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Registry Department

Squamish Nation

DRAFT Membership Code

Approved by Membership July 14, 2000

Amended by Membership Referendum April 4, 2013

Please note: This DRAFT Membership Code document represents the code as it WOULD be if the Referendum Votes on April 4, 2013 are ALL successful.

The areas marked with comments in the right margins show where the proposed changes to the existing Membership Code are.

If you have any concerns or questions, please contact:

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SQUAMISH NATION

MEMBERSHIP CODE

Approved by Membership on July 14, 2000

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SQUAMISH NATION MEMBERSHIP CODE

We, the people of the Squamish Nation, recognizing our inherent right to govern ourselves within our traditional territories, and in order that we may survive as a distinct people within Canada in a manner consistent with our heritage, our culture and our values, do hereby proclaim the Squamish Nation Membership Code.

DEFINITIONS

1. In this Membership Code:

“adopted” means to take into one's family the Indian child of another by legally prescribed channels or in accordance with Squamish custom;

“Appeals Committee” means the Appeals Committee appointed by Council under section 23;

“acquired member” means a member of the Squamish Nation under sections 8 and 9;

“Council” means the council of the Squamish Nation;

“descendant member” means a member of the Squamish Nation under section 5;

“Indian” means a person who, under the *Indian Act*, is registered as an Indian or is entitled to be registered as an Indian;

“Indian child” means a child of Indian descent born in or out of wedlock;

“Indian register” means the register of persons that is maintained under section 5 of the *Indian Act*;

“married” means

(a) married by the traditional laws and customs of the Squamish Nation, or

(b) married in accordance with the laws of a Province or other jurisdiction;

“lineal member” means a member of the Squamish Nation under section 7;

“member” means a member of the Squamish Nation under section 2;

“Membership Committee” means the Membership Committee appointed by Council under section 17;

“membership list” means the list of members maintained by the Squamish Nation;

“policies” means policies approved by Council under section 15;

“registrar” means the officer of the Squamish Nation appointed by Council under section 16;

“Squamish Nation” means the Squamish Indian Band as represented by its elected Council;

“status” means a person who is registered as an Indian in the Indian register; and

“1987 Code” means this Membership Code as it read between June 8, 1987 and July 14, 2000.

MEMBERSHIP LIST

2. The members of the Squamish Nation are those persons whose names are entered on the membership list as descendant members, lineal members or acquired members.
3. The membership list must include the
 - (a) the names and birth dates of all living persons who are entitled to be members in accordance with the provisions of this Membership Code, and
 - (a) the date on which the name was entered on the membership list,and may include other information which the Membership Committee or Council considers appropriate.
4. A member may inspect a copy of the membership list at the principal administration offices of the Squamish Nation during the regular business hours of the administration of the Squamish Nation.

MEMBERSHIP ENTITLEMENT

Descendant Members

5. Subject to sections 6 and 14, the following persons are entitled to have their names entered on the membership list as descendant members
 - (a) a person whose name was entered on the membership list, or whose name was entitled to be entered on the membership list as of June 7, 1987, including a

person who was entitled to be entered on the membership list under the amendments to the *Indian Act* given Royal Assent on June 28, 1985,

- (b) a person whose name was entered on the membership list under
 - (i) section 2(a) or 2(b) of the 1987 Code, or
 - (ii) section 2(c) of the 1987 Code as someone possessing 100% Squamish blood,
- (c) a person whose name was entered on the membership list, or who was entitled to have their name entered on the membership list, and was involuntarily transferred out of the Squamish Nation when that person married a member of an Indian band other than the Squamish Nation,
- (d) a biological child of a person entitled to membership under section 5(c) and a member of an Indian band other than the Squamish Nation, and
- (e) a person with two biological parents who are, or if no longer living would be, if alive
 - (i) both entered on or entitled to be entered on the membership list as descendant members, or
 - (ii) entered on or entitled to be entered on the membership list, one as a descendant member and the other as a lineal member.

(f) ~~a person with one biological parent who is, or if no longer living would be, if alive, entered on or entitled to be entered on the membership list as a descendant member and whose other parent is an Indian whose name appears on the Indian register.~~

Comment [RBL1]: First Nation Heritage Recognition Matter Part A

6. A person is not entitled to have their name entered on the membership list as a descendant member under sections 5(a), (b) or (c) if their original entitlement was acquired as a consequence of marriage or adoption.

Lineal Members

7. Subject to section 14, the following persons are entitled to have their names entered on the membership list as lineal members
- (a) a person whose name was entered on the membership list as someone possessing 50% Squamish blood under section 2(c) of the 1987 Code.
 - (b) a person with

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- (i) one biological parent who is, or if no longer living would be, if alive, entered on or entitled to be entered on the membership list as a descendant member, or
- (ii) two biological parents who are, or if no longer living would be, if alive, entered on or entitled to be entered on the membership list as lineal members,
- (c) a person with one biological parent who is, or if no longer living would be, if alive, entered on or entitled to be entered on the membership list as a lineal member and whose name is entered on the Indian register as a result of the amendments to the *Indian Act* given Royal Assent on January 31, 2011, and
- (d) a person with one biological parent who is, or if no longer living would be, if alive, entered on or entitled to be entered on the membership list as a lineal member and whose other parent is an Indian whose name appears on the Indian register.

Comment [RBL2]: Bill C-3 Entitlement Matter

Comment [RBL3]: First Nation Heritage Recognition Matter Part B

Acquired Members

8. Subject to section 14, the following persons are entitled to have their names entered on the membership list as acquired members
- (a) a person whose name was entered on the membership list, or whose name was entitled to be entered on the membership list under section 6 of the 1987 Code, and
 - (b) a person whose name was entered on the membership list but who was not deemed to be a natural born member of the Squamish Nation as a result of section 3(a) of the 1987 Code.
9. Subject to section 14, the following persons may apply to the Membership Committee to have their names entered on the membership list as acquired members
- (a) an Indian child under the age of eighteen years who has been adopted by parents, both of whom are, or if no longer living, were members, and
 - (b) a person who is married to a descendant member and
 - (i) is a member of an Indian band other than the Squamish Nation, or
 - (ii) whose name appears on the Indian register,except if the person acquired status as a consequence of marriage or adoption.

Comment [RBL4]: 9(b) Gender Equality Matter

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10. Notwithstanding any other section of this Code, a member of an Indian band other than the Squamish Nation may not become a member of the Squamish Nation unless they give up membership in the other Indian band.
11. A non-Indian child who is adopted by a member is not eligible for membership in the Squamish Nation.

Application for Membership

12. Subject to section 13, every person entitled to have his or her name entered on the membership list under sections 5, 7, 8, or 9 must apply to the Membership Committee in a manner and in the form set out in the policies.
13. An application to the Membership Committee under section 12 is not required for a person
 - (a) whose name was entered on the membership list under the provisions of the 1987 Code, or
 - (b) who is entitled to have their name entered on the membership list under sections 5(e) or 7(b), if notice of the birth of the person is given to the registrar in a manner and in the form set out in the policies.

CEASING TO BE A MEMBER

14. Despite sections 5, 7, 8 and 9 a person will have their name removed from the membership list by the registrar if the person
 - (a) voluntarily, or as a consequence of any action of a parent or legal guardian, is or becomes a member of an Indian band other than the Squamish Nation,
 - (b) is at least 19 years old and provides a statutory declaration to the registrar requesting that their name be removed from the membership list,
 - (c) acquired status and had their name entered on the membership list as a consequence of marriage and that marriage has since dissolved, or
 - (d) had their name entered on the membership list on the basis of a material error in the facts on which their entitlement to membership was based.

ADMINISTRATION OF MEMBERSHIP LIST

15. Council may establish policies, including membership criteria guidelines, consistent with this Membership Code with respect to the administration of this Membership Code.
16. A registrar, appointed by Council motion, must
 - (a) produce and provide reports when requested by Council,
 - (b) comply with the policies established by Council under section 15,
 - (c) maintain a permanent record of all births, deaths, marriages, divorces, adoptions, changes of name, transfers of membership or citizenship, surrenders of membership, minutes of all meetings of the Membership Committee, and other information pertinent to the administration of the Membership Code,
 - (d) provide application forms and appropriate information and assistance to those who are applying to the Membership Committee for membership,
 - (e) receive and process completed applications for membership for presentation to the Membership Committee,
 - (f) maintain the membership list in accordance with policies established under section 15 and
 - (i) add to the membership list the name of a person whose application has been approved by the Membership Committee under section 21,
 - (ii) add to the membership list the name of a person if the Registrar has received notice of their birth under section 13(b),
 - (iii) remove from the membership list the name of a person required to be removed under section 14, and
 - (iv) add to or remove from the membership list the name of a person in accordance with a decision of the Appeals Committee under section 30,
 - (g) post a copy of the membership list in accordance with policies established under section 15,
 - (h) provide written notice to a person whose name is removed from the membership list by the registrar under section 14,
 - (i) post a copy of the notice provided to a person under subsection (h) at the principal administration offices of the Squamish Nation for 90 days,

- (j) at the request of a person applying for membership under section 9 provide a copy of the current membership criteria guidelines contained in the policies established under section 15 to the person,
- (k) provide a copy of a decision of the Membership Committee under section 21 to a person who applied to the Membership Committee for membership,
- (l) provide written notice to a person of their right to appeal
 - (i) the removal of their name from the membership list by the registrar under of section 14, and
 - (ii) a decision of the Membership Committee under section 21,
- (m) receive and process appeals for presentation to the Appeals Committee,
- (n) provide a copy of a decision of the Appeals Committee under section 30 to
 - (i) a person whose name was removed from the membership list by the Registrar under section 14, or
 - (ii) a person who appealed a decision of the Membership Committee under section 21,
- (o) if a member of the Squamish Nation appealed the removal of a person=s name from the membership list by the Registrar under section 14 or a decision of the Membership Committee under section 21, provide a copy of the decision of the Appeals Committee under section 30 to the member, and
- (p) as soon as reasonably possible, post a decision of the
 - (i) Membership Committee under section 21 for a period of 90 days, and
 - (ii) Appeals Committee under section 30 for a period of 30 days,at the principal administration offices of the Squamish Nation.

MEMBERSHIP COMMITTEE

17. A Membership Committee, appointed by Council motion, must consist of not less than
- (a) two elders,
 - (b) four additional members, and

- (c) the registrar.
18. Members of the Membership Committee, other than the registrar, hold office for a term of three years.
 19. If a member of the Membership Committee resigns, or is otherwise unable to complete the term of their appointment, Council may appoint a replacement for the balance of that term.
 20. No member of the Membership Committee may participate in any proceeding where the member's participation would constitute a conflict of interest.
 21. The Membership Committee must
 - (a) review applications for membership in the Squamish Nation,
 - (b) consider the applicable membership criteria guidelines in the policies in making a decision,
 - (c) supply written reasons for its decisions, and
 - (d) produce and provide reports when requested by Council.
 22. Decisions of the Membership Committee are to be made by majority vote.

APPEALS COMMITTEE

23. An Appeals Committee, appointed by Council motion, must consist of
 - (a) three elders, and
 - (b) four additional members of the Squamish Nation,none of whom may be members of the Membership Committee.
24. Members of the Appeals Committee hold office for a term of three years.
25. If a member of the Appeals Committee resigns, or is otherwise unable to complete their appointment, Council may appoint a replacement for the balance of that term.
26. No member of the Appeals Committee may participate in any proceeding where the member's participation would constitute a conflict of interest.

APPEALS

27. The removal of a person's name from the membership list by the registrar under section 14 may be appealed to the Appeals Committee by
 - (a) the person, within 90 days of receiving notice of the removal, and
 - (b) any member of the Squamish Nation, within 90 days of the decision being posted.
28. A decision of the Membership Committee under section 21 may be appealed to the Appeals Committee by
 - (a) the person applying for membership, within 90 days of receiving the decision, and
 - (b) any member of the Squamish Nation, within 90 days of the decision being posted.
29. In hearing appeals, the Appeals Committee may consider
 - (a) all the evidence considered by the registrar or the Membership Committee at the time the decision appealed of was made,
 - (b) any additional materials provided by the person appealing the decision, and
 - (c) any other information the Appeals Committee deems appropriate.
30. After hearing an appeal, the Appeals Committee may
 - (a) uphold the decision of the registrar or Membership Committee,
 - (b) order the registrar to add or remove a name from the membership list, or
 - (c) make any other order that it considers appropriate.
31. The Appeals Committee must supply written reasons of its decision.
32. A decision of a majority of the members of the Appeals Committee is final.

REPEAL AND EFFECTIVE DATE

33. The 1987 Code is repealed and this Membership Code is enacted effective July 14, 2000.

AMENDMENTS TO THE CODE

34. This Membership Code may only be amended with the consent of a majority of the members of the Squamish Nation who are at least eighteen years old who cast a valid vote, provided that a majority of the members of the Squamish Nation who are at least eighteen years old participate in that vote.

Comment [RBL5]: Amendment Threshold Matter