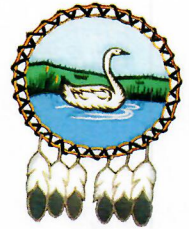




SWAN RIVER FIRST NATION

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Amendments to the Membership Code of the Swan River Indian Band #457

1.0 Statement of Intent and Notice to Membership

- 1.1 In 1986 the majority of the electors of the Band (by referendum) gave their consent to the Swan River Indian Band assuming control of its membership and had approved a Membership Code.
- 1.2 On April 4, 1986, the Minister of Indian Affairs accepted the Swan River Indian Band assuming control of the membership of the Band and approved the Membership Code of the Band.
- 1.3 In February 1992, the Band Council as the governing authority of the Band gave the membership of the Swan River Indian Band appropriate notice of its intention to amend the Membership Code of the Band.

2.0 Deletions

2.1 SECTION 2-13 of the Membership Code of the Swan River Indian Band are hereby deleted and replaced by ss 3-12 as follows

3.0 Definitions

For the purpose of this Membership Code:

- 3.1 "BAND" –means the Swan River Indian Band #457
- 3.2 "BAND MEMBER" – means a person whose name appears on the Swan River Indian Band Membership List maintained by the Band
- 3.3 "Child" is a person under the age of 18 and includes a child born in or out of wedlock, a legally adopted child, and a child adopted in accordance with Band custom.
- 3.4 "Elector" means a person defined as an "elector" in the Indian Band Election Regulations or in the Customary Elections Regulations of the Swan River Indian Band when adopted.
- 3.5 "Indian" means a person who is registered as an Indian and whose names appear on the Indian Registry.
- 3.6 "Spouse" means a person who is a husband or wife through marriage.

4.0 Membership of the Swan River Indian Band Prior to April 17th, 1985

- 4.1 Persons whose names were entered or entitled to be entered on the Band list maintained by the Department of Indian Affairs immediately prior to April 17th, 1985, shall have their names entered on

the Swan River Band Membership List maintained by the Band upon submitting satisfactory written proof to the Band Council from Indian Affairs that they were entitled to membership under the Indian Act prior to the amendment of April 17th, 1985.

5.0 Persons Eligible to Apply for Membership in the Swan River Indian Band

5.1 Persons made eligible to apply for membership under the Indian Act as amended on April 17th, 1985

- (a) The following person who lost membership and Indian Status prior to April 17th, 1985, are entitled for membership in the Band upon acquiring Indian status pursuant to s.6(1) (c) of the Indian Act:
 - (i) Women who married a person who was not an Indian;
 - (ii) Persons born of a marriage entered into after the 4th day September 1951, and who had attained the age of twenty one years, whose mother and whose father's mother were not status Indians;
 - (iii) Illegitimate child of a female Indian Band member whose names were struck from the Band membership list Indian Affairs;
 - (iv) Persons who were non-voluntarily enfranchised.
- (b) The above persons are automatically entitled to have their names entered on the Swan River Indian Band Membership List, maintained by the Band, upon submitting to the Band Council an application with satisfactory written proof that their names have been re-entered on the Indian Registry pursuant to s.6 (1) (c).
- (c) Membership granted to the above persons is not subject to appeal

5.2 Indian Children of Band Members:

- (a) Both Parents are Band Members:

An Indian person born of parents, both of whom are members of the Band, is eligible to apply for membership. Upon submitting satisfactory proof to the Band Council that both parents are members of the Band, the applicant's names shall automatically be entered on the Band Membership List maintained by the Band.

- (b) Persons Born After April 17th, 1985:

An Indian person born after April 17th, 1985, of a Band Member and a person who is not a Band Member is eligible to apply for membership. The application must be approved in writing by the parent who is a Band Member.

- (c) Persons Born Prior to April 17th, 1985:

An Indian person born prior to April 17th, 1985, of a person who, after the birth of the applicant, subsequently became a Band Member, or if deceased, was entitled to acquire Band Membership pursuant to ss.4.1, 5.1(a), or 5.2, is eligible to apply for membership.

- (d) In the event the Band member's parent is deceased, incompetent, or unable to be located, the membership application may be approved by the Band member who is a relative of the applicant, or may be submitted by the applicant upon his reaching the age of eighteen (18) years.

- (d) Satisfactory proof of paternity shall be provided by a birth certificate, statutory declaration of the mother or father, or court order.

5.3 Indian Spouses

An Indian who marries a Band Member is eligible to apply for membership in the Band upon submitting to the Band Council satisfactory proof of the marriage and Indian status of the spouse.

5.4 Adopted Indian Children

An Indian child who is a relative of a Band Member and is legally adopted by a Band Member is eligible to apply for membership in the Band.

5.5 Transfers from other Bands

Indian persons who are members of another Indian Band are eligible to apply for membership in the Band providing they submit satisfactory proof to the Band Council of their Indian status and membership in another Band.

6.0 Persons Not Eligible for Membership in the Swan River Indian Band

6.1 Non- Indians

(a) A person who is not an Indian is not eligible to apply for membership.

7.0 Application and Approval Procedure

7.1 All applications for membership in the Band shall be submitted by the applicant or the Band member parent of the infant applicant in writing to the Band Council with all necessary documentation and proof require to establish the eligibility of the applicant.

7.2 Within ninety (90) days of receipt of completed applications they shall be reviewed by the Band Council.

7.3 Upon reviewing the application for the persons eligible under s. 4.1, s. 5.1, s. 5.2 (a), and s. 5.2 (b) and determining all necessary proof has been provided, the Band Council shall place their names on the membership list. This decision is not subject to appeal.

7.4 Upon reviewing the application for persons eligible under s. 5.2 (c); 5.3; 5.4; and 5.5 and determining that;

- (a) The applicant is duly eligible for membership;
- (b) Their submission to membership will not be harmful and not adversely effect the interests of the Band;
- (c) The applicant intends to respect the traditions and customs of the Band:

The Band Council shall either approve or reject the application.

7.5 In the event that the application is approved, the applicants name be entered on the Band List subject to no appeal of their decision within thirty (30) days

7.6 In the event the application is rejected, the applicant shall be immediately notified in writing of the decision and the reason therefore within ten (10) days.

8.0 Appeals

- 8.1** A member of the Band, or the applicant, may appeal the decision of the Band Council regarding the approval or rejection of an applicant pursuant to s. 7.4
- 8.2** The appeal and the reasons therefore shall be made by signed letter to the Band Council within thirty (30) days of the decision of the Council
- 8.3** Within six (6) months of the appeal, the Band Council will hold a membership vote to determine whether the applicant shall be added to the membership list
- 8.4** The Band Council shall appoint an Electoral Officer who shall be responsible for conducting the Membership Vote including posting notices, arranging for polling stations and ballots, supervising voting, counting votes and posting results.
- 8.5** The electors shall be given thirty (30) days' notice of the Membership Vote. The notice shall be publicly posted on the Reserves stating the time place and date of the Band membership Vote. A list of eligible electors shall be attached. The list of persons whose applications have been appealed, with an indication of their approval or rejection by the Band Council, shall also be posted with the notice.
- 8.6** The Membership Vote shall be conducted by secret ballot. The ballot shall read as follows:
- “Do you approve the following persons being admitted to the membership of the Swan River Indian Band?”
- This question shall be followed by a listing of the names of applicants and opposite their name of box marked YES or NO.
- 8.7** Those receiving approval of a majority of the electors but are members of another Band, shall have their names added to the membership list.
- 8.8** Applicants who are approved by the Band Council or electors but are members of another Band, shall have their names added to the membership list upon submitting proof they are no longer members of another Band.
- 8.9** Persons whose application has been rejected by the Band Council or electors are eligible to reapply in three (3) years from the date of the vote.

9.0 Deletions

- 9.1** A member who has reached the age of eighteen (18) years may, by written notice to the Band Council, apply to have the applicant's name deleted from the Band Membership List of the Band.
- 9.2** The Band Council shall by Motion approve or deny the application
- 9.3** Persons whose names were added to the membership list in a manner contrary to the provisions of the Code or as a result of fraud or deceit may be removed from the Band list by a motion passed by a quorum of the Band Council.
- 9.5** Persons whose names are removed from the Band List retain their Indian Status.

10.0 Amendments to the Membership Code

10.1 Amendments to the Membership Code may be prepared and presented by the Band Council upon the written request to the Council by twenty five percent (25%) of the electors of the Band.

10.2 The Council shall provide to the members of the Band sixty (60) days' notice of the proposed amendments to the Membership Code. Notice shall be publicly posted in the Swan River Indian Band.

10.3 Amendments to the Code shall be consented to by a majority of the electors of the Band by way of referendum or Petition held sixty (60) days after the posting of the proposed amendments.

11.1 Effective Date

11.1 The amendments to the membership code of the Swan River Band shall be effective from November 01, 1992.

12.0 Interpretation

12.1 This Code shall be interpreted and applied in accordance with the principles of policy guidelines as developed by the Band Council from time to time, fairness, rules of natural justice, the customs, values, and traditions of the Band.

12.2 This Code shall not be applied or interpreted in any manner such that it infringes upon or denies any of the existing Treaty and Aboriginal rights of the members of the Swan River Indian Band.