Moosomin First Nation

Membership Code

WHEREAS the Moosomin First Nation possesses the inherent right to self-government including the right to determine who may become a Member of the Moosomin First Nation;

WHEREAS section 10 of the *Indian Act*, R.S.C. 1985, c. I-5, provides that a First Nation may assume control of its membership if it establishes membership rules for itself in writing and receives the consent of the majority of its electors;

AND WHEREAS the Moosomin First Nation is desirous of asserting its inherent right to assume control of its membership;

AND WHEREAS the majority of the Electors of the Moosomin First Nation gave their consent to assume control of their membership;

AND WHEREAS the Moosomin First Nation assumed control of its membership via the Moosomin First Nation Membership Act in 1987;

AND WHEREAS the Moosomin First Nation amended its Membership Code in 2006 via the Moosomin First Nation Membership Code 2006;

AND WHEREAS the Moosomin First Nation desires to further amend its Membership Code;

NOW, THEREFORE, this Membership Code is hereby adopted.

PURPOSE

1. The purpose of this Membership Code is to determine Moosomin First Nation Membership in order to promote the cultural integrity, social harmony and economic stability of Moosomin.

DEFINITIONS

2. For the purposes of this Membership Code, unless the context otherwise requires, the terms and references contained herein in the singular number and masculine gender shall also include the plural number and the feminine gender.

3. For the purposes of this Membership Code, the following definitions shall apply:

   a. **“adopted”** means a minor adopted in accordance with the laws of a province or territory of Canada;

   b. **“Band”** or **“First Nation”** means a First Nations community other than the Moosomin First Nation;

   c. **“Band Membership List”** means the list of Moosomin First Nation Band Members maintained in accordance with this Code;

   d. “**custom adopted**” means a minor adopted in accordance with the custom of Moosomin First Nation;

   e. **“Member”** means an individual whose name has been placed on the Band Membership List;

f. **"Membership"** means inclusion of a person's name on the Band Membership List in accordance with this Membership Code;

g. **"Membership by Transfer"** means a person who has transferred their membership in another First Nation to the membership of the Moosomin First Nation;

h. **"Council"** means the duly elected Chief and Council of the Moosomin First Nation;

i. **"Duly Convened Community Meeting"** means a meeting called by the Council under Section 34 of this Membership Code for the purpose of amending this Membership Code;

j. **"Elector"** means a Member who has attained eighteen (18) years of age;

k. **"Immediate Family"**, in respect of a person, means the person's spouse, biological or adoptive parent, sister, brother, and/or child;

l. ***"Indian Act"*** means the *Indian Act*, R.S.C. 1985, c. I-5;

m. **"Membership Clerk"** means the person appointed by Council in accordance with section 4 to administer the Band Membership List;

n. **"Membership Code"** means the Moosomin First Nation Membership Code;

o. **"Membership Committee"** means the committee appointed by Council in accordance with Section 6;

p. **"Membership Appeals Committee"** means the committee appointed by Council in accordance with Section 22;

q. **"Minister"** means the Minister of Aboriginal Affairs and Northern Development Canada;

r. **"Minor"** means a person under 18 years of age;

s. **"Moosomin"** means the Moosomin First Nation;

t. **"Written Consent"** means, for the purposes of this Moosomin First Nation Membership Code, the document attached as **Schedule "2"** signed by the non-Member parent of a child, giving permission to add the child to the Band Membership List in accordance with subsection 9(e).

ADMINISTRATIVE

4. The Council shall appoint, by band council resolution, an employee of Moosomin to perform the duties of the Membership Clerk.

5. The duties of the Membership Clerk will include, but will not be limited to:

   a. Maintaining the Band Membership List in accordance with the Membership Code;

   b. Maintaining an organized filing system for all documents and correspondence pertaining to Membership;

   c. Receiving and processing applications for Membership;

   d. Preparing and presenting applications for Membership to the Membership Committee;

   e. Preparing and presenting Membership Committee decisions to Council;

   f. Processing appeals;

g. Preparing Membership authorization band council resolutions for Council's signature;

h. Preparing and presenting a Membership report to the Members at community meetings;

i. Processing Membership Code amendments;

j. Notifying Members of community membership meetings;

k. Respond to inquiries from any persons who believe that he/she is entitled to have his/her name on the Band Membership List;

l. Referring applications for Membership to the Membership Committee where eligibility is unclear; and

m. Carrying out any other assigned duties related to Membership administration.

MEMBERSHIP COMMITTEE

6. The Council shall establish, by band council resolution, a Membership Committee consisting of eight (8) Members whose task will be to review and make recommendations on section 10 membership applicants. Members of the Membership Committee shall represent different family heads of Moosomin.

7. The duties of the Membership Committee will include, but will not be limited to:

a. Ensuring consistency in the processing of applications for Membership and the granting of same;

b. Ensuring that this Code is followed in the best interests of Moosomin;

c. Selecting a Membership Committee Member to act as Chairperson and another Membership Committee Member to act as Vice-Chairperson;

d. Processing applications for Membership by Transfer;

e. Assuring that Moosomin Members are informed of all newly accepted Members;

f. Working with Council to develop educational and informational materials to promote smooth and effective maintenance and enforcement of this Code and the processes contained herein;

g. Requesting and reviewing supporting documentation and meeting with community members, where necessary, to confirm the eligibility of potential Members;

h. Making all decisions regarding potential Membership unanimously; and

i. Carrying out any other assigned duties related to Membership considered to be properly the role of the Membership Committee by Council.

ELIGIBILITY FOR MEMBERSHIP

8. Eligibility for Membership is contingent upon a person first being registered as an Indian in accordance with section 6 of the *Indian Act*, as amended from time to time.

9. The following persons are automatically entitled to Membership:

a. All persons whose names appear on the Band Membership List prior to the adoption of this Membership Code;

b. All persons whose names were entitled to appear on the Band Membership List prior to the adoption of this Membership Code;

c. A Minor born to parents where both parents are Members;

d. A Minor born to parents where one parent is a Member who is an Indian registered in accordance with section 6(1) of the *Indian Act*; and

e. A Minor born to parents where:

i. one parent is a Member; and

ii. the other parent is a member of another First Nation and gives written consent to have the Minor added to the Band Membership List.

10. If not otherwise eligible under Section 9, the following persons may apply for Membership to be admitted at the discretion of the Membership Committee:

a. A Minor who is an Indian registered in accordance with section 6 of the *Indian Act* who is adopted or custom adopted by a Member who did not acquire Membership by Transfer after the adoption of this Membership Code;

b. An Indian registered in accordance with section 6 of the *Indian Act* who is legally married to a Member who did not acquire Membership by Transfer after the adoption of this Membership Code; and

c. An Indian registered in accordance with section 6 of the *Indian Act* who has demonstrated ties to Moosomin through family connections through a living or deceased Member.

d. An Indian registered in accordance with section 6 of the *Indian Act* who was formerly a member of another Band but has renounced, in writing, his or her membership in the other band where that other band has accepted and validated the renunciation ("Membership by Transfer").

11. To assist the Membership Committee in exercising their discretion pursuant to section 10, the Membership Committee may, in addition to the required information pursuant to the application process, require an applicant to provide a criminal record check (CPIC).

APPLICATION PROCEDURES

12. A person applying for Membership must complete an Application for Membership on the applicable forms attached as Schedules "1" to "7" and submit them, along with the required supporting documentation, to the Membership Clerk.

13. Only the parents, adoptive parents or legal guardians of a person under 18 years of age may apply for Membership on behalf of that person.

14. Within 30 days of receiving an Application for Membership and the required supporting documentation, the Membership Clerk will present the Application for Membership to the Membership Committee.

15. Within 15 days of the presentation referred to in Section 14, the Membership Committee will provide its unanimous recommendation regarding the proposed Member to the Membership Clerk.

16. The Membership Clerk will present the recommendations of the Membership Committee to the Council at the next scheduled Council meeting.

17. The Council shall, within 14 days of receiving the recommendations from the Membership Committee, make a decision on the application and communicate to the Membership Clerk.

18. The Membership Clerk shall post the decision of the Council in a public place for 30 days and the notice shall state that any appeals must be brought within 30 days of the notice.

19. Upon the expiration of the 30 day notice referenced in section 18, the Membership Clerk will complete the necessary documentation to add the applicant's name to the Band Membership List.

CEASING TO BE A MEMBER

20. A Member may renounce their Membership by providing written notice to the Membership Clerk on the forms attached as Schedule "8" and "9".

21. Where a person becomes a Member as a result of an error or misrepresentation of relevant information, the placement of that person on the Band Membership List will be revoked.

MEMBERSHIP APPEALS COMMITTEE

22. When required, the Council will establish, by band council resolution, a Membership Appeals Committee whose task will be to review and make decisions on membership applicant appeals. The Membership Appeals Committee will consist of 3 Members who are:

    a. not on the Membership Committee; and

    b. not part of the appellant's Immediate Family.

23. For greater certainty, no members of Council are eligible to be appointed to the Membership Appeals Committee.

APPEALS PROCEDURE

24. All appeals must:

    a. be in writing on the form attached as Schedule "10";

    b. state the basis of the appeal;

    c. include any relevant supporting documentation; and

    d. be faxed, mailed, or hand delivered to the Membership Clerk within 30 days of the decision being appealed.

25. Only the following are grounds for an appeal:

    a. A person's application for Membership has been denied;

    b. A person's application for Membership on behalf of a person under 18 years of age has been denied;

    c. A person's name has been removed from the Band Membership List; or

    d. The granting of Membership to a person is believed to be in contravention of this Membership Code.

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26. Only the person whose application for Membership has been denied, or whose application for Membership on behalf of a person under 18 years of age has been denied, or whose name has been removed from the Band Membership List may submit an appeal within the time frame specified in section 18.

27. Any Member who believes the granting of Membership to a person is in contravention of this Membership Code may also submit an appeal within the time frame specified in section 18.

28. Within 30 days of receiving an appeal, the Membership Clerk will call a meeting of the Membership Appeals Committee and present the details of the appeal.

29. The appellant will be given the opportunity to address the Membership Appeals Committee at the meeting referred to in section 28.

30. The Membership Appeals Committee will consider the details of the appeal and make a decision within 15 days of the appellant's presentation to the Membership Appeals Committee referenced in section 29.

31. The Membership Appeals Committee shall be entitled to seek out legal representation to ensure proper conduct of the appeal proceedings and for any legal assistance and research that is required to assist with an appeal.

32. The Membership Appeals Committee's decision is final.

ENACTMENT

33. This Membership Code shall be enacted by a referendum whereby a majority of Electors vote in favour of accepting the Membership Code.

AMENDMENTS

34. This Membership Code may be amended by the consent of a simple majority of Members in attendance at a Duly Convened Community Meeting.

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EFFECTIVE DATE

35. The Membership Code of the Moosomin First Nation shall be effective from the date that this Code is approved by community vote.

The Council of Moosomin hereby approves of this Membership Code effective the 24th day of May, 2016

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Witness: Ron Main

MOOSOMIN FIRST NATION

SCHEDULE 1

MOOSOMIN FIRST NATION

APPLICATION FOR BAND MEMBERSHIP

SECTION 9 OF THE MEMBERSHIP CODE – Automatic Band Membership

Are you applying for Band membership for a Minor? ☐

If yes, state your name and your relationship to the Minor:

_____

(Only the parents or legal guardians of a Minor may apply for Band Membership on behalf of the Minor.)

Full name of person seeking Band Membership:

_____

Date of birth: _____

Father's full name: _____ Father's date of birth: _____

Is father a registered Indian? _____ If yes, what Band is he a member of? _____

Mother's full name: _____ Mother's date of birth: _____

Mother's maiden name, if applicable: _____

Is mother a registered Indian? _____ If yes, what Band is she a member of? _____

_____ _____

Signature of Applicant Date

NOTES

1. If applying for Band Membership on behalf of an Minor where one parent is a Member of another Band, the parent from the other Band must complete and attach to the application the form, "Written Consent of Non-Member" consenting to the Minor being added to the Moosomin First Nation Band Membership List.
2. Attach to this application a copy of the long form birth certificate for the person seeking Band Membership.
3. If applying for Band Membership on behalf of an adopted Minor, attach the adoption documents to the application.

SCHEDULE 2

MOOSOMIN FIRST NATION

WRITTEN CONSENT OF NON-MEMBER PARENT

SECTION 9 OF THE MEMBERSHIP CODE

I, _____ , _____ , of the
Full Name Status number

_____ First Nation, give permission for my son/daughter

_____ , _____ , born _____ ,
Full Name Status number Date

to be added to the Moosomin First Nation Band Membership List.

_____
Print Name

_____ _____
Signature Date

_____ _____
Witness Signature Date

MOOSOMIN
FIRST NATION

SCHEDULE 3

WRITTEN CONSENT OF NON-MEMBER PARENT

SECTION 9 OF THE MEMBERSHIP CODE

AFFIDAVIT OF EXECUTION

CANADA)
PROVINCE OF SASKATCHEWAN)
TO WIT:)

I, _____, of Moosomin First Nation in the Province of Saskatchewan MAKE OATH AND SAY:

1. I was personally present and did see _____ named in the within instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

2. I know the said _____ and he/she is in my belief of the full age of eighteen years or more.

3. I am the subscribing witness thereto.

SWORN before me at the)
Moosomin First Nation in)
the Province of Saskatchewan, this)
____day of _____, 20____.)

_____
(Signature of Witness)

_____
A Commissioner of Oaths
for Saskatchewan.
My Commission Expires: _____
Or Being a Solicitor.

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SCHEDULE 4

MOOSOMIN FIRST NATION

APPLICATION FOR BAND MEMBERSHIP of ADOPTED OR CUSTOM ADOPTED CHILD

SECTION 10(a) OF THE MEMBERSHIP CODE – Discretionary Band Membership

**Only the adoptive or custom adoptive parents of an adopted or custom adopted Minor may apply for Band Membership on behalf of the adopted or custom adopted Minor.*

Full name of adopted or custom adopted Minor:

_____

Date of birth: _____

Is the adopted or custom adopted Minor registered or entitled to be registered as an Indian? ☐

Adoptive father's full name: _____ , Adoptive father's date of birth: _____

Is adoptive father a registered Indian? ☐ If yes, what Band is he a member of? _____

If adoptive father is a Moosomin Band Member, how was his Band Membership acquired?

Birth ____ Transfer ____

If adoptive father acquired Band Membership by Transfer, provide details including date of transfer:

_____

_____

_____

_____

Adoptive mother's full name: _____ Adoptive mother's date of birth: _____

Adoptive mother's maiden name if applicable: _____

Is adoptive mother a registered Indian? ____

If yes, what Band is she a member of? _____

If adoptive mother is a Moosomin Band Member, how was her Band Membership acquired?

Birth ____ Transfer ____

If adoptive mother acquired Membership by Transfer, provide details including date of transfer:

Why does the adopted or custom adopted Minor want to become a Member of the Moosomin First Nation?:

Signature of Applicant

Date

NOTES

1. Attach the adoption or custom adoption particulars including the amount of years the Minor has been with the adoptive parents to this application.
2. Attach the known birth mother and/or birth father's consent of the adopted or custom adopted Minor if applicable.
3. Attach to this application a copy of the long form birth certificate for the person seeking Band Membership.

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SCHEDULE 5

MOOSOMIN FIRST NATION

APPLICATION FOR BAND MEMBERSHIP

SECTION 10(b) OF THE MEMBERSHIP CODE – Discretionary Band Membership

Full name of applicant:

Address:

Applicant's maiden name if applicable:

Date of birth: _____ Status number: _____

Spouse's full name:

Spouse's maiden name if applicable:

Spouse's date of birth: _____ Spouse's status number: _____

If your spouse acquired Band Membership by Transfer, provide details including date of transfer:

Why do you want to become a Member of the Moosomin First Nation?:

Signature of Applicant _____ Date _____

NOTES

1. Attach a copy of the applicant's marriage certificate or particulars of common law relationship to this application.
2. Attach a copy of the long form birth certificate for the person seeking Band Membership to this application.

SCHEDULE 6

MOOSOMIN FIRST NATION

APPLICATION FOR BAND MEMBERSHIP

SECTION 10(c) OF THE MEMBERSHIP CODE – Discretionary Band Membership

Full name of applicant:

_____

Applicant's maiden name if applicable:

_____

Date of birth: _____ Status number: _____

Why do you want to become a Member of the Moosomin First Nation?:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Full name of the Band Member (living or deceased) who has demonstrated Moosomin ties through family connections through a living or deceased Band member: _____

Complete the attached ancestry chart and, along with the appropriate documentation, submit to the Membership Clerk for processing.

_____ _____

Signature of Applicant Date

NOTES

1. Attach to this application a copy of the long form birth certificate of the person seeking Band Membership along with birth certificates, marriage certificates and death certificates for each ancestor shown on ancestry chart.

SCHEDULE 7

MOOSOMIN FIRST NATION

APPLICATION FOR BAND MEMBERSHIP

SECTION 10(d) OF THE MEMBERSHIP CODE – Discretionary Band Membership

Full name of applicant:

_____

Address:

_____

Applicant's maiden name if applicable:

_____

Date of birth: _____ Status number: _____

Why did you initially transfer from Moosomin First Nation, if applicable?:

_____

_____

_____

_____

Why do you want to transfer to become a Member of the Moosomin First Nation?:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ _____

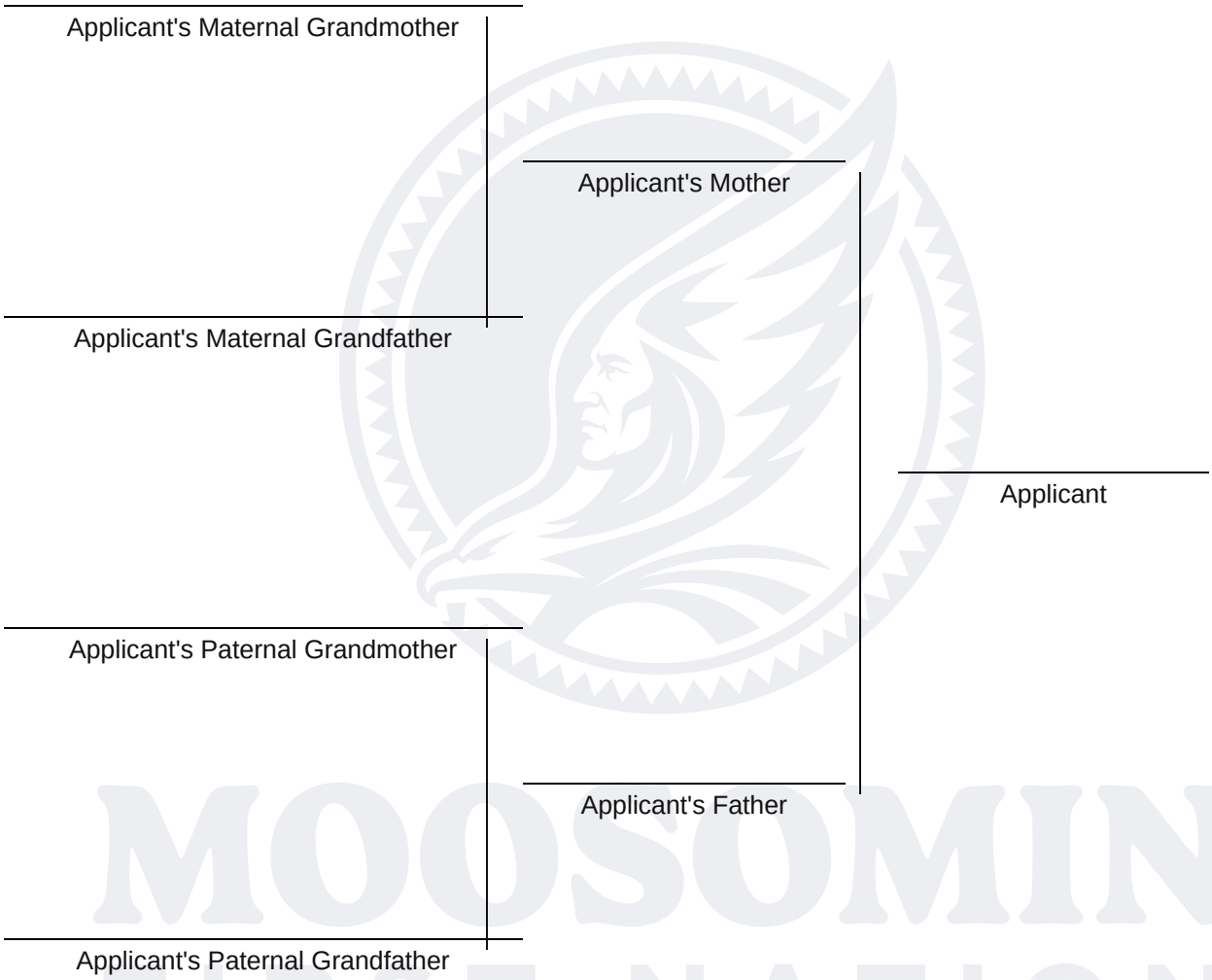
Signature of Applicant Date

NOTES

1. Attach a copy of the written confirmation from the other First Nation that the person seeking Membership is no longer a member of the other First Nation.
2. Attach the particulars of the Transfer of Membership.
3. Attach a copy of the long form birth certificate for the person seeking Band Membership to this application.

APPLICANT'S ANCESTRY CHART

Applicant's Ancestry Chart
3 Generations



MOOSOMIN FIRST NATION

SCHEDULE 8

APPLICATION BY A MEMBER TO HAVE NAME REMOVED

FROM THE MOOSOMIN FIRST NATION BAND MEMBERSHIP LIST

SECTION 20

I, _____ , _____ ,
Full Name Status number

request that my name be removed from the Moosomin First Nation Band Membership List.

_____
Print Name

_____ _____
Signature Date

_____ _____
Witness Signature Date

MOOSOMIN
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SCHEDULE 9

APPLICATION BY A MEMBER TO HAVE NAME REMOVE FROM THE MOOSOMIN FIRST NATION BAND MEMBERSHIP LIST

SECTION 20

AFFIDAVIT OF EXECUTION

CANADA)
PROVINCE OF SASKATCHEWAN)
TO WIT:)

I, _____, of Moosomin First Nation in the Province of Saskatchewan MAKE OATH AND SAY:

1. I was personally present and did see _____ named in the within instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

2. I know the said _____ and he/she is in my belief of the full age of eighteen years or more.

3. I am the subscribing witness thereto.

SWORN before me at the)
Moosomin First Nation in)
the Province of Saskatchewan, this)
____day of _____, 20____.)

_____
(Signature of Witness)

_____
A Commissioner of Oaths
for Saskatchewan.
My Commission Expires: _____.
Or Being a Solicitor.

SCHEDULE 10

NOTICE OF APPEAL

SECTION 24

1. Full Legal Name: _____,

_____

Last Name Given Name(s)

2. Current Address:

_____

_____

_____

_____

_____

3. What are you appealing?

_____

_____

_____

_____

_____

_____

4. Please provide all relevant information on the appeal. On a separate piece of paper, provide all relevant dates, times, and names, and attach any other relevant information.

5. What remedy do you propose?

_____

_____

_____

_____

_____

6. I warrant and represent that all the facts and statements I have given in this Notice of Appeal and the supporting documents attached hereto, are given truthfully to the best of my knowledge and ability, and I understand that the Moosomin First Nation relies on the truth of these statements in considering my appeal.

This appeal is dated the _____ day of _____ , 20 ____ .

_____

Signature of appellant

_____

Printed name of appellant

MOOSOMIN FIRST NATION