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**MÉTIS VOICES. OTIPEMISIWAK MÉTIS GOVERNMENT.**

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# **SELF-GOVERNMENT ACT**

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**Journey to Otipemisiwak Métis Government**

**NOVEMBER 2023**

# Table of Amendments

| <b>Name of Act</b>                      | <b>Bill Number</b> | <b>Date Enacted</b> | <b>Section(s) Amended</b> |
|---|--------------------|---------------------|---------------------------|
| An Act to Amend the Self-Government Act | 2023-02            | 2023/11/20          | s.55(2) amended           |

# Otipemisiwak Métis Government Self-Government Act

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**PREAMBLE**

**WHEREAS** section 11.1 of the *Otipemisiwak Métis Government Constitution* provides that the *Otipemisiwak Métis Government* consists of the following branches:

- (a) the Citizens' Gathering;
- (b) the District Councils;
- (c) the Citizens' Council; and
- (d) the Judicial Branch;

**WHEREAS** section 13.1 of the *Otipemisiwak Métis Government Constitution* provides that one of the *Otipemisiwak Métis Government's* purposes is to provide fair, responsible, transparent, and accountable governance to the Citizens of the Métis Nation within Alberta;

**WHEREAS** section 14.4 of the *Otipemisiwak Métis Government Constitution* provides that the *Otipemisiwak Métis Government* shall maintain a law that addresses the operations of the Citizens' Gathering;

**WHEREAS** section 16.13 of the *Otipemisiwak Métis Government Constitution* provides that the *Otipemisiwak Métis Government* shall maintain a law governing the operations of the Citizens' Council;

**WHEREAS** section 16.22 of the *Otipemisiwak Métis Government Constitution* provides that the *Otipemisiwak Métis Government* shall maintain a public registry by electronic means where the Constitution and all *Otipemisiwak Métis Government* laws are posted;

**WHEREAS** section 22.4 of the *Otipemisiwak Métis Government Constitution* provides that the *Otipemisiwak Métis Government* shall maintain a law enabling the work of the Chair;

**WHEREAS** section 31.1 of the *Otipemisiwak Métis Government Constitution* provides that wherever the *Otipemisiwak Métis Government Constitution* provides that the *Otipemisiwak Métis Government* shall maintain a law regarding a matter, the Métis Nation of Alberta Association's Provincial Council shall adopt such laws by resolution, which will be considered laws of the *Otipemisiwak Métis Government*, prior to the coming into force of the *Otipemisiwak Métis Government Constitution*;

**NOW THEREFORE** the *Otipemisiwak Métis Government* enacts as follows:



## PART I: INTRODUCTORY PROVISIONS

### Short title

1 This Act may be cited as the *Self-Government Act*.

### Application

2 This Act applies to:

- (a) the operation of the Citizens' Council, the Cabinet, and the Citizens' Gathering;
- (b) the work of the Chair; and
- (c) the establishment of the Public Registry.

### Definitions

3 In this Act:

- (a) “**Act**” means the *Otipemisiwak Métis Government Self-Government Act*, including any amendments to the Act;
- (b) “**acting President**” means a Representative identified by the President in accordance with section 76 of this Act;
- (c) “**bill**” means a proposed Otipemisiwak Métis Government Law that is introduced in the Citizens' Council and not yet enacted;
- (d) “**Cabinet**” means the executive council of the Otipemisiwak Métis Government as provided for in the Constitution;
- (e) “**Cabinet meeting**” means a meeting of the Cabinet under section 83 of this Act;
- (f) “**Cabinet member**” means the President and any of the Provincial Secretaries;
- (g) “**Chair**” means the person appointed to the office of the Chair of the Otipemisiwak Métis Government under section 56 of this Act;
- (h) “**Citizens' Council**” means the legislative branch of the Otipemisiwak Métis Government as provided for in the Constitution;
- (i) “**Citizens' Gathering**” means the annual meeting of the Citizens, to be held in accordance with the Constitution;
- (j) “**Constitution**” means the *Otipemisiwak Métis Government Constitution*;

(k) “**Council meeting**” means a meeting of the Citizens’ Council under section 37 of this Act;

(l) “**District Council**” means means a branch of the Otipemisiwak Métis Government as defined in the Constitution and as established under the *District Councils Act*;

(m) “**eligible Citizen**” means a Citizen who is 16 years of age or older on the date of a gathering;

(n) “**gathering**” means a meeting of the Citizens’ Gathering under section 5 of this Act;

(o) “**ordinary resolution**” means a motion passed by not less than fifty percent (50%) plus one (1) vote of:

(i) the Representatives that are present at a Council meeting;

(ii) the Cabinet members that are present at a Cabinet meeting; or

(iii) the eligible Citizens entitled to vote at a gathering.

(p) “**Otipemisiwak Métis Government Law**” means a duly enacted law of the Otipemisiwak Métis Government;

(q) “**Provincial Secretary**” means a Cabinet member appointed by the President of the Citizens’ Council who is responsible for a portfolio regarding specific matters, issues, departments, or Institutions based on a mandate letter from the President;

(r) “**Public Registry**” means the Otipemisiwak Métis Government’s electronic registry established under Part VIII of this Act;

(s) “**Representative**” means a member of the Citizens’ Council, being the President, Citizens’ Representatives, the Women’s Representative, and the Youth Representative;

(t) “**Senior Executive Officer**” means the most senior member of the administration of the Otipemisiwak Métis Government who is responsible for overseeing the operations of the Otipemisiwak Métis Government and its Institutions; and

(u) “**special resolution**” means a motion passed by not less than seventy-five percent (75%) of:

(i) the Representatives that are present at a Council meeting;

(ii) the Cabinet members that are present at a Cabinet meeting; or

(iii) the eligible Citizens entitled to vote at a gathering.

## **PART II: CITIZENS' GATHERING**

### **Purpose of Citizens' Gathering**

**4** The Citizens' Gathering is convened by the Citizens' Council for the following purposes:

- (a) to bring Citizens together to share in Métis social, cultural, political, and spiritual activities; and
- (b) to serve as a forum where:
  - (i) the President shall provide a report to Citizens;
  - (ii) the Citizens' Council and Institutions shall provide annual reports to Citizens on the operations and finances of the Otipemisiwak Métis Government;
  - (iii) updates on matters of importance facing the Otipemisiwak Métis Government are provided to Citizens;
  - (iv) Citizens may ask questions, provide their views, and table proposals;
  - (v) Citizens may review and provide their views on any proposed amendments to the Constitution; and
  - (vi) Citizens may review and provide their views on any proposed modern-day treaty or land claims agreement.

### **PROCEDURE FOR GATHERINGS**

#### **Convening of gathering**

**5** (1) The Citizens' Council must convene an annual Citizens' Gathering each summer for the Citizens.

(2) The Citizens' Council may, by special resolution, convene additional meetings of the Citizens' Gathering from time to time to seek the views of Citizens on matters of importance to the Métis Nation within Alberta.

(3) The Citizens' Council, in consultation with the Chair, must determine the date, location, anticipated duration, and proposed agenda for a gathering.

#### **Place of gathering**

**6** (1) A gathering must be held at Métis Crossing every second year and in every other Territory on rotating years or otherwise as determined by special resolution of the Citizens' Council.

(2) For greater certainty, all gatherings must be held in Alberta.

### **Notice of gathering**

7 (1) The Citizen's Council must provide 21 days' notice of any Citizens' Gathering, and will include in such notice:

- (a) the date and location of the gathering; and
- (b) the details of any matters requiring approval of the Citizens, including a copy of any bill under section 23 of this Act.

(2) Any such notice may be provided by electronic means or such other method as the Citizens' Council may determine.

(3) The Citizens' Council may waive any irregularity in notice or conduct of a Citizens' Gathering or other meetings and no error or omission in giving notice of a Citizens' Gathering or other meeting will invalidate such meeting or void any proceedings taken at such meeting, unless such irregularity, error, or omission can reasonably be considered to have materially and adversely prejudiced the rights of any Citizen.

### **Holding of gathering**

8 (1) A gathering:

- (a) must be held in person; and
- (b) may be held by any other means as determined by the Citizens' Council.

(2) An eligible Citizen participating in a gathering by any permitted means is deemed to be present at that gathering.

(3) If the Citizens' Council determines that eligible Citizens may participate or vote electronically at a gathering, the Citizens' Council must implement rules or policies governing the procedure for electronic participation and voting, subject to this Act or any Otipemisiwak Métis Government Law.

### **Quorum**

9 (1) A quorum at a gathering shall be a minimum of one hundred (100) eligible Citizens who:

- (a) are present in person;
- (b) have registered; and
- (c) are qualified to vote at the Citizens' Gathering under section 15 of this Act.

(2) If there is no quorum at a gathering, the Citizens' Council must call a new gathering within 60 days in accordance with section 7 of this Act.

## **Participation**

- 10** (1) All Citizens have a right to attend, participate, and speak at the Citizens' Gathering.
- (2) The Chair may permit a non-Citizen to speak at a gathering if the Chair considers it advisable for the proceedings of the Citizens' Gathering.
- (3) Only an eligible Citizen may introduce a motion at a Citizens' Gathering.

## **Minutes of the Citizens' Gathering**

- 11** The Provincial Secretary of Records must cause:
- (a) the minutes and procedures of the Citizens' Gathering, including but not limited to the record of all motions introduced and the results of votes taken, to be recorded; and
  - (b) the records of the Citizens' Gathering to be made public within 30 days of the close of a gathering.

## **Rules of procedure**

- 12** The Citizens' Council must adopt rules governing the proceedings of the Citizens' Gathering, subject to the Constitution and this Act.

## **Decorum**

- 13** (1) At a gathering, all discussions must be advanced in a respectful manner.
- (2) The Chair may appoint a sergeant-at-arms to maintain order and security.

## **DECISION-MAKING PROCEDURE OF THE CITIZENS' GATHERING**

### **Decision-making**

- 14** Every motion at a Citizens' Gathering must be decided by ordinary resolution unless otherwise required by the Constitution or an Otipemisiwak Métis Government Law.

### **Voting**

- 15** (1) Each eligible Citizen is entitled to one vote per motion.
- (2) To vote, an eligible Citizen must:
- (a) register at the Citizens' Gathering; and
  - (b) be present when the vote is called.
- (3) There shall be no voting by proxy.

**Method of voting**

**16** Every motion must be decided as follows:

- (a) by a show of hands pursuant to the rules of procedure under section 12 of this Act; or
- (b) by a secret ballot vote pursuant to sections 12 and 18 of this Act.

**Vote by hands**

**17** If a resolution is decided by a show of hands and not a secret ballot vote, a declaration by the Chair that a resolution has been carried or lost and an entry to that effect in the minutes of the meeting is sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, such resolution.

**Secret ballot voting**

**18** (1) Secret ballot voting must proceed in any way that preserves the secrecy of the vote.

(2) The Chief Electoral Officer must oversee any secret ballot conducted at a gathering.

(3) The Chair must proceed to a vote by secret ballot if:

- (a) immediately following a vote by way of show of hands, the Citizens' Gathering adopts an ordinary resolution calling for a secret ballot vote. There will be no debate on that ordinary resolution and the vote on that ordinary resolution must be held by way of show of hands; or
- (b) the Chair deems it necessary.

(4) The Chief Electoral Officer must retain the ballots used in a secret ballot vote for at least 30 days following a gathering, unless otherwise directed by the Judicial Branch.

(5) The Chair may vote in a vote by secret ballot.

**Recount**

**19** The Chair must proceed with a recount of a vote by secret ballot if:

- (a) the Citizens' Gathering adopts a resolution calling for a recount; or
- (b) the Chair deems it necessary to confirm the results of a vote.

**PROPOSALS AND REPORTING****Proposal of the Citizens' Gathering**

**20** (1) The Citizens' Gathering may, by resolution, adopt proposals to the Citizens' Council.

(2) A proposal adopted by the Citizens' Gathering is advisory, but the Citizens' Council must respond to a proposal adopted by resolution in accordance with section 21 of this Act.

### **Response to proposals**

**21** (1) No later than 21 days before a gathering, the Citizens' Council must submit to the Chair a report of any actions taken by the Citizens' Council regarding the proposals adopted at the preceding Citizens' Gathering.

(2) The Chair must make the report under subsection (1) public before the gathering.

### **Reports to Citizens' Gathering**

**22** (1) At a gathering called under subsection (1) of section 5 of this Act:

- (a) the President must provide an annual President's report to Citizens;
- (b) the Citizens' Council and Institutions must provide annual reports to Citizens on the operations and finances of the Otipemisiwak Métis Government; and
- (c) the Auditor General must present the annual audited financial statements of the Otipemisiwak Métis Government from the preceding fiscal year in accordance with any applicable law.

(2) The President must present a report under section 21(1) of this Act at a gathering.

## **CONSTITUTIONAL AMENDMENTS AND TREATY RATIFICATION**

### **Bill presented to the Citizens' Gathering**

**23** (1) A copy of a bill proposing amendments to the Constitution, or the ratification of a modern-day treaty or land claims agreement must be made public at least 21 days before a gathering.

(2) At a gathering:

- (a) a Representative must present a bill referred to in subsection (1); and
- (b) Citizens may review and provide their views on a bill referred to in subsection (1).

## **PART III: CITIZENS' COUNCIL**

### **AUTHORITY AND RESPONSIBILITY OF THE CITIZENS' COUNCIL**

#### **Authority and responsibility of the Citizens' Council**

**24** The authority and responsibility of the Citizens' Council extends to all matters not assigned to District Councils related to the good governance of the Métis Nation within Alberta and the advancement and protection of Métis lands, rights, interests, and claims, including the following:

- (a) repatriation, ownership, and management of lands for the use and benefit of the Métis Nation within Alberta as a whole;
- (b) negotiation, on behalf of the Métis Nation within Alberta, of a modern-day treaty relationship with the Crown through a land claims agreement or other arrangement as called for and contemplated within the meaning of section 35(3) of the *Constitution Act, 1982*;
- (c) negotiation regarding outstanding collective Métis claims against the Crown, including any claims relating to Métis scrip;
- (d) overseeing Institutions to develop and deliver programs and services for the benefit of the Métis Nation within Alberta and its Citizens;
- (e) delegation of authority and responsibility for specified matters to District Councils; and
- (f) approving an annual budget of the Otipemisiwak Métis Government and providing financial accountability to Citizens.

#### **Legislative powers of the Citizens' Council**

**25** The Citizens' Council has the exclusive power to enact laws in relation to all aspects of the inherent jurisdiction and rights of the Métis Nation within Alberta and all matters falling within the Otipemisiwak Métis Government's purpose, goals, and responsibilities established under the Constitution.

### **COMPOSITION OF THE CITIZENS' COUNCIL**

**26** The Citizens' Council includes:

- (a) the President, who is a Citizen and resident of Alberta elected by all Citizens every four years through a province-wide election;
- (b) one Citizens' Representative per District, who is a Citizen elected every four years by the Citizens of the District in which the Citizens' Representative resides;
- (c) one Women's Representative, who is a woman and Citizen resident of Alberta, elected by all Citizens every four years through a province-wide election; and



(d) one Youth Representative, who is a Citizen resident of Alberta twenty-five (25) years of age or younger when elected by all Citizens every four years through a province-wide election.

## **REPRESENTATIVES**

### **Term of office of Representatives**

**27** (1) The term of any person elected to the Citizens' Council:

(a) commences on the date on which the results of the election in which they are elected are certified; and

(b) ends on the date when:

(i) the results of the following general election are certified; or

(ii) their office is declared vacant.

(2) A Representative's appointments within the Otipemisiwak Métis Government are revoked at the end of a Representative's term.

### **Eligibility for re-election**

**28** A Representative may be eligible for re-election to the Citizens' Council, unless otherwise ordered by the Judicial Branch.

### **Oath of office**

**29** (1) The oath of office for Representatives is attached as Schedule A to this Act which forms part of this Act.

(2) Each person elected to the Citizens' Council must take the oath of office during the first Council meeting following that Representative's election to their office.

(3) If a person elected to the Citizens' Council refuses to take the oath of office, that person must be deemed to have resigned, and their office must be declared vacant.

(4) The oath of office must be administered by an Elder or Knowledge Keeper.

### **Remuneration**

**30** (1) Each Representative is entitled to be remunerated at a rate set by the Citizens' Council.

(2) The Citizens' Council must determine the remuneration of Representatives after considering a report prepared by the Senior Executive Officer on remuneration of persons having similar authority and responsibility elsewhere in Canada.

(3) The Citizens' Council may determine that the President, Provincial Secretaries, and other Representatives are entitled to different remuneration.

### **Expenses**

**31** A Representative is entitled to be paid reasonable travel and accommodation expenses and any other expenses if:

- (a) the expense is incurred while performing the duties of the Representative's elected office; and
- (b) the claim for an expense is made in accordance with Otipemisiwak Métis Government Law.

### **Conduct**

**32** Each Representative must conduct themselves in a dignified manner while performing the duties of their elected office and at all meetings and business of the Otipemisiwak Métis Government in accordance with their oath of office and Otipemisiwak Métis Government Law.

### **VACANCIES**

#### **Suspension of Representative**

**33** (1) The Judicial Branch may order that a Representative's right to hold office be suspended if:

- (a) the Representative is subject to an investigation under Otipemisiwak Métis Government Law, for no longer than the duration of the investigation; or
- (b) the Representative breaches an Otipemisiwak Métis Government Law that provides for a Representative's suspension.

(2) Subject to an order of the Judicial Branch, a Representative must cease all duties and activities related to their office during a suspension.

#### **Removal of Representative from office**

**34** (1) A Representative ceases to hold office and their office is vacant if any of the following occur:

- (a) the Representative resigns by delivering a written resignation to the Chair; or
- (b) the Representative ceases to be qualified for their elected office pursuant to the *Elections and Referenda Act*.

- (2) The Judicial Branch may order that a Representative be removed from office if:
- (a) the Representative, without reasonable excuse, is absent from three (3) consecutive meetings of the Citizens' Council;
  - (b) the Representative is convicted of a criminal offence under the *Criminal Code of Canada*;  
or
  - (c) the Representative breaches an Otipemisiwak Métis Government Law that provides for a Representative's removal.

### **Vacancy**

**35** (1) An office of a Representative becomes vacant if that Representative resigns or is removed from office.

(2) The office of a Representative who is suspended is not considered vacant during that suspension.

### **Effect of vacancy**

**36** No omission or failure to elect a Representative or Representatives for any office, and no vacating of an office shall make the Citizens' Council incomplete, invalidate any of its proceedings, or prevent the Citizens' Council from meeting and operating.

## **PROCEDURE FOR COUNCIL MEETINGS**

### **Council meetings**

**37** The President must call a minimum of 12 Council meetings annually.

### **Notice of meeting**

**38** (1) The President, in consultation with the Chair, must determine the date, location, anticipated duration, and proposed agenda of each Council meeting.

(2) The Chair must issue a notice for a Council meeting to all Representatives at least 14 days before that meeting, except for the first meeting of the Citizens' Council following a general election or a Council meeting held under section 76 of this Act.

(3) A notice under this section must include the date, time, location, and proposed agenda for the Council meeting.

(4) A Council meeting may be held without notice if:

- (a) the Representatives that are present waive notice; and

(b) the absent Representatives signify their consent in writing to the Council meeting being held in their absence without notice.

### **Emergency Council meeting**

**39** (1) Notwithstanding any other section in this Act, the President may call a Council meeting with no less than 24 hours' notice in case of an emergency.

(2) The President must include the reason for the emergency meeting in the notice for the meeting.

### **Chair may call Council meeting**

**40** Notwithstanding any other section in this Act, the Chair may call a Council meeting on the written request of at least two-thirds (2/3) of the Representatives.

### **Holding of meetings**

**41** (1) A Council meeting:

(a) must be held in person; and

(b) may include participation by electronic means that permits all persons participating in the meeting to hear each other.

(2) A Representative participating in a Council meeting by any permitted means is deemed to be present at the meeting.

### **Quorum**

**42** A quorum at any Council meeting is fifty percent (50%) plus one (1) of the Representatives.

### **Council meetings open to Citizens**

**43** (1) All Council meetings are open to Citizens, except if the Citizens' Council declares, by resolution, part of a meeting to be confidential and the record of that part of the Council meeting to be confidential.

(2) The Citizens' Council may exclude any persons except for the Chair and the Representatives from a part of a Council meeting declared to be confidential.

(3) All persons in attendance of any part of a meeting declared to be confidential must be held to the same standard of confidentiality as the Representatives.

### **Participation in meetings**

**44** (1) Only a Representative or other person approved by the Chair may speak during a Council meeting.

(2) Only a Representative may introduce a motion in a Council meeting.

(3) The right of a Representative to participate in Council meetings may not be delegated to another person.

### **Records of the Citizens' Council**

**45** The Provincial Secretary of Records must cause:

(a) the minutes and procedures of the Citizens' Council and Council meetings, including but not limited to the record of all motions and bills introduced and the results of votes taken, to be recorded; and

(b) the records of the Citizens' Council to be made public within thirty (30) days of the close of a meeting, except for records declared to be confidential under section 43 of this Act.

### **Rules of procedure**

**46** The Citizens' Council must adopt rules governing its practices and procedures, subject to the Constitution and Otipemisiwak Métis Government Law.

## **DECISION-MAKING PROCEDURE OF THE CITIZENS' COUNCIL**

### **Decision-making**

**47** (1) The Citizens' Council must endeavour to make decisions by consensus; however, where consensus cannot be reached, the Citizens' Council must make decisions by a majority vote.

(2) Every motion at a Council meeting must be decided by ordinary resolution unless otherwise required by the Constitution or an Otipemisiwak Métis Government Law.

### **Voting**

**48** (1) Subject to subsection (2):

(a) only Representatives may vote at a Council meeting; and

(b) each Representative has one (1) vote for each motion.

(2) The President must not vote on any motion in the Citizens' Council, except when required to break a tie.

(3) To vote, a Representative must be present at a Council meeting when the vote is called.

(4) There shall be no voting by proxy.

## **LEGISLATIVE PROCESS**

### **Procedure for introducing legislation**

**49** A Representative must introduce legislation by way of a motion with a copy of the proposed bill attached to the motion.

### **Procedure for enacting legislation**

**50** (1) To enact legislation, the Citizens' Council must:

- (a) give a bill its first reading by adopting a resolution to accept the bill as introduced in principle;
- (b) give the bill its second reading by:
  - (i) considering the bill; and
  - (ii) adopting a resolution to accept the bill in principle, with or without further amendments; and
- (c) give a bill its third reading by adopting a resolution to enact that bill.

(2) After a bill's first reading under subsection (1)(a), the Chair must refer any proposed bill to the Senior Executive Officer who must cause the bill to be reviewed for compliance, conflict, or other interaction with the Constitution and any other applicable Otipemisiwak Métis Government Law, and a report on that review must be submitted to the Chair upon second reading of the bill under subsection (1)(b).

(3) After a bill's first reading under subsection (1)(a) and at least thirty (30) days prior to a Council meeting at which a bill is given its second reading under subsection (1)(b):

- (a) each Citizens' Representative must provide public notice to and consult with the Citizens residing in the District they represent regarding the bill;
- (b) the Women's Representative must provide public notice to and consult with Citizens who are women regarding the bill; and
- (c) the Youth Representative must provide public notice to and consult with Citizens who are youths regarding the bill.

(4) Subsection (1) does not apply to the enactment of legislation if the enabling Otipemisiwak Métis Government Law provides that a different procedure applies.

### **Procedure for amending legislation**

**51** The procedure for enacting Otipemisiwak Métis Government Laws under section 50 of this Act applies to the amendment of Otipemisiwak Métis Government Law, unless the Otipemisiwak Métis Government Law itself provides that a different amendment procedure applies.

### **Presidential assent**

**52** As soon as practicable, the President must assent to a bill passed by the Citizens' Council by:

- (a) dating and signing the bill under the Seal of the Métis Nation within Alberta; and
- (b) delivering the bill to the Public Registry.

### **Legislation comes into force**

**53** A bill comes into force as an Otipemisiwak Métis Government Law when it is deposited in the Public Registry, unless the Otipemisiwak Métis Government Law itself provides that it comes into force at another time.

## **POLICY**

### **Policies of the Otipemisiwak Métis Government**

**54** The Senior Executive Officer may institute and amend policies, procedures, and standards regarding the management of the operations of the Otipemisiwak Métis Government provided that such policies, procedures, and standards must be consistent with the Constitution, Otipemisiwak Métis Government Law, and any resolutions adopted by the Cabinet or the Citizens' Council.

## **PART IV: THE CHAIR**

### **The Chair**

**55** (1) The Chair is an officer of the Otipemisiwak Métis Government.

(2) The Chair must be:

- (a) a Citizen;
- (b) may not hold an elected position with the Otipemisiwak Métis Government; and
- (c) notwithstanding any provision of any other Otipemisiwak Métis Government law(s), may be an existing employee of the Otipemisiwak Métis Government where such appointment is deemed appropriate and advisable by the Citizens' Council.

### **Appointment of Chair**

**56** Within thirty (30) days following the certification of results of a general election:

- (a) a committee of the Citizens' Council must prepare a list of nominees for the Chair;
- (b) the President must recommend a nominee from that list; and
- (c) the Citizens' Council must select a nominee from the list by resolution.

### **Term of Chair**

**57** (1) The Chair must be appointed for a term ending on the date:

- (a) a person is appointed to the office of Chair following the next general election;
- (b) the Chair resigns by submitting a written notification of their resignation to the President;  
or
- (c) they are removed from their office under section 63 of this Act.

(2) A person appointed as the Chair may be re-appointed.

### **Duties of the Chair**

**58** The Chair must:

- (a) remain neutral and impartial;
- (b) preside over all Council meetings and the Citizens' Gathering;
- (c) ensure Council meetings and the Citizens' Gathering are planned effectively and maintain meeting order;
- (d) ensure matters are dealt with in an efficient manner;
- (e) prepare and issue or cause to be prepared and issued notices of all Council meetings and gatherings;
- (f) compile or caused to be compiled the necessary documentation for the Citizens' Council;  
and
- (g) perform any other duty assigned to them under an Otipemisiwak Métis Government Law.

### **Chair's decisions on procedure**

**59** (1) The Chair may make decisions on questions of order, practice, and procedure of the Citizens' Council and the Citizens' Gathering.



(2) If the applicable rules of procedure are silent on a matter, the Chair has the authority to decide the rules of the procedure for that matter.

(3) The Chair:

(a) may order the expulsion of a person from a Council meeting or a gathering whose actions unduly interfere with the maintenance of order and decorum in a Council meeting or gathering; and

(b) may appoint a sergeant-at-arms to enforce and maintain order at a Council meeting or a gathering.

### **Participation in the Citizens' Council and Citizens' Gathering**

**60** (1) The Chair may not take part in substantive discussion of a matter before the Citizens' Council and the Citizens' Gathering, except to the extent necessary to discharge the Chair's responsibilities.

(2) The Chair may:

(a) call for a motion to obtain a resolution of the Citizens' Council or the Citizens' Gathering on the agenda item being addressed; and

(b) request that a Representative at a Council meeting or an eligible Citizen at a gathering make a motion to clarify a discussion.

(3) Subject to section 18 of this Act, the Chair must not vote at a gathering.

### **Reporting on Citizens' Gathering**

**61** No later than sixty (60) days following a Citizens' Gathering:

(a) the Chair must prepare a report for the Citizens' Council summarizing the questions, views, and proposals presented by Citizens at the Citizens' Gathering; and

(b) table that report at the Citizens' Council as soon as practicable.

### **Acting Chair**

**62** As soon as practicable after being appointed, the Chair must designate an employee of the Otipemisiwak Métis Government who is a Citizen as acting Chair to fulfill the duties of the Chair in the event:

(a) the Chair is temporarily unable to fulfill their duties; or

(b) of a vacancy in the office of the Chair.

### **Removal from office**

**63** (1) The Chair's appointment is automatically revoked, and their office is vacant if the Chair is no longer a Citizen.

(2) The Chair may be removed from office and their office declared vacant by:

- (a) special resolution of the Citizens' Council, on the recommendation of the President; or
- (b) order of the Judicial Branch pursuant to Otipemisiwak Métis Government Law that provides for the Chair's removal.

### **Vacancy**

**64** In case of a vacancy in the office of the Chair:

- (a) a committee of the Citizens' Council must submit nominations for the Chair no later than thirty (30) days following the vacancy; and
- (b) the Citizens' Council must appoint a person as Chair as soon as practicable.

### **Remuneration of Chair**

**65** The Chair is entitled to receive remuneration set by the Citizens' Council at a rate comparable to remuneration of persons having similar authority and responsibility elsewhere in Canada.

## **PART V: COMMITTEES AND ADVISORY BODIES**

### **Establishing and dissolving committees**

**66** (1) The Citizens' Council may establish or dissolve committees of Representatives to examine selected matters and make recommendations to the Citizens' Council.

(2) The President shall be an ex-officio member of all committees of the Otipemisiwak Métis Government.

### **Delegated power to committees**

**67** The Citizens' Council may delegate specific powers to committees, but any delegation must be made in such a manner to retain accountability to Citizens and the Citizens' Council.

### **Establishing and dissolving advisory bodies**

**68** (1) The Citizens' Council may establish or dissolve advisory bodies to provide advice to the Citizens' Council on selected matters.

(2) Advisory bodies may include Citizens and non-Citizens.

(3) A resolution establishing an advisory body must include measures for ensuring the advisory body is accountable to the Citizens' Council.

### **Commissions and inquiries**

69 (1) The Citizens' Council may establish commissions and inquiries.

(2) The Citizens' Council may make policies governing the procedure applicable to commissions and inquiries held by the Citizens' Council, including but not limited to the calling and examination of witnesses and the production of documents.

## **PART VI: COUNCIL OF ELDERS AND KNOWLEDGE KEEPERS**

### **Appointment of Elders and Knowledge Keepers**

70 As soon as practicable following a general election, the Citizens' Council must appoint a council made up of Elders or Knowledge Keepers from among the Citizens to provide advice and support.

### **Expenses**

71 (1) An Elder or Knowledge Keeper appointed by the Citizens' Council is entitled to be paid for reasonable expenses and an honorarium at rates determined by the Cabinet.

(2) The Provincial Secretary of the Treasury must decline all unreasonable expenses in accordance with Otipemisiwak Métis Government Law.

## **PART VII: CABINET**

### **POWERS OF THE CABINET**

#### **Powers of the Cabinet**

72 Except in relation to matters assigned to District Councils, the Cabinet may exercise all executive authority required to oversee the operations of the Otipemisiwak Métis Government and implement Otipemisiwak Métis Government Laws.

#### **Establishing departments and offices**

73 The Senior Executive Officer, on advice of the Cabinet, must establish departments or offices to administer the operations of the Otipemisiwak Métis Government.

## **COMPOSITION OF CABINET**

### **Composition of Cabinet**

**74** The Cabinet consists of:

- (a) the President;
- (b) the Provincial Secretary of the Treasury;
- (c) the Provincial Secretary of Records; and
- (d) any other Provincial Secretaries appointed by the President.

## **PRESIDENT**

### **President's responsibilities**

**75** The President is responsible for:

- (a) providing overall leadership and upholding the purpose, goals, and responsibilities of the Otipemisiwak Métis Government;
- (b) serving as the chief spokesperson of the Métis Nation within Alberta and the Otipemisiwak Métis Government;
- (c) leading discussions of the Citizens' Council and attempting to seek consensus;
- (d) causing notices of Cabinet meetings to be prepared and issued;
- (e) providing a President's Report at every Citizens' Gathering;
- (f) selecting and mandating Provincial Secretaries from the Citizens' Council;
- (g) voting at meetings only when required to break a tie; and
- (h) performing any other duty assigned to the President under Otipemisiwak Métis Government Law.

### **Acting President**

**76** (1) Within thirty (30) days of the announcement of the election results for the office of President, the President must identify a Representative to serve as acting President.

(2) In the event:

- (a) of a vacancy in the office of the President; or

(b) that the President is unable to fulfill the President's role and responsibility;

the acting President must assume all duties and powers of the President until a new person is elected as President or until the President is able to fulfill their role and responsibility.

(3) If an event under subsection (2) occurs and there is no acting President, the Citizens' Council must meet within seven (7) days of the vacancy in the office of the President and must, by resolution, identify from the remaining Representatives a person to serve as acting President.

## **PROVINCIAL SECRETARIES**

### **Appointment of Provincial Secretaries**

77 (1) As soon as practicable, following a general election, the President must appoint the Provincial Secretary of the Treasury and the Provincial Secretary of Records.

(2) The President may appoint additional Provincial Secretaries at any time.

(3) Provincial Secretaries are appointed for a term ending on the date:

- (a) the results in the following general election are certified;
- (b) they resign by submitting a written notice of their resignation to the President; or
- (c) the President revokes their appointment, at any time.

### **Responsibilities of Provincial Secretaries**

78 (1) Each Provincial Secretary must be responsible for a portfolio regarding specific matters, issues, departments, or Institutions based on a mandate letter from the President provided to Provincial Secretaries.

(2) The Chair must make the mandate letters under subsection (1) public and available to Citizens as soon as practicable.

### **Duties of Provincial Secretary of the Treasury**

79 The Provincial Secretary of the Treasury must:

- (a) cause to be kept full and accurate account of receipts, disbursements, and books of the Otipemisiwak Métis Government;
- (b) cause to be deposited, all monies and other valuables or effects in the name and to the credit of the Otipemisiwak Métis Government in such chartered banks or other financial institutions as designated by the Citizens' Council;
- (c) give a financial report at the Citizens' Gathering convened under section 5(1) of this Act;

- (d) review all expenses of Representatives; and
- (e) perform any other duty assigned to them under an Otipemisiwak Métis Government Law or regulation.

### **Duties of Provincial Secretary of Records**

**80** The Provincial Secretary of Records must:

- (a) be the custodian of all books and documents of the Otipemisiwak Métis Government;
- (b) cause to be kept a register of suspended Representatives;
- (c) cause the Public Registry to be kept in accordance with Part VIII; and
- (d) perform any other duty assigned to them under an Otipemisiwak Métis Government Law or regulation.

### **Vacancy in Provincial Secretary**

**81** If the Provincial Secretary of the Treasury or the Provincial Secretary of Records resigns or if the President revokes their appointment, the President:

- (a) must appoint a Representative to that position within 30 days; and
- (b) may assign that Provincial Secretary's duties to a different Provincial Secretary, until a new Provincial Secretary of the Treasury or Provincial Secretary of Records is appointed under subsection (a).

## **SIGNING AUTHORITY**

### **Signing authority**

**82** The President, Provincial Secretary of the Treasury, or the Provincial Secretary of Records shall be one (1) of two (2) signing authorities required on all documents to be signed by the Otipemisiwak Métis Government and may appoint another Representative or Otipemisiwak Métis Government employee to sign on their behalf in accordance with Otipemisiwak Métis Government Law.

## **PROCEDURE FOR CABINET MEETINGS**

### **Cabinet meetings**

**83** The Cabinet may meet at any time and location as determined by the President.

### **Holding of Cabinet meetings**

**84** (1) A Cabinet meeting may be held:

(a) in person; and

(b) by way of electronic means that permit all persons participating in the meeting to hear each other.

(2) A member of the Cabinet participating in a Cabinet meeting by any permitted means is deemed to be present at the meeting.

### **Quorum**

**85** A quorum for a Cabinet meeting is a majority of its members, but no less than three (3) of its members.

### **President to chair Cabinet meetings**

**86** (1) The President must act as the chairperson and preside over Cabinet meetings.

(2) If the President is not in attendance at a Cabinet meeting, the President may designate a Provincial Secretary to act as the chairperson and preside over that Cabinet meeting.

### **Participation in Cabinet meetings**

**87** (1) Only a Cabinet member or other person approved by the person chairing the meeting may speak during Cabinet meetings.

(2) Only a Cabinet member may introduce a motion in a Cabinet meeting.

(3) The right of a Cabinet member to participate in proceedings of Cabinet may not be delegated to another person.

### **Minutes**

**88** (1) The Provincial Secretary of Records must cause the minutes of the Cabinet meeting to be kept.

(2) As soon as practicable following a Cabinet meeting, the Cabinet must endorse the minutes of that meeting.

## **Rules of procedure**

**89** The Cabinet must adopt rules or regulations governing its practices and procedures, including but not limited to:

- (a) the notice requirements for calling Cabinet meetings, subject to the Constitution and this Act; and
- (b) the rules regarding the confidentiality of Cabinet meetings, the documents prepared for the purposes of deliberation by the Cabinet, the minutes of Cabinet meetings, and the resolutions adopted by the Cabinet.

## **DECISION-MAKING PROCEDURE OF THE CABINET**

### **Decision-making**

**90** (1) The Cabinet shall endeavour to make decisions by consensus; however, if consensus cannot be reached, the Cabinet must make decisions by a majority vote.

(2) Every motion at a Cabinet meeting must be decided by ordinary resolution unless otherwise required by an Otipemisiwak Métis Government Law or regulation.

### **Voting**

**91** (1) Each Provincial Secretary has one (1) vote per motion, regardless of the number of portfolios a Provincial Secretary may be responsible for.

(2) The President or other person chairing the Cabinet meeting may not vote on motions of the Cabinet, unless required to break a tie.

## **PROCEDURE FOR REGULATIONS**

### **Making regulations**

**92** (1) A proposed regulation must be introduced by way of a motion during a Cabinet meeting, with a copy of the proposed regulation attached to the motion.

(2) A regulation is made when the Cabinet passes a resolution to adopt the proposed regulation.

### **Regulation comes into force**

**93** A regulation comes into force when it is deposited into the Public Registry, unless the regulation itself states that it comes into force at another time.



## **PART VIII: PUBLIC REGISTRY**

### **Establishment of Public Registry**

- 94** (1) The Public Registry of the Otipemisiwak Métis Government is hereby established.
- (2) The Otipemisiwak Métis Government must maintain the Public Registry by electronic means.

### **Contents of Public Registry**

- 95** (1) The following documents must be deposited into the Public Registry:
- (a) the Constitution;
  - (b) Otipemisiwak Métis Government Laws and regulations, and any amendment to Otipemisiwak Métis Government Laws or regulations;
  - (c) orders made by the President under an Otipemisiwak Métis Government Law;
  - (d) any modern-day treaty or land claims agreement entered into by the Otipemisiwak Métis Government on behalf of Métis Nation within Alberta; and
  - (e) all written decisions of the Judicial Branch.
- (2) Documents under subsection (1) must be published in the Public Registry in English, and in any other official language of the Otipemisiwak Métis Government at the discretion of the Citizens' Council.

### **Functions of the Public Registry**

- 96** The Provincial Secretary of Records must:
- (a) cause accurate and orderly written records of the documents in the Public Registry to be maintained;
  - (b) as soon as practicable after receiving any documents under section 95 of this Act, cause the document to be:
    - (i) verified as a true copy; and
    - (ii) deposited into the Public Registry;
  - (c) cause electronic, hard copies, and certified copies of the documents in the Public Registry to be publicly accessible as reasonably required; and
  - (d) perform any other duties assigned to them in an Otipemisiwak Métis Government Law or regulation.

## **PART IX: PRIVACY AND ACCESS TO INFORMATION**

**97** The Otipemisiwak Métis Government must maintain policies regarding:

- (a) the protecting of the personal information held by the Otipemisiwak Métis Government or an Institution;
- (b) the privacy rights of Citizens and the ability of the Otipemisiwak Métis Government to collect data through the Register of Citizens to be used for the benefit of all Citizens and the Métis Nation within Alberta; and
- (c) access to information held by the Otipemisiwak Métis Government or an Institution.

## **PART X: APPOINTMENTS AND OFFICERS**

### **Death of appointees or officers**

**98** The appointment of a person appointed by the Citizens' Council or the President automatically ends if that person dies during their term.

### **Qualifications of officers**

**99** An officer of the Otipemisiwak Métis Government must be 18 years of age or older on the date of their appointment.

### **Non-compellability**

**100** An officer of the Otipemisiwak Métis Government, or any person acting under the authority of an officer of the Otipemisiwak Métis Government, is not competent or compellable to give evidence before the Judicial Branch, or in any court or in any proceeding of an administrative, judicial, or quasi-judicial nature, with respect to anything coming to that person's knowledge in the exercise or performance of that person's powers and duties under Otipemisiwak Métis Government Law.

## **PART XI: INTERPRETATION OF OTIPEMISIWAK MÉTIS GOVERNMENT ENACTMENTS**

### **Application**

**101** (1) In this Part, "enactment" means an Otipemisiwak Métis Government Law, bill, regulation, or order or a portion of any Otipemisiwak Métis Government Law, bill, regulation, or order of the Otipemisiwak Métis Government.

(2) Every provision of this Part applies to every Otipemisiwak Métis Government enactment whether enacted before or after the commencement of this Act, unless the Otipemisiwak Métis Government enactment itself provides otherwise.

**Whole Act**

**102** Any reference to an Otipemisiwak Métis Government Law includes reference to:

- (a) any amendments to that Otipemisiwak Métis Government Law;
- (b) all Schedules to that Otipemisiwak Métis Government Law; and
- (c) any regulations made under that Otipemisiwak Métis Government Law.

**Enactment always speaking**

**103** (1) Every Otipemisiwak Métis Government enactment must be construed as always speaking.

(2) When a provision in a Otipemisiwak Métis Government enactment is expressed in the present tense, the provision applies to the circumstances as they arise.

**Liberal interpretation**

**104** Every Otipemisiwak Métis Government enactment must be given such fair, large, and liberal construction and interpretation as best ensures the attainment of its objectives.

**Rules of construction**

**105** In an Otipemisiwak Métis Government enactment:

- (a) words and expressions used have the same meaning as in the Constitution;
- (b) the expressions “must,” “shall,” or “will” are to be construed as imperative and the expression “may” as permissive;
- (c) words in the singular include the plural, words in the plural include the singular, words in the masculine include the feminine and words in the feminine include the masculine, as the context may require;
- (d) the word “including” is not limitative; and
- (e) the table of contents, headings, and subheadings are for convenience only and in no way define, limit, alter, or enlarge the scope or meaning of any provision of an Otipemisiwak Métis Government enactment.

**Persons**

**106** Unless otherwise indicated in an Otipemisiwak Métis Government enactment, a reference in an Otipemisiwak Métis Government enactment to a “person” means a legal and natural person.

## **Residence**

**107** Unless otherwise indicated in an Otipemisiwak Métis Government enactment, a person's residence or ordinary residence as referred to in an Otipemisiwak Métis Government enactment must be determined in accordance with the rules applicable to ordinary residences in the *Elections and Referenda Act*.

## **Computation of time**

**108** (1) A reference to “days” means calendar days.

(2) When the time limited for the doing of a thing expires or falls on a holiday, the thing may be done on the day next following that is not a holiday.

(3) In the calculation of time expressed as clear days, weeks, months, or years, or as “at least” or “no less than” a number of days, weeks, months, or years, the first and last days must be excluded.

(4) In the calculation of time not referred to in subsection (3), the first day must be excluded and the last day included.

(5) Where there is a reference to time expressed as a specified time of the day, the time is in Mountain Standard Time or Mountain Daylight Time in accordance with the *Daylight Saving Time Act*, RSA 2000, c D-5.

## **PART XII: TRANSITION**

### **Interpretation**

**109** Before the date the Constitution comes into force, any reference to the Otipemisiwak Métis Government in an Otipemisiwak Métis Government enactment is deemed to include a reference to the Métis Nation of Alberta Association.

### **First Council meeting**

**110** (1) Prior to the date the Constitution comes into force, the President of the Métis Nation of Alberta Association must determine the date of the first Citizens' Council meeting.

(2) Notwithstanding any other section in this Act, on the date the Constitution comes into force:

(a) the Senior Executive Officer or their designate must perform the duties of the Chair that are essential for the functioning of the Otipemisiwak Métis Government, until the Chair is appointed under section 56 of this Act; and

(b) an Elder who is a member of the Métis Council of Elders under the Pre-Constitution Bylaws of the Métis Nation of Alberta Association must administer the oath of office to the Representatives in accordance with section 29 of this Act.

## **Policies**

**111** On the date the Constitution comes into force, the policies of the Métis Nation of Alberta Association become the policies of the Otipemisiwak Métis Government, until such policies are rescinded in accordance with Otipemisiwak Métis Government procedure.

## **Institutions**

**112** The affiliates of the Métis Nation of Alberta are hereby established as the Institutions of the Otipemisiwak Métis Government.

## **PART XIII: GENERAL**

### **Immunity**

**113** No proceedings lie against a Representative, or against a person acting for or under the direction of such persons, for anything done, or omitted to be done:

- (a) in accordance with Otipemisiwak Metis Government Law; and
- (b) in good faith in the exercise or performance or the intended exercise or performance of a power, duty, or function under this Act.

### **Indemnity**

**114** (1) Subject to subsection (2), each Representative, or a person acting for or under the direction of such persons, and their heirs and estate must, at all times, be indemnified by the Otipemisiwak Métis Government, and its successors, against all expenses whatsoever which result from any claims, actions, or proceedings which are brought, commenced, or prosecuted against them or in respect of any act, deed, matter, or thing whatsoever, made, done, or permitted by them, in the good faith execution of the duties of their office or in respect of any such liability.

(2) The Otipemisiwak Métis Government shall not be responsible for any expenses under subsection (1) which result from any claims, actions, or proceedings caused by the negligence or misconduct of the Representative or other person.

### **Powers to make regulations**

**115** The Cabinet may make regulations it considers necessary or advisable for the purposes of this Act.

### **Seal of the Métis Nation within Alberta**

**116** (1) The Métis Nation within Alberta must have a seal which:

- (a) must be approved by the Citizens' Council; and

(b) may be changed by the Citizens' Council only by special resolution.

(2) The seal must be kept at the head office of the Otipemisiwak Métis Government.

(3) The seal may, when required, be affixed to an Otipemisiwak Métis Government Law, contracts, documents, or instruments in writing, and any Otipemisiwak Métis Government Law or modern-day treaty or land claims agreement entered into by the Otipemisiwak Métis Government on behalf of Métis Nation within Alberta, by persons authorized under Otipemisiwak Métis Government Law.

### **Commencement**

**117** This Act comes into force on the date the Constitution comes into force.

**SCHEDULE A:  
Oath of Office of elected officials of the Otipemisiwak Métis Government**

I \_\_\_\_\_ am Métis.

As a Métis person, I honour with pride the blood of my ancestors.

As a Métis person, I acknowledge the rich history of my people and the courage and dedication of our leaders.

As a Métis person, I pledge to preserve the spirit and enhance the identity of my people.

As a Métis person, I confirm my commitment to my family, my people, and my Nation.

As a Métis person, I do swear [by God] [by the Creator] to accept my responsibility to put service of my Nation and its Citizens ahead of self-interest, and to honour the spirit and the letter of the laws of the Métis Nation and Canada.

As an elected official of the Otipemisiwak Métis Government, I will conduct myself in accordance with the Otipemisiwak Métis Government Constitution and Otipemisiwak Métis Government Law.

