

SONGHEES NATION AND TE'MEXW TREATY ASSOCIATION



Draft Constitution of the Songhees Nation

9/12/2023

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Preamble

<p>We are known as the Songhees Nation, a Coast Salish community. We are descendants of the Lekwungen people. As a people, we have existed since time immemorial and we are the collectivity of descendants who share the same language, culture, teachings, laws, and homeland inherited from our Lekwungen ancestors. Through this Constitution we declare our identity, our sovereignty, our jurisdiction, and our right of self-determination.</p> <p>We have occupied and benefitted from our homeland since time immemorial. The Creator placed our ancestors in our territory, to care for lands, people, laws, history, and spiritual beliefs, for future generations. Our people have practiced a traditional system of governance for thousands of years, through which we have established and followed traditional laws regarding environmental, social, and political matters. We have never surrendered our sovereignty or our jurisdiction over our land and resources.</p> <p>Our jurisdiction and right of self-governance is: inherent to our human rights as Indigenous people; recognized and affirmed in our unceded Aboriginal title and rights; and reinforced through the promises of the Douglas Treaties, written</p>	<p>We are known as the Songhees Nation, a Coast Salish community. We are descendants of the Lekwungen people / lək^wəŋən ətélŋəx^w. As a people / x^wilŋəx^w, we have existed since time immemorial and we are the collectivity of descendants who share the same language, culture / čələŋən, teachings, laws, / snəpənəq, and homeland / ǰéǰə? éŋləŋ?ənək^w inherited from our Lekwungen ancestors / lək^wəŋən ilək^wsiləŋ. Through this Constitution we declare our identity, our sovereignty, our jurisdiction, and our right of self-determination.</p> <p>We have occupied and benefitted from our homeland / ǰéǰə? éŋləŋ?ənək^w since time immemorial. The Creator / ǰél?s placed our ancestors in our territory, to care for lands / təŋəx^w, people / ətélŋəx^w, laws / snəpənəq, history / hiθ lə?, and spiritual beliefs / ǰéǰə? sǰél, for future generations / hiθ sə? sǰəliǰəǰə. Our people / x^wilŋəx^w have practiced a traditional system of governance for thousands of years, through which we have established and followed traditional laws / snəpənəq regarding environmental, social, and political matters. We have never surrendered our sovereignty or our jurisdiction over our land / təŋəx^w and resources.</p>
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<p>and unwritten, to which our ancestors were signatories.</p> <p>We are Lekwungen people, and our heritage, culture and history are tied to our homeland. We speak the Lekwungen language and practice Lekwungen culture and traditions. We honour and respect our ancestors and elders, through whom this knowledge is passed down. We will continue to seek their wisdom and guidance as we make decisions under this Constitution. We also acknowledge our youth, without whom our traditions and practices will cease. Our homeland includes areas on the southern tip of Vancouver Island, Discovery Island, the Chatham Island Groups, Halkett Island, the San Juan Islands, and other surrounding areas.</p> <p>We implement this Constitution to protect our land, language, culture and resources, and ensure harmony and prosperity for our people, for present and future generations.</p>	<p>Our jurisdiction and right of self-governance is: inherent to our human rights as Indigenous people / x^wilŋəx^w; recognized and affirmed in our unceded Aboriginal title and rights; and reinforced through the promises of the Douglas Treaties, written and unwritten, to which our ancestors were signatories.</p> <p>We are Lekwungen people / lək^wəŋən əltélŋəx^w, and our heritage, culture / čələŋən and history / hiθ ləʔ are tied to our homeland / ǰéǰəʔ éʔləŋʔənək^w. We speak the Lekwungen language / lək^wəŋiʔnəŋ and practice Lekwungen culture and traditions / čələŋən əł lək^wəŋən. We honour and respect our ancestors / ilək^wsiləŋ and elders / səlx^wéyn, through whom this knowledge is passed down. We will continue to seek their wisdom and guidance as we make decisions under this Constitution. We also acknowledge our youth, without whom our traditions and practices will cease. Our homeland / ǰéǰəʔ éʔləŋʔənək^w includes areas on the southern tip of Vancouver Island, Discovery Island / ǰčés, the Chatham Island Groups / ǰčés, Halkett Island, the San Juan Islands and surrounding other areas.</p> <p>We implement this Constitution to protect our lands / təŋəx^w, language / lək^wəŋiʔnəŋ, culture / čələŋən and resources, and ensure harmony and ensure harmony and</p>
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	prosperity for our people / lək ^w əŋən əltélhəx ^w , for present and future generations / hiθ səʔ sələlilqəł.
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Purpose

<p>1. This Constitution sets in writing the foundation for the governance of Songhees Nation.</p> <p>2. Through this Constitution we aim to achieve the objectives of:</p> <ul style="list-style-type: none">(a) improving the lives of our people, and their social, emotional, physical and financial wellbeing;(b) promoting economic, social and cultural development on our lands;(c) becoming fully self-determining and self-sustaining;(d) creating an awareness of the Lekwungen peoples and culture among the general population;(e) ensuring the survival, showing respect for, and encouraging the use of the Lekwungen culture, traditions and language, while allowing them to evolve over time;	<p>1. This Constitution sets in writing the foundation for the governance of Songhees Nation.</p> <p>2. Through this Constitution we aim to achieve the objectives of:</p> <ul style="list-style-type: none">(a) improving the lives of our people / x^wilhəx^w, and their social, emotional, physical and financial wellbeing;(b) promoting economic, social and cultural development on our lands / təŋəx^w;(c) becoming fully self-determining and self-sustaining;(d) creating an awareness of the Lekwungen peoples / lək^wəŋən əltélhəx^w and culture / čəlélhən əł lək^wəŋən among the general population;(e) ensuring the survival, showing respect for, and encouraging the use of the Lekwungen culture, traditions / čəlélhən əł lək^wəŋən
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<p>(f) protecting the lands, waters, air, and resources of the Nation;</p> <p>(g) participating fully in the Canadian economic system, while preserving our unique identity; and</p> <p>(h) having the vision and foresight to develop and plan for the future.</p>	<p>and language / lək^wəŋi?nəŋ, while allowing them to evolve over time;</p> <p>(f) protecting the lands / təŋəx^w, waters / ʎélsə q^waʔ, ʎéłəŋ q^waʔ, iʔ tθə mək^w q^waʔ, air / sʔhét^əəŋ, and resources of the Nation;</p> <p>(g) participating fully in the Canadian economic system, while preserving our unique identity; and</p> <p>(h) having the vision and foresight to develop and plan for the future.</p>
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Fundamental Values

<p>This Constitution is founded on the four pillars of the Lekwungen culture:</p> <p>(a) language;</p> <p>(b) culture;</p> <p>(c) respect; and</p> <p>(d) spirituality.</p> <p>3. This Constitution is based on the fundamental values of Songhees Nation including:</p> <p>(a) family;</p> <p>(b) hospitality;</p> <p>(c) honour and respect for the wisdom and teachings of our ancestors and elders;</p>	<p>This Constitution is founded on the four pillars of the Lekwungen culture / čələŋən əʎ lək^wəŋən:</p> <p>(a) language / lək^wəŋi?nəŋ</p> <p>(b) culture / čələŋən;</p> <p>(c) respect / əłət; and</p> <p>(d) spirituality / ʔéxəʔ.</p> <p>3. This Constitution is based on the fundamental values of Songhees Nation including:</p> <p>(a) family;</p> <p>(b) hospitality;</p> <p>(c) honour and respect / əłət for the wisdom and teachings of our ancestors / ilək^wsiləŋ and elders / səlx^wéyn;</p>
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<p>(d) maintaining our connection to our lands, waters, air and resources within our homeland;</p> <p>(e) the responsible and sustainable stewardship of our lands, waters, air, and resources;</p> <p>(f) our collective right of self-determination;</p> <p>(g) respect for the principles of fairness, transparency and accountability;</p> <p>(h) respect for the Aboriginal and treaty rights of other nations;</p> <p>(i) respect for protocols with other nations;</p> <p>(j) dignity of and respect for each individual;</p> <p>(k) education;</p> <p>(l) strength as a community; and</p> <p>(m) health and wellbeing.</p>	<p>(d) maintaining our connection to our lands / təŋəx^w, waters / ʔétsə q^{wa}ʔ, ʔéłəŋ q^{wa}ʔ, iʔ tθə mək^w q^{wa}ʔ, air / sʔhét^əŋ, and resources within our homeland;</p> <p>(e) the responsible and sustainable stewardship of our lands / təŋəx^w, waters / ʔétsə q^{wa}ʔ, ʔéłəŋ q^{wa}ʔ, iʔ tθə mək^w q^{wa}ʔ, air / sʔhét^əŋ, and resources;</p> <p>(f) our collective right of self-determination;</p> <p>(g) respect for the principles of fairness, transparency and accountability;</p> <p>(h) respect for the Aboriginal and treaty rights of other nations;</p> <p>(i) respect for protocols with other nations;</p> <p>(j) dignity of and respect / ałət for each individual;</p> <p>(k) education;</p> <p>(l) strength as a community; and</p> <p>(m) health and wellbeing.</p>
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Supremacy of the Constitution and Conflict of Laws

4. In the event of an inconsistency between this Constitution and a law of the Nation, the Constitution must prevail to the extent of the conflict.

Interpretation

<p>5. With the exception of “Annual General Assembly”, “Assembly of the Nation”,</p>	
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<p>“Chief”, “Council of Elders”, “Councillor”, “Elder Representative”, “Family Liaison Committee”, “Songhees Nation Council”, “Special Assembly”, and “Youth Advisor” which are not defined in the Songhees Nation Treaty and Land Claims Agreement of [year of signing], all capitalized terms in this Constitution have the same meaning as in that agreement.</p>	<p>5. With the exception of “Annual General Assembly”, “Assembly of the Nation” / q^wəlⁿəuəl əł lək^wəŋən, “Chief” / hiwəs, “Council of Elders” / nətsəmat səlx^wéyn, “Councillor” / sɔhiwəs, “Elder Representative” / səlx^wéyn šx^wq^wəq^wélʔs, “Family Liaison Committee” / lał ə tθə éʔləŋ, “Songhees Nation Council” / nətsəmat ətélŋəx^w, “Special Assembly”, and “Youth Advisor” / słəliłqəł šx^wq^wəq^wélʔs which are not defined in the Songhees Nation Treaty and Land Claims Agreement of [year of signing], all capitalized terms in this Constitution have the same meaning as in that agreement.</p>
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6. The oral traditions of Songhees Nation may be used in interpreting this Constitution.
7. Where Lekwungen terms are used in this Constitution they follow their English equivalent and a forward slash.

Songhees Citizenship

8. Every person enrolled under the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]* is entitled to be a Songhees Nation Citizen.
9. The Songhees Nation Council / nətsəmat ətélŋəx^w may make laws in respect of Songhees citizenship that may extend citizenship to persons beyond those enrolled under the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]*.
10. Songhees Nation Law will establish a process for persons without citizenship to apply to become Songhees Nation Citizens.

Rights and Freedoms

11. The rights and freedoms guaranteed in this Constitution are in addition to any other rights and freedoms Songhees Nation Citizens may be entitled to in Canada.
12. The rights and freedoms guaranteed in this Constitution will not be construed so as to abrogate or derogate from any Aboriginal or treaty rights of Songhees Nation or Songhees Nation Citizens, including any rights under the Douglas Treaties or under the Songhees Nation Treaty and Land Claims Agreement of [year of signing].
13. Songhees Nation Citizens are entitled to the recognition and protection of the following rights and freedoms:
 - (a) the right to practice, protect and promote Lekwungen culture, traditions, / čələŋən əł lək^wəŋən, teachings, / snəpənəq and ceremonies / təx^wtén;
 - (b) the right to use, protect and preserve the Lekwungen language / lək^wəŋiʔnəŋ;
 - (c) collective rights, including rights to participate in traditional and cultural activities, fishing, harvesting, gathering and use of the lands / təŋəx^w, waters / ʔéłsə q^waʔ, ʔéłəŋ q^waʔ, iʔ tθə mək^w q^waʔ, air / sʔhét^əəŋ, and resources of Songhees Nation;
 - (d) the right to enter and exit Songhees Nation Lands;
 - (e) fundamental freedoms of conscience, religion, belief, opinion, expression, association, and peaceful assembly;
 - (f) legal rights to life, freedom, and security of the person;
 - (g) political rights, including the right to vote in elections and referenda or other processes to obtain the consent of Songhees Nation Citizens, to publicly voice their opinions and to run for office in elections of the Songhees Government and other government bodies, as arise from time to time;
 - (h) equality rights, including equal protection and benefit of the law without discrimination, including but not limited to discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or

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expression, marital status, family status, genetic characteristics, mental or physical disability, or conviction for an offence for which a pardon has been granted or a record suspension has been ordered;

- (i) the right to reasonable access to information, including the right to access Songhees Laws;
- (j) the right to privacy and to the protection of personal information;
- (k) the right to fair, equitable and reasonable access to programs and services delivered by the Songhees Nation; and
- (l) the right to appeal or review of administrative decisions, as prescribed by Songhees Nation Law, and to challenge the validity of Songhees Nation Laws;
- (m) the right to be consulted by the Songhees Nation Government, and Songhees Nation Public Institutions on laws and administrative decisions:
 - i. that potentially impact in a significant way the collective rights of the Songhees Nation under this Constitution, the Douglas Treaties, the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]*, or the Constitution of Canada;
 - ii. that potentially impact in a significant way the individual rights of Songhees Nation Citizens under this Constitution, the Douglas Treaties, the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]*, or the Constitution of Canada;

14. The rights described in sections 13((h)) and 13((k)) do not preclude any laws, policies or programs aimed at improving the conditions of disadvantaged individuals or groups.

15. The rights and freedoms guaranteed in this Constitution may be subject to reasonable limits prescribed by Songhees Nation Law if those limits balance the principles of individual rights, collective rights, democratic rights, and sustainability.

Conservation and the Environment

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16. Songhees Nation Government and Songhees Nation Public Institutions have the responsibility, as stewards of the təŋəx^w (lands / təŋəx^w, waters / ʔéłsə q^waʔ, ʔéłəŋ q^waʔ, iʔ tə mək^w q^waʔ, air / sʔhét^əəŋ and resources), within their jurisdiction and authority, to:
- (a) respect, protect, and promote the right described in section 13(c); and
 - (b) protect the environment for the benefit of present and future generations, through reasonable legislative or other measures that,
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation;
 - iii. promote harvesting of plant, animal, fish, and other traditionally harvested resources by Songhees Nation Citizens and protect Songhees Nation harvesting areas; and
 - iv. secure ecologically sustainable development and use of resources while promoting justifiable economic and social development.
17. Songhees Nation Citizens and residents of Songhees Nation Treaty Lands have a responsibility, as stewards of the təŋəx^w (lands / təŋəx^w, waters / ʔéłsə q^waʔ, ʔéłəŋ q^waʔ, iʔ tə mək^w q^waʔ, air / sʔhét^əəŋ, and resources), to protect and improve the environment for present and future generations.
18. The Songhees Nation Government shall apply the precautionary principle, within its jurisdiction: when there is substantial, credible evidence of danger to human or environmental health, protective action should be taken despite continuing scientific uncertainty.

Principles of Governance

19. The purposes of the Songhees Nation Government, and its Public Officers, are to:
- (a) be accountable to the Nation;
 - (b) follow this Constitution;
 - (c) act in the best interests of, and for the wellbeing of the Nation;
 - (d) provide good, effective, and accountable government;
 - (e) cooperate with each other in mutual trust and good faith, consult and inform one another, and coordinate their actions with one another;

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- (f) make decisions through a consistent, fair, and transparent process;
- (g) develop and maintain communications with the Songhees Nation Citizens;
- (h) be effective and professional in their dealings with other governments;
- (i) participate in ongoing training as necessary;
- (j) comply with the laws and policies of Songhees Nation;
- (k) work to preserve Songhees Nation languages, culture, traditions, heritage, /
čələŋən əł lək^wəŋən, teachings / snəpənəq, ceremonies / təx^wtén, and sacred places
/ xéxə? təŋəx^w; and
- (l) foster the development of a collective understanding of and respect for Songhees
Nation Law.

20. All public services must be administered and delivered:

- (a) with professionalism and to a high standard;
- (b) with an efficient and effective use of resources;
- (c) impartially and equitably;
- (d) in accordance with policies and procedures; and
- (e) in a manner that is timely, accessible, and responsive to public needs.

Songhees Nation Government

Songhees Nation Council / nətsəmat ətléŋəx^w

21. The governing body of the Songhees Nation is the Songhees Nation Council /
nətsəmat ətléŋəx^w.

22. The members of the Songhees Nation Council / nətsəmat ətléŋəx^w are the Chief /
hiwəs and the Councillors / mək^w s?hiwəs.

23. The purposes of the Songhees Nation Council / nətsəmat ətléŋəx^w include:

- (a) providing for good government of the Songhees Nation;
- (b) providing for services, laws and other matters for the benefit of the
Songhees Nation and Songhees Nation Citizens;
- (c) providing for stewardship of the public assets of the Songhees Nation;
- (d) managing Songhees Nation lands, including Treaty Lands, and land use
planning;

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- (e) approving the annual budget and financial plan for the Songhees Nation;
and
 - (f) fostering the economic, social and environmental well-being of the Songhees Nation and Songhees Nation Citizens.
24. The Songhees Nation Council / nətsəmat əłtélhəx^w will meet a minimum of four times a year, and more often at the request of the Chief / hiwəs or by decision of the Songhees Nation Council / nətsəmat əłtélhəx^w.
25. Current and former members of the Songhees Nation Council / nətsəmat əłtélhəx^w will keep in confidence any record or information held in confidence by the Songhees Nation and any information considered in a Songhees Nation Council / nətsəmat əłtélhəx^w or committee meeting that was lawfully closed to the public unless and until:
- (a) the record or information is released as lawfully authorized or required;
 - (b) release of the record or information is specifically authorized by the Songhees Nation Council / nətsəmat əłtélhəx^w; or
 - (c) release of the record or information is required by law.
26. If the Songhees Nation suffers loss or damage because a person contravenes section 25 above and the contravention was not inadvertent, the Songhees Nation may recover damages from the person for the loss or damage.
27. The Songhees Nation Council / nətsəmat əłtélhəx^w may delegate any authority vested in the Songhees Nation Government in accordance with the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]*, this Constitution and Songhees Nation Law.
28. Unless provided otherwise in this Constitution, where the Songhees Nation Council / nətsəmat əłtélhəx^w exercises a power, it will do so by resolution of the Songhees Nation Council / nətsəmat əłtélhəx^w passed by a majority of the members present at a validly called meeting.
29. Songhees Nation Law will prescribe the general procedures to be followed by Songhees Nation Council / nətsəmat əłtélhəx^w and any Songhees Nation Council / nətsəmat əłtélhəx^w committees in conducting their business.

Chief / hiwəs

30. The Chief / hiwəs is elected by receiving the highest number of votes cast by Songhees Nation Citizens in a democratic election, as prescribed by Songhees Nation Law.
31. The Chief / hiwəs must be a Songhees Nation Citizen and eligible to vote in Songhees Nation elections.
32. In addition to the Chief's / hiwəs responsibilities as a member of the Songhees Nation Council / nətsəmat əltélhəx^w, the Chief / hiwəs has the following responsibilities:
- (a) to provide leadership to the Songhees Nation Council, including by recommending Songhees Nation Laws, resolutions and other measures that, in the Chief's / hiwəs opinion, promote the peace, order and good government of the Songhees Nation;
 - (b) to communicate to the Songhees Nation Council / nətsəmat əltélhəx^w information the Chief / hiwəs receives on behalf of the Songhees Nation Council / nətsəmat əltélhəx^w or the Songhees Nation;
 - (c) to preside at Songhees Nation Council / nətsəmat əltélhəx^w meetings when in attendance;
 - (d) to provide, on behalf of Songhees Nation Council / nətsəmat əltélhəx^w, general direction to Songhees Nation Public Officers respecting implementation of Songhees Nation Laws, policies, programs and other directions of Songhees Nation Council / nətsəmat əltélhəx^w;
 - (e) to reflect the will of Songhees Nation Council / nətsəmat əltélhəx^w and to carry out other duties on behalf of Songhees Nation Council / nətsəmat əltélhəx^w; and
 - (f) to carry out other duties assigned by Songhees Nation Council / nətsəmat əltélhəx^w or Songhees Nation Law.

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33. In addition to any other powers in this Constitution and any powers as a member of the Songhees Nation Council / nətsəmat əltélhəx^w, the Chief / hiwəs has the following powers:

- (a) to establish standing committees in accordance with Songhees Nation Law; and
- (b) to suspend Songhees Nation Public Officers in accordance with Songhees Nation Law.

34. The Songhees Nation Council / nətsəmat əltélhəx^w will, in accordance with any Songhees Nation Law or policy governing Songhees Nation Council / nətsəmat əltélhəx^w procedure, designate a Councillor / sʔhiwəs as the member responsible for acting in the place of the Chief / hiwəs when the Chief / hiwəs is absent or otherwise unable to act or when the office of Chief / hiwəs is vacant.

35. If both the Chief / hiwəs and Councillor / sʔhiwəs designated under section 34 are absent from a Songhees Nation Council / nətsəmat əltélhəx^w meeting, the members present will choose a Songhees Nation Council / nətsəmat əltélhəx^w member to preside over the meeting.

36. The Songhees Nation Council / nətsəmat əltélhəx^w member designated under section 34 or chosen under section 35 has the same powers and duties as the Chief / hiwəs while acting in the place of the Chief / hiwəs.

Councillors / mək^w sʔhiwəs

37. All Councillors / mək^w sʔhiwəs must be Songhees Nation Citizens and eligible to vote in Songhees Nation elections.

38. Councillors / mək^w sʔhiwəs will be elected by Songhees Nation Citizens who are eligible to vote in a democratic election, as prescribed by Songhees Nation Law.

39. At a minimum, there will be six elected Councillors / mək^w sʔhiwəs, not including the Chief / hiwəs or Elder Representative / səlx^wéyn šx^wq^wəq^wélʔs, excepting that if there is a vacancy due to death, resignation, dismissal or any other cause, there may be lesser number of Councillors / mək^w sʔhiwəs until a replacement is elected. An

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election to fill the vacancy must be held and the vacancy filled within six months from the date the position became vacant.

40. If directed by Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w, the Council of Elders / n̄ts̄emat s̄lx^wéyn will appoint a Songhees Nation Citizen to fill the vacancy described in section 18, until a replacement is elected.

41. Any person appointed under section 40 must:

- (a) be eligible to vote in Songhees Nation elections; and,
- (b) meet any other eligibility requirements for a Councillor / s̄h̄iw̄as in this Constitution or prescribed by Songhees Nation Law.

42. Songhees Nation Law will specify the number of Councillors / m̄k^w s̄h̄iw̄as according to a formula based on the number of Songhees Nation Citizens on January 1st of an election year, but in no case will the number of Councillors / m̄k^w s̄h̄iw̄as exceed 12.

Songhees Nation Public Institutions

43. The Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w may, by law, establish one or more, or recognize existing bodies as, Songhees Nation Public Institutions to perform specific functions.

Advisory Bodies

Advisory Bodies Generally

44. The Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w may establish one or more advisory bodies for the purpose of advising the Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w.

45. Advisory bodies will be composed of Songhees Nation Citizens with relevant knowledge or expertise, as determined by the Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w.

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46. For clarity, advisory bodies are not Songhees Nation Public Institutions.

Council of Elders / n̄ts̄emat s̄alx̄w̄éyn and Elder Representative / s̄alx̄w̄éyn šx̄w̄q̄w̄əq̄w̄él̄s

47. The Council of Elders / n̄ts̄emat s̄alx̄w̄éyn is established as an advisory body, for the purpose of:

- (a) advising Songhees Nation Council / n̄ts̄emat ə́tél̄h̄əx̄w̄ on any matters as determined by the Council of Elders / n̄ts̄emat s̄alx̄w̄éyn;
- (b) advising on cultural issues and disputes at the request of the Songhees Nation Council / n̄ts̄emat ə́tél̄h̄əx̄w̄; and
- (c) carrying out other powers and duties as described in this Constitution or prescribed by Songhees Nation Law.

48. The Council of Elders / n̄ts̄emat s̄alx̄w̄éyn may only be assigned powers or duties by Songhees Nation Law with their consent.

49. Songhees Nation Citizens eligible to vote will elect the members of the Council of Elders / n̄ts̄emat s̄alx̄w̄éyn for a set term at an Assembly of the Nation / q̄w̄əln̄əuəl ə́ł̄ l̄əkw̄əh̄ən.

50. The Council of Elders / n̄ts̄emat s̄alx̄w̄éyn will determine its own processes and procedure for meetings, including meeting length and frequency.

51. The Council of Elders / n̄ts̄emat s̄alx̄w̄éyn must include at least one member for every one hundred Songhees Nation Citizens, unless there are an insufficient number of candidates, in which case the Council of Elders / n̄ts̄emat s̄alx̄w̄éyn may have a smaller number of members. In any case, the Council of Elders / n̄ts̄emat s̄alx̄w̄éyn shall have a maximum of 12 members.

52. Members of the Council of Elders / n̄ts̄emat s̄alx̄w̄éyn must:

- (a) be Songhees Nation Citizens aged 55 years or more;
- (b) be eligible to vote in Songhees Nation elections; and

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61. The Youth Advisor / s̓l̓əl̓i̓l̓q̓əl̓ šx̓w̓q̓w̓əq̓w̓él̓ʔs for the Songhees Nation Council / n̓ətsəmat ət̓él̓h̓əx̓w̓ may attend all open Songhees Nation Council / n̓ətsəmat ət̓él̓h̓əx̓w̓ meetings and all meetings of the advisory bodies or Songhees Nation Council / n̓ətsəmat ət̓él̓h̓əx̓w̓ committees of which the Youth Advisor / s̓l̓əl̓i̓l̓q̓əl̓ šx̓w̓q̓w̓əq̓w̓él̓ʔs is a member.
62. The position of Youth Advisor / s̓l̓əl̓i̓l̓q̓əl̓ šx̓w̓q̓w̓əq̓w̓él̓ʔs may be filled by a Songhees Nation Citizen of a minimum age of 16 years and a maximum age of 25 years on January 1 in the year on which that person seeks appointment.
63. Youth Advisors / s̓l̓əl̓i̓l̓q̓əl̓ šx̓w̓q̓w̓əq̓w̓él̓ʔs will be appointed by Songhees Nation Council / n̓ətsəmat ət̓él̓h̓əx̓w̓ according to a process prescribed by Songhees Nation Law.
64. The term for the Youth Advisor / s̓l̓əl̓i̓l̓q̓əl̓ šx̓w̓q̓w̓əq̓w̓él̓ʔs position is two years.
65. Songhees Nations Citizens are eligible for a maximum of two terms as a Youth Advisor / s̓l̓əl̓i̓l̓q̓əl̓ šx̓w̓q̓w̓əq̓w̓él̓ʔs.
66. Youth Advisor / s̓l̓əl̓i̓l̓q̓əl̓ šx̓w̓q̓w̓əq̓w̓él̓ʔs positions may remain vacant if there are no eligible applicants.

Family Liaison Committee / la̓l̓ ə t̓h̓ə é̓ʔl̓əŋ (Leader of the house)

67. The Family Liaison Committee / la̓l̓ ə t̓h̓ə é̓ʔl̓əŋ is established as an advisory body, for the purpose of providing a forum for communication between the families of the Songhees Nation and the Songhees Nation Council / n̓ətsəmat ət̓él̓h̓əx̓w̓.
68. Members of the Family Liaison Committee / la̓l̓ ə t̓h̓ə é̓ʔl̓əŋ must be Songhees Nation Citizens and eligible to vote in Songhees Nation elections.
69. Songhees Nation Law will prescribe:
- (a) a process for determining membership on the Family Liaison Committee / la̓l̓ ə t̓h̓ə é̓ʔl̓əŋ;
 - (b) the number of members on the Family Liaison Committee / la̓l̓ ə t̓h̓ə é̓ʔl̓əŋ; and

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(c) the length of term for members of the Family Liaison Committee / lał ə tθə éʔləŋ.

70. The Songhees Nation Law described in section 69 must be developed in consultation with Songhees Nation Citizens.

71. Members of the Family Liaison Committee / lał ə tθə éʔləŋ may bring forward questions and concerns on behalf of their family to the Family Liaison Committee / lał ə tθə éʔləŋ.

72. A member of Songhees Nation Council / nətsəmat ətélŋəx^w and an alternate will be appointed as Council Liaison to the Family Liaison Committee / lał ə tθə éʔləŋ and they or their alternate will attend at least four Family Liaison Committee / lał ə tθə éʔləŋ meetings per year.

73. Council will meet with the Family Liaison Committee / lał ə tθə éʔləŋ at least once per year.

74. The responsibilities of the Family Liaison Committee / lał ə tθə éʔləŋ will be prescribed by Songhees Nation Law.

Assemblies of the Nation / q^wəlⁿəuəl əł lək^wəŋən

75. The Songhees Nation Government must hold at least four Assemblies of the Nation / q^wəlⁿəuəl əł lək^wəŋən per calendar year, with written notice to Songhees Nation Citizens. One of these Assemblies of the Nation / q^wəlⁿəuəl əł lək^wəŋən must be an Annual General Assembly.

76. The purpose of an Annual General Assembly is to provide an opportunity for:

(a) the Songhees Nation Government to:

- i. be accountable to the Songhees Nation Citizens;
- ii. report to the Songhees Nation Citizens on important activities and issues from the past year;
- iii. give the Songhees Nation Citizens an opportunity to be informed about and, where necessary, provide input on proposed laws and important policies;

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- (b) the Songhees Nation Citizens to:
- i. review the annual audit and a report on steps taken to implement the auditor's recommendations from the previous year;
 - ii. review the annual report of the Songhees Nation Government which will be in written form and include:
 - (a) a report on the Nation's services and operations for the previous year;
 - (b) a progress report on performance of the Songhees Nation Government with respect to objectives and measures under 76(b)ii(c);
 - (c) a statement of objectives and measures that will be used as the basis for determining the Nation's performance during the current year and following year;
 - (d) a schedule of debts;
 - (e) a statement of remuneration and expenses for every member of the Songhees Nation Government;
 - (f) a statement of remuneration and expenses for every employee earning over \$50,000 adjusted annually for increases in the British Columbia's Consumer Price Index (CPI) since January 2021;
 - (g) a schedule of guarantee and indemnity agreements;
 - (h) a statement of variances from the approved annual budget for general operations and capital projects with explanatory notes;
 - iii. review the progress of the Songhees Nation in realizing the vision reflected in the Preamble of this Constitution;
 - iv. review the status of the recommendations made at previous Assemblies of the Nation / q^wəlnəuəl əł lək^wəŋən;
 - v. receive and consider reports from the Songhees Nation Government and Songhees Nation Public Institutions;
 - vi. recommend mandates and policy objectives to the Songhees Nation Government;
 - vii. recommend the development of laws;

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- viii. recommend any changes to the current or proposed budget of the Songhees Nation;
- ix. recommend changes to resolutions adopted, or actions taken, by the Songhees Nation Government;
- x. recommend the names of persons to be considered for appointment to any committee, Songhees Nation Public Institution, advisory body, dispute resolution body or other body of the Songhees Nation Government; and
- xi. ask questions of the Songhees Nation Government.

77. In addition to the four required Assemblies of the Nation / q^wəlⁿəuəl əł lək^wəŋən, the Songhees Nation Council / nətsəmat ətlélŋəx^w may also call Special Assemblies, with written notice to Songhees Nation Citizens, for the purpose of informing, or seeking input from, the Songhees Nation Citizens regarding matters of importance to the Songhees Nation.

78. Any Songhees Nation Citizen may request a Special Assembly by presenting a petition to the Songhees Nation Government signed by at least 20% of those Songhees Nation Citizens eligible to vote, setting out the specific subject matter or issue and any resolutions to be presented at the Special Assembly.

79. In response to a request under section 78, the Songhees Nation Council / nətsəmat ətlélŋəx^w may:

- (a) call a Special Assembly within 30 days of receipt of the petition; or
- (b) refuse to call a Special Assembly if:
 - i. the subject matter described in the petition relates only to a single person or family and not the Songhees Nation Citizens as a whole or a broad class of Songhees Nation Citizens; or
 - ii. the petition is frivolous, vexatious, or an abuse of process.

80. Where the Songhees Nation Council / nətsəmat ətlélŋəx^w refuses to call a Special Assembly under section 79(b) it will give reasons for that refusal in writing and post them in the main administration building of the Songhees Nation Government for at least 30 days.

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81. Every Songhees Nation Citizen has the right to attend and speak at an Assembly of the Nation / q^wəlⁿəuəl ə^l lək^wəŋən, subject to reasonable limits imposed by Songhees Nation Law for the safe and orderly conduct of Assemblies of the Nation / q^wəlⁿəuəl ə^l lək^wəŋən.

Elections

82. The Songhees Nation Government will be democratically accountable and general elections for Songhees Nation Council / nətsəmat ətélŋəx^w will be held every four years.

83. Only Songhees Nation Citizens may vote in elections for Songhees Nation Council / nətsəmat ətélŋəx^w.

84. Songhees Nation Law will prescribe:

- (a) criteria for Songhees Nation Citizens to be eligible for election to a public office, which may include restrictions related to criminal offences;
- (b) the term of office for elected officials;
- (c) processes and procedures for nomination for election;
- (d) processes and procedures for elections including the appointment of a Chief Electoral Officer, who will be an independent official responsible for overseeing elections and ensuring they are conducted in accordance with Songhees Nation Law;
- (e) procedures and requirements for an all-candidates meeting including the organization and oversight of the all candidates meeting by a neutral party;
- (f) criteria, processes and procedures for determining who has been elected;
- (g) processes and procedures in the event that two candidates for public office receive the same number of votes;

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- (h) criteria for Songhees Nation Citizens being eligible to vote;
- (i) processes and procedures for maintaining a list of Songhees Nation Citizens eligible to vote;
- (j) processes and procedures for elections and referenda or other processes for seeking the consent of Songhees Nation Citizens where required by this Constitution or Songhees Nation Law;
- (k) processes and procedures for appealing decisions made under Songhees Nation Law governing elections; and
- (l) processes and procedures for the removal and replacement of elected officials.

Songhees təḡəx^w (lands / təḡəx^w, waters / ʔéł̓sə q^waʔ, ʔéł̓əḡ q^waʔ, iʔ tθə mək^w q^waʔ, air / sʔhét̓əḡ, and Natural Resources)

85. The Songhees Nation Government will work to protect and preserve the təḡəx^w (lands / təḡəx^w, waters / ʔéł̓sə q^waʔ, ʔéł̓əḡ q^waʔ, iʔ tθə mək^w q^waʔ, air / sʔhét̓əḡ and resources) of the Songhees Nation.
86. The Songhees Nation Government will enact Songhees Nation Law governing land use on Songhees Treaty Lands within 180 days of the Effective Date.
87. No person may change the use of Treaty Lands existing on the Effective Date without the permission of Council until a Songhees Nation Law governing land use is in force.
88. Songhees Nation Law governing land use will be reviewed by Songhees Nation Government within five years after the Effective Date to determine if any amendments are required.
89. Any proposed change to permitted land use or acquisition of new land by Songhees Nation will be subject to a community consultation process as prescribed by Songhees Nation Law.

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90. Songhees Nation Law will prescribe land transactions that require the consent of Songhees Nation Citizens by way of approval by a majority (at least 50% plus 1) of the eligible voters who cast their vote in a referendum.
91. The Songhees Nation Law described in section 90 will require the consent of Songhees Nation Citizens for any restrictive covenant affecting lands held by the Songhees Nation Government, a Songhees Nation Public Institution or a corporation controlled by the Songhees Nation Government, unless that restrictive covenant is in favour of a Songhees Nation Public Institution or the Songhees Nation Government.
92. The Songhees Nation Government will prepare an annual report on the status of Songhees Nation lands, including Treaty Lands, and any dispositions thereof, by the Songhees Nation Government during the previous year.
93. The annual report on the status of Songhees Nation lands, including Treaty Lands, will be made available for inspection by Songhees Nation Citizens at the Songhees Nation administration building and presented at the Annual General Assembly.
94. All Treaty Lands remain subject to Songhees Nation jurisdiction regardless of dispositions or interests granted in those lands unless they are removed from Treaty Lands by the process provided under the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]*.
95. The Songhees Nation Government may not make a decision or take any action which would result in land ceasing to be Treaty Lands without the consent of Songhees Nation Citizens by way of a referendum in which a majority (at least 50% plus 1) of eligible voters participate and a majority (at least 50% plus 1) of those voting, vote in favour.

Songhees Nation Laws

96. The Songhees Nation has an inherent right of self-government, and has jurisdiction and authority over the matters prescribed by the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]* and other agreements with Canada and British Columbia as may be entered into from time to time.

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97. The process for development of a Songhees Nation Law may be initiated by:
- (a) a resolution of the Songhees Nation Council, setting out the specific subject matter of the proposed law; or
 - (b) a proposal made by any Songhees Nation Citizen eligible to vote that is approved at an Assembly of the Nation / q^wəlⁿəuəl əł where a minimum of 20% of Songhees Nation Citizens eligible to vote participate in the vote on the proposal and a majority (at least 50% plus one) of those voting vote in favour; or
 - (c) a petition delivered to the Songhees Nation Government signed by at least 20% of Songhees Nation Citizens eligible to vote.
98. A proposal under section 97(b) or petition under 97(c) must set out a request for development of a Songhees Nation Law on a specific subject matter or issue.
99. In response to a request under section 97(b) or 97(c) the Songhees Nation Council will, within 120 days:
- (a) proceed with the process of developing the proposed law; or
 - (b) refuse to proceed with developing the proposed law and provide notice of the reasons for that refusal by posting the reasons in the main administration building of the Songhees Nation for 30 days following the decision.
100. Any member of the Songhees Nation Council / nətsəmat ətélhəx^w may propose that the Songhees Nation Council / nətsəmat ətélhəx^w pass a resolution to initiate the process for development of a Songhees Nation Law.
101. Upon initiation of the process for development of a Songhees Nation Law, the Songhees Nation Council / nətsəmat ətélhəx^w will provide notice to Songhees Nation Citizens and Non-Citizen Residents of the subject matter of the proposed law and the general nature of provisions to be included in the proposed law.
102. A Songhees Nation Law will prescribe the process whereby notice will be issued to Songhees Nation Citizens under section 101.
103. Subject to section 114, the notice will request written comments from Songhees Nation Citizens on the subject matter and the content of the proposed law, and will

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specify a date at least 30 days from the date of the notice for Songhees Nation Citizens to provide comments to Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w.

104. Upon expiration of the time for submitting comments, the Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w will prepare a draft law, taking into consideration:
 - (a) the comments received;
 - (b) the needs of the community; and
 - (c) other relevant matters.
105. Laws are enacted by receiving four readings and approval by majority vote of a quorum of Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w.
106. In the first reading a quorum of Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w will decide by majority vote whether to accept the introduction of a law for consideration.
107. In the second reading a quorum of Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w will:
 - (a) debate the purpose and provisions of the law;
 - (b) consider possible amendments; and
 - (c) decide by majority vote whether to allow the law to be considered for later adoption either with or without amendments.
108. In the third reading a quorum of Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w will:
 - (a) consider any comments received on the proposed law in public hearings, if applicable;
 - (b) consider any further amendments; and
 - (c) decide by majority vote whether to consider the law for final adoption.
109. In the fourth reading a quorum of Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w will decide by majority vote whether to pass the law.
110. Copies of the proposed law as amended for each reading will be made available for inspection by any member of the public at the Songhees Nation administration

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building.

111. No law may receive first to fourth reading within a 24-hour period, except in the case of laws to enact emergency measures.
112. As soon as practical the Songhees Nation Council / nətsəmat əłtélhəx^w will adopt a Songhees Nation Law which will:
- (a) describe the process for the enactment of Songhees Nation Laws under normal circumstances;
 - (b) describe the process for enactment of laws to implement emergency measures; and
 - (c) describe the process for amending an existing Songhees Nation Law.
113. Where Songhees Nation Council / nətsəmat əłtélhəx^w determines it is necessary, it may enact laws to be placed into effect immediately to implement emergency measures to:
- (a) address an imminent threat to public health, safety, or welfare;
 - (b) prevent a loss of Songhees Nation assets, including lands and funds;
 - (c) meet a deadline for the enactment of a law that is established by a court, Canada or British Columbia; or
 - (d) protect human health or the environment from an imminent threat.
114. Songhees Nation Council / nətsəmat əłtélhəx^w will provide notice of laws to enact emergency measures as required by section 101, but such laws may be enacted without seeking or receiving written comments from Songhees Nation Citizens under section 103.
115. Laws to enact emergency measures will be:
- (a) temporary in nature and will expire within 180 days of coming into effect; or
 - (b) temporary in nature and will be replaced by an ordinary law within 180 days of coming into effect.
116. The preamble of laws to enact emergency measures will:
- (a) state the nature of the emergency; and
 - (b) justify why emergency measures are necessary in these circumstances.

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117. At least one public hearing will be held about any proposed law which would amend the permitted land use or density on Treaty Lands.
118. Public hearings may be held about other laws as prescribed by Songhees Nation Law or by decision of the Songhees Nation Council / n̄ts̄emat̄ ̄t̄l̄h̄x̄^w.
119. If a public hearing is to be held in respect of a Songhees Nation Law:
- (a) the public hearing will be held between second and third reading;
 - (b) advance notice of the public hearing will be provided to Songhees Nation Citizens and Non-Citizen Residents, as prescribed by Songhees Nation Law; and
 - (c) all Songhees Nation Citizens, Non-Citizen Residents, and any other individuals who attend the public hearing will be provided a reasonable opportunity to provide input.
120. The Songhees Nation Government will:
- (a) maintain a public registry of Songhees Nation Laws and the Constitution in the English language; and
 - (b) establish procedures for coming into force and publication of Songhees Nation Law.

Notice

121. Where notice to Songhees Nation Citizens is required under this Constitution or Songhees Nation Law, such notice must provide a reasonable opportunity for Songhees Nation Citizens to participate in and provide input on the matter. Such notice must also provide sufficient information describing the matter such that Songhees Nation Citizens have a reasonable opportunity to understand the nature of the matter.

Conduct and Accountability of Leadership

122. In keeping with the fundamental values and principles of governance of the Songhees Nation as set out in this Constitution, the following accountability and fairness measures will be put into practice and apply to the Songhees Nation Government, Songhees Public Institutions and Songhees Nation Public Officers:
- (a) The Chief and Councillors will swear or affirm the Oath of Office in the form attached to the Constitution as Appendix A;
 - (b) the Songhees Nation Government will establish and implement code of conduct and conflict of interest policies for the protection of the Songhees Nation that are in keeping with its culture, traditions, and customs / čələḡən; and
 - (c) the policies referred to in section 122(a) will establish penalties and remedies for conduct or behavior that violates the code of conduct or conflict of interest policies.
123. Songhees Nation Council may remove the Chief or a Councillor from office for breaching the Oath of Office where approved by a two-thirds majority of Songhees Nation Council by vote at a duly convened meeting.

Financial Administration and Accountability

124. The Songhees Nation Government will manage the financial affairs of the Songhees Nation in a manner that:
- (a) is responsible, open, transparent and accountable to Songhees Nation Citizens;
 - (b) provides for effective and efficient use of the financial resources of the Songhees Nation; and
 - (c) meets standards comparable to those generally accepted for governments in Canada.
125. The Songhees Nation Government will manage the financial affairs of the Songhees Nation in accordance with Songhees Nation Law.

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126. Any elected official or Songhees Nation Public Officer authorized to spend Songhees Nation funds will at all times be held accountable to the Songhees Nation for those funds and will be required to provide records of expenditures in accordance with Songhees Nation Law.
127. Songhees Nation Law will provide that significant expenditures or debts will not be incurred by Songhees Nation without the consent of Songhees Nation Citizens eligible to vote. Songhees Nation Law will prescribe what is considered a “significant expenditure or debt” for the purposes of this section.
128. At all times the Songhees Nation Government will have a financial plan covering at a minimum the following five years.
129. The Songhees Nation Government will conduct an annual audit that will include Songhees Nation Public Institutions and Songhees Nation Corporations, in accordance with principles and standards prescribed by Songhees Nation Law.
130. The Songhees Nation Government will present the annual audit to the Songhees Nation Citizens once per calendar year at the Annual General Assembly.

Dispute Resolution

Songhees Nation Judicial Body / snəpənəqs əł ləkʷəŋən

131. The Songhees Nation Council / nətsəmat ətlélŋəxʷ may establish one or more bodies to carry out one or more of the following functions:
- (a) hear challenges to the validity of laws of the Songhees Nation;
 - (b) make recommendations to courts on the sentencing of Songhees Nation Citizens where requested; and
 - (c) other similar duties assigned by the Songhees Nation Council / nətsəmat ətlélŋəxʷ.
132. If no body is established under section 131(a), challenges to the validity of Songhees Nation Laws will be heard in the Supreme Court of British Columbia.

Dispute Resolution and Appeals

133. The Songhees Nation Government, Songhees Nation Public Institutions, and Songhees Nation Public Officers must attempt to resolve disputes based on the fundamental values and governing principles expressed in this Constitution, and without invoking formal means of dispute resolution.
134. Where informal dispute resolution measures under section 133 are unsuccessful, disputes must be resolved in accordance with dispute resolution laws developed by the Songhees Nation Government under section 135.
135. Within 12 months of the effective date, the Songhees Nation Council / nətsəmat ətléljəx^w must make a law to provide for the consideration of disputes between or with the Songhees Nation Government, Songhees Nation Public Institutions, and Songhees Nation Public Officers, which law may include:
- (a) the establishment of a dispute resolution body;
 - (b) referral of the matter to an outside mediator or arbitrator;
 - (c) referral of the matter to the Council of Elders / nətsəmat səlx^wéyn;
 - (d) referral of the matter to the Courts of British Columbia; and
 - (e) other appropriate means of dispute resolution.
136. The Songhees Nation Council / nətsəmat ətléljəx^w must establish processes for review or appeal of administrative decisions made by the Songhees Nation Government, Songhees Nation Public Officers and Songhees Nation Public Institutions, which processes may include an application to the Supreme Court of British Columbia for judicial review.
137. An application to the Supreme Court of British Columbia for judicial review under section 136 must not be brought until all other process for review or appeal has been exhausted.

Force and Effect

138. This Constitution is of no force and effect until at least fifty percent plus one (50% +1) of all individuals on the List of Eligible Voters participate in the ratification by casting a vote and at least fifty percent plus one (50%+1) of those voting approve the Constitution.
139. If this Constitution is approved by the Songhees Nation Citizens in accordance with section 138 then it will come into effect on the Effective Date.
140. In the event that the Constitution is ratified but the *Songhees Nation Treaty and Land Claims Agreement of [year of signing]* is not, this Constitution will come into effect when declared in effect by Songhees Nation Council / n̄ts̄emat ̄t̄el̄h̄ax^w.

Amendments

141. A proposal to amend the Constitution may be initiated by either:
- (a) a resolution adopted by the Songhees Nation Council / n̄ts̄emat ̄t̄el̄h̄ax^w; or
 - (b) a written request submitted to the Songhees Nation Council / n̄ts̄emat ̄t̄el̄h̄ax^w and signed by at least 25% of Citizens eligible to vote; or
 - (c) a request made by a Songhees Nation Citizen / n̄ts̄emat ̄t̄el̄h̄ax^w eligible to vote, at an Assembly of the Nation / q^w̄aln̄əūəl ̄l̄ l̄k^w̄əh̄ən, that is supported by at least 80% of Songhees Nation Citizens eligible to vote in attendance at the meeting.
142. Songhees Nation Law will prescribe the process by which the Songhees Nation Citizens may propose an amendment to this Constitution under 141(c).
143. A proposed amendment passes if:
- (a) A majority (at least 50% plus 1) of the Songhees Nation Citizens who are eligible to vote cast a ballot in the referendum; and
 - (b) It is approved by a majority (at least 50% plus 1) of the Songhees Nation Citizens who vote in the referendum.

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144. An amendment to the Constitution takes effect on the date that the referendum results are final, or on a later date determined in accordance with the request or resolution that initiated the proposal.
145. Notwithstanding sections 141-144, a quorum of the Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w may by majority vote pass a technical or grammatical amendment to this Constitution to correct a clear error if:
- (a) The Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w provides notice of the amendment to Songhees Nation Citizens;
 - (b) The Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w announces the proposed change at an Assembly of the Nation / q^w̄ln̄ūl ̄l̄ l̄k^w̄h̄n; and
 - (c) no petition is delivered to the Songhees Nation Council / n̄ts̄emat ̄t̄l̄h̄x^w under section 146.
146. If a petition objecting to a change proposed under section 145 is:
- (a) signed by at least 25% or more of the Songhees Nation Citizens / n̄ts̄emat ̄t̄l̄h̄x^w eligible to vote; and
 - (b) delivered to the Songhees Nation Government within 30 business days of the announcement of the proposed change at an Assembly of the Nation / q^w̄ln̄ūl ̄l̄ l̄k^w̄h̄n, the proposed change may not be adopted unless the change is approved by a referendum according to the referendum process prescribed by Songhees Nation Law.

APPENDIX A - OATH OF OFFICE

Songhees Nation

Oath of Office

Before the Songhees Nation Citizens and the Creator / ǰélʔs, I [*English legal name and traditional name if applicable*], pledge to uphold the honor and duty vested in me as [*Councillor / sʔhiwəs or Chief / hiwəs*] of the Songhees Nation.

I declare that:

1. I am qualified to hold the office as an elected official of the Songhees Nation in accordance with Songhees Nation Law; and
2. I have not, by myself or any other person, knowingly contravened Songhees Nation Law respecting vote buying or intimidation in relation to my election to office.

I do solemnly commit, to the best of my ability and knowledge, to:

1. Uphold my obligation to the ancestors / ilək^wsiləŋ, the people / x^wilŋəx^w and future generations / hiθ səʔ sʔəliŋqəł of the Songhees Nation;
2. Exercise the powers of my office and fulfil my responsibilities honestly, with integrity and in the best interests of the Nation and Songhees Nation Citizens;
3. Exercise my responsibilities, at all times, with due diligence, care and skill in a reasonable and prudent manner;
4. Respect and support the Nation's Constitution, Laws, Policies, Code of Conduct, resolutions of the Songhees Nation Council / nətsəmat ətélŋəx^w, and the Songhees Nation Citizens;
5. Working in the spirit of nətsəmat: working together as one, as one mind, in unity, with the utmost respect for one another, to get our tasks accomplished in a good, traditional manner. I will conduct myself in this spirit of cooperation and respect for the collective decisions of the Songhees Nation Council / nətsəmat ətélŋəx^w

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and subordinate my personal interests for the best interests of the Nation;

6. Build a consensus for decisions and to respect all other elected officers and employees of the Nation;
7. Conduct myself with honor and respect where I am called upon to represent the Nation;
8. Advocate on behalf of our Nation at all levels of government; including First Nations, Provincial, Federal and International governments;
9. Work diligently for the good of the Nation, with the best interests of all Songhees Nation Citizens as my priority, and without favour to any individual or family;
10. Protect the Nation's lands / təŋəx^w, waters / ʔélsə q^waʔ, ʔéləŋ q^waʔ, iʔ tθə mək^w q^waʔ, air / sʔhéʔəŋ and resources for the benefit of future generations / hiθ səʔ sʔəliʔqəʔ;
11. Keep in confidence any record or information held in confidence by the Songhees Nation and any information considered in a Songhees Nation Council / nətsəmat ətélŋəx^w or committee meeting that was lawfully closed to the public unless and until it is released as lawfully authorized or required, release is specifically authorized by the Songhees Nation Council / nətsəmat ətélŋəx^w, or release is required by law. This includes but is not limited to information about operations, personnel, and any matters dealt with during in-camera meetings of the Songhees Nation Council / nətsəmat ətélŋəx^w or its committees;
12. Immediately declare any personal conflict-of-interest in accordance with Songhees Nation Law;
13. Immediately resign my position as a Councillor / sʔhiwəs in the event that I, or a two-thirds majority of my colleagues on Songhees Nation Council / nətsəmat ətélŋəx^w, have concluded that I have breached this Oath of Office.

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[Sworn/affirmed] this ____ day of , ____ , _____ in the territory of the Songhees Nation before _____, an Elder / səlx^wéyn of the Songhees Nation.

Councillor / sʔhiwəs or Chief / hiwəs (Declarant):

Elder / səlx^wéyn (Mandatory Witness):

Youth / sʔəliʔqəʔ (Optional Witness):

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