



BINGWI NEYAASHI ANISHINAABEK

# MEMBERSHIP CODE

Ratified

November 19, 2016

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**PREAMBLE**

As the original inhabitants of land territories located on the shores of Lake Nipigon, we were placed here by our Creator and were given many responsibilities and duties in terms of how to live and to interact with mother Earth and her inhabitants. Since time immemorial we have lived in harmony and balance on this continent without any interference from other people or governments. These are the very facts upon which our inherent rights to self-government are based. Therefore, the people of Bingwi Neyaashi Anishinaabek recognize the need for an instrument that sets out rules for determining Membership in Bingwi Neyaashi Anishinaabek.

AND WHEREAS section 10 of the Indian Act recognizes that bands may have their own Membership Code if the majority of the band electors consent to the Code, and if the Membership Code does not deprive Membership to those who acquired membership under the previous rules.

## PRINCIPLES

The history and foundation of First Nations is rooted in the belief that they know who they are and why they were put on Mother Earth. It is therefore essential and beneficial for the membership of Bingwi Neyaashi Anishinaabek to adhere and comply with the following principles.

The Creator gave us our spirituality, beliefs, culture, language and the knowledge to respect Mother Earth and to live in harmony with nature and in balance with each other.

The Creator gave us the gift of wisdom and logic to make laws that will protect us and sustain our way of life for the benefit and security of our future generations.

The Creator gave us the right to self-determination and the right to govern ourselves.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by other Nations or their Governments.

We believe and accept the fact that democracy is founded on the principles that everyone is equal and no one is above the law.

We also accept the fact that democracy allows for majority rule with minority rights preserved.

## **DECLARATION**

Having understood the aforementioned in respect to the context of the Preamble, Principles, Obligations, and empowerment therefore the Bingwi Neyaashi Anishinaabek hereby adopts the following rules and procedures that shall govern the right to membership in the Bingwi Neyaashi Anishinaabek.

**SECTION 1: TITLE**

1.1 This document shall be cited as the Bingwi Neyaashi Anishinaabek Membership Code and shall take effect on the date this Code is ratified by the Members of Bingwi Neyaashi Anishinaabek.

## SECTION 2: DEFINITIONS

In this code the following terms shall have the following meanings:

1. **“Adopted Child”** means a legally adopted child pursuant to an order of a court of competent jurisdiction;
2. **“Applicant”** means the person who has applied for Membership in Bingwi Neyaashi Anishinaabek;
3. **“Band Council Resolution”** means a written resolution of the Chief and Council adopted at a meeting of the Chief and Council of Bingwi Neyaashi Anishinaabek;
4. **“Band List”** means the membership list as maintained by the Department of Indian affairs prior to this Code coming into effect;
5. **“Band Transfer Request”** is a form that must be filled out by any person wanting to transfer their Membership to Bingwi Neyaashi Anishinaabek from the Band they currently belong to;
6. **“Child”** includes a child born in or out of wedlock, an Adopted Child and a Custom Adopted Child under the age of 18;
7. **“Code”** means this code, as amended from time to time;
8. **“Cohabitate”** means to live together in a conjugal relationship, whether within or outside a marriage;
9. **“Common Law Partnership”** means a couple who are cohabiting together as spouses, but are not legally married to each other;
10. **“Community Meeting”** means a meeting to which all Bingwi Neyaashi Anishinaabek Members are invited to attend;
11. **“Council”** means the Chief and Council representing Bingwi Neyaashi Anishinaabek;
12. **“Custom Adoption”** means an adoption recognized by the cultural practice of Bingwi Neyaashi Anishinaabek to raise a child, by a person who is not the child’s parent, according to the custom of the First Nation;
13. **“Custom Adopted Child”** means a child adopted by Custom Adoption;
14. **“Elector”** means a person:
  - I. Whose name appears on the Membership List of Bingwi Neyaashi Anishinaabek and;
  - II. Who is at least 18 years of age;
15. **“Enfranchisement”** means the surrender of Indian Status and band membership;
16. **“First Nation”** means the Bingwi Neyaashi Anishinaabek as represented by its duly elected Chief and Council;
17. **“Governance Coordinator”** means the person appointed by Chief and Council to administer membership matters for Bingwi Neyaashi Anishinaabek;

18. **“Marriage”** means a union of 2 individuals whether by a traditional, customary, religious or civil ceremony;
19. **“Member”** means a member of Bingwi Neyaashi Anishinaabek;
20. **“Membership Committee”** means the committee appointed by Chief and Council to assist the Governance Coordinator with the interview process of applicants applying for Membership in Bingwi Neyaashi Anishinaabek;
21. **“Membership List”** means the list of Members as maintained by Bingwi Neyaashi Anishinaabek once this code comes into effect;
22. **“Ratification”** means to officially approve this Membership Code by a vote of the electors of Bingwi Neyaashi Anishinaabek;
23. **“Status Indian”** means an individual recognized by the federal government as being registered under the Indian Act;
24. **“Spouse”** means a person who is married to another, whether by a traditional customary, religious or civil ceremony, and includes a Spouse by Common-Law Partnership.



### **SECTION 3: TRANSITIONAL PROVISION**

- 3.1 Every person whose name appeared on the Band List, or who was entitled to have their name appear on the Band List, on the date this code comes into effect is a Member of Bingwi Neyaashi Anishinaabek;
- 3.2 Every person whose name appears on the Membership List of Bingwi Neyaashi Anishinaabek, as of the effective date of this Code, is a Member of Bingwi Neyaashi Anishinaabek;
- 3.3 No Member of Bingwi Neyaashi Anishinaabek shall be a member of another First Nation while their name is on the Membership List of Bingwi Neyaashi Anishinaabek. A member that is found to have their name on the Membership List of another band, shall have their name removed from the Membership List of Bingwi Neyaashi Anishinaabek.

## **SECTION 4: ADMINISTRATION**

4.1 The Governance Coordinator that has been hired by Chief and Council will be responsible for all matters relating to Membership in accordance with this code including:

a) The maintenance of the membership register;

b) All other procedures and matters ancillary to the administration of this Code;

4.2 Chief and Council may appoint other individuals to assist the Governance Coordinator to administer this Code.

## SECTION 5: RIGHT TO MEMBERSHIP

5.1 A person has the right to membership in the Bingwi Neyaashi Anishinaabek, and to have their name entered on the Membership List, if:

- a) That person, but for the establishment of the Bingwi Neyaashi Anishinaabek Membership Code, was entitled, pursuant to subsections 11 (1)(a), (c), and (d) of the Indian Act, to have their name entered on the Band List maintained by the Department for the First Nation, in accordance with the terms of the Indian Act in place on April 17, 1985;
- b) That person is a **"STATUS INDIAN"** and was an Adopted Child or Custom Adopted Child, adopted by individuals, whose name(s) are entered or are entitled to be entered on the Membership List as members;
- c) That person is a **"STATUS INDIAN"** and born to parent(s) whose name(s) are entered or are entitled to be entered on the Membership List as Members.
- d) That person whose membership was transferred to another First Nation while that person was under the age of 18.

## **SECTION 6: APPLICATION PROCESS**

6.1 A person is entitled to apply for membership in Bingwi Neyaashi Anishinaabek if that person is a **“STATUS INDIAN”** and:

- a) That person is a Spouse of a Member of Bingwi Neyaashi Anishinaabek;
- b) That person was enfranchised, provided on the date of their enfranchisement the person was a member of Bingwi Neyaashi Anishinaabek;
- c) That person is born to a person mentioned in subsection 6.1 (b);
- d) That person was previously a member of Bingwi Neyaashi Anishinaabek, had their membership transferred to another First Nation, being 18 years of age at the time of transfer, and wishes to transfer their membership back to Bingwi Neyaashi Anishinaabek;

6.2 A person listed above is not automatically entitled to become a Member of Bingwi Neyaashi Anishinaabek and have their name entered on the Membership List. Such person must make application for Membership in accordance with the application section of this Code to be considered for Membership;

6.3 Each application will be considered on its own merits in accordance with this Code;

6.4 A person who is applying for Membership in Bingwi Neyaashi Anishinaabek must submit an application for Membership to the Governance Coordinator;

6.5 A person applying for Membership in Bingwi Neyaashi Anishinaabek will agree to complete an interview with the Membership Committee and the Governance Coordinator at a time that is mutually agreed upon;

6.6 After completion of the application and interview process, the Governance Coordinator shall provide a recommendation to Chief and Council to either accept or reject the application based on the information provided within thirty (30) days of the interview;

6.7 The Chief and Council shall make their decision to either accept or reject the application within six (6) weeks of meeting with the Governance Coordinator to review the Applicant's application for Membership;

6.8 The decision of the Chief and Council of Bingwi Neyaashi Anishinaabek is final. There shall be no appeal from the decisions made regarding membership by the Chief and Council to any other body, court or Tribunal.

6.9 All successful applicants cannot be nominated to run for Chief or Council of Bingwi Neyaashi Anishinaabek for a period of one (1) year following the date of their accepted Membership.

6.10 A person whose Membership is rejected by Bingwi Neyaashi Anishinaabek cannot reapply for Membership for one full year from the date the previous membership application was rejected.

## SECTION 7: TRANSFER IN APPLICATION

7.1 Every person who wishes to transfer their Membership from another First Nation to Bingwi Neyaashi Anishinaabek must be a "**STATUS INDIAN**" and submit a completed Band Transfer Request application to the Governance Coordinator of Bingwi Neyaashi Anishinaabek;

7.2 The applicant will then participate in an interview with The Governance Coordinator and the Membership Committee at a time that is mutually agreed upon;

7.3 After completion of the application and interview process, the Governance Coordinator shall provide a recommendation to Chief and Council to either accept or reject the application based on the information provided within thirty (30) days of the interview;

7.4 The Chief and Council shall make their decision to either accept or reject an application within six (6) weeks of meeting with the Governance Coordinator to review the Applicant's application for Membership;

7.5 The decision of the Chief and Council of Bingwi Neyaashi Anishinaabek is final. There shall be no appeal from the decisions made regarding Membership by the Chief and Council to any other body, court, or Tribunal;

7.6 The Governance Coordinator shall inform the person who applied for Band List membership of the decision reached by The Chief and Council in writing; and where the application is refused, shall inform the person of the reason for the refusal;

7.7 The decisions of the Membership Committee and Chief and Council of Bingwi Neyaashi Anishinaabek are confidential. All decisions will be recorded and maintained by the Governance Coordinator;

7.8 All successful applicants cannot be nominated to run for Chief or Councillor of Bingwi Neyaashi Anishinaabek for a period of one (1) year following the date of their accepted Membership.

7.9 A person whose Membership transfer request is rejected by Bingwi Neyaashi Anishinaabek cannot reapply for Membership for one full year from the date the previous membership application was rejected.

## **SECTION 8: TRANSFERS FROM BINGWI NEYAASHI ANISHINAABEK TO OTHER FIRST NATIONS**

- 8.1 Any Member of Bingwi Neyaashi Anishinaabek that wants to transfer their Membership to another First Nation must complete a Statement of Consent to Transfer Membership Application;
- 8.2 A member of Bingwi Neyaashi Anishinaabek will cease to be a member of Bingwi Neyaashi Anishinaabek by becoming a member of another First Nation;
- 8.3 In the case of a minor child, the consent of both parents listed on the birth document, or a court order stating custody, are required on any application made under this section;
- 8.5 A person whose name is removed from the Membership List as a transfer shall cease to be a member of Bingwi Neyaashi Anishinaabek as of the date that their name is removed from the Membership List;
- 8.6 A person whose name is removed from the Membership List of Bingwi Neyaashi Anishinaabek shall not be entitled to any share of Bingwi Neyaashi Anishinaabek revenues, funds or lands as a result of ceasing to be a member of the First Nation;
- 8.7 Where a member of Bingwi Neyaashi Anishinaabek has become a member of another First Nation, the other First Nation shall not become entitled to any part or share of the revenues, funds or lands of Bingwi Neyaashi Anishinaabek as a result of the transfer of that person's membership as of the date that individual is added to the other First Nation Membership List.

**SECTION 9: MARRIAGE/COHABITATION**

9.1 No person shall automatically gain or lose Membership in Bingwi Neyaashi Anishinaabek as the result of a marriage, common law relationship or cohabitation as defined within this code.

## **SECTION 10: ADOPTION**

10.1 No member of Bingwi Neyaashi Anishinaabek shall cease to be a member as a result of their adoption by persons who are not members of Bingwi Neyaashi Anishinaabek.



## **SECTION 11: AMENDING THE CODE**

- 11.1 Any proposed changes to this Code must be presented to the Chief and Council of Bingwi Neyaashi Anishinaabek in writing accompanied by the signatures of at least twenty-five (25) eligible electors who support the proposed amendments. The changes shall be mailed to all electors allowing them thirty (30) days to submit comments on proposed changes. The Chief and Council shall call a meeting of electors within sixty (60) days to consider the changes. Any proposed changes to the Membership Code shall be ratified using the procedures set out in section 12.1 of this Code;
- 11.2 The Chief and Council may approve, by Band Council Resolution, any administrative changes including procedures, forms, and collection of fees, for the better administration of this Code.

## **SECTION 12: RATIFICATION**

12.1 The Bingwi Neyaashi Anishinaabek Membership Code must be put to a community referendum and will come into effect if at least 50% plus one of all votes cast favor the adoption of the code;

12.2 The Chief and Council of that term will provide a minimum of forty (40) days' notice of the ratification process of this Membership Code and on the same day appoint a ratification officer. The document shall be mailed at least thirty-five (35) days before the date of the vote to all electors of the historic community of Bingwi Neyaashi Anishinaabek, a package consisting of:

- a) Instructions on voting by mail in ballot;
- b) A ballot;
- c) A postage paid preaddressed envelope to the ratification officer;
- d) A second envelope marked "ballot";
- e) A voter declaration form;
- f) The location of the central polling station;
- g) The option that the voter may vote in person as opposed to voting by mail-in ballot;

12.3 The counting of all ballots will follow the same guides as the election procedures under section 6 of the Bingwi Neyaashi Anishinaabek Custom Election Code;

12.4 In the event that this Membership Code cannot be ratified by a majority of votes cast (50 percent + 1), then this Code may be ratified at a duly called meeting specifically for ratifying this Membership Code. 50% plus 1 of those eligible electors present at the meeting must vote in favor of the adoption of this Code for it to come into effect.

### **SECTION 13: MEMBERSHIP COMMITTEE**

- 13.1 The Membership Committee shall be composed of five (5) members of Bingwi Neyaashi Anishinaabek who shall serve for 3-year terms;
- 13.2 The Committee terms shall be staggered for continuity purposes. Accordingly, on the date that this code is ratified three (3) Members will serve a 3-year term and two (2) Members will serve a 2-year term. Thereafter all terms shall be 3-years.
- 13.3 If an Elector of Bingwi Neyaashi Anishinaabek is interested in being a member of the Membership Committee, they shall let their interest be known in writing to Chief and Council so their application can be considered when an opening occurs;
- 13.4 Chief and Council will appoint the Membership Committee from the applications received;
- 13.5 Any member that is accepted to the Membership Committee must submit a criminal reference check that will be paid for by the First Nation before they can start serving their term on the Membership Committee;
- 13.6 Any Elector of Bingwi Neyaashi Anishinaabek is eligible to apply for a position on the Membership Committee, except for the following persons:
- a) The Chief and Council of Bingwi Neyaashi Anishinaabek;
- 13.7 The duties of The Membership Committee of Bingwi Neyaashi Anishinaabek as they relate to this code are:
- a) Assisting the Governance Coordinator with the interview process of applicants applying for Membership in Bingwi Neyaashi Anishinaabek and any other duties affiliated with the administration of this code;
  - b) Handle all information collected regarding the person applying for Membership in the utmost confidential matter;
  - c) Process the information gathered during an interview and to collectively agree on a recommendation;
  - d) Submit such recommendation within thirty (30) days to Chief and Council for their review and final decision;
- 13.8 The Membership Committee shall act impartially and without bias, nor should it favor any person that is applying for Membership in Bingwi Neyaashi Anishinaabek;
- 13.9 All Members of the Membership Committee must sign a confidentiality agreement;
- 13.10 A person's application for the Membership Committee can be rejected based on the content of their criminal record check.

**Appendix "A"**

**MEMBERSHIP INTERVIEW QUESTIONS:**

Name \_\_\_\_\_

Date \_\_\_\_\_

1. How are you affiliated with Bingwi Neyaashi Anishinaabek? (i.e family, marriage, relatives)
2. Why do you want to be a part of our community?
3. Please tell us about your employment history. (where worked, job duties)
4. Do you have any training or benefits to offer to our community?
5. Can you describe your values as an Aboriginal person and how do you incorporate them into your daily life? (i.e.: smudges, medicine wheel, 7 grandfather teachings, hunting, fishing, pow wows etc.)
6. Can you speak or understand the Ojibway Language?
7. Do you have any children? If yes, the following questions will be asked?
  - a. Are your children status?
  - b. Will they be transferring to BNA now or in the future?
  - c. What are your children's interests? (i.e.: sports, swimming, cultural activities etc.)
  - d. Do you Volunteer with your child(ren's) activities?
8. How many First Nations have you belonged to?
9. Would you be able to provide us with two character references? (Prefer one employer or Chief and one personal)
10. Would you be willing to provide us with a Criminal Reference Check?
11. Would you be interested in moving to Bingwi Neyaashi Anishinaabek? (i.e.: yes, interested in building the community, has a business to start on BNA)

Appendix "B"

**BAND TRANSFER TO BINGWI NEYAASHI ANISHINAABEK REQUEST FORM**

**\*\*A photocopy of your Status Card is required\*\***

<b>BAND TRANSFER TO BINGWI NEYAASHI ANISHINAABEK</b>			
All questions contained in this questionnaire are strictly confidential And will become part of your band member file.			
<b>PERSONAL DATA</b>			
Name (Last, first, M.I.)			
Indian Registry Number:	D.O.B. YY/MM/DD	M <input type="checkbox"/>	F <input type="checkbox"/>
Current Band:			
Address:			
Phone Number:		Email:	
Why do you want to transfer to Bingwi Neyaashi Anishinaabek?			
<b>EDUCATION DATA</b>			
Highest level of education completed:			
Diploma/Certificates/Trades/Other:			
<b>TRAINING AND/OR WORK EXPERIENCE</b>			
Please list training and/or work experience that could benefit Bingwi Neyaashi Anishinaabek			
<b>INFORMATION ABOUT CHILD(REN)</b>			
Name (Last, First, M.I.)	D.O.B. YY/MM/DD	M <input type="checkbox"/>	F <input type="checkbox"/>
Indian Registry Number:	Current Band		
Name (Last, First, M.I.)	D.O.B. YY/MM/DD	M <input type="checkbox"/>	F <input type="checkbox"/>
Indian Registry Number:	Current Band		
Name (Last, First, M.I.)	D.O.B. YY/MM/DD	M <input type="checkbox"/>	F <input type="checkbox"/>
Indian Registry Number:	Current Band		
<b>DECLARATION</b>			
I certify that all the questions have been answered in full and the information provided is correct and complete.			
Applicant: Please Print _____		Please sign name _____	
Witnessed by: Please Print _____		Please sign name _____	
<b>FOR CHIEF AND COUNCIL USE ONLY</b>			
Approval of Request: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Signature:	Signature	Signature	
Date:			
Chief of BNA	Councillor of BNA	Councillor of BNA	

Questions? Contact Bingwi Neyaashi Anishinaabek  
Governance Coordinator  
At (807) 623-2724

Submit Completed Application To: Governance Coordinator  
Bingwi Neyaashi Anishinaabek  
146 S. Court Street  
Thunder Bay, ON  
P7B 2X6

**Appendix "C"**

**STATEMENT OF CONSENT TO TRANSFER MEMBERSHIP APPLICATION**

**REQUEST TO TRANSFER MEMBERSHIP OUT OF  
BINGWI NEYAASHI ANISHINAABEK**

**Statement of Consent**

**Date of Request:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Registry Number** \_\_\_\_\_

I/ my child/ our child \_\_\_\_\_ has applied for membership in another First Nation.

The Chief and Council of Bingwi Neyaashi Anishinaabek consent to remove my/my child's/our child's name from the Membership List of Bingwi Neyaashi Anishinaabek upon my acceptance to that First Nation.

\_\_\_\_\_  
Signature of Transferee

\_\_\_\_\_  
\*IN CASE OF MINOR, BOTH PARENTS MUST SIGN THE REQUEST\*

**Accepted this Date** \_\_\_\_\_

\_\_\_\_\_  
Chief of BNA

\_\_\_\_\_  
Councilor of BNA

\_\_\_\_\_  
Councillor of BNA