



APPLICANT

FULL NAME: _____

BIRTHDATE: _____

DATE: _____

**R. v. POWLEY “Powley”
Background Information**

Identifying Métis Rights Holders

The Supreme Court of Canada in R. Vs. Powley did not set out a comprehensive definition of Métis for all purposes. The Court set out the **basic means** to identify Métis rights-holders. The Court identified three broad factors: self-identification, ancestral connection to the historic Métis community, and community acceptance.

Self-identification

The individual must self-identify as a member of a Métis community. It is not enough to self-identify as Métis; that identification must have an ongoing connection to a historic Métis community.

Ancestral Connection

There is no minimum “blood quantum” requirement, but Métis rights-holders must have some proof of an ancestral connection to the historic Métis community whose collective rights they are exercising. The Court said the “ancestral connection” is by birth, adoption or other means. “Other means” of connection to the historic Métis community did not arise with the Powleys and will have to be determined in another case.

Community Acceptance

There must be proof of acceptance by the modern Métis community. Membership in a Métis political organization may be relevant but the membership requirements of the organization and its role in the Métis community must also be put into evidence. The evidence must be “objectively verifiable.” That means that there must be documented proof and a fair process for community acceptance. The Court said that the core of community acceptance is about past and on-going participation in a shared culture and in the customs and traditions that reveal a Métis community’s identity. Other evidence might include participation in community activities and testimony from other community members about a person’s connection to the community and its culture. There must be proof of a “solid bond of past and present mutual identification” between the person and the other members of the Métis community.

What can be understood from this community acceptance requirement is that in order to claim s. 35 rights it is not enough to prove a genealogical connection to a historic Métis community and then join a Métis organization. One must have a “past and ongoing” relationship to the Métis community

APPLICANTS

In reference to Community Acceptance, please complete the attached Historic Saugeen Métis Community Connection Questions on page 2 and submit with your application.

Acceptance YES NO _____



COMMUNITY ACCEPTANCE

My cultural and social connection to the Historic Saugeen Métis Community is:

1. I am a full or part-time resident within the geographic area of the Bruce Peninsula or the Historic Saugeen Métis traditional harvesting territory known as to include, Grey, Bruce and Huron Counties. Yes No
OR

I regularly visit the HSM Métis Community. Yes No Explain.

2. I regularly hunt, fish, or participate in other harvesting or traditional activities with a member of the Historic Saugeen Métis. Yes No Explain.

3. I frequently volunteer and attend social or cultural events or gatherings in the Historic Saugeen Métis community. Yes No Explain.

4. My social and cultural connections to the Historic Saugeen Métis community are:
Explain

Name _____ (Print)

_____ (Signature)

_____ (Date)