



## RESOLUTION OF THE MANITOBA MÉTIS FEDERATION

### EXTRAORDINARY GENERAL ASSEMBLY JUNE 3-4, 2023

#### To Enact the *Red River Métis Finance and Administration Act*

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**WHEREAS** the Red River Métis anticipates entering into the *Red River Métis Self-Government Recognition and Implementation Treaty* (the “Treaty”), which will be ratified by the Red River Métis at an Extraordinary General Assembly and by the Parliament of Canada by federal implementation legislation;

**AND WHEREAS** the Treaty will take the Manitoba Métis Federation (“MMF”) out of the Manitoba Corporations Act such that its rules respecting finance and administration will no longer apply to the MMF;

**AND WHEREAS** it is desirable to ensure that certain rules respecting finance and administration continue to apply to the MMF as the government of the Red River Métis, with such changes as are appropriate for self-government;

**AND WHEREAS** it is in the best interests of the Red River Métis that these rules be set out in the Red River Métis laws;

**AND WHEREAS** the *MMF Finance and Administration Act* may be revised or expanded as the needs of the Red River Métis evolve over time;

**AND WHEREAS** a resolution in substantially the same form to this resolution was adopted and approved by the MMF Cabinet at a meeting of February 27, 2023;

**THEREFORE BE IT RESOLVED THAT THE MANITOBA MÉTIS FEDERATION  
EXTRAORDINARY GENERAL ASSEMBLY:**

1. Adopts and approves the *Red River Métis Finance and Administration Act* as attached hereto as Schedule “A” to become effective on the effective date of the Treaty.

Moved By: Minister Anita Campbell  
Seconded By: Minister Denise Thomas

Date: June 4, 2023

*Schedule "A"*

## **Red River Métis Finance and Administration Act**

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### **Part 1 - Interpretation**

#### **Definitions**

1. (1) In this Act:

“**Assembly**” means both the AGA and Extraordinary General Assembly as referred to in the Constitution;

“**AGA**” means an Annual General Assembly;

“**auditor**” includes a partnership of auditors;

“**Citizen**” has the same meaning as in the Constitution;

“**Constitution**” means the Manitoba Métis Federation Constitution, as amended from time-to-time;

“**enact**” includes to issue, make, establish, or prescribe;

“**enactment**” means legislation or a regulation or a portion of legislation or a regulation;

“**MMF legislation**” means a law, whether named an Act, a Code, a Charter, a Law or otherwise, enacted by the Assembly, but does not include a regulation;

“**MMF**” means the Manitoba Métis Federation, the government of the Red River Métis;

“**MMF Registry of Laws**” means the registry referred to in section 9 of this Act;

**“regulation”** means a law enacted under the authority of legislation in which the word “regulation”, “regulations”, “prescribe”, “prescribes”, or “prescribed” is used in the provision conferring the authority;

**“subsidiary”** means a corporation controlled by the MMF.

(2) Terms defined in the Constitution but not in this Act have the meanings ascribed to them in the Constitution.

(3) In this Act, words in the singular include the plural, and words in the plural include the singular.

## **Part 2 - Legislation and Regulations**

### **Enactment of Legislation**

2. MMF Legislation is enacted when an Assembly considers proposed legislation, and votes to approve it, with or without amendments.

### **Regulations**

3. Red River Métis laws may provide for the ability of the MMF Cabinet to create regulations.

4. A regulation proposed to be enacted under MMF legislation by the MMF Cabinet must be attached as an appendix to the MMF Cabinet resolution by which it is proposed to be enacted.

5. A resolution that the MMF Cabinet enact a regulation under MMF legislation must:

- (a) set out the name of the proposed regulation;
- (b) specify the date on which that regulation is proposed to come into force or the method for determining that date; and
- (c) identify the member of the MMF Cabinet authorized to sign the regulation.

6. A regulation is enacted by the MMF Cabinet under legislation when:

- (a) the MMF Cabinet adopts a resolution to enact a proposed regulation; and
- (b) that proposed regulation is signed by the member of the MMF Cabinet authorized to do so.

7. (1) A regulation has no effect unless it or a copy of it is deposited in the MMF Registry of Laws.

(2) Regulations deposited in the MMF Registry of Laws must be available for inspection during regular office hours.

8. (1) A regulation or portion of a regulation comes into force on the date of its deposit unless:
  - (a) a later date is specified in the regulation; or
  - (b) an earlier date is specified in the regulation and the Act under which the regulation is made authorizes the regulation to come into force on an earlier date.
- (2) If the MMF Cabinet considers it in the public interest to do so, the MMF Cabinet may, by regulation, order that a regulation is deemed to have been deposited or filed on any specified date on or after its enactment but before its actual date of deposit and if the MMF Cabinet so orders, the regulation is deemed to have been deposited or filed on the specified date.
- (3) If the MMF Cabinet considers it in the public interest to do so, the MMF Cabinet may include conditions in the order varying the effect of the regulation during the period between the deemed date of deposit or filing and the actual date of deposit.

### **Registry of MMF laws**

9. (1) The MMF Registry of Laws is continued.
- (2) The MMF must maintain the registry.
- (3) The MMF must deposit in the registry:
  - (a) the original of each enactment enacted; and
  - (b) the original of each regulation enacted.
- (4) The MMF Cabinet must prescribe the rules and procedures for the deposit of enactments and regulations and for the maintenance and operation of the registry.

### **Part 3 - Finance**

#### **Annual financial statements**

- 10.(1) The annual financial statements required by Article XIII of the Constitution must include:
  - (a) comparative financial statements as prescribed relating separately to:
    - (i) the period that began on the Effective Date and ended on the following March 31 or, if MMF has completed a fiscal year, the period that began immediately after the end of the last completed fiscal year and ended on the following March 31; and
    - (ii) the immediately preceding fiscal year;

- (b) the report of the auditor, if any; and
- (c) any further information respecting the financial position of MMF and the results of its operations.

### **Approval of financial statements**

11.(1) The MMF Cabinet must approve the financial statements referred to in Article XIII of the Constitution and in section 10 of this Act, and the approval must be evidenced by the signature of one or more of the MMF Cabinet members.

### **Condition precedent**

(2) Subject to the Constitution, the MMF must not issue, publish, or circulate copies of the financial statements referred to in section 10 of this Act unless the financial statements are:

- (a) approved and signed in accordance with subsection (1); and
- (b) accompanied by the report of the auditor of the MMF, if any.

### **Copies supplied on demand**

(3) The MMF must, upon demand being made by a Citizen, provide the Citizen with a copy of the documents referred to in subsection (1).

### **Qualification of auditor**

12.(1) Subject to subsection (4), a person is disqualified from being an auditor of the MMF if the person is not independent of the MMF, all of its affiliates, and the MMF Cabinet members or officers of MMF and its affiliates.

### **Independence**

- (2) For the purposes of this section:
- (a) independence is a question of fact; and
  - (b) a person is deemed not to be independent if the person or that person's business partner is an MMF Cabinet member, an officer or an employee of MMF or any of its subsidiaries, or a business partner of any MMF Cabinet member, officer or employee of the MMF or any of its subsidiaries.

### **Duty to resign**

(3) An auditor who becomes disqualified under this section must, subject to subsection (5), resign immediately after becoming aware of the disqualification.

### **Exception**

(4) The Assembly may resolve to appoint as auditor, a person otherwise disqualified under subsections (1) and (2) if the resolution is consented to by the Assembly.

### **Validity of resolution**

(5) A resolution under subsection (4) is valid only until the next AGA.

### **Auditor's relationship to be disclosed in report**

(6) An auditor appointed under subsection (4) must indicate in the auditor's report to the Citizens the particulars of the relationship which would ordinarily disqualify the person under subsection (1) or (2).

### **Appointment of auditor**

13.(1) The MMF Cabinet must recommend to each AGA an auditor to be appointed as the auditor of MMF by that Assembly.

(2) The Assembly must by ordinary resolution, at the first AGA after the Effective Date and at each succeeding AGA, appoint an auditor of MMF to hold office until the close of the next AGA.

### **Incumbent auditor**

(3) Notwithstanding subsection (1), if an auditor is not appointed at an AGA, the current auditor continues in office until their successor is appointed.

### **Remuneration**

(4) The remuneration of an auditor may be fixed by a resolution of the MMF Cabinet.

### **Ceasing to hold office**

14.(1) An auditor of MMF ceases to hold office if the person:

(a) dies or resigns; or

(b) is removed from office pursuant to section 15 of this Act.

### **Effective date of resignation**

(2) A resignation of an auditor becomes effective at the time a written resignation is sent to the MMF, or at the time specified in the resignation, whichever is later.

### **Removal of auditor**

15.(1) An Assembly may by resolution remove the auditor of the MMF from office.

### **Vacancy**

(2) A vacancy created by the removal of an auditor of the MMF may be filled at the same Assembly.

### **Filling vacancy**

(3) Subject to subsection (2), the MMF Cabinet will fill any vacancy in the office of auditor of MMF for the remainder of the unexpired term of the predecessor.

### **Statement of auditor**

(4) An auditor of the MMF who:

- (a) resigns; or
- (b) receives a notice or otherwise learns of an Assembly called for the purpose of removing them from office; or
- (c) receives a notice or otherwise learns of an Assembly at which another person is to be appointed to fill the office of auditor, whether because of the resignation or removal of the current auditor or because their term of office has expired or is about to expire;

is entitled to submit to the MMF a written statement giving the reasons for their resignation or the reasons why they oppose any proposed action or resolution.

### **Circulating statement**

(3) The MMF must include a copy of the statement referred to in subsection (4) in the notice of the next Assembly and the MMF must post the notice on its website.

### **Examination**

16.(1) An auditor of the MMF must make the examination that is in their opinion necessary to enable them to report in the prescribed manner on the financial statements required by this Act to be placed before the Citizens, except such financial statements or part thereof as relate to the period referred to in section 10.

### **Reliance on other auditor**

(2) Notwithstanding section 17, an auditor of the MMF may reasonably rely upon the report of an auditor of a body corporate or an unincorporated business the accounts of which are included in whole or in part in the financial statements of the MMF.

### **Reasonableness**

(3) For the purpose of subsection (2), reasonableness is a question of fact.



## **Application**

(4) Subsection (2) applies whether or not the financial statements of the corporation reported upon by the auditor are in consolidated form.

## **Right to information**

17.(1) Upon the demand of an auditor of the MMF, the present or former MMF Cabinet members, officers, employees, or agents of the MMF must provide such:

- (a) information and explanations; and
- (b) access to records, documents, books, accounts, and vouchers of the MMF or any of its subsidiaries;

as are, in the opinion of the auditor, necessary to enable them to make the examination and report required under section 16 of this Act and that the MMF Cabinet members, officers, employees, or agents are reasonably able to provide.

## **Information from subsidiary**

(2) Upon the demand of the auditor of the MMF, MMF Cabinet members must:

- (a) obtain from the present or former MMF Cabinet members, officers, employees, and agents of any subsidiary of the MMF the information and explanations that the present or former MMF Cabinet members, officers, employees, and agents are reasonably able to provide and that are, in the opinion of the auditor, necessary to enable them to make the examination and report required under section 16 of this Act; and
- (b) provide the information and explanations obtained under clause (a) to the auditor.

## **Error in financial statements**

18.(1) If the auditor or former auditor of MMF is notified or becomes aware of an error or misstatement in a financial statement upon which they have reported, and if in their opinion, the error or misstatement is material, they must inform the MMF Cabinet accordingly.

## **Duty of the MMF Cabinet members**

(2) When under subsection (1) the auditor or former auditor of MMF informs the MMF Cabinet members or when the MMF Cabinet members otherwise have knowledge of an error or misstatement in a financial statement, the MMF Cabinet members must:

- (a) prepare and issue revised financial statements; or
- (b) otherwise inform the Citizens.

### **Qualified privilege (defamation)**

19. Any oral or written statement or report made under this Act by the auditor or former auditor of the MMF has qualified privilege.

### **Part 4 - Regulations**

#### **Disclosure of interests**

20. The MMF Cabinet must, within one year of this Act coming into force, prescribe by regulation conflict of interest rules applicable to members of MMF Cabinet or officers of the MMF.

#### **Other**

21. The MMF Cabinet may enact regulations:

- (a) providing for indemnities to MMF Cabinet members, officers, and employees of the MMF;
- (b) prescribing anything that is, by this Act, to be prescribed; and
- (c) for the purpose of carrying out this Act according to its intent.

### **Part 5 – Commencement and Transition**

#### **Definitions**

21. In this Part, “**Effective Date**” means the effective date of a self-government treaty between the Red River Métis and His Majesty the King in Right of Canada.

#### **Transition**

22. The Auditor of Manitoba Métis Federation Inc. as of the Effective Date is appointed as the auditor of the MMF for the fiscal year ending on the next March 31 after the Effective Date.

#### **Effective**

23. This Act comes into force on the Effective Date.