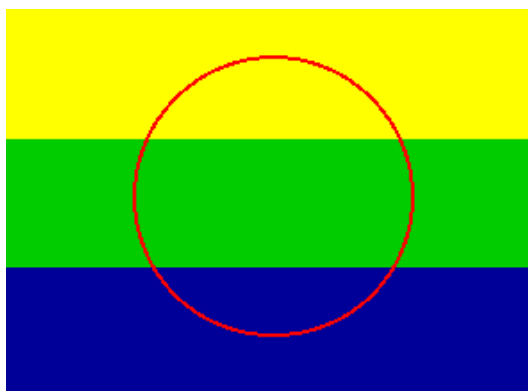


MEMBERSHIP CODE

PEGUIS FIRST NATION



Adopted: BCR 09/04/29

PEGUIS FIRST NATION

Membership Code

The Peguis Indian Band of the Ojibway-Cree Nation, in order to ensure the rights and freedoms of Indian Nations, including inherent, aboriginal, treaty and principles and covenants among people are fully protected, exercised and preserved; to ensure justice, security and good government; to maintain Ojibway-Cree customs and traditions; to promote harmony and well being; therefore, enact the Peguis Membership Code,

Authority for the Peguis Indian Band to enact the Peguis Membership Code is derived from aboriginal rights that existed and were never extinguished before and after the treaties; inherent right as part of self government; Sections 25 and 35 of the Constitution Act 1982, Indian Act, treaty rights and the declaration of principles under the united nations and article of international covenant on civil and political rights.

- 1 This Code may be cited as the Peguis Membership Code.

INTERPRETATION

- 2 For the purposes of this Code the following definitions apply:
 - 2.1 "Band" refers to the Peguis Indian Band whose members are of the Ojibway-Cree Nation.
 - 2.2 "Chief and Council" means the Executive Council. Chief and four Councillors duly elected according to the custom of the Peguis Ojibway-Cree Nation.
 - 2.3 "Child" means a person under the age of majority born in or out of wedlock, a legally adopted person and a person adopted in accordance with Indian custom.
 - 2.4 "Membership Committee" means a body or group of Peguis Band Members appointed by Chief and Council to act in an advisory capacity and to make recommendations to the Chief and Council.
 - 2.5 "Membership Tribunal" means a body or group of Peguis Band Members established by Chief and Council to act as a mechanism for reviewing decisions on membership as recommended by the Membership Committee, and as determined by the Chief and Council.
 - 2.6 "Resident of Peguis" means any person who is authorized by the Code to remain in Peguis and is living and ordinarily present in Peguis and does not include a person merely touring, passing through, or visiting Peguis.
 - 2.7 "Spouse" means a lawfully married husband or wife of a Peguis Band Member and does not include a common law spouse.
- 3 These rules of the Peguis Membership Code shall come into force and effect on the day in which the Peguis Band gives notice to the Minister pursuant to Section 10 (6) of the Indian Act.

- 4 The Peguis Ojibway-Cree Nation hereby authorizes and delegates to the Chief and Council the authority to determine Membership under the provisions of this Code.
- 5 The Peguis Membership List shall be maintained by the Band Council in the offices of the Band. There shall be entered in the Band Membership List the names of every person who is a member of the Peguis Band.
- 6 The Chief and Council shall appoint a Committee on Membership.
 - 6.1 The Membership Committee shall consist of the Chief and nine other Members of the Peguis Ojibway-Cree Nation. The quorum of the Membership Committee will be six.
 - 6.2 Members of the Committee shall serve for such terms as the Chief and Council may determine from time to time.
 - 6.3 The Membership Committee shall act in an advisory capacity and make recommendations to the Chief and Council.
- 7 The Chief and Council and the Membership Committee shall be governed in the determination of membership entitlement and approval by the rules of the Code set out herein.
- 8 Each of the following persons shall have the right to have his or her name in the Membership/Band list.
 - 8.1 The Original Members: All persons entered or entitled to be entered on the Band List of the Nation immediately prior to April 17, 1985. Persons born on or after this date of Natural Parents who were or are both original members of the Nation.
 - 8.2 Restored Members: All persons entitled to have their names entered on the Band List immediately prior to the establishment of the Membership Code by virtue of the amendments to the Indian Act.
 - 8.3 Persons, other than those entitled under paragraph 8.1 born or after April 17, 1985 of Natural Parents who were or are both entitled to be Members.
- 9 The following persons may apply for Membership in the Nation:
 - 9.1 Descendant Members: All persons born of a parent who was or is entered on the Band List shall upon application be considered for membership by the Membership Committee.
 - 9.2 Consideration will be given to former Band Members who voluntarily enfranchised and whose spouses and children were former Band Members.
 - 9.3 Persons whose parents both of which are, or if no longer living, were entitled to be Registered under this Section.
- 10 All applicants for Membership as descendants or adopted members must satisfy that the applicant is a person of at least 1/2 Indian blood and is a descendant of a Member of the Nation.
- 11 The Membership Committee shall consider the following in making an assessment:

- 11.1 If the applicant is an adult, and the degree of knowledge, allegiance (loyalty) and follows the way of life consisted with the Nation and has ties to the community by their familiarity of the customs, lifestyles and history of the Nation.
 - 11.2 The applicant agrees to 3 years probation to acquire the knowledge and way of life of the community.
 - 11.3 The degree of Band blood of the .applicant and the length of the time they have lived among the Nation.
 - 11.4 The degree of social and cultural ties of the applicant to the Nation.
- 12 No application shall be considered by a Member of another Band, unless, the applicant agrees to renounce previous membership upon admission to the Peguis Ojibway-Cree Nation and such membership shall be conditional upon renunciation and a probation of 3 years.
- 12.1 A spouse of Peguis Band Members who belongs to another Band will be granted membership after 30 days probation.
- 13 The Band Council may, at any time, add to or delete from the Band/Membership List the name of any person who in accordance with this Code is entitled or not entitled to have their names on the Membership List.
- 13.1 Those applicants who do not meet the probationary period will be deleted from the Membership List.
 - 13.2 Peguis Band Members who marry members of another Band may wish to transfer to that Band. In any case, there will be no dual nor multiple membership.
 - 13.3 Where a person having no Indian blood has become a member of the Peguis Ojibway-Cree Nation prior to April 17, 1985 on account of marriage to a member of the Nation that person having no Indian blood or less than 1/4 shall no longer be entitled to Band Membership upon divorce from that Band Member.
- 14 The Membership Committee shall recommend to the Chief and Council the acceptance or rejection of any application for Membership to the Peguis Ojibway-Cree Nation. The Chief and Council upon recommendation of the Membership Committee will accept or reject the application. Acceptance of Membership be based on 3/5 majority of the Executive Council. Those persons concerned will be notified with explanation.
- 15 Persons denied membership or any other person who is a member may apply for review of the decision of the Chief and Council to the Membership Tribunal within 21 days after communication is sent to the person concerned.
- 16 Within 60 days after receipt of notice of appeal, the Membership Tribunal shall convene a hearing to review the decision of Chief and Council.

- 17 The Chief and Council shall appoint a Committee or Tribunal of 3 persons from its original category of members to review the decisions of Chief and Council. This Membership Tribunal cannot be comprised of members the Membership Committee. The Membership Tribunal in reviewing the decisions that are appealed will render decisions that are fair and just based on principles of Administrative Law.
- 17.1 The determination of the Membership Tribunal is final and binding on all persons, notwithstanding Section 10 (2) (b) of the Indian Act or any other provisions of the Indian Act to the contrary, is not open to appeal, question or review in any court and any determination made by the Membership Tribunal under this Code is hereby ratified and confirmed and is binding on all persons affected by this Code.
- 18 The Executive Council is empowered to make By-Laws for the residence of Band Members and other persons on the Peguis Reserve, and the residency of any person not now ordinarily residents of the Reserve is subject to that By-Law.
- 18.1 Notwithstanding the provisions of this Code, discretionary powers may be exercised by Chief and Council only in exceptional circumstances to consider an applicant as a resident.
- 19 The Peguis Membership Code may be amended from time to time by a majority vote of those electors present at a meeting of which 15 days notice is given.