

**Williams Lake Indian Band
Membership Rules**

<p>PART I</p> <p>WHEREAS section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada; and,</p> <p>WHEREAS section 25 of the constitution Act, 1982 provides that the guarantee of individual rights and freedoms shall not be construed so as to abrogate or derogate from aboriginal, treaty or other rights and freedoms that pertain to the aboriginal peoples of Canada; and,</p> <p>WHEREAS section 10 of the Indian Act, R.S.C. 1985, c.I-5 provides that a Band may assume control of its membership if it establishes Membership Rules for itself in writing and receives the consent of its members; and,</p> <p>WHEREAS a majority of the electors of the Williams Lake Indian Band have duly consented as annexed hereto in Schedule “A”;</p> <p>Now Therefore, the Band enacts as follows:</p> <p>OBJECT OF THE RULES</p> <p>1. The object of these Rules is to protect and enhance the cultural traditions, social harmony and economic stability of the Band.</p> <p>INTERPRETATION</p> <p>2. In these Rules:</p> <p>(1) “Act” means the Indian Act, R.S.C. 1985, c. I-5;</p>	<p>PART I</p> <p>Section 35 of the Constitution Act, 1982 recognizes and declares the existing aboriginal and treaty rights of the aboriginal peoples (Indian, Inuit & Metis) of Canada to be true; and</p> <p>Section 25 of the Constitution Act, 1982 guarantees that the individual rights and freedoms of this Act shall not take away any rights of aboriginal peoples that they now have; and</p> <p>Under section 10 of the Indian Act, a Band may take control of its membership by writing the Membership Rules and having the members agree to those rules; and</p> <p>A majority of the electors of the Williams Lake Indian Band have consented to taking control of its membership and have signed Schedule “A” to show this agreement.</p> <p>The Band makes into law, as follows:</p> <p>OBJECT OF THE RULES</p> <p>1. The purpose of theses Rules is to protect and strengthen cultural traditions; to protect and strengthen the members getting along well together; and to protect and strengthen the Band’s economic situation.</p> <p>INTERPRETATION</p> <p>2. In these Rules:</p> <p>“Act” means the Indian Act”,</p>
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<p>(2) “Band” means the Williams Lake Indian Band;</p> <p>(3) “Band List” means a list of person belonging to the Band that is maintained under section 8 of the Act either by the Band or by the Department of Indian Affairs and Northern Development;</p> <p>(4) “Band member”</p> <p>(a) prior to these Rules coming into force, any person whose name appears on the Band List, or who is entitled to have his name appear on the Band List pursuant to the Act; and,</p> <p>(b) after these Rules come into force, any person who name appears on the Band List pursuant to these Rules.</p>	<p>“Band” means the Williams Lake Indian Band;</p> <p>“Band List” means a list of persons belonging to the Band. It can be kept up-to-date according to s. 8 of the Indian Act by either the Band or DIAND.</p> <p>(4) “Band member”: means any person whose name appears on the Band List, or who has a right under the Indian Act to have his name appear on the Band List before these Rules are in force; and, after these Rules are in force, any person whose name appears on the Band List according to these Rules.</p>
<p>(5) “child” includes a child born in or out of wedlock, a legally adopted child and a child adopted in accordance with the custom of the Band.</p>	<p>(5) “child” means a child born to parents whether they are legally married or not, and a child who has been adopted following the Band’s custom.</p>
<p>(6) “Council of the Band (“Council”) means the Chief and Council chosen according to section 74 of the Act;</p>	<p>(6) “Council of the Band” means the Chief and Council chosen according to the Indian Act;</p>
<p>(7) “elector” means a person who is:</p> <p>(a) registered on the Band list;</p> <p>(b) of the full age of 18 years; and,</p> <p>(c) not disqualified from voting at Band elections;</p>	<p>(7) “elector” means a person who is: registered on the Band List, is at least 18 years old, and is not declared unable to vote at Band elections;</p>
<p>(8) “Indian” means a person who is registered or entitled to be registered as an Indian, within the meaning of the Act;</p>	<p>(8) “Indian” means a person who is registered or has a right to be registered as an Indian according to the Indian Act;</p>
<p>(9) “Membership Clerk” (“Clerk”) means an employee of the Band appointed by the Council to perform the duties of the</p>	<p>(9) “Membership Clerk” (also known as “Clerk”) means an employee of the Band appointed by Chief and Council to register</p>

<p>registrar of the Band membership;</p>	<p>Band members;</p>
<p>(10) “Membership Committee” (“Committee”) means a committee of five Band members, no more than two of whom are Councillors, appointed by the Council within two months of each election to screen applications for membership in the Band;</p>	<p>(10) “Membership Committee” (also known as “Committee”) means a committee of five Band members, of which only two can be Band Councillors. All of the membership committee are appointed by Chief and Council within two months of each Band election to screen people who have applied to be Band members.</p>
<p>(11) “Reserve” means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Band;</p>	<p>(11) “Reserve” means a piece of land owned by Canada that has been set aside for the use and benefit of the Band.</p>
<p>(12) “Rules” means the Williams Lake Indian Band Membership Rules; and,</p>	<p>(12) “Rules” means these Williams Lake Indian Band Membership Rules; and,</p>
<p>(13) Use of words denoting the male gender is deemed to include the female gender, and the singular includes the plural where the context requires.</p>	<p>(13) Words such as “he,” “him,” and “his” also refers to a female, and words that speak about one person also refers to more than one person. These meanings depend on what is being discussed.</p>
<p>PART II</p> <p>AUTOMATIC MEMBERSHIP</p> <p>3. The following persons are entitled to have their names registered in the Band List by the Membership Clerk:</p> <p style="padding-left: 40px;">(1) person entered or entitled to be entered on the Band List immediately prior to April 17, 1985;</p> <p style="padding-left: 40px;">(2) persons born on or after April 17, 1985 to two Band members, whether the parents are living or deceased;</p> <p style="padding-left: 40px;">(3) persons who lost Indian status and Band membership under prior Acts and who are entitled to have their names restored to the Band List pursuant to section 6 (1) (c), (d) or (e) of the Act, namely:</p> <p style="padding-left: 80px;">(a) person who lost Indian status and Band membership under the</p>	<p>PART II</p> <p>AUTOMATIC MEMBERSHIP</p> <p>3. The following persons have the right to have their names registered in the Band List by the Clerk:</p> <p style="padding-left: 40px;">Persons entered on the Band List, or who have the right to have their names entered on the Band List immediately before April 17, 1985; persons born on or after April 17, 1985 to two Williams Lake Indian Band members, whether those parents are living or dead;</p> <p style="padding-left: 40px;">Persons who lost Indian status and Band membership under Indian Acts before the amendments of April 17, 1985, and who have the right to have their names placed back on the Band List according to the current Indian Act such as:</p> <p style="padding-left: 40px;">Persons whose mother and maternal grandmother were non-status; and Indian</p>

<p>so-called “double mother” rule;</p> <p>(b) Indian women who lost Indian status and Band membership by marriage to a non-Indian man;</p> <p>(c) persons whose names were deleted from the Band list because of protest by the Band that his father was not Indian;</p> <p>(d) persons who lost Indian status and Band membership through enfranchisement, whether voluntary or involuntary;</p> <p>(e) persons who became lawyers, doctors or clergymen or who received any degree from a university; and,</p> <p>(f) persons who resided outside Canada for five years continually without the written consent of the Indian Agent.</p>	<p>women who married a non-Indian; and persons whose names were taken off the Band List because the Band protested that their father was not an Indian; and persons who lost their Indian status when they got the vote, whether they asked for it or not; and persons who went to university and received any degree including: lawyers, doctors and those who were trained to perform religious services; and persons who lived outside of Canada for five years continually without the written consent of the Indian Agent.</p>
<p>(4) persons granted Indian status and Band membership pursuant to section 6(1) (f) and 6(2) of the Act, namely:</p> <p>(a) person both of whose parents are, or if no longer living, were at the time of death entitled to be re-instated to membership in the Band; or,</p> <p>(b) persons one of whose parents is or, if no longer living, was at the time of death entitled to be re-instated to the Band; and,</p>	<p>The following persons also have the right to have their names registered in the Band List by the Clerk:</p> <p>Persons granted Indian status and Band membership according to the amended Indian Act of April 17, 1985, such as:</p> <p>Persons with one or more parents (living or deceased) who were or are entitled to be included on the Band List.</p>
<p>(5) persons both of whose parents are members of the Band.</p>	<p>The following persons also have the right to have their names registered in the Band List by the Clerk:</p> <p>Persons whose parents are both members of the Band.</p>
<p>PART III</p> <p>CRITERIA FOR FUTURE</p>	<p>PART III</p> <p>CRITERIA FOR FUTURE</p>

<p>MEMBERSHIP</p> <p>4. As of the date these Rules come into force, every person who wishes to become a Band member must first prove to the Clerk that he:</p> <p style="padding-left: 40px;">(1) is registered as a status Indian within the meaning of the Act; and,</p> <p style="padding-left: 40px;">(2) is directly descended from an Indian who has or, if no longer living, had Indian blood.</p>	<p>MEMBERSHIP</p> <p>4. As of the date that these Rules come into force, every person who wishes to become a Band member must first prove to the Clerk that he is registered as a status Indian according to the Indian Act; and, that he is born of a family, whether they are currently living or not, that had Indian blood.</p>
<p>5. A person who marries a Band member may be eligible to apply for Band membership providing he satisfies the requirements of section 4 of these Rules.</p>	<p>5. A person who marries a Band member and satisfies the requirements of section 4 of these Rules may apply for membership.</p>
<p>6. In the case of a child where only one parent is a Band member, the name of that child may be entered in the Band List providing:</p> <p style="padding-left: 40px;">(1) both parents consent in writing to the child’s name being added to the Band List by completing Part I of the Form attached as Schedule “B” to these Rules; or</p> <p style="padding-left: 40px;">(2) the parent who has legal custody of the child, as evidenced by a Court Order, consents in writing to the child’s name being added to the Band List by completing Part II of the Form attached as Schedule “B” to these Rules.</p>	<p>6. In the case of a child who has only one parent that is a Band member, that child may be entered in the Band List providing that both his parents agree and complete Part I of Schedule “B,” or the parent who has legal custody of the child by Court Order agrees and completes Part II of the Schedule “B.”</p>
<p>7. Any person whose name has been inadvertently left off the Band List may apply at any time for membership.</p>	<p>7. Any person whose name has been left off the Band list by mistake may apply at any time for membership.</p>
<p>PART IV</p> <p>APPLICATION PROCEDURE</p> <p>8. Upon these Rules coming into force, each person who wishes to become a Band member must either:</p> <p style="padding-left: 40px;">(1) complete a Band Registration Form, attached as Schedule “C” to these Rules, if</p>	<p>PART IV</p> <p>APPLICATION PROCEDURE</p> <p>8. When these Rules come into force, each person who wishes to become a Band member must either: complete a Band Registration Form which is Schedule “C”, if he has a right to membership according to Part II; or complete a Band Application</p>

<p>he is entitled to membership pursuant to Part II; or,</p> <p>(2) complete a Band Application Form, attached as Schedule “D” to these Rules, if he is not entitled to Band membership pursuant to Part II but does satisfy the criteria set out in Part III of these Rules.</p> <p>Parents or guardians may register or apply on behalf of children under eighteen (18) years of age.</p>	<p>Form which is Schedule “D” if he does not have a right to Band membership according to Part II but does satisfy Part III of these Rules.</p> <p>Parents or guardians of a child may register or apply on behalf of children under eighteen (18) years of age.</p>
<p>9. Each Band Registration or Application Form must be accompanied by a Certificate of Indian Status and either:</p> <p>(1) a Long Form Birth Certificate, in the case of a child, which confirms that at least one of his natural parents is an Indian with Indian blood; or,</p> <p>(2) in the case of an adult, a government or other official document which proves that he is directly descended from an Indian with Indian blood.</p>	<p>9. Each Band Registration or Application Form must include a Certificate of Indian Status and either: for a child, a Long Form Birth Certificate showing that he was born of at least one parent who has Indian blood; or, for an adult, a government or other official document which proves that he was born to a family that has Indian blood.</p>
<p>10. The Clerk shall forward each completed Registration or Application Form, together with supporting documents, to the Membership Committee for their review and possible recommendation for membership.</p>	<p>10. The Clerk shall forward each completed Registration or Application Form and supporting papers to the Committee for their review. The Clerk may make recommendations for membership.</p>
<p>11. In the case of a Band registration pursuant to Part II of these Rules, the name of the registrant may be added to the Band List by the Clerk if the Committee is satisfied that the registrant is entitled to Band membership under that Part.</p>	<p>11. In the case of a Band registration according to Part II – Automatic Membership, the name of the registrant may be added to the Band List by the Clerk if the Committee is satisfied that the registrant has a right to be registered as a Band member according to Part II of these Rules.</p>
<p>12. In the case of an application pursuant to Part III of the Rules, a general Band meeting shall be held once a year to vote on the acceptance or rejection of each applicant for Band membership.</p>	<p>12. Where there have been applications for Band membership according to Part III, a general Band meeting shall be held once a year to vote on each application.</p>
<p>13. An applicant shall be accepted into the Band if a majority of those electors present</p>	<p>13. An applicant shall be accepted into the Band if more than half the electors present</p>

<p>at the meeting, of which one (1) month’s written notice has been given, vote in favor of granting Band membership to the applicant.</p>	<p>at the general band meeting vote in favor of granting the applicant Band membership. There must have been one (1) month’s notice of that general Band meeting.</p>
<p>14. The Council shall notify the applicant of his acceptance or rejection in writing within thirty (30) days of the Band vote.</p>	<p>14. The Council shall inform the applicant in writing within thirty (30) days of the Band vote whether his application has been accepted or rejected.</p>
<p>PART V APPEAL AND RE-APPLICATION 15. A person whose application has been rejected by the Band shall have a right to appeal the decision if he files a Notice of Appeal, attached as Schedule “E” to these Rules, within thirty (30) days of the written notification of rejection from Council pursuant of section 14.</p>	<p>PART V APPEAL AND RE-APPLICATION 15. A person whose application for membership has been rejected by a Band vote has a right to have their rejected application reviewed. To do this, they must complete the Notice of Appeal – Schedule “E” and give it to Council within thirty (30) days of the date of the notice of rejection given under s. 14 of these Rules.</p>
<p>16. Upon receipt of a Notice of Appeal, the Council shall establish a Tribunal within thirty (30) days of receipt of the Notice to hear the appeal.</p>	<p>16. Once Council has received the Notice of Appeal, it will have 30 days to call together a group of people (called the “Tribunal”) who will review the rejected application.</p>
<p>17. The Tribunal shall consist of: (1) one person appointed by the Council; (2) one person appointed by the appellant; and, (3) a third person chosen mutually by the first two appointees.</p>	<p>17. The Tribunal will consist of: one person appointed by the Chief and Council; one person appointed by the person who asked to have their rejected application reviewed; and a third person chosen by both the first two that were appointed.</p>
<p>18. The Tribunal shall render its decision on the appeal within ninety (90) days of being appointed.</p>	<p>18. The Tribunal will make their decision within ninety (90) days of being appointed.</p>
<p>19. If the Tribunal rules that a procedural error was made in processing the application, the appellant shall have the right to re-submit his application to the next annual Band vote.</p>	<p>19. If the Tribunal decides that the Rules were not followed in processing the application for membership, the applicant may re-submit his application to the next annual Band vote.</p>
<p>20. If the Tribunal rules that no procedural error was made in processing the</p>	<p>20. If the Tribunal decides that there was no error in applying the Rules when</p>

<p>application, the appellant shall not be entitled to re-submit his application for membership.</p>	<p>processing the application for membership, the applicant shall not have the right to re-submit his application for membership.</p>
<p>PART VI</p> <p>LOSS OF MEMBERSHIP</p> <p>21. Where a person having no Indian blood has become a member of the Band prior to April 17, 1985 through marriage to a Band member, that person shall no longer be entitled to Band membership upon:</p> <p style="padding-left: 40px;">(1) divorce from the Band member; or,</p> <p style="padding-left: 40px;">(2) living separate and apart from the Band member for two years or more;</p> <p>if that person does not ordinarily reside on the reserve.</p>	<p>PART VI</p> <p>LOSS OF MEMBERSHIP</p> <p>21. Where a person who has no Indian blood became a member of the Band before April 17, 1985 through marriage to a Band member, that person shall not have the right to Band membership on: divorce from the Band member; or if that couple agreed to be separated for two years or more. This loss of membership would only occur if the person with no Indian blood does not ordinarily live on the reserve.</p>
<p>22. Where a Band member marries a member of another Band, that member shall remain a Band member until he has transferred his membership to another Band.</p>	<p>22. Where a Band member marries a member of another Band, the Williams Lake Indian Band member shall remain a Band member. If the Williams Lake Indian Band member transfers to another Band, he will lose his membership to the Williams Lake Indian Band.</p>
<p>PART VII</p> <p>AMENDMENT PROCEDURE</p> <p>23. One year after these Rules come into force, the Council and the Committee shall cause these rules to be reviewed and amended by a majority vote of the electors, if necessary.</p>	<p>PART VII</p> <p>AMENDMENT PROCEDURE</p> <p>23. One year after these Rules come into force, the Chief and Council and the Membership Committee shall review and make better Rules if more than half of the electors vote for this to happen.</p>
<p>24. If 51% of all electors are not present at the Band vote held pursuant to section 23, the amendments may be passed by a Petition of 51% of the electors held within thirty (30) days of the Band vote held pursuant to section 23.</p>	<p>24. If 51% of the all electors are not present at the Band vote according to section 23, the Rule changes may be passed by a formal request to Chief and Council signed by 51% of the electors held within thirty (30) of the Band vote held according to section 23.</p>
<p>25. Thereafter, the Committee shall review these Rules on an annual basis, and submit</p>	<p>25. After the first year, the Committee shall review these Rules once a year and</p>

<p>a report to Council recommending amendments if required.</p>	<p>submit a report to Chief and Council recommending any changes</p>
<p>26. Subsequent amendments may be made in accordance with the procedure laid down in sections 23 and 24 of this Part.</p>	<p>26. Later changes to the Rules may be made according to the Rules of section 23 and 24 of this Part.</p>
<p>PART VIII</p> <p>COMING INTO FORCE</p> <p>27. These Rules shall come into force on the day the Band gives notice to the Minister of Indian Affairs and Northern Development that it is assuming control of its membership pursuant to section 10(6) of the Act.</p>	<p>PART VIII</p> <p>COMING INTO FORCE</p> <p>27. These Rules shall come into force on the day the Williams Lake Indian Band gives notice to the Minister of Indian Affairs and Northern Development that it is taking control of its membership according to section 10(6) of the Indian Act.</p>
<p>PART XI</p> <p>DELEGATION OF POWER</p> <p>28. The Band hereby delegates to the Council the authority to administer these Rules in a fair, impartial manner without discriminating on the basis of sex, religion, age or family and in accordance with the best interests of the Band.</p>	<p>PART XI</p> <p>DELEGATION OF POWER</p> <p>28. By these Rules, the Williams Lake Indian Band gives the power to the Chief and Council to carry out these Rules. The Chief and Council must do this in a fair manner, showing no more favor to one person than to the other. The Chief and Council must not treat anyone differently because of his sex, religion, age or family. The Chief and Council must act with the best interests of the Band in mind.</p>