

RULES RESPECTING MEMBERSHIP IN THE SHESHAHT BAND OF INDIANS AND ENACTED IN ACCORANCE WITH SECTION 10 OF THE INDIAN ACT.

PREAMBLE

WHEREAS the Sheshaht Band consists of a people now striving for strength,

AND the strengths held by Sheshaht ancestors were strengths of mind, morals, principles, family and growth,

AND WHEREAS the Sheshaht Band wishes to protect its rights and freedoms and ensure its cultural integrity and security,

And whereas we are Tse-shaht;

SHORT TITLE

- 1. These rules may be cited as the Sheshaht Membership Rules.

DEFINITIONS

- 2. (1) In these Rules, "aboriginal descent means descended from the aboriginal peoples of the Americas, and accepted by the aboriginal peoples as being of aboriginal descent; "adopted" means legally adopted or adopted in accordance with Sheshaht tradition and custom; "adult" means a person of the full age of eighteen years; "Chief and Council" means the Chief Councillor and Council of the Sheshaht Band of Indians; "Elder" means a person of at least the full age of fifty years; "marries" means legally marries or marries in accordance with Sheshaht tradition and culture.

BAND LIST

- 3. (1) The Sheshaht Band List shall be maintained by the Sheshaht Band. (2) The membership of the Sheshaht Band of Indians shall consist of any time of all those persons entitled to be members of the Sheshaht Band of Indians and whose names are at that time so registered in the Sheshaht Band List. (3) The Sheshaht Band List shall be maintained in accordance with the Indian Act and these rules.

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- (4) No persons name may be added or deleted from the Sheshaht Band List without direction from the Membership Committee.
- (5) The Sheshaht Band List shall be kept at such place as Chief and Council may from time to time decide.

ENTITLEMENT TO REGISTRATION

4. (1) The following persons are entitled to be members of the Sheshaht Band of Indians and to have their names registered in the Sheshaht Band List;
 - (a) Any person whose name appeared or was entitled to appear on the Band List for the Sheshaht Band of Indians maintained by the Department of Indian Affairs immediately prior to these rules taking effect save and except for those persons the inclusion of whose names on the Sheshaht Band List maintained by the Department of Indian Affairs immediately prior to these rules taking effect is successfully protested by the Sheshaht Band of Indians or the Sheshaht Band Council pursuant to the provisions of the Indian Act or those persons whose name may be removed from the Sheshaht Band List pursuant to these Rules.
 - (b) Any person both of whose biological parents are or, if no longer living, were at the time of death registered or entitled to be registered in the Sheshaht Band List;
 - (c) Any person of aboriginal descent one of whose biological parents are or, if no longer living, was at the time of death or entitled to be registered in the Sheshaht Band List;
 - (d) Any person not yet of the age of eighteen years and who is of aboriginal descent and who has been adopted by a person who is registered in the Sheshaht Band List;
 - (e) Any person of aboriginal descent whose name was deleted from any Band List for the Sheshaht Band of Indians as maintained by the Department of Indian Affairs at any time prior to these rules taking effect for the reason of that person having been enfranchised;
 - (f) Any person who has applied for membership in the Sheshaht Band in accordance with section nine of these Rules and whose application for membership in the Sheshaht Band has been accepted pursuant to the provisions of these Rules;

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- (g) Any person of aboriginal descent who marries a Sheshaht Band member provided that persons name is not on the Band List of a Band of Indians other than the Sheshaht Band of Indians;
- (h) Any person of aboriginal descent whose name was deleted from any Band List for the Sheshaht Band of Indians as maintained by the Department of Indian Affairs at any time prior to these rules taking effect for the reason of that person having been adopted.

PERSONS NOT ENTITLED TO REGISTRATION

- 5. (1) Notwithstanding any other provision of these Rules and for greater certainty the following persons are not entitled to be registered in the Sheshaht Band List;
 - (1) Persons who are not of aboriginal descent and who are not registered in the Sheshaht Band List at the time these Rules take effect.
 - (2) Persons of full age of nineteen years and who are the registered in the Band List of a Band of Indians other than the Sheshaht Band of Indians.
 - (3) Persons whose names were deleted from the Sheshaht Band List pursuant to the Provisions of these Rules.

LOSS OF MEMBERSHIP

- 6. (1) Notwithstanding any other provisions of these Rules, a person who is of full age of eighteen years and who is entitled to be a member of the Sheshaht Band of Indians and who is registered in the Sheshaht Band List and who is a grave threat to the Sheshaht Band or to the members of the Sheshaht Band may have his name removed from the Sheshaht Band List and lose entitlement to have his name so registered.

By way of example, grave threat may include continued child sexual abuse or continued selling of liquor or drugs to children.

- (2) No persons name my be removed from the Sheshaht Band List pursuant to this section unless;
 - (a) That person is given a fair hearing by the Membership Committee, and
 - (b) The Membership Committee recommends to the Chief and Council that the persons name be removed from the Sheshaht Band List, and
 - (c) The Chief and Council recommends the removal of that persons name from the Sheshaht Band List, and

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- (d) A majority of the adult members of the Sheshaht Band who attend a band meeting specially called for purpose of considering the persons removal from the Sheshaht Band List vote to remove the persons name from the Sheshaht List;
 - (e) A decision of the Special band meeting referred to in this subsection may be appealed by the person whose removal from the band list is considered at that special band meeting, by the Membership Committee or by the Chief and Council by giving written notice to the Band Manager for the Sheshaht Band of Indians within thirty days of the decision at that Special band meeting;
 - (f) An appeal pursuant to this subsection shall be to the adult members of the Sheshaht Band who shall render their decision by way of referendum not more than sixty days from the date the written notice of appeal is received by the Band Manager for the Sheshaht Band;
 - (g) A referendum pursuant to this subsection shall be decided by a majority of the adult members of the Sheshaht Band who vote in that referendum
 - (h) Where, pursuant to the provisions of this section the adult members of the Sheshaht Band vote to delete a persons name from the Sheshaht Band List the Membership Committee shall direct that that persons name be removed from the Sheshaht Band List.
- (3)
- (a) Notwithstanding any other provision of these Rules, a person is of the full age of eighteen years and who is entitled to be a member of the Sheshaht Band of Indians and who is registered in the Sheshaht Band List may relinquish his membership in the Sheshaht Band and request that his name be removed from the Sheshaht Band List.
 - (b) A request pursuant to this subsection shall be sent in writing to the Membership Committee.
 - (c) Within thirty days of receiving such request the Membership Committee shall direct that the persons name be deleted from the Sheshaht List.
 - (d) Where the Membership Committee directs a name removed from the Sheshaht Band List that name shall be deleted from the Sheshaht Band List.
- (4)
- (a) Notwithstanding any other provision of these rules a person who
 - (i) gained Sheshaht Band membership, and
 - (ii) gained Indian Status,solely because of that person's marriage to a member of the Sheshaht Band of Indians shall lose membership in the Sheshaht Band of Indians and that persons name shall be deleted from the Sheshaht Band List if;

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- (a) that person becomes divorced, or
- (b) that person is separated from their spouse for a period of more than one year

MEMBERSHIP COMMITTEE

- 7.
- (1) There shall be established a Membership Committee. The Membership Committee shall review all applications for membership and make recommendations in respect of such applications and carry out the purposes of these Rules.
 - (2) The Membership Committee shall consist of not more than five persons, all of whom shall be appointed by Chief and Council.
 - (3) The Membership Committee shall consist of persons;
 - (a) whose names appear on the Sheshaht Band List, and
 - (b) who are at least of the full age of eighteen and
 - (c) who are not during the duration of their appointment Chief Councillor or a member of the Band Council.
 - (4) The Membership Committee shall meet from time to time as required but not less than once every ninety days.
 - (5) The appointment of persons to the Membership Committee shall be for terms of two years.
 - (6) A quorum of the Membership Committee shall be three.

ELDER'S COMMITTEE

- 8.
- (1) There shall be established an Elder's Committee of not more than five persons.
 - (2) The Elder's Committee shall consider whether a marriage was performed according to Sheshaht custom and whether an adoption was performed according to Sheshaht custom within four months of the date such marriage or adoption is claimed to have occurred.
 - (3) The Elder's Committee shall consist of
 - (a) persons whose names appear on the Sheshaht Band List, and
 - (b) persons who are not during the duration of their appointment to the Elder's Committee a member of the Chief or Council or the Membership Committee.
 - (4) The Elder's Committee shall be appointed by Chief and Council from time to time as required and shall sit at the direction of Chief and Council.

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APPLICATION FOR MEMBERSHIP.

9.
 - (1) Any person of Aboriginal Descent who is not otherwise entitled for registration on the Sheshaht Band List may apply to have his name registered in the Sheshaht Band List.
 - (2) Any person applying for registration must do so in writing.
 - (3) An application for registration pursuant to this section must be supported in writing by at least one adult whose name appears in the Sheshaht Band List and who is not a member of the applicant's immediate family.
 - (4) Applications for membership must be made to the Membership Committee.
 - (5) The onus of proof on any matter rests with person applying for membership.
 - (6) The Membership Committee shall consider an application for membership within two months of receiving the application.
 - (7) The Membership Committee shall within six months of receiving the application recommend in writing to Chief and Council whether to accept or reject the application for membership.
 - (8) Chief and Council shall within three months of receiving the Membership Committee recommendation in respect of any application for membership reject or accept such application and shall forthwith notify the applicant in writing of its decision.
 - (9) An application for membership by a person not yet of the age of eighteen years shall be supported in writing by the parent or legal guardian of that person.
 - (10) A person whose application for membership is accepted by Chief and Council and who complies with all other provisions of these Rules shall be from the day his application is accepted by Chief and Council to have his name registered in the Sheshaht Band List.
10.
 - (1) An applicant for membership may appeal a decision made by Chief and Council under section nine of these rules by sending a written notice of appeal to the Membership Committee no later than ninety days from the day Chief and Council renders their decision.
 - (2) The appeal shall be decided by a majority of the adult members of the Sheshaht Band who vote in a secret ballot referendum.
 - (3) The referendum shall be held no later than ninety days from the day the applicant for membership gives notice of the appeal to the Membership Committee.
 - (4) The Appellant shall bear all reasonable costs of an Appeal made pursuant to this section.

REGULATIONS

11. (1) The Chief and Council may make Orders and Regulations to carry out the purposes of these Rules.
- (2) Orders and Regulations made under this section shall be posted at the Band Office for no less than thirty days subsequent to being made.

COMING INTO EFFECT OF THE RULES

12. (1) These rules shall have effect from the day on which the Band Council gives notice to the Minister of Indian Affairs pursuant to subsection 10 (6) of the Indian Act that the Band is assuming control of its own membership and provides the Minister with a copy of these Rules.

AMMENDMENTS TO THE RULES

13. These Rules may only be amended or repealed with the consent of a majority of the electors of the Band who are the full age of eighteen years.