

MEMBERSHIP CODE OF THE CHAPLEAU CREE BAND

WHEREAS the Chapleau Cree Band is a self-governing Indian Band with the aboriginal and treaty right to define its citizenship; and

WHEREAS the right of the Chapleau Cree Band to define its membership has been explicitly recognized by the Indian Act;

NOW THEREFORE the following are established as the membership rules of the Chapleau Cree Band:

PART I

Title

1. This code of membership rules may be cited as the Membership Code of the Chapleau Cree Band.

PART II

Definitions

2. In this Code,

- a) "Band member" and "member of the Band" mean a person whose name is included in the Membership Register of the Chapleau Cree Band;
- b) "Chief and Council" means the duly elected Chief and Council of the Chapleau Cree Band;
- c) "Child" means a person under the age of 18 years or a person older than 18 years of age unable by reason of illness or disability to withdraw from the care and control of his or her parent or other person standing in loco parentis;
- d) "Code" means this code of membership rules and any amendments herto;
- e) "Membership Register" means the list of names of persons who are members of the Chapleau Cree Band maintained pursuant to this Code;
- f) "Reserve" means those lands set aside by Her Majesty for the use and benefit of the Chapleau Cree Band;

- g) "Spouse" means either of a man or woman who are married or who have lived together in a permanent conjugal relationship outside marriage for a period in excess of two years.

Indian Act definitions

3. Words or phrases used in this Code, other than words or phrases expressly defined in this Part, which are expressly defined in the Indian Act shall have the meaning ascribed to them in that Act.

PART III

Administration

Duties of Chief and Council

4. This Code shall be administered by the Chief and Council of the Chapleau Cree Band, which is hereby empowered to perform the duties and functions and exercise the powers provided to the Chief and Council hereunder, and which shall not delegate those duties, functions and powers except as expressly herein provided.

Membership Registrar

5. The Chief and Council shall appoint a Membership Registrar to assist in the administration of this Code, and to maintain a Membership Register in which shall be recorded from time to time the name, sex, date of birth and date of admission to membership of every member of the Chapleau Cree Band.

Membership Advisory Committee

6. The Chief and Council shall appoint from time to time three members of the Band to act as a Membership Advisory Committee to receive, review and make recommendations to the Chief and Council with respect to applications for membership.

First Committee

- a) Within thirty days after this Code comes into effect, the Chief and Council shall appoint a first Membership Committee consisting of one member

appointed for three years, one member appointed for two years, and one member appointed for one year, to receive, review and make recommendations with respect to applications for membership.

Subsequent Committees

- b) The term of office for all subsequently appointed members of the Membership Committee shall be three years.

Removal

- c) No member of the Membership Committee shall be removed from office before the end of his or her term except for cause.

Non-discrimination

7. This Code shall be administered and all powers, duties and functions hereunder shall be exercised or performed without discrimination based on sex, affiliation to First Nations or Indian Bands, creed or religion.

PART IV

Membership Rules

Entitlement to membership

8. The following persons are members of the Chapleau Cree Band:

Original members

- a) any person entitled to have his or her name entered on the Band List immediately before this Code came into effect;

New members by birthright

- b) any person born after this Code came into effect, both of whose natural or adoptive parents are or were at the time of that person's birth or adoption members of the Band;

Members by application

- c) any person whose application for membership has been accepted;

Members by Band adoption

- d) any person who has been adopted as a member of the Chapleau Cree Band pursuant to this Code.

Persons who may apply for membership

9. The following persons are eligible to apply for membership:

Families of members

- a) a person ordinarily resident on lands reserved for the Chapleau Cree Band who is the spouse of natural or adopted child of a member of the Band;

Members of other Indian Bands or First Nations

- b) a person who at the time of application is an Indian or a member of a Band of Indians.

Persons who are not members of the Band

10. Notwithstanding sections 7 and 8, the following persons are not entitled to membership in the Chapleau Cree Band:

Persons who have renounced membership

- a) a person who has renounced membership in the Chapleau Cree Band and whose renunciation remains in effect;

Expulsion

- b) a person who has been expelled from membership;

Non-confirmation of probationary membership

- c) an applicant whose probationary membership is not confirmed at the end of the probationary term.

Membership in other Indian Bands

11. No person shall be a member of the Chapleau Cree Band and a member of another body recognized as a Band of Indians pursuant to the Indian Act.

PART V

Applications for Membership

Content of applications

12. Applications for membership shall be in writing, signed by the applicant or, in the case of a dependent child, the persons who have lawful custody of the child, and shall set out in concise form the grounds and the particulars on which the application is made.

Application Form

13. The Membership Committee may from time to time prescribe and make available a form in which applications shall be made.

Form and completeness

14. Within thirty days of receipt of an application, the Membership Committee shall review the application for form and completeness and where in the opinion of the Committee the application cannot be adequately assessed without amendment or the inclusion of further information or documentation, the Committee shall advise the applicant thereof forthwith and afford the applicant an opportunity to withdraw the application, to amend the application or to let it stand.

Membership Committee's recommendation

15. Within sixty days of receipt of an application, the Membership Committee shall forward the application to the Chief and Council with the Committee's recommendation for acceptance, rejection, or rejection for further substantiation.

Consideration by Chief and Council

16. Within one hundred twenty days of the Membership

Committee's receipt of an application, the Chief and Council shall consider and decide the application and provide the applicant with written notice of its decision.

Reasons for rejection

17. Where an application is rejected, the notice provided to the applicant by the Chief and Council shall include the reasons therefore.

Approval

18. An application for membership shall be approved if supported by at least the number of votes which constitutes a quorum of Chief and Council.

Failure to notify Applicant

19. Where the Chief and Council fails to provide an applicant with notice of its decision within one hundred and twenty days after the application was received by the Membership Committee, the application shall be deemed rejected for the purpose only of Part VII of this Code.

Membership criteria

20. In considering and deciding an application for membership, the Chief and Council shall make a memorandum in writing of factors which they consider relevant to the application, which may include:

- a) whether the applicant is knowledgeable of the way of life, culture, laws and history of the Chapleau Cree Band;
- b) whether the applicant follows a way of life consistent with the common good of the Chapleau Cree Band;
- c) the extent to which the applicant is prepared and able to support himself and his dependents, if any, in the Chapleau Cree Band community;
- d) the social, cultural and family ties of the applicant to the Chapleau Cree Band;
- e) how long the applicant has lived among the Chapleau Cree Band;

- f) the availability of suitable land, housing and ancillary services which will be required to support the applicant and his family in the Chapleau Cree Band community;
- g) any other consideration that in the opinion of the Chief and Council is relevant to the application or to the health, safety, good order and advancement of the Chapleau Cree Band.

Probationary membership

21. Upon approval of an application for membership, an applicant shall be admitted to a one-year probationary membership, during which period the probationary member shall be entitled to all the rights of membership in the Band.

Confirmation of membership

22. The membership of a probationary member shall be deemed confirmed on the anniversary date of the probationary grant unless the Chief and Council, upon a review of the grant on the basis of the criteria in section 13 of this Part give prior written notice to the applicant that the probationary grant of membership will not be confirmed.

Non-confirmation of probationary membership

23. Where a probationary grant of membership is not confirmed, the Membership Registrar shall forthwith remove the name of that person from the membership register.

PART VI

Band Adoption

Persons who may apply for adoption by the Band

24. A person who is not entitled to be registered as an Indian may apply for adoption by the Chapleau Cree Band under the sponsorship of a member of the Band, by an application in the form prescribed in Part V of this Code, signed by the applicant and the applicant's sponsor.

Band adoption procedures

25. Within sixty days of receipt of an application for band

adoption in proper form, the Chief and Council shall give notice of, call and convene a special meeting of the electors of the band at which the application shall be decided.

Approval by electors

26. An application for band adoption shall be approved if supported by a majority of votes cast at the meeting of electors duly convened to consider the application.

PART VII

Review

Right to demand review

27. Where any person

- a) whose claim or application for membership is refused or rejected by the Registrar or Chief and Council, or
- b) whose entitlement to membership is affected by a refusal or rejection of an application or claim to membership by the Registrar or Chief and Council,

delivers a demand for review in writing to the Chief and Council within sixty days after the refusal or within sixty days after a notice of rejection is delivered, the Chief and Council shall, within thirty days of receipt of the demand, convene and hold a meeting of the electors of the Chapleau Cree Band to review the claim or application.

Protests

28. Any member of the Chapleau Cree Band may protest the inclusion, addition, deletion or omission of the name of a person from the membership register by notice in writing delivered to the Chief and Council, and such protest shall be deemed a notice requiring a review for the purposes of this Code.

Right to address issue on review

29. The claimant, applicant, persons affected by the claim or application subject to review and any member of the Band present may address the meeting of electors convened to

decide the matter submitted for review.

Review by electors

30. A membership claim or application shall be decided on review by a majority of the votes cast by electors present at the meeting.

No further review

31. The decision of the general membership on a membership matter is an exercise of the political franchise of the members, and is not subject to appeal or review in any form.

PART VIII

Renunciation of Membership

Renunciation statement

32. A member of the Chapleau Cree Band eighteen years of age or older may renounce his or her membership by submitting a written statement, signed by the member, requiring that his or her name be removed from the Membership Register.

Family renunciations

33. A person who has lawful custody of a child and who renounces or has renounced his or her membership may submit a renunciation statement on behalf of the child, and shall include therewith the consents in writing executed by any other person who has custody of the child, and, where the child is twelve years of age or older, the child.

Property entitlement

34. Renunciation of membership shall not entitle a person to make any claim to any property of the Chapleau Cree Band.

Divestment

35. Within one year of renunciation of membership, a former member of the Band shall divest himself or herself of any interest in property located on the Chapleau Cree Reserve.

Revocation of renunciation

36. A former member may revoke his or her renunciation of membership by a statement in writing, and shall thereafter be eligible for membership as provided in this Code.

PART IX

Expulsion

Expulsion

37. The Chief and Council may, on 60 days written notice to a member, convene a general meeting of the electors of the Band to consider and to determine by a majority of votes cast whether the member should be expelled on the grounds that the member has been convicted of a serious personal injury offence or a pattern of property offences and constitutes a threat to the life, safety or physical or mental well-being of other persons resident on the reserve.

Other members not affected

38. The expulsion of a member pursuant to this Part shall not affect the entitlement or claim to membership of any other person.

PART XI

Oath of Allegiance

39. Statement of membership acceptance

A person whose application for membership or for band adoption is accepted shall sign a statement in which the applicant agrees to obey the laws of the Chapleau Cree Band and to act in consistency with the well-being and public good of all band members in the following terms:

"Oath of Allegiance to the Chapleau Cree Band

I, _____, hereby pledge allegiance to the Chapleau Cree Band and, in particular, I promise to uphold the aboriginal and treaty rights and the laws and by-laws of the Band, and to respect the Elders and the Chief and Council of the Band. I

further pledge to work for the betterment and progress of the Chapleau Cree Band."

PART XI

Amendment

Manner of amendment

40. Subject to appropriate modifications, this Code may be amended in the same way that it was enacted, that is to say, pursuant to section 10 of the Indian Act.

CONSENTED TO by a majority of the electors of the Chapleau Cree Band this 30 day of June, 1987.