

A Code Respecting Membership For the Abegweit Band

Citation

1. This code may be cited as the Abegweit Band Membership Code, as amended on September 20, 2017.

Definitions

2. In this Code:
 - (a) “Adoptee” means a child who has been legally adopted by a Band Member
 - (b) “Amendment Vote” means a vote held in accordance with this Abegweit Band Membership Code to add, amend or repeal a provision or provisions of this Abegweit Band Membership Code.
 - (c) “Band” means the Abegweit Band.
 - (d) “Band Member” means a member of the Abegweit Band whose name appears on the Indian Registry.
 - (e) “Band Membership List” means the list of Abegweit Band Members maintained by the Band Membership Registrar under the authority of the Abegweit Band Council.
 - (f) “Band Membership Registrar” means the membership registrar for the Abegweit Band.
 - (g) “Code” means this Abegweit Band Membership Code which means codified rules established by the Abegweit Band for the purpose of determining membership in the Abegweit Band.
 - (h) “Council” means the Council of the Abegweit Band and includes the Chief and all Councillors of the Abegweit Band.
 - (i) “Electoral Officer” means the Electoral Officer as set out in the Election Regulations of Abegweit Band Custom System For Election of Chief and Council.
 - (j) “Eligible Voter” means anyone registered to Abegweit Band on the Band Membership List and is 18 years or older.
 - (k) “*Indian Act*” means the *Indian Act* R.S.C. 1985, c. I-5, as amended.
 - (l) “Indian Register” means the Indian Register as defined in the *Indian Act* R.S.C. 1985, c. I-5, as amended.

- (m) "Notice of Appeal" means the document required to be filed with the Band Council to appeal a decision of the Band Membership Registrar.
- (n) "Reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Abegweit Band and includes the Abegweit Reserve #2 at Morell, the Abegweit Reserve #3 at Rocky Point, the Abegweit Reserve #4 at Scotchfort, and any subsequent Reserves added to the Abegweit Band Reserve base.

Band Membership Registrar

- 3.1 The Council shall appoint a qualified Band Membership Registrar, if the position becomes vacant.
- 3.2 The Band Membership Registrar shall perform all administrative functions of this Code and any other duties conferred or imposed by the Council in accordance with this Code.
- 3.3 The Band Membership Registrar shall have sole authority for maintaining the Band Membership List and shall determine and make decisions pursuant to the provisions of this Code and any relevant provisions of the *Indian Act*.

Individuals Entitled to Become Abegweit Band Members
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- 4.1 An individual is entitled to have his or her name added to the Band Membership List and thereby become an Abegweit Band Member, in accordance with this Code, if:
 - (a) He or she is registered to the Abegweit Band on the Indian Register; and
 - (b) He or she has at least one parent who is a Band Member as of September 20, 2017.
- 4.2 The Band Membership Registrar shall enter on the Band Membership List the name of any individual entitled to have his or her name added to the Band Membership List in accordance with this section.
- 4.3 Any Adoptee who reaches the age of 18, who is entitled to have his or her name added to the Band Membership List in accordance with section 4.1 herein and who makes a request to the Abegweit Band Membership Registrar to have his or her name added to the Band Membership list shall have his or her name so added.
- 4.4 Any Adoptee who has not yet reached the age of 18, who is entitled to have his or her name added to the Band Membership List in accordance with section 4.1 herein and whose legal parent or guardian makes a request to the Band Membership Registrar to have his or her name added to the Band Membership list shall have his or her name so added.

The Abegweit Band Membership List

- 5.1 The Band Membership Registrar shall, under the direction of the Council, maintain a Band Membership List in which shall be entered the name of every person who is a member of the Abegweit Band.

Appeal Process

- 6.1 An individual who has been refused membership in the Band by the Band Membership Registrar may appeal that decision by filing a Notice of Appeal with the Council within 60 days of the date of the Band Membership Registrar's decision. The Notice of Appeal shall be in a form approved by Council.
- 6.2 A Notice of Appeal filed in accordance with this section must be in writing and must contain grounds for the appeal.
- 6.3 The Council shall consider any evidence it deems necessary in the evaluation of the Appeal and shall forward its findings and recommendations to the Band Membership Registrar within 60 days of the Notice of Appeal.
- 6.4 The decision of the Council shall be final and conclusive in accordance with this Code and a written copy of said decision, along with a copy of the findings and recommendations, shall be provided to the individual who filed the Appeal as soon as practicable and, in any event, not later than 90 days following the receipt of the Notice of Appeal.

Calculation of Time

- 7.1 Matters of interpretation with respect to the calculation of time shall be the responsibility of the Band Membership Registrar and for the purpose of this Code the following rules shall apply to the calculation of time:
- a) When calculating clear days, weekends are included, the posting day shall be considered the first clear day and last clear day shall be the day prior to the meeting.
 - b) When calculating time, federal and provincial statutory holidays and other holidays recognized by the Band, will be excluded from the calculation. For example, if a seven-day notice period contains Victoria Day, that day would be excluded from the counting.
 - c) When calculating time and an event falls on a Sunday or federal or provincial statutory holiday or other holiday recognized by the Band, the event will be extended to the next following day. For example, if a notice period concludes on a Sunday it would be extended to the next day, Monday.

- d) When calculating time referred to as weeks, months or years the time period shall expire on the week, month or year anniversary of the first event. For example, if a notice must be posted for at least one month and it is posted on January 1st the earliest the event can take place or the earliest the notice can be removed is February 1st.

Amendments

- 8.1 Any Band Member can put forth a written request to amend this Code. The written request must be submitted to the Band Membership Registrar and the Council. The written request is to be kept on file by the Band Membership Registrar.
- 8.2 The Council shall have the sole authority to determine if an Amendment Vote will be held, and if a decision is made to hold an Amendment Vote, it will be set out in a Band Council Resolution. The Council will communicate its decision to the Band Member who made the request.
- 8.3 The provisions found in this Code may be added to, repealed or amended with the consent of a majority (50 %+1) of the Eligible Voters who vote in person in an Amendment Vote, provided that there is a quorum of at least 75 Eligible Voters who voted in the Amendment Vote, for which at least fourteen (14) clear days notice was provided.
- 8.4 The Notice of Amendment Vote shall, at a minimum, contain the following information:
- a) The date, time and location or locations of the Amendment Vote; and
 - b) The internet address of the Abegweit Band Web Page; and
 - c) Either a copy of the proposed amendment(s) or a summary of the proposed amendment(s) along with instructions as to how a complete copy of the proposed amendment(s) can be obtained or viewed.
- 8.5 The Notice of Amendment Vote shall be posted by the Electoral Officer as follows:
- a) In one or more conspicuous places on each Reserve (Rocky Point, Morell and Scotchfort); and
 - b) On the Abegweit Band Web Page; and/or
 - c) Any other location that the Council deems appropriate.
- 8.6 The Electoral Officer shall have full authority to deal with all matters in regard to the Amendment Vote.