum under the Tripartite Process: The first Political Leaders Forum under the Tripartite Process was held in March 2000 at the leaders level, involving Minister Goodale from the federal government, Ministers Hillson and Belanger from the province and Clem Chartier, President and Allan Morin, Minister of Intergovernmental Affairs from the MNS. The discussions were generally positive centering around the work which had been taking place since the last five-year agreement was signed in July 1998. While no concrete decisions were made, there was a political commitment to continue working jointly to try and achieve results under the current agenda.

The next meeting of the Leaders Forum took place on February 11, 2002 in Saskatoon. The meeting was attended by Minister Goodale from the federal government, Minister Axworthy from the province and Clem Chartier, President and Allan Morin, Minister of Intergovernmental Affairs from the MNS. At that meeting we discussed the direction for the 2002/03 tripartite workplan, with a decision arrived at centering on electoral reform and pursuing practical arrangements/results. It was agreed that the next Leaders Forum will take place on July 25, 2002 at Batoche.

Tier One Meetings under the Bilateral Process: Three meetings at the provincial governmental Ministers level and MNS leadership took place in January and November 2000, and November 2001. At the November 2001 meeting, the main area of discussion were economic development, housing, education and justice.

Some discussion was also held on the Métis Act, with the MNS confirming that the MNLA in November 2001 gave its support to the Métis Act and companion MOU. The Métis Act had received support from our citizens during the consultations undertaken on the Métis Nation Agenda, as well as the Leaders Summit in September 2000 and the MNS General Assembly in November 2000. The provincial legislature at that point had adopted the Métis Act, but it would only go into effect upon proclamation by the government. The reason for that delay was to allow our MNLA at the November 2001 session to finalize its endorsement or support for the Métis Act. Once that was done, the provincial government Cabinet moved to have it proclaimed, allowing us to address such important issues as land, harvesting, capacity building and governance for Métis people. The Métis Act was proclaimed on January 28, 2002 at the Legislative Building in Regina, along with the signing of the MOU which is the trigger to the process clause contained in the Act. The MNS Bilateral Unit is currently in the process of moving forward on the implementation of the negotiations which are contained in the MOU.

Framework for Cooperation Consultations: The provincial government (Cabinet) has also adopted a new policy initiative for off-reserve Aboriginal peoples, including the Métis. This policy is the result of 10 departments working together in response to the recommendations of the Royal Commission on Aboriginal Peoples. The province consulted the MNS in 1999 and in January/February 2000 conducted public consultations throughout the province, with the involvement of the MNS. We also undertook our own consultations as part of the

rights workshops and Métis Nation Agenda consultations. A clear distinction was reached to distinguish between the federal and provincial initiatives.

The Framework for Cooperation was announced by past Premier Roy Romanow in January 2001, which was attended by both myself and Chief Perry Bellegarde from the FSIN. In the Spring 2001 Budget, the province allocated 10 million for use in the new policy. The vast majority went to community schools, and to other initiatives. There was no direct involvement of the MNS or its Affiliates in this Budget allocation or in the decisions leading to that allocation and the uses to which it was put. The 2002 budget didn't do anything to alter the MNS's involvement with the policy.

Veterans: At the November 1999 MNLA a commitment was made to address the issues of veterans more vigorously. Through the MNC, veterans Frank Tompkins and Senator Edward King in December 1999 attended a meeting of the MNC Board of Governors and then a meeting with the Minister of Veteran's Affairs, the Hon. Mr. Baker. At that meeting, which I attended, the Minister made a commitment that he would give serious consideration to Métis veteran's issues.

In February 2000 I had a follow-up meeting with the Minister Baker's Assistant, Mr. Terry Tobin. At that time I was informed that a dialogue table was being set up with the AFN to discuss Indian veteran's issue. This process was set up in response to a court action started by FSIN in order to reach an out of court settlement. The Department of Veteran's Affairs was going to approach the AFN to see if the Métis could be included in that process. It was indicated to Mr. Tobin that if there was no common table that the Métis would nevertheless want a table to be set up to deal with the Métis veterans. At that meeting Mr. Tobin also stated that it would be helpful if the MNC was able to supply a contact list of all Métis veterans so that it could be determined if they are missing out on any benefits which they are currently entitled to. With respect to past entitlements at

time of discharge, Mr. Tobin suggested that the Métis veterans may be barred by the passage of time, that is, that they lost their rights/benefits by not coming forward sooner. This is a legal matter that may have to be decided by the courts. Regardless, the Indian veterans would be in the same position.

I am also pleased to inform you that the Métis veterans in Saskatchewan organized their own meeting in May 2000 and have formed an organization to promote their rights. The Métis veterans of the Métis Nation have also formed a national body at their meeting in December 2000. A lot of work has since taken place by the veterans, through financial support provided by the federal government's Privy Council Office (PCO). The national Veteran's organization was able to undertake research and their report was adopted at their December 2001 general assembly and has since been forwarded to the Métis National Council, and to the federal government. The Veteran's remain hopeful that the federal government will finally deal fairly with their legitimate claim for compensation.

Senate: The role of the Senate as mandated by the MNS Constitution has been more clearly defined by legislation passed in November 1999 by the Métis Nation Legislative Assembly. Various committees were struck by the Senate and ratified by the MNLA at the November 1999 sitting. The Senate has continued to play a very key, vital and dedicated role within our Métis governance.

In order to assist in this work, and the newly defined mandate of the Senate, a governance proposal was submitted in the summer of 2000 to both the federal and provincial governments in an attempt to secure financing for the work of the Senate. In the meantime, the MNS Treasury Board has made a financial contribution and the Senate has opened its own bank account. The Senate, as an institution of Métis governance, continues to be financially accountable to the Treasury Board, but nevertheless, have their independent role as set out in the Constitution and legislation.

To date we have been unsuccessful with our funding proposals, but have resubmitted them to the provincial government with a view to perhaps being successful in the 2002/03 fiscal year. As of June 2002, we have not been able to secure any funding commitments.

Métis Women of Saskatchewan: The Métis Women of Saskatchewan had elections two years ago, and have a Board which has continued the dedicated services of the prior leadership. The Métis Women continue to play an active role in the tripartite process, as well as in various Affiliates. They have been making substantial progress in reorganizing and cultivating positive relations within our Métis government, as well as with the federal and provincial governments.

Their involvement within Métis government has been very helpful, and we expect that their capacity to participate will become more enhanced over the next several years.

The next election for the Métis Women of Saskatchewan leadership is scheduled for the fall of 2002.

Youth: At the November 2000 General Assembly, the November 1999 MNLA constitutional amendments were ratified which provides four seats to the youth in the MNLA and one seat on the PMC. The Provincial Métis Youth Council members have continued to organize and have invited me to attend their Council meetings. The youth have also been actively involved with our Affiliates and committees. Their involvement certainly has been welcomed. The youth representatives have participated in both the PMC and the MNLA and their views and contributions are welcome.

Registry Office: With the passing of the Citizenship Act in November 1999, efforts at its implementation have been undertaken. The Citizenship Application Form has been adopted, as well as a draft Citizenship Card which was ratified at the 2002 Legislative Assembly so that we can begin to distribute them.

Resources are also being sought to make the registry office fully functional. At this point renovations have been made to house the registry office in which the Registrar is able to accept applications. Hundreds of citizenship applications have been forwarded to the Registry Office however a lot of the work of the Registrar is yet to be done as no stable funding is in place. It is my hope that this work will be undertaken in the new year so we can issue the provincial citizenship cards, which are currently being finalized in digital form for printing.

The Senate funding proposal mentioned above also has a section dealing with the registry office. Unfortunately we have not been successful in acquiring any funding as of yet. This has led to a major disruption to the process set out in the Citizenship Act which we adopted three years ago. A concerted effort is currently being made so that we can get the registry office fully functional, and ensure that our citizens are registered and Local lists are up to date. In addition, because of this delay in getting the registry office fully functional by amendment at the November 2001 MNLA the grandfather clause in the Citizen Act was extended from two years to four years. In addition, under this year's tripartite workplan, more resources are being dedicated to the work of the Registrar so that our citizenship lists are updated, as part of electoral reform.

Michif and Culture: Work has continued in these areas as well. The federal government, as part of its response to the recommendations from the Royal Commission on Aboriginal Peoples developed the Aboriginal Languages Initiative, which is a four-year program. Hopefully it will be renewed. Through the lobbying of the MNC Board of Governors, of which I am a member, we were able to convince the federal government (Heritage Canada) to make a specific percentage allocation available to the Métis through the MNC. Heritage Canada

agreed to allocate 10% of the fund annually to the MNC for preserving the Michif language. The Board of Governors then makes a funding allocation for the five provincial members and the MNC. We are now into year four of the initiative. The federal government with an eye to renewal of the program is currently undertaking a review of the program. The Gabriel Dumont Institute curriculum unit has continued their efforts to publish Michif resources and are working with the Michif speakers at the community level in carrying this out.

The Métis Nation – Saskatchewan has been working to bring increased cultural opportunities to our Métis communities. Part of this work has been done through our involvement with the Lottery Review process undertaken by the Government of Saskatchewan to address the lack of involvement of Aboriginal peoples in the funding mechanisms for sport, culture and recreation. The Métis Nation – Saskatchewan has secured some new cultural programming funds, which will be used to support cultural activities across the province. The priorities for this fund and the mechanism for flowing it has been designed by GDI who are administering the fund. Our growing number of festivals across the homeland announces the desire of the communities to revitalize Métis culture and to continue to celebrate when the struggle is sometimes overwhelming. The Métis Nation – Saskatchewan is working to support community activity and to open the door for more opportunity through the development of a formal relationship with SaskCulture and networking and linking with other cultural organizations across the province and homeland. There is a national Minister responsible for Culture and Heritage, as part of the new Métis National Council Cabinet, Mr. Ed Ducharme of Manitoba. We will be working with Mr. Ducharme in securing future opportunities.

Economic Development: This is an area of critical importance to our people and communities. It has been quite some time since we have had the capacity to organize an initiative that has been able to tackle economic development opportunities. Today we have SNEDCO and CCDF that are primarily

funding/loans agencies. They are not equipped to handle the broader economic development requirements. Minister Guy Bouvier has been active in broadening the MNS' capacity to engage in economic development activities. A number of economic development initiatives in areas such as tourism and forestry have been undertaken. These however are not enough and Minister Bouvier is in the process of trying to expand the economic development capacity of the MNS, which could result in a new economic development affiliate or infrastructure.

Justice: When it comes to justice, our people do not feel that we are being adequately served by the federal and provincial justice systems, nor accessing our fair share of available fiscal resources to undertake our justice initiatives.

Through Métis Family Community Justice Services (MFCJS) and Minister Alex Maurice, the federal and provincial governments have been approached to re-establish with the MNS (MFCJS) a new initiative under the tripartite process this fiscal year. It is expected that this initiative will result in concrete results.

In addition, the province has establishment of a Commission on First Nations and Métis People on Justice Reform. While this will not be a full scale public inquiry, it is meant to seek solutions for future implementation. Unfortunately, the province did not accept the MNS recommendation for Métis representation on the Commission, so the MNS has no direct relationship with the Commission, whereas the province accepted both Indian persons recommended by the FSIN. As a result the MNS (MNLA/PMC), have decided not to participate in the work of the Commission, but has allowed MFCJS the option of so participating if they feel it will be beneficial, and so that a Métis voice can be heard.

Child and Family Services: MFCJS, along with the President's office, is currently in the process of organizing a conference on the well-being of the Métis child which will be taking place in November of this year. A working committee composed of MFCJS, the MNS Senate, Métis Youth Council of Saskatchewan,

Métis Women of Saskatchewan, Saskatoon Elders, and the MNS President has been meeting over the past 3 months in preparation for the conference.

Employment and Training: These services through HRDC have been a fundamental cornerstone to the services we have been able to provide our citizens within Saskatchewan. As you are well aware, we have had significant challenges over the past year with respect to this program. We have now completed the first three years of our original 5 year agreement. We have recently negotiated the remaining 2 years through a new agreement.

Part of the new agreement addresses the redistribution of the budget based on population, with a significant portion going to the three urban centers of Regina, Saskatoon and Prince Albert. Also, the agreement has reduced the capacity of our regional employment and training offices to deliver a more broad-based service to our citizens. This will be explained in the report from METSI.

I was also pleased with the very successful First Annual MET Awards held in December 1999 at Fort Qu'Appelle. This portrays the success of our program and the appreciation that our people have for the dedicated work of our METSI and LMMB Regional staff. The Second Annual MET Awards was held in Saskatoon in December 2000, coinciding with an Employment and Training Conference. Both the MET Awards and the Conference were very successful.

We still remain confronted by several problems however. Since April 1st of this year, HRDC has withheld our programming dollars based on alleged overpayments. After joint agreement to create a task force, the alleged 1.2 million dollar overpayments have been brought down by approximately \$500,000. Based on this movement we have approached HRDC to re-instate our programming capacity while we continue to examine the remaining alleged overpayments. We have further stated that at the end of this process (3 months), including third party dispute resolution, we are prepared to acknowledge an

overpayment, if any is established, and make arrangements to recover any so established.

Internal Governance Committee: Through the work of the Internal Governance Committee and the MNLA, four major pieces of legislation were passed by the MNLA in November 1999. These are the Senate Act, the Métis Nation Legislative Assembly Act, the Elections Act and the Citizenship Act. The work of the Committee has continued since the mandate at the last Legislative Assembly. A Taxation Act is ready for presentation at some future sitting of the MNLA. A presentation has also been drawn up in an effort present the major innovations of a proposed Affiliates Act. This is the most complex of all of the proposed legislation because of the diverse situations of our Affiliates and the need to make the legislation a progressive and realistic step toward self-governance. We hope to have consultation on this piece of legislation in order to ensure a common vision on these important matters. The Education and Family Services Acts are yet incomplete and will require additional attention by the respective Ministers and Affiliates before presentation to the MNLA. In the meantime, we are also working on a Community Governance Act which will address how the Locals should conduct their business, and deal with elections and so forth.

As well, the Committee brought forward a new flag which was adopted by the Métis Nation Legislative Assembly at its November 2001 sitting. The flag has been designed as the official Flag of the Métis Nation - Saskatchewan. It depicts the Infinity sign, the White Buffalo and the Tiger Lily. The new Métis Nation - Saskatchewan Logo, which has been adopted by the PMC is similar, without the flower and in opposite color contrast. The two symbols are complimentary and yet unique. The Métis Nation flag (blue with white infinity symbol) has served as our guide and we have impressed upon it our unique situation as Métis in Saskatchewan. That flag will still be used as our national flag.

Finally, the Committee is currently setting up a constitutional commission which will be headed up by MNS Vice-President Lorna Docken. The work of this commission will take place over the next few months. As we move forward with internal governance based on our inherent right of self-government under s.35 of the Constitution Act, 1982, we have to take a hard look at our current governance structures and how we govern ourselves. As governance evolves, some structure and boundary changes may be desirable.

Under the new Métis Act and companion MOU we have an opportunity under the "governance" agenda item in the process clause to accomplish our objectives in connection with the form our internal governance should take. This proposed governance process, as stated above, is contained in our draft document on implementation of the process clause which has been prepared by Allan Morin, Minister responsible for the bilateral process, which will be presented to the Deputy Minister of Aboriginal Affairs later this month.

NATIONAL INITIATIVES:

The Métis National Council has taken another stride toward more efficient representation and attention to Métis issues across the homeland by establishing a Métis Nation Cabinet. This Cabinet was announced a Board of Governors meeting in Ottawa at the end of September 2001, and the Cabinet sworn-in at a ceremony in Ottawa last December. A full overview of the Cabinet is printed in the September/October issue of New Breed Magazine. As part of this Cabinet, I have been appointed as Vice-President of the Métis National Council, as well as being assigned the responsibility of Minister for Métis Nation Governance, which includes the Bilateral & Tripartite processes, Inter-governmental Affairs, definition & registry and the drafting of a Métis National Council Constitution. Allan Morin, our Provincial Treasurer, has been appointed the Minister of the Environment for the Métis National Council. Our national structure will allow for more focussed

and coordinated lobbying for the needs of the Métis across the homeland. While each provincial governing member remains with its specific challenges and needs and authorities, it is now formally recognized that as a nation of people, we face many issues of common concern across the homeland. This structure will allow us to speak with one voice.

The major focus of the MNC has centered around Métis rights and pursuing the federal government to adopt a Métis Nation Agenda as their official response to the recommendations of the Royal Commission on Aboriginal Peoples. We are now in the final stages of a 4-year process whereby the Federal Interlocutor, the Hon. Ralph Goodale was able to secure nine million dollars from the federal cabinet to address Métis and non-Status Indian issues.

The MNC has provided the federal government with a draft Métis Nation Agenda Framework Agreement which it is hoped will form the basis for discussions leading to an agreement which the Federal Interlocutor can take to Cabinet for approval. To date, no meaningful dialogue has taken place with respect to our draft agreement, although there is now some indication that federal officials are prepared to begin meeting on the draft, so that greater clarity and understanding can be had before they brief their Minister.

The Federal Interlocutor is also in the process of going to Cabinet for a renewed mandate and budget to continue this work. It is hoped that there will be an increase in the amount of money he can secure, as well as extending it to a five year mandate, rather than three years. We have however, been cautioned that the September 11th attack in New York may affect the amount of funding available for the continuation of this program.

While we continue to pursue this specific initiative, it may be overshadowed by a Reference Group of Ministers established last fall by the Prime Minister. This

Reference Group will be recommending to Cabinet a new federal policy on Aboriginal matters.

In terms of litigation, the MNC intervened in the Blais case in Manitoba which was heard in the Manitoba Court of Appeal. Arguments were heard on October 18th and adjourned until December 1st, 2000, at which time the court reserved its decision, which was subsequently delivered on April 11, 2001. In that case, the Court of Appeal ruled that the Métis do not fall under the term "Indian" in the 1930 Natural Resources Transfer Agreement, and upheld the conviction of Mr. Blais. This case is important, as it will set a precedent for the Métis of Saskatchewan and Alberta, not only for the Métis of Manitoba. Mr. Blais has filed an application for leave to appeal to the Supreme Court of Canada, which was granted. The MNC has since applied for and been granted intervener status. No date has yet been set for the appeal. It is likely that it will be heard in early 2003.

The MNC has also successfully intervened in the Powley case in the Ontario Court of Appeal. This case was also important, as it dealt with the definition of Métis. While the two lower courts set out a definition for Métis, it was successfully argued in the Court of Appeal that it was not necessary for them to do so. Further, it was also important as it is the first Métis test case under s.35 of the Constitution Act, 1982 to reach the Supreme Court of Canada, and the Supreme Court will set out the tests which the Métis must meet in order to prove an Aboriginal right to hunt or fish. Hopefully, the Supreme Court will also not deal with the Métis definition issue.

The Ontario Court of Appeal on February 23, 2001 upheld the acquittal of the Powleys. The Ontario government has since successfully applied for and been granted leave to appeal the decision to the Supreme Court of Canada. No date for the appeal has yet been set, although it is likely to be heard in early 2003, the same time as the Blais case. The MNC has also been granted leave to intervene in this case.

CONCLUSION:

I would like to take this opportunity to thank the many General Assembly members, as well as community members, who have worked along with us, to make whatever progress we have made, possible. If it was not for your dedication and determination we would not be able to make the changes necessary to move our nation forward. Any success we achieve is because we have found the wisdom and courage to work together, and to face the challenges that sometimes drive us apart. At the end of the day, when the benefits of our work are finally known, it will be the children that will have just one more option from which to choose. It is my hope that they will choose to work together and look forward to the future, as we have done here. I hope they will look proudly upon their culture and their heritage. I hope they will proudly say – I am Métis.

**CLEM CHARTIER
PRESIDENT
MÉTIS NATION – SASKATCHEWAN**

Treasurer's Report

June 22, 2002

Batoche, Saskatchewan

Submitted by:
Allan Morin, Treasurer
Métis Nation - Saskatchewan
June 22, 2002

**Treasurer's Report
June 2002
Batoche, Saskatchewan**

1. Executive Summary of the Bilateral Process

The major development in the Bilateral Process this year was the *Métis Act* which was Proclaimed on January 28, 2002. This development sets a precedent for Métis/Government relations for the entire country. The Act recognizes *the Métis* as a distinct people with unique status and rights. It also takes us out of the *Non-profit Corporations Act* which had its limitations. The most important part of the Act is the process clause which commits the Parties to discuss issues of importance to the Métis through an MOU which was signed on the same date.

The process is committed to discuss Governance which is of the utmost importance to the Métis. Another issue in the MOU is capacity which the MN-S is in dire need of.

Land is another topic up for discussion in the MOU in the context of access to traditional Métis lands. Harvesting in terms of economic development is also included in the MOU.

It is self evident that the Act and the MOU are very important to the MN-S and the Métis across the province. This is a major accomplishment and all Métis should be proud of it.

2. Métis Nation Building Blueprint

In order to implement the Métis Act a Nation Building Blueprint has been developed which sets out a framework for the growth and development of the Métis

Nation within the Province of Saskatchewan. This blueprint will be applied to discussion forums and planning session, internally and intergovernmentally, to guide and coordinate nation building efforts. With planning and coordination, the Métis Nation will obtain the maximum benefit from available resources to successfully achieve our vision and goals.

The future prosperity of Saskatchewan depends upon a healthy, growing economy and healthy productive citizens. Demographic trends, including net loss of skilled people and an aging workforce, challenge our governments to take immediate action. In order to ensure long term success, the leaders in this province need to work together. In working together, the planning and action taken today can result in positive outcomes for Saskatchewan and the Métis Nation.

It is our expectation that the Nation Building Blueprint will cover the broad and fundamental questions pertaining to development of the Métis Nation within Saskatchewan. The discussion paper addresses the Métis internal governance process, Métis access to markets and resources and a process for cooperation with the Government of Saskatchewan to work on mutual goals. We expect that this discussion paper will provide a standard that may be applied to our Nation Building efforts at various forums, to ensure clear communication, efficiency and effective use of resources.

ORGANIZATION OF THE WORK

The Nation Building Blueprint is organized in five sections as follows:

1. Overview
2. Governance - The process is committed to discuss Governance which is of the utmost importance to the Métis.
3. Capacity Building - Another issue in the MOU is capacity which the MN-S is in dire need of.
4. Lands and Resources - Land is another topic up for discussion in the MOU in

the context of access to traditional Métis lands.

5. Harvesting - Harvesting in terms of economic development is also included in the MOU.

3. Executive Summary of Tripartite Activities

On February 11, 2002, a Political Forum involving MN-S President Clem Chartier, Ralph Goodale, Chris Axworthy and myself, MN-S Minister of Intergovernmental Affairs, occurred in Saskatoon. At this meeting some new direction involving the Tripartite Process were agreed to by all the Parties. The participants agreed to make Electoral Reform a priority in the upcoming fiscal year in order to aid in having future MN-S Elections run more smoothly. The other focus of the meeting was to move to more practical results orientated initiatives.

A significant amount of resources have been committed to Electoral Reform to aid the Registrar's Office in facilitating the membership process in order to have an up to date and accurate voter's list for the next MN-S Election. In the past, there was a definite shortfall in capacity and resources in the Registrar's Office that contributed to some problems.

As to moving to more practical initiatives, justice has been reintroduced in this year's Tripartite work plan. The money allocated to the Justice Initiative is to allow MFCJS to seek funding and programming from other Justice programs that are available. Basically, the money is seed money to give them some capacity in drafting proposals and doing the necessary research.

Urban Governance is still part of the Tripartite Process as we see it as an integral component of Métis Governance. The money allocated to this initiative is to provide the Urban Council with some capacity in order to pursue other funding and programming that is available.

The Northern Project is also still in the Tripartite Process although it has shifted to more practical results such as their involvement in the Oil Sands project and their successful operation of the Traditional Land Use Mapping Course.

The equity participation initiatives involving the women and youth are still ongoing in the Process. The participation of these two groups is invaluable as they add their unique perspectives on Métis Governance.

Another Forum is scheduled for July 25th of this year to evaluate the progress and give new direction if needed.

4. FINANCIAL REPORT

It is my pleasure to present you the Métis Nation - Saskatchewan Secretariat Inc. Audited Financial Statements for the fiscal year 2001/2002. These financial statements were prepared by Deloitte & Touche Chartered Accountants with the assistance of our Administration staff. Shelly Brown, Partner, will be presenting these statements.

The Audit was conducted in accordance with generally accepted accounting standards and also includes assessment of our accounting principles, internal controls and internal measures. Our Combined Statement of Earnings reveals a modest deficit of \$ 5,125.00 as of year ended March 31, 2002.

As per the terms and conditions of our Contribution Agreements, we will be presenting these Audited Financial Statements to the Federal and Provincial governments, as well as any other funding partners.

We have maintained, adapted and improved our internal controls. Prudent management must prevail in order that the Métis Nation maintain its present financial status.

For this upcoming fiscal year, 2002/2003, we have successfully negotiated an increase in our Tripartite funding. In all other programs, funding levels will remain constant.

2001/2002 was a productive year and we look forward to another great year. We thank all our colleagues, partners and staff for the cooperation received in achieving our goals.

**METIS NATION – SASKATCHEWAN
SECRETARIAT INC.**

FINANCIAL STATEMENTS

March 31, 2002

AUDITORS' REPORT

TO THE MEMBERS OF METIS NATION – SASKATCHEWAN SECRETARIAT INC.

We have audited the combined balance sheet of Metis Nation – Saskatchewan Secretariat Inc. as at March 31, 2002 and the combined statement of earnings and changes in net assets and of cash flows for the year then ended. These financial statements are the responsibility of the Metis Nation's management. Our responsibility is to express an opinion on these financial statements based on our audit

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Metis Nation as at March 31, 2002 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Deloitte & Touche LLP

Chartered Accountants

Saskatoon, Canada
May 10, 2002

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
COMBINED STATEMENT OF EARNINGS
year ended March 31, 2002

	2002	2001
REVENUE		
Federal grants- current operations	\$ 975,027	\$ 1,138,840
Provincial grants- current operations	922,463	899,143
Program administration	168,478	136,639
Sundry	39,850	22,028
	<u>2,105,818</u>	<u>2,196,650</u>
EXPENSES - Schedule 11	<u>2,110,943</u>	<u>2,262,162</u>
DEFICIENCY OF REVENUE OVER EXPENSES	<u>\$ (5,125)</u>	<u>\$ (65,512)</u>

See accompanying notes

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
COMBINED BALANCE SHEET
as at March 31, 2002

	2002	2001
CURRENT ASSETS		
Cash (Note 3)	\$ 91,462	\$ 44,763
Accounts receivable (Note 4)	342,144	22,399
	433,606	67,162
CAPITAL ASSETS (Note 5)	118,292	123,014
	\$ 551,898	\$ 190,176
ACCOUNTS PAYABLE AND ACCRUED LIABILITIES	\$ 366,755	\$ 15,267
DEFERRED CONTRIBUTIONS (Note 6)	15,359	-
NET ASSETS		
Operating fund	(47,749)	(47,346)
Capital fund	217,533	222,255
	169,784	174,909
	\$ 551,898	\$ 190,176

See accompanying notes

APPROVED BY THE BOARD

..... **Director**

..... **Director**

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
STATEMENT OF CHANGES IN NET ASSETS
year ended March 31, 2002

	2002	2001
OPERATING FUND		
Balance, beginning of year	\$ (47,346)	\$ (32,736)
Deficiency of revenue over expenses	(5,125)	(65,512)
Allocated from internally restricted fund	-	45,000
Transfer from capital fund for depreciation	4,722	5,902
Balance, end of year	<u>\$ (47,749)</u>	<u>\$ (47,346)</u>
INTERNALLY RESTRICTED FUND - ELECTION		
Balance, beginning of year	\$ -	\$ 45,000
Allocated to unrestricted surplus	-	(45,000)
Balance, end of Year	<u>\$ -</u>	<u>\$ -</u>
CAPITAL FUND		
Balance, beginning of year	\$ 222,255	\$ 228,157
Amortization expense	(4,722)	(5,902)
Balance, end of year	<u>\$ 217,533</u>	<u>\$ 222,255</u>

See accompanying notes

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
COMBINED STATEMENT OF CASH FLOWS
year ended March 31, 2002

	2002	2001
CASH FLOWS FROM (USED IN) OPERATING ACTIVITIES		
Deficiency of revenue over expenses	\$ (5,125)	\$ (65,512)
Adjustment for		
Amortization	4,722	5,902
Changes in non-cash working capital		
Accounts receivable	(319,745)	41,748
Accounts payable	351,488	(9,050)
Deferred contributions	15,359	(237,363)
	<u>46,699</u>	<u>(264,275)</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Sale of marketable securities	-	45,000
NET INCREASE (DECREASE) IN CASH	<u>46,699</u>	<u>(219,275)</u>
CASH POSITION, BEGINNING OF YEAR	<u>44,763</u>	<u>264,038</u>
CASH POSITION, END OF YEAR	<u>\$ 91,462</u>	<u>\$ 44,763</u>

**METIS NATION - SASKATCHEWAN SECRETARIAT INC.
CORE PROGRAM**

year ended March 31, 2002

	2002	2001
REVENUE		
Federal grants - current operations	\$ 517,227	\$ 517,227
EXPENSES		
Administration		
Amortization	4,722	5,902
Bank Charges and interest	3,170	1,126
Office rent	11,607	11,607
Office Supplies	5,380	5,319
Printing and postage	2,006	1,562
Public relations	-	4,689
Telephone	13,224	11,050
	<u>40,109</u>	<u>41,255</u>
Professional Services		
Audit and business services	5,000	5,000
Consulting	2,000	2,000
	<u>7,000</u>	<u>7,000</u>
Salaries		
Board Members	119,913	115,179
Executive	42,372	40,920
Other	151,150	139,730
	<u>313,435</u>	<u>295,829</u>
Travel		
Board Members	82,951	74,362
Executive	28,222	26,455
Other	3,840	6,046
	<u>115,013</u>	<u>106,863</u>
Board Meetings	20,053	11,645
Elections	-	35,000
Back to Batoche	25,000	25,000
TOTAL EXPENSES	<u>520,610</u>	<u>522,592</u>
DEFICIENCY OF REVENUE OVER EXPENSES	<u>\$ (3,383)</u>	<u>\$ (5,365)</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
TRIPARTITE SELF GOVERNMENT PROGRAM
year ended March 31, 2002

	2002	2001
REVENUE		
Grants		
Federal	\$ 310,000	\$ 274,760
Provincial	310,000	285,000
	<u>620,000</u>	<u>559,760</u>
EXPENSES		
Administration		
Finance management	564	487
Office Rent	17,653	18,683
Office Supplies	11,829	10,629
Program administration	71,672	63,833
Sundry	945	1,409
Telephone	5,992	3,173
	<u>108,655</u>	<u>98,214</u>
Professional Services		
Consulting	43,916	61,012
Northern Project	20,004	20,004
Electoral Reform	50,000	-
Other	13,400	10,900
	<u>127,320</u>	<u>91,916</u>
Salaries		
Committee stipend	9,895	9,674
Director	33,360	30,000
Executive stipend	83,349	77,010
Northern project	57,204	57,204
Other	8,648	6,401
Researchers	73,451	68,040
Women's program	9,473	8,874
	<u>275,380</u>	<u>257,203</u>
Travel		
Director	4,262	8,759
Executive	17,218	14,611
Northern project	20,004	20,004
Sundry	20,668	19,947
Researchers	4,801	10,289
Urban governance	11,702	9,406
Women's program	30,201	28,475
	<u>108,856</u>	<u>111,491</u>
TOTAL EXPENSES	<u>620,211</u>	<u>558,824</u>
EXCESS (DEFICIENCY) OF REVENUE		
OVER EXPENSES	\$ <u>(211)</u>	\$ <u>936</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
INTERGOVERNMENTAL AND ABORIGINAL AFFAIRS PROGRAMS -
SECRETARIAT PROGRAMS
year ended March 31, 2002

	2002	2001
REVENUE		
Grants - provincial	\$ <u>125,000</u>	\$ <u>125,000</u>
EXPENSES		
Bilateral Process		
Administration	18,200	18,200
Community consultation	21,677	23,161
Financial management	657	520
Management	18,000	18,000
Research	6,500	5,000
Travel	23,922	26,660
	<u>88,956</u>	<u>91,541</u>
Consulting	<u>36,733</u>	<u>36,000</u>
TOTAL EXPENSES	<u>125,689</u>	<u>127,541</u>
DEFICIENCY OF REVENUE OVER EXPENSES	<u>\$ (689)</u>	<u>\$ (2,541)</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
EDUCATION AND TRAINING PROGRAM
year ended March 31, 2002

	2002	2001
REVENUE		
Grants		
Website development	\$ -	\$ 40,000
Metis Employment & Training of Saskatchewan Inc.	-	96,754
Sundry	-	1,621
	<u>-</u>	<u>138,375</u>
EXPENSES		
Co-management		
Communications	-	2,752
Recreation	-	6,916
Travel	-	3,429
	<u>-</u>	<u>13,097</u>
Batoche Carpentry		
Co-ordinator	-	9,375
Equipment Leasing	-	7,350
Training allowances	-	42,837
Sundry	-	11,817
Travel	-	3,902
	<u>-</u>	<u>75,281</u>
Website Development	-	40,000
TOTAL EXPENSES	<u>-</u>	<u>128,378</u>
EXCESS OF REVENUE OVER EXPENSES	<u>\$ -</u>	<u>\$ 9,997</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
ECONOMIC DEVELOPMENT PROGRAM
year ended March 31, 2002

	2002	2001
REVENUE		
Grants		
Saskatchewan Environment & Resource Management		
Bilateral Task Force	\$ 2,000	\$ -
Land and resources	64,641	-
Pilot project	2,000	63,470
Clarence Campeau Development Fund ("CCDF")	131,245	35,000
Provincial	-	5,000
	<u>199,886</u>	<u>103,470</u>
EXPENSES		
Saskatchewan Environment & Resource Management		
Administration	12,000	-
Bilateral Task Force	2,121	-
Contract	38,520	-
Land and Resources	-	66,314
Pilot Project	972	-
Travel	15,247	-
	<u>68,860</u>	<u>66,314</u>
Clarence Campeau Development Fund		
Fisheries	-	7,276
Forestry	7,500	2,500
Historic site	8,489	-
Metis farms	-	20,642
Otipimsuak project (T.L.U.)	100,000	-
Research	-	4,888
Tourism	-	-
Video	8,033	-
Sundry	3,745	-
	<u>127,767</u>	<u>35,306</u>
TOTAL EXPENSES	<u>196,627</u>	<u>101,620</u>
EXCESS OF REVENUE OVER EXPENSES	<u>\$ 3,259</u>	<u>\$ 1,850</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
ENUMERATION
year ended March 31, 2002

	2002	2001
REVENUE		
Grants - federal	\$ -	\$ 51,337
EXPENSES		
Consulting	-	8,008
Contractor	-	14,626
Sundry	385	1,668
Technical	-	27,035
TOTAL EXPENSES	<u>385</u>	<u>51,337</u>
DEFICIENCY OF REVENUE OVER EXPENSES	<u>\$ (385)</u>	<u>\$ -</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
ADMINISTRATION
year ended March 31, 2002

	2002	2001
REVENUE		
Grants - federal	\$ 22,800	\$ 45,000
Program administration	168,478	136,639
Sundry	35,963	20,407
	<u>227,241</u>	<u>202,046</u>
EXPENSES		
Advertising	12,402	1,130
Batoche	10,294	-
Consulting	-	11,700
Election expenses	7	77,005
Equipment	7,895	5,369
Metis Nation Agenda	21,244	30,000
Metis Nation Legislative Assembly	66,674	54,618
Office supplies	9,732	7,548
Professional services	9,344	1,566
Rent	15,160	11,607
Salaries	21,112	22,632
Senate Expense	4,400	19,181
Sponsorships	27,819	17,760
Sundry	7,569	272
Telephone	-	95
Travel	19,472	23,584
TOTAL EXPENSES	<u>233,124</u>	<u>284,067</u>
DEFICIENCY OF REVENUE OVER EXPENSES	<u>\$ (5,883)</u>	<u>\$ (82,021)</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
ABORIGINAL LANGUAGE INITIATIVE
year ended March 31, 2002

	2002	2001
REVENUE	\$ 125,000	\$ 148,941
EXPENSES		
Administration	18,750	18,710
Committee	-	20,863
Community project support	15,000	-
Conference	-	49,182
Curriculum consultants	15,000	48,855
Curriculum project	15,000	6,300
Language policy forum	50,000	-
Salaries	-	900
Sundry	3,250	3,477
Telephone	-	1,200
Travel	7,781	4,613
TOTAL EXPENSES	124,781	154,100
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES	\$ 219	\$ (5,159)

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
BACK TO BATCHOE
year ended March 31, 2002

	2002	2001
REVENUE		
Grants		
Federal	\$ -	\$ 61,575
Provincial	-	79,750
Other	-	183,094
Festival Revenue	-	26,075
	<u>-</u>	<u>350,494</u>
EXPENSES		
Capital infrastructure	-	4,534
Cultural programs	-	89,105
Event management	-	21,518
Festival expenses	-	63,462
Planning committee	-	1,600
Public relations	-	20,524
Site development	-	67,656
Special initiatives	-	22,108
Sports program	-	26,366
Sundry	-	4,359
Transportation	-	5,091
Travel	-	199
Utilities	-	1,094
Volunteers and staff	-	6,087
TOTAL EXPENSES	<u>-</u>	<u>333,703</u>
EXCESS OF REVENUE OVER EXPENSES	<u>\$ -</u>	<u>\$ 16,791</u>

**METIS NATION - SASKATCHEWAN SECRETARIAT INC.
URBAN MULTIPURPOSE ABORIGINAL YOUTH CENTRE
year ended March 31, 2002**

	2002	2001
REVENUE		
Grants -federal	\$ 287,577	\$ -
Sundry	3,887	-
	<u>291,464</u>	<u>-</u>
EXPENSES		
Program expenses		-
Administration	37,511	-
La Loche	8,952	-
Meadow Lake	79,950	-
Yorkton	42,933	-
North Battleford	55,527	-
Saskatchewan Metis sports, culture, recreation and youth	62,704	-
	<u>287,577</u>	<u>-</u>
Travel	1,939	-
TOTAL EXPENSES	<u>289,516</u>	<u>-</u>
EXCESS OF REVENUE OVER EXPENSES	<u>\$ 1,948</u>	<u>\$ -</u>

METIS NATION - SASKATCHEWAN SECRETARIAT INC.
SCHEDULE OF EXPENSES
year ended March 31, 2002

	2002	2001
Administration	\$ 215,340	\$ 219,570
Advertising	12,402	-
Batoche carpentry	-	75,281
Capital infrastructure	-	4,534
Co-management	-	13,097
Communications strategy	-	40,000
Community consultation	21,677	23,161
Conference	50,000	49,182
Consulting	51,733	60,555
Cultural programs	453,843	124,105
Economic development	24,022	30,418
Election costs	7	112,005
Enumeration	-	51,337
Event management	-	21,518
Festival expenses	-	63,462
Land and resources	38,520	66,314
Meetings	110,092	116,903
Professional services	162,321	155,002
Rent	15,160	11,607
Research	6,500	9,888
Salaries	609,927	576,564
Site development	-	67,656
Senate expenses	4,400	19,181
Special initiatives	-	22,108
Sponsorships	27,819	17,760
Sports programs	-	26,366
Sundry	14,950	-
Travel	292,230	273,410
Transportation	-	5,091
Volunteers and staff	-	6,087
	<u>\$ 2,110,943</u>	<u>\$ 2,262,162</u>

METIS NATION – SASKATCHEWAN SECRETARIAT INC.
NOTES TO THE FINANCIAL STATEMENTS
year ended March 31, 2002

1. DESCRIPTION OF OPERATIONS

Metis Nation – Saskatchewan Secretariat Inc. (“Metis Nation”) is incorporated under the Metis Act of Saskatchewan. Previous to April 1, 2001, the Metis Nation was incorporated as The Metis Society of Saskatchewan under the Non-Profit Corporations Act of Saskatchewan. The Metis Nation’s purpose is to undertake activities that strive to recognize the political, legal and constitutional rights of the Metis people in Saskatchewan.

2. SIGNIFICANT ACCOUNTING POLICIES

The financial statements have been prepared in accordance with Canadian generally accepted accounting principles and include the following significant accounting policies:

Fund Accounting

The balance sheet and the statements of earnings and deficit and changes in net assets and cash flows are all prepared on a combined basis. Revenue and expenses related to program delivery and administration activities are reported in the following funds:

- Core
- Tripartite Self Government
- Intergovernmental and Aboriginal Affairs Programs
 - Secretariat Programs
- Education and Training Program
- Economic Development Program
- Enumeration
- Aboriginal Language Initiative
- Back to Batoche
- Urban Multipurpose Aboriginal Youth Centre

Use of Estimates

The preparation of the financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the year. Actual results could differ from those estimates.

METIS NATION – SASKATCHEWAN SECRETARIAT INC.
NOTES TO THE FINANCIAL STATEMENTS
year ended March 31, 2002

2. SIGNIFICANT ACCOUNTING POLICIES (continued)

Revenue Recognition

The Metis Nation follows the deferral method of accounting for contributions. Externally restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Capital Assets

Capital assets are recorded at cost. Amortization is computed based upon the estimated useful lives and salvage values of the assets; namely, 20% per year on equipment on the declining-balance basis. In the year of acquisition, one-half of this rate is used. No amortization is taken in year of disposal.

Deferred Contributions

Deferred contributions results from grant funding which was received prior to year-end even though the related costs will be incurred over the life of a program, including periods subsequent to the year-end. Deferred contributions will be brought into revenue in the next fiscal year as the related expenses are incurred.

3. CASH

Cash consists of cash in bank less outstanding cheques.

	<u>2002</u>	<u>2001</u>
Core Program	\$ 22,307	\$ 9,572
Tripartite Self Government Program	17,756	9,530
Intergovernmental and Aboriginal Affairs Programs	13,368	5,796
Enumeration	1,826	2,211
Administration	36,205	17,528
Batoche	-	126
	<u>\$ 91,462</u>	<u>\$ 44,763</u>

4. ACCOUNTS RECEIVABLE

	<u>2002</u>	<u>2001</u>
Government of Canada	\$ 342,144	\$ 22,399
	<u>\$ 342,144</u>	<u>\$ 22,399</u>

METIS NATION – SASKATCHEWAN SECRETARIAT INC.
NOTES TO THE FINANCIAL STATEMENTS
year ended March 31, 2002

5. CAPITAL ASSETS

	<u>Cost</u>	<u>Amortization</u>	<u>2002</u>	<u>2001</u>
Land	\$ 99,405	\$ -	\$ 99,405	\$ 99,405
Equipment	98,502	79,614	18,888	23,609
	<u>\$ 197,906</u>	<u>\$ 79,614</u>	<u>\$ 118,292</u>	<u>\$ 123,014</u>

6. DEFERRED CONTRIBUTIONS

	<u>2002</u>	<u>2001</u>
Saskatchewan Environment & Resource Management	\$ <u>15,359</u>	\$ <u>-</u>

7. CONTINGENCIES AND COMMITMENTS

The Metis Nation is committed to the following:

The Metis Nation entered into a one-year lease for its office space with Provincial Metis Holdco Inc., an organization with which the Metis Nation is related through common board members. Under the terms of the lease the Metis Nation is obligated to make the minimum lease payments amounting to \$48,420 during 2003.

The Metis Nation is also committed under terms of leases for office equipment at the following minimum amounts over the next three years:

2003	\$ 9,285
2004	9,285
2005	9,285
	<u>\$ 27,855</u>

These lease commitments are paid through the administration program.

METIS NATION – SASKATCHEWAN SECRETARIAT INC.
NOTES TO THE FINANCIAL STATEMENTS
year ended March 31, 2002

8. RELATED PARTY TRANSACTIONS

During the year the Metis Nation incurred rent expense of \$40,686 (2001 - \$41,897) to an organization with which it is related through common board members, Provincial Metis Holdco Inc. This rent constitutes fair market value for services received.

During the year the Metis Nation recorded \$nil (2001 – \$75,600) grant revenue from an organization with which it is related through common board members, Metis Employment & Training of Saskatchewan Inc. The grant funds in the previous year were funded through Human Resources Development Canada.

During the year, the Metis Nation received grant revenue of \$132,245 (2001 - \$88,995) from the Clarence Campeau Development Fund with which it is related through common board members.

Transactions with related parties are in the normal course of business and are measured at the exchange amount of consideration established and agreed to by the related parties.

Constitutional Amendment

Motion #017/11/01:

Move to amend Article 8 by adding the following after Section 3:

Article 8, Section 3.1:

3.1 Notwithstanding Sections 2 and 3, the election for the Executive and Regional Representatives of the Provincial Metis Council of the Metis Nation Legislative Assembly shall be held on the last Wednesday of May every 3 years beginning in May 2004.

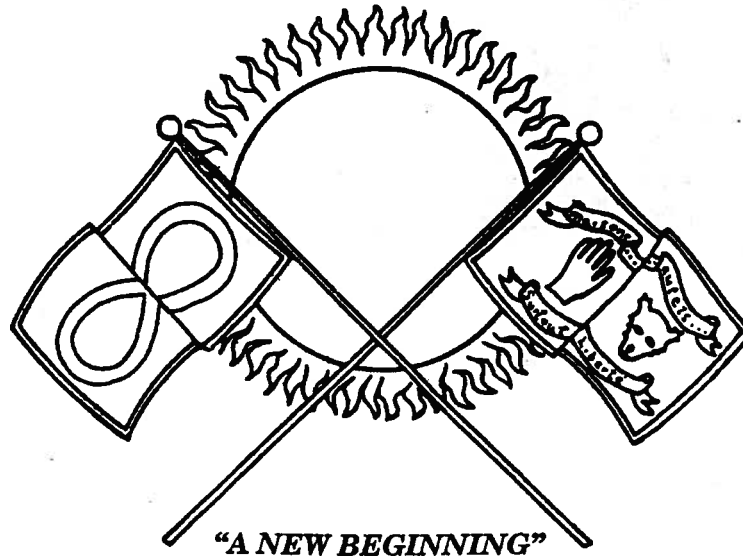
Moved: Clem Chartier, President

Seconded: Albert Delaire, WR111

CARRIED

Annual Report

2002

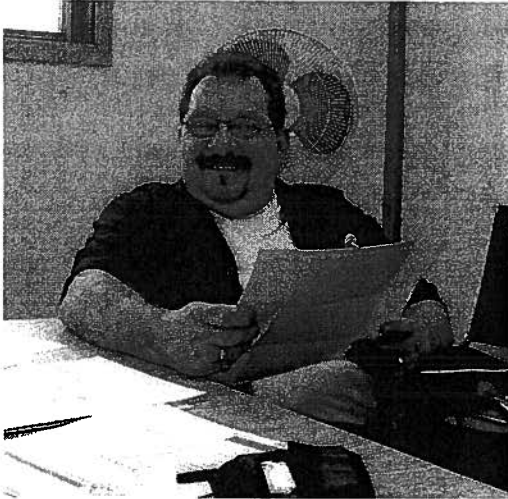


MACSI

Our Mandate

The Metis Addictions Council of Saskatchewan is a non-profit organization that exists to reduce and eventually eliminate the harmful effects of alcohol and drug abuse among Aboriginal people and to assist communities in restoring a balanced and harmonious lifestyle. The key to overcoming the addiction is to restore harmony – to become WHOLE.

Minister's Message



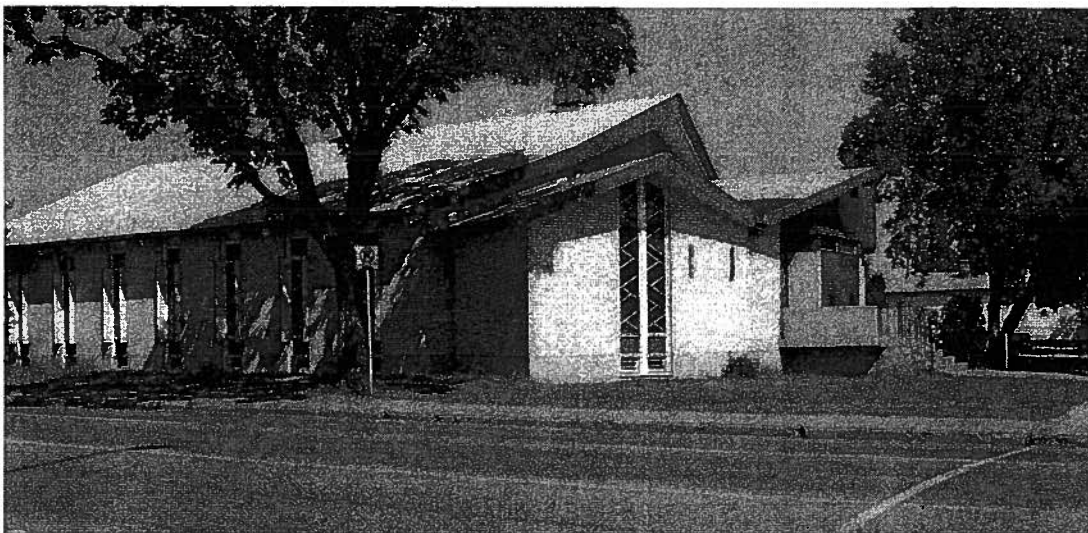
Albert Delaire, Minister of Health, MNS 1

looking into and we have commenced working on this issue with the Government as well as many more.

MACSI has also become partners with other organizations to help Metis People such as youth, women, and Residential School Survivors. We believe these are issues that affect our people and they must be addressed.

In closing, I would like to thank everyone involved with MACSI that has helped us reach our goals.

Albert Delaire, Minister of Health



New Saskatoon In-Patient Treatment Centre, 335 Ave. G South

Executive Director's Message

It has been exciting to work for MACSI for the past nine months. I have had the privilege to be part of several positive changes. The chronic and historic debt suffered by the organization over the past several years was eliminated this last fiscal year. We now look forward to a bright future with a financially sound and stable organizations. We also negotiated a modest 4.5% funding increase from Saskatchewan Health for this fiscal year with plans to create long-term program changes for further increases to our funding.

We were also able to purchase, after a great deal of effort, a new facility to house our Saskatoon Inpatient Treatment Centre. This centre has existed for about 30 years and we have never owned our own building. We need to build up equity rather than simply paying rent so we purchased our own facility. We purchased a former church at 335 Avenue G South in Saskatoon and are currently waiting re-zoning from the City of Saskatoon before commencing with renovations with the expected move-in date of August 1, 2002.

We were also successful in reapplying to the Aboriginal Healing Foundation for our Speaking Out Listening for Healing program to assist Metis survivors of Residential School abuses. Our funding had been cancelled after difficulties in the first year of the program, we could successfully deliver on our promises on behalf of the Metis Nation Saskatchewan. We successfully negotiated almost a million dollars over the next tow years for this program, which will employ eight full-time staff and service countless Metis citizens.

It has been a real pleasure to work with the professional staff and diligent Board of MACSI. This experience has been one that was insightful and will remain a value to me. As I now leave to resume my law practice, I leave MACSI in a very good postion and I am confident that the Board will select an Executive Director who can build on these successes.

Dwayne (Trudeau) G. Roth, L.L.B.
A/Executive Director, MACSI



MACSI Core Staff

Out-Patient and Field Educator Programs

Over thirty years ago, MACSI initiated its outreach into the community through delivering storefront services in Regina to deliver counselling and referrals for people wanting to change their addictive behaviours. Today, we have two Out-Patient Counsellors located in Regina and Prince Albert as well as six Field Educator Counsellors located in North Battleford, Cumberland House, Archerwill, Yorkton and Regina serving both adults and youth in need of our services at no cost according to the principals of the Saskatchewan Model of Recovery Services.

MACSI creates greater awareness and knowledge for both adults and youth in Saskatchewan by:

- Education and community development in the school system and Metis communities.
- Motivating clients to choose recovery through client assessments and referrals.
- Delivering individual, group and family counselling.
- Encouraging clients to follow their recovery plans through relapse prevention and follow-up after treatment

Ongoing Youth Services

Four counsellors provide information and other services to youth at risk in Metis communities. MACSI has been very concerned about the lack of services for youth affected by alcohol and other drugs. In 2001, MACSI continued to work with other youth addiction counsellors in Saskatchewan to examine the possibility of piloting a youth detox and stabilization centre. Since 1997, MACSI has been examining ways to assist youth at risk through providing stabilization and treatment services. Communication is vital to providing services to youth. MACSI has proudly supported through in-kind contributions of its staff and Directors youth gathering. In 2001, MACSI continued to attend school classes, using these opportunities to display information interesting to both students and teaches. MACSI, in collaboration with the Metis Nation initiatives in North Battleford, works with youth referred by Provincial Court Justices by providing addictions services to young offenders. MACSI continues to receive excellent feedback concerning our work with youth.

2001/2002 Out-Patient Activities

- 924 Clients served
- community presentations
- community contacts
- Sober Walk Regina

In-Patient Treatment Program

MACSI continues to operate forty in-patient treatment beds in three treatment centres located in Regina, Saskatoon and Prince Albert. A dedicated compliment of Counsellors, Night Attendants, Program Directors as well as support staff deliver professional services under the principles of the Saskatchewan Model of Recovery Services to those requiring more intensive treatment options. Our goal is to provide a Holistic approach to assist clients on their road to recovery, providing programming to address their spiritual, mental, emotional and physical healing. This allows individuals to take care of themselves on a daily basis. Clients completing treatment will have the knowledge and ability to nourish and strengthen these aspects of their well-being and restore harmony in their lives.

MACSI in-patient treatment centres are co-ed, residential facilities that provide a no-fee service to clients in a safe, supportive and chemical-free environment. Treatment consists of a twenty-eight day structured program designed to deal with clients in terms of their spiritual, mental, emotional and physical functioning. The treatment process has four main elements.



P.A. Inpatient Treatment Centre

Education

A series of sessions that provide clients with basic information about addictions, medical effects, characteristics and attitudes that are associated with addictions and particular chemical substances

Counselling

These are large and small group therapy, one-to-one counselling and group counselling. It stimulates sharing and emotional healing while the individual process stimulates the development of thinking and other intellectual skills as well as emotional healing.

Skill Development

Teaches the client the tolls needed for social living. Activities are designed to provide clients with learning experiences in essentials lifeskill areas such as: communications, assertiveness, problem solving, belief instruction, and reconstruction. Other activities

include Elders who are invited as resource people to assist the cultural component and members of the clergy to assist with the spiritual needs of our clients.

24 Hour Supervision

A controlled environment where clients are supported to deal with their addictions in a holistic manner.

2001/2002 In-Patient Activity	
➤	432 Clients served
➤	presenting problems
➤	completions
➤	terminations

* * * * *

Prince Albert Detox Centre Program

MACSI delivers twenty-four hour, seven day, no-cost withdrawal management services to residents of Prince Albert through its six bed, social detox program located in our treatment centre building. Detoxification is the initial phase of a comprehensive recovery program. It must be closely linked to other programs such as out-patient and in-patient services and/or community support systems that deal with excessive drinking, drug usage and related problems.

The major role of a detox centre is to provide a protective setting in which intoxicated persons may stay while withdrawing from the harmful effects of acute intoxication thus interrupting the pattern of steady or repeated drinking or drug usage. Treatment and medications are minimal; emphasis is placed on rest, re-hydration, personal hygiene and a return to a balanced diet.

2001/2002 Detox Activity	
➤	239 Clients served
➤	presenting problems

Prince Albert Extension Program

MACSI operates a thirteen-bed, community residential facility beside our Prince Albert Treatment Centre. This fee-for-service program operates with the assistance and

collaboration of Corrections Services Canada, Prince Albert Area Parole Office. We provide 24 hours assistance and supervision to federal offenders who have been granted day parole, full parole or statutory release with community conditions by the National Parole Board. It is our goal to provide a Holistic approach to reintegrating federal in collaboration with the resident's parole officer. MACSI provides supervision, counselling, HAWKS program and liaison services to ensure a health and successful reintegration back to their families and communities.

2001/2002 Extension House Activity

- 39 Clients served
- presenting problems
- outcomes

MACSI Supporters and Funders

Saskatchewan Health Community Care Branch

Corrections Services Canada (Parole)

Aboriginal Healing Foundation

Deloitte & Touche

Royal Bank, Aboriginal Banking Services

Saskatchewan Association of Health Organizations

Provincial Support Unit, Provincial ADS Working Group

Ceridian Canada

Metis Nation – Saskatchewan

MACSI Staff

Core Office

Dwayne Roth – Interim Executive Director
Terra Andrews – Finance Manager
Irene Seenum – Payroll/Benefit Administrator
Rachelle Andre – Executive Secretary

Saskatoon House

Gail LaRose-Heidt – Director

Prince Albert House

Marlene Hansen – Director

Regina House

Lana Blondeau – Director

Unaudited Financial Information

Revenue	2001	2000
CSC Parole	276,216	257,634
SK Health	2,240,094	2,111,865
Other Income	<u>509,985</u>	<u>202,640</u>
	3,026,115	2,572,139
Expenses		
Management & General Administration Program	650,022	525,025
	2,250,094	1,952,168
Net Assets, Beginning of the Year	24,328	94,946
Excess of Revenue Over Expenses	126,096	(70,328)
Net Assets, End of Year	N/A	24,328

A complete audited Financial Statement will be available at the end of June. Please contact MACSI in writing to obtain a copy.

2002 Board of Directors

Executive Committee Members

Chair

Honourable Albert Delaire – Minister of Health – Regional Director for Western Region III. In the early '90's Mr. Delaire was Chairman for Gabriel Dumont Institute Centre was the Chair of Human Rights Commission.

Vice-Chair

MaryAnn Gagnon – Associate Minister of Health – President of the Metis Women of Saskatchewan Inc. and is a Social Development Coordinator with the Fort Battleford Urban Metis Development in North Battleford.

Treasurer

Walter Schoenthal – founding member of NAC and is a Senator for the National Friendship Centres. Retired Veteran and pensioner.

Secretary

Henry Cummings – President of Gabriel Dumont Metis Local 11. Sits on the SNEDCO board. He helps run a program to assist Metis Elders. Sits on the Saskatoon Metis Nation Urban Council.

Regional Council Representatives

Western Region I

Margaret Lavoie – President of the Metis Local in Spiritwood for a number of years and also on the L.L.A.M.B. board for Western Region I.

Western Region IA

Linda Fineday - A licensed Practical Nurse, was born and raised in North Battleford. She is excited about making a positive contribution in this new role.

Eastern Region I

Vacant

Eastern Region II

Vacant

Eastern Region IIA

Joanna Potyondi – She served the MACSI Board for two years and is also the President of Local 15, a member of the L.L.A.M.B. Board for Eastern Assiniboine, and the Saskatchewan Justice Committee.

Eastern Region III

Maurice Blondeau – Worked for the first NAC program and in '67 he retired from the Friendship Centre.

Northern Region I

Roger Morin – He has been a Board member for about four years and works for Saskatchewan Justice.

Northern Region II

Paul Montgrand – Birch Narrows Local Education Authority , Police Management Board, and the METHY Pathways.

Northern Region III

Alexina Laliberte – Alexina works for Keewatin Yatthe Health District Addictions Services.

Metis Women Rep

Jackie Kennedy –

Metis Youth Rep

Kendra Strong – Was recently appointed to the Urban Governance Board of Saskatchewan.

We regret the loss of two board member in December 2001, Cyril Roy and Charles Laronde. They were both very active members and served on the Board for several years. We greatly appreciate the many positive contributions they made. Both will be sadly missed.

**METIS NATION – SASKATCHEWAN URBAN
GOVERNANCE MINISTRY**

**Minister, Albert Delaire, and
Associate Minister, Ralph Kennedy**

JUNE 2002 REPORT

To the MNS – ANNUAL GENERAL ASSEMBLY

**METIS NATION – SASKATCHEWAN –
ANNUAL GENERAL ASSEMBLY**

June 21, 2002

Batoche, Saskatchewan

Metis Nation – Saskatchewan Urban Governance Ministry Report

INTRODUCTION

Greetings. Welcome to our Annual General Assembly in Batoche, Saskatchewan. I hope you will join me in acknowledging our host community, Batoche and the Western Region Director, Peter Rudyck of Duck Lake.

This will be my first report to the membership in this forum and it is a privilege and an honour to serve as your Urban Governance Minister. The past year has been challenging and exciting and as always, a learning experience. One of the things that I would like to focus on in my report this year is highlighting some of the achievements and accomplishments since I have taken office as the MNS-Urban Governance Minister. I will also touch on the work of the MNS-Tripartite Unit, Urban Governance Initiative over the course of the past year, as directed by the Urban Metis Presidents and the membership, and talk about the many linkages in our work at the provincial and urban communities.

It is my sense that we have not talked enough about our successes. It is important to report on the work undertaken on your behalf throughout the past year; however, it is equally important that we recharge ourselves and come out of our annual meeting invigorated and inspired by each other through our accomplishments. I am confident that the work undertaken by my office is reflective of a forward-looking agenda and building on our strengths within the Metis Movement.

I have laid my report out under several headings, which are self-explanatory.

MANDATE OF THE MINISTRY

The Metis Urban Governance Ministry of the MNS (the Ministry) has been created with a mandate to bring development by providing direction and Leadership to the Metis Nation in the geographical area of the urban government structure.

METIS URBAN GOVERNANCE

The Metis Nation – Saskatchewan (MNS) has recognized that the increased Metis urban population has specific needs which must be addressed, with respect, through collective approach. This has required building an infrastructure from the grassroots with a practical, community based, planning process that has provided a strategic framework for Metis Urban Governance.

The MNS, through the Metis Nation Legislative Assembly, and under the Authority of Article 6 of the Constitution of the MNS, then created the Metis Urban Council of Saskatchewan (MUCSI), comprised of the MNS -Presidents of the locals of the four urban centres (Regina, Saskatoon, Prince Albert and North Battleford). The Urban initiative is community driven process that is overseen by the MNS urban Locals through a Protocol Agreement signed and dated December 5, 1998.

On May 2, 2001, the MNS created the Metis Urban Governance Ministry (the Ministry) to bring development by providing direction and leadership on Metis Urban Governance. The Ministry then incorporated the non-profit Corporation, Metis Urban Governance of Saskatchewan Inc. (MUGSI). MUGSI signifies a positive step toward the realization of Metis Governance of Urban Metis communities.

HOW THE MINISTRY VIEWS THE IMPLEMENTATION OF METIS URBAN COMMUNITY GOVERNANCE

It is important and essential that everyone involved in designing an appropriate Metis urban governance system, which can be fully implemented and recognized by Metis urban citizenship, Canada and Saskatchewan has a clear construction of Metis urban governance, jurisdiction and law making systems.

In order to form more collective systems the question, which must be answered, is what jurisdiction and how much power and authority are the locals prepared to forward delegate to a more collective form of governance?

Forward delegation means a degree of jurisdiction and authority each urban Metis local is prepared to delegate [permanently] to a central form of governance and which powers they wish to retain and exercise exclusively on an individual basis.

For example, the Metis Urban Governance may wish to retain some exclusive jurisdiction entirely in a sector but wish to "forward delegate" some law-making or administrative responsibility to a "collective" body such as Metis Nation of

Saskatchewan - Metis Urban Governance of Saskatchewan Inc., or Metis Employment and Training of Saskatchewan Inc. to assist on certain agreements or protocol agreements.

Some areas of jurisdiction, which may be discussed for Metis "take over" of jurisdiction might include: citizenship, health, housing, child and family services, justice, culture and language, education, social development.

The Ministry, through the Metis urban Locals will begin identifying, developing and implementing policies which will directly impact on programs and services for Metis in urban Metis communities.

The Ministry will enhance and build upon the working relationships, which already exist between MNS (Locals, Regions, and Affiliates), federal, provincial and municipal government departments, crown corporations, non-government organizations, businesses and other similarly established groups.

METIS URBAN GOVERNANCE TRIPARTITE PROCESS ACTIVITIES

The Metis Nation - Saskatchewan (MNS) has been engaged in a Tripartite Process with the Government of Canada and Saskatchewan. Within that Process, the three parties have been negotiating practical solutions to Address the needs and priorities facing Saskatchewan Metis such as Economic Development, community justice and community governance, and other priority issues as they emerge. It is within the tripartite process that the MNS Developed and proposed the Tripartite Urban Metis Community Governance Initiative in its 1998-1999 tripartite workplan. One of the primary goals of the Urban Initiative is to discuss Urban Metis Community Governance and to develop Urban Metis Council among the four urban centres of Saskatoon, Regina, North Battleford and Prince Albert.

The Metis Urban Governance Initiative has been working in partnership with the Metis Nation – Saskatchewan – Metis Urban Governance Ministry. They have held four Metis Urban Community Consultation with the Metis Nation – Saskatchewan Local representatives (Saskatoon, Regina, Prince Albert, and North Battleford). The objectives of the consultations were as follows; *to enhance the agenda on Metis Urban Governance, to work with the Metis Urban Locals and to work on an agenda that we can all work with.* The second agenda item was to review and discuss the draft Metis Urban Governance Process: Blue Print For Action. The community consultations were successful. The Metis Urban Locals came up with a process they can all work with and they created an agenda for their provincial forum, which taken place Saturday, February 16, 2002 in Saskatoon

The Provincial Forum Agenda focused on the following:

1. Protocol Agreement between the Saskatoon Locals, Prince Albert Locals, Regina Locals, North Battleford Locals and the Metis Nation – Saskatchewan dated December 5, 1998.
2. How the Metis Urban Locals can enhance the agreement by working in partnership with the MNS – Urban Governance Ministry.
3. Metis Urban Community Governance Process – Blue Print For Action
4. Communication Strategy – the need to host community consultations with all the Metis Urban Citizens located in all four urban centers
5. Forwarding Planning

The Metis Urban Locals will work together to enhance the Metis Urban Governance in our province. They have accepted within principal a draft structure and by-laws. These by-laws are in the process of having changes to them. They will be distributed to all Metis Urban Local Presidents and to the MNS - Intergovernmental Affairs Minister.

The Metis Urban Locals accepted the draft Metis Urban Community Governance Process – Blue Print For Action. They gave the direction to the Metis Urban Governance Ministry to go forward and start working on some of the actions that are set out in the Blue Print for Action.

The Metis Urban Locals will work together with the Metis Urban Governance Ministry on a 2002-2003 MNS-Tripartite Workplan. The workplan outlines the work that will be accomplished in 2002-2003.

METIS URBAN GOVERNANCE BLUE PRINT FOR ACTION

The Metis urban Leadership, and the Ministry have agreed upon a second draft “Metis Urban Community Governance Process – Blue Print For Action”. The Blue Print For Action shows the vision and spirit and intent of the Metis Urban Governance Process. The Blue Print may explore appropriate ways in which Canada, Saskatchewan, and the Metis Nation – Saskatchewan can give legal effect in the form of legislation to the recognition of Metis Urban Governance such as a Metis Urban Implementation Act or a Metis governance Recognition Act or a Metis Urban Act. The start of these discussions may take place at the proposed round table discussions.

The Metis Urban Leadership, and the Ministry will to seek to enhance and build upon the working relationships, which already exist between MNS (Locals, Regions, and Affiliates), federal, provincial and municipal government departments, crown corporations and other community stakeholders.

The Metis Urban Leadership, and the Ministry will continue with consultations with Metis urban citizens. This process will ensure that Metis Urban Governance reflects the unique traditions, history, and culture of the Metis citizens, which may make those systems quite different from the Federal and Provincial government systems. The Blue Print for Action will be presented and discussed with the Metis urban communities.

The Metis Urban Governance process will include reviewing and discussion around sectoral initiatives. This may include education, employment (career), health, justice (corrections), housing and justice programs and areas to be of concern to urban governments for individuals and families of the Metis Nation in the four urban centres (Saskatoon, Regina, Prince Albert and North Battleford).

CONCLUSION

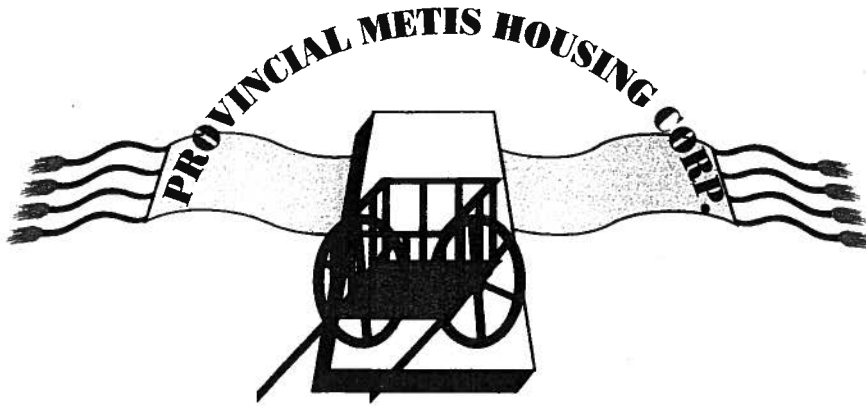
In conclusion, the Ministry would like to acknowledge and thank the MNS – urban Local Presidents, Metis Women of Saskatchewan, Metis Youth Council of Saskatchewan and the MNS Board of Governors for their support. While it has been difficult at times, there have been many sustaining moments over the past year which have encouraged our efforts to effect real change. These moments serve as reminders, and resonate in our hearts, of what our Metis Nation is all about.

I wish everyone a safe journey home.

Respectfully submitted,



Albert Delaire, Minister
MNS – Urban Governance



M.N.S. AFFILIATE

June 21, 2002

Metis Nation Legislative Assembly
Batoche, Saskatchewan

To: M.N.S. Executive, Area Directors, Local Presidents

Provincial Metis Housing Corporation (PMHC) is having another busy year delivering home repair programs in our delivery area.

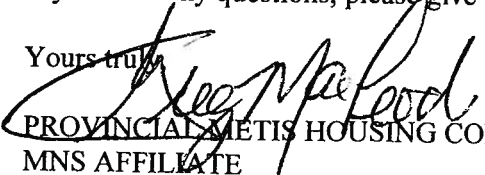
PMHC has a staff of four people, which carry out administration functions, as well as technical duties that are required for the programs. The programs that we deliver are called the Homeowner Residential Rehabilitation Assistance Program (RRAP) Disabled RRAP, the Emergency Repair Program (ERP), Home Adaptations for Senior's Independence (HASI) and the Home Modification for Disabled. (see enclosed description of each program). These programs are designed for low-income homeowners that are in need of major home repairs.

PMHC is currently delivering the 2002 budget approximately 2.1 million dollars for these programs and assisting over 300 homeowners with home repairs. We anticipate the 2nd half of the budget to arrive soon and we will continue to sign more clients has budget permits. There is a very large demand for home repairs, we currently have over 700 applications on file. The 2002 budget is the last year of committed funding for these programs by the Federal and Provincial Government. We have brought this to the attention of the government and have shown that there is a large demand and need for these programs. We were informed that the Federal Government is in the process of reviewing the programs and hopefully they will inform us as soon as possible as to the existence of the programs.

Housing issues are always very important and affect many other aspects of life. Housing is a major concern of the Metis Nation as well as PMHC. Therefore, we will continue to deliver these repair programs and continue to search for additional solutions to assist with improving housing throughout the province.

If you have any questions, please give us a call.

Yours truly,


PROVINCIAL METIS HOUSING CORPORATION
MNS AFFILIATE

Residential Rehabilitation Assistance Program (RRAP)

The acronym RRAP refers to several program lines, which are described in more detail in the subsequent section. The following are some overall comments about the programs and their delivery.

Program Guidelines and Delivery in General

- Certain programs may be used together (stacked), except for the Emergency Repair Program (ERP), which provides assistance for emergency repairs for the continued safe occupancy of the home until alternate accommodations can be found. This precludes stacking ERP with other programs. Homeowner RRAP, RRAP for Disabled Persons, and the unilateral provincial Home Modification for the Disabled may be stacked. If the homeowner is a senior, Home Adaptations for Seniors' Independence can also be added.
- Both Homeowner RRAP and RRAP for Disabled Persons require that the home be brought to a minimum level of health and safety and that its remaining useful life be at least fifteen years. As a result, any home which has already had RRAP within the last fifteen years is ineligible for further assistance.
- Because of the requirement that all repairs identified to bring the home to minimum health and safety standards and to extend its useful life must be completed, clients are required to pay for repair costs in excess of the program's assistance. If they are unable to do so, they cannot receive the program assistance. Thus we often refer to RRAP as an "all or nothing" program. In addition, once a client has received the maximum assistance offered through the program, they are not eligible to reapply for a period of 15 years.
- As part of its social housing program policy, current homeowners/clients who have arrears owing to the Corporation are eligible for RRAP assistance only after making at least four consecutive payments against the arrears.
- Former clients of the Corporation, who have caused a loss or are in arrears, must pay the outstanding loss/arrears in full before becoming eligible for any assistance.
- Assistance under Homeowner RRAP and RRAP for Disabled Persons is provided on a sliding scale tied to the ratio between the client's household income and the Household Income Limits (HILs). As you will see from the attached table, at 60 % of the HILs, 100% of the program assistance is available. At 100% of the HILs, the client is no longer eligible for assistance. Furthermore, the level of household income determines the percentage of the total repair costs that are eligible for assistance, with the remaining costs to be paid by the client.
- To facilitate payment of the client's contribution, clients with good credit ratings are eligible

for a repayable loan from CMHC. They also have the option to arrange for financing with a local financial institution.

- HILs are determined by CMHC based on the number of bedrooms that should be made available based on family composition (not the actual number of bedrooms in the home).
- Clients who have mortgages with SHC are eligible for program assistance under certain conditions. The mortgage program has its own repair program, called "Emergency Repair" (ER), which provides maximum assistance of \$4,635 to address repairs that pose imminent danger to the health and safety of the occupants. If the repairs don't fit that category, or if they exceed the level of assistance available, then the homeowner can apply for RRAP, but must qualify in accordance with program guidelines regarding income, arrears, etc.
- In the north, SHC has contracted Provincial Metis Housing Corporation to deliver RRAP.
- Repairs are carried out by private contractors who must bid competitively to obtain the work.

Specific Program Guidelines

Emergency Repair Program (ERP)

- This program provides assistance to homeowners in rural and remote areas to undertake emergency repairs required for the continued safe occupancy of their houses. A significant portion of this program is directed to persons of aboriginal descent. Assistance, in the form of a grant, depends on the cost of the repairs. Maximum contributions vary from \$4,635 in southern areas to \$6,524 in northern areas. ERP cannot be stacked with Homeowner RRAP and RRAP for Disabled Persons.

Homeowner RRAP

- This program provides assistance to low-income homeowners to bring their properties up to minimum health and safety levels. To qualify, a household's income must be below a maximum established for the applicable area. Assistance is in the form of a loan, part of which may not have to be repaid. In southern areas of the province, the maximum loan is \$18,000, and in northern areas it is \$21,000. The maximum amount that may be forgiven varies from \$12,000 in the south to \$14,000 in the north. The amount of forgiveness depends on household income and is based on a percentage the repair costs covered under the program. Maximum forgiveness is available where the household income is 60% or less of an income threshold for a certain area. Forgivable amounts decline to 0% for households with incomes at this threshold.

RRAP for Disabled Persons

- This program provides assistance to households occupied by persons with disabilities who require special modifications to improve accessibility to their residence. Assistance is in the form of a loan, part of which may not have to be repaid. The maximum loan is \$18,000 in southern areas and \$21,000 in northern areas. Forgiveness levels are the same as for Homeowner RRAP. The forgiveness amounts depend on household income and costs of the accessibility modifications.

Home Modification for the Disabled (Home Mod)

- The Home Mod program is a provincial program developed to assist low income people who are handicapped to make modifications to their home which will assist them in their daily living. A prerequisite to the program is that the repairs must pertain to the applicant's disability. Financial assistance is in the form of a grant to a maximum of \$2,000 depending on the actual cost of repairs. Clients whose incomes are below \$23,000 per annum qualify for the full \$2,000 and the amount of the grant reduces on a sliding scale such that when the income is \$33,000 there is no assistance available. A verification of disability must be provided by the client's doctor.

Home Adaptations for Seniors Independence (HASI)

- This program assists low-income elderly clients, whose difficulties in daily living can be addressed by certain adaptations to their homes. HASI provides one-time, non-repayable contributions of up to \$2,500. The exact grant amount is based on material costs and labour necessary for required adaptations. To obtain assistance, applicants must be 65 years or older. Household incomes must be less than the household income limits established for the type of household in the local area (same HILs as for RRAP). A verification of disability must be provided by the client's doctor.

Provincial Metis Housing Corp.
Tollfree # 1-877-396-7933.



Environment and Natural Resources Metis Nation - Saskatchewan

Minister Norman Hansen

Tansi

I welcome each and every one of you to this gathering of Metis people. While you are here, I hope that you take some time to walk around this historic part of our homeland, and reflect on what you see, and what must be remembered. Batoche will forever be remembered as the place where many of our ancestors walked, lived, raised their families, fought and died for the beliefs they held. Throughout Saskatchewan, and throughout our homeland, Metis people have held close ties to the land, water and skies which sustain our bodies and our spirits.

As Minister of Environment and Natural Resources for the Metis Nation - Saskatchewan, I have been asked to carry forward a legacy of ensuring Metis people have a voice in decisions made concerning our environment and natural resources. This is no small challenge. The battles fought at Batoche carry on today. These battles are no longer fought on the open prairie with guns, but in board rooms with policies. Metis people want to be heard. Metis people want to determine how best to manage our precious lands and resources. We are working hard to make sure that this becomes a reality.

Since I have taken over this portfolio, work has continued under the 1995 Renewable Resources & Environment Management Partnership Agreement between the Metis Nation - Saskatchewan and Saskatchewan Environment. The work plan for 2001-2002 concluded on March 31, 2002. You will find a copy of the final report in this kit.

This new fiscal year has also brought some staffing changes. Ms. Yvonne Vizina is our new Researcher / Coordinator for MNS Environment and Natural Resources. Together, we are developing a new work plan for 2002-2003 and continuing developmental work on other initiatives begun last year. Working through initiatives that concern policy setting within our Nation and within government takes a great deal of time. We must always be careful that the decisions we make, and the actions we take, will have a positive result for our future generations as well as ourselves today.

I welcome you to stay in touch with the Metis Nation - Saskatchewan regarding issues related to Environment and Natural Resources. As Minister, your concerns or inquiries are important to me.

Sincerely,

Norman Hansen

Mr. Norman Hansen



Norman Hansen

For more information please contact:

Metis Nation - Saskatchewan

219 Robin Crescent

Saskatoon, SK

S7L 6M8

Phone: (306) 343-8285

Fax: (306) 343-0171

Website: <http://www.metisnation-sask.com/index.html>

ANNUAL REPORT - 2001 - 2002

RENEWABLE RESOURCES ENVIRONMENT MANAGEMENT

PARTNERSHIP AGREEMENT

General Overview

Saskatchewan Environment and Resource Management and the Metis Nation entered into a Partnership Agreement in 1995 after many months of negotiations. The Agreement is intended to and explore practical areas in which cooperation might take place of the Provinces's resources and the environment.

The Agreement lay dormant for several years due to the one party, MNS, not having the financial capacity to be an equal partner. In the fall of 1998, a Services Agreement was arrived at, between SERM and the MNS, whereby funding would be provided by SERM with a one year commitment by Northern Affairs.

The Partnership Agreement has five (5) objectives, which are;

- 1) To develop and maintain a good working relationship between the Parties through discussion and resolution of issues of mutual concern and ongoing communication and consultation.
- 2) To jointly develop a framework for Metis Nation involvement in co-management of renewable resources in Saskatchewan which specifies the roles of the Metis Nation and it's local and regional organizations. The Parties will base the framework on the following Co-Management Principles;
 - Public ownership and provincial responsibility for renewable resources
 - Co-operation as partners in environmental and resource management through an approach based on mutual respect, trust, fairness, and openness
 - Stewardship of renewable resources and the environment as the keystone to sound management. Healthy ecosystems must be maintained; renewable use must be

- sustainable.
- Integration of environment/renewable resource, economic development and social well-being in all planning and decision making as an approach critical for achieving sustainable development;
 - Inclusive process - co-management must be open to all stakeholders, and respect existing uses and allocations. Stakeholders are individuals or groups with an interest in the geographic area and renewable resources being co-managed.
- 3) To work together to address wildlife management and conservation issues of mutual concern.
 - 4) Should Metis rights with respect to fish and wildlife be established or recognized through a political and legal processes, the parties agree to work together to implement those rights.
 - 5) To discuss a range of specific issues with a view of reaching a common understanding and vision on each. The Issue Agenda may include but is not limited to, the following;
 - Community environmental, social and economic sustain ability;
 - Metis involvement and priorities regarding forestry;
 - Participation in SERM's proposed Multi-Stakeholder Forum and other mechanisms that facilitates Metis Nation consultation on regulatory changes, new legislation and policies;
 - Employment and economic opportunities and joint projects with SERM related to renewable resources;
 - Forest Management
 - A formal dispute-resolution mechanism based on a mediation approach.

Bilateral Task Force

The Agreement calls for the establishment of a Bilateral Task Force. The BTF is to be represented by 4 reps from SERM and 4 reps from the MNS. At this time the following people sit on the BTF;

SERM

Dave Philips	Assistant Deputy Minister
Murdoch Carriere	Director, Forest Fire Management
Al Wilcocks	Director, Forestry
Don Sherrat	Director, Fish & Wildlife

MNS

Norm Hanson	Buffalo Narrows	Minister of Lands and Environment
John Carirre	Cumberland House	
Jim Favel	Ilse a la Crosse	
Randy Gaudry	Willow Bunch	

Bilateral Task Force

The Bilateral Task Force have not met in recent months, the main reason for this inactivity is that the Memorandum of Understanding on Wildlife taking priority. The work on the M.O.U has not progressed to level where a meeting of the Task Force would be warranted.. Other activities in the work plan have taken low priority. The next meeting of the Task Force will be mid April, 2002.

Other issues that will be addressed this year is development of a communications strategy within along with consideration to joint SERM and MNS communications initiatives. Additionally, work will begin on development of a Dispute Resolution Process as well the M.O.U. on Wildlife continues to be a high priority.

Fish and Wildlife

The Morin/Diagneault case continues to present challenges to local SERM officers and to the Metis people themselves. SERM officers are uncertain as to who is a Metis and who is living a traditional lifestyle. Metis people are facing different local interpretations from different local SERM officials which creates frustration and tension. It is the hope an M.O.U. on Wildlife can resolve some of this problem.

The Morin/Diagneault Case has posed interesting situations to SERM on how it manages Fish and Wildlife in Saskatchewan. On one hand the courts have concluded that Metis people have rights to harvest Fish and Wildlife, the courts have not provided direction on which Metis qualify for these rights. This uncertainty has created stress for local SERM Field staff not mention the frustration of the Metis people.

The Metis Nation of Saskatchewan do not agree on the interpretation and application of the Morin/Diagneault Case by SERM. It is felt by the MNS that a Metis is Metis no matter where they live in Saskatchewan. The MNS compare First Nation rights which do not have boundaries in Saskatchewan, along with other Wildlife Resource Users, so why are Metis being discriminated and singled out this way and told that they have rights only in one area in Saskatchewan.

The Bilateral Task Force have attempted to a cooperative management approach on the Morin/Diagneault Case by developing a Memorandum of Understanding. The MOU was presented to the Provincial Metis Council. The PMC concluded that by agreeing to the MOU that it would present disparities among Metis. It also further concluded that the MNS may put in jeopardy with future legal challenges. The MOU therefore is a non starter as currently outlined.

To assist in the development of the M.O.U; SERM agreed to secondment a staff person from their Aboriginal Liaison Program. Brain Morin is the staff that has been assigned to work with the Metis Nation in this process.

The Sturgeon Project - Sandy Bay

The work on resolving the matter of the decline of the sturgeon fishery in the Sandy Bay area is progressing. The Sandy Bay Metis local has raised this matter and brought his to the attention of the MNS Coordinator. The Metis Nation agrees with Metis local and will provide support where it is feasible.. In saying that, the MNS has assigned the Coordinator to work with the local people as a Technical Resource person.

Local people all agree that the main contributor to the sturgeon fishery decline is the building of the Hydro Electric Station at Island Falls. The Hydro Dam was built in 1930, the first of it's kind in western Canada. At the time of construction of the Dam there was not much concern of the environment and fishery. Another possible source of the decline is the commercial harvest of the sturgeon. Several years ago there had been a very active commercial sturgeon fishery.

Locally organizing has come up with the formation of the Missinippi Namew Stewardship Committee whose is mandate is to protect, enhance and recovery the sturgeon fishery in the Sandy Bay region. The Committee has had numerous meetings to discuss the matter of the sturgeon. Contact has been established with SERM, DFO as well as Sask Power Corporation, who are the owners of the Hydro Station.

A significant part of the Missinippi Namew Stewardship Committee's work is the recording and documenting the Traditional Knowledge of our local Elders on the Namew. The work involves the video taping of this knowledge thru interviews , on site. Dark Productions from Saskatoon, an independent, aboriginal film company, has conducted this work. Funding has been obtained from public and private sources. Expected completion for the video is the end of March. The Metis Nation will be provided a copy of the completed video on the Sturgeon Project.

Northern Saskatchewan Trappers Association

The Northern Saskatchewan Trappers Association continue to have the support and assistance of the Metis Nation-Saskatchewan, the Federation of Saskatchewan Indian Nations and both levels of government. A solid relationship and understanding continues between the MNS and the Trappers Association, this will continue.

The MNS has contributed to the Northern Trappers Association from Clarence Campeau Development Funds. These funds have been used for the Trappers Association's annual meetings, which was held in Prince Albert, on December 21, and the 22th , 2001.

The Trappers Association will continue to require the services of the Coordinator. The

Coordinator assists the Association by developing funding proposals for their annual meetings. The other major area of involvement is the coordination of these annual meetings. The primary areas in which the Coordinator is involved with the Trappers Association is to provide technical advice and assistance.

Many resolutions brought forward this year at the Trappers annual general meeting dealt with difficulties Trappers are having with resource extraction industries, primarily forestry. Forest companies such as Weyerhaeuser continue to ignore the real presence of trappers in the forested lands that they harvest trees from. This lack of sensitivity and understanding has caused strain and stress for both the trappers and the company. Resolutions brought forward are suggestions and recommendations on how some of these problems can be remedied.

Of the 100 registered delegates to the Northern Saskatchewan Trappers Association annual general meeting approximately 40% were Metis Trappers. Metis trappers have always supported the work of the Association and will continue to do so.

The International Trap Standard Agreement that was entered into by Canada with the European Union has created changes to the trapping industry. One change is that the Provincial Governments have had to adjust their Wildlife Regulations to comply with the conditions set out in this International Trapping Agreement. SERM has amended the Wildlife Act thereby requiring first time trappers to be certified.

With the technical assistance of the Coordinator, SERM and Trappers have entered into a Trappers training agreement. The agreement is for two years, the amount of training dollars available is \$20,000, ten thousand a year. Training plans call for the training of local instructors then local Trapper training can begin, which is beginning to take place.

The Coordinator has also developed a funding proposal to the Aboriginal Healing Foundation, the main purpose of this proposal is to allow the Trappers to become involved in the healing of many northern that were victims of the residential school experience. The second reason is for the Trappers Association to begin seeking other funding sources to supplement their operational needs. The proposal is ready to be approved.

Weyerhaeuser's 20 Year Forest Management Plan

The largest FMA holder in Saskatchewan, Weyerhaeuser has been developing a 20 year Forest Management Plan for past 5 years. The plan itself has cost Weyerhaeuser around 8 million dollars. Clearly, Weyerhaeuser takes most of the commercial wood area for the its planning area.

Many Metis people will be affected by Weyerhaeuser's plans in particular those that live off the land. As well Metis people living within the plan area are also impacted. The Metis Nation have publicly stated that the Government of Saskatchewan and Forestry companies must begin to involve Metis people in the Forestry industry, at all levels. Involvement means all aspects from development of plans to the implementation of such plans.

As part of their implementation plans for their 20 Year Forest Management Plan, Weyerhaeuser has begun a process of information meetings on their desire to have certification status under Canadian Standards. This process is once again a repeat of the lack of sensitivity and lack of understanding of Metis concerns and interests by the literature that has been distributed. The Coordinator has found the information provided by Weyerhaeuser on aboriginal issues is incomplete and most inaccurate.

It is the view of the Metis Nation that Weyerhaeuser has not demonstrated a willingness to work with the Metis Nation and other aboriginal groups and organizations to ensure that benefits from the forest industry benefit all people in the north. Although some work has begun with First Nations the same cannot be said of the Metis Nation, this must change.

Fort La Corne Land Use Plan

The Government of Saskatchewan has begun a process of involving the public in their land use planning activities. The Metis Nation through the Coordinator's office is in touch with SERM's Land Use Planners regularly as Land Use Planning Areas are identified. It was decided by the previous MNS Minister of Lands and Resources to have a Metis presence in this Land Use Planning activity due to the Land Use Planning Area being surrounded by Metis locals.

The Fort La Corne Forest is considered by many aboriginal people to have a traditional hunting, trapping and gathering area. The Forest is also of cultural and spiritual significance.

Employment Equity

SERM's Employment Equity Program continues to be developed by an internal Committee. The Coordinator has been invited to assist in this development of an Employment Equity Program. Several workshops have been held in which the Coordinator was able to attend.

Metis people and First Nations are still underrepresented in the SERM work force in particular at the senior management level. Efforts to resolve these long standing work force disparities are beginning with the work of the Committee.

General Inquiries

Many general information inquiries about hunting rights come to the attention of the Coordinator. There is a lack of information dissemination about Metis hunting rights which should be given attention.

Conclusion

The Partnership Agreement is still viewed by both parties as the best way of achieving practical solutions to practical problems. The struggle to nail down processes and the wording to sub agreements such as the M.O.U. will time be resolved and the parties are determined that it must succeed. To measure of progress by simply looking at the lack of immediate visible activities from the work plan would be wrong, what might be the right way of viewing at looking success is the fact that the parties are determined in working together.

It may be well in the best interest of the parties to begin other areas of the joint work plan where success might well be achieved.

Prepared by;

George Morin
Lands and Resources Coordinator
Metis Nation - Saskatchewan

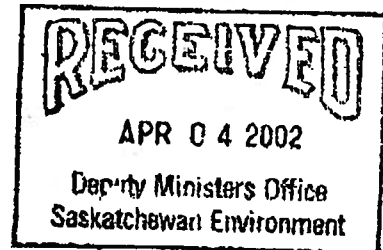
METIS NATION - SASKATCHEWAN



March 14, 2002

→ David MacArthur ADMA

Dave Philips, Assistant Deputy Minister
 Saskatchewan Environment & Resource Management
 3211 Albert Street
 Regina, Saskatchewan
 S4S 5W6



Re : Annual Report - 2001 - 2002 - SERM/MNS Partnership Agreement

Dear Dave,

The annual report of the activities in relation to the Partnership Agreement between your Department and the Metis Nation of Saskatchewan. This annual report fulfills the requirement of the Services Agreement, Section 2.3, (a).

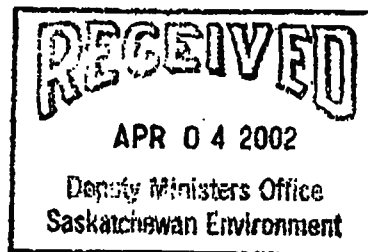
This year has been challenging and frustrating, much more was hoped for in terms of progress however continued dialogue between the parties will eventually bear satisfactory results for the Government of Saskatchewan and the Metis Nation of Saskatchewan.

Should you require further information or clarification of the report please do not hesitate to call at 306-343-8285.

Yours sincerely,

George Hansen for

Norman Hansen, Minister
 Environment & Resource Management



cc : Wilf Blondeau, C.E.O.

FOR INFORMATION ONLY

DRAFT COPY ONLY

**Renewable Resource Management
Pilot Program
Memorandum of Understanding**

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF SASKATCHEWAN
Represented by the Minister of Saskatchewan Environment (the "Minister")

AND:

THE METIS NATION - SASKATCHEWAN
Represented by the President, Minister of Environment and Natural Resources and
the Area Director of Northern Region III (the "Metis Nation")

(Hereinafter referred to as the "Parties")

WHEREAS:

1. The Parties entered into a Partnership Agreement dated October 11, 1995 to develop and maintain a good working relationship, to address wildlife management and conservation issues of mutual concern and to cooperatively implement established, recognized Metis rights with respect to fish and wildlife by entering into sub-agreements such as this Memorandum of Understanding (MOU).
2. The Parties acknowledge and agree that conservation of renewable resources and public safety considerations are paramount. More specifically the Parties agree that there must be a sustainable supply of each species to withstand harvest.
3. Members of the Métis Nation have Constitutional rights and nothing in this MOU shall prejudice future interpretation of Métis Nation Constitutional rights, land claims or other legal entitlements and Federal Government responsibility.
4. This MOU is not intended to create legal rights or legally enforceable obligations on the part of either party nor is it intended to affect the role of the Attorney General.

THE PARTIES THEREFORE INTEND:

1. To respect the authorities, responsibilities and rights of the Parties in keeping with the principles, spirit and intent of the 1995 Partnership Agreement and attached as Appendix A.
2. This MOU will apply to hunting, fishing, trapping and gathering for food purposes and not for commercial purposes.
3. To assist the Parties in evaluating which Metis individuals may exercise their constitutionally

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protected right to hunt and fish and share information needed for sustainable renewable resource management the Parties will jointly develop and implement a Renewable Resource Management Pilot Program to apply to the geographic area identified as Métis Nation of Saskatchewan Northern Region II and Northern Region III as defined at the time of the signing of this (MOU) and as shown on the map attached as Appendix B.

- 3.1 Subject to this MOU and mutual agreement of the parties, the conservation, safety and alternative justice principles identified in the provisions of the Metis Wildlife Act and Regulations may be considered in the development, implementation and monitoring of the Pilot Program.
4. To implement the Pilot Program referred to in clause 3 the Parties will designate mutually agreed upon and equal representation to a Regional Board who will jointly develop, implement and provide long term oversight for the Pilot Program including developing:
- (a) a common vision, goals and objectives for the Pilot Program;
 - (b) a Terms of Reference, consensus based decision making process, dispute resolution and evaluation process;
 - (c) objective criteria to assess which Metis individuals may enjoy subsistence hunting, fishing and trapping in the identified Pilot Program area;
 - (d) a process whereby approvals may be issued to those Metis individuals identified in clause 4 (c). Approvals shall be in a form acceptable to the Parties;
 - (e) a process to share renewable resource management information;
 - (f) a work plan and schedule for design and implementation of the Pilot Program and
 - (g) a process to identify Program costs and a shared approach to addressing these costs.
5. The Parties recognize that there may be individual Metis persons who have not been issued an approval mentioned in clause 4 (d). Nothing in this MOU will be used to preclude such a person from asserting that he or she has an existing Aboriginal right to hunt, trap or fish for food. The Minister may assess such cases on an individual basis.
6. An approval mentioned in clause 4 (d) is not a 'licence' for the purposes of *The Fisheries Act (Saskatchewan)*, *The Wildlife Act* or any provincial regulations thereunder, nor is this a delegation of ministerial authority and jurisdiction of those enactments.
7. Subject to clause 10, the Pilot Program will be established for a term of three years and may be extended to a longer term upon written agreement of the parties.
8. Further initiatives may be undertaken upon written agreement of the Parties.
9. The Parties may amend this MOU with written agreement.
10. This MOU may be terminated by either Party without cause upon giving the other Party thirty days' written notice.

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SIGNED BY THE PARTIES this _____ day of _____, 2002.

For the Government of Saskatchewan

For the Métis Nation of Saskatchewan

Pat Lorjé
Minister of Saskatchewan Environment

Clem Chartier
President, Métis Nation of Saskatchewan

Norman Hansen
Minister of Environment and Natural
Resources
Métis Nation of Saskatchewan

Alex Maurice
Area Director, Northern Region III
Métis Nation of Saskatchewan

Revised April 30, 2002

Appendix A

**RENEWABLE
RESOURCES and
ENVIRONMENTAL
MANAGEMENT**

Partnership Agreement

Between

**The Government of
Saskatchewan**

Represented by
The Minister of Environment and
Resource Management
hereinafter referred to as
“the Minister”

And

**The Métis Nation
of Saskatchewan**

Represented by
The President
hereinafter referred to as
“the Métis Nation”

I. Introduction

Whereas under the *Constitution Act 1867*, Section 92, the Minister is responsible for the management of the environment and renewable resources and Crown resource lands for the benefit of all Saskatchewan residents and nothing in this Agreement will prejudice or interfere with the ability of the Minister to carry out his legal responsibilities and obligations; and

Whereas members of the Métis Nation have Constitutional rights and nothing in this Agreement shall prejudice future interpretation of Métis Nation Constitutional rights, land claims or other legal entitlements and Federal Government responsibility; and

Whereas members of the Métis Nation have formally acknowledged under their constitution and other initiatives their responsibility for stewardship and conservation of renewable resources; and

Whereas this Agreement recognizes that Aboriginal rights for Métis peoples may evolve and is without prejudice to future arrangements; and

Whereas this Agreement represents the framework for further discussions and for formal agreements between the Parties and is not intended to create legally enforceable obligations;

The Parties hereby agree as follows:

II. Objectives

This Agreement establishes a partnership which has five objectives:

1. To develop and maintain a good working relationship between the Parties through discussion and resolution of issues of mutual concern and ongoing communication and consultation.
2. To jointly develop a framework for Métis Nation involvement in co-management of renewable resources in Saskatchewan which specifies the roles of the Métis Nation and its local and regional organizations. The Parties will base the framework on the following Co-management Principles:
 - **Public ownership and provincial responsibility** for renewable resources;
 - **Co-operation as partners** in environmental and resource management through an approach based on mutual respect, trust, fairness and openness;
 - **Stewardship of renewable resources and the environment** as the keystone to sound management. Healthy ecosystems must be maintained; renewable resource use must be sustainable;
 - **Integration of environment/renewable resource, economic development and social well-being** in all planning and decision making as an approach critical for achieving sustainable development; and
 - **Inclusive process** — co-management must be open to all stakeholders, and respect existing uses and allocations. Stakeholders are individuals or groups with an interest in the geographic area and renewable resources being co-managed.

3. To work together to address wildlife management and conservation issues of mutual interest.
4. Should Métis rights with respect to fish and wildlife be established or recognized through other political and legal processes, to work together to implement those rights;
5. To discuss a range of specific issues with a view of reaching a common understanding and vision on each. The Issue Agenda may include, but is not limited to, the following:
 - Community environmental, social and economic sustainability;
 - Métis involvement and priorities regarding forestry;
 - Participation in SERM's proposed Multi-Stakeholder Forum and other mechanisms that facilitates Métis Nation consultation on regulatory changes, new legislation and policies;
 - Employment and economic opportunities and joint projects with SERM related to renewable resources;
 - Forest fire management;
 - A formal dispute-resolution mechanism based on a mediation approach.

III. Principles

The parties agree to base their partnership on the following principles:

- Ministerial authority and department responsibility for environmental protection and renewable resources.
- Acknowledgement of and respect for the Constitutional rights of Métis people and their future rights as they become defined and confirmed.
- Stewardship for the environment involving integrated management processes for sustainable resources.
- An ethical approach based on respect, trust, openness, sharing and fairness.
- Accommodation of differences in values, interests and perspectives and support for diversity.
- Public involvement of stakeholders in the management of Saskatchewan's environment and renewable resources.
- A productive, results-oriented relationship based on a shared purpose.

IV. Process

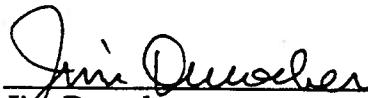
1. The Métis Nation and Minister agree to establish and co-chair a Bilateral Task Force to:
 - determine a common vision, goals and objectives for the Process;
 - develop terms of reference in keeping with the spirit, intent and principles of this Agreement;
 - finalize the Issue Agenda and rank as to their relative importance;
 - develop efficient and effective plans of action to address the objectives; and
 - develop sub-agreements on specific issues as appropriate.
2. The Métis Nation and Minister agree to designate representatives of their respective organizations to co-chair the Task Force.
3. The initial task of the Task Force will be to review the Agreement's Objectives and Principles and establish and prioritize an agenda to pursue the Agreement's Objectives.
4. Meetings of the Task Force shall be at the call of the co-chairpersons, with the Province responsible for the direct expenses of its representatives and the Métis Nation responsible for costs incurred by its representatives.
5. The Task Force will make recommendations to the Métis Nation and Minister regarding achievement of the Objectives.
6. Where appropriate, the Parties of the Partnership Agreement commit themselves to work diligently and expeditiously to pursue sub-agreements that emerge from the Objectives.
7. Development and signing of future sub-agreements will involve consultation with all stakeholders identified by the Parties.
8. The Parties commit to an annual review of this agreement.

In witness whereof the Minister of Environment and Resource Management has set his hand and the President of the Métis Nation of Saskatchewan has set his hand on this 11th day of October, 1995.

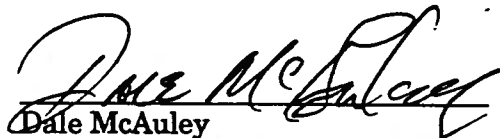
for the Métis Nation of Saskatchewan



Witness




Jim Durocher
President
Métis Nation of Saskatchewan

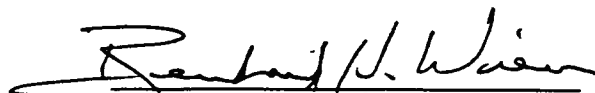


Dale McAuley
Minister of Lands and Resources
Métis Nation of Saskatchewan

for the Government of Saskatchewan



Witness



Bernhard H. Wiens
Minister
Saskatchewan Environment
and Resource Management

SASK METIS SPORTS, RECREATION & YOUTH, INC.

REPORT TO THE AGM BY RALPH KENNEDY (Minister Responsible)

I will try to keep it short as I realize there is a lot of business to conduct and a lot of reports to read.

Sask Metis Sports, Recreation and Youth, Inc. would like to take this opportunity to congratulate the Youth on their dedication in advancing the youth movement in Saskatchewan as well as in Canada. Saskatchewan Metis youth's voice is loudly heard and respected on a national level and as a major role on the Metis National Youth Advisory Council. Congratulations to Jennifer Brown on becoming the National Council's chairperson and chairperson for the Metis Nation of Saskatchewan's Provincial Youth Council, Inc..

The Provincial Youth will benefit from having a major National voice as well as we believe the Regions are working extremely well together on the Provincial Youth Council.

The Metis Nation of Saskatchewan Provincial Youth Council, Inc. has developed a report on the Council and its activities. We would like to urge all members to take the time to read their report which is part of your package.

As for Sports and Recreation we are working with the Provincial Government reviewing the three global sports, culture and recreation. Phase one of this process has been completed with the Metis Nation-Saskatchewan having input into the whole process. We are now awaiting the second phase to start that will be followed up by a third phase thus completing the review. We are working with First Nations to establish a more fair and equitable split of lottery funding for the Metis.

Over the past months, we have been actively working with Sask. Sports on a conference entitled "Building Bridges Through Sports," which is to be held on September 25 & 26th in Saskatoon. This is an opportunity for representatives from mainstream and aboriginal sport organizations and community developers to share information and discuss issues such as leadership development, the sport and education systems, youth at risk programs and rural versus urban sports. The conference streams are designed along the themes within the Canadian sport policy: enhanced participation, excellence, capacity and interaction. Coaches, officials, administrators, volunteers and other stakeholders, who are interested in straightening the aboriginal mainstream sport systems won't want to miss this opportunity. Together, we can build bridges through sports and build a better future for our Youth.

We will hold a provincial board meeting of Sask. Metis Sports, Recreation & Youth, Inc. in the near future. We are asking that all Regional Directors put forward the name, address, phone number and fax number of their regional representative on or before the 1st of July, 2002.

We at Sask. Metis Sports, Recreation & Youth, Inc. have had a very busy year and look forward to an even busier one in 2002/2003.

Prepared & presented by,



Ralph Kennedy
Minister
Sports, Recreation & Youth