

SCHEDULE "A"

CITIZENSHIP REGISTRY REGULATIONS

OF THE

GARDEN RIVER FIRST NATION #14

JUNE 15, 1987

PART I

ENACTMENT

We, the people of the Garden River Ojibway Nation hereby enact as follows:

PART II

TITLE

This membership code may be cited as the Citizenship Registry Regulations of the Garden River Ojibway Nation.

PART III

EFFECTIVE DATE

This code shall come into force on the date prescribed within PART XXI of these Regulations.

PART IV

INTERPRETATION

- i) In this code:
- "ACT: means the Indian Act, R.C.S. 1970, C. 1-6, as amended from time to time;
 - "BAND" means the Garden River Ojibway Nation;
 - "BAND LIST" means a comprehensive list containing the name, date of birth and sex of every member of the Garden River Ojibway Nation;
 - "BAND MEMBER(S)" means the member(s) of the Garden River Ojibway Nation;
 - "BAND REFERENDUM" means the vote of eligible Band Members who are eighteen years of age and older to make a final decision on a specific matter relating to membership;
 - "CHIEF AND COUNCIL" means the duly elected Band Council of the Garden River Ojibway Nation;
 - "CHILD" means any person under the age of eighteen years;
 - "CITIZEN(S)" means a citizen or citizens of the Garden River Ojibway Nation;
 - "CODE" means this membership code, any amendments hereto and any regulations made hereunder;

“DEPENDENT” means any person to whom a Band Member stands in loco parentis and while under the charge of such Band Member is being provided with the necessities of life;

“FIRST NATION” means a status Indian Band of Canada pursuant to the provisions of the Indian Act, R.C.S. 1970, C. 1-6, as amended from time to time;

“GARDEN RIVER OJIBWAY NATION” means the Garden River Band of Ojibways #14;

“GENERAL BAND MEETING” means a community meeting called to decide on membership appeals;

“RESIDENCE” means the place which has always been; or which has been adopted by a person as the principle place of his or her habitation or home whereto, when away therefrom, he or she intends to return;

“RESERVE” means those lands in and around Garden River that have been set apart under the provisions of the Robinson Huron Treaty of 1850 for the use and benefit of the Garden River Ojibway Nation;

“SPOUSE” means either of a man and a woman who are married, or who have lived together in a permanent conjugal relationship outside marriage for a period of at least two years;

- ii) Words and phrases used in this code, other than words and phrases expressly defined in the Indian Act shall have the meaning ascribed to them in that Act.

PART V

ADMINISTRATION

This code shall be administered by the Chief and Council of the Garden River Ojibway Nation, which shall perform the duties and functions and exercise the powers conferred under this Code, and which shall not delegate those duties, powers and functions except as expressly provided herein.

The Chief and Council may by Band Council Resolution make rules and regulations, which are not inconsistent with this code, to carry out the purpose and provisions of this code.

MEMBERSHIP COMMITTEE

The Chief and Council shall appoint a Membership Committee consisting of three members of the Band to act in an advisory capacity and to make recommendations on membership in conformity with this Code.

REGISTRAR

The Chief and Council shall appoint a Registrar to maintain the Membership Register and to perform the duties assigned to the Registrar under this Code by Band Council Resolution.

ENTITLEMENT

The persons described in this PART are entitled to membership in the Garden River Ojibway Nation.

ORIGINAL MEMBERS

All persons entered or entitled to be entered on the Band List of the Garden River Ojibway Nation immediately prior to April 17, 1985 are Original Members. All persons born on or after April 17, 1985, of natural parents who were and are both Original Members are also deemed to be the Original Members of the Garden River Ojibway Nation.

RESTORED MEMBERS

All persons entitled to have their name entered on the Band List immediately prior to the establishment of the Citizenship Registry Regulations by virtue of the amendments of the Indian Act given Royal Assent on June 28, 1985 are Members.

ACCEPTED MEMBERS

All persons whose applications for membership or Band Adoption which have been accepted and confirmed under the provisions of this Code shall be members.

MEMBERS BY BIRTH

All persons born on or after April 17, 1985, both of whose natural parents are or, at the time of the person's birth were Members of the Garden River Ojibway Nation shall be Members.

PART VII

APPLICATION FOR MEMBERSHIP

The persons described in this PART may apply for Membership in the Garden River Ojibway Nation.

APPLICATION BASED ON PARENTAGE

A person, one of whose natural or adoptive parents is or was at the time of that person's birth or adoption a member of the Band, may apply.

MEMBERSHIP BASED ON MEMBERSHIP IN OTHER BANDS

A person who is a member of any Indian Band or First Nation may apply for membership, provided that the applicant resigns or surrenders that membership forthwith upon acceptance for membership in the Garden River Ojibway Nation.

PART VIII

CRITERIA FOR CONSIDERATION

The Registrar and the Membership Committee in reviewing membership applications shall document:

- i) Whether the applicant is knowledgeable of the way of life, culture, laws and history of the Garden River Ojibway Nation;
- ii) Whether the applicant follows a way of life consistent with the common good of the Garden River Ojibway Nation;
- iii) How long the applicant has lived amongst the Garden River Ojibway Nation;
- iv) The social, cultural and family ties of the applicant to the Garden River Ojibway Nation;
- v) The availability of suitable land, housing and ancillary services;
- vi) Any other consideration that is relevant to the health, safety, good order and advancement of the Garden River Ojibway Nation.

PART IX

NON-DISCRIMINATION

This Code shall be administered and all powers, duties and functions hereunder shall be exercised or performed without discrimination based on sex, affiliation to First Nations or Indian Bands, creed or religion.

PART X

APPLICATION FORMS

The Registrar shall prescribe and make generally available a form in which application for membership and band adoption shall be made.

PART XI

MAKING APPLICATION

All completed applications shall be submitted to the Registrar of the Garden River Ojibway Nation. Applications for membership:

- i) Shall be signed by the applicant and, where required by this Code, by the applicant's sponsor;
- ii) Shall state in concise form the grounds and the particulars upon which the application is made.

PART XII

EVIDENCE OF CLAIMS

An application shall be submitted with the following documentation in support of the claims therein:

- i) Birth certificate;
- ii) Social insurance number;
- iii) Certificate of Indian status, or a formal letter of notification of entitlement of Indian status issued by the government of Canada.

In lieu of one or more of these items, an application may be submitted with a "Declaration of Proof" sworn by the applicant before a Commissioner of Oaths or the Registrar or a member of the Membership Committee, stating why the documentation has not been provided.

PART XIII

MEMBERSHIP COMMITTEE REVIEW

The Membership Committee shall within thirty days of receipt of an application of membership or band adoption, review the application for form and completeness, and where in the opinion of the Committee further information or revision is required, advise the applicant forthwith that he or she may withdraw the application, and may amend it and resubmit it.

MEMBERSHIP COMMITTEE RECOMMENDATIONS

The Membership Committee shall within sixty days of receipt of an application, forward the application with the Committee's recommendation for acceptance, rejection or for further inquiry of substantiation to the Chief and Council.

PART XIV

CONSIDERATION BY CHIEF AND COUNCIL

The Chief and Council shall take into consideration the criteria and conditions prescribed within this Code to decide upon an application.

DECISION BY CHIEF AND COUNCIL

To review and decide applications for membership and to deal with applications for band adoption the Chief and Council shall meet no later than sixty days after receiving the recommendations of the Membership Committee.

APPROVAL

An application for membership shall be approved if it is supported by at least a majority of the total Band Council, which is at least five councillors, at the meeting at which the application is considered.

NOTICE OF DECISION

Within thirty days of the meeting at which the application is decided, the Chief and Council shall notify the applicant of its decision in writing, including reasons where the application is rejected.

PART XV

APPEALS

Unless it is otherwise provided in this Code, written application for appeals must be made within thirty days of the notice of the decision of the Chief and Council to the applicant.

MEMBERSHIP TRIBUNAL

The Chief and Council shall appoint a three person Membership Tribunal from among the original category of members who are regarded as senior members of the Band. Such members may not be from either the Membership Committee or the Band Council.

The Membership Tribunal shall review appeals of applicants whose membership applications have been rejected by the Chief and Council.

The Membership Tribunal shall be governed by the canons and conditions established for membership, and shall recognize the right to life, liberty and human rights of the person applying for membership.

The terms of office of the Membership Tribunal shall be established by the Chief and Council.

RECONSIDERATION

The Membership Tribunal may issue any direction with respect to the appeal and may direct the Chief and Council to reconsider the application for membership under such conditions as it directs.

GENERAL BAND MEETING

If the Membership Tribunal issues a direction for reconsideration but such reconsideration does not result in the acceptance of the application, the Membership Tribunal may require and recommend to the Chief and Council that a General Band meeting be called to decide upon the matter.

Whenever it is required by the Membership Tribunal, the Chief and Council shall hold a General Band Meeting. At such meeting, the Chief and Council shall question whether the application should be accepted or rejected.

Every elector present at the General Band Meeting may vote to render a decision. If the majority of the electors (50% plus one) present at the meeting vote in favour of acceptance, the application shall be accepted.

BAND REFERENDUM

If the application is rejected in a General Band Meeting, the applicant may apply to have a special Band Referendum Vote to decide on the application in question.

The Chief and Council shall hold a referendum within one year upon receiving an application requesting a referendum vote.

A majority vote shall be 50% plus one of the eligible electors of the Band.

The outcome of the referendum vote shall be final.

PART XVI

AUTOMATIC APPEAL

Where an application is not decided within the time limits prescribed in PART XIV, then in that case the application shall be deemed rejected and an automatic appeal instituted within this Code.

The Membership Tribunal shall deal with an automatic appeal forthwith in the same manner as prescribed in PART XV.

PART XVII

RECORDING OF MEMBERSHIP

The Registrar shall maintain the Band List in accordance with the Citizenship Registry Regulations.

PART XVIII

AMENDEMENT OF CODE

This Code may be amended by a resolution adopted by a majority of the electors of the band present at a general membership meeting duly convened to consider the resolution.

One month's notice of the meeting and the resolution shall be given to the members of the band. All notices shall be written and posted in the administration buildings of the Garden River Ojibway Nation and at least three public places on the reserve.

PART XIX

RENUNCIATION OF MEMBERSHIP

A member may renounce their membership in the Garden River Ojibway Nation by submitting a written statement of renunciation to the Chief and Council requesting that their name be stricken from the band list on a date to be specified by the member.

PART XX

COMMITMENT DOCUMENT

A written statement of membership acceptance shall be signed by the successful applicant in which commitment to obey the laws of the Garden River Ojibway Nation are expressly stated. Failure to obey such laws may result in the dismissal and removal of violators.

All conditions required for membership in the Garden River Ojibway Nation shall be outlined in a Commitment Document which is to be signed by the successful applicant for membership.

The undersigned acknowledge, confirm and endorse the enactment of the Garden River Ojibway Nation's Citizenship Registry Regulations.

As witnessed this 19th day of June, 1987.

ORIGINAL DOCUMENT HAS BEEN SIGNED BY CHIEF AND COUNCIL

SCHEDULE "B"
CITIZENSHIP REGISTRY REGULATIONS

TERMS OF REFERENCE – MEMBERSHIP COMMITTEE

Pursuant to Part V of the Citizenship Registry Regulations of the Garden River Ojibway Nation, there is a provision for a three (3) member committee to be appointed to act in advisory capacity and to make recommendations on membership in conformity of the Code. Based on these membership regulations, the terms of reference of the membership committee shall be structured and function as follows:

1. One person shall be appointed from each of the following groups through a duly adopted Band Council Resolution;
 - Band Council
 - Registrar's Office
 - Band Membership at Large
2. A chairperson shall also be appointed from the three (3) member committee;
3. The main function of the Committee is to accept, review and recommend each application for membership to the Band Council according to the eligibility requirements and procedures of the Citizenship Registry Regulations of the Garden River Ojibway Nation.
4. The membership committee shall convene its membership application review meeting at least once each calendar month. Special meetings may be directed by the Band Council from time to time;
5. The membership committee's recommendations on applications shall be final to the Band Council. In this respect, the committee will not be required to reconsider its final recommendations.

SCHEDULE "C"
CITIZENSHIP REGISTRY REGULATIONS

TERMS OF REFERENCE – MEMBERSHIP TRIBUNAL

Pursuant to PART XV of the Citizenship Registry Regulations of the Garden River Ojibway Nation, the Chief and Council shall appoint a three (3) person Membership Tribunal from among the original category of members who are regarded as senior members of the Band. Such members may not be from either the Membership Committee or the Band Council. Based on these conditions noted, the Terms of Reference of the Membership Tribunal are outlined as follows:

1. The Membership Tribunal shall consist of three (3) senior members of the Garden River Ojibway Nation who will be appointed through a Band Council Resolution by the Chief and Council. A chairman shall also be appointed from the three (3) member tribunal;
2. The Membership Tribunal shall receive and deal with membership application appeals according to the conditions and procedures of the Citizenship Registry Regulations;
3. The Membership Tribunal shall convene its meetings to hear membership application appeals as directed by the Registrar and/or Band Council;
4. The Membership Tribunal's recommendations on membership appeals shall be submitted and final to the Band Council. In this respect, the Membership Tribunal shall not be required to reconsider its recommendations regarding appeals to the Band Council other than to request and receive the rights of the appellant to pursue his/her appeal to the next appeal process according to the Citizenship Registry Regulations.

SCHEDULE "D"
CITIZENSHIP REGISTRY REGULATIONS

TERMS OF REFERENCE – REGISTRAR

Pursuant to PART V of the Citizenship Registry Regulations of the Garden River Ojibway Nation, the Chief and council shall appoint a Registrar to maintain the Membership Register and to perform the duties assigned to the Registrar under this Code by Band Council Resolution. Therefore, the Terms of Reference of the Registrar be adopted as follows:

1. The main responsibility of the Registrar is to enforce the Citizenship Registry Regulations of the Garden River Ojibway Nation in consultation with the Membership Committee, Membership Tribunal and Band Council. The duties include:
 - 1.1 The enforcement of Parts I – XXI of the Citizenship Registry Regulations;
 - 1.2 Establishing and maintaining the membership list of the Garden River Ojibway Nation;
 - 1.3 Informing the Band Members of the regulations and procedures of the Citizenship Registry Regulations;
 - 1.4 Informing and providing advice to individual membership applicants on the regulations and procedures in applying for membership into the Garden River Ojibway Nation, including the appeal regulations and procedures.
2. To advise the Band Council and Membership Tribunal on the rights of individual appellants to appeal from the Band Council to the Band Referenda levels;
3. To ensure the membership list of the Garden River Ojibway Nation is updated at all times;
4. To design and amend documents for Application, Declaration of Proof, commitment, Appeals and Renunciation as necessary from time to time;
5. To prepare the budget requirements of the administration of the Citizenship Registry Regulations in terms of staff, office costs and computer hardware and software equipment and staff training needs;
6. To prepare and recommend the design of Certificate of Membership status cards for Garden River Ojibway Nation;
7. To recommend revisions of any section of the Citizenship Registry Regulations to the Band Council as necessary from time to time.

SCHEDULE "E"
CITIZENSHIP REGISTRY REGULATIONS

APPLICATION FORM

1. Application Number: _____
2. Name: _____
3. Social Insurance Number: _____
4. Date and Location of Birth: _____
5. Present Band Status: _____
6. Employment and Address of Employer: _____
7. Occupation: _____
8. Number of Dependents: _____
9. Names, Location and Date of Birth of Dependents: _____

10. Band Status of Dependents: _____
11. Is this application for your dependents also? _____
If "YES", your dependents whose ages are 18 years or over are required to apply individually. You may sponsor those dependents who are under 18 years of age.
12. Do you know the history of the Garden River of Ojibway Nation? _____
13. Do you have family and/or social ties with any member of the Garden River First Nation? _____
14. Do you know the customs, law and order practices of the Garden River Ojibway Nation? _____
15. Is anyone sponsoring your application: _____
16. Why are you applying for membership in Garden River Ojibway Nation? _____

Applicant

Sponsor

Date of Application

Application Received - Registrar

Date Received

SCHEDULE "F"
CITIZENSHIP REGISTRY REGULATIONS

DECLARATION OF PROOF

1. Application Number: _____

2. Name: _____

3. List of Documents Available: _____

4. Documents not available: _____

5. "Declaration of Proof" sworn statement before a commissioner of oaths as attached hereto.

Signature of Applicant/Sponsor

Received-Registrar

Date

SCHEDULE "G"
CITIZENSHIP REGISTRY REGULATIONS

RENOUNCIATION STATEMENT

I, _____, having had my membership application accepted by the Garden River Ojibway Nation, do hereby agree to have my name removed from the membership list from the _____ Band, and do hereby agree to have my per capita share of funds be transferred from my original _____ Band to the Garden River Ojibway Nation.

Signature of Applicant

Received - Registrar

Date

SCHEDULE "H"
CITIZENSHIP REGISTRY REGULATIONS

COMMITMENT STATEMENT

I, _____, having had my application for membership accepted by the Garden River Ojibway Nation, do hereby make the following commitments as conditions of my citizenship membership:

1. To do my utmost to continue with my employment in support of myself, and if applicable, my dependents;
2. To be involved in any reasonable activity to promote the social and economic well being of the Garden River Ojibway Nation;
3. To make every effort to acquire knowledge and awareness of the history of the Garden River Ojibway Nation;
4. And if I break laws of the Garden River Ojibway Nation, I will agree with the decision of the Garden River Ojibway Nation to have me removed from the community of Garden River without opposition, providing such a removal of myself is justified.

Signature of Applicant

Received - Registrar

Date

SCHEDULE "I"
CITIZENSHIP REGISTRY REGULATIONS

APPEAL APPLICATION

1. Application Number: _____

2. Name: _____

3. Reasons of Appeal: _____

4. Appeal Submitted to: _____

Signature of Applicant

Received - Registrar

Date