

YELLOW QUILL FIRST NATION

MEMBERSHIP LAW



Reading Draft for Community Consideration

October 1, 2 and 3, 2025

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1.0 STATEMENT OF INTENT AND NOTICE

- a) Yellow Quill First Nation desires to determine and control the Membership List of the Band.
- b) The Band Council, as the governing authority of the First Nation, has given the Membership of Yellow Quill First Nation notice of the intentions of the First Nation to assume control of the Band Membership List of the First Nation and establish a written Membership Law (hereinafter referred to as the “Law”).
- c) This Law shall be interpreted and applied in accordance with the principles of fundamental fairness, the rules of natural justice and the values, inherent customary laws and traditions of the Yellow Quill First Nation.

2.0 DECLARATION

- a) Yellow Quill First Nation and its Members have inherent rights which are recognized by Treaty.
- b) Yellow Quill First Nation maintains its inherent right to decide its own Membership as recognized by Treaty and s. 10 of the *Indian Act* of Canada.
- c) The people of Yellow Quill First Nation assert their sovereignty as Members of the Saulteaux Nation and as a signatory to Treaty 4, in order that their rights and freedoms including their inherent, Aboriginal, and Treaty rights, be fully protected, exercised, and preserved; to ensure justice and security; and to maintain Saulteaux customs and traditions.

3.0 CONSENT OF THE ELECTORS

- a) The majority of the Electors of Yellow Quill First Nation, through public consultation and open dialogue and by ratification, give their consent to Yellow Quill First Nation assuming control of its Membership List and authorize the Band Council to approve the Membership Law.

4.0 DEFINITIONS

For the purpose of this Membership Law:

- a) **“Applicant”** - means a person who is a Status Indian.
- b) **“Band”** - means Yellow Quill Band #90, or Yellow Quill First Nation, which is a band recognized by the *Indian Act* of Canada.
- c) **“Band Council”** - means the Chief and Council democratically elected according to the custom of the Band Election Act of the Yellow Quill Band.
- d) **“Band Member”** - means a person whose name appears on the Yellow Quill First Nation Band Membership List maintained pursuant to this Membership Law and possesses a Status card beginning with the numbers “376.”

- e) **“Band Membership List”** - means a list of Status Indians maintained by Yellow Quill First Nation pursuant to this Membership Law as approved by the Electors of Yellow Quill First Nation.
- f) **“Child”** - means a person under the age of 18 years born of married or unmarried persons, or is legally adopted, or adopted under the custom of the Yellow Quill First Nation.
- g) **“Elector”** - means a person defined as an “Elector” in the election regulations of Yellow Quill First Nation.
- h) **“First Nation”** - means a Band as defined by the *Indian Act* of Canada and includes Yellow Quill First Nation.
- i) **“Law”** - means this Membership Law of Yellow Quill First Nation.
- j) **“Member” or “Membership”** - means a person who is a Member of Yellow Quill First Nation and registered exclusively in the Band Membership List maintained by Yellow Quill First Nation pursuant to this Membership Law.
- k) **“Membership Review Panel”** - means the committee appointed by the Chief and Council which committee is authorized to act in such capacity as the Yellow Quill First Nation Membership Law may provide, or and the Band Council may establish from time to time.
- l) **“Spouse”** - means a person who is a husband or wife through marriage or co-habitation in a customary marriage relationship.
- m) **“Status Indian”** - means a person who is Indigenous and is registered as an Indian pursuant to *The Indian Act* R.S.C. 1970 c. 1-6, as amended, and whose name appears on the Indian Registry maintained by the Federal Department responsible for the relationship with First Nations.
- n) **“Yellow Quill First Nation”** - means the same as the Yellow Quill Band #90 and includes its Reserve lands.

5.0 MEMBERSHIP PRIOR TO THE MEMBERSHIP LAW TAKING EFFECT

- a) Persons whose names were entered on the official Band Membership List maintained by the Membership Department of Yellow Quill First Nation immediately prior to the day on which this Membership Law takes effect, shall remain Band Members and automatically, without application, have their names entered on the Yellow Quill Band Membership List maintained by the Yellow Quill First Nation.
- b) All persons who have applications pending for Membership with Yellow Quill First Nation will be subject to this Membership Law.

6.0 PERSONS ELIGIBLE FOR MEMBERSHIP IN THE FUTURE

- a) Persons automatically eligible for Membership in Yellow Quill First Nation include:

- i) All persons who were registered or were entitled to be registered to the Yellow Quill Band under the *Indian Act* prior to the April 17, 1985 Amendments known as Bill-C31 or any child, both of whose parents were registered are or were entitled to be registered whether or not his/her parents are still alive;
 - ii) Any person who was immediately prior to the passing of this Law entitled to have his or her name entered on the Yellow Quill First Nation Band Membership List;
 - iii) Any person determined to be eligible for Membership to the Band according to the laws, rules and regulation of this Membership Law; and
 - iv) All children born to existing Members who were Members prior to April 17, 1985 and all children of descendants of Members who were a Band Member at the time of entering Treaty 4 on August 22, 1876.
- b) Persons who are descendants of Members are subject to the application of this Law, and may apply for Membership to Yellow Quill First Nation including:
- i) Any person with at least one parent who is, or if deceased, was registered or was entitled to be registered on the Band Membership List of Yellow Quill First Nation;
 - ii) Any child of status under the age of eighteen (18) years who is adopted by a Band Member according to Canadian law or a *Yellow Quill First Nation Custom Adoption Law and Procedures* as passed or in force by Yellow Quill First Nation;
 - iii) Any person who is a registered Indian and is married by law to a Band Member, subject to the restriction that there can only be Membership in one Band; and
 - iv) Any person who can trace their lineage to one of the original families of Yellow Quill First Nation at the time of entering Treaty 4 on August 22, 1876.

7.0 PERSONS NOT ELIGIBLE TO APPLY FOR MEMBERSHIP

- a) **Non-Status Indian** - A person who is not a Status Indian is not eligible to apply for Membership.
- b) **Second Spouses** - A Status Indian who became a Band Member by a previous marriage to a Member of the Yellow Quill Band, cannot pass Band membership to a second spouse, should they remarry, even if that spouse is a Status Indian.
- c) **Child of a Status Indian and a Non-Band Member** - A Status Indian who became a Band Member by a former marriage to a Band Member and has a child with a non-Band Member cannot pass Membership in the Band to the child.
- d) **Second Generation** - If the child of a Band Member and non-Status Indian (who became a Band Member) in turn has a child with a non-Status Indian, that child is ineligible to apply for Membership in the Band.

- e) **Persons Living with Band Members** - A non-Band Member who is living with a Band Member is not eligible to apply for Membership in the Band unless they are legally married to a Member.
- f) **Persons who Possesses a Criminal Record** - A person who possesses a criminal record for violent offences, sexual offences, property offences, or offences related to trafficking in illegal substances or alcohol described on the schedules included in the *Controlled Drugs and Substances Act*, is ineligible to apply for Membership in the Band, unless a pardon has been received for such an offence.

8.0 YELLOW QUILL TREATY LAND ENTITLEMENT SETTLEMENT TRUSTS AND TREATY LAND ENTITLEMENT SETTLEMENT

For reasons of financial prudence and in an effort to better control unanticipated expenditures from any present or future claim Settlement Trusts, Yellow Quill First Nation has deemed necessary to place restrictions on certain financial benefits afforded to persons who become new Members of Yellow Quill First Nation or who were former Members of Yellow Quill First Nation and choose to transfer back to Yellow Quill First Nation from another Band.

a) *TREATY LAND ENTITLEMENT TRUST (TLE) ELDER PAYMENT AND ELIGIBILITY*

- i) Persons aged fifty (50) years and older transferring to Yellow Quill First Nation from another Band or persons aged fifty (50) years and older who apply to become a Member to Yellow Quill First Nation and having later reached the age of sixty (60) years will not be eligible or qualify for a Settlement Trust or TLE Elder Payment.
- ii) Persons who at one time were a Member of Yellow Quill First Nation and who have since transferred to another Band and choose to transfer back to Yellow Quill First Nation and who will reach the age of sixty (60) years following the date of their application, will not be eligible or qualify for a Yellow Quill First Nation or Entity funded community assistance initiative including an annual Christmas Elder Payment.

b) *COMMUNITY ASSISTANCE*

- i) Persons aged fifty (50) years and older on the date of their application to transfer to Yellow Quill First Nation from another Band, or persons aged fifty (50) years and older on the date of their application to apply to become a Member of Yellow Quill First Nation and having later reached the age of sixty (60) years will not be eligible or qualify for a Yellow Quill First Nation or Entity funded community assistance initiative including an annual Christmas Elder Payment.
- ii) Persons who at one time were a Member of Yellow Quill First Nation and who have since transferred to another Band and choose to transfer back to Yellow Quill First Nation and who will reach the age of sixty (60) years will not be eligible or qualify for a Yellow Quill First Nation or Entity funded community assistance initiative including an annual Christmas Elder Payment.

9.0 APPLICATIONS AND APPROVAL PROCEDURES

- a) Applications for Membership in Yellow Quill First Nation shall be submitted in writing in the form attached as Schedule “1” to this Membership Law to the Membership Clerk with all necessary documentation and proof required to establish eligibility for Membership. The Membership Clerk may upon receipt of the application notify the applicant that additional documentation may be needed to advance their case including the potential need for an in person presentation to the Membership Review Panel. At the time of receiving the application for Membership, the Membership Clerk will provide a copy of this Membership Law to the applicant.
- b) Upon review of the completed application, the Membership Clerk shall, within thirty (30) days, notify the Membership Review Panel in writing as to whether the person is eligible or ineligible to be granted Membership in Yellow Quill First Nation. A copy of the completed application and accompanying materials will be provided to the Membership Review Panel and:
 - i) The Membership Review Panel, upon receipt of an application shall within ninety (90) days determine the disposition of the application and shall advise the Band Council and Membership Clerk in writing of their recommendation and the reasons therefore, upon being satisfied that:
 - (a) the person is duly eligible for Membership;
 - (b) the applicant is of good character;
 - (c) granting of Membership will not be harmful to the interests of Yellow Quill First Nation; and
 - (d) any other factors deemed relevant.
 - ii) The Band Council shall within thirty (30) days review the recommendations provided by the Membership Review Panel and make a decision as to the approval or denial of the application for Membership to Yellow Quill First Nation. The Band Council may take into consideration the recommendations of the Membership Review Panel or disregard the recommendations upon considering all factors including whether:
 - (a) the Band has sufficient housing, land and other resources to accommodate the new Members;
 - (b) Yellow Quill First Nation owned entities and assets that support various community investments, Membership assistance initiatives and post-secondary funding are not compromised as a result of accommodating new Members; and
 - (c) any other factors deemed relevant.
 - iii) The Band Council shall, by way of a motion, approve or deny the Membership application. The Membership Clerk shall immediately notify the applicant of the decision of the Band Council. In the event that the application for Membership is denied, the Membership Clerk will provide a letter of explanation and reasons to the applicant. The applicant will also be granted an opportunity to appeal the decision made in accordance with the appeal process of this Membership Law.

- c) If an application for Membership is approved by the Band Council, the Membership Clerk will within a thirty (30) day period, commencing upon the posting of the decision, enter the new Member's name on the Membership list of Yellow Quill First Nation.
- d) If, at the time of application and transfer, the applicant is a Member of another Band, approval may be granted by the Band Council, subject to the applicable Federal Department or Indigenous Services Canada providing proof to the Membership Clerk that the applicant is no longer a Member of another Band. Where an applicant for Membership is a Member of another Band, they will be required, as a condition of Membership in Yellow Quill First Nation, to renounce in writing such other Band Membership. Membership in Yellow Quill First Nation shall not be effective until the date such applicant's name is removed from the Membership List of any other Band.

10.0 MEMBERSHIP REVIEW PANEL

- a) The Membership Review Panel (hereinafter "the Panel") shall consist of three (3) Yellow Quill First Nation Members over the age of twenty-one (21) years and four (4) elders being Members of Yellow Quill First Nation over the age of sixty (60) years, all of whom shall be appointed by the Band Council. A quorum shall be any five (5) Members of the Panel. Each Panel Member shall serve for such a term as the Band Council may determine.
- b) Each Panel Member as a condition of their acceptance to appointment by the Band Council will swear to an Oath of Confidentiality and abide by the Yellow Quill First Nation conflict of interest guidelines and policy.
- c) The Panel will meet at least semi-annually or as necessary for the purpose of reviewing applications for Membership to Yellow Quill First Nation. Panel Members will be without bias, impartially review all applications, and provide recommendations to the Band Council regarding approval or denial of applications including reasons for their recommendations.
- d) The recommendations of the Panel will be in writing and will be provided within thirty (30) days of the final meeting of the Panel to the Band Council for final decision.
- e) The final decision of the Band Council may be released to the Membership subject to a waiver of release and consent in writing of the Applicant.

11.0 REVIEW AND APPEAL PROCESS

- a) A person whose application for Membership is denied by the Band Council, or any other person who is a Member, may apply for a review of the decision of the Band Council whether to deny or approve an application, at a community meeting of Band Membership.
- b) The application for review must be in writing and must be filed with the Membership Clerk within thirty (30) days of the notice of the decision of the Band Council regarding Membership.
- c) The process of review must be completed within one (1) year of the Band Council receiving the written application and request for review. The Panel shall set the time, place and date

of the community meeting and invite the applicant and interested parties as it sees fit to make presentation at the community meeting.

- d) At the community meeting of Band Membership, the Panel shall present the Membership application including pertinent documents and materials. New documents or information not present at the initial time of review by the Panel and submitted by the applicant after the decision denying the application will not be included as part of the presentation to Band Membership. The applicant may be present at the Band Membership meeting but will not have the opportunity to make presentations to the Band Membership unless requested by the Panel.
- e) Fifty percent plus one (50% + 1) of the Yellow Quill First Nation Members eligible to vote will be required to approve or deny the application at a community meeting of no less than two hundred (200) Members of the Band Membership, who attend in person or virtually. All appeals will be reviewed semi-annually, and thirty (30) days' written notice of a community meeting shall be posted in the community and urban centers of Saskatoon and Regina. To qualify as an official vote, a minimum of fifty percent plus one (50% + 1) on-Reserve Members of Yellow Quill First Nation aged eighteen (18) years and older must participate in the vote. If insufficient voters are present for participation in the vote, the vote may be deferred to another meeting at a date, time and location to be arranged by the Membership Clerk.
- f) If the Yellow Quill First Nation Membership rejects the application, the applicant has no further right to apply for Membership in Yellow Quill First Nation. The decision of the Band Membership is final and binding. The applicant will immediately be notified of the Band Membership decision by the Band Council.
- g) If the Yellow Quill First Nation Membership approves the application, the applicant will be placed on the Band Membership List by the Yellow Quill Membership Clerk. The applicant will immediately be notified of the Band Membership decision by the Band Council.

12.0 MEMBERSHIP CLERK

- a) The Membership Clerk shall be a Band Member employed by the Band Council. The terms of employment and remuneration are to be determined by the Band Council.
- b) The Membership Clerk shall be responsible for maintaining the current Band Membership List; removing the names of those persons who are deceased; receiving applications for Membership; notifying the Band Council of any changes to the Band Membership List; and other duties as may be assigned from time to time by the Band Council and as outlined in the job description of Membership Clerk.
- c) The Membership Clerk will report to the Director of Operations and on occasion make presentations to the Band Council and the Membership Review Panel.

13.0 VOLUNTARY REMOVAL FOR TRANSFER FROM THE BAND MEMBERSHIP LIST

- a) A Member of Yellow Quill First Nation who has reached the age of eighteen (18) years may, by written notice attested to in Affidavit form before a Commissioner for Oaths and

presented to the Band Council, request that their name be deleted from the Membership List of Yellow Quill First Nation for the purpose of transferring their Membership to another Band. Upon receipt of such notice of change of Membership from Canada, Yellow Quill First Nation will acknowledge that the person is no longer on the Band Membership List of Yellow Quill First Nation.

- b) A Member of the Band who is over the age of eighteen (18) years may give up Membership in Yellow Quill First Nation by a statement in writing to the Band Council. Upon receipt of such statement or notice from Canada, the Band Council shall remove the person's name from the Band Membership List.
- c) No person may give up Membership on behalf of another person and in particular, no one may give up Membership on behalf of his or her spouse, child or other family Member, and any request to remove another person's name from the Band Membership List shall be of no effect.
- d) A child under the age of eighteen (18) whose parent or parents give up Membership shall be deemed not to have given up Membership, and shall remain on the Band Membership List.
- e) A person who has given up Membership in Yellow Quill First Nation and has transferred to another Band may not be reinstated as of the ratification date of this Law, depending on circumstances which will be considered by the Membership Review Panel.

14.0 AMENDMENTS

- a) The Membership Law of Yellow Quill First Nation shall be reviewed on an annual basis, or as necessary, to ensure it is serving the collective interests of Yellow Quill First Nation and remains effective to accommodate potential interested applicants who desire to become Members of Yellow Quill First Nation.
- b) Amendments to the Membership Law shall be initiated and presented to the Electors of Yellow Quill First Nation by the Band Council or upon the written request of twenty-five percent (25) of the Electors of Yellow Quill First Nation indicating the amendment requested.
- c) The Band Council shall provide to the Electors of Yellow Quill First Nation two (2) months' notice of the proposed amendments to the Membership Law, and notice of the proposed amendments shall be publicly posted on Yellow Quill First Nation Reserve.
- d) Amendments to this Membership Law shall be consented to by a majority of the on-Reserve Electors of Yellow Quill First Nation by way of referendum, pursuant to Referendum Regulations in force at the time, and held two (2) months after the posting of the proposed amendments requiring a minimum of 25% + 1 of the on-Reserve Electors voting in favour of such amendments and being a majority of those voting in favour.

This Membership Law was consented to and ratified on the ____ day of _____, 2025 by a majority of the Electors of Yellow Quill First Nation.

CONSENTED TO AND RATIFIED this ____ day of _____, 20__ by the Chief and Council of Yellow Quill First Nation and the Governance Committee.

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

GOVERNANCE COMMITTEE

Member

Member

Member

Member

Member

Member

Member

Member

SCHEDULE "1"

APPLICATION FOR MEMBERSHIP

- 1. Full Name of Applicant:** _____
Maiden Name: _____
Status No. _____
Date of Birth: _____
Address: _____
Date of Application: _____
Member of another
First Nation? Yes _____ No _____ (check one)
Name of other First Nation: _____
Marital Status: Married _____ Divorced _____
Date of Marriage: _____
Date of Divorce: _____
Name of Spouse: _____

(check **all** boxes below that apply)

- _____ Male
_____ Female
_____ Status Indian
_____ Non-Status Indian
_____ Applying to transfer from another First Nation to Yellow Quill First Nation
_____ Is the applicant a former Member of Yellow Quill First Nation who
was previously transferred to another First Nation?

- 2. Name of Father:** _____
Date of Birth: _____
Place of Birth: _____
First Nation and Membership No. _____
- 3. Name of Mother:** _____
Date of Birth: _____
Place of Birth: _____
First Nation and Membership No. _____
- 4. Name of Paternal Grandfather:** _____
Date of Birth: _____
Place of Birth: _____
First Nation and Membership No. _____
- 5. Name of Paternal Grandmother:** _____
Date of Birth: _____
Place of Birth: _____
First Nation and Membership No. _____

6. **Name of Maternal Grandfather:** _____
Date of Birth: _____
Place of Birth: _____
First Nation and Membership No. _____

7. **Name of Maternal Grandmother:** _____
Date of Birth: _____
Place of Birth: _____
First Nation and Membership No. _____

8. **Supporting Documentation:**

In support of your application, please include as many of the following documents that apply:

_____ Birth Certificate (long form)
_____ Adoption Certificate
_____ Court Order for Guardianship (if applicable)
_____ Baptismal Certificate
_____ Indian Status Card
_____ Indian Status Registration Form
_____ Marriage Certificate
_____ Divorce Certificate
_____ Death Certificate
_____ Family Genealogy Chart
_____ Criminal and Vulnerable Sector Record Check
_____ Sworn Statement of support from Members of Yellow Quill First Nation
(if applicable)
_____ \$150.00 application fee (for transfer applicant)

9. A personal statement as to what contribution the applicant brings to the First Nation.

Please note that if this application is made on behalf of another person or a Child by a legal guardian, evidence must be provided that the person making the application has valid legal authority to make the application.

If applying for Membership on behalf of a Child where one parent is a member of another First Nation, the parent from the other First Nation must complete and attach to the application the form entitled “Written Consent of a Non-Yellow Quill First Nation Member Parent” consenting to the Child being added to the Membership List.

By submitting this application, I hereby apply to be enrolled as a Member of the First Nation; or

I am making this application on behalf of:

_____ myself
_____ a Child for whom I am a parent or legal guardian
_____ a person for whom I am a legal guardian

I understand that I am responsible for providing the First Nation with the information required by this application, including all supporting documentation as set out in the Membership Law.

I consent to the use of the information provided in this application including supporting documentation for the purpose of determining whether or not I am eligible to be enrolled as a Member of the First Nation including the First Nation making any inquiries of third parties for the purpose of such determination, or to determine whether or not the Child or other person for whom I am applying is eligible to be enrolled as a Member of the First Nation.

I consent to the use of the information provided in this application together with supporting documentation for the purpose of determining whether or not I am eligible to be enrolled as a Member of the First Nation on the condition that the information will remain confidential to the individuals involved in determining eligibility to Membership in the First Nation. However, if my application is required to go before the Membership of the First Nation for approval, I also consent to the use of the information provided in this application and the supporting documentation to be shared with **all Members** of the First Nation.

I understand and agree that I or the person upon whom I am making this application for is not eligible to be a Member of the First Nation until the application has been processed and approval is granted as required under the Membership Law.

I confirm that the statements and information set out in this application are true to the best of my knowledge.

Print Name

Signature

Date (dd/mm/yy)

SCHEDULE “2”

**WRITTEN CONSENT OF A
NON-YELLOW QUILL FIRST NATION
MEMBER PARENT**

I, _____, _____
(full name) (status number)

of the _____ First Nation give permission for my son/daughter

_____, _____ born on
(full name of son/daughter) (status number)

_____, to be added to the Yellow Quill First Nation Membership List.
(dd/mm/yy)

Print Name of Parent

Signature

Date

Witness Signature

Date