



Wei Wai Kum First Nation
(Campbell River Indian Band)

MEMBERSHIP CODE

Ratification Date: _____

(Draft as of October 19, 2024)

TABLE OF CONTENTS

1.	PREAMBLE	1
2.	DEFINITIONS	1
3.	GENERAL PROVISIONS	2
4.	RIGHTS AND RESPONSIBILITIES.....	3
5.	MEMBERSHIP REQUIREMENTS.....	4
6.	TRANSFER APPLICATION PROCESS	7
7.	NO APPEAL PROCESS, APPLICANTS MAY RE-APPLY	9
8.	REMOVAL FROM MEMBERSHIP LIST	10
9.	MEMBERSHIP LIST	12
10.	NO LIABILITY	13
11.	REVIEW AND AMENDMENTS.....	13

1. PREAMBLE

Whereas Wei Wai Kum First Nation (“Wei Wai Kum”) has established a Membership Code to provide for the expedient, unbiased, and efficient application and interpretation of its membership rules;

And whereas the Wei Wai Kum First Nation has the inherent right to determine our own membership;

And whereas section 10 of the Indian Act also provides that a Band may assume control of its membership, if it establishes membership rules with the consent of a majority of the electors of the Band;

And whereas the Band has had a Membership Code in effect since March 25, 1988 but wishes to pass a new Membership Code;

Therefore, this Membership Code was approved by a majority of its electors by a vote on [REDACTED].

2. DEFINITIONS

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

“Adopted”

Means adoption through legal channels, whether government or private, of a child of First Nation ancestry under the age of majority. Custom adoptions are not recognized.

“Band”

Means the Campbell River Indian Band (CRIB) also known as Wei Wai Kum First Nation.

“Council”

Means the body composed of the Elected Chief and Councillors pursuant to the Election Code of the Wei Wai Kum First Nation.

“Child” or “Children”

Means a person or persons under the age of 18.

“Elector”

Means a registered Member of Wei Wai Kum who is at least 18 years of age.

“Indian”

Means a person who, pursuant to the *Indian Act*, is eligible to be registered or is already registered as a Status Indian under the *Indian Act*.

“Member”

Means an individual who has demonstrated their eligibility and has been confirmed and registered on the Wei Wai Kum First Nation Membership List and has not been de-registered, or lost their eligibility or membership.

“Membership Clerk”

Means the Wei Wai Kum First Nation employee designated to manage the Membership Process and Membership List.

“Membership List”

Means the list of Wei Wai Kum First Nation Members as verified by Council BCR and maintained by the Membership Clerk pursuant to this Membership Code.

“Senior Manager”

Means an individual holding a position responsible for management of band administration reporting directly to Chief and Council.

“Wei Wai Kum First Nation”

The traditional Nation representing the Wei Wai Kum people, which includes the Campbell River Indian Band (CRIB).

3. GENERAL PROVISIONS

3.1 Citation

This Membership Code may be cited as the Wei Wai Kum First Nation Membership Code.

3.2 Purpose

The Wei Wai Kum First Nation Membership Code defines who is eligible to be enrolled on the Wei Wai Kum Membership List, and outlines the process for membership application, and the keeping of the Membership List.

3.3 Code Development and Maintenance

Chief and Council have the authority to develop and maintain or oversee the maintenance of the Wei Wai Kum First Nation Membership Code.

3.4 Ratification of Membership Code

The Wei Wai Kum First Nation Membership Code is approved and in force if it is ratified by a majority of 50% plus 1 of Wei Wai Kum First Nation Electors who vote in a ratification vote overseen by a ratification officer, and conducted in accordance with the voting provisions, policies or procedure in force at that time for community vote or referendum.

3.5 Voting Provisions, Policies and Procedures

Council, with input and advice from legal counsel and a ratification officer, may pass by Band Council Resolution such voting provisions, policies and procedures as are reasonable and necessary to carry out ratification votes for and under this Membership Code.

3.6 Repeal and Replacement of Former Membership Codes

This Membership Code, once ratified by Wei Wai Kum Members, repeals and replaces all former Wei Wai Kum Membership Codes and rules.

3.7 Severability

The invalidity or unenforceability of any provision of this Membership Code will not affect the validity or enforceability of any other provision and any such invalid or unenforceable provision will be deemed to be severable and the remaining provisions will remain valid and in force.

4. RIGHTS AND RESPONSIBILITIES

4.1 Rights of Membership

Wei Wai Kum First Nation Members have the following rights and opportunities but each of these rights is subject to this Membership Code, the Election Code and all Wei Wai Kum First Nation laws, bylaws and policies:

- a) Eligibility to vote in Wei Wai Kum elections, at Wei Wai Kum meetings where there is a source of authority for a vote and the vote is on the agenda, and other votes or referendums conducted by Wei Wai Kum, subject to any requirements or restrictions of the Election Code or any other Wei Wai Kum policies or procedures for community or referendum voting;
- b) Eligibility to run for and, if elected, hold office as a Wei Wai Kum Councillor or Elected Chief, subject to any requirements or restrictions set out in the Election Code;
- c) The ability to provide input on band-related issues to Council;
- d) Eligibility to receive financial support from band programs as determined by Wei Wai Kum laws, policies and procedures (e.g., support for post-secondary education), but subject to program criteria set out in any funding agreements or requirements from the federal or provincial government;
- e) The right to be buried in the cemetery on the Wei Wai Kum reserve after passing away, provided there is space available; and
- f) Other rights and responsibilities as documented in Wei Wai Kum policies, procedures, laws and by-laws.

None of the rights of Membership shall be extended to any individuals who are not Members or who have lost their Membership.

4.2 Responsibilities of Membership

Wei Wai Kum First Nation Members have the following responsibilities:

- a) Being respectful of all other Wei Wai Kum Members, leaders, and staff;
- b) Being respectful of Wei Wai Kum traditional culture and customs; and
- c) Participating in community meetings in a respectful manner.

Wei Wai Kum First Nation Members are encouraged to actively participate in protecting and strengthening Wei Wai Kum culture, language and community.

5. MEMBERSHIP REQUIREMENTS

5.1 Existing Members

All persons listed on the current Wei Wai Kum First Nation membership list as of the ratification date of this Election Code are entitled to have their name on the Membership List.

5.2 Applications by Individuals Wishing to Be New Members (Other than Transfer Applications)

5.2.1 Application

The Membership Clerk is not required to add to the Membership List the name of a person who is entitled or potentially to have their name entered on the Membership List, unless an application for entry on the Membership List is made to the Wei Wai Kum Membership Clerk by that person and approved for addition in accordance with this Membership Code.

Applicants must apply on their own behalf, with the exception of Children or dependent adults. If the applicant is a Child or a dependent adult, the application may be submitted by a parent or guardian on behalf of the applicant Child or dependent adult.

5.2.2 Membership Criteria

Individuals wishing to be added to the Membership List must apply for membership pursuant to the requirements set out in this Membership Code. To be eligible for Wei Wai Kum membership, an applicant must be able to demonstrate that they:

- a) are a Status Indian person under the *Indian Act*; and
 - (i) have a direct ancestral blood line to another Wei Wai Kum Member; or
 - (ii) are legally married to a Wei Wai Kum Member who has ancestral Wei Wai Kum blood lines; or
 - (iii) were legally Adopted as a Child in accordance with this Membership Code; and
- b) Are not on another First Nation's membership list.
As part of their application, applicants who are currently on another First Nation's membership list must agree in writing to revoke their membership in the other First Nation, if their application with Wei Wai Kum is approved. The applicant must then provide written proof to the Membership Clerk that they have been removed from the other First Nation's membership list prior to being added to the Wei Wai Kum Membership List.

Applicants who are on another First Nation's membership list and do not meet the criteria in section 5.2.2(a), must apply for a transfer under section 6.

5.2.3 Blood Lines

- (a) For the purposes of this Membership Code, ancestral Wei Wai Kum blood lines may be maternal or paternal.

- (b) Persons who have gained membership to Wei Wai Kum by way of marriage alone cannot be used to demonstrate an ancestral Wei Wai Kum blood line to Wei Wai Kum.
- (c) Subject to paragraph (b) above, applicants who are legally married to a Wei Wai Kum Member are exempted from demonstrating a blood line to be eligible for Wei Wai Kum membership, provided they meet the other membership criteria as outlined in this Membership Code.

5.3 Children

5.3.1 Birth Children and Adopted Children

All Children who are born to or legally Adopted as a Child by at least one Wei Wai Kum parent with ancestral Wei Wai Kum blood lines, must meet the membership criteria relating to being status Indians and once an application is made under this Membership Code are eligible to be added to the Membership List by Band Council Resolution alone without a community vote.

Adults may apply if they:

- a) were born to, or Adopted as a Child by, at least one Wei Wai Kum Member parent with direct ancestral Wei Wai Kum bloodlines;
- b) have never been registered with another First Nation; and
- c) have a "622" Wei Wai Kum Band number status number.

These Adult applicants will be considered similar to Birth Children and Adopted Children and must meet all other Membership criteria.

5.4 Review of Application

5.4.1 Review By the Membership Clerk

The Membership Clerk shall review all applications to ensure:

- a) The application is complete; and
- b) Appropriate documents are enclosed.

The Membership Clerk is entitled to request from the applicant any information that is necessary to facilitate a decision on the application.

At the first Council meeting of each quarter, the Membership Clerk shall present all complete and valid applications under this subsection 5.2 or 5.3 to Council with a brief report explaining each applicant's family relationships with other Wei Wai Kum Members, bloodlines and/or other circumstances to support the applicant eligibility to be considered for membership.

5.4.2 Council Review

Council will review all applicants to ensure the Membership criteria as per this Membership Code are met. For all applications received and reviewed under subsections 5.2 and 5.3, if Council confirms they are valid and complete, Council will approve and authorize the additions of birth Children, Legally Adopted Children and eligible adults to the Membership List by a duly passed Band Council Resolution (BCR).

Council may reject an application or send it back to request additional investigation or information.

5.3.4 Notification

The Membership Clerk will notify the successful applicants and update the Membership List within seven (7) days of receiving the enacted BCR from Council. The updated Membership List shall be filed in a secured folder by Senior Managers; signed and dated by Council with supporting BCRs.

Applications for Children or Legally Adopted Children will not be approved if Membership Criteria are not met or applications are incomplete. The Wei Wai Kum Membership Clerk shall notify Applicants not approved within seven (7) days of Council decision detailing the reasons why the application was not successful.

All decisions by Council are final and there is no appeal. However, unsuccessful applicants may re-apply once they have met all the Membership criteria as per this Membership Code.

6. TRANSFER APPLICATION PROCESS

6.1 Transfer Application

6.1.1 Application Forms and Deadlines

Applicants who are on another First Nation's membership list and who do not meet the eligibility criteria in section 5.2, must apply to transfer.

To apply for membership through a transfer from another First Nation, the applicant must submit a completed Wei Wai Kum First Nation Membership Application Form to the Membership Clerk before the deadline of **4 p.m. of the second Friday in March of each year.**

The Wei Wai Kum First Nation Membership Application Form is attached to the Wei Wai Kum First Nation Membership Code as Appendix "A".

6.1.2 Application Documentation

All applicants for a transfer must provide the applicable official documents supporting their application for Wei Wai Kum Membership, including:

- a) An Indian Status card; and
 - (i) A long form birth certificate; and/or
 - (ii) A marriage certificate; and
- b) Any other relevant or required documents; and
- c) A pre-signed letter to the applicant's original First Nation notifying that First Nation that the individual has been accepted as a member of Wei Wai Kum First Nation and is relinquishing their Membership in the original First Nation. (This letter will be held on file by the Membership Clerk pending the decision on the application).

6.2 Review of Application

6.2.1 By the Membership Clerk

The Membership Clerk shall review all applications to ensure:

- a) The application is complete; and
- b) Appropriate documents are enclosed.

The Membership Clerk is entitled to request from the applicant any information that is necessary to facilitate a decision on the application.

6.2.2 Council Review

By 4 p.m. on the second Friday in March of each year, the Membership Clerk shall forward all completed applications to Council with a brief report explaining each applicant's family relationships with other Wei Wai Kum Members, bloodlines and/or other circumstances to support the applicant is eligible to transfer to the Wei Wai Kum Membership List.

6.3 Membership Application Vote

Once a year on the last Thursday of May, Council shall call for a general Band vote on Membership applications received from individuals applying under section 6 [Transfers] wishing to transfer to the Wei Wai Kum First Nation. Applications received after the deadline set out in 6.1.1, will not be considered until the following year's vote.

6.3.1 Vote Process

All eligible Electors, as of the vote date are eligible to vote on the Membership Transfer Applications.

A transfer applicant under section this section 6 will only be added to the Membership list if a simple majority of Electors (50% plus 1) who cast ballots in the vote, vote in favour of adding the applicant to the Membership List.

6.4 Notification of Application Decision

6.4.1 Council Acknowledgement of Vote Results

At the next duly convened Council meeting after the vote:

- (a) the Membership Clerk shall bring the list of transfer applications and vote results to Council; and
- (b) Council shall acknowledge the vote and authorize the addition of successful applicants to the Membership List through a duly passed Band Council Resolution (BCR).

The secured Membership List shall be updated and signed in acknowledgement by Council and filed with supporting BCRs.

6.4.2 Notification to Applicant

The Membership Clerk will notify each applicant within seven (7) days of the Council acknowledgement of the vote, of the vote results and:

- a) If the application was accepted, that Council has authorized their name be added to Wei Wai Kum Membership List effective of the vote date;
- b) If the application was rejected, the Membership Clerk must notify the applicant in writing.

6.4.3 Notification to Community

Within 7 days of the Council acknowledgement in section 6.4.2, the Membership Clerk shall notify the community of all changes to the Membership List through a post on the Wei Wai Kum First Nation website, an appropriate social media or on-line platform, newsletter and posted in the Administrative office.

7. NO APPEAL PROCESS, APPLICANTS MAY RE-APPLY

7.1 Re-Application Process

- (a) All decisions by Council and all votes by the membership for a transfer application are final and binding.
- (b) Despite paragraph (a) directly above, where an individual's application was rejected, that individual or a representative authorized under this Code, may re-apply and provide additional information, clarifications or documentation and may have a new application presented to Council in accordance with this Code.
- (c) Council will determine, by Band Council Resolution, if sufficient new information potentially changes the eligibility of the applicant and whether to allow the application to be considered for the vote in the following year or years after a rejection.

8. REMOVAL FROM MEMBERSHIP LIST

8.1 Voluntary Removals

Members may choose to have themselves and/or their Children removed from the Wei Wai Kum Membership List for any reason. Requests for removal from the list must be made to the Membership Clerk in writing.

8.2 Involuntary Removals

8.2.1 Removal Following Enrolment in another First Nation

If the Wei Wai Kum First Nation receives credible information or documents that demonstrate a Member is enrolled as a member in another First Nation, this information or these documents will be provided to the Membership Clerk.

- a) The Membership Clerk will review the documentation and prepare a report to Council with recommendations.
- b) If Council agrees that there is credible information or documents that demonstrate a Member is enrolled in another First Nation, Council will pass a Band Council Resolution to remove the individual from the Wei Wai Kum Membership List as of the date of the Resolution.

8.2.2 Removal Following Divorce Where Membership Gained by Marriage

As a continuation of section 19 in the previous Wei Wai Kum Membership Code dated March 28, 1988, if the Wei Wai Kum First Nation receives credible information or documents that demonstrate a Member who gained Wei Wai Kum membership through marriage to a Wei Wai Kum Member after April

17,1985 divorces that Member:

- a) The Membership Clerk will review the documentation and prepare a report to Council with recommendations.
- b) If Council agrees that there is credible information or documents that demonstrate a Member who gained membership by marriage in accordance with this section is divorced, Council will pass a Band Council Resolution to remove the individual from the Wei Wai Kum Membership List as of the date that is one year after the date of the divorce.

8.2.3 Removal of Deceased Members

If the Wei Wai Kum First Nation receives credible information or documents that demonstrate a Member is deceased, this information or these documents will be provided to the Membership Clerk.

- a) The Membership Clerk will review the documentation and prepare a report to Council with recommendations.
- b) If Council agrees that there is credible information or documents that demonstrate a Member is deceased, Council will pass a Band Council Resolution to remove the individual from the Wei Wai Kum Membership List as of the date of the death of the Member.

8.2.4 Removal Due to False Information

If Council or the Membership Clerk becomes aware that a Member has provided false information in an effort to meet the eligibility requirements set out in this Membership Code, that individual will automatically be removed from the Wei Wai Kum Membership List as of the date that the false information was first confirmed by the Membership Clerk or Council.

8.3 Notification of Removal

8.3.1 Council Acknowledgement

- a) Council shall acknowledge the removal of a Member from the Membership List by duly passing a Band Council Resolution and the secured Membership List shall be updated by the Membership Clerk.
- b) Despite the need for Council acknowledgement, removals set out in this section 8 are effective as of the date set out in the provision that applies.

8.3.2 Notification to Member

Upon receiving a BCR from Council removing a Member from the Membership List, the Membership Clerk will provide written notification to the former Member within twenty-one (21) days of a removal decision under Section 8 and shall

retain a copy of the notice in the Membership Clerk files.

For greater certainty, the Membership Clerk is only required to make best efforts to provide written notice under this subsection 8.3.2, and the loss of eligibility or removal of Membership under section 8 is legally valid, regardless of whether or not the individual receives the written notice. The Clerk shall keep records of all attempts to contact those individuals being removed from the Membership List.

8.4 Re-Application After Removal

A person removed from the Membership List as a result of Section 8, or their authorized representatives as allowed under this Code, may present additional information, clarifications or documentation and re-apply in the manner set out in section 7.

9. MEMBERSHIP LIST

9.1 Membership Clerk to Maintain Membership List

- a) Subject to funding, Council and the Senior Manager will ensure that Wei Wai Kum has and retains a qualified Membership Clerk and a trained backup Membership Clerk. The position of Membership Clerk may be combined with another role or function provided that the Membership Clerk maintains confidentiality as required by this Code.
- b) The Membership Clerk will maintain an up-to-date Membership List, which shall contain the names of every person who is a registered Wei Wai Kum Member. The Clerk will maintain a file for each individual Member with all documents and application forms.
- c) The Membership Clerk will also maintain copies of all other relevant documents, vote results, appeal results, and notices and correspondence.
- d) The Membership Clerk shall number and date all past and updated versions of the Membership List.
- e) The Membership List shall be signed and acknowledged by Council and kept in a secured file managed by Senior Managers with appropriate documentation. The Membership Clerk shall keep copies of each version with appropriate documentation.

9.2 Confidentiality and Access to Membership List

- a) The Membership Clerk shall maintain the Membership List and related documents and personal information in strict confidence and shall only release or provide information in accordance with this

Membership Code and with Wei Wai Kum laws and policies and all other applicable laws and policies.

- b) The Membership List is to be kept confidential with the exception of access for elections, ratification votes, Treaty and other legitimate purposes under the confidentiality and privacy protections set out in those processes.
- c) Unless otherwise stated in an applicable law, only the names of individuals on the Membership List will be available for viewing by any Wei Wai Kum Member upon request to the Membership Clerk.

10. NO LIABILITY

Neither the Wei Wai Kum First Nation nor any of its, Council, employees or agents under these rules shall be liable for loss or damages of any kind from any claim made by an individual whose name has been added to or removed from the Membership List or whose application has been accepted or rejected.

11. REVIEW AND AMENDMENTS

11.1 Review Period and Review Meeting

Council will complete a review of the Wei Wai Kum First Nation Membership Code every four (4) years and amendments will be made, if required.

11.2 Amendments Proposed by Council

At their discretion, Chief and Council can propose an amendment to the Membership Code at any time.

11.3 Minor Amendments by Council

Council may make minor amendments via Band Council Resolution to correct typographical errors or cross-references or to fix similar minor issues.

11.4 Amendments Require Ratification Vote

All substantive or major amendments to the Wei Wai Kum First Nation Membership Code must be approved by a majority of 50% + 1 of Electors in a community ratification vote conducted in accordance with the voting provisions, policies or procedure in force at that time for community vote or referendum.