

**Membership Rules  
Of Skownan First Nation**

## **DEFINITIONS**

in this LAW

- (a) “Band” means the Skownan First Nation;
- (b) “band member” means a person whose name is included in the Band list of the Skownan First Nation or who has the right to have his or her name entered in the Band list pursuant to the Membership LAW of the First Nation;
- (c) “Council” means the duly elected Skownan First Nation Chief & Council;
- (d) “dependent child” means each child of a band member, or each child to whom a band member stand in loco-parentis (acting in the place of the parent), who at the time of application for residence was either under the age of eighteen or over, under the charge of such band member and unable, by reason of illness, disability or other cause to withdraw himself or herself from such charge or to provide himself or herself with the necessities of life.
- (e) “reserve” means those lands in and around the Skownan First Nation that have been set apart by her Majesty for the use and benefit of the Skownan First Nation.
- (f) “residence” means the place which has always been, or which has been adopted by a person as the principal place of his or her habitation.
- (g) “spouse” includes common law spouse.

## MEMBERSHIP LAW OF THE SKOWNAN FIRST NATION

### DATE OF LAW COMING INTO EFFECT

- (1) This LAW shall come into force on the day on which the First Nation membership ratifies it by way of referendum (vote) and shall immediately replace the previous Code.

### **BAND LIST TO BE UNDER THE DIRECTION OF AN INDIAN REGISTRY CLERK**

- (2)
  - a) After the effective date, Skownan First Nation shall maintain the Membership List, under the auspices of the Indian Registry Clerk.
    - b) The membership electorate shall accept or deny applications for membership or transfers under the process of a vote and those applications reviewed every six months (if required) with a thirty day notice to membership. The provision or posting of notices shall be done by the Indian Registry Clerk. Notice shall be given to Chief & Council by the Clerk of the need to call such a meeting.
      - c) **The Chief & Council either acting alone as a Council member or collectively as Council cannot accept a request to transfer....until they have taken the matter to the membership for review.**

APPLICANTS FROM OTHER FIRST NATIONS SHALL FILE A CRIMINAL CHECK & CHILD ABUSE RECORD, DULY SIGNED BY AUTHORITIES. NO APPLICATIONS SHALL BE CONSIDERED BY MEMBERSHIP IF NO RECORDS ARE FILED BY THE APPLICANT.

The applicant is to be made to understand that the purpose of criminal check & child abuse record is to determine suitably for acceptance into membership, and that the information will not be used for any other purpose. As such, the applicant is to sign a consent to this effect. Upon review of the application, a decision will be made to accept or deny the application. The applicant has thirty (30) days to file an appeal. The same thirty day period applies to another Band member's appeal on a denial or acceptance of an application.

The criminal check & child abuse record will be destroyed if no appeal is filed within the thirty day period., but kept for ninety (90) days if there is an appeal.

## **ELIGIBLE PERSONS**

(3) (a) All Band members currently on the Band list shall remain on the on the Band list on the date this LAW come into force.

(b) Except for those persons designated in 5(a) Skownan Band Membership is limited to persons listed or entitled to be listed in the Indian Register.

(4) a) All children whereby at least one of whose parents is a band member may be placed on the Band list at the request of that member, or at the request of Chief and Council to the Membership, providing a release letter is received from a First Nation where they were members .

b) Where a child has attained the age of eighteen (18), that person may request & be permitted to transfer in.

### **Adopted Children**

(5) For the purpose of this paragraph, children includes those children adopted by a parent who is a band member, either through a formal legal adoption or adoption by Band custom. The Band member of the child or children may apply for band membership provided:

(a) that they are entitled to be registered in the Indian register, and

(b) will cease to be a member of another band upon the granting of band membership.

\*\*\*\*\* Non-treaty children - must be legally adopted.....one parent or both to have Skownan First Nation membership.

### **Adopting of Adults**

(6) **A moratorium shall be in place for a period of ten years on the adoption of non-treaty adults and their acceptance to membership; effective from the date of passing of this membership law.**

## **DELETING PERSONS OFF LIST**

(7) The Indian Registry Clerk will delete from the Band list any person who

(a) has applied to have his/her name deleted, or

is deceased,  
or has transferred to another First Nation

(b) The deleting of a person's name from the Band List shall only occur when evidence of acceptance from another First Nation is produced, or a death certificate is produced on that individual.

(8) Where the name of a person is deleted from the Band list pursuant to section 07, the names of his or her minor children may, at the request of the parent (s), also be deleted from the Band list.

### **APPLICATIONS**

(9) Any applications made for the purposes of acceptance into membership, transfer or removal from the list shall be done in writing.

### **BAND MEMBERSHIP TO HEAR APPEALS**

(10) Within 30 days after receipt of a notice of appeal pursuant to this Law, the Membership shall convene a meeting for the purpose of disposing of the appeal and the applicant shall be entitled to be present at such meeting and make representation thereto in person through an agent or counsel. A final decision shall be made within ninety days after the hearing and notice sent by Council to the affected individual of the decision rendered.

### **POWERS TO BE EXERCISED IN GOOD FAITH**

(11) Each discretionary power conferred upon the Indian Registry Clerk and Band Council under this Law shall be exercised by the Indian Registry Clerk in good faith, without discrimination in accordance with its judgment in the best interests and welfare of the Band, without any human rights violations.

(12) No person shall have a right to have his or her name entered or deleted in the Band list except as provided in this Law.

### **REVIEW AND AMENDMENT PROCESS**

(13) This Law shall be reviewed at least once every two years, with amendments undergoing thorough discussion amongst membership as per the process of referenda, whereby 50% plus one of those voting decide. The amendment (if accepted) shall be entered into the Law and shall undergo one more review before being exercised. REFER TO SECTION 2 b