

**Métis Act-Alberta**  
**A Constitution of the Métis Nation in Alberta**

**A special resolution submitted to the Métis Nation of Alberta:  
Special Meeting, March 29, 2008  
Edmonton, Alberta**

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**WHEREAS:**

The Métis citizens in Alberta are engaged in a process of self-governance and nationhood and further acknowledge that a constitutional framework for governance is necessary to advance that process; and,

**WHEREAS:**

The Métis citizens in Alberta are represented through local, regional and provincial structures which speak federally and provincially through the Métis Nation of Alberta Provincial Council.

**THEREFORE BE IT RESOLVED:**

1. **THAT** Articles 1 to 47, all inclusive, of the draft constitution are hereby approved and ratified in accordance with Article 46 of that constitution and the same shall be and form the constitution of the Métis Nation in Alberta and shall hereinafter be known as the "Métis Act-Alberta";
2. **THAT** in accordance with Article 6 of the Constitution of the Métis Nation in Alberta, an administrative body shall be created to be known and referred to as the "Métis Nation of Alberta Association" and which shall be comprised of the members of the Métis Nation-Alberta Provincial Council of Alberta as defined in Article 15 and 16 of the Constitution of the Métis Nation in Alberta;
3. **THAT** the Métis Nation of Alberta Association shall be created pursuant to the terms of the Alberta *Societies Act* for the purpose of carrying out the administrative duties of the Métis Nation-Alberta Provincial Council;
4. **THAT** where the provisions and requirements of the Métis Act-Alberta are inconsistent with the provisions of the *Societies Act* of Alberta and the Regulations thereto, the provisions of the Constitution of the Métis Nation shall prevail.
5. **That** effective September 2, 2008 the existing bylaws of the Métis Nation of Alberta are repealed, and are replaced by the attached bylaws; and,
6. **That** effective March 29, 2008 Schedule C – Election Bylaws of the Métis Nation of Alberta Association existing bylaws are hereby repealed and are replaced by the attached Schedule D – Election Bylaws of the Métis Nation of Alberta Association which shall be used to govern the Métis Nation-Alberta election on September 2, 2008.

## Metis Act-Alberta

### A CONSTITUTION OF THE METIS NATION IN ALBERTA

An Act to establish and provide for the government of the Metis Nation in Alberta.

Whereas:

*We, the Métis people, are an Aboriginal people who share a common history, culture, and ancestral heritage; and,*

Whereas:

*Our Metis ancestors occupied these lands, which now constitute the Province of Alberta, well before they came under the effective control of Canada; and,*

Whereas:

*The Metis Nation has endured much but have always relied on collective action to defend and promote our rights and liberties as a free people; and,*

Whereas:

*This is evidenced by our actions in the Battle of Seven Oaks (1817), the resistance in Red River resulting in the Manitoba Act 1870, and the Battle of Batoche in 1885; and,*

Whereas:

*From our humble beginnings in 1932 as the Metis Association of Alberta through to the Métis Nation of Alberta Association (1990), we hold to these truths to be unalterable:*

*That the Métis constitute a Nation within Canada and that authority to manage the affairs of our own Nation rests with our people alone.*

Therefore be it resolved that:

*In affirmation of our continued will to live together and of our inalienable right to self-government:*

*We, the Métis people in Alberta, in Assembly united, have freely chosen to come together;*

*To constitute a government for the Métis Nation in Alberta in order to protect our rights and liberties,*

*To secure the social and economic well-being of our people,*

*To manage the internal affairs of our Nation in Alberta and*

*To enter into relations on our behalf with other governments within Canada.*

To these ends, this Assembly solemnly proclaims that:

1. Métis in Alberta unite to create a representative government to be known as the Métis Nation-Alberta.
2. The Metis Nation-Alberta territory is the territory within what is described and known as the Province of Alberta.
3. The Métis Nation-Alberta must conform to the following fundamental principles:
  - a) The rule of law;
  - b) Democratic accountability to the people;
  - c) An independent and impartial judiciary;
  - d) Respect of individual freedom and private property; and
  - e) Equality of all citizens in and before the law
4. The Métis Nation-Alberta is hereby empowered to act on behalf of all Métis people in Alberta and, in particular, to represent the collective interest and concerns of the Métis citizens in Alberta at all levels of government within Canada and before international bodies, as circumstances may require; to put into place policies, programs and services to improve the well-being of Métis citizens; to protect and promote the Aboriginal rights of Métis citizens; to manage the internal affairs of the Métis Nation-Alberta; and to establish a body corporate to enter into agreements and contracts with other parties.
5. The Métis Nation-Alberta shall be composed of a legislative body to be known as the Metis Nation-Alberta Legislative Assembly; an executive branch to be known as Metis Nation-Alberta Provincial Council and a judicial body to be known as the Metis Nation-Alberta Judiciary Council, to be constituted in the manner and with the powers and responsibilities described herein.
6. The Métis Nation of Alberta Association is designated as the body corporate of the Métis Nation-Alberta, until otherwise prescribed by the Legislative Assembly, and the by-laws of the Métis Nation of Alberta Association in place at the time this Constitution comes into effect will continue to apply unless and until modified by this Constitution or other enactment of the Legislative Assembly.
7. The by-laws of the Métis Nation of Alberta Association must conform to the provisions of this Constitution and any other enactments of the Legislative Assembly.
8. Until the said legislature otherwise determines, all provisions of the law in regard to the bylaws of the Metis Nation of Alberta Association and the election of members to Provincial Council thereof shall apply, *mutatis mutandis*, to the

Metis Nation-Alberta Legislative Assembly and the election of members to the Metis Nation-Alberta Provincial Council thereof respectively.

Metis Nation-Alberta Legislative Assembly

9. There shall be a legislature for the Metis Nation-Alberta consisting of eligible members and shall be named the Metis Nation-Alberta Legislative Assembly, the purpose of which is the passing of laws for peace, order and good government.
10. The Métis Nation-Alberta Legislative Assembly shall have the authority to make laws in relation to the internal affairs of the Métis Nation-Alberta, including but not restricted to the following:
  - o Citizenship within the Métis Nation;
  - o Governance of the Métis Nation;
  - o Regulation of Métis Harvesting Rights;
  - o Financial administration and accountability for the expenditure of public funds;
  - o Administration of common property, other than the Métis Settlements;
  - o The imposition or levying of fees, fines, penalties or taxes on Métis citizens for purposes related to internal affairs of the Métis Nation;
  - o Administration of justice in relation to laws of the Métis Nation
  - o Amendment of this Constitution
11. All members in good standing of the Métis Nation of Alberta Association or its successors have the right to attend the Metis Nation-Alberta Legislative Assembly and all members who attend have the right to vote at the Assembly.
12. The Metis Nation-Alberta Legislative Assembly shall be convened with due notice, as may be prescribed by the Legislative Assembly, at the time, date and location to be specified in that notice.
13. A Legislative Assembly shall be convened at least once in every calendar year.
14. The Legislative Assembly may adopt rules to regulate its proceedings and deliberations.

Executive

15. The executive powers of the Métis Nation in Alberta are vested in the President and members of provincial council, together to be known as the Provincial Council, whose members will be selected through secret ballot box elections in which every Métis citizen 16 years and over in good standing shall have a right to vote.

16. Until the said legislature otherwise provides, the Provincial Council shall be composed of 13 members, 1 President to be elected Provincially and 12 to be elected to represent the electoral divisions defined in the schedule to this Act. (Schedule C)
17. The Legislative Assembly shall establish the composition of Provincial Council and procedures for election of Provincial Council.
18. Notwithstanding article 15, the President shall be selected in a province-wide secret ballot-box election in which all Métis citizens 16 years and over in good standing will have a right to vote.
19. Elections to Provincial Council will be held every three years on the first Tuesday of September in the year in which an election is required.
20. The writs for the election of the members of the first Metis Nation-Alberta Provincial Council (MPC) shall be issued immediately and made returnable on the first Tuesday in the month of September in the year 2008.
21. The Provincial Council will be convened from time to time in conformity with applicable law.
22. The Provincial Council will have the powers entrusted to it by enactment of the Legislative Assembly and these shall include:
  - a) Authority to ratify agreements with other governments on behalf of the Métis Nation-Alberta; and
  - b) Authority to approve annual budgets of the Métis Nation of Alberta Association;
23. The President is the chief executive officer of the Métis Nation of Alberta Association; the Chair of the Provincial Council; and the chief spokesperson of the Métis Nation-Alberta.
24. The President may designate other members of Provincial Council as Ministers in charge of specified portfolios and they will exercise their powers and obligations at pleasure.
25. The President and Ministers shall report to the Legislative Assembly on an annual basis regarding their activities since the last annual Legislative Assembly.
26. The President shall submit for the review and approval of the Legislative Assembly, at its annual meeting, audited financial statements for the fiscal year just ended of the Métis Nation of Alberta Association.

### Judiciary

27. The Métis Nation-Alberta shall have a Judiciary Council, whose composition, qualifications, powers and rules of procedure shall be determined by the Legislative Assembly.
28. Persons named to the Judiciary Council shall serve for fixed terms and cannot be removed except for cause; nor shall their remuneration be reduced while in office; but they shall retain their right to vote in Métis Nation elections.

### Citizenship

29. All persons in Alberta who identify as Métis have the right to apply for citizenship in the Métis Nation-Alberta.
30. The terms and conditions of citizenship shall be established by the Legislative Assembly and set out in law.
31. Citizenship in the Métis Nation-Alberta is a prerequisite for the exercise of Métis Aboriginal rights in Alberta.
32. Citizens 16 years of age and over in good standing shall have the right to vote in Métis Nation-Alberta elections and shall have the right to be candidates in these elections and to hold office upon being elected.
33. Citizenship in the Métis Nation-Alberta is a prerequisite for appointment to the Judiciary Council.
34. Métis Nation-Alberta shall maintain a Registry of Métis Citizens in which the names and addresses of all Métis citizens in Alberta shall be kept and periodically up-dated.

### Fundamental Rights

35. No law or act of the Métis Nation-Alberta shall abrogate or derogate from the Aboriginal rights guaranteed to the Métis people under section 35 of the Constitution Act 1982.
36. All rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms, including section 15 equality rights, apply to Métis citizens and are binding on all laws and acts of the Métis Nation -Alberta.
37. All Métis have a right to own private property and no law or act of the Métis Nation-Alberta can deprive them of their lawfully acquired private property.

38. All Métis citizens have the right to move freely within Alberta and their citizenship rights shall not be denied simply by virtue of change of residence, except where residency is fundamental to defining the exercise of the right.
39. All Métis citizens have the right to freedom of expression, but no Métis citizen shall be subject to unwarranted personal attack or physical or verbal abuse by virtue of the exercise of this right.
40. No Métis person in Alberta can be denied his or her rights and liberty except through due process of law.
41. No Métis citizen shall be subject to arbitrary interference with their privacy, home, family or correspondence on the part of any official, elected or otherwise, acting on behalf of the Métis Nation-Alberta.
42. The Canadian Human Rights Act and the Alberta Human Rights Act apply to Métis Nation-Alberta.
43. All Métis in Alberta have the freedom to associate and to create associations at the community and provincial level.

#### Charter Communities

44. Métis community-based governance models and/or existing Métis Nation of Alberta Association locals may be granted Charters by Provincial Council that confer exclusive rights to Métis Nation-Alberta community-based governance.
45. The Legislative Assembly shall specify the terms and conditions as well as the process to be used by Provincial Council for granting Charters.

#### Effective Date

46. This Constitution comes into effect on the day it is assented to by the Metis Nation of Alberta Association.

#### Amendment

47. This Constitution may be amended by motion assented to by the affirmative votes of 75% of Métis citizens attending the Legislative Assembly and present for the vote.