

# MÉTIS NATION BRITISH COLUMBIA



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## MÉTIS NATION SENATE ACT

AS RATIFIED - SEPTEMBER 2010 ANNUAL GENERAL MEETING





## ARTICLE ONE - TITLE

1.0 This Act may be cited as "The Métis Nation British Columbia Senate Act"

## ARTICLE TWO - INTERPRETATION

2.0 In this Act:

- 2.1 **"Act"** means the *Métis Nation British Columbia Senate Act*.
- 2.2 **"Constitution"** means the Constitution of the Métis Nation British Columbia ("MNBC") as amended from time to time.
- 2.3 **"Legislation"** means legislative documents, laws and/or acts including amendments to existing legislative documents, laws and/or acts and, for the purposes of this Act, will include draft or proposed Legislation.
- 2.4 **"Métis Nation British Columbia"** means the organization which represents and/or is comprised of the Métis Citizens of British Columbia and which are governed by the provisions of the Constitution.
- 2.5 **"Métis Nation Governing Assembly"** (MNGA) means the legislative authority of the Métis Nation British Columbia, as set out in the Constitution.
- 2.6 **"Ordinarily Resident"** means the Region to which the person is registered as a member and the Region of the member's fixed home address to which whenever he/she is absent he/she has the intention of returning.
- 2.7 **"Region"** means Region as determined by the Constitution.
- 2.8 **"Registrar"** means the individual who fulfils the office of Registrar as defined in the *Citizenship Act*.
- 2.9 **"Senate"** means the Métis Nation British Columbia Senate.
- 2.10 **"Senator"** means a member of the Métis Nation British Columbia Senate.

## ARTICLE THREE - MANDATE AND POWERS OF THE SENATE

3.0 The Senate shall:

- 3.1 Act as the judicial arm of the Métis Nation British Columbia in accordance with the provisions of the Constitution;
- 3.2 Consist of seven (7) Senators, one Senator per Region; and
- 3.3 Determine and abide by guidelines for protocol, policy and procedure and to provide to the MNBC a written copy of those guidelines (the "Protocol Guidelines").



- 3.4 A Senator shall not be subject to any civil action, suit of prosecution as a result of any things done or not done in relations to the performance of their duties as Senators.

#### **ARTICLE FOUR - QUALIFICATIONS FOR A SENATOR**

- 4.0 A person is eligible for appointment to the Senate if he/she:
- 4.1 Is a Citizen of the Métis Nation British Columbia;
  - 4.2 Is appointed by the Regional Governance Council by a motion at a Regional meeting;
  - 4.3 Is ordinarily resident in the Region from which he or she was appointed;
  - 4.4 Is non-partisan and non-political, including non-affiliation except as members only of Federal, Provincial and Métis organizations;
  - 4.5 Is at least fifty-five (55) years of age; and
  - 4.6 He/She has not been convicted of a criminal offence carrying a penalty of two (2) years or greater.
  - 4.7 He/She is registered with the Métis Nation British Columbia Central Registry in accordance with the Métis Nation British Columbia Citizenship Act.

#### **ARTICLE FIVE - APPOINTMENT AND RATIFICATION OF SENATORS**

- 5.0 Notice of Senate appointments shall be forwarded to the MNBC and the Senate Chairperson, when appointed, by the official charged with recording the minutes of the meeting at which the appointment was made. The submission will include a copy of the minutes of the meeting, indicating the motion and shall be accompanied by a resume and biography of the appointed Senator.
- 5.1 A call for application for Senators will be issued by the MNBC 120 days prior to the Senators term.
  - 5.2 The application package must contain:
    - a) Biography of the Applicant.
    - b) Proof of age.
    - c) Copy of the MNBC Provincial Métis Citizens card.
    - d) A Criminal Record Check in accordance with the MNBC Constitution and Senate Act.
    - e) Nomination in writing by a Métis Citizen that holds a MNBC Provincial Métis Citizens card.



- f) Application package must be submitted to the MNBC Regional Director 30 days prior to the end of the Senator's term.
  
- 5.3 The Regional Governance Council shall review the Applicant's submissions and will reject applications that do not contain the items listed in 5.2.
  
- 5.4 All or any candidates shall not participate in the Regional Governance Council meeting or when Senator deliberations are being carried out.
  
- 5.5 The Regional Governance Council will deliberate until the appointment of their Regional Senator is reached by simple majority.
  
- 5.6 The successful Applicant will upon notification of his/her appointment, immediately resign any and all positions held within the MNBC, MNGA, Community or subsidiary Board, Commission or Committee, Métis Women of British Columbia, or the Métis Youth of British Columbia.

## **ARTICLE SIX - TERM AND REMOVAL OF OFFICE**

- 6.0 In this Act:
  - 6.1 The term of office for a Senator shall be four (4) years;
  - 6.2 Notwithstanding Article 6.1, the term of office of a Senator shall terminate if a Senator is:
    - a) Disqualified for violating any part of this Act; or
    - b) Is unable to fulfill his/her duties on a permanent basis.
  - 6.3 A Senator shall be removed or suspended from office by the Senate:
    - a) For being convicted of an indictable offence and all appeals are exhausted;
    - b) If he/she takes up residency outside of the Province of British Columbia;
    - c) For actions unbecoming the stature of a Senator while holding office;
    - d) By voluntarily resigning in writing to the Chairperson of the Senate;
  - 6.4 A Senator shall take a leave of absence from the office of the Senate upon being charged with an indictable offence and pending final determination of the allegations forming the basis for the charge;
  - 6.5 A Senator may be suspended by a seventy five percent (75%) majority of the Senate. The suspension may be with or without remuneration at the sole discretion of the Senate and shall be effective immediately upon that Senator being notified of his/her suspension;



- 6.6 A Senator may appeal his/her suspension to the MNGA by written notice to the MNGA within thirty (30) days of receiving notice of his suspension.

## **ARTICLE SEVEN – GUIDELINES FOR PROTOCOL, CODE OF ETHICS, STANDARDS OF CONDUCT**

- 7.0 Within four (4) months of the final ratification of this Act, the Senate shall prepare, compile and deliver to the MNGA a copy of guidelines, in writing, setting out the Protocol, Code of Ethics and Standard of Conduct pursuant to which the Senate shall conduct its affairs and manage and administer the duties and functions of the Senate in accordance with this Act and the Senator's fiduciary duty to the MNGA, the MNBC and Métis Citizens.

## **ARTICLE EIGHT - COMMITTEES OF THE SENATE**

- 8.0 Pursuant to this Act the Senate shall establish any such committees as are required by the Métis Nation British Columbia Constitution or Legislation and as required to carry out the following duties:
- a. Mediation;
  - b. Citizenship and Central Registry Appeals;
  - c. Election Appeals;
  - d. Regional and Community Disputes;
  - e. Ceremonial Activities and Exchanges;
  - f. Conducting Opening / Closing Prayers;
  - g. Directing Swearing-In Ceremonies and Oaths;
  - h. Presenting Awards and Gifts of Recognition where applicable;
  - i. Displaying Métis Flags and Sashes; and
  - j. Natural Resources Appeals;
  - k. Citizenship Challenges.
- 8.1 Each committee established pursuant to Article 8.1 shall appoint an individual from among its members to serve as the spokesperson for that committee.

## **ARTICLE NINE - APPEALS**

- 9.0 Members of the Senate conducting appeals shall:
- a) Hear and provide written decisions on all matters and appeals properly before the Senate;
  - b) Have such powers, rights and privileges as may be necessary in regards to attendance, swearing in and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction.



- c) The Senate shall determine the tribunal or committees required for the jurisdictions supplied under Article 8.0 of this Act.
  - d) Consider and determine issues with a majority of members in attendance; and
  - e) May appoint an individual(s) to inquire into and report on any matter before making a decision on it.
- 9.1 In all matters concerning appeals, be bound by the rules of natural justice;
- 9.2 All decisions of the Senate must be in writing and sealed, then forwarded to the affected parties within thirty (30) days of its decision.
- 9.3 The decisions of the Senate shall be in writing and forwarded to the Métis Nation British Columbia for its review and such action as necessary by the Métis Nation British Columbia.

## **ARTICLE TEN - QUORUM AND VOTING**

- 10.0 To conduct official Senate business:
- 10.1 A simple majority of the Senators will constitute a quorum for a full Senate sitting and/or a simple majority of the composition of a Senate committee and/or tribunal.
- 10.2 Decisions made by a quorum of the Senate shall be deemed to be a decision of the Senate.

## **ARTICLE ELEVEN - FINANCES**

- 11.0 The Financial requirements for the institution and operation Senate shall be satisfied as follows:
- 11.1 Where fiscal resources are available, the MNBC, in accordance with the laws and regulations of the MNBC Financial Policies and Procedures, shall provide financial resources to the Senate as required for the purposes of carrying out the provisions of this Act.
- 11.2 Such resources shall be within the means available to the MNBC for such purposes.
- 11.3 The Chairperson of the Senate shall make formal written request to the MNBC for all expenditures of the Senate.
- 11.4 The MNBC shall actively pursue fiscal resources for the functions of the Senate.
- 11.5 The MNBC will be responsible for travel expenses and honorariums for the Senate while conducting official Senate business, pursuant to this Act.
- 11.6 In the absence of timely Senate resources, the Senate will be provided full



consideration for required resources on a case-by-case basis through mutual consultation between the Senate and MNBC.

## **ARTICLE TWELVE - RECORD KEEPING AND REPORTING PROCEDURES**

12.0 In this Act:

- 12.1 The Senate shall keep written minutes of all meetings and shall issue such reports to those persons or individuals as may be required.
- 12.2 All decisions of the Senate shall be recorded and a report and posted on the MNBC website for general Citizenship to view.

## **ARTICLE THIRTEEN – CLERK OF THE SENATE**

13.0 The Clerk of the Senate shall:

- 13.1 Operate independent of MNBC;
- 13.2 Operate under the authority and direction of the MNBC Senate;
- 13.3 Shall be remunerated by the MNBC;
- 13.4 Shall hold no other seat as MNGA/AGM Clerk or administrator/staff personnel within MNBC.