

Membership Code of the
M'Chigeeng First Nation



Amended C&C: April 16, 2013

THAT, we the Chief and Council of M'Chigeeng First Nation
accept and approve the amended Band Membership Code
which was approved as a result of the Referendum held at
the M'Chigeeng Community Complex, Saturday,
September 25, 1993.

M'CHIGEENG FIRST NATION MEMEBERSHIP CODE

1. Definitions in this code

- (a) *"Adopted"* means an order for adoption made pursuant to the Child and Family Services Act, s.o., 1984 and the adoption of a child according to the custom of the M'Chigeeng First Nation as determined by Chief and Council;
- (b) *"First Nation"* means the M'Chigeeng Band of Manitoulin Island and the geographical area and populace over which the Chief and Council have authority;
- (c) *"M'Chigeeng First Nation Membership Register"* is a comprehensive list containing the name, date of birth, sex and parentage of every member of the M'Chigeeng First Nation;
- (d) *"Inactive Register"* is a comprehensive list containing the name, date of birth, sex and parentage of every person applying for membership to the M'Chigeeng First Nation;
- (e) *"Sponsor"* means an individual who is on the membership register and is eighteen (18) years of age or older;
- (f) *"Spouse of a Member"* means either a man or woman who is married to a Member or has resided with a Member as husband and wife in a relationship of some permanence that satisfies Ontario legal statutes.
- (g) *"Non-member"* means a person whose name is not included on a membership register and is not entitled to have his or her name on a membership register;
- (h) *"Member"* means a person whose name is included in the membership register;
- (i) *"Chief and Council"* means the duly elected council chosen according to the election regulations used by the M'Chigeeng First Nation;
- (j) *"Membership Committee"* means a committee of persons who are on the membership register and are appointed by the Chief and Council to act in an advisory capacity and to make recommendations to the Chief and Council;
- (k) *"Department"* refers to the Department of Indian Affairs;
- (l) *"Band List"* refers to the list of names that are on the M'Chigeeng First Nation Membership Register.

2. **Administration**

- (a) The Members of M'Chigeeng First Nation hereby authorize and delegate to the Chief and Council the authority to administer membership under the provisions of this Code;
- (b) The Chief and Council shall be responsible for carrying out the duties and functions and exercising any or all of the powers under this Code, including:
 - (i) The maintenance in accordance with the Code of a membership register in which shall be entered the name of every person who is a Member of the M'Chigeeng First Nation;
 - (ii) The receiving and reviewing of applications for Membership.
- (c) The Chief and Council may appoint persons to administer its duties in respect of Section 2(b) as a Membership Committee, which persons shall act in an advisory capacity and make recommendations to the Chief and Council;
- (d) The name of every person who is a member of the M'Chigeeng First Nation and is entitled to be registered shall be entered in the Membership Register;
- (e) The name of every person entitled to make application for membership shall be registered in the Inactive Register;
- (f) The Membership Committee shall recommend the acceptance or rejection of any application for Membership to the Chief and Council. The Chief and Council shall, upon receipt of the recommendations of the Membership Committee, accept or reject the application for Membership. Applications for Membership may be approved only upon a three-quarter (³/₄) majority of the Chief and Council. The Chief and Council shall provide, in writing, valid reason(s) for the decision if it does not act upon the recommendations of the Membership Committee.
- (g) The Membership Committee shall process all appeals and protests.

3. **Persons Entitled to Membership**

The following persons are entitled to Membership in the M'Chigeeng First Nation:

- (a) Those persons whose names appeared on the Band List maintained by the Department for the M'Chigeeng Band or were entitled to have their names on the list immediately prior to this Code coming into force and

those persons who are entitled to have their names on the M'Chigeeng Band List by virtue of s.11(1) of the Indian Act, as amended, except for any person whose inclusion is successfully protested under the provisions of the said Act; and

- (b) A person who is entitled to be registered as an Indian under the Indian Act and who is the child of parents both of whose names are registered in the M'Chigeeng First Nation Membership Register.

4. Persons Entitled to Make Application for Membership

- (a) Those persons who are entitled to be registered as an Indian under the Indian Act and whose names did not appear on the Band List maintained by the Department for the M'Chigeeng immediately prior to this Code coming into force may apply for Membership in the M'Chigeeng First Nation.
- (b) A person who is registered as an Indian under the Indian Act pursuant to Legislation under the Indian Act.

5. Application for Membership

- (a) Applicants shall state in the application the person who will sponsor the applicant. The sponsor shall be a member of the M'Chigeeng First Nation and shall attest to the applicant's connection with the M'Chigeeng First Nation and his/her commitment to, and knowledge of, the history, customs, traditions, culture and rights of the M'Chigeeng First Nation;
- (b) Following acceptance of the application by the Chief and Council, applicants under section 4 shall be listed on an Inactive Register that will be posted in public places for sixty (60) days.
- (c) Subsequent to the sixty (60) days posting of the Inactive Register and the Chief and Council grants full Membership, the new Member shall enjoy their right as full Members and shall be bound to observe and obey all M'Chigeeng First Nation laws, customs and traditions.

6. Appeals or Protests

- (a) Any Band Member may appeal or protest any applications to the Membership register within sixty (60) days of the posting of the Inactive Register and require that a special meeting of the Membership Committee be called to reconsider the application for acceptance or rejection.

- (b) Any applicant may appeal the denial of his/her Membership application and require that a special meeting of the Membership Committee be called to reconsider the application for acceptance or rejection. If rejected, the applicant must be given, in writing, valid reasons for denial.

7. Renunciation or Transfer of Membership

- (a) A Member may renounce his/her Membership in the M'Chigeeng First Nation by submitting a written statement to the Chief and Council requesting that his/her name be removed from the Membership Register on a date specified by the Member;
- (b) The Member renouncing or transferring his/her Membership may not make claim to any funds of the M'Chigeeng First Nation;
- (c) A Member under the age of eighteen (18) years of age may not renounce his/her Membership;
- (d) The Member who has renounced or transferred his or her Membership will be required to sell or transfer his or her property situated on the M'Chigeeng Reserve to a family Member of the M'Chigeeng Band, to the M'Chigeeng First Nation or to another Member;
- (e) No application shall be considered of a Member of another Band or First Nation unless the applicant agrees to renounce such Membership upon admission to the M'Chigeeng First Nation and such admission shall be conditional upon such renunciation.

8. Rights of Members

Everyone whose name is on the M'Chigeeng First Nation Membership Register may reside on the land of the M'Chigeeng First Nation and may enjoy all the rights and privileges accorded to members and registered Indians through the Indian Act and as may be accorded by the Chief and Council from time to time.

9. Coming into Effect of the Code

This code shall take effect from the day on which the Chief and Council give notice to the Minister of Indian Affairs pursuant to sub-section 10(6) of the Indian Act that the M'Chigeeng First Nation is assuming control of its own membership and provide the Minister with a copy of this Code.

10. **Amendments to the Code**

This Code may only be amended with the consent of a majority of the voting Members of the M'Chigeeng First Nation following the same procedures as set out for Band Council elections of the M'Chigeeng First Nation.

AMENDED pursuant to a referendum by a majority of the voting members of the M'Chigeeng First Nation which followed the same procedures as set out for Band Council elections this 25th day of September, 1993.

THOSE LEGALLY ENTITLED TO BAND MEMBERSHIP

1. Women who lost status under old Section 12 (1) (b) - marriage to a non-Indian male.
2. Women involuntarily enfranchised under old Section 12 (1) (a) (iii) and old Section 109(2) - marriage to a non-Indian

and

any or all of her children from a former union who were involuntarily enfranchised due to that marriage.
3. Persons who lost status under the old section 12(1)(a)(iv) - the Double-Mother clause.
4. Children born out of marriage to an Indian woman and a non-Indian man and who lost status upon protest.
5. All members of existing and new bands.
6. Children born after April 17, 1985, both of whose parents are status and who are members of the same band.

