

DATE: March 25, 1988

CAMPBELL RIVER INDIAN BAND

MEMBERSHIP RULES

PART 1

WHEREAS section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

AND 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 any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada;

AND WHEREAS section 10 of the Indian Act, 1985, provides that a Band may assume control of its membership if it establishes Membership Rules for itself in writing and receives the consent of a majority of its electors;

AND WHEREAS a majority of the electors of the Campbell River Indian Band duly consented on June 26, 1987;

NOW THEREFORE, the Band enacts as follows:

TITLE

1. These Rules may be cited as the CAMPBELL RIVER INDIAN BAND MEMBERSHIP RULES.

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OBJECT OF THE RULES

2. The object of these Rules is to protect and enhance the cultural integrity, social harmony and economic stability of the Band.

INTERPRETATION

3. In these Rules:

(1) "Act" means the Indian Act, S.C. 1985, c.27 amending the Indian Act, R.S.C. 1970, c. 1-6;

(2) "Band" means the Campbell River Indian Band;

(3) "Band List" means a list of persons belonging to the Campbell River Indian Band that is maintained by the Band under section 8 of the Act;

(4) "Band member" means a person whose name is lawfully

entered on the Band List;

(5) "child" includes an Indian child born in or out of wedlock and a legally adopted Indian child;

(6) "Council of the Band" (the "Council") means the Chief and Council chosen according to the election provisions set out under section 74 of the Act;

(7) "Elector" means a person who, for the purpose of adopting these Rules, is:

(a) registered on the Band List;

(b) of the full age of eighteen (18) years; and

(c) resident on or off the reserve;

(8) "Indian" means a person with Indian blood who is registered as an Indian within the meaning of the Act;

(9) "Inter-Band marriage" means a legal marriage between a Band member and a member of another Canadian Indian Band;

(10) "Membership Clerk" (the "Clerk") means a person appointed by the Council to perform the duties of registrar of Band membership;

(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, or which may be acquired by way of land claim settlement;

(12) "Rules" means the Band Membership Rules of the Campbell River Indian Band; and

(13) Use of words denoting the male gender is deemed to include the female gender.

PART II

ORIGINAL MEMBERSHIP

4. The following persons are entitled to membership and enrolment

in the Band List:

(1) all persons entered or entitled to be entered in the Band List of the Campbell River Indian Band immediately prior to April 17, 1985;

(2) all persons born on or after April 17, 1985 to two Band members, whether living or deceased;

(3) all person entitled to be restored to the Band List by operation of section 6(1)(c) of the Act, namely:

(a) persons who lost Indian status and Band membership under the so-called "double mother" rule;

(b) Indian women who lost Indian status and Band

membership by marriage to a non-Indian man;

(c) persons whose names were deleted from the Band List because of protest by the Band that his or her father was not Indian, and,

(d) persons who were involuntarily enfranchised as a result of his parent or spouse applying to be enfranchised; and,

(4) all persons born of or after April 17, 1985 to parents both of whom are restored to the Band List or, if no longer living, were at the time of death entitled to have their names restored to the Band List.

PART III

NEW BAND MEMBERSHIP AND CRITERIA

5. All new Band members must have Indian status and be:
- (1) directly descended from a Campbell River Indian Band member; or,
 - (2) legally married to an Indian Band member; or,
 - (3) legally adopted by a Band member.

6. A child born to at least one Campbell River Indian Band member

is entitled to be registered in the Band List providing the other parent, if not a Band member, consents in writing to the registration of the child.

7. Persons applying pursuant to sections 5(2), 5(3) and 6 must give Council written notice of intention to apply for Band membership within ninety (90) days of the marriage, the Court Adopting Order, or the birth of the child, as the case may be.

8. Each person transferring his membership from a former Band shall include with his application for membership:

(1) proof of Consent to Transfer (attached as Schedule "B" to these Rules) from the former Band; and,

(2) a signed Undertaking (attached as schedule "C" to these Rules) withdrawing his membership from the former Band.

PART IV

APPLICATION PROCEDURE

9. All new Band members must apply for membership in the Band by submitting an application (attached as Schedule "A" to these Rules)

to the Membership Clerk. Parents or guardians may apply on behalf of minor children.

10. All applicants must provide documentary evidence of entitlement to Band membership, including:

- (1) an Indian status certificate; and,
- (2) a long form birth certificate; or,
- (3) a marriage certificate; or,
- (4) a Court adoption Order.

11. The Clerk shall review all applications to ensure:

- (1) the application is complete; and,
- (2) appropriate documents are enclosed.

12. The Clerk shall forward completed applications to the Council with a brief report explaining the background and circumstances of the applicant.

13. Once each year the Council shall call a general Band meeting during the month of May to:

- (1) report on all applications received during the previous twelve (12) months; and,
- (2) conduct a Band vote on all applications received.

14. A majority vote of eligible electors shall confer Band

membership upon the applicant.

15. The Clerk shall:

(1) notify the applicant of his acceptance or rejection within fourteen (14) days of the vote; and,

(2) if accepted, enter the name of each new Band member in the Band List effective the date of the Band vote.

PART V

APPEAL PROCEDURE

16. A person whose application has been rejected at a Band vote may file a Notice of Appeal (attached as Schedule "D" to these Rules) within six (6) months of the vote providing he produces additional evidence of entitlement to Band membership.

17. A person may appeal his rejection for Band membership only once and the result of the second Band vote shall be final.

18. Neither the Band nor any of its agents under these Rules shall

be liable for any claim made against it by a person whose application has been rejected.

PART VI

LOSS OF MEMBERSHIP

19. Any person who gained Band membership after April 17,1985 through marriage to a Band member shall lose his membership upon divorce from the Band member.

20. The name of a Band member who becomes a member of another Band shall be removed from the Band List effective the date his name is added on the Band List of the other Band.

PART VII

AMENDMENT PROCEDURE

21. These Rules may be reviewed at a general Band membership meeting within two (2) years after being adopted by the Band members and may be amended, if necessary, on June 26, 1990 by a majority vote of electors. Thereafter, they may be reviewed and amended every five years.

PART VIII

DELEGATION OF AUTHORITY

22. 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 in accordance with the principles of natural justice and in the best interests of the Band.

PART IX

COMING INTO FORCE

23. These Rules have been amended pursuant to section 5 of the Interim Campbell River Indian Band Membership Rules enacted by the Band effective June 26, 1987 and come into force effective June 26, 1988.