



This draft Snaw-naw-as Constitution was developed by the Snaw-naw-as Constitution committee between 2015-2026.

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The committee did this work with the support of staff and consultants at the Te'mexw Treaty Association.

Thank you to everyone who participated in community meetings, came as observers to committee meetings, and completed interviews



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Self-determination: Our Rules to Live By

21/05/2026

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Preamble

We the Snaw-naw-as people have existed for thousands of years as a self-sustaining people with developed social structures. It is hereby recognized that Snaw-naw-as people have used and occupied our traditional territories since time immemorial;

The Snaw-naw-as people are spiritually, physically, emotionally, and mentally connected to the land, sea and resources and to our spiritual and sacred sites;

The Snaw-naw-as people have inherent rights and title that have never been relinquished or surrendered;

The Snaw-naw-as people have our own laws, customs, and traditional governance systems which provide the foundation for our decision-making processes and structure our culture and society. Together we are determined to preserve and promote our traditional languages, practices, traditions and culture;

The Snaw-naw-as Nation acknowledges the importance of traditions and cultural practices at community gatherings and events; and

We the Snaw-naw-as people live through our spiritual and sacred connection to the air, land, sea, and resources, and through this connection we strive to protect our future, our children and those yet unborn. Together, we are determined to protect our youth and children, instill in them an awareness of their aboriginal identity and values, promote their education and enhance their future.

The Citizens of Snaw-naw-as Nation have primary responsibility for the maintenance of our values and traditions, and the well-being of our people. Those responsibilities do not end by our creation of Snaw-naw-as governing bodies in this Constitution.

As individuals, we should strive to carry out our continuing responsibilities including:

- (a) to learn from the examples of our elders;
- (b) to live based on a foundation of spiritual, mental and physical health; and

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- (c) to build lives of honesty, unselfishness, life-long learning and love of our fellow human beings.

Interpretation

1. In this Constitution “Modern Treaty” means the Snaw-naw-as Nation Treaty and Land Claims Agreement of [YEAR OF SIGNING] between Snaw-naw-as Nation, Canada and British Columbia.
2. With the exception of “Constitution,” “Council,” “Councillor,” “Chief,” “Judicial Council” “Elders’ Seat,” and “Elders Council”, which are not defined in the *Modern Treaty*, all capitalized terms in this Constitution have the same meaning as in the *Modern Treaty*.
3. The oral traditions of the Snaw-naw-as Nation may be used in interpreting this Constitution.

Citizenship

4. Every person enrolled under the Modern Treaty is a Snaw-naw-as Nation Citizen.
5. The Snaw-naw-as Nation Government may make laws in respect of Snaw-naw-as Nation Citizenship which may extend citizenship to persons beyond those enrolled under the Modern Treaty.
6. Snaw-naw-as Nation Law will establish a process for persons without citizenship to apply to become Snaw-naw-as Nation Citizens.
7. Any person of Snaw-naw-as Nation ancestry may apply to become a Snaw-naw-as Nation Citizen.

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Rights and Freedoms

8. Every Snaw-naw-as Citizen enjoys all of the individual rights and freedoms guaranteed under the *Canadian Charter of Rights and Freedoms*.
9. Every Snaw-naw-as Citizen may exercise Snaw-naw-as Nation Section 35 Rights as set out in the Modern Treaty and in accordance with Snaw-naw-as Nation Law.
10. Snaw-naw-as Nation Citizens are entitled to the recognition and protection of the following rights and freedoms under the governance of the Snaw-naw-as Nation:
 - (a) the right to make political choices, to participate in political activities, and to express views on any public issue subject to reasonable limits;
 - (b) the right to vote in referenda;
 - (c) the right to access to information, including the right to access Snaw-naw-as Nation Laws;
 - (d) the right to fair, equitable and reasonable access to programs and services delivered by the Snaw-naw-as Nation Government;
 - (e) the right to practice, protect and promote the culture, traditions and teachings of the Snaw-naw-as Nation;
 - (f) the right to use, protect and preserve the ancestral language of the Snaw-naw-as Nation;
 - (g) collective rights, including the right to participate in fishing, hunting, harvesting, gathering and in traditional and cultural activities, and use the land, water, and resources of Snaw-naw-as Nation;
 - (h) the right of entry to and exit from Snaw-naw-as Nation Lands;
 - (i) legal rights to life, freedom and security of the person;
 - (j) the right to equality including equal protection and benefit of the law, but this does not prohibit laws, policies or programs aimed at improving the conditions of disadvantaged individuals or groups;
 - (k) the right to privacy and to the protection of personal information;

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- (l) the right to be consulted by the Snaw-naw-as Nation Government, and Public Institutions on laws and administrative decisions:
 - i. that potentially impact in a significant way the collective rights of the Snaw-naw-as Nation under this Constitution, the Modern Treaty, and the Constitution of Canada; and
 - ii. that potentially impact in a significant way the individual rights of Snaw-naw-as Nation Citizens under this Constitution, the Modern Treaty, and the Constitution of Canada;
 - (m) the right to be consulted and to participate in decision-making by the Snaw-naw-as Nation Government on activities likely to have a significant effect upon the environment;
 - (n) the right to access available information about pollutants and contaminants released into the local environment;
 - (o) the right to reasonable access to current information on the state of the environment and natural resources;
 - (p) the right to drink and access clean water;
 - (q) the right to breathe clean air;
 - (r) the right to access nature;
 - (s) the right to appeal administrative decisions and to challenge the validity of Snaw-naw-as Nation Law in accordance with this Constitution and Snaw-naw-as Nation Law; and
 - (t) such other rights as are set out in the Snaw-naw-as Nation Modern Treaty.
11. The rights and freedoms guaranteed in this Constitution may be subject to reasonable limits prescribed by Snaw-naw-as Nation Law if those limits balance the principles of individual rights, collective rights, democratic rights and sustainability.
12. The rights and freedoms guaranteed in this Constitution are in addition to any other rights and freedoms Snaw-naw-as Nation Citizens may be entitled to in Canada.

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Conservation and the Environment

13. Snaw-naw-as Nation Government has the responsibility within its jurisdictional authority, to:
 - (a) respect, protect, and promote the rights described in section 8; and
 - (b) make best efforts to 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; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
14. Snaw-naw-as Nation Citizens and residents of Snaw-naw-as Nation Lands bear a solemn responsibility to protect and improve the environment for present and future generations.
15. The Snaw-naw-as 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

14. The Snaw-naw-as Nation Government is committed to the principle of honouring and respecting the traditions of our ancestors and our oral history.
15. Snaw-naw-as Nation Government, Public Institutions and their elected officials will:
 - (a) respect this Constitution, including:
 - i. treating all persons with dignity, respect and impartiality, without prejudice or discrimination;
 - ii. upholding the rule of law, which includes that all persons, and the Snaw-naw-as Nation Government, are accountable under the law; that laws are clear and publicly available; and that decisions are made by

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impartial and neutral individuals who respect the interests of the Snaw-naw-as Nation community.

- (b) govern responsibly, including:
 - i. promoting strong ethical values and integrity;
 - ii. being aware of and making best efforts to comply with best practices;
 - iii. being open and transparent to Snaw-naw-as Nation Citizens in decisions and actions;
 - iv. managing finances in a sound manner;
 - v. being accountable to Snaw-naw-as Nation Citizens;
 - vi. innovating and being open to change;
 - vii. making best efforts to ensure competence and capacity in Snaw-naw-as Nation Government;
 - viii. committing to (life-long learning) by participating in leadership education initiatives;
 - ix. being efficient and effective;
 - x. acting with sustainability and a long-term vision in mind;
 - xi. cooperating with one another in mutual trust and good faith, consulting and informing one another, and coordinating actions with one another;
 - xii. making decisions through consistent, fair and transparent processes;
 - xiii. developing and maintaining effective communications with Snaw-naw-as Nation Citizens;
- (c) foster the wellbeing of Snaw-naw-as Nation Citizens, including:
 - i. making best efforts to improve the quality of life for all Snaw-naw-as Nation Citizens;
 - ii. promoting the unity of the Snaw-naw-as Nation;
 - iii. furthering the understanding of Snaw-naw-as Nation Citizens of the responsibilities of citizenship;

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- iv. conserving and protecting the environment, lands, waters and natural resources;
 - v. striving for Snaw-naw-as Nation Citizens to have access to nutrition, shelter, health care services and social services without prejudice or discrimination;
 - vi. striving for Snaw-naw-as Nation Citizens to have quality education, training opportunities, and the opportunity to learn the Hul'qumi'num language;
- (d) foster the preservation of the culture through the language, including:
- i. preserving our heritage, history, teachings, sacred places and things;
 - ii. protecting and promoting the language, culture, values and traditions of the Snaw-naw-as Nation;
 - iii. fostering the development of a collective understanding and respect for the language, culture, values and traditions of the Snaw-naw-as Nation
- (e) maintain positive relationships with other communities, including:
- i. striving to be effective and professional in communication and business relationships with other governments on a government-to-government level; and
 - ii. considering the impact of decisions and actions beyond the Snaw-naw-as Nation.

Snaw-naw-as Nation Laws

- 16. The Constitution is the supreme law of the Snaw-naw-as Nation.
- 17. In the event of a Conflict between the Constitution and the provisions of any Snaw-naw-as Nation Law, the Snaw-naw-as Nation Law is, to the extent of the Conflict, of no force or effect.
- 18. The Snaw-naw-as Nation has the right to self-government, and has jurisdiction and authority over those matters prescribed by the Modern Treaty and other

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agreements with Canada and British Columbia, as may be entered into from time to time.

19. Snaw-naw-as Nation Law will prescribe:
 - (a) the process for the enactment of Snaw-naw-as Nation Laws under normal circumstances;
 - (b) the process for enactment of emergency measures; and
 - (c) the process for amending and repealing an existing Snaw-naw-as Nation Law.
20. The process for development of a Snaw-naw-as Nation Law may be initiated by:
 - (a) a resolution of the Snaw-naw-as Nation Council, setting out the specific subject matter of the proposed law; or
 - (b) a petition presented to Snaw-naw-as Nation Council signed by at least 20% of those Snaw-naw-as Nation Citizens eligible to vote, setting out the request for development of a Snaw-naw-as Nation Law addressing a specific subject matter or issue.
21. Any member of the Snaw-naw-as Nation Council may propose that the Snaw-naw-as Nation Government pass a resolution to initiate the process for development of a Snaw-naw-as Nation Law.
22. Upon initiation of the process for development of a Snaw-naw-as Nation Law under normal circumstances, the Snaw-naw-as Nation Government will provide notice to Snaw-naw-as Nation Citizens of the subject matter of the proposed law and the general nature of provisions to be included in the proposed law.
23. Notice will be provided to Snaw-naw-as Nation Citizens by:
 - (a) publication of a notice in the Snaw-naw-as Nation newsletter or by separate written notice, delivered, mailed or sent by electronic means to Snaw-naw-as Nation Citizens eligible to vote; and
 - (b) posting of the notice in a public area of the Snaw-naw-as Nation administration building.

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24. The notice will request written comments from Snaw-naw-as Nation Citizens on the subject matter and the content of the proposed law, and will specify a date at least 30 days from the date of the notice for Snaw-naw-as Nation Citizens to provide comments to Snaw-naw-as Nation Government.
25. Upon expiration of the time for submitting comments, Snaw-naw-as Nation Government will prepare a draft law, taking into consideration:
 - (a) the comments received;
 - (b) the needs of the community; and
 - (c) other relevant matters.
26. Laws are enacted by receiving four readings and approval by majority vote of a quorum of Snaw-naw-as Nation Council.
27. In the first reading, a quorum of Snaw-naw-as Nation Council will decide by majority vote whether to accept the introduction of a law for consideration.
28. In the second reading, a quorum of Snaw-naw-as Nation Council 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.
29. In the third reading, a quorum of Snaw-naw-as Nation Council 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.
30. In the fourth reading, a quorum of Snaw-naw-as Nation Government will decide by majority vote whether to pass the law.

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31. Copies of the proposed law as amended for each reading will be made available for inspection by any member of the public at the Snaw-naw-as Nation administration building.
32. Public hearings may be held about other laws as prescribed by Snaw-naw-as Nation Law or by decision of the Snaw-naw-as Nation Council.
33. If a public hearing is to be held in respect of the law:
 - (a) the public hearing will be held between second and third reading;
 - (b) advance notice of the public hearing will be provided to Snaw-naw-as Nation Citizens and Non-Citizen Residents, as prescribed by Snaw-naw-as Nation Law; and
 - (c) all individuals and Snaw-naw-as Nation Citizens who believe their interests may be affected by the proposed law will be provided a reasonable opportunity to provide input at the public hearing.
34. No law may receive first to fourth reading within a 24-hour period, except in the case of laws to enact emergency measures.
35. Where Snaw-naw-as Nation Council determines it is necessary, Snaw-naw-as Nation Council will enact laws that shall be placed into effect immediately to implement emergency measures in order to:
 - (a) address an imminent threat to public health, safety, or welfare;
 - (b) prevent a loss of Snaw-naw-as 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.
36. Laws to enact emergency measures will be:
 - (a) temporary in nature and will expire within 180 days of coming into effect; or

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- (b) temporary in nature and replaced by an ordinary law within 180 days of coming into effect.
37. 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.
38. The Snaw-naw-as Nation Government will:
- (a) maintain a public registry of Snaw-naw-as Nation Laws and the Snaw-naw-as Nation Constitution in the English language;
 - (b) establish procedures for coming into force and publication of Snaw-naw-as Nation Law.

Snaw-naw-as Nation Government

Council

41. The governing body of the Snaw-naw-as Nation is its Council.
42. The members of the Council are the Chief, the Councillors and the holder of the Elders' Seat.
43. The powers and responsibilities of the Council include:
- (a) providing for good government of the Snaw-naw-as Nation;
 - (b) providing for services, laws and other matters for the benefit of the Snaw-naw-as Nation and Snaw-naw-as Nation Citizens;
 - (c) providing for stewardship of the public assets of the Snaw-naw-as Nation;
 - (d) managing Snaw-naw-as Nation Lands and land use planning;
 - (e) approving the annual budget and financial plan for the Snaw-naw-as Nation;

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- (f) fostering the economic, social and environmental well-being of the Snaw-naw-as Nation and Snaw-naw-as Nation Citizens; and
 - (g) any other powers and responsibilities vested in the Council by the Modern Treaty or this Constitution.
44. The Council will meet a minimum of four (4) times a year, and more often at the request of the Chief or by decision of the Council.
45. The Chief, any Councillor or the holder of the Elders' Seat may propose a law to the Council.
46. Current and former members of the Council will keep in confidence any record or information held in confidence by the Snaw-naw-as Nation and any information considered in a Council or committee meeting that was lawfully closed to the public:
- (a) until the record or information is released as lawfully authorized or required; or
 - (b) until release of the record or information is specifically authorized by Council.
47. If the Snaw-naw-as Nation suffers loss or damage because a person contravenes section 46 above and the contravention was not inadvertent, the Snaw-naw-as Nation may recover damages from the person for the loss or damage.
48. Council may delegate any authority vested in the Snaw-naw-as Nation Government in accordance with the *Modern Treaty*, this Constitution and Snaw-naw-as Nation Law.

Chief

49. The Chief is elected by receiving the highest number of votes cast for the position of Chief by Snaw-naw-as Nation Citizens eligible to vote in a democratic election, conducted according to Snaw-naw-as Nation Law.
50. The Chief must be a Snaw-naw-as Nation Citizen age 18 or older.

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51. In addition to the Chief's powers and responsibilities as a member of Council, the Chief has the following responsibilities:
- (a) to provide leadership to the Council, including by recommending Snaw-naw-as Nation Laws, resolutions and other measures that, in the Chief's opinion, promote the peace, order and good government of the Snaw-naw-as Nation;
 - (b) to communicate to the Council information the Chief receives on behalf of the Council or the Snaw-naw-as Nation;
 - (c) to preside at Council meetings when in attendance;
 - (d) to provide, on behalf of the Council, general direction to Snaw-naw-as Nation Public Officers respecting implementation of Snaw-naw-as Nation Laws, policies, programs and other directions of the Council;
 - (e) to reflect the will of Council and to carry out other duties on behalf of the Council; and
 - (f) to carry out other duties assigned by Council or Snaw-naw-as Nation Law.
52. In addition to any other powers in this Constitution and any powers as a member of Council, the Chief has the following powers:
- (a) to establish standing committees in accordance with Snaw-naw-as Nation Law; and
 - (b) to suspend Snaw-naw-as Nation Public Officers in accordance with Snaw-naw-as Nation Law.
53. The Council will, in accordance with any Snaw-naw-as Nation Law or policy governing Council procedure, designate a Councillor or the holder of the Elders' Seat as the member responsible for acting in the place of the Chief when the Chief is absent or otherwise unable to act or when the office of Chief is vacant.
54. If both the Chief and Councillor or the holder of the Elders' Seat designated under section 53 are absent from a Council meeting, the members present will choose a Council member to preside over the meeting.

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55. The Council member designated under section 53 or chosen under section 54 has the same powers and responsibilities as the Chief while acting in the place of the Chief.

Councillors

56. Only Snaw-naw-as Nation Citizens age 18 and older are eligible to be Councillors.
57. Councillors will be elected by Snaw-naw-as Nation Citizens who are eligible to vote in a democratic election, as prescribed by Snaw-naw-as Nation Law.
58. At a minimum, there will be three (3) elected Councillors, not including the Chief, excepting that if there is a vacancy due to death, resignation, dismissal or any other cause, Snaw-naw-as Nation Law may provide for a lesser number of Councillors unless or until a replacement is elected.
59. Snaw-naw-as Nation Law will specify the number of Councillors according to a formula based on the number of Snaw-naw-as Nation Citizens on January 1st of an election year, but in no case will the number of Councillors exceed twelve.

Elders' Seat

60. The holder of the Elders' Seat is determined by the Snaw-naw-as Nation's elders as prescribed by Snaw-naw-as Nation Law. This law may only be adopted or amended by a majority vote at a general assembly.
61. Candidates for the holder of the Elders' Seat will:
- (a) be Snaw-naw-as Nation Citizens aged 60 years or older;
 - (b) be eligible to vote in Snaw-naw-as Nation elections; and
 - (c) meet any other criteria provided for under Snaw-naw-as Nation Law.
62. The Elders' Seat has all of the duties and responsibilities of a Councillor, including the ability to propose or second motions, participate in debate at meetings of Council, and vote on resolutions or decisions at Council meetings.

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Public Institutions

63. The Snaw-naw-as Council may establish any Snaw-naw-as Nation Public Institution that it deems necessary to meet the duties and obligations of the Snaw-naw-as Nation Government or to protect or advance the interests of the Snaw-naw-as Nation.

Advisory Bodies

64. The Snaw-naw-as Nation Government may establish one or more advisory bodies for the purpose of advising the Snaw-naw-as Nation Government.
65. Advisory bodies will be composed of Snaw-naw-as Nation Citizens or non-citizens with relevant knowledge or expertise, or both, as determined by the Snaw-naw-as Nation Government.
66. Advisory bodies are not Snaw-naw-as Nation Public Institutions.

Assemblies of the Nation

67. The Snaw-naw-as Nation Government will hold at least two (2) general assemblies every calendar year for the first 5 years following effective date, and at least one general assembly per calendar year thereafter.
68. The Snaw-naw-as Nation Government may also call special assemblies to consider any matters of importance to the Snaw-naw-as Nation.
69. Any Snaw-naw-as Nation Citizen may request a special assembly by presenting a petition to the Snaw-naw-as Nation Government signed by at least 20% of those Snaw-naw-as Nation Citizens eligible to vote, setting out the specific subject matter or issue and any resolutions to be presented at the special assembly.
70. In response to a request under section 69, Snaw-naw-as Nation Council may:
 - (a) call a special assembly within 30 days of receipt of the petition; or

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- (b) refuse to call a special assembly if the Snaw-naw-as Nation Council determines that:
 - i. the subject matter described in the petition relates only to a single person or family and not the Snaw-naw-as Nation Citizens as a whole or a broad class of Snaw-naw-as Nation Citizens; or
 - ii. the petition is frivolous, vexatious, or an abuse of process.
- 71. Where Snaw-naw-as Nation Council refuses to call a special assembly under section 70(b) it will give reasons for that refusal in writing and post them in the main administration building of the Snaw-naw-as Nation Government for at least 30 days.
- 72. The purpose of a general assembly is to provide an opportunity, at least once per calendar year, for Snaw-naw-as Nation Citizens to:
 - (a) review the annual audit and a report on steps taken to implement the auditor's recommendations from the previous year;
 - (b) review the annual report of the Snaw-naw-as Nation Government which will be in written form and include:
 - i. a report on the Nation's services and operations for the previous year;
 - ii. a progress report on performance of the Snaw-naw-as Nation Government with respect to objectives and measures under 72(b) iii;
 - iii. 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;
 - iv. a schedule of debts;
 - v. a statement of remuneration and expenses for every member of the Snaw-naw-as Nation Government and employees earning over \$50,000;
 - vi. a statement of severance agreements and the number of months of compensation represented by these agreements;
 - vii. a schedule of guarantee and indemnity agreements;

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- viii. a schedule showing aggregate payments made exceeding \$25,000 to suppliers for the provisions of goods and services;
 - ix. a statement of variances from the approved annual budget for general operations and capital projects with explanatory notes;
 - (c) review how the Snaw-naw-as Nation is upholding the values reflected in the Preamble of this Constitution;
 - (d) review the status of the recommendations made at previous general assemblies;
 - (e) receive and consider reports from the Snaw-naw-as Nation Government and Snaw-naw-as Nation Public Institutions;
 - (f) recommend mandates and policy objectives to the Snaw-naw-as Nation Government;
 - (g) recommend the development of laws;
 - (h) recommend any changes to the current or proposed budget of the Snaw-naw-as Nation;
 - (i) recommend changes to resolutions adopted, or actions taken, by the Snaw-naw-as Nation Government;
 - (j) recommend the names of persons to be considered for appointment to any committee, Snaw-naw-as Nation Public Institution, advisory body, dispute resolution body or other body of the Snaw-naw-as Nation Government; and
 - (k) provide an opportunity for Snaw-naw-as Nation Citizens to ask questions of Snaw-naw-as Nation Government.
73. Every Snaw-naw-as Nation Citizen has the right to attend any assembly and speak at a general assembly of the Nation, subject to reasonable limits imposed by Snaw-naw-as Nation Law for the safe and orderly conduct of assemblies of the Nation.

Elections and Processes for Obtaining Consent

74. The Snaw-naw-as Nation Government will be democratically accountable and general elections will be held at least every four (4) years as specified in Snaw-naw-as Nation Law.

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75. Only Snaw-naw-as Nation Citizens may vote in elections for the Snaw-naw-as Nation Government.
76. Snaw-naw-as Nation Law will prescribe:
- (a) criteria for holding public office;
 - (b) requirements for candidates for election to file financial disclosure statements comparable to those required for elected officials of local governments in British Columbia;
 - (c) requirements for candidates for election to disclose any convictions for indictable criminal offenses unless a pardon has been granted;
 - (d) processes and procedures for maintaining a list of Snaw-naw-as Nation Citizens eligible to vote;
 - (e) processes and procedures for nomination for election;
 - (f) procedures and requirements for an all candidates meeting including the organization and oversight of the all candidates meeting by a neutral party;
 - (g) processes and procedures in the event that two candidates for public office receive the same number of votes;
 - (h) criteria, processes and procedures for determining who has been elected;
 - (i) processes and procedures for the removal and replacement of elected officials;
 - (j) 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 Snaw-naw-as Nation Law; and
 - (k) processes and procedures for referenda or other processes for seeking the consent of Snaw-naw-as Nation Citizens where required by this Constitution or Snaw-naw-as Nation Law;
 - (l) processes and procedures for appealing decisions made under Snaw-naw-as Nation Law governing elections.

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Snaw-naw-as Nation Lands

77. The Snaw-naw-as Nation Government will work to protect and preserve the culturally significant and sacred land, water and natural resources of the Snaw-naw-as Nation.
78. The Snaw-naw-as Nation Government will ensure that a law governing land use on Snaw-naw-as Nation Lands is in force within 180 days of the Effective Date.
79. No person may change the use of Snaw-naw-as Nation Land existing on the Effective Date without the permission of Council until a Snaw-naw-as Nation Law governing land use is in force.
80. Snaw-naw-as Nation Law governing land use will be reviewed within 5 years after the Effective Date to determine if any amendments are required.
81. Any proposed change to land use by Snaw-naw-as Nation will be subject to a community consultation process as prescribed by Snaw-naw-as Nation Law.
82. At least one public hearing will be held about any proposed law which would amend a Snaw-naw-as Nation land use plan with respect to land use or density.
83. A Snaw-naw-as Nation Law will specify dispositions and transactions of lands which require the consent of Snaw-naw-as Nation Citizens eligible to vote.
84. A Snaw-naw-as Nation Law referred to in section 83 may only be adopted or amended with the consent of Snaw-naw-as Nation Citizens eligible to vote.
85. The consent of Snaw-naw-as Nation Citizens eligible to vote is required for any sale or lease longer than a 25-year term of lands held by the Snaw-naw-as Nation Government, a Snaw-naw-as Nation Public Institution or a Snaw-naw-as Corporation, unless that sale or lease is to a Snaw-naw-as Nation Citizen, Snaw-naw-as Nation Public Institution or a corporation controlled by the Snaw-naw-as Nation Government.
86. The consent of Snaw-naw-as Nation Citizens eligible to vote is required for any restrictive covenant affecting lands held by the Snaw-naw-as Nation Government, a Snaw-naw-as Nation Public Institution or a corporation controlled by the Snaw-naw-as Nation Government, unless that restrictive covenant is in favour of a Snaw-naw-as Nation Public Institution or the Snaw-naw-as Nation Government.

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87. The Snaw-naw-as Nation Government will prepare an annual report on the status of Snaw-naw-as Nation Lands and any dispositions of Snaw-naw-as Nation Lands by the Snaw-naw-as Nation Government during the past year.
88. The annual report on the status of Snaw-naw-as Nation Lands will be made available for inspection by Snaw-naw-as Nation Citizens at the Snaw-naw-as Nation administration building and presented at a general assembly.
89. All Snaw-naw-as Nation Lands remain subject to Snaw-naw-as Nation jurisdiction regardless of dispositions or interests granted in those lands unless they are removed from Snaw-naw-as Lands by the process provided under the Modern Treaty.
90. The Snaw-naw-as Nation Government may not make a decision or take any action which would result in land ceasing to be Snaw-naw-as Land without the consent of Snaw-naw-as Nation Citizens eligible to vote in accordance with section 76(k).

Financial Administration and Accountability

91. The Snaw-naw-as Nation Government will manage the financial affairs of the Snaw-naw-as Nation in a manner that:
 - (a) is responsible, open, transparent and accountable to Snaw-naw-as Nation Citizens;
 - (b) provides for effective and efficient use of the financial resources of the Snaw-naw-as Nation; and
 - (c) meets standards comparable to those generally accepted for governments of similar size and circumstances in Canada.
92. The Snaw-naw-as Nation Government will manage the financial affairs of the Snaw-naw-as Nation in accordance with Snaw-naw-as Nation Law.
93. Any elected official or Snaw-naw-as Public Officer authorized to spend Snaw-naw-as funds will at all times be held accountable to the Snaw-naw-as Nation for those funds and will be required to provide records of expenditures in accordance with Snaw-naw-as Nation Law.

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94. Snaw-naw-as Nation Law may provide that certain expenditures or debts will not be incurred by Snaw-naw-as Nation without the consent of Snaw-naw-as Nation Citizens eligible to vote.
95. The Snaw-naw-as Nation Government will develop a financial plan covering at a minimum the following three years. At all times, the Snaw-naw-as Nation Government will have a valid financial plan in place and a new financial plan will be developed no later than the final year of the proceeding financial plan.
96. The Snaw-naw-as Nation Government will conduct an annual independent audit in accordance with principles and standards prescribed by Snaw-naw-as Nation Law.
97. The Snaw-naw-as Nation Government will present the annual audit and financial plan to the Snaw-naw-as Nation Citizens once per calendar year at a general assembly.

Conflict of Interest

98. A Snaw-naw-as Nation Law will prescribe a code of conduct and conflict of interest rules. This law will apply to all elected and non-elected representatives, and all employees of the Snaw-naw-as Nation.

These will include the following points:

- (a) All members of the Snaw-naw-as Nation Government will take an oath of Office; and
 - (b) No member of the Snaw-naw-as Nation Government or Snaw-naw-as Nation employee shall engage in any conduct in the course of performing their duties that may result in a personal benefit to that person or a member of their immediate family. No member of the Snaw-naw-as Nation Government or Snaw-naw-as Nation employee shall participate in any decision that may benefit that person or a member of their immediate family.
99. Section 98(b) does not apply if the interest of the member of the Snaw-naw-as Nation Government or Snaw-naw-as Nation employee is an interest in common with Snaw-naw-as Nation Citizens generally.
100. If and when a conflict situation does arise the member of the Snaw-naw-as Nation Government or Snaw-naw-as Nation employee must:

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- i. announce that a conflict has arisen;
- ii. identify the conflict; and
- iii. take no further part in the discussion or decision, or attempt to influence the discussion or decision in anyway
- iv. for greater clarity under 100 iii. the person in conflict must leave the room before the discussion continues.

Dispute Resolution

101. The Snaw-naw-as Council will establish a Judicial Council and an Elders Council.

The Judicial Council

102. The Snaw-naw-as Council will appoint a Judicial Council to carry out the following functions:
- (a) hear appeals of administrative decisions;
 - (b) address disputes between Snaw-naw-as Nation Government bodies;
 - (c) hear challenges to the validity of Snaw-naw-as Nation Law; and
 - (d) perform other functions of dispute resolution as assigned by Snaw-naw-as Council.
103. The Judicial Council appointed in section 102 will:
- (a) be independent;
 - (b) resolve disputes and appeals in an efficient and cost effective manner;
 - (c) have the authority to conduct hearings, make recommendations, and render decisions in relation to disputes and appeals;
 - (d) have the power to refer matters outside the competence or jurisdiction of the Judicial Council to a court with jurisdiction over that matter; and
 - (e) have the power to refer matters pertaining to Snaw-naw-as culture, heritage, language and traditions to the Elders Council.

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104. Snaw-naw-as Nation Law will prescribe:
- (a) a process for appointing the members to the Judicial Council;
 - (b) the composition of the Judicial Council;
 - (c) term limits for members of the Judicial Council;
 - (d) criteria for eligibility for appointment to the Judicial Council; and
 - (e) a process for dealing with conflict of interest in relation to any matter considered by the Judicial Council.
105. The Judicial Council will have the authority and shall render binding decisions with respect to appeals of administrative decisions or challenges to the validity of Snaw-naw-as Nation Law.
106. The Judicial Council may also make recommendations with respect to appeals of administrative decisions or challenges to the validity of Snaw-naw-as Nation Law.
107. Snaw-naw-as Nation Law may provide for a right of appeal of decisions made by the Judicial Council to the Supreme Court of British Columbia.

The Elders Council

108. Snaw-naw-as Nation Law will prescribe:
- (a) a process for appointing the members to the Elders Council which may hear matters pertaining to Snaw-naw-as culture, heritage, language and traditions pursuant to section 103(e);
 - (b) the composition of the Elders Council;
 - (c) suitable criteria for eligibility for appointment to the Elders Council including that members of the Elders Council must be Snaw-naw-as Nation Citizens aged 60 years or older; and
 - (d) a process for dealing with conflict of interest in relation to any matter considered by the Elders Council.
109. The Elders Council will have the authority to make recommendations with respect to matters referred by the Judicial Council under section 103(e).

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110. The Snaw-naw-as Nation Law that prescribes the appointment of the Elders Council under section 108(a) may only be adopted or amended by a majority vote at a general assembly.

Ratification

111. Ratification of this Constitution requires that:
- (a) more than 50 percent of the Eligible Voters cast a ballot in the Constitution Ratification Vote; and;
 - (b) more than 50 percent of votes cast are in favour of ratifying the Constitution.
112. Once ratified in accordance with section 111, this Constitution comes into force on the Effective Date.
113. In the event that this Constitution is approved but the Snaw-naw-as Nation Modern Treaty is not, the Constitution will be revised to reflect the legal status of the Nanoose First Nation and the revised constitution will be put to a ratification vote.

Amendments

114. A proposal to amend the Constitution may be initiated by either:
- (a) a written request submitted to the Council and signed by 25% of Snaw-naw-as Nation Citizens who are eligible to vote; or
 - (b) a resolution adopted by the Council.
115. Snaw-naw-as Nation Law will prescribe the process by which the Citizens may propose an amendment to this Constitution.
116. If a proposal is received under section 114(a), Council must include the proposed amendment in a referendum vote no later than the next election date from the date the petition is received, as long as the petition is received 60 days prior to the election date. Proposals received after 60 days prior to the election date will be put to a referendum vote no later than the following election date.
117. The proposed amendment passes on the following basis:

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- (a) in the period from Effective Date of the Snaw-naw-as Nation Treaty to the 5th anniversary of the Effective Date of the Snaw-naw-as Nation Treaty, with the approval of at least 40% of the Snaw-naw-as Nation Citizens eligible to vote;
 - (b) in the period from the 5th anniversary of the Effective date of the Snaw-naw-as Nation Treaty to the 10th anniversary of the Effective Date of the Snaw-naw-as Nation Treaty, with the approval of at least 50% of the Snaw-naw-as Nation Citizens eligible to vote;
 - (c) any time after the 10th anniversary of the Effective Date of the Snaw-naw-as Nation Treaty, with the approval of at least 60% of the Snaw-naw-as Nation Citizens eligible to vote.
118. 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.
119. Notwithstanding sections 114-118, a quorum of Council may by majority vote pass a technical or grammatical amendment to this Constitution update information or correct any editing, grammatical, or typographical errors in this Constitution if:
- (a) Council provides notice of the change by:
 - i. publication of a notice in the Snaw-naw-as Nation newsletter or by separate written notice, delivered or mailed to Snaw-naw-as Nation Citizens eligible to vote; and
 - ii. posting of the notice in a public area of the Snaw-naw-as Nation administration buildings; and
 - (b) no petition is delivered to Council under section 120.
120. If a petition objecting to a change proposed under section 119(b) is:
- (a) signed by 25% or more of the Snaw-naw-as Nation Citizens eligible to vote; and
 - (b) delivered to the Snaw-naw-as Nation Government within 60 days of the notice of the change provided under section 119(a),

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Council cannot make the technical or grammatical amendment without a referendum held on the proposed change according to the referendum process prescribed by Snaw-naw-as Nation Law.

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Schedule A: Oath of Office for Elected Officials of Snaw-naw-as Nation Government

I, _____,
for (name) (position)

the Snaw-naw-as Nation, declare that:

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

In carrying out my duties as an elected official of the Snaw-naw-as Nation Government I will:

1. Uphold my obligation to the ancestors, the people and future generations of the Snaw-naw-as Nation;
2. Exercise the powers entrusted to me and perform the duties of my office diligently, and to the best of my ability;
3. Bring honour to the Snaw-naw-as Nation in all circumstances where I am called upon to represent the Nation in public matters;
4. Respect and abide by the Snaw-naw-as Nation Constitution, Snaw-naw-as Nation Law and policy, including Snaw-naw-as Nation Law prescribing a code of conduct and conflict of interest rules, and decisions of the Snaw-naw-as Nation Government;
5. Keep all matters confidential that the Snaw-naw-as Nation Government requires be kept confidential;

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6. Conduct myself in a spirit of cooperation and respect for the collective decisions of the Snaw-naw-as Nation and act in the best interests of the Snaw-naw-as Nation over my own personal interests; and
7. Immediately resign my position in the event that I am found to be in breach of this oath of office, according to Snaw-naw-as Nation Law.

Signature: _____

Witness: _____

Date: _____