



President's Report



AAMS PRESIDENT
PAUL TUFTS

The most significant development in relation to Metis affairs occurred on April 14, 2016, when the Supreme Court of Canada announced its decision in relation to the Daniel's Case. The Court ruled that, under section 91(24) of the Constitution Act of 1867, the Metis and non-status Indians are Aboriginal people ("Indians") within the legislative jurisdiction of the federal government.

Unfortunately, news media reports resulted in massive confusion and misinterpretations, with a misunderstanding that the Daniel's ruling extended all "Indian" rights to the Metis and non-status Indians. It was not understood that the potential benefits would only be in the context of section 91(24) of the Constitution Act of 1867, that implies a responsibility of social services and programs by the federal and provincial governments. The ruling did not imply hunting, fishing, trapping and harvesting rights in the context of section 35 of the Constitution Act

of 1982. Neither did the ruling imply taxation exemptions in the context of the Indian Act and the Income Tax Act. All that can be argued is that governments should administer the same needed programs and services that have been provided to Indians, pursuant to section 91(24).

AAMS was criticized for not advising its members about speculated benefits as done by some Metis organizations. In view of the misunderstandings and since the responsible governments have not yet made any clarifying announcements, AAMS decided to remain silent rather than mislead its membership with speculations and false promises. AAMS has contacted representatives of the provincial government who indicate that they are waiting for direction from the federal authorities, who in turn indicate that they are "working on it and they want to do it right". The only suggestions have come from the Metis Federation of Canada that referred to possible social benefits such as education, health, housing, social services and economic development. For more information, please refer to the "The Daniel's Case Update" article in this newsletter.

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 www.acadiens-metis-souriquois.ca

The Daniels Case Update



Before the Daniel's decision of April, 2016, the provincial and federal governments both claimed that the other had the legislative

responsibility for the Metis and the non-status Indians, with the result that neither government would acknowledge constitutional responsibility. Therefore in the Daniel's case, the Supreme Court of Canada determined that such a dual refusal was leaving the Metis and non-status Indians "in a jurisdictional wasteland with significant and obvious disadvantaging consequences" that deprive them of programs and services that are "recognized by all governments as needed".

Since the Constitutional Act of 1982 has identified the Aboriginal people of Canada as "Indian, Inuit and Metis", Harry Daniel's initiated a court case to establish that this Aboriginal identity should apply to section 91(24) of the Constitution Act of 1867, where only "Indians" were being recognized. On April 14, 2016, after a 17 year battle, the Supreme Court of Canada ruled that the Metis and non-status Indians are also "Indians" (Aboriginal people), in the context of section 91(24) and within the legislative jurisdiction (protective authority) of the federal government. The ruling indicated that the provincial governments also have some responsibility.

Due to "settled law" of the past, this ruling now implies that the Crown owes a fiduciary duty of trust and confidence to the Metis and non-status Indians. Also due to "existing law" the Metis and non-status Indians now have a right to be consulted and negotiated with.

The Court recognizes Metis people from all parts of Canada. Article 17 of the ruling states that: "There is no one exclusive Metis people in Canada, anymore than there is no one exclusive Indian people in Canada. The Metis of eastern Canada and northern Canada are as distinct from Red River Metis as any two people can be... As early as 1650, a distinct Metis community developed in LeHeve [sic], Nova Scotia, separate from Acadians and Micmac Indians. All Metis are Aboriginal people. All have Indian ancestry."

However, in the context of 91(24), the ruling has clarified that a qualifying Metis is a person who self-identifies as Metis and has an ancestral connection to a historic Metis community. Acceptance by the modern Metis community is not required. This context is often confused with section 35 of the Constitution Act of 1982 where self-identity, ancestral connection and "community acceptance" are required in order to claim "Community Rights" as determined by the Powley Test. The Daniel's decision has not changed the fact that community harvesting rights are still subject to the Powley Test, that has so far denied hunting, fishing, trapping and harvesting rights for the Acadian Metis.

It should also be noted that the Daniels decision only relates to programs and services in the context of section 91(24) of the Constitution Act of 1867, and does not relate to "tax exemptions" in the context of the Indian Act and the Income Tax Act. For more information about the Daniel's Case, one can refer to a video by Sebastien Malette of the Metis Federation of Canada at the following web link:

<https://www.youtube.com/watch?v=GjDyhEurQ5Y>

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Indspire Update

Indspire continues to be problematic. Once again this year they are refusing bursaries to students from thirty two métis organizations. They are waiting for a federal government announcement this fall regarding the Daniels Case. The members of parliament are stating they are "taking their time to get it right". Thus far their silence is deafening.

Annual Dues Report

The AAMS Board of Directors functions voluntarily and without remuneration for the benefit of members. However, funds are required for the operation of any organization. When the annual dues requirement of \$ 20.00 becomes payable at the beginning of each year, AAMS members with registrations older than three months are mailed a notice and a self-addressed return envelope. It is very disappointing to see that a high proportion of members fail to provide their annual dues requirement in order to support the operation of AAMS. This is surprising in view of the Daniel's decision where members will expect AAMS to negotiate on their behalf. Some delinquent members indicate that they do not need the support of AAMS since they are now in possession of their Metis status cards. This assumption may become

problematic if the government decides to rely on the AAMS registration files in order to identify qualifying Metis. Delinquent members will be identified as “not in good standing” and could possibly be removed from the membership list. AAMS cannot afford to continue supporting members who do not contribute. Should any members wish to update their membership standings, they can contact the AAMS Treasurer Michael Deveau, at

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“DELINQUENT MEMBERS WILL BE IDENTIFIED AS “NOT IN GOOD STANDING” AND COULD POSSIBLY BE REMOVED FROM THE MEMBERSHIP LIST.”

AAMS Bursary Winners

In 2016, three bursaries in the amount of \$500 were awarded.



Internationally acclaimed karate expert Krysten Deveau works towards a Bachelor of Science degree as a second year student at the Universite Sainte Anne at Church Point, Nova Scotia



An avid hockey player who also enjoys fishing, Josanne Deveau is a second year Business Administration student at the Universite Sainte Anne at Church Point, Nova Scotia



Aspiring engineer Ryan Co-meau enters his second year of study as an applied science student at Acadia University in Wolfville, Nova Scotia

Deadline for next application is May 1, 2017

For more information and application forms, please visit our website at:
<http://www.acadiens-metis-souriquois.ca/aams-bursary.html>

AAMS Activities in 2016

Here are a few photos from some of the activities and events AAMS members were involved in this year



Port Royal, August 21 2016



Port Royal, August 21 2016



AAMS booth at the Festival Acadien de Clare



Battle of the Atlantic Ceremony 2016



Aboriginal Day, 2016



Aboriginal Day, 2016