An Act respecting the Métis Nation – Saskatchewan Judicial Body and providing for settlement of disputes in accordance with the principles of Kwayaskastasowin	This is the long title. A long title can make a political or strategic statement and outlines the scope of the legislation. A short title, for ease of reference, is contained in section 1.

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Preamble Whereas: 1. **Kaa tipaymishooyaahk / Otipîmisiwak / onn praanswaen dezootes mwoin/ Otipemisiwak / Dënë bëdagharı**, the people	A preamble is not always included in legislation but is included here to outline Métis values and principles applicable to the process of resolving disputes. This preamble sets the tone and

own themselves, is a fundamental principle of Métis identity with deep historical roots;	intention behind the creation of this judicial body and this legislation. This version of the preamble has been reviewed with the Elders. The Michif and Dene words are included as suggested in consultations.
2. The jurisdiction and authority for a Métis Judiciary to provide a mechanism for dispute resolution concerning Métis laws, including restorative justice and mediation services, is derived from the existing inherent rights of the Métis Nation – Saskatchewan, as recognized and affirmed by: (a) section 35 of the *Constitution Act, 1982* (Canada); (b) the United Nations Declaration on the Rights of Indigenous People; (c) the Métis Nation within Saskatchewan Self-Government Recognition and Implementation Agreement between Métis Nation – Saskatchewan and His Majesty the King in Right of Canada, dated February 23, 2023; and (d) the Métis Government Recognition and Self-Government Agreement between Métis Nation – Saskatchewan and Canada dated June 27, 2019;	The documents described in paragraph 2 are set out as a list in order to make the point that the jurisdiction and authority to enact this law is derived from the inherent right of the Métis to govern themselves. These documents recognize that that right already exists, they don't grant it.
2.1 The Métis Nation – Saskatchewan is creating through this Act a formal judicial body as an exercise of its inherent right to self-government and in accordance with its legislative authority to administer and enforce its laws, grounded in its pre-existing legal orders, customs and practices;	The development of our own judicial institution is to maintain and strengthen our distinct political legal, economic, social and cultural autonomy through cultural continuity as well as substantive equality for our citizens.
3. Métis laws have existed for generations and include: (a) the laws of the Prairie including the laws for the colony of St. Laurent (b) the laws of the Buffalo Hunt; (c) the *Manitoba Act* proposed by the Riel Provisional Government;	

(d) the constitutions and bylaws of Métis representative organizations and governments in Saskatchewan; and (e) the legislation enacted by the Métis Nation Legislative Assembly; 4. The Métis have a history of using a judiciary and courts since before 1870 when James Ross Esq. was confirmed as the Chief Justice of Assiniboia under the Honourable Louis Riel, President of the Provisional Government of Assiniboia; the Justices, Magistrates and other officials were appointed to act under the Provisional Government; the days for holding the Courts were fixed and Local Laws and regulations were adopted;[1] 5. The growth of Métis nationhood requires the establishment of a Métis judicial institution to maintain and strengthen the distinct political, legal, economic, social and cultural autonomy of the Métis that is culturally relevant and addresses community, family and individual needs; 6. The Métis Judiciary embodies the spirt of **Kwayash Ashtaayaahk /Kwayaskastasowin / Kwaayesh Aashtaayaahk / Ëła nıdeł Ëła Ëghëdëleda há**[2] to establish decision-making bodies focused on setting things right; 7. The Kwayaskastasowin Judiciary is built with the input of the Métis people who will be affected by the decisions it makes; 8. Métis people have requested that **Shakihiwayhk / Sâkihitowin/ Aamoor / Sâkihitowin / Bëghąhonëtą hël,** love, be a central feature of the Kwayaskastasowin Judiciary in that	

[1] *An Act Providing for the due Administration of Public Justice*, Legislative Assembly Chamber, Upper Fort Garry, 26 March 1870, (Sessional Journal (gov.mb.ca))
[2] Michif French translation in progress.

community members want their family members treated within the Kwayaskastasowin Judiciary with love; 9. **Waahkoomiwayhk / Wâhkôhtowin / Ma Paraantii / Wâhkôhtowin / Ëlëlot'ınë**, our kinship and connectedness to each other, has a place in the Kwayaskastasowin Judiciary because relationships are central to the way legal matters are processed; 10. The Kwayaskastasowin Judiciary is built on the spirit of **Waahkoomiwayhk / Wâhkôhtowin / Ma Paraantii / Wâhkôhtowin / Ëlëlot'ınë**, to connect communities and to build and restore relationships, in that it is inclusive, citizen-centred, trustworthy and transparent; 11. Because the values of love and kinship are central values of Métis people, the Kwayaskastasowin Judiciary will hold children at the centre of its actions, considering them and their futures in the decisions it makes; 12. The Kwayaskastasowin Judiciary is based on **Naatoohtamihk/ Natohtamowin / Aykootii / Nihtohtamowin / Orëstth' ą** – a deep and profound listening - listening so well that each person participating knows that they have been heard; 13. **Kiiwookaywin/ Kiyohkêwin / Kiyokêwin /Kǫta thıda**[3], visiting, spending meaningful time connecting, is part of the Kwayaskastasowin Judiciary process and the Kwayaskastasowin Judiciary will initiate processes to spend time visiting and connecting with communities before relationships break down;	

[3] Michif French translation in progress.

14. The Kwayaskastasowin Judiciary will prioritize supported processes that encourage the parties involved in a dispute to participate in decision-making to resolve matters; 15. The Kwayaskastasowin Judiciary is created independently, separate and apart from the Métis – Nation Saskatchewan governance process, to act in trust and in the best interests of the Métis – Nation Saskatchewan and the Métis people; 16. The Kwayaskastasowin Judiciary is governed by the rule of law, under which all members of the Métis Nation are subject to the Métis Nation – Saskatchewan Constitution and the laws enacted by the Métis Nation Legislative Assembly; and 17. All of the above stated values are core to the Métis Nation – Saskatchewan;	The rule of law is a principle by which everyone, including the government, is subject to clear, established, and equally enforced laws. This ensures predictability, accountability, and protection from arbitrary power and forms the foundation of fair societies by guaranteeing accessible justice and upholding human rights. It means laws are public, applied impartially, and enforced by independent courts, preventing rulers or powerful figures from being above the law.
Therefore, the Metis Nation Legislative Assembly, in accordance with the authority granted to it by the Métis Nation –Saskatchewan through its Constitution, enacts as follows:	This is the enacting clause proposed to be used for the enactment of all MNLA legislation. It cites the constitutional source of authority to enact the law that follows as being the Métis Nation and its Constitution. It begins with the words "Now therefore" because there is a preamble to the Act.
PART I GENERAL **Short title** 1 This Act may be cited as the *Métis Judiciary Act*.	The purpose of the short title is to provide an easier title by which the Act can be formally referenced. This title signals both that this is about judicial decision-making but with an emphasis on "setting things right", as that is what the word Kwayaskastasowin means.

Kwayaskastasowin (restorative approach) 2(1) Kwayaskastasowin is a restorative process that emphasizes setting things right and encompasses all aspects of the Kwayaskastasowin Judiciary, including: (a) supporting preventative, celebrational and educational activities engaging communities; (b) through its intake process, identifying issues in dispute, de-escalating situations, connecting parties to outside resources and guiding parties through the process of fact finding and dispute resolution, whether through a facilitation process or a formal hearing; (c) through its Facilitation Panels, assisting parties to resolve disputes by agreement; and (d) through its Hearing Panels, consisting of persons with the relevant knowledge and expertise to decide a particular issue, making decisions that are binding on the parties when they have been unable to agree on a resolution of their dispute. (2) The objective of Kwayaskastasowin is to build and repair relationships with meaningful participation from the parties. (3) All parties must participate in Kwayaskastasowin in good faith, with a heart and mind open to repairing relationships and resolving the dispute. (4) Kwayaskastasowin may include others besides the parties to a complaint where that involvement will be helpful to repairing relationships and resolving the dispute.	This section explains Kwayaskastasowin, emphasizing that it has many functions and that its objective is to restore relationships and build community. Actual decision-making that is imposed on the parties would only happen as a last resort where an issue or dispute could not be resolved through education, discussion and agreement.

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Preamble as an aid to interpretation and implementation 3 The preamble is a part of this Act intended to set out the context within which this Act has been enacted as well as providing the foundation of values and principles on which the Kwayaskastasowin Judiciary is built, and can and should be used to guide the interpretation and implementation of this Act.	The Preamble to this Act sets out important values and context and this provision is intended to make it clear that the Preamble is part of the Act and can be used to interpret and implement the Act.
Definitions 4(1) In this Act: "affiliate" means an affiliate as referred to in the Constitution; "Chief Justice" means the Chief Justice of the Kwayaskastasowin Judicial Body appointed in accordance with this Act; "Constitution" means the Métis Nation – Saskatchewan Constitution; "Facilitation Panel" means a Facilitation Panel established under section 19; "Hearing Panel" means a Hearing Panel established under section 20; "immediate family" means a person's spouse or partner, parent, child, sibling, aunt, uncle or cousin, whether by birth or by adoption; "Judicial Committee" means the Métis Judicial Committee established pursuant to section 10;	The definition section provides definitions of words and phrases used in this Act only; the definitions do not apply to other Acts or documents. The purpose of a definition is to ensure legal clarity when words and terms are used in other than their ordinary sense or to provide a short form for ease of reference. The term "Chief Justice" is the term used by Riel's government

"Local Council" means the council of a Local as described in the Constitution; "Local President" means the President of a Local; "Kwayaskastasowin " means to work towards setting or re-establishing the situation, the people and the relationships on a good path; "Kwayaskastasowin Judiciary" means the Chief Justice and persons appointed to the rosters of judges, lii vieux moondes (elders), women, youth, and facilitators; "MNLA" means the Métis Nation Legislative Assembly; "MN-S" means the Métis Nation – Saskatchewan; "MN-S Citizen" means a person who is registered as a Métis citizen in accordance with the *Citizenship Act*; "MN-S laws" means Acts enacted by the MNLA and includes regulations, rules or other documents or instruments enacted pursuant to the authority provided by such Acts; "PMC" means the Provincial Métis Council described in the Constitution; "Regional Council" means the council of a Region as described in the Constitution;	

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"roster" means each of the lists of eligible persons available to serve as members of Facilitation Panels or Hearing Panels, when required, as described in clause 11(1)(b).	
Application of Act 5 This Act applies to all MN-S citizens, institutions, and elected officials.	This provision is an explicit statement to reflect the rules of law as outlined in the preamble, that the law applies to all, including governmental and elected officials; no one is above the law.
PART II MÉTIS JUDICIAL COMMITTEE **Establishment and composition** 6(1) The Judicial Committee is a non-political body established in order to: (a) recommend to the MNLA eligible persons to be appointed as members of the Kwayaskastasowin Judiciary, including: (i) a person to be appointed as the Chief Justice; (ii) persons to be appointed to each of the rosters of judges, lii vieux moondes (elders), women's representatives, and youth representatives; (b) adopt rules and procedures to guide it in carrying out its duties and responsibilities, which rules must be posted on the MN-S website and include, at a minimum: (i) an application process for persons to apply to be recommended for appointment to the Kwayaskastasowin Judiciary;	The Métis Judicial Committee is NOT the judiciary, but a non-political body established to do three things: 1. recommend persons to be appointed to the Kwayaskastasowin Judiciary; 2. determine how the members of the Judiciary are to be compensated; and 3. deal with complaints about conduct or competence of members of the Judiciary. The federal and provincial governments appoint their own judges via their own processes and committees. To create a MN-S Judicial Committee and ultimately, a Métis decision making body, Métis people will need to select the individuals to be members of the Judicial Committee to carry out these important functions.

(ii) a process to determine the compensation to be paid to the Chief Justice and to persons who are appointed to the various rosters or who are selected to serve on a Facilitation Panel or Hearing Panel; and (iii) the process to be followed in investigating any complaints made concerning the conduct or fitness of members of the Kwayaskastasowin Judiciary and for imposing appropriate sanctions where required.	
(2) The Judicial Committee consists of at least seven MN-S Citizens who are at least 18 years of age, have life experience in and are respected in the Métis community, and are genuinely interested in resolving disputes fairly and objectively, as follows: (a) three lawyers licensed to practice law in a jurisdiction in Canada; (b) two vieux moondes (elders) residing in Saskatchewan; and (c) two MN-S citizens at large.	All members of the Judicial Committee must meet these criteria to be eligible to be appointment and three lawyers, two elders, and two citizens at large are to be selected from among those eligible.
(3) Public notice concerning the process to apply for appointment to the Judicial Committee must be provided to MN-S Citizens and posted on the MN-S website.	Information about the application process must be provided to all Métis Citizens.
Initial appointment of members of the Judicial Committee 7(1) The Local Presidents in each region shall, at a duly convened meeting of their Regional Council at which a majority	The option for appointment outlined here is suggested to keep the Judicial Committee members Métis and to draw on community as much as possible to keep this a transparent

of the Local Presidents in the Region are present, collectively nominate from those who apply pursuant to subsection 6(3) a maximum of three eligible persons for appointment to the Judicial Committee in accordance with this section to hold office for a term of not more than five years. (2) In accordance with subsection 6(2), the PMC shall select from among those persons nominated from all Regions pursuant to subsection (1) the seven persons to comprise the Judicial Committee, having regard to diversity, inclusivity, and geographical representation, and shall recommend those persons to the MNLA for appointment. (3) A motion in the MNLA is required to ratify the appointment of members of the Judicial Committee and is non-debatable. (4) If a motion to ratify the appointment of members of the Judicial Committee is not ratified by the MNLA, the matter shall be referred to the PMC to make a new recommendation pursuant to subsection (2).	process. It starts with nominations from Local Presidents, selection by the PMC, and ratification by the MNLA. Subsection (2) requires the PMC to take into account various factors in selecting the seven persons to the Judicial Committee in order to address concerns about gender, orientation, ability and so on. A ratification motion in the MNLA is non-debatable; it is just voted on. If the ratification motion fails, the PMC must make a new recommendation to be brought forward to the MNLA to be ratified.
Ineligibility for appointment 8 The following persons are not eligible to be appointed or to continue to hold office as a member of the Judicial Committee: (a) a member of the MNLA, a Regional Council, or a Local Council; (b) an employee of the MN-S; (c) a member of a board of or an employee of an affiliate; or	The purpose of this provision is to ensure that the persons who are appointed to the Judicial Committee are not elected or government officials, or close relatives, to ensure that the Judicial Committee is independent in the work it has to do. A member of the Judicial Committee who becomes ineligible after their appointment loses their seat. The vacancy would be filled in accordance with the provision below.

(d) a member of the immediate family of a current member of the PMC.	
Vacancy 9(1) Where a vacancy occurs on the Judicial Committee for any reason, the Local Presidents in each region shall, at a duly convened meeting of their Regional Council at which a majority of the Local Presidents in the Region are present, collectively nominate a maximum of two eligible persons for appointment to the Judicial Committee to fill the vacancy in accordance with this section. (2) In accordance with subsection 6(2), the PMC shall select a person to fill the vacancy on the Judicial Committee from among those persons nominated from all Regions pursuant to subsection (1), having regard to diversity, inclusivity, and geographical representation, and shall recommend that person to the MNLA for appointment. (3) A motion in the MNLA is required to ratify the appointment of a member to fill the vacancy on the Judicial Committee and is non-debatable. (4) If a motion to ratify the appointment of a member to fill a vacancy on the Judicial Committee is not ratified by the MNLA, the matter shall be referred back to the PMC to make a new recommendation pursuant to subsection (2).	Vacancies on the Judicial Committee would be filled in the same way as the original appointments, but fewer nominations would be required.

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PART III KWAYASKASTASOWIN JUDICIARY **Kwayaskastasowin Judiciary established** 10 The Kwayaskastasowin Judiciary is established to: (a) administer processes and mechanisms to resolve disputes in a restorative way, relying on Métis-built methods; and (b) hear and determine all matters brought to it pursuant to an MN-S law.	The Kwayaskastasowin Judiciary is established with authority to resolve disputes relating to MN-S laws using a restorative approach and mediation, as a first option, consistent with the concept of "setting things right". Rules of Court will outline the details relating to the intake process including thorough case review, case # assigned, preliminary assessment of whether a MN-S law was breached, communication of intake decisions, establishing Facilitation and Hearing Panels, and other details of day-to-day operations. The Judiciary will only have jurisdiction to deal with matters referred to it pursuant to this Act or any other Act enacted by the MNLA.
Composition 11(1) The members of the Kwayaskastasowin Judiciary include: (a) a Chief Justice; and (b) rosters of eligible persons to serve as judges, lii vieux moondes (elders), women, youth, and facilitators for the Chief Justice to draw from to establish Facilitation Panels and Hearing Panels. (2) The members of the Kwayaskastasowin Judiciary are entitled to be compensated for their services as determined by the Judicial Committee. (3) The Judicial Committee shall ensure that public notice concerning the process to apply for appointment to the	The Judiciary will consist of a Chief Justice and persons appointed to the various rosters. Persons will be selected by the Chief Justice from the rosters to comprise the various panels as required. Rosters are used to draw on various expertise as cases arise and to ensure that there are no conflicts, there is availability, and to provide representation from each Region regularly. The Judicial Committee determines compensation, but it is anticipated that there would be a type of retainer paid to persons who are appointed to the various rosters as they are on stand-by, and a rate of remuneration when persons are actually appointed to one of the panels to deal with specific complaints or issues.

Kwayaskastasowin Judiciary is provided to MN-S Citizens and posted on the MN-S website	The Judicial Committee is required to make the application process public to ensure that all eligible Métis Citizens are able to apply to be appointed to the Judiciary.

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Eligibility for appointment 12(1) In order to be eligible to be appointed as a member of the Kwayaskastasowin Judiciary, an individual must be genuinely interested in resolving disputes fairly and objectively and be: (a) at least 18 years of age; and (b) an MN-S Citizen who has life experience in and is respected by the Métis community. (2) In order to be eligible to be appointed as the Chief Justice, an individual must be eligible to be licensed to practice law in Saskatchewan and have been licensed to practice law in a jurisdiction in Canada for the 10 years prior to their appointment. (3) In order to be eligible to be appointed to the roster of judges, an individual must be eligible to be licensed to practice law in Saskatchewan and have been licensed to practice law in a jurisdiction in Canada for the five years prior to their appointment. (4) In order to be eligible to be appointed to and continue to serve on the roster of youth, an individual must be no more than 29 years old. (5) The following persons are not eligible to be appointed as a member of the Kwayaskastasowin Judiciary: (a) an individual who is a member of the Judicial Committee, the MNLA, a Regional Council, a Local Council, an employee of the MN-S, or a member of a board of or an employee of an MN-S affiliate;	Persons appointed to the Kwayaskastasowin Judiciary must be adult MN-S Citizens who are respected by and knowledgeable of the Métis community. In addition, the Chief Justice must have 10 years legal experience and a person appointed to the roster of judges must have five years. Persons appointed to the roster of youth must be no more than 29 years old, and cease to hold office when they exceed that age. Elected and government officials, as well as members of the Judicial Committee, and their immediate family members, cannot be appointed to the Judiciary.

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(b) a member of the immediate family of an individual described in clause (a); (c) an individual who holds elected office pursuant to *The Elections Act, 1996* (Saskatchewan); *The Local Government Election Act, 2015* (Saskatchewan) or the *Canada Elections Act* or is a member of the Senate of Canada; (d) an individual who is a judge of any other court other than a citizenship court.	
Chief Justice 13(1) The Judicial Committee shall recommend to the MNLA a person who meets the eligibility criteria for appointment set out in section 12 as the first Chief Justice of the Kwayaskastasowin Judiciary. (2) The appointment of the first Chief Justice is effective when it is ratified by the MNLA, (3) The first Chief Justice holds office for a period of five years. (4) The first Chief Justice shall direct the development of and approve interim rules pursuant to section 22, as required to facilitate the initial implementation and operation of the Kwayaskastasowin Judiciary. (5) The appointment of subsequent Chief Justices shall be made in accordance with section 14.	The appointment of the first Chief Justice will be made by the MNLA on the recommendation of the Judicial Committee. The first Chief Justice will be responsible for putting in place the rules necessary to allow the Judiciary to function.
Appointment 14(1) The Judicial Committee shall recommend the appointment of the members of the Kwayaskastasowin Judiciary only from	Only individuals who have met the criteria established by the Act and who were recommended for appointment by the Judicial

the persons who have applied and are eligible for appointment in accordance with section 12. (2) The appointment of a person as a member of the Kwayaskastasowin Judiciary is effective when the appointment is ratified by the MNLA. (3) The Chief Justice, and the judges appointed to the roster of judges, hold office for a term of five years and until a successor is appointed, and may be reappointed. (4) Each member of the Kwayaskastasowin Judiciary appointed to the rosters of lii vieux moondes (elders), women, youth or facilitators holds office for a term of up to five years and until a successor is appointed. (5) The term of office of a member of the Kwayaskastasowin Judiciary is terminated if the member is removed from office by the Judicial Committee as a result of a complaint in accordance with the process it establishes pursuant to subclause 6(b)(iii).	Committee may be appointed. Appointments would only be effective when ratified by the MNLA. It should be noted also that it is not solely who makes the appointment that determines independence. Once the appointment is made, the Supreme Court of Canda has said there has to be security of tenure, financial security and administrative independence for judges to be considered independent. This Act would appoint members of the Kwayaskastasowin Judiciary for a specified term thus providing for security of tenure. The Judicial Committee would determine compensation, thus providing for financial security. And the Act provides for the Kwayaskastasowin Judiciary to administer its operations independently. Appointments are made for a term not exceeding five years, although individuals may be reappointed if still eligible. The appointment of a person who becomes ineligible or who ise removed from office by the Judicial Committee is terminated.
Oath of office 15 Each member of the Kwayaskastasowin Judiciary shall, at the beginning of each term of office to which they are appointed, take the following Oath or Affirmation of Office: I solemnly swear (promise/affirm) on the voice of the people, that I will faithfully and impartially perform all of the duties of (the Chief Justice/a Judge/ an Elder /a Youth/a Facilitator/an Expert) of the Métis Nation-Saskatchewan Kwayaskastasowin Judiciary.	The Oath of Office borrows heavily from the oath sworn by James Ross in the Legislative Assembly of Assiniboia when he was confirmed as Chief Justice of the Riel government. This oath is recorded in the reconstituted record of the debates (https://www.gov.mb.ca/inr/major-initiatives/pubs/laa%20debates.pdf at pg. 30): "In the name of God, Amen. I, James Ross, do solemnly swear on the Holy Evangelists, and in the presence of Almighty God,— as I shall answer to God at the great day of Judgment, that I will faithfully and impartially perform all the duties of Chief Justice of Assiniboia. I

I swear (affirm) that I will not bear envy, hatred or malice against anyone, and that I will not act from fear, favour or affection, or hope of reward in any case, but that I will faithfully act impartially between all parties. I will uphold MN-S laws and the Constitution, respect the rich history of my people and the courage and dedication of my ancestors for the benefit of the present and future generations. I will do my best to preserve the peace and build Miyo wahkohtowin/wahkoohtowin[4] (good relations) so help me (God/Li Boon Jheu) (omit this phrase in an affirmation.)	swear that I will not bear envy, hatred or malice against any one, and that I will not act from fear, favor or affection or hope of reward in any case, but that I will faithfully act between all parties — So help me God." The Oath also references the voice of the people. This is taken from the oath Riel swore when he was appointed President. The oath is recorded in page 22 of the debates: "I, Louis Riel, do hereby solemnly swear that I will faithfully fulfil, to the best of my ability, my duties as President of the Provisional Government, proclaimed on the 24th November 1869, and also all the duties, which may become connected with the office of President of the Provisional Government of Assiniboia, as they may hereafter be defined by the voice of the people."
Independence 16(1) The members of the Kwayaskastasowin Judiciary are independent from the political and bureaucratic arms of the Métis Nation – Saskatchewan, and the MNLA affirms this independence. (2) No MN-S elected official and no MN-S employee shall interfere in any way with the independence of the Kwayaskastasowin Judiciary and its members. (3) The seat of an MN-S elected official who contravenes subsection (2) is thereupon vacant.	For clarity, this is an explicit statement of the independence of the Judiciary from the MN-S. If an MN-S employee improperly interferes with the Judiciary, they would be subject to discipline up to and including dismissal, but there is no law by which an elected official would lose their position. Subsection (3) would provide for an elected official to be removed from office if they improperly interfere with the Judiciary.

[4] Heritage Michif, Michif French, and Denesuline translations in progress.

Jurisdiction 17(1) Subject to subsection (2), the Kwayaskastasowin Judiciary has jurisdiction and authority throughout Saskatchewan, in accordance with the principles of Kwayaskastasowin, to: (a) prevent, resolve and decide disputes relating to: (i) the validity, application, contravention and interpretation of the Constitution, MN-S laws, and MN-S policies; (ii) actions, inactions or decisions of the MN-S; (iii) complaints about the conduct of elected members of Local Councils, Regional Councils, the PMC or the MNLA; (b) provide for the voluntary settlement of disputes between or involving MN-S Citizens; (c) impose consequences for contraventions of MN-S laws or MN-S policies, as set out in that legislation or those policies; (d) determine whether the whole or any part of any MN-S law is within the jurisdiction of the MNLA or the delegated authority pursuant to the Constitution, and to make binding declarations in that regard; (e) hear and determine complaints, appeals, or other matters that are referred to it in an MN-S law; (f) review administrative decisions made by persons or entities pursuant to MN-S laws and MN-S policies and	This section sets out a comprehensive list of all the issues that the Judiciary will ultimately be called upon to deal with once the MN-S draws down all its potential jurisdiction. However, pursuant to subsection (2), the Judiciary will only be able to deal with those issues that the MNLA has specifically referred to it through legislation.

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quash any of those decisions that it determines were not made lawfully and fairly or require persons to carry out duties imposed on them in MN-S laws. (2) The Kwayaskastasowin Judiciary may only exercise its jurisdiction and authority when it is authorized to do so pursuant to an MN-S law.	
Reference questions 18(1) The PMC may directly refer an issue to the Kwayaskastasowin Judiciary for review and determination whether or not there is a formal complaint or alleged contravention of an MN-S law. (2) Where an issue is referred to the Kwayaskastasowin Judiciary pursuant to subsection (1), the Chief Justice shall select a Hearing Panel in accordance with section 20 to hear and consider the issue and provide its opinion and reasons. (3) The terms of the reference of an issue to the Kwayaskastasowin Judiciary must: (a) set out the subject of the reference; and (b) name the parties to the proceedings. (4) The Kwayaskastasowin Judiciary may direct that any person interested, or any one or more persons as representatives of a class of interested persons, shall be notified of the hearing, and those persons may apply to be heard as intervenors on the matter.	This provision allows the PMC to refer an issue to the Judiciary for determination without there being a complaint initiated by a MN-S Citizen. It is anticipated that this would be something that would not happen frequently but could be useful where an important constitutional issue or issue relating to the interpretation of a significant legislative provision is necessary.

Facilitation Panels 19(1) The role of a Facilitation Panel is to encourage the parties to resolve issues by agreement without a formal hearing. (2) The Chief Justice shall select from the rosters an Elder and a facilitator to comprise a Facilitation Panel, as required. (3) The Chief Justice may select from the applicable rosters one or more of a woman, a youth or an expert, to a Facilitation Panel where the Chief Justice considers it appropriate, given the nature of the dispute. (4) Facilitation Panels work with the parties in private. (5) The Facilitation Panel shall prepare any agreements reached by the parties at the conclusion of the facilitation process. (6) Anything said during facilitation is confidential, unless the parties agree otherwise, and cannot be used as evidence or provided as information in a hearing by a Hearing Panel or in any other proceeding.	The Facilitation Panels endeavour to resolve disputes or complaints that come to the Judicial Body through a mediation process that attempts to find resolution through discussion and compromise.
Hearing Panels 20(1) Where a formal hearing is required, the Chief Justice shall appoint a hearing panel consisting of the Chief Justice or a judge the Chief Justice selects from the roster of judges together with an Elder to comprise a Hearing Panel. (2) The Chief Justice may select from the applicable rosters one or more of a woman, a youth or an expert, to a Hearing Panel where the Chief Justice considers it appropriate, given the nature of the dispute.	Hearing Panels are a last resort where a dispute cannot be resolved otherwise.

(6) All hearings held by a Hearing Panel are open to the public. (7) A hearing or part of a hearing may take place in private if there is a compelling reason to do so as determined by the Hearing Panel. (8) A Hearing Panel shall provide its decisions in writing and shall ensure that they are publicly available. (9) A Hearing Panel must reach its decisions by consensus, if possible. (10) If a Hearing Panel cannot reach a consensus, the minority dissenting opinion must be reflected in the final written decision of the Hearing Panel. (11) A decision of a Hearing Panel cannot be appealed to the PMC, the MNLA, or the Saskatchewan or Canadian courts and is final unless it would be subject to judicial review under the Rules of the Court of King's Bench for Saskatchewan.	Hearing Panels would make written decisions that would bind the parties. If the Hearing Panel cannot reach a decision by consensus, its written decision would include the dissenting opinion. The decision of the majority is the decision of the panel, but the majority does not have to include the judge assigned to the panel. The Hearing Panel's decision is final and cannot be appealed, but it may be subject to judicial review in the Court of King's Bench.
Conflict of interest 21 A member of a Facilitation Panel or Hearing Panel shall not participate in a matter in which that member has a conflict of interest.	Perhaps it goes without saying that no one can be involved in resolving or deciding a dispute if they have a conflict, but we have said it nevertheless.
Rules 22(1) The Chief Justice shall make rules to govern the proceedings of the Kwayaskastasowin Judiciary, including Kwayaskastasowin and, in particular, shall make rules: (a) regarding procedure and documents;	The Rules to be made by the Chief Justice are rules relating to administrative and procedural matters, not substantive issues or rights.

(b) regulating the operation of Hearing Panels and the conduct of hearings; (c) regulating the operation of Facilitation Panels and the manner in which they operate; (d) respecting the admissibility of evidence; (e) respecting the conditions to be met to take judicial notice of MN-S laws; (f) respecting interpretation where required; (g) respecting the reliance on experts by Facilitation Panels and Hearing Panels; (h) relating to the application of Métis customary law; (i) respecting providing intervenor status to Métis citizens or organizations in relation to a specific dispute or issue that is assigned to a Hearing Panel; (j) allowing a Hearing Panel to conduct mediation during a hearing if the parties agree; (k) respecting authority to allow the Kwayaskastasowin Judiciary to deal with urgent matters quickly; (l) respecting the duties of officers of Kwayaskastasowin Judiciary; (m) generally regulating:	

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(i) anything required by this Act or any other MN-S law to be governed by or subject to rules of the Kwayaskastasowin Judiciary; (ii) anything not sufficiently provided for in this Act; and (iii) any other thing that the Chief Justice considers necessary to better achieve the ends of justice and carrying into effect this Act and the provisions of other Acts respecting the Kwayaskastasowin Judiciary. (2) All rules of the Kwayaskastasowin Judiciary must be publicly accessible. (3) If an MN-S law sets out rules or procedures to bring a matter to the Kwayaskastasowin Judiciary, those rules and procedures apply and take precedence over the rules of the Kwayaskastasowin Judiciary.	An aspect of judicial independence is allowing the judiciary to govern their own proceedings. However, the MNLA could include specific procedures in its legislation where this is thought to be important. Those specific procedures would override any rules made by the Chief Justice and would be set out in MN-S laws that the Judiciary must follow.
PART IV MISCELLANEOUS **Employees and contractors** 23(1) The Kwayaskastasowin Judiciary shall, under the direction of the Chief Justice: (a) appoint or employ intake officers, mediators, justice support workers and any other officers and employees that it considers necessary for the proper conduct of its business; and	This provision is one that also supports judicial independence by making it clear that the Judiciary determines who it needs to hire or contract to do the things it identifies as priorities in its operations.

(b) determine the respective duties and powers, the conditions of employment and the remuneration of those officers and employees. (2) The Kwayaskastasowin Judiciary may engage the services of any legal counsel, consultants and technical advisors that it considers necessary to assist it in carrying out its responsibilities and may pay any fees and expenses in that regard.	
Financial 24(1) The Kwayaskastasowin Judiciary shall prepare and submit annually to the member of the PMC responsible for the administration of justice, in any form that the member may require, an estimate of its financial requirements for the following fiscal year. (2) The Kwayaskastasowin Judiciary may, to the extent that funds are provided to it through the approval of its budget by the MNLA, dedicate those funds in the way the Kwayaskastasowin Judiciary considers necessary and advisable to carry out the purposes of this Act.	While the Judiciary has to submit a budget and it has to be approved, the Judiciary determines how to allocate whatever funds are allotted to it. This again shows that the Judiciary is independent from the MN-S government.
Reporting 25 The Kwayaskastasowin Judiciary shall annually provide a written report, accessible to MN-S Citizens, outlining its activities and statistics in accordance with the format set out in the rules.	Reporting by the Judiciary will provide information about how it is operating and any relevant statistical information. The report would be written only. The Judiciary should not be required to make any verbal presentation to the MNLA that would provide a forum to take issue with its decisions, as this would interfere with its independence.
Immunity from liability 26 No action lies or shall be commenced against a member of the Kwayaskastasowin Judiciary or its officers, employees or	Members of the Judiciary and employees and contractors cannot be subjected to civil litigation for the actions they take in good faith under MNLA legislation. They can only be held liable

contractors with respect to anything done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by the member of the Kwayaskastasowin Judiciary, officer, employee or contractor in the execution of their duties or with respect to any matter in which it is found that there was a lack or excess of jurisdiction, unless it is proved that the act or omission was done maliciously and without reasonable cause.	where they have acted outside their jurisdiction and did so maliciously or unreasonably.
Coming into force 27 This Act comes into force when it is enacted by the Métis Nation Legislative Assembly.	While the Act would come into force immediately, the exercise of jurisdiction by the Judiciary is limited by subsection 17(2) to issues that are referred to it through other specific MN-S laws.

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