



**Version 2.0**

***British Columbia Métis Assembly  
of Natural Resources***

**Policies and Procedures**



December 19, 2008



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## 1.0 Preamble

The British Columbia Métis Assembly of Natural Resources (BCMANR) should be, in principle, based on the success of the Métis people in the 1700-1800's. The "Buffalo Assembly" and the "Laws of the Prairies" were established by the "community" way of life. These communal commitments ensured the survival of the Métis people during tough times. The basic principles were; no "individual" way of thinking and "that strength was generated from the collective group". These principles were the basis of the historic Métis culture; therefore the present day infrastructure and principles should honor the past.

In September of 2008, the Métis citizens of British Columbia ratified the *MNBC Natural Resource Act*. This *Act* was developed and implemented by Métis citizens to express their desire for *sustainable* use of our natural resources and sustainable use is said to include:

- ∞ Managing natural resources to meet present needs without compromising the needs of future generations;
- ∞ Providing stewardship of natural resources based on an ethic of respect for the land;
- ∞ Balancing economic, productive, spiritual, ecological and traditional values of natural resources to meet the economic, social and cultural needs of the Métis peoples and other aboriginal and non-aboriginal communities;
- ∞ Conserving biological diversity, soil, water, fish, wildlife, scenic diversity and other natural resources; and
- ∞ Restoring damaged ecologies.

## 2.0 British Columbia Métis Assembly of Natural Resources (BCMANR)

### 2.1 Purpose of BCMANR

The purpose of BCMANR is to:

- a) Be governed by the *MNBC Natural Resource Act*.
- b) Ensure all of the Captain's have the opportunity to provide comment on natural resource issues.
- c) Ensure that all Captain's are provided with the opportunity to review pertinent information concerning:
  - i. The state of the natural resources, including the condition of its flora and fauna;
  - ii. The policies, guidelines, programs and projects of the MNBC and BCMANR that relate to the management of the natural resources; and
  - iii. Legislative requirements.
- d) Provide a forum for the Captain's to have issues and questions, which fall within the mandate of the Captain's Assembly, addressed and their point of view put forward.

- e) Permit a continuous and regular dialogue among the Captain's so as to prevent conflicts; and if conflicts arise, to recommend solutions to resolve them in a structured process.
- f) Review, advise and guide, through recommendations for the improvement of the natural resource management process and practices in the MNBC.
- g) Support projects and programs that the MNBC has determined to enhance the value of all natural resources and ensure the long term sustainability of the natural ecosystem.
- h) Provide recommendations for the improvement of the transfer of natural resource related information to the Métis and general public.
- i) Provide timely recommendations/input, recognizing pre-established legislated schedules and guidelines.
- j) Facilitate the development of regulations that maximize benefits to Métis citizens in British Columbia.
- k) Provide advice to the MNBC Minister of Natural Resources on various natural resource management issues.
- l) Aid in the creation of practical strategies and policies for integrated management of the ecosystem.
- m) Review concerns expressed by Métis citizens/interest groups on management issues as they arise;
- n) Provide a forum for the discussion of management issues and areas of concern;
- o) Improve the participation of the "general" public in Métis natural resource management and land use.
- p) Participate actively in seeking solutions to conflicts that may arise among the other users of natural resources;
- q) Report accurately to the Métis citizens and general public the BCMANR's deliberations, recommendations and activities;
- r) Promote understanding of resource related issues within the MNBC administrative regions through ongoing communication.
- s) Engage youth by involving them in restoring Métis pride and culture through wise natural resource use and management.
- t) Engage elders in sharing and archiving of traditional knowledge.
- u) Facilitate education in natural resource management, public safety, and public awareness.

## **2.2 Regional Captains, BCMANR Chairperson and Secretary**

*The Regional Captains will:*

- a) Monitor activities in their respective regions and will determine where issues and concerns affecting resource management or Métis harvesting arise;

- b) Provide the BCMANR Chairperson with agenda topics (including a written summary of the agenda topic, by electronic submission) prior to the Captain's Assembly meeting;
- c) When appropriate, present issues and concerns to the Captain's Assembly in a concisely written format;
- d) Help decide on mutually agreeable solutions to the issues and concerns presented.

*The BCMANR Chairperson will:*

- a) BCMANR will select a member of the Captain's Assembly to act as the Chairperson who will conduct the meetings of the Captain's Assembly, set the agendas for the meetings upon approval by the Captain's Assembly. The term of the BCMANR Chairperson is for one year.
- b) The BCMANR Chairperson is responsible to report the activities of the Captain's Assembly to the Minister of Natural Resources, Métis Nation Governing Assembly and the MNBC Annual General Meeting.
- c) The main responsibility of the BCMANR Chairperson of the Captain's Assembly is to maintain order and decorum in the Captain Assembly meetings. The BCMANR Chairperson chairs the sittings of the Captain's Assembly, presides over votes in the Captain's Assembly all of which will be a simple majority (50% + 1); in case of a tie vote the BCMANR Chairperson will have for that motion only, a second vote to break the tie, and rules on points of order and questions of privilege raised by Captains. The BCMANR Chairperson guides the Captain's Assembly through its agenda and ensures that Captains follow the rules of the Captain's Assembly.

*The Secretary will:*

- a) The **Secretary** will be appointed to record the minutes for each Captain's Assembly meeting. The Secretary is responsible to forward draft minutes to the Director of Natural Resources, within one week of the meeting. The draft minutes will be circulated to all Captain Assembly members (regardless of attendance) within two-weeks of the meeting, and will be approved at the subsequent Captain's Assembly meeting after any errors and omissions have been corrected. The Secretary will, when possible, enlist the services of a minute-taker. This person's sole responsibility will be the keeping of professional minutes of the Captain Assembly meetings and supplying these minutes to the Secretary at the adjournment of the meeting. The Secretary term will be for one year. The Secretary is responsible for the signing of the approved minutes.

### **2.3 Term of a Captain**

The term of Regional Captain's will be four (4) years. The term of Captain's Assembly membership shall begin in January of each year. Commencing in 2007, even numbered regions will start with Captain's terms of two years; thereafter all future terms will be four years. Odd numbered regions will start in 2007 with four year terms. Captain's Assembly members who have completed their terms on the Captain's Assembly shall be eligible for re-nomination to the Captain's Assembly.

### **2.4 Meetings of the Captain's Assembly**

Meetings generally will be held on a quarterly basis, or as deemed necessary by the Captain's Assembly. Conference calls generally will be held on a monthly basis, with exceptions to the months that have a Captain's Assembly meeting. The number of conference calls may vary as deemed necessary by the Captain's Assembly. All meetings and conference calls are subject to the availability of funds.

### **2.5 Agendas, Minutes and News Releases for the Captain's Assembly Meetings**

- a) Agendas for Captain's Assembly meetings shall be finalized and made available to Captain's Assembly members not less than three (3) full days prior to the meeting and shall contain copies of correspondence, reports and such information as is necessary for Captain's Assembly members to make informed decisions.
- b) Substantive items not on the agenda may be brought to the attention of the Captain's Assembly but may not be discussed in any detail or decided upon till the following meeting unless decided otherwise by consensus.
- c) Captain's Assembly members wishing to have items placed on the agenda may do so by notifying the co-chairs of the Captain's Assembly at least two (2) days prior to the finalizing of the agenda (as per *Section 2.5a*) and by submitting any pertinent documentation in support of the items to be discussed.
- d) All news releases will be conducted according to the policies outlined in the Métis Nation British Columbia Policy and Procedure Manual (or Guidebook).
- e) Agendas, minutes as well as the BCMANR Policy, Captain's Assembly member contact information, and general correspondence, will be signed by the Captain's Assembly co-chairs, and be posted on the internet for public review by the web-site coordinator from MNBC. The web-site address is [www.mnbc.ca](http://www.mnbc.ca) - Natural Resources tab.

### **2.6 Conduct of the Captain's Assembly**

- a) Captain's Assembly members will attend all meetings of the Captain's Assembly or, if unable to attend a particular meeting, will inform the BCMANR Chairperson or other responsible person.
- b) In order to function properly, members of the Captain's Assembly must be willing to come to the scheduled meetings fully prepared to discuss existing and new items.

- c) Captain's Assembly members should become well informed about current Métis court decisions. In addition, the Captain's Assembly should be well informed around natural resource matters, *MNBC Natural Resource Act*, regulation and Métis history/culture as to be able to make well informed judgments of what will best serve the Métis citizen's of British Columbia. This will entail the study of relevant reports and participation in a majority of Captain's Assembly meetings and one or more Métis Chartered Community meetings each year.
- d) If it is necessary to replace a Captain's Assembly member, the Captain's Review Panel will attempt to maintain a balance between traditional knowledge and western-based science in the Captain's Assembly.
- e) If, in the opinion of the Captain's Assembly, that a Captain is not adequately performing the expected duties, the BCMANR Chairperson will meet with that Captain to attempt to achieve agreement on what is required to effect subsequent satisfactory involvement of that Captain. Should this not result in an improvement on the part of that Captain, the BCMANR Chairperson will recommend to the respective Regional Governance Council of the effected Captain's region, were a preferred course of action will be determined.
- f) If a Captain misses three (3) consecutive Captain's Assembly meetings without good cause, the member will be removed from the Captain's Assembly with a letter immediately sent to the MNBC Minister of Natural Resources and to the Regional Governance Council of the effected region.

## **2.7 Captain Review Panel**

The following procedure applies when a vacancy occurs or when the regular terms of Captain's Assembly members are complete:

1. A Captain Review Panel will be organized by the MNBC for the region, which the vacancy occurs. This review panel will be under the authority to report the decision to the Regional Governance Council. The Captain Review Panel will include;
  - a. One of the standing BCMANR Captains
  - b. MNBC Director of Natural Resources
  - c. MNBC Regional Director from the region
2. The Captain's Review Panel will assess all applicants for the Captain's positions and supply the decision to the Regional Governance Council.
3. Acclamations are in effect.
4. In addition, the Captain's Review Panel will supply a report highlighting all the names and criteria used in making the decision.
5. The Regional Governance Council then can choose to accept the decision by filling out a "Captain Appointment Form" or;

6. Deny the appointment, if the appointment is denied the following will apply;
  - a. A written reason for the denial must be supplied to the Captain Review Panel within 30-days of the decision. The Captain Review Panel then will assess the Regional Governance Council reason and take two courses of action;
    - i. Re-assess the original application(s) and supply a new appointment, or;
    - ii. Re-confirm the original appointment by letter to the Regional Governance Council.
  - b. The Regional Governance Council can appeal the re-confirmation decision by the Captain Review Panel, in writing, to the MNBC Senate within 30-days of the receipt of the re-confirmation letter.

### **2.7.1 Mandatory Captain's Criteria**

The Captain's must meet the following mandatory criteria to be eligible for a Captain's Assembly appointment:

1. Must have their MNBC Citizenship Card.
2. A minimum of ten years traditional knowledge experience and/or two-years of post-secondary education in a related natural resource field and/or other skills as deemed of value to the Captain's Assembly.
3. Must not have a criminal record for an indictable offence, for which they have not been pardoned.
4. Must be a resident of at least nine of the last twelve months, in the MNBC region he/she is representing.
5. Cannot have an outstanding debt owing to either MNBC/MPCBC.
6. Must not be an elected official from a Métis Chartered Community, Regional Governance Council or the MNBC Board of Directors.
7. Must not be employed by the MNBC/MPCBC.

### **2.8 Officer Selection Process**

Upon the establishment of a Captain's Assembly mandate to form the Officer's Assembly or Assemblies, the Regional Captain would solicit interest to their respective MNBC Region's Métis Chartered Communities. The Métis Chartered Community President and the Regional Captain will endorse the Officer by way of written agreement.

#### **2.8.1 Mandatory Officer's Criteria**

The Officer's must meet the following mandatory criteria to be eligible for a Captain's Assembly mandate (refer to *Section 2.10, point v.*):

1. Must have their MNBC Citizenship Card.

2. A minimum of five years traditional knowledge experience and/or post-secondary education in a related natural resource field and/or other skills as deemed of value to the Officer's Assembly.
3. Must not have a criminal record for an indictable offence, for which they have not been pardoned.
4. Must be a resident of at least nine of the last twelve months, in the MNBC Community he/she is representing.
5. Cannot have an outstanding debt owing to either MNBC/MPCBC.
6. Must not be an elected official from a Métis Chartered Community, Regional Governance Council or the MNBC Board of Directors.
7. Must not be employed by the MNBC/MPCBC.
8. In the absence of a duly appointed Officer, the Regional Captain for the Region may accept a person as a communication conduit to the Chartered Community. This person may be exempted from the requirement that they "not be an elected official from a Métis Chartered Community", in 6 above if no other candidate is available. The Officer position will be considered vacant and will be filled at the earliest opportunity.

## **2.9 Decision Making**

It is important that all Captain Assembly members be familiar with and subscribe to certain basic elements that are important in developing consensus on difficult and complex issues. The following principles will apply to the process:

- a) The purpose of the negotiations is to agree. Captain's Assembly members agree to act in "good faith" in all aspects of the negotiations. Captain's Assembly members accept the concerns and goals of others as legitimate.
- b) The focus will be on interests and concerns rather than on positions and demands.
- c) Captain's Assembly members commit to fully explore issues, searching for solutions in a problem-solving atmosphere.
- d) Captain's Assembly members shall faithfully endeavor to reach decisions which best serve the welfare of the Métis Nation British Columbia and its citizens.

## **2.10 Sub-Committees of the Captain's Assembly**

All Committee's in the pursuit of their business shall carry with them the Powers of the Captain's Assembly and will abrogate them to none until they have finished the work of the Committee and report back to the full Captain's Assembly for disposition.

- "Committee of the Whole"*
- (i) *"Committee of the Whole"* means a committee composed of the whole body of the Captain's Assembly;

- "Captain's Assembly"* (ii) *"Captain's Assembly"* means a committee composed of less than the whole body but minimally satisfying quorum based on the *"Committee of the Whole"*;
- "Standing Committee"* (iii) *"Standing Committee"* means a select committee appointed to consider and to report to the Captain's Assembly on matters falling within the duties specifically assigned to it by these rules, and on other matters that may from time to time be referred to it by the Captain's Assembly. This committee remains in place until the end of the Captains elected time and is immediately filled upon the completion of the new Captains elections at their first sitting.
- "Special Committee"* (iv) *"Special Committee"* means a select committee, other than a standing committee, appointed to consider certain matters and to report thereon to the Captains Assembly;
- "Officer's Assembly"* (v) *"Officer's Assembly"* means a regional committee that is mandated by the Captain's Assembly and chaired by the respective Regional Captain and includes the region's Officers of Natural Resources, as defined in the *MNBC Natural Resource Act*, to consider certain matters as defined by the Captain's Assembly and to report thereon to the Captain's Assembly.
- "Examination Committee"* (vi) *"Examination Committee"* means a committee of at least three Captains which should include the investigating Captain, Captain(s) of the region where the offence occurred and/or the offender resides and the Director of Natural Resources (technical and clerical support only).

## **2.11 Director of Natural Resources**

The Director of Natural Resources will report to the Captain's Assembly

The Director will provide activity reports and updates to the MNBC Secretariat (MPCBC) based on the requirements of contractual, contribution and grant agreements. The Director will facilitate budget and other discussions/negotiations between the MNBC Secretariat (MPCBC) and the BCMANR Captains Assembly.

The Director will work with the Minister of Natural Resources as a technician and provide a conduit between the Minister and the BCMANR Captains Assembly.

The Director of Natural Resources responsibilities include, but are not limited to:

- Screening process pertaining to *Article 12* of the *MNBC Natural Resource Act* (Compliance and Enforcement).
- Clerical and technical support
- Professional advice and scientific input
- Issuer of Harvesting Cards as per *Article 2.8* of the *MNBC Natural Resource Act*
- Preparation of correspondence
- Management and maintenance of the various natural resource databases
- Reporting
- Internal and external communications
- Director of Natural Resources takes direction from the Captain's Assembly via the BCMANR Chairperson
- When pertaining to *Article 12* of the *MNBC Natural Resource Act* (Compliance and Enforcement) **ALL** contact for the Captain's Assembly will be through the Director of Natural Resources.

### 3.0 BCMANR Code of Ethics

An independent and honorable natural resource body is indispensable to the performance of conservation and management in the Métis Nation. To this end, BCMANR, in its entirety, will subscribe to the following Code of Ethics:

- 1) All BCMANR personnel will participate in establishing, maintaining and enforcing high standards of conduct so that the integrity and independence of BCMANR is preserved.
- 2) BCMANR personnel shall act at all times in a manner that promotes public confidence in the integrity and the impartiality of BCMANR.
- 3) A Captain or Officer shall not allow family, social, political or other relationships to influence their conduct or decisions and shall not permit others to convey that impression that anyone is in a position to influence them.
- 4) A Captain will not use the prestige of the office to advance pecuniary or personal interests.
- 5) A Captain will not discriminate his/her decisions on the basis of sex, race, religion, national origin or sexual orientation.
- 6) A Captain will perform all their duties impartially and diligently; they will be faithful to the law and the Métis culture regardless of partisan interests, public clamor or fear of criticism.
- 7) The Captain's Assembly may obtain the advice pertaining to traditional knowledge, western-based science or legal counsel on application of duties.
- 8) The Captain's Assembly shall dispose of all BCMANR matters fairly, promptly and efficiently.

- 9) A Captain shall disqualify themselves in any proceeding where they will fall into conflict of interest through financial, family or political involvement with the situation that arises which causes the Captain to doubt their ability to act in an impartial manner. Disqualification due to a conflict of interest may be based on either an actual or perceived conflict with the ultimate objective being the protection of BCMANR's integrity. The following is the protocol for dealing with conflicts of interest:
- a) A Captain must divulge an actual or perceived conflict of interest, for themselves or another member of the Captain's Assembly, immediately prior to the respective BCMANR situation.
  - b) Upon revealing the details of the conflict, the unaffected Captains will vote on granting the requested disqualification or denying it.
  - c) If granted, the disqualified Captain must immediately remove themselves from all proceedings on the situation and not be listed as a residing Captain on the written decision or related document. In addition, the conflict of interest must be clearly highlighted within the written decision, if applicable.
  - d) If denied, the details and reasoning behind the conclusion must be officially recorded in the written decision, if applicable.

## 4.0 Regulation Development

### 4.1 Provincial Regulation

Provincial regulation is defined as rules that apply to all Métis harvesters throughout British Columbia regardless of their geographic location. The following is the procedure for the development and approval of provincial regulation:

- 1) The Captain's Assembly will utilize "*Standing and Special Committees*" in the development of provincial regulation.
- 2) The *Committee*, under the mandate of the Captain's Assembly, will present a draft regulation to the Director of Natural Resources.
  - i. The Director of Natural Resources will acquire a written scientific opinion as per *Article 9.4* of the *MNBC Natural Resource Act*.
  - ii. In addition, if deemed necessary, the Director of Natural Resources or the BCMANR Chairperson can acquire further documented traditional knowledge that will assist in the regulation procedure.
- 3) The draft regulation, scientific and if applicable traditional knowledge opinions are presented to the Captain's Assembly.
  - i. The Captain's Assembly will redraft, if necessary, the *Standing or Special Committee* regulation to produce a presentation draft for the *Committee of the Whole*.
- 4) The *Committee of the Whole* will review and modify the regulation where appropriate and will approve, via motion as per *Article 9.7* of the *MNBC Natural Resource Act*.

## 4.2 Regional Regulation

Regional regulations apply to all Métis harvesters however only reflect regional rules for the seven individual MNBC regions. The following is the procedure for the development and approval of regional regulation:

- 1) The Captain's Assembly will utilize the "*Officer Assembly or Assemblies*" in the development of regional regulation.
- 2) The Officer Assembly or Assemblies, under the mandate of the Captain's Assembly, will present a draft regulation to the Director of Natural Resources.
  - i. The Director of Natural Resources will acquire a written scientific opinion as per *Article 9.4* of the *MNBC Natural Resource Act*.
  - ii. In addition, if deemed necessary, the Director of Natural Resources or the BCMANR Chairperson can acquire further documented traditional knowledge that will assist in the regulation procedure.
- 3) The draft regulation, scientific and if applicable traditional knowledge opinions are presented to the Captain's Assembly.
  - i. The Captain's Assembly will redraft, if necessary, the *Officer Assembly or Assemblies* regulation to produce a presentation draft for the *Committee of the Whole*.
  - ii. If major changes occur to the original *Officer Assembly* regulation the respective Regional Captain reserves the right to call another *Officer's Assembly* to discuss the presentation draft prior to putting forward the regulation to the *Committee of the Whole*.
- 4) The Committee of the Whole will review and modify the regulation where appropriate and will approve, via motion as per *Article 9.7* of the *MNBC Natural Resource Act*.

## 4.3 Environmental Protection Regulation

Environmental Protection regulation is created upon policy development by the MNBC Ministry of Natural Resources as per *Article 10* of the *MNBC Natural Resource Act*. Environmental Protection regulation can be provincial, regional or local in geographic context. The following is the procedure for the development and approval of environmental protection regulation:

- 1) The Captain's Assembly will utilize "*Special Committees*", which will include the MNBC Ministry of Natural Resource's policy author, in the development of environmental protection regulation.
- 2) The *Special Committee*, under the mandate of the Captain's Assembly, will present a draft regulation to the Director of Natural Resources.
  - i. The Director of Natural Resources will acquire a written scientific opinion as per *Article 9.4* of the *MNBC Natural Resource Act*.
  - ii. In addition, if deemed necessary, the Director of Natural Resources or the BCMANR Chairperson can acquire further documented traditional knowledge that will assist in the regulation procedure.

- 3) The draft regulation, scientific and if applicable traditional knowledge opinions are presented to the Captain's Assembly.
  - i. The Captain's Assembly will redraft, if necessary, the *Special Committee* regulation to produce a presentation draft for the *Committee of the Whole*.
- 4) The *Committee of the Whole* will review and modify the regulation where appropriate and will approve, via motion as per *Article 9.7* of the *MNBC Natural Resource Act*.

## 5.0 Métis Traditional Knowledge

Métis recognize and value the fact that our ancestors have been living on the land for many millennia and Métis as a unique culture has done so for many generations. This connection to the land has provided Métis with an extensive body of knowledge, values, beliefs and practices that is often referred to as traditional knowledge. This knowledge, which has been passed down orally and through land-based experience, is the foundation of Métis identity and survival. Traditional knowledge continues to have relevance today and draws its strength from being used, revised and continuously updated to take into consideration new knowledge. Métis, as a mixed culture, have a traditional knowledge set that is unique from other aboriginal groups. Métis hold this knowledge in trust for future generations in the belief that this knowledge is of benefit to themselves and all humanity. The Métis believe the best way to ensure its survival is to continue to use it and share it in a matter that respects this knowledge.

### 5.1 Definition

As per *Article 11.3* of the *MNBC Natural Resource Act* the definition of Métis Traditional Knowledge is as follows:

*“Métis Traditional Knowledge is that body of information, values, beliefs and practices passed from one generation to another by oral means or through land-based experience that pertains to the identity, culture and heritage of the Métis people and their respect for the land and its resources.”*

### 5.2 Protocol

As per *Article 11.3.1* of the *MNBC Natural Resource Act* the Traditional Knowledge Protocol and procedure in the Consultation Guidelines will be established by the BCMANR Captain's Assembly.

## 6.0 Compliance and Enforcement

### 6.1 Complaints

All complaints to BCMANR personnel on potential *MNBC Natural Resource Act* offences must be reported to the Director of Natural Resources. The Director of Natural Resources must complete the following protocol:

- 1) Log the complaint into the enforcement database;
- 2) Notify the appropriate Regional Captain(s);
  - i. Where the offence occurred, and
  - ii. Where the harvester resides
- 3) Obtain a written submission from the complainant if the complainant has reported the offence within 30-days of its occurrence;
- 4) Upon receipt of a written submission, initiate an offence investigation.

#### 6.1.2 Written Submission

- 1) A “Complainant Submission Form” must be fully completed and forwarded to the Director of Natural Resources within 30-days of receiving the “Complainant Submission Forms”.
- 2) If the Director of Natural Resources determines the complaint is viable to proceed to offence investigation, he/she must send a copy of the “Complainant Submission Form” to the Defendant within three working days of receipt.
- 3) A “Defendant’s Submission Form” must be fully completed and forwarded to the Director of Natural Resources and the Complainant within 30-days of receiving the “Complainant’s Submission Form”.
- 4) The Director of Natural Resources will then notify the Defendant that their complaint has proceeded to offence investigation.

### 6.2 Direct Violations

Direct violations identified through the Métis harvester database management system will automatically proceed to offence investigations.

### 6.3 Offence Investigations

The Captain’s Assembly will appoint one of the Captains as the lead investigator on a case-by-case basis. The Director of Natural Resources will supply all submissions and any other information to the Lead Investigator (Captain).

### 6.4 Offence Examination and Written Decision

All examination and decision proceedings by the Captain’s Assembly will be based on written record supplied in the submission process highlighted in *Section 6.1.2* of the *BCMANR Policies and Procedures* and the findings of the offence investigation.

Submission of new evidence and testimony will not be considered during the examination process.

#### 6.4.1 Examination Process

The Captain's Assembly will appoint an *Examination Committee* on a case-by-case basis as per *Section 2.10, point 6* of the *BCMANR Policy and Procedures*. The following procedure will be followed on all potential offences that have made it to the examination level:

- 1) The Director of Natural Resources accepts case as bona fide for *Examination Committee* jurisdiction;
- 2) Read submission;
- 3) Review and sort facts from each submission – do not apply interpretations, look for agreed to facts only;
  - (a) Appellant,
  - (b) Respondent,
- 4) Review to understand agreed upon facts;
- 5) Sort contradictory facts from each submission;
- 6) Clarify difference between facts and opinions;
- 7) REVIEW – all above steps;
- 8) Identify issues;
  - (a) Appellant,
  - (b) Respondent,
- 9) Review each submission to provide clarity on issues – sorting, look at questions from each side to provide clarity;
- 10) Analysis;
  - (a) predetermined points – collate information,
  - (b) use a consensus based approach,
  - (c) what does the *Examination Committee* need to look at – legislation, regulation, policies and procedures, were the submissions pertinent to the situation,
  - (d) questions after final analysis – look at legislation, regulation, policies and procedures, clear and evident meanings/wording,
  - (e) revisit analysis applied to the situation,
  - (f) review analysis,
- 11) Render final decision based on facts and actions of both parties.

#### 6.4.2 Consensus Principles for Decisions

- 1) Common meaning is a general or collective agreement among the members of the *Examination Committee*, each of which exercises some discretion in decision making and follow up action.
- 2) Consensus can also be viewed as the collective thought or agreement of the *Examination Committee*, recognising that there can still be a high degree of variation among individuals, and if there is to be individual commitment to follow up the decision with action, this variation remains important.

- 3) Consensus usually involves collaboration, rather than compromise. Instead of one opinion being adopted by a plurality, stakeholders are brought together until a convergent decision is developed. Genuine consensus typically requires more focus on developing relationships among the Captains, so that they work together to achieve agreements based on willing consent.

### 6.4.3 Written Decision Protocol

The following is the procedure in approving the release of a written *Examination Committee* decision to the Defendant and the MNBC website;

- 1) The *Examination Committee*, on the day of the hearing, provides the Director of Natural Resources with the decision and reasoning to be used in the preparation of the written decision.
- 2) The Director of Natural Resources will then prepare the written decision; if clarification is required the Director of Natural Resources will liaise with the *Examination Committee* Chairperson of the pertinent hearing.
- 3) The Director of Natural Resources will provide the draft written decision to the *Examination Committee* at least five-days prior to the conference call or meeting in which the written decision is slated for approval.
- 4) All *Examination Committee* written decisions will be approved for public release by either conference call or meeting.
- 5) All electronic versions of the *Examination Committee's* written decisions will be released in an Adobe version (.pdf extension).
- 6) Upon approval, the Director of Natural Resources will conduct the following activities within a 36-hour period;
  - a. Send the Defendant and the Captain's Assembly an electronic version of the written decision by e-mail, if applicable.
  - b. Send the Defendant and the Captain's Assembly a hardcopy version of the written decision by regular mail.
  - c. Post the electronic version of the written decision on the MNBC website under the offences link on the Natural Resource WebPages.

## 7.0 Changes to the BCMANR Policies and Procedures

- a) If it is determined that the "BCMANR Policies and Procedures" can be improved by amendment, addition or deletion, the Captain's Assembly has the power to make such changes provided they are in keeping with the spirit and intent of the *MNBC Natural Resource Act*, the *MNBC's mandate, vision statement and management principles* and the *BCMANR Policy and Procedure 2.1 – Purpose of BCMANR*.
- b) Copies of the BCMANR Policies and Procedures will be sent to the MNBC Board of Directors and will be included in the MNBC Policy and Procedure Guide Book and posted on the MNBC website, natural resource WebPages.