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# WILLIAMS LAKE FIRST NATION MEMBERSHIP RULES



Dated for Reference: June 24, 2024

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## PART I – Introduction and Purpose

### 1. Authority for these Membership Rules

- 1.1 Authority for the Williams Lake First Nation Membership Rules is derived from Aboriginal rights, including the right to self-govern, which have never been extinguished.
- 1.2 Section 35 of the *Constitution Act, 1982* recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada.
- 1.3 Section 10 of the *Indian Act* provides that a First Nation may assume control of its membership if it establishes rules for reviewing membership decisions and receives the consent of its membership for the adoption of those rules in accordance with the provisions of the *Indian Act*.
- 1.4 WLFN assumed control of its membership in accordance with the section 10 of the Indian Act by adopting membership rules dated April 19, 1991.
- 1.5 As a result of WLFN assuming control of its membership, a person who is registered by the government of Canada as a status Indian affiliated with the Williams Lake First Nation (WLFN) is not automatically entitled to WLFN membership.
- 1.6 The April 19, 1991, rules are replaced with these Membership Rules in accordance with the transitional provisions contained herein.

### 2. Purpose of these Membership Rules

- 2.1 The purpose of these Membership Rules is to:
  - (a) protect and enhance the cultural traditions, social harmony and economic stability of WLFN; and
  - (b) give clarity to Members and to WLFN about the processes to be followed in managing and administering the WLFN Membership.

## PART II – Definitions and Interpretation

### 3. Interpretation

#### 3.1 In these Membership Rules,

“1991 Membership Rules” means the membership rules adopted in accordance with section 10 of the *Indian Act*, dated April 19, 1991

“Arbitrator” means an independent third party appointed under these Membership Rules to hear appeals to be determined by an Arbitrator. An Arbitrator:

- (a) must:
  - (i) have the qualifications established by Council from time to time; and
  - (ii) swear or affirm the oath set out in Appendix “A” to these Membership Rules; and
- (b) must not:
  - (i) be an employee of WLFN; or
  - (ii) be a member of the Council;

“Band List” means the list of WLFN Members maintained by Canada prior to the adoption of the 1991 Membership Rules;

“Child” means a person under the age of 18 born in or out of wedlock and includes a legally adopted person and a person adopted in accordance with a WLFN Custom Adoption.

“Council” means the governing and duly elected body of WLFN and, unless the context otherwise requires, includes the Chief;

“Elector” means a person who:

- (a) has attained the age of 18;
- (b) is listed on the Membership List; and
- (c) is included in the Elector’s List;

“Electors’ List” means an alphabetical list of Electors, indicating the name, business address, e-mail address, business telephone and facsimile number of the Electoral Officer and the location of the polling stations where Electors may vote;

“Indian Act” means the *Indian Act*, R.S.C. 1985, c.I-5, including all amendments and revisions thereto;

“Indian Registrar” means the employee of Indigenous Services Canada responsible for maintaining the Indian Register;

“Majority” means fifty per cent plus one (50%+1);

“Member” means a person registered on the Membership List under Part III of these Membership Rules;

“Membership” means the group of persons who constitute the Members of WLFN;

“Membership Administrator” means the person appointed by Resolution under section 19.1;

“Membership List” means the list containing the names of Members maintained under Part III of these Membership Rules;

“Membership Rules” means these Membership Rules, as amended from time to time;

“Minister” means the Minister of Indian Affairs and Northern Development;

“Resolution” means a formal motion moved by a Council member, seconded by another Council member and passed by Council under Part VII of these Membership Rules;

“Williams Lake First Nation” or “WLFN” means the body of people who comprise the entity known as the Williams Lake Band of Indians under the *Indian Act* and for whose use and benefit in common WLFN Lands have been set apart by Her Majesty the Queen; and

“WLFN Administrator” means the Chief Administrative Officer of the WLFN appointed by Council;

“WLFN Custom Adoption” means an adoption conducted in accordance with WLFN tradition, as may be further described in a Custom Adoption Policy adopted by Resolution of Council.

“WLFN Land Code” means the land code adopted by the WLFN pursuant to the *First Nations Land Management Act*, S.C. 1999, c. 24.

- 3.2 Where the time limited for the doing of an act expires or falls on a Saturday or Sunday or a federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday.
- 3.3 Where the time limited for the doing of an act in the WLFN administration building falls on a day when the office is not open during regular business hours, the act may be done on the next day that the office is open.
- 3.4 Where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded.
- 3.5 Wherever the singular, or masculine or the term “person” is used in these Membership Rules, it shall be deemed to include the plural, feminine, body corporate, WLFN or other entity where the context so requires.

## **PART III – ADMINISTRATION**

### **4. Membership Administrator**

- 4.1 Council shall, by Resolution, appoint a Membership Administrator.
- 4.2 Council may also appoint an alternate Membership Administrator to act in the place of the Membership Administrator if the Membership Administrator is not available.
- 4.3 The Membership Administrator shall be responsible for the following:
  - (a) maintaining an accurate and up-to-date Membership List;
  - (b) receiving and processing applications for membership;
  - (c) rendering decisions on applications for membership in accordance with this Part;
  - (d) providing information concerning membership;
  - (e) developing policy, forms and other documents to support and enhance the administration of these Membership Rules;
  - (f) generally carrying out all other duties as may be required for the proper administration of this Part; and
  - (g) carrying out any additional duties that may be required by these Membership Rules.

### **5. Membership List**

- 5.1 There shall be maintained in the administration offices of WLFN a Membership List in which shall be recorded, among other information, the name, address and birth date of every person who is a Member.
- 5.2 No disclosure or use of the information contained in the Membership List shall be made for any purpose other than:
  - (a) for the purposes of WLFN;
  - (b) as may be required by law or pursuant to an agreement between WLFN and a government body; or
  - (c) for the purposes of confirming the membership status of a person upon request by that person or his or her legal guardian or representative.
- 5.3 On the date these Membership Rules come into force, the names on the membership list maintained pursuant to the 1991 Membership Rules shall constitute the names on the Membership List.
- 5.4 After the date these Membership Rules come into force, the Membership Administrator shall, as soon as practicable after a person becomes a Member, add the name of that person to the Membership List.

5.5 The Membership Administrator shall, as soon as practicable, after a person ceases to be a Member, delete the name of that person from the Membership List.

5.6 The Membership List shall indicate the date on which a person becomes or ceases to be a Member.

## **6. Eligibility for Membership**

6.1 A person is eligible to make application for Membership under these Membership Rules if he or she is:

- (a) a status Indian under the *Indian Act*; and
- (b) not a member of another First Nation or, if he or she is a member of another First Nation, has satisfied the Membership Administrator that he or she will be removed from the membership list of another First Nation prior to his or her addition to the WLFN Membership List.

## **7. Filing an Application for Membership**

7.1 A person wishing to become a Member must submit an application for membership to the Membership Administrator setting out the grounds on which the application is based, together with all supporting documentation.

7.2 The application for membership must be in the form approved by Council from time to time.

7.3 An application for membership on behalf of a Child shall be submitted by the parent(s) or legal guardian(s) of that Child.

## **8. Review of Membership Applications**

8.1 The Membership Administrator shall review applications for membership and determine an applicant's entitlement to be a Member.

8.2 If an applicant is determined eligible to make an application under section 6, the applicant will be categorized by the Membership Administrator as either:

- (a) Category 1; or
- (b) Category 2.

## **9. Category 1 Applicants**

9.1 In order for an applicant to be categorized as a Category 1 applicant, he or she must establish to the satisfaction of the Membership Administrator that:

- (a) At least one of his or her parents is a WLFN Member or, if his or her parents are deceased, that they were a WLFN Member at the time of their death; or

- (b) The applicant or one or more of his or her parents was entitled to be on the Band List maintained by Canada immediately prior to April 17, 1985 (the date WLFN provided for in the 1991 Membership Rules).

9.2 For greater clarity:

- (a) Section 9.1(b) is intended to address individuals whose status was gained or restored by virtue of amendments to the *Indian Act*, but who may not have been included on the Band List at the time control of that list was assumed under the 1991 Membership Rules.
- (b) The onus of proof is on the applicant to establish that he or she is entitled to be classified as a Category 1 applicant by virtue of section 9.1(b).
- (c) In order to make a determination whether an applicant is entitled to be classified as a Category 1 applicant by virtue of section 9.1(b) the Membership Administrator may require a letter from the Indian Registrar or such other evidence that the Membership Administrator, in his or her sole discretion, considers necessary or appropriate.

9.3 Applicants who are determined by the Membership Administrator to fall within Category 1 shall be immediately added to the Membership List by the Membership Administrator.

## 10. Category 2 Applicants

- 10.1 All applicants who are determined eligible under section 6 but who are not categorized as Category 1 applicants shall be categorized as Category 2 applicants.
- 10.2 In order to be added to the Membership List, Category 2 applicants must have their applications approved by the Membership in accordance with the process set out in Part V of these Membership Rules.

## 11. Posting of Membership Administrator's Decision

- 11.1 The Membership Administrator shall provide the applicant notice in writing of the decision on the application for membership, and specifically as to whether the applicant is determined to be:
  - (a) ineligible to apply for WLFN Membership;
  - (b) a Category 1 applicant; or
  - (c) a Category 2 applicant.
- 11.2 The decision of the Membership Administrator shall be posted in a public area of the WLFN administration building.

## **PART IV – REVOCATION OF MEMBERSHIP**

### **12. Revocation of Membership**

- 12.1 A person's entitlement to be a Member ceases when:
- (a) he or she applies for membership in another Band or First Nation and his or her application for membership is accepted; or
  - (b) a final determination made under section 12.3 or section 13.13 has been made that the person became a Member as a result of an error or on the basis of false or inaccurate information.
- 12.2 Where the Membership Administrator determines that a person became a Member as a result of an error or on the basis of false or inaccurate information, the Membership Administrator shall advise the Member in writing of the error or false or inaccurate information and allow the Member thirty (30) days from the date the notice was given within which to provide additional information.
- 12.3 Upon expiration of the time limit referred to in section 12.2, the Membership Administrator shall consider the original information and any information received from the Member, and shall render a decision in writing together with reasons.
- 12.4 The decision of the Membership Administrator made under section 12.3 shall be posted in a public area of the WLFN administration building.
- 12.5 The Membership Administrator shall provide notice in writing of the decision together with reasons to the Member affected.

### **13. Appeal to Arbitrator**

- 13.1 A decision of the Membership Administrator made under section 11 or section 12 or the result of a vote under Part V may be appealed:
- (a) by the person applying for membership or the person whose membership has been revoked as the case may be; or
  - (b) if the person is a Child, by the parent or guardian of that Child.
- 13.2 An appeal under section 13.1 shall be made in writing, stating the basis for the appeal, together with any supporting documentation, and must be hand delivered, faxed, mailed, or e-mailed, to the WLFN Administrator within thirty (30) days from the date the decision of the Membership Administrator was posted in a public area of the WLFN administration building.
- 13.3 The notice of appeal shall include a deposit of two hundred and fifty dollars (\$250) as security for costs deposited with the WLFN Administrator.
- 13.4 Upon receipt of an appeal the WLFN Administrator shall request the Council to appoint an Arbitrator.



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- 13.5 If Council has not appointed an Arbitrator within ten (10) days of the request the WLFN Administrator shall appoint an Arbitrator.
- 13.6 Upon the appointment of an Arbitrator the WLFN Administrator shall, as soon as possible, provide the Arbitrator with the WLFN Administrator's decision, the notice of appeal and supporting documentation.
- 13.7 Upon receipt of the WLFN Administrator's decision, the notice of appeal and supporting documentation, the Arbitrator shall hold a hearing within sixty (60) days.
- 13.8 The onus of proof in an appeal shall be on the person appealing.
- 13.9 A copy of the notice of appeal and any documents relied upon shall be delivered to the Membership Administrator at least fourteen (14) days prior to the hearing.
- 13.10 The Membership Administrator may file a reply with the Arbitrator at least four (4) days prior to the hearing.
- 13.11 A copy of any reply filed by the Membership Administrator shall be provided to the person appealing at least two (2) days prior to the hearing.
- 13.12 The Arbitrator may, at his or her discretion, give directions for:
- (a) fixing the date, time and place for the hearing of the appeal;
  - (b) designating the method of taking evidence, either by sworn declaration or written testimony, or both;
  - (c) designating what persons are to be notified and how they are to be served; and
  - (d) dealing with any matter or other thing not otherwise provided for in this section.
- 13.13 The Arbitrator shall issue a written decision together with reasons which either:
- (a) confirms the decision of the Membership Administrator; or
  - (b) reverses the decision of the Membership Administrator and makes any order or entry on the Membership List that the Membership Administrator could have made.
- 13.14 No decision of the Membership Administrator or outcome of a vote under Part V may be declared invalid or reversed by an Arbitrator by reason only of an irregularity or non-compliance with these Membership Rules if it appears to the Arbitrator that the Membership Administrator acted in good faith unless the non-compliance, irregularity or mistake materially affected the decision of the Membership Administrator or the outcome of the vote under Part V.
- 13.15 The Arbitrator may in his or her discretion order by whom, to whom, and in what manner the costs of the appeal shall be paid and shall make a disposition of the security for costs in accordance with his or her order.
- 13.16 The Arbitrator shall provide a copy of the decision to the person appealing and the Membership Administrator.

- 13.17 The Membership Administrator shall post a copy of the Arbitrator's decision in a public area of the WLFN administration building.
- 13.18 Where the Arbitrator renders a decision to reverse the decision of the Membership Administrator made under section 12, the person shall be deemed to have never ceased to be a Member.

#### **14. Confidentiality**

- 14.1 All information received by the Membership Administrator on an application, or by the WLFN Administrator or the Arbitrator on an appeal, shall be treated as confidential and shall not be disclosed to a third party without the written consent of the person concerned, except where disclosure is required by law or deemed necessary for the Membership Administrator, WLFN Administrator or Arbitrator to carry out their duties under this Part.

### **PART V – APPROVAL OF CATEGORY 2 APPLICANTS**

#### **15. Approval Process**

- 15.1 No Category 2 applicant may become a Member except under this Part.
- 15.2 Council shall from time to time, and not less than once per calendar year, schedule a Special Membership Meeting for the purpose of considering Category 2 applications for Membership.
- 15.3 Notice of the Special Membership Meeting required under section 15.2 shall be provided to the Membership at least twenty (20) days before the meeting and shall include:
- (a) the name of each Category 2 applicant;
  - (b) notification that there will be a vote by secret ballot of the Electors present at the Special Membership Meeting to make a decision on whether or not to approve the addition of the Category 2 applicants to the WLFN Membership List; and
  - (c) the date, time and place of the Special Membership Meeting also specifying the time period during which voting will take place.
- 15.4 Notice of the Special Membership Meeting shall be provided to the Membership by:
- (a) publication in the WLFN newsletter mailed to Electors, or by separate written notice delivered or mailed to Electors; and
  - (b) posting of the notice in a public area of the WLFN administration building and on the WLFN website.
- 15.5 At the Special Membership Meeting the Membership Administrator shall provide the members present with a list of the Category 2 applicants and Members present shall be entitled to ask questions concerning any of the applicants.

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- 15.6 Upon completion of the discussion the Electors, including Council members, present at the Special Membership Meeting shall vote by secret ballot on whether or not to approve the addition of each Category 2 applicant to the WLFN Membership List.
- 15.7 For greater clarity, an Elector may attend a Special Membership Meeting conducted under this Part virtually, through the use of Microsoft Teams, Zoom or a similar platform, and may participate in the vote by secret ballot through an online or other electronic voting platform authorized by resolution of Council.
- 15.8 The application of a Category 2 applicant shall be accepted if a Majority of Electors voting by secret ballot at the Special Membership Meeting approve the addition of that Category 2 applicant to the WLFN Membership list.
- 15.9 The decision at the Special Membership Meeting shall be recorded in the minutes, and the Membership List shall be amended to reflect the decision.
- 15.10 The Membership Administrator shall:
- (a) notify each applicant in writing as to the decision made at the Special Membership Meeting; and
  - (b) post a copy of the decision made at the Special Membership Meeting in a public area of the WLFN administration building.

## **PART VI – EFFECTIVE DATE OF MEMBERSHIP**

### **16. Effective Date of Membership**

- 16.1 A person becomes a Member on the date that his or her application for membership is approved in accordance with these Membership Rules, and for greater clarity:
- (a) A Category 1 applicant becomes a Member on the date their application for Membership is approved by the Membership Administrator in accordance with section 9.3; and
  - (b) A Category 2 applicant becomes a Member on the date their application for Membership is approved in accordance with the process set out in Part V.
- 16.2 A person ceases to be a Member on the date of the decision of the Membership Administrator under section 12, or in the case of an appeal, on the date of the decision of the Arbitrator.

## **PART VII – Reapplication**

### **17. Process**

- 17.1 A person whose application has been rejected by a vote of the Membership in accordance with Part V or under the 1991 Membership Rules may reapply for Membership under these Membership Rules, provided that at least thirty days has elapsed from the date of the vote conducted pursuant to Part V or under the 1991 Membership Rules.

- 17.2 A person reapplying under section 17.1 may apply up to a maximum of three (3) times.

## **PART VIII – AMENDMENT OF MEMBERSHIP RULES**

### **18. Procedure**

- 18.1 The process for the development and passage of amendments to these Membership Rules may be initiated by Resolution.
- 18.2 Upon passage of the Resolution under section 18.1, Council shall develop proposed amendments to these Membership Rules.
- 18.3 Upon completion of the proposed amendments to the Membership Rules, Council shall schedule a Special Membership Meeting for the purpose of considering the proposed amendments and shall provide notice the Membership.
- 18.4 The notice of the Special Membership Meeting required under section 18.3 shall be provided to the Membership at least twenty (20) days before the meeting and shall include:
- (a) the date, time and place of the Special Membership Meeting;
  - (b) a summary of the proposed amendments to these Membership Rules; and
  - (c) notification that the full copy of the proposed amendments to these Membership Rules and these Membership Rules can be obtained at the WLFN administration building.
- 18.5 Notice shall be provided to the Membership by:
- (a) publication of the notice in the WLFN newsletter, delivered or mailed to Electors or by separate notice delivered or mailed to Electors; and
  - (b) posting of the notice in a public area of the WLFN administration building and such other places as Council may direct.
- 18.6 At the Special Membership Meeting, copies of the proposed amendments to these Membership Rules shall be available to Members present.
- 18.7 At the Special Membership Meeting, the purpose and provisions of the proposed amendments shall be explained by Council, and Members may ask questions and provide comments.
- 18.8 After the Special Membership Meeting held to consider the proposed amendments to the Membership Rules, Council shall, within sixty (60) days of the date on which the Special Membership Meeting was held, prepare a final draft of the proposed amendments, taking into consideration the comments received from Members, the needs of the community and other relevant matters.
- 18.9 The proposed amendments to these Membership Rules must be approved by referendum held in accordance with the procedures for referenda set out in Part IX of the WLFN Land Code.
- 18.10 Proposed amendments to these Membership Rules approved in accordance with this

Part come into effect on the date of the referendum.

- 18.11 Notwithstanding the requirements of this Part, where Council discovers that provisions of these Membership Rules require minor typographical, grammatical, or other non-substantive amendment, Council may approve such amendments by Resolution and these amendments shall take effect on the date of the Resolution or on such other date specified in the Resolution.

## **PART IX – COMING INTO FORCE**

- 19.1 These Membership Rules shall come into force on the date that Council satisfies the amendment criteria set out in sections 23 to 24 of the 1991 Membership Rules.

## **PART X – GENERAL**

- 20.0 Council may create policy, procedures, forms, in support of these membership rules.

## APPENDIX 'A'

### Arbitrator Oath

I, .....[*name of aribtrator*].....do swear/affirm that I will faithfully, honestly and impartially fulfill the duties and exercise the powers entrusted to me as an arbitrator under the *WLFN Membership Rules* that I have not received and will not receive any payment or reward, or any promise of payment or reward, for the exercise of any partiality or other improper execution of my office.

Sworn/Affirmed by me, at .....[*place*], on ..... [*date*].

.....  
[*Signature of person swearing or affirming oath*]

.....  
[*A commissioner for taking affidavits for British Columbia*]