

Membership Act

Summary

This Act defines the criteria and process for enrolment (i.e. membership) within Tsawwassen First Nation. It replaces the former Membership Code and Procedures. It is important to note that enrolment in Tsawwassen First Nation is a separate process from registration as a Status Indian under the *Indian Act* – Status registration for Tsawwassen Members remains under the jurisdiction of the federal government. A person who meets the criteria for enrolment under the Tsawwassen *Membership Act* may be enrolled as a TFN Member even if they are not entitled to Status.

The Act sets out the eligibility criteria for enrolment as a Tsawwassen Member – this includes, but is not limited to, having Tsawwassen First Nation ancestry, being a descendent of a person eligible to be a Tsawwassen Member, or being an aboriginal person who is the spouse of a person eligible to be a Tsawwassen Member. Anyone who applies for enrolment as a Tsawwassen Member but who is a member of another Band or First Nation in Canada must first resign his or her membership in the other Band or First Nation before they can be enrolled as a Tsawwassen Member. It establishes the Tsawwassen enrolment register, which is the authoritative record of all Tsawwassen Members, and it creates the position of Enrolment Registrar who is responsible for maintaining the enrolment register and establishing required forms and notices related to enrolment.

The Act also establishes the Tsawwassen Enrolment Committee, which is the body that reviews and approves applications for enrolment. This committee is made up of at least three TFN Members. In addition to reviewing enrolment applications, the committee is also responsible for establishing policies and procedures related to enrolment.

The Act provides for specific circumstances under which a person's name can be removed from the enrolment register. This can happen if a person is deceased, or if they voluntarily withdraw from enrolment in TFN. In the case of voluntary withdrawal, the Act allows a person one opportunity to re-enroll; if, after re-enrolling, the person withdraws from enrolment a second time, he/she will not be permitted to re-enroll again. The Tsawwassen Enrolment Committee has the authority to revoke a person's membership only if it can be established that they were enrolled on the basis of false information or that they are not entitled to be enrolled. The Act specifically states that a person's membership in TFN cannot be revoked except in accordance with this Act. The Act also includes provisions for re-instatement if it is determined that a person's enrollment was revoked in error.

The Tsawwassen Enrolment Appeal Board is established under section 58 of the Act. This board consists of 3 members (note: the Appeal Board members must be different than the members of the Enrolment Committee). The board is responsible for conducting hearings and rendering decisions on appeals arising from the decisions of the Tsawwassen Enrolment Committee.