

February 26, 2015

UPDATED DRAFT – June 1, 2015

Prepared for the Membership/Transfer Governance Advisory Committee

Preamble

Whereas section 35 of the *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada;

Whereas section 25 of the *Constitution Act, 1982* provides that the guarantee of individual rights and freedoms will not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada;

Whereas section 10 of the *Indian Act, 1985* 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 Couchiching First Nation Band Membership Rules came into force on March 31, 2016; and

Whereas a majority of the electors of the Couchiching First Nation have duly consented to repeal and replace the Couchiching First Nation Band Membership Rules;

Now, therefore, the Council of the Couchiching First Nation enacts as follows:

1. Title

This document may be cited as the Couchiching First Nation Membership Rules (the “Rules”).

2. Purpose

The purpose of these Rules is to maintain the criteria and procedures required to become a Member of the Couchiching First Nation.

3. Interpretation

Definitions

In these Rules,

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“**Adopted**” means a Child who is adopted in accordance with the custom of the Couchiching First Nation or under laws recognized in Canada and in Ontario. A Child adopted by an Eligible Parent Member is deemed to be a descendant of that Eligible Parent Member, and a descendant of the associated Eligible Grandparent Member(s) and Eligible Great-Grand Parent Member(s);

“**Band Council Resolution**” means a resolution passed by the Couchiching First Nation, in accordance with the requirements of the *Indian Act*, as amended from **time** to time.

“**Band List**” means the list of **names** or persons who are, or were, members of the Couchiching First Nation pursuant to the Couchiching First Nation Band Membership Rules enacted in 2015. For clarity, Band List means the list that existed prior to the enactment of these Rules.

“**Child**” means a person who is under the **age of 18** and includes a Child who has been Adopted;

“**Council**” means the Chief and Councillors of the Couchiching First Nation established pursuant to section 74 of the *Indian Act*, and holding office at the relevant time;

“**Dependent**” means a Child or any person over the age of 18 but who by reason of disability, illness or other cause, is in the care or custody, whether in law or in fact, of a Member;

“**Elder**” means a Member who is considered an Elder as recognized and defined by Council from time to time;

“**Elector**” means a Member who is 18 years of age, or older, and who is not disqualified from voting;

“**Eligible Parent Member**” means a Member, or person entitled to be a Member, who has never been a member of another First Nation, and who is, or was, the parent of the applicant either biologically or as a result of any Adoption, and the parent did not acquire his or her Membership, or entitlement to Membership, solely as a result of **marrying** a Member, transferring into Couchiching First Nation or pursuant to discretionary Membership under Section 10(1)(a);

“**Eligible Grandparent Member**” means a Member, or person entitled to be a Member, who has never been a member of another First Nation, and who is, or was, the grandparent of the applicant either biologically, or as a result of any Adoption, and the grandparent did not acquire his or her Membership, or entitlement to Membership, solely as a result of marrying a Member, transferring into Couchiching First Nation or pursuant to discretionary Membership under Section 10(1)(a);

“**Eligible Great-Grandparent Member**” means a Member, or person entitled to be a Member, who has never been a member of another First Nation, and who is, or was, the great-grandparent of the applicant either biologically, or as a result of any Adoption, and the great-grandparent did not acquire his or her Membership, or entitlement to Membership, solely as a result of marrying a Member, transferring into Couchiching First Nation or pursuant to discretionary

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Membership under Section 10(1)(a);

“**Executive Assistant**” means the person employed as the Couchiching First Nation Executive Assistant, or his or her delegate, who will take minutes at meetings.

“**Immediate Family**” means a spouse, parent, grandparent, Child, grandchild, sibling, aunt, uncle, or Dependent, whether such relationships arise by reason of birth, Marriage or Adoption;

“**Indian Status**” means a person who is a Registered Indian.

“**General Membership Meeting**” means a meeting, for Members in attendance, to obtain information on and consider specific Membership issues. General Membership Meetings will be chaired by the Membership Administrator, or his or her delegate, and held after 4 p.m. or on a weekend;

“**Married**” means married in accordance with the custom of the Couchiching First Nation or under laws recognized in Canada;

“**Member**” means a person enrolled on the Membership List under these Rules;

“**Membership**” means Couchiching First Nation Membership;

“**Membership Administrator**” means a person employed as the Couchiching First Nation Membership Administrator;

“**Membership List**” means the list of all persons who are Members;

“**Public Notice**” means notice that is required to be posted publicly in accordance with these Rules, for any decision or meeting that is related to Membership issues;

“**Registered Indian**” means a person who is registered as an Indian pursuant to the *Indian Act*;

“**Reserve**” means a reserve of the Couchiching First Nation and includes:

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“**Special Membership Meeting**” means a meeting, for Members in attendance, to vote on the approval or disapproval, or proposed amendments, of these Rules, or any existing membership codes, laws or rules. Special Membership Meetings will be chaired by the Membership Administrator, or his or her delegate, and held after 4 p.m. or on a weekend.

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Calculation of Time

Where there is a reference to a number of days or a number of days in between two events within these Rules, in calculating the number of days, the days on which the events happen are excluded and Saturdays and Sundays are included.

Where the time limited for the doing of an act under these Rules 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.

If the time for doing an act under these Rules is with respect to an act required in a business office, and falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open during regular business hours.

General

Any person, who, immediately prior to these Rules coming into force, had the right to have his or her name entered on the Band List, will not be deprived of the right to be a Member by reason only of a situation that existed or an action that was taken before these Rules came into force.

Words importing the singular number include the plural and vice versa and words importing gender include the masculine, feminine and neutral genders

Severability

The invalidity or unenforceability of any provision of these Rules will not affect the validity or enforceability of any other provision of these Rules and any such invalid or unenforceable provision will be deemed to be severable.

4. Discretionary Power

Each discretionary power Council confers upon anyone, including the Membership Administrator, under these Rules, will be exercised in good faith, without discrimination on the basis of sex or religion, in accordance with his or her best judgment, and in the best interests and welfare of the Couchiching.

5. Administration

The Membership List will be maintained by the Membership Administrator who is responsible for:

receiving and processing applications for Membership;

rendering decisions on applications for Membership in accordance with Section 9;

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making recommendations to Council on applications for Membership in accordance with Sections 10 and 11;

convening Council, Appeals Committee, General Membership Meetings or Special Membership Meetings to determine Membership issues;

where required under these Rules, drafting and posting Public Notice of all Membership decisions and any meetings held to determine Membership issues;

providing information concerning Membership;

periodically reviewing the Membership List to ensure that the Membership List accurately reflects all additions to, and deletions from, the Membership List as are made in accordance with these Rules

maintaining an accurate and up-to-date Membership List;

maintaining all copies of these Rules and any amendments thereto;

generally, carrying out all other duties as may be required for the proper administration of these Rules.

6. Appeals Committee

An Appeals Committee consisting of five (5) persons, all of whom are Members, excluding Council members, will be appointed by Council to hear appeals pursuant to Section 15.

The term of appointment to the Appeals Committee will be three (3) years.

Appeals Committee decisions will be by a simple majority provided that at least 3 members of the Appeals Committee are present at the meeting.

Council may remove and replace any member of the Appeals Committee with written notice at any time.

If an Appeals Committee member is absent for three consecutive meetings without valid reason, that member will be removed from the Appeals Committee and a new member will be appointed by Council.

Council will appoint a temporary member to the Appeals Committee if removal of an Appeals Committee member results in loss of quorum.

Council will make rules of procedure for the Appeals Committee consistent with these Rules and all Appeals Committee meetings will be attended by the Executive Assistant, who will take minutes and produce written decisions based on the

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Appeals Committee decisions.

Each person who is selected to serve on the Appeals Committee will hold the position until:

the term of appointment has expired;

he or she, for any reason, is unable to perform his or her duties under these Rules, or

until he or she is removed by Council in accordance with these Rules.

All decisions made by the Appeals Committee will be written and will include reasons.

All decisions made by the Appeals Committee will be final.

7. The Membership List

The Membership List will be maintained by the Membership Administrator in his or her office and will contain the name, address and birth date of every Member.

No disclosure or use of the information contained in the Membership List will be made for any purpose other than:

for the purposes of Couchiching First Nation as determined by Council; or,

for the purposes of confirming the Membership of a person upon request by that person or his or her legal guardian or representative.

On the date these Rules come into force, the names currently on the Band List maintained by Couchiching First Nation will constitute the names on the Membership List.

Each Member is responsible for keeping their contact information current and up to date with the Membership Administrator and failure to provide updated contact information may result in Members being excluded from important political and community information and processes.

The Membership Administrator shall, as soon as practicable, update the Membership List when a Member changes his mailing address.

The Membership Administrator shall, as soon as practicable after a person becomes a Member, add the name of that person to the Membership List.

The Membership Administrator shall, as soon as practicable, after a person ceases to be a Member, delete the name of

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that person from the Membership List.

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

The Membership List will be accessible to Members during regular office hours at the office of the Membership Administrator.

8. Public Notice

Public Notice of any decision made pursuant to these Rules regarding the rejection, addition, or deletion of Membership is required, and notice of the decision must be posted in writing in a place that is reasonably accessible to the persons on the Membership List, such as the Couchiching First Nation Administration office, in the Couchiching First Nation community newsletter, or any other conspicuous places as determined by Council or the Membership Administrator, and the Public Notice will include:

the name of the person whose Membership, or application for Membership, is being considered;

the decision reached by the decision maker, without written reasons;

the date that the decision was made; and

the date that Public Notice of the decision was posted.

Public Notice of a General Membership Meeting held in order to consider Membership issues, pursuant to Section 17, is required, and notice of the meeting must be posted in writing in a place that is reasonably accessible to the persons on the Membership List, such as the Couchiching First Nation Administration office, in the Couchiching First Nation community newsletter, or any other conspicuous places as determined by Council or the Membership Administrator, and the Public Notice will include:

30 days notice before the General Membership Meeting;

the date, time and place of the General Membership Meeting; and

a description of the issue or issues to be discussed at the General Membership Meeting.

Public Notice of an Appeals Committee meeting held in order to decide an appeal, pursuant to Section 15, is required, and notice of the meeting must be posted in writing in a place that is reasonably accessible to the persons on the Membership List, such as the Couchiching First Nation Administration office, in the Couchiching First Nation community newsletter, or any other conspicuous places as determined by Council or the Membership Administrator, and the Public Notice will include:

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the date, time and place of the Appeals Committee meeting; and

the name of the person whose Membership, or application for Membership, is being appealed.

Public Notice of a Special Membership Meeting held in order to approve or disapprove the enactment, or proposed amendments, of these Rules, pursuant to Section 17 and 20, is required, and notice of the meeting must be posted in writing in a place that is reasonably accessible to the persons on the Membership List, such as the Couchiching First Nation Administration office, in the Couchiching First Nation community newsletter, or any other conspicuous places as determined by Council or the Membership Administrator, and the Public Notice will include:

the date, time and place of the Special Membership Meeting;

notification that there will be a vote by secret ballot of the Electors, present at the Special Membership Meeting, to decide whether to approve or disapprove the enactment, or proposed amendments, of these Rules; and

the specific time period during which voting will take place.

Where Public Notice of a meeting is required to be given under these Rules, the Membership Administrator will:

draft the Public Notice;

mail or deliver the Public Notice to all Members who reside on and off-reserve; and

post the Public Notice in writing in a place that is reasonably accessible to the persons on the Membership List, such as the Couchiching First Nation Administration office, in the Couchiching First Nation community newsletter, or any other conspicuous places as determined by Council or the Membership Administrator .

9. Persons Entitled to Membership

Unless prohibited by Section 12, a Child is entitled to be a Member if he or she is a Registered Indian and can provide satisfactory proof that:

at least one (1) of his or her parents is or was an Eligible Parent Member.

Unless prohibited by Section 12, a person is eligible to be a Member if he or she is a Registered Indian and can provide satisfactory proof that:

at least one (1) of his or her parents is or was an Eligible Parent Member.

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10. Persons Eligible to Apply for Discretionary Membership

Unless prohibited by Section 12, a person may apply for Membership if he or she is a Registered Indian and can provide satisfactory proof that:

At least one (1) of his or her parents is or was a Member; or entitled to be a Member; or

At least one (1) of his or her grandparents is or was an Eligible Grandparent Member; or

At least one (1) of his or her great-grandparents is or was an Eligible Great-Grandparent Member.

Council may grant Membership under this Section, after considering the factors set out in Section 11.3 and on condition that Council is satisfied that the applicant warrants Membership.

11. Transfers

Any person who is a Registered Indian, 18 years of age or older, and who is not prohibited by Section 12, may apply for Membership in the Couchiching First Nation by submitting a completed Application Form to the Membership Administrator.

A person making an application to transfer into the Couchiching First Nation must include a completed Criminal Record Check, which is to be completed at the applicant's expense.

The Membership Administrator will consider applications to transfer into the Couchiching First Nation as set out in Section 13, and will make his or her recommendation to Council based on the following factors:

the extent of the applicant's family or spousal connections to a Member, or person entitled to be a Member;

whether the applicant can make a valuable contribution to the Couchiching First Nation;

whether the applicant can demonstrate a strong connection to the Couchiching First Nation such as, but not limited to, knowledge of Couchiching First Nation language, traditions and custom, as determined by Council;

whether the applicant has a criminal record or other documented antisocial behaviour, as determined by Council based on guidelines approved by Council through a Band Council Resolution.

In making its determination pursuant to this Section, Council may seek the assistance of Couchiching First Nation Elders, provided such Elders are not on the Appeals Committee.

Any person seeking to transfer into the Couchiching First Nation may include his or her Children and/or Dependents in

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the application provided that the Children and Dependents are Registered Indians.

If the applicant is transferring out of a First Nation governed by Section 11 of the *Indian Act*, before the applicant can transfer into the Couchiching First Nation and be added to the Membership List, the applicant must provide to the Membership Administrator a Band Council Resolution from the First Nation that he or she is transferring out of, confirming that he or she has been removed from the membership list of that First Nation.

12. Persons Not Entitled To Be Members

For greater certainty, and notwithstanding any other provisions of these Rules, as of the effective date of these Rules, the following persons are not entitled to be enrolled as Members:

any person who is not a Registered Indian.

a Child or person who has one parent who gained Indian Status and Membership prior to April 17, 1985, solely through marriage, and that Child or person's other biological parent is not a Registered Indian.

any person who is a member of another First Nation.

13. Application for Membership

Application

All applications for Membership pursuant to Sections 9, 10 and 11 must be made to the Membership Administrator in writing, with all supporting documentation, and on the prescribed Application Form.

In making any determinations pursuant to Sections 9, 10 or 11, Council may seek the assistance of Couchiching First Nation Elders, provided such Elders are not on the Appeals Committee.

An application for Membership on behalf of a person under the age of 18 years will be submitted by the parent(s) or legal guardian(s) of that person.

Section 9 Decisions

The Membership Administrator will, within fifteen (15) days of receiving all required documentation, including documentation from the Government of Canada and any other body that is providing documentation, determine a person's entitlement to Membership pursuant to Section 9, notify the applicant of the decision in writing and with reasons, and post Public Notice of the decision.

In the event that the Membership Administrator is processing an application submitted by his or her Immediate Family, the consent of one (1) member of Council will be required before the application can be approved and the applicant's name added to the Membership List.

Decisions made under Section 9 may be appealed, and any such appeal shall be pursuant to Section 15.

Section 10 and 11 Decisions

The Membership Administrator will, within fifteen (15) days of receiving all required documentation, including documentation from the Government of Canada and any other body that is providing documentation, review all applications under Sections 10 and 11 and make a recommendation to Council about whether or not the applicant meets the eligibility requirements set out in these Rules.

Council will, within three (3) months of the Membership Administrator making his or her recommendation to Council under Section 13.6, meet in private and determine a person's eligibility for Membership pursuant to Sections 10 or 11.

On the following business day after the Council meeting held under 13.7, Council will inform the Membership Administrator of its decision, in writing and with reasons, and instruct the Membership Administrator to:

add the applicant's name to the Membership List; or

refrain from adding the applicant's name to the Membership List.

Within ten (10) days of receiving Council's decision under Section 13.8 the Membership Administrator will notify the applicant of Council's decision, in writing and with reasons, and will post Public Notice of this decision.

Decisions made under Sections 10 or 11 may be appealed, and any such appeal shall be pursuant to Section 15.

14. Loss of Membership

Voluntary loss of Membership

Membership will be revoked and a Member's name will be removed from the Membership List when:

he or she provides written notice and satisfactory proof to the Membership Administrator that he or she wishes to give up his or her Membership; or

he or she applies for Membership with another First Nation and his or her application is accepted.

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Involuntary loss of Membership

Membership can be revoked and a Member's name can be removed from the Membership List when:

- a determination is made by Council that the person is maintaining membership in two First Nations at the same time;
- a determination is made by Council that the person became a Member as a result of an error, or on the basis of false or inaccurate information;
- a determination is made by Council that a Member, who gained Indian Status solely through marriage to a Registered Indian, becomes divorced, separated for longer than one year, or widowed from her Member spouse; or
- a determination is made by Council that a Member, who does not have at least one (1) Eligible Parent Member, no longer maintains a substantial connection to the Couchiching First Nation community and/or Reserve, either traditionally, culturally, or through familial connections.

Voluntary loss of Membership process

Where a Member wishes to surrender Membership under Section 14.1, his or her Membership will be terminated effective the date that:

- the Membership Administrator receives the written request from the Member; or
- the Membership Administrator receives confirmation that the Member has been added to the membership list of another First Nation.

Involuntary loss of Membership process

Where it is proposed by Council that a person's Membership should be revoked under Section 14.2 the Membership Administrator will provide notice of Council's proposal to the Member, in writing and with reasons, and allow the Member 30 days from the date the notice was delivered within which to contact the Membership Administration to arrange a meeting with Council to present information as to why his or her name should not be removed from the Membership List. This Council meeting will be held within 30 days of the Member contacting the Membership Administrator.

Failure of the Member to contact the Membership Administrator within 30 days to arrange a Council meeting will result in the removal of the Member's name from the Membership List by the Membership Administrator, who will notify the Member of the decision, in writing and with reasons, and will post Public Notice of this decision.

Failure of the Member to attend the arranged Council meeting will result in the removal of the Member's name from the Membership List by the Membership Administrator, who will notify the Member of the decision, in writing and with

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reasons, and will post Public Notice of this decision.

In determining whether a person's Membership should be revoked under Section 14.2(a), Council will require written consent from the Member to confirm with the other First Nation that the Member is not maintaining membership in two First Nations. Failure of the Member to provide his or her written consent within 15 days will result in a determination that the Member is holding two memberships in two First Nations and the Membership Administrator will remove the Member's name from the Membership List.

If written consent is provided by the Member and the Membership Administrator is not able to obtain the information from the other First Nation, it will be up to the Member to obtain proof, within 30 days, that the Member is not maintaining membership in two First Nations.

If proof is not provided within 30 days the Membership Administrator will remove the Member's name from the Membership List and notify the Member of the decision, in writing and with reasons, and will post Public Notice of the decision.

In determining whether a person's Membership should be revoked under Section 14.2(b), Council will consider any additional information or documentation that was not reasonably available at the time of the original application that supports or negates the person's eligibility for Membership.

In making any determinations pursuant to this Section Council may seek the assistance of Couchiching First Nation Elders, provided such Elders are not on the Appeals Committee.

In determining whether a person's Membership should be revoked under section 14.2(c) or (d), Council will consider any familial or personal relationships and cultural connections maintained by the person, which supports or negates the person's eligibility for Membership, the limited housing and land capacity of the Couchiching First Nation and any other relevant factors.

In making any determinations pursuant to this Section Council may seek the assistance of Couchiching First Nation Elders, provided such Elders are not on the Appeals Committee.

Involuntary loss of Membership decisions

At the meeting held pursuant to Section 14.4, Council will consider:

the original information;

any additional information received from the Member in question or any other Member; and

any other relevant information, including the information outlined in Sections 14.5, 14.6 and 14.7.

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Immediately following the meeting, Council will meet in private, consider the information available and make a decision.

On the following business day after a decision has been made pursuant to Section 14.9, Council will inform the Membership Administrator of its decision, in writing and with reasons and instruct the Membership Administrator to:

maintain the Member's name on the Membership List; or

remove the Member's name from the Membership List after time allowed for appeals under Section 15 has expired.

Within 10 days of receiving Council's decision under Section 14.10, the Membership Administrator will notify the Member of the decision, in writing and with reasons, and will post Public Notice of this decision.

Where a Member's Membership is terminated under Section 14, the rights to Membership of his or her spouse, Child and/or Dependent are not affected unless their Membership is also void for reasons under this Section or these Rules.

All decisions made by Council to remove a Member's name from the Membership List may be appealed, any such appeal shall be pursuant to Section 15, and no Member will be deprived of Membership rights under this Section, or any other provision, until the time allowed for appeals under Section 15 has expired.

15. Appeals and Protests

Application

All decisions made by the Membership Administrator and Council under these Rules may be appealed, and any such appeal shall be pursuant to this Section.

Commencing Appeals

An appeal may be made by an applicant, the applicant's representative, a person whose Membership has been revoked, or any Member. The onus of establishing the grounds of the appeal lies with the person making the appeal.

All appeals must be made in writing on the prescribed Appeals Form and submitted to the Membership Administrator within 30 days of the Public Notice of a decision being posted.

Calculation of the 30 day appeal period commences on the latter of the dates upon which Public Notice is posted at the Couchiching First Nation Administration office, in the Couchiching First Nation community newsletter, or in any other conspicuous place as determined by Council or the Membership Administrator.

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Appeals from Membership Administrator Decisions

All appeals from decisions of the Membership Administrator shall be heard and decided by Council.

Within 30 days of receiving an appeal from a Membership Administrator decision, the Membership Administrator will convene a private Council meeting at which Council will determine the applicant's eligibility for Membership.

On the following business day after the Council meeting held under Section 15.5, Council will inform the Membership Administrator of its decision, in writing and with reasons, and instruct the Membership Administrator to:

Add the applicant's name to the Membership List; or

Refrain from adding the applicant's name to the Membership List.

Within ten (10) days of receiving Council's decision under Section 15.5, the Membership Administrator will notify the appellant, and the applicant, if it is not the same person, of Council's decision, in writing and with reasons, and will post Public Notice of this decision.

Any person whose application, or appeal, is refused under Section 15.5 may appeal the decision under Section 15.9.

Appeals from Council Decisions

All appeals of decisions made by Council will be heard and decided by the Appeals Committee established under Section 6.

Within 60 days of receiving an appeal from a Council decision, the Membership Administrator will convene an Appeals Committee meeting at which the Appeals Committee will determine the applicant's eligibility for Membership, or whether the Membership of a Member should be revoked.

At least 30 days before the Appeals Committee meeting, the Membership Administrator will provide written notice to the applicant, the appellant, and/or the Member whose Membership is being revoked, if they are not the same person, informing each of them of the right to appear and make oral and/or written submissions at the meeting, and will post Public Notice of the meeting.

The Membership Administrator and/or Council may file a reply to the Appeals Form with the Appeals Committee at least four (4) days prior to the meeting.

A copy of any reply filed by the Membership Administrator and/or Council shall be provided to the applicant, appellant and/or the Member whose Membership is being revoked, if they are not the same person, at least two (2) days prior to the meeting.

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At the Appeals Committee meeting, the Appeals Committee will:

provide the applicant, the appellant and/or the Member whose Membership is being revoked, if they are not the same person, with an opportunity to present evidence and to make oral and/or written submissions in support of, or against, the application or revocation;

provide the Membership Administrator and/or a member of Council with the opportunity to present evidence and to make oral and/or written submissions in support of, or against, the application or revocation;

provide any Member present at the meeting with the opportunity to be heard; and

consider any relevant information.

Immediately after the meeting, the Appeals Committee will meet in private to make a decision on the appeal and shall:

affirm the decision being appealed;

annul the decision and return the matter to the original decision maker for reconsideration with instructions based on these Rules; or

make any other order that the Appeals Committee considers appropriate.

On the following business day after the decision is reached pursuant to Section 15.15, the Appeals Committee will inform the Membership Administrator of its decision, in writing and with reasons, and instruct the Membership Administrator to update the Membership List accordingly.

Within 10 days of receiving the Appeals Committee's decision pursuant to Section 15.16, the Membership Administrator will notify the applicant, the appellant and/or the Member whose Membership is being revoked, if they are not the same person, of the decision, in writing and with reasons, and post Public Notice of this decision.

The Appeals Committee's decision pursuant to Section 15.15 will be final.

16. Effective Date of Membership or Revocation of Membership

If an appeal is not submitted, once a person's Membership is approved, or revoked, in accordance with these Rules, that person's Membership is effective, or revoked, on the date following the expiry of the relevant appeal period.

If an appeal is submitted, and Council confirms, grants or revokes Membership, a person's Membership is effective, or revoked, on the date following the expiry of the appeal period for appealing to the Appeals Committee.

If an appeal is submitted, and the Appeals Committee confirms, grants or revokes Membership, a person's Membership is effective, or revoked, on the day of the Appeals Committee's decision.

17. Amending Procedures

Once enacted, these Rules may be amended with the consent of a majority of Electors, including Council Members, who attend a Special Membership Meeting convened by the Membership Administrator for that purpose. For clarity, a majority of all Electors does not need to attend the Special Membership Meeting in order for it to constitute quorum. Consent to amend these Rules is achieved when a majority of Electors *present* and voting at the Special Membership Meeting, vote in favour of the amendments.

Amendments to these Rules may be initiated by a Band Council Resolution, or a petition signed by at least 10% of the Electors.

At least 60 days before the Special Membership Meeting, the Membership Administrator will post a Public Notice of the Special Membership Meeting which will contain the text of the amendment, and indicate the time that voting will occur at the Special Membership Meeting.

Prior to the Special Membership Meeting, the Membership Administrator will convene at least one General Membership Meeting at which the proposed amendments to these Rules are discussed and Members are provided the opportunity to make submissions and ask questions.

18. Confidentiality

All information received by the Membership Administrator and Council with respect to an application for Membership will be treated as confidential and will 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 to carry out his or her duties under these Rules.

19. Saving From Liability

No claim will lie against the Couchiching First Nation, Council, Membership Administrator, employees or any Member, or their heirs, executors, administrators or successors, in relation to any omission or deletion of a person from the Membership List.

20. Commencement

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These Rules, which repeal and replace the Couchiching First Nation Band Membership Rules, shall come into force and be enacted on the day on which the majority of the Electors, including Council Members, give their consent to these Rules at the Special Membership Meeting called specifically to vote on these Rules.

On and after the day these amended Rules come into force, the Membership List will be maintained by the Membership Administrator under the direction and supervision of Council, and only those persons whose names are included therein, or who are entitled to have his or her name entered therein pursuant to these Rules, shall be Members of the Couchiching First Nation.