



Blueberry River First Nations

PO Box 3009
Buick Creek BC V0C 2R0

MEMBERSHIP CODE Information and Example Code Summary

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Purpose

This summary document is intended to provide Blueberry members with basic information about the process for establishment of, and possible content of, a Blueberry River membership code.

Together with this summary document, Chief and Council are providing members with a draft membership code based on the structure that certain other BC Nations have used, including Doig River (“Example Code”). The Example Code includes plain language summary notes to help members understand the effect of the terms. Chief and Council are not formally proposing establishment of a membership code at this time, but rather providing this information for review and consideration, and seeking feedback from members. This summary should not be considered a comprehensive review of membership code issues nor a comprehensive summary of the Example Code (see the draft Example Code for more detail).

At the end of this summary document are additional policy questions that members should consider that may inform possible changes to the approach set out in the Example Code.

Background and *Indian Act* framework

- Blueberry does not have a membership code. Blueberry’s “band list” (formal list of members) is currently administered by Canada in accordance with the *Indian Act*. Canada is responsible for receiving applications and adding or removing persons from the Blueberry band list.
- On April 17, 1985 amendments to the *Indian Act* (known as Bill C-31) came into force. Among other changes, Bands were able to take control of their own membership lists under section 10 of the *Indian Act*.
- Before a Band can take control of its membership list, the members of the Band must approve of the Band taking control of its membership list and also approve the rules (generally called a “membership code”) that will govern how the Band deals with entitlement to membership in the Band (section 10, *Indian Act*). This is generally done by way of a membership vote.
- A Band cannot, through its membership code, deprive any person from having their name entered on the Band’s membership list if that person was on or entitled to have their name

entered on the band list immediately before the Band assumed control (section 10, *Indian Act*).

Draft Membership Code (“Example Code”)

It is important to remember that Blueberry does not currently have a membership code and thus a person’s entitlement to be on the Blueberry band list today is based on *Indian Act* entitlement. This will not change unless Blueberry adopts a membership code based on approval by membership. This next section is intended to provide a short summary of the Example Code to assist members in understanding and considering a possible approach to membership entitlement.

- The Example Code uses a “lineage” based system, with specific categories, to establish entitlement to membership and ability to “pass on” membership status (similar to entitlement to status under the *Indian Act* for the first two categories):
 - Descendant members (generally over 75% Blueberry ancestry; full ability to pass on member status to children; automatic entitlement) – criteria:
 - Members on or entitled to be on band list at time of adoption of the Code (except for those that “acquired” membership based on marriage/adoption);
 - Women involuntarily transferred out of Blueberry, and children of such women (pre-1985);
 - For future entitlement:
 - both parents are descendant members; or
 - one parent is a descendant member, other lineal member (see below)
 - Lineal members (generally over 50% Blueberry ancestry; more limited ability to pass on member status to children; automatic entitlement) – criteria:
 - For future entitlement:
 - One parent is a descendant member; or
 - Both parents are lineal members
 - Kindred members (generally over 25% Blueberry ancestry; very limited ability to pass on member status to children; no automatic entitlement (discretionary)) – criteria:
 - For future entitlement:
 - One parent is lineal member; or
 - Both parents are kindred members
 - Must apply for membership – consideration of self-identification, participation in community, ancestral connection
 - Acquired members (generally no Blueberry ancestry; no ability to pass on member status to children)

- on Blueberry band list at time of adoption of Code based on marriage/adoption to/by descendant member (automatic entitlement)
- For future entitlement:
 - Adopted by two members; or
 - Married to a descendant member
- Must apply for membership
- Honourary members (generally no Blueberry ancestry; no ability to pass on member status to children; application based on significant contribution to the Nation)

Note: all the categories (except honorary members) would be full members of the Nation and would have all the rights of a member of the Nation to receive programs, benefits and services.

- The Example Code contains procedural provisions establishing: a “membership registrar” position to administer the membership list; a “membership committee” to consider and make decisions on applications for membership; process and requirements for applications for membership; process and requirements for removal from membership list; and process for appeals (see the draft Example Code for more detail).

Additional Policy Questions

These are additional policy questions that members may consider that would inform possible changes to the approach set out in the Example Code:

- Does Blueberry want to control future membership through a system based on Blueberry ancestry and blood quantum (as in the Example Code)?
- In what circumstances should a person be automatically granted membership vs. required to apply (subject to a discretionary decision)?
- What entitlement to membership does Blueberry want to grant persons who are not of Blueberry ancestry, or who are distantly related, but have a significant connection to the community?
 - Would Blueberry want a “probationary” period for such members?
- How does Blueberry want to approach granting of membership to adopted children with no Blueberry ancestry?
 - Would it depend on whether the child had Indian status?
- How does Blueberry want to approach granting of membership to spouses of Blueberry members (without Blueberry ancestry)?

- Married vs. common law?
- Would it depend on whether the spouse had Indian status?
- How would decisions on membership applications be made? If by membership committee, who would be on that committee?
 - How many committee members? Council members? Elders? Other community members?
 - Would the committee be the decision-maker on membership applications/issues or play an advisory role to Council?
- What body would Blueberry want to be responsible for hearing appeals of membership decisions? Council? Elders?
- In what circumstances would a member be removed from the membership list?
 - Voluntary only? End of marriage (where acquired through marriage)? Other?
- How would the membership code be amended in future?
 - Same process as adoption (ie. vote of members)?