

# **MAMÍYET – STS'AILES CONSTITUTION**

## 1. ARTICLE 1 – PREAMBLE AND MISSION STATEMENT

**Summary:** *This section acts as the introduction and background for the rest of the Constitution. It sets out that the basis for Sts'ailes' Constitution is Sts'ailes' status as a sovereign Indigenous nation. It describes the sources of Sts'ailes' power to govern and some important principles about how Sts'ailes exercises its power to govern. It describes how Sts'ailes Citizens and Provisional Citizens relate to each other, Sts'ailes' S'ólh Téméxw, and all of Sts'ailes' relations. It relates Sts'ailes' Origin Story and Mission Statement and also describes Sts'ailes' commitment to upholding the values set out in the Origin Story and Mission Statement and respecting Sts'ailes Laws and teachings.*

### Preamble

- A. Sts'ailes is an independent and intact Indigenous nation since pre-contact and has inherent rights to self-determination and self-governance;
- B. Sts'ailes *Xwelméxw* have lived in balance and harmony with all things since time immemorial and have an ongoing responsibility to respect and steward our *S'ólh Téméxw*;
- C. Sts'ailes has always governed its people, lands, waters, airspace, and resources, and this authority flows from:
  - i. the Creator to Sts'ailes *Xwelméxw*;
  - ii. Sts'ailes *Xwelméxw* to Sts'ailes Chief and Council according to the culture, traditions, customs, and laws of Sts'ailes; and
  - iii. Sts'ailes' inherent rights;
- D. Sts'ailes has maintained its unique culture and identity through its stories, oral traditions, *Snowoyelh*, *Si:wes*, spiritual beliefs, language, and its relationship to its lands and waters in spite of adversity, which is a testament to the strength and resiliency of the Sts'ailes *Xwelméxw*;
- E. Sts'ailes oral traditions are passed down from generation to generation and reflect our collective inherent rights. Our Origin Story is the foundation for our ways of living. Our stories depict our *Snowoyelh* and our *Si:wes*. We view this Constitution through the lens of our Origin Story;

### ***The Origin Story***

*Before the world was here, the Sun and Moon fell in love;  
They sent their emotions and feelings towards each other and where  
those feelings met was where the world was created.*

*In the beginning, the world was covered with water and through time  
and evolution some beings took different shape and form:*

*Some became the winged;  
Some became the four-legged fur bearing;  
Some became the plant people and root people;*

*Some became the ones that swim in the rivers and oceans;  
And some became the humans.*

*Early in time, we, the humans, were the weakest,  
And needed the most help to survive.*

*All our relations felt sorry for us; they took pity on us.  
An agreement was made where they agreed to give themselves to us, for:*

- *Food,*
- *Shelter,*
- *Clothing,*
- *Utensils, and*
- *Medicine.*

*The Only thing they asked for in return was to:*

- *Be respected;*
- *Be remembered;*
- *Only take what we need;*
- *Share with those that are less fortunate; and*
- *To not gather or harvest at certain times and places to allow them to reproduce.*

*Before we gather, harvest or hunt, we say a prayer of forgiveness and  
a prayer of thanks to “All Our Relations” for taking their life to feed our family,  
we commit to use everything, and we will share with those that are less fortunate.*

*In honouring this sacred agreement, we are the Stewards of the Land, Environment, the  
Winged, the Four-legged, the Plants, and the Ones that Swim in the rivers and oceans.*

***All My Relations [NTD - Halq'eméylem Term]***

- F. Sts'ailes seeks to express its inherent rights to govern rooted in *Snowoyelh* and *Si:wes*, Sts'ailes culture, and the Mission Statement in this Constitution, and as such, this Constitution must be approached from Sts'ailes' perspective and not one rooted in Western concepts, worldviews, or legal orders;
- G. Sts'ailes will continue to exercise its inherent rights to govern in the best interests of Sts'ailes *Xwelmexw*, in a manner consistent with *Snowoyelh*, *Si:wes*, Sts'ailes culture, and the Mission Statement:

*Lets'emo:t Sts'ailes ikwe'lo*

*Xwemxwem sqwalewel snowoyelh lam*

*Te mekw wates xaxa temexw te'i*

We are all one mind, one spirit as Sts'ailes

We value being strong and balanced;

Our laws and teachings are for everything and  
Everyone; everything is sacred to us

NOW THEREFORE as a self-determining people, from this day forward we will continue to fulfill the responsibilities inherent in governing ourselves and will continually seek to follow our *Snowoyelh* and our *Si:wes* for the betterment of Sts'ailes *Xwelmexw*.

## 2. ARTICLE 2 – PURPOSE, GUIDING PRINCIPLES, AND INTERPRETATION

**Summary:** *This section sets out the purposes of this Constitution and key principles that guide how this Constitution is applied and interpreted. These principles relate to Sts'ailes' Origin Story. This section also discusses technical topics, such as the official language of this Constitution and translations of Halq'eméylem words, the meaning of specific words and types of words in this Constitution, and how dates and times are calculated in this Constitution.*

### Purpose

- 2.1 Sts'ailes' *Snowoyelh* and *Si:wes* have existed for generations through Sts'ailes' oral tradition. In drafting this Constitution, Sts'ailes is committing Sts'ailes oral legal orders to writing for the following purposes:
- (a) to further protect Sts'ailes' right to self-determination and self-governance;
  - (b) to bridge the gap between Sts'ailes legal orders and the Canadian legal system to ensure Sts'ailes legal orders are acknowledged by the Canadian government as part of a pluralistic legal system;
  - (c) to preserve, protect, and enhance Sts'ailes heritage, language, culture, and resources;
  - (d) to protect the health, safety, and well-being of all *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Citizens, and *S'ólh Téméxw*;
  - (e) to promote sustainable economic development for the benefit of *t'set Xwelmexw ye Sts'ailes* and Sts'ailes Citizens;
  - (f) to enhance the quality of life of all *t'set Xwelmexw ye Sts'ailes* and Sts'ailes Citizens through the development of programs and exercise of self-determination;
  - (g) to ensure others respect Sts'ailes' rights to protect, benefit from, and chart future uses of *S'ólh Téméxw* and resources;
  - (h) to uphold and give effect to the individual and collective rights of all *t'set Xwelmexw ye Sts'ailes* and Sts'ailes Citizens and protect Sts'ailes' understanding of balancing individual and collective rights and responsibilities pursuant to *Snowoyelh* and *Si:wes*; and
  - (i) to replace the Sts'ailes band council established through the *Indian Act* with Sts'ailes Government.

## Guiding Principles

2.2 The following guiding principles based on Sts'ailes' oral *Snowoyelh* and *Si:wes* will be used in interpreting this Constitution:

- (a) Those principles that reflect the spirit of the Sts'ailes Origin Story through the Seven Laws of Life:
  - i. **Áylexw – Health:** This refers to being balanced in spiritual, mental, physical, and emotional aspects of life. If we take care of ourselves in those four ways, we can achieve optimal health. Even in sickness or illness, we can still live a healthy balanced life. It is simply a matter of taking care of oneself.
  - ii. **Xwoyiwel – Happiness:** Happiness is a state of mind – it is a healthy place of mind.
  - iii. **Tem Ts'elmxwelmex – Generosity:** We must give without expecting anything in return. We must help those in need.
  - iv. **Lexw'éy – Generations:** We must always keep the seven generations of our past and seven generations of our future in mind when we make decisions on behalf of our communities. We must keep the seven laws of life intact and ensure the sacred agreement is remembered for generations to come.
  - v. **Áxwest – Humility:** Humility means that we must remember that we are not bigger or better than anyone or any other being. Humility takes practice and often times patience.
  - vi. **Kwát – Forgiveness:** Forgiveness begins with me and no others. It is an internal experience.
  - vii. **Q'e'í:les – Understanding:** Understanding is being okay with how things are or how things turn out. For instance, one may not agree with something, but to reach for understanding is a first step in building healthy relationships.
- (b) **Letsemot – Unity:** One heart; one mind; one spirit.
- (c) **Reciprocal Accountability:** Sts'ailes Government, *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Citizens, and Provisional Citizens are each accountable for their respective decisions and actions and are each responsible for the wellbeing of Sts'ailes and *S'ólh Téméxw*. Our Origin Story teaches that with our rights comes responsibility to all our relations.

## Language

2.3 It is an objective of Sts'ailes that *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Citizens, and Provisional Citizens be able to use the Halq'eméylem language to access and participate in all aspects of Sts'ailes' governance processes.

- 2.4 Sts'ailes may publish this Constitution with both English and Halq'eméylem incorporated, and in the event of a conflict between English and Halq'eméylem terms, both terms will be treated equally.
- 2.5 The translations of Halq'eméylem terms in this Constitution are provided for readability and will not be interpreted as capturing the full meaning of the Halq'eméylem terms.

### Definitions

- 2.6 In this Constitution, the following terms and expressions have the following meanings:
- "Aboriginal Title"** means Sts'ailes' inherent rights and title to, and sovereignty, authority, and jurisdiction over *S'ólh Téméxw*.
- "Chief"** means Sts'ailes' Chief, as elected from time to time in accordance with the Custom Election Code.
- "Constitution"** means this Constitution as ratified and adopted pursuant to Article 14.
- "Constitutional Registrar"** means the individual appointed by Sts'ailes pursuant to section 13.2 of this Constitution as being responsible for maintaining the official copy of this Constitution and any materials relating to constitutional amendments.
- "Councillor"** means a Sts'ailes Councillor, as elected from time to time in accordance with the Custom Election Code.
- "Citizenship Code"** means Sts'ailes' Citizenship Code, as ratified and adopted pursuant to Article 14 of this Constitution.
- "Custom Election Code"** means Sts'ailes' duly enacted Custom Election Code, as may be amended from time to time in accordance with the Custom Election Code or this Constitution, as applicable.
- "Effective Date"** means the date on which this Constitution is ratified in accordance with Article 14 of this Constitution.
- "Elders Council"** means a collective of Sts'ailes elders appointed by Sts'ailes Chief and Council pursuant to section 5.10, and in accordance with *Snowoyelh*, *Si:wes* and this Constitution.
- "Election"** means the process by which Sts'ailes Citizens elect Sts'ailes Chief and Council pursuant to the Custom Election Code.
- "Financial Administration Law"** means the Financial Administration Law duly enacted by Sts'ailes pursuant to the *First Nations Fiscal Management Act*, SC 2005, c. 9, as may be amended from time to time.
- "Land Code"** means the land code adopted by Sts'ailes pursuant to the *First Nations Land Management Act*, SC 1999, c. 24, as may be amended from time to time.
- "Law Registry"** means the repository of Sts'ailes Laws to be established and maintained by Sts'ailes in accordance with section 11.5 of this Constitution.

**“Member”** means an individual who is registered as a member of Sts’ailes at the time that this Constitution is ratified.

**“Mission Statement”** means the statement set out in Article 1, Preamble G.

**“Non-Human Entities”** means all things within *S’ólh Téméxw* that are not *Xwelmexw*, including, but not limited to, animals, plants, fungi, air and airspaces, rocks and minerals, soils, landforms and land features, bodies of water, and supernatural beings.

**“Origin Story”** means Sts’ailes’ oral history that forms the foundation of Sts’ailes’ ways of living, and which is set out in Article 1, Preamble E.

**“Provisional Citizen”** has the meaning set out in the Citizenship Code.

**“Referendum”** means a referendum held in accordance with the Referendum Regulation.

**“Referendum Regulation”** means Sts’ailes’ duly enacted regulation that governs the process for conducting a Referendum among Sts’ailes Citizens as may be amended or replaced from time to time in accordance with the Referendum Regulation or this Constitution, as applicable.

**“Review Period”** has the meaning set out in section 13.3.

**“Seven Laws of Life”** means the principles that reflect the spirit of the Sts’ailes Origin Story, as set out in section 2.21(a).

**“Si:wes”** means teachings about how *t’set Xwelmexw ye Sts’ailes*, Sts’ailes Citizens, and Provisional Citizens carry out *Snowoyelh*, which encompasses Sts’ailes customs, traditions, and practices.

**“Snowoyelh”** means Sts’ailes’ traditional and customary laws.

**“Strength of Claim Document”** means the preliminary report entitled, “Traditional Use and Occupancy of Harrison Lake, Homeland of the Chehalis People” (2009), and any subsequent reports, studies, or any other document prepared or commissioned by Sts’ailes relating to Sts’ailes’ strength of claim to Aboriginal Title.

**“Sts’ailes Administration Office”** means the offices of Sts’ailes Government located at 4690 Salish Way, Agassiz, British Columbia.

**“Sts’ailes Chief and Council”** means Sts’ailes’ elected governing body, comprised of Sts’ailes’ Chief and Councillors as may be elected from time to time pursuant to the Custom Election Code.

**“Sts’ailes Citizen”** has the meaning set out in the Citizenship Code.

**“Sts’ailes Election”** means an election carried out pursuant to the Custom Election Code.

**“Sts’ailes Event Day”** means a day identified by Sts’ailes Chief and Council of significance to the Sts’ailes community, including, but not limited to, Sts’ailes holidays, community events, or funerals.

**“Sts’ailes Government”** means the overall governing structure of Sts’ailes, comprised of Sts’ailes Chief and Council and all Sts’ailes Government Institutions.

**“Sts’ailes Government Institution”** means a public authority, division, secretariat, utility, service, department, commission, committee, or other body established by Sts’ailes Chief and Council pursuant to section 5.5 of this Constitution.

**“Sts’ailes Knowledge”** means the Indigenous knowledge both individually and collectively held by Sts’ailes pertaining to all aspects of *S’ólh Téméxw*, *Snowoyelh*, *Si:wes*, and Sts’ailes Laws, culture, traditions, practices, history, and ways of life.

**“Sts’ailes Lands”** has the meaning set out in section 3.7.

**“Sts’ailes Law”** means any law or code enacted by Sts’ailes prior or subsequent to the ratification of this Constitution.

**“Sts’ailes Self-Government Agreement”** means an agreement entered into by Sts’ailes and one or more of Canada and British Columbia that recognizes and implements Sts’ailes’ inherent rights to self-government and self-determination, as may be amended from time to time pursuant to the terms of that agreement.

**“t’set Xwelmexw ye Sts’ailes”** has the meaning set out in the Citizenship Code.

**“S’ólh Téméxw”** means Sts’ailes’ sacred land and has the further meaning set out in sections 3.1 and 3.2.

**“Xwelmexw”** means people of the land.

**“Youth Council”** means a collective of Sts’ailes youth appointed by Sts’ailes Chief and Council pursuant to section 5.14 in accordance with *Snowoyelh*, *Si:wes*, and this Constitution.

### **Article and Section Headings**

2.7 The article and section headings in this Constitution are for reference purposes only and will not affect the meaning or interpretation of this Constitution.

### **Plural, Gender, Etc.**

2.8 Words importing the singular will include the plural and vice versa, as the context may require.

2.9 Where a word refers to gender, it will be interpreted to include the masculine, feminine, or neutral as the context may require.

2.10 Words importing persons will include firms, governments, and corporations as the context requires.

### **Days**

2.11 Any reference to “days” in this Constitution will mean calendar days.

### **Number of Days**



- 2.12 Where there is a reference to a number of days between two events, in calculating that number of days, the day on which the first event occurs will be excluded and the day on which the second event occurs will be included.

### **Weekends or Holidays**

- 2.13 Where the time for the doing of an act expires or falls on a Saturday, Sunday, Sts'ailes Event Day, or legal day for a federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday, Sts'ailes Event Day, or legal day for a federal or provincial holiday.

### **Article Summaries**

- 2.14 The summaries located at the beginning of the articles in this Constitution and set forth in *italics* are intended to be plain language aids and do not affect the meaning or interpretation of this Constitution in any way.

## **3. ARTICLE 3 – STS'AILES TERRITORY AND RESOURCES**

**Summary:** *This section expresses the nature of Sts'ailes territory and Sts'ailes citizens' relationship with and obligations to take care of the territory and its living and non-living beings and resources. It describes the geographic boundaries of the territory. It also discusses Sts'ailes' Strength of Claim document, which forms part of this Constitution. Finally, it sets out a statement about Sts'ailes' territory and Sts'ailes' approach to interacting with other nations.*

### **S'ólh Téméxw**

- 3.1 *S'ólh Téméxw* expresses Sts'ailes' spiritual, physical, and cultural connection to Sts'ailes' traditional territory including all Sts'ailes' Lands, lands, water, subsurface, airspace, and the living and non-living beings and resources found therein.
- 3.2 *S'ólh Téméxw* includes the entirety of [Sts'ailes name] (Harrison Lake), [Sts'ailes name] (Harrison River), [Sts'ailes name] (Chehalis Lake), [Sts'ailes name] (Chehalis River), [Sts'ailes name] (the lower Lillooet River), [Sts'ailes name] (the northeastern portion of Stave Lake), [Sts'ailes name] (the Fraser River between Hooknose and Queens Island), and the airspace above and the subsurface below.
- 3.3 *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Citizens, Provisional Citizens, and all people who enter *S'ólh Téméxw* are part of *S'ólh Téméxw* and have the responsibility to take care of *S'ólh Téméxw* because all things are interrelated and when one is affected, it affects the health and well-being of all.
- 3.4 The past, current, and future generations of *t'set Xwelmexw ye Sts'ailes* and Sts'ailes Citizens are the collective owners and stewards of the lands, waters, airspace, and the living and non-living beings and resources found in *S'ólh Téméxw*.

### **Strength of Claim Document**

- 3.5 Sts'ailes' connection with *S'ólh Téméxw* is recognized and supported by Sts'ailes' Strength of Claim Document.
- 3.6 The Strength of Claim Document is a living document and may be amended or supplemented from time to time.

### **Sts'ailes Lands**

- 3.7 Sts'ailes Lands include all lands held for the use and benefit of Sts'ailes including reserve lands, fee simple lands, or any other type of landholding, which include the:
- (a) water, which includes but is not limited to lakes, rivers, streams, groundwater, and aquifers;
  - (b) beds underlying the water;
  - (c) riparian rights;
  - (d) minerals and subsurface resources; and
  - (e) all other renewable and non-renewable natural resources;
- in and of the land described in the above-mentioned lands.

## **4. ARTICLE 4 – STS'AILES CITIZENSHIP**

**Summary:** *This section sets out that citizenship in Sts'ailes is governed by a Citizenship Code. The Citizenship Code is attached as an appendix to this Constitution, and it describes who is eligible to be a Sts'ailes Citizen, the requirements for a person to become a Sts'ailes Citizen, obligations and rights of Sts'ailes Citizens, and procedures for qualifying and becoming a Sts'ailes Citizen.*

### **Citizenship Code**

- 4.1 The Citizenship Code is attached as Appendix A to this Constitution and is incorporated into this Constitution.
- 4.2 Within 180 days of this Constitution being brought into force in accordance with section 14.6, Sts'ailes Chief and Council will update all Sts'ailes Laws that contain the term "Member" to be consistent with the Citizenship Code as context requires.

## **5. ARTICLE 5 – GOVERNANCE**

**Summary:** *This section describes the structure of Sts'ailes Government, setting out the specific parts of the government, the powers they hold, their responsibilities and purposes, and how they relate to each other. It also sets out that Sts'ailes Chief and Council are elected according to Sts'ailes' Custom Election Code and that there are policies and procedures in place for communications and engagement by Sts'ailes Government.*

### **Sts'ailes Chief and Council**

- 5.1 The governing power of Sts'ailes will be vested in Sts'ailes Chief and Council.

- 5.2 The requirements for the composition, format, and selection of Sts'ailes Chief and Council will be determined by the Custom Election Code.

### **Sts'ailes Chief**

- 5.3 Sts'ailes' Chief is the elected leader of Sts'ailes.

### **Sts'ailes Chief and Council Proceedings**

- 5.4 Sts'ailes Chief and Council will establish or continue its rules of procedure for its proceedings, which must be published and made available through the Law Registry.
- 5.5 Sts'ailes Chief and Council may establish any Sts'ailes Government Institution or position it deems necessary to meet the duties and obligations of Sts'ailes Government or protect or advance the interests of Sts'ailes and may establish mandates and constraints on such Sts'ailes Government Institutions and positions.

### **Elections**

- 5.6 Sts'ailes Chief and Council have enacted and will keep in force, consistent with any requirements of this Constitution, a Custom Election Code that sets out the process to be followed in Sts'ailes Elections.
- 5.7 All amendments to the Custom Election Code must be carried out in accordance with the Custom Election Code.
- 5.8 The Custom Election Code may not be repealed unless it is replaced by a subsequent election code in accordance with the Custom Election Code.
- 5.9 In the event of an inconsistency or conflict between this Constitution and the provisions of the Custom Election Code, this Constitution prevails, and the Custom Election Code is, to the extent of the inconsistency or conflict, of no force or effect.

### **Elders Council**

- 5.10 Sts'ailes Chief and Council may establish an Elders Council composed of Sts'ailes Citizens who are considered to be elders in accordance with Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.
- 5.11 The Elders Council is a continuation of and derives from the customary duties, roles, and responsibilities of community leaders within Sts'ailes.
- 5.12 The purpose of the Elders Council will be to provide advice, assistance, and recommendations to Sts'ailes Government and other purposes as may be determined by Sts'ailes Chief and Council.
- 5.13 Notwithstanding other provisions in this Constitution, the Elders Council will determine its own procedure, and any failure by the Elders Council to adhere to or follow its own procedure will not be reviewable by any court.

## Youth Council

- 5.14 Sts'ailes Chief and Council may establish a Youth Council composed of Sts'ailes Citizens who are considered to be youth in accordance with Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.
- 5.15 The purpose of the Youth Council will be to provide advice, assistance and recommendations to Sts'ailes Government and other purposes as may be determined by Sts'ailes Chief and Council.
- 5.16 Notwithstanding other provisions in this Constitution, the Youth Council will determine its own procedure, and any failure by the Youth Council to adhere to or follow its own procedure will not be reviewable by any court.

## Sts'ailes Chief and Council Responsibilities

- 5.17 Sts'ailes Chief and Council function as both the legislative and executive branches of Sts'ailes Government.
- 5.18 As the legislative branch, Sts'ailes Chief and Council have the authority and responsibility to pass laws in accordance with this Constitution, specifically Articles 11 and 12, and in accordance with Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.
- 5.19 As the executive branch, Sts'ailes Chief and Council have the authority and responsibility for, among other things:
- (a) representing Sts'ailes in relations with local, provincial, and federal governments, other First Nations, and Indigenous organizations nationally and internationally;
  - (b) establishing or continuing policies on communications and engagement by Sts'ailes Government with *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Citizens, Provisional Citizens, and other persons and governments;
  - (c) negotiating and entering into agreements with local, provincial, and federal governments, other First Nations, and Indigenous organizations nationally and internationally, including, but not limited to, for the purposes of co-management or shared decision-making;
  - (d) proper management and administration of Sts'ailes Government;
  - (e) protecting and enhancing Sts'ailes' inherent rights;
  - (f) ensuring that this Constitution and Sts'ailes Laws are adhered to and enforced, including by establishing, or supporting the establishment of, Sts'ailes justice, policing, and community safety services, programs, entities, and any other measures necessary to give effect to such services, programs, or entities;
  - (g) promoting and maintaining a sustainable economy that supports the well being of Sts'ailes;
  - (h) establishing and dissolving executive portfolios in consultation with Sts'ailes Government;
  - (i) establishing and dissolving Sts'ailes Government Institutions;

- (j) delegating authority and responsibility to Sts'ailes Government Institutions; and
- (k) additional roles and responsibilities required for the effective functioning of Sts'ailes Government, in accordance with this Constitution, Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.

### **Delegation of Authority**

- 5.20 Sts'ailes Chief and Council may delegate authority and responsibility to Sts'ailes Government Institutions.
- 5.21 Sts'ailes Chief and Council may revoke any authority and responsibility delegated under section 5.20 of this Constitution if Sts'ailes Chief and Council, acting in their absolute discretion, determine that such a delegation is no longer in the best interests of Sts'ailes.
- 5.22 Sts'ailes Chief and Council may establish tribunals of exclusive jurisdiction.

### **Sts'ailes Judicial Branch**

- 5.23 Sts'ailes, as an independent, self-governing Indigenous nation with inherent rights, may establish a Sts'ailes judicial branch and any necessary Sts'ailes Government Institutions to address any matters relating to the administration of justice, resolution of disputes, prosecution, community safety and security, and any related or ancillary matters.
- 5.24 Sts'ailes Chief and Council are authorized to negotiate and enter into agreements with local, provincial, and federal governments, other First Nations, and Indigenous organizations nationally and internationally to support the creation and implementation of the Sts'ailes judicial branch and any entities necessary to give effect thereto.
- 5.25 The Sts'ailes judicial branch will be a flexible and evolving entity that is responsive to the needs of Sts'ailes, Sts'ailes Citizens, Provisional Citizens, *t'set Xwelmexw ye Sts'ailes*, and *S'ólh Téméxw*, functions independently from Sts'ailes' Chief and Council where necessary and appropriate to do so, and upholds Sts'ailes' fundamental principles of justice as understood through *Snowoyelh* and *Si:wes*.

## **6. ARTICLE 6 – GOVERNANCE STANDARDS**

**Summary:** *This section establishes principles and standards governing how Sts'ailes Government and its officials must act. It describes how Sts'ailes Government officials must generally act if they have a conflict of interest between their official duties and their personal interest. It requires Sts'ailes Chief and Council to create specific rules to address conflict of interest situations and sets out that those rules have to meet certain standards which are consistent with Sts'ailes Laws, culture, and customs.*

### **Sts'ailes Government Conduct**

- 6.1 All elected and non-elected representatives, members, and employees of Sts'ailes Government will conduct themselves and administer Sts'ailes Government in a manner that:
  - (a) adheres to the highest ethical standards;
  - (b) effectively and efficiently uses the resources of Sts'ailes;

- (c) provides services on an equitable and impartial basis;
- (d) is transparent and supports the ability of Sts'ailes Citizens to access and engage with Sts'ailes Government;
- (e) respects Sts'ailes Citizens, Provisional Citizens, *t'set Xwelmexw ye Sts'ailes*, and *S'ólh Téméxw*;
- (f) responds in a timely and accessible manner; and
- (g) is consistent with *Snowoyelh* and *Si:wes*.

### **Conflict of Interest Principles**

6.2 All elected and non-elected representatives, members, and employees of Sts'ailes Government will, in the performance of their duties, adhere to the following principles with respect to conflicts of interest:

- (a) avoiding situations of actual or perceived conflicts of interest;
- (b) promptly disclosing actual or perceived conflicts of interest; and
- (c) not participating in any decisions pertaining to a matter in which they have an actual or perceived conflict of interest.

6.3 Any elected or non-elected representative, member, or employee of Sts'ailes Government who believes that they may have an actual or perceived conflict of interest may seek information about that issue from Sts'ailes Chief and Council or from an independent and impartial individual, or individuals designated by Sts'ailes Chief and Council for reviewing and assessing conflict of interest situations.

### **Conflict of Interest Rules**

6.4 Sts'ailes Chief and Council will, within 30 days of this Constitution being brought into force in accordance with section 14.6, continue or enact rules to govern situations of conflict of interest that will apply to all elected and non-elected representatives, members, and employees of Sts'ailes Government.

6.5 The conflict-of-interest rules contemplated in section 6.4 of this Constitution will address, as a minimum, the following subjects:

- (a) conflict of interest identification criteria;
- (b) procedures applicable in the event of a conflict of interest situation;
- (c) disclosure of conflicts of interest;
- (d) authorization to proceed in conflict of interest situations;
- (e) scope of application for the conflict of interest rules;
- (f) situations exempt from the conflict of interest rules;
- (g) education of elected and non-elected representatives and employees of Sts'ailes Government about conflict of interest situations, rules, and procedures;

- (h) promoting and maintaining awareness of actual or perceived conflict of interest situations among elected and non-elected representatives, members, and employees of Sts'ailes Government;
  - (i) adherence to and enforcement of conflict of interest rules and procedures; and
  - (j) penalties for violations of conflict of interest rules and procedures.
- 6.6 The conflict of interest rules contemplated in section 6.5 of this Constitution will be consistent with Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.
- 6.7 All elected and non-elected representatives, members, and employees of Sts'ailes Government will sign a conflict of interest disclosure form provided by Sts'ailes.

## 7. ARTICLE 7 – FINANCIAL ACCOUNTABILITY RULES

**Summary:** *This section requires Sts'ailes Government to follow laws and policies about maintaining financial transparency, fairness, and integrity. These rules are not part of this Constitution but are created by Sts'ailes Government.*

### Financial Administration

- 7.1 Sts'ailes Government has the authority to make expenditures and use its funding in any manner it deems necessary or expedient to exercise Sts'ailes' inherent rights to self-determination and self-governance in the best interests of Sts'ailes, and to protect, develop, strengthen, promote, and perpetuate Sts'ailes' culture, heritage, practices, and traditions.
- 7.2 Sts'ailes Chief and Council has the jurisdiction to ensure strict financial accountability of all aspects of Sts'ailes Government business and administration, which may include, but is not limited to, ensuring:
- (a) effective and efficient use of Sts'ailes Government financial resources; and
  - (b) openness and accountability of Sts'ailes Government to Sts'ailes Citizens.
- 7.3 Sts'ailes Government will act in accordance with the Sts'ailes Financial Administration Law, as may be amended from time to time.

## 8. ARTICLE 8 – LAND TEACHINGS AND LAND CODE

**Summary:** *This section describes Sts'ailes' teachings that apply to the use, occupation, stewardship, and preservation of Sts'ailes lands. These teachings originate from Snowoyelh and Si:wes and are supported by rules created and administered by Sts'ailes Government. This section also acknowledges the operation of Sts'ailes' Land Code, which is one of the key Sts'ailes Laws that governs the use, occupation, stewardship, and preservation of certain Sts'ailes lands.*

### Land Teachings and Rules

- 8.1 Legal and administrative frameworks for the management and development of Sts'ailes Lands will be developed in a manner consistent with this Constitution, the Land Code, Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.

### **Land Code**

- 8.2 Notwithstanding any provisions in the Land Code to the contrary, in the event of an inconsistency or conflict between this Constitution and the provisions of the Land Code, this Constitution prevails, and the Land Code is, to the extent of the inconsistency or conflict, is of no force or effect.

## **9. ARTICLE 9 – REFERENDUM PROCEDURES**

**Summary:** *This section sets out that Sts'ailes' Referendum Regulation governs how and when questions are put to Sts'ailes citizens for consideration and decision in a referendum.*

### **Referendum Regulation**

- 9.1 Sts'ailes Chief and Council has enacted and will keep in force, consistent with any requirements of this Constitution, a Referendum Regulation that sets out the process to be followed for Sts'ailes' Referendums.
- 9.2 All amendments to the Referendum Regulation must be made in accordance with the Referendum Regulation, except that Sts'ailes Chief and Council may make minor technical, stylistic, and grammatical changes to the Referendum Regulation.
- 9.3 The Referendum Regulation may not be repealed unless it is replaced by a subsequent referendum law developed and enacted in accordance with Sts'ailes' procedures and practices.
- 9.4 In the event of an inconsistency or conflict between this Constitution and the provisions of the Referendum Regulation, this Constitution prevails, and the Referendum Regulation is, to the extent of the inconsistency or conflict, of no force or effect.

## **10. ARTICLE 10 – JURISDICTION**

**Summary:** *This section describes the powers of Sts'ailes to govern, the sources of those powers, and the subjects and areas to which those powers apply. It sets out specific subjects over which Sts'ailes Chief and Council have authority to make and pass laws, and that Sts'ailes Chief and Council can choose to delegate that authority to certain governmental institutions. It also establishes that, until Sts'ailes Chief and Council pass a law about a specific topic, federal or provincial laws will continue to apply to that topic. Finally, it confirms that this Constitution is the highest law in Sts'ailes' system of government, and that, if another Sts'ailes Law is inconsistent with this Constitution, then this Constitution will be the law that applies.*

### **Source of Jurisdiction**

- 10.1 Sts'ailes' authority to govern flows from:
- (a) The Creator to the Sts'ailes *Xwelmexw*;



- (b) Sts'ailes *Xwelmexw* to Sts'ailes Chief and Council according to the culture, traditions, customs, and laws of Sts'ailes; and
- (c) Sts'ailes' inherent right of self-government and its other Aboriginal rights and Title.

### Scope of Jurisdiction

- 10.2 The jurisdiction of Sts'ailes extends over all *S'ólh Téméxw* and airspace over *S'ólh Téméxw*; all persons, including Sts'ailes Citizens, Provisional Citizens, *t'set Xwelmexw ye Sts'ailes*, and Non-Human Entities in and on *S'ólh Téméxw*; activities occurring on *S'ólh Téméxw*; and as otherwise provided in this Constitution.
- 10.3 Sts'ailes Chief and Council have the right to assume and exercise all law-making authority flowing from Sts'ailes' inherent rights, Aboriginal Title, jurisdiction, and sovereignty, and any additional law-making authority as may be set out in the Sts'ailes Self-Government Agreement and other agreements with Canada or British Columbia.
- 10.4 In accordance with and as a continuation and codification of Sts'ailes' inherent rights and jurisdiction, as of the Effective Date, Sts'ailes Chief and Council will have the authority to enact laws pertaining to:
  - (a) Sts'ailes Citizenship and determinations of who is considered *t'set Xwelmexw ye Sts'ailes*;
  - (b) administration, management, and operation of Sts'ailes Government, including selection of leadership, delegation of jurisdiction or authority, and intergovernmental relations;
  - (c) Sts'ailes culture and heritage;
  - (d) conservation, protection, and development of the Halq'eméylem language;
  - (e) environmental and natural resource stewardship, preservation, and maintenance;
  - (f) safety and policing, including the regulation of intoxicants;
  - (g) administration of justice and enforcement of Sts'ailes Laws;
  - (h) use of Sts'ailes' intellectual property and Sts'ailes Knowledge;
  - (i) economic development and fiscal relations, including business licensing and regulation;
  - (j) social services, including child welfare, childcare, family services, guardianship, and adoption;
  - (k) education, including kindergarten to Grade 12, post-secondary, and at home education;
  - (l) health and healthcare;
  - (m) lands and resource ownership, stewardship, and management, including, but not limited to:

- i. fishing and fisheries management;
  - ii. wildlife and wildlife management;
  - iii. minerals, mineral rights, and mineral resource management;
  - iv. forestry and forest management; and
  - v. water and water stewardship;
- (n) labour relations;
  - (o) employment and training;
  - (p) public works and infrastructure, including industrial, logistical, and community infrastructure and works;
  - (q) marriage and divorce;
  - (r) wills and estates;
  - (s) vital statistics recording and registration;
  - (t) emergency preparedness and response;
  - (u) taxation;
  - (v) environmental protection and assessment; and
  - (w) other areas approved by referendum pursuant to the Referendum Regulation as may be amended from time to time.
- 10.5 Sts'ailes Chief and Council may assign legal rights to Non-Human Entities in *S'ólh Téméxw* pursuant to *Snowoyelh* and *Si:wes* and enact protections for those rights.
- 10.6 Sts'ailes Chief and Council may recognize the inherent rights of, and may assign legal rights to, future generations of *t'set Xwelmexw ye Sts'ailes* pursuant to Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes* and enact protections for those rights, as long as such protections respect and balance the rights of living *t'set Xwelmexw ye Sts'ailes*.

### **Interim Application of Local, Provincial, and Federal Laws**

- 10.7 Recognizing that Sts'ailes Laws, *Snowoyelh*, and *Si:wes*:
- (a) are living legal orders that have existed and been exercised by Sts'ailes since time immemorial as part of its inherent right of self-governance;
  - (b) include unwritten laws addressing certain matters falling under the areas of lawmaking authority set out in section 10.4; and
  - (c) may be implemented over time through the exercise of Sts'ailes Chief and Council's lawmaking authorities set out in section 10.4, which may involve coordination with local, provincial, and federal governments;

to the extent that Sts'ailes Chief and Council do not exercise a lawmaking authority set out in section 10.4, local, provincial, and federal laws concerning such area of lawmaking authority will continue to apply until such time as such lawmaking authority is exercised by Sts'ailes Chief and Council. Nothing in this Constitution will be interpreted in any way as relieving any individual from the requirement to abide by such local, provincial, and federal laws while and to the extent that they continue to apply. This section 10.7 will not be interpreted in any way as minimizing or derogating from *Snowoyelh*, *Si:wes*, or Sts'ailes' inherent jurisdiction or rights.

- 10.8 The *Canadian Charter of Rights and Freedoms* will apply to Sts'ailes pursuant to section 10.7 until Sts'ailes Chief and Council enacts a Sts'ailes charter of rights and freedoms that is consistent with *Snowoyelh* and *Si:wes*.
- 10.9 If any local, provincial, or federal law in effect pursuant to section 10.7 or 10.8 is in conflict with a Sts'ailes Law or *Snowoyelh* and *Si:wes*, the Sts'ailes Law, or *Snowoyelh* and *Si:wes*, will prevail to the extent of the inconsistency, subject to any rules governing conflict of laws established by Sts'ailes Chief and Council.

### **Conflict between Constitution and Sts'ailes Laws**

- 10.10 In the event of an inconsistency or conflict between this Constitution and the provisions of any Sts'ailes Laws, this Constitution prevails and the Sts'ailes Law is, to the extent of the inconsistency or conflict, of no force or effect.

### **Rights of Non-Citizens**

- 10.11 Sts'ailes Chief and Council will develop and enact Sts'ailes Laws regarding the rights of persons who are affected by Sts'ailes Laws but who are neither Sts'ailes Citizens nor *t'set Xwelmexw ye Sts'ailes*.

## **11. ARTICLE 11 – STS'AILES LAWS AND LAW REGISTRY**

**Summary:** *This section requires Sts'ailes Chief and Council to create a law that governs how all other Sts'ailes Laws are created and passed. This law must make sure Sts'ailes Citizens are consulted and involved in the creation of Sts'ailes Laws. This section also requires that Sts'ailes Government maintain a library of all Sts'ailes Laws, except for Snowoyelh, that is open and accessible to Sts'ailes Citizens and other interested people.*

### **Sts'ailes Laws**

- 11.1 Sts'ailes Chief and Council will, within 270 days of this Constitution being brought into force in accordance with section 14.6, develop and enact a Sts'ailes Law to govern the process by which all other Sts'ailes Laws will be developed, enacted, and amended.
- 11.2 The Sts'ailes Law contemplated in section 11.1 of this Constitution will include provisions that provide for the involvement of and consultation with Sts'ailes Citizens in the development and enactment of Sts'ailes Laws and may include provisions to involve *t'set Xwelmexw ye Sts'ailes* where such Sts'ailes Laws affect them.
- 11.3 Until this Constitution is ratified, and the enactment of the Sts'ailes Law contemplated in section 11.1 of this Constitution is completed, Sts'ailes Chief and Council may develop and enact Sts'ailes Laws in accordance with their customary processes.

## Existing Laws

11.4 All Sts'ailes Laws existing prior to the ratification of this Constitution will be continued as of the Effective Date.

## Law Registry

- 11.5 Sts'ailes will maintain at the Sts'ailes Administration Office a Law Registry.
- 11.6 Where a Sts'ailes Law, other than *Snowoyelh*, is enacted or put into written form, the original copy of that law will be deposited in the Law Registry and a copy of that law will be published on Sts'ailes' website within 14 days of that law's enactment.
- 11.7 The Law Registry will be open for inspection by any person during normal business hours.
- 11.8 Copies of Sts'ailes Laws will be provided to any person on request and payment of a reasonable administrative fee.
- 11.9 Sts'ailes Laws will be deposited in the Law Registry in the English language and, at the discretion of Sts'ailes, in the Halq'eméylem language. The English version of any Sts'ailes Law will be the authoritative version, but such version may incorporate defined Halq'eméylem terms and concepts.

## 12. ARTICLE 12 – STS'AILES LANGUAGE AND CULTURE PROTECTION

**Summary:** *This section discusses how Sts'ailes Chief and Council and Sts'ailes Government have the responsibility to make sure that Sts'ailes culture, language, and heritage are protected, preserved, and enhanced for all future generations of Sts'ailes. It discusses how Sts'ailes Chief and Council have the power to pass laws for these purposes and that they can delegate responsibilities about these topics to parts of Sts'ailes Government. It also sets out the collective and individual rights and responsibilities of Sts'ailes and Sts'ailes Citizens.*

### Authority over Language and Culture

- 12.1 Sts'ailes Government is mandated to protect, develop, strengthen, promote, and perpetuate all aspects of Sts'ailes culture, heritage, traditions, and the Halq'eméylem language for future generations of *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Citizens, and Provisional Citizens.
- 12.2 In addition to their inherent jurisdiction to develop and enact laws, Sts'ailes Chief and Council are specifically empowered to develop laws and policies to protect, develop, strengthen, promote, and perpetuate Sts'ailes culture, heritage, traditions, and the Halq'eméylem language on Sts'ailes Lands and within *S'ólh Téméxw*, including but not limited to the following matters:
- (a) revitalization of the Halq'eméylem language;
  - (b) promotion and teaching of the Halq'eméylem language among *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Citizens, and Provisional Citizens;
  - (c) management and protection of Sts'ailes tangible and intangible cultural heritage;

- (d) education about Sts'ailes culture and heritage;
- (e) Sts'ailes' cultural rights, intellectual property rights, and other related inherent rights;
- (f) protection, maintenance, and enhancement of Sts'ailes Knowledge; and
- (g) revitalization and use of place names in *S'ólh Téméxw*.

12.3 Sts'ailes Chief and Council may designate specific persons, departments, or divisions of Sts'ailes Government as responsible for identifying, developing, and pursuing objectives, policies, and programs necessary protect, develop, strengthen, promote, and perpetuate Sts'ailes culture, heritage, and the Halq'eméylem language.

### Language and Culture Rights-Holders

12.4 Sts'ailes collectively holds the cultural and intellectual property rights of Sts'ailes, including the rights to Sts'ailes Knowledge, and will protect and uphold the integrity of those rights.

12.5 *t'set Xwelmexw ye Sts'ailes* collectively have inherent rights to, among other things:

- (a) the Origin Story teachings;
- (b) the Seven Laws of Life;
- (c) learn, know, and use the Halq'eméylem language;
- (d) participate in Sts'ailes culture and traditions consistent with established practices and customs; and
- (e) participate in traditional harvesting, gathering, and other cultural practices related to the sustainable use of the lands, waters, and resources of *S'ólh Téméxw*, consistent with established practices and customs.

12.6 *t'set Xwelmexw ye Sts'ailes* have inherent rights to the individual cultural practices, traditional names and titles, regalia, and honours to which they are entitled in accordance with and validated through Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.

### Exercise of Language and Culture Rights

12.7 When *t'set Xwelmexw ye Sts'ailes* exercise their collective and individual inherent rights, they must do so with respect for and in accordance with all the responsibilities associated with those rights, including those responsibilities set out in this Constitution, Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*.

## 13. ARTICLE 13 – CONSTITUTIONAL AMENDMENTS

**Summary:** *This section sets out how and when this Constitution can be changed once it has been enacted. Changes can be proposed by Sts'ailes Citizens and authorized parts of Sts'ailes Government by a petition, which requires 100 signatures from Sts'ailes Citizens. Petitions are reviewed at specific times on the anniversary of when this Constitution was first passed.*

*Changes can also be proposed by Sts'ailes Chief and Council in the event of an emergency. All changes to this Constitution must be supported by a majority of all Sts'ailes Citizens who vote on the proposed changes in a referendum.*

### **Majority Required for Amendments**

13.1 Any amendments to this Constitution require the support of the majority of voting Sts'ailes Citizens who cast a vote in accordance with the process set out in this Article 13.

### **Constitutional Registrar**

13.2 A Constitutional Registrar will be appointed by Sts'ailes Chief and Council to keep the official copy of this Constitution and all documentation relating to constitutional amendments.

### **When this Constitution may be Amended**

13.3 This Constitution may be amended pursuant to the following:

- (a) This Constitution may be reviewed every three years from the Effective Date (a "**Review Period**") where proposed constitutional amendments have been received in accordance with this Article 13.
- (b) Nine years from the Effective Date, the Review Period will automatically be extended by two years, so that each subsequent Review Period will be five years.
- (c) Sts'ailes Chief and Council may propose an extraordinary amendment at any time, regardless of the Review Period, if it is determined to be a matter of good governance or other constitutional crisis that cannot await review at the end of a Review Period.

### **Proposing Amendments**

13.4 Only Sts'ailes Citizens, *t'set Xwelmexw ye Sts'ailes*, Sts'ailes Chief and Council, and Sts'ailes Government Institutions duly authorized by Sts'ailes Chief and Council are eligible to propose amendments to this Constitution.

### **Amendment Procedure during Review Period**

13.5 The following procedures apply to all proposed constitutional amendments submitted pursuant to section 13.3(a) and (b):

- (a) Proposed constitutional amendments will be submitted to the Constitutional Registrar at least 90 days prior to the end of a Review Period.
- (b) Proposed amendments to this Constitution will:
  - i. Include a statement of the purpose of the proposed amendment; and
  - ii. Be accompanied by a petition signed by a minimum of 100 Sts'ailes Citizens who are eligible to vote in a Sts'ailes Election.

- (c) Upon receipt of a proposed constitutional amendment, the proposal will be forwarded to the Constitutional Registrar for review and consideration. If the Constitutional Registrar determines that the proposal is frivolous, vexatious, or has been tendered in bad faith, the Constitutional Registrar will notify the individual who submitted the proposal of the decision and the reasons therefore. Regardless of the outcome of the eligibility of the proposed amendment, all proposed amendments will be made public on Sts'ailes' website to ensure transparency.
- (d) Within 60 days from end of a Review Period, the Constitutional Registrar will instruct Sts'ailes Chief and Council to prepare a resolution in accordance with the Referendum Regulation for all eligible proposed constitutional amendments.
- (e) Ratification of all eligible proposed constitutional amendments will be determined in accordance with the procedures established under the Referendum Regulation.

13.6 The following procedures apply to all proposed constitutional amendments submitted pursuant to section 13.3(c):

- (a) Sts'ailes Chief and Council will submit proposed constitutional amendments to the Constitutional Registrar.
- (b) Proposed amendments to this Constitution will include:
  - i. A statement of the purpose of the proposed amendment;
  - ii. A petition signed by a minimum of 100 Sts'ailes Citizens who are eligible to vote in a Sts'ailes Election; and
  - iii. Reasons as to why the proposed amendment cannot await review at the end of the Review Period.
- (c) Following submission to the Constitutional Registrar, Sts'ailes Chief and Council will prepare a resolution in accordance with the Referendum Regulation for such proposed constitutional amendments.
- (d) Ratification of such proposed constitutional amendments will be determined in accordance with the procedures established under the Referendum Regulation.

13.7 If a constitutional amendment is approved in accordance with this part, it will come into effect on the date specified in the Sts'ailes Council Resolution announcing the result of the Sts'ailes Referendum pursuant to section 18.6 of the Referendum Regulation.

#### **14. ARTICLE 14 – RATIFICATION AND COMING INTO FORCE**

**Summary:** *This section describes how this Constitution will be enacted. A referendum must be held according to the Sts'ailes Referendum Regulation. Sts'ailes Chief and Council must consult with Sts'ailes Citizens before submitting this Constitution for approval by Sts'ailes Citizens in a referendum.*

## Ratification Procedure

- 14.1 This Constitution will come into force after having been approved by eligible Sts'ailes voters in accordance with the procedures established under the Referendum Regulation.
- 14.2 Ratification of this Constitution requires that, prior and in addition to following the Referendum Regulation, Sts'ailes Chief and Council engage, by any and all means they determine suitable, in substantive consultation and discussions with Members at least 30 days before a Referendum is called for the purpose of ratifying this Constitution.
- 14.3 In the case of a negative or tie vote in a Referendum to approve this Constitution, this Constitution will be considered defeated.
- 14.4 If this Constitution is defeated as contemplated by section 14.3, Sts'ailes Chief and Council will, within 90 days of the results of the Referendum to ratify this Constitution being announced:
- (a) participate in further consultation and engagement Members to reconsider and discuss this Constitution;
  - (b) provide Members with an opportunity to submit comments about this Constitution, with such comments to be submitted within 45 days of the results of the Referendum to ratify this Constitution being announced;
  - (c) consider whether any revisions to this Constitution are needed to address any comments raised by Members; and
  - (d) resubmit this Constitution for ratification in accordance with this part.

## Coming into Force

- 14.5 If this Constitution is approved by Referendum as contemplated in section 14.1, this Constitution will come into force, in principle, immediately.
- 14.6 If this Constitution is approved by Referendum as contemplated in section 14.1, Sts'ailes Chief and Council will bring this Constitution into full force and effect by passing a resolution as soon as, in their reasonable opinion and with the understanding that implementing this Constitution should be accomplished as soon as is practicable, Sts'ailes has sufficient resources and capacity to begin implementing and transitioning to governance under this Constitution.

## 15. ARTICLE 15 – APPEALS AND DECISION REVIEW

**Summary:** *This section sets out the rights of Sts'ailes Citizens, Provisional Citizens, and t'set Xwelmexw ye Sts'ailes to have certain decisions of Sts'ailes Government, and the validity of Sts'ailes Laws, reviewed by the Sts'ailes Appeals Council. If this Constitution is approved, then the Appeals Council will be created. Sts'ailes Chief and Council appoint the members of the Appeals Council, which can have as many people on it as needed. Sts'ailes Citizens, Provisional Citizens, and t'set Xwelmexw ye Sts'ailes can only bring an issue to the Appeals Council if they first go through all other processes that are available to them. If the Appeals Council is asked to review a decision or law, its members will choose a panel from among themselves to work on that question and reach a fair outcome. Decisions of the Appeals Council*



*are final, but a Sts'ailes Citizens, Provisional Citizens, and t'set Xwelmexw ye Sts'ailes can apply to the Appeals Council for re-hearing of an issue if they present relevant information that was not available the first time the matter was heard. The Appeals Council decides if they will reconsider the question. The Appeals Council is required to create its own policies and rules, which must meet certain standards to ensure a fair process.*

### **Appeal Rights**

- 15.1 Sts'ailes Citizens, Provisional Citizens, *t'set Xwelmexw ye Sts'ailes*, and any other person specified by Sts'ailes Laws have the right to appeal and seek review of administrative and law enforcement decisions of Sts'ailes Government.
- 15.2 Sts'ailes Citizens and *t'set Xwelmexw ye Sts'ailes* have the right to appeal the validity of Sts'ailes Laws.
- 15.3 Sts'ailes Citizens have the right to appeal the results of Sts'ailes Elections and referendums pursuant to the Custom Election Code and Referendum Regulation, as applicable.
- 15.4 Sts'ailes Laws and administrative and law enforcement decisions of Sts'ailes Government may only be appealed in a Sts'ailes tribunal of competent jurisdiction, subject to Section 15.8.

### **Sts'ailes Appeals Council**

- 15.5 The Appeals Council of Sts'ailes will be established within 270 days from when this Constitution is brought into force in accordance with section 14.6.
- 15.6 The Appeals Council is a continuation of, and derives from, the customary duties, roles, and responsibilities of community leaders within Sts'ailes to resolve disputes and issues raised by Sts'ailes Citizens and *t'set Xwelmexw ye Sts'ailes*. The purpose of the Appeals Council is to reach a fair resolution of any issue brought before it.
- 15.7 The Appeals Council does not have the jurisdiction to hear or review appeals of criminal decisions, whether made in the context of an Indigenous judicial system or the provincial or federal judicial systems.

### **Transition Period**

- 15.8 Prior to the Appeals Council being established, any appeal pursuant to Section 15.1 and 15.2 will follow the standard procedure in use by Sts'ailes Chief and Council.

### **Members of the Appeals Council**

- 15.9 Appointments to the Appeals Council will be made by Sts'ailes Chief and Council.
- 15.10 The Appeals Council will be composed of as many Sts'ailes Citizens and other persons as necessary to ensure it collectively possesses the knowledge, experience, and authority required to perform its functions.
- 15.11 Members of the Appeals Council will be appointed for life but may be removed by a two thirds majority vote of the membership of the Appeals Council if, in the opinion of such a majority of the Appeals Council, continuing a member's appointment would compromise the authority or standing of the Appeals Council or its ability to perform its functions.

### **Operation of the Appeals Council**

- 15.12 The Appeals Council will be independent and provided with the resources and authority necessary to conduct hearings, make recommendations, render binding decisions, and otherwise fulfil its responsibilities under this Constitution.
- 15.13 An appeal may only be brought before the Appeals Council once all other avenues of recourse under Sts'ailes Laws have been exhausted.
- 15.14 Where a matter is brought to the Appeals Council in accordance with this Constitution, the Appeals Council will, in accordance with its processes, select a panel of Appeals Council members to hear that matter based on the knowledge, experience, and authority needed to resolve that matter.
- 15.15 The Appeals Council's decision in resolving any matter brought before it will be final and binding, subject to any reconsideration of such a decision by the Appeals Council in accordance with section 15.16.

### **Reconsideration of a Decision**

- 15.16 Sts'ailes Citizens, Provisional Citizens, and *t'set Xwelmexw ye Sts'ailes* may apply to the Appeals Council for reconsideration of any decision of the Appeals Council about any administrative or law enforcement decision of Sts'ailes Government.
- 15.17 The Appeals Council may grant a request contemplated in section 15.16 if the requesting party brings forward information that the Appeals Council considers material to the matter that, through no act or omission of the requesting party, was not available or presented to the Appeals Council in the first instance.
- 15.18 Reconsideration of a matter by the Appeals Council will be conducted in accordance with sections 15.13 to 15.14 and the Appeals Council's internal procedures, and any decision issued by the Appeals Council upon reconsideration will be final and binding and no further requests for reconsideration will be granted.

### **Participation of Elders and Youth Councils**

- 15.19 Representatives of the Elders Council and Youth Council will be entitled to sit on any panel established under section 15.14 and may provide their input on any matter before the Appeals Council, which the Appeals Council will consider when resolving the matter.

### **Creation of Processes and Procedures**

- 15.20 The Appeals Council is empowered to create and manage its own administrative processes and procedures in accordance with Sts'ailes Laws and policies, *Snowoyelh*, and *Si:wes*, and will provide for minimum standards of procedural fairness, including that:
- (a) the Appeals Council will be fair and impartial;
  - (b) appeals and reviews of decisions will not be unreasonably delayed;
  - (c) individuals who bring a matter before the Appeals Council will be able to meaningfully participate in the process;

- (d) individuals who bring a matter before the Appeals Council may rely upon its processes and procedures;
- (e) the members of the Appeals Council who hear a matter will decide that matter; and
- (f) the Appeals Council will provide reasons for its decisions.

15.21 The Appeals Council will establish the processes and procedures contemplated in this Article 15 within 270 days of date the Appeals Council is established.