

Senate Meeting Minutes
Kelowna, B.C., March 28-30, 2011
Best Western



Senators Present: Ron Snider, Philip Gladue, Margaret Penner, Al Edkins, H. A. (Al) Desmarais, Gerald Pope, Betty Hoogendoorn

Administrative Assistance: W.I. (Bill) Thibeault, Senate Clerk

Guests: Annette Maurice, Minister of Justice

March 28, 2011

1. CALL TO ORDER, at 09:30 hr. Chair – Senator Edkins
2. OPENING PRAYER – Senator Edkins
3. APPROVAL OF AGENDA

Motion: *That the agenda be amended.*

Moved by: *Senator Desmarais*

Seconded by: *Senator Gladue*

Motion Carried

4. MINISTER MAURICE

Minister Maurice thanked the Senate for the opportunity to meet and get to know the Senate a bit better. She was elected as Regional Director in September of 2009, and previous to that had been a native court-worker for about 27 years, and is still involved with the provincial court system somewhat. With the Board of Directors, there are lots of challenges, but a very strong sense of teamwork and a vision for the Métis nation; there are tough decisions to be made, and the Board is moving cautiously, but collectively, as a team.

She has a passion for justice, and to look after our Métis citizens and a keen interest in Restorative Justice, and recognizes that Restorative Justice takes time, resources and commitment.

2. CULTURAL DISCUSSION

The Altar which we use at every Senate session was put together by the Senators and started being used at our second meeting. It represents both our European and our First Nations backgrounds, our unique aboriginal culture. We embrace, acknowledge and respect both aspects of our culture. The altar serves as a way to ground ourselves as we meet, we see the altar and we open our sessions with a prayer.

A key aspect of our lives is balance. Our First Nations background is generally on our maternal side and that is part of the balance. Our mothers teach us to love oneself, and our fathers teach how to work, also aspects of balance. We are all knowledgeable in regard to our culture, even if we feel our families did not live it, that seed was planted in each of us. We are also storytellers now, so don't be afraid to tell your story, about how you grew up.

Tobacco is an important part of us, even if we do not smoke, it is used to put down in thanks for what we are about to take – we put something in before we take. Senator Gladue spoke about doing this as a youngster when he snaring rabbits, about giving thanks first, not always wanting to take – and tobacco teaches us to give first.

In smudging there are four medicines usually used, although some Métis use five. Willow fungus is used here in B.C. as it has similar properties to sweet-grass, and sweet-grass does not occur in the woodlands areas we have in B.C. In some cases, sweet-grass has even been used in a church in place of incense. It serves to take away the negative energy. Sage is also used in smudging. Smudging creates a safe place for oneself, but if someone wants to join in that is fine. But unless we know what it means, it can be confusing.

The eagle feather is a very powerful tool, something that can help each person. It can help create confidentiality, and help in the words we are going to say. The eagle flies highest of any birds, and the feather symbolizes our words, our prayers. Use of the circle is powerful, especially if there is not any obstruction in the middle.

Like the 4H club, there are four facets or values that are important – Honesty, Honour, Humour, and Harmony. If you see someone with all four of those values, that individual is pretty close to being an Elder. Elders also put into the community, and exhibit the honest, healthy values mentioned that we want to espouse. Our youth also want to learn on how to find an Elder, and like our youth, all of us are learning all the time. Another aspect of culture is language, and it is interesting to note that in Cree there are not any swear words.

IN CAMERA SESSION – CITIZENSHIP APPEALS

1. BEAUDRY VS MNBC CENTRAL REGISTRY

This file had been accepted and reviewed in December, 2010. Upon review, the file was referred back to the Registrar from the December sitting for additional research. The research is now complete and the file is returned to the Senate with additional information to assist in moving to decision. The Senate spoke with the Registry office by phone at about 11:30 a.m. After the call, the Senate further discussed the file.

ROD – 001 – The Senate unanimously upholds decision of Registry.

2. MACPHERSON VS MNBC CENTRAL REGISTRY

Motion: *That the Senate accepts the case of citizenship appeal for the purpose of rendering a decision on referral or any other cause it determines.*

Moved by: Senator Pope
Seconded by: Senator Gladue
Motion Carried

The appellant spoke by phone with the Senate at 2:00 p.m. After the phone call the Senate discussed various aspects of the case. Given the time of day, and that the Registrar is not present today, but will be at the meeting tomorrow:

Motion: *That a decision on the case be deferred until tomorrow.*
Moved by: Senator Pope
Seconded by: Senator Gladue
Motion Carried

Motion: *That the Senate adjourn for today and reconvene at 9:00 a.m. tomorrow.*

Moved by: Senator Pope

Motion Carried

March 29, 2011

1. CALL TO ORDER, at 09:00 hr. Chair – Senator Edkins
2. MACPHERSON VS MNBC CENTRAL REGISTRY (CONT'D)

The Senate spoke with the Registrar on aspects of the file.

ROD – 002 – The Senate unanimously upholds decision of Registry, one Senator with reservations.

3. LAFRAMBOISE VS MNBC CENTRAL REGISTRY

Motion: *That the Senate accepts the case of citizenship appeal for the purpose of rendering a decision on referral or any other cause it determines.*

Moved by: Senator Penner

Seconded by: Senator Pope

Motion Carried

The appellant spoke by phone with the Senate at 10:00 a.m. The Registry spoke with the Senate at 11:00 a.m. After the phone call the Senate discussed various aspects of the case.

ROD – 003 – The Senate unanimously upholds the decision of the Registry.

4. STREICHERT VS MNBC CENTRAL REGISTRY

Senator Desmarais excused himself from the sitting, due to possible perceptions of conflict of interest. While he did not know the appellant specifically, he knew members of her family.

Motion: *That the Senate accepts the case of citizenship appeal for the purpose of rendering a decision on referral or any other cause it determines.*

Moved by: Senator Pope

Seconded by: Senator Penner

Motion Carried

The Registry office spoke with the Senate by phone at 2:00 p.m. After the phone call the Senate discussed various aspects of the case.

ROD – 004 – The Senate unanimously upholds the decision of the Registry. Note that only six Senators present for the determination.

March 30, 2011

1. CALL TO ORDER, at 08:55 hr. by Senator Snider

Senator Edkins was excused from the meeting in the morning, due to some health issues that had arisen overnight. Senator Edkins had called the Clerk of the Senate at 0600hrs and advised he was being treated in the Hospital for an ongoing health issue but would return later that morning. Senator Snider, as Vice-Chair, took over the role of Chair for the session until

the expected arrival of Senator Edkins, who believes that he will be able to join us later in the morning.

2. GOERTZEN VS MNBC CENTRAL REGISTRY

Motion: *That the Senate accepts the case of citizenship appeal for the purpose of rendering a decision on referral or any other cause it determines.*

Moved by: Senator Pope

Seconded by: Senator Penner

Motion Carried

The appellant spoke by phone with the Senate at 10:00 a.m. The Registry office spoke with the Senate by phone at 10:50 a.m. After the phone call the Senate discussed various aspects of the case.

ROD – 005 – The Senate unanimously upholds the decision of the Registry. Note only six Senators present for the determination.

3. O'LEARY VS MNBC CENTRAL REGISTRY

Senator Edkins returned at 11:30 a.m. for the remainder of the meeting. He resumed his role as Chair.

Motion: *That the Senate accepts the case of citizenship appeal for the purpose of rendering a decision on referral or any other cause it determines.*

Moved by: Senator Pope

Seconded by: Senator Desmarais

Motion Carried

The appellant spoke by phone with the Senate at 2:30 p.m. The Registry spoke with the Senate at 3:45 p.m. After the phone call the Senate continued discussion on various aspects of the case.

ROD – 006 – The further research is required prior to the Senate rendering a decision on the file.

4. OMNIBUS MOTION

There was discussion on having an omnibus motion for the acceptance of citizenship files brought to the Senate by the Clerk. An omnibus motion is a type of legal motion in which multiple requests are bundled. Legal motions are an important part of legal procedure, allowing issues to be brought into the judiciary (Senate) in a systematic fashion.

ROD – 007 – That an Omnibus Motion be brought forward at each citizenship appeal session to accept the files brought to the Senate by the Clerk for determination.

5. NEXT MEETING

The next meeting of the Senate will be for Citizenship appeals:

Travel June 17, appeals June 18, 19, travel home June 20.

ADJOURN 16:00

Approved: _____
Senator Gerald Pope, Senate Secretary