Understanding the Métis Nation of Ontario Secretariat Act, 2015
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On December 9, 2015, the Ontario legislature passed the *Métis Nation of Ontario Secretariat Act*, 2015, (the “Act”).¹ A copy of this historic legislation is available at the MNO’s website (metisnation.org) or on eLaws Ontario (ontario.ca/laws).

This legislation came after years of successive calls by Métis Nation of Ontario (“MNO”) citizens, elected leadership and Community Councils—through the MNO Annual General Assembly (“MNO AGA”)—to secure legislation which recognizes the MNO’s unique governance structures at the local, regional and provincial levels. The legislation also responds to upcoming changes to provincial legislation that would have created significant operational challenges for the MNO Secretariat. The Secretariat—the MNO’s legal and administrative arm—has been incorporated as a not-for-profit corporation under Ontario law since 1994.

This document was developed by the MNO to explain the Act in greater detail to Métis citizens. The first section sets out the background and historic context leading to the MNO’s creation in 1993, the incorporation of the Secretariat in 1994, and, ultimately, the passage of the MNO Act in 2015. The second section sets out what the Act does and why it was needed, including, an overview of the important provisions of the Act and descriptions of the various sections of the Act using plain language explanations. The third section sets out what happens next in relation to implementing the Act and provides information on how citizens can get additional information.

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¹ Métis Nation of Ontario Secretariat Act, 2015, S.O. 2015, Ch. 39
Understanding the Métis Nation of Ontario Secretariat Act, 2015
Background and Context for the MNO Act

THE CREATION OF THE MNO AND ITS GOVERNANCE STRUCTURES

In 1993, frustrated by years of denial and neglect as well as ineffective representation of Métis interests in pan-Aboriginal organizations, Ontario Métis came together and created the MNO to represent their collective rights, interests and claims. The MNO’s purpose and goals were set out in the MNO Statement of Prime Purpose. This foundational document has guided and continues to guide the MNO’s development and evolution as the representative body for the Métis Nation within Ontario for over two decades.

As set out in the Statement of Prime Purpose, the MNO’s goal is “to gain the recognition and respect of the Métis as a Nation and a people” and “to establish democratic institutions based on our inherent right of self-government.” As such, the starting point for the MNO’s mandate is its centralized registry of Métis citizens. Based on the mandate it receives from its citizens, the MNO has established democratic and nation-building governance structures at the local, regional and provincial levels. These structures and institutions are authorized to represent Métis citizens and communities throughout Ontario as a part of the MNO’s overall governance structure.

Specifically, MNO citizens are represented at the local level through Community Councils, at the regional level through Regional Councillors that sit on the Provisional Council of the Métis Nation of Ontario (“PCMNO”) and at the provincial level through the PCMNO (which includes provincially elected officials such as the President, the rest of the MNO Executive, Senators, Youth and Post Secondary Representatives and Regional Councillors). All of these structures are mandated through ballot box elections held at regular intervals. In addition, all MNO citizens have the right to participate in the MNO AGA. The assembly receives annual updates on the MNO’s progress and provides direction to the MNO’s leadership in between PCMNO’s province-wide elections held every four years.

The above listed MNO governance structures, along with other structures like the Youth Council, Veterans Council, the Women’s Secretariat of the MNO, etc., work together to represent and serve Ontario Métis. They are the “democratic institutions” that advance and implement Métis self-government in Ontario.
INCORPORATION OF THE SECRETARIAT

While the Métis Nation—as an Indigenous people—has the inherent right to self-government and self-determination, Métis governments like the MNO continue to struggle to have Canada fully recognize their mandates and jurisdictions. As this Métis self-government recognition process unfolds, the MNO needed a corporate entity to act as its legal and administrative arm for two key reasons:

1. Other governments would not provide funding for the delivery of programs and services or other initiatives for collective Métis benefit to individual Métis or elected Métis leadership directly. From a policy perspective, governments will only provide this type of funding to incorporated entities where there is a clear understanding of the entity’s corporate and accountability structures. Since there was no Métis equivalent to the legislative recognition afforded to First Nations under the Indian Act, the only option for the MNO was to incorporate the Secretariat under provincial legislation. The alternative would have been for the MNO not to be able to access any government funding on behalf of Ontario Métis.

2. A corporate entity such as the Secretariat provides a liability shield that protects Métis citizens and elected leadership from being personally liable for the administrative and business operations of the MNO (outside of certain liabilities such as employee source deductions or fraudulent activities where the corporate shield can be pierced). Even though the Métis Nation has the inherent right of self-government, it would be unfair to ask individuals to be personally liable for potential lawsuits, damages, cost claims or debts the MNO incurred in pursuit of recognition of Métis rights and self-government.
Based on these realities, the MNO incorporated the Secretariat as a not-for-profit corporation under Ontario law on February 25, 1994. Notably, other Métis governments use similar corporate structures to advance their self-government. For example, the Manitoba Métis Community has incorporated the Manitoba Métis Federation Inc. ("MMF") under provincial legislation. The Métis Nation of Alberta is incorporated as an association under Alberta’s Societies Act.

Contrary to the suggestions by some, the use of corporate structures does not diminish Métis self-government or put Métis “under the thumb” of government. For example, both the MNO and the MMF have advanced Métis rights litigation all the way to the Supreme Court of Canada as corporate entities. Further, the Supreme Court of Canada has held the following:

“… But an Aboriginal group can authorize an individual or an organization to represent it for the purpose of asserting its s. 35 rights ...” (Behn v. Moulton Contracting Ltd., 2013 SCC 26, para. 30)

Other Indigenous peoples have similarly used corporate structures as the legal vehicle to advance their self-government. The Indigenous people or nation can never be incorporated, but rather the group’s members create a corporation to collectively represent them and to negotiate with other governments. The chart below includes some examples of other Indigenous groups who have used or are using this strategy across Canada.

Of course, these not-for-profit corporations have always been an awkward fit for Indigenous governments. These corporate entities were not designed for this purpose, however, they have proven to be effective transitional vehicles to advance Indigenous rights and claims until full self-government recognition can be secured.

<table>
<thead>
<tr>
<th>Indigenous Group</th>
<th>Corporation to Advance Self-Government</th>
<th>Recognized Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dogribs (NWT)</td>
<td>Dogrib Treaty 11 Council Inc.</td>
<td>Tłı̨chǫ Government</td>
</tr>
<tr>
<td>Inuit (Nfld)</td>
<td>Labrador Inuit Association</td>
<td>Nunatsiavut Government</td>
</tr>
<tr>
<td>Inuit (NU)</td>
<td>Nunavut Tunngavik Inc.</td>
<td>Nunavut Government</td>
</tr>
<tr>
<td>Innu (QC/Nfld)</td>
<td>Innu Nation Inc.</td>
<td>To be determined</td>
</tr>
<tr>
<td>Stó:lō (BC)</td>
<td>Stó:lō Xwexwilmexw Treaty Association</td>
<td>To be determined</td>
</tr>
</tbody>
</table>
SUCCESSIVE CALLS FOR MNO-SPECIFIC LEGISLATION

While the full recognition of Métis self-government remains the ultimate destination for the MNO, getting to a negotiations table will take time. The MMF Land Claim took 30 years to litigate, and, in spite of the MMF’s 2013 victory at the Supreme Court of Canada, the MMF still has not secured a formal negotiations table. In the First Nations world, modern day treaties take decades to prepare, to be accepted for negotiations, to negotiate and to conclude.

As we advance Métis self-government in Ontario, citizens have repeatedly called for increased recognition and respect for the MNO’s representative role. Put simply, since the MNO and its Secretariat are unique, they should not be lumped in with mere ‘clubs’ or ‘associations’ under Ontario’s legislation. At successive MNO AGAs, unanimous resolutions directed Métis leaders to secure MNO-specific legislation. Notably, both Saskatchewan and Alberta have passed legislation that recognize Métis governance structures in those provinces (The Métis Act, SS 2001, c. M-14.01; The Métis Settlements Act, RSA 2000, c. M-14).

Based on this direction from the Métis citizens, both the 2008 and 2014 MNO-Ontario Framework Agreement included the following objective: “discuss options for the legislative recognition of the MNO and its Chartered Community Councils.” Previous Liberal minority governments were unwilling to move forward on this legislation, however, in December 2015, Premier Wynne committed to this initiative at her annual meeting with MNO President Lipinski.

Throughout 2015, the MNO worked collaboratively with the Ontario government for the development of the Act. While the legislative drafting process had to follow the rules and strict confidentiality requirements set for the provincial legislature, regular updates were provided to PCMNO and presentations were provided to the 2015 MNO AGA as well as the annual Community Council Presidents meeting. Ultimately, this unanimous resolution was passed:

WHEREAS past MNO AGAs have called for the MNO’s leadership to work with the Ontario Government to secure legislation that recognizes and respects the MNO’s unique governance structure;

AND WHEREAS the MNO’s leadership and legal counsel have presented the MNO AGA on the progress that has been made on this issue as well as the proposals being considered;

THEREFORE BE IT RESOLVED: (1) That the 2015 MNO AGA fully endorses the MNO moving forward on securing provincial legislation that recognizes and respects the MNO’s unique governance structure; and, (2) That, when it is strategic, all of the MNO’s governance structures at the local, regional and provincial levels will provide letters of support to the provincial government and opposition parties in an attempt to secure unanimous support within the legislature for this historic legislation.

UPCOMING CHANGES TO ONTARIO’S NOT-FOR-PROFIT LEGISLATION

In addition to the MNO AGA’s calls for action, the upcoming implementation of Ontario’s new Not-for-Profit Corporations Act would have imposed a number of rules and requirements on the Secretariat that conflicted with the MNO’s well-established system of governance. This would have been very problematic for both the MNO and the Secretariat. As such, through the Act, the MNO sought exemptions to these problematic provisions in order to protect Métis governance.
After years of strong advocacy and effort by the MNO's citizens, communities and leadership, history was made on December 9, 2015 with the passage of the Act. The Act received unanimous support from all political parties in the Ontario legislature. It was the first time in 148 year history of that legislature where legislation passed that included the word Métis.

Unlike agreements with governments of the day that may be cancelled on political whim, the Act binds future Ontario governments in recognizing the representative role of the MNO on behalf of its citizens and communities. The Act acknowledges that Ontario Métis communities—as a part of the Métis Nation—have their “own language (Michif), culture, traditions and way of life.” Consistent with the MNO Statement of Prime Purpose, the Act also acknowledges that the MNO represents the “collective rights, interests and aspirations” of its citizens and communities.

The Act recognizes that MNO citizens have “defined rights and responsibilities, as set out in the Secretariat’s constituting documents and by-laws.” Contrary to the claims of some, the Act does not alter the existing rights Métis citizens have under the MNO Bylaws. Nor does it alter the existing Charter agreements between the MNO and its Community Councils. As detailed further below, however, the Act does now provide a way for Community Councils to incorporate under the MNO’s overall governance structure, if they so choose.

While it is recognized that our ultimate goal is to replace the Act with legislation that gives legal force and effect to a negotiated modern day land claims agreement between MNO, Ontario and Canada, the Act significantly advances the MNO’s rights and self-government agenda today. The recognition of the MNO and its representative role on behalf of Ontario Métis is now the law in Ontario. As stated by MNO President Gary Lipinski on December 9, 2015,

“This is truly a historic day for Ontario Métis. Less than two decades ago, we struggled to have the existence of the Métis people and our communities acknowledged by the government of the day, which led to us turning to the courts for recognition and justice. Now, in partnership with the Ontario government, we are witness to this type of recognition legislation being unanimously passed by a legislature that once put a $5,000.00 bounty on Louis Riel’s head.”
Overview of the MNO Act

The purpose of the Act is to exempt the MNO from certain provisions of provincial corporate law that are inconsistent with how Ontario Métis have chosen to govern themselves, and to create special provisions for the MNO to reflect its unique status and objectives. This means that instead of the MNO having to change its structures and policies to reflect provincial corporate law, Ontario has changed its laws to respect the MNO’s structures and policies.

PREAMBLE

The Preamble to the Act makes a number of important statements about the nature and structure of the MNO, and why the MNO requires special recognition. It says that:

∞ The MNO was created to represent and advocate on behalf of its citizens and communities with respect to their collective rights, interests and aspirations, as well as to provide social, economic and cultural supports to Métis individuals, families and communities through a province-wide service delivery system.

∞ The MNO’s citizens are the members of the MNO Secretariat, and have defined rights and responsibilities as set out in the Secretariat’s constituting documents and by-laws.

∞ The citizens of the MNO identify as descendants of the Métis people that emerged in west central North America with their own language, culture, traditions and way of life. These Métis people collectively refer to themselves as the Métis Nation, which includes Métis communities within Ontario.

∞ Through the Secretariat, the MNO has established various democratically elected governance structures at the local, regional and provincial levels to represent its citizens.

∞ The Government of Ontario recognizes that the Secretariat’s status as a governance structure that represents its citizens at the local, regional and provincial levels creates operational realities that are distinct from other Ontario not-for-profit corporations.

DEFINITIONS

Section 1 of the Act replaces various terms used in provincial legislation with terms that the MNO has developed and uses. For example, instead of referring to “members” of a corporation, the Act uses the term “citizen.” Similarly, it uses the term “Councillor” to refer to the elected members of PCMNO, rather than “director.” It also explains how various terms are used in the Act.
ELECTION OF COUNCILLORS ON THE PCMNO

The PCMNO serve as the board of directors of the Secretariat. Under provincial legislation, a board of directors of a corporation has to be elected once every year, at the annual general meeting. That is inconsistent with the MNO’s Electoral Code, which says that Councillors are to be elected once every four years, through province-wide ballot box elections.

In order to recognize the MNO’s Electoral Code and the democratic process through which Ontario Métis have chosen to govern themselves, the Act creates an exemption for the MNO from the election provisions of the Corporations Act. Section 4 of the Act says that Councillors shall be elected by citizens every four years, and the elections shall be by province-wide ballot.

REMOVAL OF COUNCILLORS

Under Ontario law, members of a corporation can remove a director simply by passing a resolution at a special meeting. While this may make sense for ordinary not-for-profit corporations, it does not make sense for a Métis self-government structure. A balance needed to be struck between having a way to remove a Councillor if they are not fulfilling their duties, while respecting the fact that these individuals are democratically elected by citizens.

Sections 5 and 7 of the Act work together to create special rules for the Secretariat. In order to remove a Councillor, at least 20 percent of the MNO citizens who are entitled to vote for that Councillor would first have to requisition a special meeting (section 7). For a Councillor who is elected on a province-wide basis, this means 20 percent of all MNO citizens. For a Councillor who is elected by a group of citizens—for example, a Regional Councillor who is elected by the citizens who live in that region—this means 20 percent of those citizens. Then, in order for the special meeting to go ahead, it has to be attended by a majority of the citizens who are entitled to vote for the Councillor. The resolution to remove that Councillor must then be passed by a majority of the citizens at the meeting (section 5).

What does that mean in practice? The table below (figure 2) shows what would be required to remove a provincially-elected Councillor based on 18,000 MNO citizens, and what would be required to remove a regionally-elected Councillor who has 5,000 MNO citizens in his or her region.

<table>
<thead>
<tr>
<th></th>
<th># of citizens eligible to vote for that Councillor</th>
<th># of those citizens required to call a meeting</th>
<th># of those citizens required to go ahead with the meeting</th>
<th># of the citizens needed to pass the resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincially Elected Councillor</td>
<td>18,000</td>
<td>3,600</td>
<td>9,000 + 1</td>
<td>4,500 + 1</td>
</tr>
<tr>
<td>Regionally Elected Councillor</td>
<td>5,000</td>
<td>1,000</td>
<td>2,500 + 1</td>
<td>1,250 + 1</td>
</tr>
</tbody>
</table>

Figure 2. Removal of Councillors
Understanding the Métis Nation of Ontario Secretariat Act, 2015
YOUTH REPRESENTATIVES

The MNO is committed to ensuring that Métis youth are meaningfully engaged in the MNO’s governance structures at the local, regional and provincial levels. This is reflected in the fact that Métis citizens who are at least 16 years old can vote in elections and at MNO AGAs in accordance with Métis traditions and self-government. It is also reflected in the fact that PCMNO includes both youth and post-secondary representatives. At the same time, the MNO also needs to ensure that young people are not exposed to legal liabilities that may affect their futures. In order to balance these needs, the MNO respects and accepts the votes of young people between the ages of 16 and 18, but does not expose them to potential liabilities. For that reason, the MNO’s Bylaws have always stated that voting councillors must be individuals who are bondable, at least 18 years of age, and have the power under law to enter into contracts.

Under provincial law, however, youth simply do not play any role in not-for-profit corporations. Sections 6 and 14 of the Act create special rules for the MNO. They allow for Métis youth to be elected to represent the interests of young people on PCMNO (section 6) and Community Councils (section 14), without acquiring any of the rights, powers, duties or liabilities of a Councillor. This respects the MNO’s longstanding policies and practices.

Sections 6 and 14 of the Act also say that if a person turns 18 while they are a youth or post-secondary representative, they will not automatically acquire the rights and liabilities of a director simply by virtue of turning 18. This is because it would be unfair to expect a 16-year-old to make a decision that when they turn 18 they will take on all of the legal liabilities that come with their position. It is open, however, to the MNO to develop internal policies that would allow for a youth or post-secondary representative who turned 18 and wanted to assume the full rights and liabilities of a Councillor to do so.
LIST OF CITIZENS

Although MNO citizens are members of the Secretariat, they are quite different from members of other corporations. For many not-for-profit corporations, becoming a member requires nothing more than signing up to join. In order to become MNO citizens, in contrast, individuals have to:

∞ provide documentation to establish that they are Métis (they self-identify as Métis, are of historic Métis Nation ancestry, and are accepted by the Métis nation);
∞ not be enrolled on any other Aboriginal registry;
∞ apply to and be approved by the MNO’s Registry; and
∞ commit to upholding and advancing the MNO’s Statement of Prime Purpose—the MNO’s foundational document that sets out its objects, principles, and aspirations.

The 8 of the Act creates special rules that reflect the significance of MNO citizenship and impose strict controls on access to the list of MNO citizens.

The list of citizens is only available to MNO citizens or their legal representatives. In order to obtain the list, the applicant has to provide a statutory declaration promising that the list will not be used for any purpose not connected with the Secretariat, including

(a) forming another body with objects similar to those of the Secretariat (e.g. an organization to represent Ontario Métis) or establishing a registry of Aboriginal persons;
(b) challenging the eligibility of anyone to be a citizen;
(c) soliciting citizens on behalf of another body.

Anyone who uses the MNO list of citizens for an improper purpose is guilty of an offence.
COMMUNITY COUNCILS

Community Councils operate according to their Charter Agreements with the MNO. Using this Charter system advances Métis self-government through:

- consistency of Métis citizenship across the province (i.e. the citizens of the MNO and the Community Councils are the same);
- consistency in how the Community Councils operate across the province based on the mutually agreeable terms set out in the Charter Agreements;
- fairness and transparency in the election of Métis representatives at the local level; and
- equitable sharing and use of resources to benefit all Ontario Métis, including effective and accountable program and service delivery through the Secretariat.

Under each Community Council’s Charter Agreement, the MNO delegates its mandate to represent MNO citizens in a defined area. In turn, the Community Council promises to uphold the MNO’s principles and policies as well as responsibly manage its financial affairs.

It is recognized that some Community Councils are happy to continue to operate under the current Charter Agreement model, and any Community Council that wants to continue with that model can do so under the Act. Other Community Councils, however, have repeatedly said that they want to be able to incorporate so that they can have more local control over their financial affairs. Presently, since all Community Councils are not separate legal entities from the Secretariat, their liabilities can accrue to the MNO overall. Based on previous experiences, which resulted in a significant amount of debt rolling up to the Secretariat’s doorstep, the MNO has implemented policies to avoid this from happening again. Some Community Councils have seen this as restrictive and want to assume more risk and liabilities at the local level in order to build capacity and pursue various initiatives.

MNO Act Timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>1993</td>
<td>Creation of the MNO as representative government for Ontario Métis</td>
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<tr>
<td>1994</td>
<td>Incorporation of MNO Secretariat as the legal and administrative arm of the MNO under the Ontario Corporations Act</td>
</tr>
<tr>
<td>2007</td>
<td>MNO makes first submission to Ontario Government on concerns about the modernization of the Ontario Corporations Act and need for Métis legislation</td>
</tr>
<tr>
<td>2008</td>
<td>MNO President Lipinski elected and makes legislative recognition of MNO and Community Councils a priority for his mandate</td>
</tr>
<tr>
<td>2008</td>
<td>MNO-Ontario Framework Agreement includes commitment to explore legislation recognizing MNO and its Community Councils</td>
</tr>
<tr>
<td>2009</td>
<td>MNO Assembly passes unanimous resolution calling for MNO-specific legislation</td>
</tr>
<tr>
<td>2010</td>
<td>MNO Assembly passes unanimous resolution calling for MNO-specific legislation</td>
</tr>
</tbody>
</table>
Until now, there was no legal mechanism that would allow Community Councils to separately incorporate—thereby creating a liability shield between the Secretariat and the Community Council—while also making sure that the Community Council operated consistently and as a part of the MNO’s overall governance structure. Under the Act, however, willing Community Councils can now be incorporated as separate corporations, with the Secretariat as the sole “member” of the corporation. The word “member” is used here only in a corporate law sense. This does not mean that local MNO citizens will no longer be the members or electors of Community Councils. Community Councils will continue to be governed by locally elected Councillors, and will continue to represent local MNO citizens as will be set out in the bylaws that they will need to negotiate with the Secretariat prior to being incorporated.

This new approach—Community Councils as individual corporations with the Secretariat as their sole member—achieves and balances two goals. Making Community Councils separate corporations means that they will be responsible for their own debts and liabilities. This helps to prevent a situation in which a decision made by a single Community Council ends up having significant consequences for all MNO citizens and the MNO as a whole. At the same time, making the Secretariat the sole “member” of each Community Council corporation means that the Secretariat will still have the power to ensure consistency and fairness in Métis governance across the province, just as it does under the current Charter system.

As the sole “member” of a Community Council, the Secretariat can issue a “written declaration” that directs how a particular activity is to be managed by the Community Council. This effectively gives the Secretariat the power to create province-wide policies that apply equally to all Community Councils. If a Community Council runs into difficulty, the Secretariat can also use written declarations to assist a Community Council or suspend or wind down a Community Council pursuant to terms and dispute resolution processes set out in their negotiated bylaws.

These may seem like significant changes, but in fact they simply recognize the powers the Secretariat already has under the existing Charter system. The Charter Agreements do exactly what written declarations would do—set province-wide policy that governs how all Community Councils are run. In addition, the Charter Agreements give the Secretariat the power to suspend or revoke a Charter, subject to the terms of the agreement.
REGULATIONS PROVISIONS

The Act addresses all of the ways in which current provincial law is inconsistent with the MNO’s governance structure and processes. But, in the future, the Ontario government could decide to change its laws again in ways that have unintended consequences for the MNO. Making changes through regulations is a far simpler procedure than making amendments to the Act itself. Section 16(1) of the Act provides the Minister the ability to exempt the MNO from changes to provincial legislation in the future. This regulation power is not about controlling the MNO.

Section 16(1) gives the Lieutenant Governor the power to make regulations under the Act if the regulations are jointly recommended by the Minister of Aboriginal Affairs and the Minister of Government and Corporate Services, and the regulations do one of two things:

(a) Create further exemptions from or alterations to the provincial corporate law as it applies to the Secretariat and Métis Community Councils; or
(b) Relate to another matter that is necessary or advisable for the purposes of the MNO Act.

The purposes of the Act are set out in the preamble. As described above, the Act is intended to recognize and reflect the Secretariat’s unique role as a governance structure. Section 16(1) gives the government the power to make regulations under the Act only in order to better achieve that purpose. Those are regulations that create an additional exemption from provincial corporate law (Clause A) or that do something else—like create a new special rule for the MNO—that is either needed or helpful to ensure that the unique role of the Secretariat, and the operational realities it faces, are recognized and accommodated (Clause B).

As set out above, the Act came into being because the MNO determined it was needed and worked together with the Ontario government to make it a reality. The MNO identified the provisions of provincial corporate law that were inconsistent with the MNO’s own structures and procedures. The MNO identified the changes it needed and wanted to see made. The Act was not imposed by the Ontario government, but instead created to respond to the MNO’s concerns and wishes. The same will be true of any regulations made under the Act. Because regulations can only be made to further achieve the Act’s purpose, they will necessarily be responsive to the MNO’s needs and concerns and could not be done without consultation with the MNO.

Contrary to the claims of some, there is simply no authority under the Act to make regulations that would be negative for the MNO or put it “under the thumb” of government. Even if a different government was in power, the worst it could do would be to refuse to make a regulation that the MNO wanted. It would not have any authority under the Act to make a regulation that the MNO did not want or that was inconsistent with the Act’s purpose.

Section 16(2) gives the Minister of Aboriginal Affairs the power to make regulations to bring Community Councils that have chosen to incorporate under the Act. This means that a Community Council that chooses to incorporate will have the benefit of all of the exemptions and special rules the Act creates. If and when a Community Council chooses to incorporate, the Secretariat will notify the Minister of Aboriginal Affairs using the notification process described in section 3 of the Act. This will only happen after the MNO, the Secretariat and a Community Council have negotiated mutually agreeable bylaws for incorporation. This process must have the consent of all parties.
Once the Ministry of Aboriginal Affairs is given notice by the MNO, it will then work together with Service Ontario and the Minister of Government and Corporate Services to make sure that the regulation is made at the same time that the Community Council becomes registered as a not-for-profit corporation. The newly-incorporated Community Council will immediately have the full benefit of the MNO Act. It is important to note that this process is solely driven by the MNO, the Secretariat and a Community Council. The Ontario government will only act and use these provisions of the Act if requested by the MNO.

**AMENDMENTS**

When the Secretariat was incorporated in 1994, it was incorporated under the Ontario Corporations Act. Right now, the Corporations Act applies to both for-profit and not-for-profit corporations. The Ontario government has already passed new legislation—the Not-for-Profit Corporations Act, that is expected to come into force soon.

When the Not-for-Profit Corporations Act comes into force, that will be the legislation that applies to the Secretariat, subject to the exceptions and modifications set out in the Act.

Sections 17 to 29 of the Act simply set out the changes that will be made when the Not-for-Profit Corporations Act comes into force, in order to replace all of the references in the Act to certain provisions of the Corporations Act with references to the corresponding provisions of the Not-for-Profit Corporations Act.

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“I remind you that initiatives like this are helping to achieve reconciliation among Métis, First Nations and Inuit people and other non-indigenous peoples throughout the province. The Métis Nation of Ontario Secretariat Act is a step on that path.”

— The Honourable David Zimmer, Minister of Aboriginal Affairs, December 9, 2015

“Now, both the courts and the legislature have affirmed the historic and continued existence of the Métis people and our communities as the law in this province. This legislation shows that reconciliation is not an impossible task. We just need to work--together--to make it happen.”

— MNO President Gary Lipinski, December 9, 2015
Additional Information on the MNO Act

WHAT HAPPENS NEXT?

The Act came into force on January 1, 2016—but nothing changed on that day. The MNO is holding community information sessions in early 2016 to review the Act with Métis citizens and Community Councils. Through these meetings, the MNO hopes to better inform citizens on the success and benefit that the Act represents to Ontario Métis as well as begin to identify those Community Councils that may have interest in incorporating under the Act for future discussions. Information about these meetings is available at www.metisnation.org.

Clearly, in order to meaningfully implement various parts of the Act, the MNO requires additional capacity for both the Secretariat and Community Councils to negotiate new arrangements. As a part of upcoming bilateral and tripartite meetings with Ontario and Canada, the MNO will be raising the need for additional financial resources to complete this work in future fiscal years. Based on what is heard as a part of the community information sessions, the MNO will develop a “way forward” plan for the Act and submit that to Ontario as well as Canada for consideration.

ADDITIONAL INFORMATION

For MNO citizens that would like more information about the Act or that have additional questions, please contact your local, regional or provincial Métis leadership. In addition, the following MNO staff are available to answer questions or provide additional information as well:

Margaret Froh
MNO Associate Chief Operating Officer
Telephone: 1-800-263-4889
margaretf@metisnation.org

Joanne Meyer
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In addition to this document, the MNO has prepared a clause-by-clause overview of the Act, which provides more detailed information. This document is available on the MNO’s website.