

SANDY LAKE FIRST NATION MEMBERSHIP CODE

Revised May 2015



We, the members of the Sandy Lake First Nation, do hereby adopt and establish this Membership Code. The Membership Code is based on the Sovereignty and inherent right of the Sandy Lake First Nation given to us by God the Creator. This right is recognized and protected by section 25 and 35 of the Constitution Act, 1982, and by section 10 of the Indian Act.

1. This document may be cited as The Membership Code of the Sandy Lake First Nation.

2. In this document

"Act" means the Indian Act, R.S.C. 1970, c. I-6, as amended;

"Band" means the Sandy Lake Indian Band;

"Band List" means a list of persons that is maintained under section 10 of the Indian Act by the Sandy Lake Indian Band, or by the Department;

"Child" includes a child born in or out of wedlock, a legally adopted child, a child adopted in accordance with Indian custom, and includes a person whom the parent has demonstrated a settled intention to treat as a child of his or her family;

"Code" means the membership code of the Sandy Lake Indian Band;

"Council" means the Chief and Council of the Sandy Lake Indian Band;

"Elector" means a person who

(a) is registered on a Band List,

(b) is of the full age of eighteen years, and

(c) is not disqualified from voting at band elections;

"Indian" refers to the aboriginal peoples of North America, who may reside in Canada, the United States of America, or elsewhere;

"Member of a band" means a person whose name appears on a Band List or who is entitled under a membership code or the Indian Act to have his name appear on a Band List;

"Spouse" means either of an Indian man and woman who are married to each other.

3.1 Commencing on the day on which notice is given to the band by the Minister under subsection 10 (7) of the Indian Act, a person is entitled to have his or her name entered in the band list maintained by the band if the name of that person was entered in the band list for the band, or that person was entitled to have his or her name entered in the band list for the band immediately prior to the day on which the band assumes control of its membership pursuant to section 10 of the Indian Act.

3.2 Commencing on the day after the day on which notice is given to the band by the Minister under subsection 10 (7) of the Indian Act, a person is entitled to have his or her name entered in the band list maintained by the band upon his or her own application or by application of his or her representative, pursuant to section 5 of this code, if he or she is of Indian descent, is not a member of another band, and

- (a) Is the natural child of two band members;
- (b) Is the natural child of a band member and a non-Indian;
- (c) Is an adopted child of a band member; or
- (d) One of his or her parents is, or, if no longer living, was a member of the Band or entitled to have his or her name entered on the band list;
- (e) Is the spouse of a band member.

3.3 A child who is not entitled to be registered in the Indian Register pursuant to the Indian Act shall be entitled to have his or her name entered as a member in the band list maintained by the band so long as it is clearly understood by all concerned (the person, the parents, extended family, the leadership, and other members) that there are limited or no rights and benefits that go with such band membership.

4.1 A band member, and his or her children, who have enrolled in the band of his or her spouse, either in Canada or the United States, shall retain the right to have their names entered in the band list.

4.2 Any person may apply to have his or her name taken off the band list as a member of the band, but shall not be able to submit an application in respect of his spouse or minor children.

4.3 Any person whose name has been removed from the band list pursuant to subsection 4.2 of this code and who wishes to transfer his or her membership back to Sandy Lake shall apply for membership as outlined in section 5.1.

5.1 Any person described in clause 3 of this code may apply for enrollment on the band list as a member of the band, and all such applicants shall submit to the Sandy Lake First Nation:

- (a) a letter noting that he or she wishes to be entered on the band list, stating the reasons that he or she believes entitle him or her to be so entered,
- (b) any documents required by this code and any other documents that the applicant believes are necessary to establish his or her claim, and
- (c) a list of names, addresses and telephone numbers of any persons who might be able to assist the applicant in establishing his or her claim to membership.

5.2 An applicant for enrollment on the band list must prove the facts that entitle him or her to have his or her name entered on the band list.

5.3 Within one year after a decision is given in respect of an application for enrollment by an applicant under this section, the applicant or a member of the band may, by notice in writing to the Sandy Lake First Nation, containing a brief statement of the grounds therefore, appeal, under subsection 9.1 of this code from the decision. The onus of establishing the grounds lies on the person bringing the appeal.

5.4 All applications and supporting material will be held in the strictest confidence and will be treated as privileged information.

6.1 The Sandy Lake First Nation may at any time add to or delete from the band list maintained by it the name of any person who, according to the rules of the band, is entitled or not entitled, as the case be, to have his name included in that list.

6.2 The band list maintained by the band shall indicate the date on which each name was added thereto or deleted therefrom.

6.3 Within two years after the name of a person has been added to or deleted from the band list, the person whose name was included in or deleted from the band list or a member of the band may, by notice in writing to the Sandy Lake First Nation containing a brief statement of the grounds therefore, protest under subsection 9.1 of this code, the inclusion, omission, addition or deletion, as the case may be, of the name of that person, and the onus of establishing those grounds lies on the person making the protest.

6.4 Within one year after the Sandy Lake First Nation renders a decision on a protest under subsection 6.3, the person who made the protest or his representative, may, by notice in writing, appeal the decision to the appeal committee under section 9.1 of this code.

7.1 The Sandy Lake First Nation Chief and Council shall be responsible for all matters relating to Band membership and without limiting the generality of the foregoing, to review, consider, and make decisions on all applications for membership within three (3) months of receiving them.

7.2 The Sandy Lake First Nation Chief and Council may delegate authority with respect to Band membership to any individual or body who will operate under the direction of Chief and Council.

- (a) A Membership Clerk shall be appointed by Council who will be responsible for maintaining the band list;
- (b) The duties of the Membership Clerk include:
 - (i) to receive and consider all applications for membership;
 - (ii) to add or delete names from the band list in accordance with the provisions of this Code; and,
 - (iii) to provide information concerning the Membership Code of the Sandy Lake First Nation .

- (c) The Membership Clerk shall review all applications for membership and submit all applications to the Chief and Council as required.
- (d) The Membership Clerk shall indicate the date on which each name in the band list is added thereto or deleted therefrom.
- (e) Everyone who is a Member of the Sandy Lake First Nation shall be identified as such by having his or her name listed in the band list.

7.3 On any membership application reviewed by the Chief and Council a quorum of six (6) members of the Council, one of whom must be a Chief or Deputy Chief, must participate in the decision. A written record of the proceedings must be kept.

7.4 The Sandy Lake First Nation Chief and Council shall be governed by the terms and provisions of this code and by any regulations established for this purpose.

7.5 Where an application for enrollment on the band list is made pursuant to subsection 5.1 of this code, or where a protest is made pursuant to subsection 6.3 of this code, the Sandy Lake First Nation Chief and Council, with the Elders Council present, shall cause an investigation to be made into the matter and render a decision.

7.6 For the purpose of this section the Sandy Lake First Nation Chief and Council may receive such evidence on oath or by affidavit or in any other manner, whether or not admissible in a court of law, as in its sole discretion it sees fit or deems just.

8.1 The Sandy Lake First Nation Chief and Council shall, from time to time, appoint an appeal committee for the purpose of receiving, reviewing, considering, and making recommendations to the Chief and Council regarding an appeal with respect to the decision on membership.

8.2 The appeal committee shall consist of five (5) members, to be appointed by a Band Council Resolution from the five (5) geographical areas of the community: R.C, Ghost Point/Old Sawmill, Big Rock/Airport, Center, and River.

8.3 A record must be kept of all proceedings of the appeals committee.

8.4 The appeal committee shall be governed by the terms and provisions of this code and by any regulations established by the Band Council under section 10 of this code.

9.1 Where an appeal is taken under subsection 5.3 or 6.4 of this code, the person who takes the appeal shall forthwith provide the Membership Clerk with a copy of the Notice of Appeal.

9.2 On receipt of a copy of the Notice of Appeal under this section the Membership Clerk shall forthwith file with the appeal committee a copy of the evidence considered in arriving at that decision and any recording or transcript of any oral proceedings related thereto that were held before the Sandy Lake First Nation Chief and Council.

9.3 The appeal committee may, after hearing an appeal under this section,

- (a) affirm the decision of the Chief and Council; or
- (b) refer the subject-matter of the appeal back to the Chief and Council for reconsideration or further investigation.

9.4 The decision of the Sandy Lake First Nation Chief and Council shall be final and conclusive.

9.5 For the purpose of this section the appeal committee may receive such evidence on oath, by affidavit or in any other manner, as in its sole discretion it sees fit or deems just.

10. The Sandy Lake First Nation Chief and Council may, by Band Council Resolution, make regulations

- (a) prescribing rules for proceedings before the appeal committee;
- (b) relating to the situs of the appeal committee;
- (c) relating to the frequency with which the appeal committee shall convene;
- (d) relating to the remuneration, if any, of the members of the appeal committee;

- (e) with respect to any matter arising out of or ancillary to the exercise of powers under this section.

11.1 This code may be amended on the consent of the majority of the electors of the band at a meeting called by the Chief and Council of the band for that purpose.

11.2 The Chief and Council shall give thirty (30) days written notice to members of the band of the meeting called to amend the code and it shall contain the text of the proposed amendment along with an explanation of the reasons that the amendment is being proposed.

11.3 This code may also be amended on the consent of the majority of the electors of the band who have signed a petition evidencing that they understand the changes noted in the petition and consent to such amendment.

12. This code shall come into effect immediately upon written notice being received from the Minister of Indian and Northern Affairs of Canada that the band has control of its own membership.